

22/10/2021  
C288yara

## SCHEDULE 38 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO38**.

### ALEXANDRA PARADE

#### 1.0

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#### Objectives

To ensure development responds to the heritage character and varied streetscape of Alexandra Parade by supporting:

- a new mid-rise character (ranging from 3 to 10 storeys) behind a consistent street wall to the west of Emma Street on the south side and west of Hilton Lane on the north;
- a new lower- to mid-rise character (ranging from 3 to 6 storeys) behind a consistent street wall between Emma and Charlotte Streets on the south side; and
- a new mid-rise character (ranging from 3 to 8 storeys) behind a varied heritage street wall east of Gold Street on the north and south sides.

To ensure development retains view lines to the Clifton Hill Shot Tower (municipal landmark) and maintains the prominence and integrity of corner heritage buildings.

To ensure development maintains the prominence of the existing heritage street wall and fine-grain heritage character through recessive upper levels and a façade composition and articulation that complements the prevailing character.

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

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

#### 2.0

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#### Buildings and works

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

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

#### 2.1

#### Definitions

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

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

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

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

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

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

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

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

## 2.2 General Requirements

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

## 2.3 Street Wall Height Requirements

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

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

Development should achieve a continuous street wall with no front setback to a street, unless the site is a heritage building and a front setback already exists.

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

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

Development should retain the visual prominence of:

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

## 2.4 Upper Level Front and Side Setback Requirements

Upper levels above the street wall of heritage buildings should be set back by a minimum of 6 metres.

Upper levels above the street wall of sites immediately abutting land subject to the Heritage Overlay should be set back by a minimum of 6 metres.

Upper levels above the street wall of non-contributory buildings on the northern side of Alexandra Parade and along Cecil Street, Council Street, George Street, Gore Street and Smith Street should be setback by a minimum of 6 metres.

Upper levels above Noone Street should be of limited visibility from the opposite footpath.

Upper levels above all other non-contributory sites should be setback by a minimum of 3 metres.

Upper levels above secondary street wall should be set back by a minimum of 3 metres, unless specified otherwise.

Upper levels should:

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

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

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

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

## 2.5 Overall Building Height Requirements

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

Architectural features may exceed the building height.

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

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

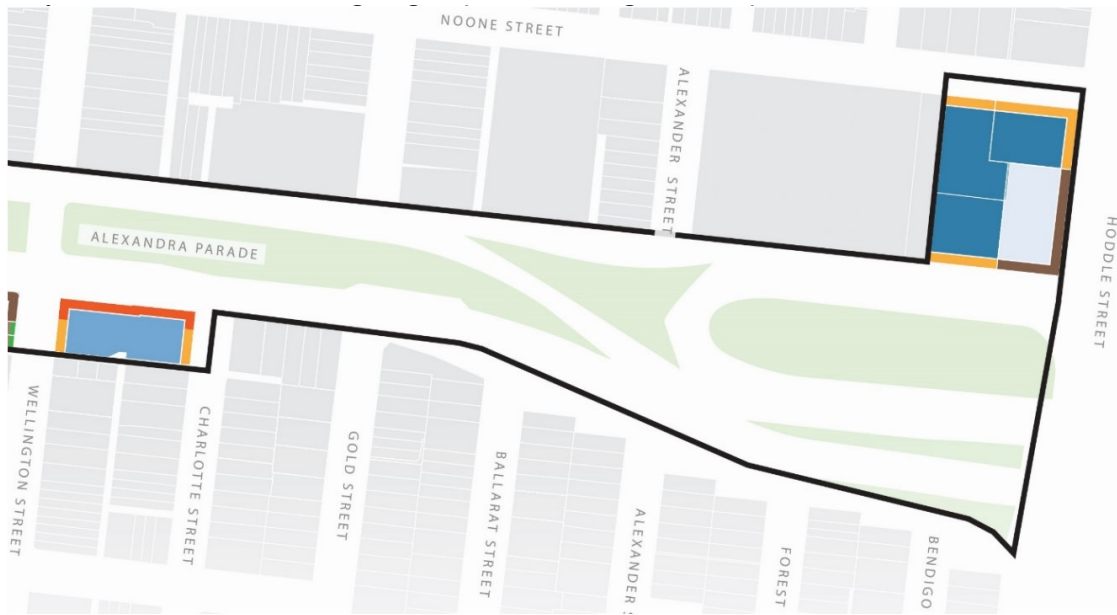
**Map 1: Street Wall and Building Heights (west of Wellington Street)**



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



## 2.6

### Interface Requirements

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

**Table 1: Rear boundary wall heights**

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

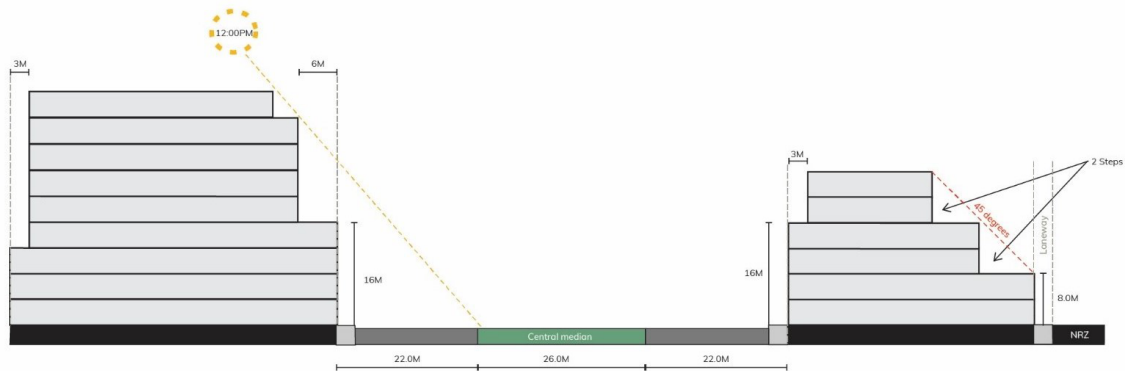
Upper levels above a rear boundary wall should be set back from the rear boundary and be contained within a 45 degree setback envelope. The envelope's angle is to be measured perpendicular to the adjoining residential site's boundary, taken from the centre of the boundary. This does not apply to a Commercial 1 Zone and/or Mixed Use Zone interface.

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

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

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

**Figure 1: Indicative Cross Section and Measurements**



## 2.7 Overshadowing

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

New development should not overshadow:

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

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

## 2.8 Common Boundary and Building Separation Requirements

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

- be set back a minimum of 4.5m from the common side boundary, where a habitable window or balcony facing the common boundary is proposed on the subject site or exists on the adjacent property; and
- be set back a minimum of 3m from the common side boundary where a commercial or non-habitable window facing the common boundary is proposed on the subject site or exists on the adjacent property (including the Commercial 2 Zone).

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

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

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

### 2.9 Building Layout Requirements

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

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

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

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

### 2.10 Façade Design Requirements

Infill development in the Commercial 1 Zone fronting Alexandra Parade should achieve a fine-grain, shop front design at ground level that includes elements of:

- a stall riser;
- pilasters;
- a verandah or canopy (where applicable); and
- clerestory window.

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

Development façades should:

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

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

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

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

## **2.11 Access, Parking and Loading Areas Requirements**

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

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

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

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

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

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

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

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

Development should not provide additional vehicular access from Alexandra Parade.

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

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

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

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

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

## **3.0**

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### **Subdivision**

None specified.

## **4.0**

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### **Advertising**

None specified.

**5.0**22/10/2021  
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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 must accompany an application, as appropriate, to the satisfaction of the responsible authority:

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

**6.0**22/10/2021  
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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 2.11 are met;
- whether the design of the streetscape interface makes a positive contribution to an active, pedestrian-oriented street environment and/or public realm;
- whether the design of development fronting Alexandra Parade adds to the high-amenity boulevard setting;
- whether development retains the prominence of the Clifton Hill Shot Tower in the precinct;
- whether heritage buildings on street corners retain their prominence when viewed from the opposite side of Alexandra Parade;
- whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street;
- whether upper level development above the heritage street wall is visually recessive and does not dominate or visually overwhelm the heritage buildings;
- whether a strong sense of separation between upper levels and street walls is achieved when viewed from the opposite side of the street;
- whether the development delivers design excellence, including but not limited to building siting, scale, massing, articulation and materials;
- whether upper side and rear setbacks are sufficient to limit the impact on the amenity of existing dwellings;
- the shadowing impacts of the development on opposite footpaths and public spaces are minimised;
- whether proposed roof decks are set back from lower levels and are recessive in appearance;
- whether the development mitigates negative wind effects;



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- the cumulative impact of development on traffic and parking in the nearby area, including on the functionality of laneways; and
- whether the layout and appearance of areas set aside for vehicular access, loading and unloading and the location of any proposed car parking is practicable, safe and supports a pedestrian-oriented design outcome.

### **Expiry**

The requirements of this schedule cease to have effect after 21 April 2023.

### **Reference Documents**

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

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

*Alexandra Parade Precinct Review and Built Form Framework, 2020*

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