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## **SCHEDULE 10 TO THE DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO10**.

### **BUILT FORM STANDARDS FOR BAY STREET MAJOR ACTIVITY CENTRE**

#### **1.0**

#### **Design Objectives**

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To ensure that the height of new development is compatible with the preferred future role and character of the Bay Street Major Activity Centre.

To develop the centre in a way that conserves and enhances its valued urban character and heritage places.

To ensure that new development contributes to safe and active streets.

To maintain a strong landscape character with residential buildings set within vegetated front gardens and streetscapes in the residential precincts.

#### **2.0**

#### **Buildings and works**

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#### **Meaning of terms**

For the purposes of this schedule, a 'storey' excludes a basement, but includes an attic, mezzanine or built-over car parking area.

For the purposes of this schedule:

- Ground floor is the first storey of a development.
- First floor is the second storey of a development.
- Second floor is the third storey of a development.
- Third floor is the fourth storey of a development, and so on.

For the purposes of this schedule an 'attic' means a space within a building, contained wholly within the roof pitch, which is not immediately enclosed by vertical external walls and may contain dormer windows, recessed windows, or skylights and does not contribute materially to the scale and mass of the building form. The following factors are indicative of an attic:

- A space which is wholly contained / enclosed within a roof space.
- A space which is not bordered by any vertical external walls except gable walls.
- A space which is relatively small in scale in relation to the scale of the remaining built form.
- The presence of dormer style windows or skylights.
- A space that does not contribute significantly to the building form.
- A space or series of spaces which in total occupy an area no greater than half the floor area of the storey below.

For the purposes of this schedule a 'dormer style window' is defined as a projecting construction designed to provide natural lighting to attic spaces, comprising a vertical window with its own pitched roof, gable and side walls, framed into a larger sloping roof. Usually several dormers are used for balanced design.

For the purposes of this schedule a 'roof deck' means an area designed and used as private open space that is located above the upper storey of a building.

### **Permit not required**

A permit is not required to construct a building or construct or carry out works for any of the following:

- Navigational aids.
- A radio mast.
- A television mast associated with a building.

On land within a residential zone, except for a roof deck, a permit is not required to construct a building or construct or carry out works for a building with a building height of not more than:

- 9 metres overall height; or
- 10 metres overall height where the slope of the natural ground level at any cross section of the site of the building wider than 8 metres is 2.5 degrees or more.

### **Permit requirements**

#### **Operation of zone and overlay provisions**

A permit cannot be granted to construct a building or construct or carry out works which are not in accordance with the mandatory requirements (those preceded by the verb 'must/must not') set out below.

#### **Mixed Use Zone schedule**

On land within this schedule the varied ResCode Standards to Clause 54 and Clause 55 for minimum street setback, site coverage, side and rear setback and front fence that are specified in the schedule to Clause 32.04 do not apply.

#### **Design response**

All applications must be accompanied by a neighbourhood and site description and a design response which demonstrates how the proposed building achieves the relevant design objectives.

#### **Building height**

##### **All precincts**

A building should not exceed the Preferred Building Heights (in metres and storeys) specified in the built form precinct provisions of this schedule.

A building must not exceed the Maximum Building Heights (in metres and storeys) specified in the built form precinct provisions of this schedule.

The height of buildings within the Special Building Overlay is to be measured from the applicable flood level (to Australian Height Datum) for the site as advised by the relevant floodplain management authority.

Development on land in a Commercial Zone or a Mixed Use Zone that is adjacent to a Residential Zone should be designed to achieve a transition in height and building form.

### **Residential precincts**

On land within the a Residential Zone, design responses including recessed upper most levels and attic style development will be encouraged.

### **Building setbacks**

### **Commercial precincts**

On land in a Commercial Zone or a Mixed Use Zone:

- A building should not be set back from the front or side boundary except as follows:
  - At third floor or above, buildings should be set back a minimum of 5 metres from the front street boundary and any street boundary adjacent to a Residential Zone.
  - Where the site abuts a Heritage Overlay containing a heritage building set back from the front or side boundaries, new buildings should be set back to provide a transition in the front or side setbacks.
- Where the site abuts the boundary of a property containing a dwelling and located in a Residential zone the minimum setbacks from the title boundary of that property should be:
  - 3m at ground floor.
  - 5m at 1st floor.
  - 10m at 2nd floor.
  - 15m at 3rd floor or above.
- Minor buildings and works such as verandas, architectural features, balconies, sunshades, screens, artworks and street furniture may be constructed within the setback areas specified in this schedule provided they are designed and located to the satisfaction of the responsible authority.

### **Residential precincts**

Buildings in a Residential Zone should be set back in accordance with the relevant Clauses 54 and 55 Standards except that the second floor should be set back a minimum of 4 metres behind the front wall of the floor immediately below, unless the second floor is an attic.

### **Building frontages**

On land in a Commercial or Mixed Use Zone any new building should be designed to:

- Present a fine grained, human scale to streets.
- Provide active street frontages with shopfronts at street level, particularly in the retail core, where shopfronts should predominate.
- Provide weather protection, such as verandas or canopies within the Weather Protection Areas shown on the map to this schedule, unless that weather protection structure will conflict with the architectural character or cultural heritage significance of the existing buildings.

- Provide articulated and well designed facades, fenestration, parapet treatments, other detailing and materials to provide interest at street level and reinforce the human scale.
- Maintain the vertical and horizontal design rhythm of buildings in the business precincts.
- Ensure corner sites are designed to address both street frontages with shopfront windows at street level.
- Locate the ground floor at natural ground level.
- Minimise the width of driveway entrances and the impact of garage doors on the building frontages and utilise rear access wherever possible.

**Roof decks**

Roof decks and their associated structures should not exceed the Preferred Building Heights specified in the built form precinct provisions of this schedule.

Roof decks and their associated structures must not exceed the Maximum Building Heights specified in the built form precinct provisions of this schedule.

In a Residential Zone a roof deck should:

- Be designed and constructed of materials that integrate with the architectural style and form of the building.
- Not include any permanent or moveable structure or element that will increase the visual bulk of the building, including pergolas, verandahs, shelters and storage areas.
- Be set back on all sides at least 2 metres from the roof edge of the storey immediately below to minimise the visual impact on the street and adjoining properties.
- Be designed to limit views into secluded private open space and habitable room windows of adjacent dwellings.
- Not include any structures or elements that exceed a height of 1.7 metres, apart from an access structure (measured from floor level at the point of access onto the roof deck).
- Be accessed by a structure that is designed and located to have minimal impact on the street and adjoining properties, does not enclose any useable floor space and does not exceed 2.4 metres in height (measured from floor level at the point of access onto the roof deck).
- Be constructed so that the deck floor level is no greater than 1 metre above the lower ceiling face of the storey immediately below.

In a Commercial Zone or a Mixed Use Zone a roof deck or balcony should be set back at least 2 metres from the wall of the storey below which faces the front or the rear of the site, or a minimum of 5 metres from any residential property boundary.

**Built form precinct provisions**

**Table to built form precinct provisions**

Refer to Built Form Precinct Map at the end of the schedule.

Precinct	Preferred building height	Maximum building height
B	13.5m (4 storeys)	-
C	11.0m (3 storeys)	-

Precinct	Preferred building height	Maximum building height
E	-	11.0m (3 storeys); or 12.0m (3 storeys) where the slope of the natural ground level at any cross section of the site of the building wider than 8m is 2.5 degrees or more
E1	11.0m (3 storeys); or 12.0m (3 storeys) where the slope of the natural ground level at any cross section of the site of the building wider than 8m is 2.5 degrees or more	-

### Variations to the requirements of this schedule

An application to vary the requirements in this schedule (including preferred building heights) must:

- Identify the design objectives, design requirements and outcomes to be achieved for the proposal as specified in this schedule.
- Include an assessment of how any departure from a preferred building height or building setback specified in this schedule assists in achieving the design objectives and built form outcomes to be achieved for the proposal as specified in this schedule.
- Demonstrate that the proposal will achieve the following outcomes (as appropriate):
  - A high standard of architectural design.
  - Innovative environmental design.
  - Minimal overshadowing of adjoining streets, public spaces and residential properties.
  - Minimal impact on the amenity of adjoining residential precincts.
  - Respect for places subject to the Heritage Overlay.
  - Transitions in scale to lower building forms.

An application to vary the requirements in this schedule should also identify (where relevant) whether the site has any particular characteristics or features that warrant the variation and an alternative design response.

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### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The neighbourhood and site description.
- The design response.
- The impact of the upper levels of the building on surrounding residential land.
- The setback of upper levels of the building from any residential zoned land.
- The Bay Street Centre Framework Plan contained in Clause 21.11.
- *Design Guidelines for Higher Density Residential Development* (Department of Sustainability and Environment 2004) in assessing the design and built form of residential development of five or more storeys.

- *Safer Design Guidelines for Victoria* (Crime Prevention Victoria and Department of Sustainability and Environment 2005) in assessing the design and built form of new development.

**4.0 Reference documents**

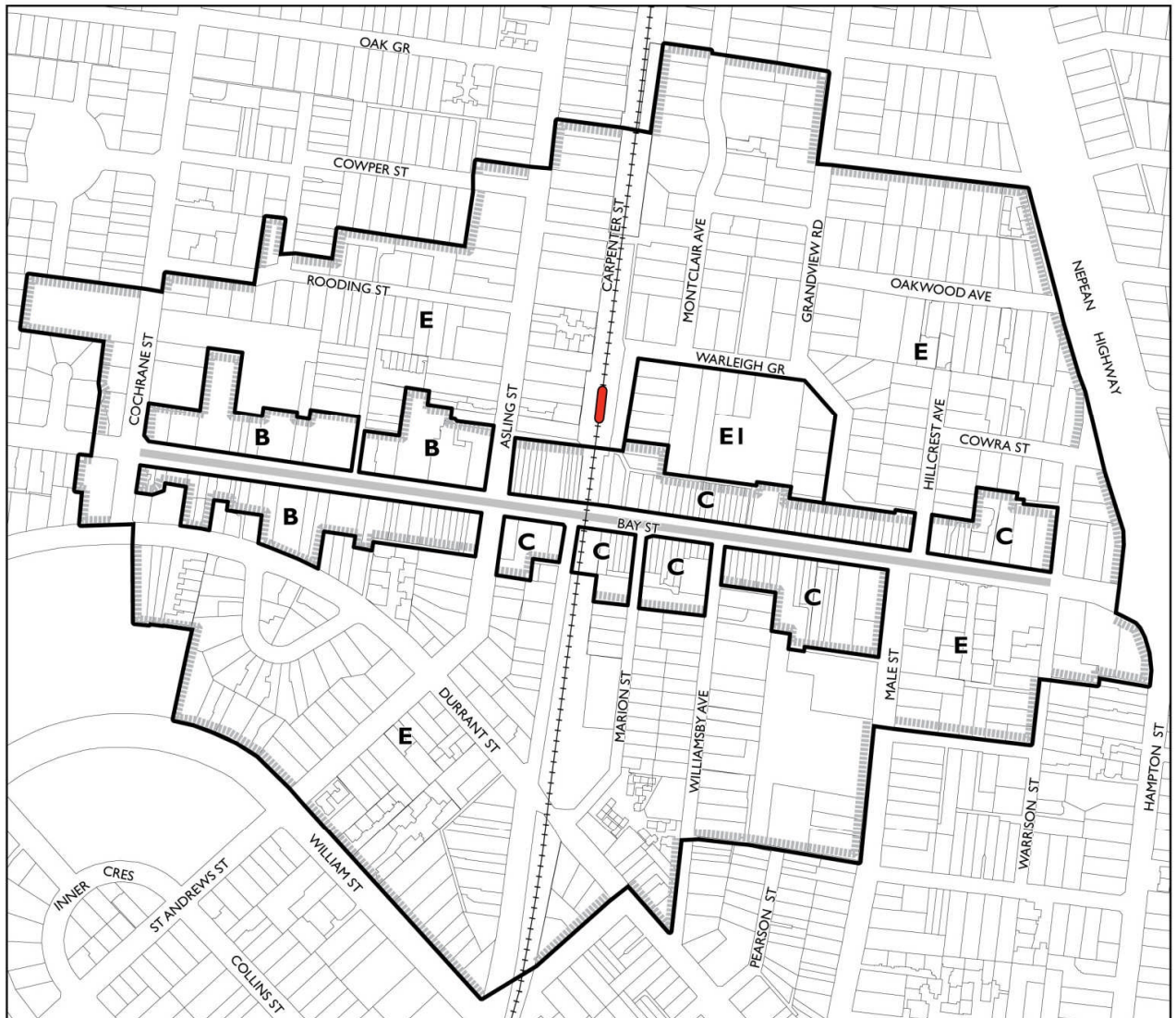
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Bay Street Centre – Final Structure Plan (November 2006).

**5.0 Map to DDO10**

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**Map 1: Bay Street Major Activity Centre Built Form Precincts**



Built Form Precincts:

- B** 13.5m (4 storeys) preferred
- C** 11.0m (3 storeys) preferred
- E** 11.0m\* (3 storeys) maximum
- EI** 11.0m\* (3 storeys) preferred

\* 12.0m where the slope of the natural ground level at any cross section of the site of the building wider than 8.0m is 2.5 degrees or more.

-  Weather protection (only in Business Zones)
-  Transitional heights

