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Proposed C271yara

SCHEDULE 36 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO36**.

FITZROY EAST AND JOHNSTON STREET NORTH

1.0 Design objectives

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To ensure development responds to the heritage character and streetscape by supporting:

- a new mid-rise character (ranging from 6 to 9 storeys) with a new prominent street wall along the northern side of Johnston Street and scale of development transitioning down to Argyle Street.
- mid-rise development (ranging from 3 to 8 storeys) in the mixed use precinct in Fitzroy East, north of Argyle Street, which ensures the varied but low heritage street wall remains the visually dominant element of the streetscape and upper level developments are recessive providing a clear visual distinction between lower street walls and upper level development.

To ensure the façade composition and articulation of development responds to:

- the commercial character of Johnston Street.
- the varied industrial and residential heritage character of Fitzroy East.

To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of opposite footpaths on the southern side of Johnston Street, opposite footpaths of Kerr, George and Gore Streets and upper levels along the south side of Argyle Street.

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

2.0 Buildings and works

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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.
  - in a C1Z, at least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
  - in a MUZ, the alterations include and/or retain existing windows and pedestrian entry points and do not increase blank walls exceeding 40 per cent of the building façade ground floor.
- 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

Green infrastructure means any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants.

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

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

Rear interface is the rear wall of any proposed building or structure whether on the property boundary or set back from the property boundary.

Soft landscaping means live plants and associated organic material needed to support the health and growth of plants.

Street boundary means the boundary between the public street and the private property.

Street wall means the façade of a building at the street boundary, or if the existing heritage building is set back from the street boundary or the DDO requires a front setback, the front façade of the building.

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

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

Upper level setback means the minimum distance from development above the height of the street wall to the property boundary, including projections such as balconies, building services and architectural features.

2.2 General requirements

The requirements below 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'.

2.3 Street wall height and setback requirements

Development should not exceed the preferred street wall heights as shown in Map 1, unless all the following requirements are met, to the satisfaction of the Responsible Authority:

- the built form outcome as a result of the proposed variation satisfies the Design Objectives at Clause 1.0 of this schedule.
- the proposed street wall height provides an appropriate transition, scaling down to the interface with a heritage building.
- the proposed street wall height does not visually overwhelm the adjoining heritage building.

The street wall of infill development adjoining a heritage building must not be higher than the frontage street wall height of the adjoining heritage building, for a minimum length of 6 metres along the front boundary, with a mandatory maximum street wall height of 11.2 metres where an adjacent heritage street wall is taller.

Development should have no front or side street setback, unless an immediately adjoining heritage building is set back from the street, in which case infill development should match the front setback of the adjoining heritage building from the same street, excluding laneway frontages.

Development should achieve a continuous street wall with no front setback towards a street, unless a front set back exists and the site is within a Heritage Overlay.

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

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

Development should retain the visual prominence of:

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

2.4 Upper level setback requirements

Upper levels above street wall

Upper levels above the street wall along Argyle Street should be set back by a minimum of 10 metres.

Upper levels above the primary and side street wall should be set back by a minimum of 6 metres along other streets.

Upper levels should:

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

Heritage buildings

Upper levels above the primary street frontage must be set back by a minimum of 6 metres for all heritage buildings.

Upper levels above a secondary street wall should be set back by 6 metres.

For development over 16.4 metres, the top most upper level above a heritage building should be set back a further 3.2 metres from a street frontage.

Upper level setbacks behind the street wall in excess of the minimum upper level setback should be provided where:

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

2.5 Building height requirements

Development on sites shown as hatched on Map 1 must not exceed 11.2 metres (3 storeys).

All other development should not exceed the preferred maximum building heights shown on Map 1.

A permit should only be granted to construct a building or construct or carry out works which exceeds the preferred maximum building height shown on Map 1 where, in addition to other requirements of this DDO, all the following requirements are met to the satisfaction of the responsible authority:

- the built form outcome satisfies:
  - the relevant Design Objectives in Clause 1.0.

the Overshadowing and solar access requirements in Clause 2.7.

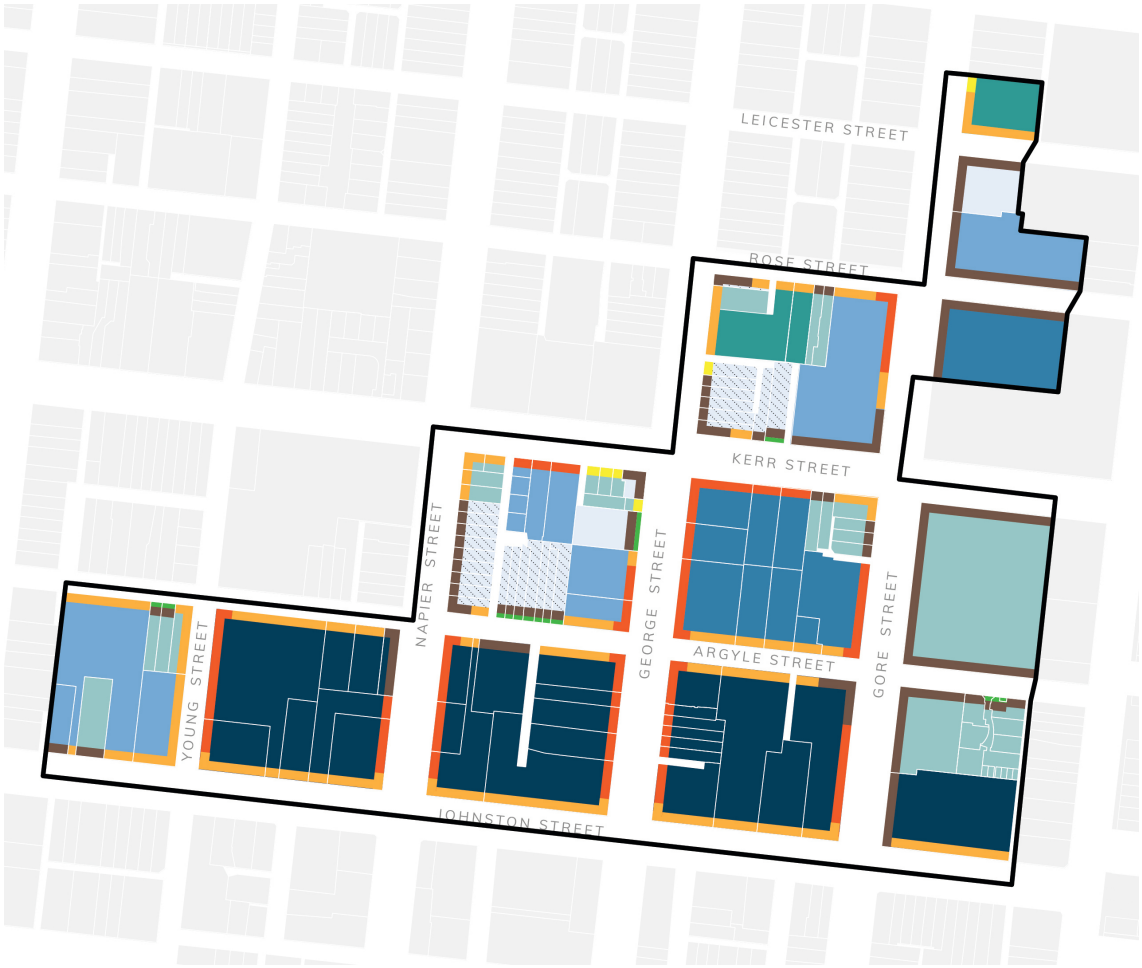
- the proposal will achieve each of the following:
  - greater building separation than the minimum requirements in this schedule.
  - no additional overshadowing impacts on 22 September on secluded private open space to residentially zoned properties or adjacent parkland or reserves, beyond that which would be generated by a proposal that complies with the preferred building height.

Architectural features (except service equipment or structures) may exceed the mandatory or preferred maximum building height.

Service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, lifts, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the mandatory or preferred maximum height provided that:

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

Map 1: Building and street wall heights



Preferred Maximum Building Heights

- 3 storeys / 11.2m
- 4 storeys / 14.4m
- 5 storeys / 17.6m
- 6 storeys / 20.8m
- 7 storeys / 24.0m
- 8 storeys / 27.2m
- 9 storeys / 30.4m

Mandatory Maximum Streetwall Heights

Properties as marked by the dotted diagonal lines have a 11.2m / 3 storey building height

Preferred Maximum Streetwall Heights

- New 2 storey streetwall / 8.0m
- New 3 storey streetwall / 11.2m
- New 4 storey streetwall / 14.4m

Heritage Streetwall Heights

- Retain heritage streetwall

Landscape Setbacks

- Retain landscape setback

2.6 Interface requirements

Development on a rear boundary should not exceed 11.2 meters.

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

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

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

Figure 1: Indicative cross sections and measurements

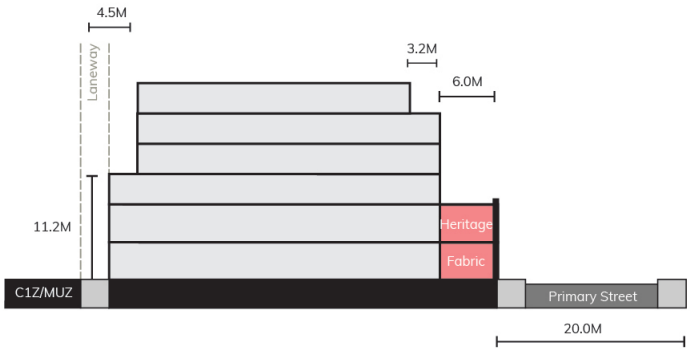
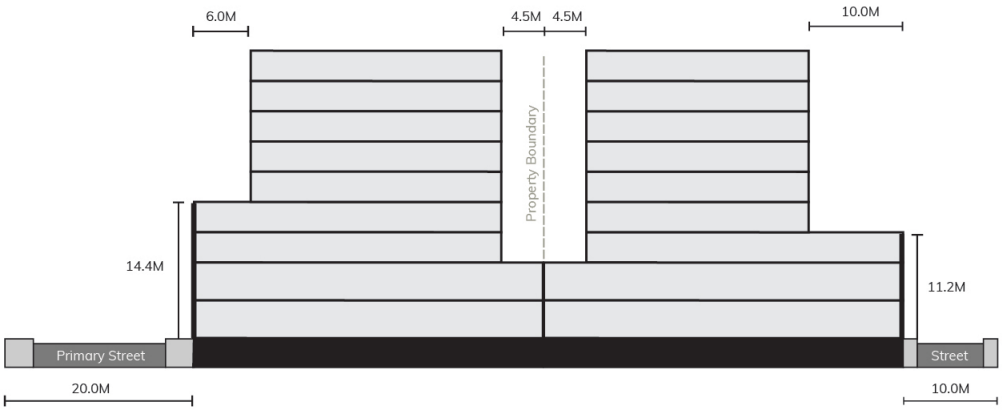


Figure 2: Indicative cross sections and measurements



2.7 Overshadowing and solar access requirements

Development should meet the objective of Clause 55.04-5 Overshadowing for single dwellings on a lot within the Mixed Use Zone.

New development must not overshadow:

- the opposite footpath of Johnston, Napier, George, Gore and Kerr Streets (as applicable), measured as 3.0 metres from the relevant property frontage between 10am and 2pm on 22 September; and
- any opposite kerb outstands, seating and/or planting areas (as applicable), between 10am and 2pm on 22 September.

New development should not overshadow properties fronting Argyle Street, south side, from the first floor upwards between 10am and 2pm on 22 September.

2.8 Building separation and amenity requirements

An application for development should provide a design response that considers adjacent properties in terms of outlook, daylight and solar access to windows, as well as managing visual bulk.

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

- for buildings up to 27 metres, 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 and/or exists on the adjoining property.
- for buildings up to 27 metres, be set back a minimum of 3.0 metres from the common boundary, where a commercial or non-habitable window facing the common boundary is proposed on the subject site and/or exists on the adjoining property.
- where buildings exceed 27 metres in height, the development above 27 metres be set back a minimum of 6 metres from the common boundary, whether or not windows are proposed on the subject site.

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.
- be set back a minimum of 6 metres from each other where a commercial or non-habitable window is proposed.

2.9 Other design requirements

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

Development should provide for green infrastructure to support soft landscaping and vertical greening (such as canopy trees where possible, green walls or planter boxes) to reduce the impact of urban heat island and provide a positive contribution to the public realm.

Development fronting Johnston Street should achieve fine-grain, commercial façade designs at ground and first floor to reinforce a commercial character and promote activation and surveillance of the public realm.

Development on streets other than Johnston Street should achieve active frontage design at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm.

Development should achieve good urban design outcomes and architectural excellence by including, but not being limited to:

- façades which relate to the vertical and horizontal proportions of either:
  - the modern commercial character of Johnston Street; or
  - the mixed historic industrial warehouse and residential character of Fitzroy East;

  as applicable.
- creating an appropriate ratio of solid and void elements.

- creating visual interest through the arrangement of fenestration, balconies and the application of architectural features including such as external shading devices, window sills, etc.
- maintaining an appropriate level of design simplicity by avoiding overly busy façades that rely on a multitude of materials and colours.
- maintaining existing openings and the inter-floor height of a heritage building and avoiding new floor plates and walls cutting through historic openings.
- avoiding highly reflective glazing in openings of heritage buildings.
- encouraging the retention of solid built form behind retained heritage façades and avoiding balconies behind existing openings as to avoid façadism.
- ensuring the building design does not compete with the more elaborate detailing of the heritage building(s) on the subject site or adjoining land.
- avoiding large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts.
- minimising projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) which intrude into a setback or visually dominate the façade.

Lower levels of development should:

- be designed to accommodate commercial activity at the ground floor, incorporating a commercial floor height of approximately 4 metres floor to floor height.
- incorporate adaptable commercial and residential floor layouts, which could be combined or divided to allow for a variety of uses over time.
- provide commercial uses with rear lane/rear street or side street access where such access is possible to ensure practicable functioning of the commercial ground floor space.
- avoid floor to ceiling glass with limited entries for large expanses of the ground floor.
- allow unobstructed views through openings into the ground floor of buildings.
- include fine grain design that engages the pedestrian and provides detail, articulation, depth, materiality and rhythm that contributes to a high-quality street interface and where appropriate integrates seating perches into street facades.
- on sites abutting narrow footpaths of less than 1.8 metres, provide for front setbacks and/or generous, recessed building entrances to provide space for pedestrian circulation and include space for landscaping, outdoor trading, seating and/or visitor bicycle parking.
- locate building service entries/access doors and cabinets away from the primary street frontage, or where not possible, they should be sensitively designed to integrate into the façade of the building and complement the street frontage and character.

The design of upper levels of development should:

- be well-designed and articulated and where appropriate utilise design techniques such as architectural rebates of sufficient depth and / or a range of parapet heights to break up the building mass across wide frontages.
- distinguish between the lower and upper levels through materials and articulation, with visually lightweight materials and colours applied above the street wall.
- incorporate green infrastructure as an integral part of the building fabric to support soft landscaping.
- be designed so that side walls are articulated and read as part of the overall building design and not detract from the streetscape when viewed from direct and oblique views along the streetscape.

New development should consider opportunities for lot consolidation to achieve high quality design and heritage outcomes.

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

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

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

2.10 Access, parking and loading bay requirements

Pedestrian access to buildings should be achieved via streets and avoid primary access from laneways. Where pedestrian access from a laneway is appropriate, the building setback should provide for a pedestrian refuge or landing.

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

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

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

Resident and staff bicycle parking should be located, preferably at ground floor, and designed to be secure and conveniently accessible from the street and associated uses.

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

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

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

Separate entries for car parking entries and loading bays should be avoided.

Development must not provide additional vehicular access from Johnston Street.

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.

Where a ground level setback is provided to achieve practicable vehicle access to a laneway, a minimum headroom clearance of 3.6 metres should be provided to any overhang of the first floor.

Ensure access to service laneways or side streets is provided to achieve functional spaces for non-residential uses of properties fronting Johnston Street.

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

3.0 Subdivision

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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:

- a site analysis and urban design context report which demonstrates how the proposal achieves the Design Objectives and requirements of this schedule.
- a desktop wind effects assessment for the proposed development 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.
  - 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, 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 laneway/s, 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 the requirements in Clauses 2.2 to 2.10 are met.
- whether the proposal achieves adaptable and practicable floor plan layouts for various uses over time, including for service access points to the rear and sides where possible.
- whether the proposal provides a high-quality public realm interface that either activates the street edge or provides an engaging and well-designed street interface, and contributes positively to the pedestrian environment and other areas of the public realm.
- whether the design of development fronting Johnston Street achieves a fine-grain modern commercial character.
- whether the design of development in the remainder of the precinct achieves a mixed use industrial warehouse and/or residential character.
- whether development retains the prominence of the heritage street wall in the vistas along the primary street frontage.
- whether heritage buildings on street corners retain their prominence when viewed from the opposite side of the primary and secondary street.
- whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street.
- whether upper level development above the heritage street wall is visually recessive and does not dominate or visually overwhelm the heritage buildings.

- whether a strong sense of separation between upper levels and street walls is achieved when viewed from the opposite side of the street.
- whether the proposal responds to the presence of heritage buildings either on, or in close proximity to the site through a suitable transition in scale of street-wall, upper level setbacks and building height.
- whether the development delivers design excellence, including but not limited to building siting, scale, massing, articulation and materials.
- whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings.
- whether proposed roof decks are set back from lower levels and are recessive in appearance.
- whether the design responds to the interface with existing low-scale residential properties, including avoiding additional overshadowing of secluded private open space.
- whether proposed buildings and works will avoid overshadowing of footpaths, kerb outstands, public open spaces, reserves, parklets or similar, as applicable.
- whether the proposed built form mitigates negative wind effects created by the development.
- the impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bicycle lanes.
- 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.