Design and Development Overlay Schedule 39 – Victoria Parade

1 Objectives

To ensure development responds to the varied character and open streetscape of Victoria Parade by supporting:

- a new lower- to mid-rise character (ranging from 3 to 7 storeys) behind a varied heritage street wall west of Wellington Street, excluding the Smith Street junction;
- a new mid-rise character (ranging from 3 to 10 storeys) behind a consistent street wall at the Smith Street junction; and
- a new mid- to higher-rise character (ranging from 3 to 12 storeys) behind a new, consistent street wall east of Wellington Street.

To ensure development to the west of Wellington Street respects the low-scale, fine grain heritage street wall and buildings, through recessive upper levels and façade composition, and articulation that complements the heritage character.

To ensure new development responds to the grand, tree lined, boulevard character of Victoria Parade.

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

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

2.0 Buildings and works

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

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

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

Laneway means a road reserve of a public road 9 metres or less in width.

Parapet 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 façade 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 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 set back from the street from the natural ground level at the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

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

Upper level setback means the setback of the upper level measured from the street wall of the building.

2.2 General Requirements

A permit cannot be granted under this Design and Development Overlay to vary a requirement expressed with the term 'must'.

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

2.3 Street Wall Height and Setback Requirements

Street wall heights should not exceed the heights specified in Map 1s and 2, as applicable and as stated below.

Infill development must match the parapet height of the adjacent heritage building to the width of the property boundary or 6m, whichever is the lesser.

Development should achieve a continuous street wall with no front setback to a street, unless the site:

- is a heritage building and a front setback already exists;
- adjoins the:
  - the west side of Rokeby Street; or
  - the east side of Rupert Street; or
  - the east side of Cromwell Street.

in which case a front setback without cantilevering of upper level form should be provided.

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

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

Development should retain the visual prominence of:

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

2.4 Upper Level Setback Requirements

Upper levels above the street wall within or immediately adjacent to land subject to the Heritage Overlay must be set back by a minimum of 6m on Victoria Parade and Wellington Street.

Upper levels above the street wall for all other sites should be set back by a minimum of 6m from the primary frontage.

Upper levels above the street wall should be set back by 3 metres from the secondary frontage.

Upper levels should:

- be visually recessive from main frontages and side streets to ensure development does not overwhelm the heritage streetscape and minimise upper level bulk;
- be set back from the street wall below to ensure that upper level additions as seen from the public realm do not detract from the character of the streetscape when viewed directly or obliquely along the street; and
- contain upper level setbacks above the street wall within a maximum of two steps (including the setback above the street wall below as one step) to avoid repetitive steps in the built form.

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

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

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

2.5 Overall Building Height Requirements

Development should not exceed the heights shown on Maps 1 and 2, as applicable.

For development greater than 10 storeys, the upper levels should be further set back in order to be visually recessive and achieve limited visibility from the surrounding public realm.

A permit should only be granted to construct a building or carry out works which exceeds the building heights shown on Maps 1 and 2 where each of the following requirements are met to the satisfaction of the responsible authority:

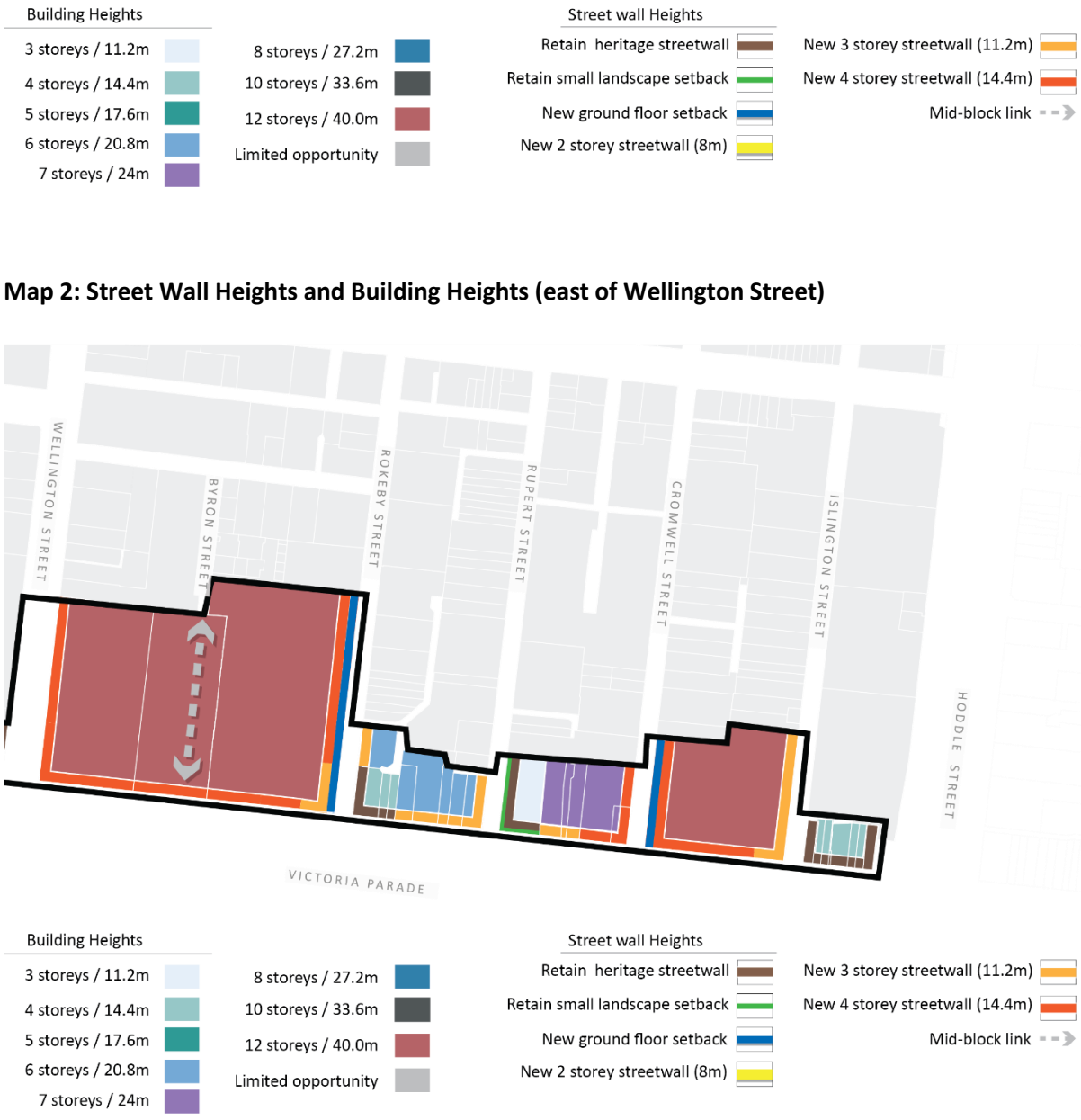
- the minimum common boundary and building separation requirements in this schedule are exceeded by at least 1 metre each for levels above the height;
- accessibility provision that achieves the standards in Clauses 55.07 and 58.05 (as relevant) for a minimum of 70% of dwellings;
- communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03 by a minimum of 20%;
- secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05 by a minimum of 20% for each dwelling;
- excellence for environmentally sustainable design measured as a minimum BESS project score of 70%; and
- no additional overshadowing to secluded private open space of residentially zoned properties outside of the schedule and/or opposite footpath, kerb outstands etc. beyond that which would be generated by a proposal that complies with the maximum building height.

Architectural features may exceed the building 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 height provided that:

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

Map 1: Street Wall Heights and Building Heights (west of Wellington Street)



Map 2: Street Wall Heights and Building Heights (east of Wellington Street)

2.6 Interface Requirements

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

Table 1: Rear boundary wall heights

Adjoining Zone	Maximum rear boundary wall height
NRZ	8m – Whether or not separated by a laneway
GRZ	11.2m – Where there is an existing laneway 8m – Where there is no laneway
MUZ / C1Z / C2Z	11.2m – Whether or not separated by a laneway

Upper levels above a rear boundary wall must be set back from the rear boundary and be contained within a 45 degree setback envelope. The envelope's angle is to be measured perpendicular to the

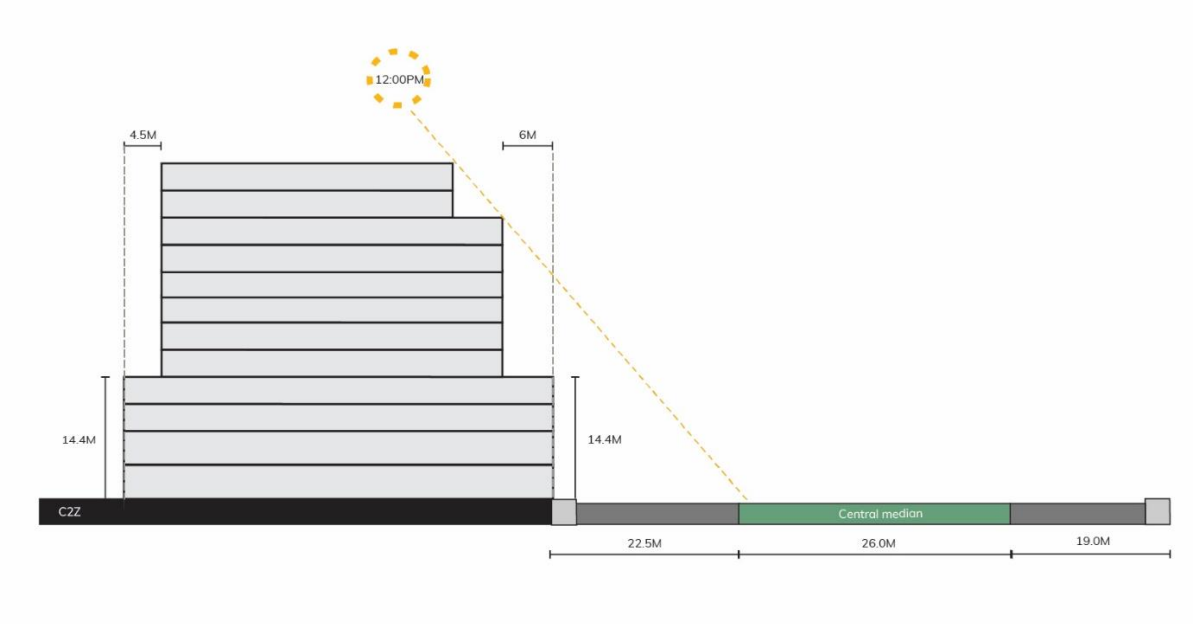
adjoining residential site's boundary, taken from the centre of the boundary. This does not apply to a Commercial 1 Zone and/or Mixed Use Zone interface.

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

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

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

Figure 1: Indicative Cross Sections and Measurements



2.7 Overshadowing

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

New development must not overshadow:

- the northern edge of the Victoria Parade central median at 12pm on 22 September;
- the footpath on the western side of any street (3m from property boundary, including the street) at 10am and eastern footpaths (3m from property boundary, including the street) at 2pm on 22 September (except Cromwell, Islington, Rockeby and Rupert Streets);
- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm at 22 September.

New development should not overshadow properties fronting Cromwell, Islington, Rokeby and Rupert Streets from the first floor upwards between 10am and 2pm on 22 September.

2.8 Common Boundary and Building Separation Requirements

Where development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone and/or Mixed Use Zone outside of the overlay, upper level development should:

- be set back a minimum of 4.5m from the common side boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site or exists on the adjacent property; and
- be set back a minimum of 3.0m from the common side boundary where a commercial or non-habitable window facing the common boundary is proposed on the subject site or exists on the adjacent property (including Commercial 2 Zone).

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

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

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

Development on large sites should achieve visual breaks, including mid-block links and pedestrian access, as identified on Map 2.

2.9 Building Layout Requirements

Internal layout of commercial and residential units should show how they can be adapted over time, including demonstrating how commercial and residential units can be combined or divided without major structural remedial works.

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

Buildings in the Commercial 1 Zone and/or Mixed Use Zone should:

- be designed to accommodate commercial activity at the ground floor level; and
- incorporate floor to floor heights suitable for commercial activity of at least 4 metres at ground floor level, where heritage elements are not a constraint.

2.10 Façade Design Requirements

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

Development façades should:

- relate to the vertical and horizontal proportions of either:
    - the historic fine-grain residential and retail shop front character of Victoria Parade to the west of Wellington Street; or

    - the modern commercial character of Victoria Parade to the east of Wellington Street;
- create a suitable ratio of solid and void elements;
- create visual interest through the arrangement of fenestration, balconies and the application of architectural features such as external shading devices, window sills etc.;
- avoid overly busy façades that rely on a multitude of materials and colours;
- maintain existing openings and the inter-floor height of a heritage building and avoid new floor plates and walls cutting through historic openings;
- avoid highly reflective glazing in openings of heritage buildings;
- encourage the retention of solid built form behind retained heritage façades and avoid balconies behind existing openings;
- be simple and not compete with the more elaborate detailing of the heritage building(s) on the subject site or an adjoining site;
- avoid large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts and former industrial buildings; and
- ensure projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) do not intrude into a setback and not dominate the façade.

Building services and service cabinets should be located away from the primary street frontage and should be designed and located so they complement the street frontage and character and appearance of the building.

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

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

2.11 Access, Parking and Loading Areas Requirements

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

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

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

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

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

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

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

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

Development should not provide additional vehicular access from Victoria Parade.

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

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

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

Ensure access to service laneways is maintained in order to facilitate commercial use of the properties fronting Victoria Parade.

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

3.0 Subdivision

None specified.

4.0 Advertising

None specified.

5.0 Application Requirements

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

- a site analysis and urban design context report which demonstrates how the proposal achieves the Design Objectives and requirements of this schedule;
- for development proposals for buildings over 20 metres in height should be accompanied by a wind study analysis to assess the impact of wind on the safety and comfort of the pedestrian environment on footpaths and other public spaces while walking, sitting and standing; and
- a Traffic Engineering Report prepared by a suitably qualified traffic engineer that demonstrates how the development:
    - minimises impacts on the level of service, safety and amenity of the arterial road network (including tram services);
    - reduces car dependence and promotes sustainable transport modes; and
    - which includes an assessment of the impacts of traffic and parking in the Precinct including an assessment of the ongoing functionality of laneway/s, where applicable.

6.0 Decision Guidelines

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

- whether the requirements in Clauses 2.2 to 2.11 are met;
- whether the design of the streetscape interface makes a positive contribution to an active, pedestrian-oriented street environment and/or public realm;
- whether the design of development fronting Victoria Parade adds to the high-amenity boulevard setting;
- whether the design of development fronting Victoria Parade precinct achieves a fine grain shop-front character west of Wellington Street and a commercial character east of Wellington Street;
- whether development retains the prominence of the heritage street wall (west of Wellington Street) in the vistas along Victoria Parade;
- whether heritage buildings on street corners retain their prominence when viewed from the opposite side of Victoria Parade;
- whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street;
- whether upper level development above the heritage street wall is visually recessive and does not dominate or visually overwhelm the heritage buildings;
- whether a strong sense of separation between upper levels and street walls is achieved when viewed from the opposite side of the street;
- whether the development delivers design excellence, including but not limited to building siting, scale, massing, articulation and materials;
- whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings;
- the shadowing impacts of the development on opposite footpaths, public spaces and the central median are minimised;
- whether proposed roof decks are set back from lower levels and are recessive in appearance;
- whether the development mitigates negative wind effects;
- the cumulative impact of development on traffic and parking in the nearby area, including on the functionality of laneways; and
- whether the layout and appearance of areas set aside for vehicular access, loading and unloading and the location of any proposed car parking is practicable, safe and supports a pedestrian-oriented design outcome.

Expiry

The requirements of this schedule cease to have effect 2 years after publication in the Government Gazette *(Note: Minister to insert date)*

Reference Documents

Brunswick and Smith Street Built Form Review – Background Analysis Report, 2019

Built Form Review: Victoria Parade – Heritage Analysis and Recommendations, 2020

Victoria Parade Precinct Review and Built Form Framework, 2020

Traffic Engineering Assessment – Brunswick Street and Smith Street Activity Centres - Extended Area, 2020