25/09/2025
C317yara

SCHEDULE 52 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

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

CREMORNE ENTERPRISE PRECINCT – RAILWAY PRECINCT

1.0 Design objectives

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To ensure the employment precinct delivers high quality, innovative and environmentally sustainable development fronting green links and walking and cycling connections on Green, Chestnut and Balmain Streets.

To support mid-rise built form which transitions downwards in scale to a lower built form to the north at the interface with the adjoining low rise residential area.

To reinforce the fine grain industrial character of the precinct through a mix of well-designed new buildings which focusses on the cluster of heritage buildings at the Green and Balmain Streets intersection.

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

To ensure development sensitively responds to the Green Street residential precinct interfaces through a suitable transition downwards in scale and form and minimises amenity impacts through visual bulk, overlooking and overshadowing.

2.0 Buildings and works

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

- Rear ground floor extensions no higher than 4 metres above natural ground level.
- An alteration to an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.

Construction of an awning to an existing building that projects over a road, if it is authorised by the relevant public land manager.

2.1 Definitions

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

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

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

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

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

Public realm means all streets and spaces open to the public but does not include laneways.

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

Street wall height means the height of the street wall measured by the vertical distance between the footpath at the centre of the frontage and the highest point of the building, parapet, balustrade or eaves at the street edge or in the case of a heritage building if it is setback from the street from the centre of the building frontage to the highest point of the building, parapet, balustrade or eaves.

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

2.2 General design requirements

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

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

2.3 Building height requirements

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

- The building elements permitted by the proposed variation satisfies the general design objectives in Clause 1.0 of this schedule and the relevant design requirements specified in this schedule.
- The development achieves design excellence through each of the following:
  - Greater building separation than the minimum requirement in this schedule.
  - Provide safe and generous ground level setbacks and publicly accessible spaces to enhance the public realm and accommodate building entrances, spaces for outdoor dining, landscaping or street level bicycle parking.
  - No additional overshadowing of residentially zoned properties, beyond that which would be generated by a proposal that complies with the preferred building height.

Architectural features may exceed the preferred height.

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

- Less than 50 per cent of the roof area is occupied by equipment or structures (other than solar panels and green roofs).
- The equipment or structures do not cause additional overshadowing on 22 September of secluded private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm.
- The equipment or structures do not extend higher than 3.6 metres above the maximum building height.

2.4 Street wall height and setback requirements

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

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

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

Street walls should:

- Be designed to reinforce a pedestrian scale along streets and laneways.
- Include architectural detailing such as high quality tactile materials and depth and articulation to provide visual interest to pedestrians.

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

Development should:

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

Where the Heritage Overlay does not apply, development should provide ground level setbacks to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bicycle parking or landscaping.

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

2.5 Upper level setback requirements

Development should:

- Provide upper level setbacks above the street wall to reduce the visual impact of buildings experienced from the street.
- Incorporate architectural expression at upper levels distinct from but complementary to the street wall.
- Contain upper level setbacks above the street wall within a maximum of two steps to minimise repetitive stepping of the built form.
- Be setback from heritage buildings to ensure their visual prominence is maintained when viewed directly or obliquely along the street.
- Be setback to ensure architectural features of heritage buildings are visible.

2.6 Railway precinct heights, setback, and interface plan

Plan 1 - Building height, setback and interface plan (Railway Precinct)

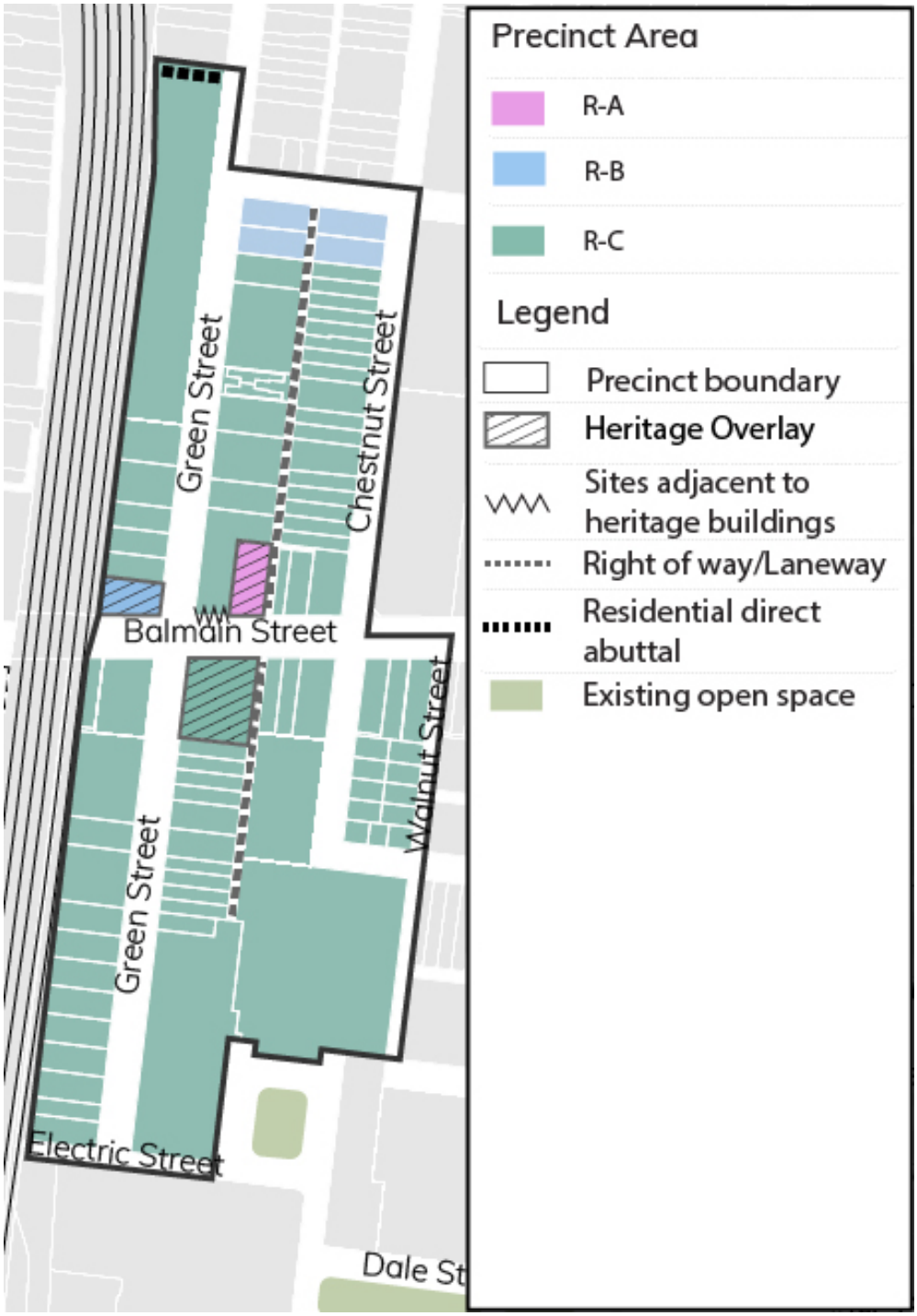


Table 1 - Building height and setback requirements (Railway Precinct)

Built Form	Preferred Requirement	Mandatory Requirement
Area R-A		
Maximum building height	12m	None specified
Maximum and minimum street wall setback	Retain existing front setback	None specified

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

2.7 Building separation requirements

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

Development above the boundary wall height for a site with a frontage of less than 20 metres should be setback as shown in Table 2 and may be built to the boundary, limited to one side of the site.

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

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

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

- Be well articulated if visible from the street.
- Not constructed along the entire length of the boundary.
- Not result in a continuous wall of buildings when viewed from the street.

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

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

Table 2 - Building separation distance requirements

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

2.8 Overshadowing requirements

A permit must not be granted to construct a building or construct or carry out works which casts any additional overshadowing of the following spaces between 10am and 2pm on 22 September:

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

Development should ensure there is no additional overshadowing of existing public spaces between 10am and 2pm on 22 September as identified on Plan 1.

2.9 Interface to properties in Neighbourhood Residential Zone or General Residential Zone requirements

Development should protect the amenity of residentially zoned properties including visual bulk, overshadowing of private open space and overlooking.

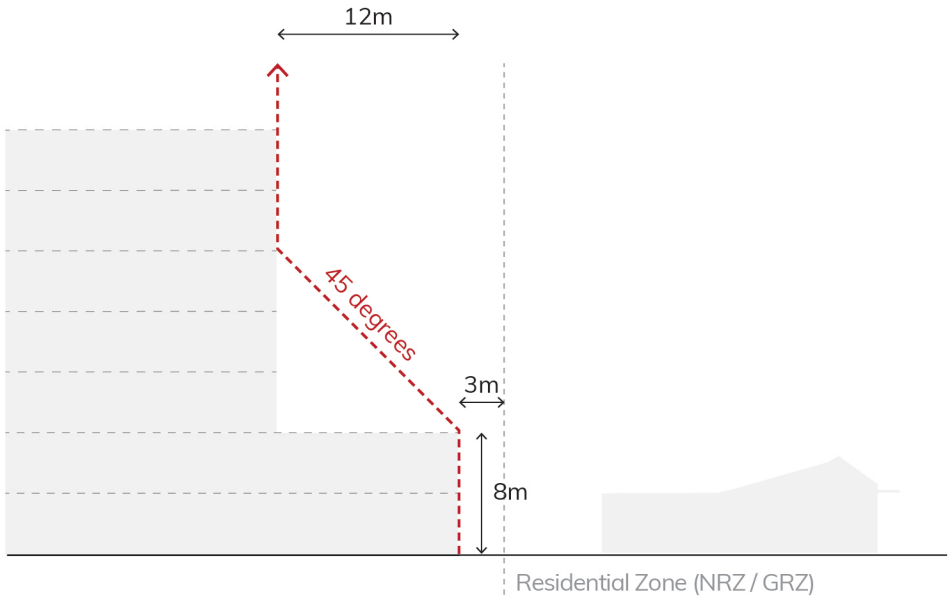
Development with an interface to a residential zone should not exceed the maximum building height and setback requirements set out in Plan 1, Table 3 and Figure 1.

Development should provide a maximum of two steps in building form to minimise excessively stepped building design outcomes.

Table 3 - Residential interface heights, ground and upper level setbacks

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

Figure 1 - Residential interface (Direct abuttal)



2.10 Building design requirements

Development should:

- Achieve urban design and architectural excellence.
- Reinforce the industrial character of the precinct through robust and durable materials which reference industrial typologies.
- Discourage facade treatment which create unacceptable glare to the public realm and neighbouring properties.
- Be designed as separate forms on a wide street frontage with smaller vertical sections or distinct elements to provide breaks and modulation in the street.
- Provide a high level of design detail at the ground floor and lower levels.
- Provide well-designed entrance spaces to create a transition between the public and private realm and encourage activity to occur at the street interface.
- Activate the street at ground level to create a pedestrian-oriented environment and enhance passive surveillance of the public realm.
- Be sensitively designed to ensure visual bulk of upper levels adjacent to heritage buildings is minimised.

- Apply high quality materials which complement the materiality of an adjacent heritage building.
- Incorporate well designed building edges and facades which are visible from the elevated railway line.
- Discourage continuous walls of buildings when viewed from the street by providing visual breaks, articulated massing and/or separation between building forms at street level and upper levels.
- Discourage 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.
- Be designed as a series of smaller building forms on larger sites which contribute positively to their context and historic urban grain form.

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

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

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

Development should locate sub-stations underground, where possible, and access should be provided from right of ways, laneways or located off the primary street.

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

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

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

Development should incorporate floor to floor heights suitable for commercial activity of at least 4 metres at ground level, where it does not impact the significance of a heritage place.

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

Development should achieve high quality internal amenity within the development.

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

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

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

2.10 Vehicle access and laneways requirements

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

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

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

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

Separate entries for car parking entries and loading bays is discouraged.

Vehicle ingress and egress into development, including loading facilities and building servicing, should be designed to retain the continuity of the public realm by:

- Ensuring a high standard of pedestrian amenity.
- Limiting potential conflict between vehicle movements and pedestrian activity.
- Avoiding wide crossover points.
- Ensuring adequate spacing between crossovers.

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

At the intersection of laneways and footpaths, development (except for heritage buildings) should provide a minimum 1 x 1 metre splay to facilitate pedestrian sightlines.

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

2.11 Pedestrian and bicycle design requirements

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

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

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

2.12 Exemption from notice and review

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

3.0 Subdivision

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None specified.

4.0 Signs

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None specified.

5.0 Application requirements

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

- Site analysis and urban design context report which demonstrates how the proposal achieves the design objectives and requirements of this schedule.
- A wind study analysis for development greater than 15 metres in building height to assess the wind impact on:

- The safety and comfort of the pedestrian environment on footpaths and other public spaces while walking, sitting and standing.
- The safety and effects on cyclists travelling along bicycle routes that are adjacent to the development.

- A Traffic Engineering Report prepared by a suitably qualified traffic engineer that:
  - Demonstrates how the development minimises impacts on the level of service and safety and amenity of the arterial road network (including tram services).
  - Demonstrates how the development reduces car dependence and promotes sustainable transport modes.
  - Includes an assessment of the impacts of traffic and parking in the Precinct including an assessment of the ongoing functionality of a laneway, where applicable.

6.0 Decision guidelines

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

- Whether development achieves adaptable and practicable floor plan layouts for different uses.
- Whether development provides a high quality public realm interface which activates the street edge and demonstrates a well-designed street interface.
- Whether the design of the development reflects the industrial character of the precinct.
- Whether development is designed to sensitively respond to local and state significant heritage places.
- Whether the design considers glare impacts on the safety of pedestrians and vehicles.
- Whether heritage buildings retain their prominence as viewed from the public realm, including from the opposite side of the street.
- Whether the street wall height and building height respond to the width and character of the street.
- Whether an awning, verandah or overhang impacts street tree planting in the public realm.
- Whether development achieves design excellence including but not limited to building siting, scale, massing, articulation and materials.