

## 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;
- 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**

<b>Built form</b>	<b>Mandatory requirement</b>	<b>Preferred requirement</b>
<b>Interface A</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	25-33 Lithgow Street - 8m Elsewhere - 6m	For buildings >15m, the uppermost level should be set back 9m minimum
<b>Interface C</b>		
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.	0m
Minimum upper level setback	None specified	6m
<b>Interface E</b>		
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.

Built form	Mandatory requirement	Preferred requirement
Minimum upper level setback	None specified	6m for heritage buildings 3m for other buildings
<b>Interface I</b>		
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 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 overshadow any of the following spaces 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**

<u>Residential Interface</u>	<u>Preferred requirement</u>
<u>Interface H</u>	<u>Heights and setbacks shown in Figure 1 of this schedule.</u>
<u>Interface J</u>	<u>Heights and setbacks shown in Figure 2 of this schedule.</u>

### **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.

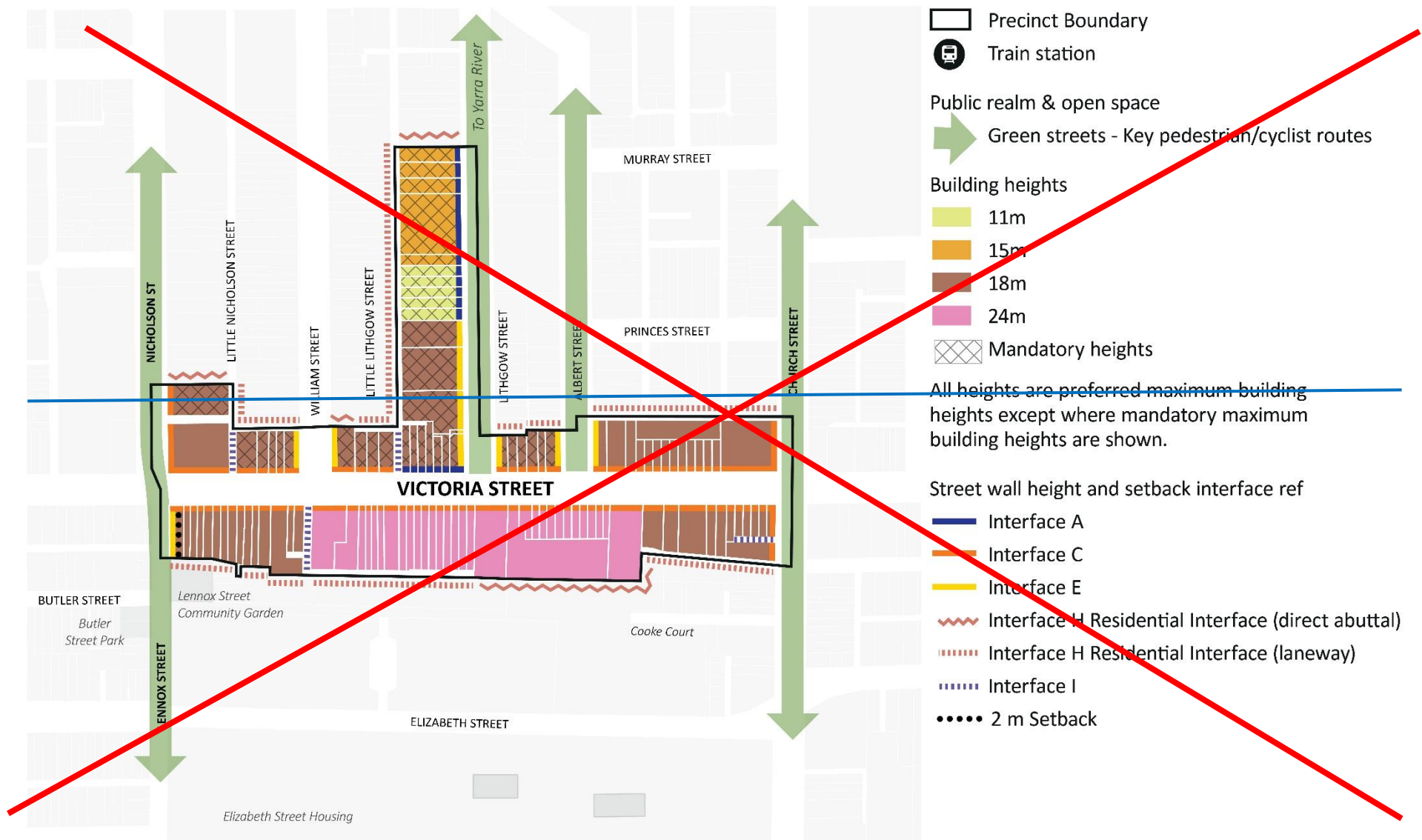
Development should facilitate the creation of a shared zone where properties abut a potential future shared zone as shown on Plan 2.

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.

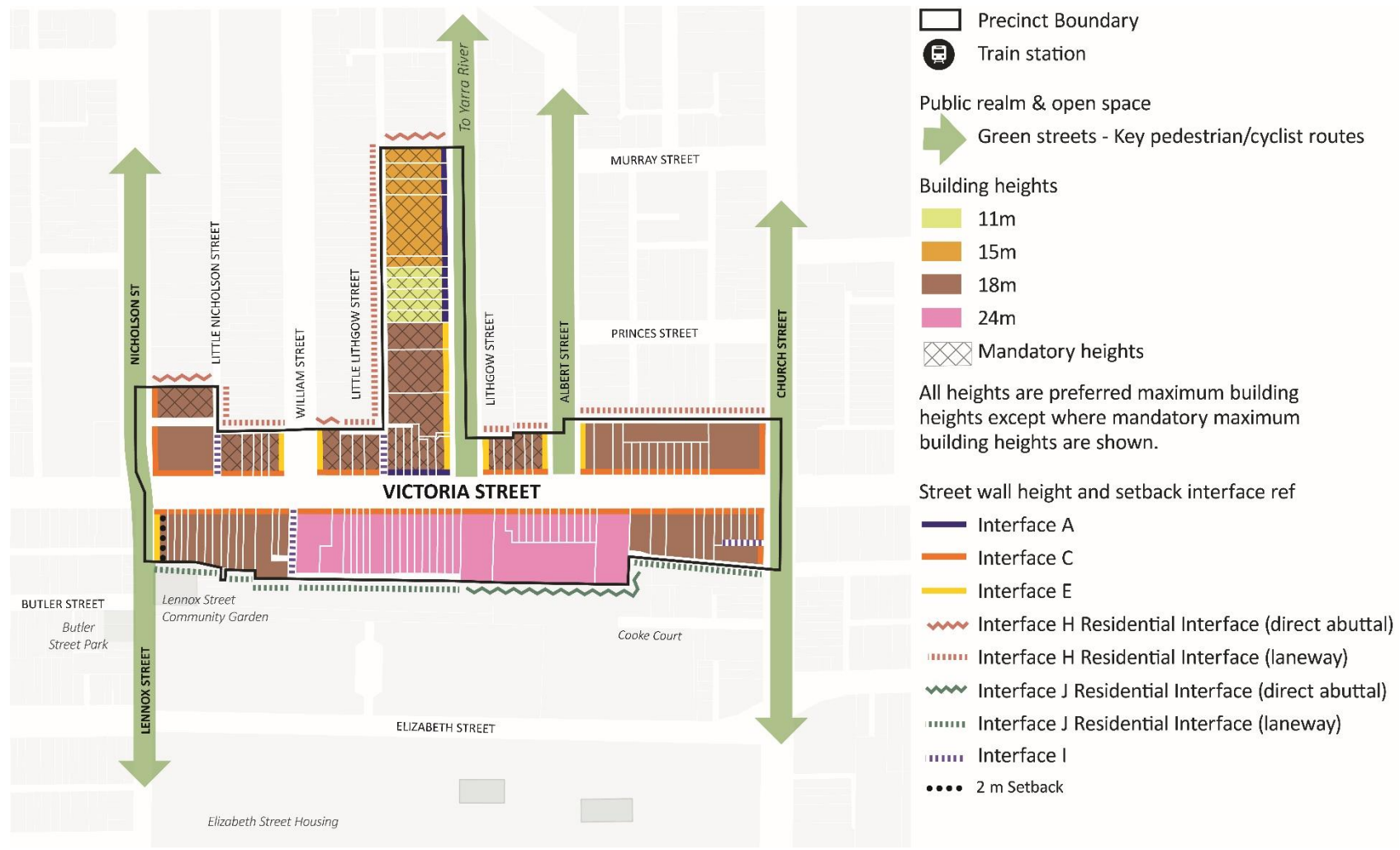
Resident and staff bicycle parking should be located and designed to be secure and conveniently accessible from the street and associated uses.

Plan 1: Height and Interface Plan – Precinct 4 Victoria Street East

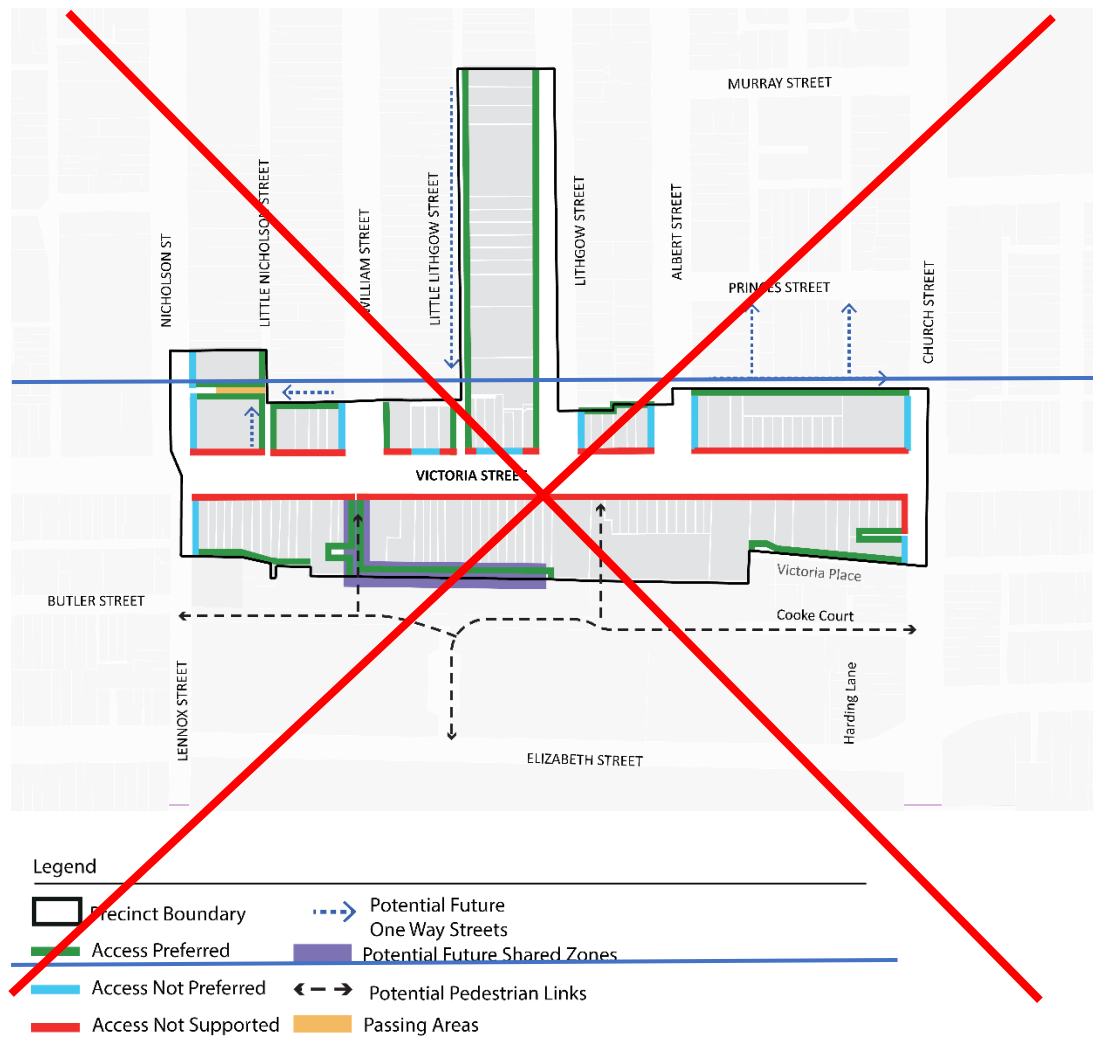




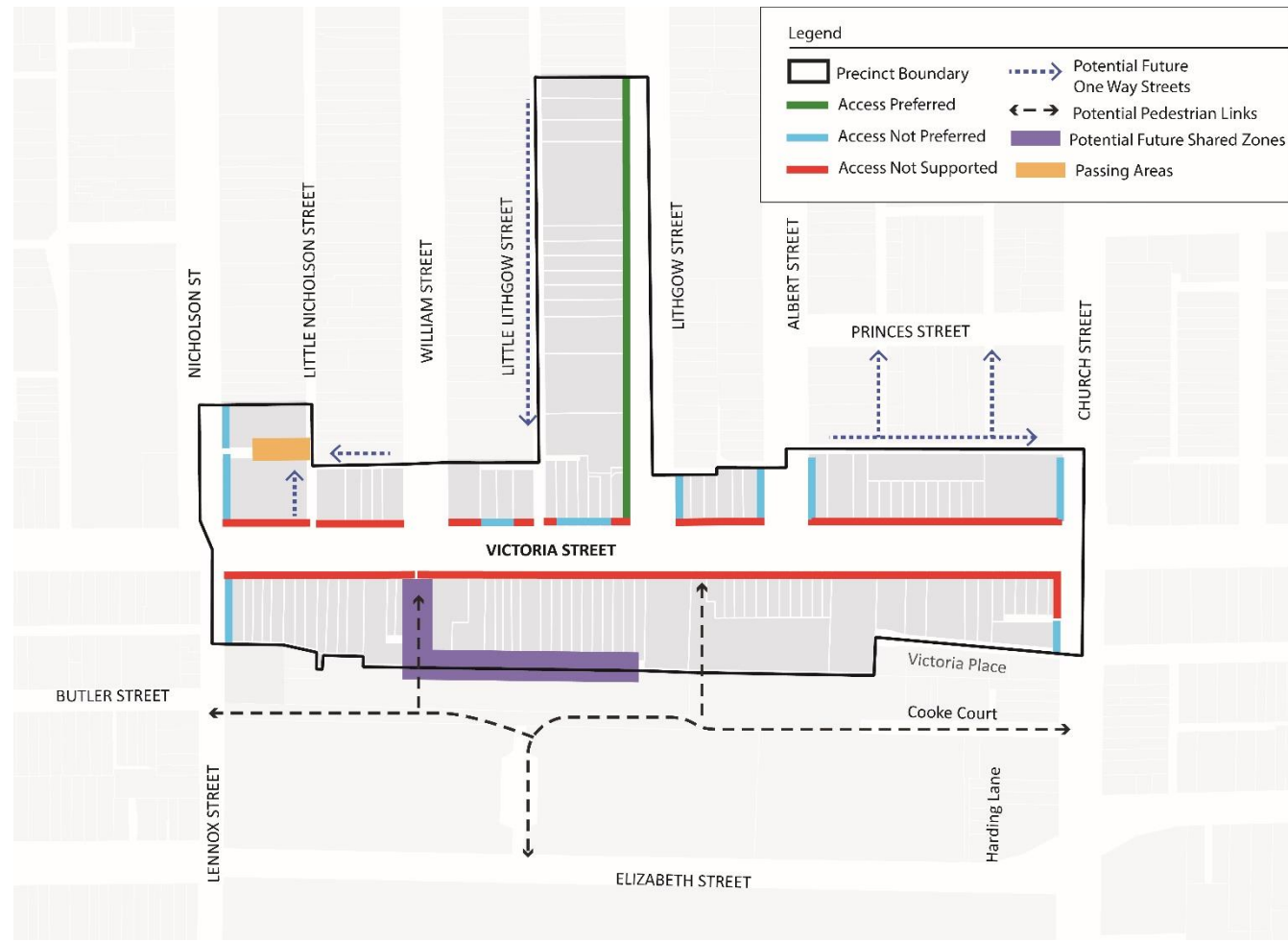
# DRAFT AMENDMENT C291YARA – PREFERRED VERSION



Plan 2: Access and Movement Plan – Precinct 4 Victoria Street East



## DRAFT AMENDMENT C291YARA – PREFERRED VERSION



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 (Trafix Group, April 2021)~~

Figure 1 to Schedule 49 – Interface **H** – to residential properties in NRZ or GRZ

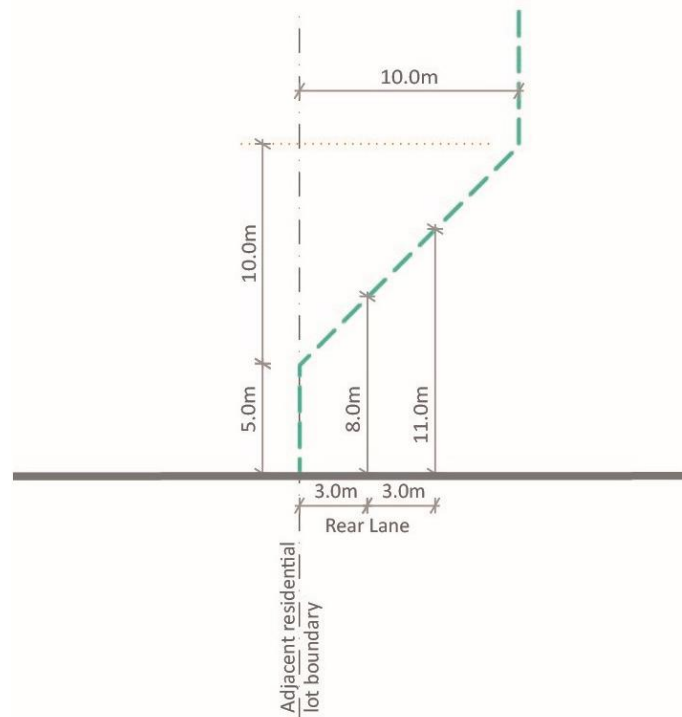


Figure 2 to Schedule 41 – Interface J - to residential properties in NRZ or GRZ

