Agenda

Council Meeting

7.00pm, Tuesday 2 August 2022

Richmond Town Hall

www.yarracity.vic.gov.au

Council Meetings

Council Meetings are public forums where Councillors come together to meet as a Council and make decisions about important, strategic and other matters. The Mayor presides over all Council Meetings, and they are conducted in accordance with the City of Yarra Governance Rules 2020 and the Council Meetings Operations Policy.

Council meetings are decision-making forums and only Councillors have a formal role. However, Council is committed to transparent governance and to ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered before the decision is made.

There are two ways you can participate in the meeting.

Public Question Time

Yarra City Council welcomes questions from members of the community.

Ideally, questions should be submitted to Council in writing by midday on the day of the meeting via the form available on our website. Submitting your question in advance helps us to provide a more comprehensive answer. Questions that have been submitted in advance will be answered first.

Public question time is an opportunity to ask questions about issues for which you have not been able to gain a satisfactory response on a matter. As such, public question time is not:

- a time to make statements or engage in debate with Councillors;
- a forum to be used in relation to planning application matters which are required to be submitted and considered as part of the formal planning submission;
- a forum for initially raising operational matters, which should be directed to the administration in the first instance;

If you wish to raise matters in relation to an item on this meeting agenda, Council will consider submissions on these items in conjunction with and prior to debate on that agenda item.

When you are invited by the Mayor to ask your question, please come forward, take a seat at the microphone, state your name clearly for the record and:

- direct your question to the Mayor;
- refrain from making statements or engaging in debate
- don’t raise operational matters which have not previously been raised with the Council administration;
- not ask questions about matter listed on the agenda for the current meeting.
- refrain from repeating questions that have been previously asked; and
- if asking a question on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

Once you have asked your question, please remain silent unless called upon by the Mayor to make further comment or to clarify any aspects.

Public submissions

Before each item is considered, the meeting chair will ask people in attendance if they wish to make submission. If you want to make a submission, simply raise your hand and the Mayor will invite you to come forward, take a seat at the microphone, state your name clearly for the record and:

- Speak for a maximum of five minutes;
- direct your submission to the Mayor;
- confine your submission to the subject under consideration;
- avoid repetition and restating previous submitters;
- refrain from asking questions or seeking comments from the Councillors or other submitters;
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

Once you have made your submission, please remain silent unless called upon by the Mayor to make further comment or to clarify any aspects.

Once all submissions have been received, the formal debate may commence. Once the debate has commenced, no further submissions, questions or comments from submitters can be received.

Arrangements to ensure our meetings are accessible to the public

Council meetings are held at either the Richmond Town Hall or the Fitzroy Town Hall. The following arrangements are in place to ensure they are accessible to the public:

- Entrance ramps and lifts (off Moor Street at Fitzroy, entry foyer at Richmond).
- Interpreting assistance is available by arrangement (tel. 9205 5110).
- Auslan interpreting is available by arrangement (tel. 9205 5110).
- A hearing loop is available at Richmond only and the receiver accessory is available by arrangement (tel. 9205 5110).
- Proposed resolutions are displayed on large screen.
- An electronic sound system amplifies Councillors' debate.
- Disability accessible toilet facilities are available at each venue.

Recording and Publication of Meetings

An audio recording is made of all public Council Meetings and then published on Council's website. By participating in proceedings (including during Public Question Time or in making a submission regarding an item before Council), you agree to this publication. You should be aware that any private information volunteered by you during your participation in a meeting is subject to recording and publication.

Order of business

1. **Acknowledgement of Country**
2. **Attendance, apologies and requests for leave of absence**
3. **Announcements**
4. **Declarations of conflict of interest**
5. **Confidential business reports**
6. **Confirmation of minutes**
7. **Public question time**
8. **Council business reports**
9. **Notices of motion**
10. **Petitions and joint letters**
11. **Questions without notice**
12. **Delegates' reports**
13. **General business**
14. **Urgent business**

1. Acknowledgment of Country

"Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.

We acknowledge their creator spirit Bunjil, their ancestors and their Elders.

We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.

We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.

We pay our respects to Elders from all nations here today—and to their Elders past, present and future."

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

• Cr Edward Crossland	Deputy Mayor
• Cr Gabrielle de Vietri	Councillor
• Cr Stephen Jolly	Councillor
• Cr Herschel Landes	Councillor
• Cr Anab Mohamud	Councillor
• Cr Bridgid O'Brien	Councillor
• Cr Amanda Stone	Councillor

Council officers

• Sue Wilkinson	Chief Executive Officer
• Brooke Colbert	Group Manager Advocacy and Engagement
• Malcolm Foard	Director Community Wellbeing
• Ivan Gilbert	Group Manager Chief Executive's Office
• Gracie Karabinis	Group Manager People and Culture
• Chris Leivers	Director City Works and Assets
• Diarmuid McAlary	Director Corporate, Business and Finance
• Bruce Phillips	Director Planning and Place Making
• Rhys Thomas	Senior Governance Advisor
• Mel Nikou	Governance Officer

Municipal Monitor

• Yehudi Blacher	Municipal Monitor

Leave of absence

• Cr Claudia Nguyen	Councillor
• Cr Sophie Wade	Mayor

3. Announcements

An opportunity is provided for the Mayor to make any necessary announcements.

4. Declarations of conflict of interest (Councillors and staff)

Any Councillor who has a conflict of interest in a matter being considered at this meeting is required to disclose that interest either by explaining the nature of the conflict of interest to those present or advising that they have disclosed the nature of the interest in writing to the Chief Executive Officer before the meeting commenced.

5. Confidential business reports

Nil

6. Confirmation of minutes

RECOMMENDATION

That the minutes of the Council Meeting held on Tuesday 12 July 2022 be confirmed.

7. Public question time

An opportunity is provided for questions from members of the public.

8. Council business reports

Item		Page	Rec. Page	Report Presenter
8.1	Draft Planning Scheme Amendment C291yara - Bridge Road and Victoria Street Built Form Provisions	8	32	Leonie Kirkwood – Project and Policy Coordinator Strategic Planning

9. Notices of motion

Nil

10. Petitions and joint letters

An opportunity exists for any Councillor to table a petition or joint letter for Council's consideration.

11. Questions without notice

An opportunity is provided for Councillors to ask questions of the Mayor or Chief Executive Officer.

12. Delegate's reports

An opportunity is provided for Councillors to table or present a Delegate's Report.

13. General business

An opportunity is provided for Councillors to raise items of General Business for Council's consideration.

14. Urgent business

An opportunity is provided for the Chief Executive Officer to introduce items of Urgent Business.

8.1 Draft Planning Scheme Amendment C291yara - Bridge Road and Victoria Street Built Form Provisions

Executive Summary

Conflict of interest

The Chief Executive Officer has previously disclosed a conflict of interest in relation to this matter by virtue of her ownership of a residential property immediately outside the area subject to the amendment. She has not participated in any discussions or provided advice regarding the amendment and has delegated the Director City Works and Assets to act on her behalf in this regard. She intends to leave the meeting while this matter is considered.

Purpose

The purpose of this item is to consider:

(a) the report of the independent *Yarra Activity Centres Standing Advisory Committee* concerning draft Amendment C291yara – Bridge Road and Victoria Street Major Activity Centres.

(b) the officer recommendations in respect of the Standing Advisory Committee report.

Key Issues

The report from the *Yarra Activity Centre Standing Advisory Committe*e (the Committee), appointed to consider Amendment C291yara has been received.

Council prepared draft Amendment C291yara (the Amendment) to apply built form planning provisions to Bridge Road and Victoria Street to manage built form change in these two centres.

In summary, the Amendment proposes to:

(a) apply ten permanent schedules to Clause 43.02 *Design and Development Overlay* which replace the two interim DDOs – DDO21 and DDO22; and

(b) add new local policy.

The Advisory Committee supported the Amendment with changes.

These changes are largely as advocated by Council in the ‘preferred version’ of the Amendment endorsed by Council at its meeting on 21 December 2021, following the consideration of submissions.

Council now has the opportunity to form a final position on the Amendment which would be considered by the Minister for Planning (the Minister) before making a decision on Amendment C291yara.

Financial Implications

Costs associated with the Committee process have been met through the City Strategy Branch and Governance budgets.

PROPOSAL

Council could adopt the amendment, with or without changes, and provide its adopted version to the Minister for approval. Alternatively, it could request the Minister not pursue the amendment.

The officer recommendation is to adopt the Amendment with changes based on the justification outlined in this report, and request the Minister for Planning prepare, adopt and approve a formal planning scheme amendment in the same form as the draft Amendment using powers under Section 20(4) of the Planning and Environment 1987 Act (the Act).

8.1 Draft Planning Scheme Amendment C291yara - Bridge Road and Victoria Street Built Form Provisions

Reference	D22/103662
Author	Leonie Kirkwood - Project and Planning Coordinator
Authoriser	Manager Statutory Planning

Purpose

1. The purpose of this item is for Council to:

   (a) note the report of the *Yarra Activity Centres Standing Advisory Committee* (the Committee) concerning draft Amendment C291yara regarding Bridge Road and Victoria Street Built Form Provisions; and

   (b) consider the officer recommendations in respect of the Committee Report.

Critical analysis

History and background

2. Council prepared draft Amendment C291yara (the Amendment) to introduce permanent built form provisions to manage built form change within the Bridge Road and Victoria Street Major Activity Centres.

3. Council resolved at its meeting on 20 April 2021 to progress permanent planning controls for Bridge Road and Victoria Street Major Activity Centres via *Yarra Activity Centres Standing Advisory Committee* established under Part 7 Section 151 of the *Planning and Environment Act 1987*.

Amendment C291yara

4. The draft amendment aims to strike a balance between ensuring new buildings respond sensitively to heritage buildings, minimise their impacts on footpaths, parks and neighbouring residential areas whilst allowing commercial and mixed-use development.

5. Amendment C291yara implements the findings of strategic work in urban design (MGS Architects), heritage (GJM Heritage) and traffic (Traffix Consultants) to provide advice to form the basis of the Amendment.

6. The Amendment:

   (a) seeks to replace the interim '*Design and Development Overlay'* provisions for Bridge Road - DDO21 and Victoria Street - DDO22 with ten (10) separate DDOs (Bridge Road DDO41- DDO45 and Victoria Street DDO46 – DDO50) within the Yarra Planning Scheme with permanent planning scheme provisions;

   (b) adds new local planning policy covering built form, heritage, access and movement and public realm;

   (c) adds new reference / background documents; and

   (d) updates the planning scheme maps to map the ten new DDOs.

7. As the Interim DDO provisions expire on 31 March 2023, Council continues to progress the proposed permanent DDO provisions. Permanent provisions are essential to manage change and provide greater certainty about future development outcomes in the Victoria Street and Bridge Road Major Activity Centres.

Figure 1 - Areas affected by the Amendment - Bridge Road and Victoria Street

The Amendment Process

8. The Minister for Planning gave consent to exhibit draft Amendment C291yara in August 2021. The Amendment was publicly exhibited from 14 September to 27 October 2021 (six weeks). See Community and stakeholder engagement for the details of the exhibition.

9. A total of 122 submissions were received, including one submission with 36 signatures. Submissions came from a broad spectrum of the community ranging from community groups, residents and landholders/developers.

10. On 21 December 2021, Council considered the submissions and resolved to request the Minister refer the amendment and submissions to the *Yarra Activity Centres Standing Advisory Committee.*

11. At the December 2021 Council meeting, Council adopted a set of proposed changes to the Amendment in response to submissions to advocate for at the Hearing.

12. Following the Council meeting, additional notice (in the form of letters) was sent out to submitters and land owners affected by any recommended changes to the draft amendment to advise them of proposed changes.

13. In response to notice, Council received 11 additional submissions - eight from existing submitters and three from new submitters. The 11 additional submissions were sent to DELWP and referred to the Committee.

Standing Advisory Committee

14. The Standing Advisory Committee (SAC) appointed by the Minister consisted of three members with experience in strategic and statutory planning, built form and heritage, retail and economics and planning law.

15. The hearing was held over 12 days commencing on 4 April 2022 and concluded on 22 April 2022.

16. Council's Part A and B submissions to the Committee were based on the position endorsed at the Council meeting on 21 December 2021.

17. At the close of the hearing, Council was directed to submit final versions of DDO41-50 and Clause 11.03-1L indicating the changes suggested by submitters and experts which officers support (Post hearing – Part C version). The Post hearing versions were circulated to the Committee and all parties.

18. Together with the Part A, B and C submissions, Council provided evidence from the following expert witnesses:
    (a) Rob McGauran from MGS Architects on urban design;
    (b) Jim Gard'ner from GJM Heritage on heritage;
    (c) David Barnes from Hansen Partnership on planning;
    (d) Charmaine Dunstan from Traffix Consultant on traffic; and
    (e) Julian Szafraniec from SGS Economics and Planning on capacity analysis.
19. Nine residents, two resident groups and 14 landowners participated in the hearing.
20. The Committee considered all submissions and amendment documentation, including Council's preferred DDOs, endorsed by Council at its ordinary meeting on 21 December 2021.

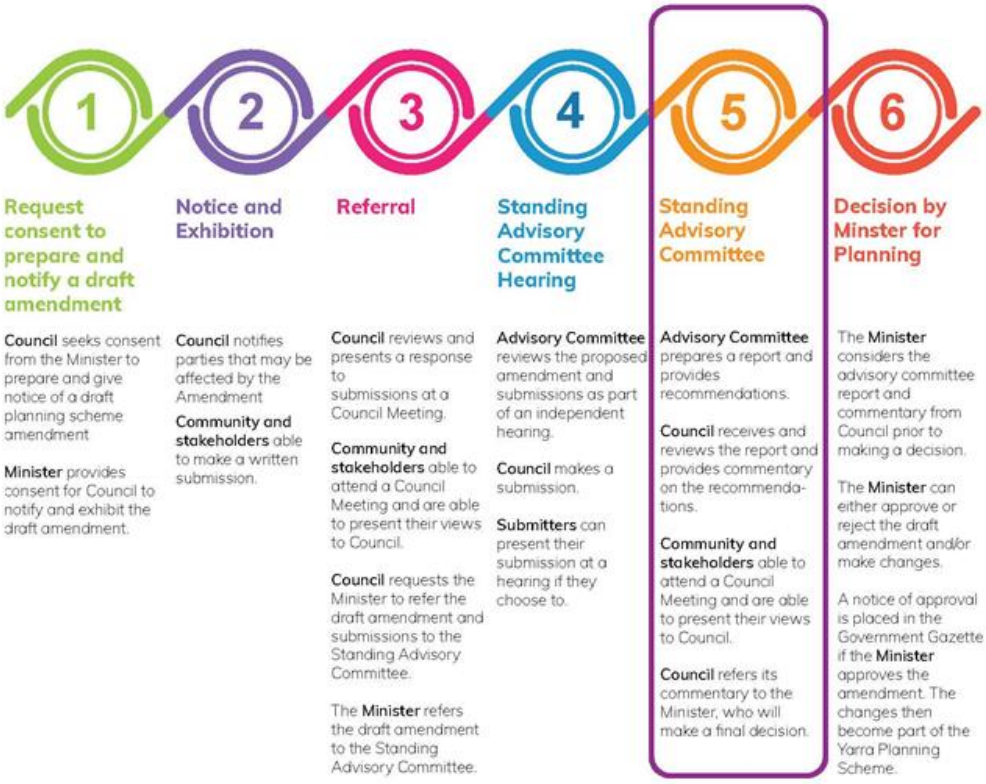
Standing Advisory Committee Report

21. The Committee Report was received by Council on 27 June 2022 and publicly released on 7 July 2022. A copy of the Amendment C291yara Committee Report can be viewed at Attachment 1.
22. NOTE - The 'Overarching Report' which provides the policy context for both amendments considered by the Committee (i.e. this Amendment C291yara and also C293yara – Collingwood South Mixed Use Precinct) is not attached to this report; but is available on Council's website.
23. The Committee:
    (a) commends Council for integrating built form, heritage, access and movement through a single strategic approach. This approach ensures that development is enabled without compromising existing identified heritage or negatively impacting on access and the surrounding traffic network;
    (b) considers the background studies form a sound basis for the Amendment. The Built Form Report and the heritage studies have comprehensively explored the built form opportunities, while also better understanding the two activity centres' heritage;
    (c) considers the Amendment will contribute towards Yarra providing sufficient residential and commercial capacity across its municipality to meet future demand;
    (d) supports most of the changes Council adopted in its preferred version of the Amendment; and
    (e) supports Council's approach to mandatory controls, however, has made a few recommended changes to specific sites.
24. The Committee recommended that the Amendment should be approved subject to recommended changes as shown in Appendices E and F to the Committee Report.
25. The *'Committee preferred version of the planning provisions'*, set out in Appendices E and F, show the Committee's mark-ups of Council's exhibited DDOs and Local Policy in Clause 11.03-1L.
26. Officers note that the Committee has not provided marked-up versions of all ten DDOs in its Appendix F - only DDO41, DDO43, DDO44, DDO48, DDO49 and DDO50. Officers contacted Planning Panels Victoria to confirm the approach to be taken to the other DDOs. It confirmed that not all DDO schedules are appended and that the drafting changes recommended by the Committee should be replicated throughout all schedules.

Next steps in the process

27. The current step in the process is the final step for Council (Figure 2).

Figure 2 - Steps in the Standing Advisory Committee amendment process



28. Council needs to now consider the Committee Report and form a final position on the Amendment so the Minister for Planning can consider it before making a decision on Amendment C291yara.

29. Following Council's consideration of the final form of the amendment, and in order to progress the amendment, Council would need to request the Minister for Planning prepare, adopt and approve a formal planning scheme amendment in the same form as the draft Amendment using powers under section 20(4) of the Act.

30. A request for a Ministerial or section 20(4) (which would take place without further consultation) is considered appropriate as the Amendment has been exhibited, submissions received and a public hearing held.

Discussion

Committee Recommendations and officer response

31. The Committee Report supported the Amendment, with changes largely as advocated for by Council during the hearing, and recommended it be approved with changes.

32. The officer response to the Committee's recommendations is provided at Attachment 2. It outlines all the changes recommended by the Committee and provides the officer response to each recommended change and should be read in conjunction with this report.

33. Attachment 2 also includes some minor 'Officer recommended changes' identified on final review of the wording of the DDOs. The changes include further improvements and clarifications to the wording and made corrections to some minor mapping errors. These changes do not alter the outcome or intent of the DDOs.

34. Attachment 3 provides a marked-up version of the exhibited Amendment showing the recommended officer changes.

35. Attachment 4 provides a clean version of the Amendment for adoption.

36. Officers agree with most of the recommendations made by the Committee, except the following four issues:

    (a) the proposed deletion of two criteria for assessing preferred (discretionary) building heights - the BESS (Built Environment Sustainability Scorecard) standard requirement and private / communal open space requirement (in DDO41-50);

    (b) the application of a discretionary height of 15m to 35-47 Lithgow Street, replacing the mandatory 15m height (in DDO49);

    (c) the application of discretionary heights instead of mandatory heights to the south side of Victoria Street, between Church and Lambert Streets (except for land subject to the Heritage Overlay) and between McKay and Johnson Streets (in DDO50); and

    (d) the retention of a 6m rather than an 8m landscape setback on the eastern boundary of 566 Bridge Road - the Officeworks site (in DDO44).

37. Most of the Committee's proposed changes to the preferred DDOs and Clause 11.03-1L are minor in nature. These changes are supported by officers and reflect the Post-hearing – Part C version of the Amendment submitted to the Committee.

Issues outside the scope of the amendment

38. The Committee noted it received or heard submissions that raised several issues that are beyond the scope of the Amendment (see Table 1).

Table 1 - Issues outside the scope of the amendment

Issues	Comments from the Committee
Specific permit applications or development proposals	The Committee has used this information for context and to understand current or expected development activity. Issues associated with development proposals are considered during the planning permit application process.
Requests to rezone properties or remove the Public Acquisition Overlay	The Committee could only consider the exhibited Amendment which proposes to apply built form provisions, therefore requests to rezone land or issues associated with the Public Acquisition Overlay are outside the scope of the Amendment.
Transport issues including car parking, public transport, and bicycle infrastructure	Potential impacts associated with vehicular, pedestrian and bicycle traffic and parking may be relevant during the planning permit application stage when development proposal details are known.
Public open space or improvements to public realm	These are matters for Council to consider through either the planning permit application stage or a separate planning scheme amendment process.
Amenity issues relating to views from within private property, noise and construction activity	The Amendment does not regulate views from private property. Other amenity issues may be relevant at the planning permit application stage.
Waste collection and emergency vehicles	Similar to transport issues, these impacts may be relevant during the planning permit application stage when development proposal details are known.
Environmentally sustainable development	Environmentally sustainable development (ESD) is managed through existing Clause 22.17 provisions in the Planning Scheme.
Effects on property values and compensation	The Act requires the planning authority (Council) to consider any economic effects of the Amendment on the broader community. Council responded to this through the Amendment's explanatory report. Economic effects, as contemplated by the Act, does not extend to private individual financial impact or compensation or property value.

Issues	Comments from the Committee
Community consultation	Council publicly exhibited the Amendment to owners and occupiers for six weeks, which exceeds the minimum timeframe specified in the Act. Based on available information, Council has satisfactorily met its statutory obligations regarding community consultation.

Centre-wide issues

39. The following provides a summary of the centre-wide issues and findings of the Committee.

40. Key precinct or DDO-specific recommendations are addressed in Tables 3 to 10 or in Attachment 2.

Table 2 – Centre-wide issues

Key issues	Committee findings / recommendations
Building Heights	• The Committee considered the proposed building heights strike an appropriate balance between development opportunity, heritage and public and private amenity outcomes. • The building heights are based on sound strategic planning which has considered a variety of competing issues to achieve a well-balanced outcome. • The Committee supports all heights proposed, except heights which apply to the rear of 146-148 Bridge Road. Here the Committee recommended an increase from 18m to 21m. (See Precinct-specific issues – Table 3 - DDO41 for the officer response.)
Mandatory controls	• The Committee found the proposed combination of discretionary and mandatory built form provisions are appropriate and based on comprehensive strategic work. • While discretionary provisions are the tool preferred by the State Government in the Victorian planning system, the Committee concluded that Council had made an appropriate case for introducing mandatory controls, consistent *with Planning Practice Notes 59: The Role of Mandatory Provisions in Planning Schemes (PPN59)* and *60: Height and Setback Controls for Activity Centres (PPN60).* • Their view was that the mandatory controls are not aimed at restricting development. Rather, they are aimed at facilitating good design and heritage outcomes. • The Committee supports applying mandatory controls to protect and manage: – the existing heritage qualities of the centres generally; – the heritage qualities of stand-alone heritage buildings; – the protection of views to landmarks, namely the Pelaco sign, Richmond Town Hall, St Ignatius Church and Skipping Girl sign, and – the protection of solar access to designated streets and areas. • However, it recommends the removal of mandatory heights for: – 393-395 Bridge Road (mandatory 18m height to discretionary); – 35-47 Lithgow Street (mandatory 15m height to discretionary); – South side of Victoria Street between Church and Lambert Streets, excluding sites in the Heritage Overlay (mandatory height to discretionary), and

Key issues	Committee findings / recommendations
	– South side of Victoria Street between McKay and Johnston Streets (various mandatory heights to discretionary). (See Precinct-specific issues for the officer responses.)
Criteria for varying discretionary maximum building heights	• The Amendment proposes performance-based criteria which should be considered where development proposals seek to exceed preferred (discretionary) maximum building heights. • As part of the consent to prepare and exhibit C291, the Minister specifically requested the Committee investigate the appropriateness of performance-based measures which are not directly built form related. • The Committee took the same approach as in Amendment C293 – (Collingwood South) and recommends the removal of the following criteria: – BESS score of 70% (ESD); – Housing diversity; – Accessibility provisions; – End of trip facilities and bike parking, and – Communal and private open space. • The Committee considers the criteria must have a clear and direct relationship between the height and design and amenity objectives sought to be achieved. • In terms of the two additional criteria proposed by Council at its 21 December meeting for the Committee to consider, the Committee does not support the use of: – non-statutory processes - this includes referring permit applications to an external design review body (e.g. Office of the Victorian Government Architect). – housing affordability, commenting this warrants a more appropriate and certain implementation framework. • See detailed officer response below.
Heritage	• The Committee commended Council for its integrated approach to assessing the relationship between existing heritage precincts and planning provisions which seek to ensure that any new development sensitively responds to the existing fabric. • The Committee found heritage reports for each activity centre form a robust foundation justifying the built form provisions, including the use of mandatory maximum building heights and minimum upper-level setbacks. • On the issue of upper level setbacks and facadism, the Committee noted '*the Amendment does not propose to require a minimum proportion of the building to be retained to avoid facadism. Specifically, the mandatory six metre upper-level setback does not require the heritage building beneath to be retained. However, the Heritage Overlay requires a planning permit to demolish part of the building. This provides Council with the ability to assess such a proposal on a case-by-case basis and when design details are known.'* (Page 14)
Views to the landmarks	• The Committee supports the provisions that seek to protect views to significant landmarks underpinned by background work. • The views that attracted the most discussion in the hearing were the two views from Wellington Parade to the Pelaco sign.

Key issues	Committee findings / recommendations
	• The Committee considers that the two views to the Pelaco sign from Wellington Parade are significant and allow a heroic experience of the Pelaco sign when entering Richmond. • It recommends Council check the accuracy of the location of landmarks in the relevant DDOs. • The Committee commented that Council should consider separate DDO schedules which show landmarks, viewlines and the properties affected. They did not consider this essential at this stage, but noted it would simplify provisions for the end user.
Residential Interfaces	• The Committee supports the proposed interfaces to residential areas and between commercial and mixed use areas. • In response to submissions seeking consistency with the interface provisions in the Swan Street Activity Centre, it found no strategic reason to adopt this approach. It considered the interfaces for each activity centre should be assessed based on their own context. • The Committee supports changes to improve amenity outcomes proposed by Council (in December 2021) in response to submissions: – the increased upper level setbacks proposed in Little Hoddle Street; – the revised rear interface for properties to the south of Bridge Road and Victoria Street – Interface J, and – additional landscape setbacks proposed for the southern boundaries of a large development site at 198-242 Burnley Street. • However, it did not support Council's proposed 8m landscape setback on the eastern side of 566 Bridge Road (the Officeworks site) - increased from 6m following exhibition. (See Precinct-specific issues Table 6 - DDO44 for the officer response)
Overshadowing of the public realm	• The Committee supports the protection of solar access to key pedestrian foothpaths and public open space at the September Equinox. • It supports mandatory controls for Bridge Road and Victoria Street footpaths and discretionary provisions for other specified streets and public open spaces. • The Committee supports minor corrections to the overshadowing provisions to provide clarity of intent.
Building separation and design quality	• Building separation provisions - The Committee acknowledged Clause 58 Apartment Developments in the Planning Scheme regulates some similar amenity outcomes, but considers the proposed provisions provide additional guidance and metrics. • Opportunities for lot consolidation provisions – It noted the policy is not mandatory and does not consider it would force fine grain heritage sites to redevelop.
Access and movement	• The Committee supports Council's proposed changes to the access and movement provisions in the DDOs in response to submissions (adopted in December 2021). It supports: – the requirements which clarify the role of the main streets in the two centres and limits vehicular access off those roads; – changes to the 'Access and Movement Plans' to remove the access notations for streets excepting main roads and 'Green Streets'. (Noting the DDOs still require development to provide vehicular

Key issues	Committee findings / recommendations
	access from rear lanes or from side streets, however this will be 'where appropriate'.); – a requirement which seeks to improve the amenity and safety of laneways for vehicles and pedestrians, and – in DDO44, adding an annotation indicating access to Burnley Street may be considered depending on the size of carpark and support from the Department of Transport.

Criteria for varying discretionary maximum building heights

41. Officers do not support the Committee's recommendation to delete two of the criteria shown below, and propose to retain them in Amendment C291:

    (a) the environmentally sustainable design requirements *("excellence for environmentally sustainable design measured as a minimum BESS project score of 70%");* and

    (b) the requirement for buildings which exceed preferred heights in DDO41-50 to provide private/communal open space in excess of the minimum standards of Clause 55.07 and/or 55.08, as relevant.

42. Officers consider that both of these requirements are built form related, as a taller proposals can lead to increased impacts on the environment and demand on open space. Considering these matters at an early stage of the proposal is important as they can have an impact on the external built form of the proposal. Retaining these two requirements would ensure that the impacts of proposal are being mitigated.

43. Officers agree with the Committee that the other requirements it recommended to be deleted are not directly built form or amenity related. They mainly relate to the internal layout of a proposal and have less of an impact on the external form of a building.

44. Officers do not support the Committee's recommendation to delete the BESS requirement for the following reasons:

    (a) the implementation of the requirement for a *minimum BESS project score of 70%* seeks to help mitigate the environmental impact of intensified development that proposes to exceed the preferred height;

    (b) the minimum 70% BESS project score requirement aligns with Council's strategic objectives, including the *Council Plan 2021-2025* is 'Climate and Environment' objectives, which under Initiative (e) seeks to *'Complete work to introduce zero carbon standards into the planning scheme for new commercial and residential developments and seek change to the Victorian Planning Provisions via Ministerial approval';*

    (c) the requirement is also consistent with Amendment C269yara (the 'policy' amendment adopted by Council on 19 April 2022) which includes a strategic direction under Clause 02.03-3 *Environmental risks and amenity* seeking to (amongst other things):

        Embed sustainable environmental practices to Yarra's buildings, infrastructure, places, and spaces, including a framework for early consideration of environmental sustainability at the early building design stage; and

    (d) the requirement was recently approved and is included in DDO25-28 which apply to the Swan Street Major Activity Centre.

45. Officers do not support the Committee's recommendation to delete the requirement to provide additional private/communal open space for the following reasons:

(a) the two activity centres have limited public open space areas. Council received many submissions which raised concerns in relation to increased population and demand upon the public open spaces in the two activity centres;

(b) a building which exceeds the preferred height in DDO41-50 is likely to contain more residents / workers and place more demand on already constrained public open spaces. Provision of additional private open space and communal open space within private property would alleviate some pressure on the limited public open spaces;

(c) Council's expert evidence on capacity projections (from Julian Szafraniec of SGS) noted "*post-pandemic, it is likely many workers (who are able to) will shift to a hybrid working model (i.e., not always in the office nor always working from home). This means work location will still be important to many, but it will be balanced against the quality and size of their home and the amenity and services in their local area. […] these trends are also likely to shift dwelling type preferences toward larger forms, in terms of additional bedrooms/space";*

(d) the requirement is consistent with policy in Amendment C269yara (adopted by Council on 19 April 2022) which includes a strategic direction under Clause 02.03-4 Built environment and heritage to *'Design development and locate land uses to create people-oriented places with high standard of amenity on-site.';* and

(e) the requirement was recently approved and is included in DDO25-28 which apply to the Swan Street Major Activity Centre.

Precinct and DDO specific issues

46. The following summarises the Precinct and DDO-specific findings and recommendations of the Committee. Issues (such as residential interfaces) which apply to all precincts / DDOs are covered in Table 2 and Attachment 2 to this report.

Precinct 1 – Bridge Road West (DDO41)

47. A large number of written submissions relating to DDO41 were received during the exhibition of the Amendment from residents and representatives of landowners. Generally, residents raised concern with the height permitted under proposed DDO41 and other impacts of development such as noise, traffic and overlooking, while developers submitted that heights were too low, and that controls should not be mandatory.

48. Consequently, the precinct also attracted a large number of written and oral submissions during the hearing, mainly from landowners.

Table 3 – Committee recommendations and officer response – DDO41

DDO41 - Key committee findings / recommendations and officer response	
Key elements of the DDO supported by the Committee	• Proposed building heights and the application of mandatory and preferred heights in DDO41, except for height of the rear of 146 and 148 Bridge Road (see below). • Street wall heights and upper level setbacks. • Retention of View 1 (from Tram Stop 13 on Wellington Street immediately west of Simpson Street) and View 2 (from the footpath on the north west corner of Wellington Parade) to the Pelaco sign. *The Committee considered the views are strategically justified and appropriate to include in DDO41. They are significant and allow a heroic experience of the Pelaco sign when entering Richmond.*
Committee recommendations – proposed changes	• Increase the mandatory building heights for the rear of 146 and 148 Bridge Road from 18m to 21m. *The Committee considered these sites could support taller built form without impacting the heritage streetscape.*

DDO41 - Key committee findings / recommendations and officer response	
	• Include a definition of building heights which clarifies that mandatory height for 2-70 Bridge Road is measured horizontally from street level. *The Committee considered this necessary to ensure the mandatory maximum building height for 2-70 Bridge Road can be applied as intended to protect views to the Pelaco sign (i.e. horizontally rather than following natural ground level).*
Officer response to Committee recommendations	*146 to 148 Bridge Road* • Officers support the Committee's recommendation to increase the heights of the rear portion of 146 to 148 Bridge Road. Higher built form at the rear of 146 and 148 Bridge Road would have no significant impact on the heritage streetscape or public realm due to the large setback from the Bridge Road frontage. In addition, it would not impact the views of the Pelaco sign. A mandatory control would ensure that development taller than 21m is not permitted. *2 to 70 Bridge Road* • Officers support the Committee's recommendation. Surveying evidence produced at the hearing and additional modelling illustrated that the height to protect views did not require a development to follow the topography of the land. The Committee recommends a specific building height definition is applied for these properties measuring height horizontally rather than following natural ground level. (Council officers suggested this change in Council's end of hearing version of DDO41.) The change will ensure that development is not unnecessarily restricted while protecting views to the Pelaco Sign. The rear interface controls will address the impacts of overall building heights to residential properties to the rear.

Precinct 2 – Bridge Road South (DDO42)

49. Submissions in relation to this precinct received during exhibition of the Amendment concerned the heritage streetscape, building heights and rear interfaces.

50. Representatives of the landowner of 300-306 Bridge Road appeared at the hearing and made submissions. They were concerned about mandatory controls and height.

51. Submissions were also made at the hearing by heritage groups and residents in relation to the heritage character of this precinct. Upper level setbacks and potential facadism were of concern.

Table 4 - Committee recommendations and officer response – DDO42

DDO42 - Key committee findings / recommendations and officer response	
Key elements of the DDO supported by the Committee	• Proposed 18m mandatory height, including for 300-306 Bridge Road. *The Committee considered the mandatory building height adequately justified to ensure future development is subservient to the heritage fabric. Changing the height for 300-306 Bridge Road based on optimising site potential would result in an anomaly that cannot be justified.* • Street wall heights and upper level setbacks. *The Committee found the 6m mandatory upper-level setback should be applied consistently along Bridge Road to maintain the prominence of this significant heritage streetscape. It also supported the preferred 9*

DDO42 - Key committee findings / recommendations and officer response	
	metre setback for buildings over 15 metres.
Committee recommendations	• No specific recommendations.

Precinct 3 – Bridge Road Central (DDO43)

52. A representative of the owners of 393-395 Bridge Road made submissions at the hearing seeking a higher and discretionary building height of 24m and reduced upper level setbacks to Coppin Street and to the rear.

53. *Lets Enhance Gleadell Street* also presented a submission at the hearing discussing the protection and improvement of open space in and around the Bridge Road Activity Centre.

Table 5 - Committee recommendations and officer response – DDO43

DDO43 - Key committee findings / recommendations and officer response	
Key elements of the DDO supported by the Committee	• Proposed maximum building heights and the application of mandatory and preferred heights in DDO43, except for 393-395 Bridge Road (see below). • Mandatory street wall heights and upper-level setbacks along Bridge Road to ensure the prominence of the heritage streetscape character. • Proposed street wall heights and upper level setbacks (Interface C) in specified side streets, including for 393-395 Bridge Road. *The Committee agreed mandatory provisions were necessary to ensure the prominence of the heritage fabric and ensure that new development does not overwhelm the heritage streetscape.*
Committee recommendations – proposed changes	• Apply a discretionary (rather than mandatory) maximum building height of 18 metres to 393-395 Bridge Road. *The Committee acknowledged that 393-395 Bridge Road is a larger site. In the context of mandatory street wall and upper level setback provisions, allowing discretion in the building height of 393-395 Bridge Road would not compromise objectives for Precinct 3. It did not support 24 metres as sought by the landowner.*
Officer response to Committee recommendations	• Officers support the recommendation for 393-395 Bridge Road. Officers accept the Committee's position that with the application of mandatory street wall and upper-level setback provisions along Bridge Road, a discretionary 18m height would not compromise objectives for Precinct 3 which seek to maintain its heritage and civic character and views to significant landmarks.

Precinct 4 – Bridge Road South (DDO44)

54. A large number of written submissions were received during the exhibition period from residents in Neptune and Burnley Street, the Racecourse Heritage Precinct and Dickens Street. A submission was also received from the owner of 566 Bridge Road – the Officeworks site.

55. Residents were concerned about the impacts of potential development on large development sites in the precinct. Submitters in properties behind Bridge Road also expressed concerns about development. Concerns included vehicle access and impacts to residential amenity and on heritage values.

56. In response to submissions, Council at its 21 December 2021 meeting proposed a number of changes, including additional / increased landscape setbacks on the boundaries of 566 Bridge Road and 198-242 Burnley Street, applying Interface J to improve residential amenity outcomes; and including a specific annotation for 188-242 Burnley Street around traffic access to Burnley Street.

57. Four submitters (three residents and a representative of the landowner of the Officeworks site), focussed on this precinct, participated in the hearing.

Table 6 - Committee recommendations and officer response – DDO44

DDO44 - Key committee findings / recommendations and officer response	
Key elements of the DDO supported by the Committee	*188 to 242 Burnley Street and 21 & 23 Neptune Street* • Proposed maximum building height of 21m. *The Committee considered the 21m discretionary height appropriate when combined with other requirements in the DDO and would provide an appropriate transition to lower scale residential areas.* • Proposed interfaces and setbacks to Burnley and Neptune Streets. • Post-exhibition proposal to improve amenity outcomes by applying Interface J and landscape setbacks applied to 198-242 Burnley Street to improve residential amenity outcomes. • Annotation indicating access to Burnley Street may be considered depending on the size of carpark and support from the Department of Transport. • Retention of the potential pedestrian link which connects to Strafford Street on Plan 2 (Access and movement). • Removal the potential pedestrian link from 566 Bridge Road south on Plan 2 (Access and movement) as it would not allow for the creation of a public thoroughfare. *566 Bridge Road (Officeworks)* • Proposed maximum building height of 18m. *The Committee did not consider a mandatory maximum height limit was necessary given the proposed landscape setbacks, interface provisions and other policy objectives.* • Interface J to the south and eastern boundaries of 566 Bridge Road to improve residential amenity outcomes. • Level of guidance around design for 566 Bridge Road. *The Committee considered DDO44 includes sufficient design quality provisions to ensure that materiality will be considered as part of a future planning permit application.*
Committee recommendations – proposed changes	*566 Bridge Road (Officeworks)* • Apply the exhibited landscape setbacks of 6m to the eastern boundary of 566 Bridge Road – not Council's proposed increase to 8m. *The Committee considered potential overshadowing will be addressed through the combination of Interface J and the 6m landscape setback and could be mitigated through greater upper-level setbacks without requiring an 8m ground level setback.* *660-662 Bridge Road* • Consider a landscape setback of 3m for 660-662 Bridge Road through a separate future amendment. *The Committee considered a landscape setback has merits but did not*

DDO44 - Key committee findings / recommendations and officer response	
	recommend inclusion in the Amendment as it was not exhibited and the landowner has not had an opportunity to consider the proposal.
Officer response to Committee recommendations	*566 Bridge Road (Officeworks)* • Officers do not support the 6m landscape setback (as exhibited) on the eastern boundary of the Officeworks site as recommended by the Committee. Instead, officers recommend the retention of the 8m landscape setback to this boundary as adopted by Council on 21 December 2021 in response to submissions. The 8m setback is necessary to ensure the protection of sunlight to the properties to the east. *660-662 Bridge Road* • Officers do not support the application of 3m landscape setback to 662 Bridge Road as it has not been investigated and does not align with the location of a 'Green Street'. Officers do not consider it necessary to pursue this setback in a future planning scheme amendment. Any planning permit application for the site would need to respond to the Yarra River environs.

Precinct 5 – Bridge Road East North (DDO45)

58. No written or oral submissions were made to the Committee specifically referring to DDO45.

59. The Committee made no specific comments or recommendations about this precinct.

Precinct 1 – Victoria Street West (DDO46)

60. One submission was received during the exhibition period on behalf of the landowner for 231 Victoria Street (north-east corner of Victoria and Hoddle Streets) specifically referencing this precinct. The submitter also presented to the Committee. The submitter opposed the mandatory height and upper level setbacks proposed for the site.

Table 7- Committee recommendations and officer response – DDO46

DDO46 - Key committee findings / recommendations and officer response	
Key elements of the DDO supported by the Committee	• Proposed building heights in DDO46, including a mandatory maximum building height for 231 Victoria Street (former State Savings Bank building). *The Committee considered the 18m mandatory height appropriate as it will not detract from the significance of the former State Savings Bank and adjoining heritage shops. Considered the widened intersection and Gateway feature has weakened the relationship with the south-east corner of Victoria Street and Hoddle Street where higher heights are permitted.* • Street wall heights and upper level setbacks – including the proposed mandatory upper-level setback for 231 Victoria Street. *The Committee considered the corner gateway location of the former State Savings Bank building and its two significant heritage facades, justify protection through appropriate upper level setbacks.* • 6.5m upper level setback which applies in Little Hoddle Street to 1-13 Hoddle Street (proposed by Council in its preferred version adopted on 21 December 2021.)
Committee recommendations	• No specific recommendations.

Precinct 2 – Victoria Street Central (DDO47)

61. Two landowners made submissions to the Committee concerning land in Butler Street and a property in Victoria Street.

Table 8 - Committee recommendations and officer response – DDO47

DDO47 - Key committee findings / recommendations and officer response	
Key elements of the DDO supported by the Committee	• Proposed building heights in DDO46, including mandatory heights for 297 Victoria Street and discretionary heights for the north side of Butler Street and east side of Little Charles Street. • Street wall heights and upper level setbacks.
Committee recommendations	• No specific recommendations.

Precinct 3 – North Richmond Station (DDO48)

62. Ten submissions were received from the area surrounding Regent Street and Little Hoddle Street, including from local residents and representatives of landowners during exhibition of the Amendment. A submission was also received from a landowner in Garfield Street.

63. Generally, residents raised concern with the height permitted under proposed DDO48, amenity impacts and concerns around the use of Little Hoddle Street for access to development, while landowners submitted that heights and setbacks were too limited.

64. In response to submissions, Council at its 21 December 2021 meeting proposed to increase upper level setbacks from the property boundaries on the eastern and western sides of Little Hoddle Street from 4.5m measured from the centreline of the laneway to 6.5 metres measured from the property boundary. (An additional 3 metre setback would apply to the upper most level of properties to the west.) The intent of this change was to increase sunlight to Little Hoddle Street between 11am-1pm at the Equinox. Little Hoddle Street has a unique character including a number of creative industries, cafes and residences at street level. It has also been identified as a potential shared zone where pedestrians and vehicles would share the space.

65. Submissions at the hearing were focussed on two large properties south of Elizabeth Street: 35-41 Hoddle Street and 6-8 Elizabeth Street; and 67-81 Hoddle Street and 84 Regent Street.

Table 9 - Committee recommendations and officer response – DDO48

DDO48 - Key committee findings / recommendations and officer response	
Key elements of the DDO supported by the Committee	• Maximum building height requirements. *The Committee considered the maximum building heights were consistent with the design objectives for Precinct 3. The combination of other requirements in the DDO will appropriately protect the amenity of nearby residents.* • 2m street wall setback requirement in Little Hoddle Street, on the basis it remains discretionary. *The Committee considered the 2m setback justified as it can be attributed to the considerable development growth which is enabled.* • 6.5m upper level setback in Little Hoddle Street. *The Committee agreed that solar access, even if only for 1 hour between 12 and 1pm is worth the trade off in development potential.* • Vehicle and pedestrian access requirements along Little Hoddle Street in Precinct 3.

DDO48 - Key committee findings / recommendations and officer response	
	• 'Proposed Pedestrian Links' in DDO48 Plan 2 (Access and movement plan). *The Committee noted they are 'proposed' and can be considered at the permit application stage.*
Committee recommendations – proposed changes	• Reduce the upper-level setback along: – Hoddle Street, south of Elizabeth Street from 4.5m to 3m, except within 5m of a heritage property where a 6m setback would apply. – Elizabeth Street between Hoddle Street and Little Hoddle Street from 6m to 3m. *Considers 3m is adequate to achieve the separation between the street wall and upper levels.* • Replace Interface A (which applies a mandatory 6m upper level setback) with Interface C (a preferred 6 metre upper-level setback) to 46-60 Regent Street. *The Committee commented that 46-50 Regent Street has a plain parapet building form compared with the northern part of the former Boot Factories buildings. 52-60 Regent Street is not subject to the Heritage Overlay and does not warrant the application of mandatory provisions.*
Officer response to Committee recommendations	*Hoddle and Elizabeth Streets* • Officers support the reduction of the preferred upper-level setback (Interface D) along Hoddle Street, south of Elizabeth Street and Elizabeth Street, between Hoddle and Little Hoddle Streets, to 3 metres. However, officers do not support the specific setback for heritage buildings as there are no heritage buildings in this area. The 3m upper level setback would replace the proposed 4.5m setback which was applied to provide a transition to the 6m upper level setback required for heritage buildings on Hoddle Street. It would also replace the proposed 6m upper level setback on Elizabeth Street. 3m is consistent with interim DDO22 and also reflects upper level setbacks of existing development on the south side of Elizabeth Street. While a consistent approach along Hoddle Street is important, this part of Hoddle Street can accommodate a 3 metre upper-level setback without disrupting a consistent built form – given a break in built form is created by the Elizabeth and York Streets. *Regent Street* • Officers support replacing Interface A (a mandatory 6m upper level setback) with Interface C (a preferred 6 metre upper-level setback) to the Regent Street boundary of 46-60 Regent Street. This aligns with a recommendation of Council's heritage expert.

Precinct 4 – Victoria Street East (DDO49)

66. A small number of submissions were received in this precinct at exhibition. Only landowners were represented at the hearing.

Table 10 - Committee recommendations and officer response – DDO49

DDO49 - Key committee findings / recommendations and officer response	
Key elements of the DDO supported by the Committee	• Heights proposed for 367 and 401-407 Victoria Street. *The Committee considered 401-407 Victoria Street did not warrant mandatory controls given the properties have no heritage significance, do not impact on views to landmarks views or designated overshadowing requirements. Amenity impacts can be addressed at the permit application stage.* *For 367 Victoria Street, they acknowledged the property is not contributory however the proposed mandatory height is justified given the site's location abutting the Heritage Overlay and the intact heritage hinterland.* • Upper-level setback, side and rear setback requirements proposed for 35-47 Lithgow Street. *The Committee considered a 6 metre mandatory upper-level setback is appropriate given the heritage significance of the building and the surrounding environs. It would ensure that the front of the building reads in three dimensions and will not restrict development.*
Committee recommendations – proposed changes	• Application of a discretionary height of 15m for the former Cordial Factory at 35-47 Lithgow – rather than a mandatory 15m height. *The Committee considered some flexibility is warranted given the unique requirements of the industrial heritage building, and because it differs to many of the other heritage buildings in the Victoria Street Activity Centre.*
Officer response to Committee recommendations	• Officers do not support the Committee's recommendation to apply a discretionary 15m height to 35-47 Lithgow Street. The proposed controls have been guided by PPN59 and PPN60 and mandatory controls have been applied where they can be strategically justified and are necessary to achieve acceptable heritage outcomes. Mandatory maximum heights were proposed where there are consistent heritage streetscapes and recommended to reduce the visual impact of new development and better respect the heritage significance of the heritage forms. Council's heritage expert considered that '*the proposed 15m (4-storey) mandatory height control proposed for this site within DDO49 and the upper-level setback from the Lithgow Street façade will ensure that the historic façade and roof form of the Former Cordial Factory remain prominent elements within the streetscape.'*

Precinct 5 – Victoria Street East End (DDO50)

67. Eleven submissions were received during exhibition from the area surrounding Wells Street, Baker Street and McKay Street, including one from the representative of a landowner of a site. The remainder were from residents.

68. Concerns raised by residents included access arrangements and traffic impacts, as well as the impact that building heights proposed in DDO50 will have on properties in this area, while the landowner submitted that provisions should be discretionary rather than mandatory.

69. No submitters presented on DDO50 at the hearing.

Table 11 - Committee recommendations and officer response – DDO50

DDO48 - Key committee findings / recommendations and officer response	
Key elements of the DDO supported by the Committee	• Proposed building heights. • Mandatory building height provisions for the south side of Victoria Street between Lambert and McKay Streets *The Committee supported the use of a mandatory height provision. While the properties are not subject to the Heritage Overlay, they generally abut or are near the Wells Street heritage precinct and this very intact heritage area.* • Street wall heights and upper level setbacks.
Committee recommendations – proposed changes	• Apply discretionary height provisions to the south side of Victoria Street, between Church and Lambert Streets, except for land subject to the Heritage Overlay; and between McKay and Johnson Streets. *The Committee considered mandatory provisions were not justified – properties do not have heritage significance, do not impact on views to landmarks or overshadow designated footpaths or reserves. Amenity impacts could be addressed through the planning permit process.*
Officer response to Committee recommendations	• Officers do not support the Committee's recommendation to apply discretionary heights to the south side of Victoria Street, between Church and Lambert Streets (except for land subject to the Heritage Overlay) and between McKay and Johnson Streets. Officers support mandatory heights in this location: • as it is consistent with the principles applied elsewhere within Bridge Road and Victoria Street • proposed building heights range from 18 to 21 metres (5/6 storeys) in this area represent a significant level of change in built form from the current one and two storey development.

Other issues

Transitional provisions

70. Several submitters with development interests submitted that the DDO schedules should include a transitional provision to exempt existing planning permits, applications to amend existing permits, and 'live' planning applications from the permanent provisions.

71. There are no transitional provisions proposed as part of the Amendment.

72. The Committee was not convinced transitional provisions are justified. They found:

> *'The purpose of each DDO schedule is to introduce built form controls and specific planning objectives which will shape how the BRAC and VSAC are developed moving forward. The Committee has ultimately determined that the proposed DDO schedules strike the right balance between allowing development within the activity centres and limiting that development to preserve appropriate levels of amenity, character and heritage in the municipality. The Committee considers the introduction of transitional provisions might allow inconsistent built form that would prejudice the intent and balance sought to be achieved through the Amendment*.' (Page 33)

Clause 22.12 and Clause 11.03-1L

73. The Committee in Recommendation 2 recommends the following:

> *Amend Clause 21.12 and translate the content of Clause 21.12 into a new Clause 11.03-1L, as shown in Appendix E.*

74. Officers support this recommendation in part.

75. A translation of Clause 21.12 – Local Areas into the new Planning Policy format was undertaken in response to a requirement in the letter of consent from the Department of Environment, Land, Water and Planning.

76. Clause 11.03-1L - Activity Centres is a condensed version of the proposed policy at Clause 21.12 with the context and vision removed and the preferred character statements converted into policy statements. It was considered by Council on 21 December 2021 and provided to the Committee as part of the amendment documentation along with Clause 21.12.

77. At the request of the Committee, Council officers provided the Committee with an updated version of Clause 11.03-1L following the conclusion of the hearing. This was distributed to all parties.

78. The updated version makes minor clarifications and corrects typographical errors in Council's preferred version of the policy (see Attachment 2). The version of Clause 11.03-1L recommended by the Committee in Appendix E is generally consistent with this.

79. Council's recently adopted Amendment C269yara – Rewrite of Local Policies will delete policy at Clause 21.12 and relocate policy to Clause 11.03-1L. It is awaiting approval by the Minister for Planning.

80. Given that Amendment C269yara has not yet been approved and the timing is unclear, officers recommend Council adopts proposed policy in both:

    (a) Clause 21.12 Local Areas; and

    (b) Clause 11.031L Activity Centres.

81. Depending on timing of the approval of either amendment, the relevant policy could be included in whichever clause is more appropriate.

<u>Reference and background documents</u>

82. The Committee made three recommendations in relation to reference and background documents:

    (a) *Recommendation 1 - Amend Clause 21.11 to no longer list the three reference documents relevant to draft Yarra Planning Scheme Amendment C291yara;*

    (b) *Recommendation 4a) - Amend Design and Development Overlay Schedules 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50, as shown in Appendix F, to a) no longer list the three reference documents relevant to draft Yarra Planning Scheme Amendment C291yara;*

    (c) *Recommendation 5 - Reference the following documents in Clause 72.08 (Background documents):*

        (i) Bridge Road & Victoria Street Activity Centres - Review of Interim Built Form Controls – Analysis and Recommendations (MGS Architects and Urban Circus, April 2021);

        (ii) Built Form Review: Bridge Road – Heritage Analysis and Recommendations (GJM Heritage, April 2021);

        (iii) Built Form Review: Victoria Street – Heritage Analysis and Recommendations (GJM Heritage, April 2021); and

        (iv) Traffic Engineering Assessment, Victoria Street and Bridge Road Activity Centres, Richmond (Traffix Group, April 2021).

83. Officers support:

    (a) Recommendation (4a) which recommends deleting the reference documents from the DDOs. The change is consistent with Council's preferred version of the Amendment adopted on 21 December 2021. In the preferred version of the amendment, considered by Council in December 2021, reference documents were deleted from the DDOs to comply with the Ministerial Direction on 'Form and Content'; and

(b) Recommendations 1 and 5 which recommend relocating the list of reference documents from Clause 21.11 – Reference Documents to Clause 72.08 – Background Documents. Yarra reference / background documents are currently listed in Clause 21.11 of the Yarra Planning Scheme. Clause 21.11 will be deleted as part of the approval of Amendment C269yara – Rewrite of Local Policies. Officers support the inclusion of the reference documents in Clause 72.08.

Options

84. In line with the Committee's Terms of Reference, the report from the Committee that considered Amendment C291yara has been received by Council and the Minister for Planning.

85. Council has the opportunity to form a final position on the amendment which would be considered by the Minister for Planning before making a decision on Amendment C291yara.

86. Council could:

(a) endorse the amendment with or without changes and request the Minister for Planning prepare and approve a 20(4) amendment; or

(b) alternatively, it could request the Minister not pursue the amendment. This option is not supported.

87. With the expiry of the interim DDOs in March 2023, abandoning the amendment would mean there would be no built form provisions, as the Minister for Planning has indicated that a further extension to the interim controls without substantial progress on permanent provisions would be unlikely.

88. The Committee supported the Amendment, with changes largely as advocated for by Council during the public hearing.

89. If a 20(4) Ministerial amendment was to occur there would be no further public notice, unless directed by the Minister. Officers support this approach considering the extensive notification held across September and October 2021 and the public Committee Hearing held in April 2022.

Community and stakeholder engagement

Exhibition of the amendment

90. Notice of Amendment C291yara included:

(a) letter notification to all owners and occupiers in the DDO boundary and within 200m of land within the DDO41-50 boundary (approximately 20,000 letters);

(NOTE – 3,000 owners and occupiers, south of Bridge Road, between Coppin Street and the Yarra River were renotified during the process to clarify an error in a map which was included in the original notice);

(b) letter notification of 300 owners and occupiers in the City of Melbourne on Punt Road / Hoddle Street (also within 200m of the proposed DDO's);

(c) notice in *The Age* (14 September 2021);

(d) notification of Ministers prescribed by the *Planning and Environment Act 1987* and other statutory bodies;

(e) webpages on:

(i) Standing Advisory Committee process;

(ii) Draft Amendment C291yara;

(f) posts on social media (between 7 -12 October);

(g) article in *Yarra Life e-newsletter* and *Yarra Business news*;

(h) direct emails to all of Yarra's Advisory Committees (including an invitation to meet); and

(i) direct emails to the community, resident and trader groups (including an invitation to meet).

91. COVID 19 and the resulting lockdowns of the Richmond Housing Estates meant that officers could not place posters in the buildings or use the DFFH Newsletter to communicate the amendment to residents in the Richmond Housing Estates as it was delayed.

92. To notify residents of the Estates, material translated into five languages was sent to Council's CALD Whatsapp group (48 recipients) and the Yarra Multicultural Services Network which has 184 members / organisations across Yarra) and by the Department of Families, Fairness and Housing to approximately 170 residents in Richmond/Abbotsford.

93. Letters were also sent to the owners and occupiers of the following properties to advise them of changes to the amendment prior to the exhibition. These changes were necessary to fix errors in the version of the amendment presented to Council on 21 April 2021. The exhibited version of the amendment included the changes. Properties that were notified were 3 Rotherwood Street, corner properties in DDO42 (Bridge Road South) and 25-33 Lithgow Street (see 21 December 2021 Council Report for further details).

Submissions

94. A total of 122 submissions were received, including one submission with 36 signatures.

95. Submissions came from a broad spectrum of the community. Submissions were received from seven interest and community groups. 22 submissions were received from land owners/developers (development interests). The remainder of the submissions were received from individual residents / community members (including some from outside of the Bridge Road / Victoria Street area, other suburbs, or from submitters who did not provide an address).

Further notification following 21 December 2021 Council Meeting

96. Council gave notice of its preferred DDO41-50 on 12 January 2022 by sending a letter to owners, occupiers and neighbouring properties of land affected by the proposed changes to the Amendment resulting from the Council resolution. An email was also sent to submitters advising of the outcome of the Council meeting and information was made available on Council's Amendment C291yara webpage.

97. This further notification comprised sending specific letters to approximately 2,900 properties. The nine letters related to properties:

(a) bound by McKay St, Baker St, Johnston St and Victoria St – to notify of the proposed changes to the residential interface and the Access and Movement Plans;

(b) along Elizabeth Street between Hoddle and Regent Streets to notify of proposed changes to Interface I along Little Hoddle Street and to the Access and Movement Plans;

(c) on the corner of Bridge Road and Church Street – to notify of proposed changes to the Access and Movement Plan;

(d) adjacent to the Richmond Quarter laneway behind Bank Street – to notify of proposed changes to rear interface within the Height and Setback Plan;

(e) where a new residential interface, Interface J is proposed to be applied (NB – These excluded properties notified in other letters);

(f) including and surrounding the Officeworks site – to notify of proposed changes to the residential interface (new Interface J) and setback controls within the Height and Setback Plan;

(g) including and surrounding 188-242 Burnley Street – to notify of proposed changes to the residential interface (proposed Interface J) and setback controls within the Height and Setback Plan;

(h) along Little Hoddle Street – to notify of changes to Interface I along Little Hoddle Street to increase upper level setbacks; and

(i) adjacent to Interface I in DDO48 – to acknowledge a drafting error in relation to Interface I.

98. In response to notice of the preferred DDOs, Council received 11 additional submissions - eight from existing submitters and three from new submitters. The 11 additional submissions were sent to DELWP and referred to the Committee.

Policy analysis

Alignment to Community Vision and Council Plan

99. The Amendment supports the following themes in the Yarra 2036 Community Vision:

(a) Priority 8.1 – Growing Sustainably – Advocate for development and planning design that shaped by and meets our community's future needs; and

(b) Priority 8.2 – Growing Sustainably – Keep our heritage visible while we encourage innovative and sustainable growth.

100. The Amendment supports the following strategies in the Council Plan 2021-2025:

(a) Strategic Objective 3 – Local economy – 'Manage access, safety and amenity to enhance people's experience when visiting Yarra'; and

(b) Strategic Objective 4 – Place and nature – 'Protect, promote and maintain our unique heritage and ensure development is sustainable'

Climate emergency and sustainability implications

101. The Amendment will help facilitate sustainable communities at a local level that have good access to employment, public transport and other amenities.

102. Policy and provisions elsewhere in the Yarra Planning Scheme respond to the climate emergency, namely the *Planning Policy Framework* and Council's *Environmentally Sustainable Design Policy at Clause 22.17* and in the proposed *Local Policy Clause 15.02* (through Amendment C269) Environmentally Sustainable Development (ESD).

103. Particular developments would need to meet the objectives contained in Clause 22.17.

Community and social implications

104. The recommended changes being considered respond to community submissions and aim to achieve a high-quality urban design outcome for the two Major Activity Centres while providing added certainty in relation to their future development potential.

Economic development implications

105. The Amendment may provide further stimulus to the economic development for the two Major Activity centres.

Human rights and gender equality implications

106. There are no known human rights and gender equality implications.

107. The Amendment complies with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Operational analysis

Financial and resource impacts

108. Financial costs in the order of $750,000 are associated with the draft amendment process, including the Standing Advisory Committee process, legal representation and the engagement of experts such as urban design and heritage who were required to provide evidence on behalf of Council.

109. A statutory fee of $4,128 is required to request a ministerial 20(4) amendment.

Legal Implications

110. The Amendment has been progressed is in accordance with the *Yarra Activity Centres Standing Advisory Committee Terms of Reference* issued by the Minister for Planning on 10 June 2021.

111. Council must ensure natural justice to all parties and to maintain the integrity of the Amendment process per Section 32 of the *Terms of Reference*.

Conclusion

112. Council has received the Committee Report in relation to Amendment C291yara.

113. The Committee broadly supports the Amendment. It found that Amendment C291yara is well founded and strategically justified. It commended Council for its integrated built form, heritage, access and movement approach. This approach ensures that development is enabled without compromising existing identified heritage or negatively impacting on access and the surrounding traffic network.

114. Based on the reasons set out in its report, the Committee recommended that Amendment C291yara be approved as exhibited, subject to recommended changes.

115. Officers generally support all but four of the Committee's recommendations. Specifically:

    (a) the proposed deletion of two criteria for assessing preferred (discretionary) building heights - the BESS (Built Environment Sustainability Scorecard) standard requirement and private / communal open space requirement (in DDO41-50);

    (b) the application of a discretionary height of 15m to 35-47 Lithgow Street, replacing the mandatory 15m height (in DDO49);

    (c) the application of discretionary heights instead of mandatory heights to the south side of Victoria Street, between Church and Lambert Streets (except for land subject to the Heritage Overlay) and between McKay and Johnson Streets (in DDO50); and

    (d) the retention of a 6m rather than an 8m landscape setback on the eastern boundary of 566 Bridge Road - the Officeworks site (in DDO44).

116. At this meeting, Council has the opportunity to form a final position on the Amendment for the Minister for Planning to consider it before making a decision on Amendment C291yara.

117. The next step in the process, should Council choose to progress the Amendment, would be to adopt a final version of the amendment (with or without changes) and request the Minister for Planning prepare, adopt and approve the draft amendment using her powers under 20(4) of the Act.

118. Officers consider that the implementation of built form provisions and controls through Amendment C291yara provides added certainty and clarity for development within the Bridge Road and Victoria Street Activity Centres.

RECOMMENDATION

1. That Council:

   (a) notes the officer report regarding draft Amendment C291yara (the Amendment), officer recommendations and Attachments 1, 2, 3 and 4;

   (b) notes the public release of the Committee Report for the Amendment under Section 40 of the *Yarra Activity Centres Standing Advisory Committee Terms of Reference*;

   (c) having considered the Standing Advisory Committee report, adopts the Amendment with the changes as set out in Attachments 3 and 4 to this report;

   (d) delegates to the Director Planning and Placemaking the authority to finalise the Amendment in accordance with Council's resolution (1)(c), and to make any administrative or formatting changes to the Amendment documentation and maps required to give effect to Council's resolution;

   (e) submits the Amendment to the Minister for Planning and requests she prepare, adopt, and approve a formal planning scheme amendment in the same form as the Amendment adopted under resolution (1)(c) and (d), in accordance with section 20(4) of the *Planning and Environment Act 1987*; and

   (f) notifies all submitters of this Council resolution.

Attachments

1⇩ Attachment 1 - Standing Advisory Committee Report - Bridge Road and Victoria Street Activity Centres - Draft Amendment C291yara

2⇩ Attachment 2 - C291yara - Committee Recommendations and officer responses

3⇩ Attachment 3 - C291yara - Marked-up version of provisions

4⇩ Attachment 4 - C291yara - Clean version of the Amendment for adoption

Attachment 1 - Attachment 1 - Standing Advisory Committee Report - Bridge Road and Victoria Street Activity Centres - Draft Amendment C291yara

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Bridge Road and Victoria Street Activity Centres
Draft Amendment C291yara

Yarra Activity Centres Standing Advisory Committee Report 3

Planning and Environment Act 1987

24 June 2022

VICTORIA State Government

Planning and Environment Act 1987

Yarra Activity Centres Standing Advisory Committee Report 3 pursuant to section 25 of the PE Act

Bridge Road and Victoria Street Activity Centres

Draft Amendment C291yara

24 June 2022

Con Tsotsoros, Chair

Sarah Raso, Deputy Chair

Sally Conway, Member

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Appendix B Submitters to the Amendment

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F2	**Design and Development Overlay Schedule 44**
F3	**Design and Development Overlay Schedule 48**
F4	**Design and Development Overlay Schedule 49**
F5	**Design and Development Overlay Schedule 50**

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Glossary and abbreviations

Beresford	The Thomas John Beresford Will Trust
Beresford Land	67-81 Hoddle Street and 84 Regent Street, Richmond
BRAC	Bridge Road Activity Centre
BRAC Heritage Report	Bridge Road, Richmond Heritage Analysis and Recommendations, GJM Heritage, 12 April 2021
Built Form Report	Bridge Road & Victoria Streets Review of Interim Built Form Controls – Analysis and Recommendations, MGS Architects and Urban Circus, April 2021
Council	Yarra City Council
DELWP	Department of Environment, Land, Water and Planning
DDO	Design and Development Overlay Note: A number following the overlay refers to the schedule number
Draft Built Form Framework	Draft Built Form Framework, David Lock Associates, June 2018
GRZ	General Residential Zone
JR Corporation	James Richardson Corporation Pty Ltd
JR Land	35-47 Lithgow Street, Abbotsford
Nicolaou Land	35-41 Hoddle Street and 6-8 Elizabeth Street, Richmond
PE Act	*Planning and Environment Act 1987*
Planning Scheme	Yarra Planning Scheme
Traffic Report	Traffic Engineering Assessment – Victoria Street and Bridge Road Activity Centres, Traffix Group, April 2021
VCAT	Victorian Civil and Administrative Tribunal
VSAC	Victoria Street Activity Centre
VSAC Heritage Report	Victoria Street, Abbotsford and Richmond Heritage Analysis and Recommendations, GJM Heritage, 12 April 2021
Yarra Housing Strategy	Yarra Housing Strategy, September 2018
YSEES	Yarra Spatial Economic and Employment Strategy

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Attachment 1 - Attachment 1 - Standing Advisory Committee Report - Bridge Road and Victoria Street Activity Centres - Draft Amendment C291yara

Overview

Amendment summary	
The Amendment	Yarra Planning Scheme Amendment C291yara
Common name	Bridge Road and Victoria Street Activity Centres
Brief description	Introduce permanent built form and design requirements for the Bridge Road and Victoria Street activity centres
Subject land	Bridge Road and Victoria Street activity centres, as shown in Figure 1
Planning Authority	Yarra City Council
Exhibition	14 September to 27 October 2021
Submissions	122 submissions were received, as shown in Appendix B

Committee process	
The Committee	Con Tsotsoros (Chair), Sarah Raso and Sally Conway
Directions Hearing	By video conference, 4 March 2022
Hearing	By video conference, 4, 5, 6, 7, 8, 12, 13, 14, 19, 20, 21 and 22 April 2022
Site inspections	Unaccompanied, 18 March 2022
Parties to the Hearing	See Appendix C
Citation	Yarra Activity Centres (SAC) [2022] PPV
Date of this report	24 June 2022

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Executive summary

The City of Yarra has activity centres and other areas which are attracting development interest. This includes the Bridge Road Activity Centre (BRAC) which abuts Melbourne's central city and the Victoria Street Activity Centre (VSAC) located about 860 metres north of the BRAC. Train stations and multiple tram routes service both centres.

Yarra Planning Scheme draft amendment C291yara (the Amendment) seeks to implement the recommendations of strategic planning work by introducing planning provisions to help guide future development in both activity centres. The Amendment, among other changes, proposes to:

- introduce Design and Development Overlay Schedules 41, 42, 43, 44 and 45 to the BRAC and Schedules 46, 47, 48, 49 and 50 to the VSAC
- revise Clause 21.12 to include associated strategic direction.

The Minister for Planning appointed the Yarra Activity Centres Standing Advisory Committee (the Committee) on 10 June 2021 to advise on referred planning matters and associated draft Yarra Planning Scheme provisions for activity centres and other areas of urban change. On 6 February 2022, the Minister referred the Amendment to the Committee.

The Amendment was exhibited from 14 September to 27 October 2021 and received 122 submissions. Parties had an opportunity to present their submission at a Hearing held by video conference in April 2022.

CROSS-CENTRE ISSUES

Strategic issues

Council conducted background studies to better understand issues in both activity centres and to inform an integrated planning framework. The resulting reports include:

- Bridge Road & Victoria Street Centres: Review of Interim Built Form Controls - Analysis and Recommendations, MGS Architects and Urban Circus, April 2021 (Built Form Report)
- Draft Built Form Framework, David Lock Associates, June 2018 (Draft Built Form Framework)
- Bridge Road Richmond – Heritage Analysis and Recommendations, GJM Heritage, April 2021 (BRAC Heritage Study)
- Victoria Street Abbotsford and Richmond – Heritage Analysis and Recommendations, GJM Heritage, April 2021 (VSAC Heritage Study)
- Traffic Engineering Assessment – Victoria Street and Bridge Road Activity Centres, Traffix Group, April 2021 (Traffic Report).

The background studies form a sound basis for the Amendment.

The Amendment will contribute towards Yarra providing sufficient residential and commercial capacity across its municipality to meet future demand. It will not unreasonably impact future growth in either activity centre.

Council is commended for:

- integrating built form, heritage, access and movement through a single strategic approach
- the resulting Amendment which applies default provisions and interfaces (tailored where necessary) to relevant areas within each activity centre's precincts.

This approach ensures that development is enabled without compromising existing identified heritage or negatively impacting on access and the surrounding traffic network.

Submissions that focussed on a single property and on urban design or planning matters alone provided a limited understanding of how increasing building heights, applying discretionary (rather than mandatory) provisions or decreasing upper level setbacks would impact the broader area, precinct or activity centre. Such an understanding is particularly important in streetscapes with existing heritage fabric.

Issues common across both centres

Heritage and Interface A

The heritage reports for each activity centre form a robust foundation for generally justifying the Interface A built form provisions proposed in the DDO schedules. Any proposal to demolish a building on land in the Heritage Overlay, potentially resulting in facadism, will be assessed by Council through a permit application when design details are known.

The Design and Development Overlay schedule design objectives do not have to refer to low rise because it does not reflect the maximum height found to sensitively respond to existing heritage fabric.

Interfaces H, I and J

The proposed Interfaces H and I and the post-exhibited Interface J are justified and appropriate.

Mandatory provisions

The mandatory provisions for specified building heights, street wall heights and setbacks, upper-level setbacks and overshadowing are justified and necessary unless specified otherwise in this report.

Clause 21.12 (11.03-1L)

Clause 21.12 content should be translated into a new Clause 11.03-1L. It is appropriate for Clause 11.03-1L to:

- use the term 'mid-rise' in Clause 11.03-1L without a definition because it is defined elsewhere in the Yarra Planning Scheme
- provide additional content in relation to views to landmarks, overshadowing of public spaces and provision of cycle routes to set the context for more detailed policy in the Design and Development Overlay schedules on these matters.

Economic policy in Clause 11.03-1L should focus support for residential use above ground floor particularly on Bridge Road and Church Street.

The format of Clause 11.03-1L is generally consistent with the Ministerial Direction on the Form and Content of Planning Schemes. Before adopting the Amendment, drafting should be reviewed to ensure consistency with drafting guidance and to maximise clarity and legibility of the planning provisions without changing the intent.

DDO schedule building heights and building height requirements

The approach to building heights proposed in the Design and Development Overlay schedules for both activity centres is appropriate.

Each DDO schedule should only include criteria for exceeding the discretionary maximum building height which clearly and directly relates design and amenity objectives sought to be achieved.

Housing affordability should not be a criterion for varying a discretionary maximum building height because housing affordability warrants a more appropriate and certain implementation framework. Amendment C269yara proposes affordable housing provisions which, pending their introduction, would provide a more appropriate and certain implementation framework.

A permit application which proposes heights greater than the discretionary maximum building height should not be reviewed by an external body such as the Victorian Government Architect or through a non-statutory process.

Transitional provisions

The Design and Development Overlay schedules should not include transitional clauses.

Form and content of the Amendment

Clause 11.03-1L and Design and Development Overlay Schedules 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50 would benefit from drafting changes which clarify their intent, improve their operation, and better align with plans in the schedule.

The background documents proposed to be introduced into Clause 21.11 should be listed in Clause 72.08 (Background documents) of the Yarra Planning Scheme.

BRIDGE ROAD ACTIVITY CENTRE

Centre-wide issues – Views to landmarks

Views 1 and 2 to the Pelaco sign are strategically justified and appropriate to include in Design and Development Overlay Schedule 41.

A mandatory maximum building height of 11 metres is justified and appropriate for 54-56 Bridge Road, Richmond to protect views to the Pelaco sign from Views 1 and 2 in Wellington Parade. A building height should be specifically defined for 2-70 Bridge Road, Richmond to clarify that the mandatory building height is measured horizontally from the street level.

The location and associated view cone of St Ignatius Church has been incorrectly shown in Design and Development Overlay Schedules 41, 42 and 43 and should be corrected.

Council should consider investigating, through a separate process, the appropriateness of a new DDO schedule for view lines which would more accurately map the affected land.

Precinct 1 – Bridge Road West (DDO41)

Building height and interface requirements

A discretionary maximum building height of 15 metres is appropriate for land on the south side of Hull Street. There is no need to amend the discretionary height provision applied to the Richmond Quarter site.

It is appropriate to apply mandatory height and upper-level setbacks provisions to 45-47 Bridge Road, Richmond given the heritage context of the site and streetscape.

A mandatory maximum building height of:

- 11 metres is appropriate for 54-56 Bridge Road, Richmond to protect views to the Pelaco sign from viewing points in Wellington Parade

- 21 metres is appropriate for properties along Allowah Terrace and at 193 and 193a Lennox Street, Richmond
- 18 metres is appropriate for 242 Bridge Road, Richmond given the heritage context of the site and streetscape
- 15 metres is appropriate for 258-264 Church Street, Richmond.

The rear of 146 and 148 Bridge Road, Richmond could support taller built form without impacting the heritage streetscape.

A building height of up to 21 metres for 193 and 193a Lennox Street, Richmond will not negatively interfere with views to the Pelaco sign.

It is appropriate to apply:

- Interface A along the Church Street frontage for 268-280 Church Street, Richmond, recognising the interface that development of these properties has with the broader Church Street heritage precinct
- Interface F to the western boundary of 268-280 Church Street, Richmond, where it interfaces with Alexander Reserve.

The Interface J mapping near 242 Bridge Road, Richmond should be amended so it is clear as to where it applies.

Overshadowing, building separation and design quality requirements

The overshadowing provisions proposed in Design and Development Overlay Schedule 41 are justified and appropriate.

The building separation provisions in Design and Development Overlay Schedule 41 are justified and should apply to 45-47 Bridge Road, Richmond.

The exhibited planning provisions regarding greater ground level floor-to-floor heights and opportunities for lot consolidation are appropriate and should be included in Design and Development Overlay Schedule 41.

Precinct 2 – Bridge Road South (DDO42)

The mandatory maximum building height of 18 metres is justified and appropriate for land in Precinct 2, including 300-306 Bridge Road, Richmond.

The Interface A upper-level setback provisions are appropriate for Precinct 2, including 300-306 Bridge Road, Richmond.

Precinct 3 – Bridge Road Central (DDO43)

A discretionary maximum building height of:

- 18 metres is appropriate for 393-395 Bridge Road, Richmond and would not compromise policy objectives for Precinct 3
- 24 metres is unsupported by policy which seeks to direct taller built form behind Bridge Road sites.

Mandatory upper-level setbacks are justified in Precinct 3 to ensure the prominence of the heritage streetscape character.

It is appropriate to apply:

- the Interface A provisions to the Bridge Road frontages of land in Precinct 3, including 393-395 Bridge Road, Richmond
- the Interface C preferred street wall height provisions to land in Precinct 3, including 393-395 Bridge Road, Richmond particularly as it adjoins a heritage building on Coppin Street.

There is no strategic justification to reduce the Interface C upper-level setback from 6 metres to 5 metres.

Precinct 4 – Bridge Road South (DDO44)

Interface C, H and landscape setbacks

Property addresses should be checked and confirmed before finalising Design and Development Overlay Schedule 44.

It is appropriate and justified to apply:

- Interface C to Burnley Street
- Interface J to the south and southwestern boundaries of 198-242 Burnley Street, Richmond
- Interface J to the eastern and southern boundaries of 566 Bridge Road, Richmond
- a landscape setback of 1.3 metres to the southwest (abutting 55 Neptune Street) and 3 metres to the southern-most boundary (abutting 244 Burnley Street) to 198-242 Burnley Street, Richmond
- the exhibited landscape setbacks to 566 Bridge Road, Richmond.

A landscape setback of 3 metres should be considered for 660-662 Bridge Road, Richmond through a separate future amendment.

Building height and other design requirements

The maximum building heights proposed in Design and Development Overlay Schedule 44 are appropriate and justified. Future development at 566 Bridge Road, Richmond does not require additional guidance on materiality.

Access, parking and loading bay requirements

The revised vehicular access provisions in the Day 1 Version of Design and Development Overlay Schedule 44 are appropriate and allow for greater consideration of local context than the exhibited version.

The potential pedestrian link which connects to Strafford Street as shown on Plan 2 (Access and movement) in Design and Development Overlay Schedule 44 should be retained.

The potential pedestrian link through 566 Bridge Road as shown on Plan 2 (Access and movement) in Design and Development Overlay Schedule 44 should be removed because it would not allow for the creation of a public thoroughfare.

VICTORIA STREET ACTIVITY CENTRE

Precinct 1 – Victoria Street West (DDO46)

The mandatory upper-level setback and maximum building height are justified and appropriate for 231 Victoria Street, Abbotsford.

Precinct 2 – Victoria Street Central (DDO47)

The mandatory maximum building height is appropriate and justified for 297 Victoria Street, Abbotsford.

The discretionary maximum building height is appropriate and justified for:

- the land on the north side of Butler Street.
- the land on the east side of Little Charles Street.

Precinct 3 – North Richmond Station (DDO48)

Street wall height requirements

The discretionary street wall height requirements proposed for Design and Development Overlay Schedule 48 are appropriate and justified for 35-41 Hoddle Street and 6-8 Elizabeth Street, Richmond.

Street wall setback requirements

The vehicle and pedestrian access requirements along Little Hoddle Street in Precinct 3 are generally appropriate. The proposed street wall setback requirement along Little Hoddle Street is appropriate and justified on the basis that it remains discretionary. Interface I should be amended to so that the 'preferred requirements' column of the minimum side/rear wall setback no longer references specific property addresses.

Upper-level setback requirements

The upper-level setback along:

- Hoddle Street south of Elizabeth Street should be amended to 3 metres, except within 5 metres of a heritage property where an upper-level setback should be 6 metres
- Elizabeth Street between Hoddle Street and Little Hoddle Street should be amended to 3 metres
- Regent Street, as it applies to the Beresford land, is appropriate.

For properties which abut Little Hoddle Street, the upper-level setback should be amended to 6.5 metres from the property boundary, plus an additional 3 metres at the uppermost level for development over 30 metres on the western side of Little Hoddle Street.

Interface C which provides for a preferred 6 metre upper-level setback should be applied to the Regent Street boundary of 46-60 Regent Street, Richmond.

Building height requirements

The maximum building height requirements proposed for Design and Development Overlay Schedule 48 are appropriate and justified.

Access and movement requirements

Design and Development Overlay Schedule 48 Plan 2 (Access and movement plan) should be amended to terminate the southern end of Little Hoddle Street at the property boundary of 67-81 Hoddle Street and 84 Regent Street, Richmond.

The 'Proposed Pedestrian Links' in Design and Development Overlay Schedule 48 Plan 2 (Access and movement plan) are appropriate and justified.

Precinct 4 – Victoria Street East (DDO49)

Upper-level setback requirements

The upper-level setback requirement is appropriate and justified for 35-47 Lithgow Street, Abbotsford.

Building height and side and rear setback requirements

A discretionary maximum building height of 15 metres should be applied to 35-47 Lithgow Street, Abbotsford. The building height provisions are appropriate and justified for 367 and 401-407 Victoria Street, Abbotsford.

The side and rear setback requirements are appropriate and justified.

Precinct 5 – Victoria Street East End (DDO50)

The building height requirements are generally appropriate and justified. The mandatory building height provisions are:

- not justified or appropriate for the south side of Victoria Street, between Church and Lambert Streets, except for land subject to the Heritage Overlay, and between McKay and Johnson Streets
- justified and appropriate for the south side of Victoria Street between Lambert and McKay Streets.

Recommendations

Based on the reasons set out in this Report, the Committee recommends that draft Yarra Planning Scheme Amendment C291yara be prepared, adopted and approved as exhibited subject to the following:

BOTH ACTIVITY CENTRES

1. **Amend Clause 21.11 to no longer list the three reference documents relevant to draft Yarra Planning Scheme Amendment C291yara.**
2. **Amend Clause 21.12 and translate the content of Clause 21.12 into a new Clause 11.03-1L, as shown in Appendix E.**
3. **Amend Design and Development Overlay Schedules 41, 42, 44, 48, 49 and 50 to include Interface J to land south of Bridge Road or Victoria Street.**
4. **Amend Design and Development Overlay Schedules 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50, as shown in Appendix F, to:**
   a) **no longer list the three reference documents relevant to draft Yarra Planning Scheme Amendment C291yara**
   b) **delete after the words 'the proposal will achieve each of the following':**
      - ***excellence for environmentally sustainable design measured as a minimum BESS project score of 70%***
      - ***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***
   c) **delete the words:**
      where a proposal includes dwellings, it also achieves each of the following:

- ***housing for diverse households types, including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations***
- ***accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and/or 58 as relevant***
- ***communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and/or 58, as relevant.***

5. **Reference the following documents in Clause 72.08 (Background documents):**
   a) **Bridge Road & Victoria Street Activity Centres - Review of Interim Built Form Controls – Analysis and Recommendations (MGS Architects and Urban Circus, April 2021)**
   b) **Built Form Review: Bridge Road – Heritage Analysis and Recommendations (GJM Heritage, April 2021)**
   c) **Built Form Review: Victoria Street – Heritage Analysis and Recommendations (GJM Heritage, April 2021)**
   d) **Traffic Engineering Assessment, Victoria Street and Bridge Road Activity Centres, Richmond (Traffix Group, April 2021).**
6. **Amend Clause 11.03-1L and Design and Development Schedules 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50, to make drafting changes shown in Appendices E and F which improves their clarity and operation.**

BRIDGE ROAD ACTIVITY CENTRE

7. **Amend the Design and Development Overlay Schedule 41, as shown in Appendix F1, to:**
   a) **include a definition of building height as shown in Appendix E.**
   b) **change the mandatory maximum building height across the rear of 146 and 148 Bridge Road, Richmond**
   c) **clarify mapping of Interface J near 242 Bridge Road, Richmond**
   d) **clarify overshadowing provisions.**
8. **Amend the Design and Development Overlay Schedules 41, 42 and 43 to show the correct location and associated view cone of St Ignatius Church.**
9. **Review Design and Development Overlay Schedules 41, 42, 43 and 50 to ensure they accurately map landmarks and associated view cones.**
10. **Amend Design and Development Overlay Schedule 43 to change the mandatory maximum building height for 393-395 Bridge Road, Richmond to a discretionary height provision.**
11. **Amend Design and Development Overlay Schedule 44, as shown in the Appendix F2, to:**
    a) **apply landscape setbacks of 1.3 metres to the southwest and 3 metres to the south boundary at 198-242 Burnley Street, Richmond**
    b) **include in the Legend to Plan 2 (Access and movement): '*Burnley Street access may be considered depending on size of car park and discussions with the Department of Transport*'**
    c) **revise wording under Vehicular Access Requirements to discourage access from Bridge Road and require Department of Transport approval for any access from an arterial road**

d) **remove the potential pedestrian link from 566 Bridge Road, Richmond.**

VICTORIA STREET ACTIVITY CENTRE

12. **Amend Design and Development Overlay Schedules 46 and 48, as shown for Design and Development Overlay Schedule 48 in Appendix F3, to:**
    a) **revise the preferred upper-level setback from the property boundary along Little Hoddle Street (Interface I) to 6.5 metres, plus an additional 3 metres at the uppermost level for development over 30 metres on the western side of Little Hoddle Street.**

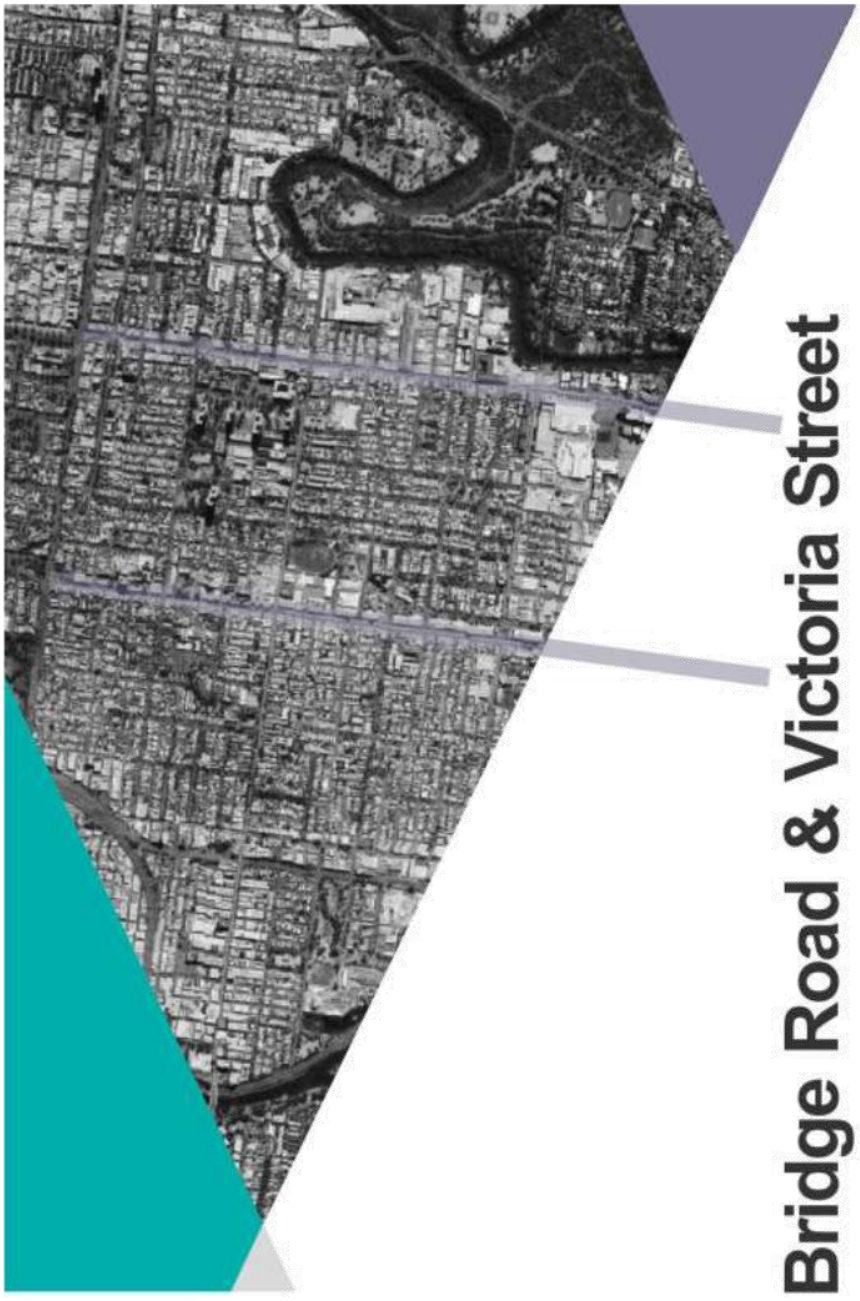
13. **Amend Design and Development Overlay Schedule 48, as shown in Appendix F3, to:**
    a) **delete specific property addresses in the 'preferred requirements' column of the minimum side/rear wall setback for Interface I.**
    b) **revise the preferred upper-level setback (Interface D) along Hoddle Street south of Elizabeth Street to 3 metres, except within 5 metres of a heritage property where an upper-level setback should be 6 metres**
    c) **revise the preferred upper-level setback along Elizabeth Street (Interface C) between Hoddle Street and Little Hoddle Street to 3 metres**
    d) **apply Interface C to the Regent Street boundary of 46-60 Regent Street**
    e) **correct Plan 2 (Access and movement plan) to terminate the southern end of Little Hoddle Street at the property boundary of 67-81 Hoddle Street and 84 Regent Street, Richmond.**

14. **Amend Design and Development Overlay Schedule 49, as shown in Appendix F4, to change the mandatory maximum height for 35-47 Lithgow Street, Abbotsford to a discretionary height provision.**

15. **Amend Design and Development Overlay Schedule 50, as shown in Appendix F5, to apply discretionary rather than mandatory building height provisions on land on the south side of Victoria Street between:**
    a) **Church and Lambert Streets, except for land subject to the Heritage Overlay**
    b) **McKay and Johnson Streets.**

Attachment 1 - Attachment 1 - Standing Advisory Committee Report - Bridge Road and Victoria Street Activity Centres - Draft Amendment C291yara

PART A – BACKGROUND AND CROSS-CENTRE ISSUES



Bridge Road & Victoria Street Activity Centres

1 Introduction

This Report must be read with the *Yarra Activity Centres Standing Advisory Committee Report 1 – Overarching Report* (Committee Report 1).

1.1 Referral to the Committee

10 June 2021	The Minister for Planning appointed the Yarra Activity Centres Standing Advisory Committee (the Committee) to advise on referred planning matters and associated draft Yarra Planning Scheme provisions for activity centres and other areas of urban change. Further details are provided in Committee Report 1.
23 December 2021	Council wrote to the Minister for Planning to request that draft Planning Scheme Amendment C291yara (Amendment) be referred to the Committee.
6 February 2022	The Minister for Planning referred the Amendment to the Committee. A copy of the letter of referral is included in Appendix A.

1.2 Draft Amendment

(i) Amendment description

The purpose of the Amendment is to implement the recommendations of:

- *Bridge Road & Victoria Street Centres: Review of Interim Built Form Controls – Analysis and Recommendations*, MGS Architects and Urban Circus, April 2021 (Built Form Report)
- *Bridge Road Richmond – Heritage Analysis and Recommendations*, GJM Heritage, April 2021 (BRAC Heritage Study)
- *Victoria Street Abbotsford and Richmond – Heritage Analysis and Recommendations,* GJM Heritage, April 2021 (VSAC Heritage Study)
- *Traffic Engineering Assessment – Victoria Street and Bridge Road Activity Centres,* Traffix Group, April 2021 (Traffic Report).

Specifically, the Amendment proposes to:

- amend Clause 21.11 to reference the Built Form Report, BRAC Heritage Study and VSAC Heritage Study
- amend Clause 21.12 to insert two new sections on the Bridge Road and Victoria Street Activity Centres to guide built form in each centre

Bridge Road Activity Centre

- apply Design and Development Overlay Schedules 41, 42, 43, 44 and 45
- delete interim Design and Development Overlay Schedule 21

Victoria Street Activity Centre

- apply Design and Development Overlay Schedules 46, 47, 48, 49 and 50
- delete interim Design and Development Overlay Schedule 22.

(ii) The subject land

The Amendment applies to land in the Victoria Street and Bridge Road activity centres shown in Figure 1.

Figure 1 Subject land

Source: Amendment Explanatory Report

1.3 Background

25 June 2018	Council request for Ministerial Amendment C250 to the Yarra Planning Scheme under 20(4) of PE Act for interim built form provisions for DDO21 (Bridge Road), DDO22 (Victoria Street) and DDO23 (Collingwood South)
4 September 2018	Council adopts Yarra Spatial Economic and Employment Strategy and Yarra Housing Strategy
15 November 2018	Amendments C248 and C249 gazetted to implement DDO21 and DDO22 on an interim basis
1 October 2020	Amendment C284yara gazetted to extend expiry date of DDO21 and DDO22 interim controls until 30 June 2021
24 June 2021	Amendment C290yara gazetted to further extend expiry date of DDO21 and DDO22 interim controls until 30 June 2022
20 April 2021	Council resolves to request the Minister for Planning refer Amendment C291yara to an Advisory Committee and request the Minister's consent to prepare and exhibit the Amendment
10 June 2021	Minister for Planning issues Terms of Reference
9 August 2021	Yarra Activity Centres Standing Advisory Committee appointed

19 August 2021	Minister for Planning provides consent to prepare and exhibit Amendment C291yara, with conditions
14 September 2021 – 27 October 2021	Amendment C291yara publicly exhibited
21 December 2021	Council considers 118 submissions received during exhibition and resolves to adopt recommended changes to Amendment C291yara with some further changes and to request referral of the Amendment to the Committee
6 February 2022	Minister refers Amendment C291yara to Committee

1.4 Three-dimensional modelling

At the Direction Hearing, no party requested different perspectives or real time views of the three-dimensional modelling shown in the Built Form Report. During the Hearing, Council's witnesses explained how they used the modelling and that it was in combination with their professional judgement. A few parties criticised the modelling and called expert witnesses who presented similar modelling.

Council responded that:

> It is of interest that:
>
> (a) The underlying modelling tool used by other experts was a of a similar type to the modelling tool used by the Council;
>
> (b) None of those parties relying upon that modelling:
>
> (i) adduced evidence as to the accuracy of the underlying modelling tool used by them;
>
> (ii) Sought to have their own modelling outputs independently verified by surveyors;
>
> (c) Neither did any witness criticise the modelling undertaken by the Council on the basis that the base model was inaccurate (in terms of its representation of context or forms); and
>
> (d) Based on survey data actually produced by one submitter in relation to the Pelaco sign, it was evident that, in fact the model describes the built form extremely accurately.
>
> The Committee should proceed on the basis that the model used by the Council is sufficiently accurate as one tool to be used in making judgements about the appropriateness of the controls.

Council added that each party had an opportunity to challenge the conclusions and opinion reached by Council and its advisers.

The Committee agrees with Council's submission that the three-dimensional modelling shown in the Built Form Report can be used as one means to visualise building envelopes. The other means is professional judgement as explored throughout the Hearing, including expert evidence.

1.5 The Committee's approach

The Committee has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Committee considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions

and materials have been considered by the Committee in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

PART A – BACKGROUND AND CROSS-CENTRE ISSUES

- Strategic issues
- Issues common across both centres
- Form and content of the Amendment

PART B – BRIDGE ROAD ACTIVITY CENTRE

- Centre-wide issues
- Precinct 1 – Bridge Road West (DDO41)
- Precinct 2 – Bridge Road South (DDO42)
- Precinct 3 – Bridge Road Central (DDO43)
- Precinct 4 – Bridge Road South (DDO44)

PART C – VICTORIA STREET ACTIVITY CENTRE

- Centre-wide issues
- Precinct 1 – Victoria Street West (DDO46)
- Precinct 2 – Victoria Street Central (DDO47)
- Precinct 3 – North Richmond Station (DDO48)
- Precinct 4 – Victoria Street East (DDO49)
- Precinct 5 – Victoria Street East End (DDO50).

1.6 Limitations

The Committee received or heard submissions that raised several issues that are beyond the scope of the Amendment. The Committee considered the issues when preparing this report but has not provided specific comment or recommendations on the following matters.

Specific permit applications or development proposals

The Committee has used this information for context and to understand current or expected development activity. Issues associated with development proposals are considered during the planning permit application process.

Requests to rezone properties or remove the Public Acquisition Overlay

The Committee can only consider the exhibited Amendment which proposes to apply built form provisions, therefore requests to rezone land or issues associated with the Public Acquisition Overlay are outside the scope of the Amendment.

Transport issues including car parking, public transport, and bicycle infrastructure

The Amendment does not propose to increase development capacity. Potential impacts associated with vehicular, pedestrian and bicycle traffic and parking may be relevant during the planning permit application stage when development proposal details are known

Public open space or improvements to public realm

These are matters for Council to consider through either the planning permit application stage or a separate planning scheme amendment process.

Amenity issues relating to views from within private property, noise and construction activity

The Amendment does not regulate views from private property. Other amenity issues may be relevant at the planning permit application stage.

Waste collection and emergency vehicles

Similar to transport issues, these impacts may be relevant during the planning permit application stage when development proposal details are known.

Environmentally sustainable development

Environmentally sustainable development (ESD) is managed through existing Clause 22.17 provisions in the Planning Scheme.

Effects on property values and compensation

The PE Act requires the planning authority (Council) to consider any economic effects of the Amendment on the broader community. Council responded to this through the Amendment's explanatory report. Economic effects, as contemplated by the PE Act, does not extend to private individual financial impact or compensation or property value.

Community consultation

Council publicly exhibited the Amendment to owners and occupiers for six weeks, which exceeds the minimum timeframe specified in section 19 of the PE Act. Based on available information, Council appears to have satisfactorily met its statutory obligations regarding community consultation.

2 Strategic issues

2.1 Planning Scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

(i) Zones

Most of the land in both activity centres is in the Commercial 1 Zone (C1Z), with some properties in the Commercial 2 Zone (C2Z) or the Mixed Use Zone (MUZ).

(ii) Overlays

The Design and Development Overlay Schedule 21 (interim DDO21) currently applies to the BRAC and the Amendment proposes to replace it with DDO Schedules 41, 42, 43, 448 and 45.

The Design and Development Overlay Schedule 22 (interim DDO22) currently applies to the VSAC and the Amendment proposes to replace it with DDO Schedules 46, 47, 48, 49 and 50. The Heritage Overlay applies to land in both activity centres.

Other zone and overlay purposes are set out in Table 1.

Table 1 Zone and overlay purposes

Zones	
Commercial 1	To implement the Municipal Planning Strategy and the Planning Policy Framework. To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. To provide for residential uses at densities complementary to the role and scale of the commercial centre.
Commercial 2	To implement the Municipal Planning Strategy and the Planning Policy Framework. To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services. To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.
Mixed Use	To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality. To provide for housing at higher densities. To encourage development that responds to the existing or preferred neighbourhood character of the area. To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.
Overlays	
Design and Development	To identify areas which are affected by specific requirements relating to the design and built form of new development.

Heritage	To conserve and enhance heritage places of natural or cultural significance. To conserve and enhance those elements which contribute to the significance of heritage places. To ensure that development does not adversely affect the significance of heritage places. To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

2.2 Background reports

(i) The issue

The issue is whether the background reports form a sound basis for the Amendment.

(ii) Bridge Road & Victoria Street Centres: Review of Interim Built Form Controls – Analysis and Recommendations, MGS Architects and Urban Circus, April 2021

MGS Architects was engaged to undertake an urban design review of interim DDO21 and DDO22. This resulted in the Built Form Report. The purpose was to assess and test the suitability of the interim built form provisions to improve their alignment, clarity and workability, with the aim of achieving the strategic objectives for both the BRAC and the VSAC.

The review involved:

- a review of existing conditions
- an analysis of the operation of the existing provisions, including by way of three-dimensional modelling of planning envelopes and alternative approaches
- consideration of recent planning applications, Planning Panel recommendations and VCAT decisions in the development of built form provisions for the area.

The Built Form Report considered the background work undertaken for both activity centres, including that contained in the:

- Draft Built Form Framework
- BRAC Heritage Report
- VSAC Heritage Report
- Traffic Report.

GJM Heritage provided heritage input which was based on an analysis of heritage buildings and streetscapes focussing on the built form parameters to appropriately manage development within the heritage context.

The Built Form Report:

- recommends building and street wall height, upper-level setbacks, and residential interfaces
- updates the preferred character statements for the BRAC and the VSAC
- informs the preparation of the built form provisions in the permanent DDOs.

(iii) Bridge Road Richmond – Heritage Analysis and Recommendations, GJM Heritage, April 2021 and the Victoria Street Abbotsford and Richmond – Heritage Analysis and Recommendations, GJM Heritage, April 2021

GJM Heritage was engaged to provide heritage input into the Built Form Report and ensure that the Built Form Report considered the heritage values of the recognised heritage precincts and buildings within the Bridge Road and Victoria Street areas. As a result of this, GJM prepared the BRAC Heritage Report and the VSAC Heritage Report.

The Heritage Studies built on and updated the Victoria Street and Bridge Road Built Form Review Heritage Analysis & Recommendations (14 June 2018) report prepared by GJM Heritage in 2018, to take account of improved modelling, changes to various Planning Practice Notes and recent Panel Reports considering similar historic high streets.

Specifically, the Heritage Studies:

- identify the built form parameters required to ensure that the heritage values of the BRAC and the VSAC are appropriately managed and protected
- consider whether mandatory or discretionary provisions are appropriate to achieve greater certainty in heritage outcomes.

The Heritage Studies informed the Built Form Report and the combined work has informed the proposed street wall heights, building setbacks and building heights in the DDO schedules forming part of the Amendment.

(iv) Traffic Engineering Assessment – Victoria Street and Bridge Road Activity Centres, Traffix Group, April 2021

The Traffic Report was prepared to consider future access arrangements, prepare access and movement plans and provide input into the content of the DDO schedules.

The work involved:

- site inspections and mapping of existing access arrangements and constraints
- review and categorisation of laneways and local roads) in order to better understand their potential to accommodate additional traffic under their existing configurations and conditions
- reviewing (at a high level) the development changes forecast in the Built Form Report in relation to traffic impacts and the intensity and circulation of traffic movements through the BRAC and the VSAC
- preparation of 'access' maps showing the location and form of new, altered and retained access arrangements and laneways required to provide appropriate access to future developments
- preparing draft wording for traffic engineering aspects of permanent DDO provisions – including design objectives and outcomes, permit application requirements and decision guidelines for assessing future planning permit applications.

(v) Yarra Housing Strategy, September 2018 (Yarra Housing Strategy)

An overview of the Yarra Housing Strategy is provided in Committee Report 1.

The Yarra Housing Strategy identifies:

- Bridge Road and Victoria Street as major activity centres

- where large scale development has taken place in Bridge Road and Victoria Street between 2005-2014
- the strategic redevelopment sites in Bridge Road and Victoria Street
- that Bridge Road and Victoria Street will accommodate a greater share of housing growth when compared to Yarra's other Major Activity Centres
- the estimated supply of new dwellings in Bridge Road and Victoria Street between 2016 and 2031
- housing change areas in Bridge Road and Victoria Street.

(vi) Yarra Spatial Economic and Employment Strategy, August 2018 (YSEES)

An overview of the YSEES is provided in Committee Report 1.

The YSEES identifies Yarra's stock of employment land is a strategic resource that accommodates a large and diverse range of business and jobs and provides employment opportunities.

The YSEES recognises Bridge Road and Victoria Street as major activity centres. It states that Yarra's activity centres are appropriate locations for new housing, noting, among other things, that housing growth supports economic activity by increasing the local population.

(vii) Discussion

The background reports underpinning the Amendment have been based on contemporary analysis. The Built Form Report and the heritage studies have comprehensively explored the built form opportunities, while also better understanding the two activity centres' heritage.

The Built Form Report was informed by the Heritage Studies and prepared within the context of planning policy, including those related to the public realm and amenity. It defined the additional built form that could be achieved without negatively affecting existing heritage.

The Amendment generally translates the Built Form Report and the Heritage Studies into planning provisions proposed through the well-structured set of DDO schedule provisions.

(viii) Finding

The Committee finds that the background reports form a sound basis for the Amendment.

2.3 Population and economic forecasts

(i) The issue

The issue is whether the exhibited and preferred versions of the Amendment will provide sufficient capacity to meet future demand.

(ii) Background

Clause 11.02-1S of the Planning Scheme seeks to "ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses". Two relevant strategies include:

- Ensure that sufficient land is available to meet forecast demand.
- Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.

(iii) Evidence and submissions

The Committee asked Council to provide an overview of:

- Yarra's municipal commercial floorspace and housing needs over at least the next 15 years
- how much of that growth is proposed to be directed to the Bridge Road and Victoria Street activity centres.

Some submissions were concerned the COVID-19 pandemic may result in significantly altered demand for residential and commercial floor space in the precincts. They said population projections and employment patterns based on pre-COVID-19 assumptions should be reviewed and the built form provisions adjusted accordingly.

Mr Szafraniec of SGS Economics and Planning, gave evidence for Council regarding:

- the impact of the Amendment on residential and commercial development in the BRAC and the VSAC, and for the municipality as a whole
- the potential impact of the COVID-19 pandemic on population and employment growth forecasts.

Mr Szafraniec found:

- The likely population housing demand has reduced by 6-8% because of the COVID-19 pandemic. This effectively represents demand being 'paused' or 'pushed out' 3 to 4 years.
- From 2016 to 2020, 237 and 160 new dwellings were built within the Victoria Street and Bridge Road precincts respectively. Based on available forecasts, recent development trends and an understanding of the impacts of COVID-19, Victoria Street and Bridge Road precincts will need to accommodate demand for an additional 149 up to 1,270 and 241 up to 1,375 new dwellings over the period from 2021 to 2036 respectively.
- The proposed DDO schedule provisions provide for a potential capacity of between 3,650 to 6,790 and 2,590 to 6,120 additional dwellings for Victoria Street and Bridge Road respectively depending on the average size of dwellings and the amount of non-residential employment uses included in developments.
- This represents a small increase in capacity (1,500 and 1,760 dwellings for Victoria Street and Bridge Road respectively) compared to previous estimates used for the Yarra Housing Strategy.

Regarding employment demand and capacity, Mr Szafraniec found:

- employment in the City of Yarra will continue to grow and structurally evolve toward more population and knowledge-based services
- the VSAC, BRAC, and the broader network of centres and employment precincts, provide sufficient capacity to accommodate employment floorspace demand over the next 15 years
- the VSAC and the BRAC will require approximately 295,000 and 375,000 square metres of total employment floorspace by 2036
- employment floorspace capacity in the VSAC and the BRAC are estimated as ranging from 139,900 to 300,300 square metres and 109,000 to 323,000 square metres respectively depending on the balance between employment and residential floor space realised over time.

In response to a Committee question, Council submitted that over the next 15 years, the VSAC and BRAC are:

- anticipated to accommodate up to 9 per cent and 10 per cent of Yarra's housing growth respectively
- estimated to attract 6 and 13 per cent of Yarra's total employment growth respectively.

Submitters sought to revise the built form provisions to allow for increased development outcomes. This was on the basis that when planning provisions seek to apply limits on future development, protecting heritage or other built form values might compromise the ability of an important activity centre to fulfill its role and function from a land use planning perspective.

Council submitted that Mr Szafraniec's evidence establishes:

- the provisions sought to be applied in both centres and iteratively across the municipality, do not generate a risk that Yarra, or these specific activity centres, will underperform in providing for adequate residential and commercial growth under the proposed provisions
- whatever strategic merit there is in any additional development above the discretionary provisions, it is in overall terms insignificant having regard to the economic projections over the next 15 years.

(iv) Discussion

The Amendment has adequately considered the impacts of COVID-19, accepting that the impacts of the pandemic are still being understood.

The Committee is satisfied that there is sufficient capacity in both activity centres (and more broadly in Yarra) to facilitate expected residential and employment growth over the next 15 years.

The evidence from Mr Szafraniec clearly shows that:

- applying the proposed mandatory and preferred building height provisions will not inappropriately compromise future growth in either activity centre
- whether any properties are developed with an extra level (or any extra five levels) will have no effect on the overall balance of growth and consolidation objectives sought to be achieved at both a State and municipal level.

(v) Finding

The Committee finds the Amendment will:

- contribute towards Yarra providing sufficient residential and commercial capacity across its municipality to meet future demand
- not unreasonably impact future growth in either activity centre.

3 Issues common across both centres

3.1 Approach to interfaces

The Amendment proposes to apply planning provisions generally on a precinct and sub-precinct basis. It generally applies standard interface provisions to relevant sections of each precinct, as shown in Table 2. Some interfaces also apply site-specific measures, referred to as 'varied' in the table.

Table 2 Approach to DDO interfaces

Interface	DDO41	DDO42	DDO43	DDO44	DDO45	DDO46	DDO47	DDO48	DDO49	DDO50
A	Varied	Standard	Standard	Standard	Standard	Standard	Standard	Standard	Varied	Varied
B	Standard	-	Standard	-	-	-	-	-	-	-
C	Standard	Standard	Standard	Varied	Standard	-	Standard	Varied	Standard	Standard
D	-	-	-	-	Standard	Standard	-	Standard	-	Varied
E	Varied	Standard	-	Varied	-	Varied	Standard	-	Varied	Standard
F	Standard	-	-	Varied	-	-	-	-	-	Standard
G	-	-	-	-	-	Standard	-	-	-	-
H	-	-	-	-	-	-	Standard	Standard	Standard	Standard
I	Standard	Varied	Standard	Standard	-	Varied	Standard	Varied	Standard	Standard
J	Standard	Standard	-	Standard	-	-	-	Standard	Standard	Standard

Notes: Standard: Default provisions applied to land without variation
Varied: Default provisions have been applied with site-specific variations
Interface J was proposed after the Amendment was exhibited

The Committee has considered site-specific and broader issue submissions and evidence to inform its views on the appropriateness of each interface. Subsequent chapters consider whether these interfaces have been appropriately applied in certain locations.

The Committee has concluded in Chapter 3.2 that Interface A is generally appropriate and strategically justified for heritage areas in each activity centre.

3.2 Heritage and Interface A

(i) The issues

The issues are whether the heritage related provisions in the DDO schedules, including Interface A:

- should enable 'mid-rise' development above the heritage fabric in each centre
- will enable development which:
  - is consistent with the existing heritage character in each centre and abutting residential areas
  - will not negatively impact heritage values
- seeking new development to match parapet height of an adjoining heritage building for a minimum 6 metres is appropriate and justified
- will result in facadism.

(ii) Evidence and submissions

Many submissions sought planning provisions which protected heritage in both activity centres. They considered the bulk and scale of new development enabled through the DDO provisions

would be inconsistent with identified heritage and this would negatively impact its significance. There was concern the proposed minimum 6 metre upper-level setback:

- was insufficient to transition between the existing heritage street wall and new development
- would result in facadism
- would make shoppers "*painfully aware of new building*".

Collingwood Historical Society requested the design objectives in each DDO schedule refer to 'low to midrise' rather than only midrise.

Royal Historical Society of Victoria submitted the proposed provisions for minimum street wall height, minimum upper-level setbacks and maximum building heights of between 18 to 28 metres would destroy about 70 per cent of heritage building fabric. In response to a question from the Committee, Royal Historical Society of Victoria clarified it considered the destruction of all the building except the front six metres to be facadism.

Another submission opposed the proposed Interface A.

Mr Gard'ner stated:

- the proposed mandatory and discretionary maximum height provisions and upper-level setbacks have considered the impact on heritage buildings and streetscapes
- impacts were tested through three-dimensional testing
- each DDO schedule contains design requirements which seek to respect heritage character and appearance
- policy at Clause 22.02 (Heritage), which applies to development on land in the Heritage Overlay, encourages new development that respects the scale of existing heritage
- there will be further policy guidance through Clause 15.03-1L proposed through Amendment C269yara.

(iii) Discussion

The Committee commends Council for its integrated approach to assessing the relationship between existing heritage precincts and planning provisions which seek to ensure that any new development sensitively responds to the existing fabric.

The heritage reports for the activity centres:

- provide a logical methodology and comprehensive research and analysis which recommend a suite of planning provisions
- informed the Built Form Report, which adopted recommendations which respond to heritage.

From a heritage perspective, these reports form a robust foundation for generally justifying the use of mandatory maximum building heights and minimum upper-level setbacks.

For the following discussion, the Committee:

- defines a building as having at least a roof and supporting walls
- regards facadism as the destruction of the building (as defined above) with only the front wall remaining as a remnant of a former building.

The Amendment does not propose to require a minimum proportion of the building to be retained to avoid facadism. Specifically, the mandatory six metre upper-level setback does not require the heritage building beneath to be retained. There is no strategic work to support a requirement for

retaining the front section of the building. However, the Heritage Overlay requires a planning permit to demolish part of the building. This provides Council with the ability to assess such a proposal on a case-by-case basis and when design details are known.

(iv) Conclusions

The Committee concludes:

- The heritage reports for each activity centre form a robust foundation for generally justifying the Interface A built form provisions proposed in the Design and Development Overlay schedules.
- The design objectives in the Design and Development Overlay schedules do not have to refer to low-rise because it does not reflect the maximum height found to sensitively respond to existing heritage fabric.
- Any proposal to demolish a building on land in the Heritage Overlay, potentially resulting in facadism, will be assessed by Council through a permit application when design details are known.

3.3 Interfaces H, I and J

(i) The issues

The issues are:

- whether the proposed Interfaces H and I are justified and appropriate
- whether the Interface J, proposed since the Amendment was exhibited, is justified and appropriate.

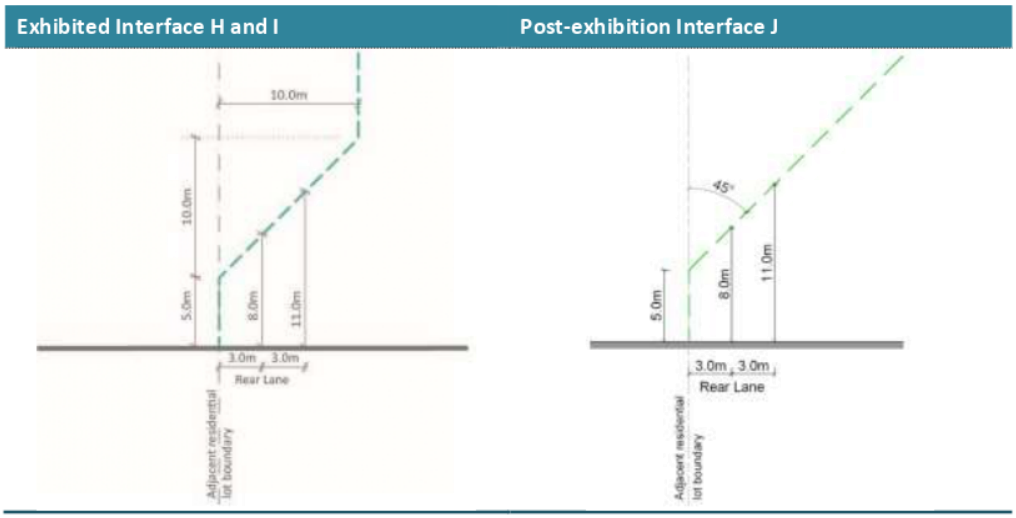
(ii) Background

After exhibiting the Amendment, Council:

- continued to apply Interfaces H and I to land interfacing with residential properties in the Neighbourhood Residential Zone (NRZ) or General Residential Zone (GRZ) north of Bridge Road or Victoria Street
- introduced a new Interface J for the same type of interface to land south of Bridge Road or Victoria Street.

Council notified affected owners, occupiers, and neighbours of this change on 12 January 2022.

Figure 2 Exhibited Interfaces H and post-exhibited Interface J



(iii) Evidence and submissions

Ms Roberts for BG Estates stated the background material does not explain why the interface between commercial and residential properties for the BRAC differed with the interface provisions for the Swan Street Activity Centre. She recommended the Swan Street Activity Centre interface provisions be applied to BRAC land interfacing with residential properties.

Council submitted that:

- each activity centre should be recognised for their own contexts, neighbourhoods, and character
- there is no policy basis or practice for equity between the Swan Street Activity Centre and the BRAC.

Council advised that, since exhibiting the Amendment, it notified affected people of a new Interface J, as shown in Figure 2 of this report. Prof McGauran explained:

> Like other precincts with sensitive and immediate abutments, Interface J has been introduced to better manage the protection of reasonable standards of amenity and avoidance of excessive overshadowing and bulk when viewed from adjoining hinterland residential NRZ and GRZ areas.

(iv) Discussion

The Built Form Report defines sensitive interfaces as a development constraint in both activity centres. The Report maps the sensitive interfaces and differentiates whether they have a laneway or direct abuttal interface. Having analysed actual circumstances, it appropriately recommends differential residential interface responses depending on its type of abuttal.

The Committee considers the Built Form Report justifies Interfaces H and I. It finds no strategic reason to make the BRAC interface provisions consistent with the Swan Street Activity Centre. This 'cookie cutter' approach would be inappropriate because, as submitted by Council, the interfaces for each activity centre should be assessed based on their own context.

Interface J is appropriate and justified because it more appropriately considers the amenity of properties south of where taller built form is proposed.

(v) Conclusions and recommendation

The Committee concludes:

- The proposed Interfaces H and I are justified and appropriate.
- The post-exhibited Interface J is justified and appropriate.

The Committee recommends:

Amend Design and Development Overlay Schedules 41, 42, 44, 48, 49 and 50 to include Interface J to land south of Bridge Road or Victoria Street.

3.4 Mandatory provisions

(i) The issue

The issue is whether the proposed mandatory provisions for specified building heights, street wall heights and setbacks, upper-level setbacks and overshadowing are appropriate and justified.

(ii) What does the Amendment propose?

A combination of mandatory and discretionary provisions are proposed to be applied across both activity centres.

The mandatory provisions have been applied to:

- maximum building heights and minimum setback for new development along heritage streetscapes and heritage buildings
- prevent overshadowing to the southern footpaths along Bridge Road and Victoria Street
- protect views to important landmarks from various viewpoints and to respond to sensitive residential interfaces.

An outline of the mandatory provisions is set out in Table 3.

Table 3 Outline of proposed mandatory provisions

	Building height	Street wall	Overshadowing	View protection
DDO41: Precinct 1 Bridge Road West	Building heights along Bridge Road on the south side (all) and northern side only between Moorhouse Street and Normanby Place	Street wall heights, minimum street wall setback and upper-level setback along the south side of Bridge Road (including land to the rear of the Bridge Road properties with the exception of the land between Berry Street and Hodgson Terrace) and parts of the north side of Bridge Road	Overshadowing provisions to southern side of Bridge Road (between 10am and 2pm on 22 September)	Protection of views to Pelaco sign, St Ignatius Church tower and Richmond Town Hall

Attachment 1 - Attachment 1 - Standing Advisory Committee Report - Bridge Road and Victoria Street Activity Centres - Draft Amendment C291yara

	Building height	Street wall	Overshadowing	View protection
DDO42: Precinct 2 Bridge Road South	Building heights along the south side of Bridge Road	Street wall heights, minimum street wall setback and upper-level setback along Bridge Road	Overshadowing provisions to southern side of Bridge Road (between 10am and 2pm on 22 September)	Protection of views to St Ignatius Church tower and Richmond Town Hal
DDO43: Precinct 3 Bridge Road Central	Building heights along Bridge Road and the VHR listed Gas Inspectors House on Gleadell Street (except the Richmond Town Hall and between the Richmond Town Hall and Griffith Street)	Street wall heights, minimum street wall setback and upper-level setback along Bridge Road and street wall heights and setbacks for the VHR listed Gas Inspectors House on Gleadell Street	Overshadowing provisions to southern side of Bridge Road (between 10am and 2pm on 22 September)	Protection of views to St Ignatius Church tower and Richmond Town Hall
DDO44: Precinct 4 Bridge Road East South	Building height to Bridge Road (except 566 Bridge Road, between Stawell Street and the Racecourse Precinct)	Street wall heights, street wall setbacks and upper-level setbacks for 2 Stawell Street	Overshadowing provisions to southern side of Bridge Road (between 10am and 2pm on 22 September)	-
DDO45: Precinct 5 Bridge Road East North	Building height to 527 Bridge Road, Royal Oak Hotel (only)	Street wall heights, minimum street wall setback and upper-level setback for 527 Bridge Road (and for the two other heritage buildings in the precinct)	Overshadowing provisions to southern side of Bridge Road (between 10am and 2pm on 22 September)	Protection of views to Richmond Town Hall
DDO46: Precinct 1 Victoria Street West	Building height along north side of Victoria Street between Hoddle Street and Ferguson Street and 2-14 Regent Street	Street wall heights, minimum street wall setback and upper-level setback for north side of Victoria Street and 2-14 Regent Street	Overshadowing provisions to southern side of Victoria Street (between 10am and 2pm on 22 September)	-
DDO47: Precinct 2 Victoria Street Central	Building height along south side of Victoria Street (except west of Shelley Street) and the north side between railway and 303 Victoria Street	Street wall heights, minimum street wall setback and upper-level setback for north side of Victoria Street and south side of Victoria Street, east of Shelley Street	Overshadowing provisions to southern side of Victoria Street (between 10am and 2pm on 22 September)	-

	Building height	Street wall	Overshadowing	View protection
DDO48: Precinct 3 North Richmond Station	-	Street wall heights, minimum street wall setback and upper-level setback for 31 York Street, 27-29 Hoddle Street and 38-50 Regent Street (Henry Walters' Boot Factories)	-	-
DDO49: Precinct 4 Victoria Street East	Building height along Victoria Street on north side between Little Nicholson and Albert Street, along Lithgow Street and 2 Nicholson Street	Street wall heights, minimum street wall setback and upper-level setback for Victoria Street between Little Lithgow and for heritage buildings in Lithgow Street	Overshadowing provisions to southern side of Victoria Street (between 10am and 2pm on 22 September)	Protection of views to St Ignatius Church
DDO50: Precinct 5 Victoria Street East End	Building height on the south side of Victoria Street (all) and north side between 457 – 511 Victoria Street (except 467 and 471 Victoria Street)	Street wall heights, minimum street wall setback and upper-level setback for 316- 326, 459-465, 488 and 511 Victoria Street	Overshadowing provisions to southern side of Victoria Street (between 10am and 2pm on 22 September)	Protection of views to the Skipping Girl sign

(iii) Background

Planning Practice Note 59

Planning Practice Note 59 (The Role of Mandatory Provisions in Planning Schemes) applies to all locations, including activity centres. It notes that:

- Victorian planning schemes are predominately performance-based
- a performance-based provision provides for flexibility in the approach or variation in the measure to achieve the required outcome
- performance-based provisions require a judgement to be made to assess and decide whether a proposal meets the relevant objectives or achieves an appropriate balance between competing planning policies
- mandatory provisions are the exception
- a mandatory provision must be met and provides for no opportunity to vary the requirement
- there will be circumstances where mandatory requirements will provide certainty and ensure preferable and efficient outcomes (these cannot be common practice)
- some examples where mandatory provisions may be appropriate include areas of high heritage value, and strong and consistent character themes
- the DDO is the most appropriate tool for expressing mandatory built form requirements.

Planning Practice Note 59 specifically refers to built form provisions such as building heights and setbacks, and sets out the following criteria to assist in determining whether mandatory provisions are justified:

Are the mandatory provisions strategically supported?

Are the mandatory provisions appropriate to the majority of proposals?

Do the mandatory provisions provide for the preferred outcome?

Will the majority of proposals not in accordance with the mandatory provisions be clearly unacceptable?

Will the mandatory provisions reduce administrative costs?

Planning Practice Note 60

Planning Practice Note 60 (Height and Setback Controls for Activity Centres) provides guidance about built form provisions in activity centres. It notes that:

- height and setback provisions can be appropriate so long as they are not aimed at restricting the built form, but at facilitating good design outcomes
- proposed height and setback provisions must be soundly based on the outcomes of strategic research and background analysis that demonstrate consistency with state and regional policy and include a comprehensive built form analysis
- a Council will need to demonstrate that any proposed height and setback provisions allow for an appropriate level of change over time
- height provisions must not encumber a centre's ability to accommodate community requirements for retail, commercial, housing, community, health, educational and other essential requirements.

Planning Practice Note 60 confirms that the application of discretionary provisions, combined with clear design objectives and decision guidelines is the preferred form of height and setback provisions. It states that built form provisions can be discretionary or mandatory or a combination of both.

The relevant criteria includes:

Mandatory height or setback controls should only be applied where:

- exceptional circumstances exist; or
- council has undertaken comprehensive strategic work and is able to demonstrate that mandatory controls are appropriate in the context, and
- they are absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.

Where mandatory provisions are proposed, they will be assessed against:

- consistency with state and regional policy
- currency of work – any supporting structure plan or comprehensive built form analysis should be no more than five years old
- capacity to accommodate growth in the activity centre over at least a 15 year timeframe.

Where mandatory provisions are proposed over most or all of the activity centre, rigorous strategic justification should include a housing strategy and an activity centre/economic strategy which examines the role of the centre as part of a network of centres.

Planning Practice Note 60 discusses what is meant by 'exceptional circumstances':

Exceptional circumstances may be identified for individual locations or specific and confined precincts, and might include: …

- significant heritage places where other controls are demonstrated to be inadequate to protect unique heritage values

- significant physical features, such as views to or from the activity centre or topography, where it can be demonstrated that discretionary controls would be inadequate to deliver the desired built form objectives or outcomes for the activity centre
- sites of recognised State significance where building heights can be shown to add to the significance of the place, for example views to the Shrine of Remembrance and major waterways.

Where exceptional circumstances are identified, mandatory height and setback controls should only be applied where they are absolutely necessary to achieve the built form objectives or outcomes identified from the comprehensive built form analysis. Where mandatory controls are proposed, it will need to be demonstrated that discretionary controls could result in an unacceptable built form outcome.

(iv) Evidence and submissions

Council

Council submitted there is a sound basis for the proposed mandatory provisions in the DDO schedules.

Council submitted its selective application of mandatory provisions has been carefully considered having regard to the relevant criterion and practice notes, submitting:

- the comprehensive background reports and studies achieve the right balance in protecting the heritage character, the quality of the public realm and providing for intensification of the activity centres
- the provisions are appropriate and absolutely necessary having regard to the built form outcomes sought to be achieved including consistent streetscape and heritage "high street" outcomes, public amenity and protection of important view lines
- the provisions have been tested and modelled to ensure that the preferred outcome is achieved
- administrative costs will potentially be reduced.

Council's expert witnesses all supported the use of mandatory provisions.

Submitters

Many submissions with development interests objected to mandatory provisions. They considered the provisions should be discretionary with respect to their land. Many of these same submissions also objected to the proposed metric.

Broadly, it was submitted:

- the mandatory provisions are too heavily reliant on the interim DDO schedules and appear to be overly focused on 'curtailing' and 'over prescribing' the built form character of the activity centre
- the interim DDO schedules should carry little or no weight in preparing and assessing suitable permanent built form provisions given these are at odds with the Draft Built Form Framework which recommended discretionary provisions except in limited circumstances
- the strategic work underpinning the Amendment does not offer the level of rigour necessary for permanent mandatory provisions
- removing discretion will unduly limit future development and stifle design innovation
- 'exceptional circumstances' do not exist for many of the submitter properties with no significant landscape or heritage features which require protection beyond what are available under a performance-based provision.

Ms Roberts gave evidence for several submitters and said mandatory provisions are not appropriate for sites that have been identified as having high development potential and which do not contain heritage fabric.

Council's response

In response to the developer submissions, Council said:

- the truly creative, nuanced outcome operates within the limit set, however they are defined
- the developers' real complaint is that mandatory provisions end property speculation by defining absolutely the outer limit of yield that a parcel of land might produce.

Council submitted that the only relevant question is whether the limits on yield are justified by the strategic and physical context – not whether the imposition of mandatory provisions will impede a creative response to site constraints, and not whether they will constrain yield.

(v) Discussion

The Committee considers the proposed combination of discretionary and mandatory built form provisions to manage the future growth is appropriate.

The Amendment is founded on comprehensive strategic work which underpins the proposed mandatory building height, street wall and upper-level setback provisions. This includes the Built Form Report and the extensive heritage analysis associated with the Amendment. This analysis has considered a range of matters including:

- detailed heritage assessments
- a multi-disciplinary approach to formulating the provisions
- the desire for high quality urban design outcomes
- three-dimensional modelling.

The mandatory building heights, street wall heights and setbacks and upper-level setback provisions will enable an appropriate level of growth and change. Both the BRAC and the VSAC have experienced, and will continue to experience, substantial change and the provisions recognise and facilitate a high level of change in many parts of each centre. The Committee considers that the combination of discretionary and mandatory built form provisions will not compromise the potential for this significant growth, and this was confirmed by a detailed capacity analysis.

The mandatory provisions have been applied in circumstances which are necessary to protect and manage:

- the existing heritage qualities of the centres generally
- the heritage qualities of stand alone heritage buildings
- the protection of views to landmarks, namely the Pelaco sign, Richmond Town Hall, St Ignatius Church and Skipping Girl sign
- the protection of solar access to designated streets and areas.

The Committee is satisfied that the mandatory provisions are not aimed at restricting development. Rather, they are aimed at facilitating good design and heritage outcomes.

The Committee disagrees with submissions which suggest that mandatory provisions will stifle innovative design, lack architectural merit or flair, and result in a development outcome that simply fits within the approved box. There was no evidence presented to support such claims.

Council's reasons for applying mandatory provisions, are generally consistent with Planning Practice Notes 59 and 60.

Mandatory provisions will give members of the community a degree of the certainty that they seek, though the Committee has not considered this as a basis for justifying applying such provisions.

Discussion regarding the specific metrics for various provisions is provided in later sections of this report.

(vi) Conclusion

The Committee concludes that the mandatory provisions for specified building heights, street wall heights and setbacks, upper-level setbacks and overshadowing are justified and necessary unless specified otherwise in this report.

3.5 Clause 21.12 (11.03-1L)

(i) The issues

The issues are whether:

- it is appropriate to use the term 'mid-rise' in Clause 11.03-1L without a definition
- economic policy should clarify that not all of Precinct 1 is abutting Bridge Road and therefore not all of Precinct 1 should have a focus on healthcare, retail, dining or commercial activities
- additional content is required to better link policy with provisions in the DDO schedules
- the format of Clause 21.12 complies with the Ministerial Direction on the Form and Content of Planning Schemes.

(ii) What does the Amendment propose?

The exhibited Amendment proposes to include new centre specific land use and built form policy for the BRAC and VSAC at Clause 21.12. A vision and preferred future character statement is included for each precinct followed by strategies relating to economic development, built form and heritage, access and movement and the public realm.

Council also prepared a version of Clause 21.12 translated into the preferred new local policy format for planning schemes (as set out in VC Amendment 148), in accordance with the Minister for Planning's letter of authorisation. Clause 11.03-1L (Activity Centres) is a condensed version of the proposed policy at Clause 21.12 with the context and vision removed and the preferred character statements converted into policy statements.

(iii) Evidence and submissions

Several submitters commented on the format and content of proposed local policy at Clause 21.12. It was submitted that the format does not conform with the Ministerial Direction on the Form and Content of Planning Schemes.

Submissions raised other concerns including:

- use of the term 'mid-rise' without including a definition of the term
- statements under the heading Economic Development which don't acknowledge that the Precinct includes land which does not front Bridge Road, does not comprise healthcare,

retail, dining or commercial activities and where residential use may be appropriate at ground floor level
- undefined references to key view lines without linking these to DDO schedules
- the need to link objectives about green streets and potential pedestrian links to the DDO schedules
- legibility of maps.

Council submitted:
- the Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes
- the proposed format of policy content for the BRAC and VSAC generally follows the existing format of Clause 21.12, subject to some minor changes and mapping clarifications.

Council proposed the following changes (shown in underline) to Clause 21.12 in response to submissions:
- minor formatting changes and improve legibility of maps
- amend the following policies to read:
  - Support Precinct 1 – Bridge Road West and Precinct 2 – Bridge Road South as fine grain retail, dining and commercial precincts, <u>particularly where properties front Bridge Road and Church Street</u>
  - Facilitate opportunities for office and residential uses throughout the centre, principally above the ground floor, <u>particularly in Commercial 1 zoned land</u>
  - Maintain daylight and sunlight to the <u>southern footpath of</u> Bridge Road, identified 'Green streets' – key pedestrian/cycle routes (<u>as identified in Figure 1</u>) and public spaces <u>at Alexander Reserve</u>
  - Maintain daylight and sunlight to the southern side of Victoria Street, <u>and identified 'Green streets' –</u> key pedestrian/cycle routes (<u>shown in Figure 2</u>) and public spaces <u>at Butler Street Reserve and Victoria Street Gateway Reserve</u>
- amend policy statements relating to landmarks to clarify that policy seeks to protect identified primary views
- include a new policy to facilitate safe and accessible cycle routes which are integrated into the design of the public realm and any development.

Council considered it unnecessary to define 'mid-rise' in the vision for Clause 21.12 because this term is defined through policy and the DDO schedules.

Mr Barnes preferred all built form matters to be included in the DDO schedules. He accepted that, given the number of proposed schedules and different built form outcomes identified for different precincts there is "*merit in providing an overarching statement about each centre which includes comment about land use and built form outcomes*". Mr Barnes considered the intent of the revised policy is consistent with the exhibited version, and its format is appropriate to include in the new policy framework of the Planning Scheme.

Prof McGauran supported the proposed policy for Clause 21.12, and its translation into Clause 11.03-1L, giving evidence that it was logical and aligned with the proposed DDO provisions.

(iv) Discussion

The local policy proposed at Clause 21.12, and the translated version Clause 11.03-1L, is not strictly consistent with the format set out in the Ministerial Direction on the Form and Content of Planning Schemes. However, the Committee is generally comfortable that Council has considered relevant guidance in the Ministerial Direction and Planning Practice Notes and that the proposed policy is strategically justified and appropriate for inclusion.

Regarding building height, the use of the term mid-rise is appropriate to inform Council's policy direction in an overarching policy context. It is a relative term, distinguishing the built form character of these major activity centres from the low-rise character of Yarra's residential neighbourhoods. It is further defined in a local context through the DDO schedules, where more detailed metrics are specified.

The Committee agrees that clarification of policy in relation to uses supported in Precincts 1 and 2 would be beneficial, recognising that it may be appropriate in certain circumstances to permit ground floor residential uses on land outside the Commercial 1 Zone. It accepts that the revised wording focuses on promoting residential use above first floor level particularly along Bridge Road and Church Street and therefore would not preclude consideration of residential use at ground floor in other areas subject to other relevant planning provisions.

It is also appropriate to revise the terminology in local policy when referring to protecting views to landmarks. Referring to 'identified primary views', which are then shown in the DDO schedules, should dispel any uncertainty about which view lines are to be protected.

Other changes proposed by Council, including providing more detail about where specifically daylight and sunlight is to be maintained and the addition of policy to integrate safe and accessible cycle routes in the centres, are appropriate and lend support to the provisions relating to overshadowing of public spaces and green streets in the DDO schedules.

The Committee supports suggested changes to policy, as set out in the Day 1 Preferred Version of documents, which will improve the clarity of policy intent.

(v) Conclusions and recommendation

The Committee concludes:

- Clause 21.12 content should be translated into a new Clause 11.03-1L.
- It is appropriate to use the term 'mid-rise' in Clause 11.03-1L without a definition because it is defined elsewhere in the Yarra Planning Scheme.
- Economic policy in Clause 11.03-1L should focus support for residential use above ground floor particularly on Bridge Road and Church Street.
- It is appropriate to provide additional content in relation to views to landmarks, overshadowing of public spaces and provision of cycle routes to set the context for more detailed policy in the Design and Development Overlay schedules on these matters.
- The format of Clause 11.03-1L is generally consistent with the Ministerial Direction on the Form and Content of Planning Schemes.
- Before adopting the Amendment, drafting should be reviewed to ensure consistency with drafting guidance and to maximise clarity and legibility of the planning provisions without changing the intent.

The Committee recommends:

Amend Clause 21.12 in response to submissions and translate the content of Clause 21.12 into a new Clause 11.03-1L, as shown in Appendix E.

3.6 Approach to DDO schedule building heights

(i) The issue

The issue is whether the approach to buildings heights proposed in the DDO schedules for both activity centres is appropriate.

(ii) Evidence and submissions

Submitters with development interest and many of their expert witnesses collectively considered:

- the proposed heights are too low, will constrain the development potential of sites and do not adequately recognise their strategic context
- the attribution of development potential should translate to greater flexibility in the planning provisions, specifically, taller building heights
- additional height on specific development sites would not negatively impact the achievement of broader precinct-based design objectives.

Residents were concerned with the proposed heights, many submitting they were too high and would result in unacceptable amenity impacts on the surrounding residential areas, including impacts on sunlight, overshadowing and increased traffic.

Prof McGauran supported the proposed building heights. He explained that his work resulted in the need for the interim heights to be reviewed and amended in specific locations, arising through a process using sections and three-dimensional modelling. This was to ensure the heights in each precinct:

- reflect achievable height outcomes regarding lot depth, and to a lesser extent width, with lower heights on shallow sites due to upper-level setbacks and residential interface
- respond to heritage design objectives to maintain the visual prominence of heritage streetscapes and heritage buildings
- respond to sensitive residential interfaces regarding visual bulk and overshadowing
- align with updated overshadowing requirements which apply to the public realm
- align with updated views to landmarks requirements.

Council submitted the proposed maximum building heights were based on the extensive assessment and analysis in the Built Form Report and the heritage studies. Specifically:

- its expert evidence establishes the height provisions were developed collaboratively
- provisions were informed by an iterative process involving a detailed assessment, using modelling tools, shadowing diagrams and site inspections
- the background analysis:
  - was informed by a detailed understanding of the planning settings, including detailed economic analysis
  - assessed development potential on a site-by-site basis
  - concluded the provisions proposed were a proportionate response to future development in both centres.

Council added:

> The Council prefers the view that in each of these activity centres, where heritage considerations and amenity are important, a level of development should be allowed, but only to the extent that it can be relatively certain that the prominence of the heritage fabric and amenity can be retained. It has produced a mixture of discretionary and mandatory controls.
>
> With that objective comes a desire to achieve a level of consistency in built form outcomes.
>
> Not uniformity – in the way that it seemed to be characterised by some. There will not be uniform heights, or uniform setback or uniform appearance – there is too much diversity above and behind the extant heritage fabric in many locations. Rather what is sought is restraint on the extent of that diversity in a way which ensures that the prominence of the heritage context is retained. (see DPG Management Services Pty Ltd v Yarra CC [2022] VCAT 52 as a good example of the principles in practice in an area affected by discretionary controls.

(iii) Discussion

The Committee is satisfied the proposed building heights strike an appropriate balance between development opportunity, heritage and public and private amenity outcomes. The building heights are based on sound strategic planning, thorough research and appropriate testing and Council has considered a variety of competing issues to achieve a well-balanced outcome.

Specifically, the building heights proposed for both activity centres seek to ensure an appropriate scale of development that:

- is sensitive to intact heritage streetscapes, clusters of heritage buildings and individual heritage buildings
- positively contributes to the amenity of the area and preferred built form outcomes
- achieves an appropriate transition in scale to established residential areas.

In response to the Built Form Report's recommendations, a range of building heights have been proposed to respond to the highly varied built form and land use contexts, with taller built form appropriately focussed on larger lots without heritage sensitivities. In the BRAC, this has resulted in taller buildings generally directed towards the Bridge Road West (DDO41) (between Lennox and Church Streets fronting Bridge Road) and Bridge Road East North (DDO45) precincts. In the VSAC, the taller built form is focussed in the North Richmond Station (DDO48) and the Victoria Street East End (DDO50) precincts. Lower heights are proposed on sites of heritage significance and adjacent to sites of heritage significance. This a sound approach.

The Committee supports the heights adopted and the block-by-block approach because it faithfully translates the approach in the Built Form Report. Specifically, it recognises that each individual site is a piece of an overall heritage and activity centre streetscape. There would have to be an exceptional circumstance to apply a site-specific height variation which would be anomalous to its surrounding context. The Committee has considered requests to vary building heights on individual sites to determine whether such a circumstance exists and should be supported.

The Committee supports the consistent approach to applying:

- mandatory maximum building heights to protect heritage precincts and landmark views, and to limit overshadowing on identified public spaces
- discretionary heights on larger sites where taller building height may be considered if it can meet specific design and amenity objectives.

The proposed maximum building heights need to be considered with the comprehensive suite of existing and proposed planning provisions and policy objectives. Provisions include design requirements such as setbacks, street wall height, and building separation and guidelines which address building design and amenity related matters. The Committee is satisfied the detailed planning provisions in the proposed DDO schedules address many height-related issues raised in submissions from residents.

(iv) Conclusion

The Committee concludes that the approach to buildings heights proposed in the Design and Development Overlay schedules for both activity centres is appropriate.

3.7 DDO schedule building height requirements

(i) The issues

The issues are whether is it justified and appropriate:

- for each DDO schedule to require a permit application to meet all of the exhibited development requirements to exceed the discretionary maximum building height
- to require or encourage applications that significantly depart from the preferred height to be reviewed by the Office of the Victorian Government Architect (OVGA) State Design Review Panel or a council design review panel
- to apply housing affordability as a criterion for varying a discretionary maximum building height.

(ii) Background

Each of the exhibited DDO schedules repeat the following:

> **Building heights 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 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; and
> - provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms.
> - where the proposal includes dwellings, it also achieves each of the following:
> - housing for diverse households types;
> - accessibility provision that achieves the standards in Clauses 55.07 and 58.05 (as relevant);
> - communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and
> - secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.

The Minister for Planning, in his letter (Appendix A), referred Council's request for the Committee to consider the means of establishing greater clarity of what must be facilitated when discretionary heights are exceeded and the appropriateness of the following criteria to vary discretionary heights:

- require or encourage applications that significantly depart from the preferred height to be reviewed by the Office of the Victorian Government Architect State Design Review Panel or a council design review panel
- address housing affordability.

(iii) Evidence and submissions

In his evidence, Mr Barnes responded to the matter of whether performance-based measures for varying discretionary maximum building heights that do not have a nexus to built form outcomes are appropriate or will duplicate other parts of the Planning Scheme.

Regarding nexus, Mr Barnes referred to:

- the Practitioner Guide to Victorian Planning Schemes which states:

  > Design and Development Overlay – principally intended to implement requirements based on a demonstrated need to control built form and the built environment, using performance-based rather than prescriptive controls.

- the parent DDO which includes a purpose:

  > To identify areas which are affected by specific requirements relating to the design and built form of new development.

Mr Barnes considered it appropriate for DDO built form provisions to address land use matters with a loose nexus to built form. This is subject to the requirements being strategically justified. He explained there is often a nexus between land use and built form and provided examples such as office and commercial uses which have different floor to floor heights compared to residential.

Mr Barnes then considered whether the proposed DDO schedule building height requirements:

- were appropriate for applications seeking to exceed a discretionary height
- should be applied to all development including those which achieve the discretionary height.

Ms Barnes' responses are summarised in Table 4.

Table 4 Mr Barnes response to DDO schedule building height requirements

Building height requirement	Response
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	Appropriate to include as a requirement to justify an increased building height. This in my opinion should remain the primary basis upon which a decision is made to vary preferred building heights. I note use of the word 'and'. That means the requirements outline below, are in addition to this requirement.
The proposal will achieve each of the following:	Use of the word 'each' means that all the following should be achieved.
greater building separation than the minimum requirement in this schedule;	Is appropriate to include.

Building height requirement	Response
excellence for environmentally sustainable design measured as a minimum BESS project score of 70%;	Is not appropriate to include as is unrelated to building height. If elevated ESD standards are proposed, they should apply to all building, not just those that exceed the preferred height.
no additional overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; and	Is appropriate to include, as directly responds to one of the reasons why building height is restricted.
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.	Is not appropriate to include as is unrelated to building height. If elevated standards are proposed, they should apply to all building, not just those that exceed the preferred height.
Where the proposal includes dwellings, it also achieves each of the following:	-
housing for diverse households types, including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations;	Not appropriate to include as a reason to exceed the preferred building height. Proposed Clause 16.01-3L Housing diversity (Amendment C269yara) sets out housing diversity requirements for all new apartment developments in high and moderate changes areas, not just development that might exceed preferred building heights. If is to be retained, should be reworded to say "exceeds the housing diversity requirements of ...".
accessibility provision that achieves the standards in Clauses 55.07 and 58.05 (as relevant);	Not appropriate to include. All residential developments should meet this requirement.
communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and / or	Appropriate to include.
secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.	Appropriate to include.

Mr Barnes recommended the building height requirements include:

- greater setbacks from adjoining residential interfaces than the requirement in this schedule – this directly responds to a key impact of taller development on residential amenity
- no unreasonable impact on the pattern of building heights in the streetscape and in the general area – this directly responds to impacts of taller development on the pattern of built form along a street and in the vicinity of a site.

Council's end-of-Hearing version of the DDO schedules adopted Mr Barnes' recommendations.

(iv) Discussion

The Committee generally agrees with Mr Barnes' evidence on this matter for reasons set out in his responses.

The Committee supports criteria for varying discretionary maximum building heights which have a clear and direct relationship between the height and design and amenity objectives sought to be achieved. For example, it may be appropriate to consider a taller height if it means greater building separation that results in improved amenity.

The Committee does not support criteria for unrelated matters such as shower facilities and household types. Though the provisions would be discretionary, applying criteria unrelated to built form and amenity outcomes would be difficult to reconcile.

There are considerable planning policy objectives in the Planning Scheme seeking to increase affordable housing in Victoria. Discouraging taller heights in developments which exclude affordable housing does not provide the appropriate framework or certainty needed to achieve these objectives. Amendment C269yara proposes to introduce provisions which will provide a more appropriate and certain approach to managing affordable housing.

The Committee does not support planning provisions for non-statutory processes when considering permit applications that propose heights beyond the discretionary maximum building height. This includes referring permit applications to an external design review body. Should Council disagree with the Committee, it should seek legal advice about whether using non-statutory processes to influence a statutory decision is appropriate and the likely consequences.

Council can seek expert design advice from the Office of the Victorian Government Architect on a significant project which meets the threshold. However, this threshold is likely to be greater than simply a local proposal exceeding a discretionary maximum building height.

The Committee agrees with Mr Barnes that communal and private open space provisions can relate to building height. However, Clauses 55.07, 58.03 and 58.05 should operate as intended without being replicated in the DDO schedules.

(v) Conclusions and recommendations

The Committee concludes:

- Each Design and Development Overlay schedule should only include criteria for exceeding the discretionary maximum building height which clearly and directly relates design and amenity objectives sought to be achieved.
- Housing affordability should not be a criterion for varying a discretionary maximum building height because housing affordability warrants a more appropriate and certain implementation framework.
- Amendment C269yara proposes affordable housing provisions which, pending their introduction, would provide a more appropriate and certain implementation framework.
- A permit application which proposes heights greater than the discretionary maximum building height should not be reviewed by an external body such as the Victorian Government Architect or through a non-statutory process.

The Committee recommends:

Amend Design and Development Overlay Schedules 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50, as shown in Appendix F, to:

a) delete after the words 'the proposal will achieve each of the following:':

- ***excellence for environmentally sustainable design measured as a minimum BESS project score of 70%***

- ***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***

b) delete the words:

where a proposal includes dwellings, it also achieves each of the following:

- ***housing for diverse households types, including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations***
- ***accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and/or 58 as relevant***
- ***communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and/or 58, as relevant.***

3.8 Transitional provisions

(i) The issue

The issue is whether the DDO schedules should include transitional clauses.

(ii) Evidence and submissions

Several submitters with development interests submitted that the DDO schedules should include a transitional provision to exempt existing planning permits, applications to amend existing permits, and 'live' planning applications from the permanent provisions.

PMTV Australia Pty Ltd and Arthur and Con Keramitsis submitted that a transitional provision should be included so that their current permit application for land in the BRAC can be considered against the interim mandatory maximum 21 metre building height (and not the proposed 18 metre maximum mandatory height) in DDO41. They requested the inclusion of a transitional clause in DDO41 that states:

> Transitional provisions
>
> Clause 43.02 Schedule 21 of this planning scheme, as in force immediately before the approval date of Amendment C291, continues to apply to:
>
> - An application for a planning permit lodged before that date.

HLL Development Pty Ltd also has a current planning application before the Council and submitted that fairness, equity and orderly planning strongly favour the inclusion of transitional arrangements. It added:

> Landowners who have either obtained permits or have applied for permits in good faith and pursuant to the lawful planning scheme in place at the time the application was lodged, have a reasonable entitlement to expect that application to be considered according to the planning scheme (i.e. law) that applied at that time.

Bridgeworth Management Pty Ltd also submitted that in interests of fairness, transparency and orderly planning, transitional provisions ought be included within the DDO schedules.

Council opposed the inclusion of a transitional provision. It submitted transitional provisions:

- are not contemplated for the Amendment
- have not been excluded thoughtlessly or without consideration
- are inconsistent with the nature of what the Amendment seeks to do.

Council referred to the VCAT decision of *Ungar v City of Malvern* which established the principle that planning decisions are made according to the law which applies as at the date of the decision and not the date of the application or any other date. Council said:

> When any kind of built form control is introduced which seeks to regulate future development, it is most unusual for transitional provisions to be applied. This is so particularly where the ultimate approval of a development subject to earlier applicable controls might have the capacity to prejudice the achievement of the planning objectives sought to be achieved by the proposed amendment.
>
> The case for transitional provisions in the context of this amendment is difficult to understand. Conferring an exemption from the application of either the interim controls or the controls now sought to be imposed based upon applications which have now been lodged would, indeed, prejudice the implementation of a planning objectives advanced by the amendment.

(iii) Discussion

There are no transitional provisions proposed as part of the Amendment and the Committee is not convinced transitional provisions are justified.

The purpose of each DDO schedule is to introduce built form controls and specific planning objectives which will shape how the BRAC and VSAC are developed moving forward. The Committee has ultimately determined that the proposed DDO schedules strike the right balance between allowing development within the activity centres and limiting that development to preserve appropriate levels of amenity, character and heritage in the municipality. The Committee considers the introduction of transitional provisions might allow inconsistent built form that would prejudice the intent and balance sought to be achieved through the Amendment.

(iv) Conclusion

The Committee concludes that the Design and Development Overlay schedules should not include transitional clauses.

4 Form and content of the Amendment

4.1 General drafting matters

(i) The issue

The issue is whether drafting changes should be made to the DDO schedules to improve their clarity and operation.

The Minister for Planning's letter of referral seeks, among other matters, specific advice on:

- whether certain provisions will duplicate other parts of the Planning Scheme
- where reference documents (Clause 21.11) should be in the Planning Scheme when the Planning Policy Translation occurs.

(ii) Evidence and submissions

The following drafting matters were identified through submissions and during the Hearing:

Clause 21.12-2 (Bridge Road Activity Centre)

Economic development

- The statements should note not all of Precinct 1 abuts Bridge Road or has a focus on healthcare, retail, dining or commercial activities.
- The statement "*Facilitate opportunities for office and residential uses throughout the centre, principally above the ground floor*" assumes Precinct 1 only has lots fronting Bridge Road.

Building and housing

- 'Key view lines' in the last point should be defined and tied to view lines shown in DDO schedules to clarify its intent

Public realm

- The Green Streets and Potential Pedestrian Link objectives should link to the corresponding elements in the DDO schedules.

Maps

- The purpose of the red dotted line should be clarified.

Design and Development Overlay Schedules

General

- The DDO schedules:
  - have a complicated structure, are unclear and are likely to result in disputes and costs
  - should be separated into two schedules to manage specific issues relevant to few sites.
- Many DDO schedule provisions would be better suited as either planning policy or decision guidelines to avoid complexity and duplication.

Buildings and works

- The permit trigger is difficult to understand and should be restricted to delete 'except for'.

General design requirements

- General design requirements should be moved into local policy because they apply to multiple DDO schedules and it would reduce repetition.
- The permit prohibition in the preferred version of the DDO schedules refers to Plan 2, however this plan does not refer to maximum building height or street wall height requirements.

Building height, street wall and setback requirements

- The building height, street wall and setback requirements should not refer to 'works' because the Planning Scheme definition of works does not relate to buildings.
- The environmentally sustainable design requirements (BESS standards) should be deleted because they duplicate those in Clause 22.17 of the Planning Scheme.
- The 'provision of end-of-trip' facilities should clarify whether it is in line with Clause 52.34 of the Planning Scheme or an alternative outcome.
- The accessibility provision to achieve standards in Clauses 55.07 and 58.05 (as relevant) should refer to Standards B41 or D17 (where relevant) for clarity.
- Reference to equipment and/or structures not causing additional overshadowing should:
  - clarify the measure – eg between 10am and 2pm at the equinox
  - provide a definitive list rather than refer to etc for greater certainty.
- The final criteria seeking to not extend equipment/structures higher than 2.6 metres above the maximum building height is not needed because they would have to be recessed further from the facades to meet the shadow test, thereby minimising visibility.

Upper-level requirements

- The upper-level requirements may be interpreted as encouraging the "*retention of roof forms and/or chimneys*" regardless if they were heritage buildings or not.

Overshadowing requirements

- The overshadowing requirements could be presented as a table to reduce duplication.
- Replace 'overshadow' with 'any additional overshadowing'.

Interface to residential properties in NRZ or GRZ requirements

- The term 'visual bulk' should be deleted because it is a subjective measure, and its deletion would give more certainty for new development that complies with height and setback requirements.

Design quality requirements

- In DDO41, delete 'temporarily' when referencing blank walls.
- Regarding building spacing, 'good daylight' should be replaced with 'reasonable daylight' to consider site context and planning provisions.

Plan 2: Access and Movement Plan

- DDO41 Plan 2 does not clearly show the setbacks.

The post-exhibition and end-of-Hearing versions of Clause 11.03-1L and the DDO schedules and Council's tracked changed version of the DDO schedules (Document 70) made further drafting changes in response to drafting matters raised in submissions. Document 70 also included Council-proposed drafting changes which:

- clarified provisions without changing their intent
- better aligned provisions with what was intended in plans in the schedule

- made some terminology consistent with the provisions proposed through Amendment C269yara.

(iii) Discussion

The Committee supports Council's post-exhibition changes to the DDO schedule provisions which clarify their intent, improve their operation, and better align with plans in the schedule. The changes accepted by the Committee are reflected in Appendix F.

The upper-level requirements clearly refer to retaining roof form and/or chimneys on heritage buildings.

(iv) Conclusion and recommendation

The Committee concludes that Clause 11.03-1L and Design and Development Schedules 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50 would benefit from drafting changes which clarify their intent, improve their operation, and better align with plans in the schedule.

The Committee recommends:

Amend Clause 11.03-1L and Design and Development Schedules 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50, as shown in Appendices E and F which improves their clarity and operation.

4.2 Reference documents (Clause 21.11)

(i) The issue

The issue is where reference documents currently listed in Clause 21.11 (Reference documents) will be in the Planning Scheme when the Planning Policy Framework translation occurs.

(ii) Background

The Amendment proposes to reference new background documents in Clause 21.11. Amendment C269yara proposes to translate the Planning Policy Framework into the new format. This includes deleting Clause 21.11 and listing background documents in a new Clause 72.08 (Background documents).

In his referral letter, the Minister for Planning requested advice on where reference documents will be in the Planning Scheme when the Planning Policy Framework translation occurs.

(iii) Evidence and submissions

Mr Barnes referred to principles set out in Planning Practice Note 13 (Incorporated and reference documents) which include:

- Reference background documents in the clause that they relate to, if the document specifically relates just to that clause and not to other clauses within the planning scheme as well.
- List background documents in Clause 72.08 Background Documents, if they inform several clauses of the planning scheme. This avoids the need to reference background documents in multiple clauses within a scheme.
- If all of the substantive elements of a document have been included in the planning scheme, there is no need to reference a document.

Mr Barnes noted that Amendment C269yara proposes to list background policies which inform policies in Clause 72.08 and not in the policy clauses themselves. He recommended the same approach for each DDO schedule to avoid repetition.

Council adopted Mr Barnes' recommendation in the end-of Hearing version of the DDO schedules.

(iv) Discussion

The Committee agrees with Mr Barnes that reference documents should be deleted from the DDO schedules and be listed in Clause 72.08. This approach would be consistent with DELWP's advice in Planning Practice Note 13.

The Clause 72.08 Schedule exists in the Planning Scheme so it is possible to list the documents through Amendment C291yara. This is a policy-neutral drafting change which achieves the same outcome as the exhibited Amendment.

(v) Conclusion and recommendations

The Committee concludes that background documents proposed to be introduced into Clause 21.11 should be listed in Clause 72.08 (Background documents) of the Yarra Planning Scheme.

The Committee recommends:

Amend Clause 21.11 to no longer list the three reference documents relevant to Yarra Planning Scheme Amendment C291yara.

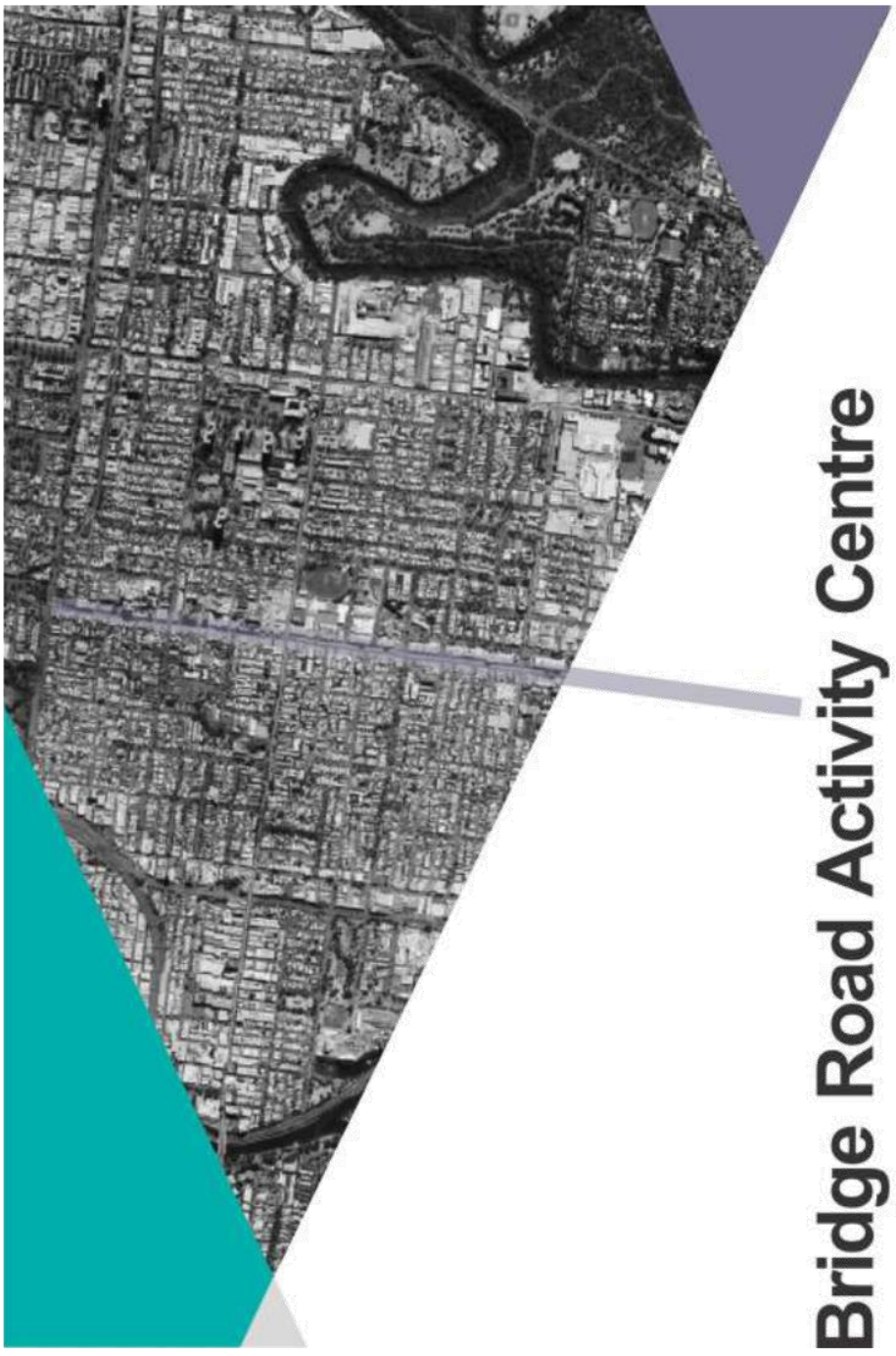
Amend Design and Development Schedules 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50 to no longer list the three reference documents relevant to Yarra Planning Scheme Amendment C291.

Reference the following documents in Clause 72.08 (Background documents):

a) **Bridge Road & Victoria Street Activity Centres - Review of Interim Built Form Controls - Analysis and Recommendations (MGS Architects and Urban Circus, April 2021)**
b) **Built Form Review: Bridge Road – Heritage Analysis and Recommendations (GJM Heritage, April 2021)**
c) **Built Form Review: Victoria Street – Heritage Analysis and Recommendations (GJM Heritage, April 2021)**
d) **Traffic Engineering Assessment, Victoria Street and Bridge Road Activity Centres, Richmond (Traffix Group, April 2021).**

Attachment 1 - Attachment 1 - Standing Advisory Committee Report - Bridge Road and Victoria Street Activity Centres - Draft Amendment C291yara

PART B – BRIDGE ROAD ACTIVITY CENTRE



5 Centre-wide issues

5.1 Views to landmarks

(i) The issues

The issues are:

- whether it is appropriate and justified to apply two view lines to the Pelaco sign from Wellington Parade in DDO41
- whether a mandatory maximum height of 11 metres is required for 54-56 Bridge Road, Richmond to protect views to the Pelaco sign from viewing points in Wellington Parade
- whether there should be a specific building height for 2-70 Bridge Road, Richmond to clarify the mandatory height is measured horizontally from the street level
- whether a separate DDO schedule should be prepared to protect view lines to landmarks which only applies to properties in the designated view corridors.

(ii) Background

DDO41, DDO42, DDO43 and DDO45:

- include mandatory provisions which seek to protect specified views to landmarks including the St Ignatius Cathedral spire and belfry, the Richmond Town Hall Clocktower and the Pelaco sign
- describe viewpoints and architectural elements to be protected
- depict view cones on plans.

The provisions include a requirement to maintain clear sky between the identified elements of the landmark and new development.

(iii) Evidence and submissions

Pelaco sign viewpoints

Bridgeworth Management Pty Ltd (Bridgeworth) submitted:

- there was no strategic basis for including two viewpoints to the Pelaco sign from Wellington Parade
- the sign's significance could be maintained by retaining the most prominent of the two views from the west (View 1- Tram Stop 13 on Wellington Street immediately west of Simpson Street)
- the 'iconic' views are two views from the same direction of the same thing
- there are no 'two stories' as put by Prof McGauran
- neither local policy nor the Pelaco Heritage Statement of Significance consider particular views from the west
- View 2 (from the footpath on the north-west corner of Wellington Parade and Hoddle Street) is diminished by the context of the view, being at a busy Hoddle Street intersection and much lower in the sky and less prominent.

Council submitted that the Pelaco sign is iconic, as demonstrated by its inclusion on the Victorian Heritage Register, and its alignment allows views from the east and west. Council relied on the *Adma Group Pty Ltd v Yarra City Council* [2018] VCAT 309 decision to describe the characteristics of

the western views which made them significant. Council submitted that entering Richmond from Wellington Parade allows significant views of the sign and that the two viewing points 'bookend' the experience of moving along the strip with the 'heroic' sign prominent. Council said that View 2 is the one which "*protects the sign the most*".

Council referred to the Yarra PSA C269yara [2022] PPV panel report which:

- did not make any findings about the significance or importance of the viewpoints
- recommended the viewpoints be deleted on the basis they were outside the City of Yarra.

Council submitted that while the viewpoints were in the City of Melbourne, they "*depend upon axial views along roads and public spaces which are incapable of being developed by anyone*", and affected private land is in the City of Yarra. For this reason, the views could be protected by provisions in the Planning Scheme.

Mr Gard'ner, Mr Barnes and Prof McGauren supported Views 1 and 2 towards . Mr Gard'ner considered the view lines are:

- significant and should be retained
- needed to understand the Pelaco sign's heritage values
- justified through the *Review and Development of the City of Yarra Landmarks Policy* (Ethos Urban 2018) and the *Landmarks and Views Assessment* (Ethos Urban 2019)
- supported by VCAT decisions which emphasise significant views that closely accord with View 2[1].

Mr Barnes found no planning reason to delete the viewpoints, given the properties affected by the protection of views are in the City of Yarra.

Prof McGauran stated:

- the protection of key views was an established element of the Planning Scheme
- the prominence of views have been tested in several VCAT reviews
- modelling undertaken as part of the Built Form Report confirmed the significance of key viewing points.

Under cross examination, Prof McGauran expressed his preference for View 2 if only one viewing point was retained.

54-56 Bridge Road, Richmond and building height definition

Bridgeworth submitted:

- mandatory view provisions could be applied but mandatory maximum building heights are not needed for 54-56 Bridge Road or other affected land
- survey and modelling presented at the Hearing confirmed that views to the Pelaco sign could be preserved without mandatory height provisions.

Bridgeworth questioned the assessment of height used in the provisions and submitted that a definition of building height measured along the horizontal plane should be included in the provisions consistent with the modelling assessments upon which the provisions are based.

[1] Rescom QED Lennox Street Pty Ltd v Yarra CC [2013] VCAT 1799, Renaissance United Assets Management Pty Ltd v Yarra CC [2018] VCAT 103

Council submitted that mandatory provisions, including maximum building heights for sites affected by the view lines, are necessary to protect significant views and are based on sound modelling and background work. Council stated:

> the survey material independently verifies the accuracy of the modelling tool used by the Council, being able to correctly position elements in the viewshed over long distances between 25 millimetres and 600 millimetres of their surveyed positions.

Council noted the provision had a drafting anomaly because it does not reference views to the Pelaco sign by measuring the height of buildings on a horizontal plane. It submitted that 'building height' for 2-70 Bridge Road should be further defined.

Separate DDO schedule for views to landmarks

ADMA Group Pty Ltd (ADMA) submitted:

- view lines to landmarks should be included in a separate DDO schedule and applied only to properties affected by designated view cones
- the location of St Ignatius Church has been shown incorrectly in DDO41 and that this has led to the incorrect mapping of the view cone and therefore inaccurately affected 242 Bridge Road, Richmond
- for this reason, views to landmarks should be based on detailed survey data supporting the inclusion of properties in view lines.

Council did not support the concept of a separate DDO schedule for views to landmarks but reviewed mapping to determine the location of landmarks and affected properties.

St Ignatius Church location in DDO41, DDO42 and DDO43

Council subsequently proposed to correct the location of the St Ignatius Church and associated view cones shown in DDO41. It did not reflect that change in DDO42 or DDO43.

(iv) Discussion

Pelaco sign viewpoints

The Committee is persuaded by submissions and evidence that Views 1 and 2 to the Pelaco sign are significant and allow a heroic experience of the Pelaco sign when entering Richmond. This is supported by significant background work which identifies and confirms the location of viewpoints. View 2 is important because it provides a closer, more prominent view of the sign, notwithstanding the busy nature of the Hoddle Street and Bridge Road intersection.

It is appropriate to protect view lines in the BRAC which has viewpoints in the City of Melbourne because:

- the Pelaco sign is a State significant landmark so its jurisdiction is not limited to a single municipality
- the only threat to Views 1 and 2 is private land in the BRAC because the view lines in the City of Melbourne are through public road reservations which will not be built out.

54-56 Bridge Road, Richmond and building height definition

Chapter 3.4 concludes that mandatory building height provisions have been applied in circumstances necessary to protect and manage several elements, including the protection of views to landmarks. The Committee is not persuaded that a site-specific approach is appropriate for 54-56 Bridge Road, or for the wider area encompassing all properties affected by the proposed 11 metre mandatory maximum building height provision. Survey and modelling presented at the

Hearing demonstrated the potential impacts on sought view lines and therefore that 11 metres is an appropriate metric for preserving views to the Pelaco sign framed by clear sky.

The VPP defines general terms, including building height. The *Practitioners Guide to Victorian Planning Schemes* states:

- a provision must not modify the meaning of a term that is defined in the PE Act or the VPP
- a local provision should not create a specific local definition as this may cause uncertainty, dispute and expense if the term has to be legally interpreted.

In this instance, the Committee agrees with submissions that the modelling used to determine the appropriate height provision depends on an assessment along the horizontal plane and not the topography of the land. Like Council and Bridgeworth, the Committee supports a clear and specific building height definition for 2-70 Bridge Road so that the mandatory maximum building height can be applied as intended.

Separate DDO schedule for views to landmarks

The Committee supports the provisions that seek to protect views to significant landmarks underpinned by background work, including the *Review and Development of the City of Yarra Landmarks Policy* (Ethos Urban 2018) and the *Landmarks and Views Assessment* (Ethos Urban 2019), and by modelling described at the Hearing.

The Committee is concerned about the accuracy of the mapping of landmarks and view cones in the DDO schedules, as evidenced through the late proposal to amend the location of the St Ignatius Church and associated view cone. The Committee agrees that this could lead to unnecessary justification being sought for properties not affected by the view cone if mapping is not verified with survey. There are tailored DDO schedules in other planning schemes which address views to significant landmarks and the Committee considers that Yarra would benefit from a similar approach. This is not essential but could simplify provisions for the end user. Such an approach would require highly accurate mapping of landmarks and view cones as the provision would only be applied to affected properties. The Committee considers that accurate mapping is required in any case.

St Ignatius Church location in DDO41, DDO42 and DDO43

Council should correct the location and associated view cone of St Ignatius Church in DDO42 and DDO43 to reflect the one shown in the end-of-Hearing version of DDO41.

(v) Conclusions and recommendations

The Committee concludes:

- Views 1 and 2 to the Pelaco sign are strategically justified and appropriate to include in Design and Development Overlay Schedule 41.
- A mandatory maximum building height of 11 metres is justified and appropriate for 54-56 Bridge Road, Richmond to protect views to the Pelaco sign from Views 1 and 2 in Wellington Parade.
- A building height should be specifically defined for 2-70 Bridge Road, Richmond to clarify that the mandatory building height is measured horizontally from the street level.
- The location and associated view cone of St Ignatius Church has been incorrectly shown in Design and Development Overlay Schedules 41, 42 and 43 and should be corrected.

- The location of all landmarks and view cones as depicted on plans in the Design and Development Overlay schedules should be checked and confirmed through survey.
- Council should consider investigating, through a separate process, the appropriateness of a new Design and Development Overlay schedule for view lines which would more accurately map the affected land.

The Committee recommends:

Amend the Design and Development Overlay Schedule 41, as shown in Appendix F1, to include a definition of building height.

Amend the Design and Development Overlay Schedules 41, 42 and 43 to show the correct location and associated view cone of St Ignatius Church.

Review Design and Development Overlay Schedules 41, 42, 43 and 50 to ensure they accurately map landmarks and associated view cones.

6 Precinct 1 – Bridge Road West (DDO41)

6.1 What is proposed?

Figure 3 Precinct 1 exhibited building heights and street wall interfaces

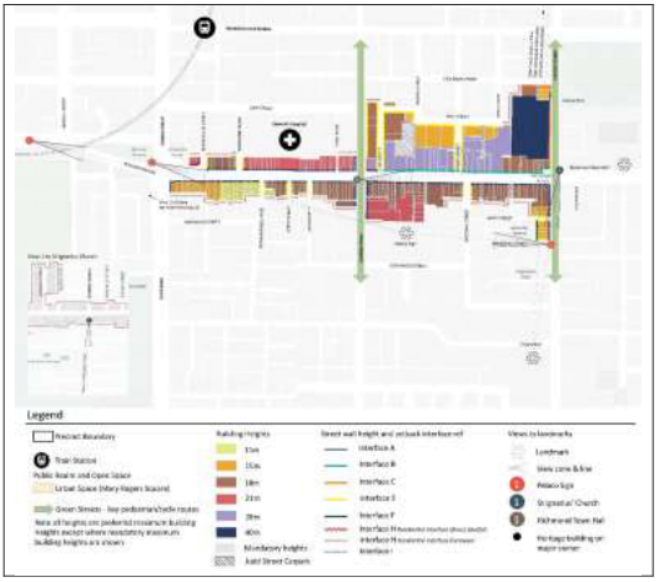


Table 5 Precinct 1 exhibited planning provisions

Height and interface plan and street wall heights and setbacks			
IR	**Design Element**	**Mandatory requirements**	**Preferred requirements**
A	Street wall height	Heritage buildings: retain existing height Other buildings: 11m maximum and 8m minimum	Other buildings: match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building
	Street wall setback	Heritage buildings: retain existing setback	Elsewhere: 0m
	Upper-level setback	38-44 Bridge Road: 10m minimum Elsewhere: 6m minimum	9m minimum for buildings >15m
B	Street wall Height	Heritage buildings retain existing height Other buildings: 11m maximum and 8m minimum	Other buildings: match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building
	Street wall setback	Heritage buildings: retain existing setback	Elsewhere: 0m
	Upper-level setback	None specified	13m minimum
C	Street wall Height	None specified	Heritage buildings: retain existing height Other buildings: 11m maximum and 8m minimum Match parapet height of adjoining heritage building for minimum 6m length
	Street wall setback	None specified	Heritage buildings: retain existing setback Elsewhere : 0m maximum
	Upper-level setback	None specified	6m minimum
E	Street wall height	None specified	Heritage buildings: retain existing setback Other buildings: 11m maximum
	Street wall setback	None specified	Heritage buildings: retain existing street wall setback

	Upper-level setback	72 Bridge Road on western boundary: 6m minimum	Heritage buildings: 6m minimum Other buildings: 3m minimum
F	Street wall height	None specified	8m maximum
	Street wall setback	None specified	None specified
	Upper-level setback	None specified	4.5m minimum
I	Side and rear wall height	None specified	11m maximum
	Side and rear setback	None specified	None specified
	Upper-level setback	None specified	4.5m minimum from centreline laneway

What is sought for Precinct 1?

The exhibited preferred character for Precinct 1 at Clause 21.12 states:

> Precinct 1 – Bridge Road West is anchored by Epworth Hospital Health Precinct on Richmond Hill and the Richmond Plaza redevelopment on the corner of Bridge and Church Streets. This is complemented by a diverse mix of fine-grain retail, dining, offices and inner city living. The precinct's character and sense of place will continue to be defined by intact heritage streetscapes and heritage buildings along Bridge Road. This will be contrasted by taller built form in the Health Precinct and the newly established mid-rise character on the northern side of Bridge Road. The precinct will continue to be a focus for housing and employment growth within the activity centre with mid-rise development on larger infill sites on the north site between Lennox Street and Church Street and within the proximity of the Pelaco building, and lower scale development on narrow infill sites and shop-top redevelopment of heritage buildings.

6.2 Building height and interface requirements

(i) The issue

The issue is whether proposed maximum building heights and interface provisions in DDO41 are justified and appropriate for:

- land in the vicinity of Hull Street, Richmond
- 45-47 Bridge Road, Richmond
- 54-56 Bridge Road, Richmond
- 173-177 Lennox Street, Richmond
- 146 and 148 Bridge Road, Richmond
- land in the vicinity of Allowah Terrace, Richmond
- 242 Bridge Road, Richmond
- 268-272 Church Street, Richmond.

(ii) Background

The Height and Interface Plan in proposed DDO41 includes a range of mandatory and preferred maximum building heights, including heights from 11 metres to 21 metres south of Bridge Road, and ranging from 18 metres to 40 metres to the north side of Bridge Road.

(iii) Evidence and submissions

Hull Street Area, Richmond

Submissions were received from both residents and landowners in relation to maximum building heights for the Hull Street area.

Residents objected to the proposed heights permitted and raised overlooking, overshadowing, visual bulk and neighbourhood character concerns. Landowners generally sought increased heights submitting that heights were too low and would result in underdevelopment of sites or didn't reflect approved permit conditions (Richmond Quarter site).

Mr Barnes noted the higher discretionary maximum building heights proposed on the north side of Bridge Road between Lennox Street and Church Street. He stated that considerable redevelopment had already occurred in this precinct with some buildings up to 11 storeys. Mr Barnes gave evidence that

> A lesser discretionary height of 15 metres (4 storeys) is proposed in the north part of this area, to the south of Hull Street. The intent is to provide a transition down to residential properties on the north side of Hull Street. I consider that advice should be sought from Council's urban design expert, whether the discretionary height in this location could be increased to 18 metres (5 storeys).

He compared the proposed height with the 18 metre height proposed for the south side of Bridge Road abutting residential land and said

> It appears an anomaly to have a lesser height along the south side of Hull Street, which will not be overshadowed by development, is separated by a street (of 14 metres) rather than having a direct residential or laneway abuttal.

Prof McGauran did not agree that there was a need to amend the discretionary building height provisions. He considered that a discretionary 15 metre height generally south of Hull Street would support minor variations where appropriate and that the proposed heights had been supported through a range of peer review processes and background work for the Amendment and were at scales generally consistent with the emerging character of this precinct.

Prof McGauran did however support reviewing provisions for the Richmond Quarter site and submitted that the height provisions for this site should accord with approved plans. Mr Barnes had no objection to revising the provisions to reflect approved plans but did not consider this critical given the discretionary nature of the provision. Mr Gard'ner did not consider it necessary to amend the provisions due to non-compliance of a recently constructed development.

Council maintained the transition to lower heights north towards Hull Street provided an appropriate interface to residential development and submitted that any new development would need to comply with a set of criteria to exceed discretionary height limits. Council submitted that existing approvals were considered in the development of provisions but that ultimately the preferred heights were determined based on urban design advice and wider considerations across the centre.

45-47 Bridge Road, Richmond

Submitter 37 objected to the mandatory maximum building height and upper-level setback provisions proposed for 45-47 Bridge Road, and submitted that they were onerous and unnecessary because:

- heritage streetscape character is already protected by local policy at Clause 22.02 Development Guidelines for Sites Subject to Heritage Overlay
- they would stymie the application of considered and varied design responses.

Council submitted that mandatory provisions were appropriate for 45-47 Bridge Road and referenced the heritage host building on site and its location in an intact heritage streetscape.

54-56 Bridge Road, Richmond

Bridgeworth Management Pty Ltd (Bridgeworth) submitted that the proposed mandatory building height provision for 54-56 Bridge Road did not achieve an acceptable net community benefit and that a mandatory provision was not needed to preserve views to the Pelaco sign.

Council accepted that the proposed mandatory maximum building height was "*largely, though not exclusively driven by the preservation of views to the Pelaco sign from Wellington Parade*". Council submitted that survey material presented by Bridgeworth demonstrated that from View 2 a building of no more than 11 metres would not protrude upon views to the Pelaco sign, and therefore a mandatory maximum building height of this metric was necessary.

All expert evidence put on this matter supported the mandatory height provision and associated metric.

173-177 Lennox Street, Richmond

Rockburgh Pty Ltd submitted the discretionary maximum building height proposed for 173-177 Lennox Street was too low and would prejudice otherwise acceptable infill development outcomes.

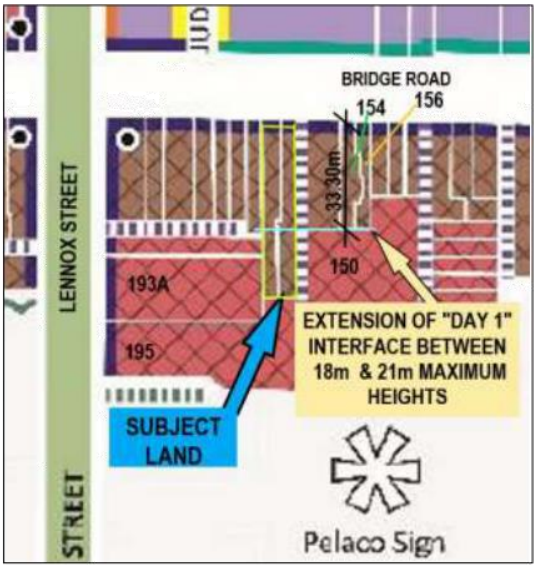
Prof McGauran disagreed and referred to the interface with fine grain heritage residential development to the west. He noted that Lennox Street formed part of the principle cycling network and was a critical part of the pedestrian interconnectivity network connecting the BRAC, the adjoining Health Precinct and nearby community services and facilities:

> In my view, the preferred heights are appropriate with the nature of the direct abutments to the north, northeast, northwest, and west likely to be the subject of only incremental change owing to the controls in these areas and the integrity of the built form.

146 and 148 Bridge Road, Richmond

PMTV Australia Pty Ltd and A and C Keramitsis (PMTV) submitted that the rear (south) section of 146 and 148 Bridge Road, Richmond should have a 21 metre mandatory maximum building height, rather than 18 metres as exhibited. They sought to change the DDO41 Plan 1 Height and Interface Plan to show a matching alignment with 150 Bridge Road, Richmond in relation to the height designations. This is shown on Figure 4 below.

Figure 4 DDO41 Proposed change to Height and Interface Plan for 146 and 148 Bridge Road, Richmond (PMTV Australia Pty Ltd & Keramitsis)



PMTV submitted that the extensive depth of lots allowed for generous setbacks and therefore higher built form to the rear without creating visual impacts on the Bridge Road streetscape. PMTV submitted that property boundaries were not permanently fixed and shouldn't in all cases be the principal factor in determining building height provisions. They referred to a current plan of subdivision which had been prepared to subdivide the rear portion of these properties and create a separate parcel with extensive frontage to Wustemenn Place.

Council submitted that maximum building heights were reduced to 18 metres in the exhibited Amendment (from interim provisions) for lots fronting Bridge Road between Lennox and Church Streets due to their fine grain and heritage characteristics, consistent with properties to the west of Lennox Street. It submitted that a 21 metre maximum building height was applied to the rear of these lots which allowed an appropriate increase in scale to the taller Pelaco building to the south. Council submitted that it was not appropriate to apply two different heights to a single smaller site, notwithstanding this approach had been applied to a larger lot to the east.

Mr Gard'ner referred to the narrow and fine grain characteristics of the lots, and while acknowledging their depth, considered the 18 metre maximum height was necessary to *"... retain the visual prominence of the highly intact heritage street wall along the south side of Bridge Road"*. At the Hearing however, Mr Gard'ner acknowledged that higher built form at the rear of 146 and 148 Bridge Road would have no significance on the public realm due to the large setback from the Bridge Road frontage.

Prof McGauran noted the case put by the submitters for 146 and 148 Bridge Road was reviewed and supported in Council's preferred provisions. He gave evidence at the Hearing that higher development on the rear of these properties would not impact the views of the Pelaco sign and therefore would be appropriate.

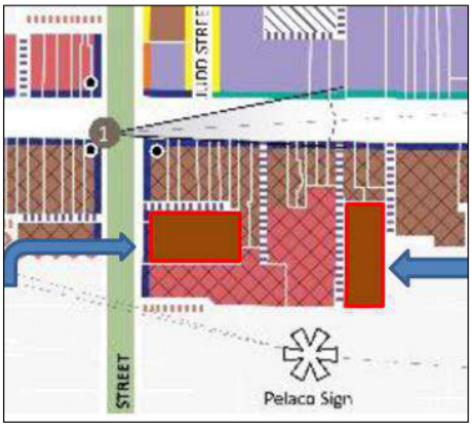
Allowah Terrace Area, Richmond

Ms Kyriakopoulos submitted that all dwellings on Allowah Terrace (2, 4, 6, 8a, 8b, 10a and 10b inclusive) should have a mandatory maximum building height of 18 metres, and preferably not more than 15 metres. Her reasons were (summarised):

- to enable a step down to neighbouring residential heritage areas, such as Waltham Street
- to protect the heritage significance of the two houses at 2 and 4 Allowah Terrace.

Ms Kyriakopoulos submitted that a mandatory maximum building height of 18 metres, or preferably 16.5 metres, would be appropriate for 193 and 193a Lennox Street, Richmond to protect the heritage character of the Richmond Hill Precinct and to reduce potential impacts on views to the Pelaco building and sign.

Figure 5 DDO41 Proposed changes to Height and Interface Plan for land in Allowah Terrace and at 193 and 193a Lennox Street (G Kyriakopoulos)



Council submitted that the various mandatory provisions had been carefully assessed and relied on the evidence of its experts.

Mr Barnes' evidence deferred to Council's urban design expert on this matter. Prof McGauran stated:

> The sites are robust in scale with few sensitive interfaces and with renewal sites to the west and the backdrop of the Pelaco building I am satisfied that the 21m proposed is an appropriate response to the opportunities afforded by the context.

242 Bridge Road, Richmond

ADMA submitted that the mandatory maximum building height proposed for 242 Bridge Road should be "*expressed as a preferred maximum height, with a higher mandatory maximum height of 24m (if at all)*". ADMA submitted that 18 metres might be appropriate for some sites but that many sites could achieve a result no less acceptable with additional height.

Prof McGauran gave evidence that there was a sound basis for infill development building height provisions in this intact heritage streetscape, and no urban design basis for disrupting the streetscape in a mid-block location. He disagreed that 18 metres would not allow for buildings with adaptability and said that a mixed use building with a 4.5 metre ground level and four upper residential levels, or a four level commercial building, could be comfortably incorporated into the proposed envelope.

ADMA submitted that the mapping of DDO41 Plan 1 Height and Interface Plan made it difficult identify whether 242 Bridge Road was affected by Interface J. Council clarified that Interface J did not apply to 242 Bridge Road and proposed to amend Plan 1 to clarify the mapping.

258-280 Church Street, Richmond

Pacasa JV (Richmond) Pty Ltd (Pacasa), referring to 268-272 Church Street submitted that the following changes should be made to the Amendment (summarised):

- application of Interface C (rather than Interface A) to the eastern boundary to Church Street to remove the proposed mandatory 6 metre upper-level front setback
- application of Interface E (rather than Interface F) to the western boundary to the right of way opposite Alexander Reserve to increase the preferred street wall height to 11 metres
- retention of the 18 metre (rather than 15 metre) mandatory maximum building height for 258-264 Church Street.

Reference was made to:

- a statement in the *Victoria Street and Bridge Road Built Form Review Heritage Analysis & Recommendations* (GJM 2018) that the western side of Bridge Road did not represent a significant heritage streetscape, or one that could be reasonably described as intact
- a recommendation in the Built Form Report that Interface A should be applied to intact heritage streetscapes and standalone heritage buildings to ensure heritage remained the predominant element in the street.

Pacasa submitted that Interface C, with a discretionary 6 metre upper-level setback, would be more appropriate for the Church Street frontage because 268-272 Church Street:

- was not subject to the Heritage Overlay
- did not adjoin land in the Heritage Overlay
- did not form part of a significant heritage streetscape
- did not adjoin land with a prominent heritage street wall.

Pacasa submitted that Interface C could be applied to all Church Street frontages between Berry Street and Hodgson Terrace.

Mr Gard'ner noted that land on the west side of Church Street, between Berry Steet and Hodgson Terrace, included in DDO41 was not included in the study area for the Bridge Road Heritage Review and that none of these properties were included in the Heritage Overlay (HO315 – Church Street Precinct) except for 276 Church Street, Richmond.

Pacasa objected to the application of Interface F to the western boundary of 268-272 Church Street and submitted:

- it placed unnecessary restriction on development
- it did not accord with Council support for a current development proposal on the site
- it would result in a "*confused architectural outcome due to the proposed variation in street wall heights to the Site's north and west elevations*".

Council referred to the proposed provision in DDO41 which required street wall heights to "*turn a corner*". Specifically:

> On corner sites where two different street wall heights are nominated, development should 'turn the corner' and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

Pacasa and others submitted that the current 18 metre mandatory maximum building height for 258-264 Church Street should be retained because:

- a recent development on the east side of Church Street under construction was of a greater height and adjacent to a two storey building
- overshadowing requirements in DDO41 would provide appropriate regulation of overshadowing impacts to Alexander Reserve.

Mr Barnes noted that the reduction in height was a specific recommendation of the Built Form Report, and Council submitted that:

> Heights were reduced from 18m to 15m (approximately five storeys to four storeys) for the two properties on Church Street north of Berry Street. The purpose of this change is to provide an improved transition in scale towards the south and limit overshadowing outcomes to Alexander Reserve.

Council submitted that it did not support the amendments proposed by Pacasa and other landowners and relied on the evidence of Prof McGauran on these issues.

Prof McGauran's evidence did not specifically refer to issues raised by Pacasa in relation to 268-272 Church Street. Responding generally to submissions for changes to DDO41, Prof McGauran said:

> I am not persuaded that a compelling case for change has been typically made save for matters relating to protection of amenity guidance within the controls.

Several resident submitters, including the Residents Against Inappropriate Development, had concerns about potential impacts of new development on the distinct heritage character of Church Street and potential overshadowing of Alexander Reserve. They submitted that:

- building heights should reflect the transition in scale from shops and commercial development to smaller scale housing, tapering to lower maximum heights at Hodgson Terrace
- height and bulk of new buildings should be limited to allow for a gentle transition
- scale of new buildings should preserve the openness to sky, sunlight and not overwhelm Alexander Reserve
- maximum building heights along Church Street should be 11 metres between Berry Street and Hodgson Street
- maximum building heights along Church Street should be 15 metres between Bridge Road and Berry Street
- setbacks should ensure there is no overshadowing or visual intrusion to Alexander Reserve.

(iv) Discussion

Hull Street, Richmond

The Committee agrees that it is appropriate to transition to lower building heights for land along the south side of Hull Street to respond to the residential interface to the north. The Committee observes the higher level of redevelopment in this area referred to by Mr Barnes and agrees that there may be some scope for minor variations in height depending on context, and subject to the criteria set out in DDO41 for exceeding preferred maximum height provisions. For this reason, the Committee supports the application of a discretionary maximum building height in this location and does not consider that there is justification for amending metrics. Nor does the Committee

consider it necessary for the provisions to reflect metrics in the current approvals for the Richmond Quarter site.

45-47 Bridge Road, Richmond

The Committee considers that it is appropriate to apply mandatory height and upper-level setbacks provisions to 45-47 Bridge Road, which is developed with two heritage buildings that are part of a significant heritage streetscape. The Committee is not persuaded to depart from its conclusions with respect to mandatory height and upper-level setback provisions for heritage buildings and streetscapes as discussed in Chapters 3.2, 3.4 and 3.6.

54-56 Bridge Road, Richmond

The Committee does not agree that the proposed mandatory building height for 54-56 Bridge Road does not achieve an acceptable community benefit and considers that an 11 metre mandatory maximum building height is necessary to ensure the retention of viewlines to the historic Pelaco sign (discussed in Chapter 5.1). Views to the Pelaco sign are highly valued by the community and are of State significance. No evidence was presented to the Committee that a higher built form outcome would outweigh this benefit.

173-177 Lennox Street, Richmond

The Committee agrees with the evidence of Prof McGauran that the proposed discretionary building height for 173-177 Lennox Street is appropriate within its context and is not persuaded there is a need to increase the preferred metric on a site-specific basis. More sensitive interfaces become apparent moving into this section of Lennox Street, with 173-177 Lennox Street sitting at the edge of Precinct 1 and adjoining residential land to the north. The key role of Lennox Street in the pedestrian and cycling network is noted.

146 and 148 Bridge Road, Richmond

The Committee supports a change to the DDO41 Height and Interface Plan to apply a 21 metre mandatory maximum building height to the rear of 146 and 148 Bridge Road as shown in Figure 4. The depth of these lots allow for a higher built form to the rear that would not negatively impact on the heritage streetscape and street wall along Bridge Road and would be consistent with higher built form permitted on either side of these properties. The Committee agrees that property boundaries should not be the sole determinant of proposed maximum building height provisions. In this case, that it is appropriate to have a different height at the front of the site to the rear of the site, and that site context and consideration of the DDO41 objectives are significant factors influencing the application of provisions.

Allowah Terrace Area, Richmond

The Committee accepts Prof McGauran's assessment that the 21 metre mandatory maximum height is appropriate for the Allowah Terrace area. All properties along Allowah Terrace, and at 193 and 193a Lennox Street, are within the Commercial 1 Zone (C1Z) and have interfaces to land in the C1Z of a generally more robust nature, such as the Pelaco land.

The Committee acknowledges the row of mostly single, with some two storey, dwellings along Allowah Terrace but notes the consistent approach taken in the Amendment to transition height to a higher form behind Bridge Road to the Pelaco site. The Heritage Overlay applies to all of these properties and this will allow the heritage context of various sites to be taken into account when considering future development proposals.

Views to the Pelaco sign have been modelled by Council in preparing the Amendment and there is no evidence to suggest that buildings of 21 metres at 193 or 193a Lennox Street would impact on these views.

242 Bridge Road, Richmond

The Committee considers that it is appropriate to apply a mandatory maximum building height of 18 metres to 242 Bridge Road. The Committee is not persuaded to depart from its conclusions with respect to the exhibited mandatory height and upper-level setback provisions relevant to heritage buildings and streetscapes as discussed earlier in this report. The Committee does not support a site-specific increase in the metric for 242 Bridge Road, noting its mid-block location in a highly intact heritage streetscape.

The Committee agrees with ADMA that it is difficult to interpret the intent of DDO41 Plan 1 regarding the application of Interface J near the southwest portion of 242 Bridge Road. The Committee supports Council's proposal to amend mapping to make this clearer on the Plan.

258-280 Church Street, Richmond

The Committee supports Interface A being applied to significant heritage streetscapes as discussed in Chapter 3.2. There is disagreement between submitters as to whether the west side of Church Street between Berry Street and Hodgson Terrace forms part of a broader heritage streetscape, and therefore whether it is appropriate to apply Interface A. Most of the land between Berry Street and Hodgson Terrace is not part of the Church Street Heritage Precinct (HO315).

However, the Committee observes that land not affected by the Heritage Overlay (HO315) forms only a small gap in the precinct, with land to the north, south and opposite all included in the precinct. The front portion of the properties between Berry Street and Hodgson Terrace are all within one of the primary view cones to the St Ignatius Church spire and tower belfry on DDO41 Plan 2 (Landmarks Plan). While 268-274 and 278-280 Church Street may not constitute a significant heritage streetscape when considered in isolation, the Committee agrees with submissions that new development on these sites will contribute to the overall character of the surrounding heritage precinct and finds that the application of Interface A is justified and appropriate.

Enhancing the pedestrian experience and ensuring sunlight access to key public open spaces is a particular focus for the Amendment. The Built Form Report recommends applying Interface F on lots facing Alexander Reserve to ensure an appropriate transition in height towards open space. The Committee agrees with Council that Interface F is appropriate for the western boundary of properties between Berry Street and Hodgson Terrace that have an outlook to Alexander Reserve. The discretionary provisions encourage human scale development complementary to community-oriented character of Alexander Reserve. Provisions encourage street wall heights to turn a corner for properties with more than one frontage to alleviate concerns about a 'confused architectural outcome'.

The Committee does not support a change to the metric for 258-264 Church Street and finds that the proposed 15 metre maximum building height will allow for an improved transition in scale towards lower scale development to the south and limit overshadowing of Alexander Parade. The Committee is not persuaded that approval of higher development on nearby land should determine policy provisions for 258-264 Church Street.

(v) Conclusions and recommendations

The Committee concludes:

- A discretionary maximum building height of 15 metres is appropriate for land on the south side of Hull Street.
- There is no need to amend the discretionary height provision applied to the Richmond Quarter site.
- It is appropriate to apply mandatory height and upper-level setbacks provisions to 45-47 Bridge Road, Richmond given the heritage context of the site and streetscape.
- A mandatory maximum building height of 11 metres is appropriate for 54-56 Bridge Road, Richmond to protect views to the Pelaco sign from viewing points in Wellington Parade.
- The rear of 146 and 148 Bridge Road, Richmond could support built form of up to 21 metres without impacting the heritage streetscape.
- A mandatory maximum building height of 21 metres is appropriate for properties along Allowah Terrace and at 193 and 193a Lennox Street, Richmond.
- A building height of up to 21 metres for 193 and 193a Lennox Street, Richmond will not negatively interfere with views to the Pelaco sign.
- A mandatory maximum building height of 18 metres is appropriate for 242 Bridge Road, Richmond given the heritage context of the site and streetscape.
- The Interface J mapping near 242 Bridge Road, Richmond should be amended so it is clear as to where is applies.
- It is appropriate to apply Interface A along the Church Street frontage for 268-280 Church Street, Richmond, recognising the interface that development of these properties has with the broader Church Street heritage precinct.
- It is appropriate to apply Interface F to the western boundary of 268-280 Church Street, Richmond, where it interfaces with Alexander Reserve.
- A mandatory maximum building height of 15 metres is appropriate for 258-264 Church Street, Richmond.

The Committee recommends:

Amend Design and Development Overlay Schedule 41, as shown in Appendix F1, to:

a) change the mandatory maximum building height across the rear of 146 and 148 Bridge Road, Richmond from 18 to 21 metres

b) clarify mapping of Interface J near 242 Bridge Road, Richmond.

6.3 Overshadowing and solar access requirements

(i) The issue

The issue is whether the proposed overshadowing provisions in DDO41 are justified and appropriate.

(ii) Evidence and submissions

Ms Kyriakopoulos submitted that the overshadowing provisions should not include the qualification "*unless the overshadowing would not unreasonably prejudice the amenity of the*

public space, to the satisfaction of the responsible authority". Concerns were also raised about the wording of the description of land to be protected.

Council submitted that provisions were updated to:

> Apply to whole of the footpath rather than a distance of 3m from the kerb. Metric used (e.g. 3.0 metres from the kerb) allows for a significant encroachment zone for overshadowing. This is particularly problematic in Bridge Road and Victoria Street where footpaths vary greatly in width. This metric would mean that narrower footpaths could be completely overshadowed at specific times. Swan Street (C191) seeks to protect the full width of the footpath by using the following metric, 'from the property boundary to the existing kerb' to reflect the current width at the point of measure.

Nijon Nominees Pty Ltd submitted that the first provision under overshadowing requirements should be clarified by the following underlined revisions:

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

Council supported this proposal and proposed other minor amendments to the provisions to clarify their application.

(iii) Discussion

The Committee agrees with Council that proposed updates to overshadowing provisions provide clarity of intent and supports their inclusion in DDO41. The Committee does not consider it necessary to delete the proposed qualification around overshadowing that would not affect the amenity of open space and finds it to be a sensible inclusion.

The Committee supports further minor clarifications submitted by Nijon Nominees Pty Ltd.

(iv) Conclusion and recommendation

The Committee concludes the overshadowing provisions proposed in DDO41 are justified and appropriate.

The Committee recommends:

Amend Design and Development Overlay Schedule 41, as shown in Appendix F1, to clarify overshadowing provisions.

6.4 Building separation and design quality requirements

(i) The issue

The issue is whether building separation provisions in DDO41 are justified and appropriate for 45-47 Bridge Road, Richmond.

(ii) Background

Building separation provisions in DDO41 are common to all properties. Provisions include (summarised):

- Well-spaced and sited development to avoid visual bulk and allow equitable access to outlook and daylight
- where development shares a common boundary and no interface treatment is identified, buildings less than 21 metres in height should have minimum upper-level setbacks of:

  - 4.5 metres where a habitable room window or balcony is proposed
  - 3.0 metres where a commercial or non-habitable room window is proposed
- where buildings are greater than 21 metres in height, any development above the street wall or 15 metres in height (whichever is greater) should be setback a minimum of 4.5 metres
- where the common boundary is a laneway, the setback is measured from the centre of the laneway
- upper-level setback provisions for multiple buildings.

(iii) Evidence and submissions

Building separation

Submitter 37 opposed the building separation provisions in DDO41, submitting that these amenity matters are addressed by Clauses 55 and 58 in the Planning Scheme.

Prof McGauran outlined the purpose of the building separation provisions, which seek to ensure adequate distance is provided between buildings to facilitate good standards of amenity for occupants and interfacing occupiers.

Council submitted that the provisions were appropriate to address streetscape and internal amenity issues.

Design Quality Requirements

Ms Kyriakopoulos submitted that it should be acceptable for fine grain heritage sites to remain undeveloped if the site is too constrained and objected to the inclusion of the following proposed provision in the Day 1 Version of DDO41:

> New development considers opportunities for lot consolidation to achieve a high quality design and heritage outcomes.

Nijon Nominees Pty Ltd submitted that the following provision should be amended to reflect the situation that there is no Mixed Use Zone land fronting the commercial spines and that residential use at ground floor may be appropriate in "*backstreet areas*":

> Development in the Commercial 1 Zone ~~and/or Mixed Use Zone~~ 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.

(iv) Discussion

The Committee considers that the proposed building separation provisions will assist new development to achieve the design objective in DDO41 which states:

> To ensure development responds to sensitive interfaces by providing a suitable transition to low scale residential areas and minimising amenity impacts on residential properties including overlooking, overshadowing and visual bulk impacts.

The Committee acknowledges that Clause 58 Apartment Developments in the Planning Scheme seeks to regulate some similar amenity outcomes but considers the proposed provisions provide additional guidance and metrics to respond to the above design objective more directly.

Clause 55 does not apply to land in the Commercial 1 Zone and the Committee does not see this is relevant to 45-47 Bridge Road.

The Committee supports the proposed policy to consider opportunities for lot consolidation forming part of the Design Quality Requirements. The policy is not mandatory and the Committee does not agree that it will force fine grain heritage sites to redevelop.

The Committee does not support removing reference to the Mixed Use Zone from the policy which encourages floor to floor heights suitable for commercial activity. While the Committee agrees that residential use at ground floor may be appropriate in some circumstances away from the commercial spines, it considers that greater ground floor to floor levels allow for flexible use of space which is appropriate in the Mixed Use Zone. The Committee notes that the provision is not mandatory.

(v) Conclusions

The Committee concludes:

- The building separation provisions in Design and Development Overlay Schedule 41 are justified and should apply to 45-47 Bridge Road, Richmond.
- The exhibited planning provisions regarding greater ground level floor-to-floor heights and opportunities for lot consolidation are appropriate and should be included in Design and Development Overlay Schedule 41.

7 Precinct 2 – Bridge Road South (DDO42)

7.1 What is proposed?

Figure 6 BRAC Precinct 2 exhibited building heights and street wall interfaces

Table 6 BRAC Precinct 2 exhibited planning provisions

Height and interface plan and street wall heights and setbacks			
IR	**Design Element**	**Mandatory requirements**	**Preferred requirements**
A	Street wall height	Heritage buildings: Retain existing height Other buildings: 11m maximum and 8m minimum	Other buildings: match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building
	Street wall setback	Heritage buildings: Retain existing setback	0m
	Upper-level setback	6m minimum	9m minimum for buildings >15m
C	Street wall Height	None specified	Heritage buildings: Retain existing height Other buildings: 11m maximum and 8m minimum Match parapet height of adjoining heritage building for minimum 6m length
	Street wall setback	None specified	Heritage buildings: retain existing setback Elsewhere: 0m
	Upper-level setback	None specified	6m minimum
E	Street wall height	None specified	Heritage buildings: Retain existing height Other buildings: 11m maximum
	Street wall setback	None specified	Heritage buildings: Retain existing setback
	Upper-level setback	None specified	Heritage buildings: 6m minimum Other buildings: 3m minimum
I	Side and rear wall height	None specified	11m maximum
	Side and rear setback	None specified	None specified
	Upper-level setback	None specified	Minimum 4.5m from centreline laneway

What is sought for BRAC Precinct 2?

The exhibited preferred character for BRAC Precinct 2 at Clause 21.12 states:

> Precinct 2 – Bridge Road South is a vibrant destination for dining, retail and services building on its distinctive heritage qualities. The precinct's character and sense of place is defined by its highly intact heritage streetscape with a consistent heritage street wall of largely two storey Victorian era retail and commercial buildings including distinctive corner buildings addressing Bridge Road and side streets. The precinct's sunny wide footpaths, fine-grain shopfronts and cafes with outdoor dining will provide activity and visual engagement for people on the street. The precinct will support lower midrise development on narrow infill sites and shoptop redevelopment of heritage buildings.

7.2 Building height and upper-level setback requirements

(i) The issues

The issues are whether the following provisions are justified and appropriate for land in Precinct 2, including 300-306 Bridge Road, Richmond:

- a mandatory maximum building height of 18 metres
- Interface A upper-level setback provisions.

(ii) Background

A mandatory maximum building height of 18 metres is proposed to apply to all properties affected by DDO42. Interface A has been applied to Bridge Road frontages in Precinct 2, including 300-306 Bridge Road, Richmond. Interface A includes a mandatory minimum 6 metre upper-level setback and a preferred setback of 9 metres for buildings greater than 15 metres in height.

(iii) Evidence and submissions

Four submitters objected to the proposed maximum building height in Precinct 2 raising concerns about residential amenity and neighbourhood character and requested reduced heights in the range of 11-12 metres.

HLL Developments Pty Ltd opposed the proposed building height and upper-level setback provisions for 300-306 Bridge Road and submitted that they were overly restrictive, not strategically justified and did not optimise the development potential of the site.

Ms Roberts considered that scenario testing for 300-306 Bridge Road showed variations to the exhibited building height and setbacks would have minimal measurable impacts on the visibility of upper levels when viewed from the other side of the road and oblique angles. Ms Roberts recommended:

- an increased maximum building height to 21 metres for infill sites or with high (or highest) development potential
- a discretionary rather than mandatory maximum building height for 300-306 Bridge Road
- a discretionary, rather than mandatory, 6 metre upper-level setback provision for non-heritage buildings and buildings not within the Heritage Overlay
- replacement of the discretionary 9 metre setback above 15 metres, to a discretionary 9 metre setback above 18 metres.

At the Hearing, Ms Roberts agreed that the heritage context of 300-306 Bridge Road was significant and the application of a mandatory 21 metre maximum building height would be appropriate. However, Ms Roberts preferred a mandatory 6 metre upper-level setback to ensure

a visually cohesive and recessive upper form to bring the heritage façade further visual prominence, rather than a mandatory building height provision.

HLL Developments Pty Ltd agreed with Ms Roberts' evidence that a mandatory maximum height of 21 metres would be acceptable but continued to oppose a mandatory 6 metre upper-level setback for non-heritage buildings.

Mr Barnes, Mr Gard'ner and Prof McGauran did not support a change to provisions in Precinct 2 or as applied to 300-306 Bridge Road. Prof McGauran said:

> a) The propositions put to disrupt street wall scales, setbacks and heights for these infill sites is an outcome with a potential consequence of investing these sites with a visual prominence and visually disruptive form not warranted in my view in Urban Design Policy and precinct response terms.
> b) Logically these sites should be developed as complimentary well-mannered neighbours to their significant heritage abutments with a role of stitching together the street form rather than disrupting it either through variation in street wall height, upper-level setback, or maximum height outcomes.
> c) The highly consistent scale and integrity of this streetscape of buildings as outlined by Mr Gard'ner in his report, combined with the wider form of the road, establishes a streetscape with a highly impactful heritage presence that supports careful curation of both infill and upper-level development to ensure the important heritage street wall form remains like in Precinct 1 highly legible and clearly demarked and that upper level equally is recessive and consistent in scale. In this context the broad application of mandatory controls is warranted in my view.

Council submitted that adopting Ms Roberts' recommendations would *"invite an anomaly"* for 300-306 Bridge Road and risk eroding the objectives of DDO42 and the prominence of heritage built form.

(iv) Discussion

The Committee considers that a mandatory maximum building height of 18 metres in Precinct 2 is justified and appropriate. Precinct 2 comprises a highly intact heritage streetscape, predominantly fine grain shop fronts and two storey Victorian era buildings. Almost all properties are subject to the Heritage Overlay (HO310 Bridge Road Precinct).

The BRAC Heritage Report and Built Form Report adequately justify the 18 metre maximum building height metric and will ensure that future development will be subservient to the heritage fabric and visually recessive in the streetscape. The Committee agrees that changing the metric for 300-306 Bridge Road would result in an anomaly that cannot be justified based on optimising site potential, when there is sufficient residential and commercial land capacity in the BRAC and broader municipality.

Ms Roberts and other expert witnesses supported the mandatory 6 metre upper-level setback for properties in the Heritage Overlay in Precinct 2. The Committee is not persuaded that there is a justified reason to change the mandatory upper-level setback for 300-306 Bridge Road to a discretionary provision. The mandatory upper-level setback should be applied consistently to the Bridge Road frontage of properties in Precinct 2 to maintain the prominence of this significant heritage streetscape.

The Committee supports the preferred 9 metre setback for buildings over 15 metres in Interface A and finds it is appropriate to apply this provision to 300-306 Bridge Road to assist in protecting the visual prominence of the heritage streetscape. It is a preferred provision so it would be

inappropriate to increase it to 18 metres, given the mandatory maximum building height for Precinct 2 is 18 metres.

(v) Conclusions

The Committee concludes:

- The mandatory maximum building height of 18 metres is justified and appropriate for land in Precinct 2, including 300-306 Bridge Road, Richmond.
- The Interface A upper-level setback provisions are appropriate for Precinct 2, including 300-306 Bridge Road, Richmond.

8 Precinct 3 – Bridge Road Central (DDO43)

8.1 What is proposed?

Figure 7 BRAC Precinct 3 exhibited building heights and street wall interfaces

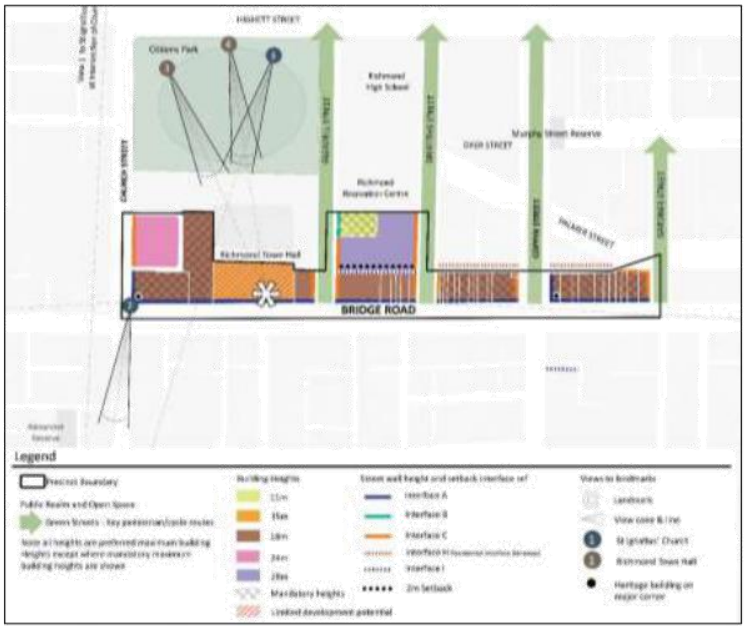


Table 7 BRAC Precinct 3 exhibited planning provisions

Height and interface plan and street wall heights and setbacks			
IR	**Design Element**	**Mandatory requirements**	**Preferred requirements**
A	Street wall height	Heritage buildings: retain existing height Other buildings: 11m maximum and 8m minimum	Other buildings: match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building
	Street wall setback	Heritage buildings: retain existing setback	0m
	Upper-level setback	6m minimum	9m minimum for buildings >15m
B	Street wall Height	Heritage buildings retain existing height Other buildings: 11m maximum and 8m minimum	Other buildings: match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building
	Street wall setback	Heritage buildings: retain existing setback	0m
	Upper-level setback	None specified	13m minimum
C	Street wall Height	None specified	Heritage buildings: retain existing height Other buildings: 11m maximum and 8m minimum Match parapet height of adjoining heritage building for minimum 6m length
	Street wall setback	None specified	Heritage buildings: retain existing setback Elsewhere : 0m maximum
	Upper-level setback	None specified	6m minimum
I	Side and rear wall height	None specified	11m maximum
	Side and rear setback	None specified	17 Gleadell Street: 2m setback to the southern boundary

Upper-level setback	None specified	4.5m minimum from centreline laneway

What is sought for BRAC Precinct 3?

The exhibited preferred character for BRAC Precinct 3 at Clause 21.12 states:

> Precinct 3 – Bridge Road Central is the civic and community heart of Bridge Road Activity Centre. The precinct is anchored by the Richmond Town Hall and forms a key activity node within Bridge Road adjoining the important open space, Citizens Park as well as recreational facilities, two high schools, childcare and maternal health. The Town Hall forecourt will be enhanced as a key public space providing a setting for the Town Hall and the former police station with Gleadell Street and Griffiths Street enhanced as greener and more pedestrian focussed streets linking Bridge Road to the precinct's civic and community facilities. The precinct will support new housing and employment within mid-rise development of varying heights, widths and character while retaining the prominence of clusters of heritage buildings. Key views to across the precinct from Citizens Park and the corner of Bridge Road and Church Street to the iconic Richmond landmarks, the Richmond Town Hall and St Ignatius' spire and belfry will be maintained.

8.2 Building height and Interface A and C requirements

(i) The issues

The issues are whether the following provisions are justified and appropriate for land in Precinct 3, including 393-395 Bridge Road, Richmond:

- a mandatory maximum building height of 18 metres
- Interface A upper-level setback provisions
- Interface C street wall height and upper-level setback provisions.

(ii) Background

The following DDO43 provisions are proposed to apply to land in Precinct 3, including 393-395 Bridge Road:

- A mandatory maximum building height of 18 metres
- Interface A to the Bridge Road frontage, which includes a mandatory 6 metre upper-level setback and a discretionary 9 metre setback for buildings over 15 metres in height
- Interface C to the Coppin Street frontage, which includes a discretionary provision that new buildings should match the parapet height of an adjoining heritage building for a minimum length of 6 metres from the heritage building and a discretionary 6 metre upper-level setback.

(iii) Evidence and submissions

BG Estates opposed several of the provisions proposed for 393-395 Bridge Road, and submitted that they "l*ack strategic rigour and fail to meet state and local planning policy objectives that seek to promote the future capacity and strategic potential of the Bridge Road Activity Centre*".

Consistent with Ms Roberts' evidence which modelled various scenarios, BG Estates submitted a tracked changed version of DDO43, and submitted that the height and setback provisions should be revised to:

- apply a discretionary maximum building height of 24 metres for 393-395 Bridge Road
- apply a discretionary 6 metre setback above the street wall for non-heritage buildings and land not in the Heritage Overlay in Interface A

- delete the discretionary provision to match the parapet height of adjoining heritage buildings in Interface C
- reduce the upper-level discretionary setback above the street wall to 5 metres for Interface C.

BG Estates submitted that the Amendment "*is inherently imbalanced in how it has responded to objectives to retain the prominence of heritage clusters in Precinct 3, specifically the 5 shops to the west of the Subject Land whilst providing for discretion around the Town Hall*". It referred to local policy applicable to Precinct 3 within proposed Clause 21.12 to:

> Support housing and employment within mid-rise development of varying heights, widths and character while retaining the prominence of clusters of heritage buildings.

Prof McGauran noted that Precinct 3 is anchored by the Richmond Town Hall and municipal offices and other buildings of State significance. He supported mandatory provisions to preserve the character and relationships of these buildings and to preserve views to the Richmond Town Hall clock. Prof McGauran did not support any change to street wall heights and upper-level setbacks for Interface A or C and opined that a consistent street wall response provided a logical urban response and transition to adjoining properties without drawing "*disproportionate attention to a modestly scaled site*".

Prof McGauran supported a discretionary (rather than mandatory) maximum building height for 393-395 Bridge Road for the reasons put forward by BG Estates notwithstanding adjoining heritage terrace forms to the east and the low-rise residential hinterland to the north. He did not support a change to the 18 metre metric. Prof McGauran suggested that discretionary provision should also apply to 421-433 Bridge Road, Richmond, comprising similarly large properties directly abutting three street frontages.

Mr Barnes did not support a change to the provisions, and referred to adjoining heritage properties to the west and residential properties on the other side of the laneway to the north.

Mr Gard'ner referred to the unusual application of the Heritage Overlay in Precinct 3 which excluded numerous non-contributory properties on the north side of Bridge Road, thereby creating heritage precinct gaps. He emphasised the need for infill development to respond to the heritage streetscape and explained:

> While the majority of this property is not subject to the Heritage Overlay it immediately abuts land subject to the Heritage Overlay and the proposed controls will help ensure that the primacy of the two-storey street wall to the west of this site is retained.

Council submitted that Ms Roberts had assessed 393-395 Bridge Road without properly considering its context and the precinct wide approach adopted for the Amendment. Council noted that although both "*Mr McGauran and Mr Gard'ner accepted that this is a site where discretionary height controls (not setback controls) could be considered. Neither accepted that the preferred height should be increased to 24 m*". Council concluded:

> Ultimately, the Committee's advice is sought as to where the balance should be struck. In the Council's submission the weight of the evidence is against the recommendations of Ms Roberts. The question is whether the preferred 18 m mandatory controls should be rendered an 18 m discretionary control. Where the discretion exists, developers speculate on how much can be achieved. They offer up great architecture and other enticements to support the case for better yield. Sometimes that is exactly what should happen. But whether that is appropriate or not depends upon what the planning framework is trying to achieve. If the framework is trying to achieve new, substantial built form, showcasing modern architecture above a comparatively diminutive heritage streetscape – then discretion in heights and

setbacks of the kind described by Ms Roberts will produce that result. Those outcomes would not be appropriate in these locations.

(iv) Discussion

The Committee summarises the key policy objectives proposed for Precinct 3 as:

- civic and community heart of the BRAC
- high quality public realm around the Richmond Town Hall
- Gleadell and Griffiths Streets to be greener, pedestrian focussed streets, where sunlight is protected
- sunlight is also protected to other 'green' side streets including Coppin Street
- support for new housing and employment with varying heights, widths and character while retaining the prominence of heritage buildings
- support for lower mid-rise development that retains the visual prominence of heritage buildings, the heritage streetscape, local landmarks and visual separation between the Town Hall and other heritage buildings
- taller development on large sites behind Bridge Road
- retention of view lines to the Richmond Town Hall Clocktower and St Ignatius Church spire and belfry
- development to provide suitable transition to low scale residential areas.

The prominence of the heritage fabric and streetscape is clearly a priority within Precinct 3, along with views to significant landmarks, good public realm amenity and appropriate transitions between new and existing buildings. The Committee agrees with Council's experts that the proposed mandatory street wall height and upper-level setback provisions support these objectives and are necessary to ensure that new development along Bridge Road does not overwhelm the heritage streetscape. Interface A should be applied consistently to the Bridge Road frontages to achieve policy objectives and intended built form outcomes. Interface A provisions are therefore appropriate for 393-395 Bridge Road because it is one part of a broader streetscape. The Committee is not persuaded that upper-level setbacks should be discretionary for this site or other land outside the Heritage Overlay with frontage to Bridge Road.

The Committee considers the Interface C provisions to be appropriate for the Coppin Street frontage. The discretionary provision to match the parapet height of adjoining heritage buildings is relevant, is not just about presenting a consistent street wall, and will provide an appropriate transition to the adjoining heritage building to the north. The Committee was not presented with any compelling evidence to reduce the Interface C upper-level setback to 5 metres on any land in Precinct 3, including 393-395 Bridge Road.

It is evident that varied heights, width and character are anticipated with new development in Precinct 3, with taller built form directed to locations behind Bridge Road. This contrasts with land opposite in Precinct 2 on the south side of Bridge Road, where policy supports only lower mid-rise development and therefore the consistent application of an 18 metre mandatory maximum building height. The DDO43 Height and Interface Plan includes a mix of discretionary and mandatory maximum building heights, although there is a more consistent application of a mandatory building height east of Griffiths Street. The Committee acknowledges that 393-395 Bridge Road is a larger site and agrees with Prof McGauran that a preferred maximum height would be appropriate for this site. In the context of mandatory street wall and upper-level setback provisions, the Committee accepts evidence that allowing discretion for building height at 393-395

Bridge Road would not compromise objectives for Precinct 3 which seek to maintain its heritage and civic character and views to significant landmarks.

The Committee does not support a preferred height of 24 metres as proposed by BG Estates and finds that policy seeks to support taller built form in Precinct 3 on land behind Bridge Road. It considers a discretionary height of 18 metres appropriate and consistent with properties fronting Bridge Road between the Town Hall and Griffiths Street in Precinct 3.

(v) Conclusions and recommendation

The Committee concludes:

- A discretionary maximum building height of 18 metres is appropriate for 393-395 Bridge Road, Richmond and would not compromise policy objectives for Precinct 3.
- A discretionary maximum building height of 24 metres is unsupported by policy which seeks to direct taller built form behind Bridge Road sites.
- Mandatory upper-level setbacks are justified in Precinct 3 to ensure the prominence of the heritage streetscape character.
- It is appropriate to apply the Interface A provisions to the Bridge Road frontages of land in Precinct 3, including 393-395 Bridge Road, Richmond.
- It is appropriate to apply the Interface C preferred street wall height provisions to land in Precinct 3, including 393-395 Bridge Road, Richmond particularly as it adjoins a heritage building on Coppin Street.
- There is no strategic justification to reduce the Interface C upper-level setback from 6 metres to 5 metres.

The Committee recommends:

Amend Design and Development Overlay Schedule 43 to change the mandatory maximum building height for 393-395 Bridge Road, Richmond to a discretionary height provision.

9 Precinct 4 – Bridge Road South (DDO44)

9.1 What is proposed?

Figure 8 BRAC Precinct 4 exhibited building heights and street wall interfaces

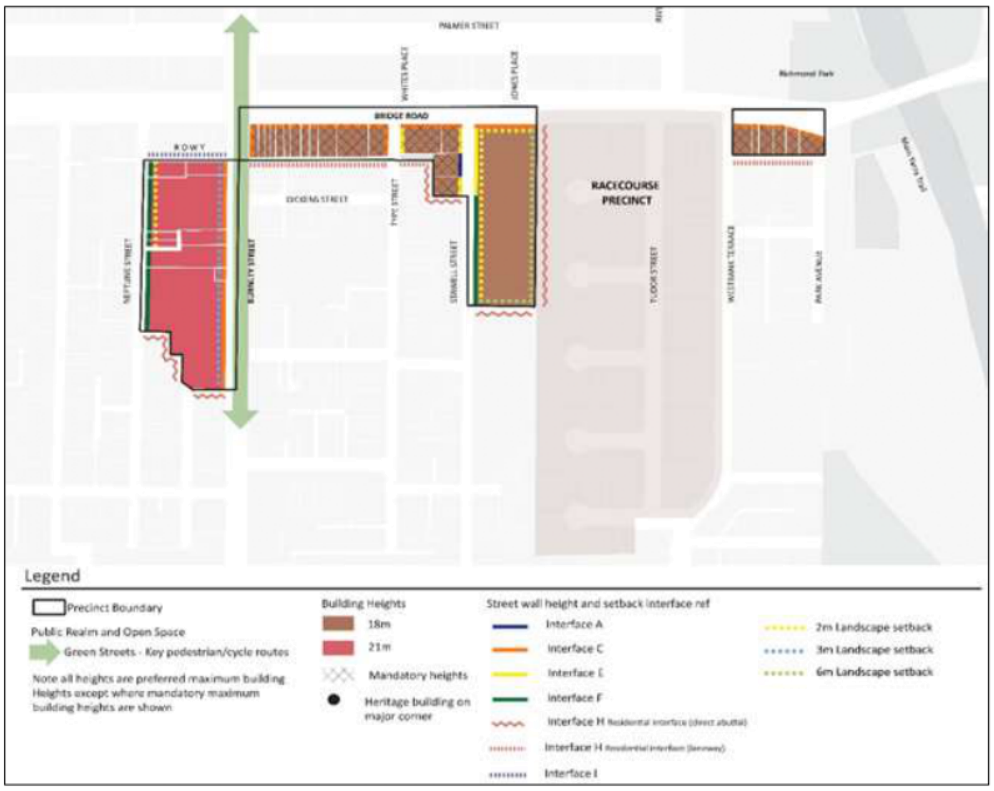


Table 8 BRAC Precinct 4 exhibited planning provisions

Height and interface plan and street wall heights and setbacks			
IR	**Design Element**	**Mandatory requirements**	**Preferred requirements**
A	Street wall height	Heritage buildings: Retain existing height Other buildings: 11m maximum and 8m minimum	Other buildings: match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building
	Street wall setback	Heritage buildings: Retain existing setback	0m
	Upper-level setback	6m minimum	9m minimum for buildings >15m
C	Street wall Height	None specified	Heritage buildings: Retain existing height Other buildings: 11m maximum and 8m minimum Match parapet height of adjoining heritage building for minimum 6m length
	Street wall setback	None specified	Heritage buildings: retain existing setback 188-198 Burnley Street: minimum 3m landscape setback 566 Bridge Road: minimum 2m landscape setback Elsewhere: 0m
	Upper-level setback	None specified	188-198 Burnley Street: 4.5m minimum 6m minimum
E	Street wall height	None specified	Heritage buildings: Retain existing height Other buildings: 11m maximum
	Street wall setback	None specified	Heritage buildings: Retain existing setback 566 Bridge Road: minimum 2m landscape setback Elsewhere: 0m
	Upper-level setback	None specified	Heritage buildings: 6m minimum Other buildings: 3m minimum
F	Street wall height	None specified	8m maximum
	Street wall setback	None specified	566 Bridge Road: minimum 2m landscape setback 188-198 Burnley Street & 21 & 23 Neptune Street: minimum 2m landscape setback to non-heritage buildings Elsewhere: none specified
	Upper-level setback	None specified	188-198 Burnley Street & 21 & 23 Neptune Street: 6m minimum to heritage buildings Elsewhere: 4.5m minimum
I	Side and rear wall height	None specified	11m maximum
	Side and rear wall setback	None specified	None specified
	Upper-level setback	None specified	minimum 4.5m from centreline laneway

What is sought for BRAC Precinct 4?

The exhibited preferred character for BRAC Precinct 2 at Clause 21.12 states:

> Precinct 4 – Bridge Road East South will be renewed as an employment focussed mixed-use and housing precinct. The prominence of the Former Flour Mill and Grain Store Complex (534-534A Bridge Road on the south-east corner of Bridge Road and Type Street will be maintained as a local landmark within the precinct. The precinct's character and sense of place will be transformed with well-designed midrise redevelopment of two large sites on Burnley Street and Stawell Street. This will compromise of multiple buildings which offer views to the sky from the street and establishes a varied skyline when viewed from surrounding areas. The Stawell Street redevelopment will provide a high quality transition to the Racecourse Heritage Precinct through landscaped setbacks.

9.2 Interface C, H and landscape setbacks

(i) The issues

The issues are whether:

- Interface H and landscape provisions are appropriate for 188-242 Burnley Street, Richmond
- Interface C is appropriate for the Burnley Street frontage for 188-242 Burnley Street, Richmond
- Interface H and landscape provisions are appropriate for 566 Bridge Road, Richmond
- a 2 metre landscape setback for 566 Bridge Road, Richmond along Stawell Street is sufficient to allow for retention of existing mature trees.

(ii) Evidence and submissions

188-242 Burnley Street, Richmond

Neptune and Burnley Street residents were concerned the proposed interface provisions for 188-198 Burnley Street and 198-242 Burnley Street, Richmond did not adequately address the amenity of nearby residential land with regard to overshadowing, overlooking and visual bulk. They generally had concerns about the clarity of residential interface provisions in DDO44 and submitted that there should be greater setbacks between commercial and residential land.

More specifically, it was submitted that there should be:

- a 4.5 metre setback at the interface with 244 Burnley Street
- a 5 metre maximum wall height at the 4.5 metre setback at the interface with 244 Burnley Street.

Council submitted that interface provisions to residential properties on the southern side of Bridge Road should be amended and this included residential interfaces with direct abuttals south of 198-242 Burnley Street. Council submitted that this change would *"improve potential overshadowing from a development to the north"*.

Other submissions requested amending DDO44 to apply the following to 198-242 Burnley Street:

- additional provisions to accord with the current planning permit issued for 198-242 Burnley Street
- a 3 metre landscape setback where abutting 55 Neptune Street, similar to the offset of the existing building at 240 Burnley Street
- a landscape setback of 3 metres along the Burnley Street frontage
- a 4.5 metre setback and 5 metre street wall height along Burnley Street.

Council submitted:

- it was unnecessary to amend DDO44 to reflect permit conditions for 198-242 Burnley Street
- the planning permit process is the appropriate time to determine more detailed aspects of a development application, such as the location of privacy screens or hours of operation for businesses
- it would be appropriate to include two new landscape setback provisions to the south of 198-242 Burnley Street:
  - 1.3 metres to the southwest (abutting 55 Neptune Street)

- 3 metres to the southern-most boundary (abutting 244 Burnley Street) to reflect conditions approved in the planning permit for 198-242 Burnley Street.

Council did not support a change to the preferred landscape setback and street wall height along Burnley Street, submitting that Interface C had been applied to arterial roads where there is no consistent heritage streetscape. A 3 metre landscape setback was shown along the full extent of the Burnley Street frontage in the exhibited DDO44.

Prof McGauran supported the proposed landscape setbacks for 188-198 Bridge Road. He also recommended that a 3 metre landscape setback be applied to 660-662 Bridge Road, Richmond due to its interface with the Yarra River and in the context of existing landscaping at the Yarra Boulevard corner.

More generally, Prof McGauran stated he was "*comfortable that DDO44 in its revised form is a logical response to the special characteristics of this precinct whilst allowing significant change on key sites and to the precinct gateway, subject to the minor amendment for the eastern gateway site at 660-662 Bridge Road*".

Submitters 79, 81 and others noted that the planning provisions only referenced 188-198 Burnley Street rather than including 198-242 Burnley Street.

566 Bridge Road, Richmond (Officeworks site)

Submissions regarding 566 Bridge Road were received from nearby residents in Stawell Street to the west and south and from residents in the Racecourse Heritage Precinct to the east. Resident submissions raised concerns about potential adverse impacts on residential amenity, particularly potential overshadowing and overlooking.

Council submitted that interface provisions to residential properties on the southern side of Bridge Road should be amended and this included residential interfaces with direct abuttals south of the 566 Bridge Road.

Council also proposed to increase the landscape setback to the eastern boundary from 6 metres to 8 metres as shown in the Day 1 Version of DDO44 because the "*protection of sunlight to properties to the east in an important consideration which should be addressed through the DDO provisions as contained in the preferred DDO44*".

Mr Barnes acknowledged the sensitive nature of residential abuttals to 566 Bridge Road, characterised by low density housing, low site coverage and substantial rear gardens. Mr Barnes considered a 6 metre ground level setback between a commercial and residential zone in an inner urban context to be generous and sufficient, however recommended urban design advice be sought on Council's proposal to increase the landscape setback to 8 metres along the eastern boundary of 566 Bridge Road.

Prof McGauran referred to a further assessment of the landscape provision undertaken by his office which indicated a preferred setback of 8 metres to the eastern boundary to avoid overshadowing of the private open space of adjoining residential land should a building of 18 metres be constructed on the site. However, Prof McGauran agreed with Mr Barnes that similar amenity impacts could be achieved with a 6 metre setback, provided greater setbacks at higher levels were provided. On this basis, Prof McGauran accepted that the setback could be 6 metres.

Mr Gard'ner noted that a preferred setback of 6 metres was recommended in the Bridge Road Heritage Review but supported the 8 metre setback to provide additional separation.

Wayville Pty Ltd submitted that the exhibited 6 metre landscape setback for the eastern boundary should be supported on the basis of the supplementary evidence of Prof McGauran.

Submitter 121 objected to the 2 metre landscape setback along Stawell Street and submitted that it was insufficient to retain existing trees planted along the western boundary of the site.

Mr Barnes noted that any development proposal would need to include an arborist report to assess the health and significance of trees on site, their appropriateness to be retained and whether the landscape setback was sufficient in this context.

Council did not support an increase in the proposed 2 metre landscape setback.

(iii) Discussion

188-242 Burnley Street, Richmond

The Committee supports Council's proposal to apply Interface J to the southern and western boundaries of 198-242 Burnley Street (described as 180-220 Burnley Street in Attachment 2 to the Council Report dated 21 December 2021) for the reasons discussed in Chapter 3.3.

Landscaping setbacks for the southern-most boundary and adjacent southwest boundary are also supported. In combination with the change to the residential interface provisions, it is considered that the landscape setbacks will improve potential amenity outcomes as compared to the exhibited DDO44. The Committee was not presented with evidence to justify increasing the setbacks to an even greater extent than proposed by Council.

The Committee agrees that consideration of more detailed aspects of a development application, such as where privacy screens should be sited, relate to specific proposals and are therefore appropriately considered at the planning permit stage.

Application of Interface C to Burnley Street is appropriate and has been consistently applied to major roads without an intact heritage streetscape. The Committee supports the 3 metre landscape setback along the Burnley Street, noting the role of Burnley Street as a Green Street and to provide an appropriate interface between land with higher development potential and residential properties opposite. The Committee notes that the proposed DDO44 also includes the provision:

> In locations outside of Bridge Road where heritage is not a constraint, development should consider providing:
>
> - Ground level setbacks (and above) to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level and above setbacks are strongly encouraged where they have been provided by nearby or neighbouring developments to achieve a consistent approach along a street frontage.

The Committee notes that Table 1, Interface C does not refer to the 3 metre landscape setback as applying to 198-242 Burnley Street but is depicted on Plan 1. For clarity the Committee considers that the address should also be referenced in Table 1, as is the case for land at 188-198 Burnley Street, Richmond.

As an aside, the Committee notes the many different references to descriptions of the site addresses in various documents tabled at the Hearing and recommends that up to date and consistent references are used in the final version of the DDO44.

The Committee notes Prof McGauran's recommendation to apply a 3 metre landscape setback to 660-662 Bridge Road to respond to its Yarra River interface and setting. The Committee sees merit

in this suggestion but has concerns with recommending this inclusion in the Amendment as it was not exhibited and it is not known if the landowner has had an opportunity to consider the proposal. Council did not comment on Prof McGauran's recommendation on this matter in its submissions to the Committee. The Committee suggests that Council pursue this matter through a future Planning Scheme amendment.

566 Bridge Road, Richmond (Officeworks site)

The Committee agrees with experts regarding the sensitive nature of surrounding residential properties and heritage precincts adjoining and opposite 566 Bridge Road.

The Committee supports the post-exhibition proposal to apply Interface J to the south and eastern boundaries of 566 Bridge Road to improve residential amenity outcomes for the reasons discussed in Chapter 3.3.

Regarding the eastern boundary landscape setback, the Committee agrees with Mr Barnes and Prof McGauran that overshadowing could be mitigated through greater upper-level setbacks without requiring an 8 metre ground level setback. The Committee was not presented with evidence that a greater setback was required for heritage reasons and has therefore considered the setback in terms of residential amenity.

The Committee finds that potential overshadowing will be appropriately addressed through the combination of Interface J, the 6 metre landscape setback and the following residential interface provision in DDO44:

> Development should protect the amenity of existing residential properties in terms of visual bulk, overshadowing or private open space, overlooking and vehicle access.

The Built Form Report stated the 2 metre landscape setback to Stawell Street at 566 Bridge Road was "*to ensure retention of trees*". It did not specify which trees and none of the provisions in the proposed DDO44 refer to protection of trees. The Committee was not presented with evidence as to whether the 2 metre setback would allow for the retention of existing trees or not, but in the absence of policy and objectives seeking to retain existing trees, the Committee makes no finding on the matter.

(iv) Conclusions and recommendation

The Committee concludes:

- Property addresses should be checked and confirmed before finalising Design and Development Overlay Schedule 44.
- It is appropriate to apply Interface J to the south and southwestern boundaries of 198-242 Burnley Street, Richmond.
- It is appropriate to apply landscape setbacks of 1.3 metres to the southwest (abutting 55 Neptune Street) and 3 metres to the southern-most boundary (abutting 244 Burnley Street) to 198-242 Burnley Street, Richmond.
- Interface C is justified for Burnley Street.
- A landscape setback of 3 metres should be considered for 660-662 Bridge Road, Richmond through a separate future amendment.
- It is appropriate to apply Interface J to the eastern and southern boundaries of 566 Bridge Road, Richmond.
- The exhibited landscape setbacks are appropriate for 566 Bridge Road, Richmond.

The Committee recommends:

Amend Design and Development Overlay Schedule 44, as shown in Appendix F2, to apply landscape setbacks of 1.3 metres to the southwest and 3 metres to the southern boundary at 198-242 Burnley Street, Richmond.

9.3 Building height requirements

(i) The issues

The issues are whether it is justified and appropriate to:

- apply a discretionary maximum building height of 21 metres to land fronting Neptune Street (part of 188-198 Burnley Street, Richmond)
- apply a discretionary 18 metre maximum height to 566 Bridge Road, Richmond.

(ii) Evidence and submissions

188-198 Burnley Street, Richmond

Some of the submissions from Neptune and Burnley Street residents:

- opposed the discretionary maximum building height of 21 metres, submitting it would result in adverse amenity outcomes, including overlooking, overshadowing, visually dominating built form and loss of views
- requested lower heights, ranging between 11 and 18 metres, including a stepping down of heights.

Other resident submitters supported the proposed building heights and the inclusion of 188-198 Burnley Street in DDO44.

Mr Barnes noted the local street context of Neptune Street and suggested that urban design advice be obtained about the option to step down the building height from 21 metres to 18 metres along the Neptune Street frontage.

Prof McGauran agreed with Mr Barnes that there was logic in focussing taller built form on Burnley Street and northern interfaces, away from residential abutments. However, Prof McGauran was comfortable that the upper-level provisions in the DDO44 which seek "*...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*" would create *"a sound objective basis to ensure this goal is achieved"* without the need to revise the discretionary maximum height.

Council submitted that the proposed 21 metre maximum height was appropriate "*having regard to the size of the site, its location in the MAC and its interface treatments which include Interface F (2m landscape setback and an upper-level setback of 6m for heritage building and 4.5m for a non-heritage building), a 1.3m landscape setback in the southwestern interface and 3m setback to the south*".

566 Bridge Road, Richmond (Officeworks)

Several resident submitters objected to the proposed discretionary maximum building height of 18 metres for 566 Bridge Road and requested a reduced height.

Mr Barnes was satisfied that a discretionary building height provision was appropriate based on the 6 metre landscape setback requirement from residential properties to the south and east. He

advised that without this setback he would be inclined to recommend a mandatory building height provision.

Wayville Pty Ltd supported the discretionary maximum building height of 18 metres for 566 Bridge Road.

(iii) Discussion

188-198 Burnley Street, Richmond

The Committee agrees with Council and Prof McGauran that the preferred maximum building height of 21 metres is appropriate for 188-198 Burnley Street when combined with other policy objectives and provisions.

Applying the preferred maximum building height with provisions including Interface F to Neptune Street, Interface J to abutting residential areas, landscape setbacks, street wall heights and upper-level setbacks will provide:

- relevant parameters for designing new development consistent with DDO44 design objectives
- an appropriate transition to lower scale residential areas.

566 Bridge Road, Richmond (Officeworks site)

Similarly, the discretionary maximum building height of 18 metres for 566 Bridge Road is appropriate in its context. The Committee agrees with Mr Barnes that, while the site has sensitive residential interfaces with heritage values, a mandatory maximum height limit is not necessary given the proposed landscape setbacks, interface provisions and other policy objectives.

(iv) Conclusion

The Committee concludes the maximum building heights proposed in Design and Development Overlay Schedule 44 are appropriate and justified.

9.4 Other design requirements

(i) The issue

The issue is whether additional guidance is required in relation to materiality for new development at 566 Bridge Road, Richmond.

(ii) Evidence and submissions

A submitter considered that materials used for a future development at 566 Bridge Road should be sympathetic to the clinker brick on dwellings in the Racecourse Heritage Precinct.

Council submitted that materiality would be addressed at the planning permit stage and there were provisions in DDO44 which would guide consideration of an application. These included:

- Development should achieve urban design and architectural excellence
- Development should:
  - Incorporate vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
  - Be expressed 'in the round' and provide detail on all facades.
- Development should avoid blank walls visible permanently or temporarily from the public realm.

- Where a solid external wall is unavoidable, walls should be detailed to provide an interesting appearance.
- Development should ensure any walls visible from the public realm are designed to provide visual interest to passing pedestrians through colour, texture or finishes.
- Development should ensure taller buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight and views to the sky above the street wall.

(iii) Discussion and conclusion

The Committee agrees with Council that DDO44 includes sufficient design quality provisions to ensure that materiality will be duly considered as part of a future planning permit application.

The Committee concludes that future development at 566 Bridge Road, Richmond does not require additional guidance on materiality.

9.5 Access, parking and loading bay requirements

(i) The issues

The issues are whether DDO44 vehicular access provisions and potential pedestrian links in Plan 2 (Access and Movement) are justified and appropriate.

(ii) Evidence and submissions

Vehicular access

Many resident submitters:

- opposed the preferred access from Neptune Street shown in the exhibited DDO44 Plan 2
- considered Burnley Street would be a more appropriate and safer point of access to 188-198 Burnley Street
- found Neptune Street to be a compact and narrow street that already has high traffic flows with parking on either side, so it effectively operates as a single lane for traffic movement.

Regarding Burnley, Neptune and Strafford Streets, Council submitted:

- Neptune and Stratford Streets are relatively narrow streets, and future development may place undue strain on surrounding residential amenity if not managed appropriately.
- Currently there is an approved planning permit for 188-242 Burnley Street that has access to Neptune Street, Stratford and Burnley Streets. The permit includes a series of conditions on how each vehicle entry point will operate.
- Burnley Street is a main arterial road. Generally, the Department of Transport's preference is for vehicle access to be directed to side roads and rear laneways. It is unlikely they would support the designation of Burnley Street as 'preferred vehicle access'. However, officers recommend adding further guidance in DDO44 that would encourage consideration of vehicle access from Burnley Street in consultation with the Department of Transport. This would allow for a similar approach to what has already been undertaken for the permit for 188-242 Burnley Street.

Council proposed to remove references to preferred access on the Access and Movement Plans in the DDO schedules generally. Specific to DDO44, Council proposed to include a notation on Plan 2 that Burnley Street access may be considered depending on size of car park and discussions with

the Department of Transport. Council proposed to amend wording in the Vehicular Access Requirements of DDO44 to this effect.

Ms Dunstan supported changes proposed by Council for the Burnley Street / Neptune Street area. She noted:

> This part precinct includes a number of large sites that front both Burnley Street and Neptune Street. Given the scale of development possible on these sites, direct access to Burnley Street may be preferrable for traffic management reasons and impact on local streets. Allowing vehicle access to Burnley Street would be consistent with previous development approvals for these sites which had primary vehicle access to Burnley Street. Unlike Bridge Road, Victoria Street and Church Street, Burnley Street does not have any trams or buses that operate in this area. For the above reasons, I am satisfied with the variation of allowing direct vehicle access to Burnley Street in this specific location to be considered differently to other arterial roads within the Bridge Road Activity Centre.

Regarding 566 Bridge Road, Richmond, Wayville Pty Ltd supported Council's preferred version of DDO44 which specified "*Where access is provided to an arterial road, access would be subject to Department of Transport approval*". Wayville submitted that 566 Bridge Road currently has a three-lane crossover to Bridge Road accommodating vehicles in both directions and that should be allowed to continue.

Pedestrian links

Nearby residents and some affected property owners objected to the potential pedestrian links shown on the exhibited DDO44 Plan 2 because these links would compromise residential safety in the area.

Council submitted the link proposed through 566 Bridge Road and into adjoining land should be removed as it would only provide access to private property. The Day 1 Version of DDO44 excluded this link.

Council did not support removing the link in the Stafford Street area.

Ms Dunstan did not have any concerns with the potential pedestrian links as exhibited and found them to be consistent with the overall amenity objectives of the DDO schedules to improve pedestrian amenity.

(iii) Discussion

Vehicular access

The Committee supports Council's proposal to remove preferred vehicular access designations on the DDO44 Plan 2 recognising that it may not be appropriate in every circumstance, and particularly where larger development sites are present, for all access to a new development to be directed to smaller side roads and laneways.

The Committee appreciates that it is important to limit access from main roads where possible and particularly along busy public transport routes. Therefore, revised wording which discourages vehicle access from Bridge Road and arterial roads and requires approval from the Department of Transport for any such access is supported.

It is understood that there is existing access, or approval for access, from Bridge Road and Burnley Street for 566 Bridge Road and 188-198 Burnley Street respectively. The Committee finds that the proposed access provisions in DDO44 would not necessarily exclude such access arrangements in

future but would require the support of the Department of Transport and would need to demonstrate consistency with policy objectives.

Pedestrian links

The Committee notes that all pedestrian links shown in DDO44 are 'potential' and subject to further consideration through a permit application. The Committee agrees with Ms Dunstan that pedestrian amenity improvements are a focus of the Amendment and should be encouraged.

The potential pedestrian link in the Strafford Street area should be retained because it could provide a useful mid-block public thoroughfare through a large redevelopment site, connecting Neptune Street and Strafford Street residents to services and facilities on Burnley Street. A potential link would need to be negotiated as part of a future development application to determine feasibility and resolve any residential amenity concerns.

The Committee supports the removal of the potential pedestrian link from 566 Bridge Road because it would not allow for the creation of a public thoroughfare.

(iv) Conclusions and recommendations

The Committee concludes:

- The revised vehicular access provisions in the Day 1 Version of Design and Development Overlay Schedule 44 are appropriate and allow for greater consideration of local context than the exhibited version.
- The potential pedestrian link which connects to Strafford Street as shown on Plan 2 (Access and movement) in Design and Development Overlay Schedule 44 should be retained.
- The potential pedestrian link through 566 Bridge Road as shown on Plan 2 (Access and movement) in Design and Development Overlay Schedule 44 should be removed because it would not allow for the creation of a public thoroughfare.

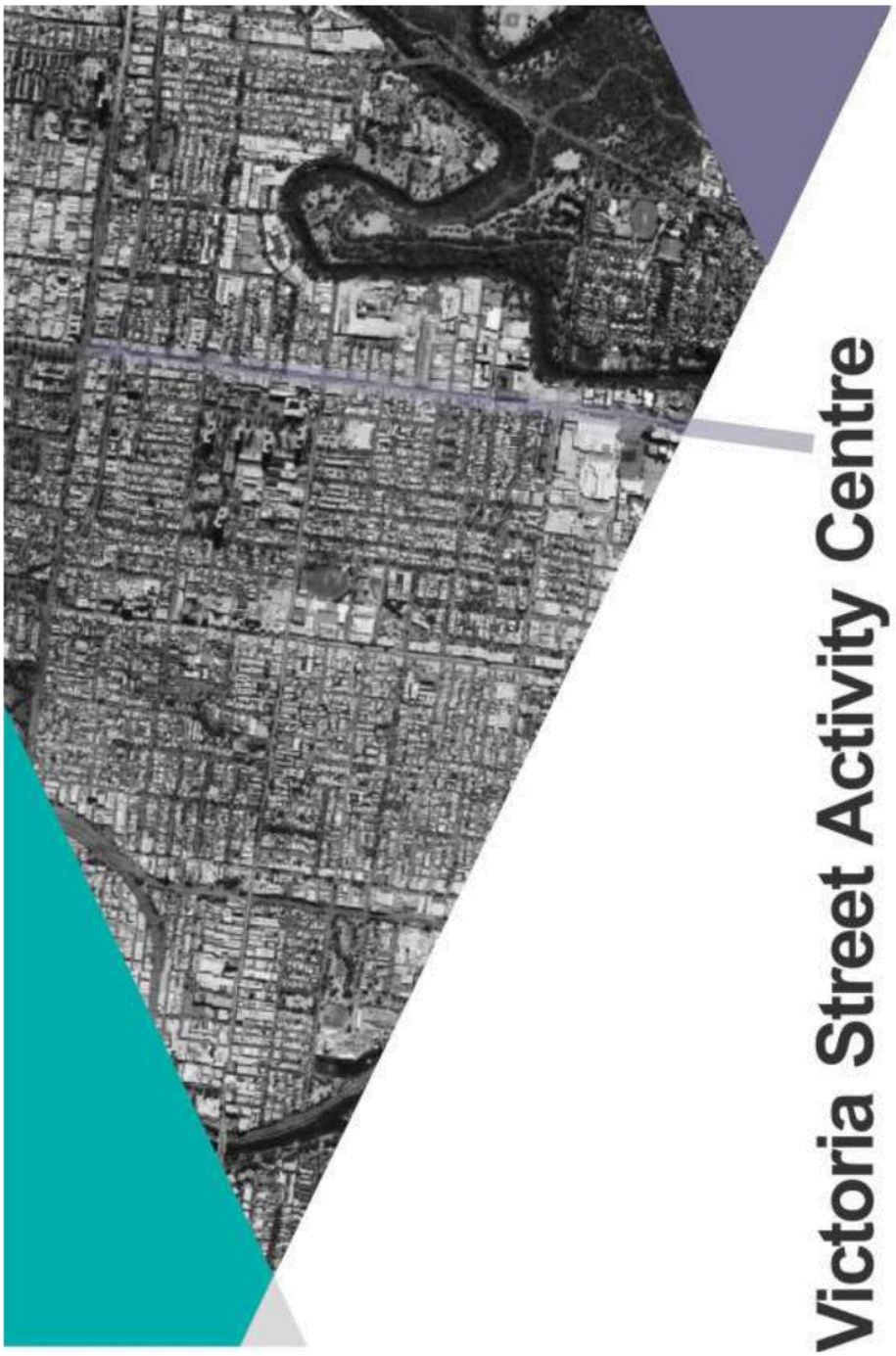
The Committee recommends:

Amend Design and Development Overlay Schedule 44, as shown in Appendix F2, to:

a) **include in the Legend to Plan 2 (Access and movement): '*Burnley Street access may be considered depending on size of car park and discussions with the Department of Transport*'**
b) **revise wording in under Vehicular Access Requirements to discourage access from Bridge Road and require Department of Transport approval for any access from an arterial road**
c) **remove the potential pedestrian link from 566 Bridge Road, Richmond.**

Attachment 1 - Attachment 1 - Standing Advisory Committee Report - Bridge Road and Victoria Street Activity Centres - Draft Amendment C291yara

PART C – VICTORIA STREET ACTIVITY CENTRE



Victoria Street Activity Centre

10 Precinct 1 – Victoria Street West (DDO46)

10.1 What is proposed?

Figure 9 VSAC Precinct 1 exhibited building heights and street wall interfaces

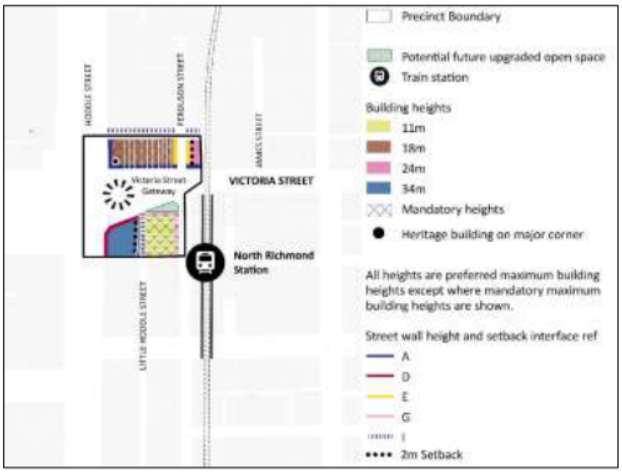


Table 9 VSAC Precinct 1 exhibited planning provisions

Height and interface plan and street wall heights and setbacks			
IR	**Design Element**	**Mandatory requirements**	**Preferred requirements**
A	Street wall height	Heritage buildings: Retain existing height and 11m maximum Other buildings: 8m minimum	Other buildings: match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building
	Street wall setback	Heritage buildings: Retain existing setback	0m
	Upper-level setback	6m minimum	9m minimum for buildings >15m
D	Street wall Height	None specified	15m maximum
	Street wall setback	None specified	0m maximum
	Upper-level setback	None specified	4.5m minimum
E	Street wall height	None specified	Heritage buildings: Retain existing setback Other buildings: 11m maximum
	Street wall setback	None specified	253-257 Victoria Street: 2m minimum along western boundary Heritage buildings: retain existing height
	Upper-level setback	None specified	Heritage buildings: 6m minimum Other buildings: 3m minimum
G	Street wall height	Heritage buildings: Retain existing height	Other buildings: match the parapet or roof height of adjacent heritage building
	Street wall setback	Heritage buildings: Retain existing setback	None specified
	Upper-level setback	Heritage buildings: 7m minimum	Other buildings: 7m minimum
I	Side and rear wall height	None specified	11m maximum
	Side and rear wall setback	None specified	1-11 Hoddle Street eastern boundary: 2m minimum along eastern boundary Other buildings: 0m
	Upper-level setback	None specified	minimum 4.5m from the centreline laneway Resolved to replace setback with: 1-11 Hoddle Street eastern boundary: 6.5m minimum

	At uppermost level for development over 30m on the western side of Little Hoddle Street: additional 3m minimum

What is sought for VSAC Precinct 1?

The exhibited preferred character for VSAC Precinct 1 at Clause 21.12 states:

> Precinct 1 – Victoria Street West provides the entry to the activity centre from Victoria Parade. The distinctive sense of arrival is created by the Victoria Street Gateway and the narrowing street profile towards the elevated railway bridge. The precinct's character and sense of place is defined by the intact heritage streetscape on the northern side which is bookended by the prominent former State Savings Bank on the corner, and low-rise heritage dwellings along Regent Street. This will be complemented by mid-rise development on the south-eastern corner of the intersection of Hoddle and Victoria Streets creating a compact precinct of contrasting built form that places an emphasis on the architectural qualities of heritage buildings. The public realm of the precinct will be enhanced with a new high-quality pocket park at the Gateway Triangle.

10.2 Upper-level setback and building height requirements

(i) The issue

The issue is whether the DDO46 mandatory upper-level setback and maximum building height are justified and appropriate for 231 Victoria Street.

(ii) Background

For the former State Savings Bank building at 231 Victoria Street, Abbotsford, DDO46 applies:

- a mandatory maximum building height of 18 metres
- a mandatory upper-level setback of 6 metres (or 9 metres for built form above 15 metres in height) (Interface A).

(iii) Evidence and submissions

Mr Martarkis, representing himself and Hawthorn Realty Pty Ltd, submitted that the former State Savings Bank building can accommodate higher built form due to its corner, gateway location. He opposed the mandatory height and setback provisions and submitted that a 34 metre discretionary maximum height be applied with varied 0-4.5 metre upper-level setbacks to Hoddle Street, and a discretionary 6 metre setback to Victoria Street.

Mr Martakis submitted the site can accommodate taller form up to 34 metres, the same maximum height proposed for the site on the southeast corner of Victoria and Hoddle Streets. He said that the additional built form is justified because it is a gateway location, on an arterial road, does not have sensitive interfaces and is of a sufficient size.

Mr Martakis considered the DDO46 provisions would impact on the ability to adapt the site's prominent heritage building for future uses. He presented sketches and perspectives to help demonstrate this argument. He said the proposed setbacks would constrain the site's development potential.

Mr Gard'ner considered the DDO46 provisions to be appropriate. He said that this part of Victoria Street contains one of the most intact and cohesive heritage streetscapes in the VSAC. He said the provisions should be mandatory as they are necessary to achieve an acceptable heritage outcome,

and the setbacks are appropriate to retain the existing roof forms and chimneys which contribute to the character and appearance of the heritage building.

Prof McGauran supported the built form provisions proposed for this 'intact' cluster of heritage buildings.

Council submitted the provisions are a suitable response to the heritage quality of the building, its surrounding neighbours and its location at the entrance to the VSAC.

The Collingwood Historical Society submitted:

- the proposed height and setback requirements did not go far enough to protect the significance of the former State Savings Bank and adjoining heritage shops
- the maximum building height should be reduced to 3 storeys.

(iv) Discussion

The Committee considers the proposed metrics for the height and upper-level setbacks proposed for 231 Victoria Street are appropriate. The Committee was not presented with good reasons to depart from its conclusions with respect to the exhibited height and upper-level setback provisions relevant to heritage buildings, as discussed in Chapter 3.2.

The Committee considers that the corner gateway location of the former State Savings Bank building, and its two significant heritage facades, justify protection through appropriate upper-level setbacks. The Heritage Overlay (HO53) applies to the site and abuts the Heritage Overlay (HO15 – Former Robert Reid Clothing Factory) to the north and (HO444 – Victoria Street West Precinct) to the east. Interface I, which runs along the northern boundary of 231 Victoria Street, recognises the sensitive interface between the two sites. It is noted the property to the north (2 Hoddle Street) is outside DDO46.

The proposed mandatory provisions are justified given the site's location at the pivot point of the two intact heritage streetscapes which include 231-251 Victoria Street and 2 Hoddle Street.

What happens on the south-east corner of Victoria Street and Hoddle Street is not, in the Committee's view, relevant because the widened intersection with the Cho Ben Thanh Clock Tower in the centre, has weakened the relationship between the two sites.

The Committee accepts that the mandatory height limit of 18 metres is appropriate and will not detract from the significance of the former State Savings Bank and adjoining heritage shops, particularly given the mandatory 6 metre setback requirement.

(v) Conclusion

The Committee concludes that the Design and Development Overlay Schedule 46 mandatory upper-level setback and maximum building height are justified and appropriate for 231 Victoria Street, Abbotsford.

11 Precinct 2 – Victoria Street Central (DDO47)

11.1 What is proposed?

Figure 10 VSAC Precinct 2 exhibited building heights and street wall interfaces

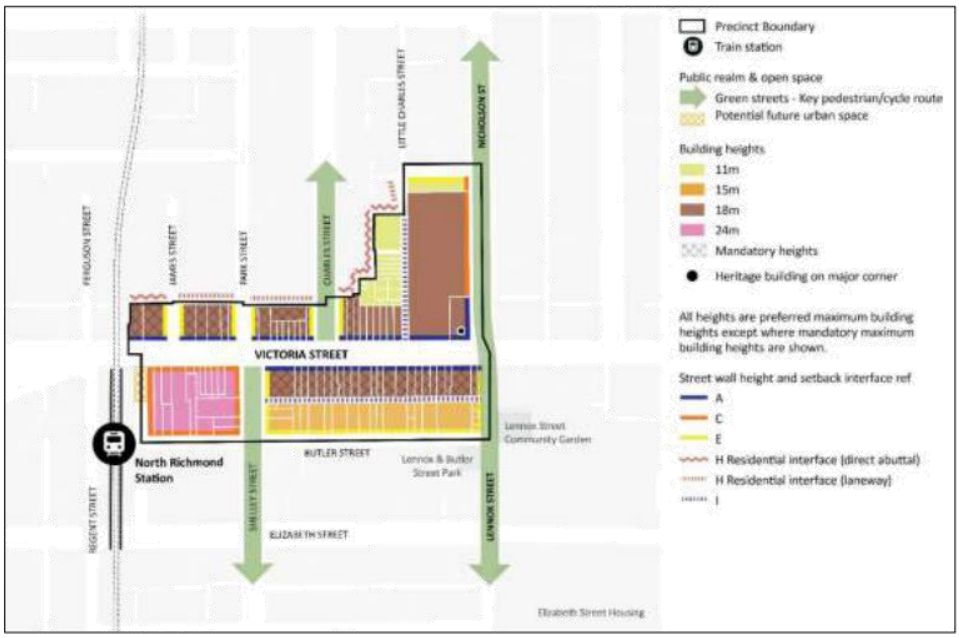


Table 10 VSAC Precinct 2 exhibited planning provisions

Height and interface plan and street wall heights and setbacks			
IR	**Design Element**	**Mandatory requirements**	**Preferred requirements**
A	Street wall height	Heritage buildings: Retain existing height Other buildings: 11m maximum and 8m minimum	Other buildings: match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building
	Street wall setback	Heritage buildings: Retain existing setback	0m
	Upper-level setback	6m minimum	9m minimum for buildings >15m
C	Street wall Height	None specified	Heritage buildings: Retain existing height Other buildings: 11m maximum and 8m minimum Match parapet height of adjoining heritage building for minimum 6m length
	Street wall setback	None specified	Heritage buildings: retain existing setback 0m maximum elsewhere
	Upper-level setback	None specified	6m minimum
E	Street wall height	None specified	Heritage buildings: Retain existing setback Other buildings: 11m maximum
	Street wall setback	None specified	Heritage buildings: retain existing setback
	Upper-level setback	None specified	Heritage buildings: 6m minimum Other buildings: 3m minimum
I	Side and rear wall height	None specified	11m maximum
	Side and rear setback	None specified	None specified
	Upper-level setback	None specified	minimum 4.5m from centreline laneway

What is sought for VSAC Precinct 2?

The exhibited preferred character for VSAC Precinct 2 at Clause 21.12 states:

> Precinct 2 – Victoria Street Central will continue to be a vibrant destination for retail and cafes, restaurants and outdoor dining, enterprise and inner-city living. The precinct's character and sense of place will continue to be defined by its varied mix of intact heritage buildings and streetscapes, former industrial buildings which will be complemented by well-designed mid-rise development of varying scales. This will be achieved through lower midrise renewal above and behind existing shopfronts that retains the visual prominence of the heritage buildings and responds to lower scale residential areas on Butler Street, and well-designed taller mid-rise development adjacent to North Richmond station. The amenity and safety of the public realm of the precinct will be improved through an upgraded station entry space on Jonas Street and higher levels of street activation and passive surveillance to the station, streets and laneways within the precinct.

11.2 Building height requirements

(i) The issues

The issues are whether the DDO47:

- discretionary maximum building height is appropriate and justified for the land on the north side of Butler Street
- discretionary maximum building height is appropriate and justified for the land on the east side of Little Charles Street
- mandatory provisions are justified and appropriate for 297 Victoria Street.

(ii) Background

For properties on the north side of Butler Street, DDO47 applies a discretionary 15 metre maximum building height, an 11 metre discretionary maximum street wall height and a 3 metre upper-level setback.

For land east of Little Charles Street, where DDO47 interfaces with residential properties in Little Charles Street, a discretionary building height of 11 metres is proposed.

(iii) Evidence and submissions

Butler Street

Mr Barnes supported the built form provisions for properties on the north side of Butler Street however recommended the discretionary height limit be amended to a mandatory height limit. He stated:

> given its proximity to the station and the fact that a mandatory control exists to the north along Victoria Street, I consider a high probability exists that would result in the exercise of discretion to allow buildings of up to 18 metres. I consider this would be a poor outcome for the amenity of Butler Street and suggest a mandatory height be considered.

In cross-examination, Prof McGauran confirmed that he considered a mandatory maximum height on the north side of Butler Street to be unnecessary.

The Butler Corporation Pty Ltd and the Butler Property Group Pty Ltd submitted:

> Mandatory heights should not be imposed upon the north side of Butler Street, noting:
>
> a) Mr Barnes' somewhat qualified endorsement of a mandatory height (insofar as the views of Professor McGauran where in his view critical); and
>
> b) Professor McGauran's unequivocal view that a mandatory control was not called for.

It added that any necessary built form height transition, and the capacity for such to be delivered with overall heights above 15 metres, can readily be considered by Council when assessing a planning permit application under DDO47.

Council submitted that discretionary provisions are appropriate because detailed design and interface issues can be addressed appropriately through a planning permit application.

Land to the east of Little Charles Street

Mr Barnes and Prof McGauran supported the proposed maximum building height for this area. Mr Barnes however considered that the height should be mandatory given the abuttal to residential properties.

Prof McGauran considered a mandatory height provision to be unjustified.

297 Victoria Street

Submission 75 deals with three properties (297, 367 and 401-407 Victoria Street) and submitted:

> These sites and the majority of sites along Victoria Street are undeveloped and present an opportunity for renewal to both support local employment opportunities and increased residential dwelling densities variously supported by local and State planning policies.
>
> The controls contemplated in the Amendment should provide greater flexibility to warrant a performance based approach to future design responses, including in respect to height and setbacks versus that of mandating predetermined massing as a blanket approach across the precinct.

Mr Gard'ner disagreed with the submitter's assertion that these properties are undeveloped because each site contains existing single or two storey buildings. Of these properties, he noted that only 297 Victoria Street is included in the Heritage Overlay as part of HO57 – Shops, 297-301 Victoria Street. Mr Gard'ner stated:

> These shop/residents date from 1880 and occupy an important corner site. Number 297 has an elaborately detailed return façade to Charles Street and makes an important contribution to Victoria Street. This in my view, justifies the application of mandatory controls to this site on heritage grounds

Regarding 297 Victoria Street, Prof McGauran found the proposed provisions which seek side and front setbacks, and therefore mitigate the upper-level built form, to be logical.

(iv) Discussion

Butler Street and land to the east of Little Charles Street

The Committee is not persuaded by the evidence of Mr Barnes that a mandatory height provision is appropriate in both these locations. The characteristics of the properties do not warrant the Committee to depart from its conclusions with respect to mandatory and discretionary provisions as discussed in Chapter 3.4. The properties have no heritage significance, do not impede any landmark views and are not in a location which triggers the overshadowing requirements.

The Committee considers that any proposed development and its amenity impacts can be appropriately assessed and managed through performance-based provisions at the permit application stage. Indeed, that is the purpose of performance-based planning provisions and discretionary built form metrics.

297 Victoria Street

The Committee is not persuaded that discretionary provisions are warranted on this site. The characteristics of the land, in particular the fact that it is subject to the Heritage Overlay, warrant the mandatory building height provision as proposed. The Committee is not persuaded to depart from its conclusions with respect to the exhibited height provisions relevant to heritage buildings as discussed in Chapters 3.2 and 3.4.

(v) Conclusions

The Committee concludes:

- The discretionary maximum building height is appropriate and justified for the land on the north side of Butler Street.
- The discretionary maximum building height is appropriate and justified for the land on the east side of Little Charles Street.
- The mandatory building height is appropriate and justified for 297 Victoria Street, Abbotsford.

12 Precinct 3 – North Richmond Station (DDO48)

12.1 What is proposed?

Figure 11 VSAC Precinct 3 exhibited building heights and street wall interfaces

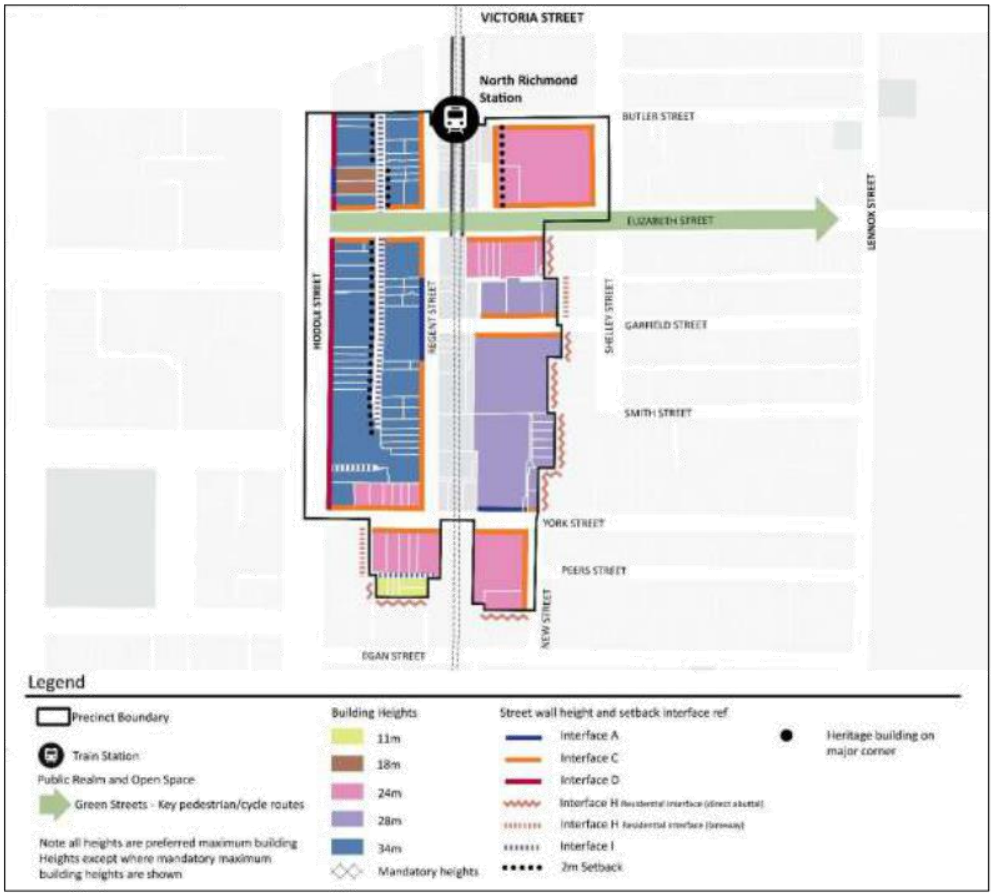


Table 11 VSAC Precinct 3 exhibited planning provisions

Height and interface plan and street wall heights and setbacks			
IR	**Design Element**	**Mandatory requirements**	**Preferred requirements**
A	Street wall height	Heritage buildings: Retain existing height and 11m maximum Other buildings: 8m minimum	Other buildings: match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building
	Street wall setback	Heritage buildings: Retain existing setback	0m
	Upper-level setback	6m minimum	9m minimum for buildings >15m
C	Street wall Height	None specified	Heritage buildings: Retain existing height Other buildings: 11m maximum and 8m minimum Match parapet height of adjoining heritage building for minimum 6m length
	Street wall setback	None specified	Heritage buildings: retain existing setback 0m maximum elsewhere
	Upper-level setback	None specified	6m minimum
D	Street wall Height	None specified	15m maximum
	Street wall setback	None specified	0m maximum
	Upper-level setback	None specified	4.5m minimum
I	Side and rear wall height	None specified	11m maximum
	Side and rear wall setback	None specified	2m minimum setback along Little Hoddle Street to the eastern boundary of 15-25 Hoddle Street, 6-8 Elizabeth Street and 35-81 Hoddle Street and to the western boundary of 28-30 Regent Street, 31-33 Little Hoddle Street and 5 Elizabeth Street
	Upper-level setback	None specified	minimum 4.5m from centreline laneway Resolved to replace setback with: Properties abutting Little Hoddle Street: 6.5m minimum from property boundary At uppermost level for development over 30m on the western side of Little Hoddle Street: additional 3m minimum Other properties: 4.5m from centreline laneway

What is sought for VSAC Precinct 3?

The exhibited preferred character for VSAC Precinct 3 at Clause 21.12 states:

> Precinct 3 – North Richmond Station will be dense mixed-use corridor and a focus of housing and employment growth situated on both sides of the railway line. The precinct's character and sense of place will be refined as former industrial buildings along Regent Street and around the North Richmond Station are developed for mid-rise development and well-designed taller commercial and office developments on Hoddle Street responding to its wider boulevard character. Future development will provide high-quality with higher levels of street activation, passive surveillance and visual engagement with the street to improve the amenity and safety for pedestrians, particularly for those travelling to and from North Richmond Station. This will be supported by upgrades to Little Hoddle Street as high amenity shared zone that strengthens pedestrian connections from Hoddle Street to Regent Street and the station. The scale of buildings will transition down in height towards lower scale residential areas to the south and east.

12.2 Street wall height requirements

(i) The issue

The issue is whether the DDO48 street wall height requirements are appropriate and justified for Little Hoddle Street and Elizabeth Street, Richmond.

(ii) Background

DDO48 applies a discretionary street wall height of:

- 11 metres for Little Hoddle Street (Interface I)
- between 8 metres and 11 metres for Elizabeth Street (Interface C).

(iii) Evidence and submissions

Council submitted the street wall height requirements are based on the analysis and recommendations in the Built Form Report. For non-heritage streetscapes, it said the requirements appropriately dealt with the criteria to be met for proposals that exceed the preferred maximum street wall height, and street walls for corner buildings.

Little Hoddle Street

Mr Nicolaou owns 35-41 Hoddle Street and 6-8 Elizabeth Street (the Nicolaou Land) which are in the Commercial 2 Zone, like all properties in the precinct west of Little Hoddle Street.

Mr Nicolaou submitted:

- DDO48 represents an "*overzealous and unjustified impost*" on development of the Nicolaou Land and the DDO48 precinct
- the Commercial 2 Zone is a key consideration for the built form provisions that should be applied to the Nicolaou Land.

Ms Jordan supported a street wall height of between 11 and 13 metres and considered:

- the Nicolaou Land occupies a key position in the VSAC, which must influence the built form provisions
- the commercial zoning is important because commercial land use activities typically require higher floor-to-floor heights than residential uses
- while she supported a three storey street wall, she said typical commercial floor to floor heights require a street wall height higher than 11 metres.

In cross examination, Ms Jordan accepted the flexibility in the discretionary requirement to respond to floor-to-floor height requirements. However, she said while 11 metres might accommodate three storeys, this is the 'starting point' which should be acknowledged in DDO48.

Prof McGauran and Mr Barnes supported the proposed street wall height.

The Thomas John Beresford Will Trust (Beresford) owns 67-81 Hoddle Street and 84 Regent Street (Beresford Land). The Beresford submissions did not directly deal with the street wall height to Little Hoddle Street but supported Ms Jordan's recommendation to increase the street wall height to between 11 and 13 metres.

Elizabeth Street

Mr Nicolaou submitted the preferred street wall height to Elizabeth Street should be amended to 15 metres, adopting the evidence of Ms Jordan.

Ms Jordan supported the increased street wall height because the Nicolaou Land:

- has no heritage significance and is not located near any places of heritage significance that would warrant a lower street wall height
- is commercially zoned where commercial uses (and higher floor to floor ceilings) will need to be accommodated
- is located on a key strategic intersection and has potential to be developed in a manner that can make a valuable built form and land use contribution.

Council submitted the proposed 11 metre street wall, together with the transitional street wall provisions and the proposed 11 metre street wall to Little Hoddle Street, provides an appropriate suite of street wall provisions. Council said the 11 metre height responds to the specific street conditions, particularly the adjoining 11.2 metre street wall at 10-14 Elizabeth Street.

Mr Barnes and Prof McGauran supported the 11 metre street wall height. Mr Barnes found the existing building on the north-east corner of Elizabeth and Little Hoddle Street, which has a three storey street wall, provides a useful reference point. Prof McGauran stated:

- the 11 metre street wall would avoid inconsistency where Interface C and Interface I abut, and would protect the existing consistent street wall character on the western side of Elizabeth Street
- it is important for strategic planning to consider the precinct holistically rather than by alternative provisions for individual sites.

(iv) Discussion

The Committee supports the proposed street wall height requirements. They are based on thorough research and appropriate testing and Council has considered a variety of competing issues to achieve a well-balanced outcome. Issues raised in submissions are adequately addressed through the detailed DDO48 provisions, particularly given they are discretionary and contain adequate flexibility.

The Committee does not support the change to the street wall heights on Elizabeth Street and Little Hoddle Street as recommended by Ms Jordan. In this instance, the Committee prefers the evidence of Prof McGauran and agrees that the exhibited heights are appropriate. While 11 metres may not allow for a three storey commercial building, the 11 metre height limit in Interface C is discretionary, meaning there is scope to exceed the nominated street wall height. Indeed, the role of performance-based provisions is to provide for flexibility in the development approach or variation in the measure to achieve the required outcome.

The Committee acknowledges the vision for Little Hoddle Street as a high amenity shared zone that will strengthen pedestrian connections from Hoddle Street to Regent Street and the station. The Committee is of the view the street wall height is important and considers the height as proposed will help to strengthen the role of Little Hoddle Street and establish a strong sense of scale.

(v) Conclusion

The Committee concludes the discretionary street wall height requirements proposed for Design and Development Overlay Schedule 48 are appropriate and justified for 35-41 Hoddle Street and 6-8 Elizabeth Street, Richmond.

12.3 Street wall setback requirement

(i) The issue

The issue is whether the DDO48 street wall setback requirement along Little Hoddle Street is appropriate and justified.

(ii) Background

DDO48:

- incorporates a 2 metre ground level street wall setback at Little Hoddle Street (Interface I)
- identifies Little Hoddle Street as a 'Potential Future Shared Zone' as described in 'Plan 2: Access and Movement Plan'.

(iii) Evidence and submissions

Council submitted the 2 metre setback will facilitate a 6.1 metre carriageway in Little Hoddle Street, and provide opportunities for pedestrian pathways, entrances, bicycle parking and landscaping. Ms Dunstan gave evidence that the current layout and width of Little Hoddle Street is substandard and should be upgraded to allow for two-way traffic, pedestrian amenity, and increased safety. She said the setback would facilitate vehicle access to developments on the western side of Little Hoddle Street.

Prof McGauran:

- considered the setback had a placemaking purpose that will enable more intensive development to occur while ensuring improved amenity for existing and future residents
- did not agree the setback could be practically imposed through the permit application process
- said there needs to be a coherent and coordinated approach when significant change is proposed.

Mr Barnes said the setback was required to realise the 'shared zone' and would, at least partially, perform a public function. He considered the approach in DDO48 was a reasonable compromise between formally acquiring the land or requiring it at the permit application stage.

Ms Dunstan supported the proposed setback and stated:

> The DDO controls include several measures including potential one-way arrangements and required setbacks along laneways to provide two-way passing where necessary to manage the expected level of traffic within the laneway network.
>
> Including potential laneway management measures such as potential one-way arrangements give future planners and transport engineers guidance as to how a laneway may change in future. This allows the building to be designed with these changes in mind. For instance, planning for a future one-way connection can be important on small sites where space for vehicle access is limited.

Ms Dunstan confirmed that she supported the discretionary nature of the provision, noting that not all properties would require the setback from a traffic engineering perspective.

Mr Nicolaou and Beresford opposed the proposed setback, each submitting it had no strategic justification. It was submitted the setback:

- amounted to 'public acquisition by stealth' if some of the setback becomes part of the Little Hoddle Street roadway
- did not recognise the varied and inconsistent widths along Little Hoddle Street, particularly at the southern end at the approach to the Beresford Land
- did not account for retaining remnant industrial fabric which may contribute to the character of the laneway, or the interim conditions created by progressive development of the western side which create unusual setbacks and potential safety hazards
- represents a fundamental shift from interim DDO22 where no setback is required and where the Draft Built Form Framework clearly contemplated sheer built form to Little Hoddle Street.

Council did not accept the setback amounted to a public acquisition of the land and said the planning objective was to seek the setback incrementally, development by development. It submitted:

> When each development is approved the relevant land will be ceded. It is clear that the underlying rationale of the control is the achievement of a public planning purpose which is related to the development of the land concerned. It is that rationale which justifies the control itself, and which makes the imposition of the control lawful.

Council added that the area has been recognised as capable of accommodating significant change, and with this will come an increased intensity of activity. It said:

> The width of Little Hoddle Street is all that exists in the public realm to meet what will be a highly localised demand for spill out space and more intensive activity. Care is required to ensure that the space is not extensively overshadowed, that the space is useable, passable, capable of being shared.
>
> The need for urban improvements and management of Little Hoddle Street arises from the intensification of development facilitated by the amendment itself.

(iv) Discussion

The DDO48 vehicle and pedestrian access requirements are generally based on sound planning principles. The Traffic Report appropriately justifies the proposed provisions.

A key objective of the Traffic Report is to direct vehicle access to lower order roads and laneways. These lower order roads and laneways will attract significant future capacity as landholdings are redeveloped. Vehicle access to properties along the western boundary of Little Hoddle Street will be limited to Little Hoddle Street only (and not from Hoddle Street). Little Hoddle Street will therefore need to be upgraded over time to provide two-way passing where necessary, site access, to manage the expected level of increased traffic more generally and to support increased pedestrian amenity and safety.

The Committee acknowledges Council could have used other measures to acquire the setback land such as through a compulsory acquisition process. However, the setback is justified because it is predominantly attributable to the affected abutting land where considerable development growth is enabled.

The Committee supports the discretionary provision based on Ms Dunstan's evidence that not all properties would require the setback from a traffic engineering perspective. The discretionary nature means that whether the setback is applied can be assessed through each permit application. Reference to individual property addresses should therefore be deleted from DDO48.

(v) Conclusions and recommendation

The Committee concludes:

- The vehicle and pedestrian access requirements along Little Hoddle Street in Precinct 3 are generally appropriate.
- The proposed street wall setback requirement along Little Hoddle Street is appropriate and justified on the basis that it remains discretionary.
- Interface I should be amended to so that the 'preferred requirements' column of the minimum side/rear wall setback no longer references specific property addresses.

The Committee recommends:

Amend Design and Development Overlay Schedule 48, as shown in Appendix F3, to delete specific property addresses in the 'preferred requirements' column of the minimum side/rear wall setback for Interface I.

12.4 Upper-level setback requirements

(i) The issue

The issue is whether the DDO48 upper-level setback requirements are justified and appropriate.

(ii) Background

Exhibited DDO48 applies a minimum upper-level setback of:

- 4.5 metres to Hoddle Street (Interface D)
- 6 metres to Elizabeth and Regent Streets (Interface C)
- 4.5 metres to Little Hoddle Street from the centreline of the laneway (Interface I).

Council's preferred version of DDO48 proposes an upper-level setback of 6.5 metres from the property boundary, plus an additional 3 metres at the uppermost level for development over 30 metres on the western side of Little Hoddle Street.

(iii) Evidence and submissions

Hoddle Street

Ms Jordan recommended a 3 metre upper-level setback to Hoddle Street. She referred to the Built Form Report which recommended an increase to the interim DDO22 requirement of 3 metres and explains the 4.5 metres:

> provides an improved transition to heritage buildings where a 6 metre upper level setback is provided. This will reduce abrupt changes in upper level setbacks from 3m to 6m as currently permitted in the interim controls and ensures a more consistent character along the length of the corridors.

Ms Jordan responded that:

- potential impact on places of heritage significance was the relevant consideration in recommending an appropriate upper-level setback
- there were no properties affected by the Heritage Overlay or identified to be of heritage significance along this section of Hoddle Street (between Elizabeth and York Streets)
- in these circumstances an upper-level setback of 3 metres is warranted, except within 5 metres of a heritage property where an upper-level setback should be 6 metres.

Mr Nicolaou adopted Ms Jordan's evidence and preferred the setback approach for Hoddle Street in the Interim DDO22.

Beresford submitted that the 4.5 metre setback was not strategically justified and supported the adoption of a 3 metre setback.

Prof McGauran supported the rationale for increasing the setback to 4.5 metres. However, he accepted:

- there were no heritage properties in the DDO48 precinct south of Elizabeth Street
- the 'abrupt' changes in the setback depth which are sought to be avoided will therefore not occur.

Council submitted the proposed setback of 4.5 metres above a 15 metre street wall will create a clear distinction between the street wall and upper form, and is a balanced response to the development potential of properties along Hoddle Street. While Council accepted that heritage is not a factor in Hoddle Street, south of Elizabeth Street, it submitted:

- a consistent approach should apply to the Hoddle Street frontages where possible
- the larger setback would provide more visual interest, reinforce the street wall and diminish the perceived bulk of the buildings.

Council added that:

> While Hoddle Street is a major traffic route and has poor pedestrian amenity, Council is seeking to ensure built form on Hoddle Street recognises the importance of main roads to the image of the City and promotes high quality architectural outcomes (DDO2 - Main Roads and Boulevards).
>
> Council also notes that in Yarra on other boulevards 6m setbacks have been applied eg DDO15 Johnston Street where it fronts Hoddle Street in Precinct 1H. DDO25 - Swan Street Activity Centre - Precinct 1 Richmond Station also applies a 6m upper level setback on Punt Road Interim DDO39 – Victoria Parade and Interim DDO38 – Alexandra Parade also apply 6m upper level setback.

Elizabeth Street

Interim DDO22 requires a 3 metre upper-level setback as recommended by the Draft Built Form Framework for properties outside the Heritage Overlay. The Built Form Report recommended this increase to 6 metres to "*ensure greater potential for consistency in the streetscape, particularly where orange and blue interfaces are applied*".

Mr Nicolaou submitted a 3 metre upper-level setback to Elizabeth Street is appropriate and relied on the evidence of Ms Jordan. Ms Jordan considered:

- an upper-level setback of 6 metres is not warranted, given this section of Elizabeth Street has no places of heritage significance that would require a transition of upper-level setbacks
- the two recent infill developments near the Nicolaou Land (10 - 14 Elizabeth Street and at 34 - 40 Elizabeth Street) have upper-level street setbacks in the order of 2.3 metres and 4.4 metres – less than the preferred 6 metres.

Prof McGauran accepted the:

- only interface applied to Elizabeth Street under the proposed DDO48 is Interface C
- Interface C continues eastward and does not meet Interface A until it begins on the east side of Shelley Street

- Shelley Street road reserve would provide an effective break in built form, and the inconsistency sought to be avoided by a 6 metre setback for Interface C was unlikely to occur.

Council submitted the proposed 6 metre upper-level setback will ensure the upper-level form will not dominate, particularly where a 9-10 storey building is anticipated on the Nicolaou Land.

Little Hoddle Street

Prof McGauran recommended the exhibited upper-level setback to Little Hoddle Street increase to 6.5 metres from the property boundary. This was in response to submissions from existing owners and occupants in Little Hoddle Street and Regent Street. These submitters were concerned that the setbacks did not go far enough to protect their residential amenity, particularly in relation to overshadowing and solar access. Prof McGauran said that more nuancing was needed for taller buildings if there was going to be a shared amenity along Little Hoddle Street, where access to sunlight for both residents and commercial workers was important.

Mr Barnes did not support the increased setback and said it might compromise floorplates. Prof McGauran disagreed and said viable workspaces within the footprint would be possible, though smaller than normal which might therefore attract different tenants.

Mr Nicolaou and Beresford sought a 3 metres upper-level setback from the property boundary.

Beresford submitted:

- the 6.5 metre setback would result in a significant setback of about 17 to 19 metres from any built form on the eastern side of Little Hoddle Street, and up to 20 metres and 22 metres above 30 metres (allowing for an additional 3 metre setback on the western side)
- the amenity benefits (to achieve sunlight to Little Hoddle Street for two hours of the day between 11am-1pm (the lunch period) or for one hour between 12pm - 1pm as Prof McGauran conceded) do not warrant this exaggerated setback response and its material impact on the development of the Beresford Land.

Mr Nicolaou submitted the 6.5 metre upper-level setback substantially departs from the Built Form Report's recommended setback of 4.5 metres from the centreline of the laneway and relied on the evidence of Ms Jordan.

Ms Jordan stated:

- Council's preferred setback was excessive in this context and has not been reasonably justified
- the exhibited setbacks would manage overlooking but could result in a visually overwhelming building.

Ms Jordan considered an upper-level setback of 3 metres from the street wall/property boundary to be appropriate because:

- the Heritage Overlay does not apply to the area
- it will achieve a consistent built form character
- it will ensure that along the full length of this section of Little Hoddle Street, an upper-level setback of between 5.4 metres and 6 metres from the centreline of the laneway will be achieved and ensure a minimum building separation of between 10.8 metres and 12 metres.

Council did not support Ms Jordan's recommendations. It submitted:

> Here what is proposed is development with a potential height of 34m. The recommendations of Ms Jordan will be productive of undesirable, back of house, uninviting alleyway not befitting the role that it can and should play in servicing new development in this area.
>
> The submissions of existing owners and occupants of Little Hoddle Street (and Regent Street) that presently have an interface with Little Hoddle Street through habitable room windows and open space, for example submissions 51, 86 and 115. All of which reinforce the importance of trying to make the space more friendly in response to the level of development it is about to experience. It is not so much a "pipe dream" as a legitimate planning vision for this location.

Regent Street

Beresford sought a preferred upper-level setback of 5 metres. It considered this would set an appropriate threshold in allowing the exercise of discretion for a reduced setback which is consistent with existing conditions. Like Mr Nicolaou's submission regarding the same setback proposed along Elizabeth Street, Beresford said its land sits well removed from land which is subject to Interface A and existing apartments at 72-76 Regent Street already have upper-level setbacks less than 5 metres.

Council did not support a 5 metre setback and submitted a 6 metre discretionary setback is appropriate, particularly because it responds to the heritage building at 38-50 Regent Street which has a mandatory 6 metre upper-level setback.

The landowners at 46-50 Regent Street and 58 Regent Street commended the Amendment but submitted a mandatory 6 metre upper-level setback to 46-60 Regent Street is inappropriate as it "*does not account for the fragmented ownership of the land and provides insufficient flexibility to account for alternative development outcomes*".

Land at 46-50 Regent Street is subject to the Heritage Overlay (HO450) and comprises large brick buildings, the earliest parts of which date from c.1883, and housed the Henry Walter's Boot Factories. In response, Mr Gard'ner stated:

> Having considered this submission and the form and architectural character of HO450, I am of the opinion that 'Interface C', which provides for a preferred 6m upper-level setback, should be applied to the Regent Street boundary of 46-50 Regent Street rather than 'Interface A' which imposes a mandatory setback. I consider it likely that acceptable heritage outcomes can be achieved with a lesser setback taking into account the building form, architectural expression and context. I remain of the view that 'Interface A' should continue to apply to the northern part of HO450, namely 38-44 Regent Street, to preserve the visual prominence of the imposing gable ends and the pitched roof forms facing Regent Street.

(iv) Discussion

Hoddle Street

The Committee agrees with Ms Jordan that a 3 metre upper-level setback is appropriate and justified along Hoddle Street between Elizabeth and York Streets. While the Built Form Report recommends a 4.5 metre setback to improve transition to heritage buildings (where a 6 metre setback is provided), there are no heritage buildings between Elizabeth and York Streets.

While a consistent approach along Hoddle Street is important, this part of Hoddle Street can accommodate a 3 metre upper-level setback without abruptly breaking any consistent built form. This is particularly so given the break in built form created by the Elizabeth and York Street carriageways.

The 3 metre setback is consistent with the approach in interim DDO22. It currently requires a discretionary 3 metre setback along Hoddle Street, as recommended by the Draft Built Form Framework for all properties outside the Heritage Overlay. Ms Jordan recommended 3 metres on this basis, and the Committee agrees this is appropriate and justified.

Elizabeth Street

The Committee agrees with Mr Nicolaou and Ms Jordan that a reduced setback along Elizabeth Street (between Hoddle Steet and Little Hoddle Street only) is justified. The strategic justification for the setback to be increased to 6 metres is limited to ensuring a consistency in the streetscape where Interface C and Interface A meet. Interface A does not commence until the east side of Shelley Street which is some distance from this end of Elizabeth Street. The Committee therefore does not find the 6 metre setback in this location is justified or appropriate.

While it is important to maintain the separation between the street wall and upper levels, a 3 metre setback can achieve an appropriate separation in this key corner location, particularly given the lack of any heritage sensitivities. Again, this change is consistent with the approach in interim DDO22 which currently requires a discretionary 3 metre setback for this location, as recommended by the Draft Built Form Framework for all properties outside the Heritage Overlay. Ms Jordan recommended 3 metres on this basis, and the Committee agrees that this is appropriate and justified.

Little Hoddle

The Committee agrees with Council that a greater upper-level setback is appropriate along Little Hoddle Street. In urban design terms, a 6.5 metre setback will retain the human scale of Little Hoddle Street, secure the distinction between the street wall and upper levels and reduce the potential for overshadowing. The Committee agrees with Prof McGauran that the extra quantum of development that could be delivered with a building that overshadowed Little Hoddle Street for the entire day is not so great as to trade off the solar access that ought to be achieved, even if only for 1 hour between 12 and 1pm.

The setback is discretionary which will allow flexibility in the development approach or a variation in the measure as appropriate.

Regent Street

The Committee is not persuaded that the preferred 6 metre setback should be reduced to 5 metres for the Beresford Land. While the Beresford Land is not directly adjacent to land which is subject to Interface A, it is not so far removed as to warrant a departure from the consistent streetscape that is sought to be achieved where Interface C and Interface A meet. The setback is discretionary which will allow flexibility in the development approach or a variation in the measure as appropriate.

The Committee accepts the evidence of Mr Gard'ner that Interface C, which provides for a preferred 6 metre upper-level setback, should be applied to the Regent Street boundary of 46-50 Regent Street rather than Interface A which imposes a mandatory setback. The Committee also considers that the building at 52-60 Regent Street should be subject to Interface C. The building on 46-50 Regent Street has a plain parapet building form compared with the northern part of the former Henry Walter's Boot Factories buildings. It has also been over-painted and retains limited heritage significance. The building on 52-60 Regent Street is not subject to the Heritage Overlay and does not warrant the application of mandatory provisions. The Committee considers

acceptable heritage outcomes can in these circumstances be achieved through performance-based provisions.

(v) Conclusions and recommendations

The Committee concludes:

- The upper-level setback along Hoddle Street south of Elizabeth Street should be amended to 3 metres, except within 5 metres of a heritage property where an upper-level setback should be 6 metres.
- The upper-level setback along Elizabeth Street between Hoddle Street and Little Hoddle Street should be amended to 3 metres.
- For properties which abut Little Hoddle Street, the upper-level setback should be amended to 6.5 metres from the property boundary, plus an additional 3 metres at the uppermost level for development over 30 metres on the western side of Little Hoddle Street.
- The upper-level setback along Regent Street, as it applies to the Beresford Land, is appropriate.
- Interface C which provides for a preferred 6 metre upper-level setback should be applied to the Regent Street boundary of 46-60 Regent Street, Richmond.

The Committee recommends:

Amend Design and Development Overlay Schedules 46 and 48, as shown for Design and Development Overlay Schedule 48 in Appendix F3, to:

a) revise the preferred upper-level setback from the property boundary along Little Hoddle Street (Interface I) to 6.5 metres, plus an additional 3 metres at the uppermost level for development over 30 metres on the western side of Little Hoddle Street.

Amend Design and Development Overlay Schedule 48, as shown in Appendix F3, to:

a) revise the preferred upper-level setback (Interface D) along Hoddle Street south of Elizabeth Street to 3 metres, except within 5 metres of a heritage property where an upper-level setback should be 6 metres

b) revise the preferred upper-level setback along Elizabeth Street (Interface C) between Hoddle Street and Little Hoddle Street to 3 metres

c) apply Interface C to the Regent Street boundary of 46-60 Regent Street.

12.5 Building height requirements

(i) The issue

The issue is whether the DDO48 building heights requirements are appropriate and justified.

(ii) Evidence and submissions

Mr Barnes considered that all maximum building heights for the land south of Elizabeth Street and east of the railway line should be mandatory rather than discretionary as proposed. To support his position, he referred to the Swan Street Activity Centre where mandatory height provisions were supported by the Panel to the north of Swan Street, where commercial zoned properties abut residential zoned land, even on land outside the Heritage Overlay.

Several residential submitters were concerned with the proposed maximum building heights along Hoddle Street and the consequential amenity impacts, including overshadowing and solar access.

(iii) Discussion

The Committee does not share the same view as Mr Barnes that a mandatory height provision is appropriate for the land south of Elizabeth Street and east of the railway line. The characteristics of the properties do not warrant the Committee to depart from its conclusions regarding mandatory and discretionary provisions in Chapter 3.4. The properties have no heritage significance, do not impede any landmark views and are not subject to the designated overshadowing requirements. The Committee considers that any proposed development and its amenity impacts on the adjoining residential area can be appropriately assessed and managed through performance-based provisions at the permit application stage. Indeed, that is the purpose of performance-based planning provisions and discretionary built form metrics.

The maximum building heights proposed along Hoddle Street are consistent with the design objectives for Precinct 3. The heights reflect thorough strategic work and analysis, reviewed and refined, and which has resulted in a coherent and logical approach to building heights in the precinct. The sophisticated interrelationship between the building heights, street wall heights, and upper-level setbacks will appropriately protect the amenity of nearby residents.

(iv) Conclusion

The Committee concludes that the maximum building heights proposed in Design and Development Overlay Schedule 48 are appropriate and justified.

12.6 Access and movement requirements

(i) The issues

The issues are whether:

- the mapping error on Plan 2: Access and Movement Plan' should be amended to terminate the southern end of Little Hoddle Street at the property boundary of the Beresford Land
- 'Plan 2: Access and Movement Plan' should be amended to delete the potential pedestrian link through the Beresford Land.

(ii) Evidence and submissions

Mapping error

Beresford submitted that DDO48 Plan 2 (Access and movement plan) included an error because the graphics depicting 'Potential Future Shared Zones' extend past the southern end of Little Hoddle Street into Beresford's private property by approximately 4.7 metres. Beresford said:

> The 'Plan 2: Access and Movement Plan' must be amended to reflect the termination of the southern end of Little Hoddle Street at the property boundary of the Beresford Land as shown with a green line in Figure 17. It is inappropriate to extend a potential future shared zone into private property.

Figure 12 DDO48 Plan 2 (Access and movement plan)

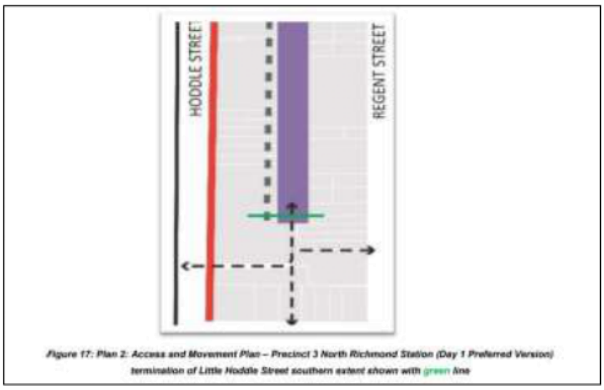


Figure 17: Plan 2: Access and Movement Plan – Precinct 3 North Richmond Station (Day 1 Preferred Version) termination of Little Hoddle Street southern extent shown with green line

Council agreed that DDO48 Plan 2 (Access and movement plan) included an error and required correction.

Potential pedestrian link

Beresford submitted the 'Potential Pedestrian Links' as depicted in DDO48 Plan 2:

- will unfairly restrict development on the Beresford Land
- imposes significant constraints, particularly given a Development Contributions Plan Levy is not proposed.

Beresford said the existing informal pedestrian connection between Hoddle Street, Little Hoddle Street and Regent Street referred to in the Built Form Report does not actually exist.

Beresford submitted the merits of the link had not been thoroughly considered, noting:

- it is not clear what is sought to be linked – the pedestrian link sits at the midpoint between the North Richmond and West Richmond stations, such that pedestrians coming from Bridge Road and intervening streets are likely to walk to West Richmond station rather than walking further north to North Richmond Station
- Little Hoddle Street has a pedestrian environment which will always be exposed to sheer built form and parking accessways
- a pedestrian link to York Street to the south would need to traverse private land which is only 10 metres wide.

Beresford said this matter should more appropriately be dealt with at the permit application stage.

Council considered it appropriate and desirable to nominate the pedestrian links in DDO48.

Prof McGauran supported the pedestrian links and stated:

> The south end of the Little Hoddle Street spine is seen as a future shared zone and interblock links forming part of major urban renewal strategies for sites is seen as a way of better connecting major sites with a Hoddle Street frontage to the core Station infrastructure facilities as well as enhancing the amenity and potential of the precinct more broadly.

(iii) Discussion

The Committee acknowledges and shares the concerns expressed by Beresford regarding implementation of the pedestrian links, particularly where they are proposed over private land. This, combined with the 2 metre setback on the Beresford Land, is a significant impost. The

Committee is equally not convinced that any existing informal link currently exists, or that the links serve the intended purpose in their current location. However, the Committee accepts the strategic justification and need for interblock links in this approximate location. The Committee also notes that they are 'Proposed' and can therefore be considered at the permit application stage once the future development possibilities for the affected land are realised. It might be that they are better located elsewhere, and equally this can be considered in the context of future development applications.

The Committee agrees with the Beresford submissions that DDO48 Plan 2 (Access and movement plan) includes a mapping error that should be corrected to show the southern end of Little Hoddle Street ending at the property boundary of the Beresford Land. It is inappropriate to extend a public road/potential future shared zone into private property.

(iv) Conclusions and recommendation

The Committee concludes:

- Design and Development Overlay Schedule 48 Plan 2 (Access and movement plan) should be amended to terminate the southern end of Little Hoddle Street at the property boundary of 67-81 Hoddle Street and 84 Regent Street, Richmond.
- The 'Proposed Pedestrian Links' in Design and Development Overlay Schedule 48 Plan 2 (Access and movement plan) are appropriate and justified.

The Committee recommends:

Amend Design and Development Overlay Schedule 48, as shown in Appendix F3, to correct Plan 2 (Access and movement plan) to terminate the southern end of Little Hoddle Street at the property boundary of 67-81 Hoddle Street and 84 Regent Street, Richmond.

13 Precinct 4 – Victoria Street East (DDO49)

13.1 What is proposed?

Figure 13 VSAC Precinct 4 exhibited Precinct 4 building heights and street wall interfaces

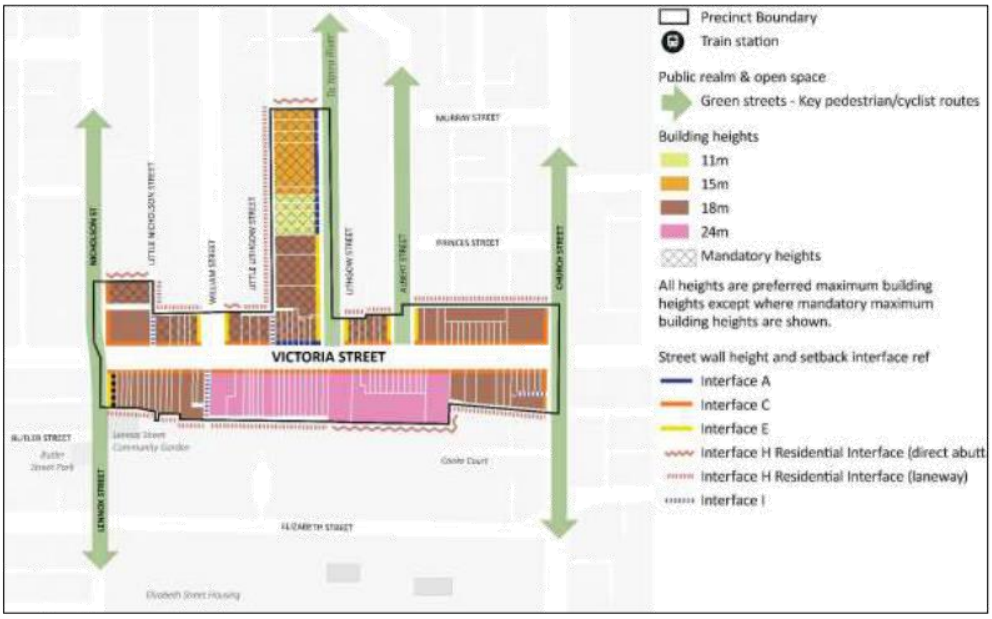


Table 5 VSAC Precinct 5 exhibited planning provisions

Height and interface plan and street wall heights and setbacks			
IR	**Design Element**	**Mandatory requirements**	**Preferred requirements**
A	Street wall height	Heritage buildings: Retain existing height and 11m maximum Other buildings: 8m minimum	Other buildings: match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building
	Street wall setback	Heritage buildings: Retain existing setback	0m
	Upper-level setback	25-33 Lithgow St: 8m minimum Elsewhere: 6m minimum	9m minimum for buildings >15m tall
C	Street wall Height	None specified	Heritage buildings: Retain existing height Other buildings: 11m maximum and 8m minimum Match parapet height of adjoining heritage building for minimum 6m length
	Street wall setback	Retain existing street wall setback for heritage buildings	0m
	Upper-level setback	None specified	6m minimum
E	Street wall height	None specified	Heritage buildings: Retain existing setback Other buildings: 11m maximum
	Street wall setback	None specified	136 Lennox Street -2m minimum setback to the western boundary Heritage buildings: retain existing setback
	Upper-level setback	None specified	Heritage buildings: 6m minimum Other buildings: 3m minimum
I	Side and rear wall height	None specified	11m maximum
	Side and rear setback	None specified	None specified
	Upper-level setback	None specified	minimum 4.5m from centreline laneway

What is sought for VSAC Precinct 4?

The exhibited preferred character for VSAC Precinct 4 at Clause 21.12 states:

> Precinct 4 – Bridge Road East South will be renewed as an employment focussed mixed-use and housing precinct. The prominence of the Former Flour Mill and Grain Store Complex (534-534A Bridge Road) on the south-east corner of Bridge Road and Type Street will be maintained as a local landmark within the precinct. The precinct's character and sense of place will be transformed with well-designed mid rise redevelopment of two large sites on Burnley Street and Stawell Street. This will compromise of multiple buildings which offer views to the sky from the street and establishes a varied skyline when viewed from surrounding areas. The Stawell Street redevelopment will provide a high quality transition to the Racecourse Heritage Precinct through landscaped setbacks.

13.2 Upper-level setback requirements

(i) The issue

The issue is whether the DDO49 upper-level setback requirement is appropriate and justified for 35-47 Lithgow Street, Abbotsford.

(ii) Background

James Richardson Corporation Pty Ltd (JR Corporation) raised issues regarding planning provisions proposed for the large landholding at 35-47 Lithgow Street, Abbotsford (JR Land). The JR Land has a two storey nineteenth century brick industrial warehouse with a pitched slate roof, formerly the Schweppes Cordial Factory.

DDO49 requires a mandatory upper-level setback of 6 metres along the Lithgow Street frontage (Interface A).

(iii) Evidence and submissions

JR Corporation supported the proposed 6 metre upper-level setback but in a preferred form. It accepted the setback is important in retaining and protecting the roof forms and visual prominence or the heritage façade. JR Corporation submitted:

- Clause 22.02 recognises that industrial heritage buildings, such as the JR Land, are generally not as sensitive to upper-level additions as, for example, a residential equivalent
- Clause 22.02-5.7.2 contemplates vertical development of these sites, so long as development is sufficiently set back as to "*respect the scale and size of the existing heritage place*"
- the site's characteristics should be a key factor in determining an appropriate response
- there must be regard to the attributes of the unique industrial heritage building which differentiate it from typical heritage redevelopment sites.

It was established during the Committee's questions of JR Corporation that a 4.95 metre setback would allow existing heritage roof forms to be retained.

Mr Raworth and Ms Roberts supported a discretionary upper-level setback.

Mr Raworth stated:

- the site has significant roof forms which require retention, including the chimney stack and red brick tower and justify the upper-level setback
- if an appropriate response can be achieved at less than 6 metres, then that should be considered.

Ms Roberts said the 6 metre setback is a useful tool to ensure that the significant roofline is visually dominant, however said it has less of a role in this location than in other intact streetscapes. She said that in those locations the mandatory 6 metres was needed to ensure a continuous upper-level setback approach to all buildings, whereas the Cordial Factory is a stand alone building which is distinct from its low scale neighbours. Ms Roberts sought a discretionary setback to allow for subtle form changes along the length of the building which could respond in a more nuanced way to the roof forms, chimney, and tower.

Council submitted that this part of Lithgow Street "*is a pocket of important sensitivity*" because:

- the Cordial Factory is an individually significant building in its own right
- it sits with single storey heritage workers cottages adjoining is north, south and western boundaries
- Williams Street to the west is also a low scale street with heritage fabric and any development of scale on James Richardson Land will be readily apparent in that context
- the site is across the road from a building on the Victorian Heritage Register.

Council submitted that while there will be change along Victoria Street and along Lithgow Street closer to Victoria Street and further north:

> There is no doubt at the moment, that the environs of the Cordial factory remains a pocket which very strongly records in built form terms Abbotsford's past. The strategic planning question is the degree to which this pocket should change.
>
> The Council originally identified this area (as part of Amendment C269) as an incremental change area – reflecting the desire to preserve the sense of that past. The preferred DDO controls advanced for this area reiterate that past.
>
> The Panel considering Amendment C269 disagreed with the Council, and recommended that this area be redefined as an area of "moderate" change. Having considered the Panel's recommendation, the Council has recently resolved (as is its prerogative) to reiterate its original desire to define this area as one of incremental change.

Council submitted that Ms Roberts' modelling usefully demonstrates that development which sits within the DDO49 envelope will be visible and will introduce change. It submitted the provisions are intended to avoid the erosion of fabric of significance by requiring a mandatory setback of 6 metres – which sits 1 metre behind the pitch of the roof. Council added:

> The complaint about this setback is not that it is inappropriate per se, but that it would preclude possible cantilevers at higher levels – the kind of neutral banding effect of a void level. There are two points to make:
>
> (a) The moment the setback is reduced, to say 5.5 m or 5 m every development proposal will be advanced (as Mr Passarella intimated) on the basis that development immediately at or just behind the ridge is appropriate;
>
> (b) The "banding" and cantilevering approach is a technique used to visually separate upper levels from the heritage host. It is deployed most in circumstances where what is contemplated is levels above. It would not be a technique of any value where the limit remained at 15 of even 18 metres. The desire to retain this as an option betrays the true intent, which is that development greater than 18 m is contemplated for the site – notwithstanding Mr Raworth's apprehension that development much taller than 18 m may not be appropriate.
>
> Whether the area is ultimately delineated as a moderate change or incremental change area, there is a natural limit as to what height and setbacks should be allowed.

Mr Gard'ner stated the planning provisions for the JR Land:

- have been guided by Planning Practice Notes 59 and 60
- have been applied where they can be strategically justified and are necessary to achieve acceptable heritage outcomes
- recognise the architectural character of the land
- will protect the highly visible tiled roof forms, industrial chimney and varied facades of the Former Cordial Factory.

Under cross examination, Mr Gard'ner accepted the ridgeline sits at 5 metres, and that it was based on his subjective judgement that an additional metre is required to achieve an acceptable heritage outcome. He conceded that there are a range of ways one could ensure the heritage

building remains visually prominent and retains its three-dimensional form, without a mandatory provision.

Prof McGauran was comfortable with the provisions as proposed.

The Collingwood Historical Society submitted the site provides a good opportunity for redevelopment so long as the rear tower and chimney are retained.

(iv) Discussion

The 6 metre upper-level setback is not disputed – the issue is whether it should be discretionary rather than mandatory.

The Committee is not persuaded that it should be discretionary to simply allow for subtle built form changes along the length of Lithgow Street, or a more nuanced or cantilevered response. The Committee agrees with Council and Mr Gard'ner that a 6 metre mandatory upper-level setback is appropriate given the heritage significance of the building and the surrounding environs.

The Committee agrees with Council that whether the area is ultimately delineated as a moderate change or incremental change area, there is a limit as to what setbacks are appropriate. Having regard to all the information provided and an inspection of this area on numerous occasions, the Committee considers that there is a difference between a 4.95 metre and 6 metre upper-level setback. A 6 metre setback would ensure that the front of the building will be read in a three-dimensional form and retain sufficient heritage features and meaning.

The Committee is satisfied that the mandatory setback will not restrict development but will facilitate a good design and heritage outcome for this site.

(v) Conclusion

The Committee concludes the Design and Development Overlay Schedule 49 upper-level setback requirement is appropriate and justified for 35-47 Lithgow Street, Abbotsford.

13.3 Building height requirements

(i) The issue

The issue is whether the DDO49 building height requirements are appropriate and justified.

(ii) Background

DDO49 applies:

- a mandatory maximum 15 metre building height to the JR Land and to 367 Victoria Street, Abbotsford
- a discretionary 18 metre maximum building height to 401-407 Victoria Street, Abbotsford.

(iii) Evidence and submissions

James Richardson Land

JR Corporation opposed the mandatory nature of the building height provision and sought a discretionary height of 18 metres for the JR Land. It submitted:

- the interim DDO22 requires a mandatory building height of 18 metres which is 3 metres more than what is contemplated by DDO49
- in accordance with the principles outlined in Planning Practice Notes 59 and 60, and the test for mandatory provisions, there is no justifiable basis for applying a mandatory requirement
- Ms Roberts' scenario modelling supports the proposition that visual prominence can be maintained with development up to and including 20 metres, so long as the development is appropriately setback.

Both Ms Roberts and Mr Raworth supported a discretionary 18 metre height provision to allow a design solution which incorporates the existing heritage floor heights.

Ms Roberts stated a discretionary height provision is appropriate, particularly when considered in combination with the design objectives and the objectives contained in the Heritage Overlay. She explained:

- if the provision is discretionary it will allow for a more nuanced and responsive design solution to the existing heritage floor heights
- a mandatory provision might force a design that tries to squeeze floors into the height control regardless of where the existing fabric should inform the floor and ceiling heights.

Mr Raworth said flexibility is warranted rather than a mandatory and limited height control given the higher floor to ceiling heights in the industrial heritage building than standard new building floor to ceiling heights.

Council supported a mandatory maximum building height of 15 metres. Its submissions largely echo those cited in Chapter 13.2. Importantly, Council noted the recommendation in the Built Form Report to reduce the height from 18 metres to 15 metres to protect the visual prominence of the former Cordial Factory and provide for an appropriate transition to surrounding single and two storey scale heritage places.

Mr Gard'ner said the proposed 15 metre mandatory requirement, combined with the upper-level setback from the Lithgow Street façade will ensure that the historic façade and roof form of the Former Cordial Factory remain prominent elements within the streetscape.

Prof McGauran was comfortable with the provisions as proposed.

Several submitters were concerned the 15 metre maximum building height would impact the amenity of their properties.

367 and 401-407 Victoria Street

Submission 75 deals with three properties, the relevant ones in this precinct being 367 and 401-407 Victoria Street. This submitter relied on its original submission provided to Council in response to notice of the Amendment and no further written submission was tabled at the Hearing.

Submitter 75 said that these sites were underdeveloped and presented an opportunity for urban renewal to support local employment and increased residential dwelling densities variously supported by local and State planning policies. It said the provisions contemplated should provide greater flexibility to warrant a performance-based approach to future design responses, including in respect to height and setbacks versus mandating predetermined massing as a blanket approach across the precinct.

Mr Barnes observed in his written statement:

> Land on the north side of Victoria Street, between Albert Street and Church Street, is one of the few locations along the street where a DDO abutting a residential interface has not included in a mandatory control. I consider this site to be a potential redevelopment site. The intervening laneway is about 4.5 metres wide. I suggest a mandatory building height be considered for this area.

Prof McGauran disagreed with Mr Barnes and considered performance-based measures were warranted. He said this site occupies an area where more flexibility is acceptable and supported the proposed discretionary height.

Regarding 367 Victoria Street, Prof McGauran said it is a non-contributory property in the heritage precinct but abuts historic heritage fabric to its north and east. He considered the setbacks, street wall and height requirements to be warranted.

Mr Gard'ner stated that a development proposal at 367 Victoria Street would need to consider the impact on the surrounding low-rise residential heritage precinct. He concluded that it is reasonable that a lesser level of new development be contemplated on land subject to, or next to the Heritage Overlay to protect the significance, character and appearance of the heritage place.

Council supported the proposed mandatory building height provision for 367 Victoria Street.

(iv) Discussion

James Richardson land

The Committee accepts the proposed DDO49 building height of 15 metres for the former Cordial Factory is appropriate. However, the height should be discretionary rather than mandatory.

Modelling produced by Ms Roberts provides a rigorous analysis of built form outcomes and their effect on the streetscape. It allows an assessment of the visual prominence of the heritage façade as the height of any proposed addition is varied by one metre increments from 15 to 30 metres. Some flexibility is warranted given the unique requirements of the industrial heritage building, and because it differs to many of the other heritage buildings in the VSAC.

The Committee is satisfied that both H interfaces combined with requirements that development should protect the amenity of existing residential properties (in terms of visual bulk, overshadowing of private open space and overlooking), will provide the required protections without the need for mandatory provisions.

367 and 401-407 Victoria Street

The Committee does not agree with Mr Barnes that a mandatory height provision is appropriate for 401-407 Victoria Street. The characteristics of the properties do not warrant the Committee to depart from its conclusions with respect to mandatory and discretionary provisions as discussed in Chapter 3.4. The properties have no heritage significance, do not impede any landmark views and are not subject to the designated overshadowing requirements. Any proposed development and its amenity impacts on the adjoining residential area can be appropriately assessed and managed through performance-based provisions at the permit application stage.

The Committee agrees with Mr Gard'ner and Prof McGauran that a mandatory height provision should be applied to 367 Victoria Street. No evidence was called to the contrary. The Committee acknowledges that the property is non-contributory however considers the proposed mandatory

height provision is justified given the site's location which abuts the Heritage Overlay and the intact heritage hinterland to its rear.

(v) Conclusions and recommendation

The Committee concludes:

- A discretionary maximum building height of 15 metres should be applied to 35-47 Lithgow Street, Abbotsford.
- The Design and Development Overlay Schedule 49 building height provisions are appropriate and justified for 367 and 401-407 Victoria Street, Abbotsford.

The Committee recommends:

Amend Design and Development Overlay Schedule 49, as shown in Appendix F4, to change the mandatory maximum height for 35-47 Lithgow Street, Abbotsford to a discretionary height provision.

13.4 Side and rear setback requirements

(i) The issue

The issue is whether the DDO49 side and rear setback requirements are appropriate and justified.

(ii) Background

DDO49 applies Interface H to land interfacing with residential properties in the NRZ or GRZ. It requires development to be setback at a 45 degree angle from a height of 5 metres at the adjacent residential lot boundary.

(iii) Evidence and submissions

JR Corporation submitted that the side and rear setback requirements included in DDO49 are overly prescriptive and the Committee should instead recommend the approach taken in the Swan Street Activity Centre.

(iv) Discussion

As discussed in Chapter 3.3, the Committee considers the Built Form Report justifies Interface H. It finds no strategic reason to make the interface provisions for the JR Land consistent with the Swan Street Activity Centre.

(v) Conclusion

The Committee concludes the Design and Development Overlay Schedule 49 side and rear setback requirements are appropriate and justified.

14 Precinct 5 – Victoria Street East End (DDO50)

14.1 What is proposed?

Figure 14 VSAC Precinct 5 exhibited building heights and street wall interfaces

Table 5 VSAC Precinct 5 exhibited planning provisions

Height and interface plan and street wall heights and setbacks			
IR	**Design Element**	**Mandatory requirements**	**Preferred requirements**
A	Street wall height	Heritage buildings: Retain existing height and 11m maximum Other buildings: 8m minimum	Other buildings: match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building
	Street wall setback	Heritage buildings: Retain existing setback	0m
	Upper-level setback	316-326 Victoria St: 8m minimum Elsewhere: 6m minimum	9m minimum for buildings >15m tall
C	Street wall Height	None specified	Heritage buildings: Retain existing height Other buildings: 11m maximum and 8m minimum Match parapet height of adjoining heritage building for minimum 6m length
	Street wall setback	None specified	Heritage buildings: Retain existing setback Other buildings: 0m
	Upper-level setback	None specified	6m minimum
D	Street wall Height	None specified	15m maximum
	Street wall setback	None specified	551 to 585 Victoria Street - 2m minimum setback to Victoria Street Other buildings: 0m maximum
	Upper-level setback	None specified	4.5m minimum
E	Street wall height	None specified	Heritage buildings: Retain existing setback Other buildings: 11m maximum
	Street wall setback	None specified	Heritage buildings: retain existing setback
	Upper-level setback	None specified	Heritage buildings: 6m minimum Other buildings: 3m minimum
F	Street wall height	None specified	8m maximum
	Street wall setback	None specified	None specified
	Upper-level setback	None specified	4.5m minimum
I	Side and rear wall height	None specified	11m maximum
	Side and rear setback	None specified	None specified
	Upper-level setback	None specified	minimum 4.5m from centreline laneway

What is sought for VSAC Precinct 5?

The exhibited preferred character for VSAC Precinct 5 at Clause 21.12 states:

> Precinct 5 - Bridge Road East North will be transformed into a diverse mixed-use precinct as a preferred location for housing and employment growth within Bridge Road Activity Centre. The prominence of the Royal Oak Hotel on the north-east corner of Bridge Road and Burnley Street will be maintained to mark the centre to the precinct from the south and west. Elsewhere, the precinct's character and sense of place will be redefined by well-designed midrise development of up to 8 storeys with breaks between upper levels of buildings that provide views to the sky from the street and establishes a varied skyline when viewed from surrounding areas. This renewal will support a greater mix of uses, including residential, retail, offices and services and provide higher levels of street activation and visual engagement with the treelined streets of Bridge Road and Palmer Street and the potential new open space on Whites Place.

14.2 Building height and upper-level setback requirements

(i) The issue

The issue is whether the DDO50 building height and upper-level setback requirements are appropriate and justified.

(ii) Background

Several submitters raised concerns with the 21 metre mandatory height limit and rear upper-level setbacks proposed for properties on the south side of Victoria Street between Lambert and Johnston Street.

The referral letter to the Committee from the Minister for Planning requested consideration of whether the proposed mandatory provisions for the south side of Victoria Street, between Church and Johnston Streets are justified.

(iii) Evidence and submissions

Council submitted the mandatory provision has had regard to:

- the heritage properties at 316-326 Victoria Street
- the interface to residential properties to the south, noting the DDO schedule proposes heights of up to 21 metres east of 326 Victoria Street
- overshadowing of Eureka Street.

Mr Barnes supported mandatory height provisions in this location. He explained they are consistent with the principles upon which mandatory provisions are proposed to be applied elsewhere within both activity centres, and with the approach adopted and approved in relation to Swan Street.

Prof McGauran supported the mandatory height requirements:

> to ensure that development does not have expectations that cannot reasonably reconcile with the known limitations of the precinct arising from the characteristics of these hinterland interfaces and the fragmented nature of land ownerships to the Victoria Street frontage".

Several submitters from Wells, McKay and Baker Streets were concerned about the proposed maximum building heights and upper-level rear setbacks that apply to properties on the south side of Victoria Street. The northernmost end of Wells Street forms a cul-de-sac and is subject to the Heritage Overlay (HO459 – Wells Street Precinct, Richmond). The Heritage Overlay (HO371) for 53-55 Baker Street, Richmond is immediately southwest of HO459. It was submitted that the proposed maximum 21 metre height limit is excessive and will negatively impact the low scale character of the precinct.

A submission specifically addressed potentially adverse outcomes to the heritage significance of the Wells Street Precinct, stating:

> Wells Street is recognised in the Victorian Heritage Database as being "of local historic and aesthetic significance to the City of Yarra" [and] "historically significant as an example of the 'unplanned' or 'ad-hoc' residential subdivisions that were created during the land boom of the late nineteenth century. Typically, it comprises a short, effectively 'dead-end' street containing houses built close to the street frontage. The significance of the precinct is enhanced by its rarity value as one of the few relatively intact surviving examples in Richmond".

In response to these submissions Mr Gard'ner said:

> The rear interface between the commercial zoned land and residential zoned land has been considered in the development of the controls, and it is my view that the proposed controls provide adequate protection of residential amenity and provide a transition in built form where new development will abut residential precincts that are subject to the Heritage Overlay. Having, said that I recognise that new development within commercial zoned land may be visible above the rooflines of residential properties that are subject to the Heritage Overlay.

In relation to the mandatory height limit of 21 metres specifically, Prof McGauran was satisfied that the inclusion of the additional interface I and J combined with requirements that development should protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access, cumulatively provide reasonable safeguards.

(iv) Discussion

The Committee is not persuaded that mandatory height provisions are appropriate or justified for the south side of Victoria Street, between Church and Lambert Streets, except as they apply to land subject to the Heritage Overlay, and between McKay and Johnson Streets. The Committee however accepts that the mandatory height provision is appropriate for the south side of Victoria Street between Lambert and McKay Streets.

Between Church and Lambert Streets and between McKay and Johnson Streets

The Committee considers the characteristics of the properties along this strip of Victoria Street, do not warrant the Committee to depart from its conclusions with respect to mandatory and discretionary provisions as discussed in Chapter 3.4.

Mandatory provisions have been accepted as appropriate:

- in locations with intact heritage buildings and streetscapes
- to protect the footpaths of designated streets from overshadowing
- to protect views to key landmarks.

The properties (except those which are subject to the Heritage Overlay) have no heritage significance, do not impede any landmark views and are not subject to the designated overshadowing requirements.

The Committee finds that the proposed building heights along Victoria Street are consistent with the design objectives for Precinct 3. The heights reflect thorough strategic work and analysis, reviewed and refined, and which has resulted in a coherent and logical approach to building heights.

The Committee considers the sophisticated interrelationship between the building heights, street wall heights, and upper-level setbacks will appropriately protect the amenity of nearby residents, including overshadowing, and the low scale character of the residential hinterland to the rear. The Committee considers that interfaces I and J combined with requirements that development should protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access, cumulatively provide reasonable safeguards, without the need for mandatory provisions.

Between Lambert and McKay Streets

In relation to the properties on the south side of Victoria Street between Lambert and McKay Streets, the Committee accepts the evidence of Mr Gard'ner, Prof McGauran and Mr Barnes and supports the use of a mandatory height provision. While the properties are not subject to the Heritage Overlay, they generally abut or are near the Wells Street heritage precinct and this very intact heritage area.

(v) Conclusions and recommendations

The Committee concludes:

- The Design and Development Overlay Schedule 50 building height requirements are generally appropriate and justified.
- The mandatory provisions are not justified or appropriate for the south side of Victoria Street, between Church and Lambert Streets, except for land subject to the Heritage Overlay, and between McKay and Johnson Streets.
- The mandatory provisions are justified and appropriate for the south side of Victoria Street between Lambert and McKay Streets.

The Committee recommends:

Amend Design and Development Overlay Schedule 50, as shown in Appendix F5, to apply discretionary rather than mandatory building height provisions on land on the south side of Victoria Street between:

a) **Church and Lambert Streets, except for land subject to the Heritage Overlay**
b) **McKay and Johnson Streets.**

Appendix A Letter of referral

Hon Richard Wynne MP

Minister for Planning
Minister for Housing

8 Nicholson Street
East Melbourne, Victoria 3002

Mr Con Tsotsoros
Lead Chair, Yarra Activity Centres Standing Advisory Committee
Planning Panels Victoria
Level 5, 1 Spring Street
MELBOURNE VIC 3000
planning.panels@delwp.vic.gov.au

Ref: MBR046647

Dear Mr Tsotsoros

REFERAL OF DRAFT YARRA PLANNING SCHEME AMENDMENTS C291 AND C293 TO THE YARRA ACTIVITY CENTRES STANDING ADVISORY COMMITTEE

On 21 December 2021, Yarra City Council requested that I refer draft Planning Scheme Amendments C291 and C293 to the Yarra Activity Centres Standing Advisory Committee (SAC) for consideration and advice. Draft Amendment C291 seeks to implement permanent built form controls along the Bridge Road and Victoria Street Activity Centres and draft Amendment C293 seeks to implement permanent built form provisions to the Collingwood South Mixed Use Precinct. Interim built form controls currently apply to both draft amendment areas and are due to expire on 30 June 2022.

The council has requested that I refer the draft amendments, the associated submissions, the council's response to those submissions and the preferred versions of the draft amendments to the Yarra Activity Centres SAC in accordance with Stage 2 of the Yarra Activity Centres SAC Terms of Reference (10 June 2021). Stage 1 of the process included the preparation and notification of the draft amendments.

The council received 118 submissions for draft Amendment C291 and 102 submissions for draft Amendment C293.

I have decided to refer the draft amendments to the Yarra Activity Centres SAC to consider the submissions and make recommendations on whether I should proceed with the council's preferred version of the draft amendment to the Yarra Planning Scheme under section 20(4) of the *Planning and Environment Act 1987*. I request your specific advice on the following matters for the draft amendments:

1. The draft amendments include a number of additional mandatory provisions when compared to the interim controls: consideration of whether the capacity of the Activity Centre for future growth will be inappropriately compromised by the introduction of these controls and whether a revised capacity analysis is required to support these provisions should form part of the SAC process.
2. Consideration of whether the proposed changes as part of draft Amendment C291 to implement mandatory controls to all properties on the south side of Victoria Street, between Church and Johnson Streets (DDO50) are strategically justified.
3. Consideration of whether performance-based measures for the variation of discretionary height limits that do not have a nexus to built form outcomes are an appropriate use of planning tools or result in duplication of material in other parts of the Yarra Planning Scheme.
4. Consideration of where reference documents (Clause 21.11) will be located within the Yarra Planning Scheme when the Planning Policy Framework translation occurs.

I have also decided to refer the councils' request that the SAC consider the means of establishing greater clarity of what must be facilitated when preferred heights are exceeded and the appropriateness of the following criteria to vary discretionary height limits:

1. Require or encourage applications that are a significant departure from the preferred height to be subject to the Office of the Victorian Government Architect (OVGA) State Design Review Panel or a council design review panel; and
2. Address housing affordability.

The council also seeks your attention to issues raised in many submissions relating to building heights as part of draft Amendment C293. I believe that these matters could be considered in conjunction with the SACs consideration of the appropriateness of measures for the variation of discretionary height limits.

Should the SAC see merit in introducing additional requirements relating to OVGA or council design review and housing affordability, the council would need to form a view about whether it wishes to proceed with these types of changes to its preferred form of the draft amendments. Before making a decision on whether to approve the draft amendments using my powers under section 20(4) of the *Planning and Environment Act 1987*, I would need to consider how landowners and occupiers may be affected by such inclusions which did not form part of the exhibition of the draft amendments. I would appreciate the SAC's views on this.

I note that in response to the submissions received, the council resolved to recommend changes to some elements of the draft amendments before requesting that I refer the draft amendments to the SAC. The council decided to write again to all landowners and occupiers directly affected by the recommended changes and has requested that any submissions be lodged by 4 February 2022.

Any new or varied submissions received will be referred to the SAC by the Department of Environment, Land, Water and Planning (DELWP) before the directions hearing scheduled for 4 March 2022. The submissions received and the council's response to those submissions will be provided to you, along with the draft amendment documents.

If you would like more information, please contact Dr Jane Homewood, Executive Director, Statutory Planning Services, DELWP, on email jane.homewood@delwp.vic.gov.au.

Yours sincerely

HON RICHARD WYNNE MP
Minister for Planning
6 / 2 / 22

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Appendix B Submitters to the Amendment

No	Submitter	No	Submitter
1	Rosie Muirden	31	Judith Harley
2	Rosie Nolan	32	Elizabeth Parkin
3	Robyn Darby	33	Fabian and Nadja Zieschang
4	Lisa Heath	34	Adam Ratcliff
5	Audrey Quah and Barbara Friday	35	Lauren Jolly
6	Anne Mitchell	36	Rockburgh Pty Ltd
7	Lisa Byrne	37	Damian Loughnan
8	Vivien Regan	38	Jessica Ledwich
9	Jade Germantis	39	Victoria Chipperfield
10	Matt Tence	40	Steve and Gwen Granland
11	Ashley Midalia	41	PMTV Australia Pty Ltd
12	Leanne O'Brien	42	Francesco Lorfino and Amanda Buivids
13	Constantine Pakavakis	43	Anh Family Pty Ltd
14	Theoni Papanikolao	44	HLL Development Pty Ltd
15	Georgina Kiriakakis and John Hall	45	Wendy and Lynn Pollock
16	Unity Puglisi	46	Terry Mladenis
17	Kimberley Nichols	47	Andrew Buchanan
18	Jack Lillie	48	Penelope van Veenendaal
19	Michael Pitcher	49	Casey McCann
20	Elise Russell and Stuart MacBride	50	Aaron Roozenburg
22	Jill Cook	51	James Thiedeman
22	Nijon Nominees Pty Ltd	52	Jeremy Lawrence
23	GFM Investment Management Ltd	53	Claire Heaney
24	Mick and Donna Williams	54	Paul Cusmano
25	Michael and Kate Prendergast	55	Bridgeworth Management Pty Ltd
26	Jim Yuncken	56	Jon Liow
27	Anna Shaw and Scott Josey	57	PMTV Australia Pty Ltd
28	Paul Erdely	58	Denis Meehan
29	Gretta Hankinson	59	BG Estates Pty Ltd
30	Cheng S Lim	60	Karin Altmann

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No	Submitter	No	Submitter
61	Jim Nicolaou	92	Richard Marsh
62	Mary Greenfield and Richard Greenfield	93	Theresa Saldanha
63	Margot Foster	94	Stephen McCulloch
64	Richmond RAID	95	Sara Taylor
65	Daniel Swann	96	Sally Vivian
66	ADMA Investment Pty Ltd	97	Glen McCallum
67	Douglas Savige Secretary LEGS	98	Sue Powell
68	Jan Hill	99	Natanya Milton
69	Wayville Pty Ltd	100	Yarra Planning Coalition
70	Long Tao	101	Kyle Bush
71	Pacasa JV (Richmond) Pty Ltd	102	Royal Historical Society of Victoria
72	Deena Hooper	103	Anne Coveny
73	Eric Platt	104	Collingwood and Abbotsford Residents' Association
74	Butler Corporation Pty Ltd	105	Rachael Dickman
75	Victoria House (Abbotsford) Pty Ltd	106	Mark Soffer
76	Nigel Akom	107	David Balding
77	Arthur and Con Keramitsis	108	Robert Gray
78	Bonnie Andrews	109	Queens Parade Heritage Planning and Traders Group
79	John & Kalliopi Iglezakis	110	James Martakis
80	Georgina Kyriakopoulos	111	Bridget Williams
81	Denise Yannios and Mary Tzimourtas-Iglezakis	112	Carol Pelham-Thorman
82	Kristin Wark	113	Virgina Noonan
83	The Thomas John Beresford Will Trust	114	Heidi Groen
84	Owner	115	Richard Anderson
85	Lien Le	116	Steven Katsifois
86	Rob Thomason	117	Flockhart Street Land Holdings Company
87	Collingwood Historical Society	118	James Richardson Corporation
88	Chris Hepworth	119	Joe Feng
89	Gabriella Hepworth	120	Owners of Unit 11 & 12 of 46-50 and 58 Regent Street, Richmond
90	Ivy Pham	121	Michael Bellofiore
91	Terry Nott	122	Jocelyn and Jeffrey Lowinger

Appendix C Parties to the Committee Hearing

Party	Represented by
Yarra City Council	Adrian Finanzio SC and Jane Sharp of Counsel, instructed by Maddocks Lawyers, who called expert evidence on: - economics and capacity analysis from Julian Szafraniec of SGS - heritage from Jim Gard'ner of GJM Heritage - planning from David Barnes of Hansen Partnership - traffic from Charmaine Dunstan of Traffix Group - urban design from Rob McGauran of MGS Architects
Aaron Roozenburg	
ADMA Investments Pty Ltd	Nick Sissons of HWL Ebsworth
BG Estates Pty Ltd	Reto Hofmann of Rigby Cooke Lawyers, who called expert evidence on urban design from Amanda Roberts of LatStudios
Bridgeworth Management Pty Ltd	Louise Hicks of Counsel, instructed by Gemma Robinson of Rigby Cooke Lawyers
Chrystalla Kyriacou	Damian Loughnan of G2 Urban Planning
Deena Hooper	
Francesco Iorfino	
Georgina Kyriakopoulos	
HLL Developments Pty Ltd	Robbie McKenzie of Ratio Consultants, who called expert evidence on urban design from Amanda Roberts of LatStudios
James Martakis and Hawthorn Realty Pty Ltd	James Martakis
James Richardson Corporation Pty Ltd	David Passarella of Colin Biggers and Paisley Lawyers, who called expert evidence on: - urban design from Amanda Roberts of LatStudios - heritage from Bryce Raworth of Bryce Raworth Conservation and Heritage
Leanne O'Brien	
Let's Enhance Gleadell Street Association Inc	Steven Vaughan
Denise Yannios and Mary Tzimourtas-Iglezakis	Mary Tzimourtas
Nijon Nominees Pty Ltd	Sean McArdle of Counsel, instructed by Sarah Thomas of Urban Collective
Pacasa JV (Richmond) Pty Ltd	Paul Lewis of Tract Consultants Pty Ltd
PMTV Australia Pty Ltd | Arthur and Con Kermitsis	Stephan Koenig

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Rockburgh Pty Ltd | Jim Nicolaou | Butler Corporation Pty Ltd and the Butler Property Group Pty Ltd | Victoria House (Abbotsford) Pty Ltd	Scott Edwards of Planning & Property Partners Pty Ltd, with Jim Nicolaou who called expert evidence on urban design from Sophie Jordan of Sophie Jordan Consulting
Royal Historical Society of Victoria	Ian Wight
The Thomas John Beresford Will Trust	Reto Hofmann and Gemma Robinson of Rigby Cooke Lawyers
Theresa Saldanha	
Victoria Chipperfield	

Appendix D Document list

No.	Date	Description	Presented by
	2022		
1	10 Feb	Directions Hearing notice letter	Planning Panels Victoria (PPV)
2	2 Mar	Letter – Foreshadowing request of a direction regarding recommendations of C269yara Panel report	Bridgeworth Management Pty Ltd (Bridgeworth)
3	4 Mar	Minutes of proposed directions	Yarra City Council (Council)
4	8 Mar	Committee Directions, Distribution List and Timetable Version 1	PPV
5	10 Mar	Letter – Council 'Day 1' version of preferred Amendment documents including: a) Clause 21.11 b) Clause 21.12 Bridge Road and Victoria Street Local Areas c) Clause 21.12 translated into Clause 11.03-1L d) DDO41 Bridge Road West e) DDO42 Bridge Road South f) DDO43 Bridge Road Central g) DDO44 Bridge Road East South h) DDO45 Bridge Road East North i) DDO46 Bridge Road West j) DDO47 Victoria Street Central k) DDO48 North Richmond Station l) DDO49 Victoria Street East m) DDO50 Victoria Street East End	Council
6	25 Mar	Part A Submission	Council
7	25 Mar	C269yara officer report for Council meeting scheduled 19 April 2022 and attachments	Council
8	25 Mar	C269yara Panel recommendations and officer response table	Council
9	28 Mar	Expert evidence – Charmaine Dunstan of Traffix Group	Council
10	28 Mar	Expert evidence – Jim Gard'ner of GJM Heritage	Council
11	28 Mar	Expert evidence – Julian Szafraniec of SGS Economics and Planning	Council
12	29 Mar	Expert evidence – Prof Robert McGauran of MGS	Council
13	30 Mar	Expert evidence – David Barnes of Hansen Partnership	Council

No.	Date	Description	Presented by
14	1 Apr	DELWP submission and attachments including: a) Attachment 1 – Committee Terms of Reference b) Attachment 2 – Consent letter c) Attachment 3 – Referral letter	Department of Environment, Land, Water and Planning (DELWP)
15	1 Apr	Part B Submission and attachments including: a) Attachment A – Comparison of interim and preferred controls (Part 1 and 2) b) Attachment B – Development Booklet (Bridge Road) c) Attachment B – Development Booklet (Victoria Street)	Council
16	4 Apr	Email to all parties – refers to Council's Part B Submission – Attachment B	Stephan Koenig Planning Pty Ltd
17	4 Apr	Presentation slides	Council
18	4 Apr	Expert evidence – Bryce Raworth	James Richardson Corporation Pty Ltd
19	4 Apr	Expert evidence – Sophie Jordan of Sophie Jordan Consulting	Jim Nicolaou
20	4 Apr	Presentation slides – Gard'ner evidence	Council
21	4 Apr	Expert evidence – Amanda Roberts of Lat37 Studios	BG Estates Pty Ltd
22	4 Apr	Expert evidence – Amanda Roberts of Lat37 Studios	HLL Developments Pty Ltd
23	4 Apr	Expert evidence – Amanda Roberts of Lat37 Studios	James Richardson Corporation Pty Ltd
24	6 Apr	Victorian Heritage Database – Pelaco Sign Statement of Significance	Bridgeworth
25	6 Apr	54-56 Bridge Road, Richmond – Survey and Documents	Bridgeworth
26	6 Apr	Survey Methodology Report, Land Management Surveys	Bridgeworth
27	6 Apr	City of Yarra - Review of Heritage Overlay Areas 2007 (Updated March 2013)	Georgina Kyriakopoulos
28	8 Apr	Pelaco sign – 11 metre plan	Bridgeworth
29	8 Apr	Pelaco sign – 19 metre plan	Bridgeworth
30	11 Apr	Hearing submission – notes and PowerPoint presentation	Royal Historical Society of Victoria
31	11 Apr	Hearing submission	Georgina Kyriakopoulos
32	11 Apr	Letter outlining correction and Expert evidence (corrected) – Amanda Roberts	James Richardson Corporation Pty Ltd

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No.	Date	Description	Presented by
33	11 Apr	Memorandum – clarification of Expert Evidence – Charmaine Dunstan	Council
34	11 Apr	Appendix 8 - City of Yarra - Review of Heritage Overlay Areas 2007 (Revised March 2020)	Georgina Kyriakopoulos
35	12 Apr	Hearing submission and attachments (8 photographs)	Leanne O'Brien
36	12 Apr	Hearing submission and two shadow diagrams	BG Estates Pty Ltd
37	12 Apr	Hearing submission	HLL Developments Pty Ltd
38	13 Apr	Hearing submission	The Thomas John Beresford Will Trust
39	13 Apr	Hearing submission and five supporting documents	Bridgeworth
40	13 Apr	Mr McGauran response to recommendations of Mr Barnes	Council
41	14 Apr	Letter and location of Pelaco viewpoints and views based on survey	Council
42	12 Apr	Council officer response to late submissions	Council
43	12 Apr	Hearing submission and supporting photographs (PowerPoint)	Victoria Chipperfield
44	14 Apr	Hearing submission	James Richardson Corporation Pty Ltd
45	14 Apr	Email response to Roberts' evidence	HLL Developments Pty Ltd
46	18 Apr	Hearing submission	Butler Corporation Pty Ltd & The Butler Property Group Pty Ltd
47	18 Apr	Hearing submission	Jim Nicolaou
48	18 Apr	Hearing submission	Francesco Iorfino & Amanda Buivids
49	19 Apr	Hearing submission	PMTV Australia Pty Ltd and Arthur & Con Keramitsis
50	19 Apr	Hearing submission	Pacasa JV (Richmond) Pty Ltd
51	19 Apr	Hearing submission	Chrystalla Kyriacou

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No.	Date	Description	Presented by
52	19 Apr	Email to Mr Edwards – shadow diagrams for Little Hoddle Street	Council
53	19 Apr	Memorandum – Allowah Terrace – Professor McGauran	Council
54	19 Apr	Hearing presentation	Pacasa JV (Richmond) Pty Ltd
55	19 Apr	Letter and survey material for 35-47 Lithgow Street (three documents)	James Richardson Corporation Pty Ltd
56	20 Apr	Hearing submission	John & Kalliopi Iglezakis
57	20 Apr	Hearing submission and three attachments	James Martakis & Hawthorn Realty Developments Pty Ltd
58	20 Apr	Hearing submission	Wayville Pty Ltd
59	20 Apr	Hearing submission and two attachments	Nijon Nominees Pty Ltd
60	20 Apr	Hearing submission and six attachments	ADMA Group Pty Ltd
61	20 Apr	Letter and height detail for 35-47 Lithgow Street	James Richardson Corporation Pty Ltd
62	21 Apr	Two further supporting attachments to hearing submission (plans and delegates report – 242 Bridge Road	ADMA Group Pty Ltd
63	21 Apr	Email letter – building heights clarification in Document 15b)	Stephan Koenig Planning Pty Ltd
64	22 Apr	Supporting attachment to hearing submission (track changed version of proposed DDO43)	BG Estates Pty Ltd
65	22 Apr	Closing submission	Council
66	22 Apr	Letter and seven attachments – title and easement particulars, track changed version of proposed DDO48)	The Thomas John Beresford Will Trust
67	22 Apr	Addendum to Development Booklet (Bridge Road)	Council
68	22 Apr	Addendum to Amended Development Booklet (Victoria Street)	Council
69	22 Apr	Council Minutes 19 April 2022 – Resolution for Amendment C269yara	Council
70	13 May	Ten attachments – End-of-Hearing Council preferred track changed version of proposed DDO41 – DDO50	Council
71	15 Jun	Clause 11.03-1L	Council

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Appendix E Committee recommended version of Clause 11.03-1L

11.03-1L Activity Centres

MAJOR ACTIVITY CENTRES

Bridge Road, Richmond

Promote the metropolitan and local retail and commercial roles of the activity centre, including larger format retail at its eastern end.

Support the night-time economy, including the core entertainment precinct west of Burnley Street, while managing the amenity impacts associated with licensed premises.

Facilitate opportunities for office and residential uses throughout the centre, principally above the ground floor, particularly on Bridge Road and Church Street.

Maintain an intimate pedestrian scale at street level along Bridge Road.

Retain the visual prominence of the heritage streetscape west of Church Street and the south side of Bridge Road east of Church Street.

Ensure development respects the consistency and intactness of the heritage streetscapes and the unique architectural form and qualities of heritage buildings that help define the Bridge Road Activity Centre.

Limit direct vehicular access onto Bridge Road, Church Street and Burnley Street as specified in a DDO.

Promote Bridge Road Aactivity centre as a walkable centre with new footpaths and shared zones to provide safe pedestrian access to buildings and new pedestrian connections.

Ensure that pedestrian movement is given priority along Bridge Road.

Protect primary views defined in the clause 15.01-2L to the spire of St Ignatius Cathedral, clock tower of Richmond Town Hall, and the Pelaco sign.

Maintain daylight and sunlight to the southern footpath of Bridge Road and identified 'Green streets' - key pedestrian/cycle routes (shown on Figure 1) and public spaces – Alexander Reserve.

Ensure that new development provides adequate weather protection for footpaths along Bridge Road, Burnley Street, and Church Street.

Facilitate safe and accessible cycle routes within / through the centre ensuring they are integrated into the design of the public realm and any development.

Precinct 1 – Bridge Road West

Support Precinct 1 - Bridge Road West as a location for housing and employment growth within the activity centre.

Promote a diverse mix of fine-grain retail, dining, offices and inner city living.

Support Epworth Hospital by supporting associated health and allied services to locate near the hospital.

Retain the intact heritage streetscapes and heritage buildings in Bridge Road West.

Support taller built form in the Health Precinct and on the northern side of Bridge Road.

Support mid-rise development on larger infill sites on the north site between Lennox Street and Church Street and within the proximity of the Pelaco building with lower scale development on narrow infill sites and shop-top redevelopment of heritage buildings.

Ensure mid rise development on the northern side of Precinct 1 respects the heritage fabric and the adjoining low-rise residential neighbourhoods.

Precinct 2 – Bridge Road South

Support Bridge Road South as a vibrant destination for dining, retail and services building on its distinctive heritage qualities.

Retain the highly intact heritage streetscape with a consistent heritage street wall of largely two storey Victorian era retail and commercial buildings, including distinctive corner buildings addressing Bridge Road and side streets.

Protect the Precinct's wide footpaths from overshadowing.

Retain fine-grain shopfronts and cafes with outdoor dining to provide activity and visual engagement for people on the street.

Support lower midrise development on narrow infill sites and shoptop redevelopment of heritage buildings.

Retain the prominence of the intact heritage streetscape in Bridge Road South through well-designed and visually recessive upper levels.

Precinct 3 - Bridge Road Central

Reinforce Bridge Road Central as the civic and community heart of Bridge Road Activity Centre.

Support Precinct 3 as a strong civic and education precinct and key activity node, anchored by the Richmond Town Hall adjoining the important open space, Citizens Park, recreation and community facilities.

Promote high quality public realm around Richmond Town Hall, to support its civic function.

Enhance the Richmond Town Hall forecourt as a key public space providing a setting for the Town Hall and the former police station.

Enhance Gleadell Street and Griffiths Street as greener and more pedestrian focussed streets linking Bridge Road to the precinct's civic and community facilities.

Support new housing and employment within mid-rise development of varying heights, widths and character while retaining the prominence of clusters of heritage buildings.

Precinct 4 – Bridge Road East South

Promote employment focussed mixed-use and housing development.

Maintain the prominence of the Former Flour Mill and Grain Store Complex (534-534A Bridge Road) on the south-east corner of Bridge Road and Type Street as a local landmark.

Promote well-designed midrise redevelopment on two large sites on Burnley Street and Stawell Street comprising of multiple buildings which offer views to the sky from the street and establishes a varied skyline when viewed from surrounding areas.

Ensure development on Stawell Street provides a high quality transition to the Racecourse Heritage Precinct through landscaped setbacks.

Retain a mix of commercial and offices uses on the Commercial 2 zoned land.

Provide for a new midrise character (5-6 storeys) within Bridge Road East South while ensuring tall buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

Precinct 5 - Bridge Road East North

Transform Bridge Road East North into a diverse mixed-use precinct as a preferred location for housing and employment growth within the Bridge Road Activity Centre.

Retain the prominence of the Royal Oak Hotel on the north-east corner of Bridge Road and Burnley Street maintained to mark the centre to the precinct from the south and west.

Create a new built character defined by well-designed midrise development of 5 to 8 storeys with breaks between upper levels of buildings that provide views to the sky from the street and establishes a varied skyline when viewed from surrounding areas.

Promote a greater mix of uses, including residential, retail, offices and services.

Promote high levels of street activation and visual engagement with the treelined streets of Bridge Road and Palmer Street and the potential new open space on Whites Place.

Ensure tall buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

Bridge Road Major Activity Centre Plan

Victoria Street, Abbotsford / Richmond

Promote the metropolitan and local retail and commercial roles of the activity centre.

Manage licensed premises and the precinct's prominent night-time economy including the core entertainment precinct west of Burnley Street.

Reinforce the concentration of height, density and mixed uses east of Burnley Street, to provide a visual mark to the east end of Victoria Street.

Facilitate opportunities for office and residential uses throughout the centre, principally above the ground floor on Victoria Street.

Encourage development west of Church Street to have low rise street walls.

Ensure pockets of heritage buildings and individual heritage buildings are retained.

Maintain an intimate pedestrian scale at street level along Victoria Street.

Limit direct vehicular access onto Victoria Street and Church Street as specified in a DDO.

Ensure that pedestrian movement is given priority along Victoria Street and the streets around the North Richmond Station.

Facilitate new and improved pedestrian connections to the North Richmond Housing Estate.

Capitalise on future opportunities such as provision of open space and links to the Yarra River, provided by commercial and industrial areas in Abbotsford, including the Carlton and United Brewery site.

Maintain daylight and sunlight to the southern side of Victoria Street, Green Streets - key pedestrian/cycle routes (as shown on Figure 2) and public spaces, Butler Street Reserve and the Gateway Triangle.

Ensure that new development provides adequate weather protection for footpaths along Victoria and Church Streets.

Limit the installation of security shutters or other measures that reduce views into businesses on main retail strips to ensure that they are visually transparent.

Facilitate safe and accessible cycle routes within / through the centre ensuring they are integrated into the design of the public realm and any development.

Precinct 1 – Victoria Street West

Retain the visual prominence of the Victoria Street Gateway at the intersection with Hoddle Street.

Retain the visual prominence of the heritage buildings, on the north side of the street west of the railway line and low-rise heritage dwellings along Regent Street. Support mid-rise development on the south-eastern corner of the intersection of Hoddle and Victoria Streets creating a compact precinct of contrasting built form that places an emphasis on the architectural qualities of heritage buildings.

Provide for lower midrise development for the remainder of the precinct that respects the heritage fabric and the adjoining low-rise residential neighbourhoods.

Enhance the public realm of Victoria Street West with a new high-quality pocket park at the Gateway Triangle.

Precinct 2 – Victoria Street Central

Provide for lower midrise development (3-6 storeys) in Precinct 2 that respects the heritage fabric and the adjoining low-rise residential neighbourhoods.

Support Victoria Street Central as a vibrant destination for retail and cafes, restaurants and outdoor dining, enterprise and inner-city living.

Support mid-rise development of varying scales which compliments the varied mix of intact heritage buildings and streetscapes and former industrial buildings.

Support lower midrise renewal above and behind existing shopfronts that retains the visual prominence of the heritage buildings and responds to lower scale residential areas on Butler Street, and well-designed taller mid-rise development adjacent to North Richmond station.

Facilitate an upgraded station entry space on Jonas Street to improve the amenity and safety of the public realm.

Promote high levels of street activation and passive surveillance to the station, streets and laneways within the precinct.

Support Victoria Street Central as the centre's fine grain retail and dining precinct.

Provide for lower midrise development (3-6 storeys) in Precinct 2 that respects the heritage fabric and the adjoining low-rise residential neighbourhoods.

Precinct 3 – North Richmond Station

Support Precinct 3- North Richmond Station as a dense mixed-use corridor and a focus of housing and employment growth situated on both sides of the railway line.

Support the redevelopment of former industrial buildings along Regent Street and around the North Richmond Station as mid-rise development to promote accessibility to public transport.

Ensure well-designed taller commercial and office developments on Hoddle Street respond to its wide boulevard character.

Ensure development includes high levels of street activation, passive surveillance and visual engagement with the street to improve the amenity and safety for pedestrians, particularly for those travelling to and from North Richmond Station.

Support upgrades to Little Hoddle Street as high amenity shared zone that strengthens pedestrian connections from Hoddle Street to Regent Street and the station.

Transition the scale of buildings down in height towards lower scale residential areas to the south and east.

Ensure new midrise development (5 -10 storeys) respects the pockets of heritage fabric and the adjoining low-rise residential neighbourhoods.

Precinct 4 – Victoria Street East

Support Victoria Street East as a destination for retail, dining, and inner-city living.

The precinct's character and sense of place will be fined by a consistent street wall comprising of a fine-grain pattern of shopfronts along Victoria Street with well-designed mid-rise development continuing this rhythm at the ground plane to provide higher levels of street activation and passive surveillance.

Support low to lower mid-rise development in Lithgow Street that retains the fabric of existing heritage buildings and provides a respectful transition to low-rise residential areas.

Enhance the amenity and walkability of the precinct for pedestrians through new and upgraded pedestrian connections between Victoria Street and Elizabeth Street which provide green connections to future open spaces and the Elizabeth Street housing precinct.

Ensure new midrise development (5-7 storeys) respects the pockets of heritage fabric and the adjoining low-rise residential neighbourhoods.

Facilitate new and improved pedestrian connections to Precinct 4 from the North Richmond Housing Estates.

Precinct 5 – Victoria Street East End

Provide for new midrise development (4-7 storeys) that respects the pockets of heritage fabric and the adjoining low-rise residential neighbourhoods in Precincts 5.

Ensure new development supports and contributes to the future preferred character of each precinct:

Support Victoria Street End as a diverse mixed-use precinct consisting of a range of retail, commercial and residential uses within new midrise developments of varying heights, widths and character.

Ensure development provides a transition to the taller mid-rise character in the Victoria Gardens Precincts.

Support a diversity of mid-rise development, including development of Victoria Era terraces, shops, and industrial heritage buildings and contemporary mixed-use buildings that are lower in scale than Victoria Gardens and its surrounding development.

Protect primary views, defined in the clause 15.01-2L, to the Skipping Girl sign.

Victoria Street Activity Centre Plan

Attachment 1 - Attachment 1 - Standing Advisory Committee Report - Bridge Road and Victoria Street Activity Centres - Draft Amendment C291yara

Appendix F Committee preferred version of the Design and Development Overlay schedules

Tracked changes shown as:

Tracked Added

~~Tracked Deleted~~

F1 Design and Development Overlay Schedule 41

SCHEDULE 41 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO41.

BRIDGE ROAD ACTIVITY CENTRE – PRECINCT 1 BRIDGE ROAD WEST

1.0 Design objectives

To support mid-rise development that maintains the visual prominence of the highly intact heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscape.

To support high quality taller development on the north side of Bridge Road between Lennox Street and Church Street which transitions to the adjacent low-rise residential neighbourhoods.

To ensure development retains view lines to the Pelaco Sign, the Richmond Town Hall Clocktower and the spire and belfry of St Ignatius Church.

To ensure development enhances the pedestrian experience through street activation and passive surveillance, the creation of new through-block links and protecting sunlight access to the southern side of Bridge Road, Church Street, Lennox Street and Alexander Reserve.

To ensure development responds to sensitive interfaces by providing a suitable transition to low scale residential areas and minimising amenity impacts on residential properties including overlooking, overshadowing and visual bulk impacts.

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 and MUZ, 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

Building height has the same meaning as defined in the definitions at clause 73.01 except in relation to the properties at 2-70 Bridge Road, Richmond (between Punt Road and Rotherwood Street) where building height is measured for the purposes of this control as the vertical distance from natural ground at the centre of the Bridge Road frontage of the site to the roof or parapet at that point.

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.

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

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

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

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

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 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.

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 Table 1 and the Height and Interface Plan~~s~~ 1 ~~and 2~~ of this schedule.
- reduces the mandatory minimum street wall height and upper level setback requirements shown in Table 1 and the Height and Interface Plan~~s~~ 1 ~~and 2~~ of this schedule.

Building heights 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 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; ~~and~~
  - ~~provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms~~.
- ~~where the proposal includes dwellings, it also achieves each of the following:~~
  - ~~housing for diverse households types;~~
  - ~~accessibility provision that achieves the standards in Clauses 55.07 and 58.05 (as relevant);~~
  - ~~communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and/or~~
  - ~~secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05~~.

Architectural features may exceed the preferred or mandatory 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 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 /structures (other than solar panels and green roofs);
- The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm ~~etc~~; and

- The equipment/structures does not extend higher than 2.6 metres above the maximum building height.

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

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 Wall Requirements

Development should achieve a continuous street wall along Bridge Road with no front setback to a street, unless the subject site contains a heritage building with an existing front setback or a street setback is specified.

In locations outside of Bridge Road where heritage is not a constraint, development should consider providing:

- ground level setbacks (and above) to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level and above setbacks are strongly encouraged where they have been provided by nearby or neighbouring developments to achieve a consistent approach along a street frontage.
- a corner splay at minimum of 1 x 1 metre along the site's corner boundaries.

Infill development adjoining a heritage building should match the parapet height of the adjoining building for a minimum of 6 metres in length.

On corner sites where two different street wall heights are nominated, development should 'turn the corner' and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

Upper Level Requirements

Development should:

- Incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- Be set back from the street wall 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.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.

Upper level development for a development 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.
- retain the visual prominence of prominent corner buildings and local landmark, the Former Napier Hotel at 2 Bridge Road.
- avoid unarticulated façades that give a bulky appearance, especially from oblique views.

- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Development adjoining a heritage building should match the upper level setback of the heritage building for a minimum of 6 metres in length.

Upper level development above rows of identical or similar heritage buildings (such as terrace shops/residences) should be consistent in form, massing and façade treatment with any existing upper-level development above the same row of buildings.

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

Table 1 - Street Wall Heights and Setbacks - Precinct 1 Bridge Road West

Built form	Mandatory requirement	Preferred requirement
Interface A		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8m minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	38-44 Bridge Road - 10-m Elsewhere - 6m	For buildings >15m, the uppermost level should be set back 9m minimum
Interface B		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	None specified	13m
Interface C		
Maximum and minimum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings. Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall	None specified	Retain existing street wall setback for heritage buildings.

Built form	Mandatory requirement	Preferred requirement
setback		Elsewhere - 0m
Minimum upper level setback	None specified	6m
Interface E		
Maximum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum for other buildings
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings.
Minimum upper level setback	72 Bridge Road on western boundary – 6m	6m for heritage 3m for other buildings
Interface F		
Maximum street wall height	None specified	8m
Maximum and minimum street wall setback	None specified	None specified
Minimum upper level setback	None specified	4.5m
Interface I		
Maximum side/rear wall height	None specified	11m
Minimum side/rear wall setback	None specified	None specified
Minimum upper level setback	None specified	4.5m from the centreline of the laneway

Building separation requirements

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

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

- For building of less than or equal to 21 metres in height, upper level development should be set back a minimum of:
  - 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site.
  - 3.0 metres from the common boundary, where a commercial or non-habitable window facing the common boundary is proposed on the subject site.
- For buildings greater than 21 metres in height, any development above the street wall or 15 metres in height (whichever is greater) facing the common boundary should be set back a minimum of 4.5 metres from that boundary.

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:

- 9 metres from each other, where a habitable window or balcony is proposed; and
- 6 metres from each other where a commercial or non-habitable window is proposed.

Overshadowing requirements

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

- any part of the southern footpath of Bridge Road, 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 any additional overshadowing overshadow any of the following spaces between 10am and 2pm at 22nd September, unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:~~

- ~~any part of the opposite footpath of Lennox Street and Church Street, measured from the property boundary to the existing kerb (including any opposite kerb outstands, seating and/or planting).~~

A permit should not be granted to construct a building or construct or carry out works that would cause any additional overshadowing of the ~~following~~ space~~s~~ in Table 2, ~~between 10am and 2pm at 22nd September,~~ unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority.~~:~~

~~Alexander Reserve.~~

Table 2 - Overshadowing

Location	Hours and dates
Any part of the opposite footpath of Lennox Street and Church Street, measured from the property boundary to the existing kerb (including any opposite kerb outstands, seating and/or planting)	10am to 2pm at 22 September
Alexander Reserve	10am to 2pm at 22 September

Interface to residential properties in NRZ or GRZ requirements

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

Development with an interface to a property in the Neighbourhood Residential Zone or General Residential Zone (shown as Interface H or Interface J on Plan 1) should not exceed the maximum heights and setbacks ~~in Figure 1 of this schedule~~set out in Table 3.

Table 3 – Residential interfaces

Residential Interface	Preferred requirement
Interface H	Heights and setbacks shown in Figure 1 of this schedule.
Interface J	Heights and setbacks shown in Figure 2 of this schedule.

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 identified architectural elements of the following landmarks (as shown on Plan ~~1~~ 2 and listed below):

- the Pelaco sign when viewed from:
  - Tram Stop 13 on Wellington Street immediately west of Simpson Street (View 1);

  - the footpath on the north west corner of Wellington Parade and Hoddle Street (View 2); and
  - south-west corner of intersection of Church Street and Hodgson Terrace (View 3).
- the tower belfry and spire of St Ignatius Cathedral when viewed from:
  - the tram stop at the intersection of Victoria Street and Church Street (View 1); and
  - the north east corner of the Bridge Road and Church Street intersection (View 2).
- the cornice and iron balustrade, clock stage, pyramidal roof and flag pole of the Richmond Town Hall when viewed from:
  - south-west corner of Lennox Street and Bridge Road intersection (View 1).

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

Design Quality Requirements

Development should achieve urban design and architectural excellence.

Development in the Commercial 1 Zone and/or Mixed Use Zone 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.

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

Development should:

- Incorporate vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
- Be expressed 'in the round' and provide detail on all façades.

Development should avoid blank walls visible ~~permanently or temporarily~~ from the public realm. Where a solid external wall is unavoidable, walls should be detailed to provide an interesting appearance.

New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.

Development should ensure any walls visible from the public realm are designed to provide visual interest to passing pedestrians through colour, texture or finishes.

Development should ensure taller buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight and views to the sky above the street wall.

Development should break up buildings with a wide street frontage into smaller vertical sections or separate elements to provide breaks and modulation in the street facade.

Development should provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.

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

Development with a frontage to a 'Green Street – key pedestrian/cycle route' identified on Plan 1 should contribute to urban greening by introducing trees, ground cover, vertical and rooftop vegetation.

Vehicular access requirements

Development should not provide vehicle access from Bridge Road.

Development should provide vehicular access from rear lanes or from side streets, where appropriate. ~~in the preferred locations on Plan 2 of this schedule - Access and Movement Plan.~~

Where access is provided to an arterial road, access ~~should~~ would be subject to Department of Transport approval and should be limited to left-in/left-out.

Development with redundant vehicle access points must reinstate the kerb, line mark 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.

Development indicated in Plan ~~2~~ 3 as requiring a setback 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 in the laneway should provide a minimum width between walls of 6.1m (including the existing laneway). Between ground level and first floor, a headroom clearance of 3.5 metres minimum should be achieved.

In locations where potential one way streets are indicated on Plan ~~2~~ 3 but have not been implemented, development should consider ground floor setbacks or provision of passing areas within sections of the lane allow for building services and car park access.

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 or any alternative splay that facilitates movement by the B99 design vehicle, to the satisfaction of the Responsible Authority.

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

Development should enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.

Pedestrian and Bicycle Access Requirements

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone and avoid primary access from laneways. Where pedestrian access can only be provided from a laneway, the pedestrian entrance should be setback from the rear laneway or include a pedestrian refuge or landing and be well lit to enable safe access.

Development should facilitate the creation of a shared zone where properties abut a potential future shared zone as shown on Plan ~~2~~3.

Development should consider creating ground level publicly accessible pedestrian connections or linkages as shown on Plan ~~2~~3.

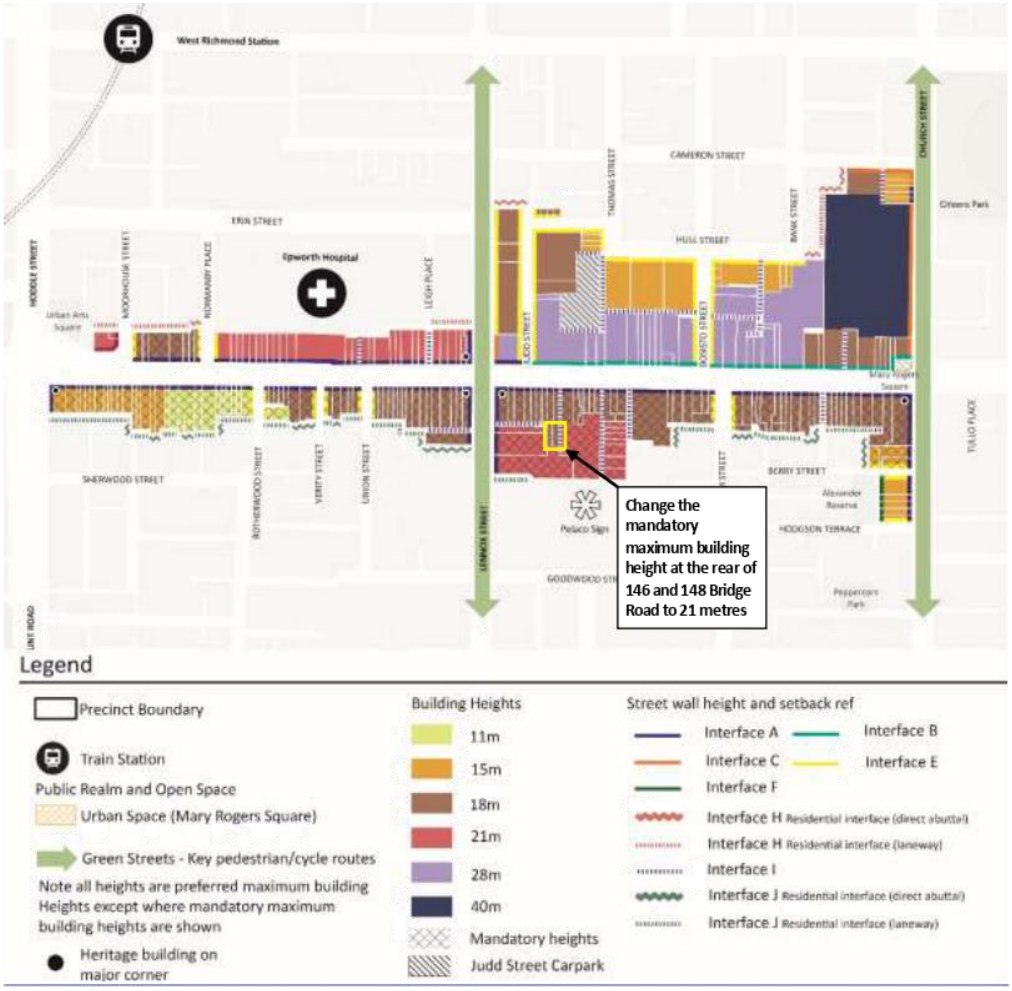
Pedestrian entrances should be clearly visible, secure and have an identifiable sense of address.

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

Attachment 1 - Attachment 1 - Standing Advisory Committee Report - Bridge Road and Victoria Street Activity Centres - Draft Amendment C291yara

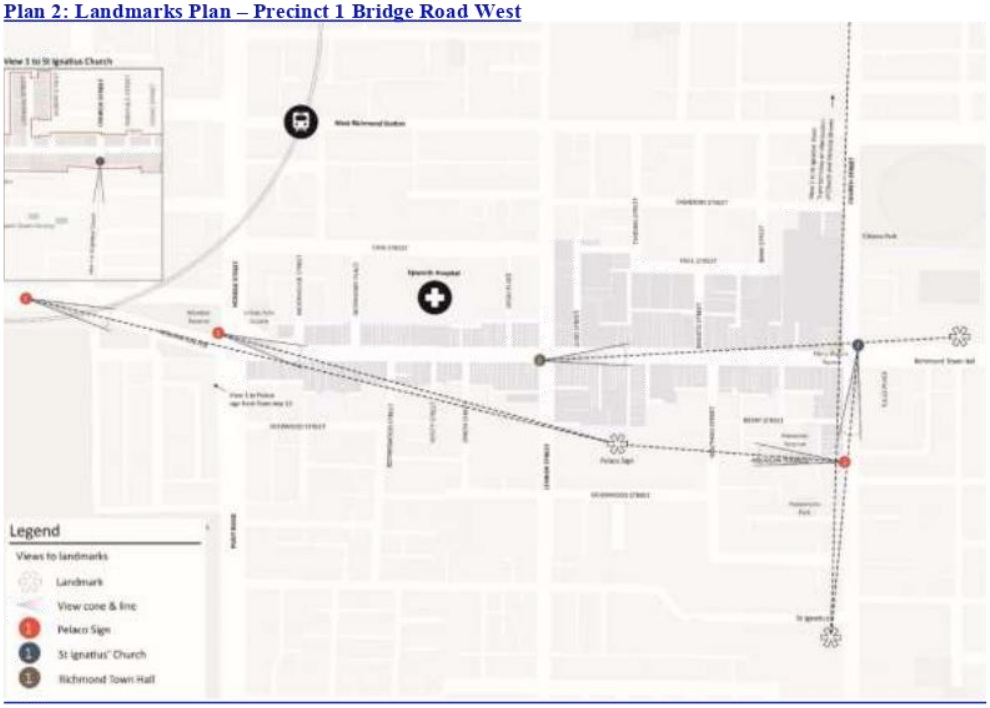
Delete Plan 1 (Height and interface plan) and replace with below

Plan 1: Height and Interface Plan – Precinct 1 Bridge Road West



Create new Plan 2 (Landmarks Plan)

Plan 2: Landmarks Plan – Precinct 1 Bridge Road West



Delete Plan 2 (Access and Movement Plan) and replace with new Plan 3 below

Plan 23: Access and Movement Plan – Precinct 1 Bridge Road West

NOTE – Potential future shared zones and one way streets are subject to further assessment and consultation.

3.0 Subdivision

None specified.

4.0 Advertising signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and 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 15 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.
- 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 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 design excellence is achieved (including but not limited to building siting, scale, massing, articulation and materials).
- The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- Whether the overshadowing impacts of the development on opposite footpaths and public spaces are minimised.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Bridge Road and from local streets.
- The prominence of the heritage street wall in the vistas along Bridge Road, Church 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 the development on view lines to the Pelaco sign; the Richmond Town Hall; and the belfry and spire of the Ignatius' Cathedral.
- The design response at the interface with existing, low scale residential properties.
- If roof decks are proposed above the street wall, whether they are set back and are recessive in appearance.
- ~~The profile and impact of development along Palmer Street when viewed from the north side of Palmer Street and the south side of Bridge Road.~~
- 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.
- The impact of development on traffic and parking in the nearby area, including on the functionality of laneways.
- The impact of vehicular access arrangements on the operation of the tram routes along Bridge Road and Church Street.

~~Reference documents~~

~~Bridge Road & Victoria Street Activity Centres – Review of Interim Built Form Controls – Analysis and Recommendations (MGS Architects and Urban Circus, April 2021)~~

~~Built Form Review: Bridge Road – Heritage Analysis and Recommendations (GJM Heritage, April 2021)~~

~~Traffic Engineering Assessment, Victoria Street and Bridge Road Activity Centres, Richmond (Traffix Group, April 2021)~~

Figure 1 to Schedule 41 – Interface H - to residential properties in NRZ or GRZ

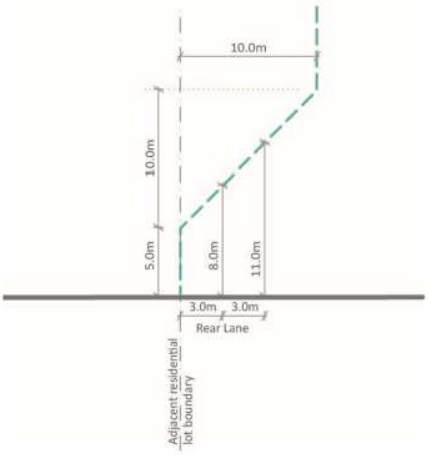
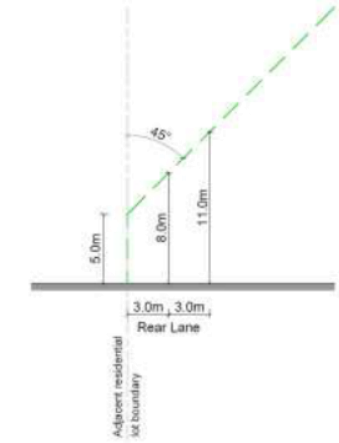


Figure 2 to Schedule 41 – Interface J - to residential properties in NRZ or GRZ



F2 Design and Development Overlay Schedule 44

SCHEDULE 44 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO44.

BRIDGE ROAD ACTIVITY CENTRE – PRECINCT 4 BRIDGE ROAD EAST SOUTH

1.0 Design objectives

To support mid-rise development on Bridge Road that maintains and reinforces the prominence of the street wall character.

To support taller development at 566 Bridge Road and 188-198 Burnley Street that provides a high quality transition to the adjacent Racecourse Heritage Precinct and lower scale residential areas, creates engaging street frontages and provides physical and visual permeability through breaks in the built form.

To ensure development maintains the visual prominence of local landmarks, Former Flour Mill and Grain Store Complex and Bridge Hotel, heritage buildings and heritage streetscapes.

To ensure development enhances the pedestrian experience through street activation and passive surveillance and protects sunlight access to Burnley Street.

To ensure development responds to sensitive interfaces by providing a suitable transition to low scale residential areas and minimising amenity impacts on residential properties including overlooking, overshadowing and visual bulk impacts.

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 and MUZ, 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

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.

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

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

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

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

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 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.

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

Building heights 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 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; ~~and~~
  - ~~provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms.~~
- ~~where the proposal includes dwellings, it also achieves each of the following:~~
  - ~~housing for diverse households types;~~
  - ~~accessibility provision that achieves the standards in Clauses 55.07 and 58.05 (as relevant);~~
  - ~~communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and/or~~
  - ~~secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.~~

Architectural features may exceed the preferred or mandatory 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 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 /structures (other than solar panels and green roofs);
- The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm ~~etc~~; and
- The equipment/structures does not extend higher than 2.6 metres above the maximum building height.

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

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 Wall Requirements

Development should achieve a continuous street wall along Bridge Road with no front setback to a street, unless the subject site contains a heritage building with an existing front setback or a street setback is specified.

In locations outside of Bridge Road where heritage is not a constraint, development should consider providing:

- ground level setbacks (and above) to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level and above setbacks are strongly encouraged where they have been provided by nearby or neighbouring developments to achieve a consistent approach along a street frontage.
- a corner splay at minimum of 1 x 1 metre along the site's corner boundaries.

Infill development adjoining a heritage building should match the parapet height of the adjoining building for a minimum of 6 metres in length.

On corner sites where two different street wall heights are nominated, development should 'turn the corner' and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

Upper Level Requirements

Development should:

- Incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- Be set back from the street wall 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.
- Contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.

Upper level development for a development 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.
- retain the visual prominence of prominent corner buildings and local landmarks - the Former Flour Mill & Grain Store Complex, 534 Bridge Road (includes part 516-524 Bridge Road) and the Bridge Hotel, 642 Bridge Road.
- avoid unarticulated façades that give a bulky appearance, especially from oblique views.
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Development adjoining a heritage building should match the upper level setback of the heritage building for a minimum of 6 metres in length.

Upper level development above rows of identical or similar heritage buildings (such as terrace shops/residences) should be consistent in form, massing and façade treatment with any existing upper-level development above the same row of buildings.

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

Table 1 - Street Wall Heights and Setbacks - Precinct 4 Bridge Road East South

Built form	Mandatory requirement	Preferred requirement
Interface A		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8m minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	6m minimum	For buildings >15m, the uppermost level should be set back 9m minimum
Interface C		
Maximum and minimum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings. Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings. 188 to 198 Burnley Street - 3m landscape setback minimum 566 Bridge Road - 2m landscape setback minimum Elsewhere - 0m
Minimum upper level setback	None specified	188 to 198 Burnley Street - 4.5m Elsewhere - 6m
Interface E		
Maximum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum for other buildings
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings. 566 Bridge Road - 2m landscape

Built form	Mandatory requirement	Preferred requirement
		setback Elsewhere - 0m
Minimum upper level setback	None specified	6m for heritage buildings 3m for other buildings
Interface F		
Maximum street wall height	None specified	8m
Minimum street wall setback	None specified	566 Bridge Road - 2m landscape setback 188-198 Burnley Street & 21 & 23 Neptune Street – 2m landscape setback to non-heritage buildings Elsewhere - None specified
Minimum upper level setback	None specified	188-198 Burnley Street & 21 & 23 Neptune Street – 6m for heritage buildings Elsewhere - 4.5m
Interface I		
Maximum side/rear wall height	None specified	11m
Minimum side/rear wall setback	None specified	None specified
Minimum upper level setback	None specified	4.5m from the centreline of the laneway

Building separation requirements

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

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

- For building of less than or equal to 21 metres in height, upper level development should be set back a minimum of:
  - 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site.
  - 3.0 metres from the common boundary, where a commercial or non-habitable window facing the common boundary is proposed on the subject site.
- For buildings greater than 21 metres in height, any development above the street wall or 15 metres in height (whichever is greater) facing the common boundary should be set back a minimum of 4.5 metres from that boundary.

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:

- 9 metres from each other, where a habitable window or balcony is proposed; and
- 6 metres from each other where a commercial or non-habitable window is proposed.

Overshadowing requirements

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

- any part of the southern footpath of Bridge Road, 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 any of the following spaces between 10am and 2pm at 22nd September, unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:

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

Interface to residential properties in NRZ or GRZ requirements

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

Development with an interface to a property in the Neighbourhood Residential Zone or General Residential Zone (shown as Interface ~~H~~ J on Plan 1) should not exceed the maximum heights and setbacks in ~~Figure 1 of this schedule~~ set out in Table 3.

Development at 566 Bridge Road should provide a 6m landscape setback to the eastern boundary with the Racecourse Heritage Precinct and 6m to the southern boundary to 65 Stawell Street.

Development at 198-242 Burnley Street should provide a 3m landscape setback to the southern boundary to 244 Burnley Street and a 1.3m landscape setback to the western boundary to 2 Stratford Street and 53-57 Neptune Street.

Table 3 – Residential interfaces

Residential Interface	Preferred requirement
Interface ~~H~~J	Heights and setbacks shown in Figure 1 of this schedule.

Design Quality Requirements

Development should achieve urban design and architectural excellence.

Development in the Commercial 1 Zone and/or Mixed Use Zone 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.

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

Development should:

- Incorporate vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
- Be expressed 'in the round' and provide detail on all façades.

Development should avoid blank walls visible ~~permanently or temporarily~~ from the public realm. Where a solid external wall is unavoidable, walls should be detailed to provide an interesting appearance.

New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.

Development should ensure any walls visible from the public realm are designed to provide visual interest to passing pedestrians through colour, texture or finishes.

Development should ensure taller buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight and views to the sky above the street wall.

Development should break up buildings with a wide street frontage into smaller vertical sections or separate elements to provide breaks and modulation in the street facade.

Development should provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.

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

Development with a frontage to a 'Green Street – key pedestrian/cycle route' identified on Plan 1 should contribute to urban greening by introducing trees, ground cover, vertical and rooftop vegetation.

Vehicular access requirements

Development should not provide vehicle access from Bridge Road.

Development should provide vehicular access from rear lanes or from side streets, where appropriate. ~~in the preferred locations on Plan 2 of this schedule - Access and Movement Plan.~~

Where access is provided to an arterial road, access would ~~should~~ be subject to Department of Transport approval and should be limited to left-in/left-out.

Development with redundant vehicle access points must reinstate the kerb, line mark 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.

Development indicated in Plan 2 as requiring a setback 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 in the laneway should provide a minimum width between walls of 6.1m (including the existing laneway). Between ground level and first floor, a headroom clearance of 3.5 metres minimum should be achieved.

In locations where potential one way streets are indicated on Plan 2 but have not been implemented, development should consider ground floor setbacks or provision of passing areas within sections of the lane allow for building services and car park access.

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 or any alternative splay that facilitates movement by the B99 design vehicle, to the satisfaction of the Responsible Authority.

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

Development should enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.

Pedestrian and Bicycle Access

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone and avoid primary access from laneways. Where pedestrian access can only be provided from a laneway, the pedestrian entrance should be setback from the rear laneway or include a pedestrian refuge or landing and be well lit to enable safe access.

Development should facilitate the creation of a shared zone where properties abut a potential future shared zone as shown on Plan 2.

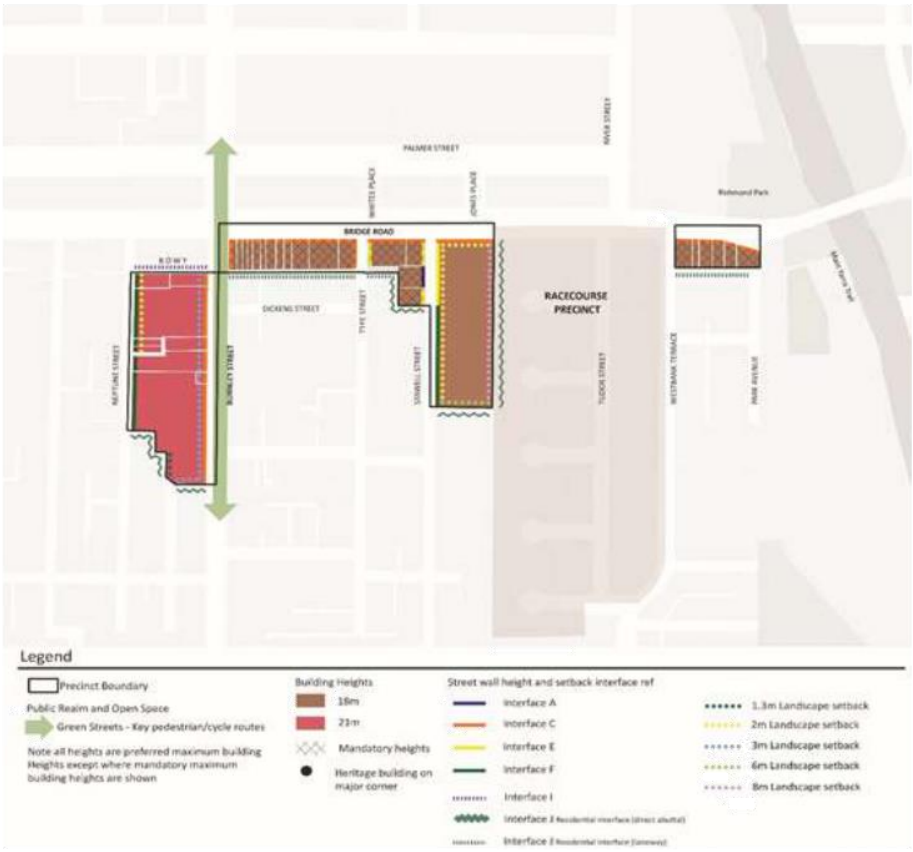
Development should consider creating ground level publicly accessible pedestrian connections or linkages as shown on Plan 2 ~~3~~2.

Pedestrian entrances should be clearly visible, secure and have an identifiable sense of address.

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

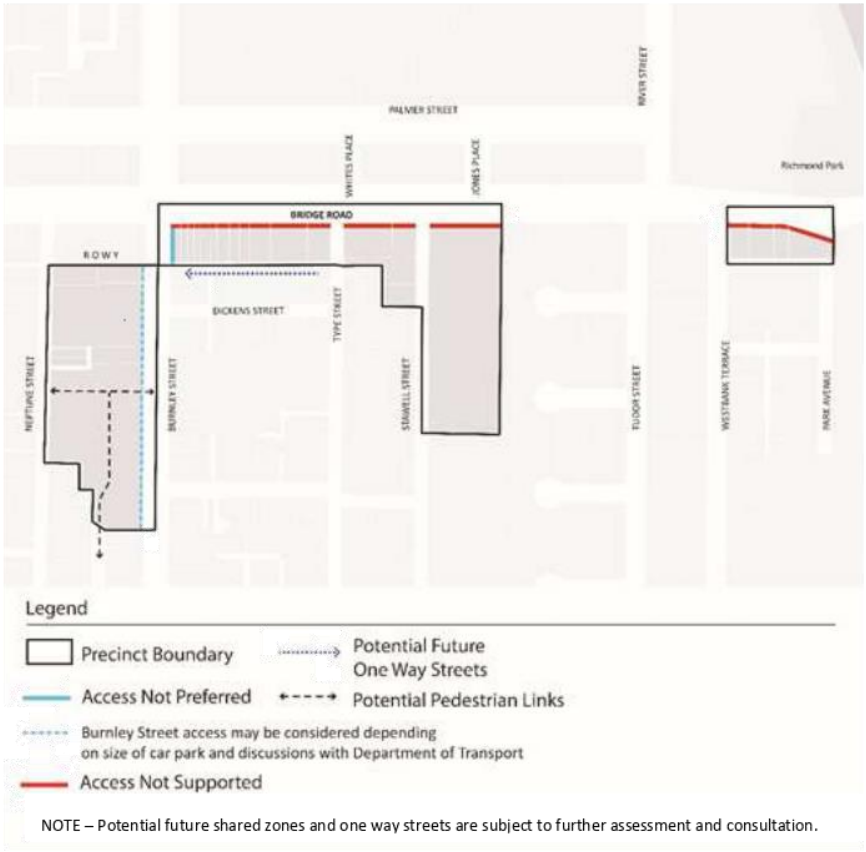
Delete Plan 1 (Height and interface plan) and replace with below

Plan 1: Height and Interface Plan – Precinct 4 Bridge Road East South



Delete and replace Plan 2: Access and Movement Plan

Plan 2: Access and Movement Plan – Precinct 4 Bridge Road East South



NOTE – Potential future shared zones and one way streets are subject to further assessment and consultation.

3.0 Subdivision

None specified.

4.0 Advertising signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and 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 15 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.

- 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 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:

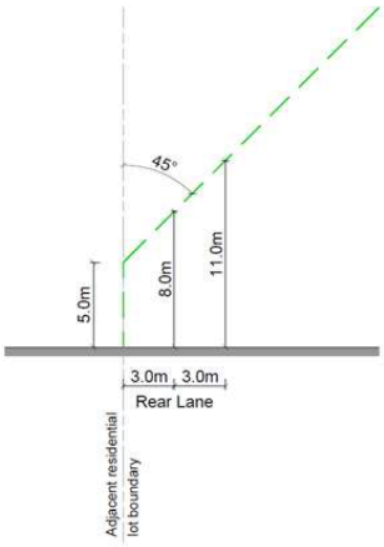
- Whether design excellence is achieved (including but not limited to building siting, scale, massing, articulation and materials).
- The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- Whether the overshadowing impacts of the development on opposite footpaths and public spaces are minimised.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Bridge Road and from local streets.
- The prominence of the heritage street wall in the vistas along Bridge Road~~, Church 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 the development on view lines to the Pelaco sign, the Richmond Town Hall, and the belfry and spire of the Ignatius' Cathedral.~~
- The design response at the interface with existing, low scale residential properties.
- If roof decks are proposed above the street wall, whether they are set back and are recessive in appearance.
- ~~The profile and impact of development along Palmer Street when viewed from the north side of Palmer Street and the south side of Bridge Road.~~
- 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.
- The impact of development on traffic and parking in the nearby area, including on the functionality of laneways
- The impact of vehicular access arrangements on the operation of the tram routes along Bridge Road~~ and Church Street~~.

~~Reference documents~~

- ~~*Bridge Road & Victoria Street Activity Centres - Review of Interim Built Form Controls - Analysis and Recommendations (MGS Architects and Urban Circus, April 2021)*~~
- ~~*Built Form Review: Bridge Road – Heritage Analysis and Recommendations (GJM Heritage, April 2021)*~~
- ~~*Traffic Engineering Assessment, Victoria Street and Bridge Road Activity Centres, Richmond (Traffix Group, April 2021)*~~

Delete Figure 1 (Interface H) and replace with below

Figure 1 to Schedule 44 – Interface J – to residential properties in NRZ or GRZ



F3 Design and Development Overlay Schedule 48

SCHEDULE 48 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO48.

VICTORIA STREET ACTIVITY CENTRE - PRECINCT 3 NORTH RICHMOND STATION

1.0 Design objectives

To promote quality building design and a new mid-rise character on Hoddle Street that reinforces the importance of the boulevard and improves its pedestrian environment and landscape character.

To support a new mid-rise character on Regent Street and on the larger sites east of the railway line with lower built form at the interfaces with streets and the adjoining low-rise residential areas.

To ensure development maintains the visual prominence of heritage buildings.

To ensure development enhances the pedestrian experience through street activation and passive surveillance to all streets, including Little Hoddle Street and the streets leading to the North Richmond Station and protects sunlight access to Elizabeth Street – a key pedestrian and cycling route.

To ensure development responds to sensitive interfaces by providing a suitable transition to low scale residential areas and minimising amenity impacts on residential properties including overlooking, overshadowing and visual bulk impacts.

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 and MUZ, 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

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.

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

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

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

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

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 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.

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

Building heights 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 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; ~~and~~
  - ~~provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms.~~
- ~~where the proposal includes dwellings, it also achieves each of the following:~~
  - ~~housing for diverse households types;~~
  - ~~accessibility provision that achieves the standards in Clauses 55.07 and 58.05 (as relevant);~~
  - ~~communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and/or~~
  - ~~secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.~~

Architectural features may exceed the preferred or mandatory 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 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 /structures (other than solar panels and green roofs);
- The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm ~~etc~~; and
- The equipment/structures does not extend higher than 2.6 metres above the maximum building height.

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

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 Wall Requirements

Development should achieve a continuous street wall with no front setback to a street, unless the subject site contains a heritage building with an existing front setback or a street setback is specified.

Where heritage is not a constraint, development should consider providing:

- ground level setbacks (and above) to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level and above setbacks are strongly encouraged where they have been provided by nearby or neighbouring developments to achieve a consistent approach along a street frontage.
- a corner splay at minimum of 1 x 1 metre along the site's corner boundaries.

Infill development adjoining a heritage building should match the parapet height of the adjoining building for a minimum of 6 metres in length.

On corner sites where two different street wall heights are nominated, development should 'turn the corner' and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

Upper Level Requirements

Development should:

- Incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- Be set back from the street wall 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.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.

Upper level development for a development 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.
- retain the visual prominence of prominent corner buildings.
- avoid unarticulated façades that give a bulky appearance, especially from oblique views.
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Development adjoining a heritage building should match the upper level setback of the heritage building for a minimum of 6 metres in length.

Upper level development above rows of identical or similar heritage buildings (such as terrace shops/residences) should be consistent in form, massing and façade treatment with any existing upper-level development above the same row of buildings.

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

Table 1 - Street Wall Heights and Setbacks - Precinct 3 North Richmond Station

Built form	Mandatory requirement	Preferred requirement
Interface A		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8m minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	6m	For buildings >15m, the uppermost level should be set back 9m minimum
Interface C		
Maximum and minimum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings. Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings. 12 Shelley Street and 33 Elizabeth Street - 2m minimum setback on western boundary. Elsewhere - 0m
Minimum upper level setback	None specified	6m For properties along Elizabeth Street between Hoddle Street and Little Hoddle Street: 3m
Interface D		
Maximum street wall height	None specified	15m
Maximum and minimum street wall setback	None specified	0m
Minimum upper level setback	None specified	4.5m For properties along Hoddle Street south of Elizabeth Street: 3m (except within 5 metres of a heritage property where an upper-level setback should be 6 metres)

Built form	Mandatory requirement	Preferred requirement
Interface I		
Maximum side/rear wall height	None specified	11m
Minimum side/rear wall setback	None specified	2m minimum setback along Little Hoddle Street as shown in Plan 1 ~~to the eastern boundary of 15-25 Hoddle Street, 6-8 Elizabeth Street and 35-81 Hoddle Street and to the western boundary of 28-30 Regent Street, 31-33 Little Hoddle Street and 5 Elizabeth Street~~.
Minimum upper level setback	None specified	For properties which abut Little Hoddle Street - 6.5m from the property boundary An additional 3m setback at the uppermost level for development over 30m on the western side of Little Hoddle Street For other properties - 4.5m from the centreline of the laneway

Building separation requirements

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

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

- For building of less than or equal to 21 metres in height, upper level development should be set back a minimum of:
  - 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site.
  - 3.0 metres from the common boundary, where a commercial or non-habitable window facing the common boundary is proposed on the subject site.
- For buildings greater than 21 metres in height, any development above the street wall or 15 metres in height (whichever is greater) facing the common boundary should be set back a minimum of 4.5 metres from that boundary.

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:

- 9 metres from each other, where a habitable window or balcony is proposed; and
- 6 metres from each other where a commercial or non-habitable window is proposed.

Overshadowing requirements

A permit should not be granted to construct a building or construct or carry out works that would cast additional overshadowing ~~of any~~ of the following space~~s~~ between 10am and 2pm at 22nd September, unless the additional overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:

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

Interface to residential properties ~~in NRZ or GRZ requirements~~

Development should protect the amenity of existing residential properties in the Neighbourhood Residential or General Residential Zones in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.

Development in the Commercial 2 Zone should be setback from side and rear boundaries to ensure adequate daylight and minimise direct views to habitable rooms and private open space of dwellings in the Mixed Use Zone.

Development with an interface to a property in the Neighbourhood Residential Zone or General Residential Zone (shown as Interface H or Interface J on Plan 1) should not exceed the maximum heights and setbacks in ~~Figure 1 of this schedule~~ set out in Table 3.

Table 3 – Residential interfaces

Residential Interface	Preferred requirement
Interface H	Heights and setbacks shown in Figure 1 of this schedule.
Interface J	Heights and setbacks shown in Figure 2 of this schedule.

Design Quality Requirements

Development should achieve urban design and architectural excellence.

Development in the Commercial 1 Zone and/or Mixed Use Zone 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:

- Incorporate vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
- Be expressed 'in the round' and provide detail on all façades.

Development should avoid blank walls visible ~~permanently or temporarily~~ from the public realm. Where a solid external wall is unavoidable, walls should be detailed to provide an interesting appearance.

New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.

Development should ensure any walls visible from the public realm are designed to provide visual interest to passing pedestrians through colour, texture or finishes.

Development should ensure taller buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight and views to the sky above the street wall.

Development should break up buildings with a wide street frontage into smaller vertical sections or separate elements to provide breaks and modulation in the street facade.

Development should provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.

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

Development with a frontage to a 'Green Street – key pedestrian/cycle route' identified on Plan 1 should contribute to urban greening by introducing trees, ground cover, vertical and rooftop vegetation.

Vehicular access requirements

Development should provide vehicular access from rear lanes or from side streets, where appropriate. ~~in the preferred locations on Plan 2 of this schedule - Access and Movement Plan.~~

Where access is provided to an arterial road, access should would be subject to Department of Transport approval and should be limited to left-in/left-out.

Development with redundant vehicle access points must reinstate the kerb, line mark 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.

Development indicated in Plan 2 as requiring a setback 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 in the laneway should provide a minimum width between walls of 6.1m (including the existing laneway). Between ground level and first floor, a headroom clearance of 3.5 metres minimum should be achieved.

In locations where potential one way streets are indicated on Plan 2 but have not been implemented, development should consider ground floor setbacks or provision of passing areas within sections of the lane allow for building services and car park access.

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 or any alternative splay that facilitates movement by the B99 design vehicle, to the satisfaction of the Responsible Authority.

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

Development should enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.

Pedestrian and Bicycle Access Requirements

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone and avoid primary access from laneways. Where pedestrian access can only be provided from a laneway, the pedestrian entrance should be setback from the rear laneway or include a pedestrian refuge or landing and be well lit to enable safe access.

Development should facilitate the creation of a shared zone where properties abut a potential future shared zone as shown on Plan 2.

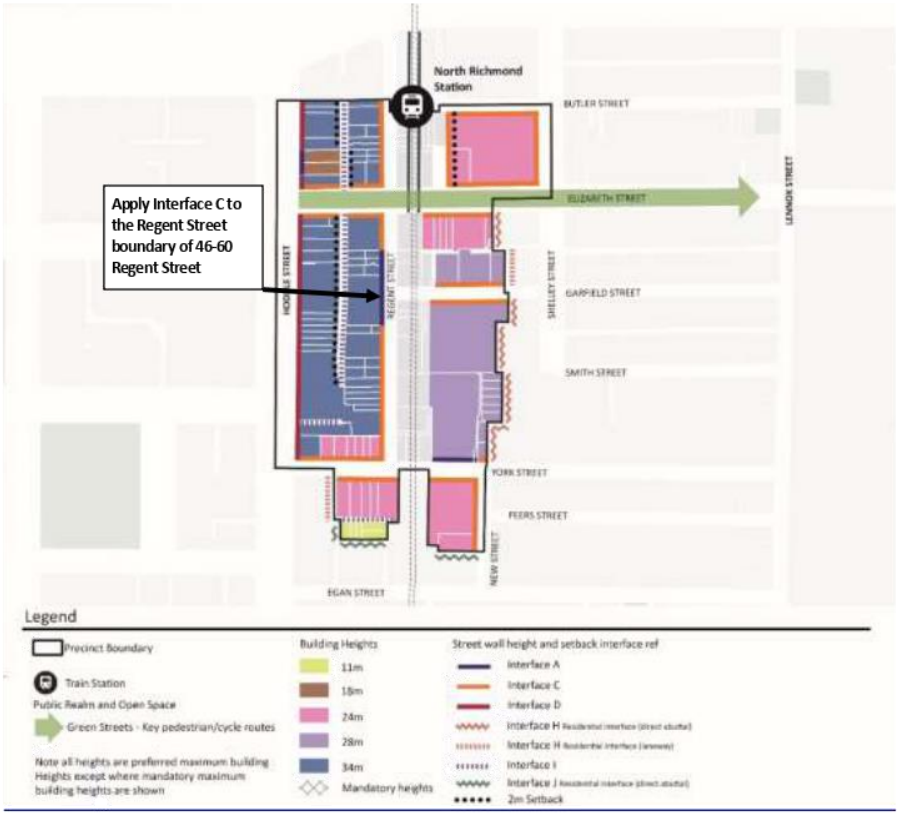
Development should consider creating ground level publicly accessible pedestrian connections or linkages as shown on Plan 2.

Pedestrian entrances should be clearly visible, secure and have an identifiable sense of address.

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

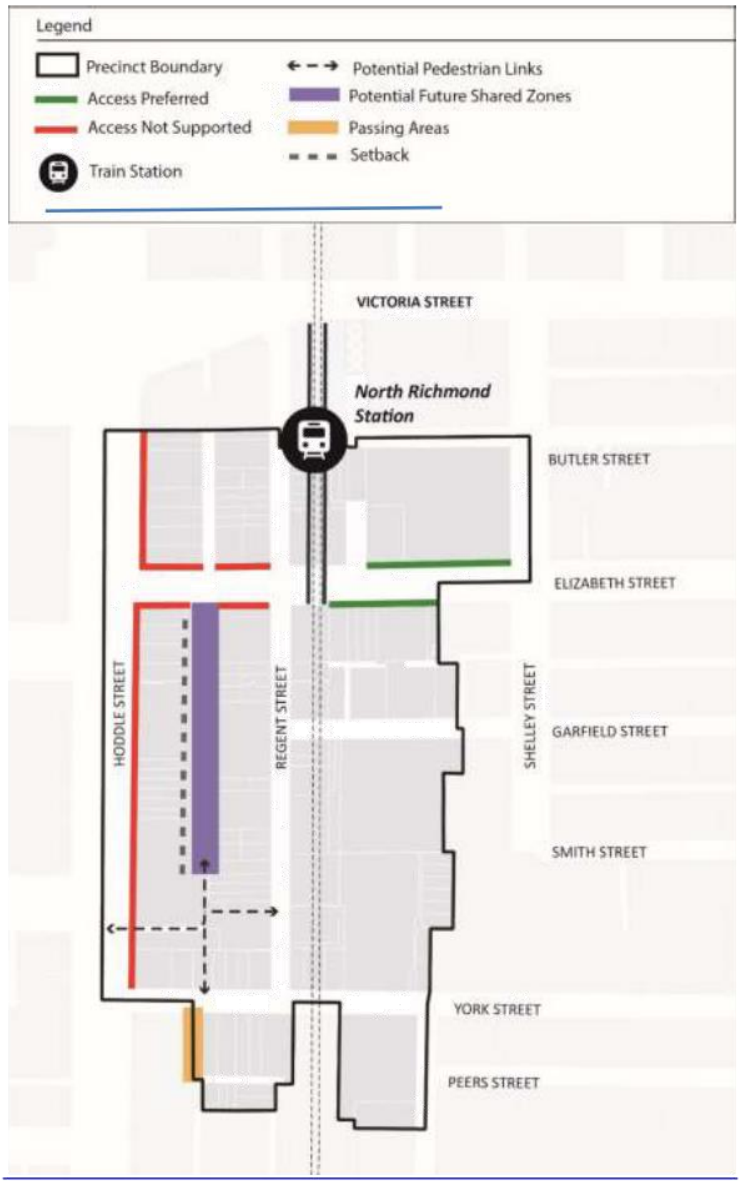
Delete Plan 1 (Height and interface plan) and replace with below

Plan 1: Height and Interface Plan – Precinct 3 North Richmond Station



Delete Plan 2 (Access and movement plan) and replace with below

Plan 2: Access and Movement Plan



NOTE – Potential future shared zones and one way streets are subject to further assessment and consultation.

3.0 Subdivision

None specified.

4.0 Advertising signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and 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 15 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.
- 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 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 design excellence is achieved (including but not limited to building siting, scale, massing, articulation and materials).
- The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- Whether the overshadowing impacts of the development on opposite footpaths and public spaces are minimised.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Victoria Street and from local streets.
- The prominence of the heritage street wall in the vistas along ~~Victoria Street, Church 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 the development on view lines to St Ignatius Church and Skipping Girl sign.~~
- The design response at the interface with existing, low scale residential properties.
- If roof decks are proposed above the street wall, whether they are set back and are recessive in appearance.

- 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.
- The impact of development on traffic and parking in the nearby area, including on the functionality of laneways.
- ~~The impact of vehicular access arrangements on the operation of the tram routes along Victoria Street and Church Street.~~

~~Reference documents~~

- ~~Bridge Road & Victoria Street Activity Centres – Review of Interim Built Form Controls – Analysis and Recommendations (MGS Architects and Urban Circus, April 2021)~~
- ~~Built Form Review: Victoria Street – Heritage Analysis and Recommendations (GJM Heritage, April 2021)~~
- ~~Traffic Engineering Assessment, Victoria Street and Bridge Road Activity Centres, Richmond (Traffix Group, April 2021)~~

Figure 1 to Schedule 48 – Interface H - to residential properties in NRZ or GRZ

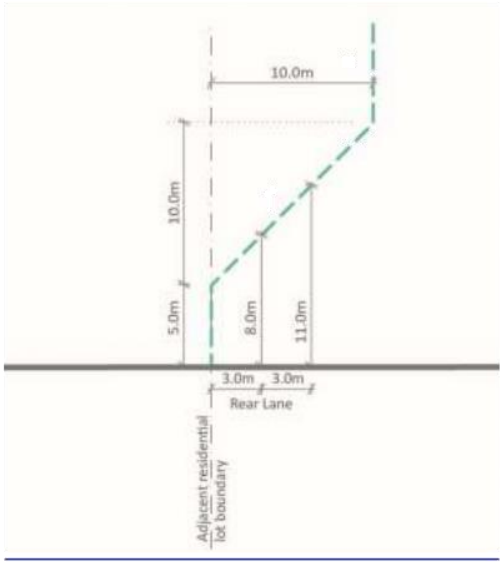
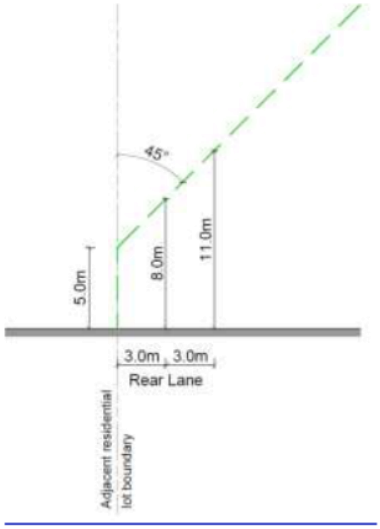


Figure 2 to Schedule 4148 – Interface J - to residential properties in NRZ or GRZ



F4 Design and Development Overlay Schedule 49

SCHEDULE 49 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO49.

VICTORIA STREET ACTIVITY CENTRE - PRECINCT 4 VICTORIA STREET EAST

1.0 Design objectives

To support mid-rise development that maintains and reinforces the prominence of the existing street wall and fine grain character and pattern of shops and restaurants along Victoria Street.

To ensure development respects the architectural form and qualities of heritage buildings, local landmarks and the heritage streetscape in Victoria Street and along Lithgow Street.

To support a new mid rise character between Lennox Street and Church Street with high quality new buildings that activate and improve the public realm.

To ensure development enhances the pedestrian experience through street activation and passive surveillance on Victoria Street and its side streets, improved pedestrian connections from Victoria Street to Elizabeth Street and protecting sunlight access to the southern side of Victoria Street, Nicholson Street, Lithgow Street, Albert Street and Church Street.

To ensure development responds to sensitive interfaces by providing a suitable transition to low scale residential areas and minimising amenity impacts on residential properties including overlooking, overshadowing and visual bulk impacts.

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 and MUZ, 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

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.

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

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

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

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

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 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.

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

Building heights 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 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; ~~and~~
  - ~~provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms.~~
- ~~where the proposal includes dwellings, it also achieves each of the following:~~
  - ~~housing for diverse households types;~~
  - ~~accessibility provision that achieves the standards in Clauses 55.07 and 58.05 (as relevant);~~
  - ~~communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and/or~~
  - ~~secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.~~

Architectural features may exceed the preferred or mandatory 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 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 /structures (other than solar panels and green roofs);
- The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm ~~etc~~; and
- The equipment/structures does not extend higher than 2.6 metres above the maximum building height.

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

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 Wall Requirements

Development should achieve a continuous street wall along Victoria Street with no front setback to a street, unless the subject site contains a heritage building with an existing front setback or a street setback is specified.

In locations outside of Victoria Street where heritage is not a constraint, development should consider providing:

- ground level setbacks (and above) to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level and above setbacks are strongly encouraged where they have been provided by nearby or neighbouring developments to achieve a consistent approach along a street frontage.
- a corner splay at minimum of 1 x 1 metre along the site's corner boundaries.

Infill development adjoining a heritage building should match the parapet height of the adjoining building for a minimum of 6 metres in length.

On corner sites where two different street wall heights are nominated, development should 'turn the corner' and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

Upper Level Requirements

Development should:

- Incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- Be set back from the street wall 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.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.

Upper level development for a development 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.
- retain the visual prominence of prominent corner buildings and local landmarks - the Former Duke of Albany Hotel, 323-325 Victoria Street and Former East Collingwood Hotel, 385 Victoria Street.
- avoid unarticulated façades that give a bulky appearance, especially from oblique views.
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Development adjoining a heritage building should match the upper level setback of the heritage building for a minimum of 6 metres in length.

Upper level development above rows of identical or similar heritage buildings (such as terrace shops/residences) should be consistent in form, massing and façade treatment with any existing upper-level development above the same row of buildings.

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

Table 1 - Street Wall Heights and Setbacks - Precinct 4 Victoria Street East

Built form	Mandatory requirement	Preferred requirement
Interface A		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8m minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings	Elsewhere - 0m
Minimum upper level setback	25-33 Lithgow Street - 8m Elsewhere - 6m	For buildings >15m, the uppermost level should be set back 9m minimum
Interface C		
Maximum and minimum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings. Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	~~Retain existing street wall setback for heritage buildings.~~ None specified	Retain existing street wall setback for heritage buildings. 0m - elsewhere
Minimum upper level setback	None specified	6m
Interface E		
Maximum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m for other buildings
Maximum and minimum street wall setback	None specified	136 Lennox Street - 2m minimum setback to the western boundary Retain existing street wall setback for heritage buildings. 0m - elsewhere
Minimum upper level setback	None specified	6m for heritage buildings 3m for other buildings

Built form	Mandatory requirement	Preferred requirement
Interface I		
Maximum side/rear wall height	None specified	11m
Minimum side/rear wall setback	None specified	None specified
Minimum upper level setback	None specified	4.5m from the centreline of the laneway

Building separation requirements

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

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

- For building of less than or equal to 21 metres in height, upper level development should be set back a minimum of:
  - 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site.
  - 3.0 metres from the common boundary, where a commercial or non-habitable window facing the common boundary is proposed on the subject site.
- For buildings greater than 21 metres in height, any development above the street wall or 15 metres in height (whichever is greater) facing the common boundary should be set back a minimum of 4.5 metres from that boundary.

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:

- 9 metres from each other, where a habitable window or balcony is proposed; and
- 6 metres from each other where a commercial or non-habitable window is proposed.

Overshadowing requirements

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

- any part of the southern footpath of Victoria 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 any of the following spaces between 10am and 2pm at 22nd September, unless the additional overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:

- any part of the opposite footpath of Nicholson Street, Lithgow Street, Albert Street, Shelley Street and Church Street, measured from the property boundary to the existing kerb (including any opposite kerb outstands, seating and/or planting).

Interface to residential properties in NRZ or GRZ requirements

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

Development with an interface to a property in the Neighbourhood Residential Zone or General Residential Zone (shown as Interface H or Interface J on Plan 1) should not exceed the maximum heights and setbacks ~~in Figure 1 of this schedule~~set out in Table 3.

Table 3 – Residential interfaces

Residential Interface	Preferred requirement
Interface H	Heights and setbacks shown in Figure 1 of this schedule.
Interface J	Heights and setbacks shown in Figure 2 of this schedule.

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 identified architectural elements of the following landmarks:

- the tower belfry and spire of St Ignatius Cathedral when viewed from the tram stop at the intersection of Victoria Street and Church Street.

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

Design Quality Requirements

Development should achieve urban design and architectural excellence.

Development in the Commercial 1 Zone and/or Mixed Use Zone 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.

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

Development should:

- Incorporate vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
- Be expressed 'in the round' and provide detail on all façades.

Development should avoid blank walls visible ~~permanently or temporarily~~ from the public realm. Where a solid external wall is unavoidable, walls should be detailed to provide an interesting appearance.

New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.

Development should ensure any walls visible from the public realm are designed to provide visual interest to passing pedestrians through colour, texture or finishes.

Development should ensure taller buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight and views to the sky above the street wall.

Development should break up buildings with a wide street frontage into smaller vertical sections or separate elements to provide breaks and modulation in the street facade.

Development should provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.

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

Development with a frontage to a 'Green Street – key pedestrian/cycle route' identified on Plan 1 should contribute to urban greening by introducing trees, ground cover, vertical and rooftop vegetation.

Vehicular access requirements

Development should not provide vehicle access from Victoria Street.

Development should provide vehicular access from rear lanes or from side streets, where appropriate. ~~in the preferred locations on Plan 2 of this schedule - Access and Movement Plan.~~

Where access is provided to an arterial road, access would ~~should~~ be subject to Department of Transport approval and should be limited to left-in/left-out.

Development with redundant vehicle access points must reinstate the kerb, line mark 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.

Development indicated in Plan 2 as requiring a setback 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 in the laneway should provide a minimum width between walls of 6.1m (including the existing laneway). Between ground level and first floor, a headroom clearance of 3.5 metres minimum should be achieved.

In locations where potential one way streets are indicated on Plan 2 but have not been implemented, development should consider ground floor setbacks or provision of passing areas within sections of the lane allow for building services and car park access.

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 or any alternative splay that facilitates movement by the B99 design vehicle, to the satisfaction of the Responsible Authority.

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

Pedestrian and Bicycle Access Requirements

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone and avoid primary access from laneways. Where pedestrian access can only be provided from a laneway, the pedestrian entrance should be setback from the rear laneway or include a pedestrian refuge or landing and be well lit to enable safe access.

Development should facilitate the creation of a shared zone where properties abut a potential future shared zone as shown on Plan 2.

Development should consider creating ground level publicly accessible pedestrian connections or linkages as shown on Plan 2.

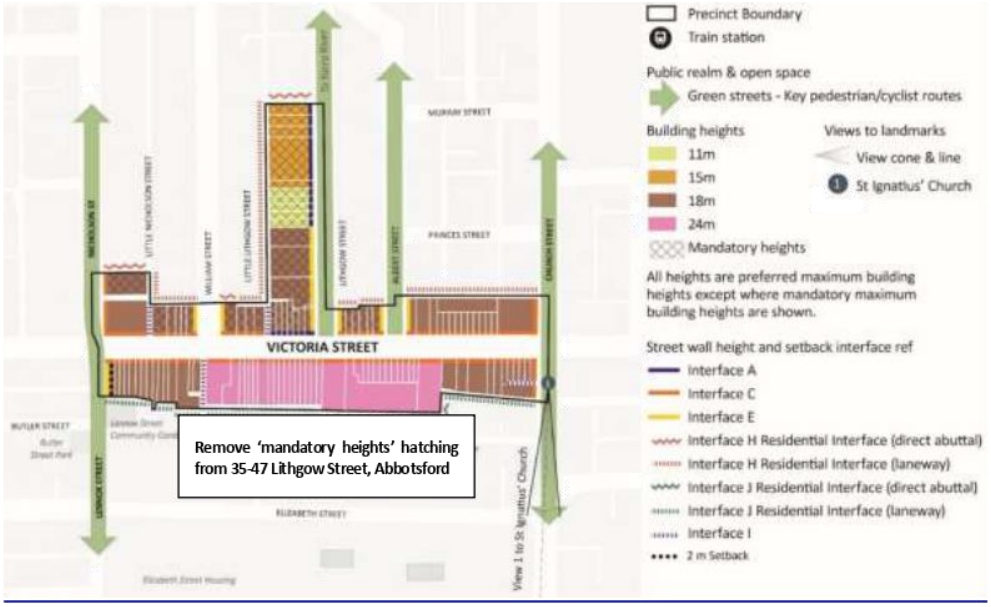
Pedestrian entrances should be clearly visible, secure and have an identifiable sense of address.

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

Attachment 1 - Attachment 1 - Standing Advisory Committee Report - Bridge Road and Victoria Street Activity Centres - Draft Amendment C291yara

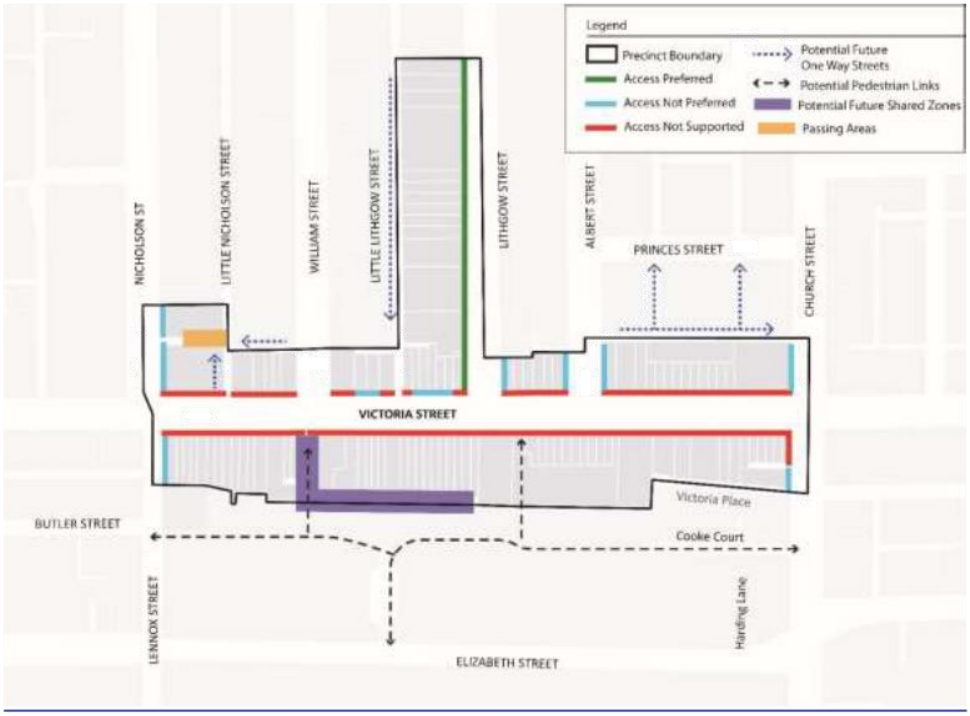
Delete Plan 1 (Height and interface plan) and replace with below

Plan 1: Height and Interface Plan – Precinct 4 Victoria Street East



Delete Plan 2 (Access and movement plan) and replace with below

Plan 2: Access and Movement Plan – Precinct 4 Victoria Street East



NOTE – Potential future shared zones and one way streets are subject to further assessment and consultation.

3.0 Subdivision

None specified.

4.0 Advertising signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and 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 15 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.
- 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 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 design excellence is achieved (including but not limited to building siting, scale, massing, articulation and materials).
- The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- Whether the overshadowing impacts of the development on opposite footpaths and public spaces are minimised.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Victoria Street and from local streets.
- The prominence of the heritage street wall in the vistas along Victoria Street, Church 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 the development on view lines to the St Ignatius Church ~~and Skipping Girl sign~~.
- The design response at the interface with existing, low scale residential properties.
- If roof decks are proposed above the street wall, whether they are set back and are recessive in appearance.
- 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.
- The impact of development on traffic and parking in the nearby area, including on the functionality of laneways.
- The impact of vehicular access arrangements on the operation of the tram routes along Victoria Street and Church Street.

~~Reference documents~~

- ~~Bridge Road & Victoria Street Activity Centres – Review of Interim Built Form Controls – Analysis and Recommendations (MGS Architects and Urban Circus, April 2021)~~
- ~~Built Form Review: Victoria Street – Heritage Analysis and Recommendations (GJM Heritage, April 2021)~~
- ~~Traffic Engineering Assessment, Victoria Street and Bridge Road Activity Centres, Richmond (Traffix Group, April 2021)~~

Figure 1 to Schedule 49 – Interface H - to residential properties in NRZ or GRZ

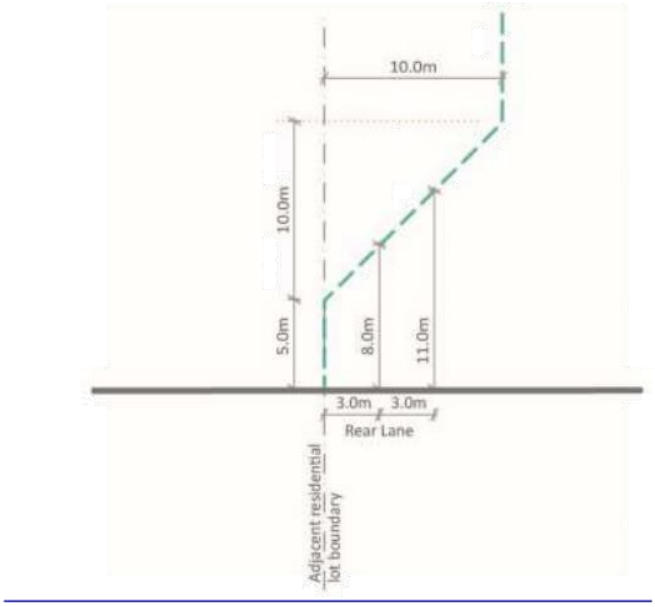
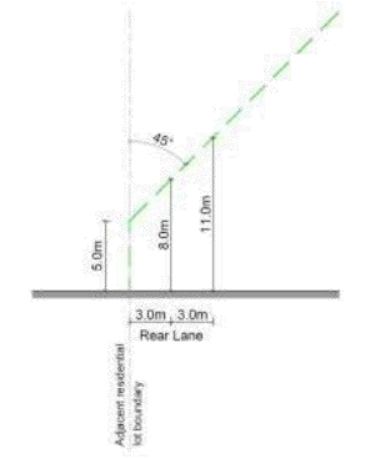


Figure 2 to Schedule 4149– Interface J - to residential properties in NRZ or GRZ



F5 Design and Development Overlay Schedule 50

SCHEDULE 50 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO50.

VICTORIA STREET ACTIVITY CENTRE - PRECINCT 5 VICTORIA STREET EAST END

1.0 Design objectives

To support a new mid-rise character that creates a consistent taller built form edge on Victoria Street, matching the street wall of developments in the Victoria Street East Precinct, and responds to the interface with industrial areas and low scale residential areas.

To ensure development respects the architectural form and qualities of heritage buildings and the heritage streetscape in Victoria Street.

To ensure development on large and/or consolidated sites provides building separation and setbacks that offers views to the sky above the street wall when viewed from the opposite footpath of Victoria Street.

To ensure development enhances the pedestrian experience through street activation and passive surveillance, improved pedestrian connections from the Yarra River/Birrarung and protecting sunlight access to the south side of Victoria Street, Church Street and Davison Street.

To ensure development responds to sensitive interfaces by providing a suitable transition to low scale residential areas and minimising amenity impacts on residential properties including overlooking, overshadowing and visual bulk impacts.

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 and MUZ, 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

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.

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

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

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

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

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 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.

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

Building heights 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 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; ~~and~~
  - ~~provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms.~~
- ~~where the proposal includes dwellings, it also achieves each of the following:~~
  - ~~housing for diverse households types;~~
  - ~~accessibility provision that achieves the standards in Clauses 55.07 and 58.05 (as relevant);~~
  - ~~communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and/or~~
  - ~~secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.~~

Architectural features may exceed the preferred or mandatory 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 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 /structures (other than solar panels and green roofs);
- The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm ~~etc~~; and
- The equipment/structures does not extend higher than 2.6 metres above the maximum building height.

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

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 Wall Requirements

Development should achieve a continuous street wall along Victoria Street with no front setback to a street, unless the subject site contains a heritage building with an existing front setback or a street setback is specified.

In locations outside of Victoria Street where heritage is not a constraint, development should consider providing:

- ground level setbacks (and above) to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level and above setbacks are strongly encouraged where they have been provided by nearby or neighbouring developments to achieve a consistent approach along a street frontage.
- a corner splay at minimum of 1 x 1 metre along the site's corner boundaries.

Infill development adjoining a heritage building should match the parapet height of the adjoining building for a minimum of 6 metres in length.

On corner sites where two different street wall heights are nominated, development should 'turn the corner' and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

Upper Level Requirements

Development should:

- Incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- Be set back from the street wall 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.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.

Upper level development for a development 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.
- retain the visual prominence of prominent corner buildings and local landmarks.
- avoid unarticulated façades that give a bulky appearance, especially from oblique views.
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Development adjoining a heritage building should match the upper level setback of the heritage building for a minimum of 6 metres in length.

Upper level development above rows of identical or similar heritage buildings (such as terrace shops/residences) should be consistent in form, massing and façade treatment with any existing upper-level development above the same row of buildings.

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

Table 1 - Street Wall Heights and Setbacks - Precinct 5 Victoria Street East End

Built form	Mandatory requirement	Preferred requirement
Interface A		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8m minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	316-326 Victoria Street – 8m Elsewhere - 6m	For buildings >15m, the uppermost level should be set back 9m minimum
Interface C		
Maximum and minimum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings. Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings. Elsewhere - 0m
Minimum upper level setback	None specified	6m
Interface D		
Maximum street wall height	None specified	15m
Maximum and minimum street wall setback	None specified	551 to 585 Victoria Street - 2m minimum setback to Victoria Street 0m – elsewhere.
Minimum upper level setback	None specified	4.5m
Interface E		
Maximum street wall height	None specified	Retain existing street wall height for heritage buildings.

Built form	Mandatory requirement	Preferred requirement
		11m maximum for other buildings
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings.
Minimum upper level setback	None specified	6m for heritage buildings 3m for other buildings
Interface F		
Maximum street wall height	None specified	8m
Maximum and minimum street wall setback	None specified	None specified
Minimum upper level setback	None specified	4.5m
Interface I		
Maximum side/rear wall height	None specified	11m
Minimum side/rear wall setback	None specified	None specified
Minimum upper level setback	None specified	4.5m from the centreline of the laneway

Building separation requirements

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

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

- For building of less than or equal to 21 metres in height, upper level development should be set back a minimum of:
  - 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site.
  - 3.0 metres from the common boundary, where a commercial or non-habitable window facing the common boundary is proposed on the subject site.
- For buildings greater than 21 metres in height, any development above the street wall or 15 metres in height (whichever is greater) facing the common boundary should be set back a minimum of 4.5 metres from that boundary.

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:

- 9 metres from each other, where a habitable window or balcony is proposed; and
- 6 metres from each other where a commercial or non-habitable window is proposed.

Overshadowing requirements

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

- any part of the southern footpath of Victoria 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 any of the following spaces between 10am and 2pm at 22nd September, unless the additional overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:

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

Interface to residential properties in NRZ or GRZ requirements

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

Development with an interface to a property in the Neighbourhood Residential Zone or General Residential Zone (shown as Interface H or Interface J on Plan 1) should not exceed the maximum heights and setbacks set out in Table 3 ~~in Figure 1 of this schedule~~.

Table 3 – Residential interfaces

Residential Interface	Preferred requirement
Interface H	Heights and setbacks shown in Figure 1 of this schedule.
Interface J	Heights and setbacks shown in Figure 2 of this schedule.

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 identified architectural elements of the following landmark (as shown on Plan 1 and listed below):

- the Skipping Girl sign when viewed from the footpath on the western corner of Victoria Street and Leslie Street (View 1).

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

Design Quality Requirements

Development should achieve urban design and architectural excellence.

Development in the Commercial 1 Zone and/or Mixed Use Zone 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.

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

Development should:

- Incorporate vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
- Be expressed 'in the round' and provide detail on all façades.

Development should avoid blank walls visible ~~permanently or temporarily~~ from the public realm. Where a solid external wall in unavoidable, walls should be detailed to provide an interesting appearance.

New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.

Development should ensure any walls visible from the public realm are designed to provide visual interest to passing pedestrians through colour, texture or finishes.

Development should ensure taller buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight and views to the sky above the street wall.

Development should break up buildings with a wide street frontage into smaller vertical sections or separate elements to provide breaks and modulation in the street facade.

Development should provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.

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

Development with a frontage to a 'Green Street – key pedestrian/cycle route' identified on Plan 1 should contribute to urban greening by introducing trees, ground cover, vertical and rooftop vegetation.

Vehicular access requirements

Development should not provide vehicle access from Victoria Street.

Development should provide vehicular access from rear lanes or from side streets, where appropriate. ~~in the preferred locations on Plan 2 of this schedule – Access and Movement Plan.~~

Where access is provided to an arterial road, access would ~~should~~ be subject to Department of Transport approval and should be limited to left-in/left-out.

Development with redundant vehicle access points must reinstate the kerb, line mark 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.

Development indicated in Plan 2 as requiring a setback 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 in the laneway should provide a minimum width between walls of 6.1m (including the existing laneway). Between ground level and first floor, a headroom clearance of 3.5 metres minimum should be achieved.

In locations where potential one way streets are indicated on Plan 2 but have not been implemented, development should consider ground floor setbacks or provision of passing areas within sections of the lane allow for building services and car park access.

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 or any alternative splay that facilitates movement by the B99 design vehicle, to the satisfaction of the Responsible Authority.

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

Development should enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.

Pedestrian and Bicycle Access Requirements

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone and avoid primary access from laneways. Where pedestrian access can only be provided from a laneway, the pedestrian entrance should be setback from the rear laneway or include a pedestrian refuge or landing and be well lit to enable safe access.

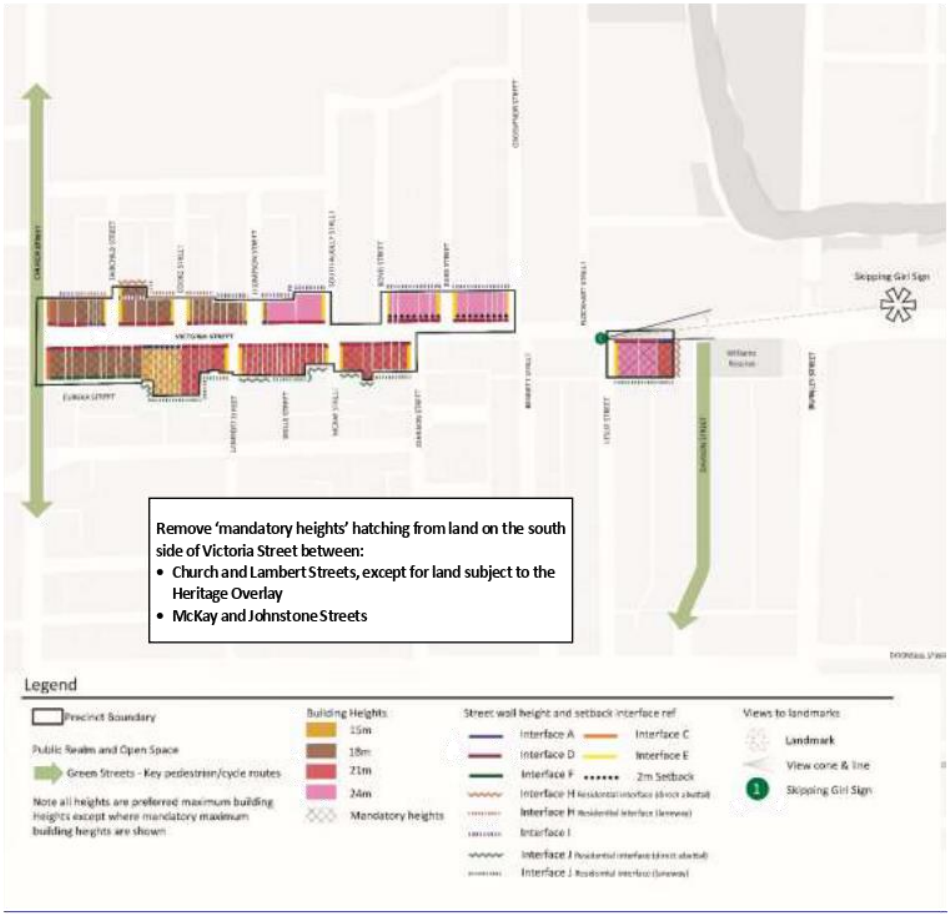
Development should facilitate the creation of a shared zone where properties abut a potential future shared zone as shown on Plan 2.

Pedestrian entrances should be clearly visible, secure and have an identifiable sense of address.

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

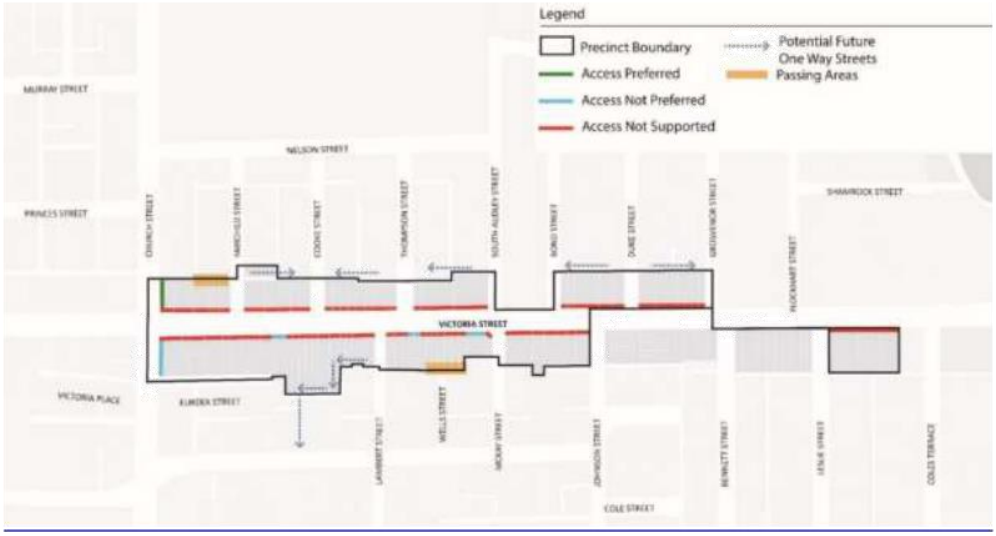
Delete Plan 1 (Height and interface plan) and replace with below

Plan 1: Height and Interface Plan – Precinct 5 Victoria Street East End



Delete Plan 2 (Access and movement plan) and replace with below

Plan 2: Access and Movement Plan – Precinct 5 Victoria Street East End



NOTE – Potential future shared zones and one way streets are subject to further assessment and consultation.

3.0 Subdivision

None specified.

4.0 Advertising signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and 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 15 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.
- 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 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 design excellence is achieved (including but not limited to building siting, scale, massing, articulation and materials).
- The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- Whether the overshadowing impacts of the development on opposite footpaths and public spaces are minimised.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Victoria Street and from local streets.
- The prominence of the heritage street wall in the vistas along Victoria Street, Church 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 the development on view lines to the ~~St Ignatius Church and~~ Skipping Girl sign.
- The design response at the interface with existing, low scale residential properties.
- If roof decks are proposed above the street wall, whether they are set back and are recessive in appearance.
- 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.
- The impact of development on traffic and parking in the nearby area, including on the functionality of laneways.
- The impact of vehicular access arrangements on the operation of the tram routes along Victoria Street and Church Street.

~~Reference documents~~

- ~~Bridge Road & Victoria Street Activity Centres – Review of Interim Built Form Controls – Analysis and Recommendations (MGS Architects and Urban Circus, April 2021)~~
- ~~Built Form Review: Victoria Street – Heritage Analysis and Recommendations (GJM Heritage, April 2021)~~
- ~~Traffic Engineering Assessment, Victoria Street and Bridge Road Activity Centres, Richmond (Traffix Group, April 2021)~~

Figure 1 to Schedule 50 – Interface H - to residential properties in NRZ or GRZ

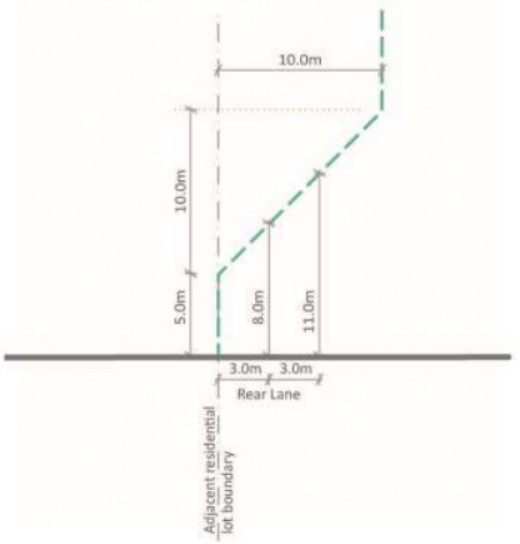
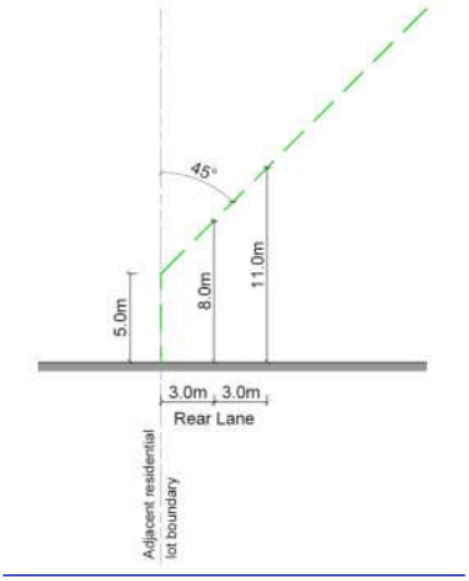


Figure 2 to Schedule 5041 – Interface J - to residential properties in NRZ or GRZ



Standing Advisory Committee Recommendations and Officer Response

The following tables provide the officer response to:

- Table 1: Committee Recommendations 1-15
- Table 2: Changes to Clause 11.03-1L recommended by the Standing Advisory Committee in Appendix E of the Report
- Table 3: Changes to DDO41 to DDO50 recommended by the Standing Advisory Committee in Appendix F of the Report

Table 1: Officer response to Committee Recommendations 1-15

Committee Rec #	Change recommended by Committee	Officer Response
1	Amend Clause 21.11 to no longer list the three reference documents relevant to draft Yarra Planning Scheme Amendment C291yara.	**Officer Recommendation: Support** Yarra reference / background documents are currently listed in Clause 21.11 of the Yarra Planning Scheme. Clause 21.11 will be deleted as part of the approval of Amendment C269yara – Rewrite of Local Policies. The Committee's recommendation is supported. The reference documents would be included in Clause 72.08 (Background documents). Amendment documentation and Clause 21.11 will be updated to reflect this change. See response to Recommendations 4(a) and 5.
2	Amend Clause 21.12 and translate the content of Clause 21.12 into a new Clause 11.03-1L, as shown in Appendix E.	**Officer Recommendation: Support with changes** A requirement within the letter of consent from the Department of Environment, Land, Water and Planning to prepare and exhibit Amendment C291yara was to prepare translation of Clause 21.12 Local Areas into the new Planning Policy format. This translation would sit under the new Clause 11.03-1L Activity Centres. The proposed policy included in Clause 11.03-1L is a condensed version of the proposed policy at Clause 21.12 with the context and vision removed and the preferred character statements converted into policy statements. These changes were made to reflect the new format for Planning Policy Framework. The translated Clause 11.03-1L was considered by Council on 21 December 2021 and forwarded to the Committee as part of the amendment documentation. The version of Clause 11.03-1L recommended by the Committee is generally consistent with Council's preferred version of the Amendment adopted on 21 December 2021 with only minor changes as outlined below and in Table 2 of this attachment. After the conclusion of the hearing, the Committee requested Council officers provided an

Attachment 2 - Attachment 2 - C291yara - Committee Recommendations and officer responses

Committee Rec #	Change recommended by Committee	Officer Response
		updated version of the Clause 11.03-1L to all parties. The updated version corrected typographical errors and made language changes to reflect adopted Amendment C269yara.
3	Amend Design and Development Overlay Schedules 41, 42, 44, 48, 49 and 50 to include Interface J to land south of Bridge Road or Victoria Street.	**Officer Recommendation: Support** The change is consistent with Council's preferred version of the Amendment adopted on 21 December 2021. The change was in response to resident submissions which raised concern regarding proposed rear interface controls. They submitted the rear interface controls did not adequately protect the amenity of residents south of the commercial strips. Officers considered there was a need to provide greater protection for residential amenity in these locations given the east-west configuration of Bridge Road and Victoria Streets. Proposed changes would reduce overshadowing impacts, provide more certainty on the extent of overshadowing and reduce visual bulk. A modified version of rear interface requirements (Interface J) was proposed to apply in these locations. The modified residential interface would continue the 45 degree angle above the rear wall instead of capping it at 10 metres. The Committee supported Council's application of Interface J across the two centres.
4(a)	Amend Design and Development Overlay Schedules 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50, as shown in Appendix F, to no longer list the three reference documents relevant to draft Yarra Planning Scheme Amendment C291yara	**Officer Recommendation: Support** The change is consistent with Council's preferred version of the Amendment adopted on 21 December 2021. In the preferred version of the amendment, reference documents were deleted to comply with Ministerial Direction on 'Form and Content'. Officers support Recommendation 1 which would relocate the reference / background documents to Clause 72.08. See also Recommendation 5.
4(b) and (c)	Amend Design and Development Overlay Schedules 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50, as shown in Appendix F, to: delete after the words 'the proposal will achieve each of the following': • *excellence for environmentally sustainable design*	**Officer Recommendation: Support with changes** Officers do not support the deletion of the BESS project score criterion. The requirement is required in DDO41-50 to help mitigate the environmental impacts of intensified development. It aligns with Councils strategic objectives in the Council Plan and Amendment C269yara in terms of environmental outcomes. Officers consider there is a strong correlation between BESS requirement and built form. Refer also to the Council report. Officers do not support the deletion of the private and communal open space criterion. The requirement is required in DDO41-50 to help mitigate the demand for open space, increased dwelling sizes and the amenity impacts of intensified development. It aligns with the Council plan and Amendment C269yara in terms of creating high standards of on-site amenity. Officers consider there is a strong correlation between the private and communal open space requirement and built form and amenity. Refer also to the Council report.

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Committee Rec #	Change recommended by Committee	Officer Response
	measured as a minimum BESS project score of 70% • *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* delete the words: *where a proposal includes dwellings, it also achieves each of the following:* • *housing for diverse households types, including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations* • *accessibility provision objective that exceeds the minimum standards in Clauses 55.07 and/or 58 as relevant* • *communal and/or private open space provision that exceeds the minimum standards in Clauses 55.07 and/or 58, as relevant.*	Officers support the deletion of the criteria in relation to end of trip facilities and bike parking, diverse housing types and accessibility. The clause should read as follows: *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 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; 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.*~~ ▪ *where the proposal includes dwellings, it also achieves each of the following:* – ~~*housing for diverse households types; including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations;*~~ – ~~*accessibility provision that achieves the standards in Clauses 55.07 and 58.05 (as relevant);*~~ – *communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and/or secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.*

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Committee Rec #	Change recommended by Committee	Officer Response
5	Reference the following documents in Clause 72.08 (Background documents): a) Bridge Road & Victoria Street Activity Centres - Review of Interim Built Form Controls – Analysis and Recommendations (MGS Architects and Urban Circus, April 2021) b) Built Form Review: Bridge Road – Heritage Analysis and Recommendations (GJM Heritage, April 2021) c) Built Form Review: Victoria Street – Heritage Analysis and Recommendations (GJM Heritage, April 2021) d) Traffic Engineering Assessment, Victoria Street and Bridge Road Activity Centres, Richmond (Traffix Group, April 2021).	**Officer Recommendation: Support** See response to Recommendation 1.
6	Amend Clause 11.03-1L and Design and Development Schedules 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50, to make drafting changes shown in Appendices E and F which improves their clarity and operation.	**Officer Recommendation: Support with changes** See Tables 2 and 3 for responses to the drafting changes proposed by the Committee in Appendix E and F of the Committee Report.
7(a)	Amend the Design and Development Overlay Schedule 41, as shown in Appendix F1, to: include a definition of building height as shown in Appendix E.	**Officer Recommendation: Support** At the hearing, a submitter made submissions around building heights affected by the views to the Pelaco Sign. Council noted at the hearing that heights along the southern side of Bridge Road between Punt Road and Rotherwood Street are largely, though not exclusively driven by the protection of views to the Pelaco sign from Wellington Parade.

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Committee Rec #	Change recommended by Committee	Officer Response
		The building heights proposed in DDO41 were supported through survey and modelling information provided at the Hearing. The modelling illustrated that the height limit to protect views did not require a development to follow the topography of the land. A horizontal height could also retain views to the Pelaco Sign. The Committee has recommended a specific building height definition for these properties. Officers support the specific definition for these properties. It will ensure that development is not unnecessarily restricted while protecting views to the Pelaco Sign. Rear interface controls will also temper impacts of new development to residential properties at the rear. A reference to even numbers has been added by officers to clarify that this definition applies only to the southern side of the street. A notation has also been added to Plan 1 to refer to the specific building height definition for these properties. The building height definition should read as follows: ***Building Height*** *has the same meaning as defined in the definitions at clause 73.01 except in relation to the numbers 2-70 Bridge Road, Richmond (even numbers between Punt Road and Rotherwood Street) where building height is measured for the purposes of this control as the vertical distance from natural ground at the centre of the Bridge Road frontage of the site to the roof or parapet at that point.*
7(b)	Amend the Design and Development Overlay Schedule 41, as shown in Appendix F1, to: change the mandatory maximum building height across the rear of 146 and 148 Bridge Road, Richmond	**Officer Recommendation: Support** The properties at 146 and 148 Bridge Road are located on the southern side of Bridge Road, east of Lennox Street. These properties are atypical due to their extensive depth. Interim DDO21 applies a mandatory 21m height to the entire length of these properties. Council's exhibited version of DDO41 reduced the height to 18m mandatory on the basis of preserving the prominence of the heritage streetscape. The landowners submitted the height at the rear should be a mandatory 21m height rather than 18m. They submitted that the depth of the properties could accommodate a 21m height without having a visual impact on the Bridge Road heritage streetscape. Modelling was provided by the submitter at the hearing showing a proposed planning application with a 21m height at the rear. This included a substantial upper level setback to the heritage building. Council's heritage and urban design experts at the hearing acknowledged higher built form (21m) would not have a significant impact on the heritage streetscape, public realm or views to the Pelaco Sign. Officers are satisfied that a 21m height at the rear would not undermine the integrity of the heritage streetscape, public realm or views to the Pelaco sign. Officers consider 146 and 148 Bridge Road an exception due to their atypical depth. A mandatory control would ensure that a taller development is not proposed.

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Committee Rec #	Change recommended by Committee	Officer Response
7(c)	Amend the Design and Development Overlay Schedule 41, as shown in Appendix F1, to: clarify mapping of Interface J near 242 Bridge Road, Richmond	**Officer Recommendation: Support** At the hearing, a landowner submitted that the map in DDO41 Plan 1 *Height and Interface Plan* made it difficult identify whether 242 Bridge Road was affected by Interface J. Council officers provided an amended map to clarify the application of Interface J in the Post hearing – Part C version of the Amendment. Officers support this recommendation. This change is reflected in the attached versions of DDO41.
7(d)	Amend the Design and Development Overlay Schedule 41, as shown in Appendix F1, to: clarify overshadowing provisions.	**Officer Recommendation: Support** At the hearing, a submitter commented the first provision under overshadowing requirements should be clarified to read: *A permit must not be granted to construct a building or construct or carry out works that would cast additional overshadowing any of the following spaces between 10am and 2pm at 22nd September:* Officers supported this minor amendment at the Hearing as it further refines the requirement. As per recommendation 6, officers have applied this change to other DDOs.
8	Amend the Design and Development Overlay Schedules 41, 42 and 43 to show the correct location and associated view cone of St Ignatius Church.	**Officer Recommendation: Support** It came to the attention of Council through the hearing that the location of the St Ignatius Church landmark symbol within DDO41, DDO42 and DDO43 was placed slightly west of the location of the Church's tower belfry and spire. The purpose of locating the landmarks and viewlines on the maps is to provide guidance to applicants, the community and Council in determining whether an application may impact identified view lines. While care has been taken with the location of the landmark symbol and the mapping, they do not provide the same level of detail as would a survey. Officer's support the relocation of the landmark symbol as it would further improve the accuracy of the DDO. Officers also support the subsequent amendments to view lines and view cones
9	Review Design and Development Overlay Schedules 41, 42, 43 and 50 to ensure they accurately map landmarks and associated view cones.	**Officer Recommendation: Support** See the response to Recommendation 8.
10	Amend Design and Development Overlay Schedule 43 to change the mandatory maximum building	**Officer Recommendation: Support** At the hearing, the Committee was presented with a range of built form options from the landowner of 393-395 Bridge Road. They argued a discretionary height could achieve the built form objectives of DDO44.

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Committee Rec #	Change recommended by Committee	Officer Response
	height for 393-395 Bridge Road, Richmond to a discretionary height provision.	Council's urban design expert also suggested a discretionary height could achieve the built form objectives sought from the DDO, however he strongly supported an 18m height. Typically, in a heritage context, mandatory controls have been applied where the Heritage Overlay (HO) applies. Precinct 3 does not have the HO applied consistently along Bridge Road and 393-395 Bridge is not covered by the HO. While the Committee recommended a 18m discretionary height, they supported Council's application of mandatory controls to the street wall and upper level setback on Bridge Road. They considered proposed mandatory street wall height and upper-level setback provisions are necessary to ensure that new development along Bridge Road does not overwhelm the heritage streetscape. The Committee acknowledged that 393-395 Bridge Road is a larger site. In the context of mandatory street wall and upper-level setback provisions, the Committee accepted that allowing discretion for building height at 393-395 Bridge Road would not compromise objectives for Precinct 3. The Committee did not support the landowners proposed discretionary 24m height for the site but supported Council's preferred height of 18m. Officers accept the Committee's position that with the application of mandatory street wall and upper-level setback provisions along Bridge Road and other requirements set out in the DDO, a discretionary 18m height would not compromise objectives for Precinct 3 which seek to maintain its heritage and civic character and views to significant landmarks.
11(a)	Amend Design and Development Overlay Schedule 44, as shown in the Appendix F2, to: apply landscape setbacks of 1.3 metres to the southwest and 3 metres to the south boundary at 198-242 Burnley Street, Richmond	**Officer Recommendation: Support** During exhibition, submissions were received which requested that landscape setbacks be applied to the southern portion of 198-242 Burnley Road in accordance with the approved planning permit PLN17/0370. Officers supported this proposal noting these changes would improve reduce overshadowing from a potential development to the north. The landscape setbacks were adopted in Council's preferred version of the amendment, considered by Council on 21 December 2021. The Committee supports these setbacks proposed by Council and noted that, combined with the change to the residential interface provisions, the landscape setbacks will improve potential amenity outcomes as compared to the exhibited DDO44.
11(b)	Amend Design and Development Overlay Schedule 44, as shown in the Appendix F2, to:	**Officer Recommendation: Support** During exhibition, submissions commented the existing permits for 198 -242 Burnley Street allowed vehicular access to Burnley Street. The exhibited amendment identified this frontage as 'access not preferred'.

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Committee Rec #	Change recommended by Committee	Officer Response
	include in the Legend to Plan 2 (Access and movement): '*Burnley Street access may be considered depending on size of car park and discussions with the Department of Transport*'	After consulting with Council's traffic engineers, Council included an annotation in DDO44 indicating access to Burnley Street may be considered depending on the size of carpark and support from the Department of Transport in its preferred version of DDO44 adopted by Council on 21 December 2021. At the hearing this position was supported by Council's traffic expert, who supported this change noting: *This part precinct includes a number of large sites that front both Burnley Street and Neptune Street. Given the scale of development possible on these sites, direct access to Burnley Street may be preferrable for traffic management reasons and impact on local streets. Allowing vehicle access to Burnley Street would be consistent with previous development approvals for these sites which had primary vehicle access to Burnley Street. Unlike Bridge Road, Victoria Street and Church Street, Burnley Street does not have any trams or buses that operate in this area. For the above reasons, I am satisfied with the variation of allowing direct vehicle access to Burnley Street in this specific location to be considered differently to other arterial roads within the Bridge Road Activity Centre.* Officers support the change to DDO44 as the Committee's recommendations align with Council's preferred position and Council's expert witness.
11(c)	Amend Design and Development Overlay Schedule 44, as shown in the Appendix F2, to: revise wording under Vehicular Access Requirements to discourage access from Bridge Road and require Department of Transport approval for any access from an arterial road	**Officer Recommendation: Support** In response to submissions, Council in December 2021 adopted a requirement which clarifies the role of the main streets in the two centres and limits vehicular access off those roads. The rationale for directing access away from main roads (Bridge Road and Victoria Street) was to: – maintain Bridge Road and Victoria Street as pedestrian orientated shopping destinations. – ensure the efficiency and safety of main roads controlled by the Department of Transport, largely by minimising vehicle access on roads they manage, particularly where tram lines exist. This change was supported by Council's traffic expert. Officers support the change to DDO44 as the Committee's recommendations align with Council's preferred position and Council's expert witness.
11(d)	Amend Design and Development Overlay Schedule 44, as shown in the Appendix F2, to: remove the potential pedestrian link from 566 Bridge Road, Richmond.	**Officer Recommendation: Support** The change is consistent with Council's preferred version of the Amendment adopted on 21 December 2021. Officers received submissions to remove the pedestrian link. In response to submissions, officers concluded: *Given that the link would have provided access to private property, it is recommended that the proposed pedestrian link for the site be removed.*

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Committee Rec #	Change recommended by Committee	Officer Response
12(a)	Amend Design and Development Overlay Schedules 46 and 48, as shown for Design and Development Overlay Schedule 48 in Appendix F3, to: (a) revise the preferred upper-level setback from the property boundary along Little Hoddle Street (Interface I) to 6.5 metres, plus an additional 3 metres at the uppermost level for development over 30 metres on the western side of Little Hoddle Street	**Officer Recommendation: Support** The change is consistent with Council's preferred version of the Amendment adopted on 21 December 2021. The change was in response to resident submissions concerned that the proposed building heights and setbacks (Interface I) in the exhibited amendment were not adequate to protect the amenity of residents along Little Hoddle Street. Upper level setbacks from the property boundaries on the eastern and western sides of Little Hoddle Street were increased from 4.5m from the centreline of the laneway to 6.5 metres from the property boundary. (An additional 3 metre setback would apply to the upper most level of properties to the west.) The intent of this change was to increase sunlight to Little Hoddle Street between 11am-1pm at the Equinox. Little Hoddle Street has a unique character including a number of creative industries, cafes and residences at street level. It has also been identified as a potential shared zone where pedestrians and vehicles would share the space. Council's urban design expert submitted that a 6.5 metre setback will retain the human scale of Little Hoddle Street, secure the distinction between the street wall and upper levels and reduce the potential for overshadowing. The Committee agreed with Council's expert that the extra quantum of development that could be delivered with a building that overshadowed Little Hoddle Street for the entire day is not so great as to trade off the solar access that ought to be achieved, even if only for 1 hour between 12 and 1pm.
13(a)	Amend Design and Development Overlay Schedule 48, as shown in Appendix F3, to: delete specific property addresses in the 'preferred requirements' column of the minimum side/rear wall setback for Interface I.	**Officer Recommendation: Support** Officers support the deletion of the specific property addresses in the 'preferred requirements' column of the minimum side/rear wall setback for Interface I. As *Plan 1 Height and Interface Plan* shows the setback on the map spatially, there is no need to list the addresses. The deletion of the addresses will protect against changes in property addresses in the future due to subdivision or consolidation of lots.
13(b)	Amend Design and Development Overlay Schedule 48, as shown in Appendix F3, to: revise the preferred upper-level setback (Interface D) along Hoddle Street south of Elizabeth Street to 3 metres, except within 5 metres of a	**Officer Recommendation: Support with changes** Officers support the preferred upper-level setback (Interface D) along Hoddle Street south of Elizabeth Street to 3 metres. Officers do not support the insertion of "*except within 5 metres of a heritage property where an upper-level setback should be 6 metres*". There are no properties affected by the Heritage Overlay along this section of Hoddle Street (between Elizabeth and York Streets). Officers support the preferred upper-level setback (Interface D) along Hoddle Street south of Elizabeth Street to 3 metres. This would replace the proposed 4.5m setback which was applied to provide a transition to the 6m upper

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Committee Rec #	Change recommended by Committee	Officer Response
	heritage property where an upper-level setback should be 6 metres	level setback required for heritage buildings. Officers note there are no heritage buildings in this portion of Hoddle Street and Elizabeth Street. 3m is consistent with the approach in interim DDO22. While a consistent approach along Hoddle Street is important, this part of Hoddle Street can accommodate a 3 metre upper-level setback without abruptly breaking any consistent built form – given a break in built form is created by the Elizabeth and York Street carriageways.
13(c)	Amend Design and Development Overlay Schedule 48, as shown in Appendix F3, to: revise the preferred upper-level setback along Elizabeth Street (Interface C) between Hoddle Street and Little Hoddle Street to 3 metres	**Officer Recommendation: Support with changes** Officers support the proposed change to the preferred upper-level setback (Interface C) along Elizabeth Street between Hoddle and Little Hoddle Streets from 6 metres to 3 metres. 3m is consistent with the approach in interim DDO22 and also reflects upper level setbacks of existing development on the south side of Elizabeth Street. The change only applies to one site.
13(d)	Amend Design and Development Overlay Schedule 48, as shown in Appendix F3, to: apply Interface C to the Regent Street boundary of 46-60 Regent Street	**Officer Recommendation: Support** Council's heritage expert recommended that Interface C should be applied to the Regent Street boundary of 46-50 Regent Street rather than Interface A. The change would apply a discretionary upper level setback rather than a mandatory and remove the 3m upper level setback for the top level. Council's heritage expert supported changing Interface A to Interface C for the building on 46-50 Regent Street noting it *'has a plain parapet building form compared with the northern part of the former Henry Walter's Boot Factories buildings. It has also been over-painted and retains limited heritage significance'.* Council's expert also noted that the building is internally subdivided and the likelihood of redevelopment is constrained. The Committee considers acceptable heritage outcomes can in these circumstances be achieved through performance based provisions. The Committee considers that the building to the south at 52-60 Regent Street should also be subject to Interface C. Interface A was applied to 52-60 Regent Street as it is included in the same property boundary as 46-50 Regent Street. Interface A has been applied to properties where the Heritage Overlay is applied. The building on 52-60 Regent Street is not subject to the Heritage Overlay and Interface C would be a more appropriate interface. The requirements in DDO48 would also ensure upper levels would match neighbouring heritage buildings for 6m.
13(e)	Amend Design and Development Overlay Schedule 48, as shown in Appendix F3, to:	**Officer Recommendation: Support** The Committee recommends amending Plan 2 – Access and Movement to correct an error identified by a submitter. The submitter requested a reduction in the extent of the *Potential Future Shared Zone* at the southern

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Committee Rec #	Change recommended by Committee	Officer Response
	correct Plan 2 (Access and movement plan) to terminate the southern end of Little Hoddle Street at the property boundary of 67-81 Hoddle Street and 84 Regent Street, Richmond.	end of Little Hoddle Street to ensure it applies to the laneway and not private property. This error was corrected in Plan 1 – Building heights and interfaces following the receipt of submissions but was not corrected in Plan 2.
14	Amend Design and Development Overlay Schedule 49, as shown in Appendix F4, to change the mandatory maximum height for 35-47 Lithgow Street, Abbotsford to a discretionary height provision.	**Officer Recommendation: Do not support** The proposed controls have been guided by PPN59 and PPN60 and mandatory controls have been applied where they can be strategically justified and are necessary to achieve acceptable heritage outcomes. Mandatory maximum heights were proposed where there are consistent heritage streetscapes and recommended to reduce the visual impact of new development and better respect the heritage significance of the heritage forms. Officers also note that the Committee at Page 22 of the Committee Report notes: *The mandatory provisions have been applied in circumstances which are necessary to protect and manage:* • *the existing heritage qualities of the centres generally* • *the heritage qualities of stand alone heritage buildings* • *the protection of views to landmarks, namely the Pelaco sign, Richmond Town Hall, St Ignatius Church and Skipping Girl sign* • *the protection of solar access to designated streets and areas.* Council's heritage expert recommended that: *the highly visible tiled roof forms, industrial chimney and varied facades to Lithgow and Little Lithgow Street of the Former Cordial Factory are the features that the 'Upper level requirements' guidance is intended to inform. The intent of these requirements is not to be applied blindly but rather should consider the importance of these elements and the contribution they make to the identified values of the heritage place.* *It is my view that the proposed 15m (4-storey) mandatory height control proposed for this site within DDO49 and the upper-level setback from the Lithgow Street façade will ensure that the historic façade and roof form of the Former Cordial Factory remain prominent elements within the streetscape.*
15(a) and (b)	Amend Design and Development Overlay Schedule 50, as shown in Appendix F5, to apply discretionary rather than mandatory building height provisions on land on the	**Officer Recommendation: Do not support** The application of mandatory controls was guided by PPN59 and PPN60 and mandatory controls have been applied where they can be strategically justified and are necessary. Council applied mandatory maximum heights were proposed in some locations where development abuts sensitive residential interfaces.

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Committee Rec #	Change recommended by Committee	Officer Response
	south side of Victoria Street between: a) Church and Lambert Streets, except for land subject to the Heritage Overlay b) McKay and Johnson Streets.	Council officers and Council's planning expert support mandatory heights in this location: • as it is consistent with the principles applied elsewhere within Bridge Road and Victoria Street. • proposed building heights range from 18 to 21 metres (5/6 storeys) in this area represent a significant level of change in built form from the current one and two storey developments.

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Table 2: Officer response to changes to Clause 11.03-1L recommended by the Standing Advisory Committee in Appendix E of the Report

Local Policy Element	Change recommended by Standing Advisory Committee	Officer Response
Bridge Road, Richmond		
Whole activity centre	Limit direct vehicular access onto Bridge Road, Church Street and Burnley Street as specified in a DDO.	**Officer Recommendation: Support** Inserted to improve clarity of policy.
Whole activity centre	Protect primary views defined in the clause 15.01-2L to the spire of St Ignatius Cathedral, clocktower of Richmond Town Hall, and the Pelaco sign.	**Officer Recommendation: Support** Corrects typographical error - 'Town Hall' capitalised.
Precinct 1 – Bridge Road West	Support Epworth Hospital by supporting associated health and allied services to locate near the hospital.	**Officer Recommendation: Support** Corrects typographical error – full stop added.
Precinct 1 – Bridge Road West	Ensure mid rise development on the northern side of Precinct 1 respects the heritage fabric and the adjoining ~~low scale~~ low-rise residential neighbourhoods.	**Officer Recommendation: Support** Amended to accord with version of clause 11.03-1L adopted as part of Amendment C269yara on 19 April 2022.
Precinct 3 – Bridge Road Central	Enhance the Richmond Town Hall forecourt as a key public space providing a setting for the Town Hall and the former police station.	**Officer Recommendation: Support** Minor clarification – 'Richmond' inserted to make it clear the reference to 'Town Hall' is the Richmond Town Hall.
Precinct 4 – Bridge Road East South	Maintain the prominence of the Former Flour Mill and Grain Store Complex (534-534A Bridge Road) on the south-east corner of Bridge Road and Type Street as a local landmark.	**Officer Recommendation: Support** Corrects typographical error – bracket added.
Victoria Street Abbotsford/Richmond		
Whole activity centre	Manage licensed premises and the precinct's prominent night-time economy including the core entertainment precinct west of Burnley Street.	**Officer Recommendation: Support** Corrects typographical error – space inserted.
Whole activity centre	Limit direct vehicular access onto Victoria Street and Church Street as specified in a DDO.	**Officer Recommendation: Support** Inserted for clarification
Whole activity centre	Facilitate new and improved pedestrian connections to the ~~DHHS housing sites~~ North Richmond Housing Estate.	**Officer Recommendation: Support**

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Local Policy Element	Change recommended by Standing Advisory Committee	Officer Response
		Updated to correct name – 'DHHS housing sites' amended to 'North Richmond Housing Estate'.
Whole activity centre	Capitalise on future opportunities such as provision of open space and links to the Yarra River, provided by commercial and industrial areas in Abbotsford, including the Carlton and United Brewery site.	**Officer Recommendation: Support** Corrects typographical error – space inserted.
Precinct 1 – Victoria Street West	Retain the visual prominence of the Victoria Street Gateway at the intersection with Hoddle Street.	**Officer Recommendation: Support** Corrects typographical error – space inserted.
Precinct 1 – Victoria Street West	Provide for lower midrise development for the remainder of the precinct that respects the heritage fabric and the adjoining ~~low scale~~ low-rise residential neighbourhoods.	**Officer Recommendation: Support** Amended to accord with version of clause 11.03-1L adopted as part of Amendment C269yara on 19 April 2022.
Precinct 2 – Victoria Street Central	Provide for lower midrise development (3-6 storeys) in Precinct 2 that respects the heritage fabric and the adjoining ~~low scale~~ low-rise residential neighbourhoods.	**Officer Recommendation: Support** Amended to accord with version of clause 11.03-1L adopted as part of Amendment C269yara on 19 April 2022.
Precinct 2 – Victoria Street Central	Support Victoria Street ~~Centre~~ Central as the centre's fine grain retail and dining precinct.	**Officer Recommendation: Support** Corrects typographical error - replaced 'Centre' with 'Central'.
Precinct 2 – Victoria Street Central	Provide for lower midrise development (3-6 storeys) in Precinct 2 that respects the heritage fabric and the adjoining ~~low scale~~ low-rise residential neighbourhoods.	**Officer Recommendation: Support** Amended to accord with version of clause 11.03-1L adopted as part of Amendment C269yara on 19 April 2022.
Precinct 3 – North Richmond Station	Ensure new midrise development (5 -10 storeys) respects the pockets of heritage fabric and the adjoining ~~low scale~~ low-rise residential neighbourhoods.	**Officer Recommendation: Support** Amended to accord with version of clause 11.03-1L adopted as part of Amendment C269yara on 19 April 2022.
Precinct 4 – Victoria Street East	Ensure new midrise development (5-7 storeys) respects the pockets of heritage fabric and the adjoining low scale low-rise residential neighbourhoods.	**Officer Recommendation: Support** Amended to accord with version of clause 11.03-1L adopted as part of Amendment C269yara on 19 April 2022.
Precinct 4 – Victoria Street East	Facilitate new and improved pedestrian connections to Precinct 4 from the ~~DHHS housing sites~~ North Richmond Housing Estates.	**Officer Recommendation: Support** Updated to correct name – 'DHHS housing sites' amended to 'North Richmond Housing Estate'.

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Local Policy Element	Change recommended by Standing Advisory Committee	Officer Response
Precinct 5 – Victoria Street East End	Provide for new midrise development (4-7 storeys) that respects the pockets of heritage fabric and the adjoining ~~low scale~~ low-rise residential neighbourhoods in Precincts 5.	**Officer Recommendation: Support** Amended to accord with version of clause 11.03-1L adopted as part of Amendment C269yara on 19 April 2022.
Precinct 5 – Victoria Street East	Support Victoria Street End as a diverse mixed-use precinct consisting of a range of retail, commercial and residential uses within new midrise developments of varying heights, widths and character.	**Officer Recommendation: Support** Corrects typographical error – inserted the word 'of'.

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Table 3: Officer response to changes to DDO41 to DDO50 recommended by the Standing Advisory Committee in Appendix F of the Report

DDO number	DDO Requirement	Change recommended by Standing Advisory Committee	Officer Response
DDO41 - DDO50	Building Heights Requirements	Less than 50 per cent of the roof area is occupied by the equipment /structures (other than solar panels and green roofs);	**Officer Recommendation: Support** The change is consistent with Council's preferred version of the Amendment adopted on 21 December 2021. This minor amendment to the criteria for exceptions to building height (such as services) was made at the 21 December 2021 Council Meeting.
DDO41 - DDO50	Building Heights Requirements	The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm ~~etc~~; and	**Officer Recommendation: Support** The change is consistent with Council's preferred version of the Amendment adopted on 21 December 2021. This minor amendment to the criteria for exceptions to building height (such as services) was made at the 21 December 2021 Council Meeting.
DDO41 - DDO50	Upper Level Requirements	For heritage buildings, upper level setbacks behind the street wall should be provided in excess of the minimum upper level setback 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; ▪ a lesser setback would not ~~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.	**Officer recommended change:** Clarifies intent by rewording the requirement. Clearer about the circumstances where a greater setback should be required.
DDO41 - DDO50	Overshadowing Requirement	A permit must not be granted to construct a building or construct or carry out works that would cast additional overshadowing ~~any~~ of the following spaces between 10am and 2pm at 22nd September:	Refer to Table 1: Recommendation 7(d) for a response to this change.

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DDO number	DDO Requirement	Change recommended by Standing Advisory Committee	Officer Response
		▪ any part of the southern footpath of Bridge Road, 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 any additional overshadowing overshadow any of the following spaces between 10am and 2pm at 22nd September, unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:~~ ~~▪ any part of the opposite footpath of Lennox Street and Church Street, measured from the property boundary to the existing kerb (including any opposite kerb outstands, seating and/or planting).~~ A permit should not be granted to construct a building or construct or carry out works that would cause any additional overshadowing of the ~~following~~ spaces in Table 2, ~~between 10am and 2pm at 22nd September,~~ unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority.	
DDO41 - DDO50	Design Quality Requirements	Ensure shopfront widths are not reduced to the extent they become commercially unviable.	**Officer Recommendation: Support** The change is consistent with Council's preferred version of the Amendment adopted on 21 December 2021. During the exhibition of C291yara, submissions raised concern that the economic viability of shops could be compromised due to development in Bridge Road and Victoria Street. In response to submissions, Council added this requirement to help to address the issue.
DDO41 - DDO50	Design Quality Requirements	Development should avoid blank walls visible ~~permanently or temporarily~~ from the public realm.	**Officer Recommendation: Support**

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DDO number	DDO Requirement	Change recommended by Standing Advisory Committee	Officer Response
		Where a solid external wall is unavoidable, walls should be detailed and include articulation to provide an interesting appearance.	The change is consistent with Council's preferred version of the Amendment adopted on 21 December 2021. During the exhibition of C291yara, a submission raised concern with the wording of the requirement. Officers made amendments to the requirement in response: The terms *'permanently and temporarily'* were removed and wording was added to clarify the outcome sought i.e. all visible facades should detailed and avoid blank walls. Officers also recommend the concept of articulation is included to clarify the intent of the requirement.
DDO41 - DDO50	Design Quality Requirements	New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.	**Officer Recommendation: Support** The change is consistent with Council's preferred version of the Amendment adopted on 21 December 2021. This amendment was made as per Council's resolution 21 December 2021 item 1 d(iii). *The Committee supports the proposed policy to consider opportunities for lot consolidation forming part of the Design Quality Requirements. The policy is not mandatory and the Committee does not agree that it will force fine grain heritage sites to redevelop* (Page 57 of 187 of the Committee Report).
DDO41-DDO50	Access and Movement Plan	Update plans to remove access notations on side streets and laneways which are not main roads managed by the Department of Transport or identified 'Green Streets'.	**Officer Recommendation: Support** The change is consistent with Council's preferred version of the Amendment adopted on 21 December 2021. Following the exhibition of Amendment C291yara, many submissions raised concern regarding the access provisions within the DDOs. In response, officers made amendments to the Access and Movement Plans and the Vehicle Access Requirements section of the DDO. The changes included: – refining the role of the 'Access and Movement Plan' to focus on access to main roads managed by the Department of Transport and identified 'Green Streets'. This would entail removing some of the access notations on the 'Access and Movement Plans'. Access notations would be removed from side streets and laneways.

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DDO number	DDO Requirement	Change recommended by Standing Advisory Committee	Officer Response
			– Including a new requirement which seeks to limit access from the main roads. – retaining the requirement that development should provide vehicular access from rear lanes or from side streets, however, this will be 'where possible'. The 'Access and Movement Plans' still include some traffic mitigation recommendations to assist future developments.
DDO41 - DDO45	Vehicle Access Requirements	Development should not provide vehicle access from Bridge Road.	Refer to Table 1: Recommendation 11(c) for a response to this change.
DDO46, DDO47, DDO49, DDO50	Vehicle Access Requirements	Development should not provide vehicle access from Victoria Street.	**Officer Recommendation: Support** See Table 1: Recommendation 11(c) for a response to this change. Comments for Bridge Road apply to Victoria Street.
DDO41 - DDO50	Vehicle Access Requirements	Development should provide vehicular access from rear lanes or from side streets, where appropriate. ~~in the preferred locations on Plan 2 of this schedule - Access and Movement Plan.~~	**Officer Recommendation: Support** The change is consistent with Council's preferred version of the Amendment adopted on 21 December 2021. Following the exhibition of Amendment C291yara, many submissions raised concern regarding the access provisions within the DDOs. In response, officers made amendments to the Access and Movement Plans and the Vehicle Access Requirements section of the DDO. (See above.)
DDO41 - DDO50	Vehicle Access Requirements	Where access is provided to an arterial road, access ~~should~~ would be subject to Department of Transport approval and should be limited to left-in/left-out.	Refer to Table 1: Recommendation 11(c) for a response to this change. The change has been applied to all DDOs in Bridge Road and Victoria Street – in line with Recommendation 6 which seeks to amend all DDOs in accordance with Appendix F to provide greater clarity and operation.
DDO41 - DDO50	Vehicle Access Requirements	Development should enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.	**Officer Recommendation: Support** The change is consistent with Council's preferred version of the Amendment adopted on 21 December 2021. Following the exhibition of Amendment C291yara, many submissions raised concern regarding the access and movement provisions within the DDOs. To partially address this issue, Council adopted a requirement which seeks to improve the amenity and safety of laneways for vehicles and pedestrians.

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DDO number	DDO Requirement	Change recommended by Standing Advisory Committee	Officer Response
DDO41 - DDO50	Pedestrian and Bicycle Access	Pedestrian and Bicycle Access Requirements	**Officer Recommendation: Support** Drafting error raised during the hearing. Officers support this change.
DDO41 - DDO50	4.0 Advertising Signs	~~Advertising~~ Signs	**Officer Recommendation: Support** The heading *Advertising Signs* does not align the structure set out within Ministerial Direction 1 – Form and Content of Planning Schemes. The heading used should be *Signs*. Officers support this correction.
DDO41 - DDO50	Reference Documents	~~Bridge Road & Victoria Street Activity Centres - Review of Interim Built Form Controls - Analysis and Recommendations (MGS Architects and Urban Circus, April 2021)~~ ~~Built Form Review: Bridge Road – Heritage Analysis and Recommendations (GJM Heritage, April 2021)~~ ~~Traffic Engineering Assessment, Victoria Street and Bridge Road Activity Centres, Richmond (Traffix Group, April 2021)~~	Refer to Table 1: Recommendation 5 for a response to this change.
DDO41-DDO50	5.0 Application Requirements	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 and bike lanes), – reduces car dependence and promotes sustainable transport modes, and – which includes an assessment of the impacts of traffic and parking in the Precinct including the ongoing functionality of laneway/s, where applicable.	**Officer recommended change:** Clarification of intent. Added bike lanes.
DDO41-DDO50	6.0 Decision Guidelines	The impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bike lanes.	**Officer recommended change:** Clarification of intent. Added bike lanes.

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DDO number	DDO Requirement	Change recommended by Standing Advisory Committee	Officer Response
DDO41 - DDO44	6.0 Decision Guidelines	~~The profile and impact of development along Palmer Street when viewed from the north side of Palmer Street and the south side of Bridge Road.~~	**Officer Recommendation: Support** The decision guideline applies to DDOs where Palmer Street is not located. Officers support the change as it improves the operation of the decision guidelines. The change is consistent with Council's preferred version of the Amendment adopted on 21 December 2021.
DDO41 - DDO50	Various locations	Update references to figures numbers and plan numbers.	**Officer Recommendation: Support** Numerous changes have been made to update references to plan and figure numbers throughout DDO41-DDO50. These are necessary to implement updates to the DDOs which include the inclusion of Interface J and other mapping changes.
DDO41 - DDO44 & DDO48 - DDO50	Interface to residential properties in NRZ or GRZ requirements	Table 3 – Residential interfaces Residential Interface / Preferred requirement Interface H: Heights and setbacks shown in Figure 1 of this schedule. Interface J: Heights and setbacks shown in Figure 2 of this schedule.	**Officer Recommendation: Support** The change is consistent with Council's preferred version of the Amendment adopted on 21 December 2021. This is a drafting change to the DDOs to reflect the new Interface J. This change is necessary to improve navigation of the DDOs.
DDO41, DDO42 & DDO43	Plan 1 – Building heights and interfaces & Plan 2 – Landmarks	Update Plan 1 or 2 (as applicable) to the correct location of correct location and associated view cone of St Ignatius Church.	Refer to Table 1: Recommendation 8 for a response to this change.
DDO41, DDO42, DDO43 and DDO50	Plan 1 – Building heights and interfaces & Plan 2 – Landmarks	Update Plan 1 or 2 (as applicable) to accurately map landmarks and associated view cones.	Refer to Table 1: Recommendation 9 for a response to this change.
DDO41	Definitions	Building Height has the same meaning as defined in the definitions at clause 73.01 except in relation to Numbers	Refer to Table 1: Recommendation 7 (a) for a response to this change.

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DDO number	DDO Requirement	Change recommended by Standing Advisory Committee	Officer Response
		2-70 Bridge Road, Richmond (even numbers - between Punt Road and Rotherwood Street) where building height is measured for the purposes of this control as the vertical distance from natural ground at the centre of the Bridge Road frontage of the site to the roof or parapet at that point.	
DDO41	Overshadowing Requirement	**Table 2 - Overshadowing** **Location** / **Hours and dates** Any part of the opposite footpath of Lennox Street and Church Street, measured from the property boundary to the existing kerb (including any opposite kerb outstands, seating and/or planting) — 10am to 2pm at 22 September Alexander Reserve — 10am to 2pm at 22 September	**Officer Recommendation: Support** The change is consistent with Council's preferred version of the Amendment adopted on 21 December 2021. This is a drafting change to the DDO to aid in readability.
DDO41	Plan 1 – Building heights and interfaces	Update Plan to apply a 21m height mandatory height to the rear of 146-148 Bridge Road.	Refer to Table 1: Recommendation 7(b) for a response to this change.
DDO41	Plan 1 – Building heights and interfaces	Update Plan 1 to improve mapping of Interface J near 242 Bridge Road.	Refer to Table 1: Recommendation 7(c) for a response to this change.
DDO43	Plan 1 – Building heights and interfaces	Update Plan 1 to show 21m discretionary height applying to the rear of 393-395 Bridge Road.	Refer to Table 1: Recommendation 10 for a response to this change.
DDO43	Plan 1 – Building	Update Plan 1 to show Church Street as a 'Green Street'.	**Officer recommended change:**

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DDO number	DDO Requirement	Change recommended by Standing Advisory Committee	Officer Response
	heights and interfaces		Corrects an error. Church Street is shown as a 'Green Street' in DDO41, DDO42, DDO49 and DDO50 and in the Interim Built Form Review. However, the annotation was omitted on Plan 1 in DDO43.
DDO44	Interface to residential properties in NRZ or GRZ requirements	Development at 198-242 Burnley Street should provide a 3 metres landscape setback to the southern boundary to 244 Burnley Street and a 1.3 metre landscape setback to the western boundary to 2 Stratford Street and 53-57 Neptune Street.	Refer to Table 1: Recommendation 11 (a) for a response to this change.
DDO44	Interface to residential properties in NRZ or GRZ requirements	Development at 566 Bridge Road should provide an ~~6m~~ 8m landscape setback to the eastern boundary with the Racecourse Heritage Precinct and 6m to the southern boundary to 65 Stawell Street.	**Officer Recommendation: Do not support** Officers do not support the 6m landscape setback (as exhibited) on the eastern boundary of the Officeworks site as recommended by the Committee. Instead, officers recommend the retention of the 8m landscape setback to this boundary as adopted by Council on 21 December 2021 in response to submissions. The 8m setback is necessary to ensure the protection of sunlight to the properties to the east. The change ensures shadows would not extend beyond a shadow caused by a 1.8m fence at the Equinox.
DDO44	Plan 2 - Access and Movement	Include in the Legend to Plan 2: 'Burnley Street access may be considered depending on size of car park and discussions with the Department of Transport'	Refer to Table 1: Recommendation 11(b) for a response to this change.
DDO44	Plan 2 - Access and Movement	In Plan2, remove the potential pedestrian link from 566 Bridge Road, Richmond.	Refer to Table 1: Recommendation 11(d) for a response to this change.
DDO44	Decision Guidelines	~~The impact of the development on view lines to the Pelaco sign; the Richmond Town Hall; and the belfry and spire of the Ignatius' Cathedral.~~	**Officer Recommendation: Support** The change deletes viewlines to landmarks that are not applicable to DDO49. Officers support the change as it improves the operation of the decision guidelines. Consistent with Council's preferred version of the Amendment adopted on 21 December 2021.
DDO44	Decision Guidelines	The impact of vehicular access arrangements on the operation of the tram routes along Bridge Road. ~~and Church Street~~.	**Officer Recommendation: Support** DDO44 does not apply to Church Street. Officers support the removal of the reference to Church Street.
DDO45	Plan 1 – Building	Update Plan 1 to show Gardner Street as a 'Green Street'.	**Officer recommended change:**

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DDO number	DDO Requirement	Change recommended by Standing Advisory Committee	Officer Response
	heights and interfaces		Corrects an error. Gardner Street is shown as a 'Green Street' in DDO43, and in the Interim Built Form Review. However, the annotation was omitted on Plan 1 in DDO45.
DDO46	Table 1 - Street Wall Heights and Setbacks	In Interface I – Minimum side/rear wall setback – Preferred requirement: ~~1-11 Hoddle Street -~~ 2m setback on eastern boundary as shown on Plan 1.	**Officer Recommendation: Support** Officers support the drafting change to DDO46 as its minor in nature and reduces text within the DDO.
DDO46	Table 1 - Street Wall Heights and Setbacks	In Interface I – Minimum upper level setback – Preferred requirement: For properties which abut Little Hoddle Street - 6.5m from the property boundary An additional 3m setback at the uppermost level for development over 30m on the western side of Little Hoddle Street For other properties - 4.5m from the centreline of the laneway	Refer to Table 1: Recommendation 12(a) for a response to this change.
DDO46	Decision Guidelines	The prominence of the heritage street wall in the vistas along Victoria Street, ~~Church Street~~ and local streets.	**Officer Recommendation: Support** DDO46 does not apply to Church Street. Officers support the removal of the reference to Church Street.
DDO47	Overshadowing Requirement	Table 2 – Overshadowing Location: Any part of the opposite footpath of Shelley Street, Charles Street, Nicholson Street and Church Street, measured from the property boundary to the existing kerb (including any opposite kerb Hours and dates: 10am to 2pm at 22 September	**Officer Recommendation: Support** The change is consistent with Council's preferred version of the Amendment adopted on 21 December 2021. This is a drafting change to the DDO to improve readability.

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DDO number	DDO Requirement	Change recommended by Standing Advisory Committee	Officer Response
		outstands, seating and/or planting). Butler Street Park. 10am to 2pm at 22 September	
DDO47	Plan 1 – Building heights and interfaces	Updated Plan to correct location of Interface H for properties at the northern end of Little Charles Street.	**Officer recommended change:** Makes a mapping correction. Interface H was on an angle and did not follow the property boundary. This has been corrected.
DDO47	Decision Guidelines	The prominence of the heritage street wall in the vistas along Victoria Street, ~~Church Street~~ and local streets.	**Officer Recommendation: Support** DDO47 does not apply to Church Street. Officers support the removal of the reference to Church Street.
DDO47	Decision Guidelines	~~The impact of the development on view lines to the Richmond Town Hall and Skipping Girl sign.~~	**Officer Recommendation: Support** The change deletes viewlines to landmarks that are not applicable to DDO47. Officers support the change as it improves the operation of the decision guidelines.
DDO48	Interface to residential properties	**Interface to residential properties ~~in NRZ or GRZ requirements~~** Development should protect the amenity of existing residential properties in the Neighbourhood Residential or General Residential Zones in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access. Development in the Commercial 2 Zone should be setback from side and rear boundaries to ensure adequate daylight and minimise direct views to habitable rooms and private open space of dwellings in the Mixed Use Zone.	**Officer Recommendation: Support** The change is consistent with Council's preferred version of the Amendment adopted on 21 December 2021. Following the exhibition of Amendment C291yara, submissions raised concern regarding the amendment would cause overshadowing and amenity issues. In response to submissions, Council proposed to insert additional requirements to ensure considerations apply to the Commercial 2 Zone as the requirements for this zone to consider amenity are not the same as the Commercial 1 Zone. In the Commercial 2 Zone, there is a focus on the impacts of warehouse and industry uses. The Committee has supported this insertion in their Appendix F version of DDO48.
DDO48	Table 1 - Street Wall Heights and Setbacks	In Interface C – Minimum upper level setback – Preferred requirement: For properties along Elizabeth Street between Hoddle Street and Little Hoddle Street: 3m	Refer to Table 1: Recommendation 13 (c) for a response to this change.

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DDO number	DDO Requirement	Change recommended by Standing Advisory Committee	Officer Response
		Elsewhere – 6m	
DDO48	Table 1 - Street Wall Heights and Setbacks	In Interface D – Minimum upper level setback – Preferred requirement: For properties along Hoddle Street south of Elizabeth Street: 3m (except within 5 metres of a heritage property where an upper-level setback should be 6 metres) Elsewhere – 4.5m	Refer to Table 1: Recommendation 13 (b) for a response to this change.
DDO48	Table 1 - Street Wall Heights and Setbacks	In Interface I – Minimum side/rear wall setback – Preferred requirement: 2m minimum setback along Little Hoddle Street as shown in Plan 1 ~~to the eastern boundary of 15-25 Hoddle Street, 6-8 Elizabeth Street and 35-81 Hoddle Street and to the western boundary of 28-30 Regent Street, 31-33 Little Hoddle Street and 5 Elizabeth Street.~~	**Officer Recommendation: Support** Officers support the drafting change to DDO48 as its minor in nature and reduces text within the DDOs.
DDO48	Table 1 - Street Wall Heights and Setbacks	In Interface I – Minimum upper level setback – Preferred requirement: For properties which abut Little Hoddle Street - 6.5m from the property boundary An additional 3m setback at the uppermost level for development over 30m on the western side of Little Hoddle Street For other properties - 4.5m from the centreline of the laneway	Refer to Table 1: Recommendation 12(a) for a response to this change.
DDO48	Plan 1 – Height and Interface Plan	Amend Plan 1 to apply Interface C to 46 to 60 Regent Street.	Refer to Table 1: Recommendation 13 (d) for a response to this change.
DDO48	Plan 2 – Access and Movement	Amend Plan 2 to apply access not supported to the southern side of Elizabeth Street, between Hoddle and Regen Streets. Remove access preferred from the land zoned Transport Zone east of Regent Street.	**Officer Recommendation: Support** The Committee has supported these changes that were presented at the Hearing by Council's Traffic expert. This has been acknowledged in the Committee's Appendix F of the Report. Council's expert submitted:

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DDO number	DDO Requirement	Change recommended by Standing Advisory Committee	Officer Response
			These properties have alternative access via Little Hoddle Street (proposed to operate as a 'shared zone') and/or Regent Street or in the case of the Transport Zone unlikely to have any vehicle access. The car wash site on the corner of Hoddle Street and Elizabeth Street is significantly constrained by the PAO (as shown below) and direct access for any redevelopment is unlikely to be supported by the relevant road authority. This site is also constrained by the intersection configuration on the east approach (see aerial below) to the extent that access should be desirably reduced with any significant redevelopment. It is therefore inappropriate to depict this frontage as 'access preferred'.
DDO48	Plan 2 – Access and Movement	Correct Plan 2 to terminate the southern end of Little Hoddle Street at the property boundary of 67-81 Hoddle Street and 84 Regent Street.	Refer to Table 1: Recommendation 13(e) for a response to this change.
DDO49	Decision Guidelines	The impact of the development on view lines to the St Ignatius Church ~~and Skipping Girl sign.~~	**Officer Recommendation: Support** The change deletes a viewline to a landmark that is not applicable to DDO49. Officers support the change as it improves the operation of the decision guidelines.
DDO50	Decision Guidelines	The impact of the development on view lines to the ~~St Ignatius Church and~~ Skipping Girl sign	**Officer Recommendation: Support** The change deletes a viewline to a landmark that is not applicable to DDO50. Officers support the change as it improves the operation of the decision guidelines.

SCHEDULE 41 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

__/__/__
Draft
C291yara

Shown on the planning scheme map as DDO41.

BRIDGE ROAD ACTIVITY CENTRE – PRECINCT 1 BRIDGE ROAD WEST

1.0 Design objectives

To support mid-rise development that maintains the visual prominence of the highly intact heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscape.

To support high quality taller development on the north side of Bridge Road between Lennox Street and Church Street which transitions to the adjacent low-rise residential neighbourhoods.

To ensure development retains view lines to the Pelaco Sign, the Richmond Town Hall Clocktower and the spire and belfry of St Ignatius Church.

To ensure development enhances the pedestrian experience through street activation and passive surveillance, the creation of new through-block links and protecting sunlight access to the southern side of Bridge Road, Church Street, Lennox Street and Alexander Reserve.

To ensure development responds to sensitive interfaces by providing a suitable transition to low scale residential areas and minimising amenity impacts on residential properties including overlooking, overshadowing and visual bulk impacts.

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 and MUZ, 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

Building Height has the same meaning as defined in the definitions at clause 73.01 except in relation to Numbers 2-70 Bridge Road, Richmond (even numbers - between Punt Road and Rotherwood Street) where building height is measured for the purposes of this control as the vertical distance from natural ground at the centre of the Bridge Road frontage of the site to the roof or parapet at that point.

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.

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

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

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

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

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 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.

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 Table 1 and the Height and Interface Plans 1 ~~and 2~~ of this schedule.
- reduces the mandatory minimum street wall height and upper level setback requirements shown in Table 1 and the Height and Interface Plans 1 ~~and 2~~ of this schedule.

Building heights 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 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; and
  - ~~provision of end-of-trip facilities, including secure bicycle parking, locker and shower facilities and change rooms.~~
- where the proposal includes dwellings, it also achieves each of the following:
  - ~~housing for diverse households types;~~
  - ~~accessibility provision that achieves the standards in Clauses 55.07 and 58.05 (as relevant);~~
  - communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and
  - secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.

Architectural features may exceed the preferred or mandatory 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 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 /structures (other than solar panels and green roofs);

- The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm ~~etc~~; and
- The equipment/structures does not extend higher than 2.6 metres above the maximum building height.

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

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 Wall Requirements

Development should achieve a continuous street wall along Bridge Road with no front setback to a street, unless the subject site contains a heritage building with an existing front setback or a street setback is specified.

In locations outside of Bridge Road where heritage is not a constraint, development should consider providing:

- ground level setbacks (and above) to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level and above setbacks are strongly encouraged where they have been provided by nearby or neighbouring developments to achieve a consistent approach along a street frontage.
- a corner splay at minimum of 1 x 1 metre along the site's corner boundaries.

Infill development adjoining a heritage building should match the parapet height of the adjoining building for a minimum of 6 metres in length.

On corner sites where two different street wall heights are nominated, development should 'turn the corner' and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

Upper Level Requirements

Development should:

- Incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- Be set back from the street wall 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.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.

Upper level development for a development 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.

- retain the visual prominence of prominent corner buildings and local landmark, the Former Napier Hotel at 2 Bridge Road.
- avoid unarticulated façades that give a bulky appearance, especially from oblique views.
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Development adjoining a heritage building should match the upper level setback of the heritage building for a minimum of 6 metres in length.

Upper level development above rows of identical or similar heritage buildings (such as terrace shops/residences) should be consistent in form, massing and façade treatment with any existing upper-level development above the same row of buildings.

For heritage buildings, upper level setbacks behind the street wall should be provided in excess of the minimum upper level setback 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;
- a lesser setback would not ~~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.

Table 1 - Street Wall Heights and Setbacks - Precinct 1 Bridge Road West

Built form	Mandatory requirement	Preferred requirement
Interface A		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8m minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	38-44 Bridge Road - 10-m Elsewhere - 6m	For buildings >15m, the uppermost level should be set back 9m minimum
Interface B		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	None specified	13m
Interface C		
Maximum and minimum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings. Match the parapet height of the adjoining heritage building, for a

Built form	Mandatory requirement	Preferred requirement
		minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings. Elsewhere - 0m
Minimum upper level setback	None specified	6m
Interface E		
Maximum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum for other buildings
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings.
Minimum upper level setback	72 Bridge Road on western boundary – 6m	6m for heritage 3m for other buildings
Interface F		
Maximum street wall height	None specified	8m
Maximum and minimum street wall setback	None specified	None specified
Minimum upper level setback	None specified	4.5m
Interface I		
Maximum side/rear wall height	None specified	11m
Minimum side/rear wall setback	None specified	None specified
Minimum upper level setback	None specified	4.5m from the centreline of the laneway

Building separation requirements

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

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

- For building of less than or equal to 21 metres in height, upper level development should be set back a minimum of:
  - 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site.
  - 3.0 metres from the common boundary, where a commercial or non-habitable window facing the common boundary is proposed on the subject site.
- For buildings greater than 21 metres in height, any development above the street wall or 15 metres in height (whichever is greater) facing the common boundary should be set back a minimum of 4.5 metres from that boundary.

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:

- 9 metres from each other, where a habitable window or balcony is proposed; and
- 6 metres from each other where a commercial or non-habitable window is proposed.

Overshadowing requirements

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

- any part of the southern footpath of Bridge Road, 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 any additional overshadowing overshadow any of the following spaces between 10am and 2pm at 22nd September, unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:~~

- ~~any part of the opposite footpath of Lennox Street and Church Street, measured from the property boundary to the existing kerb (including any opposite kerb outstands, seating and/or planting).~~

A permit should not be granted to construct a building or construct or carry out works that would cause any additional overshadowing of the ~~following~~ space~~s~~ in Table 2, ~~between 10am and 2pm at 22nd September,~~ unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority.~~:~~

~~Alexander Reserve.~~

Table 2 - Overshadowing

Location	Hours and dates
Any part of the opposite footpath of Lennox Street and Church Street, measured from the property boundary to the existing kerb (including any opposite kerb outstands, seating and/or planting)	10am to 2pm at 22 September
Alexander Reserve	10am to 2pm at 22 September

Interface to residential properties in NRZ or GRZ requirements

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

Development with an interface to a property in the Neighbourhood Residential Zone or General Residential Zone (shown as Interface H or Interface J on Plan 1) should not exceed the maximum heights and setbacks ~~in Figure 1 of this schedule~~set out in Table 3.

Table 3 – Residential interfaces

Residential Interface	Preferred requirement
Interface H	Heights and setbacks shown in Figure 1 of this schedule.
Interface J	Heights and setbacks shown in Figure 2 of this schedule.

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 identified architectural elements of the following landmarks (as shown on Plan ~~1~~ 2 and listed below):

- the Pelaco sign when viewed from:
  - Tram Stop 13 on Wellington Street immediately west of Simpson Street (View 1);
  - the footpath on the north west corner of Wellington Parade and Hoddle Street (View 2); and
  - south-west corner of intersection of Church Street and Hodgson Terrace (View 3).
- the tower belfry and spire of St Ignatius Cathedral when viewed from:
  - the tram stop at the intersection of Victoria Street and Church Street (View 1); and
  - the north east corner of the Bridge Road and Church Street intersection (View 2).
- the cornice and iron balustrade, clock stage, pyramidal roof and flag pole of the Richmond Town Hall when viewed from:
  - south-west corner of Lennox Street and Bridge Road intersection (View 1).

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

Design Quality Requirements

Development should achieve urban design and architectural excellence.

Development in the Commercial 1 Zone and/or Mixed Use Zone 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.

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

Development should:

- Incorporate vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
- Be expressed 'in the round' and provide detail on all façades.

Development should avoid blank walls visible ~~permanently or temporarily~~ from the public realm. Where a solid external wall is unavoidable, walls should be detailed and include articulation to provide for visual interest.

New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.

Development should ensure any walls visible from the public realm are designed to provide visual interest to passing pedestrians through colour, texture or finishes.

Development should ensure taller buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight and views to the sky above the street wall.

Development should break up buildings with a wide street frontage into smaller vertical sections or separate elements to provide breaks and modulation in the street facade.

Development should provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.

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

Development with a frontage to a 'Green Street – key pedestrian/cycle route' identified on Plan 1 should contribute to urban greening by introducing trees, ground cover, vertical and rooftop vegetation.

Vehicular access requirements

Development should not provide vehicle access from Bridge Road.

Development should provide vehicular access from rear lanes or from side streets, where appropriate. ~~in the preferred locations on Plan 2 of this schedule – Access and Movement Plan.~~

Where access is provided to an arterial road, access ~~should~~ would be subject to Department of Transport approval and should be limited to left-in/left-out.

Development with redundant vehicle access points must reinstate the kerb, line mark 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.

Development indicated in Plan ~~2~~ 3 as requiring a setback 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 in the laneway should provide a minimum width between walls of 6.1m (including the existing laneway). Between ground level and first floor, a headroom clearance of 3.5 metres minimum should be achieved.

In locations where potential one way streets are indicated on Plan ~~2~~ 3 but have not been implemented, development should consider ground floor setbacks or provision of passing areas within sections of the lane allow for building services and car park access.

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 or any alternative splay that facilitates movement by the B99 design vehicle, to the satisfaction of the Responsible Authority.

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

Development should enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.

Pedestrian and Bicycle Access Requirements

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone and avoid primary access from laneways. Where pedestrian access can only be provided from a laneway, the pedestrian entrance should be setback from the rear laneway or include a pedestrian refuge or landing and be well lit to enable safe access.

Development should facilitate the creation of a shared zone where properties abut a potential future shared zone as shown on Plan ~~2~~3.

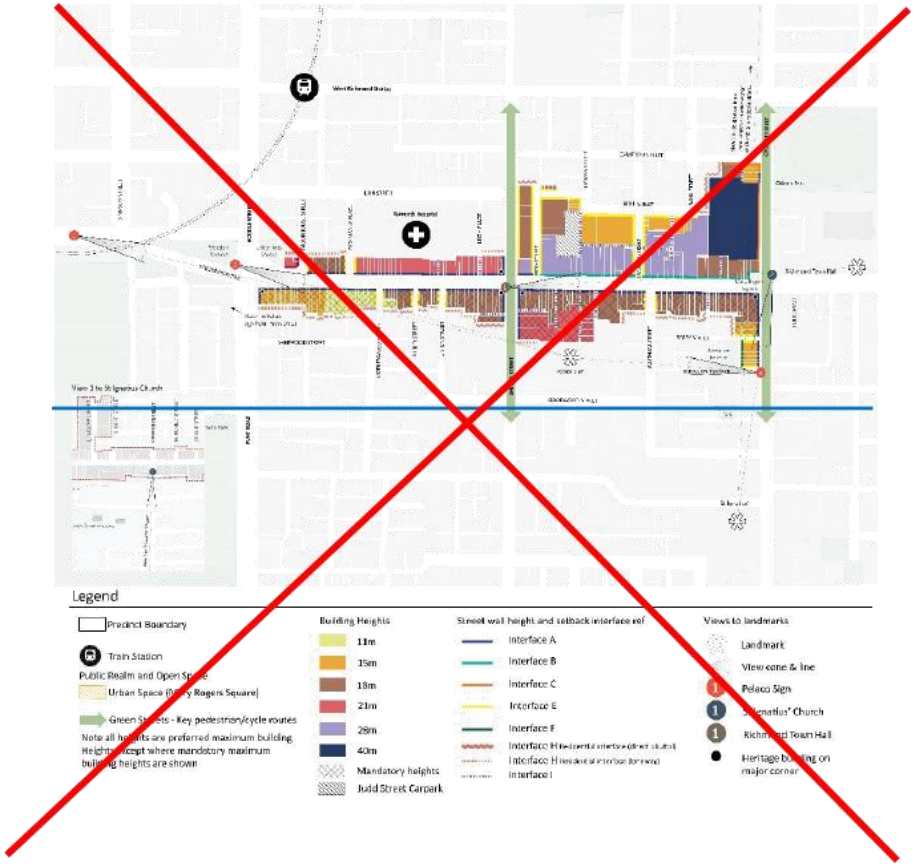
Development should consider creating ground level publicly accessible pedestrian connections or linkages as shown on Plan ~~2~~3.

Pedestrian entrances should be clearly visible, secure and have an identifiable sense of address.

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

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

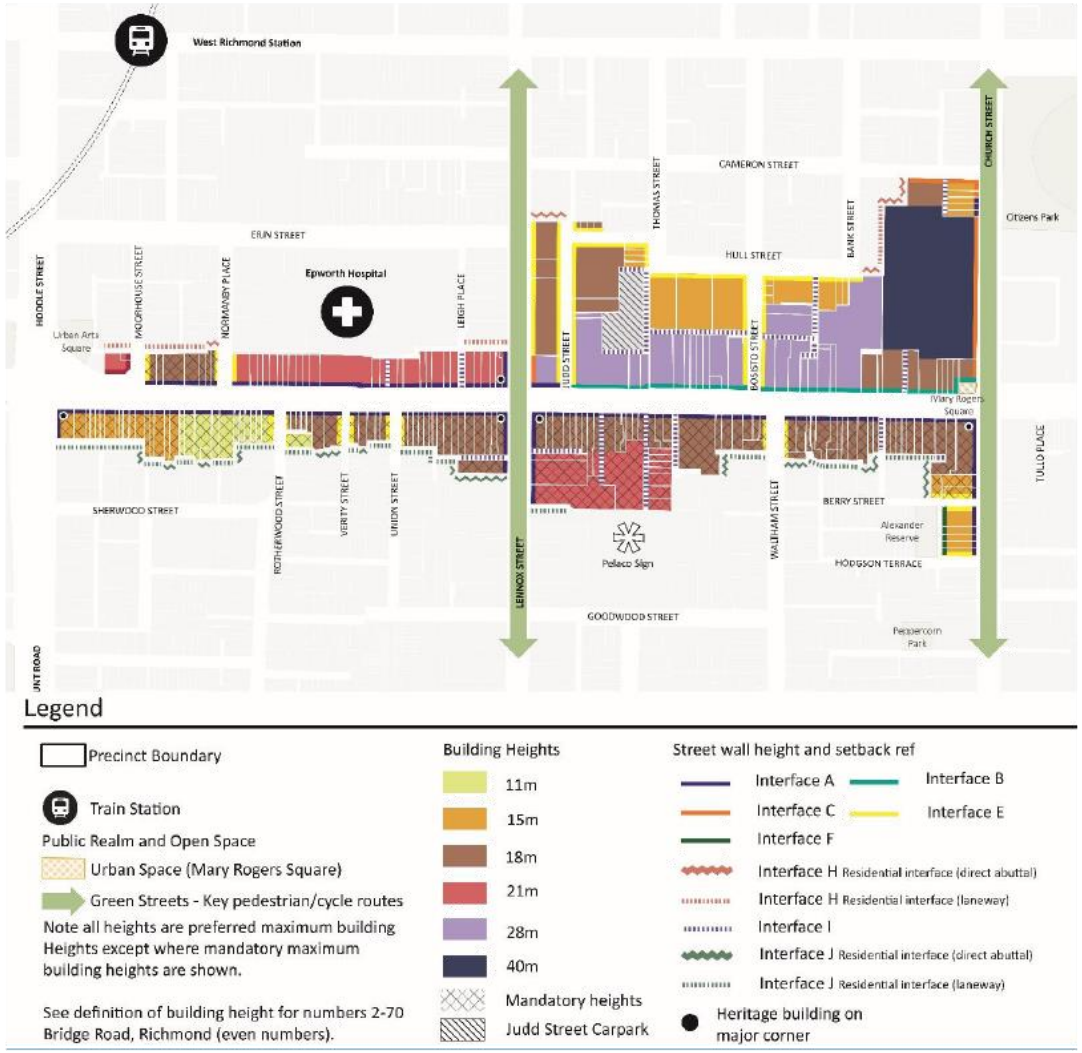
Plan 1: Height and Interface Plan – Precinct 1 Bridge Road West



Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

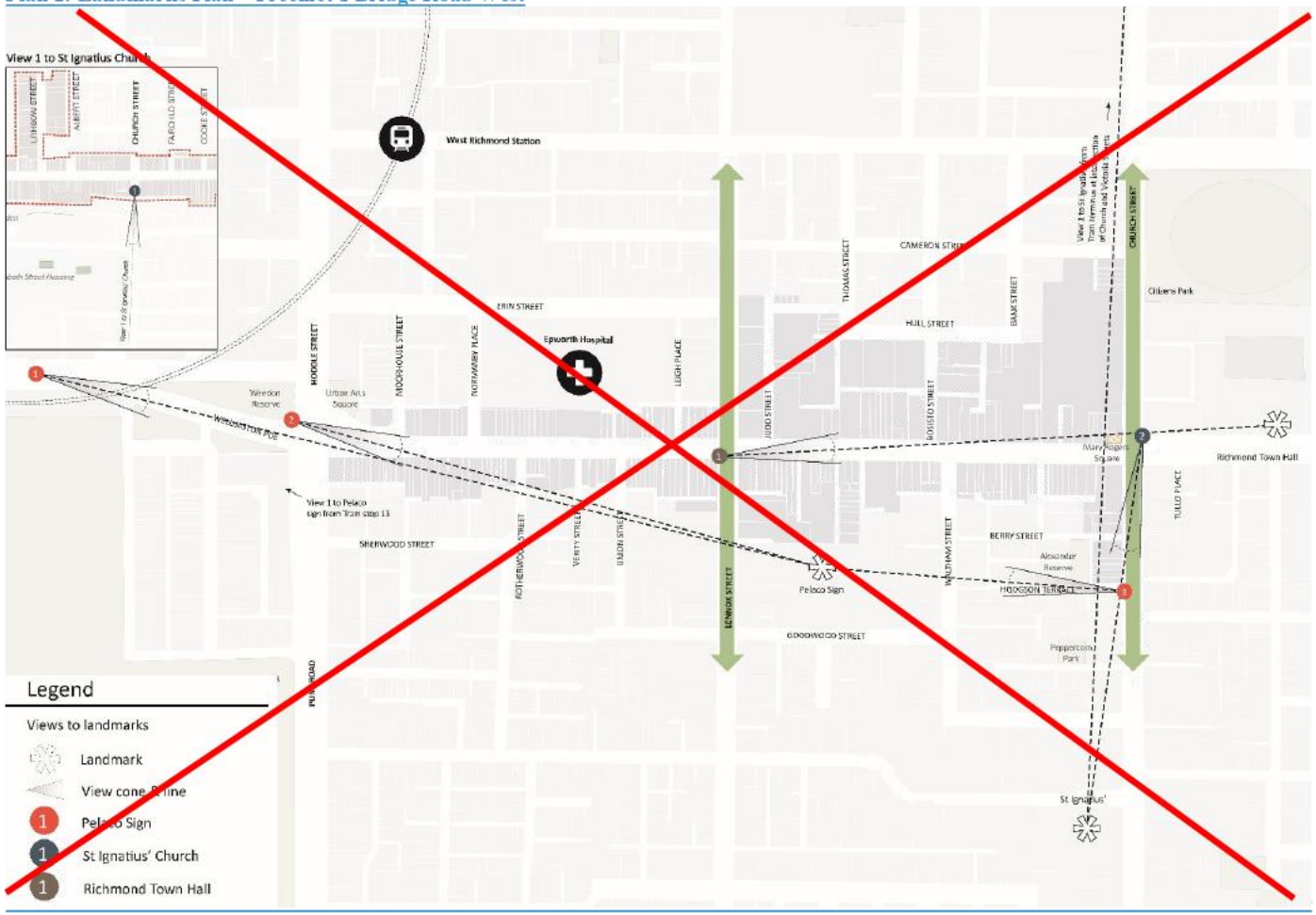


DESIGN AND DEVELOPMENT OVERLAY – SCHEDULE 41

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

Plan 2: Landmarks Plan – Precinct 1 Bridge Road West

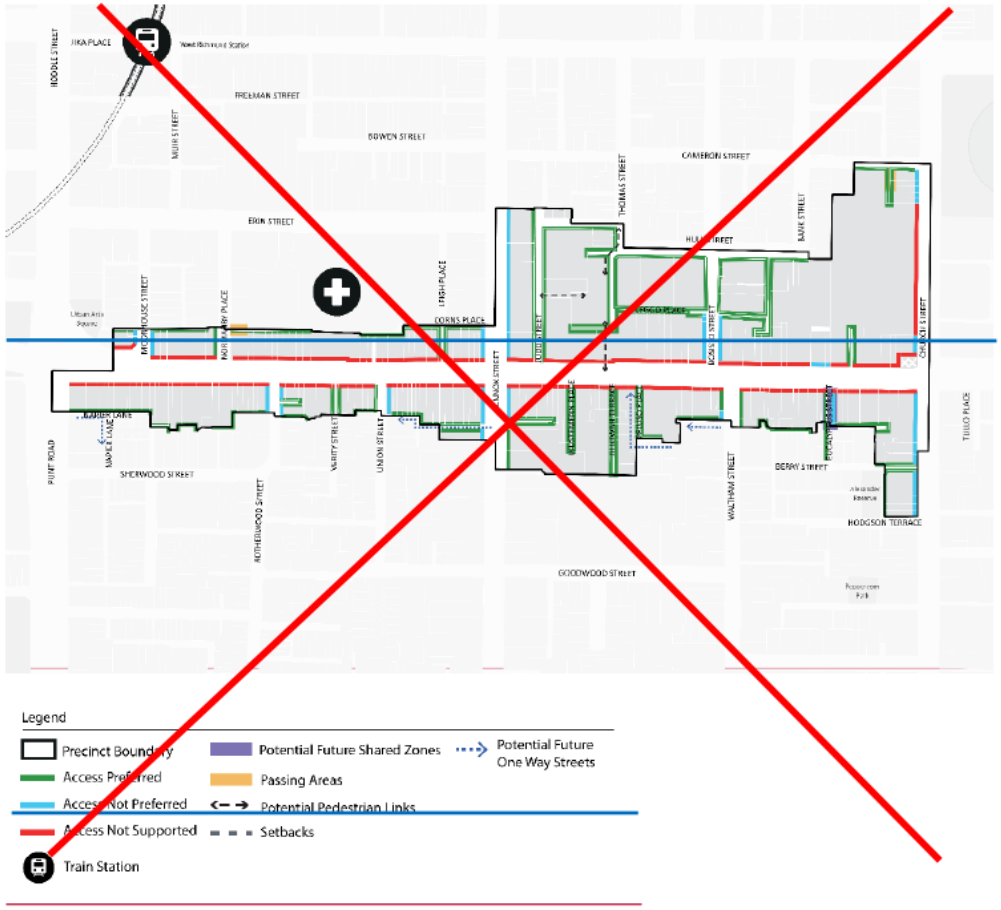


Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

DESIGN AND DEVELOPMENT OVERLAY – SCHEDULE 41

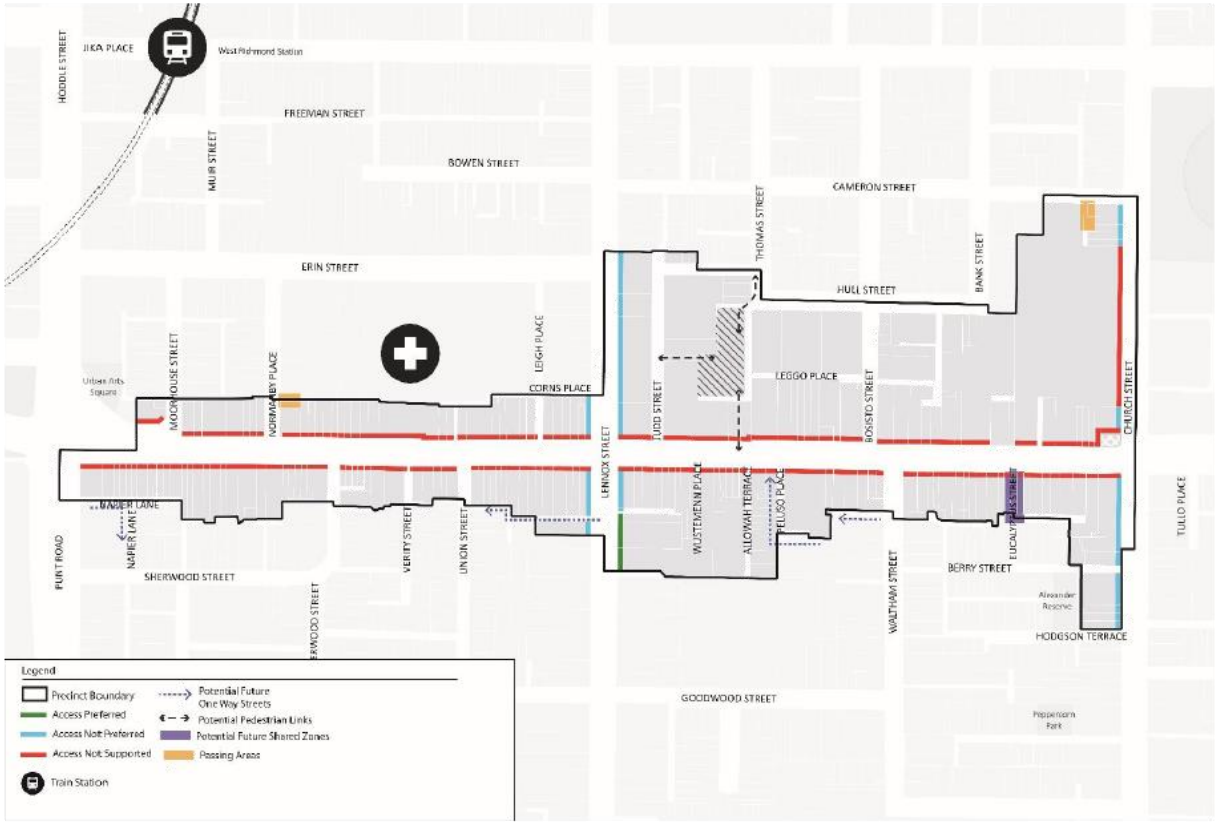
Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

Plan 23: Access and Movement Plan – Precinct 1 Bridge Road West



Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION



3.0 Subdivision

None specified.

4.0 ~~Advertising s~~Signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and 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 15 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.
- 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 and bike lanes),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the impacts of traffic and parking in the Precinct including 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 design excellence is achieved (including but not limited to building siting, scale, massing, articulation and materials).
- The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- Whether the overshadowing impacts of the development on opposite footpaths and public spaces are minimised.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Bridge Road and from local streets.
- The prominence of the heritage street wall in the vistas along Bridge Road, Church 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 the development on view lines to the Pelaco sign; the Richmond Town Hall; and the belfry and spire of the Ignatius' Cathedral.
- The design response at the interface with existing, low scale residential properties.
- If roof decks are proposed above the street wall, whether they are set back and are recessive in appearance.
- ~~The profile and impact of development along Palmer Street when viewed from the north side of Palmer Street and the south side of Bridge Road.~~
- 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.
- The impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bike lanes.
- The impact of vehicular access arrangements on the operation of the tram routes along Bridge Road and Church Street.

~~Reference documents~~

~~*Bridge Road & Victoria Street Activity Centres - Review of Interim Built Form Controls - Analysis and Recommendations* (MGS Architects and Urban Circus, April 2021)~~

~~*Built Form Review: Bridge Road – Heritage Analysis and Recommendations* (GJM Heritage, April 2021)~~

~~*Traffic Engineering Assessment, Victoria Street and Bridge Road Activity Centres, Richmond* (Traffix Group, April 2021)~~

Figure 1 to Schedule 41 – Interface H - to residential properties in NRZ or GRZ

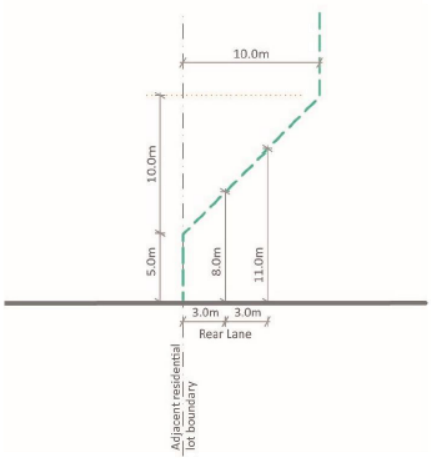
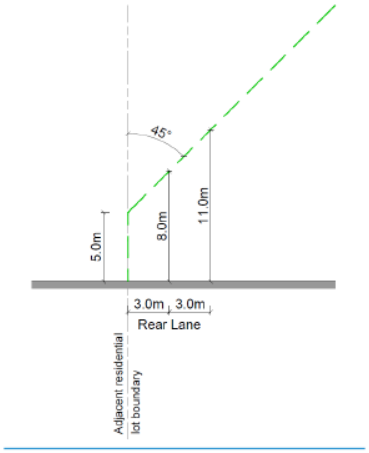


Figure 2 to Schedule 41 – Interface J - to residential properties in NRZ or GRZ



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SCHEDULE 42 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO42.

BRIDGE ROAD ACTIVITY CENTRE – PRECINCT 2 BRIDGE ROAD SOUTH

1.0 Design objectives

To support lower mid-rise development that maintains the visual prominence of the highly intact heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscape.

To ensure development retains view lines to the Richmond Town Hall Clocktower and the spire and belfry of the St Ignatius Church.

To retain the visual prominence of the return facades of corner heritage buildings and local landmarks.

To ensure development enhances the pedestrian experience through street activation and passive surveillance along Bridge Road and side streets and protects sunlight access to Church Street and Burnley Street.

To ensure development responds to sensitive interfaces by providing a suitable transition to low scale residential areas and minimising amenity impacts on residential properties including overlooking, overshadowing and visual bulk impacts.

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 and MUZ, 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

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.

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

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

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

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

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 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.

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

Building heights 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 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; 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.~~
- where the proposal includes dwellings, it also achieves each of the following:
  - ~~housing for diverse households types,; including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations;~~
  - ~~accessibility provision that achieves the standards in Clauses 55.07 and 58.05 (as relevant);~~
  - communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and/or
  - secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.

Architectural features may exceed the preferred or mandatory 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 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 /structures (other than solar panels and green roofs);
- The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm ~~etc~~; and
- The equipment/structures does not extend higher than 2.6 metres above the maximum building height.

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

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 Wall Requirements

Development should achieve a continuous street wall along Bridge Road with no front setback to a street, unless the subject site contains a heritage building with an existing front setback or a street setback is specified.

In locations outside of Bridge Road where heritage is not a constraint, development should consider providing:

- ground level setbacks (and above) to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level and above setbacks are strongly encouraged where they have been provided by nearby or neighbouring developments to achieve a consistent approach along a street frontage.
- a corner splay at minimum of 1 x 1 metre along the site's corner boundaries.

Infill development adjoining a heritage building should match the parapet height of the adjoining building for a minimum of 6 metres in length.

On corner sites where two different street wall heights are nominated, development should 'turn the corner' and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

Upper Level Requirements

Development should:

- Incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- Be set back from the street wall 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.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.

Upper level development for a development 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.
- retain the visual prominence of prominent corner buildings and local landmarks - The Vine Hotel, 254 Bridge Road and the Spread Eagle Hotel, 372 Bridge Road.
- avoid unarticulated façades that give a bulky appearance, especially from oblique views.
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Development adjoining a heritage building should match the upper level setback of the heritage building for a minimum of 6 metres in length.

Upper level development above rows of identical or similar heritage buildings (such as terrace shops/residences) should be consistent in form, massing and façade treatment with any existing upper-level development above the same row of buildings.

For heritage buildings, upper level setbacks behind the street wall should be provided in excess of the minimum upper level setback 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~~ a lesser setback would not 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.

Table 1 - Street Wall Heights and Setbacks for Precinct 2 Bridge Road South

Built form	Mandatory requirement	Preferred requirement
Interface A		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8m minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	6m minimum	For buildings >15m, the uppermost level should be set back 9m minimum
Interface C		
Maximum and minimum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings. Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings. Elsewhere - 0m
Minimum upper level setback	None specified	6m ~~minimum~~
Interface E		
Maximum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum for other buildings
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings. Elsewhere - 0m
Minimum upper level setback	None specified	6m minimum for heritage 3m minimum for other buildings

Built form	Mandatory requirement	Preferred requirement
Interface I		
Maximum side/rear wall height	None specified	11m
Minimum side/rear wall setback	None specified	None specified
Minimum upper level setback	None specified	4.5m from centreline of the laneway

Building separation requirements

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

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

- For building of less than or equal to 21 metres in height, upper level development should be set back a minimum of:
  - 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site.
  - 3.0 metres from the common boundary, where a commercial or non-habitable window facing the common boundary is proposed on the subject site.
- For buildings greater than 21 metres in height, any development above the street wall or 15 metres in height (whichever is greater) facing the common boundary should be set back a minimum of 4.5 metres from that boundary.

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:

- 9 metres from each other, where a habitable window or balcony is proposed; and
- 6 metres from each other where a commercial or non-habitable window is proposed.

Overshadowing requirements

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

- any part of the southern footpath of Bridge Road, 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 any of the following spaces between 10am and 2pm at 22nd September, unless the additional overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:

- any part of the opposite footpath of Church Street, Gleadell Street, Griffiths Street, Gardner Street, Coppin Street (north of Bridge Road) and Burnley Street measured from the property boundary to the existing kerb (including any opposite kerb outstands, seating and/or planting).

Interface to residential properties in NRZ or GRZ requirements

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

Development with an interface to a property in the Neighbourhood Residential Zone or General Residential Zone (shown as Interface ~~H~~ J on Plan 1) should not exceed the maximum heights and setbacks set out in Table 3 ~~in Figure 1 of this schedule~~.

Table 3 – Residential interfaces

Residential Interface	Preferred requirement
~~Interface H~~	~~Heights and setbacks shown in Figure 1 of this schedule.~~
Interface J	Heights and setbacks shown in Figure 1 of this schedule.

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 identified architectural elements of the following landmarks (as shown on Plan 1 and listed below):

- the tower belfry and spire of St Ignatius Cathedral when viewed from:
  - the tram stop at the intersection of Victoria Street and Church Street (View 1);
  - the north east corner of the Bridge Road and Church Street intersection (View 2); and
  - Citizens Park at the entrance from Highett and Gleadell Street intersection (View 3).
- the cornice and iron balustrade, clock stage, pyramidal roof and flag pole of the Richmond Town Hall when viewed from:
  - south-east corner of Burnley Street and Bridge Road intersection (View 2).

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

Design Quality Requirements

Development should achieve urban design and architectural excellence.

Development in the Commercial 1 Zone and/or Mixed Use Zone 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.

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

Development should:

- Incorporate vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
- Be expressed 'in the round' and provide detail on all façades.

Development should avoid blank walls visible ~~permanently or temporarily~~ from the public realm.

Where a solid external wall is unavoidable, walls should be detailed and include articulation to provide ~~an interesting appearance~~ for visual interest.

New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.

Development should ensure any walls visible from the public realm are designed to provide visual interest to passing pedestrians through colour, texture or finishes.

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

Development should provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.

Development with a frontage to a 'Green Street – key pedestrian/cycle route' identified on Plan 1 should contribute to urban greening by introducing trees, ground cover, vertical and rooftop vegetation.

Vehicular access requirements

Development should not provide vehicle access from Bridge Road.

Development should provide vehicular access from rear lanes or from side streets, where appropriate. ~~in the preferred locations on Plan 2 of this schedule - Access and Movement Plan.~~

Where access is provided to an arterial road, access ~~should~~ would be subject to Department of Transport approval and should be limited to left-in/left-out.

Development with redundant vehicle access points must reinstate the kerb, line mark 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.

Development indicated in Plan 2~~3~~2 as requiring a setback 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 in the laneway should provide a minimum width between walls of 6.1m (including the existing laneway). Between ground level and first floor, a headroom clearance of 3.5 metres minimum should be achieved.

In locations where potential one way streets are indicated on Plan 2 but have not been implemented, development should consider ground floor setbacks or provision of passing areas within sections of the lane allow for building services and car park access.

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 or any alternative splay that facilitates movement by the B99 design vehicle, to the satisfaction of the Responsible Authority.

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

Development should enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.

Pedestrian and Bicycle Access Requirements

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone and avoid primary access from laneways. Where pedestrian access can only be provided from a laneway, the pedestrian entrance should be setback from the rear laneway or include a pedestrian refuge or landing and be well lit to enable safe access.

Development should facilitate the creation of a shared zone where properties abut a potential future shared zone as shown on Plan 2.

Pedestrian entrances should be clearly visible, secure and have an identifiable sense of address.

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

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

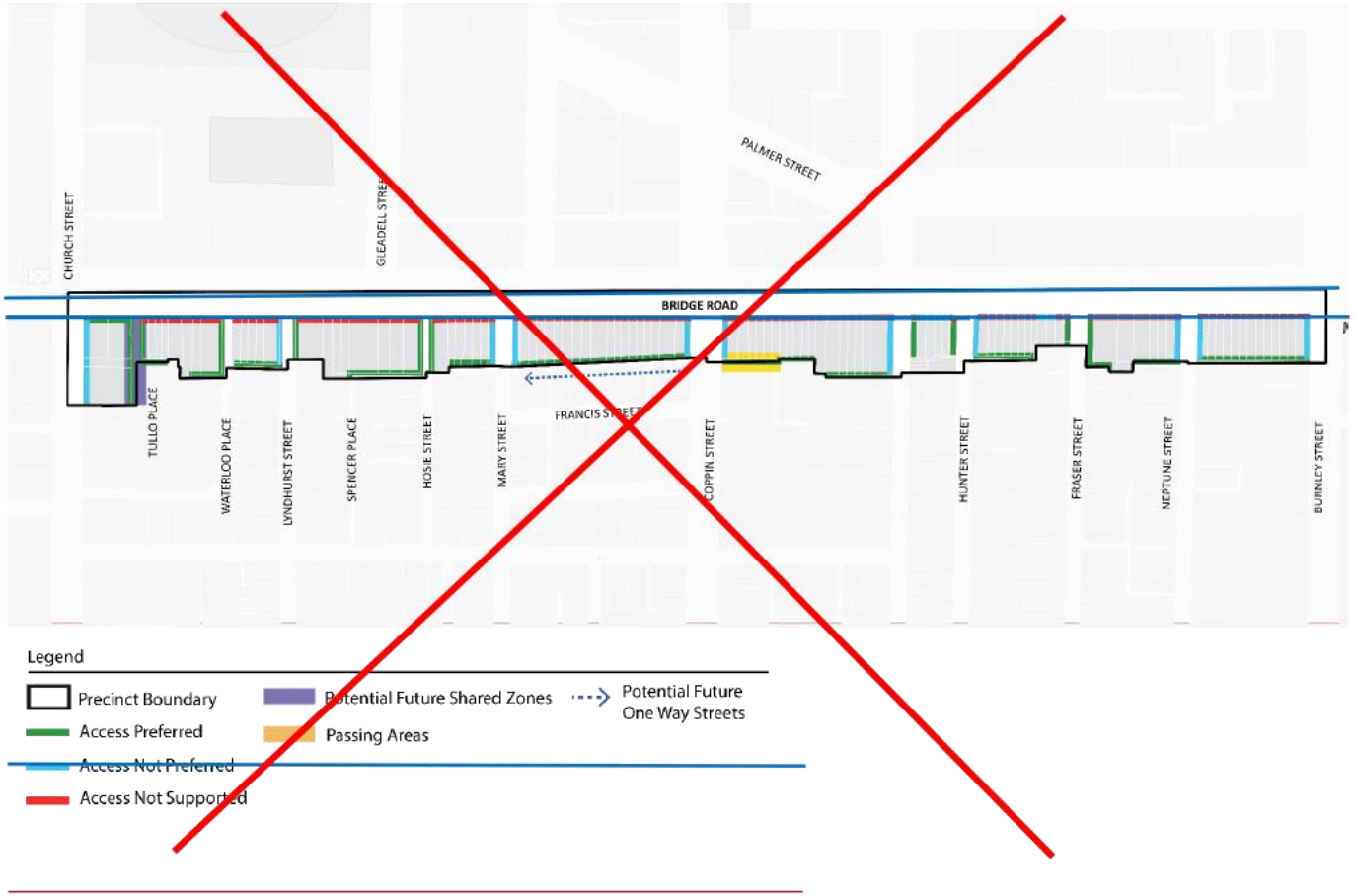
Plan 1: Height and Interface Plan – Precinct 2 Bridge Road South

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

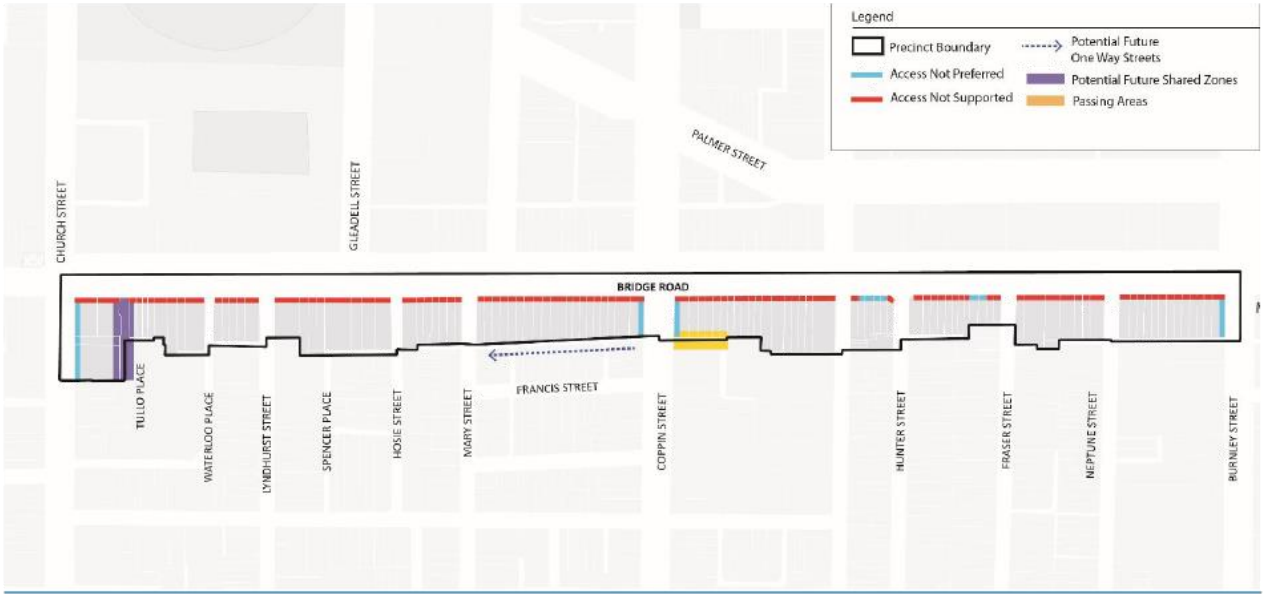
Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

Plan 2: Access and Movement Plan – Precinct 2 Bridge Road South



Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions



NOTE – Potential future shared zones and one way streets are subject to further assessment and consultation.

3.0 Subdivision

None specified.

4.0 ~~Advertising s~~Signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and 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 15 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.
- 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 and bike lanes),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the impacts of traffic and parking in the Precinct including 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 design excellence is achieved (including but not limited to building siting, scale, massing, articulation and materials).
- The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- Whether the overshadowing impacts of the development on opposite footpaths and public spaces are minimised.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Bridge Road and from local streets.
- The prominence of the heritage street wall in the vistas along Bridge Road, Church 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 the development on view lines to ~~the Pelaco sign;~~ the Richmond Town Hall; and the belfry and spire of the Ignatius' Cathedral.
- The design response at the interface with existing, low scale residential properties.
- If roof decks are proposed above the street wall, whether they are set back and are recessive in appearance.
- ~~The profile and impact of development along Palmer Street when viewed from the north side of Palmer Street and the south side of Bridge Road.~~
- 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.
- The impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bike lanes.
- The impact of vehicular access arrangements on the operation of the tram routes along Bridge Road and Church Street.

~~Reference documents~~

~~*Bridge Road & Victoria Street Activity Centres - Review of Interim Built Form Controls - Analysis and Recommendations* (MGS Architects and Urban Circus, April 2021)~~

~~*Built Form Review: Bridge Road – Heritage Analysis and Recommendations* (GJM Heritage, April 2021)~~

~~*Traffic Engineering Assessment, Victoria Street and Bridge Road Activity Centres, Richmond* (Traffix Group, April 2021)~~

~~Figure 1 to Schedule 42 – Interface H – to residential properties in NRZ or GRZ~~

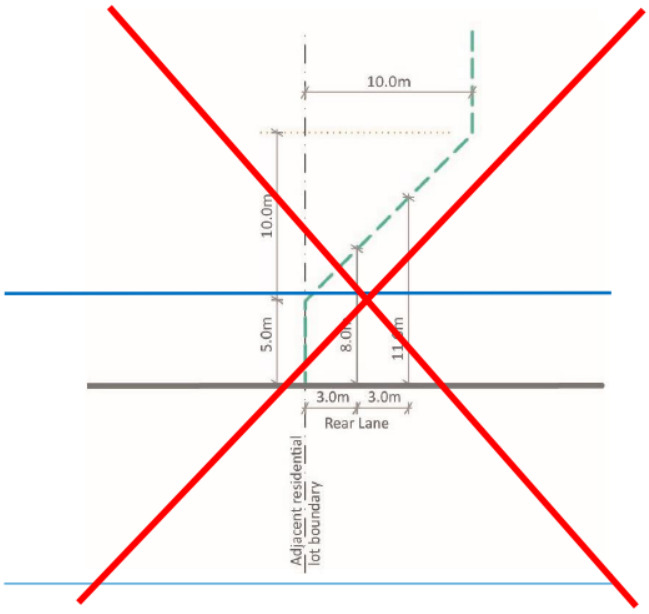
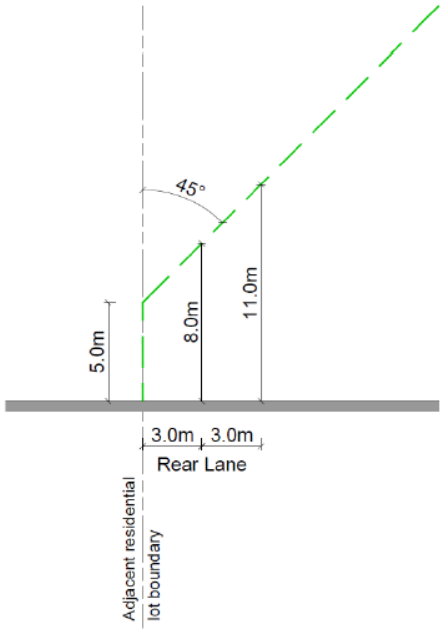


Figure 21 to Schedule 42 – Interface J – to residential properties in NRZ or GRZ



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SCHEDULE 43 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO43.

BRIDGE ROAD ACTIVITY CENTRE – PRECINCT 3 BRIDGE ROAD CENTRAL

1.0 Design objectives

To support lower mid-rise development that retains the visual prominence of heritage buildings, heritage streetscape, local landmarks and the visual separation and openness between the Richmond Town Hall and other heritage buildings.

To support high quality taller development on large sites behind Bridge Road which activate the street frontage and contribute to the public realm.

To ensure development retains view lines to the Richmond Town Hall Clocktower and the spire and belfry of St Ignatius Church.

To ensure development enhances the pedestrian experience through street activation and passive surveillance along Bridge Road and its side streets and protects sunlight access to Church Street, Gleadell Street, Griffiths Street, Coppin Street and the southern side of Bridge Road.

To ensure development responds to sensitive interfaces by providing a suitable transition to low scale residential areas and minimising amenity impacts on residential properties including overlooking, overshadowing and visual bulk impacts.

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 and MUZ, 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

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.

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

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

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

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

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 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.

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 Table 1 and the Height and Interface Plans 1~~A and 1B~~ 2 of this schedule.
- reduces the mandatory minimum street wall height and upper level setback requirements shown in Table 1 and the Height and Interface Plans 1~~A and 1B~~ 2 of this schedule.

Building heights 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 Plans 1~~A~~ and ~~1B~~ 2 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; 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.~~
- where the proposal includes dwellings, it also achieves each of the following:
  - ~~housing for diverse households types,; including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations;~~
  - ~~accessibility provision that achieves the standards in Clauses 55.07 and 58.05 (as relevant);~~
  - communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and/or
  - secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.

Architectural features may exceed the preferred or mandatory 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 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 /structures (other than solar panels and green roofs);
- The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm ~~etc~~; and
- The equipment/structures does not extend higher than 2.6 metres above the maximum building height.

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

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 Wall Requirements

Development should achieve a continuous street wall along Bridge Road with no front setback to a street, unless the subject site contains a heritage building with an existing front setback or a street setback is specified.

In locations outside of Bridge Road where heritage is not a constraint, development should consider providing:

- ground level setbacks (and above) to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level and above setbacks are strongly encouraged where they have been provided by nearby or neighbouring developments to achieve a consistent approach along a street frontage.
- a corner splay at minimum of 1 x 1 metre along the site's corner boundaries.

Infill development adjoining a heritage building should match the parapet height of the adjoining building for a minimum of 6 metres in length.

On corner sites where two different street wall heights are nominated, development should 'turn the corner' and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

Upper Level Requirements

Development should:

- Incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- Be set back from the street wall 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.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.

Upper level development for a development 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.
- retain the visual prominence of prominent corner buildings and local landmark, the Former Richmond Police Station, 319-323 Bridge Road.
- avoid unarticulated façades that give a bulky appearance, especially from oblique views.
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Development adjoining a heritage building should match the upper level setback of the heritage building for a minimum of 6 metres in length.

Upper level development above rows of identical or similar heritage buildings (such as terrace shops/residences) should be consistent in form, massing and façade treatment with any existing upper-level development above the same row of buildings.

For heritage buildings, upper level setbacks behind the street wall should be provided in excess of the minimum upper level setback 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;
- a lesser setback ~~it~~ would not 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.

Table 1 - Street Wall Heights and Setbacks - Precinct 3 Bridge Road Central

Built form	Mandatory requirement	Preferred requirement
Interface A		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8m minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	6m	For buildings >15m, the uppermost level should be set back 9m minimum
Interface B		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	None specified	13m ~~minimum~~
Interface C		
Maximum and minimum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings. Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and	None specified	Retain existing street wall setback for heritage buildings.

Built form	Mandatory requirement	Preferred requirement
minimum street wall setback		Elsewhere - 0m
Minimum upper level setback	None specified	6m minimum
Interface I		
Maximum side/rear wall height	None specified	11m
Minimum side/rear wall setback	None specified	17 Gleadell Street - 2m setback to the southern boundary Elsewhere - 0m
Minimum upper level setback	None specified	4.5m from the centreline of the laneway

Building separation requirements

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

Where development shares a common boundary and no interface treatment is shown in Plans 1~~A and 1B~~:

- For building of less than or equal to 21 metres in height, upper level development should be set back a minimum of:
  - 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site.
  - 3.0 metres from the common boundary, where a commercial or non-habitable window facing the common boundary is proposed on the subject site.
- For buildings greater than 21 metres in height, any development above the street wall or 15 metres in height (whichever is greater) facing the common boundary should be set back a minimum of 4.5 metres from that boundary.

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:

- 9 metres from each other, where a habitable window or balcony is proposed; and
- 6 metres from each other where a commercial or non-habitable window is proposed.

Overshadowing requirements

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

- any part of the southern footpath of Bridge Road, 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 any of the following spaces between 10am and 2pm at 22nd September, unless the additional overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:

- any part of the opposite footpath of Church Street, Gleadell Street, Griffiths Street, Gardner Street and Coppin Street (north of Bridge Road), measured from the property boundary to the existing kerb (including any opposite kerb outstands, seating and/or planting).

Interface to residential properties in NRZ or GRZ requirements

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

Development with an interface to a property in the Neighbourhood Residential Zone or General Residential Zone (shown as Interface H on Plan~~s~~ 1~~A and 1B~~) should not exceed the maximum heights and setbacks in Figure 1 of this schedule.

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 identified architectural elements of the following landmarks (as shown on Plan ~~1A and 1B~~2 and listed below):

- the tower belfry and spire of St Ignatius Cathedral when viewed from:
  - the tram stop at the intersection of Victoria Street and Church Street (View 1);
  - the north east corner of the Bridge Road and Church Street intersection (View 2); and
  - Citizens Park at the entrance from Highett and Gleadell Street intersection (View 3).
- the cornice and iron balustrade, clock stage, pyramidal roof and flag pole of the Richmond Town Hall when viewed from:
  - south-west corner of Lennox Street and Bridge Road intersection (View 1);
  - south-east corner of Burnley Street and Bridge Road intersection (View 2); and
  - Citizens Park at the at Highett Street / Church Street entry and the central entry from Highett Street (Views 3 and 4).

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

Design Quality Requirements

Development should achieve urban design and architectural excellence.

Development in the Commercial 1 Zone and/or Mixed Use Zone 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.

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

Development should:

- Incorporate vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
- Be expressed 'in the round' and provide detail on all façades.

Development should avoid blank walls visible ~~permanently or temporarily~~ from the public realm.

Where a solid external wall is unavoidable, walls should be detailed and include articulation to provide ~~an interesting appearance~~ for visual interest.

New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.

Development should ensure any walls visible from the public realm are designed to provide visual interest to passing pedestrians through colour, texture or finishes.

Development should ensure taller buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight and views to the sky above the street wall.

Development should break up buildings with a wide street frontage into smaller vertical sections or separate elements to provide breaks and modulation in the street facade.

Development should provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.

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

Development with a frontage to a 'Green Street – key pedestrian/cycle route' identified on Plans 1~~A and 1B~~ should contribute to urban greening by introducing trees, ground cover, vertical and rooftop vegetation.

Vehicular access requirements

Development should not provide vehicle access from Bridge Road.

Development should provide vehicular access from rear lanes or from side streets, where possible ~~in the preferred locations on Plan 2 of this schedule - Access and Movement Plan~~.

Where access is provided to an arterial road, access ~~should~~ would be subject to Department of Transport approval and should be limited to left-in/left-out.

Development with redundant vehicle access points must reinstate the kerb, line mark 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.

Development indicated in Plan 3~~2~~ as requiring a setback 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 in the laneway should provide a minimum width between walls of 6.1m (including the existing laneway). Between ground level and first floor, a headroom clearance of 3.5 metres minimum should be achieved.

In locations where potential one way streets are indicated on Plan 3~~2~~ but have not been implemented, development should consider ground floor setbacks or provision of passing areas within sections of the lane allow for building services and car park access.

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 or any alternative splay that facilitates movement by the B99 design vehicle, to the satisfaction of the Responsible Authority.

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

Development should enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.

Pedestrian and Bicycle Access Requirements

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone and avoid primary access from laneways. Where pedestrian access can only be provided from a laneway, the pedestrian entrance should be setback from the rear laneway or include a pedestrian refuge or landing and be well lit to enable safe access.

Development should facilitate the creation of a shared zone where properties abut a potential future shared zone as shown on Plan ~~2~~3.

Pedestrian entrances should be clearly visible, secure and have an identifiable sense of address.

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

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

Plan 1~~A~~: Height and Interface Plan – Precinct 3 Bridge Road Central

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

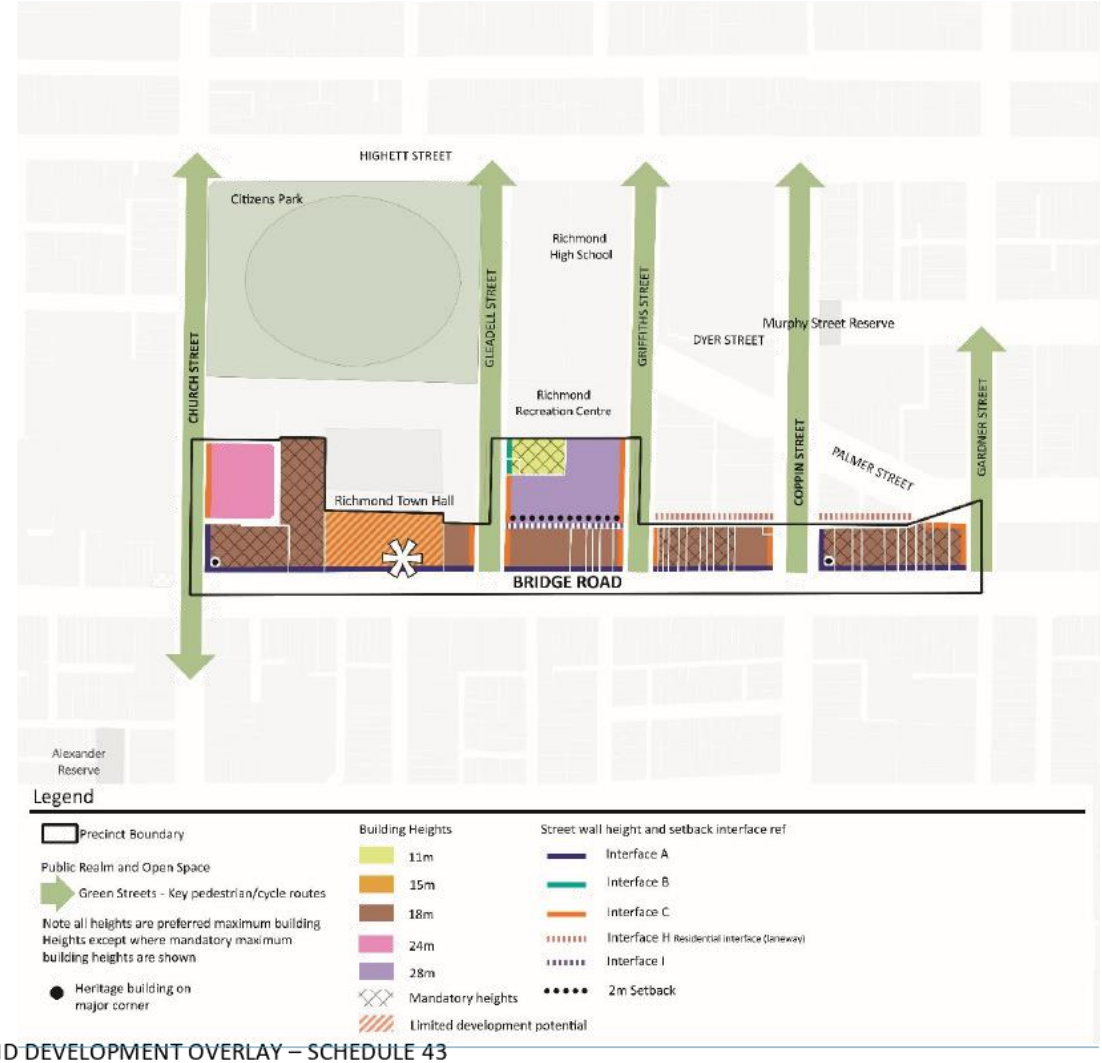
DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION

9

DESIGN AND DEVELOPMENT OVERLAY – SCHEDULE 43

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION



DESIGN AND DEVELOPMENT OVERLAY – SCHEDULE 43

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Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

Plan ~~1B~~2: ~~Height and Interface Plan (Viewlines)~~Landmarks Plan – Precinct 3 Bridge Road Central

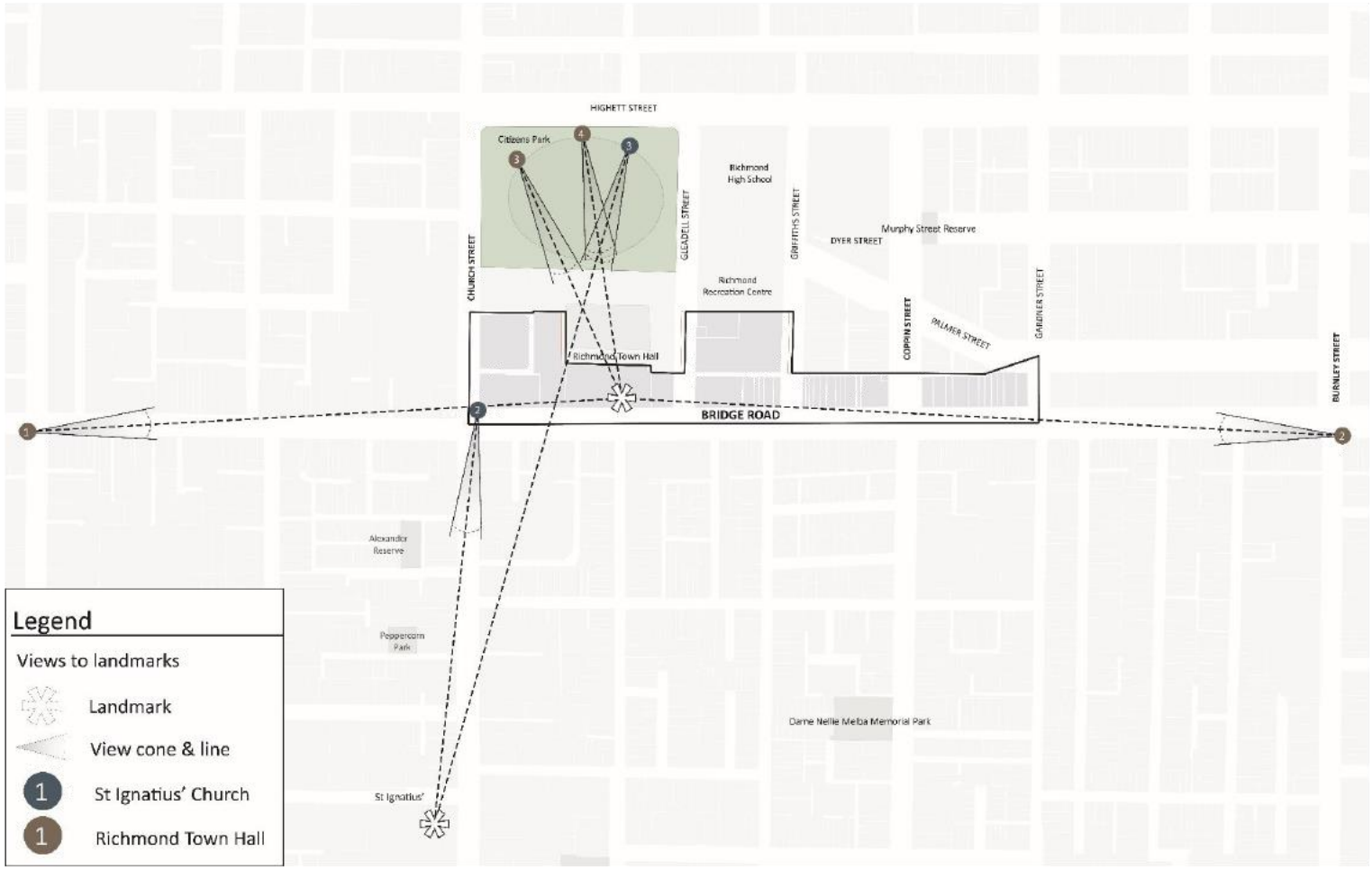
Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION

DESIGN AND DEVELOPMENT OVERLAY – SCHEDULE 43

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION



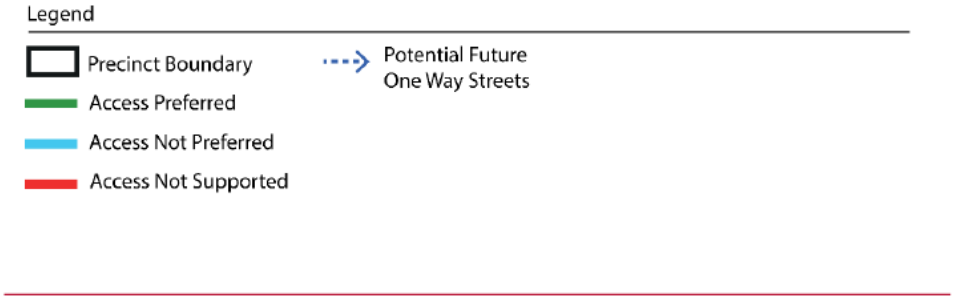
View 1 to St Ignatius

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

Plan 23: Access and Movement Plan – Precinct 3 Bridge Road Central

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION



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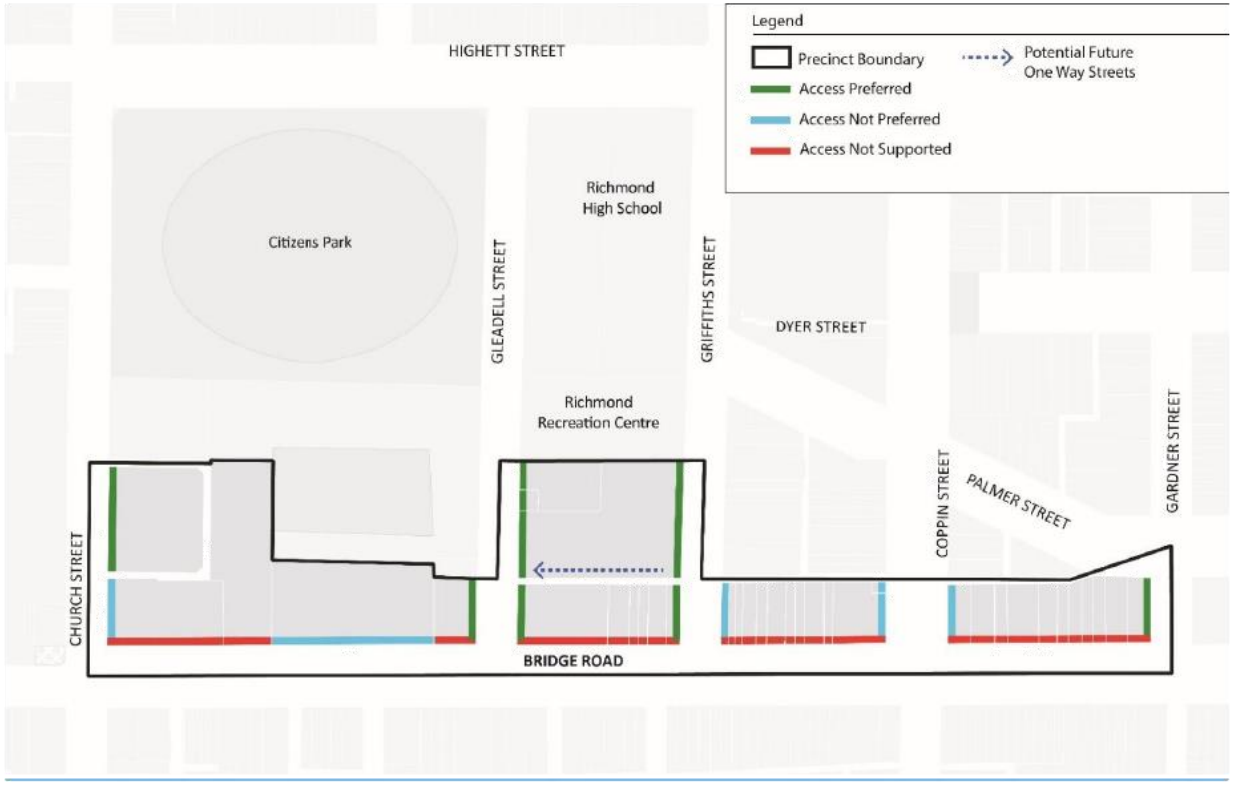


NOTE – Potential future shared zones and one way streets are subject to further assessment and consultation.

3.0 Subdivision

None specified.

4.0 ~~Advertising s~~Signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and 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 15 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.
- 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 and bike lanes),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the impacts of traffic and parking in the Precinct including 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 design excellence is achieved (including but not limited to building siting, scale, massing, articulation and materials).
- The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- Whether the overshadowing impacts of the development on opposite footpaths and public spaces are minimised.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Bridge Road and from local streets.
- The prominence of the heritage street wall in the vistas along Bridge Road, Church 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 the development on view lines to the Pelaco sign; the Richmond Town Hall; and the belfry and spire of the Ignatius' Cathedral.
- The design response at the interface with existing, low scale residential properties.
- If roof decks are proposed above the street wall, whether they are set back and are recessive in appearance.
- ~~The profile and impact of development along Palmer Street when viewed from the north side of Palmer Street and the south side of Bridge Road.~~
- 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.
- The impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bike lanes.
- The impact of vehicular access arrangements on the operation of the tram routes along Bridge Road and Church Street.

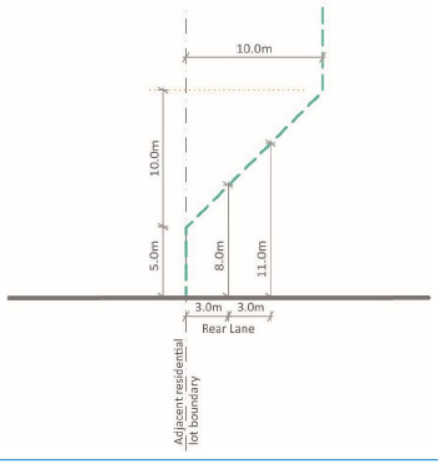
~~Reference documents~~

~~*Bridge Road & Victoria Street Activity Centres – Review of Interim Built Form Controls – Analysis and Recommendations* (MGS Architects and Urban Circus, April 2021)~~

~~*Built Form Review: Bridge Road – Heritage Analysis and Recommendations* (GJM Heritage, April 2021)~~

~~*Traffic Engineering Assessment, Victoria Street and Bridge Road Activity Centres, Richmond* (Traffix Group, April 2021)~~

Figure 1 to Schedule 43 – Interface H to residential properties in NRZ or GRZ



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SCHEDULE 44 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO44.

BRIDGE ROAD ACTIVITY CENTRE – PRECINCT 4 BRIDGE ROAD EAST SOUTH

1.0 Design objectives

To support mid-rise development on Bridge Road that maintains and reinforces the prominence of the street wall character.

To support taller development at 566 Bridge Road and 188-198 Burnley Street that provides a high quality transition to the adjacent Racecourse Heritage Precinct and lower scale residential areas, creates engaging street frontages and provides physical and visual permeability through breaks in the built form.

To ensure development maintains the visual prominence of local landmarks, Former Flour Mill and Grain Store Complex and Bridge Hotel, heritage buildings and heritage streetscapes.

To ensure development enhances the pedestrian experience through street activation and passive surveillance and protects sunlight access to Burnley Street.

To ensure development responds to sensitive interfaces by providing a suitable transition to low scale residential areas and minimising amenity impacts on residential properties including overlooking, overshadowing and visual bulk impacts.

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 and MUZ, 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

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.

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

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

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

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

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 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.

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

Building heights 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 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; 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.~~
- where the proposal includes dwellings, it also achieves each of the following:
  - ~~housing for diverse households types,; including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations;~~
  - ~~accessibility provision that achieves the standards in Clauses 55.07 and 58.05 (as relevant);~~
  - communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and/or
  - secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.

Architectural features may exceed the preferred or mandatory 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 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 /structures (other than solar panels and green roofs);
- The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm ~~etc~~; and
- The equipment/structures does not extend higher than 2.6 metres above the maximum building height.

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

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 Wall Requirements

Development should achieve a continuous street wall along Bridge Road with no front setback to a street, unless the subject site contains a heritage building with an existing front setback or a street setback is specified.

In locations outside of Bridge Road where heritage is not a constraint, development should consider providing:

- ground level setbacks (and above) to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level and above setbacks are strongly encouraged where they have been provided by nearby or neighbouring developments to achieve a consistent approach along a street frontage.
- a corner splay at minimum of 1 x 1 metre along the site's corner boundaries.

Infill development adjoining a heritage building should match the parapet height of the adjoining building for a minimum of 6 metres in length.

On corner sites where two different street wall heights are nominated, development should 'turn the corner' and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

Upper Level Requirements

Development should:

- Incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- Be set back from the street wall 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.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.

Upper level development for a development 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.
- retain the visual prominence of prominent corner buildings and local landmarks - the Former Flour Mill & Grain Store Complex, 534 Bridge Road (includes part 516-524 Bridge Road) and the Bridge Hotel, 642 Bridge Road.
- avoid unarticulated façades that give a bulky appearance, especially from oblique views.
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Development adjoining a heritage building should match the upper level setback of the heritage building for a minimum of 6 metres in length.

Upper level development above rows of identical or similar heritage buildings (such as terrace shops/residences) should be consistent in form, massing and façade treatment with any existing upper-level development above the same row of buildings.

For heritage buildings, upper level setbacks behind the street wall should be provided in excess of the minimum upper level setback 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;
- a lesser setback ~~it~~ would not 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.

Table 1 - Street Wall Heights and Setbacks - Precinct 4 Bridge Road East South

Built form	Mandatory requirement	Preferred requirement
Interface A		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8m minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	6m minimum	For buildings >15m, the uppermost level should be set back 9m minimum
Interface C		
Maximum and minimum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings. Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings. 188 to 198 Burnley Street - 3m landscape setback minimum 566 Bridge Road - 2m landscape setback minimum Elsewhere - 0m
Minimum upper level setback	None specified	188 to 198 Burnley Street - 4.5m Elsewhere - 6m
Interface E		
Maximum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum for other buildings

Built form	Mandatory requirement	Preferred requirement
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings. 566 Bridge Road - 2m landscape setback Elsewhere - 0m
Minimum upper level setback	None specified	6m for heritage buildings 3m for other buildings
Interface F		
Maximum street wall height	None specified	8m
Minimum street wall setback	None specified	566 Bridge Road - 2m landscape setback 188-198 Burnley Street & 21 & 23 Neptune Street – 2m landscape setback to non-heritage buildings Elsewhere - None specified
Minimum upper level setback	None specified	188-198 Burnley Street & 21 & 23 Neptune Street – 6m for heritage buildings Elsewhere - 4.5m
Interface I		
Maximum side/rear wall height	None specified	11m
Minimum side/rear wall setback	None specified	None specified
Minimum upper level setback	None specified	4.5m from the centreline of the laneway

Building separation requirements

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

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

- For building of less than or equal to 21 metres in height, upper level development should be set back a minimum of:
  - 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site.
  - 3.0 metres from the common boundary, where a commercial or non-habitable window facing the common boundary is proposed on the subject site.
- For buildings greater than 21 metres in height, any development above the street wall or 15 metres in height (whichever is greater) facing the common boundary should be set back a minimum of 4.5 metres from that boundary.

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:

- 9 metres from each other, where a habitable window or balcony is proposed; and
- 6 metres from each other where a commercial or non-habitable window is proposed.

Overshadowing requirements

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

- any part of the southern footpath of Bridge Road, 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 any of the following spaces between 10am and 2pm at 22nd September, unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:

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

Interface to residential properties in NRZ or GRZ requirements

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

Development with an interface to a property in the Neighbourhood Residential Zone or General Residential Zone (shown as Interface ~~H~~ J on Plan 1) should not exceed the maximum heights and setbacks in ~~Figure 1 of this schedule~~ set out in Table 3.

Development at 566 Bridge Road should provide a ~~6m~~ 8m landscape setback to the eastern boundary with the Racecourse Heritage Precinct and to the southern boundary to 65 Stawell Street.

Development at 198-242 Burnley Street should provide a 3m landscape setback to the southern boundary to 244 Burnley Street and 1.3-m to the western boundary to 2 Stratford Street and 53-57 Neptune Street.

Table 3 – Residential interfaces

Residential Interface	Preferred requirement
~~Interface H~~	~~Heights and setbacks shown in Figure 1 of this schedule.~~
Interface J	Heights and setbacks shown in Figure 21 of this schedule.

Design Quality Requirements

Development should achieve urban design and architectural excellence.

Development in the Commercial 1 Zone and/or Mixed Use Zone 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.

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

Development should:

- Incorporate vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
- Be expressed 'in the round' and provide detail on all façades.

Development should avoid blank walls visible ~~permanently or temporarily~~ from the public realm. Where a solid external wall is unavoidable, walls should be detailed and include articulation to provide ~~an interesting appearance~~visual interest.

New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.

Development should ensure any walls visible from the public realm are designed to provide visual interest to passing pedestrians through colour, texture or finishes.

Development should ensure taller buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight and views to the sky above the street wall.

Development should break up buildings with a wide street frontage into smaller vertical sections or separate elements to provide breaks and modulation in the street facade.

Development should provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.

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

Development with a frontage to a 'Green Street – key pedestrian/cycle route' identified on Plan 1 should contribute to urban greening by introducing trees, ground cover, vertical and rooftop vegetation.

Vehicular access requirements

Development should not provide vehicle access from Bridge Road.

Development should provide vehicular access from rear lanes or from side streets, where appropriate. ~~in the preferred locations on Plan 2 of this schedule - Access and Movement Plan.~~

Where access is provided to an arterial road, access would ~~should~~ be subject to Department of Transport approval and should be limited to left-in/left-out.

Development with redundant vehicle access points must reinstate the kerb, line mark 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.

Development indicated in Plan 2 as requiring a setback 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 in the laneway should provide a minimum width between walls of 6.1m (including the existing laneway). Between ground level and first floor, a headroom clearance of 3.5 metres minimum should be achieved.

In locations where potential one way streets are indicated on Plan 2 but have not been implemented, development should consider ground floor setbacks or provision of passing areas within sections of the lane allow for building services and car park access.

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 or any alternative splay that facilitates movement by the B99 design vehicle, to the satisfaction of the Responsible Authority.

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

Development should enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.

Pedestrian and Bicycle Access

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone and avoid primary access from laneways. Where pedestrian access can only be provided from a laneway, the pedestrian entrance should be setback from the rear laneway or include a pedestrian refuge or landing and be well lit to enable safe access.

Development should facilitate the creation of a shared zone where properties abut a potential future shared zone as shown on Plan 2.

Development should consider creating ground level publicly accessible pedestrian connections or linkages as shown on Plan 2 ~~3~~2.

Pedestrian entrances should be clearly visible, secure and have an identifiable sense of address.

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

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

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

Plan 1: Height and Interface Plan – Precinct 4 Bridge Road East South

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION

DESIGN AND DEVELOPMENT OVERLAY – SCHEDULE 44

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Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

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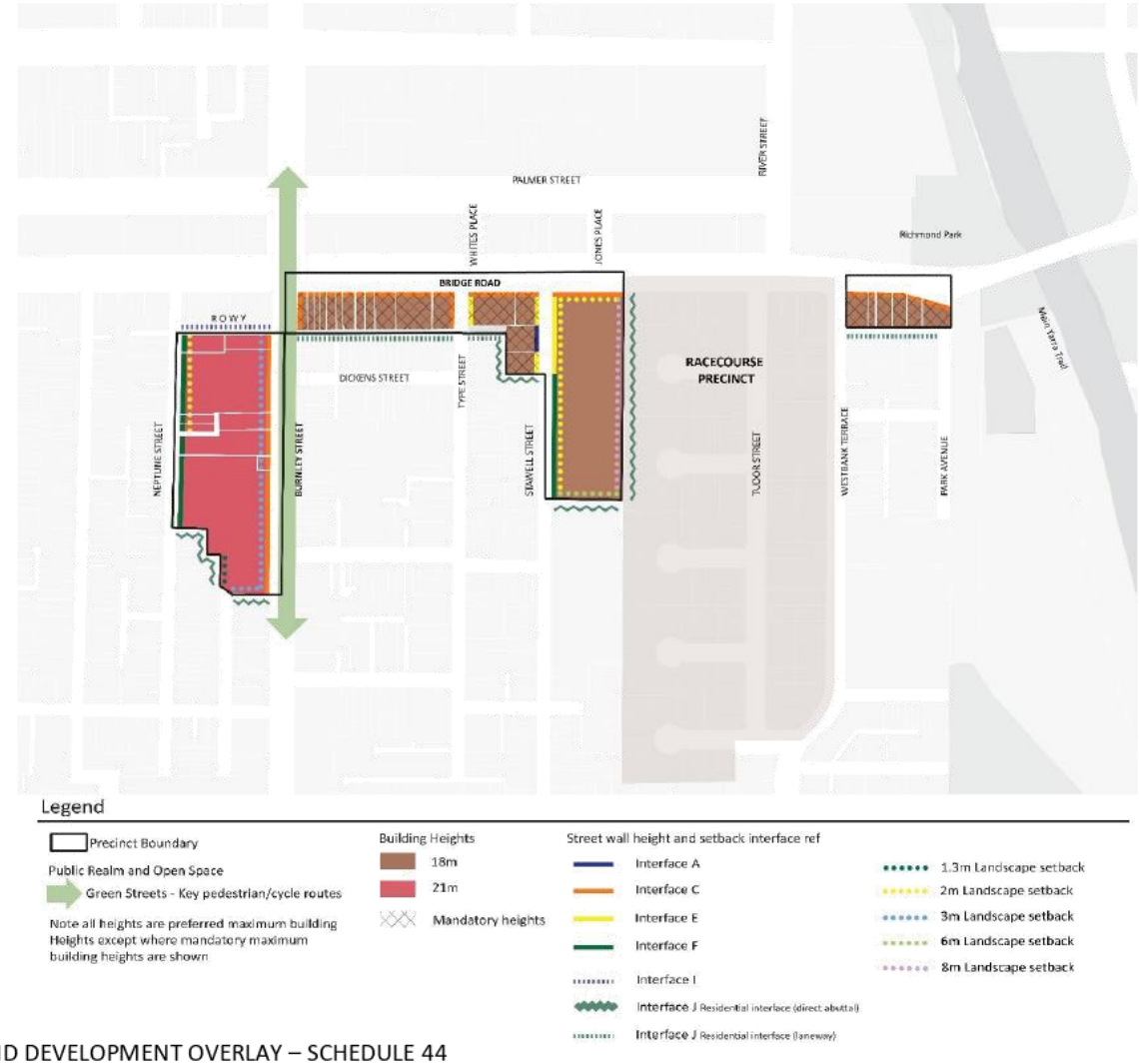
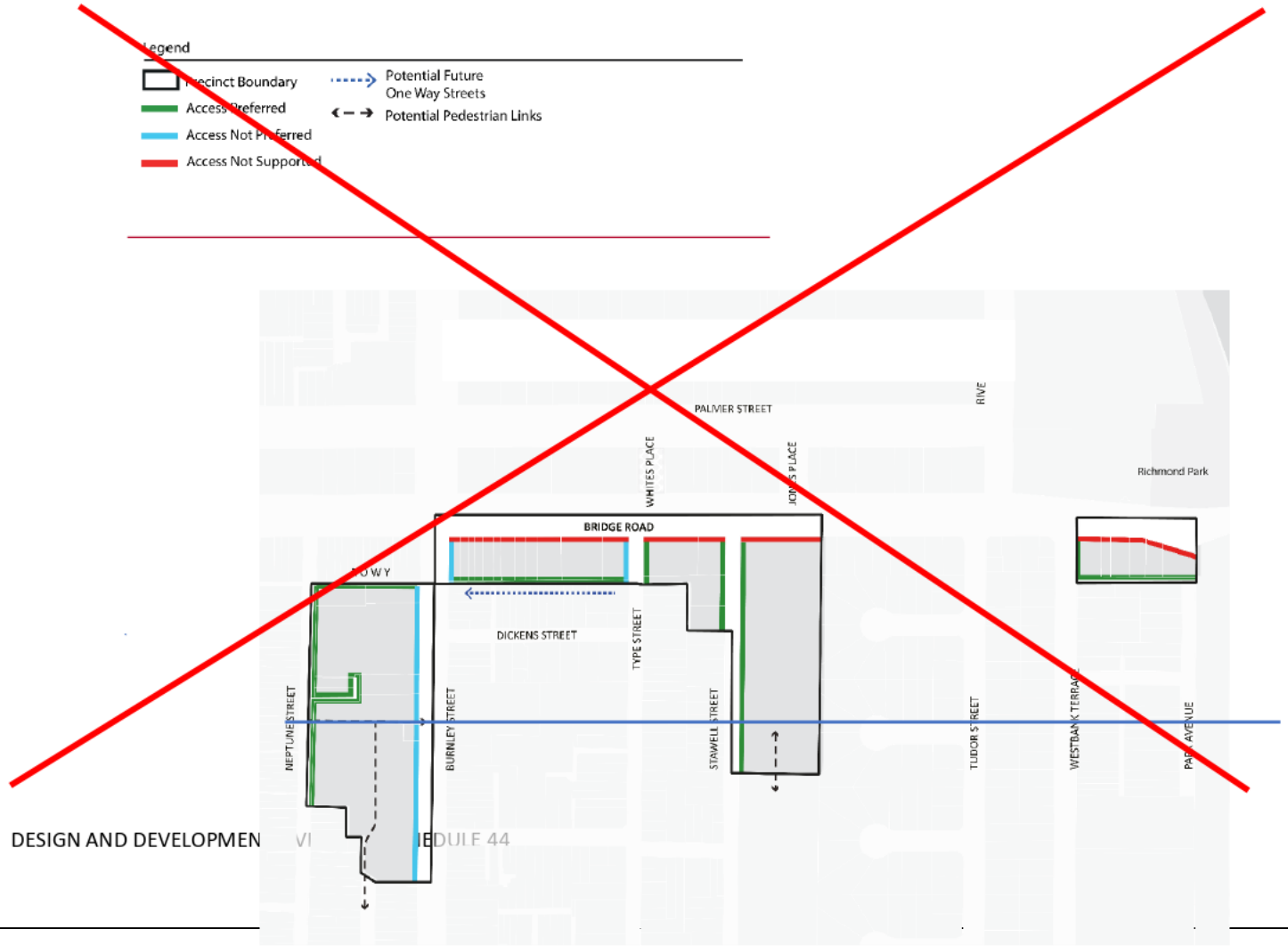


DESIGN AND DEVELOPMENT OVERLAY – SCHEDULE 44

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

Plan 2: Access and Movement Plan – Precinct 4 Bridge Road East South



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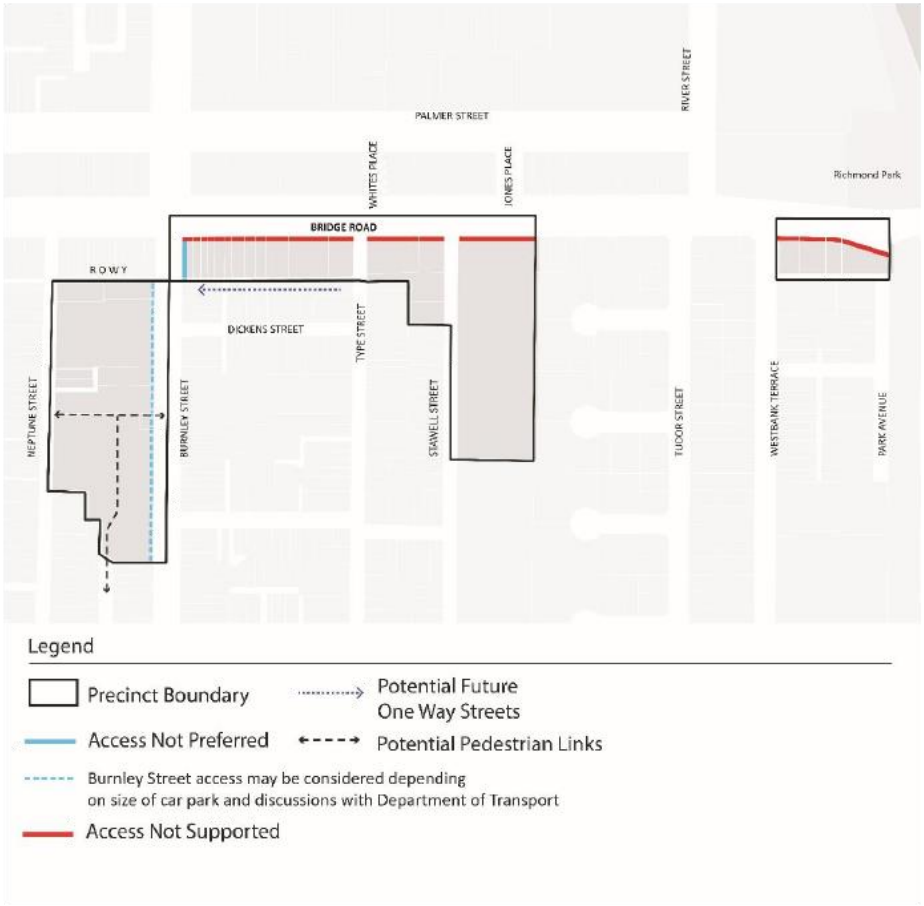


NOTE – Potential future shared zones and one way streets are subject to further assessment and consultation.

DESIGN AND

3.0 Subdivision

None specified.

4.0 ~~Advertising s~~Signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and 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 15 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.
- 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 and bike lanes),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the impacts of traffic and parking in the Precinct including 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 design excellence is achieved (including but not limited to building siting, scale, massing, articulation and materials).
- The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- Whether the overshadowing impacts of the development on opposite footpaths and public spaces are minimised.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Bridge Road and from local streets.
- The prominence of the heritage street wall in the vistas along Bridge Road~~, Church 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 the development on view lines to the Pelaco sign; the Richmond Town Hall; and the belfry and spire of the Ignatius[1] Cathedral.~~
- The design response at the interface with existing, low scale residential properties.
- If roof decks are proposed above the street wall, whether they are set back and are recessive in appearance.
- ~~The profile and impact of development along Palmer Street when viewed from the north side of Palmer Street and the south side of Bridge Road.~~
- 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.
- The impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bike lanes.
- The impact of vehicular access arrangements on the operation of the tram routes along Bridge Road ~~and Church Street~~.

~~Reference documents~~

- ~~*Bridge Road & Victoria Street Activity Centres - Review of Interim Built Form Controls - Analysis and Recommendations (MGS Architects and Urban Circus, April 2021)*~~
- ~~*Built Form Review: Bridge Road – Heritage Analysis and Recommendations (GJM Heritage, April 2021)*~~
- ~~*Traffic Engineering Assessment, Victoria Street and Bridge Road Activity Centres, Richmond (Traffix Group, April 2021)*~~

~~Figure 1 to Schedule 44 – Interface H – to residential properties in NRZ or GRZ~~

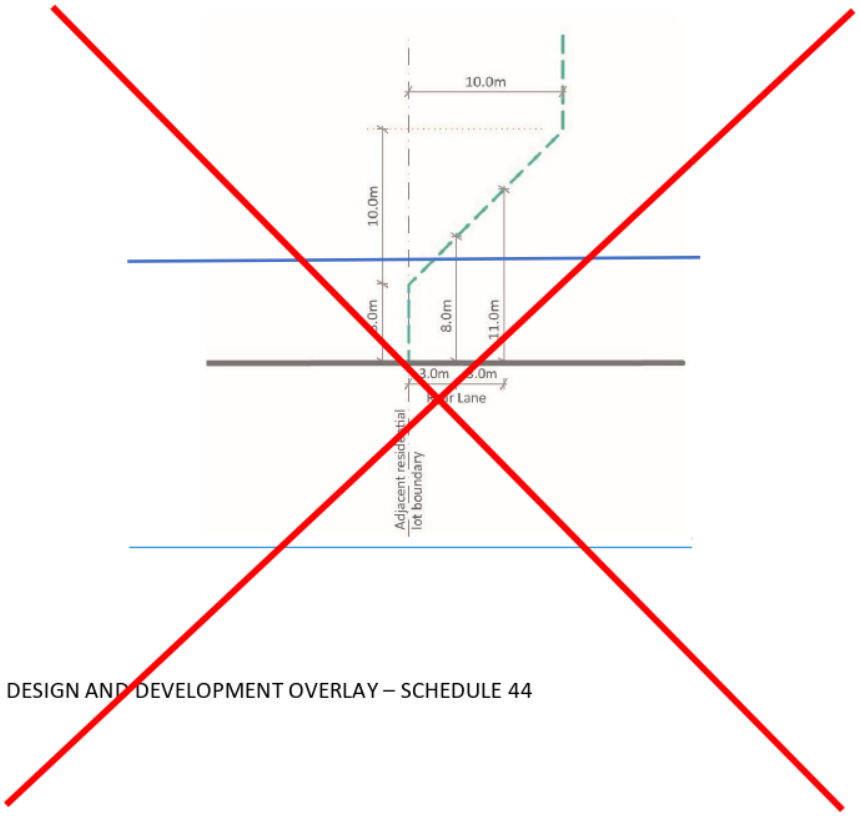
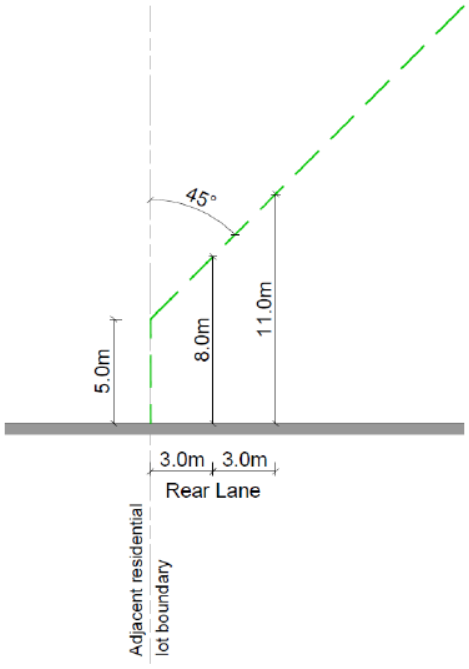


Figure 1 to Schedule 44 – Interface J – to residential properties in NRZ or GRZ



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SCHEDULE 45 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO45.

BRIDGE ROAD ACTIVITY CENTRE – PRECINCT 5 BRIDGE ROAD EAST NORTH

1.0 Design objectives

To support a new mid-rise character that creates a consistent taller built form edge on Bridge Road and Palmer Street and responds to the interface with industrial areas and low scale residential areas to the north.

To ensure development provides building separation and views to the sky above the street wall when viewed from the northern footpath of Palmer Street and/or the southern footpath of Bridge Road.

To ensure development maintains the visual prominence of the Royal Oak Hotel and other heritage buildings.

To ensure development enhances the pedestrian experience through street activation and surveillance and protecting sunlight access to the southern side of Bridge Road, Burnley Street and any potential future urban space at Whites Place.

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 and MUZ, 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

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.

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

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

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

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

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 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.

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

Building heights 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 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; 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.~~
- where the proposal includes dwellings, it also achieves each of the following:
  - ~~housing for diverse households types,; including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations;~~
  - ~~accessibility provision that achieves the standards in Clauses 55.07 and 58.05 (as relevant);~~
  - communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and/or
  - secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.

Architectural features may exceed the preferred or mandatory 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 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 /structures (other than solar panels and green roofs);
- The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm ~~etc~~; and
- The equipment/structures does not extend higher than 2.6 metres above the maximum building height.

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

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 Wall Requirements

Development should achieve a continuous street wall along Bridge Road with no front setback to a street, unless the subject site contains a heritage building with an existing front setback or a street setback is specified.

In locations outside of Bridge Road where heritage is not a constraint, development should consider providing:

- ground level setbacks (and above) to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level and above setbacks are strongly encouraged where they have been provided by nearby or neighbouring developments to achieve a consistent approach along a street frontage.
- a corner splay at minimum of 1 x 1 metre along the site's corner boundaries.

Infill development adjoining a heritage building should match the parapet height of the adjoining building for a minimum of 6 metres in length.

On corner sites where two different street wall heights are nominated, development should 'turn the corner' and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

Upper Level Requirements

Development should:

- Incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- Be set back from the street wall 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.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.

Upper level development for a development 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.
- retain the visual prominence of prominent corner buildings and local landmark, Royal Oak Hotel, 527-533 Bridge Road.
- avoid unarticulated façades that give a bulky appearance, especially from oblique views.
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Development adjoining a heritage building should match the upper level setback of the heritage building for a minimum of 6 metres in length.

Upper level development above rows of identical or similar heritage buildings (such as terrace shops/residences) should be consistent in form, massing and façade treatment with any existing upper-level development above the same row of buildings.

For heritage buildings, upper level setbacks behind the street wall should be provided in excess of the minimum upper level setback 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;
- a lesser setback ~~it~~ would not 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.

Table 1 - Street Wall Heights and Setbacks - Precinct 5 Bridge Road East North

Built form	Mandatory requirement	Preferred requirement
Interface A		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8m minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	6m minimum	For buildings >15m, the uppermost level should be set back 9m minimum
Interface C		
Maximum and minimum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings. Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	~~Retain existing street wall setback for heritage buildings.~~ None specified	Retain existing street wall setback for heritage buildings. 0m – elsewhere.
Minimum upper level setback	None specified	6m ~~minimum~~
Interface D		
Maximum street wall height	None specified	15m
Maximum and minimum street wall setback	None specified	0m
Minimum upper level setback	None specified	4.5m

Building separation requirements

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

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

- For building of less than or equal to 21 metres in height, upper level development should be set back a minimum of:

  - 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site.
  - 3.0 metres from the common boundary, where a commercial or non-habitable window facing the common boundary is proposed on the subject site.
- For buildings greater than 21 metres in height, any development above the street wall or 15 metres in height (whichever is greater) facing the common boundary should be set back a minimum of 4.5 metres from that boundary.

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:

- 9 metres from each other, where a habitable window or balcony is proposed; and
- 6 metres from each other where a commercial or non-habitable window is proposed.

Overshadowing requirements

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

- any part of the southern footpath of Bridge Road, 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 any of the following spaces between 10am and 2pm at 22nd September, unless the additional overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:

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

Interface to residential properties in NRZ or GRZ requirements

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

~~Development with an interface to a property in the Neighbourhood Residential Zone or General Residential Zone should not exceed the maximum heights and setbacks in Figure 1 of this schedule.~~

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 identified architectural elements of the following landmark (as shown on Plan 1 and listed below):

- the cornice and iron balustrade, clock stage, pyramidal roof and flag pole of the Richmond Town Hall when viewed from south-east corner of Burnley Street and Bridge Road intersection (View 2).

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

Design Quality Requirements

Development should achieve urban design and architectural excellence.

Development in the Commercial 1 Zone and/or Mixed Use Zone 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.

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

Development should:

- Incorporate vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
- Be expressed 'in the round' and provide detail on all façades.

Development should avoid blank walls visible ~~permanently or temporarily~~ from the public realm. Where a solid external wall is unavoidable, walls should be detailed and include articulation to provide ~~an interesting appearance~~visual interest.

New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.

Development should ensure any walls visible from the public realm are designed to provide visual interest to passing pedestrians through colour, texture or finishes.

Development should ensure taller buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight and views to the sky above the street wall.

Development should break up buildings with a wide street frontage into smaller vertical sections or separate elements to provide breaks and modulation in the street facade.

Development should provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.

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

Development should be designed to address the potential future urban space at Whites Place.

Development with a frontage to a 'Green Street – key pedestrian/cycle route' identified on Plan 1 should contribute to urban greening by introducing trees, ground cover, vertical and rooftop vegetation.

Vehicular access requirements

Development should not provide vehicle access from Bridge Road.

Development should provide vehicular access from rear lanes or from side streets, where appropriate. ~~in the preferred locations on Plan 2 of this schedule – Access and Movement Plan.~~

Where access is provided to an arterial road, access would ~~should~~ be subject to Department of Transport approval and should be limited to left-in/left-out.

Development with redundant vehicle access points must reinstate the kerb, line mark 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.

Development indicated in Plan 2~~3~~2 as requiring a setback 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 in the laneway should provide a minimum width between walls of 6.1m (including the existing laneway). Between ground level and first floor, a headroom clearance of 3.5 metres minimum should be achieved.

In locations where potential one way streets are indicated on Plan 2~~3~~2 but have not been implemented, development should consider ground floor setbacks or provision of passing areas within sections of the lane allow for building services and car park access.

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 or any alternative splay that facilitates movement by the B99 design vehicle, to the satisfaction of the Responsible Authority.

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

Development should enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.

Pedestrian and Bicycle Access Requirements

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone and avoid primary access from laneways. Where pedestrian access can only be

provided from a laneway, the pedestrian entrance should be setback from the rear laneway or include a pedestrian refuge or landing and be well lit to enable safe access.

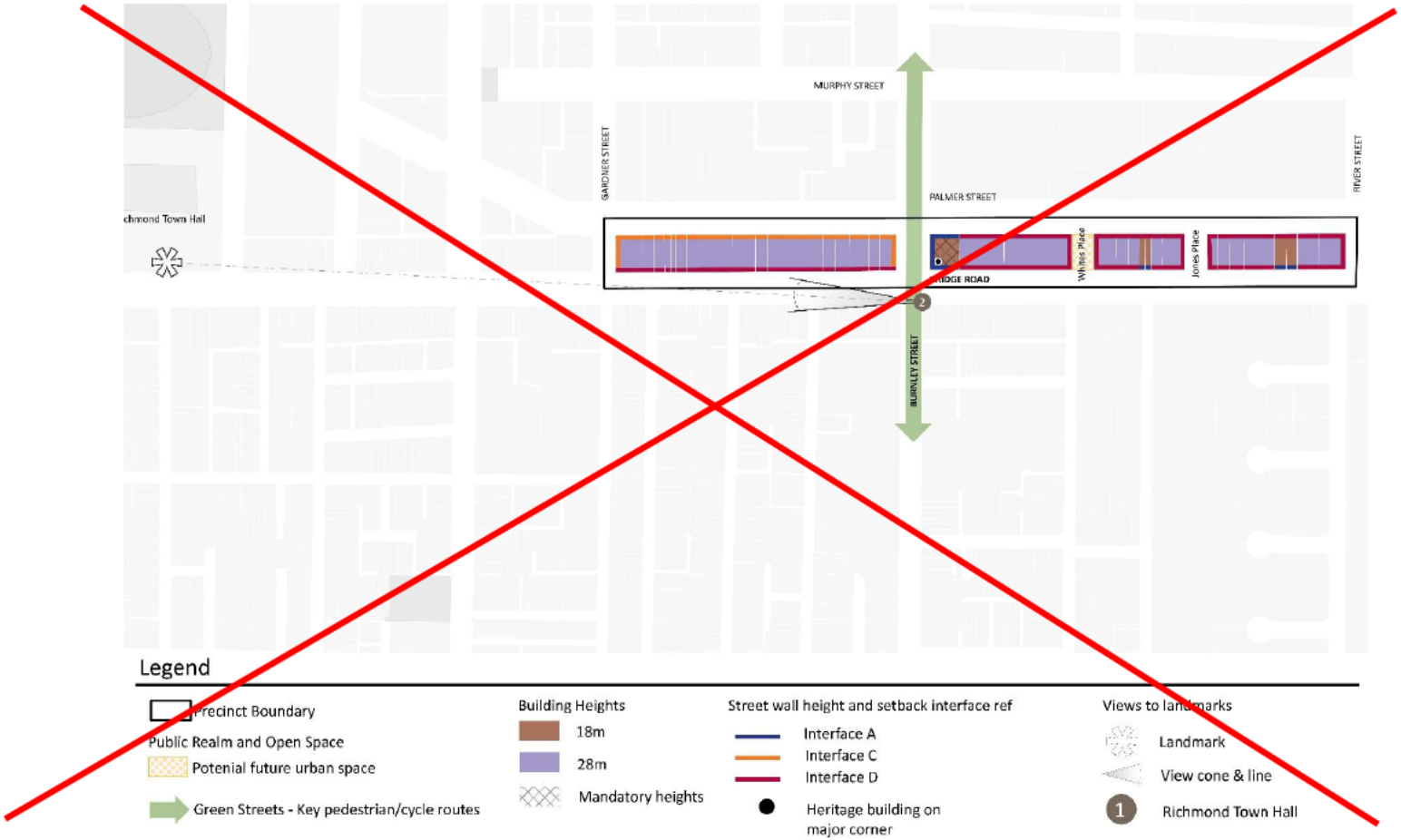
Development should facilitate the creation of a shared zone where properties abut a potential future shared zone as shown on Plan 2.

Pedestrian entrances should be clearly visible, secure and have an identifiable sense of address.

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

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

Plan 1: Height and Interface Plan – Precinct 5 Bridge Road East North



Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

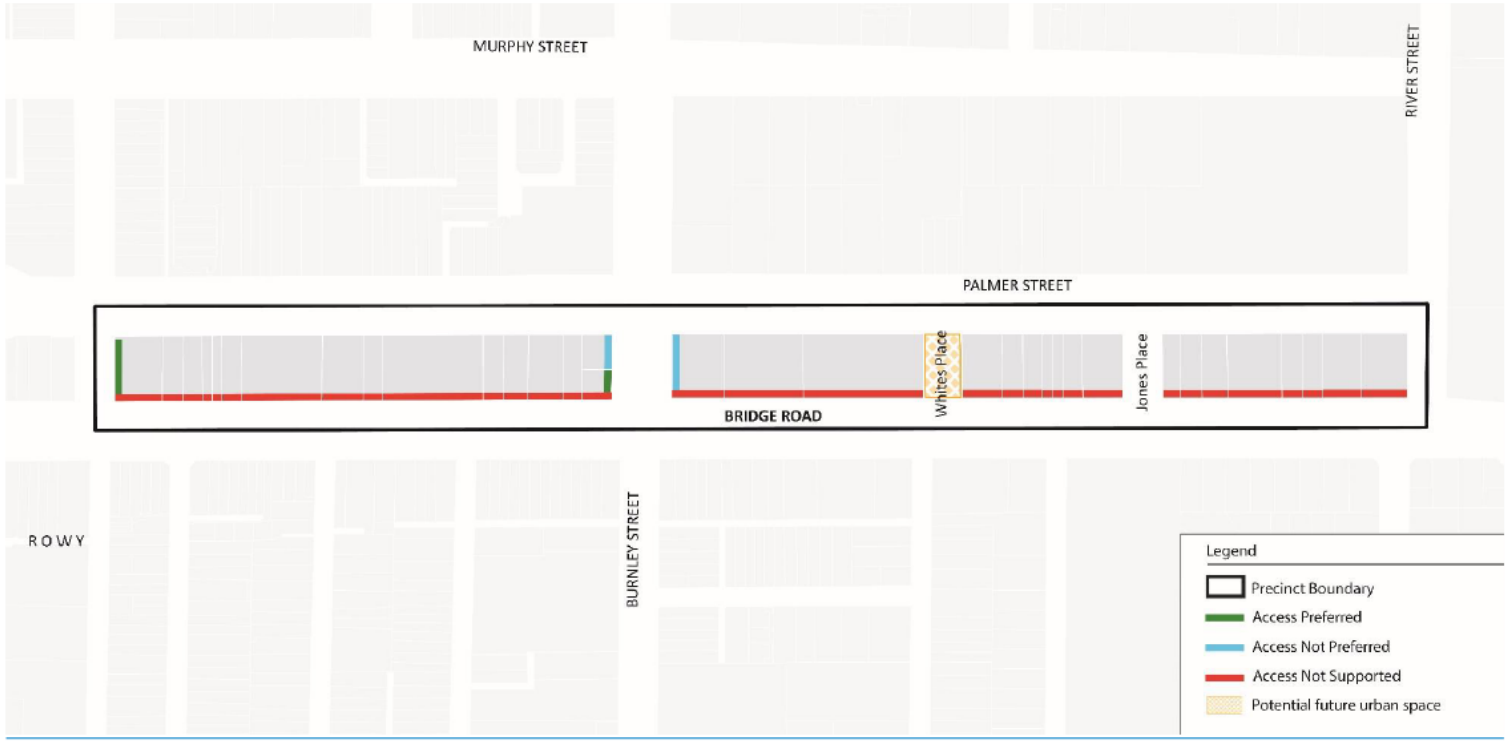
DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

Plan 2: Access and Movement Plan – Precinct 5 Bridge Road East North

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION



NOTE – Potential future shared zones and one way streets are subject to further assessment and consultation.

3.0 Subdivision

None specified.

4.0 ~~Advertising s~~Signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and 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 15 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.
- 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 and bike lanes),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the impacts of traffic and parking in the Precinct including 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 design excellence is achieved (including but not limited to building siting, scale, massing, articulation and materials).
- The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- Whether the overshadowing impacts of the development on opposite footpaths and public spaces are minimised.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Bridge Road and from local streets.
- The prominence of the heritage street wall in the vistas along Bridge Road, ~~Church 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 the development on view lines to ~~the Pelaco sign,~~ the Richmond Town Hall~~, and the belfry and spire of the Ignatius' Cathedral~~.
- The design response at the interface with existing, low scale residential properties.
- If roof decks are proposed above the street wall, whether they are set back and are recessive in appearance.
- The profile and impact of development along Palmer Street when viewed from the north side of Palmer Street and the south side of Bridge Road.
- 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.
- The impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bike lanes.
- The impact of vehicular access arrangements on the operation of the tram routes along Bridge Road ~~and Church Street~~.

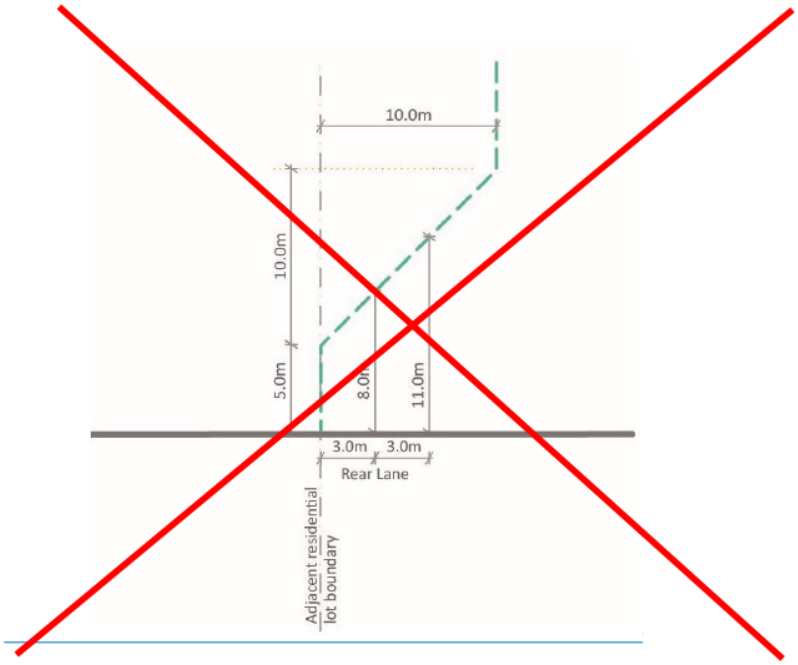
~~Reference documents~~

~~Bridge Road & Victoria Street Activity Centres - Review of Interim Built Form Controls - Analysis and Recommendations (MGS Architects and Urban Circus, April 2021)~~

~~Built Form Review: Bridge Road – Heritage Analysis and Recommendations (GJM Heritage, April 2021)~~

~~Traffic Engineering Assessment, Victoria Street and Bridge Road Activity Centres, Richmond (Traffix Group, April 2021)~~

~~Figure 1 to Schedule 45 – Interface H to residential properties in NRZ or GRZ~~



DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION

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C291yara

SCHEDULE 46 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO46.

VICTORIA STREET ACTIVITY CENTRE – PRECINCT 1 VICTORIA STREET WEST

1.0 Design objectives

To support lower mid-rise development that maintains the prominence of the heritage street wall and local landmarks and respects the architectural form and qualities of heritage buildings and the heritage streetscape.

To enhance the prominent south-west corner of Hoddle and Victoria Streets through high quality taller development that creates a strong address to each street frontage.

To ensure development respects and appropriately transitions to the low scale heritage buildings in Regent Street.

To ensure development enhances the pedestrian experience through street activation and passive surveillance along Victoria Street and its side streets, including Little Hoddle Street and protects sunlight access to the southern side of Victoria Street and the open space opposite the Victoria Street Gateway.

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 and MUZ, 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

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.

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

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

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

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

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 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.

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

Building heights 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 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; 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~~.~~
- where the proposal includes dwellings, it also achieves each of the following:
  - ~~housing for diverse households types,; including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations;~~
  - ~~accessibility provision that achieves the standards in Clauses 55.07 and 58.05 (as relevant);~~
  - communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and
  - secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.

Architectural features may exceed the preferred or mandatory 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 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 /structures (other than solar panels and green roofs);
- The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm ~~etc~~; and
- The equipment/structures does not extend higher than 2.6 metres above the maximum building height.

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

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 Wall Requirements

Development should achieve a continuous street wall along the northern side of Victoria Street with no front setback to a street, unless the subject site contains a heritage building with an existing front setback or a street setback is specified.

In locations outside of Victoria Street where heritage is not a constraint, development should consider providing:

- ground level setbacks (and above) to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level and above setbacks are strongly encouraged where they have been provided by nearby or neighbouring developments to achieve a consistent approach along a street frontage.
- a corner splay at minimum of 1 x 1 metre along the site's corner boundaries.

Infill development adjoining a heritage building should match the parapet height of the adjoining building for a minimum of 6 metres in length.

On corner sites where two different street wall heights are nominated, development should 'turn the corner' and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

Upper Level Requirements

Development should:

- Incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- Be set back from the street wall 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.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.

Upper level development for a development 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.
- retain the visual prominence of prominent corner buildings and local landmark, the former State Savings Bank, 231 Victoria Street.
- avoid unarticulated façades that give a bulky appearance, especially from oblique views.
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Development adjoining a heritage building should match the upper level setback of the heritage building for a minimum of 6 metres in length.

Upper level development above rows of identical or similar heritage buildings (such as terrace shops/residences) should be consistent in form, massing and façade treatment with any existing upper-level development above the same row of buildings.

For heritage buildings, upper level setbacks behind the street wall should be provided in excess of the minimum upper level setback 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;
- a lesser setback ~~it~~ would not 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.

Table 1 - Street Wall Heights and Setbacks - Precinct 1 Victoria Street West

Built form	Mandatory requirement	Preferred requirement
Interface A		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8m minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	6m	For buildings >15m, the uppermost level should be set back 9m minimum
Interface D		
Maximum street wall height	None specified	15m
Maximum and minimum street wall setback	None specified	0m
Minimum upper level setback	None specified	4.5m
Interface E		
Maximum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m for other buildings
Maximum and minimum street wall setback	None specified	253-257 Victoria Street - 2m minimum setback along western boundary. Retain existing street wall setback for heritage buildings.
Minimum upper level setback	None specified	6m for heritage buildings 3m for other buildings
Interface G		
Maximum street wall height	Retain existing street wall height for heritage buildings.	Other buildings – Match the parapet or roof height of the adjacent heritage building
Maximum and minimum street wall setback	Retain existing street wall height for heritage buildings.	None specified
Minimum upper level setback	7m for heritage buildings	7m for other buildings
Interface I		

Built form	Mandatory requirement	Preferred requirement
Maximum side/rear wall height	None specified	11m
Minimum side/rear wall setback	None specified	~~1-11 Hoddle Street –~~ 2m setback on eastern boundary as shown on Plan 1. Elsewhere – 0m
Minimum upper level setback	None specified	~~4.5m from the centreline laneway~~ ~~6.5m from eastern property boundary of 1-11 Hoddle Street~~ For properties which abut Little Hoddle Street – 6.5m from the property boundary. An additional 3m setback at the uppermost level for development over 30m on the western side of Little Hoddle Street. Elsewhere – 4.5m from centreline of the laneway

Building separation requirements

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

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

- For building of less than or equal to 21 metres in height, upper level development should be set back a minimum of:
  - 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site.
  - 3.0 metres from the common boundary, where a commercial or non-habitable window facing the common boundary is proposed on the subject site.
- For buildings greater than 21 metres in height, any development above the street wall or 15 metres in height (whichever is greater) facing the common boundary should be set back a minimum of 4.5 metres from that boundary.

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:

- 9 metres from each other, where a habitable window or balcony is proposed; and
- 6 metres from each other where a commercial or non-habitable window is proposed.

Overshadowing requirements

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

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

Design Quality Requirements

Development should achieve urban design and architectural excellence.

Development in the Commercial 1 Zone and/or Mixed Use Zone 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.

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

Development should:

- Incorporate vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
- Be expressed 'in the round' and provide detail on all façades.

Development should avoid blank walls visible ~~permanently or temporarily~~ from the public realm.

Where a solid external wall is unavoidable, walls should be detailed and include articulation to provide ~~an interesting appearance~~for visual interest.

New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.

Development should ensure any walls visible from the public realm are designed to provide visual interest to passing pedestrians through colour, texture or finishes.

Development should ensure taller buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight and views to the sky above the street wall.

Development should provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.

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

Development with a frontage to a 'Green Street – key pedestrian/cycle route' identified on Plan 1 should contribute to urban greening by introducing trees, ground cover, vertical and rooftop vegetation.

Vehicular access requirements

Development should not provide vehicle access from Victoria Street.

Development should provide vehicular access from rear lanes or from side streets, where appropriate. ~~in the preferred locations on Plan 2 of this schedule – Access and Movement Plan.~~ Where access is provided to an arterial road, access would ~~should~~ be subject to Department of Transport approval and should be limited to left-in/left-out.

Development with redundant vehicle access points must reinstate the kerb, line mark 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.

Development indicated in Plan 2 as requiring a setback 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 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 3.5 metres minimum should be achieved.

In locations where potential one way streets are indicated on Plan 2 but have not been implemented, development should consider ground floor setbacks or provision of passing areas within sections of the lane allow for building services and car park access.

Properties on the inside corner of bends in laneways or at intersections between two laneways should provide a minimum 3 metres x 3 metres splay to facilitate vehicle access or any alternative splay that facilitates movement by the B99 design vehicle, to the satisfaction of the Responsible Authority.

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

Development should enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.

Pedestrian and Bicycle Access Requirements

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone and avoid primary access from laneways. Where pedestrian access can only be provided from a laneway, the pedestrian entrance should be setback from the rear laneway or include a pedestrian refuge or landing and be well lit to enable safe access.

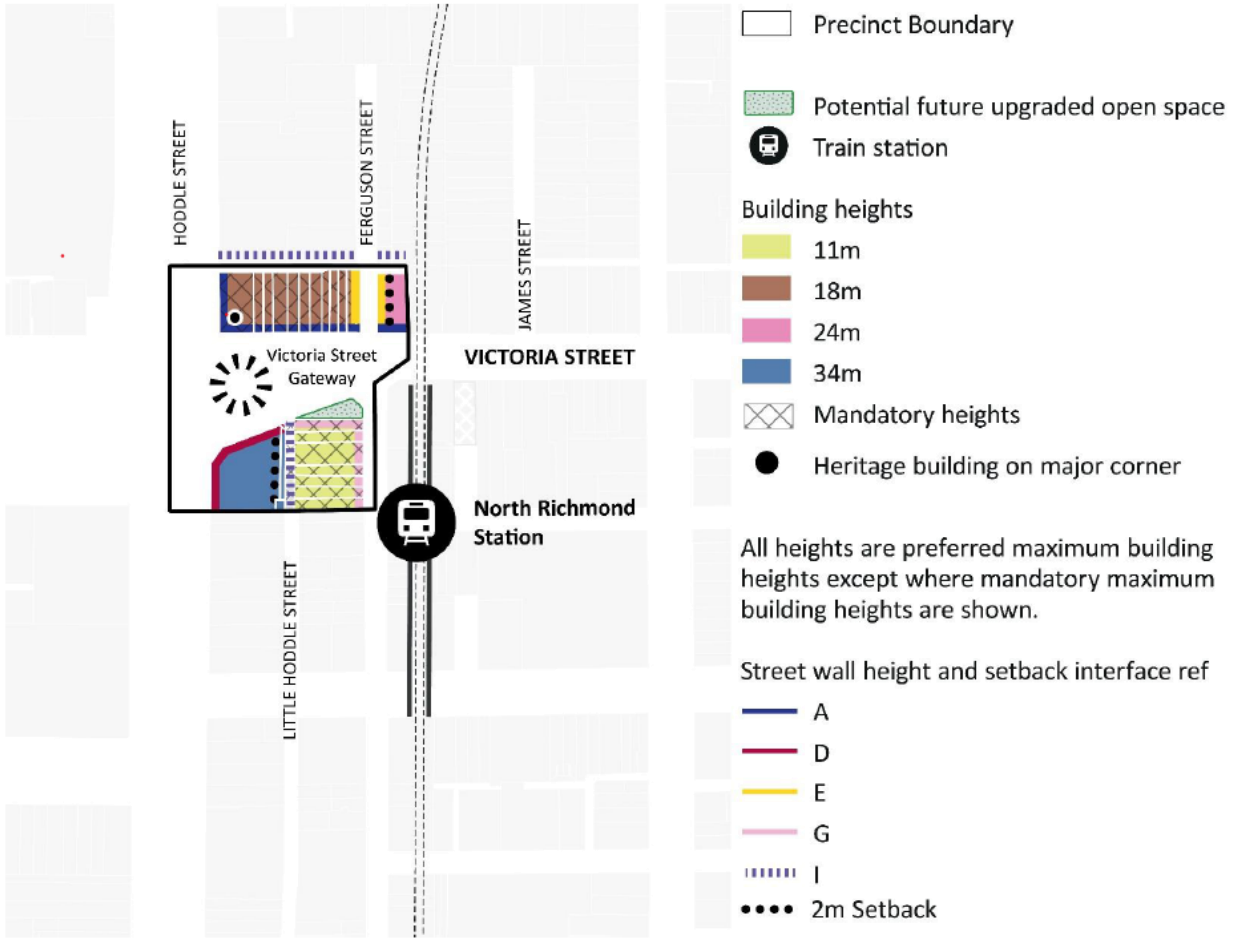
Development should facilitate the creation of a shared zone where properties abut a potential future shared zone as shown on Plan 2.

Pedestrian entrances should be clearly visible, secure and have an identifiable sense of address.

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

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

Plan 1: Height and Interface Plan – Precinct 1 Victoria Street West



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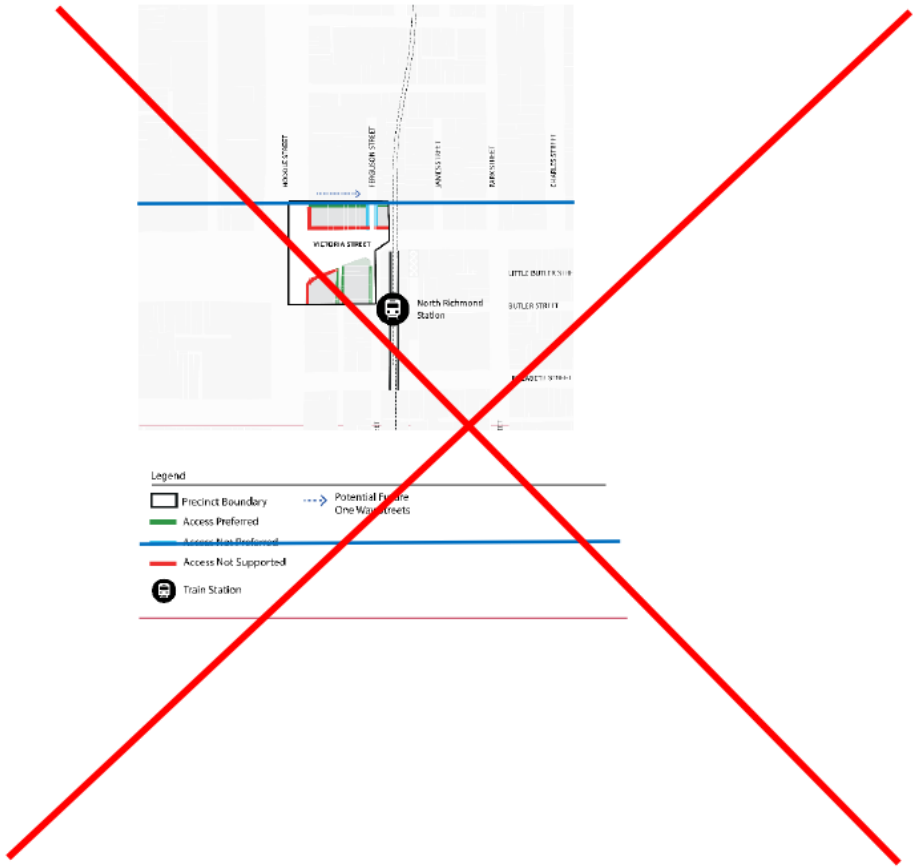
Plan 2: Access and Movement Plan – Precinct 1 Victoria Street West



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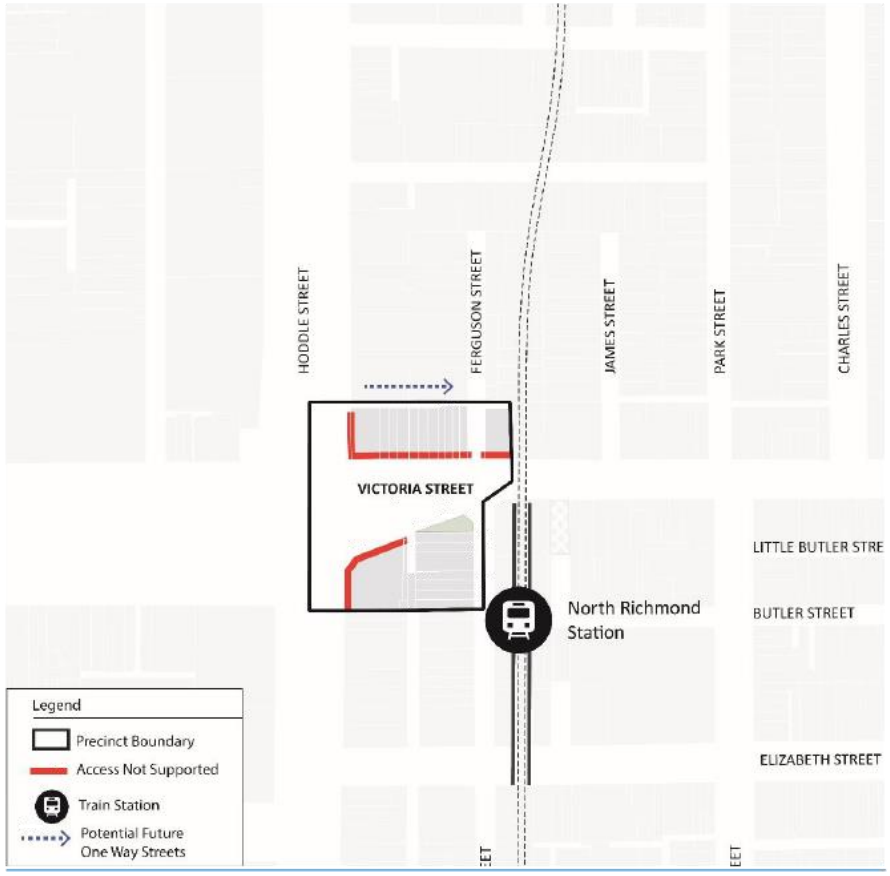

NOTE – Potential future shared zones and one way streets are subject to further assessment and consultation.

3.0 Subdivision

None specified.

4.0 ~~Advertising signs~~Signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and 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 15 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.
- 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 and bike lanes),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the impacts of traffic and parking in the Precinct including 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 design excellence is achieved (including but not limited to building siting, scale, massing, articulation and materials).
- The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- Whether the overshadowing impacts of the development on opposite footpaths and public spaces are minimised.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Victoria Street and from local streets.
- The prominence of the heritage street wall in the vistas along Victoria Street, ~~Church 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 the development on view lines to the Richmond Town Hall and Skipping Girl sign.~~
- The design response at the interface with existing, low scale residential properties.
- If roof decks are proposed above the street wall, whether they are set back and are recessive in appearance.
- 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.
- The impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bike lanes.
- The impact of vehicular access arrangements on the operation of the tram routes along Victoria Street ~~and Church Street~~.

~~Reference documents~~

- ~~Bridge Road & Victoria Street Activity Centres – Review of Interim Built Form Controls - Analysis and Recommendations (MGS Architects and Urban Circus, April 2021)~~
- ~~Built Form Review: Victoria Street – Heritage Analysis and Recommendations (GJM Heritage, April 2021)~~
- ~~Traffic Engineering Assessment, Victoria Street and Bridge Road Activity Centres, Richmond (Traffix Group, April 2021)~~

DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION

__/__/__
Draft
C291yara

SCHEDULE 47 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO47.

VICTORIA STREET ACTIVITY CENTRE - PRECINCT 2 VICTORIA STREET CENTRAL

1.0 Design objectives

To support mid-rise development that maintains and reinforces the prominence of the existing street wall and fine grain character and pattern of shops and restaurants along Victoria Street.

To ensure development respects the architectural form and qualities of heritage buildings, local landmarks and the heritage streetscape.

To support high quality new buildings adjoining North Richmond Station with mixed uses that activate and improve pedestrian connections to the station, including a potential future urban space at Jonas Street.

To ensure development enhances the pedestrian experience through street activation and passive surveillance along Victoria Street and its side streets, enhancing pedestrian connections to the North Richmond Station and protecting sunlight access to the southern side of Victoria Street, Shelley Street, Charles Street, Nicholson Street and the Butler Street Park.

To ensure development responds to sensitive interfaces by providing a suitable transition to low scale residential areas and minimising amenity impacts on residential properties including overlooking, overshadowing and visual bulk impacts.

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 and MUZ, 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

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.

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

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

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

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

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 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. In the case of a heritage building that is set back from the street, the height is measured 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.

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

Building heights 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 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height;~~ ~~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.~~
  - where the proposal includes dwellings, it also achieves each of the following:
  - ~~housing for diverse households types,; including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations;~~
  - ~~accessibility provision that achieves the standards in Clauses 55.07 and 58.05 (as relevant);~~
  - communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and/or
  - secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.

Architectural features may exceed the preferred or mandatory 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 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 /structures (other than solar panels and green roofs);
- The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm ~~etc~~; and
- The equipment/structures does not extend higher than 2.6 metres above the maximum building height.

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

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 Wall Requirements

Development should achieve a continuous street wall along Victoria Street with no front setback to a street, unless the subject site contains a heritage building with an existing front setback or a street setback is specified.

In locations outside of Victoria Street where heritage is not a constraint, development should consider providing:

- ground level setbacks (and above) to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level and above setbacks are strongly encouraged where they have been provided by nearby or neighbouring developments to achieve a consistent approach along a street frontage.
- a corner splay at minimum of 1 x 1 metre along the site's corner boundaries.

Infill development adjoining a heritage building should match the parapet height of the adjoining building for a minimum of 6 metres in length.

On corner sites where two different street wall heights are nominated, development should 'turn the corner' and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

Upper Level Requirements

Development should:

- Incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- Be set back from the street wall 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.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.

Upper level development for a development 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.
- retain the visual prominence of prominent corner buildings and local landmark, Former National Bank, 261 Victoria Street, Abbotsford.
- avoid unarticulated façades that give a bulky appearance, especially from oblique views.
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Development adjoining a heritage building should match the upper level setback of the heritage building for a minimum of 6 metres in length.

Upper level development above rows of identical or similar heritage buildings (such as terrace shops/residences) should be consistent in form, massing and façade treatment with any existing upper-level development above the same row of buildings.

For heritage buildings, upper level setbacks behind the street wall should be provided in excess of the minimum upper level setback 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;
- a lesser setback ~~it~~ would not 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.

Table 1 - Street Wall Heights and Setbacks - Precinct 2 Victoria Street Central

Built form	Mandatory requirement	Preferred requirement
Interface A		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8m minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	6m	For buildings >15m, the uppermost level should be set back 9m minimum
Interface C		
Maximum and minimum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings. Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings. Elsewhere - 0m
Minimum upper level setback	None specified	6m
Interface E		
Maximum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum for other buildings
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings.
Minimum upper level setback	None specified	6m ~~minimum~~ for heritage buildings 3m ~~minimum~~ for other buildings
Interface I		

Built form	Mandatory requirement	Preferred requirement
Maximum side/rear wall height	None specified	11m
Minimum side/rear wall setback	None specified	None specified
Minimum upper level setback	None specified	4.5m from the centreline of the laneway

Building separation requirements

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

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

- For building of less than or equal to 21 metres in height, upper level development should be set back a minimum of:
  - 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site.
  - 3.0 metres from the common boundary, where a commercial or non-habitable window facing the common boundary is proposed on the subject site.
- For buildings greater than 21 metres in height, any development above the street wall or 15 metres in height (whichever is greater) facing the common boundary should be set back a minimum of 4.5 metres from that boundary.

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:

- 9 metres from each other, where a habitable window or balcony is proposed; and
- 6 metres from each other where a commercial or non-habitable window is proposed.

Overshadowing requirements

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

- any part of the southern footpath of Victoria 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 any of the following spaces between 10am and 2pm at 22nd September, unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:~~

- ~~any part of the opposite footpath of Shelley Street, Charles Street, Nicholson Street and Church Street, measured from the property boundary to the existing kerb (including any opposite kerb outstands, seating and/or planting).~~

A permit should not be granted to construct a building or construct or carry out works that would cause any additional overshadowing of the ~~following~~ spaces in Table 2 ~~between 10am and 2pm at 22nd September,~~ unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority.~~:~~

~~Butler Street Park.~~

Table 2 – Overshadowing

Location	Hours and dates
Any part of the opposite footpath of Shelley Street, Charles Street, Nicholson Street and Church Street, measured from the property boundary to the existing kerb (including any opposite kerb outstands, seating and/or planting).	10am to 2pm at 22 September
Butler Street Park.	10am to 2pm at 22 September

Interface to residential properties in NRZ or GRZ requirements

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

Development with an interface to a property in the Neighbourhood Residential Zone or General Residential Zone (shown as Interface H on Plan 1) should not exceed the maximum heights and setbacks in Figure 1 of this schedule.

Design Quality Requirements

Development should achieve urban design and architectural excellence.

Development in the Commercial 1 Zone and/or Mixed Use Zone 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.

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

Development should:

- Incorporate vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
- Be expressed 'in the round' and provide detail on all façades.

Development should avoid blank walls visible ~~permanently or temporarily~~ from the public realm. Where a solid external wall is unavoidable, walls should be detailed and include articulation to provide ~~an interesting appearance~~ for visual interest.

New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.

Development should ensure any walls visible from the public realm are designed to provide visual interest to passing pedestrians through colour, texture or finishes.

Development should provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.

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

Development should be designed to address the potential future urban space at Jonas Place.

Development with a frontage to a 'Green Street – key pedestrian/cycle route' identified on Plan 1 should contribute to urban greening by introducing trees, ground cover, vertical and rooftop vegetation.

Vehicular access requirements

Development should not provide vehicle access from Victoria Street.

Development should provide vehicular access from rear lanes or from side streets, where appropriate. ~~in the preferred locations on Plan 2 of this schedule - Access and Movement Plan.~~

Where access is provided to an arterial road, access would ~~should~~ be subject to Department of Transport approval and should be limited to left-in/left-out.

Development with redundant vehicle access points must reinstate the kerb, line mark 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.

Development indicated in Plan 2 as requiring a setback 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 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 3.5 metres minimum should be achieved.

In locations where potential one way streets are indicated on Plan 2 but have not been implemented, development should consider ground floor setbacks or provision of passing areas within sections of the lane allow for building services and car park access.

Properties on the inside corner of bends in laneways or at intersections between two laneways should provide a minimum 3 metres x 3 metres splay to facilitate vehicle access or any alternative splay that facilitates movement by the B99 design vehicle, to the satisfaction of the Responsible Authority.

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

Development should enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.

Pedestrian and Bicycle Access Requirements

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone and avoid primary access from laneways. Where pedestrian access can only be provided from a laneway, the pedestrian entrance should be setback from the rear laneway or include a pedestrian refuge or landing and be well lit to enable safe access.

Development should facilitate the creation of a shared zone where properties abut a potential future shared zone as shown on Plan 2.

Pedestrian entrances should be clearly visible, secure and have an identifiable sense of address.

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

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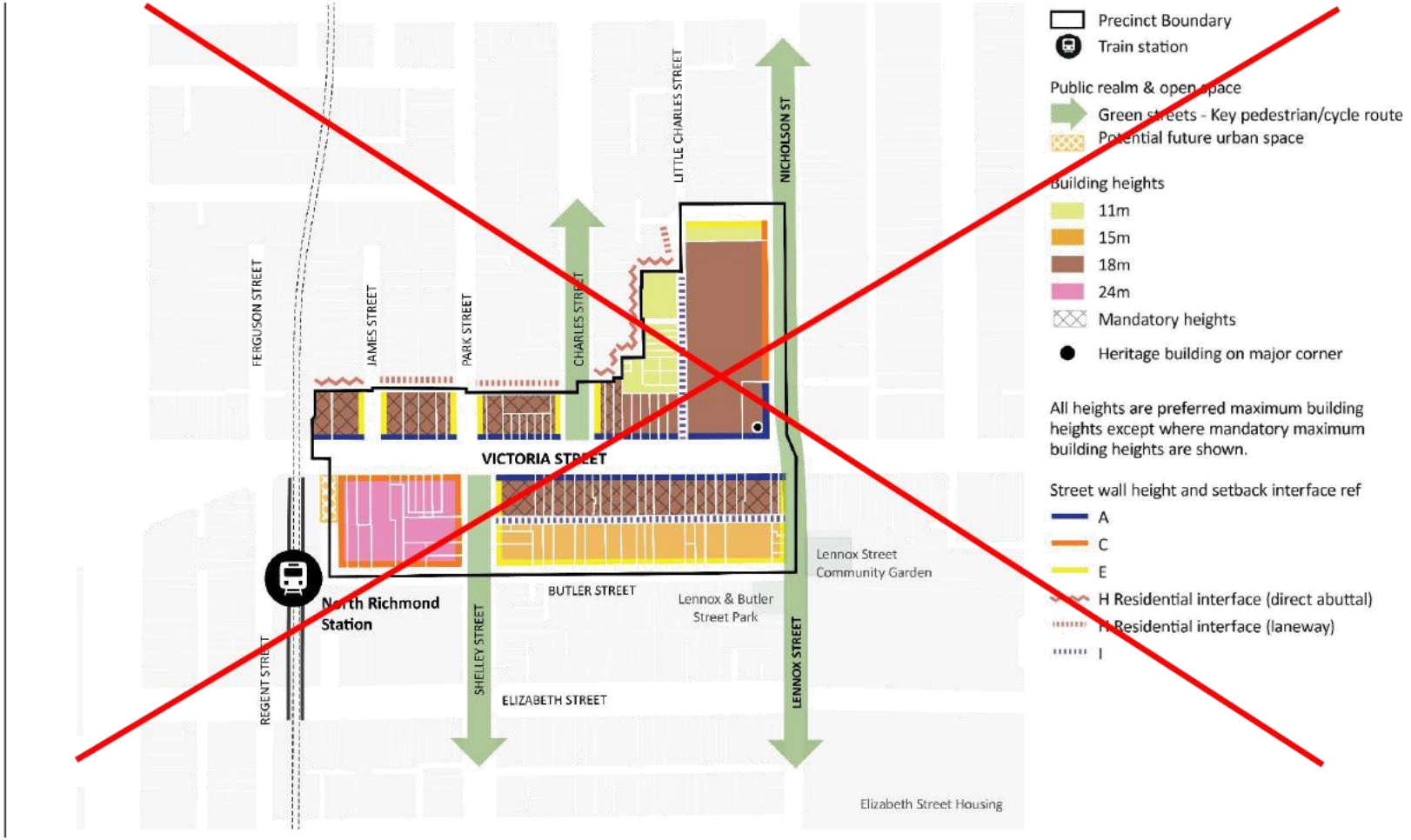
Plan 1: Height and Interface Plan – Precinct 2 Victoria Street Central



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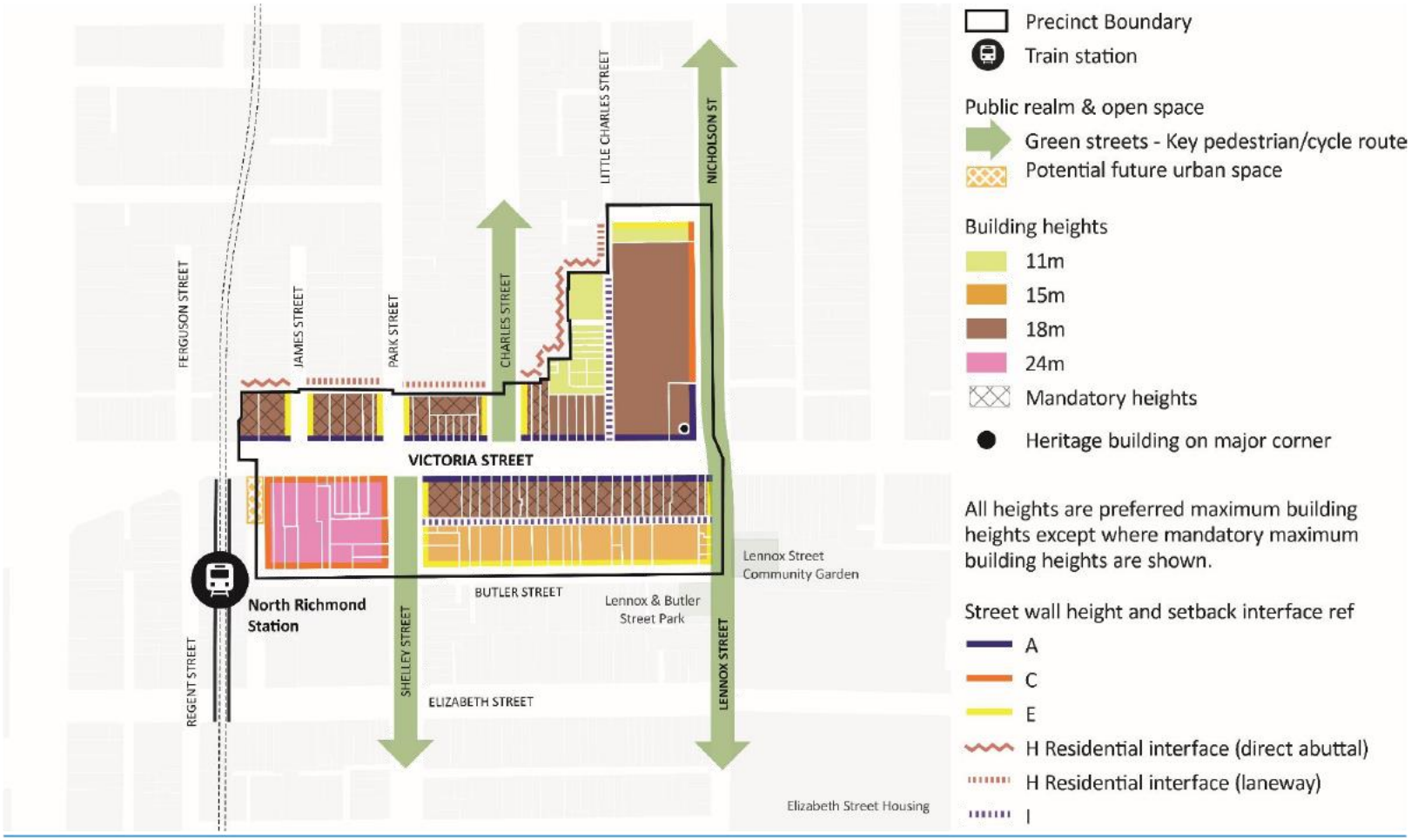
DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION



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Plan 2: Access and Movement Plan – Precinct 2 Victoria Street Central

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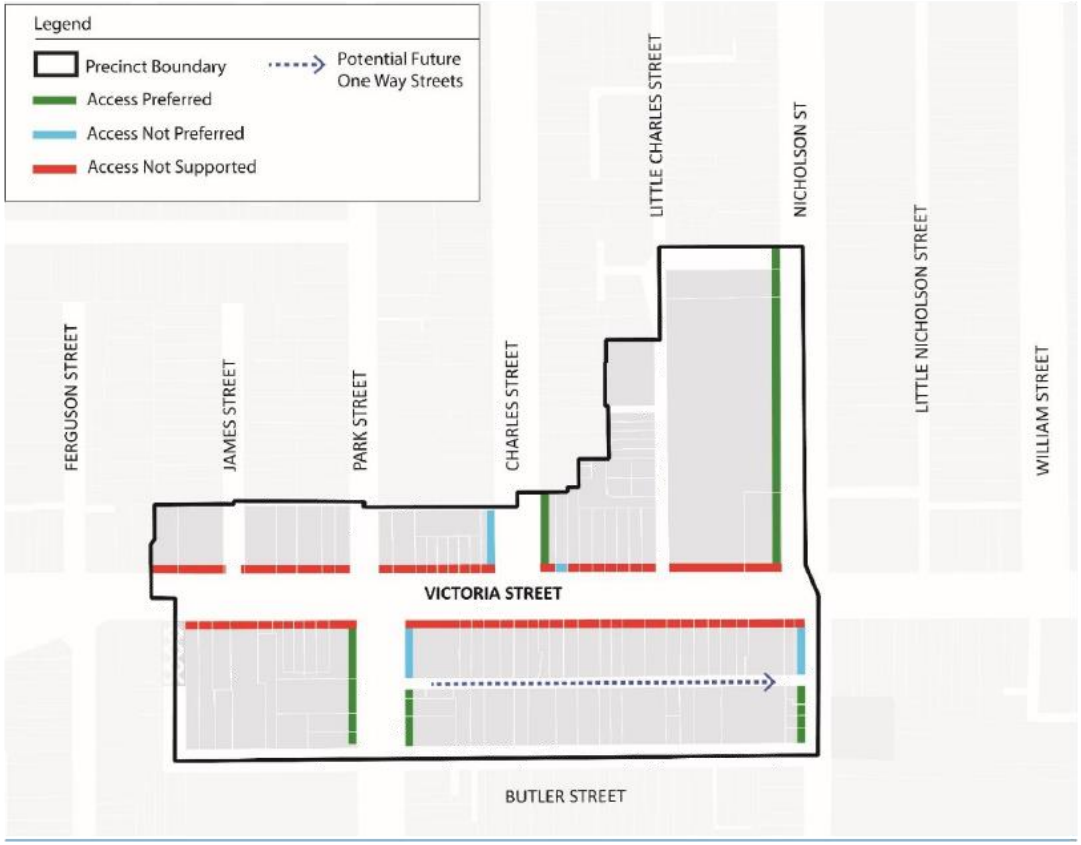


NOTE – Potential future shared zones and one way streets are subject to further assessment and consultation.

3.0 Subdivision

None specified.

4.0 ~~Advertising signs~~Signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and 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 15 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.
- 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 and bike lanes),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the impacts of traffic and parking in the Precinct including 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:

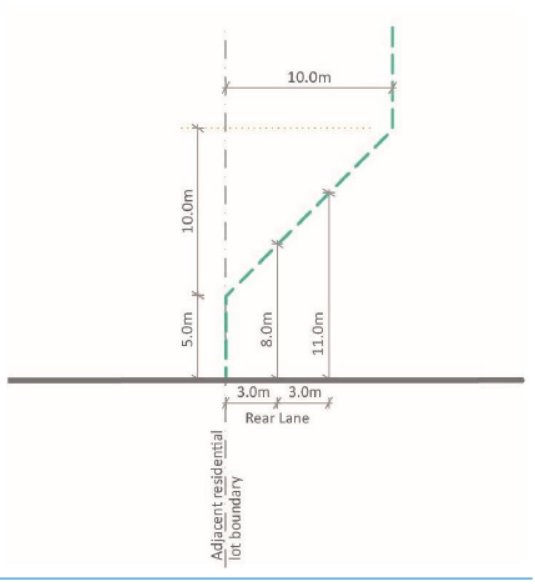
- Whether design excellence is achieved (including but not limited to building siting, scale, massing, articulation and materials).
- The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- Whether the overshadowing impacts of the development on opposite footpaths and public spaces are minimised.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Victoria Street and from local streets.
- The prominence of the heritage street wall in the vistas along Victoria Street, ~~Church 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 the development on view lines to the Richmond Town Hall and Skipping Girl sign.~~
- The design response at the interface with existing, low scale residential properties.
- If roof decks are proposed above the street wall, whether they are set back and are recessive in appearance.
- 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.
- The impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bike lanes.
- The impact of vehicular access arrangements on the operation of the tram routes along Victoria Street ~~and Church Street~~.

~~Reference documents~~

- ~~Bridge Road & Victoria Street Activity Centres – Review of Interim Built Form Controls - Analysis and Recommendations (MGS Architects and Urban Circus, April 2021)~~
- ~~Built Form Review: Victoria Street – Heritage Analysis and Recommendations (GJM Heritage, April 2021)~~
- ~~Traffic Engineering Assessment, Victoria Street and Bridge Road Activity Centres, Richmond (Traffix Group, April 2021)~~

Figure 1 to Schedule 47 – Interface H - to residential properties in NRZ or GRZ



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SCHEDULE 48 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO48.

VICTORIA STREET ACTIVITY CENTRE - PRECINCT 3 NORTH RICHMOND STATION

1.0 Design objectives

To promote quality building design and a new mid-rise character on Hoddle Street that reinforces the importance of the boulevard and improves its pedestrian environment and landscape character.

To support a new mid-rise character on Regent Street and on the larger sites east of the railway line with lower built form at the interfaces with streets and the adjoining low-rise residential areas.

To ensure development maintains the visual prominence of heritage buildings.

To ensure development enhances the pedestrian experience through street activation and passive surveillance to all streets, including Little Hoddle Street and the streets leading to the North Richmond Station and protects sunlight access to Elizabeth Street – a key pedestrian and cycling route.

To ensure development responds to sensitive interfaces by providing a suitable transition to low scale residential areas and minimising amenity impacts on residential properties including overlooking, overshadowing and visual bulk impacts.

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 and MUZ, 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

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.

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

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

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

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

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 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.

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

Building heights 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 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; 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.~~
- where the proposal includes dwellings, it also achieves each of the following:
  - ~~housing for diverse households types; including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations;~~
  - ~~accessibility provision that achieves the standards in Clauses 55.07 and 58.05 (as relevant);~~
  - communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and/or
  - secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.

Architectural features may exceed the preferred or mandatory 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 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 /structures (other than solar panels and green roofs);
- The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm ~~etc~~; and
- The equipment/structures does not extend higher than 2.6 metres above the maximum building height.

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

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 Wall Requirements

Development should achieve a continuous street wall with no front setback to a street, unless the subject site contains a heritage building with an existing front setback or a street setback is specified.

Where heritage is not a constraint, development should consider providing:

- ground level setbacks (and above) to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level and above setbacks are strongly encouraged where they have been provided by nearby or neighbouring developments to achieve a consistent approach along a street frontage.
- a corner splay at minimum of 1 x 1 metre along the site's corner boundaries.

Infill development adjoining a heritage building should match the parapet height of the adjoining building for a minimum of 6 metres in length.

On corner sites where two different street wall heights are nominated, development should 'turn the corner' and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

Upper Level Requirements

Development should:

- Incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- Be set back from the street wall 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.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.

Upper level development for a development 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.
- retain the visual prominence of prominent corner buildings.
- avoid unarticulated façades that give a bulky appearance, especially from oblique views.
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Development adjoining a heritage building should match the upper level setback of the heritage building for a minimum of 6 metres in length.

Upper level development above rows of identical or similar heritage buildings (such as terrace shops/residences) should be consistent in form, massing and façade treatment with any existing upper-level development above the same row of buildings.

For heritage buildings, upper level setbacks behind the street wall should be provided in excess of the minimum upper level setback 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;
- a lesser setback ~~it~~ would not 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.

Table 1 - Street Wall Heights and Setbacks - Precinct 3 North Richmond Station

Built form	Mandatory requirement	Preferred requirement
Interface A		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8m minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	6m	For buildings >15m, the uppermost level should be set back 9m minimum
Interface C		
Maximum and minimum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings. Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings. 12 Shelley Street and 33 Elizabeth Street - 2m minimum setback on western boundary. Elsewhere - 0m
Minimum upper level setback	None specified	For properties along Elizabeth Street between Hoddle Street and Little Hoddle Street - 3m Elsewhere - 6m
Interface D		
Maximum street wall height	None specified	15m
Maximum and	None specified	0m

Built form	Mandatory requirement	Preferred requirement
minimum street wall setback		
Minimum upper level setback	None specified	For properties along Hoddle Street south of Elizabeth Street: 3m Elsewhere - 4.5m
Interface I		
Maximum side/rear wall height	None specified	11m
Minimum side/rear wall setback	None specified	2m minimum setback along Little Hoddle Street as shown in Plan 1 ~~to the eastern boundary of 15-25 Hoddle Street, 6-8 Elizabeth Street and 35-81 Hoddle Street and to the western boundary of 28-30 Regent Street, 31-33 Little Hoddle Street and 5 Elizabeth Street.~~
Minimum upper level setback	None specified	For properties which abut Little Hoddle Street - 6.5m from the property boundary An additional 3m setback at the uppermost level for development over 30m on the western side of Little Hoddle Street Elsewhere - 4.5m from the centreline of the laneway

Building separation requirements

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

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

- For building of less than or equal to 21 metres in height, upper level development should be set back a minimum of:
  - 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site.
  - 3.0 metres from the common boundary, where a commercial or non-habitable window facing the common boundary is proposed on the subject site.
- For buildings greater than 21 metres in height, any development above the street wall or 15 metres in height (whichever is greater) facing the common boundary should be set back a minimum of 4.5 metres from that boundary.

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:

- 9 metres from each other, where a habitable window or balcony is proposed; and
- 6 metres from each other where a commercial or non-habitable window is proposed.

Overshadowing requirements

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

September, unless the additional overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:

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

Interface to residential properties ~~in NRZ or GRZ requirements~~

Development should protect the amenity of existing residential properties in the Neighbourhood Residential or General Residential Zones in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.

Development in the Commercial 2 Zone should be setback from side and rear boundaries to ensure adequate daylight and minimise direct views to habitable rooms and private open space of dwellings in the Mixed Use Zone.

Development with an interface to a property in the Neighbourhood Residential Zone or General Residential Zone (shown as Interface H or Interface J on Plan 1) should not exceed the maximum heights and setbacks in ~~Figure 1 of this schedule~~ set out in Table 3.

Table 3 – Residential interfaces

Residential Interface	Preferred requirement
Interface H	Heights and setbacks shown in Figure 1 of this schedule.
Interface J	Heights and setbacks shown in Figure 2 of this schedule.

Design Quality Requirements

Development should achieve urban design and architectural excellence.

Development in the Commercial 1 Zone and/or Mixed Use Zone 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:

- Incorporate vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
- Be expressed 'in the round' and provide detail on all façades.

Development should avoid blank walls visible ~~permanently or temporarily~~ from the public realm. Where a solid external wall is unavoidable, walls should be detailed and include articulation to provide ~~an interesting appearance~~ for visual interest.

New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.

Development should ensure any walls visible from the public realm are designed to provide visual interest to passing pedestrians through colour, texture or finishes.

Development should ensure taller buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight and views to the sky above the street wall.

Development should break up buildings with a wide street frontage into smaller vertical sections or separate elements to provide breaks and modulation in the street facade.

Development should provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.

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

Development with a frontage to a 'Green Street – key pedestrian/cycle route' identified on Plan 1 should contribute to urban greening by introducing trees, ground cover, vertical and rooftop vegetation.

Vehicular access requirements

Development should provide vehicular access from rear lanes or from side streets, where appropriate. ~~in the preferred locations on Plan 2 of this schedule - Access and Movement Plan.~~

Where access is provided to an arterial road, access should would be subject to Department of Transport approval and should be limited to left-in/left-out.

Development with redundant vehicle access points must reinstate the kerb, line mark 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.

Development indicated in Plan 2 as requiring a setback 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 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 3.5 metres minimum should be achieved.

In locations where potential one way streets are indicated on Plan 2 but have not been implemented, development should consider ground floor setbacks or provision of passing areas within sections of the lane allow for building services and car park access.

Properties on the inside corner of bends in laneways or at intersections between two laneways should provide a minimum 3 metres x 3 metres splay to facilitate vehicle access or any alternative splay that facilitates movement by the B99 design vehicle, to the satisfaction of the Responsible Authority.

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

Development should enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.

Pedestrian and Bicycle Access Requirements

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone and avoid primary access from laneways. Where pedestrian access can only be provided from a laneway, the pedestrian entrance should be setback from the rear laneway or include a pedestrian refuge or landing and be well lit to enable safe access.

Development should facilitate the creation of a shared zone where properties abut a potential future shared zone as shown on Plan 2.

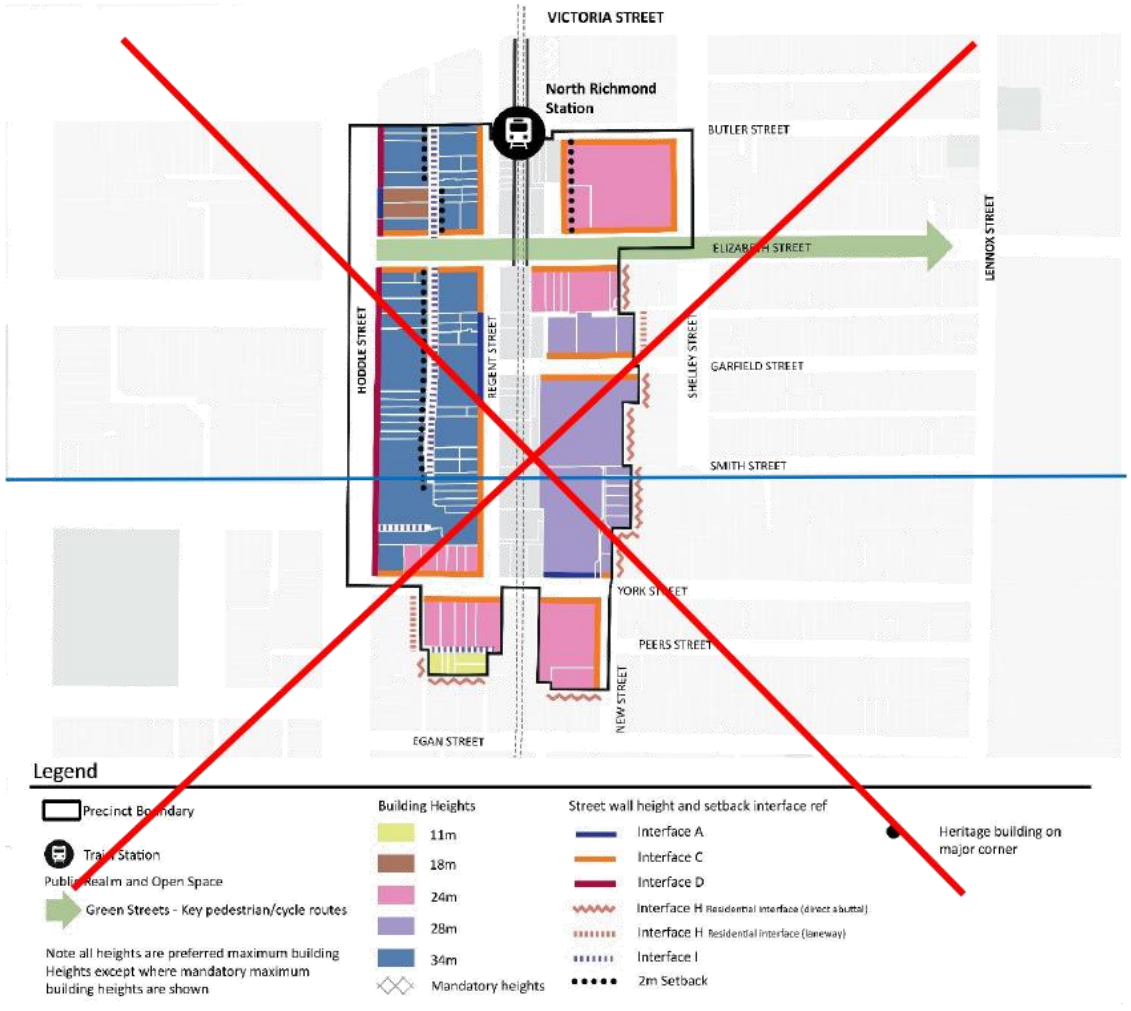
Development should consider creating ground level publicly accessible pedestrian connections or linkages as shown on Plan 2.

Pedestrian entrances should be clearly visible, secure and have an identifiable sense of address.

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

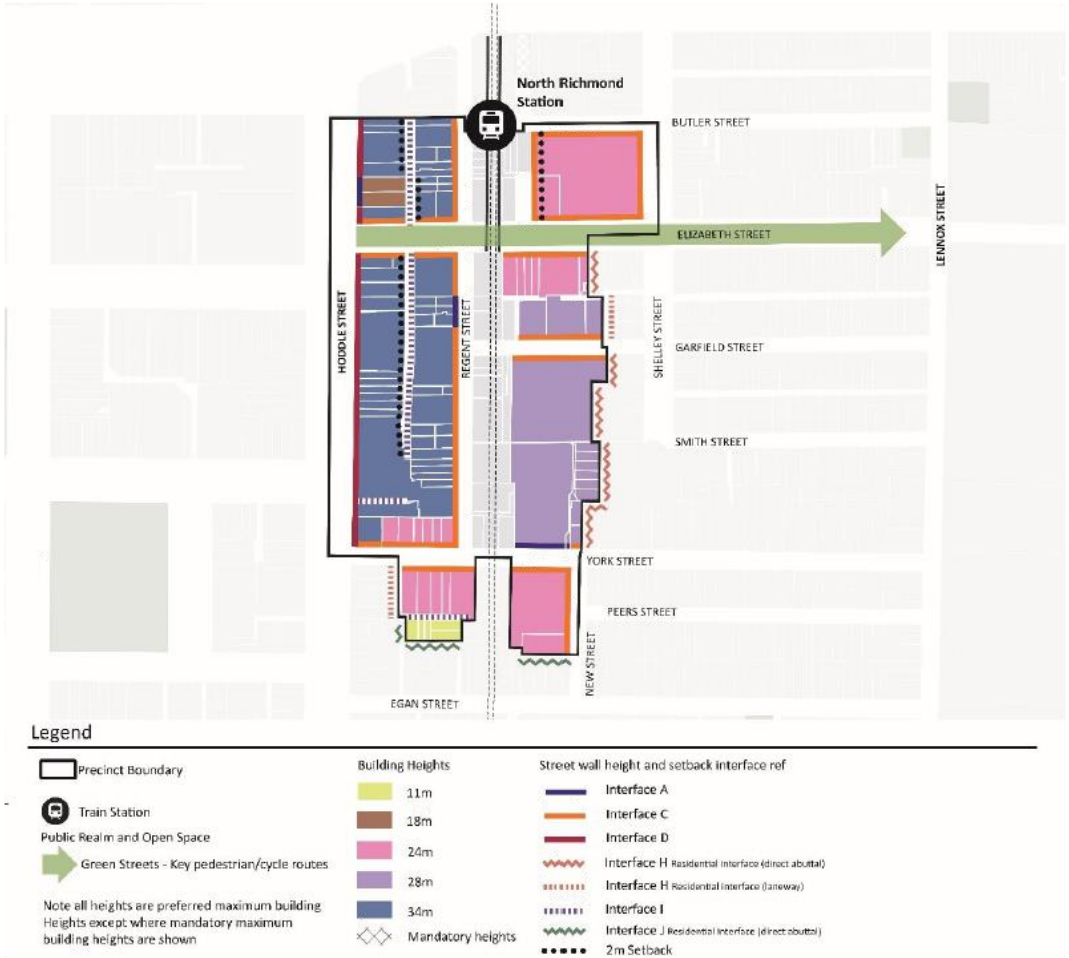
Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

Plan 1: Height and Interface Plan – Precinct 3 North Richmond Station



Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION



Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

Plan 2: Access and Movement Plan – Precinct 3 North Richmond Station

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

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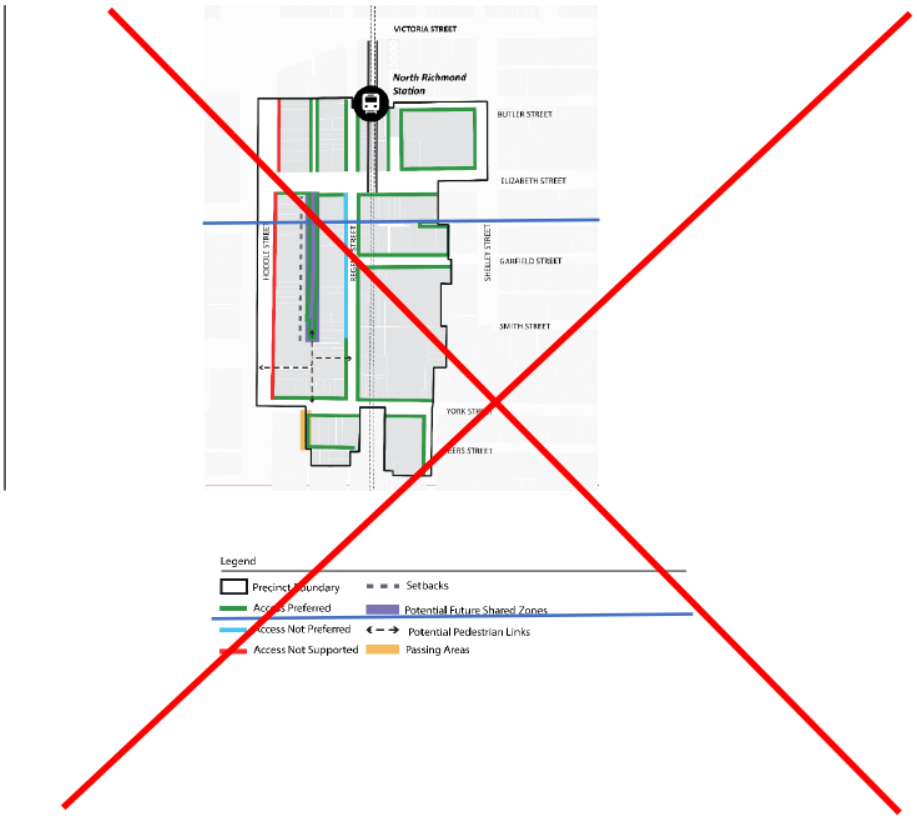

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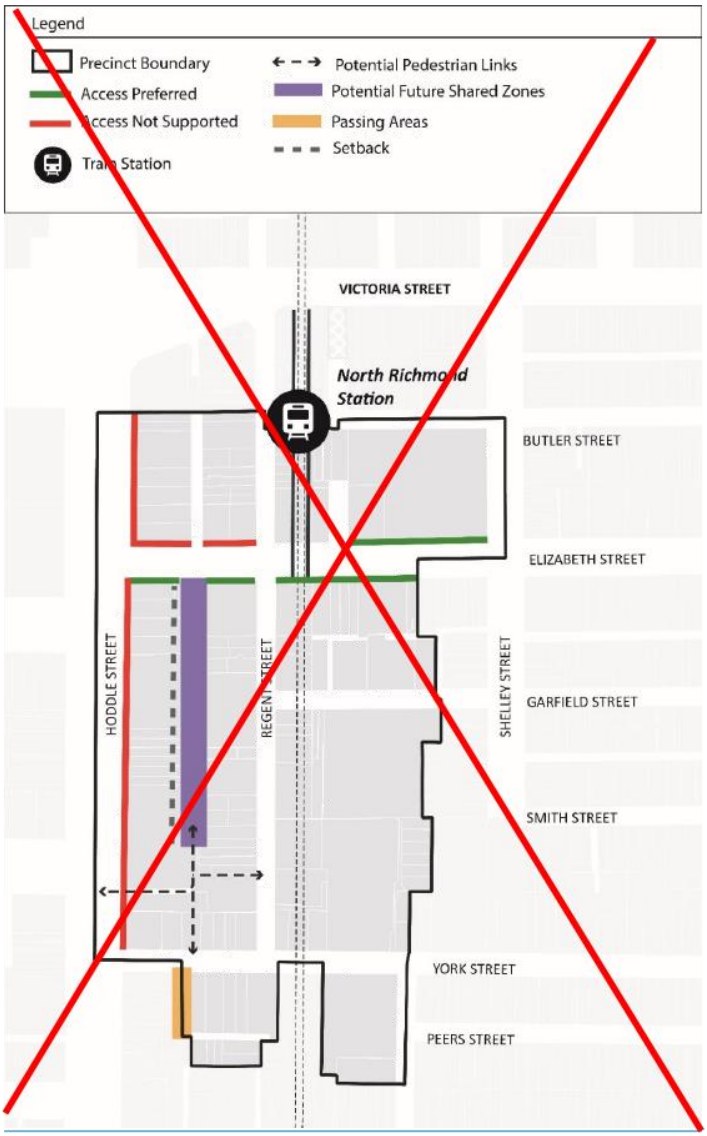
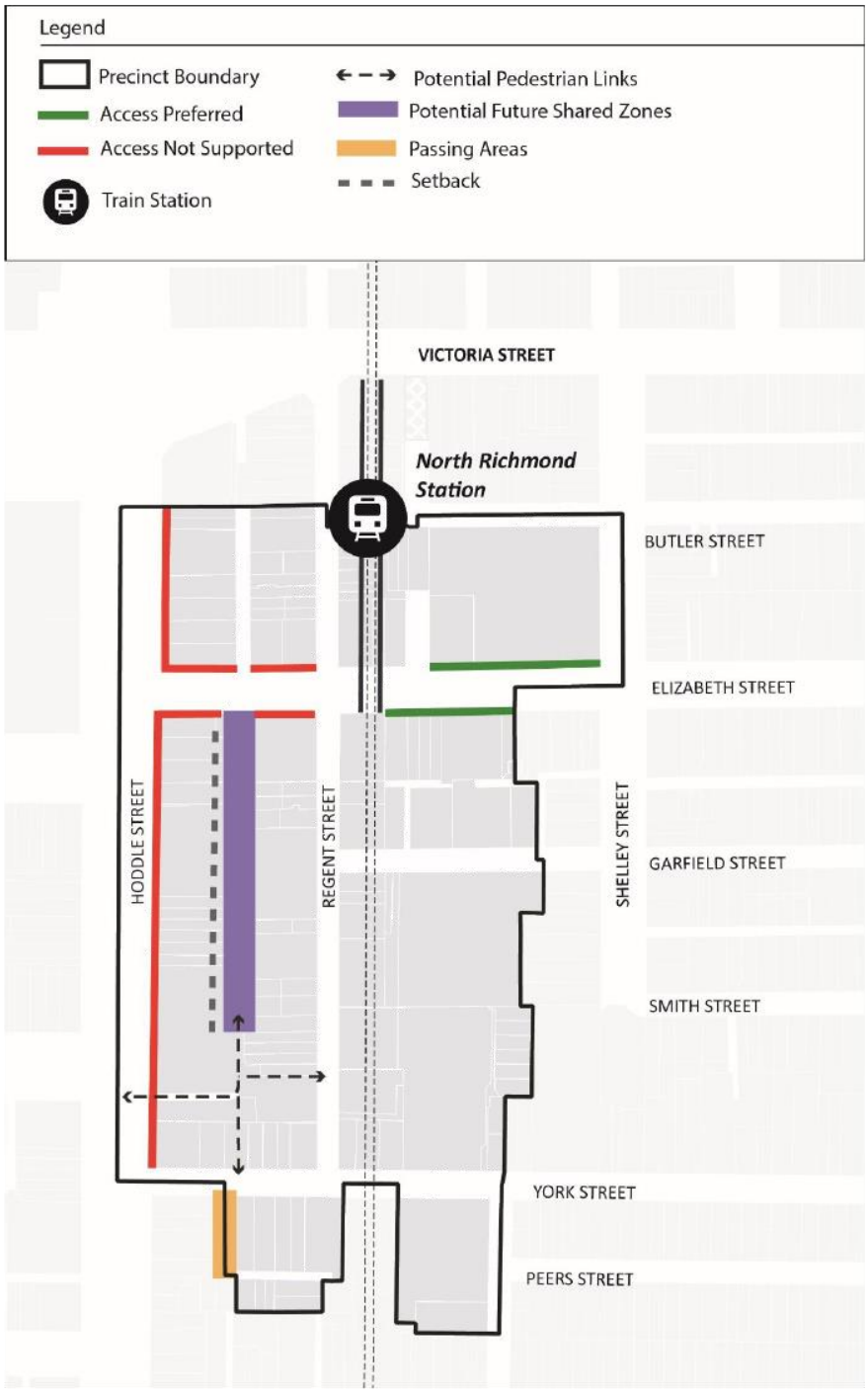


Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION



NOTE – Potential future shared zones and one way streets are subject to further assessment and consultation.

3.0 Subdivision

None specified.

4.0 ~~Advertising~~ Signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and 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 15 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.
- 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 and bike lanes),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the impacts of traffic and parking in the Precinct including 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:

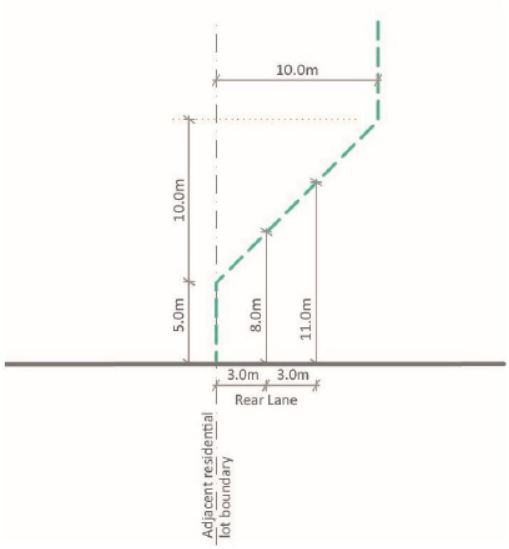
- Whether design excellence is achieved (including but not limited to building siting, scale, massing, articulation and materials).
- The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- Whether the overshadowing impacts of the development on opposite footpaths and public spaces are minimised.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Victoria Street and from local streets.
- The prominence of the heritage street wall in the vistas along ~~Victoria Street, Church 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 the development on view lines to St Ignatius Church and Skipping Girl sign.~~

- The design response at the interface with existing, low scale residential properties.
- If roof decks are proposed above the street wall, whether they are set back and are recessive in appearance.
- 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.
- The impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bike lanes.
- ~~The impact of vehicular access arrangements on the operation of the tram routes along Victoria Street and Church Street.~~

~~**Reference documents**~~

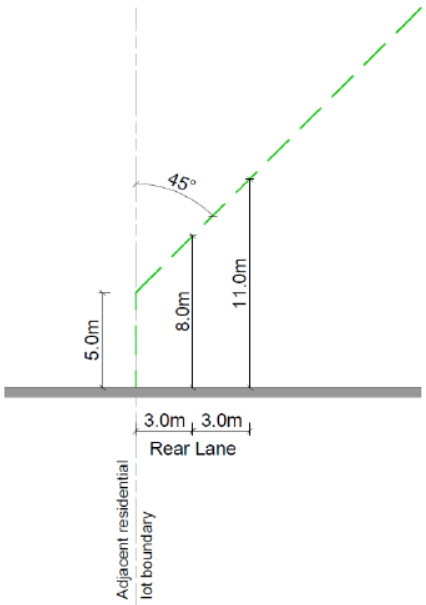
- ~~Bridge Road & Victoria Street Activity Centres – Review of Interim Built Form Controls – Analysis and Recommendations (MGS Architects and Urban Circus, April 2021)~~
- ~~Built Form Review: Victoria Street – Heritage Analysis and Recommendations (GJM Heritage, April 2021)~~
- ~~Traffic Engineering Assessment, Victoria Street and Bridge Road Activity Centres, Richmond (Traffix Group, April 2021)~~

Figure 1 to Schedule 48 – Interface H - to residential properties in NRZ or GRZ



DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION

Figure 2 to Schedule ~~41~~48 – Interface J - to residential properties in NRZ or GRZ



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SCHEDULE 49 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO49.

VICTORIA STREET ACTIVITY CENTRE - PRECINCT 4 VICTORIA STREET EAST

1.0 Design objectives

To support mid-rise development that maintains and reinforces the prominence of the existing street wall and fine grain character and pattern of shops and restaurants along Victoria Street.

To ensure development respects the architectural form and qualities of heritage buildings, local landmarks and the heritage streetscape in Victoria Street and along Lithgow Street.

To support a new mid rise character between Lennox Street and Church Street with high quality new buildings that activate and improve the public realm.

To ensure development enhances the pedestrian experience through street activation and passive surveillance on Victoria Street and its side streets, improved pedestrian connections from Victoria Street to Elizabeth Street and protecting sunlight access to the southern side of Victoria Street, Nicholson Street, Lithgow Street, Albert Street and Church Street.

To ensure development responds to sensitive interfaces by providing a suitable transition to low scale residential areas and minimising amenity impacts on residential properties including overlooking, overshadowing and visual bulk impacts.

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 and MUZ, 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

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.

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

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

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

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

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 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.

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

Building heights 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 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; 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.~~
- where the proposal includes dwellings, it also achieves each of the following:
  - ~~housing for diverse households types,; including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations;~~
  - ~~accessibility provision that achieves the standards in Clauses 55.07 and 58.05 (as relevant);~~
  - communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and/or
  - secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.

Architectural features may exceed the preferred or mandatory 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 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 /structures (other than solar panels and green roofs);
- The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm ~~etc~~; and
- The equipment/structures does not extend higher than 2.6 metres above the maximum building height.

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

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 Wall Requirements

Development should achieve a continuous street wall along Victoria Street with no front setback to a street, unless the subject site contains a heritage building with an existing front setback or a street setback is specified.

In locations outside of Victoria Street where heritage is not a constraint, development should consider providing:

- ground level setbacks (and above) to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level and above setbacks are strongly encouraged where they have been provided by nearby or neighbouring developments to achieve a consistent approach along a street frontage.
- a corner splay at minimum of 1 x 1 metre along the site's corner boundaries.

Infill development adjoining a heritage building should match the parapet height of the adjoining building for a minimum of 6 metres in length.

On corner sites where two different street wall heights are nominated, development should 'turn the corner' and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

Upper Level Requirements

Development should:

- Incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- Be set back from the street wall 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.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.

Upper level development for a development 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.
- retain the visual prominence of prominent corner buildings and local landmarks - the Former Duke of Albany Hotel, 323-325 Victoria Street and Former East Collingwood Hotel, 385 Victoria Street.
- avoid unarticulated façades that give a bulky appearance, especially from oblique views.
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Development adjoining a heritage building should match the upper level setback of the heritage building for a minimum of 6 metres in length.

Upper level development above rows of identical or similar heritage buildings (such as terrace shops/residences) should be consistent in form, massing and façade treatment with any existing upper-level development above the same row of buildings.

For heritage buildings, upper level setbacks behind the street wall should be provided in excess of the minimum upper level setback 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;
- a lesser setback ~~it~~ would not 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.

Table 1 - Street Wall Heights and Setbacks - Precinct 4 Victoria Street East

Built form	Mandatory requirement	Preferred requirement
Interface A		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8m minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings	Elsewhere - 0m
Minimum upper level setback	25-33 Lithgow Street - 8m Elsewhere - 6m	For buildings >15m, the uppermost level should be set back 9m minimum
Interface C		
Maximum and minimum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings. Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	~~Retain existing street wall setback for heritage buildings.~~ None specified	Retain existing street wall setback for heritage buildings. 0m - elsewhere
Minimum upper level setback	None specified	6m
Interface E		
Maximum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m for other buildings
Maximum and minimum street wall setback	None specified	136 Lennox Street - 2m minimum setback to the western boundary Retain existing street wall setback for heritage buildings. 0m - elsewhere
Minimum upper level setback	None specified	6m for heritage buildings

Built form	Mandatory requirement	Preferred requirement
		3m for other buildings
Interface I		
Maximum side/rear wall height	None specified	11m
Minimum side/rear wall setback	None specified	None specified
Minimum upper level setback	None specified	4.5m from the centreline of the laneway

Building separation requirements

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

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

- For building of less than or equal to 21 metres in height, upper level development should be set back a minimum of:
  - 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site.
  - 3.0 metres from the common boundary, where a commercial or non-habitable window facing the common boundary is proposed on the subject site.
- For buildings greater than 21 metres in height, any development above the street wall or 15 metres in height (whichever is greater) facing the common boundary should be set back a minimum of 4.5 metres from that boundary.

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:

- 9 metres from each other, where a habitable window or balcony is proposed; and
- 6 metres from each other where a commercial or non-habitable window is proposed.

Overshadowing requirements

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

- any part of the southern footpath of Victoria 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 any of the following spaces between 10am and 2pm at 22nd September, unless the additional overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:

- any part of the opposite footpath of Nicholson Street, Lithgow Street, Albert Street, Shelley Street and Church Street, measured from the property boundary to the existing kerb (including any opposite kerb outstands, seating and/or planting).

Interface to residential properties in NRZ or GRZ requirements

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

Development with an interface to a property in the Neighbourhood Residential Zone or General Residential Zone (shown as Interface H or Interface J on Plan 1) should not exceed the maximum heights and setbacks ~~in Figure 1 of this schedule~~set out in Table 3.

Table 3 – Residential interfaces

Residential Interface	Preferred requirement
Interface H	Heights and setbacks shown in Figure 1 of this schedule.
Interface J	Heights and setbacks shown in Figure 2 of this schedule.

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 identified architectural elements of the following landmarks:

- the tower belfry and spire of St Ignatius Cathedral when viewed from the tram stop at the intersection of Victoria Street and Church Street.

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

Design Quality Requirements

Development should achieve urban design and architectural excellence.

Development in the Commercial 1 Zone and/or Mixed Use Zone 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.

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

Development should:

- Incorporate vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
- Be expressed 'in the round' and provide detail on all façades.

Development should avoid blank walls visible ~~permanently or temporarily~~ from the public realm. Where a solid external wall is unavoidable, walls should be detailed and include articulation to provide ~~an interesting appearance~~visual interest.

New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.

Development should ensure any walls visible from the public realm are designed to provide visual interest to passing pedestrians through colour, texture or finishes.

Development should ensure taller buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight and views to the sky above the street wall.

Development should break up buildings with a wide street frontage into smaller vertical sections or separate elements to provide breaks and modulation in the street facade.

Development should provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.

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

Development with a frontage to a 'Green Street – key pedestrian/cycle route' identified on Plan 1 should contribute to urban greening by introducing trees, ground cover, vertical and rooftop vegetation.

Vehicular access requirements

Development should not provide vehicle access from Victoria Street.

Development should provide vehicular access from rear lanes or from side streets, where appropriate. ~~in the preferred locations on Plan 2 of this schedule - Access and Movement Plan.~~ Where access is provided to an arterial road, access would ~~should~~ be subject to Department of Transport approval and should be limited to left-in/left-out.

Development with redundant vehicle access points must reinstate the kerb, line mark 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.

Development indicated in Plan 2 as requiring a setback 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 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 3.5 metres minimum should be achieved.

In locations where potential one way streets are indicated on Plan 2 but have not been implemented, development should consider ground floor setbacks or provision of passing areas within sections of the lane allow for building services and car park access.

Properties on the inside corner of bends in laneways or at intersections between two laneways should provide a minimum 3 metres x 3 metres splay to facilitate vehicle access or any alternative splay that facilitates movement by the B99 design vehicle, to the satisfaction of the Responsible Authority.

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

Pedestrian and Bicycle Access Requirements

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone and avoid primary access from laneways. Where pedestrian access can only be provided from a laneway, the pedestrian entrance should be setback from the rear laneway or include a pedestrian refuge or landing and be well lit to enable safe access.

Development should facilitate the creation of a shared zone where properties abut a potential future shared zone as shown on Plan 2.

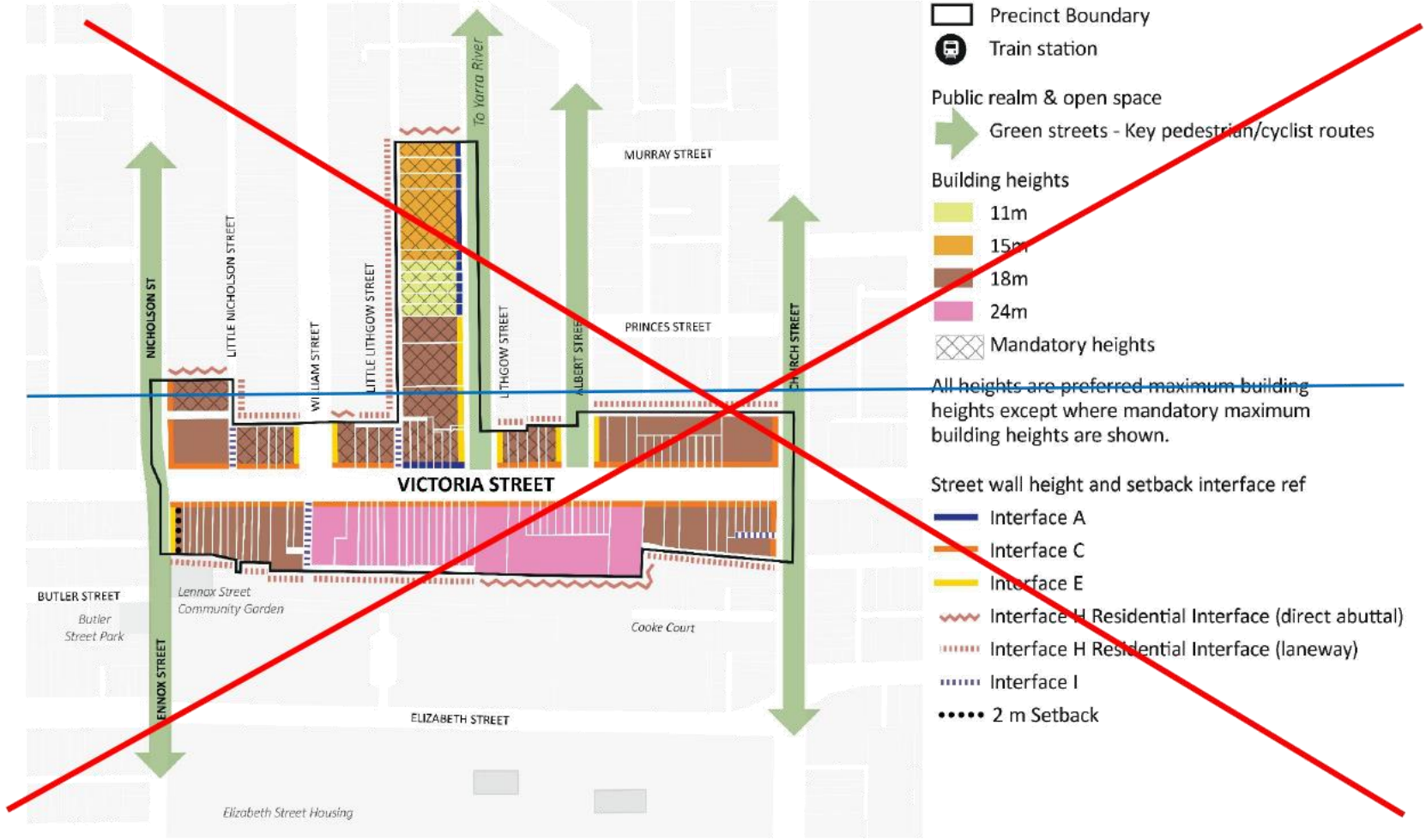
Development should consider creating ground level publicly accessible pedestrian connections or linkages as shown on Plan 2.

Pedestrian entrances should be clearly visible, secure and have an identifiable sense of address.

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

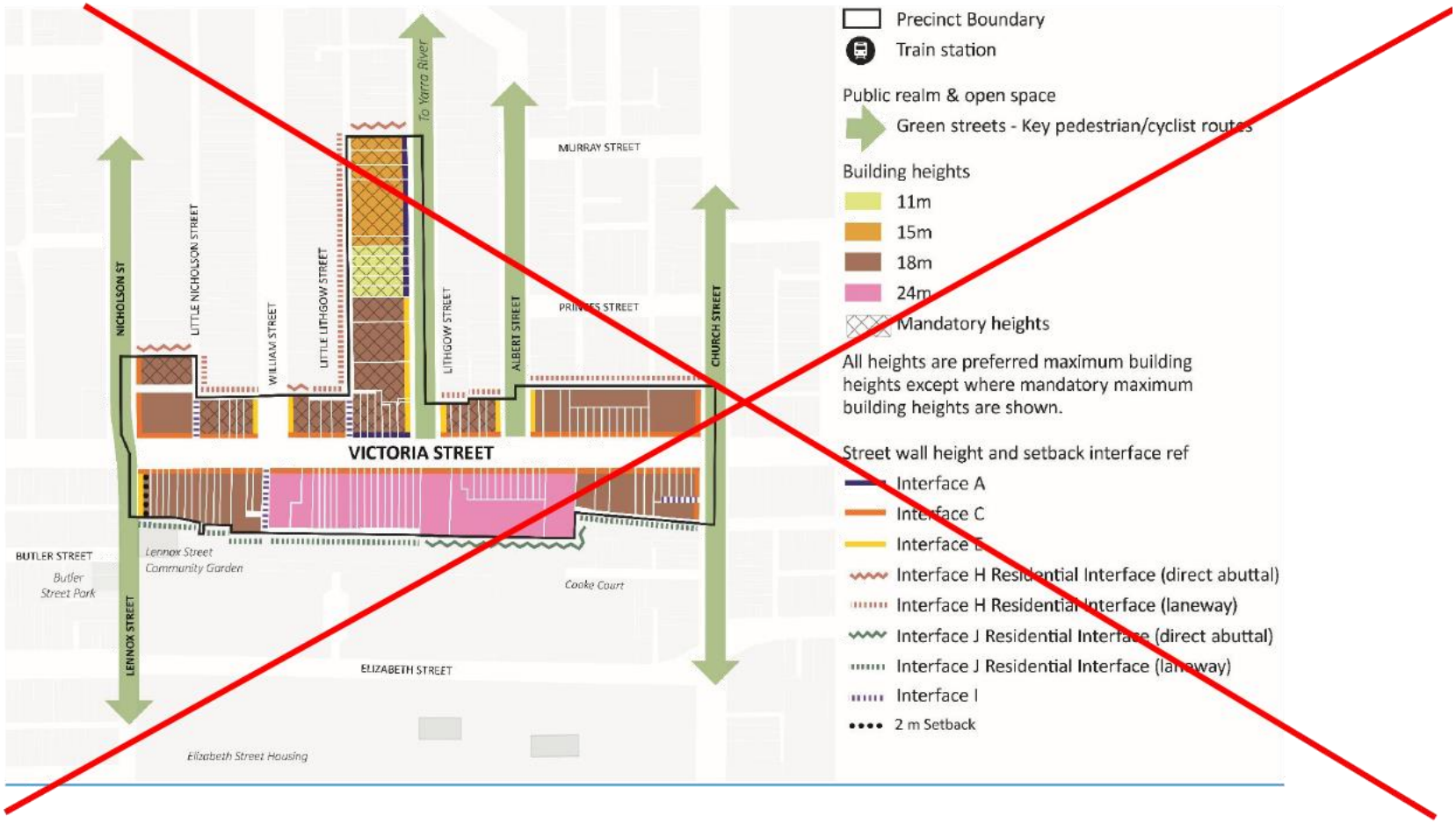
Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

Plan 1: Height and Interface Plan – Precinct 4 Victoria Street East



Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION



Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

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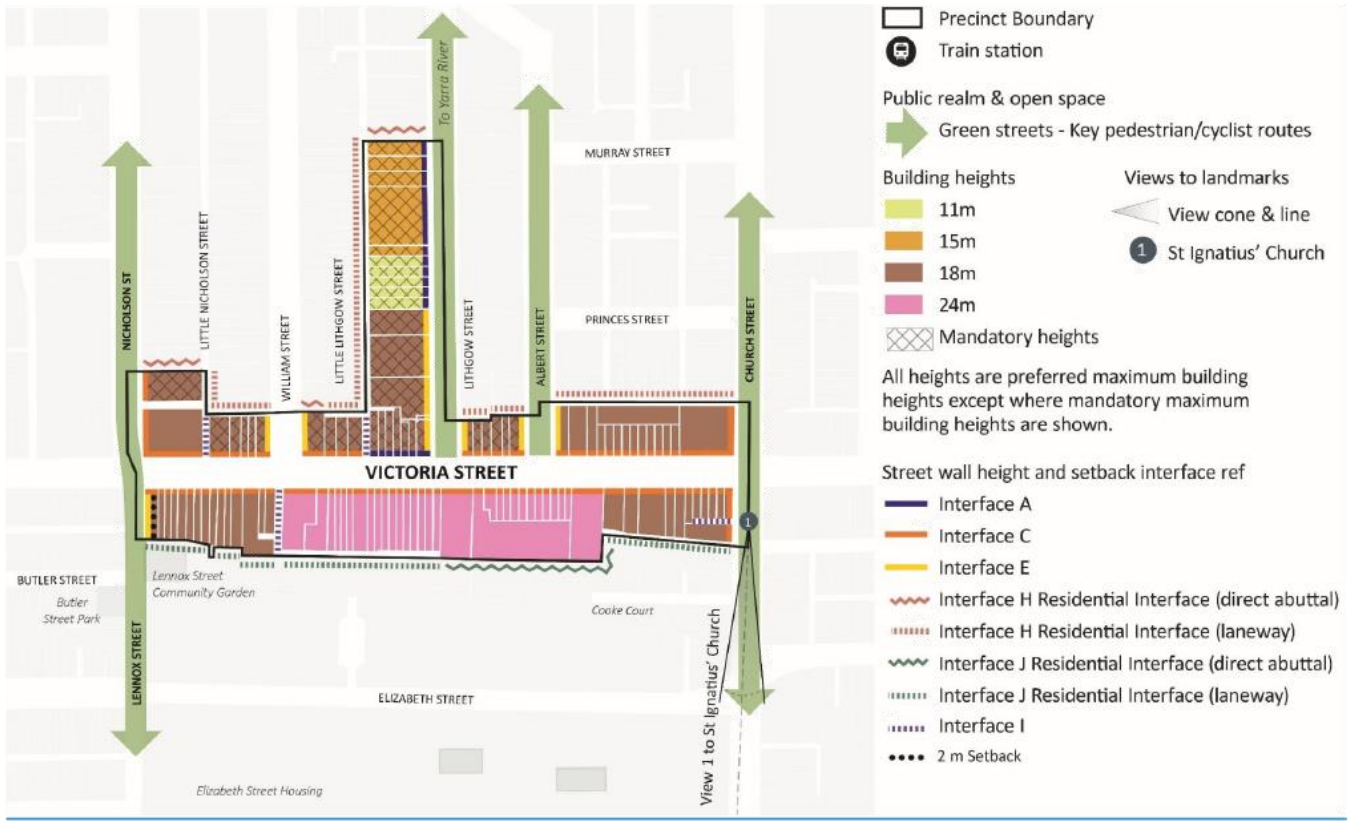
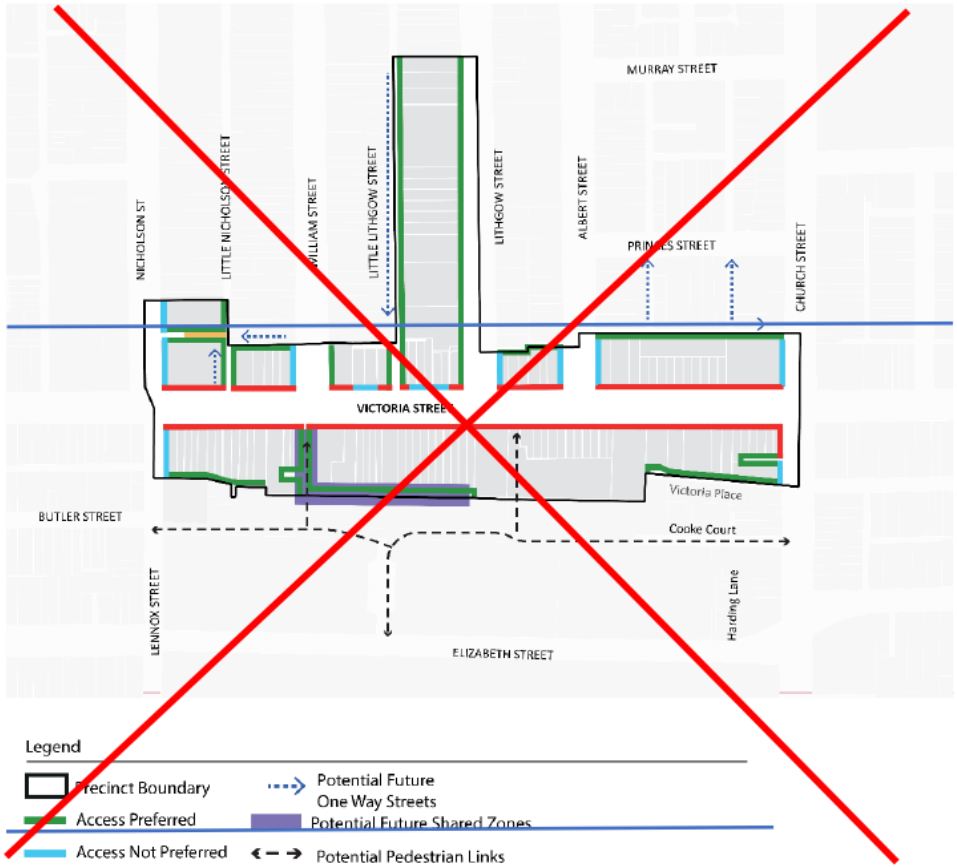


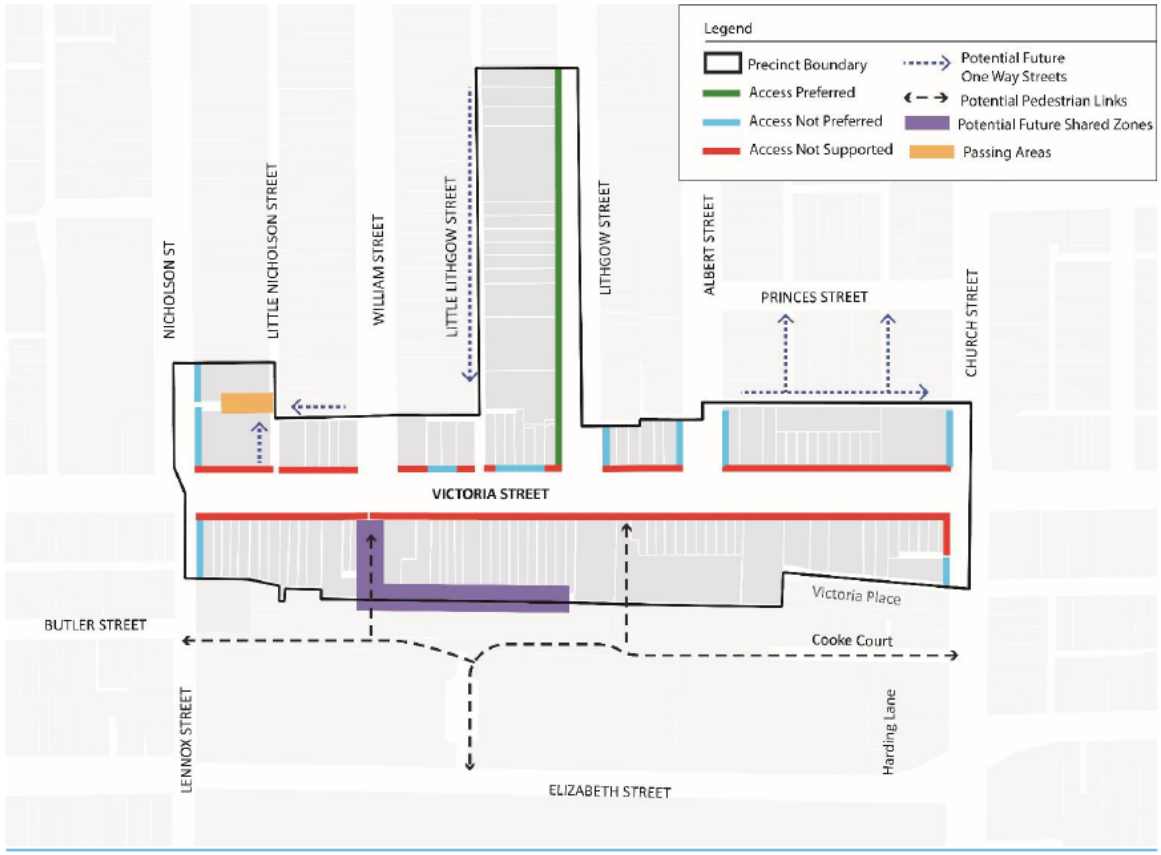
Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

Plan 2: Access and Movement Plan – Precinct 4 Victoria Street East



Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION



NOTE – Potential future shared zones and one way streets are subject to further assessment and consultation.

3.0 Subdivision

None specified.

4.0 ~~Advertising~~ signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and 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 15 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.
- 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 and bike lanes),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the impacts of traffic and parking in the Precinct including 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 design excellence is achieved (including but not limited to building siting, scale, massing, articulation and materials).
- The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- Whether the overshadowing impacts of the development on opposite footpaths and public spaces are minimised.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Victoria Street and from local streets.
- The prominence of the heritage street wall in the vistas along Victoria Street, Church 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 the development on view lines to the St Ignatius Church ~~and Skipping Girl sign~~.

- The design response at the interface with existing, low scale residential properties.
- If roof decks are proposed above the street wall, whether they are set back and are recessive in appearance.
- 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.
- The impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bike lanes.
- The impact of vehicular access arrangements on the operation of the tram routes along Victoria Street and Church Street.

~~Reference documents~~

- ~~Bridge Road & Victoria Street Activity Centres – Review of Interim Built Form Controls – Analysis and Recommendations (MGS Architects and Urban Circus, April 2021)~~
- ~~Built Form Review: Victoria Street – Heritage Analysis and Recommendations (GJM Heritage, April 2021)~~
- ~~Traffic Engineering Assessment, Victoria Street and Bridge Road Activity Centres, Richmond (Traffix Group, April 2021)~~

Figure 1 to Schedule 49 – Interface H - to residential properties in NRZ or GRZ

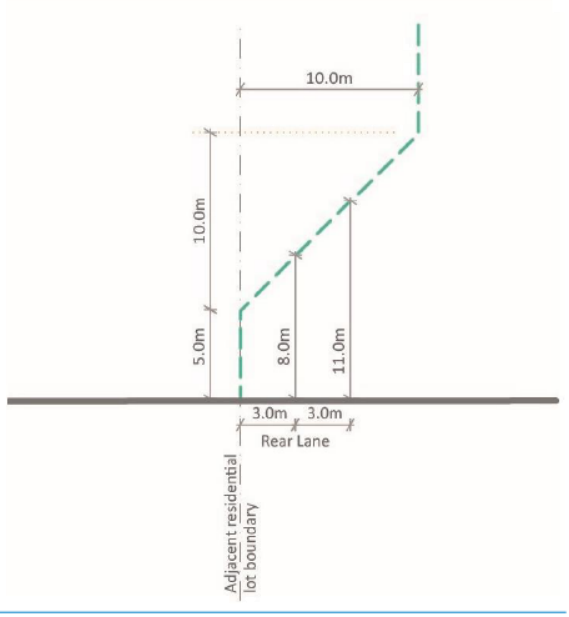
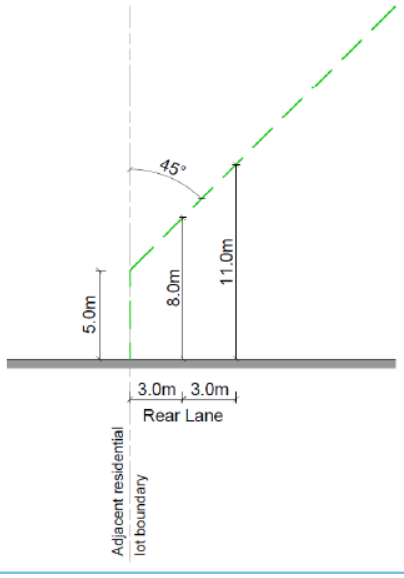


Figure 2 to Schedule 4149 – Interface J - to residential properties in NRZ or GRZ



DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION

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C291yara

SCHEDULE 50 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO50.

VICTORIA STREET ACTIVITY CENTRE - PRECINCT 5 VICTORIA STREET EAST END

1.0 Design objectives

To support a new mid-rise character that creates a consistent taller built form edge on Victoria Street, matching the street wall of developments in the Victoria Street East Precinct, and responds to the interface with industrial areas and low scale residential areas.

To ensure development respects the architectural form and qualities of heritage buildings and the heritage streetscape in Victoria Street.

To ensure development on large and/or consolidated sites provides building separation and setbacks that offers views to the sky above the street wall when viewed from the opposite footpath of Victoria Street.

To ensure development enhances the pedestrian experience through street activation and passive surveillance, improved pedestrian connections from the Yarra River/Birrarung and protecting sunlight access to the south side of Victoria Street, Church Street and Davison Street.

To ensure development responds to sensitive interfaces by providing a suitable transition to low scale residential areas and minimising amenity impacts on residential properties including overlooking, overshadowing and visual bulk impacts.

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 and MUZ, 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

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.

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

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

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

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

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 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.

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

Building heights 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 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; 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.~~
- where the proposal includes dwellings, it also achieves each of the following:
  - ~~housing for diverse households types; including people with disability, older persons, and families, through the inclusion of varying dwelling sizes and configurations;~~
  - ~~accessibility provision that achieves the standards in Clauses 55.07 and 58.05 (as relevant);~~
  - communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and/or
  - secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.

Architectural features may exceed the preferred or mandatory 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 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 /structures (other than solar panels and green roofs);
- The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm ~~etc~~; and
- The equipment/structures does not extend higher than 2.6 metres above the maximum building height.

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

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 Wall Requirements

Development should achieve a continuous street wall along Victoria Street with no front setback to a street, unless the subject site contains a heritage building with an existing front setback or a street setback is specified.

In locations outside of Victoria Street where heritage is not a constraint, development should consider providing:

- ground level setbacks (and above) to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level and above setbacks are strongly encouraged where they have been provided by nearby or neighbouring developments to achieve a consistent approach along a street frontage.
- a corner splay at minimum of 1 x 1 metre along the site's corner boundaries.

Infill development adjoining a heritage building should match the parapet height of the adjoining building for a minimum of 6 metres in length.

On corner sites where two different street wall heights are nominated, development should 'turn the corner' and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

Upper Level Requirements

Development should:

- Incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- Be set back from the street wall 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.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.

Upper level development for a development 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.
- retain the visual prominence of prominent corner buildings and local landmarks.
- avoid unarticulated façades that give a bulky appearance, especially from oblique views.
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Development adjoining a heritage building should match the upper level setback of the heritage building for a minimum of 6 metres in length.

Upper level development above rows of identical or similar heritage buildings (such as terrace shops/residences) should be consistent in form, massing and façade treatment with any existing upper-level development above the same row of buildings.

For heritage buildings, upper level setbacks behind the street wall should be provided in excess of the minimum upper level setback 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;
- a lesser setback ~~it~~ would not 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.

Table 1 - Street Wall Heights and Setbacks - Precinct 5 Victoria Street East End

Built form	Mandatory requirement	Preferred requirement
Interface A		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8m minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	316-326 Victoria Street – 8m Elsewhere - 6m	For buildings >15m, the uppermost level should be set back 9m minimum
Interface C		
Maximum and minimum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings. Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings. Elsewhere - 0m
Minimum upper level setback	None specified	6m
Interface D		
Maximum street wall height	None specified	15m
Maximum and minimum street wall setback	None specified	551 to 585 Victoria Street - 2m minimum setback to Victoria Street 0m – elsewhere.
Minimum upper level setback	None specified	4.5m
Interface E		

Built form	Mandatory requirement	Preferred requirement
Maximum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum for other buildings
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings.
Minimum upper level setback	None specified	6m for heritage buildings 3m for other buildings
Interface F		
Maximum street wall height	None specified	8m
Maximum and minimum street wall setback	None specified	None specified
Minimum upper level setback	None specified	4.5m
Interface I		
Maximum side/rear wall height	None specified	11m
Minimum side/rear wall setback	None specified	None specified
Minimum upper level setback	None specified	4.5m from the centreline of the laneway

Building separation requirements

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

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

- For building of less than or equal to 21 metres in height, upper level development should be set back a minimum of:
  - 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site.
  - 3.0 metres from the common boundary, where a commercial or non-habitable window facing the common boundary is proposed on the subject site.
- For buildings greater than 21 metres in height, any development above the street wall or 15 metres in height (whichever is greater) facing the common boundary should be set back a minimum of 4.5 metres from that boundary.

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:

- 9 metres from each other, where a habitable window or balcony is proposed; and
- 6 metres from each other where a commercial or non-habitable window is proposed.

Overshadowing requirements

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

- any part of the southern footpath of Victoria 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 cast additional overshadowing ~~any~~ of the following spaces between 10am and 2pm at 22nd September, unless the additional overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:

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

Interface to residential properties in NRZ or GRZ requirements

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

Development with an interface to a property in the Neighbourhood Residential Zone or General Residential Zone (shown as Interface H or Interface J on Plan 1) should not exceed the maximum heights and setbacks set out in Table 3 ~~in Figure 1 of this schedule~~.

Table 3 – Residential interfaces

Residential Interface	Preferred requirement
Interface H	Heights and setbacks shown in Figure 1 of this schedule.
Interface J	Heights and setbacks shown in Figure 2 of this schedule.

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 identified architectural elements of the following landmark (as shown on Plan 1 and listed below):

- the Skipping Girl sign when viewed from the footpath on the western corner of Victoria Street and Leslie Street (View 1).

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

Design Quality Requirements

Development should achieve urban design and architectural excellence.

Development in the Commercial 1 Zone and/or Mixed Use Zone 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.

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

Development should:

- Incorporate vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
- Be expressed 'in the round' and provide detail on all façades.

Development should avoid blank walls visible ~~permanently or temporarily~~ from the public realm. Where a solid external wall in unavoidable, walls should be detailed and include articulation to provide ~~an interesting appearance~~visual interest.

New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.

Development should ensure any walls visible from the public realm are designed to provide visual interest to passing pedestrians through colour, texture or finishes.

Development should ensure taller buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight and views to the sky above the street wall.

Development should break up buildings with a wide street frontage into smaller vertical sections or separate elements to provide breaks and modulation in the street facade.

Development should provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.

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

Development with a frontage to a 'Green Street – key pedestrian/cycle route' identified on Plan 1 should contribute to urban greening by introducing trees, ground cover, vertical and rooftop vegetation.

Vehicular access requirements

Development should not provide vehicle access from Victoria Street.

Development should provide vehicular access from rear lanes or from side streets, where appropriate. ~~in the preferred locations on Plan 2 of this schedule - Access and Movement Plan.~~

Where access is provided to an arterial road, access would ~~should~~ be subject to Department of Transport approval and should be limited to left-in/left-out.

Development with redundant vehicle access points must reinstate the kerb, line mark 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.

Development indicated in Plan 2 as requiring a setback 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 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 3.5 metres minimum should be achieved.

In locations where potential one way streets are indicated on Plan 2 but have not been implemented, development should consider ground floor setbacks or provision of passing areas within sections of the lane allow for building services and car park access.

Properties on the inside corner of bends in laneways or at intersections between two laneways should provide a minimum 3 metres x 3 metres splay to facilitate vehicle access or any alternative splay that facilitates movement by the B99 design vehicle, to the satisfaction of the Responsible Authority.

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

Development should enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.

Pedestrian and Bicycle Access Requirements

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone and avoid primary access from laneways. Where pedestrian access can only be provided from a laneway, the pedestrian entrance should be setback from the rear laneway or include a pedestrian refuge or landing and be well lit to enable safe access.

Development should facilitate the creation of a shared zone where properties abut a potential future shared zone as shown on Plan 2.

Pedestrian entrances should be clearly visible, secure and have an identifiable sense of address.

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

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

Plan 1: Height and Interface Plan – Precinct 5 Victoria Street East End

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

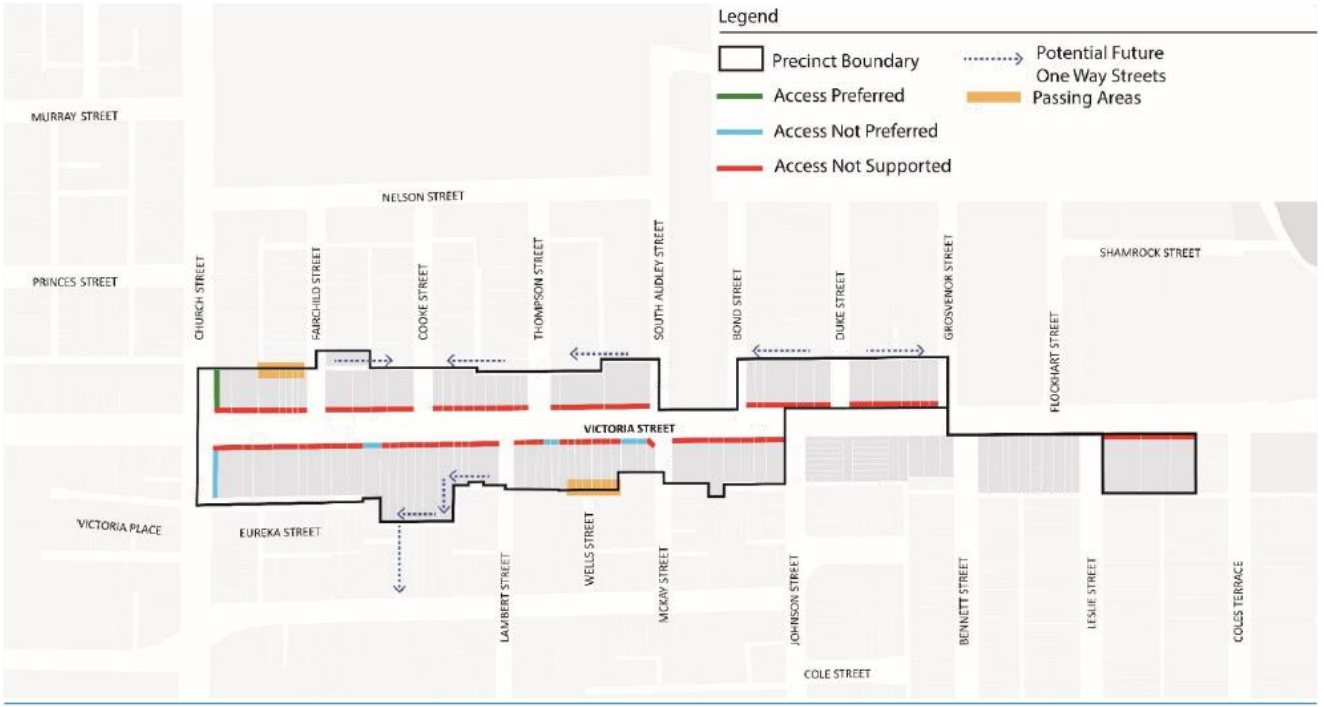
DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

Plan 2: Access and Movement Plan – Precinct 5 Victoria Street East End

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION



NOTE – Potential future shared zones and one way streets are subject to further assessment and consultation.

3.0 Subdivision

None specified.

4.0 ~~Advertising s~~Signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and 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 15 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.
- 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 and bike lanes),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the impacts of traffic and parking in the Precinct including 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 design excellence is achieved (including but not limited to building siting, scale, massing, articulation and materials).
- The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- Whether the overshadowing impacts of the development on opposite footpaths and public spaces are minimised.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Victoria Street and from local streets.
- The prominence of the heritage street wall in the vistas along Victoria Street, Church 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 the development on view lines to the ~~St Ignatius Church and~~ Skipping Girl sign.

- The design response at the interface with existing, low scale residential properties.
- If roof decks are proposed above the street wall, whether they are set back and are recessive in appearance.
- 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.
- The impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bike lanes.
- The impact of vehicular access arrangements on the operation of the tram routes along Victoria Street and Church Street.

~~Reference documents~~

- ~~Bridge Road & Victoria Street Activity Centres – Review of Interim Built Form Controls – Analysis and Recommendations (MGS Architects and Urban Circus, April 2021)~~
- ~~Built Form Review: Victoria Street – Heritage Analysis and Recommendations (GJM Heritage, April 2021)~~
- ~~Traffic Engineering Assessment, Victoria Street and Bridge Road Activity Centres, Richmond (Traffix Group, April 2021)~~

Figure 1 to Schedule 50 – Interface H - to residential properties in NRZ or GRZ

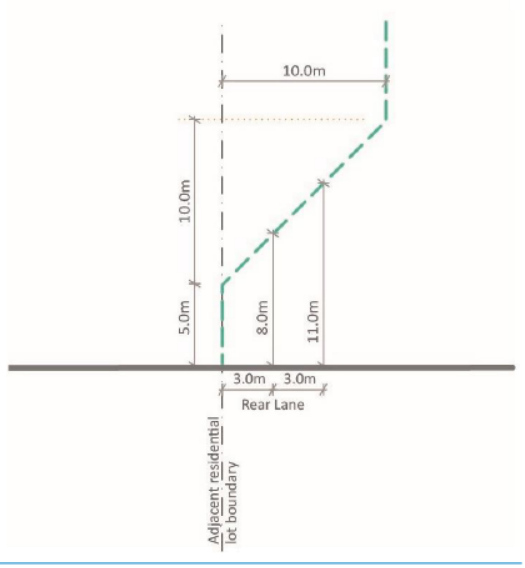
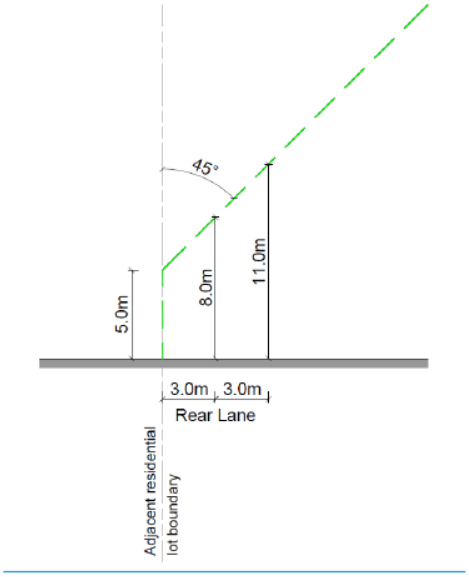


Figure 2 to Schedule 5041 – Interface J - to residential properties in NRZ or GRZ



DRAFT AMENDMENT C291YARA –VERSION FOR ADOPTION

11.03-1L Activity Centres

--/--/---
Proposed C291yara

MAJOR ACTIVITY CENTRES

Bridge Road, Richmond

Promote the metropolitan and local retail and commercial roles of the activity centre, including larger format retail at its eastern end.

Support the night-time economy, including the core entertainment precinct west of Burnley Street, while managing the amenity impacts associated with licensed premises.

Facilitate opportunities for office and residential uses throughout the centre, principally above the ground floor, particularly on Bridge Road and Church Street.

Maintain an intimate pedestrian scale at street level along Bridge Road.

Retain the visual prominence of the heritage streetscape west of Church Street and the south side of Bridge Road east of Church Street.

Ensure development respects the consistency and intactness of the heritage streetscapes and the unique architectural form and qualities of heritage buildings that help define the Bridge Road Activity Centre.

Limit direct vehicular access onto Bridge Road, Church Street and Burnley Street as specified in a DDO.

Promote Bridge Road activity centre as a walkable centre with new footpaths and shared zones to provide safe pedestrian access to buildings and new pedestrian connections.

Ensure that pedestrian movement is given priority along Bridge Road.

Protect primary views defined in the clause 15.01-2L to the spire of St Ignatius Cathedral, clocktower of Richmond Town Hall, and the Pelaco sign.

Maintain daylight and sunlight to the southern footpath of Bridge Road and identified 'Green streets' - key pedestrian/cycle routes (shown on Figure 1) and public spaces – Alexander Reserve.

Ensure that new development provides adequate weather protection for footpaths along Bridge Road, Burnley Street, and Church Street.

Facilitate safe and accessible cycle routes within / through the centre ensuring they are integrated into the design of the public realm and any development.

Precinct 1 – Bridge Road West

Support Precinct 1 - Bridge Road West as a location for housing and employment growth within the activity centre.

Promote a diverse mix of fine-grain retail, dining, offices and inner city living.

Support Epworth Hospital by supporting associated health and allied services to locate near the hospital.

Retain the intact heritage streetscapes and heritage buildings in Bridge Road West.

Support taller built form in the Health Precinct and on the northern side of Bridge Road.

Support mid-rise development on larger infill sites on the north site between Lennox Street and Church Street and within the proximity of the Pelaco building with lower scale development on narrow infill sites and shop-top redevelopment of heritage buildings.

Ensure mid rise development on the northern side of Precinct 1 respects the heritage fabric and the adjoining ~~low-scale~~low-rise residential neighbourhoods.

Precinct 2 – Bridge Road South

Support Bridge Road South as a vibrant destination for dining, retail and services building on its distinctive heritage qualities.

Retain the highly intact heritage streetscape with a consistent heritage street wall of largely two storey Victorian era retail and commercial buildings, including distinctive corner buildings addressing Bridge Road and side streets.

Protect the Precinct's wide footpaths from overshadowing.

Retain fine-grain shopfronts and cafes with outdoor dining to provide activity and visual engagement for people on the street.

Support lower midrise development on narrow infill sites and shoptop redevelopment of heritage buildings.

Retain the prominence of the intact heritage streetscape in Bridge Road South through well designed and visually recessive upper levels.

Precinct 3 - Bridge Road Central

Reinforce Bridge Road Central as the civic and community heart of Bridge Road Activity Centre.

Support Precinct 3 as a strong civic and education precinct and key activity node, anchored by the Richmond Town Hall adjoining the important open space, Citizens Park, recreation and community facilities.

Promote high quality public realm around Richmond Town Hall, to support its civic function.

Enhance the Richmond Town Hall forecourt as a key public space providing a setting for the Town Hall and the former police station.

Enhance Gleadell Street and Griffiths Street as greener and more pedestrian focussed streets linking Bridge Road to the precinct's civic and community facilities.

Support new housing and employment within mid-rise development of varying heights, widths and character while retaining the prominence of clusters of heritage buildings.

Precinct 4 – Bridge Road East South

Promote employment focussed mixed-use and housing development.

Maintain the prominence of the Former Flour Mill and Grain Store Complex (534-534A Bridge Road) on the south-east corner of Bridge Road and Type Street as a local landmark.

Promote well-designed midrise redevelopment on two large sites on Burnley Street and Stawell Street comprising of multiple buildings which offer views to the sky from the street and establishes a varied skyline when viewed from surrounding areas.

Ensure development on Stawell Street provides a high quality transition to the Racecourse Heritage Precinct through landscaped setbacks.

Retain a mix of commercial and offices uses on the Commercial 2 zoned land.

Provide for a new midrise character (5-6 storeys) within Bridge Road East South while ensuring tall buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

Precinct 5 - Bridge Road East North

Transform Bridge Road East North into a diverse mixed-use precinct as a preferred location for housing and employment growth within the Bridge Road Activity Centre.

Retain the prominence of the Royal Oak Hotel on the north-east corner of Bridge Road and Burnley Street maintained to mark the centre to the precinct from the south and west.

Create a new built character defined by well-designed midrise development of 5 to 8 storeys with breaks between upper levels of buildings that provide views to the sky from the street and establishes a varied skyline when viewed from surrounding areas.

Promote a greater mix of uses, including residential, retail, offices and services.

CLAUSE 11.03-1L – ACTIVITY CENTRES

Promote high levels of street activation and visual engagement with the treelined streets of Bridge Road and Palmer Street and the potential new open space on Whites Place.

Ensure tall buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

DRAFT AMENDMENT C291YARA –VERSION FOR ADOPTION

Figure 1 - Bridge Road Major Activity Centre Plan

Victoria Street, Abbotsford / Richmond

Promote the metropolitan and local retail and commercial roles of the activity centre.

Manage licensed premises and the precinct's prominent night-time economy including the core entertainment precinct west of Burnley Street.

Reinforce the concentration of height, density and mixed uses east of Burnley Street, to provide a visual mark to the east end of Victoria Street.

Facilitate opportunities for office and residential uses throughout the centre, principally above the ground floor on Victoria Street.

Encourage development west of Church Street to have low rise street walls.

Ensure pockets of heritage buildings and individual heritage buildings are retained.

Maintain an intimate pedestrian scale at street level along Victoria Street.

Limit direct vehicular access onto Victoria Street and Church Street as specified in a DDO..

Ensure that pedestrian movement is given priority along Victoria Street and the streets around the North Richmond Station.

Facilitate new and improved pedestrian connections to the ~~DHHS housing sites~~North Richmond Housing Estate.

Capitalise on future opportunities such as provision of open space and links to the Yarra River, provided by commercial and industrial areas in Abbotsford, including the Carlton and United Brewery site.

Maintain daylight and sunlight to the southern side of Victoria Street, Green Streets - key pedestrian/cycle routes (as shown on Figure 2) and public spaces, Butler Street Reserve and the Gateway Triangle.

Ensure that new development provides adequate weather protection for footpaths along Victoria and Church Streets.

Limit the installation of security shutters or other measures that reduce views into businesses onmain retail strips to ensure that they are visually transparent.

Facilitate safe and accessible cycle routes within / through the centre ensuring they are integrated into the design of the public realm and any development.

Precinct 1 – Victoria Street West

Retain the visual prominence of the Victoria Street Gateway at the intersection with Hoddle Street.

Retain the visual prominence of the heritage buildings, on the north side of the street west of the railway line and low-rise heritage dwellings along Regent Street.

Support mid-rise development on the south-eastern corner of the intersection of Hoddle and Victoria Streets creating a compact precinct of contrasting built form that places an emphasis on the architectural qualities of heritage buildings.

Provide for lower midrise development for the remainder of the precinct that respects the heritage fabric and the adjoining ~~low-scale~~low-rise residential neighbourhoods.

Enhance the public realm of Victoria Street West with a new high-quality pocket park at the Gateway Triangle.

Precinct 2 – Victoria Street Central

Provide for lower midrise development (3-6 storeys) in Precinct 2 that respects the heritage fabric and the adjoining ~~low-scale~~low-rise residential neighbourhoods.

Support Victoria Street Central as a vibrant destination for retail and cafes, restaurants and outdoor dining, enterprise and inner-city living.

Support mid-rise development of varying scales which compliments the varied mix of intact heritage buildings and streetscapes and former industrial buildings.

Support lower midrise renewal above and behind existing shopfronts that retains the visual prominence of the heritage buildings and responds to lower scale residential areas on Butler Street, and well-designed taller mid-rise development adjacent to North Richmond station.

Facilitate an upgraded station entry space on Jonas Street to improve the amenity and safety of the public realm.

Promote high levels of street activation and passive surveillance to the station, streets and laneways within the precinct.

Support Victoria Street ~~Centre~~ Central as the centre's fine grain retail and dining precinct.

Provide for lower midrise development (3-6 storeys) in Precinct 2 that respects the heritage fabric and the adjoining ~~low-scale~~low-rise residential neighbourhoods.

Precinct 3 – North Richmond Station

Support Precinct 3- North Richmond Station as a dense mixed-use corridor and a focus of housing and employment growth situated on both sides of the railway line.

Support the redevelopment of former industrial buildings along Regent Street and around the North Richmond Station as mid-rise development to promote accessibility to public transport.

Ensure well-designed taller commercial and office developments on Hoddle Street respond to its wide boulevard character.

Ensure development includes high levels of street activation, passive surveillance and visual engagement with the street to improve the amenity and safety for pedestrians, particularly for those travelling to and from North Richmond Station.

Support upgrades to Little Hoddle Street as high amenity shared zone that strengthens pedestrian connections from Hoddle Street to Regent Street and the station.

Transition the scale of buildings down in height towards lower scale residential areas to the south and east.

Ensure new midrise development (5 -10 storeys) respects the pockets of heritage fabric and the adjoining ~~low-scale~~low-rise residential neighbourhoods.

Precinct 4 – Victoria Street East

Support Victoria Street East as a destination for retail, dining, and inner-city living.

The precinct's character and sense of place will be fined by a consistent street wall comprising of a fine-grain pattern of shopfronts along Victoria Street with well-designed mid-rise development continuing this rhythm at the ground plane to provide higher levels of street activation and passive surveillance.

Support low to lower mid-rise development in Lithgow Street that retains the fabric of existing heritage buildings and provides a respectful transition to low-rise residential areas.

Enhance the amenity and walkability of the precinct for pedestrians through new and upgraded pedestrian connections between Victoria Street and Elizabeth Street which provide green connections to future open spaces and the Elizabeth Street housing precinct.

Ensure new midrise development (5-7 storeys) respects the pockets of heritage fabric and the adjoining ~~low-scale~~low-rise residential neighbourhoods.

Facilitate new and improved pedestrian connections to Precinct 4 from the ~~DHHS housing sites~~ North Richmond Housing Estates.

Precinct 5 – Victoria Street East End

Provide for new midrise development (4-7 storeys) that respects the pockets of heritage fabric and the adjoining ~~low-scale~~low-rise residential neighbourhoods in Precincts 5.

CLAUSE 11.03-1L – ACTIVITY CENTRES

Ensure new development supports and contributes to the future preferred character of each precinct:

Support Victoria Street End as a diverse mixed-use precinct consisting of a range of retail, commercial and residential uses within new midrise developments of varying heights, widths and character.

Ensure development provides a transition to the taller mid-rise character in the Victoria Gardens Precincts.

Support a diversity of mid-rise development, including development of Victoria Era terraces, shops, and industrial heritage buildings and contemporary mixed-use buildings that are lower in scale than Victoria Gardens and its surrounding development.

Protect primary views, defined in the clause 15.01-2L, to the Skipping Girl sign.

CLAUSE 11.03-1L – ACTIVITY CENTRES

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

DRAFT AMENDMENT C291YARA –VERSION FOR ADOPTION

Figure 2 - Victoria Street Activity Centre Plan

~~21.12-2~~ Bridge Road Activity Centre

--/--/20--
C291

Bridge Road has seen substantial change and development over the past ten years. It is distinguished by a predominantly fine-grain streetscape and buildings of heritage value, particularly on the southern side of Bridge Road. This lower scale-built form is contrasted by taller midrise development to the north of Bridge Road between Punt Road and Church Street, including Richmond Plaza (currently under construction).

It has an historic fabric of Bridge Road that is highly valued by the broader community.

Bridge Road provides an important health and civic role with the Epworth Hospital, Richmond Town Hall and other important civic and education uses.

Bridge Road enjoys high levels of access to the public transport network with tram routes operating on Bridge Road and Church Street and the railway line at the western peripheries.

The centre varies significantly along its length, with a cohesive and highly intact turn of the century 'High Street' with a prominent fine grain subdivision pattern, to a diverse and less historically intact retail and residential area towards the eastern end.

The activity centre features view a number of important Richmond landmarks, including the Richmond Town Hall Clock Tower, the Pelaco Sign and the spire of St Ignatius on the hill.

The preferred future character of each precinct reflects this diversity and supports the activity centre's role as a location for an extensive mix of retail, civic and commercial uses, and inner city living.

Figure 1 illustrates the boundary of the Bridge Road Major Activity Centre and some of the core precincts, which make up the centre:

- Precinct 1: Bridge Road West
- Precinct 2: Bridge Road South
- Precinct 3: Bridge Road Central
- Precinct 4: Bridge Road East South
- Precinct 5: Bridge Road East North

Noting the precincts do not cover the whole of the activity centre.

Vision

Bridge Road Activity Centre will continue to evolve as a vibrant and thriving mixed use centre that serves the day to day needs of the local residents and workers. It will feature well designed mid rise commercial and residential development whilst preserving the prominence of its intact heritage streetscape and buildings and maintaining amenity.

Local area implementation

Preferred Future Character

- Ensure new development supports and contributes to the future preferred character of each precinct:

  Precinct 1 – Bridge Road West is anchored by Epworth Hospital Health Precinct on Richmond Hill and the Richmond Plaza redevelopment on the corner of Bridge and Church Streets. This is complemented by a diverse mix of fine-grain retail, dining, offices and inner city living. The precinct's character and sense of place will continue to be defined by intact heritage streetscapes and heritage buildings along Bridge Road. This will be contrasted by taller built form in the Health Precinct and the newly established mid-rise character on the northern side of Bridge Road. The precinct will continue to be a focus for housing and employment growth within the activity centre with mid-rise development on larger infill sites on the north site between Lennox Street and Church Street and within the proximity of the Pelaco building, and lower scale development on narrow infill sites and shop-top redevelopment of heritage buildings.

Precinct 2 – Bridge Road South is a vibrant destination for dining, retail and services building on its distinctive heritage qualities. The precinct's character and sense of place is defined by its highly intact heritage streetscape with a consistent heritage street wall of largely two storey Victorian era retail and commercial buildings including distinctive corner buildings addressing Bridge Road and side streets. The precinct's sunny wide footpaths, fine-grain shopfronts and cafes with outdoor dining will provide activity and visual engagement for people on the street. The precinct will support lower midrise development on narrow infill sites and shoptop redevelopment of heritage buildings.

Precinct 3 – Bridge Road Central is the civic and community heart of Bridge Road Activity Centre. The precinct is anchored by the Richmond Town Hall and forms a key activity node within Bridge Road adjoining the important open space, Citizens Park as well as recreational facilities, two high schools, childcare and maternal health. The Town Hall forecourt will be enhanced as a key public space providing a setting for the Town Hall and the former police station with Gleadell Street and Griffiths Street enhanced as greener and more pedestrian focussed streets linking Bridge Road to the precinct's civic and community facilities. The precinct will support new housing and employment within mid-rise development of varying heights, widths and character while retaining the prominence of clusters of heritage buildings. Key views to across the precinct from Citizens Park and the corner of Bridge Road and Church Street to the iconic Richmond landmarks, the Richmond Town Hall and St Ignatius' spire and belfry will be maintained.

Precinct 4 – Bridge Road East South will be renewed as an employment focussed mixed-use and housing precinct. The prominence of the Former Flour Mill and Grain Store Complex (534-534A Bridge Road on the south-east corner of Bridge Road and Type Street will be maintained as a local landmark within the precinct. The precinct's character and sense of place will be transformed with well-designed midrise redevelopment of two large sites on Burnley Street and Stawell Street. This will comprisedomise of multiple buildings which offer views to the sky from the street and establishes a varied skyline when viewed from surrounding areas. The Stawell Street redevelopment will provide a high quality transition to the Racecourse Heritage Precinct through landscaped setbacks.

Precinct 5 - Bridge Road East North will be transformed into a diverse mixed-use precinct as a preferred location for housing and employment growth within Bridge Road Activity Centre. The prominence of the Royal Oak Hotel on the north-east corner of Bridge Road and Burnley Street will be maintained to mark the centre to the precinct from the south and west. Elsewhere, the precinct's character and sense of place will be redefined by well-designed midrise development of up to 8 storeys with breaks between upper levels of buildings that provide views to the sky from the street and establishes a varied skyline when viewed from surrounding areas. This renewal will support a greater mix of uses, including residential, retail, offices and services and provide higher levels of street activation and visual engagement with the treelined streets of Bridge Road and Palmer Street and the potential new open space on Whites Place.

Economic Development

- Support sensitive reuse and adaptation of existing heritage buildings for a range of retail, entertainment and commercial uses.
- Support Precincts 1 - Bridge Road West and Precinct 2 - Bridge Road South as fine grain retail, dining and commercial precincts, particularly where properties front Bridge Road and Church Street.
- Support Precinct 1- Bridge Road West as a major health precinct within inner city Melbourne.
- Support Precinct 3 - Bridge Road Central as a strong civic and education precinct.
- Retain a mix of commercial and offices uses on the Commercial 2 zoned land in Precinct 4.
- Facilitate opportunities for office and residential uses throughout the centre, principally above the ground floor, particularly in Commercial 1 zoned land.

- Facilitate a range of uses that cater for the everyday needs of residents, visitors and workers.
- Maintain and increase land uses that support street level activation and passive surveillance of the public realm.

Built Form and Heritage

- Provide for midrise development on the northern side of Precinct 1 - Bridge Road West (5 -12 storeys) that respects the heritage fabric and the adjoining low scale residential neighbourhoods.
- Retain the prominence of the intact heritage streetscape in Precinct 2 - Bridge Road South and Precinct 4 – Bridge Road South through well designed and visually recessive upper levels.
- Provide for a new midrise character ~~(4-8 storeys)~~ within large sites in Precincts 4 - Bridge Road East South (5-6 storeys) and Precinct 5 - Bridge Road East North (5-8 storeys) -while ensuring tall buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.
- Ensure individually significant and contributory heritage buildings are retained to conserve the intactness of the original heritage streetscape.
- Maintain an intimate pedestrian scale at street level along Bridge Road.
- Ensure development respects the consistency and intactness of the heritage streetscapes and the unique architectural form and qualities of heritage buildings within the activity centre.
- Protect ~~key~~ identified primary views ~~lines~~ to the Pelaco Sign, Richmond Clock Tower and St Ignatius Church.

Access and Movement

- Facilitate safe vehicular access to and from new development through the provision of laneway widening and passing bays.
- Ensure that pedestrian movement is given priority along Bridge Road.
- Limit direct vehicular access onto Bridge Road, Church Street and Burnley Street.
- Facilitate new footpaths and shared zones to provide safe pedestrian access to buildings.
- Encourage the provision of vehicular access from either the side or rear of buildings.
- Facilitate safe and accessible cycle routes within / through the centre ensuring they are integrated into the design of the public realm and any development.

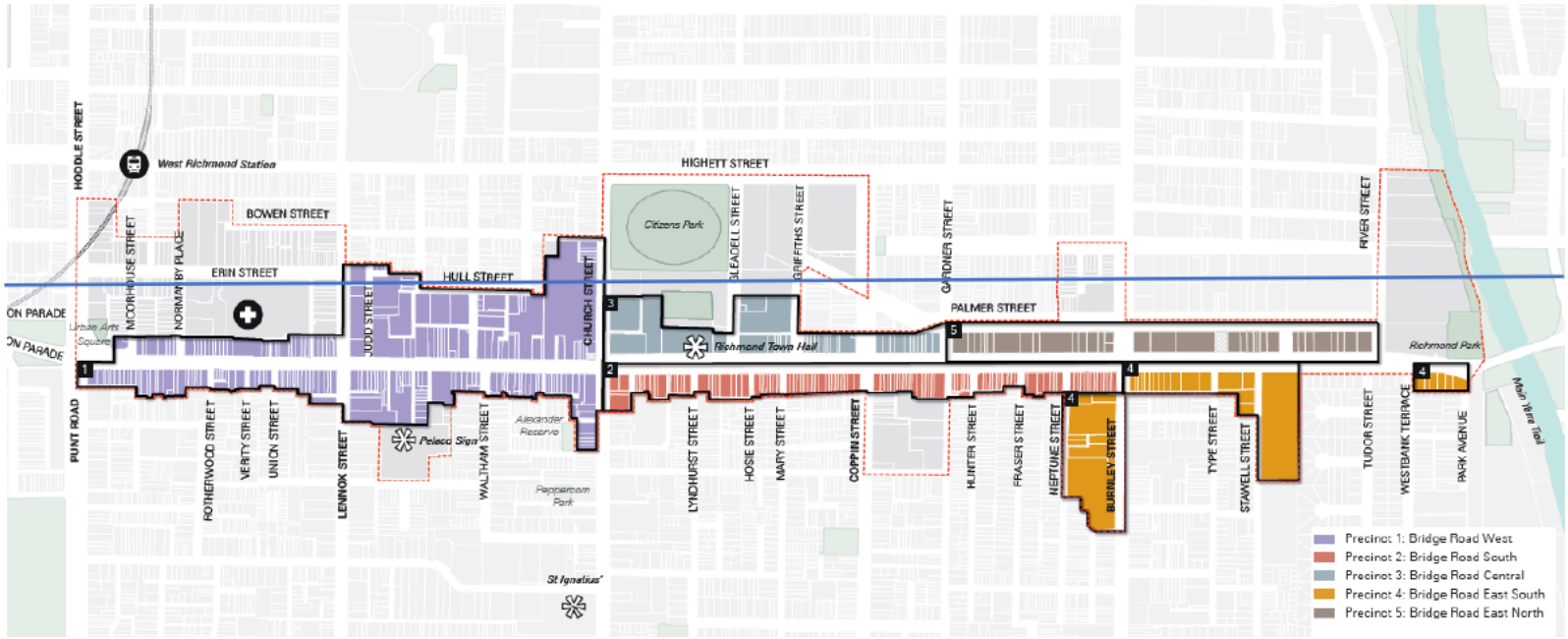
Public Realm

- Maintain daylight and sunlight to the southern footpath of Bridge Road, ~~and~~ identified 'Green streets' - key pedestrian/cycle routes (as identified in Figure 1) and public spaces at Alexander Reserve.
- Encourage enhancement of the amenity and appearance of the public realm.
- Facilitate new and improved pedestrian connections in Precinct 1 - Bridge Road West, north of Bridge Road and on large sites in Precinct 4 - Bridge Road East South.
- Ensure that new development provides adequate weather protection for footpaths along Bridge Road, Burnley Street, and Church Street.

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION

Figure 2: Key precincts in the Bridge Road Activity Centre



Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

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Victoria Street Acivtiy Centre

Victoria Street is a much loved Major Activity Centre with a character strongly influenced by its Vietnamese heritage and local community.

Arrival at the activity centre from the west is defined clearly by a gateway plaza and the recognisable form of the railway bridge above the street while Victoria Gardens and recent residential developments to the east reflect larger historical industrial uses close the Yarra river interface.

The streetscape is characterised by fine-grain built form interspersed with heritage buildings particularly on corner lots and often connecting to green streets. An intact heritage streetscape to the west of the rail line includes retail hospitality venues often with outdoor dining and shopping with a northern aspect.

The activity centre is flanked by significant residential heritage precincts where transitions in built form ensure a balance between scale and renewal.

The renewal of the North Richmond public housing site will highlight the need to improve pedestrian permeability, facilitated by redevelopment opportunities along Victoria Street.

Current and ongoing industrial uses, such as the Carlton United Breweries site, close to the activity centre compliment the centre's role in providing diverse employment opportunities within the City of Yarra.

The preferred future character of each precinct will support the centre's diverse role as a location for a mix of retail and commercial uses coupled with inner city living.

The Plan in Figure 1 illustrates the boundary of the Victoria Street Major Activity Centre and some of the core precincts, which make up the centre:

- Precinct 1: Victoria Street West
- Precinct 2: Victoria Street Central
- Precinct 3: North Richmond Station
- Precinct 4: Victoria Street East
- Precinct 5: Victoria Street End

Noting the precincts do not cover the whole of the activity centre.

Vision

Victoria Street will continue to be a culturally diverse destination within the municipality. It will continue to evolve into a vibrant activity centre that serves the day to day needs of the local community whilst supporting employment, business and creative opportunities. The area will accommodate a diverse and growing population, with well located mid rise commercial and residential development.

Local area implementation

Preferred Future Character

- Ensure new development supports and contributes to the future preferred character of each precinct:

  Precinct 1 – Victoria Street West provides the entry to the activity centre from Victoria Parade. The distinctive sense of arrival is created by the Victoria Street Gateway and the narrowing street profile towards the elevated railway bridge. The precinct's character and sense of place is defined by the intact heritage streetscape on the northern side which is bookended by the prominent former State Savings Bank on the corner, and low-rise heritage dwellings along Regent Street. This will be complemented by mid-rise development on the south-eastern corner of the intersection of Hoddle and Victoria Streets creating a compact precinct of contrasting built form that places an emphasis on the architectural qualities of heritage buildings. The public realm of the precinct will be enhanced with a new high-quality pocket park at the Gateway Triangle.

Precinct 2 – Victoria Street Central will continue to be a vibrant destination for retail and cafes, restaurants and outdoor dining, enterprise and inner-city living. The precinct's character and sense of place will continue to be defined by its varied mix of intact heritage buildings and streetscapes, former industrial buildings which will be complemented by well-designed mid-rise development of varying scales. This will be achieved through lower midrise renewal above and behind existing shopfronts that retains the visual prominence of the heritage buildings and responds to lower scale residential areas on Butler Street, and well-designed taller mid-rise development adjacent to North Richmond station. The amenity and safety of the public realm of the precinct will be improved through an upgraded station entry space on Jonas Street and higher levels of street activation and passive surveillance to the station, streets and laneways within the precinct.

Precinct 3 – North Richmond Station will be dense mixed-use corridor and a focus of housing and employment growth situated on both sides of the railway line. The precinct's character and sense of place will be refined as former industrial buildings along Regent Street and around the North Richmond Station are developed for mid-rise development and well-designed taller commercial and office developments on Hoddle Street responding to its wider boulevard character. Future development will provide high-quality with higher levels of street activation, passive surveillance and visual engagement with the street to improve the amenity and safety for pedestrians, particularly for those travelling to and from North Richmond Station. This will be supported by upgrades to Little Hoddle Street as high amenity shared zone that strengthens pedestrian connections from Hoddle Street to Regent Street and the station. The scale of buildings will transition down in height towards lower scale residential areas to the south and east.

Precinct 4 – Victoria Street East will be renewed as a destination for retail, dining, and inner-city living. The precinct's character and sense of place will be fined by a consistent street wall comprising of a fine-grain pattern of shopfronts along Victoria Street with well-designed mid-rise development continuing this rhythm at the ground plane to provide higher levels of street activation and passive surveillance. Lithgow Street will support low to lower mid-rise development along that retains the fabric of existing heritage buildings and provides a respectful transition to low-rise residential areas. The amenity and walkability of the precinct for pedestrians will be enhanced through new and upgraded pedestrian connections between Victoria Street and Elizabeth Street which will provide green connections to future open spaces and the Elizabeth Street housing precinct.

Precinct 5 - Victoria Street End will continue to be a diverse mixed-use precinct consisting a range of retail, commercial and residential uses within new midrise developments of varying heights, widths and character. The precinct provides a transition to the taller mid-rise character in the Victoria Gardens Precincts. The character of this precinct will be defined by a diverse mix mid-rise development, including development of Victoria Era terraces, shops, and industrial heritage buildings and contemporary mixed-use buildings that are lower in scale than Victoria Gardens and its surrounding development.

Economic Development

- Support sensitive reuse and adaptation of existing heritage buildings for a range of retail, entertainment and commercial uses.
- Support Precincts 2 -Victoria Street Central and Precinct 4 - Victoria Street East as Victoria Street's fine grain retail and dining precincts.
- Facilitate opportunities for office and residential uses throughout the centre, principally above the ground floor.
- Facilitate a range of uses that cater for the everyday needs of residents, visitors and workers.
- Maintain and increase land uses that support street level activation and passive surveillance of the public realm.

Built Form and Heritage

- Provide for new midrise development (5 -12 storeys) that respects the pockets of heritage fabric and the adjoining low scale residential neighbourhoods in Precincts 3 - North Richmond Station, Precinct 4 - Victoria Street East and Precinct 5 - Victoria Street East End.
- Provide for lower midrise development (3-6 storeys) in Precincts 1 - Victoria Street West and Precinct 2 - Victoria Street Central that respects the heritage fabric and the adjoining low scale residential neighbourhoods.
- Ensure development contributes to the evolution of Precinct 3 - North Richmond Station, Precinct 4 - Victoria Street East and Precinct 5 - Victoria Street East End into vibrant mixed-use precincts with built form that enhances the streetscape character.
- Ensure individually significant and contributory heritage buildings are retained to conserve the intactness of the original heritage streetscape.
- Maintain an intimate pedestrian scale at street level along Victoria Street.
- Ensure development respects a consistency and intactness the unique architectural form and qualities of heritage buildings within the activity centre.
- Ensure tall buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

Access and Movement

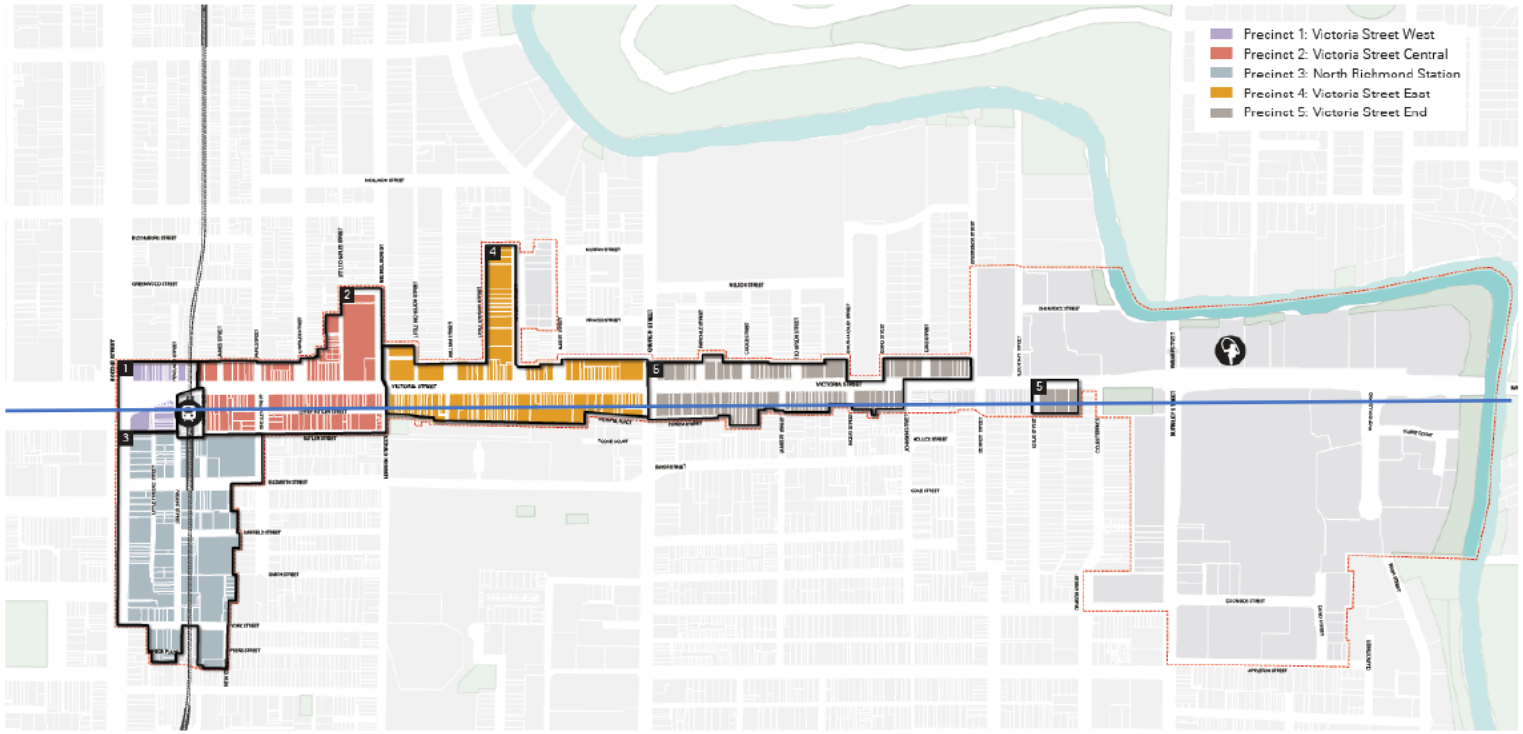
- Facilitate widened laneways and new laneways to provide for safe vehicular access to and from new development.
- Ensure that pedestrian movement is given priority along Victoria Street and the streets around the North Richmond Station.
- Limit direct vehicular access ~~on~~ to Victoria Street and Church Street.
- Facilitate new footpaths and shared zones to provide safe pedestrian access to buildings.
- Encourage the provision of vehicular access from either the side or rear of buildings.
- Facilitate safe and accessible cycle routes within / through the centre ensuring they are integrated into the design of the public realm and any development.

Public Realm

- Maintain daylight and sunlight to the southern side of Victoria Street, and identified 'Green streets' - key pedestrian/cycle routes (shown in Figure 2) -and public spaces at Butler Street Reserve and Victoria Street Gateway Reserve.
- Encourage enhancement of the amenity and appearance of the public realm.
- Facilitate new and improved pedestrian connections within Precinct 3 - North Richmond Station and within Precinct 4 - Victoria Street East from the DHHS housing sites.
- Ensure that new development provides adequate weather protection for footpaths along Victoria and Church Streets.

Attachment 3 - Attachment 3 - C291yara - Marked-up version of provisions

Figure 2: Key precincts in the Victoria Street Activity Centre



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AMENDMENT C291YARA

1.0 Background documents

C291yara

Name of background document	Amendment number - clause reference
Lower Yarra River Study - Recommendations Report (Department of Environment, Land Water and Planning, 2016)	VC197 - Schedule 1 to Clause 42.03 (SLO) and Schedule 1 to Clause 43.02 (DDO)
Yarra Bend Park Strategy Plan (Parks Victoria, 1999)	VC197 - Schedule 1 to Clause 42.03 (SLO)
The Middle Yarra Concept Plan – Dights Falls to Burke Road (Melbourne Parks and Waterways, 1990)	VC197 - Schedule 1 to Clause 42.03 (SLO)
The Lower Yarra Concept Plan – Dights Falls to Punt Road (Melbourne Metropolitan Board of Works, 1986)	VC197 - Schedule 1 to Clause 42.03 (SLO)
Bridge Road & Victoria Street Activity Centres - Review of Interim Built Form Controls - Analysis and Recommendations (MGS Architects and Urban Circus, April 2021)	C291yara - Schedules 41 to 50 to Clause 42.02 Design and Development Overlay
Built Form Review: Bridge Road – Heritage Analysis and Recommendations (GJM Heritage, April 2021)	C291yara - Schedules 41 to 50 to Clause 42.02 Design and Development Overlay
Built Form Review: Victoria Street – Heritage Analysis and Recommendations (GJM Heritage, April 2021)	C291yara - Schedules 41 to 50 to Clause 42.02 Design and Development Overlay
Traffic Engineering Assessment, Victoria Street and Bridge Road Activity Centres, Richmond (Traffix Group, April 2021)	C291yara - Schedules 41 to 50 to Clause 42.02 Design and Development Overlay

Planning and Environment Act 1987

YARRA PLANNING SCHEME

DRAFT AMENDMENT C291yara

EXPLANATORY REPORT

Who is the planning authority?

This draft amendment has been prepared by the Yarra City Council, for the Minister for Planning who is the planning authority for this amendment.

The draft amendment has been made at the request of Yarra City Council.

Land affected by the amendment

The draft amendment applies to land currently within interim Design and Development Overlays - DDO21 and DDO22 located within the Bridge Road Activity Centre and Victoria Street Activity Centre respectively.

It also applies to Commercial 2 zoned land along Burnley Street and a property at 4/1A Mcgoun Street, both within the Bridge Road Activity Centre. Both these sites are currently outside of DDO21. (See Figure 1.)

Figure 1 – Land affected by the amendment

What the amendment does

Interim Design and Development Overlays (DDOs) - DDO21 and DDO22 currently apply to the Bridge Road and Victoria Street Major Activity Centres.

Council has undertaken a review of the interim DDOs to: test their suitability for translation into permanent provisions; recommend any necessary refinements to enhance the clarity and workability of the provisions; and ensure they achieve the development outcomes sought for the centres.

The draft amendment implements the recommendations of this strategic planning work:

- *Bridge Road & Victoria Street Centres: Review of Interim Built Form Controls – Analysis and Recommendations* (MGS Architects and Urban Circus, April 2021)
- *Bridge Road Richmond – Heritage Analysis and Recommendations* (GJM Heritage, April 2021)
- *Victoria Street Abbotsford and Richmond – Heritage Analysis and Recommendations* (GJM Heritage, April 2021)
- *Traffic Engineering Assessment – Victoria Street and Bridge Road Activity Centres* (Traffix Group, April 2021)

The draft amendment seeks to:

- Insert ten (10) new Schedules to Clause 43.02 Design and Development Overlay, DDO41 to DDO50 on a permanent basis to the two activity centres as shown in Figure 1.
- Delete two (2) Schedules to Clause 43.02 Design and Development Overlay, DDO21 and DDO22.
- Amend Local Area Policy at Clause 21.12 to insert two new sections on the Bridge Road and Victoria Street Activity Centres to guide built form within the two activity centres.
- Amend Local Area Policy at Clause 11.03-1L Activity Centres to insert two new sections on the Bridge Road and Victoria Street Activity Centres to guide built form within the two activity centres.
- Amend Clause 72.08 Background documents to add the *Bridge Road & Victoria Street Centres: Review of Interim Built Form Controls*, *Built Form Review: Bridge Road – Heritage Analysis and Recommendations* and *Built Form Review: Victoria Street – Heritage Analysis and Recommendations, and Traffic Engineering Assessment – Victoria Street and Bridge Road Activity Centres* as reference documents.
- Amend Planning Scheme Map Nos. 6DDO, 7DDO, 8DDO and 9DDO by removing DDO21 and DDO22 and replacing them with ten (10) new Schedules DDO41 to DDO50.

NB – Policy in either Clause 21.12 or Clause 11.03-1L would be amended depending on the timing of the gazettal of Amendment C269yara – Rewrite of Local Policy.

Strategic assessment of the amendment

Why is the amendment required?

As designated major activity centres, Bridge Road and Victoria Street in Richmond and Abbotsford are required to play a significant role in achieving the directions of *Plan Melbourne 2017-2050*, in relation to both housing and employment. Council's adopted *Housing Strategy* also seeks to direct new housing to areas within or close to activity areas that have good access to public transport, open space, and other services and limit housing growth in established residential areas, consistent with *Plan Melbourne*, state and regional policy

The scale and density of development approved and currently being proposed within the Bridge Road and Victoria Street Activity Centres has increased substantially in recent years. In November 2018, the Minister for Planning approved two amendments (C248 and C249) to the Yarra Planning Scheme to apply interim built form controls to the area. These interim controls have been used to manage development while permanent controls were progressed.

To ensure appropriate and orderly planning, these interim built form controls have been revised to better facilitate and guide the scale, massing and bulk of new development. Draft Amendment C291yara manages and responds to increased development activity within the Bridge Road and Victoria Street Activity Centres.

Bridge Road and parts of Victoria Street are intact turn of the century high streets generally of consistent scale and architectural quality. The permanent built form planning controls ensure that new development has regard to the potential impacts on the heritage significance of Bridge Road and parts of Victoria Street and the surrounding low scale residential neighbourhoods.

Design and Development Overlay Schedules 41 to 50

Draft Amendment C291yara implements the built form recommendations of the *Bridge Road & Victoria Street Centres: Review of Interim Built Form Controls* through the introduction of Schedules 41 to 50 to the Design and Development Overlay (DDO41 to DDO50) on a permanent basis. The review was prepared by MGS (urban design) with extensive input from GJM Heritage (heritage) and Traffix Group (access and movement). These reports provide a strong strategic basis for the future planning of the area.

A key change from the interim DDOs is the proposed splitting of the two DDOs into ten separate DDOs – a precinct approach. A separate DDO schedule for each precinct provides the opportunity for precinct specific design objectives and provisions.

DDO41 to DDO50 each include precinct specific controls. Mandatory controls are applied in the DDOs to protect intact heritage streetscapes, views to local landmarks, overshadowing of the centres' southern footpaths and to protect the amenity of adjoining low scale residential areas. The strategic work that underpins DDO41 to DDO50 demonstrates mandatory controls are appropriate in this context and necessary to achieve the preferred built form outcomes.

Preferred (discretionary) height provisions are generally applied to land outside of the Heritage Overlay, where there are less sensitive interfaces. These are appropriate locations for preferred controls to provide more flexibility to accommodate contextual variations and innovative design. Where preferred building heights are applied, a range of performance-based provisions need to be met to ensure appropriate development.

Importantly, the DDO schedules provide built form certainty where there are heritage, residential amenity, and public realm sensitivities and allow for some discretion where there are fewer site constraints. Draft Amendment C291yara facilitates development appropriate to major activity centres, whilst ensuring that new development is site responsive and improved amenity outcomes are achieved.

Clause 21.12 – Local Areas

The draft amendment also proposes to insert new policy on both Victoria Street and Bridge Road Activity Centres in the Local Area Policy at Clause 21.12. This includes Preferred Future Character Statements and policy covering built form and heritage, access and movement and public realm.

Currently the City of Yarra is in the process of translating its Local Planning Policy Framework into the new Planning Policy Framework via Amendment C269yara. Depending on the timing of the gazettal of Amendment C269yara, it is anticipated the proposed Future Character Statements and other policy will relocate to Clause 11.03-1L Activity Centres.

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

The draft 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 housing growth as well as economic growth and creates a more economically viable mixed-use activity centre that has economic benefits for the local area.

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

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

The draft amendment generates positive social and economic benefits as it facilitates development within two major activity centres, providing opportunities for economic development and housing growth. The draft amendment responds to the local demand for housing and providing housing and employment in a location, which has strong access to public transport infrastructure and social services.

Does the amendment address relevant bushfire risk?

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

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

The draft 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 draft 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. The Amendment provides appropriate policy direction for the planning and development of the Activity Centre to ensure that the activity centre continues to meet community needs.

- 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. The amendment will facilitate renewal of the Major Activity Centre which will improve local employment, housing and commercial opportunities.

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

The draft amendment supports and implements State Planning Policy in responding to the following Planning Provisions:

The draft amendment supports and implements relevant objectives of the Planning Policy Framework (PPF) including:

Clause 11 – Settlement provides context and implements the key principles of *Plan Melbourne 2017-2050*, which include providing for housing choice and affordability by planning for expected housing needs and providing for reduced ongoing living costs by increasing housing supply near public transport and services. It also encourages the consolidation of residential activities within existing urban areas and development in existing residential areas. The amendment provides a framework for the orderly planning and high-quality development of the Bridge Road and Victoria Street Activity Centres in a manner consistent with the directions of *Plan Melbourne 2017-2050*.

Clause 15 – Built Environment and Heritage seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. This Clause also sets out the importance of ensuring the conservation of places, which have identified heritage significance. The amendment supports this clause by providing appropriate built form guidance to ensure that development is site responsive and appropriate in the context of heritage places.

Clause 16 – Housing emphasises the importance of providing enough quality and diverse housing that meets the growing diverse needs of Victorians in locations in or close to activity centres and sites that offer good access to jobs, services and transport. It requires councils to identify areas that offer opportunities for more medium and high-density housing near employment and transport in Metropolitan Melbourne. The amendment provides strategic guidance on the appropriate scale of development including housing in the Activity Centres.

Clause 17 – Economic Development seeks to encourage development which meets the community's needs for retail, entertainment, office and other commercial services and provides a net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities. The amendment supports this clause by facilitating opportunities for a mix of office, retail, and residential uses throughout the centres.

Clause 18 – Transport promotes the creation of a safe and sustainable transport system and promotes the use of sustainable personal transport. The amendment implements the objectives of this clause by facilitating development in the activity centres, which is well serviced by public transport.

VPP11: Settlement

- Clause 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.
- Clause 11.02-2S Structure Planning - To facilitate the orderly development of urban areas.
- Clause 11.03-1S Activity Centres - To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.
- Clause 11.02-3S Sequencing of development - To manage the sequence of development in areas of growth so that services are available from early in the life of new communities

VPP15: 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 15.01-3S Subdivision design - To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.
- Clause 15.01-4S Healthy neighbourhoods - To achieve neighbourhoods that foster healthy and active living and community wellbeing.
- 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.

VPP 16: Housing

- Clause 16.01-1S Housing supply -To facilitate well-located, integrated and diverse housing that meets community needs.

VPP17: Economic Development

- Clause 17.01-1S Diversified economy - To strengthen and diversify the economy.
- Clause 17.02-1S Business - To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

VPP 18: Transport

- Clause 18.01-2S Transport system - To coordinate development of all transport modes to provide a comprehensive transport system.
- 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 18.02-4S Car parking -To ensure an adequate supply of car parking that is appropriately designed and located.

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

The draft amendment includes new policy about the two centres within the Municipal Strategic Statement and supports and implements the LPPF specifically the Municipal Strategic Statement through:

Clause 21.04 Land use:

Clause 21.04-1– Accommodation and housing:

- Objective 1 - To accommodate forecast increases in population.
  - *Strategy 1.2 - Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks.*

Clause 21.04-2 - Activity centres:

- Objective 4 - To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.
  - *Strategy 4.1- Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres.*
  - *Strategy 4.3 - Support the role of all activity centres, including Neighbourhood Activity Centres, in providing local day-to-day needs of residents of all abilities.*

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.*

21.04-5- Parks, gardens and public open space:

- *Strategy 13.3 - Ensure new development does not have a negative impact on adjoining open space.*

Clause 21.05 - Built form:

21.05-1– Heritage

- 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 14.3- Protect the heritage skyline of heritage precincts.*
  - *Strategy 14.6- Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*

21.05-2 – Urban design:

- Objective 16 - To reinforce the existing urban framework of Yarra.
- Objective 19 - To create an inner city environment with landscaped beauty.
- 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.*

21.05-3 – Built form character:

- Objective 21 - To enhance the built form character of Yarra's activity centres.
  - *Strategy 21.1- Require development within Yarra's activity centres to respect and not dominate existing built form.*
  - *Strategy 21.2 - Require new development within an activity centre to consider the context of the whole centre recognising that activity centres may consist of sub-precincts, each of which may have a different land use and built form character.*
  - *Strategy 21.3 - Support new development that contributes to the consolidation and viability of existing activity centres.*

21.05-4 – Public environment:

- Objective 28 - To a 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.*
- Objective 34 -To promote environmentally sustainable development

21.06 - Transport:

Clause 21.06-1 – Walking and cycling

- *Strategy 30.3 - Use rear laneway access to reduce vehicle crossovers.*

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.

21.07 Environmental sustainability:

21.07-1- Environmentally sustainable development

- Objective 34 - To promote environmentally sustainable development

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 Objectives:

- To maintain the prominence of Yarra's valued landmarks and landmark signs.

22.03-4 Landmarks Design Response:

New buildings within the vicinity of the following landmarks should be designed to ensure the landmarks remain as the principal built reference:

- *Clocktower of Richmond Town Hall*
- *Spire of St Ignatius Cathedral, Church Street, Richmond*

Development should protect views to the following landmark signs:

- *Pelaco Sign (Goodwood Street, Richmond)*
- *Skipping Girl Sign (Victoria Street, Abbotsford)*

Clause 22.05- Interface Uses Policy

22.05-2 – Objectives:

- To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes.
- To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.

22.05-4.- Dwelling Design:

- Minimise the potential for views from existing business or industrial premises to habitable room windows and private open space areas, through the use of appropriate siting, setbacks, articulation and screens.

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.

How does the amendment support or implement the Municipal Planning Strategy?

Currently the City of Yarra is in the process of translating its Local Planning Policy Framework into the new Planning Policy Framework via Amendment C269yara. Amendment C269 has been adopted by Council and is awaiting approval.

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

The draft amendment uses the most appropriate VPP tool to achieve its objectives. A Design and Development Overlay (DDO) is the best tool to control future built form. The draft amendment introduces a DDO which has been tested extensively to determine the most appropriate building and street wall heights and setbacks in the Bridge Road and Victoria Street Activity Centres.

The use of these tools by this amendment is consistent with the direction on the form and content of planning schemes. How does the amendment address the views of any relevant agency?

The Department of Environment, Land, Water and Planning (DELWP) reviewed the Amendment as part of the consent to exhibit stage and referral to the Standing Advisory Committee.

The views of relevant agencies were sought during exhibition of the draft amendment.

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

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

Particular consideration was given to ensuring that vehicular movements do not impact on the Principal Public Transport Network.

Resource and administrative costs

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

The draft amendment has some impact on the general operation of Council's statutory planning department as it facilitates some new forms of development.

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

Standing Advisory Committee hearing

In accordance with the Terms of Reference for the Yarra Activity Centre Standing Advisory Committee, the Amendment was publicly exhibited between 14 September and 27 October 2021 and subject to a public hearing. The hearing was conducted between the 04 April and 22April 2022.

For more information on the Committee, please visit planning.vic.gov.au/panels-and-committees/browse-panels-and-committees/projects/yarra-activity-centres-standing-advisory-committee

Where you may inspect this amendment

The draft amendment can be inspected free of charge at the Yarra City Council's webpage. yarracity.vic.gov.au/amendmentC291yara

The draft 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	Information Counter Collingwood Town Hall 140 Hoddle Street Abbotsford VIC 3067

Planning and Environment Act 1987

YARRA PLANNING SCHEME

DRAFT AMENDMENT C291yara

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 four attached map sheets.

Overlay Maps

Amend Planning Scheme Map Nos. 6DDO, 7DDO, 8DDO and 9DDO are in the manner shown on the eight attached maps marked "Yarra Planning Scheme, Amendment C291yara".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

1. In **Planning Policy Framework** – insert new Clause 11.03-1L Activity Centres in the form of the attached document.

2. In **Local Planning Policy Framework** – replace Clause 21.12 with a new Clause 21.12 in the form of the attached document.

3. In **Overlays** – Clause 43.02, insert new Schedules 41, 42, 43, 44, 45, 46, 47,48, 49 and 50 in the form of the attached documents.

4. In **Overlays** – Clause 43.02, delete Schedules 21 and 22.

5. In **Operational Provisions** – Clause 72.08, replace the Schedule with a new Schedule in the form of the attached document.

End of document

DRAFT AMENDMENT C291YARA –VERSION FOR ADOPTION

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SCHEDULE 41 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO41.

BRIDGE ROAD ACTIVITY CENTRE – PRECINCT 1 BRIDGE ROAD WEST

1.0 Design objectives

To support mid-rise development that maintains the visual prominence of the highly intact heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscape.

To support high quality taller development on the north side of Bridge Road between Lennox Street and Church Street which transitions to the adjacent low-rise residential neighbourhoods.

To ensure development retains view lines to the Pelaco Sign, the Richmond Town Hall Clocktower and the spire and belfry of St Ignatius Church.

To ensure development enhances the pedestrian experience through street activation and passive surveillance, the creation of new through-block links and protecting sunlight access to the southern side of Bridge Road, Church Street, Lennox Street and Alexander Reserve.

To ensure development responds to sensitive interfaces by providing a suitable transition to low scale residential areas and minimising amenity impacts on residential properties including overlooking, overshadowing and visual bulk impacts.

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 and MUZ, 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

Building Height has the same meaning as defined in the definitions at clause 73.01 except in relation to Numbers 2-70 Bridge Road, Richmond (even numbers - between Punt Road and Rotherwood Street) where building height is measured for the purposes of this control as the vertical distance from natural ground at the centre of the Bridge Road frontage of the site to the roof or parapet at that point.

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.

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

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

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

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

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 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.

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

Building heights 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 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; and
- where the proposal includes dwellings, it also achieves each of the following:
  - communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and
  - secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.

Architectural features may exceed the preferred or mandatory 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 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 /structures (other than solar panels and green roofs);
  - The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm; and
  - The equipment/structures does not extend higher than 2.6 metres above the maximum building height.

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

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 Wall Requirements

Development should achieve a continuous street wall along Bridge Road with no front setback to a street, unless the subject site contains a heritage building with an existing front setback or a street setback is specified.

In locations outside of Bridge Road where heritage is not a constraint, development should consider providing:

- ground level setbacks (and above) to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level and above setbacks are strongly encouraged where they have been provided by nearby or neighbouring developments to achieve a consistent approach along a street frontage.
- a corner splay at minimum of 1 x 1 metre along the site's corner boundaries.

Infill development adjoining a heritage building should match the parapet height of the adjoining building for a minimum of 6 metres in length.

On corner sites where two different street wall heights are nominated, development should 'turn the corner' and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

Upper Level Requirements

Development should:

- Incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- Be set back from the street wall 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.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.

Upper level development for a development 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.
- retain the visual prominence of prominent corner buildings and local landmark, the Former Napier Hotel at 2 Bridge Road.
- avoid unarticulated façades that give a bulky appearance, especially from oblique views.
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Development adjoining a heritage building should match the upper level setback of the heritage building for a minimum of 6 metres in length.

Upper level development above rows of identical or similar heritage buildings (such as terrace shops/residences) should be consistent in form, massing and façade treatment with any existing upper-level development above the same row of buildings.

For heritage buildings, upper level setbacks behind the street wall should be provided in excess of the minimum upper level setback 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;
- a lesser setback would not 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.

Table 1 - Street Wall Heights and Setbacks - Precinct 1 Bridge Road West

Built form	Mandatory requirement	Preferred requirement
Interface A		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8m minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	38-44 Bridge Road - 10m Elsewhere - 6m	For buildings >15m, the uppermost level should be set back 9m minimum
Interface B		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	None specified	13m
Interface C		
Maximum and minimum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings. Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings. Elsewhere - 0m
Minimum upper level setback	None specified	6m
Interface E		

Built form	Mandatory requirement	Preferred requirement
Maximum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum for other buildings
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings.
Minimum upper level setback	72 Bridge Road on western boundary – 6m	6m for heritage 3m for other buildings
Interface F		
Maximum street wall height	None specified	8m
Maximum and minimum street wall setback	None specified	None specified
Minimum upper level setback	None specified	4.5m
Interface I		
Maximum side/rear wall height	None specified	11m
Minimum side/rear wall setback	None specified	None specified
Minimum upper level setback	None specified	4.5m from the centreline of the laneway

Building separation requirements

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

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

- For building of less than or equal to 21 metres in height, upper level development should be set back a minimum of:
  - 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site.
  - 3.0 metres from the common boundary, where a commercial or non-habitable window facing the common boundary is proposed on the subject site.
- For buildings greater than 21 metres in height, any development above the street wall or 15 metres in height (whichever is greater) facing the common boundary should be set back a minimum of 4.5 metres from that boundary.

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:

- 9 metres from each other, where a habitable window or balcony is proposed; and
- 6 metres from each other where a commercial or non-habitable window is proposed.

Overshadowing requirements

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

- any part of the southern footpath of Bridge Road, 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 cause any additional overshadowing of the spaces in Table 2, unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority.

Table 2 - Overshadowing

Location	Hours and dates
Any part of the opposite footpath of Lennox Street and Church Street, measured from the property boundary to the existing kerb (including any opposite kerb outstands, seating and/or planting)	10am to 2pm at 22 September
Alexander Reserve	10am to 2pm at 22 September

Interface to residential properties in NRZ or GRZ requirements

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

Development with an interface to a property in the Neighbourhood Residential Zone or General Residential Zone (shown as Interface H or Interface J on Plan 1) should not exceed the maximum heights and setbacks set out in Table 3.

Table 3 – Residential interfaces

Residential Interface	Preferred requirement
Interface H	Heights and setbacks shown in Figure 1 of this schedule.
Interface J	Heights and setbacks shown in Figure 2 of this schedule.

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 identified architectural elements of the following landmarks (as shown on Plan 2 and listed below):

- the Pelaco sign when viewed from:
  - Tram Stop 13 on Wellington Street immediately west of Simpson Street (View 1);
  - the footpath on the north west corner of Wellington Parade and Hoddle Street (View 2); and
  - south-west corner of intersection of Church Street and Hodgson Terrace (View 3).
- the tower belfry and spire of St Ignatius Cathedral when viewed from:
  - the tram stop at the intersection of Victoria Street and Church Street (View 1); and
  - the north east corner of the Bridge Road and Church Street intersection (View 2).
- the cornice and iron balustrade, clock stage, pyramidal roof and flag pole of the Richmond Town Hall when viewed from:

- south-west corner of Lennox Street and Bridge Road intersection (View 1).

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

Design Quality Requirements

Development should achieve urban design and architectural excellence.

Development in the Commercial 1 Zone and/or Mixed Use Zone 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.

Ensure shopfront widths are not reduced to the extent they become commercially unviable. Development should:

- Incorporate vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
- Be expressed 'in the round' and provide detail on all façades.

Development should avoid blank walls visible from the public realm. Where a solid external wall is unavoidable, walls should be detailed and include articulation to provide for visual interest.

New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.

Development should ensure any walls visible from the public realm are designed to provide visual interest to passing pedestrians through colour, texture or finishes.

Development should ensure taller buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight and views to the sky above the street wall.

Development should break up buildings with a wide street frontage into smaller vertical sections or separate elements to provide breaks and modulation in the street facade.

Development should provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.

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

Development with a frontage to a 'Green Street – key pedestrian/cycle route' identified on Plan 1 should contribute to urban greening by introducing trees, ground cover, vertical and rooftop vegetation.

Vehicular access requirements

Development should not provide vehicle access from Bridge Road.

Development should provide vehicular access from rear lanes or from side streets, where appropriate.

Where access is provided to an arterial road, access would be subject to Department of Transport approval and should be limited to left-in/left-out.

Development with redundant vehicle access points must reinstate the kerb, line mark 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.

Development indicated in Plan 3 as requiring a setback 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 in the laneway should provide a minimum width between walls of 6.1m (including the existing laneway). Between ground level and first floor, a headroom clearance of 3.5 metres minimum should be achieved.

In locations where potential one way streets are indicated on Plan 3 but have not been implemented, development should consider ground floor setbacks or provision of passing areas within sections of the lane allow for building services and car park access.

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 or any alternative splay that facilitates movement by the B99 design vehicle, to the satisfaction of the Responsible Authority.

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

Development should enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.

Pedestrian and Bicycle Access Requirements

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone and avoid primary access from laneways. Where pedestrian access can only be provided from a laneway, the pedestrian entrance should be setback from the rear laneway or include a pedestrian refuge or landing and be well lit to enable safe access.

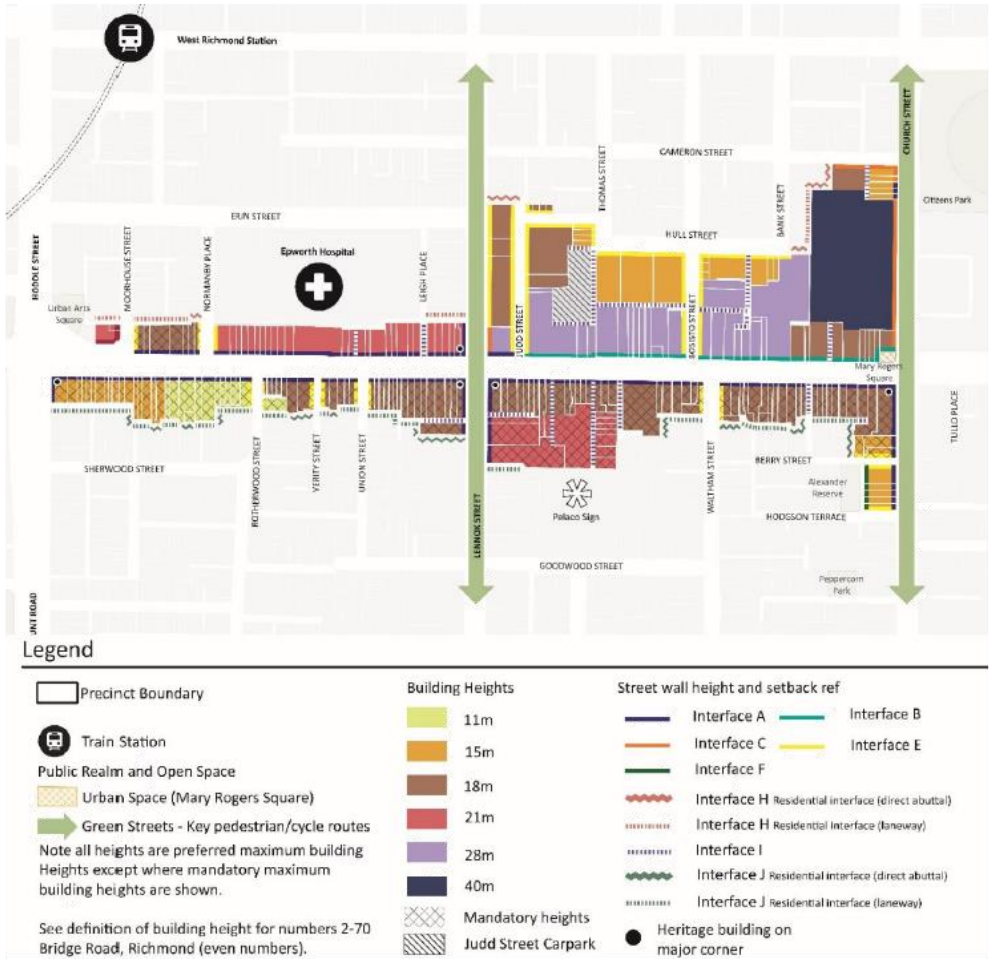
Development should facilitate the creation of a shared zone where properties abut a potential future shared zone as shown on Plan 3.

Development should consider creating ground level publicly accessible pedestrian connections or linkages as shown on Plan 3.

Pedestrian entrances should be clearly visible, secure and have an identifiable sense of address.

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

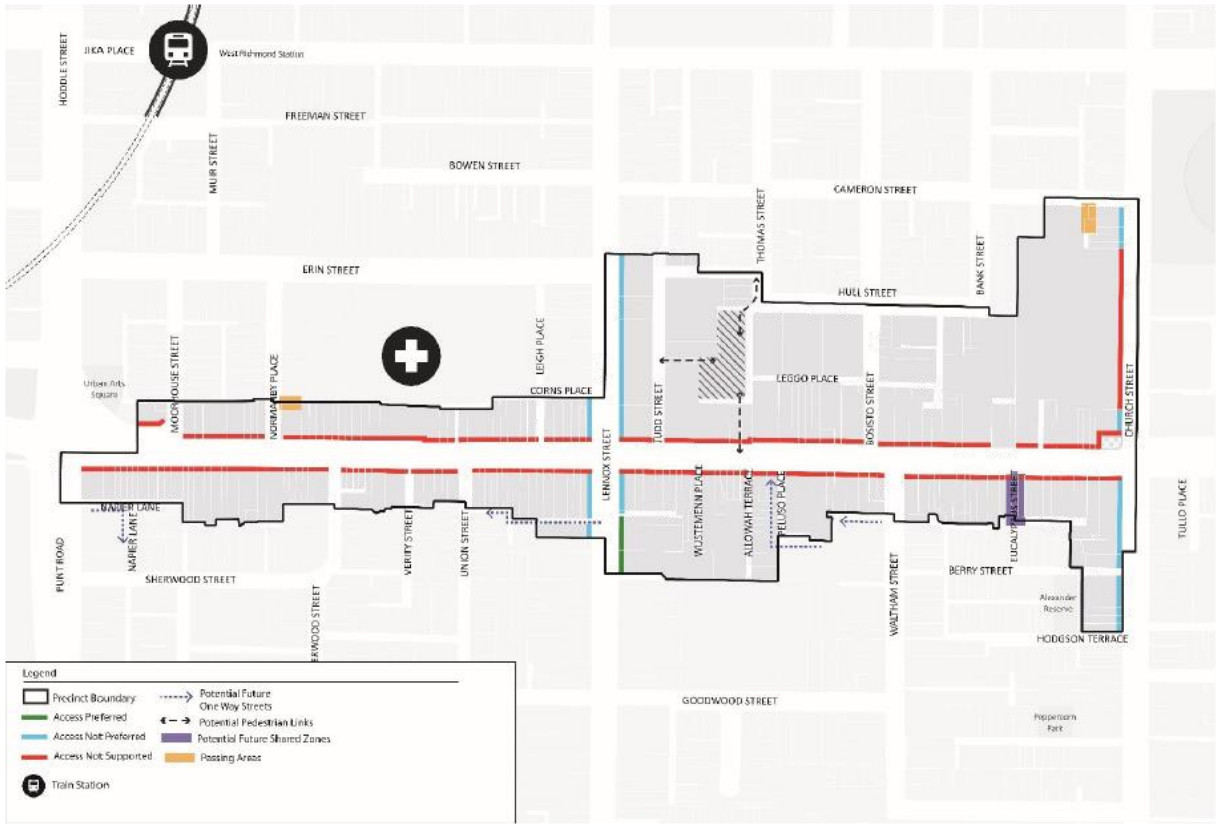
Plan 1: Height and Interface Plan – Precinct 1 Bridge Road West



Plan 2: Landmarks Plan – Precinct 1 Bridge Road West

Attachment 4 - Attachment 4 - C291yara - Clean version of the Amendment for adoption

Plan 3: Access and Movement Plan – Precinct 1 Bridge Road West



3.0 Subdivision

None specified.

4.0 Signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and 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 15 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.
- 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 and bike lanes),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the impacts of traffic and parking in the Precinct including 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 design excellence is achieved (including but not limited to building siting, scale, massing, articulation and materials).
- The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- Whether the overshadowing impacts of the development on opposite footpaths and public spaces are minimised.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Bridge Road and from local streets.
- The prominence of the heritage street wall in the vistas along Bridge Road, Church 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 the development on view lines to the Pelaco sign; the Richmond Town Hall; and the belfry and spire of the Ignatius' Cathedral.
- The design response at the interface with existing, low scale residential properties.
- If roof decks are proposed above the street wall, whether they are set back and are recessive in appearance.
- 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.
- The impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bike lanes.
- The impact of vehicular access arrangements on the operation of the tram routes along Bridge Road and Church Street.

Figure 1 to Schedule 41 – Interface H - to residential properties in NRZ or GRZ

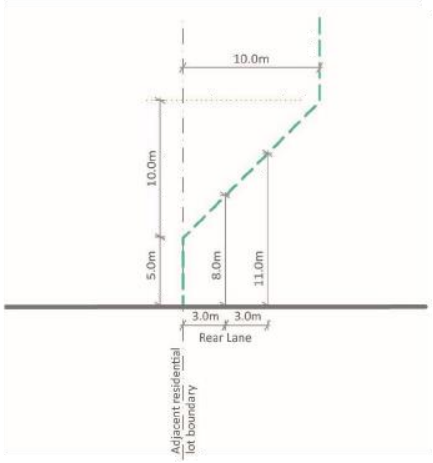
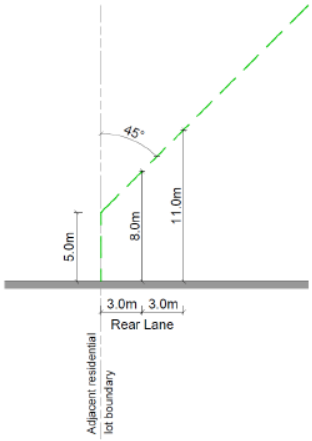


Figure 2 to Schedule 41 – Interface J - to residential properties in NRZ or GRZ



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SCHEDULE 42 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO42.

BRIDGE ROAD ACTIVITY CENTRE – PRECINCT 2 BRIDGE ROAD SOUTH

1.0 Design objectives

To support lower mid-rise development that maintains the visual prominence of the highly intact heritage street wall and respects the architectural form and qualities of heritage buildings and the heritage streetscape.

To ensure development retains view lines to the Richmond Town Hall Clocktower and the spire and belfry of the St Ignatius Church.

To retain the visual prominence of the return facades of corner heritage buildings and local landmarks.

To ensure development enhances the pedestrian experience through street activation and passive surveillance along Bridge Road and side streets and protects sunlight access to Church Street and Burnley Street.

To ensure development responds to sensitive interfaces by providing a suitable transition to low scale residential areas and minimising amenity impacts on residential properties including overlooking, overshadowing and visual bulk impacts.

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 and MUZ, 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

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.

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

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

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

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

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 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.

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

Building heights 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 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; and
- where the proposal includes dwellings, it also achieves each of the following:
  - communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and/or
  - secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.

Architectural features may exceed the preferred or mandatory 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 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 /structures (other than solar panels and green roofs);
- The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm; and
- The equipment/structures does not extend higher than 2.6 metres above the maximum building height.

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

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 Wall Requirements

Development should achieve a continuous street wall along Bridge Road with no front setback to a street, unless the subject site contains a heritage building with an existing front setback or a street setback is specified.

In locations outside of Bridge Road where heritage is not a constraint, development should consider providing:

- ground level setbacks (and above) to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level and above setbacks are strongly encouraged where they have been provided by nearby or neighbouring developments to achieve a consistent approach along a street frontage.
- a corner splay at minimum of 1 x 1 metre along the site's corner boundaries.

Infill development adjoining a heritage building should match the parapet height of the adjoining building for a minimum of 6 metres in length.

On corner sites where two different street wall heights are nominated, development should 'turn the corner' and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

Upper Level Requirements

Development should:

- Incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- Be set back from the street wall 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.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.

Upper level development for a development 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.
- retain the visual prominence of prominent corner buildings and local landmarks - The Vine Hotel, 254 Bridge Road and the Spread Eagle Hotel, 372 Bridge Road.
- avoid unarticulated façades that give a bulky appearance, especially from oblique views.
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Development adjoining a heritage building should match the upper level setback of the heritage building for a minimum of 6 metres in length.

Upper level development above rows of identical or similar heritage buildings (such as terrace shops/residences) should be consistent in form, massing and façade treatment with any existing upper-level development above the same row of buildings.

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

- a lesser setback would not 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.

Table 1 - Street Wall Heights and Setbacks for Precinct 2 Bridge Road South

Built form	Mandatory requirement	Preferred requirement
Interface A		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8m minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	6m minimum	For buildings >15m, the uppermost level should be set back 9m minimum
Interface C		
Maximum and minimum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings. Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings. Elsewhere - 0m
Minimum upper level setback	None specified	6m
Interface E		
Maximum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum for other buildings
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings. Elsewhere - 0m
Minimum upper level setback	None specified	6m minimum for heritage 3m minimum for other buildings
Interface I		
Maximum side/rear wall height	None specified	11m
Minimum side/rear wall setback	None specified	None specified
Minimum upper level setback	None specified	4.5m from centreline of the laneway

Building separation requirements

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

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

- For building of less than or equal to 21 metres in height, upper level development should be set back a minimum of:
  - 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site.
  - 3.0 metres from the common boundary, where a commercial or non-habitable window facing the common boundary is proposed on the subject site.
- For buildings greater than 21 metres in height, any development above the street wall or 15 metres in height (whichever is greater) facing the common boundary should be set back a minimum of 4.5 metres from that boundary.

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:

- 9 metres from each other, where a habitable window or balcony is proposed; and
- 6 metres from each other where a commercial or non-habitable window is proposed.

Overshadowing requirements

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

- any part of the southern footpath of Bridge Road, 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 any of the following spaces between 10am and 2pm at 22nd September, unless the additional overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:

- any part of the opposite footpath of Church Street, Gleadell Street, Griffiths Street, Gardner Street, Coppin Street (north of Bridge Road) and Burnley Street measured from the property boundary to the existing kerb (including any opposite kerb outstands, seating and/or planting).

Interface to residential properties in NRZ or GRZ requirements

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

Development with an interface to a property in the Neighbourhood Residential Zone or General Residential Zone (shown as Interface J on Plan 1) should not exceed the maximum heights and setbacks set out in Table 3.

Table 3 – Residential interfaces

Residential Interface	Preferred requirement
Interface J	Heights and setbacks shown in Figure 1 of this schedule.

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 identified architectural elements of the following landmarks (as shown on Plan 1 and listed below):

- the tower belfry and spire of St Ignatius Cathedral when viewed from:
  - the tram stop at the intersection of Victoria Street and Church Street (View 1);
  - the north east corner of the Bridge Road and Church Street intersection (View 2); and
  - Citizens Park at the entrance from Highett and Gleadell Street intersection (View 3).
- the cornice and iron balustrade, clock stage, pyramidal roof and flag pole of the Richmond Town Hall when viewed from:
  - south-east corner of Burnley Street and Bridge Road intersection (View 2).

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

Design Quality Requirements

Development should achieve urban design and architectural excellence.

Development in the Commercial 1 Zone and/or Mixed Use Zone 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.

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

Development should:

- Incorporate vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
- Be expressed 'in the round' and provide detail on all façades.

Development should avoid blank walls visible from the public realm. Where a solid external wall is unavoidable, walls should be detailed and include articulation to provide for visual interest.

New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.

Development should ensure any walls visible from the public realm are designed to provide visual interest to passing pedestrians through colour, texture or finishes.

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

Development should provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.

Development with a frontage to a 'Green Street – key pedestrian/cycle route' identified on Plan 1 should contribute to urban greening by introducing trees, ground cover, vertical and rooftop vegetation.

Vehicular access requirements

Development should not provide vehicle access from Bridge Road.

Development should provide vehicular access from rear lanes or from side streets, where appropriate.

Where access is provided to an arterial road, access would be subject to Department of Transport approval and should be limited to left-in/left-out.

Development with redundant vehicle access points must reinstate the kerb, line mark 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.

Development indicated in Plan 2 as requiring a setback 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 in the laneway should provide a minimum width between walls of 6.1m (including the existing laneway). Between ground level and first floor, a headroom clearance of 3.5 metres minimum should be achieved.

In locations where potential one way streets are indicated on Plan 2 but have not been implemented, development should consider ground floor setbacks or provision of passing areas within sections of the lane allow for building services and car park access.

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 or any alternative splay that facilitates movement by the B99 design vehicle, to the satisfaction of the Responsible Authority.

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

Development should enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.

Pedestrian and Bicycle Access Requirements

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone and avoid primary access from laneways. Where pedestrian access can only be provided from a laneway, the pedestrian entrance should be setback from the rear laneway or include a pedestrian refuge or landing and be well lit to enable safe access.

Development should facilitate the creation of a shared zone where properties abut a potential future shared zone as shown on Plan 2.

Pedestrian entrances should be clearly visible, secure and have an identifiable sense of address.

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

Plan 1: Height and Interface Plan – Precinct 2 Bridge Road South

Plan 2: Access and Movement Plan – Precinct 2 Bridge Road South

NOTE – Potential future shared zones and one way streets are subject to further assessment and consultation.

3.0 Subdivision

None specified.

4.0 Signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and 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 15 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.
- 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 and bike lanes),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the impacts of traffic and parking in the Precinct including the ongoing functionality of laneway/s, where applicable.

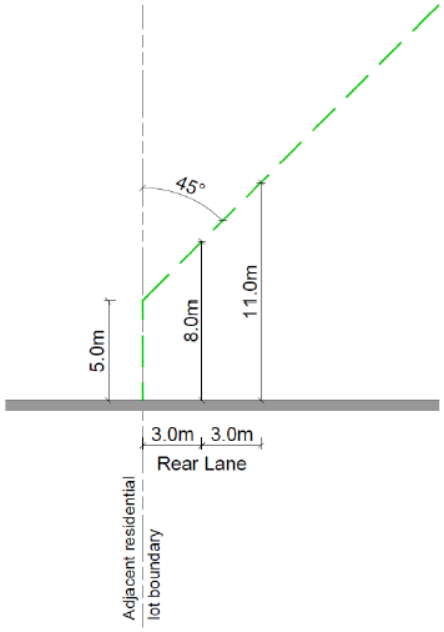
6.0 Decision guidelines

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 design excellence is achieved (including but not limited to building siting, scale, massing, articulation and materials).
- The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- Whether the overshadowing impacts of the development on opposite footpaths and public spaces are minimised.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Bridge Road and from local streets.
- The prominence of the heritage street wall in the vistas along Bridge Road, Church 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 the development on view lines to the Richmond Town Hall; and the belfry and spire of the Ignatius' Cathedral.
- The design response at the interface with existing, low scale residential properties.
- If roof decks are proposed above the street wall, whether they are set back and are recessive in appearance.
- 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.
- The impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bike lanes.
- The impact of vehicular access arrangements on the operation of the tram routes along Bridge Road and Church Street.

Figure 1 to Schedule 42 – Interface J – to residential properties in NRZ or GRZ



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SCHEDULE 43 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO43.

BRIDGE ROAD ACTIVITY CENTRE – PRECINCT 3 BRIDGE ROAD CENTRAL

1.0 Design objectives

To support lower mid-rise development that retains the visual prominence of heritage buildings, heritage streetscape, local landmarks and the visual separation and openness between the Richmond Town Hall and other heritage buildings.

To support high quality taller development on large sites behind Bridge Road which activate the street frontage and contribute to the public realm.

To ensure development retains view lines to the Richmond Town Hall Clocktower and the spire and belfry of St Ignatius Church.

To ensure development enhances the pedestrian experience through street activation and passive surveillance along Bridge Road and its side streets and protects sunlight access to Church Street, Gleadell Street, Griffiths Street, Coppin Street and the southern side of Bridge Road.

To ensure development responds to sensitive interfaces by providing a suitable transition to low scale residential areas and minimising amenity impacts on residential properties including overlooking, overshadowing and visual bulk impacts.

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 and MUZ, 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

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.

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

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

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

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

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 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.

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

Building heights 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 and 2 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; and
- where the proposal includes dwellings, it also achieves each of the following:
  - communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and/or
  - secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.

Architectural features may exceed the preferred or mandatory 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 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 /structures (other than solar panels and green roofs);
- The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm; and
- The equipment/structures does not extend higher than 2.6 metres above the maximum building height.

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

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 Wall Requirements

Development should achieve a continuous street wall along Bridge Road with no front setback to a street, unless the subject site contains a heritage building with an existing front setback or a street setback is specified.

In locations outside of Bridge Road where heritage is not a constraint, development should consider providing:

- ground level setbacks (and above) to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level and above setbacks are strongly encouraged where they have been provided by nearby or neighbouring developments to achieve a consistent approach along a street frontage.
- a corner splay at minimum of 1 x 1 metre along the site's corner boundaries.

Infill development adjoining a heritage building should match the parapet height of the adjoining building for a minimum of 6 metres in length.

On corner sites where two different street wall heights are nominated, development should 'turn the corner' and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

Upper Level Requirements

Development should:

- Incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- Be set back from the street wall 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.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.

Upper level development for a development 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.
- retain the visual prominence of prominent corner buildings and local landmark, the Former Richmond Police Station, 319-323 Bridge Road.
- avoid unarticulated façades that give a bulky appearance, especially from oblique views.
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Development adjoining a heritage building should match the upper level setback of the heritage building for a minimum of 6 metres in length.

Upper level development above rows of identical or similar heritage buildings (such as terrace shops/residences) should be consistent in form, massing and façade treatment with any existing upper-level development above the same row of buildings.

For heritage buildings, upper level setbacks behind the street wall should be provided in excess of the minimum upper level setback 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;
- a lesser setback would not 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.

Table 1 - Street Wall Heights and Setbacks - Precinct 3 Bridge Road Central

Built form	Mandatory requirement	Preferred requirement
Interface A		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8m minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	6m	For buildings >15m, the uppermost level should be set back 9m minimum
Interface B		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	None specified	13m
Interface C		
Maximum and minimum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings. Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings. Elsewhere - 0m
Minimum upper level setback	None specified	6m minimum
Interface I		
Maximum side/rear wall height	None specified	11m

Built form	Mandatory requirement	Preferred requirement
Minimum side/rear wall setback	None specified	17 Gleadell Street - 2m setback to the southern boundary Elsewhere - 0m
Minimum upper level setback	None specified	4.5m from the centreline of the laneway

Building separation requirements

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

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

- For building of less than or equal to 21 metres in height, upper level development should be set back a minimum of:
  - 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site.
  - 3.0 metres from the common boundary, where a commercial or non-habitable window facing the common boundary is proposed on the subject site.
- For buildings greater than 21 metres in height, any development above the street wall or 15 metres in height (whichever is greater) facing the common boundary should be set back a minimum of 4.5 metres from that boundary.

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:

- 9 metres from each other, where a habitable window or balcony is proposed; and
- 6 metres from each other where a commercial or non-habitable window is proposed.

Overshadowing requirements

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

- any part of the southern footpath of Bridge Road, 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 any of the following spaces between 10am and 2pm at 22nd September, unless the additional overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:

- any part of the opposite footpath of Church Street, Gleadell Street, Griffiths Street, Gardner Street and Coppin Street (north of Bridge Road), measured from the property boundary to the existing kerb (including any opposite kerb outstands, seating and/or planting).

Interface to residential properties in NRZ or GRZ requirements

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

Development with an interface to a property in the Neighbourhood Residential Zone or General Residential Zone (shown as Interface H on Plan 1) should not exceed the maximum heights and setbacks in Figure 1 of this schedule.

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 identified architectural elements of the following landmarks (as shown on Plan 2 and listed below):

- the tower belfry and spire of St Ignatius Cathedral when viewed from:
  - the tram stop at the intersection of Victoria Street and Church Street (View 1);
  - the north east corner of the Bridge Road and Church Street intersection (View 2); and
  - Citizens Park at the entrance from Highett and Gleadell Street intersection (View 3).
- the cornice and iron balustrade, clock stage, pyramidal roof and flag pole of the Richmond Town Hall when viewed from:
  - south-west corner of Lennox Street and Bridge Road intersection (View 1);
  - south-east corner of Burnley Street and Bridge Road intersection (View 2); and
  - Citizens Park at the at Highett Street / Church Street entry and the central entry from Highett Street (Views 3 and 4).

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

Design Quality Requirements

Development should achieve urban design and architectural excellence.

Development in the Commercial 1 Zone and/or Mixed Use Zone 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.

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

Development should:

- Incorporate vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
- Be expressed 'in the round' and provide detail on all façades.

Development should avoid blank walls visible from the public realm. Where a solid external wall is unavoidable, walls should be detailed and include articulation to provide for visual interest.

New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.

Development should ensure any walls visible from the public realm are designed to provide visual interest to passing pedestrians through colour, texture or finishes.

Development should ensure taller buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight and views to the sky above the street wall.

Development should break up buildings with a wide street frontage into smaller vertical sections or separate elements to provide breaks and modulation in the street facade.

Development should provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.

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

Development with a frontage to a 'Green Street – key pedestrian/cycle route' identified on Plan 1should contribute to urban greening by introducing trees, ground cover, vertical and rooftop vegetation.

Vehicular access requirements

Development should not provide vehicle access from Bridge Road.

Development should provide vehicular access from rear lanes or from side streets, where possible.

Where access is provided to an arterial road, access would be subject to Department of Transport approval and should be limited to left-in/left-out.

Development with redundant vehicle access points must reinstate the kerb, line mark 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.

Development indicated in Plan 3 as requiring a setback 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 in the laneway should provide a minimum width between walls of 6.1m (including the existing laneway). Between ground level and first floor, a headroom clearance of 3.5 metres minimum should be achieved.

In locations where potential one way streets are indicated on Plan 3 but have not been implemented, development should consider ground floor setbacks or provision of passing areas within sections of the lane allow for building services and car park access.

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 or any alternative splay that facilitates movement by the B99 design vehicle, to the satisfaction of the Responsible Authority.

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

Development should enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.

Pedestrian and Bicycle Access Requirements

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone and avoid primary access from laneways. Where pedestrian access can only be provided from a laneway, the pedestrian entrance should be setback from the rear laneway or include a pedestrian refuge or landing and be well lit to enable safe access.

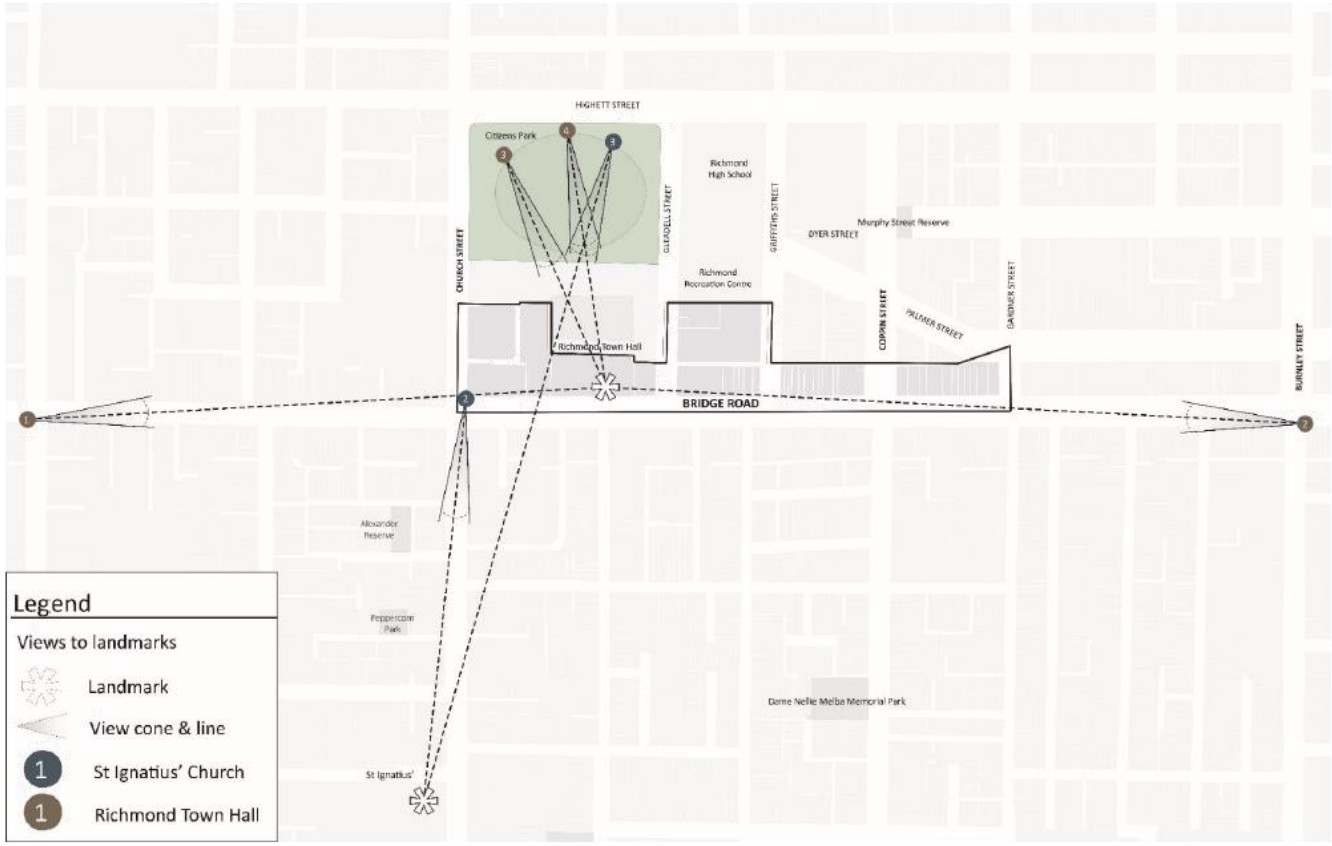
Development should facilitate the creation of a shared zone where properties abut a potential future shared zone as shown on Plan 3.

Pedestrian entrances should be clearly visible, secure and have an identifiable sense of address.

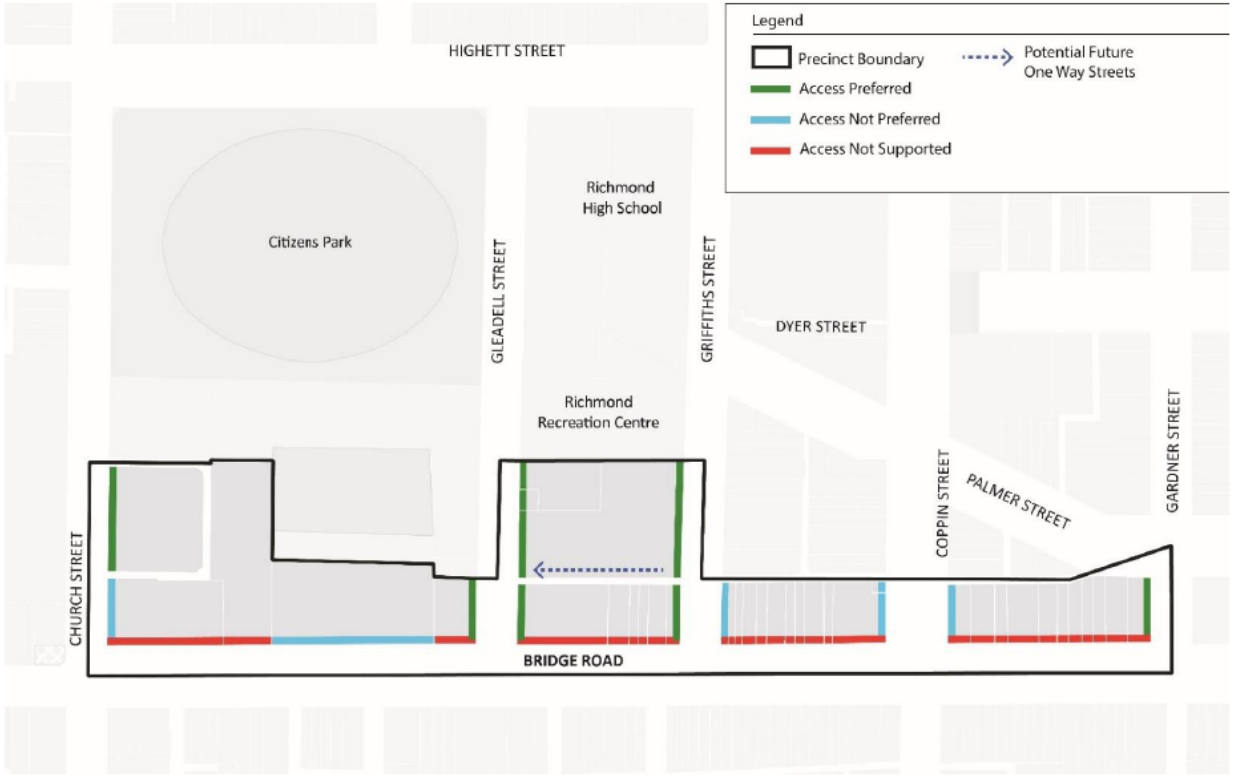
Resident and staff bicycle parking should be located and designed to be secure and conveniently accessible from the street and associated uses.

Plan 1: Height and Interface Plan – Precinct 3 Bridge Road Central

Plan2: Landmarks Plan – Precinct 3 Bridge Road Central



Plan 3: Access and Movement Plan – Precinct 3 Bridge Road Central



NOTE – Potential future shared zones and one way streets are subject to further assessment and consultation.

3.0 Subdivision

None specified.

4.0 Signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and 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 15 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.
- 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 and bike lanes),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the impacts of traffic and parking in the Precinct including the ongoing functionality of laneway/s, where applicable.

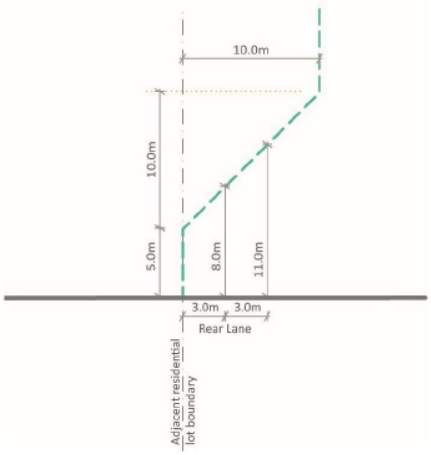
6.0 Decision guidelines

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 design excellence is achieved (including but not limited to building siting, scale, massing, articulation and materials).
- The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- Whether the overshadowing impacts of the development on opposite footpaths and public spaces are minimised.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Bridge Road and from local streets.
- The prominence of the heritage street wall in the vistas along Bridge Road, Church 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 the development on view lines to the Pelaco sign; the Richmond Town Hall; and the belfry and spire of the Ignatius' Cathedral.
- The design response at the interface with existing, low scale residential properties.
- If roof decks are proposed above the street wall, whether they are set back and are recessive in appearance.
- 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.
- The impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bike lanes.
- The impact of vehicular access arrangements on the operation of the tram routes along Bridge Road and Church Street.

Figure 1 to Schedule 43 – Interface H to residential properties in NRZ or GRZ



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SCHEDULE 44 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO44.

BRIDGE ROAD ACTIVITY CENTRE – PRECINCT 4 BRIDGE ROAD EAST SOUTH

1.0 Design objectives

To support mid-rise development on Bridge Road that maintains and reinforces the prominence of the street wall character.

To support taller development at 566 Bridge Road and 188-198 Burnley Street that provides a high quality transition to the adjacent Racecourse Heritage Precinct and lower scale residential areas, creates engaging street frontages and provides physical and visual permeability through breaks in the built form.

To ensure development maintains the visual prominence of local landmarks, Former Flour Mill and Grain Store Complex and Bridge Hotel, heritage buildings and heritage streetscapes.

To ensure development enhances the pedestrian experience through street activation and passive surveillance and protects sunlight access to Burnley Street.

To ensure development responds to sensitive interfaces by providing a suitable transition to low scale residential areas and minimising amenity impacts on residential properties including overlooking, overshadowing and visual bulk impacts.

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 and MUZ, 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

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.

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

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

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

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

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 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.

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

Building heights 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 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; and
- where the proposal includes dwellings, it also achieves each of the following:
  - communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and/or
  - secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.

Architectural features may exceed the preferred or mandatory 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 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 /structures (other than solar panels and green roofs);
- The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm ; and
- The equipment/structures does not extend higher than 2.6 metres above the maximum building height.

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

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 Wall Requirements

Development should achieve a continuous street wall along Bridge Road with no front setback to a street, unless the subject site contains a heritage building with an existing front setback or a street setback is specified.

In locations outside of Bridge Road where heritage is not a constraint, development should consider providing:

- ground level setbacks (and above) to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level and above setbacks are strongly encouraged where they have been provided by nearby or neighbouring developments to achieve a consistent approach along a street frontage.
- a corner splay at minimum of 1 x 1 metre along the site's corner boundaries.

Infill development adjoining a heritage building should match the parapet height of the adjoining building for a minimum of 6 metres in length.

On corner sites where two different street wall heights are nominated, development should 'turn the corner' and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

Upper Level Requirements

Development should:

- Incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- Be set back from the street wall 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.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.

Upper level development for a development 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.
- retain the visual prominence of prominent corner buildings and local landmarks - the Former Flour Mill & Grain Store Complex, 534 Bridge Road (includes part 516-524 Bridge Road) and the Bridge Hotel, 642 Bridge Road.
- avoid unarticulated façades that give a bulky appearance, especially from oblique views.
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Development adjoining a heritage building should match the upper level setback of the heritage building for a minimum of 6 metres in length.

Upper level development above rows of identical or similar heritage buildings (such as terrace shops/residences) should be consistent in form, massing and façade treatment with any existing upper-level development above the same row of buildings.

For heritage buildings, upper level setbacks behind the street wall should be provided in excess of the minimum upper level setback 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;
- a lesser setback would not 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.

Table 1 - Street Wall Heights and Setbacks - Precinct 4 Bridge Road East South

Built form	Mandatory requirement	Preferred requirement
Interface A		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8m minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	6m minimum	For buildings >15m, the uppermost level should be set back 9m minimum
Interface C		
Maximum and minimum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings. Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings. 188 to 198 Burnley Street - 3m landscape setback minimum 566 Bridge Road - 2m landscape setback minimum Elsewhere - 0m
Minimum upper level setback	None specified	188 to 198 Burnley Street - 4.5m Elsewhere - 6m
Interface E		
Maximum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum for other buildings
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings. 566 Bridge Road - 2m landscape setback Elsewhere - 0m

Built form	Mandatory requirement	Preferred requirement
Minimum upper level setback	None specified	6m for heritage buildings 3m for other buildings
Interface F		
Maximum street wall height	None specified	8m
Minimum street wall setback	None specified	566 Bridge Road - 2m landscape setback 188-198 Burnley Street & 21 & 23 Neptune Street – 2m landscape setback to non-heritage buildings Elsewhere - None specified
Minimum upper level setback	None specified	188-198 Burnley Street & 21 & 23 Neptune Street – 6m for heritage buildings Elsewhere - 4.5m
Interface I		
Maximum side/rear wall height	None specified	11m
Minimum side/rear wall setback	None specified	None specified
Minimum upper level setback	None specified	4.5m from the centreline of the laneway

Building separation requirements

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

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

- For building of less than or equal to 21 metres in height, upper level development should be set back a minimum of:
  - 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site.
  - 3.0 metres from the common boundary, where a commercial or non-habitable window facing the common boundary is proposed on the subject site.
- For buildings greater than 21 metres in height, any development above the street wall or 15 metres in height (whichever is greater) facing the common boundary should be set back a minimum of 4.5 metres from that boundary.

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:

- 9 metres from each other, where a habitable window or balcony is proposed; and
- 6 metres from each other where a commercial or non-habitable window is proposed.

Overshadowing requirements

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

- any part of the southern footpath of Bridge Road, 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 any of the following spaces between 10am and 2pm at 22nd September, unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:

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

Interface to residential properties in NRZ or GRZ requirements

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

Development with an interface to a property in the Neighbourhood Residential Zone or General Residential Zone (shown as Interface J on Plan 1) should not exceed the maximum heights and setbacks in set out in Table 3.

Development at 566 Bridge Road should provide a 8m landscape setback to the eastern boundary with the Racecourse Heritage Precinct and to the southern boundary to 65 Stawell Street.

Development at 198-242 Burnley Street should provide a 3m landscape setback to the southern boundary to 244 Burnley Street and 1.3m to the western boundary to 2 Stratford Street and 53-57 Neptune Street.

Table 3 – Residential interfaces

Residential Interface	Preferred requirement
Interface J	Heights and setbacks shown in Figure 1 of this schedule.

Design Quality Requirements

Development should achieve urban design and architectural excellence.

Development in the Commercial 1 Zone and/or Mixed Use Zone 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.

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

Development should:

- Incorporate vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
- Be expressed 'in the round' and provide detail on all façades.

Development should 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.

New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.

Development should ensure any walls visible from the public realm are designed to provide visual interest to passing pedestrians through colour, texture or finishes.

Development should ensure taller buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight and views to the sky above the street wall.

Development should break up buildings with a wide street frontage into smaller vertical sections or separate elements to provide breaks and modulation in the street facade.

Development should provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.

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

Development with a frontage to a 'Green Street – key pedestrian/cycle route' identified on Plan 1 should contribute to urban greening by introducing trees, ground cover, vertical and rooftop vegetation.

Vehicular access requirements

Development should not provide vehicle access from Bridge Road.

Development should provide vehicular access from rear lanes or from side streets, where appropriate.

Where access is provided to an arterial road, access would be subject to Department of Transport approval and should be limited to left-in/left-out.

Development with redundant vehicle access points must reinstate the kerb, line mark 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.

Development indicated in Plan 2 as requiring a setback 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 in the laneway should provide a minimum width between walls of 6.1m (including the existing laneway). Between ground level and first floor, a headroom clearance of 3.5 metres minimum should be achieved.

In locations where potential one way streets are indicated on Plan 2 but have not been implemented, development should consider ground floor setbacks or provision of passing areas within sections of the lane allow for building services and car park access.

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 or any alternative splay that facilitates movement by the B99 design vehicle, to the satisfaction of the Responsible Authority.

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

Development should enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.

Pedestrian and Bicycle Access

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone and avoid primary access from laneways. Where pedestrian access can only be provided from a laneway, the pedestrian entrance should be setback from the rear laneway or include a pedestrian refuge or landing and be well lit to enable safe access.

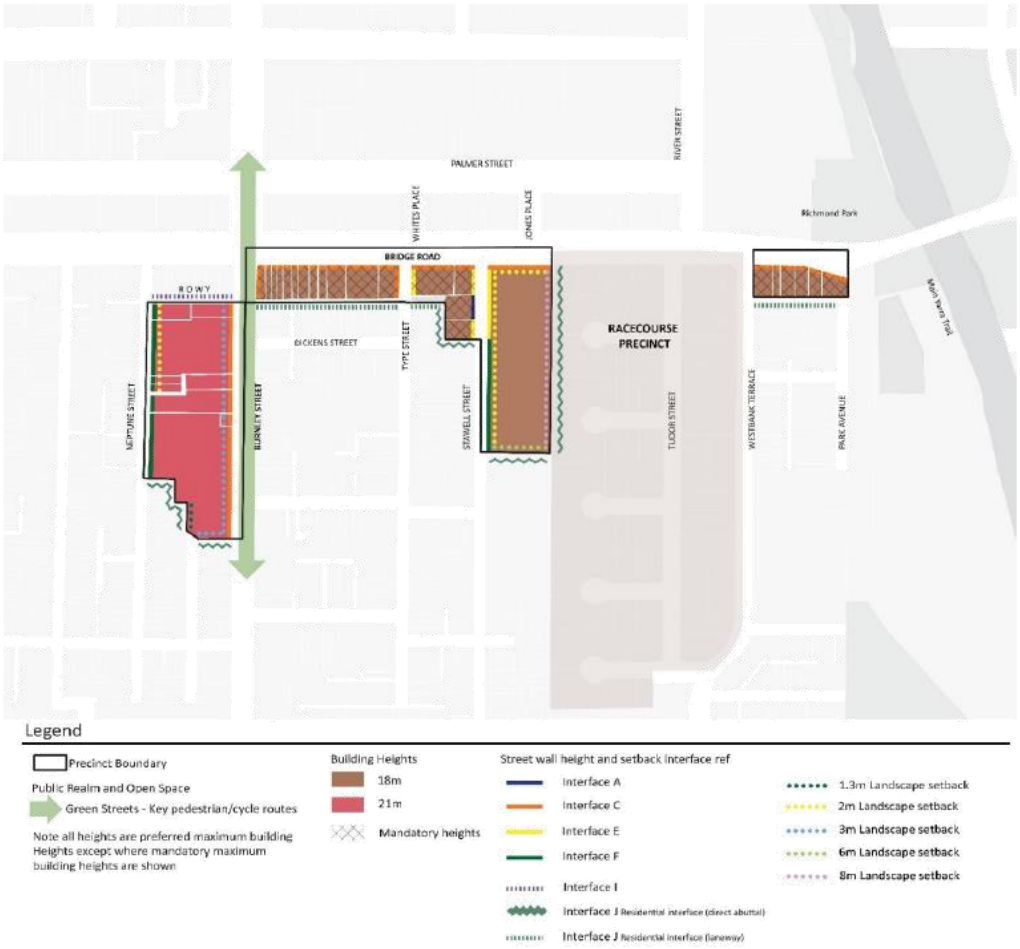
Development should facilitate the creation of a shared zone where properties abut a potential future shared zone as shown on Plan 2.

Development should consider creating ground level publicly accessible pedestrian connections or linkages as shown on Plan 2.

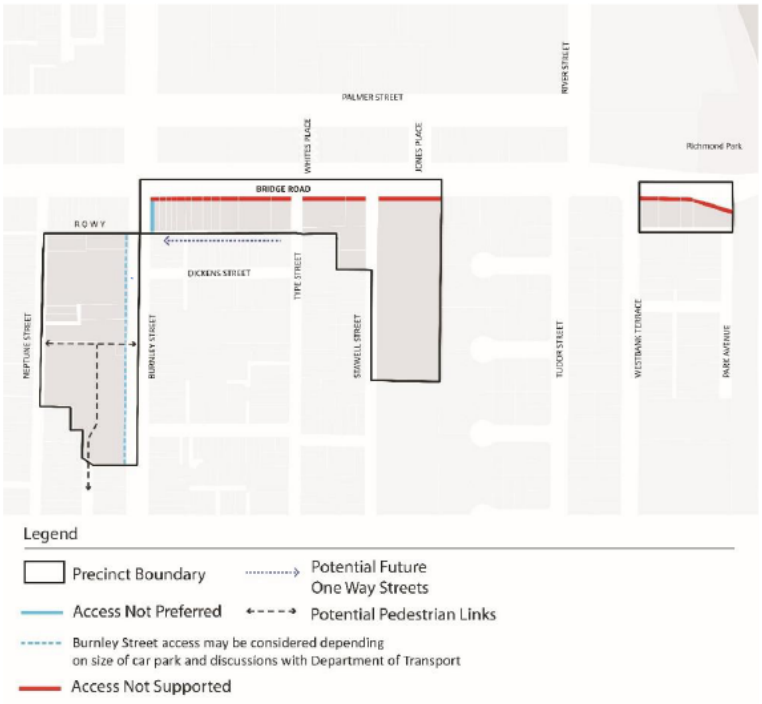
Pedestrian entrances should be clearly visible, secure and have an identifiable sense of address.

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

Plan 1: Height and Interface Plan – Precinct 4 Bridge Road East South



Plan 2: Access and Movement Plan – Precinct 4 Bridge Road East South



DESIGN AND DEVELOPMENT OVERLAY – SCHEDULE 44

NOTE – Potential future shared zones and one way streets are subject to further assessment and consultation.

3.0 Subdivision

None specified.

4.0 Signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and 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 15 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.
- 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 and bike lanes),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the impacts of traffic and parking in the Precinct including the ongoing functionality of laneway/s, where applicable.

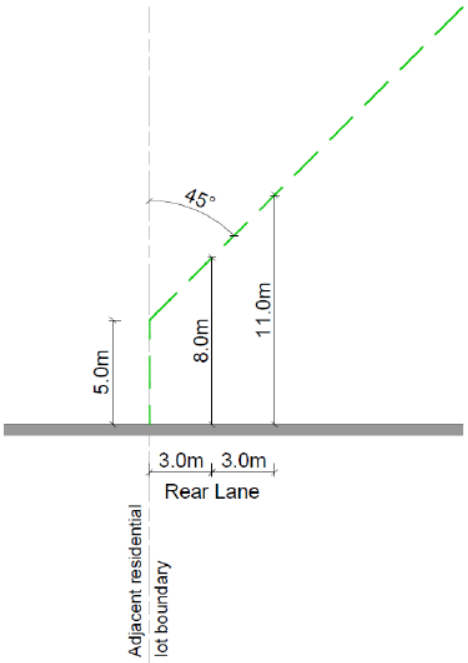
6.0 Decision guidelines

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 design excellence is achieved (including but not limited to building siting, scale, massing, articulation and materials).
- The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- Whether the overshadowing impacts of the development on opposite footpaths and public spaces are minimised.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Bridge Road and from local streets.
- The prominence of the heritage street wall in the vistas along Bridge Road 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 design response at the interface with existing, low scale residential properties.
- If roof decks are proposed above the street wall, whether they are set back and are recessive in appearance.
- 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.
- The impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bike lanes.
- The impact of vehicular access arrangements on the operation of the tram routes along Bridge Road.

Figure 1 to Schedule 44 – Interface J – to residential properties in NRZ or GRZ



DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION

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SCHEDULE 45 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO45.

BRIDGE ROAD ACTIVITY CENTRE – PRECINCT 5 BRIDGE ROAD EAST NORTH

1.0 Design objectives

To support a new mid-rise character that creates a consistent taller built form edge on Bridge Road and Palmer Street and responds to the interface with industrial areas and low scale residential areas to the north.

To ensure development provides building separation and views to the sky above the street wall when viewed from the northern footpath of Palmer Street and/or the southern footpath of Bridge Road.

To ensure development maintains the visual prominence of the Royal Oak Hotel and other heritage buildings.

To ensure development enhances the pedestrian experience through street activation and surveillance and protecting sunlight access to the southern side of Bridge Road, Burnley Street and any potential future urban space at Whites Place.

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 and MUZ, 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

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.

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

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

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

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

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 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.

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

Building heights 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 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; and
- where the proposal includes dwellings, it also achieves each of the following:
  - communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and/or
  - secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.

Architectural features may exceed the preferred or mandatory 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 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 /structures (other than solar panels and green roofs);
- The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm ; and
- The equipment/structures does not extend higher than 2.6 metres above the maximum building height.

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

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 Wall Requirements

Development should achieve a continuous street wall along Bridge Road with no front setback to a street, unless the subject site contains a heritage building with an existing front setback or a street setback is specified.

In locations outside of Bridge Road where heritage is not a constraint, development should consider providing:

- ground level setbacks (and above) to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level and above setbacks are strongly encouraged where they have been provided by nearby or neighbouring developments to achieve a consistent approach along a street frontage.
- a corner splay at minimum of 1 x 1 metre along the site's corner boundaries.

Infill development adjoining a heritage building should match the parapet height of the adjoining building for a minimum of 6 metres in length.

On corner sites where two different street wall heights are nominated, development should 'turn the corner' and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

Upper Level Requirements

Development should:

- Incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- Be set back from the street wall 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.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.

Upper level development for a development 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.
- retain the visual prominence of prominent corner buildings and local landmark, Royal Oak Hotel, 527-533 Bridge Road.
- avoid unarticulated façades that give a bulky appearance, especially from oblique views.
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Development adjoining a heritage building should match the upper level setback of the heritage building for a minimum of 6 metres in length.

Upper level development above rows of identical or similar heritage buildings (such as terrace shops/residences) should be consistent in form, massing and façade treatment with any existing upper-level development above the same row of buildings.

For heritage buildings, upper level setbacks behind the street wall should be provided in excess of the minimum upper level setback 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;
- a lesser setback would not 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.

Table 1 - Street Wall Heights and Setbacks - Precinct 5 Bridge Road East North

Built form	Mandatory requirement	Preferred requirement
Interface A		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8m minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	6m minimum	For buildings >15m, the uppermost level should be set back 9m minimum
Interface C		
Maximum and minimum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings. Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings. 0m – elsewhere.
Minimum upper level setback	None specified	6m
Interface D		
Maximum street wall height	None specified	15m
Maximum and minimum street wall setback	None specified	0m
Minimum upper level setback	None specified	4.5m

Building separation requirements

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

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

- For building of less than or equal to 21 metres in height, upper level development should be set back a minimum of:
  - 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site.
  - 3.0 metres from the common boundary, where a commercial or non-habitable window facing the common boundary is proposed on the subject site.
- For buildings greater than 21 metres in height, any development above the street wall or 15 metres in height (whichever is greater) facing the common boundary should be set back a minimum of 4.5 metres from that boundary.

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:

- 9 metres from each other, where a habitable window or balcony is proposed; and
- 6 metres from each other where a commercial or non-habitable window is proposed.

Overshadowing requirements

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

- any part of the southern footpath of Bridge Road, 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 any of the following spaces between 10am and 2pm at 22nd September, unless the additional overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:

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

Interface to residential properties in NRZ or GRZ requirements

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

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 identified architectural elements of the following landmark (as shown on Plan 1 and listed below):

- the cornice and iron balustrade, clock stage, pyramidal roof and flag pole of the Richmond Town Hall when viewed from south-east corner of Burnley Street and Bridge Road intersection (View 2).

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

Design Quality Requirements

Development should achieve urban design and architectural excellence.

Development in the Commercial 1 Zone and/or Mixed Use Zone 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.

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

Development should:

- Incorporate vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
- Be expressed 'in the round' and provide detail on all façades.

Development should 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.

New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.

Development should ensure any walls visible from the public realm are designed to provide visual interest to passing pedestrians through colour, texture or finishes.

Development should ensure taller buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight and views to the sky above the street wall.

Development should break up buildings with a wide street frontage into smaller vertical sections or separate elements to provide breaks and modulation in the street facade.

Development should provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.

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

Development should be designed to address the potential future urban space at Whites Place.

Development with a frontage to a 'Green Street – key pedestrian/cycle route' identified on Plan 1 should contribute to urban greening by introducing trees, ground cover, vertical and rooftop vegetation.

Vehicular access requirements

Development should not provide vehicle access from Bridge Road.
Development should provide vehicular access from rear lanes or from side streets, where appropriate. Where access is provided to an arterial road, access would be subject to Department of Transport approval and should be limited to left-in/left-out.

Development with redundant vehicle access points must reinstate the kerb, line mark 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.

Development indicated in Plan 2 as requiring a setback 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 in the laneway should provide a minimum width between walls of 6.1m (including the existing laneway). Between ground level and first floor, a headroom clearance of 3.5 metres minimum should be achieved.

In locations where potential one way streets are indicated on Plan 2 but have not been implemented, development should consider ground floor setbacks or provision of passing areas within sections of the lane allow for building services and car park access.

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 or any alternative splay that facilitates movement by the B99 design vehicle, to the satisfaction of the Responsible Authority.

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

Development should enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.

Pedestrian and Bicycle Access Requirements

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone and avoid primary access from laneways. Where pedestrian access can only be provided from a laneway, the pedestrian entrance should be setback from the rear laneway or include a pedestrian refuge or landing and be well lit to enable safe access.

Development should facilitate the creation of a shared zone where properties abut a potential future shared zone as shown on Plan 2.

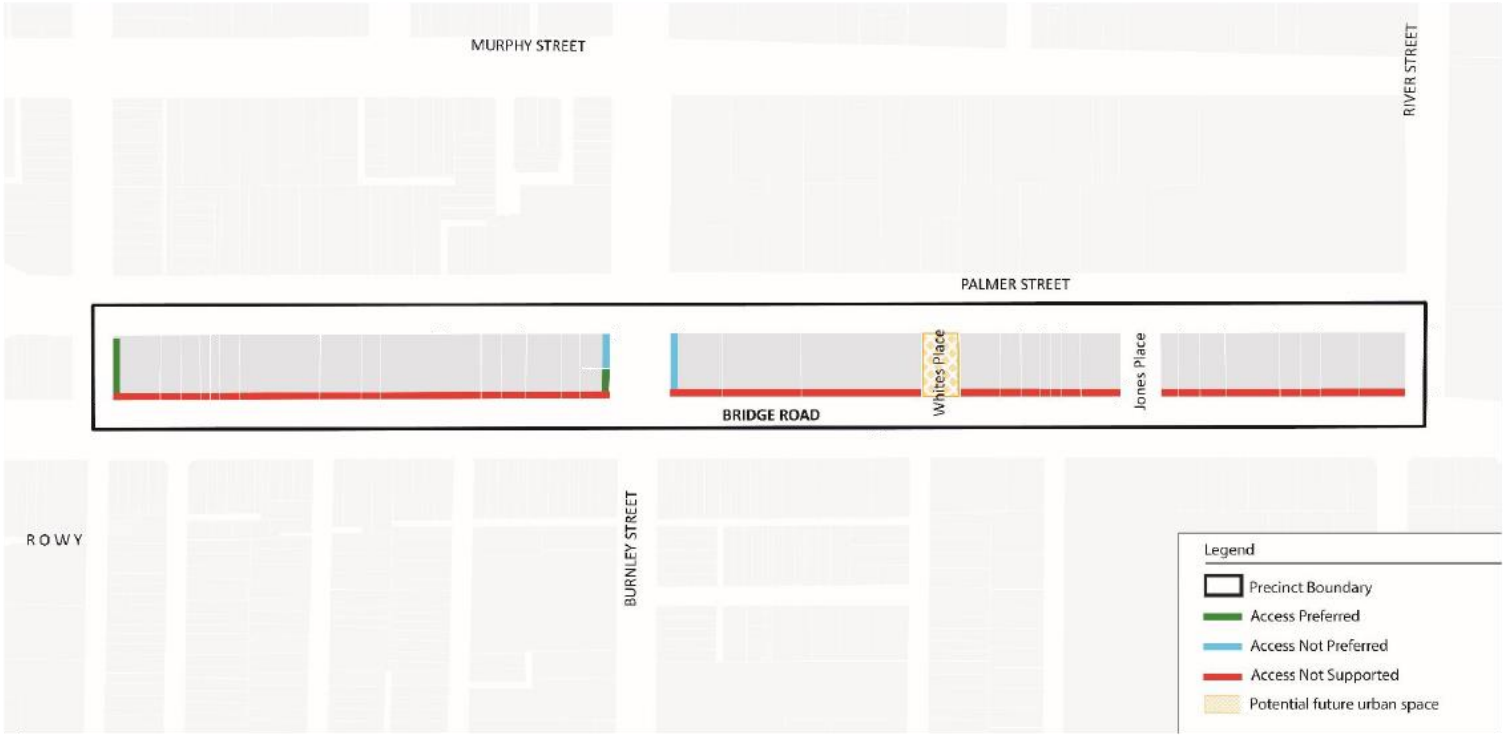
Pedestrian entrances should be clearly visible, secure and have an identifiable sense of address.

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

Plan 1: Height and Interface Plan – Precinct 5 Bridge Road East North

DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION

Plan 2: Access and Movement Plan – Precinct 5 Bridge Road East North



NOTE – Potential future shared zones and one way streets are subject to further assessment and consultation.

3.0 Subdivision

None specified.

4.0 Signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and 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 15 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.
- 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 and bike lanes),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the impacts of traffic and parking in the Precinct including 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 design excellence is achieved (including but not limited to building siting, scale, massing, articulation and materials).
- The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- Whether the overshadowing impacts of the development on opposite footpaths and public spaces are minimised.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Bridge Road and from local streets.
- The prominence of the heritage street wall in the vistas along Bridge Road, 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 the development on view lines to the Richmond Town Hall.

- The design response at the interface with existing, low scale residential properties.
- If roof decks are proposed above the street wall, whether they are set back and are recessive in appearance.
- The profile and impact of development along Palmer Street when viewed from the north side of Palmer Street and the south side of Bridge Road.
- 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.
- The impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bike lanes.
- The impact of vehicular access arrangements on the operation of the tram routes along Bridge Road.

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SCHEDULE 46 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO46.

VICTORIA STREET ACTIVITY CENTRE – PRECINCT 1 VICTORIA STREET WEST

1.0 Design objectives

To support lower mid-rise development that maintains the prominence of the heritage street wall and local landmarks and respects the architectural form and qualities of heritage buildings and the heritage streetscape.

To enhance the prominent south-west corner of Hoddle and Victoria Streets through high quality taller development that creates a strong address to each street frontage.

To ensure development respects and appropriately transitions to the low scale heritage buildings in Regent Street.

To ensure development enhances the pedestrian experience through street activation and passive surveillance along Victoria Street and its side streets, including Little Hoddle Street and protects sunlight access to the southern side of Victoria Street and the open space opposite the Victoria Street Gateway.

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 and MUZ, 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

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.

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

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

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

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

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 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.

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

Building heights 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 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; and
- where the proposal includes dwellings, it also achieves each of the following:
  - communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and
  - secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.

Architectural features may exceed the preferred or mandatory 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 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 /structures (other than solar panels and green roofs);
- The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm; and
- The equipment/structures does not extend higher than 2.6 metres above the maximum building height.

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

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 Wall Requirements

Development should achieve a continuous street wall along the northern side of Victoria Street with no front setback to a street, unless the subject site contains a heritage building with an existing front setback or a street setback is specified.

In locations outside of Victoria Street where heritage is not a constraint, development should consider providing:

- ground level setbacks (and above) to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level and above setbacks are strongly encouraged where they have been provided by nearby or neighbouring developments to achieve a consistent approach along a street frontage.
- a corner splay at minimum of 1 x 1 metre along the site's corner boundaries.

Infill development adjoining a heritage building should match the parapet height of the adjoining building for a minimum of 6 metres in length.

On corner sites where two different street wall heights are nominated, development should 'turn the corner' and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

Upper Level Requirements

Development should:

- Incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- Be set back from the street wall 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.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.

Upper level development for a development 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.
- retain the visual prominence of prominent corner buildings and local landmark, the former State Savings Bank, 231 Victoria Street.
- avoid unarticulated façades that give a bulky appearance, especially from oblique views.
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Development adjoining a heritage building should match the upper level setback of the heritage building for a minimum of 6 metres in length.

Upper level development above rows of identical or similar heritage buildings (such as terrace shops/residences) should be consistent in form, massing and façade treatment with any existing upper-level development above the same row of buildings.

For heritage buildings, upper level setbacks behind the street wall should be provided in excess of the minimum upper level setback 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;
- a lesser setback would not 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.

Table 1 - Street Wall Heights and Setbacks - Precinct 1 Victoria Street West

Built form	Mandatory requirement	Preferred requirement
Interface A		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8m minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	6m	For buildings >15m, the uppermost level should be set back 9m minimum
Interface D		
Maximum street wall height	None specified	15m
Maximum and minimum street wall setback	None specified	0m
Minimum upper level setback	None specified	4.5m
Interface E		
Maximum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m for other buildings
Maximum and minimum street wall setback	None specified	253-257 Victoria Street - 2m minimum setback along western boundary. Retain existing street wall setback for heritage buildings.
Minimum upper level setback	None specified	6m for heritage buildings 3m for other buildings
Interface G		
Maximum street wall height	Retain existing street wall height for heritage buildings.	Other buildings – Match the parapet or roof height of the adjacent heritage building
Maximum and minimum street wall setback	Retain existing street wall height for heritage buildings.	None specified
Minimum upper level setback	7m for heritage buildings	7m for other buildings
Interface I		
Maximum side/rear wall height	None specified	11m
Minimum side/rear wall setback	None specified	2m setback on eastern boundary as shown on Plan 1. Elsewhere – 0m
Minimum upper level setback	None specified	

Built form	Mandatory requirement	Preferred requirement
		For properties which abut Little Hoddle Street – 6.5m from the property boundary. An additional 3m setback at the uppermost level for development over 30m on the western side of Little Hoddle Street. Elsewhere – 4.5m from centreline of the laneway

Building separation requirements

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

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

- For building of less than or equal to 21 metres in height, upper level development should be set back a minimum of:
  - 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site.
  - 3.0 metres from the common boundary, where a commercial or non-habitable window facing the common boundary is proposed on the subject site.
- For buildings greater than 21 metres in height, any development above the street wall or 15 metres in height (whichever is greater) facing the common boundary should be set back a minimum of 4.5 metres from that boundary.

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:

- 9 metres from each other, where a habitable window or balcony is proposed; and
- 6 metres from each other where a commercial or non-habitable window is proposed.

Overshadowing requirements

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

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

Design Quality Requirements

Development should achieve urban design and architectural excellence.

Development in the Commercial 1 Zone and/or Mixed Use Zone 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.

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

Development should:

- Incorporate vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
- Be expressed 'in the round' and provide detail on all façades.

Development should avoid blank walls visible from the public realm. Where a solid external wall is unavoidable, walls should be detailed and include articulation to provide for visual interest.

New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.

Development should ensure any walls visible from the public realm are designed to provide visual interest to passing pedestrians through colour, texture or finishes.

Development should ensure taller buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight and views to the sky above the street wall.

Development should provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.

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

Development with a frontage to a 'Green Street – key pedestrian/cycle route' identified on Plan 1 should contribute to urban greening by introducing trees, ground cover, vertical and rooftop vegetation.

Vehicular access requirements

Development should not provide vehicle access from Victoria Street.

Development should provide vehicular access from rear lanes or from side streets, where appropriate. Where access is provided to an arterial road, access would be subject to Department of Transport approval and should be limited to left-in/left-out.

Development with redundant vehicle access points must reinstate the kerb, line mark 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.

Development indicated in Plan 2 as requiring a setback 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 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 3.5 metres minimum should be achieved.

In locations where potential one way streets are indicated on Plan 2 but have not been implemented, development should consider ground floor setbacks or provision of passing areas within sections of the lane allow for building services and car park access.

Properties on the inside corner of bends in laneways or at intersections between two laneways should provide a minimum 3 metres x 3 metres splay to facilitate vehicle access or any alternative splay that facilitates movement by the B99 design vehicle, to the satisfaction of the Responsible Authority.

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

Development should enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.

Pedestrian and Bicycle Access Requirements

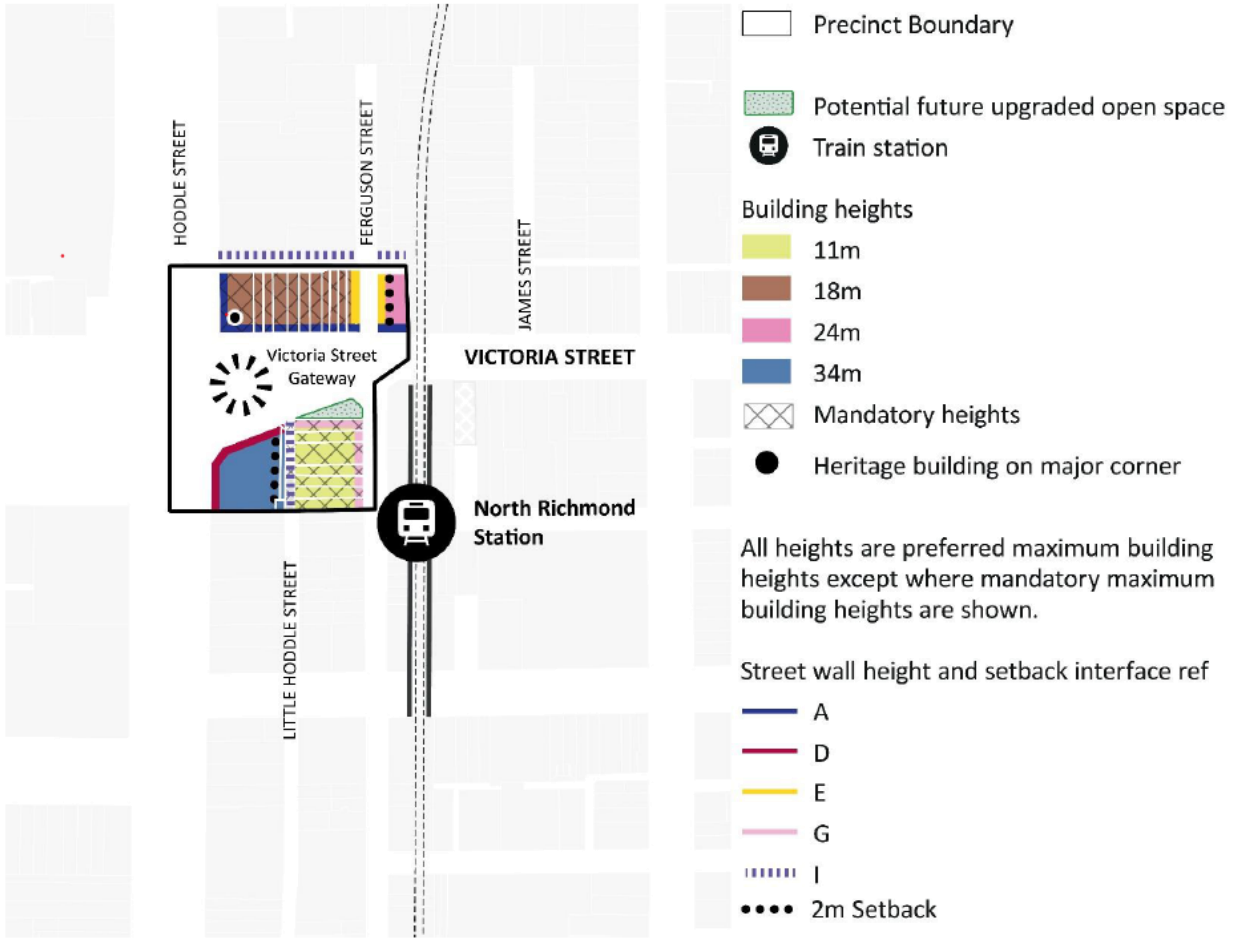
Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone and avoid primary access from laneways. Where pedestrian access can only be provided from a laneway, the pedestrian entrance should be setback from the rear laneway or include a pedestrian refuge or landing and be well lit to enable safe access.

Development should facilitate the creation of a shared zone where properties abut a potential future shared zone as shown on Plan 2.

Pedestrian entrances should be clearly visible, secure and have an identifiable sense of address.

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

Plan 1: Height and Interface Plan – Precinct 1 Victoria Street West



Plan 2: Access and Movement Plan – Precinct 1 Victoria Street West

NOTE – Potential future shared zones and one way streets are subject to further assessment and consultation.

3.0 Subdivision

None specified.

4.0 Signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and 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 15 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.
- 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 and bike lanes),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the impacts of traffic and parking in the Precinct including 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 design excellence is achieved (including but not limited to building siting, scale, massing, articulation and materials).
- The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- Whether the overshadowing impacts of the development on opposite footpaths and public spaces are minimised.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Victoria Street and from local streets.
- The prominence of the heritage street wall in the vistas along Victoria 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 design response at the interface with existing, low scale residential properties.

- If roof decks are proposed above the street wall, whether they are set back and are recessive in appearance.
- 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.
- The impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bike lanes.
- The impact of vehicular access arrangements on the operation of the tram routes along Victoria Street.

DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION

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SCHEDULE 47 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO47.

VICTORIA STREET ACTIVITY CENTRE - PRECINCT 2 VICTORIA STREET CENTRAL

1.0 Design objectives

To support mid-rise development that maintains and reinforces the prominence of the existing street wall and fine grain character and pattern of shops and restaurants along Victoria Street.

To ensure development respects the architectural form and qualities of heritage buildings, local landmarks and the heritage streetscape.

To support high quality new buildings adjoining North Richmond Station with mixed uses that activate and improve pedestrian connections to the station, including a potential future urban space at Jonas Street.

To ensure development enhances the pedestrian experience through street activation and passive surveillance along Victoria Street and its side streets, enhancing pedestrian connections to the North Richmond Station and protecting sunlight access to the southern side of Victoria Street, Shelley Street, Charles Street, Nicholson Street and the Butler Street Park.

To ensure development responds to sensitive interfaces by providing a suitable transition to low scale residential areas and minimising amenity impacts on residential properties including overlooking, overshadowing and visual bulk impacts.

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 and MUZ, 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

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.

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

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

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

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

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 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. In the case of a heritage building that is set back from the street, the height is measured 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.

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

Building heights 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 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; where the proposal includes dwellings, it also achieves each of the following:
  - communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and/or
  - secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.

Architectural features may exceed the preferred or mandatory 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 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 /structures (other than solar panels and green roofs);
- The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm ; and
- The equipment/structures does not extend higher than 2.6 metres above the maximum building height.

Street wall 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; and

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

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 Wall Requirements

Development should achieve a continuous street wall along Victoria Street with no front setback to a street, unless the subject site contains a heritage building with an existing front setback or a street setback is specified.

In locations outside of Victoria Street where heritage is not a constraint, development should consider providing:

- ground level setbacks (and above) to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level and above setbacks are strongly encouraged where they have been provided by nearby or neighbouring developments to achieve a consistent approach along a street frontage.
- a corner splay at minimum of 1 x 1 metre along the site's corner boundaries.

Infill development adjoining a heritage building should match the parapet height of the adjoining building for a minimum of 6 metres in length.

On corner sites where two different street wall heights are nominated, development should 'turn the corner' and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

Upper Level Requirements

Development should:

- Incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- Be set back from the street wall 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.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.

Upper level development for a development 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.
- retain the visual prominence of prominent corner buildings and local landmark, Former National Bank, 261 Victoria Street, Abbotsford.
- avoid unarticulated façades that give a bulky appearance, especially from oblique views.
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Development adjoining a heritage building should match the upper level setback of the heritage building for a minimum of 6 metres in length.

Upper level development above rows of identical or similar heritage buildings (such as terrace shops/residences) should be consistent in form, massing and façade treatment with any existing upper-level development above the same row of buildings.

For heritage buildings, upper level setbacks behind the street wall should be provided in excess of the minimum upper level setback 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;
- a lesser setback would not 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.

Table 1 - Street Wall Heights and Setbacks - Precinct 2 Victoria Street Central

Built form	Mandatory requirement	Preferred requirement
Interface A		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8m minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	6m	For buildings >15m, the uppermost level should be set back 9m minimum
Interface C		
Maximum and minimum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings. Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings. Elsewhere - 0m
Minimum upper level setback	None specified	6m
Interface E		
Maximum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum for other buildings
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings.
Minimum upper level setback	None specified	6m for heritage buildings 3m for other buildings
Interface I		
Maximum side/rear wall height	None specified	11m
Minimum side/rear wall setback	None specified	None specified
Minimum upper level setback	None specified	4.5m from the centreline of the laneway

Building separation requirements

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

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

- For building of less than or equal to 21 metres in height, upper level development should be set back a minimum of:
  - 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site.
  - 3.0 metres from the common boundary, where a commercial or non-habitable window facing the common boundary is proposed on the subject site.
- For buildings greater than 21 metres in height, any development above the street wall or 15 metres in height (whichever is greater) facing the common boundary should be set back a minimum of 4.5 metres from that boundary.

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:

- 9 metres from each other, where a habitable window or balcony is proposed; and
- 6 metres from each other where a commercial or non-habitable window is proposed.

Overshadowing requirements

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

- any part of the southern footpath of Victoria 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 cause any additional overshadowing of the spaces in Table 2 unless the overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority.

Table 2 – Overshadowing

Location	Hours and dates
Any part of the opposite footpath of Shelley Street, Charles Street, Nicholson Street and Church Street, measured from the property boundary to the existing kerb (including any opposite kerb outstands, seating and/or planting).	10am to 2pm at 22 September
Butler Street Park.	10am to 2pm at 22 September

Interface to residential properties in NRZ or GRZ requirements

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

Development with an interface to a property in the Neighbourhood Residential Zone or General Residential Zone (shown as Interface H on Plan 1) should not exceed the maximum heights and setbacks in Figure 1 of this schedule.

Design Quality Requirements

Development should achieve urban design and architectural excellence.

Development in the Commercial 1 Zone and/or Mixed Use Zone 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.

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

Development should:

- Incorporate vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
- Be expressed 'in the round' and provide detail on all façades.

Development should avoid blank walls visible from the public realm. Where a solid external wall is unavoidable, walls should be detailed and include articulation to provide for visual interest.

New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.

Development should ensure any walls visible from the public realm are designed to provide visual interest to passing pedestrians through colour, texture or finishes.

Development should provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.

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

Development should be designed to address the potential future urban space at Jonas Place.

Development with a frontage to a 'Green Street – key pedestrian/cycle route' identified on Plan 1 should contribute to urban greening by introducing trees, ground cover, vertical and rooftop vegetation.

Vehicular access requirements

Development should not provide vehicle access from Victoria Street.

Development should provide vehicular access from rear lanes or from side streets, where appropriate.

Where access is provided to an arterial road, access would be subject to Department of Transport approval and should be limited to left-in/left-out.

Development with redundant vehicle access points must reinstate the kerb, line mark 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.

Development indicated in Plan 2 as requiring a setback 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 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 3.5 metres minimum should be achieved.

In locations where potential one way streets are indicated on Plan 2 but have not been implemented, development should consider ground floor setbacks or provision of passing areas within sections of the lane allow for building services and car park access.

Properties on the inside corner of bends in laneways or at intersections between two laneways should provide a minimum 3 metres x 3 metres splay to facilitate vehicle access or any alternative splay that facilitates movement by the B99 design vehicle, to the satisfaction of the Responsible Authority.

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

Development should enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.

Pedestrian and Bicycle Access Requirements

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone and avoid primary access from laneways. Where pedestrian access can only be provided from a laneway, the pedestrian entrance should be setback from the rear laneway or include a pedestrian refuge or landing and be well lit to enable safe access.

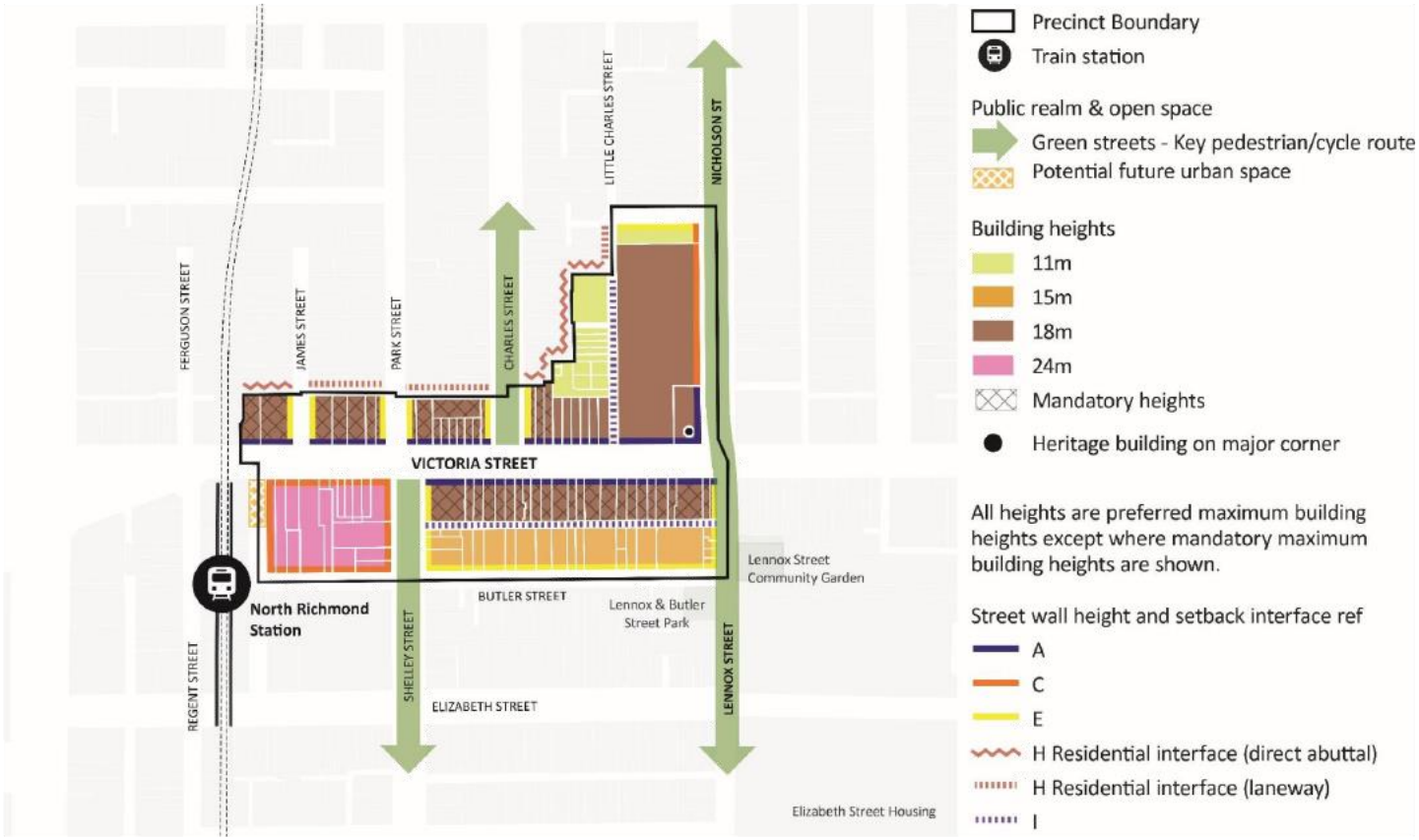
Development should facilitate the creation of a shared zone where properties abut a potential future shared zone as shown on Plan 2.

Pedestrian entrances should be clearly visible, secure and have an identifiable sense of address.

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

DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION

Plan 1: Height and Interface Plan – Precinct 2 Victoria Street Central



Plan 2: Access and Movement Plan – Precinct 2 Victoria Street Central

NOTE – Potential future shared zones and one way streets are subject to further assessment and consultation.

3.0 Subdivision

None specified.

4.0 Signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and 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 15 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.
- 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 and bike lanes),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the impacts of traffic and parking in the Precinct including the ongoing functionality of laneway/s, where applicable.

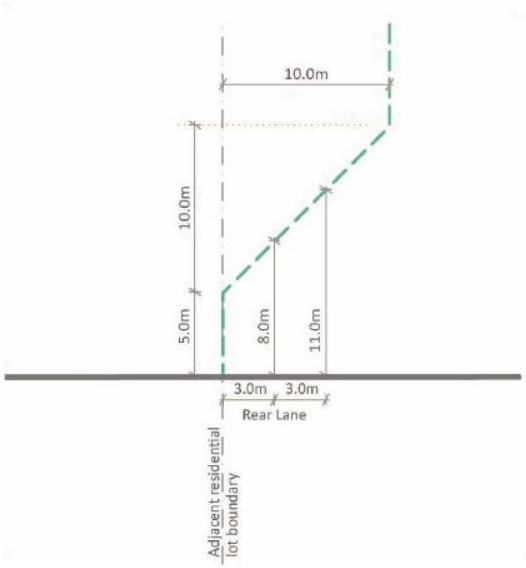
6.0 Decision guidelines

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 design excellence is achieved (including but not limited to building siting, scale, massing, articulation and materials).
- The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- Whether the overshadowing impacts of the development on opposite footpaths and public spaces are minimised.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Victoria Street and from local streets.
- The prominence of the heritage street wall in the vistas along Victoria 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 design response at the interface with existing, low scale residential properties.

- If roof decks are proposed above the street wall, whether they are set back and are recessive in appearance.
- 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.
- The impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bike lanes.
- The impact of vehicular access arrangements on the operation of the tram routes along Victoria Street.
-

Figure 1 to Schedule 47 – Interface H - to residential properties in NRZ or GRZ



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SCHEDULE 48 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO48.

VICTORIA STREET ACTIVITY CENTRE - PRECINCT 3 NORTH RICHMOND STATION

1.0 Design objectives

To promote quality building design and a new mid-rise character on Hoddle Street that reinforces the importance of the boulevard and improves its pedestrian environment and landscape character.

To support a new mid-rise character on Regent Street and on the larger sites east of the railway line with lower built form at the interfaces with streets and the adjoining low-rise residential areas.

To ensure development maintains the visual prominence of heritage buildings.

To ensure development enhances the pedestrian experience through street activation and passive surveillance to all streets, including Little Hoddle Street and the streets leading to the North Richmond Station and protects sunlight access to Elizabeth Street – a key pedestrian and cycling route.

To ensure development responds to sensitive interfaces by providing a suitable transition to low scale residential areas and minimising amenity impacts on residential properties including overlooking, overshadowing and visual bulk impacts.

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 and MUZ, 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

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.

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

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

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

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

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 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.

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

Building heights 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 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; and
- where the proposal includes dwellings, it also achieves each of the following:
  - communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and/or
  - secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.

Architectural features may exceed the preferred or mandatory 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 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 /structures (other than solar panels and green roofs);
- The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm ; and
- The equipment/structures does not extend higher than 2.6 metres above the maximum building height.

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

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 Wall Requirements

Development should achieve a continuous street wall with no front setback to a street, unless the subject site contains a heritage building with an existing front setback or a street setback is specified.

Where heritage is not a constraint, development should consider providing:

- ground level setbacks (and above) to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level and above setbacks are strongly encouraged where they have been provided by nearby or neighbouring developments to achieve a consistent approach along a street frontage.
- a corner splay at minimum of 1 x 1 metre along the site's corner boundaries.

Infill development adjoining a heritage building should match the parapet height of the adjoining building for a minimum of 6 metres in length.

On corner sites where two different street wall heights are nominated, development should 'turn the corner' and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

Upper Level Requirements

Development should:

- Incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- Be set back from the street wall 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.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.

Upper level development for a development 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.
- retain the visual prominence of prominent corner buildings.
- avoid unarticulated façades that give a bulky appearance, especially from oblique views.
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Development adjoining a heritage building should match the upper level setback of the heritage building for a minimum of 6 metres in length.

Upper level development above rows of identical or similar heritage buildings (such as terrace shops/residences) should be consistent in form, massing and façade treatment with any existing upper-level development above the same row of buildings.

For heritage buildings, upper level setbacks behind the street wall should be provided in excess of the minimum upper level setback 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;
- a lesser setback would not 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.

Table 1 - Street Wall Heights and Setbacks - Precinct 3 North Richmond Station

Built form	Mandatory requirement	Preferred requirement
Interface A		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8m minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	6m	For buildings >15m, the uppermost level should be set back 9m minimum
Interface C		
Maximum and minimum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings. Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings. 12 Shelley Street and 33 Elizabeth Street - 2m minimum setback on western boundary. Elsewhere - 0m
Minimum upper level setback	None specified	For properties along Elizabeth Street between Hoddle Street and Little Hoddle Street - 3m Elsewhere - 6m
Interface D		
Maximum street wall height	None specified	15m
Maximum and minimum street wall setback	None specified	0m
Minimum upper level setback	None specified	For properties along Hoddle Street south of Elizabeth Street: 3m Elsewhere - 4.5m
Interface I		
Maximum side/rear wall height	None specified	11m
Minimum side/rear wall setback	None specified	2m minimum setback along Little Hoddle Street as shown in Plan 1.

Built form	Mandatory requirement	Preferred requirement
Minimum upper level setback	None specified	For properties which abut Little Hoddle Street - 6.5m from the property boundary An additional 3m setback at the uppermost level for development over 30m on the western side of Little Hoddle Street Elsewhere - 4.5m from the centreline of the laneway

Building separation requirements

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

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

- For building of less than or equal to 21 metres in height, upper level development should be set back a minimum of:
  - 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site.
  - 3.0 metres from the common boundary, where a commercial or non-habitable window facing the common boundary is proposed on the subject site.
- For buildings greater than 21 metres in height, any development above the street wall or 15 metres in height (whichever is greater) facing the common boundary should be set back a minimum of 4.5 metres from that boundary.

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:

- 9 metres from each other, where a habitable window or balcony is proposed; and
- 6 metres from each other where a commercial or non-habitable window is proposed.

Overshadowing requirements

A permit should not be granted to construct a building or construct or carry out works that would cast additional overshadowing of the following space between 10am and 2pm at 22nd September, unless the additional overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:

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

Interface to residential properties

Development should protect the amenity of existing residential properties in the Neighbourhood Residential or General Residential Zones in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.

Development in the Commercial 2 Zone should be setback from side and rear boundaries to ensure adequate daylight and minimise direct views to habitable rooms and private open space of dwellings in the Mixed Use Zone.

Development with an interface to a property in the Neighbourhood Residential Zone or General Residential Zone (shown as Interface H or Interface J on Plan 1) should not exceed the maximum heights and setbacks in set out in Table 3.

Table 3 – Residential interfaces

Residential Interface	Preferred requirement
Interface H	Heights and setbacks shown in Figure 1 of this schedule.
Interface J	Heights and setbacks shown in Figure 2 of this schedule.

Design Quality Requirements

Development should achieve urban design and architectural excellence.

Development in the Commercial 1 Zone and/or Mixed Use Zone 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:

- Incorporate vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
- Be expressed 'in the round' and provide detail on all façades.

Development should avoid blank walls visible from the public realm. Where a solid external wall is unavoidable, walls should be detailed and include articulation to provide for visual interest.

New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.

Development should ensure any walls visible from the public realm are designed to provide visual interest to passing pedestrians through colour, texture or finishes.

Development should ensure taller buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight and views to the sky above the street wall.

Development should break up buildings with a wide street frontage into smaller vertical sections or separate elements to provide breaks and modulation in the street facade.

Development should provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.

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

Development with a frontage to a 'Green Street – key pedestrian/cycle route' identified on Plan 1 should contribute to urban greening by introducing trees, ground cover, vertical and rooftop vegetation.

Vehicular access requirements

Development should provide vehicular access from rear lanes or from side streets, where appropriate.

Where access is provided to an arterial road, access would be subject to Department of Transport approval and should be limited to left-in/left-out.

Development with redundant vehicle access points must reinstate the kerb, line mark 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.

Development indicated in Plan 2 as requiring a setback 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 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 3.5 metres minimum should be achieved.

In locations where potential one way streets are indicated on Plan 2 but have not been implemented, development should consider ground floor setbacks or provision of passing areas within sections of the lane allow for building services and car park access.

Properties on the inside corner of bends in laneways or at intersections between two laneways should provide a minimum 3 metres x 3 metres splay to facilitate vehicle access or any alternative splay that facilitates movement by the B99 design vehicle, to the satisfaction of the Responsible Authority.

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

Development should enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.

Pedestrian and Bicycle Access Requirements

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone and avoid primary access from laneways. Where pedestrian access can only be provided from a laneway, the pedestrian entrance should be setback from the rear laneway or include a pedestrian refuge or landing and be well lit to enable safe access.

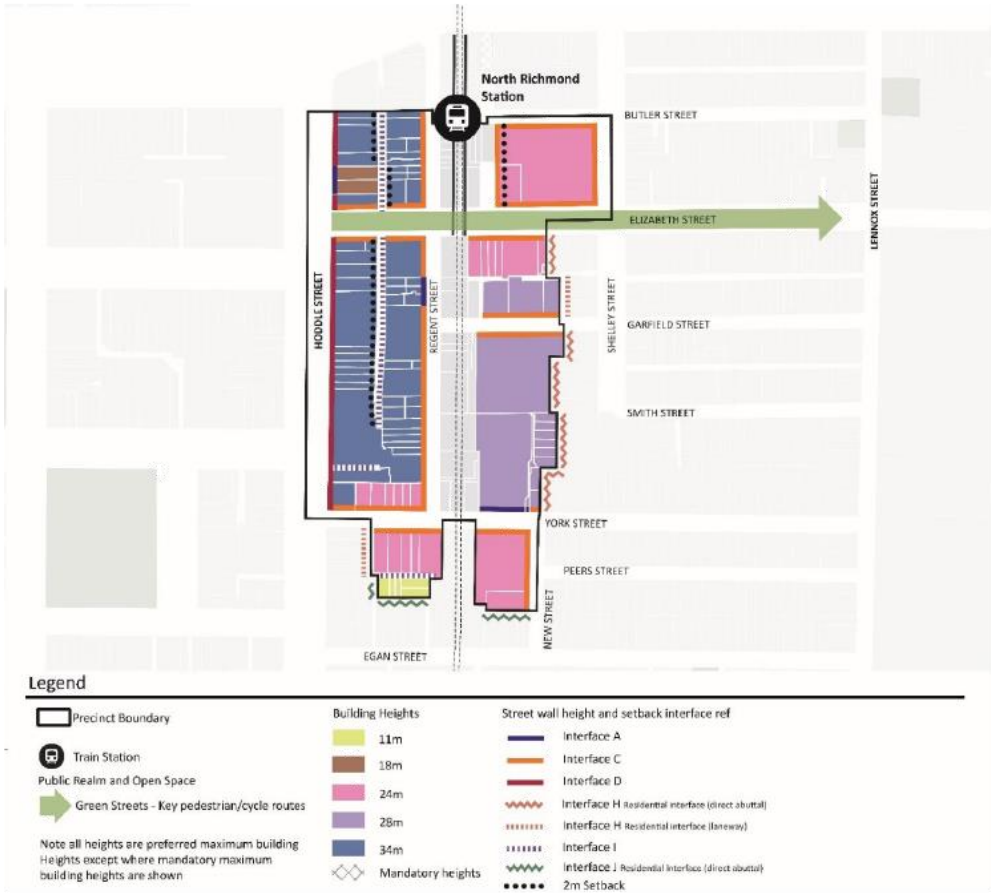
Development should facilitate the creation of a shared zone where properties abut a potential future shared zone as shown on Plan 2.

Development should consider creating ground level publicly accessible pedestrian connections or linkages as shown on Plan 2.

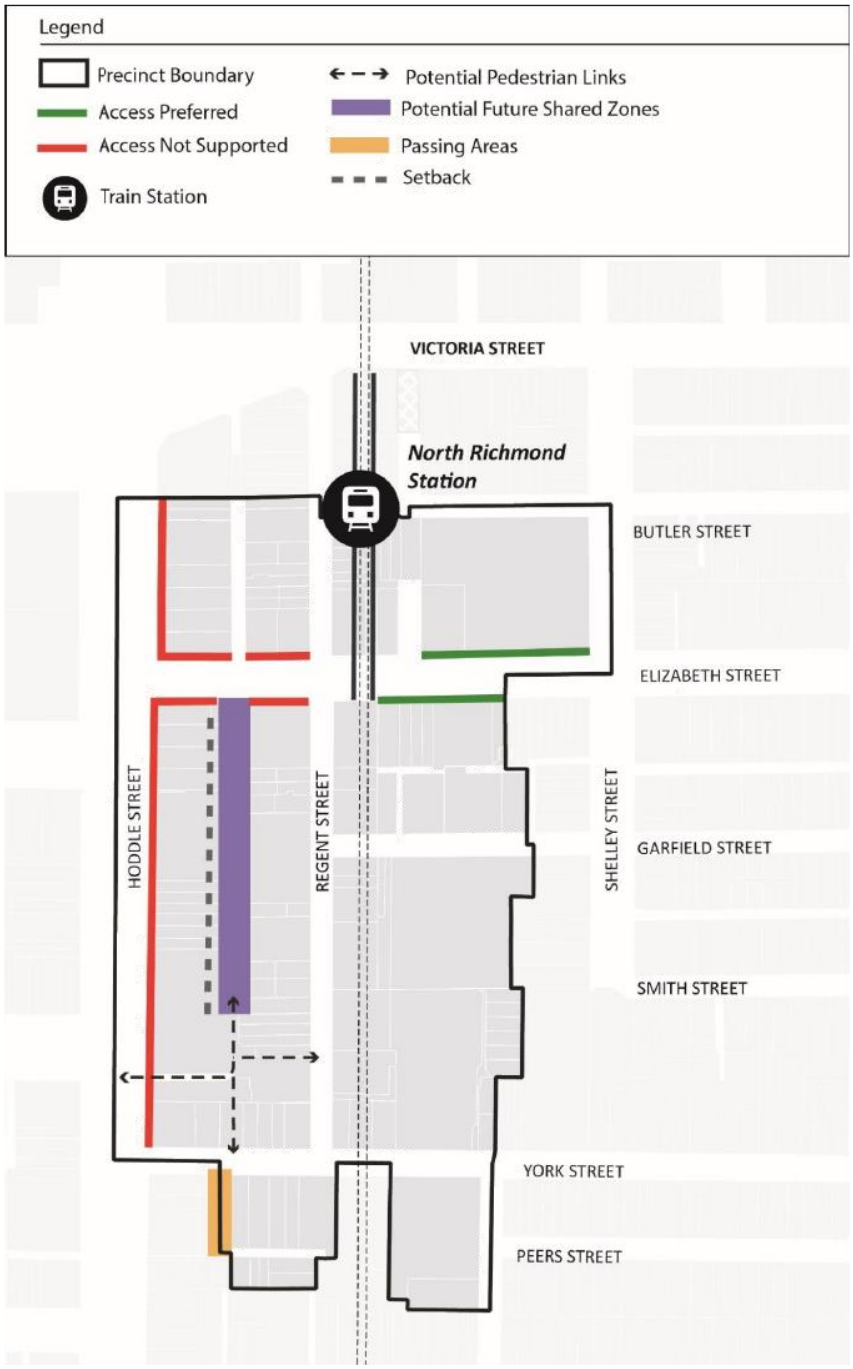
Pedestrian entrances should be clearly visible, secure and have an identifiable sense of address.

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

Plan 1: Height and Interface Plan – Precinct 3 North Richmond Station



Plan 2: Access and Movement Plan – Precinct 3 North Richmond Station



NOTE – Potential future shared zones and one way streets are subject to further assessment and consultation.

3.0 Subdivision

None specified.

4.0 Signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and 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 15 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.
- 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 and bike lanes),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the impacts of traffic and parking in the Precinct including 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 design excellence is achieved (including but not limited to building siting, scale, massing, articulation and materials).
- The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- Whether the overshadowing impacts of the development on opposite footpaths and public spaces are minimised.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Victoria Street and from local streets.
- The prominence of the heritage street wall in the vistas along 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 design response at the interface with existing, low scale residential properties.

- If roof decks are proposed above the street wall, whether they are set back and are recessive in appearance.
- 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.
- The impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bike lanes.

Figure 1 to Schedule 48 – Interface H - to residential properties in NRZ or GRZ

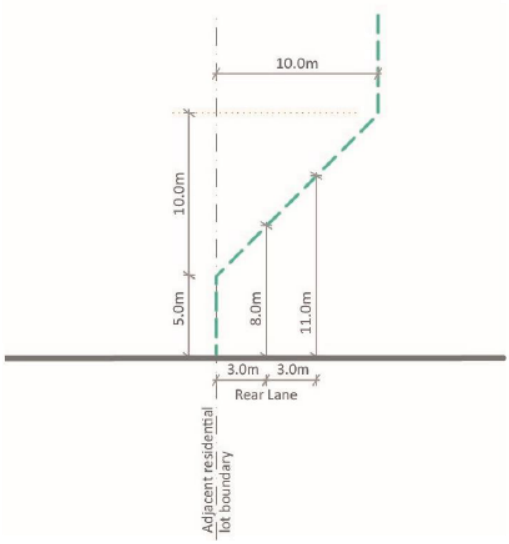
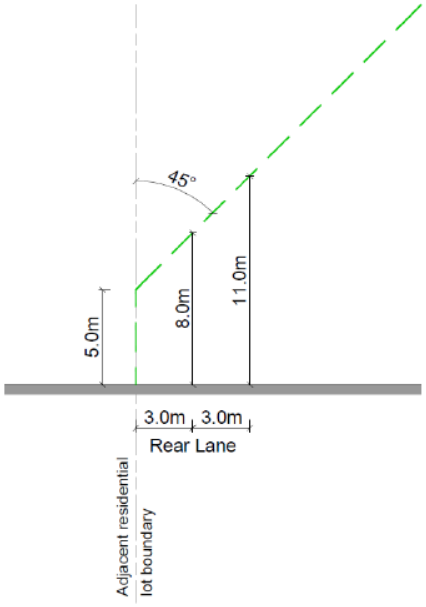


Figure 2 to Schedule 48 – Interface J - to residential properties in NRZ or GRZ



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SCHEDULE 49 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO49.

VICTORIA STREET ACTIVITY CENTRE - PRECINCT 4 VICTORIA STREET EAST

1.0 Design objectives

To support mid-rise development that maintains and reinforces the prominence of the existing street wall and fine grain character and pattern of shops and restaurants along Victoria Street.

To ensure development respects the architectural form and qualities of heritage buildings, local landmarks and the heritage streetscape in Victoria Street and along Lithgow Street.

To support a new mid rise character between Lennox Street and Church Street with high quality new buildings that activate and improve the public realm.

To ensure development enhances the pedestrian experience through street activation and passive surveillance on Victoria Street and its side streets, improved pedestrian connections from Victoria Street to Elizabeth Street and protecting sunlight access to the southern side of Victoria Street, Nicholson Street, Lithgow Street, Albert Street and Church Street.

To ensure development responds to sensitive interfaces by providing a suitable transition to low scale residential areas and minimising amenity impacts on residential properties including overlooking, overshadowing and visual bulk impacts.

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 and MUZ, 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

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.

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

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

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

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

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 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.

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

Building heights 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 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; and
- where the proposal includes dwellings, it also achieves each of the following:
  - communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and/or
  - secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.

Architectural features may exceed the preferred or mandatory 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 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 /structures (other than solar panels and green roofs);
- The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm ; and
- The equipment/structures does not extend higher than 2.6 metres above the maximum building height.

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

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 Wall Requirements

Development should achieve a continuous street wall along Victoria Street with no front setback to a street, unless the subject site contains a heritage building with an existing front setback or a street setback is specified.

In locations outside of Victoria Street where heritage is not a constraint, development should consider providing:

- ground level setbacks (and above) to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level and above setbacks are strongly encouraged where they have been provided by nearby or neighbouring developments to achieve a consistent approach along a street frontage.
- a corner splay at minimum of 1 x 1 metre along the site's corner boundaries.

Infill development adjoining a heritage building should match the parapet height of the adjoining building for a minimum of 6 metres in length.

On corner sites where two different street wall heights are nominated, development should 'turn the corner' and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

Upper Level Requirements

Development should:

- Incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- Be set back from the street wall 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.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.

Upper level development for a development 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.
- retain the visual prominence of prominent corner buildings and local landmarks - the Former Duke of Albany Hotel, 323-325 Victoria Street and Former East Collingwood Hotel, 385 Victoria Street.
- avoid unarticulated façades that give a bulky appearance, especially from oblique views.
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Development adjoining a heritage building should match the upper level setback of the heritage building for a minimum of 6 metres in length.

Upper level development above rows of identical or similar heritage buildings (such as terrace shops/residences) should be consistent in form, massing and façade treatment with any existing upper-level development above the same row of buildings.

For heritage buildings, upper level setbacks behind the street wall should be provided in excess of the minimum upper level setback 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;
- a lesser setback would not 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.

Table 1 - Street Wall Heights and Setbacks - Precinct 4 Victoria Street East

Built form	Mandatory requirement	Preferred requirement
Interface A		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8m minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings	Elsewhere - 0m
Minimum upper level setback	25-33 Lithgow Street - 8m Elsewhere - 6m	For buildings >15m, the uppermost level should be set back 9m minimum
Interface C		
Maximum and minimum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings. Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings. 0m - elsewhere
Minimum upper level setback	None specified	6m
Interface E		
Maximum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m for other buildings
Maximum and minimum street wall setback	None specified	136 Lennox Street - 2m minimum setback to the western boundary Retain existing street wall setback for heritage buildings. 0m - elsewhere
Minimum upper level setback	None specified	6m for heritage buildings 3m for other buildings
Interface I		
Maximum side/rear wall height	None specified	11m

Built form	Mandatory requirement	Preferred requirement
Minimum side/rear wall setback	None specified	None specified
Minimum upper level setback	None specified	4.5m from the centreline of the laneway

Building separation requirements

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

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

- For building of less than or equal to 21 metres in height, upper level development should be set back a minimum of:
  - 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site.
  - 3.0 metres from the common boundary, where a commercial or non-habitable window facing the common boundary is proposed on the subject site.
- For buildings greater than 21 metres in height, any development above the street wall or 15 metres in height (whichever is greater) facing the common boundary should be set back a minimum of 4.5 metres from that boundary.

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:

- 9 metres from each other, where a habitable window or balcony is proposed; and
- 6 metres from each other where a commercial or non-habitable window is proposed.

Overshadowing requirements

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

- any part of the southern footpath of Victoria 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 any of the following spaces between 10am and 2pm at 22nd September, unless the additional overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:

- any part of the opposite footpath of Nicholson Street, Lithgow Street, Albert Street, Shelley Street and Church Street, measured from the property boundary to the existing kerb (including any opposite kerb outstands, seating and/or planting).

Interface to residential properties in NRZ or GRZ requirements

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

Development with an interface to a property in the Neighbourhood Residential Zone or General Residential Zone (shown as Interface H or Interface J on Plan 1) should not exceed the maximum heights and setbacks set out in Table 3.

Table 3 – Residential interfaces

Residential Interface	Preferred requirement
Interface H	Heights and setbacks shown in Figure 1 of this schedule.
Interface J	Heights and setbacks shown in Figure 2 of this schedule.

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 identified architectural elements of the following landmarks:

- the tower belfry and spire of St Ignatius Cathedral when viewed from the tram stop at the intersection of Victoria Street and Church Street.

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

Design Quality Requirements

Development should achieve urban design and architectural excellence.

Development in the Commercial 1 Zone and/or Mixed Use Zone 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.

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

Development should:

- Incorporate vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
- Be expressed 'in the round' and provide detail on all façades.

Development should 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.

New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.

Development should ensure any walls visible from the public realm are designed to provide visual interest to passing pedestrians through colour, texture or finishes.

Development should ensure taller buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight and views to the sky above the street wall.

Development should break up buildings with a wide street frontage into smaller vertical sections or separate elements to provide breaks and modulation in the street facade.

Development should provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.

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

Development with a frontage to a 'Green Street – key pedestrian/cycle route' identified on Plan 1 should contribute to urban greening by introducing trees, ground cover, vertical and rooftop vegetation.

Vehicular access requirements

Development should not provide vehicle access from Victoria Street.

Development should provide vehicular access from rear lanes or from side streets, where appropriate. Where access is provided to an arterial road, access would be subject to Department of Transport approval and should be limited to left-in/left-out.

Development with redundant vehicle access points must reinstate the kerb, line mark 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.

Development indicated in Plan 2 as requiring a setback 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 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 3.5 metres minimum should be achieved.

In locations where potential one way streets are indicated on Plan 2 but have not been implemented, development should consider ground floor setbacks or provision of passing areas within sections of the lane allow for building services and car park access.

Properties on the inside corner of bends in laneways or at intersections between two laneways should provide a minimum 3 metres x 3 metres splay to facilitate vehicle access or any alternative splay that facilitates movement by the B99 design vehicle, to the satisfaction of the Responsible Authority.

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

Pedestrian and Bicycle Access Requirements

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone and avoid primary access from laneways. Where pedestrian access can only be provided from a laneway, the pedestrian entrance should be setback from the rear laneway or include a pedestrian refuge or landing and be well lit to enable safe access.

Development should facilitate the creation of a shared zone where properties abut a potential future shared zone as shown on Plan 2.

Development should consider creating ground level publicly accessible pedestrian connections or linkages as shown on Plan 2.

Pedestrian entrances should be clearly visible, secure and have an identifiable sense of address.

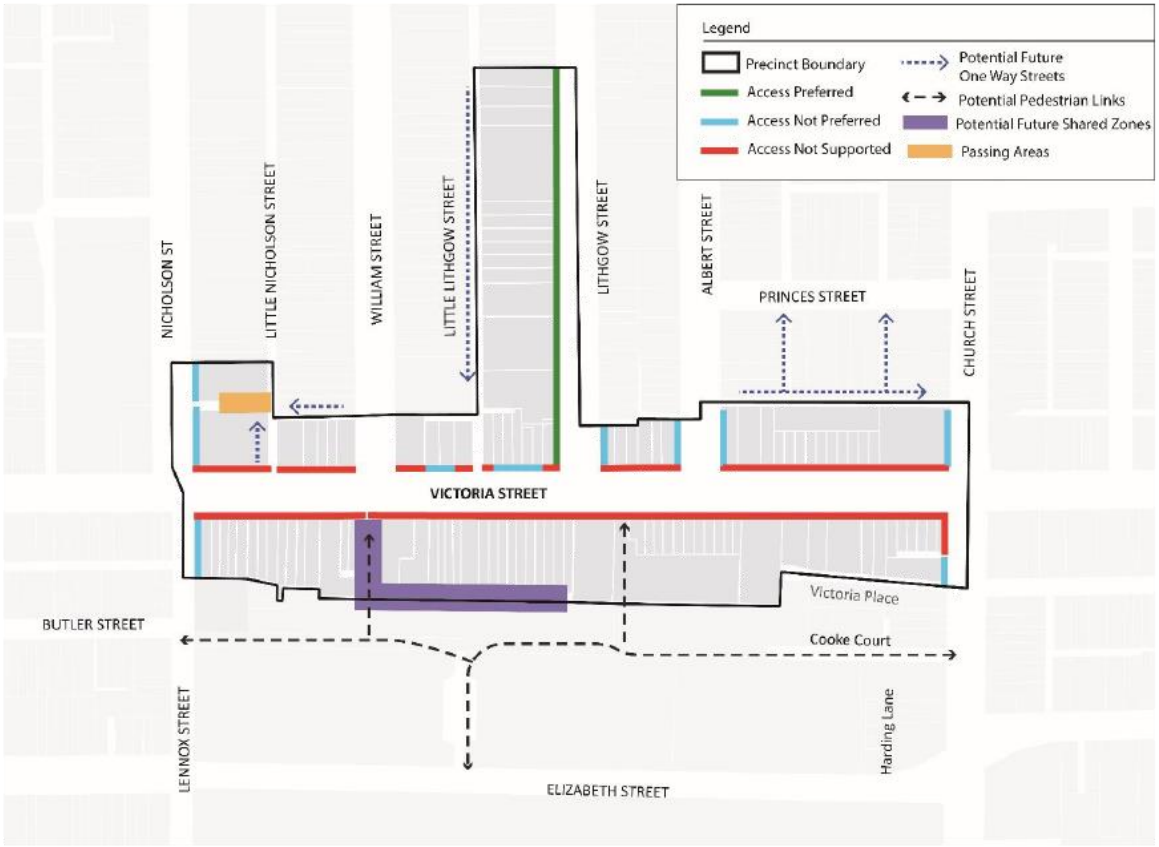
Resident and staff bicycle parking should be located and designed to be secure and conveniently accessible from the street and associated uses.

Attachment 4 - Attachment 4 - C291yara - Clean version of the Amendment for adoption

Plan 1: Height and Interface Plan – Precinct 4 Victoria Street East

DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION

Plan 2: Access and Movement Plan – Precinct 4 Victoria Street East



NOTE – Potential future shared zones and one way streets are subject to further assessment and consultation.

3.0 Subdivision

None specified.

4.0 signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and 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 15 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.
- 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 and bike lanes),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the impacts of traffic and parking in the Precinct including 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 design excellence is achieved (including but not limited to building siting, scale, massing, articulation and materials).
- The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- Whether the overshadowing impacts of the development on opposite footpaths and public spaces are minimised.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Victoria Street and from local streets.
- The prominence of the heritage street wall in the vistas along Victoria Street, Church 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 the development on view lines to the St Ignatius Church.

- The design response at the interface with existing, low scale residential properties.
- If roof decks are proposed above the street wall, whether they are set back and are recessive in appearance.
- 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.
- The impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bike lanes.
- The impact of vehicular access arrangements on the operation of the tram routes along Victoria Street and Church Street.

Figure 1 to Schedule 49 – Interface H - to residential properties in NRZ or GRZ

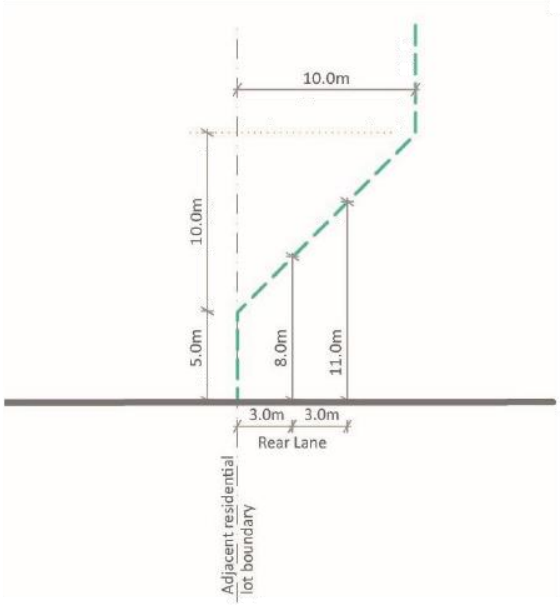
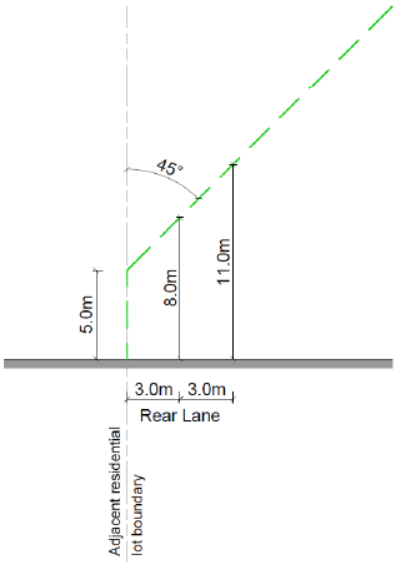


Figure 2 to Schedule 49 – Interface J - to residential properties in NRZ or GRZ



DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION

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SCHEDULE 50 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO50.

VICTORIA STREET ACTIVITY CENTRE - PRECINCT 5 VICTORIA STREET EAST END

1.0 Design objectives

To support a new mid-rise character that creates a consistent taller built form edge on Victoria Street, matching the street wall of developments in the Victoria Street East Precinct, and responds to the interface with industrial areas and low scale residential areas.

To ensure development respects the architectural form and qualities of heritage buildings and the heritage streetscape in Victoria Street.

To ensure development on large and/or consolidated sites provides building separation and setbacks that offers views to the sky above the street wall when viewed from the opposite footpath of Victoria Street.

To ensure development enhances the pedestrian experience through street activation and passive surveillance, improved pedestrian connections from the Yarra River/Birrarung and protecting sunlight access to the south side of Victoria Street, Church Street and Davison Street.

To ensure development responds to sensitive interfaces by providing a suitable transition to low scale residential areas and minimising amenity impacts on residential properties including overlooking, overshadowing and visual bulk impacts.

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 and MUZ, 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

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.

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

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

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

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

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 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.

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

Building heights 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 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 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 overshadowing or overlooking of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height; and
- where the proposal includes dwellings, it also achieves each of the following:
  - communal open space provision that exceeds the minimum standards in Clauses 55.07 and 58.03; and/or
  - secluded private open space provision that exceeds the minimum standards in Clauses 55.07 and 58.05.

Architectural features may exceed the preferred or mandatory 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 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 /structures (other than solar panels and green roofs);
- The equipment and/or structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm; and
- The equipment/structures does not extend higher than 2.6 metres above the maximum building height.

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

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 Wall Requirements

Development should achieve a continuous street wall along Victoria Street with no front setback to a street, unless the subject site contains a heritage building with an existing front setback or a street setback is specified.

In locations outside of Victoria Street where heritage is not a constraint, development should consider providing:

- ground level setbacks (and above) to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level and above setbacks are strongly encouraged where they have been provided by nearby or neighbouring developments to achieve a consistent approach along a street frontage.
- a corner splay at minimum of 1 x 1 metre along the site's corner boundaries.

Infill development adjoining a heritage building should match the parapet height of the adjoining building for a minimum of 6 metres in length.

On corner sites where two different street wall heights are nominated, development should 'turn the corner' and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

Upper Level Requirements

Development should:

- Incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- Be set back from the street wall 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.
- contain upper level setbacks above the street wall within a maximum of two steps to avoid repetitive steps in the built form.

Upper level development for a development 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.
- retain the visual prominence of prominent corner buildings and local landmarks.
- avoid unarticulated façades that give a bulky appearance, especially from oblique views.
- avoid large expanses of glazing with a horizontal emphasis in the upper levels of development.

Development adjoining a heritage building should match the upper level setback of the heritage building for a minimum of 6 metres in length.

Upper level development above rows of identical or similar heritage buildings (such as terrace shops/residences) should be consistent in form, massing and façade treatment with any existing upper-level development above the same row of buildings.

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

- a lesser setback would not 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.

Table 1 - Street Wall Heights and Setbacks - Precinct 5 Victoria Street East End

Built form	Mandatory requirement	Preferred requirement
Interface A		
Maximum and minimum street wall height	Retain existing street wall height for heritage buildings. 11m maximum and 8m minimum for other buildings.	Other buildings should match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	Retain existing street wall setback for heritage buildings.	Elsewhere - 0m
Minimum upper level setback	316-326 Victoria Street – 8m Elsewhere - 6m	For buildings >15m, the uppermost level should be set back 9m minimum
Interface C		
Maximum and minimum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum and 8 minimum for other buildings. Match the parapet height of the adjoining heritage building, for a minimum length of 6m from the heritage building.
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings. Elsewhere - 0m
Minimum upper level setback	None specified	6m
Interface D		
Maximum street wall height	None specified	15m
Maximum and minimum street wall setback	None specified	551 to 585 Victoria Street - 2m minimum setback to Victoria Street 0m – elsewhere.
Minimum upper level setback	None specified	4.5m
Interface E		
Maximum street wall height	None specified	Retain existing street wall height for heritage buildings. 11m maximum for other buildings
Maximum and minimum street wall setback	None specified	Retain existing street wall setback for heritage buildings.
Minimum upper level setback	None specified	6m for heritage buildings 3m for other buildings
Interface F		

Built form	Mandatory requirement	Preferred requirement
Maximum street wall height	None specified	8m
Maximum and minimum street wall setback	None specified	None specified
Minimum upper level setback	None specified	4.5m
Interface I		
Maximum side/rear wall height	None specified	11m
Minimum side/rear wall setback	None specified	None specified
Minimum upper level setback	None specified	4.5m from the centreline of the laneway

Building separation requirements

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

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

- For building of less than or equal to 21 metres in height, upper level development should be set back a minimum of:
  - 4.5 metres from the common boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site.
  - 3.0 metres from the common boundary, where a commercial or non-habitable window facing the common boundary is proposed on the subject site.
- For buildings greater than 21 metres in height, any development above the street wall or 15 metres in height (whichever is greater) facing the common boundary should be set back a minimum of 4.5 metres from that boundary.

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:

- 9 metres from each other, where a habitable window or balcony is proposed; and
- 6 metres from each other where a commercial or non-habitable window is proposed.

Overshadowing requirements

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

- any part of the southern footpath of Victoria 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 cast additional overshadowing of the following space between 10am and 2pm at 22nd September, unless the additional overshadowing would not unreasonably prejudice the amenity of the public space, to the satisfaction of the responsible authority:

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

Interface to residential properties in NRZ or GRZ requirements

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

Development with an interface to a property in the Neighbourhood Residential Zone or General Residential Zone (shown as Interface H or Interface J on Plan 1) should not exceed the maximum heights and setbacks set out in Table 3.

Table 3 – Residential interfaces

Residential Interface	Preferred requirement
Interface H	Heights and setbacks shown in Figure 1 of this schedule.
Interface J	Heights and setbacks shown in Figure 2 of this schedule.

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 identified architectural elements of the following landmark (as shown on Plan 1 and listed below):

- the Skipping Girl sign when viewed from the footpath on the western corner of Victoria Street and Leslie Street (View 1).

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

Design Quality Requirements

Development should achieve urban design and architectural excellence.

Development in the Commercial 1 Zone and/or Mixed Use Zone 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.

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

Development should:

- Incorporate vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
- Be expressed 'in the round' and provide detail on all façades.

Development should avoid blank walls visible from the public realm. Where a solid external wall in unavoidable, walls should be detailed and include articulation to provide visual interest.

New development considers opportunities for lot consolidation to achieve high quality design and heritage outcomes.

Development should ensure any walls visible from the public realm are designed to provide visual interest to passing pedestrians through colour, texture or finishes.

Development should ensure taller buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook, good daylight and views to the sky above the street wall.

Development should break up buildings with a wide street frontage into smaller vertical sections or separate elements to provide breaks and modulation in the street facade.

Development should provide for street activation at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.

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

Development with a frontage to a 'Green Street – key pedestrian/cycle route' identified on Plan 1 should contribute to urban greening by introducing trees, ground cover, vertical and rooftop vegetation.

Vehicular access requirements

Development should not provide vehicle access from Victoria Street.

Development should provide vehicular access from rear lanes or from side streets, where appropriate.

Where access is provided to an arterial road, access would be subject to Department of Transport approval and should be limited to left-in/left-out.

Development with redundant vehicle access points must reinstate the kerb, line mark 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.

Development indicated in Plan 2 as requiring a setback 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 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 3.5 metres minimum should be achieved.

In locations where potential one way streets are indicated on Plan 2 but have not been implemented, development should consider ground floor setbacks or provision of passing areas within sections of the lane allow for building services and car park access.

Properties on the inside corner of bends in laneways or at intersections between two laneways should provide a minimum 3 metres x 3 metres splay to facilitate vehicle access or any alternative splay that facilitates movement by the B99 design vehicle, to the satisfaction of the Responsible Authority.

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

Development should enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.

Pedestrian and Bicycle Access Requirements

Pedestrian access to buildings, including upper level apartments, should be from a street or a shared zone and avoid primary access from laneways. Where pedestrian access can only be provided from a laneway, the pedestrian entrance should be setback from the rear laneway or include a pedestrian refuge or landing and be well lit to enable safe access.

Development should facilitate the creation of a shared zone where properties abut a potential future shared zone as shown on Plan 2.

Pedestrian entrances should be clearly visible, secure and have an identifiable sense of address.

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

Plan 1: Height and Interface Plan – Precinct 5 Victoria Street East End

DRAFT AMENDMENT C291YARA – VERSION FOR ADOPTION

Plan 2: Access and Movement Plan – Precinct 5 Victoria Street East End

NOTE – Potential future shared zones and one way streets are subject to further assessment and consultation.

3.0 Subdivision

None specified.

4.0 Signs

None specified.

5.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and 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 15 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.
- 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 and bike lanes),
  - reduces car dependence and promotes sustainable transport modes, and
  - which includes an assessment of the impacts of traffic and parking in the Precinct including 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 design excellence is achieved (including but not limited to building siting, scale, massing, articulation and materials).
- The design of the streetscape interface along the primary street frontage and its contribution to an active street environment.
- Whether the proposal contributes to and improves the pedestrian connectivity and amenity of the public realm.
- Whether the proposal contributes to and improves the pedestrian environment and other areas of the public realm.
- Whether the overshadowing impacts of the development on opposite footpaths and public spaces are minimised.
- The wind effects created by the development.
- The separation between buildings at upper levels when viewed from the opposite side of Victoria Street and from local streets.
- The prominence of the heritage street wall in the vistas along Victoria Street, Church 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 the development on view lines to the Skipping Girl sign.

- The design response at the interface with existing, low scale residential properties.
- If roof decks are proposed above the street wall, whether they are set back and are recessive in appearance.
- 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.
- The impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bike lanes.
- The impact of vehicular access arrangements on the operation of the tram routes along Victoria Street and Church Street.
-

Figure 1 to Schedule 50 – Interface H - to residential properties in NRZ or GRZ

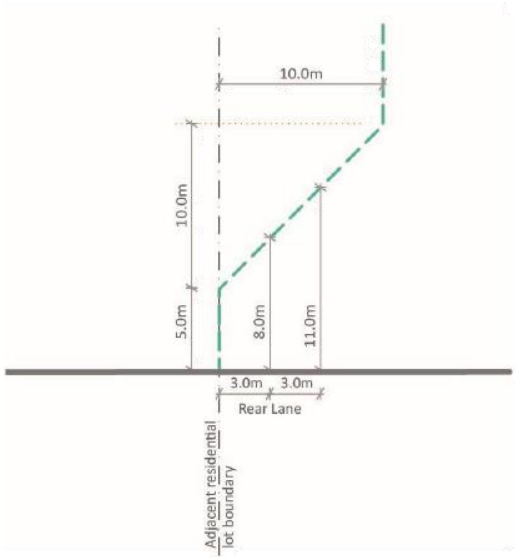
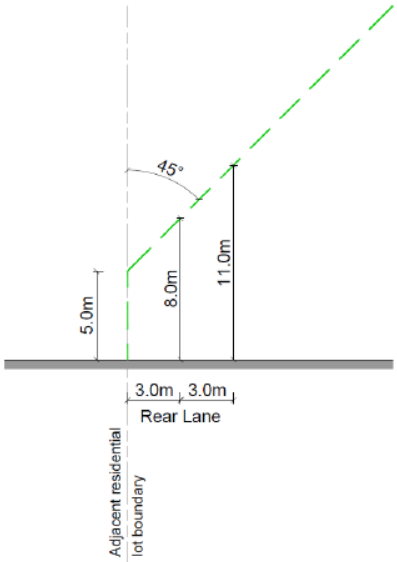


Figure 2 to Schedule 50 – Interface J - to residential properties in NRZ or GRZ


45°
5.0m
8.0m
11.0m
3.0m
3.0m
Rear Lane
Adjacent residential lot boundary

DRAFT AMENDMENT C291YARA –VERSION FOR ADOPTION

11.03-1L Activity Centres

--/--/---
Proposed C291yara

MAJOR ACTIVITY CENTRES

Bridge Road, Richmond

Promote the metropolitan and local retail and commercial roles of the activity centre, including larger format retail at its eastern end.

Support the night-time economy, including the core entertainment precinct west of Burnley Street, while managing the amenity impacts associated with licensed premises.

Facilitate opportunities for office and residential uses throughout the centre, principally above the ground floor, particularly on Bridge Road and Church Street.

Maintain an intimate pedestrian scale at street level along Bridge Road.

Retain the visual prominence of the heritage streetscape west of Church Street and the south side of Bridge Road east of Church Street.

Ensure development respects the consistency and intactness of the heritage streetscapes and the unique architectural form and qualities of heritage buildings that help define the Bridge Road Activity Centre.

Limit direct vehicular access onto Bridge Road, Church Street and Burnley Street as specified in a DDO.

Promote Bridge Road activity centre as a walkable centre with new footpaths and shared zones to provide safe pedestrian access to buildings and new pedestrian connections.

Ensure that pedestrian movement is given priority along Bridge Road.

Protect primary views defined in the clause 15.01-2L to the spire of St Ignatius Cathedral, clocktower of Richmond Town Hall, and the Pelaco sign.

Maintain daylight and sunlight to the southern footpath of Bridge Road and identified 'Green streets' - key pedestrian/cycle routes (shown on Figure 1) and public spaces – Alexander Reserve.

Ensure that new development provides adequate weather protection for footpaths along Bridge Road, Burnley Street, and Church Street.

Facilitate safe and accessible cycle routes within / through the centre ensuring they are integrated into the design of the public realm and any development.

Precinct 1 – Bridge Road West

Support Precinct 1 - Bridge Road West as a location for housing and employment growth within the activity centre.

Promote a diverse mix of fine-grain retail, dining, offices and inner city living.

Support Epworth Hospital by supporting associated health and allied services to locate near the hospital.

Retain the intact heritage streetscapes and heritage buildings in Bridge Road West.

Support taller built form in the Health Precinct and on the northern side of Bridge Road.

Support mid-rise development on larger infill sites on the north site between Lennox Street and Church Street and within the proximity of the Pelaco building with lower scale development on narrow infill sites and shop-top redevelopment of heritage buildings.

Ensure mid rise development on the northern side of Precinct 1 respects the heritage fabric and the adjoining low-rise residential neighbourhoods.

Precinct 2 – Bridge Road South

Support Bridge Road South as a vibrant destination for dining, retail and services building on its distinctive heritage qualities.

Retain the highly intact heritage streetscape with a consistent heritage street wall of largely two storey Victorian era retail and commercial buildings, including distinctive corner buildings addressing Bridge Road and side streets.

Protect the Precinct's wide footpaths from overshadowing.

Retain fine-grain shopfronts and cafes with outdoor dining to provide activity and visual engagement for people on the street.

Support lower midrise development on narrow infill sites and shoptop redevelopment of heritage buildings.

Retain the prominence of the intact heritage streetscape in Bridge Road South through well designed and visually recessive upper levels.

Precinct 3 - Bridge Road Central

Reinforce Bridge Road Central as the civic and community heart of Bridge Road Activity Centre.

Support Precinct 3 as a strong civic and education precinct and key activity node, anchored by the Richmond Town Hall adjoining the important open space, Citizens Park, recreation and community facilities.

Promote high quality public realm around Richmond Town Hall, to support its civic function.

Enhance the Richmond Town Hall forecourt as a key public space providing a setting for the Town Hall and the former police station.

Enhance Gleadell Street and Griffiths Street as greener and more pedestrian focussed streets linking Bridge Road to the precinct's civic and community facilities.

Support new housing and employment within mid-rise development of varying heights, widths and character while retaining the prominence of clusters of heritage buildings.

Precinct 4 – Bridge Road East South

Promote employment focussed mixed-use and housing development.

Maintain the prominence of the Former Flour Mill and Grain Store Complex (534-534A Bridge Road) on the south-east corner of Bridge Road and Type Street as a local landmark.

Promote well-designed midrise redevelopment on two large sites on Burnley Street and Stawell Street comprising of multiple buildings which offer views to the sky from the street and establishes a varied skyline when viewed from surrounding areas.

Ensure development on Stawell Street provides a high quality transition to the Racecourse Heritage Precinct through landscaped setbacks.

Retain a mix of commercial and offices uses on the Commercial 2 zoned land.

Provide for a new midrise character (5-6 storeys) within Bridge Road East South while ensuring tall buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

Precinct 5 - Bridge Road East North

Transform Bridge Road East North into a diverse mixed-use precinct as a preferred location for housing and employment growth within the Bridge Road Activity Centre.

Retain the prominence of the Royal Oak Hotel on the north-east corner of Bridge Road and Burnley Street maintained to mark the centre to the precinct from the south and west.

Create a new built character defined by well-designed midrise development of 5 to 8 storeys with breaks between upper levels of buildings that provide views to the sky from the street and establishes a varied skyline when viewed from surrounding areas.

Promote a greater mix of uses, including residential, retail, offices and services.

Promote high levels of street activation and visual engagement with the treelined streets of Bridge Road and Palmer Street and the potential new open space on Whites Place.

Ensure tall buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

Attachment 4 - Attachment 4 - C291yara - Clean version of the Amendment for adoption

DRAFT AMENDMENT C291YARA –VERSION FOR ADOPTION

Figure 1 - Bridge Road Major Activity Centre Plan

Victoria Street, Abbotsford / Richmond

Promote the metropolitan and local retail and commercial roles of the activity centre.

Manage licensed premises and the precinct's prominent night-time economy including the core entertainment precinct west of Burnley Street.

Reinforce the concentration of height, density and mixed uses east of Burnley Street, to provide a visual mark to the east end of Victoria Street.

Facilitate opportunities for office and residential uses throughout the centre, principally above the ground floor on Victoria Street.

Encourage development west of Church Street to have low rise street walls.

Ensure pockets of heritage buildings and individual heritage buildings are retained.

Maintain an intimate pedestrian scale at street level along Victoria Street.

Limit direct vehicular access onto Victoria Street and Church Street as specified in a DDO..

Ensure that pedestrian movement is given priority along Victoria Street and the streets around the North Richmond Station.

Facilitate new and improved pedestrian connections to the North Richmond Housing Estate.

Capitalise on future opportunities such as provision of open space and links to the Yarra River, provided by commercial and industrial areas in Abbotsford, including the Carlton and United Brewery site.

Maintain daylight and sunlight to the southern side of Victoria Street, Green Streets - key pedestrian/cycle routes (as shown on Figure 2) and public spaces, Butler Street Reserve and the Gateway Triangle.

Ensure that new development provides adequate weather protection for footpaths along Victoria and Church Streets.

Limit the installation of security shutters or other measures that reduce views into businesses onmain retail strips to ensure that they are visually transparent.

Facilitate safe and accessible cycle routes within / through the centre ensuring they are integrated into the design of the public realm and any development.

Precinct 1 – Victoria Street West

Retain the visual prominence of the Victoria Street Gateway at the intersection with Hoddle Street.

Retain the visual prominence of the heritage buildings, on the north side of the street west of the railway line and low-rise heritage dwellings along Regent Street.

Support mid-rise development on the south-eastern corner of the intersection of Hoddle and Victoria Streets creating a compact precinct of contrasting built form that places an emphasis on the architectural qualities of heritage buildings.

Provide for lower midrise development for the remainder of the precinct that respects the heritage fabric and the adjoining low-rise residential neighbourhoods.

Enhance the public realm of Victoria Street West with a new high-quality pocket park at the Gateway Triangle.

Precinct 2 – Victoria Street Central

Provide for lower midrise development (3-6 storeys) in Precinct 2 that respects the heritage fabric and the adjoining low-rise residential neighbourhoods.

Support Victoria Street Central as a vibrant destination for retail and cafes, restaurants and outdoor dining, enterprise and inner-city living.

Support mid-rise development of varying scales which compliments the varied mix of intact heritage buildings and streetscapes and former industrial buildings.

Support lower midrise renewal above and behind existing shopfronts that retains the visual prominence of the heritage buildings and responds to lower scale residential areas on Butler Street, and well-designed taller mid-rise development adjacent to North Richmond station.

Facilitate an upgraded station entry space on Jonas Street to improve the amenity and safety of the public realm.

Promote high levels of street activation and passive surveillance to the station, streets and laneways within the precinct.

Support Victoria Street Central as the centre's fine grain retail and dining precinct.

Provide for lower midrise development (3-6 storeys) in Precinct 2 that respects the heritage fabric and the adjoining low-rise residential neighbourhoods.

Precinct 3 – North Richmond Station

Support Precinct 3- North Richmond Station as a dense mixed-use corridor and a focus of housing and employment growth situated on both sides of the railway line.

Support the redevelopment of former industrial buildings along Regent Street and around the North Richmond Station as mid-rise development to promote accessibility to public transport.

Ensure well-designed taller commercial and office developments on Hoddle Street respond to its wide boulevard character.

Ensure development includes high levels of street activation, passive surveillance and visual engagement with the street to improve the amenity and safety for pedestrians, particularly for those travelling to and from North Richmond Station.

Support upgrades to Little Hoddle Street as high amenity shared zone that strengthens pedestrian connections from Hoddle Street to Regent Street and the station.

Transition the scale of buildings down in height towards lower scale residential areas to the south and east.

Ensure new midrise development (5 -10 storeys) respects the pockets of heritage fabric and the adjoining low-rise residential neighbourhoods.

Precinct 4 – Victoria Street East

Support Victoria Street East as a destination for retail, dining, and inner-city living.

The precinct's character and sense of place will be fined by a consistent street wall comprising of a fine-grain pattern of shopfronts along Victoria Street with well-designed mid-rise development continuing this rhythm at the ground plane to provide higher levels of street activation and passive surveillance.

Support low to lower mid-rise development in Lithgow Street that retains the fabric of existing heritage buildings and provides a respectful transition to low-rise residential areas.

Enhance the amenity and walkability of the precinct for pedestrians through new and upgraded pedestrian connections between Victoria Street and Elizabeth Street which provide green connections to future open spaces and the Elizabeth Street housing precinct.

Ensure new midrise development (5-7 storeys) respects the pockets of heritage fabric and the adjoining low-rise residential neighbourhoods.

Facilitate new and improved pedestrian connections to Precinct 4 from the North Richmond Housing Estates.

Precinct 5 – Victoria Street East End

Provide for new midrise development (4-7 storeys) that respects the pockets of heritage fabric and the adjoining low-rise residential neighbourhoods in Precincts 5.

Ensure new development supports and contributes to the future preferred character of each precinct:

Support Victoria Street End as a diverse mixed-use precinct consisting of a range of retail, commercial and residential uses within new midrise developments of varying heights, widths and character.

Ensure development provides a transition to the taller mid-rise character in the Victoria Gardens Precincts.

Support a diversity of mid-rise development, including development of Victoria Era terraces, shops, and industrial heritage buildings and contemporary mixed-use buildings that are lower in scale than Victoria Gardens and its surrounding development.

Protect primary views, defined in the clause 15.01-2L, to the Skipping Girl sign.

CLAUSE 11.03-1L – ACTIVITY CENTRES

Attachment 4 - Attachment 4 - C291yara - Clean version of the Amendment for adoption

DRAFT AMENDMENT C291YARA –VERSION FOR ADOPTION

Figure 2 - Victoria Street Activity Centre Plan

Bridge Road Activity Centre

Bridge Road has seen substantial change and development over the past ten years. It is distinguished by a predominantly fine-grain streetscape and buildings of heritage value, particularly on the southern side of Bridge Road. This lower scale-built form is contrasted by taller midrise development to the north of Bridge Road between Punt Road and Church Street, including Richmond Plaza (currently under construction).

It has an historic fabric of Bridge Road that is highly valued by the broader community.

Bridge Road provides an important health and civic role with the Epworth Hospital, Richmond Town Hall and other important civic and education uses.

Bridge Road enjoys high levels of access to the public transport network with tram routes operating on Bridge Road and Church Street and the railway line at the western peripheries.

The centre varies significantly along its length, with a cohesive and highly intact turn of the century 'High Street' with a prominent fine grain subdivision pattern, to a diverse and less historically intact retail and residential area towards the eastern end.

The activity centre features view a number of important Richmond landmarks, including the Richmond Town Hall Clock Tower, the Pelaco Sign and the spire of St Ignatius on the hill.

The preferred future character of each precinct reflects this diversity and supports the activity centre's role as a location for an extensive mix of retail, civic and commercial uses, and inner city living.

Figure 1 illustrates the boundary of the Bridge Road Major Activity Centre and some of the core precincts, which make up the centre:

- Precinct 1: Bridge Road West
- Precinct 2: Bridge Road South
- Precinct 3: Bridge Road Central
- Precinct 4: Bridge Road East South
- Precinct 5: Bridge Road East North

Noting the precincts do not cover the whole of the activity centre.

Vision

Bridge Road Activity Centre will continue to evolve as a vibrant and thriving mixed use centre that serves the day to day needs of the local residents and workers. It will feature well designed mid rise commercial and residential development whilst preserving the prominence of its intact heritage streetscape and buildings and maintaining amenity.

Local area implementation

Preferred Future Character

- Ensure new development supports and contributes to the future preferred character of each precinct:

  Precinct 1 – Bridge Road West is anchored by Epworth Hospital Health Precinct on Richmond Hill and the Richmond Plaza redevelopment on the corner of Bridge and Church Streets. This is complemented by a diverse mix of fine-grain retail, dining, offices and inner city living. The precinct's character and sense of place will continue to be defined by intact heritage streetscapes and heritage buildings along Bridge Road. This will be contrasted by taller built form in the Health Precinct and the newly established mid-rise character on the northern side of Bridge Road. The precinct will continue to be a focus for housing and employment growth within the activity centre with mid-rise development on larger infill sites on the north site between Lennox Street and Church Street and within the proximity of the Pelaco building, and lower scale development on narrow infill sites and shop-top redevelopment of heritage buildings.

Precinct 2 – Bridge Road South is a vibrant destination for dining, retail and services building on its distinctive heritage qualities. The precinct's character and sense of place is defined by its highly intact heritage streetscape with a consistent heritage street wall of largely two storey Victorian era retail and commercial buildings including distinctive corner buildings addressing Bridge Road and side streets. The precinct's sunny wide footpaths, fine-grain shopfronts and cafes with outdoor dining will provide activity and visual engagement for people on the street. The precinct will support lower midrise development on narrow infill sites and shoptop redevelopment of heritage buildings.

Precinct 3 – Bridge Road Central is the civic and community heart of Bridge Road Activity Centre. The precinct is anchored by the Richmond Town Hall and forms a key activity node within Bridge Road adjoining the important open space, Citizens Park as well as recreational facilities, two high schools, childcare and maternal health. The Town Hall forecourt will be enhanced as a key public space providing a setting for the Town Hall and the former police station with Gleadell Street and Griffiths Street enhanced as greener and more pedestrian focussed streets linking Bridge Road to the precinct's civic and community facilities. The precinct will support new housing and employment within mid-rise development of varying heights, widths and character while retaining the prominence of clusters of heritage buildings. Key views to across the precinct from Citizens Park and the corner of Bridge Road and Church Street to the iconic Richmond landmarks, the Richmond Town Hall and St Ignatius' spire and belfry will be maintained.

Precinct 4 – Bridge Road East South will be renewed as an employment focussed mixed-use and housing precinct. The prominence of the Former Flour Mill and Grain Store Complex (534-534A Bridge Road) on the south-east corner of Bridge Road and Type Street will be maintained as a local landmark within the precinct. The precinct's character and sense of place will be transformed with well-designed midrise redevelopment of two large sites on Burnley Street and Stawell Street. This will comprised of multiple buildings which offer views to the sky from the street and establishes a varied skyline when viewed from surrounding areas. The Stawell Street redevelopment will provide a high quality transition to the Racecourse Heritage Precinct through landscaped setbacks.

Precinct 5 - Bridge Road East North will be transformed into a diverse mixed-use precinct as a preferred location for housing and employment growth within Bridge Road Activity Centre. The prominence of the Royal Oak Hotel on the north-east corner of Bridge Road and Burnley Street will be maintained to mark the centre to the precinct from the south and west. Elsewhere, the precinct's character and sense of place will be redefined by well-designed midrise development of up to 8 storeys with breaks between upper levels of buildings that provide views to the sky from the street and establishes a varied skyline when viewed from surrounding areas. This renewal will support a greater mix of uses, including residential, retail, offices and services and provide higher levels of street activation and visual engagement with the treelined streets of Bridge Road and Palmer Street and the potential new open space on Whites Place.

Economic Development

- Support sensitive reuse and adaptation of existing heritage buildings for a range of retail, entertainment and commercial uses.
- Support Precinct 1 - Bridge Road West and Precinct 2 - Bridge Road South as fine grain retail, dining and commercial precincts, particularly where properties front Bridge Road and Church Street.
- Support Precinct 1- Bridge Road West as a major health precinct within inner city Melbourne.
- Support Precinct 3 - Bridge Road Central as a strong civic and education precinct.
- Retain a mix of commercial and offices uses on the Commercial 2 zoned land in Precinct 4.
- Facilitate opportunities for office and residential uses throughout the centre, principally above the ground floor, particularly in Commercial 1 zoned land.

- Facilitate a range of uses that cater for the everyday needs of residents, visitors and workers.
- Maintain and increase land uses that support street level activation and passive surveillance of the public realm.

Built Form and Heritage

- Provide for midrise development on the northern side of Precinct 1 - Bridge Road West (5 -12 storeys) that respects the heritage fabric and the adjoining low scale residential neighbourhoods.
- Retain the prominence of the intact heritage streetscape in Precinct 2 - Bridge Road South and Precinct 4 – Bridge Road South through well designed and visually recessive upper levels.
- Provide for a new midrise character within large sites in Precinct 4 - Bridge Road East South (5-6 storeys) and Precinct 5 - Bridge Road East North (5-8 storeys) while ensuring tall buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.
- Ensure individually significant and contributory heritage buildings are retained to conserve the intactness of the original heritage streetscape.
- Maintain an intimate pedestrian scale at street level along Bridge Road.
- Ensure development respects the consistency and intactness of the heritage streetscapes and the unique architectural form and qualities of heritage buildings within the activity centre.
- Protect identified primary views to the Pelaco Sign, Richmond Clock Tower and St Ignatius Church.

Access and Movement

- Facilitate safe vehicular access to and from new development through the provision of laneway widening and passing bays.
- Ensure that pedestrian movement is given priority along Bridge Road.
- Limit direct vehicular access onto Bridge Road, Church Street and Burnley Street.
- Facilitate new footpaths and shared zones to provide safe pedestrian access to buildings.
- Encourage the provision of vehicular access from either the side or rear of buildings.
- Facilitate safe and accessible cycle routes within / through the centre ensuring they are integrated into the design of the public realm and any development.

Public Realm

- Maintain daylight and sunlight to the southern footpath of Bridge Road, identified 'Green streets' - key pedestrian/cycle routes (as identified in Figure 1) and public spaces at Alexander Reserve.
- Encourage enhancement of the amenity and appearance of the public realm.
- Facilitate new and improved pedestrian connections in Precinct 1 - Bridge Road West, north of Bridge Road and on large sites in Precinct 4 - Bridge Road East South.
- Ensure that new development provides adequate weather protection for footpaths along Bridge Road, Burnley Street, and Church Street.

Attachment 4 - Attachment 4 - C291yara - Clean version of the Amendment for adoption

Figure 1: Key precincts in the Bridge Road Activity Centre

Victoria Street Acivtiy Centre

Victoria Street is a much loved Major Activity Centre with a character strongly influenced by its Vietnamese heritage and local community.

Arrival at the activity centre from the west is defined clearly by a gateway plaza and the recognisable form of the railway bridge above the street while Victoria Gardens and recent residential developments to the east reflect larger historical industrial uses close the Yarra river interface.

The streetscape is characterised by fine-grain built form interspersed with heritage buildings particularly on corner lots and often connecting to green streets. An intact heritage streetscape to the west of the rail line includes retail hospitality venues often with outdoor dining and shopping with a northern aspect.

The activity centre is flanked by significant residential heritage precincts where transitions in built form ensure a balance between scale and renewal.

The renewal of the North Richmond public housing site will highlight the need to improve pedestrian permeability, facilitated by redevelopment opportunities along Victoria Street.

Current and ongoing industrial uses, such as the Carlton United Breweries site, close to the activity centre compliment the centre's role in providing diverse employment opportunities within the City of Yarra.

The preferred future character of each precinct will support the centre's diverse role as a location for a mix of retail and commercial uses coupled with inner city living.

The Plan in Figure 2 illustrates the boundary of the Victoria Street Major Activity Centre and some of the core precincts, which make up the centre:

- Precinct 1: Victoria Street West
- Precinct 2: Victoria Street Central
- Precinct 3: North Richmond Station
- Precinct 4: Victoria Street East
- Precinct 5: Victoria Street End

Noting the precincts do not cover the whole of the activity centre.

Vision

Victoria Street will continue to be a culturally diverse destination within the municipality. It will continue to evolve into a vibrant activity centre that serves the day to day needs of the local community whilst supporting employment, business and creative opportunities. The area will accommodate a diverse and growing population, with well located mid rise commercial and residential development.

Local area implementation

Preferred Future Character

- Ensure new development supports and contributes to the future preferred character of each precinct:

  Precinct 1 – Victoria Street West provides the entry to the activity centre from Victoria Parade. The distinctive sense of arrival is created by the Victoria Street Gateway and the narrowing street profile towards the elevated railway bridge. The precinct's character and sense of place is defined by the intact heritage streetscape on the northern side which is bookended by the prominent former State Savings Bank on the corner, and low-rise heritage dwellings along Regent Street. This will be complemented by mid-rise development on the south-eastern corner of the intersection of Hoddle and Victoria Streets creating a compact precinct of contrasting built form that places an emphasis on the architectural qualities of heritage buildings. The public realm of the precinct will be enhanced with a new high-quality pocket park at the Gateway Triangle.

Precinct 2 – Victoria Street Central will continue to be a vibrant destination for retail and cafes, restaurants and outdoor dining, enterprise and inner-city living. The precinct's character and sense of place will continue to be defined by its varied mix of intact heritage buildings and streetscapes, former industrial buildings which will be complemented by well-designed mid-rise development of varying scales. This will be achieved through lower midrise renewal above and behind existing shopfronts that retains the visual prominence of the heritage buildings and responds to lower scale residential areas on Butler Street, and well-designed taller mid-rise development adjacent to North Richmond station. The amenity and safety of the public realm of the precinct will be improved through an upgraded station entry space on Jonas Street and higher levels of street activation and passive surveillance to the station, streets and laneways within the precinct.

Precinct 3 – North Richmond Station will be dense mixed-use corridor and a focus of housing and employment growth situated on both sides of the railway line. The precinct's character and sense of place will be refined as former industrial buildings along Regent Street and around the North Richmond Station are developed for mid-rise development and well-designed taller commercial and office developments on Hoddle Street responding to its wider boulevard character. Future development will provide high-quality with higher levels of street activation, passive surveillance and visual engagement with the street to improve the amenity and safety for pedestrians, particularly for those travelling to and from North Richmond Station. This will be supported by upgrades to Little Hoddle Street as high amenity shared zone that strengthens pedestrian connections from Hoddle Street to Regent Street and the station. The scale of buildings will transition down in height towards lower scale residential areas to the south and east.

Precinct 4 – Victoria Street East will be renewed as a destination for retail, dining, and inner-city living. The precinct's character and sense of place will be fined by a consistent street wall comprising of a fine-grain pattern of shopfronts along Victoria Street with well-designed mid-rise development continuing this rhythm at the ground plane to provide higher levels of street activation and passive surveillance. Lithgow Street will support low to lower mid-rise development along that retains the fabric of existing heritage buildings and provides a respectful transition to low-rise residential areas. The amenity and walkability of the precinct for pedestrians will be enhanced through new and upgraded pedestrian connections between Victoria Street and Elizabeth Street which will provide green connections to future open spaces and the Elizabeth Street housing precinct.

Precinct 5 - Victoria Street End will continue to be a diverse mixed-use precinct consisting a range of retail, commercial and residential uses within new midrise developments of varying heights, widths and character. The precinct provides a transition to the taller mid-rise character in the Victoria Gardens Precincts. The character of this precinct will be defined by a diverse mix mid-rise development, including development of Victoria Era terraces, shops, and industrial heritage buildings and contemporary mixed-use buildings that are lower in scale than Victoria Gardens and its surrounding development.

Economic Development

- Support sensitive reuse and adaptation of existing heritage buildings for a range of retail, entertainment and commercial uses.
- Support Precinct 2 -Victoria Street Central and Precinct 4 - Victoria Street East as Victoria Street's fine grain retail and dining precincts.Facilitate opportunities for office and residential uses throughout the centre, principally above the ground floor.
- Facilitate a range of uses that cater for the everyday needs of residents, visitors and workers.
- Maintain and increase land uses that support street level activation and passive surveillance of the public realm.

Built Form and Heritage

- Provide for new midrise development (5 -12 storeys) that respects the pockets of heritage fabric and the adjoining low scale residential neighbourhoods in Precinct 3 - North Richmond Station, Precinct 4 - Victoria Street East and Precinct 5 - Victoria Street East End.
- Provide for lower midrise development (3-6 storeys) in Precinct 1 - Victoria Street West and Precinct 2 - Victoria Street Central that respects the heritage fabric and the adjoining low scale residential neighbourhoods.
- Ensure development contributes to the evolution of Precinct 3 - North Richmond Station, Precinct 4 - Victoria Street East and Precinct 5 - Victoria Street East End into vibrant mixed-use precincts with built form that enhances the streetscape character.
- Ensure individually significant and contributory heritage buildings are retained to conserve the intactness of the original heritage streetscape.
- Maintain an intimate pedestrian scale at street level along Victoria Street.
- Ensure development respects a consistency and intactness the unique architectural form and qualities of heritage buildings within the activity centre.
- Ensure tall buildings are well spaced and sited to avoid visual bulk and provide equitable access to an outlook and good daylight.

Access and Movement

- Facilitate widened laneways and new laneways to provide for safe vehicular access to and from new development.
- Ensure that pedestrian movement is given priority along Victoria Street and the streets around the North Richmond Station.
- Limit direct vehicular access to Victoria Street and Church Street.
- Facilitate new footpaths and shared zones to provide safe pedestrian access to buildings.
- Encourage the provision of vehicular access from either the side or rear of buildings.
- Facilitate safe and accessible cycle routes within / through the centre ensuring they are integrated into the design of the public realm and any development.

Public Realm

- Maintain daylight and sunlight to the southern side of Victoria Street, and identified 'Green streets' - key pedestrian/cycle routes (shown in Figure 2) and public spaces at Butler Street Reserve and Victoria Street Gateway Reserve.
- Encourage enhancement of the amenity and appearance of the public realm.
- Facilitate new and improved pedestrian connections within Precinct 3 - North Richmond Station and within Precinct 4 - Victoria Street East from the DHHS housing sites.
- Ensure that new development provides adequate weather protection for footpaths along Victoria and Church Streets

Figure 2: Key precincts in the Victoria Street Activity Centre

AMENDMENT C291YARA

1.0 Background documents

C291yara

Name of background document	Amendment number - clause reference
Lower Yarra River Study - Recommendations Report (Department of Environment, Land Water and Planning, 2016)	VC197 - Schedule 1 to Clause 42.03 (SLO) and Schedule 1 to Clause 43.02 (DDO)
Yarra Bend Park Strategy Plan (Parks Victoria, 1999)	VC197 - Schedule 1 to Clause 42.03 (SLO)
The Middle Yarra Concept Plan – Dights Falls to Burke Road (Melbourne Parks and Waterways, 1990)	VC197 - Schedule 1 to Clause 42.03 (SLO)
The Lower Yarra Concept Plan – Dights Falls to Punt Road (Melbourne Metropolitan Board of Works, 1986)	VC197 - Schedule 1 to Clause 42.03 (SLO)
Bridge Road & Victoria Street Activity Centres - Review of Interim Built Form Controls - Analysis and Recommendations (MGS Architects and Urban Circus, April 2021)	C291yara - Schedules 41 to 50 to Clause 42.02 Design and Development Overlay
Built Form Review: Bridge Road – Heritage Analysis and Recommendations (GJM Heritage, April 2021)	C291yara - Schedules 41 to 50 to Clause 42.02 Design and Development Overlay
Built Form Review: Victoria Street – Heritage Analysis and Recommendations (GJM Heritage, April 2021)	C291yara - Schedules 41 to 50 to Clause 42.02 Design and Development Overlay
Traffic Engineering Assessment, Victoria Street and Bridge Road Activity Centres, Richmond (Traffix Group, April 2021)	C291yara - Schedules 41 to 50 to Clause 42.02 Design and Development Overlay

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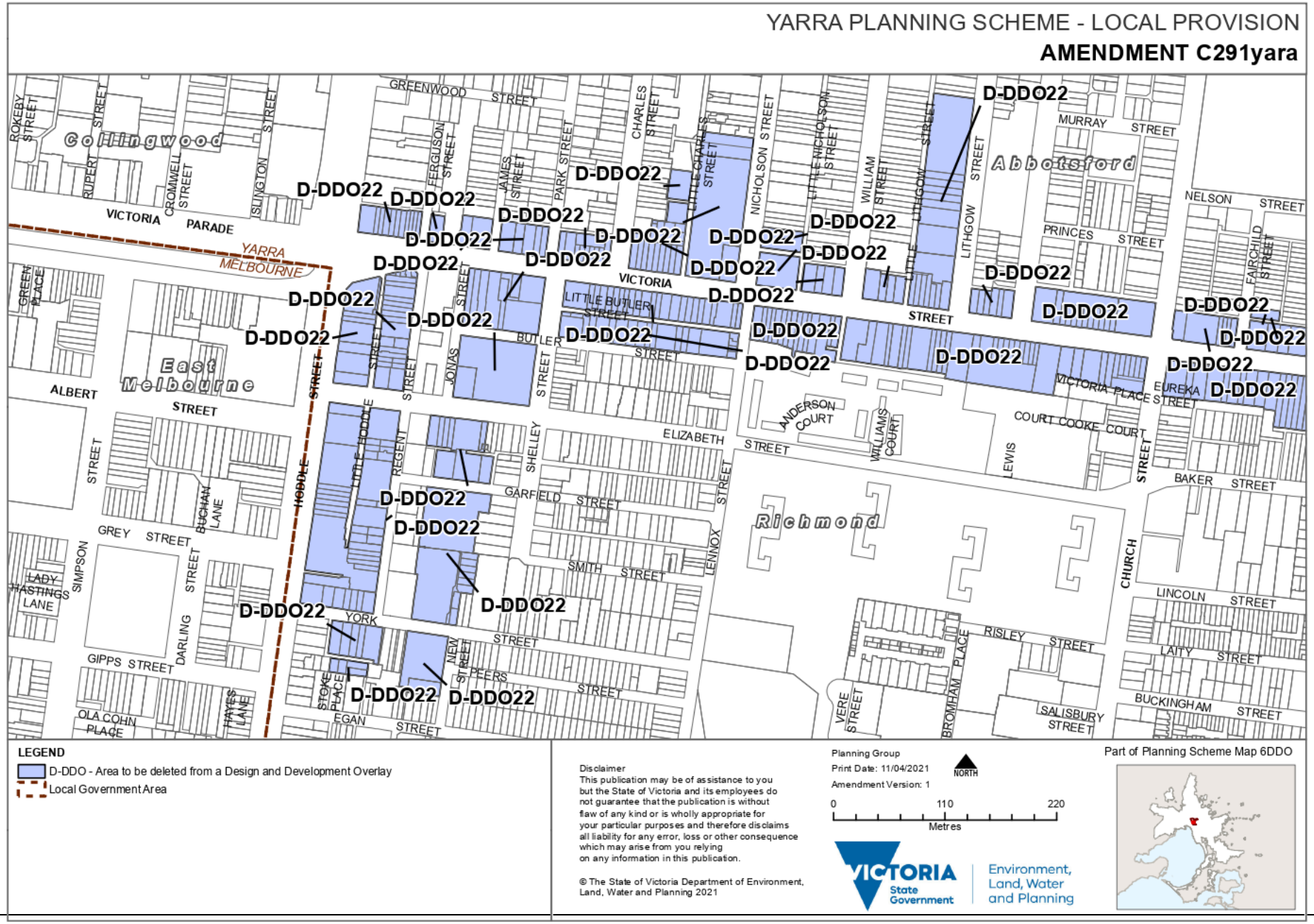

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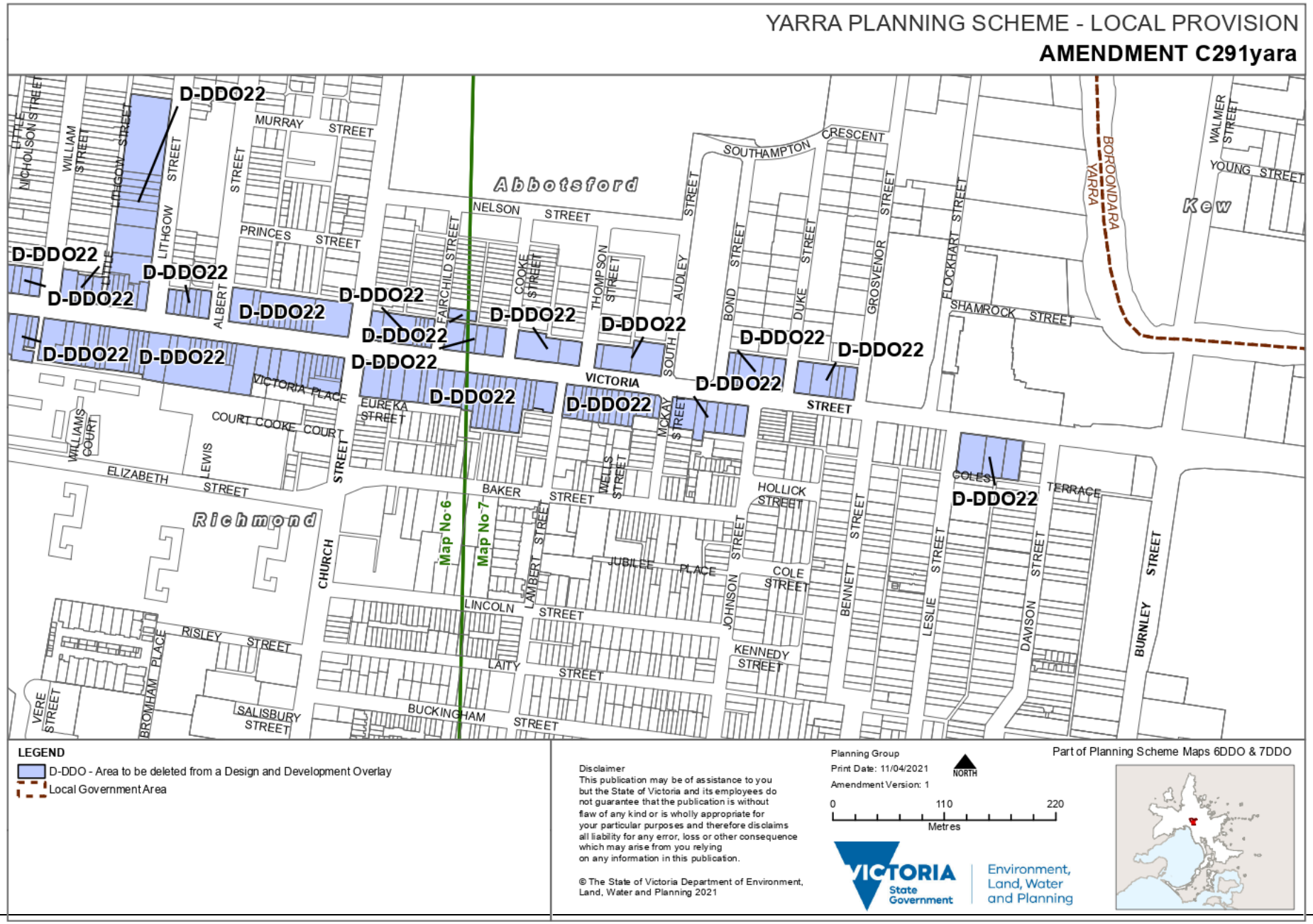

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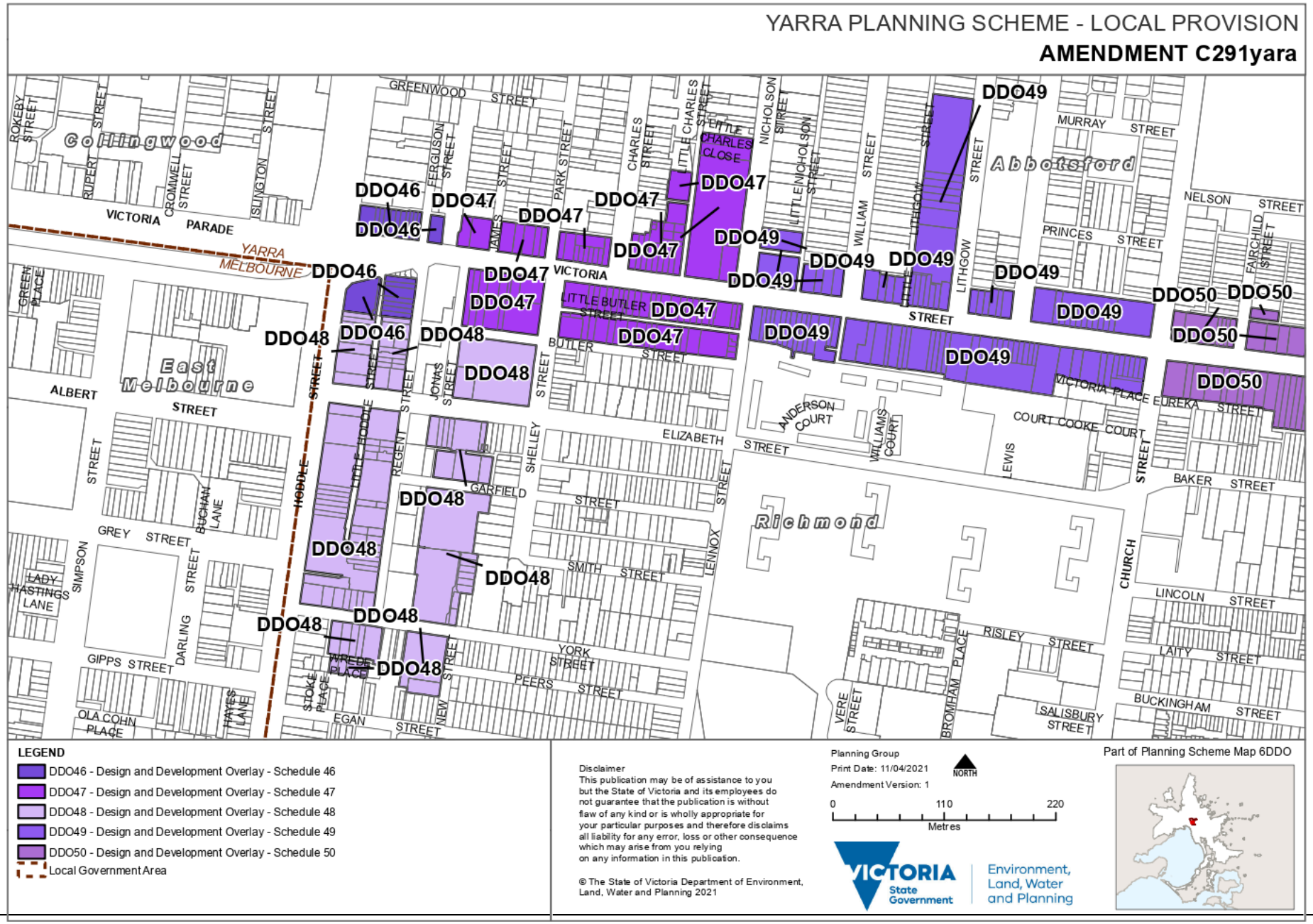

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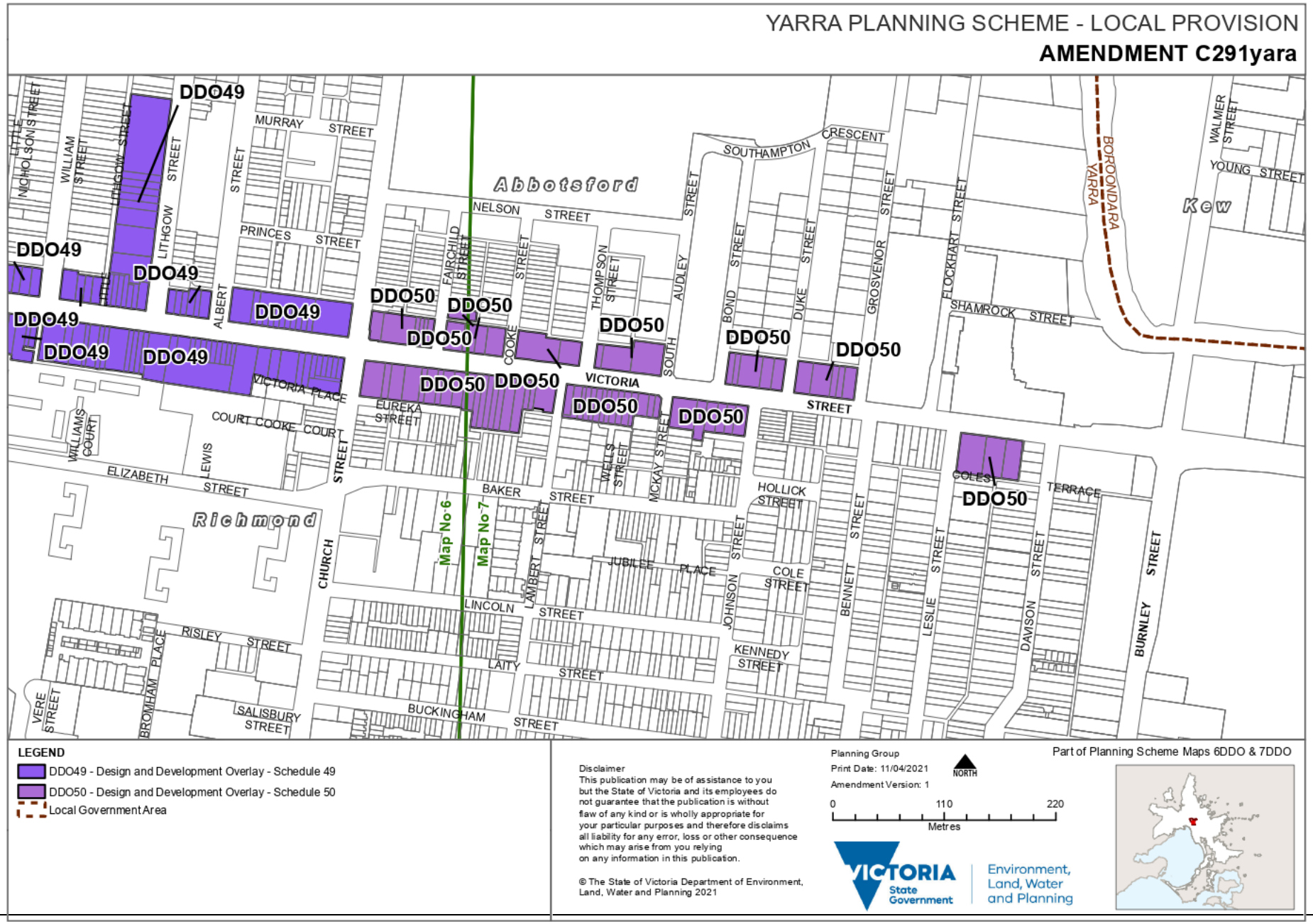

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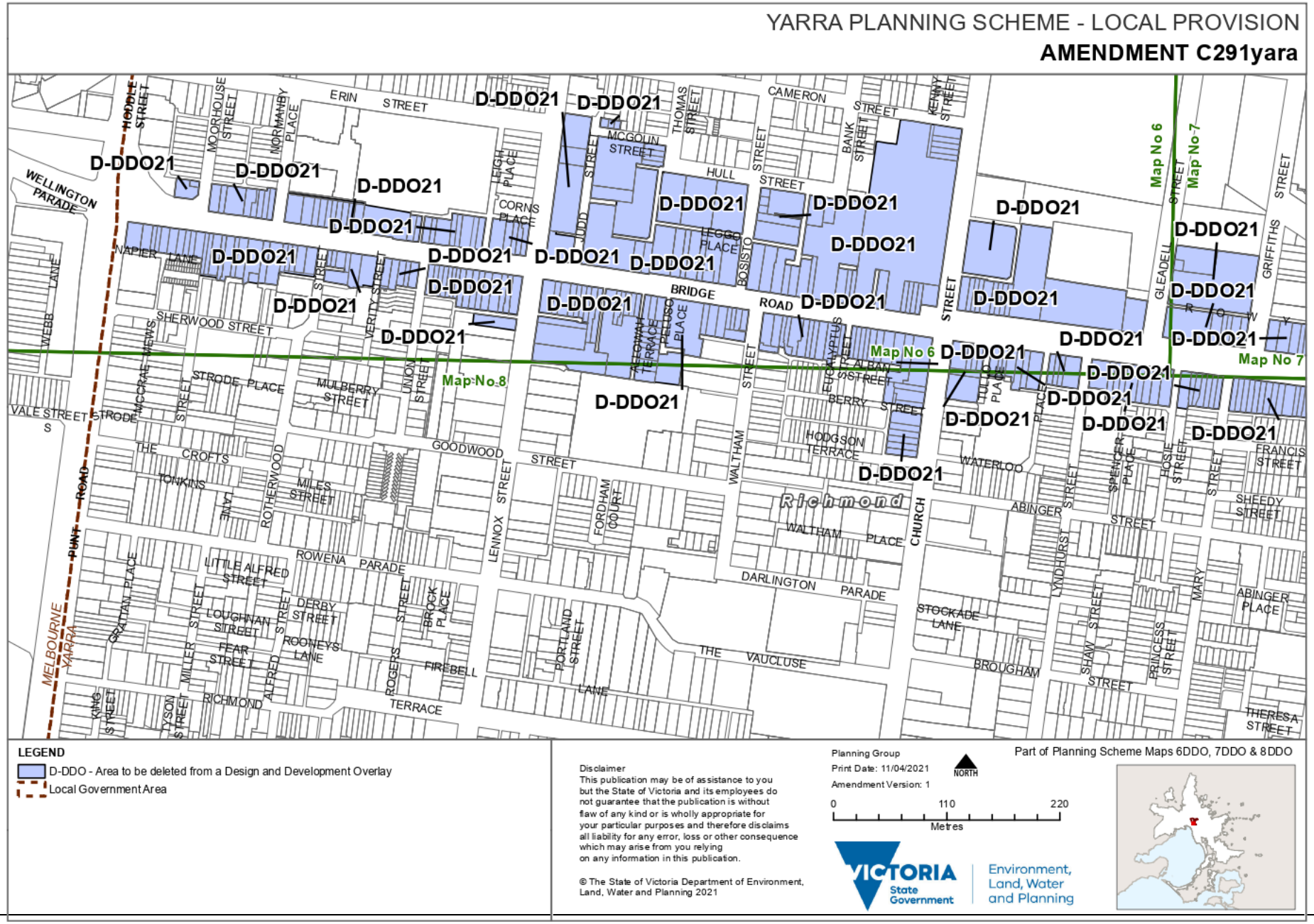

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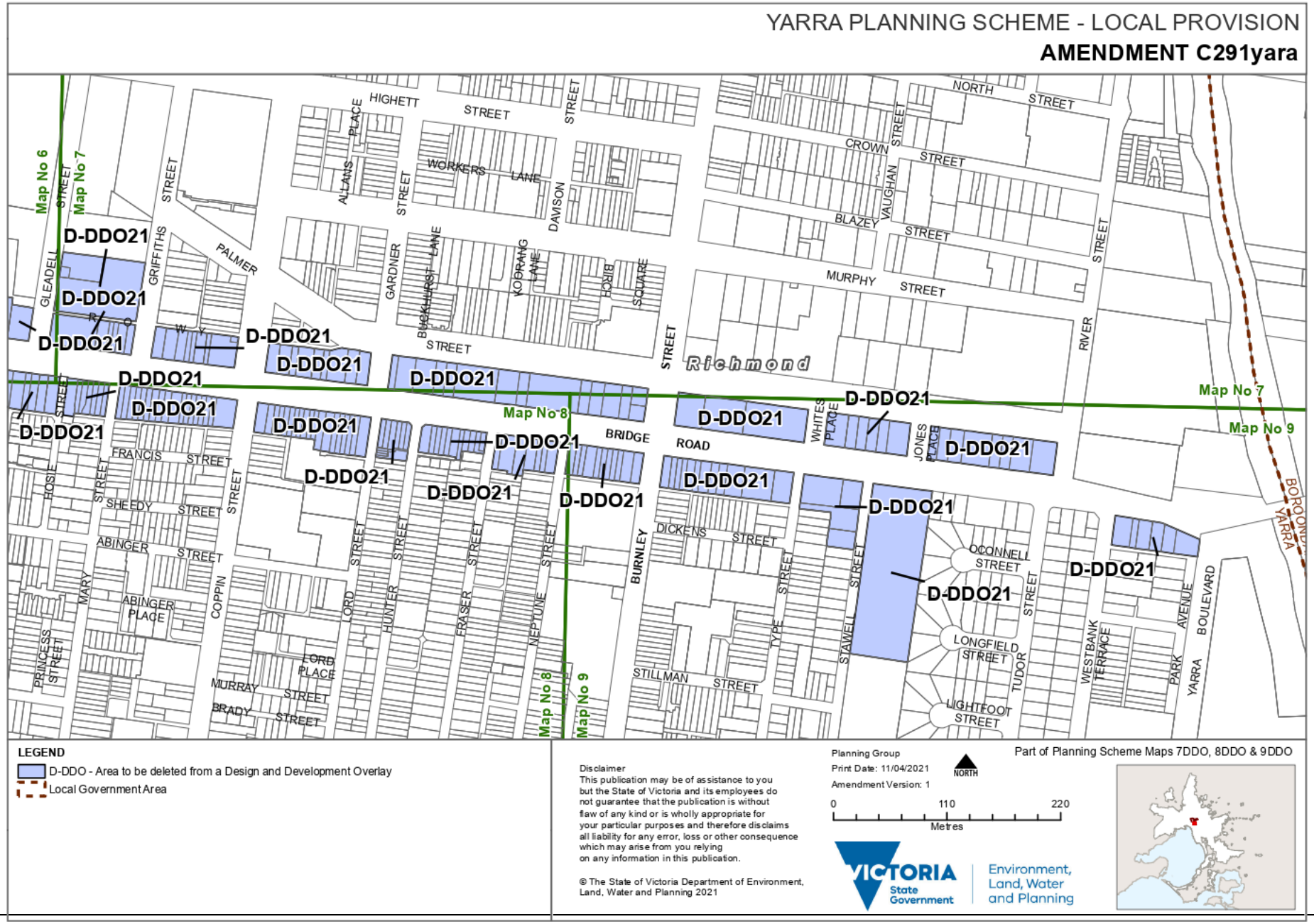

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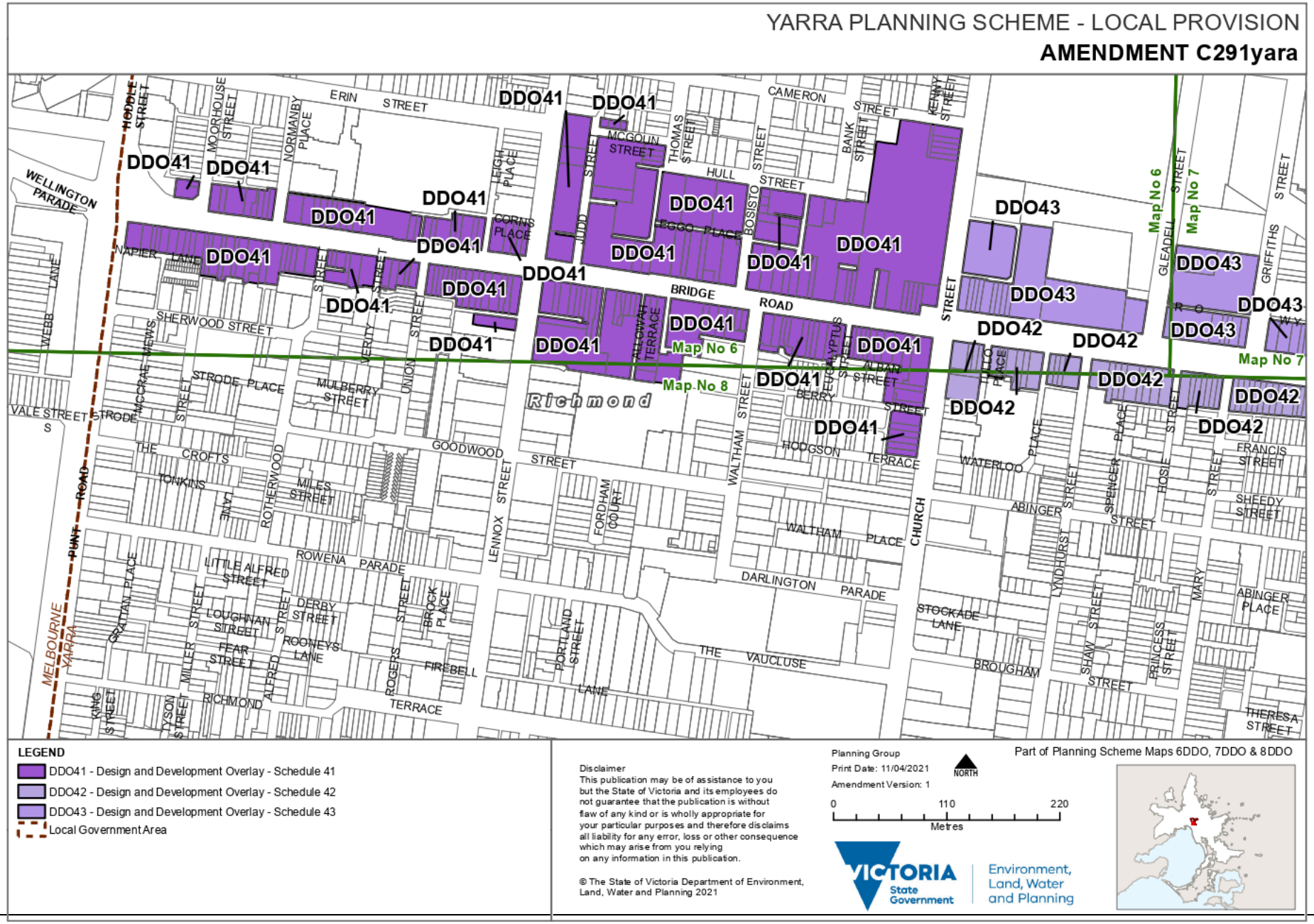

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