

Draft Yarra Planning Scheme Amendment C271yara
Fitzroy and Collingwood

**Yarra Activity Centres Standing Advisory Committee Report 5,
Volume 2**

Planning and Environment Act 1987

11 June 2026 (version 0.2)

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1 Introduction

This report, the *Draft Yarra Planning Scheme Amendment C271yara: Fitzroy and Collingwood, Yarra Activity Centres Standing Advisory Committee Report 5, Volume 2* (11 June 2026), should be read in conjunction with the Committee's Volume 1 report (11 June 2026).

This report contains the Committee's recommended changes to the Built Form Overlay (BFO) schedules, using Yarra City Council's Day 2 Built Form Overlay schedules as the base documents (tabled documents 175a-l). The recommended changes relate to specific referred matter discussed in the Volume 1 report.

While the Committee has made recommended changes to the draft BFO schedules it has not undertaken a wholesale review of drafting, as this was not a specific referred matter.

The Department of Transport and Planning, in consultation with Council, may wish to review drafting the draft Amendment to ensure consistency with guidance in the Practitioner's Guide to Victoria's Planning Schemes.

The Committee has not updated maps to reflect the recommended changes. The Department of Transport and Planning should, in consultation with Council, update the maps as recommended in the Committee's Volume 1 report before finalising the draft Amendment.

2 Built Form Overlay schedules

SCHEDULE 12 CLAUSE 43.06 BUILT FORM OVERLAY

Shown on the planning scheme map as **BFO12**.

BRUNSWICK STREET SHOPS

1.0 Development objectives

To ensure development responds to the heritage character and open streetscape of Brunswick Street by supporting:

- A new low-rise to mid-rise character (ranging from 4 to 6 storeys) behind a consistent streetwall north of Leicester Street and south of Johnston Street.
- The existing low-rise character (ranging from 3 to 4 storeys) and consistent intact street wall between Johnston Street and Leicester Street.
- The existing low-rise character (ranging from 3 to 4 storeys) at the intersections at Johnston Street and Gertrude Street.

To retain view lines to St Patrick's Cathedral and the St Luke's Church and to retain the prominence and integrity of corner heritage buildings, particularly at the Johnston and Gertrude Street intersections.

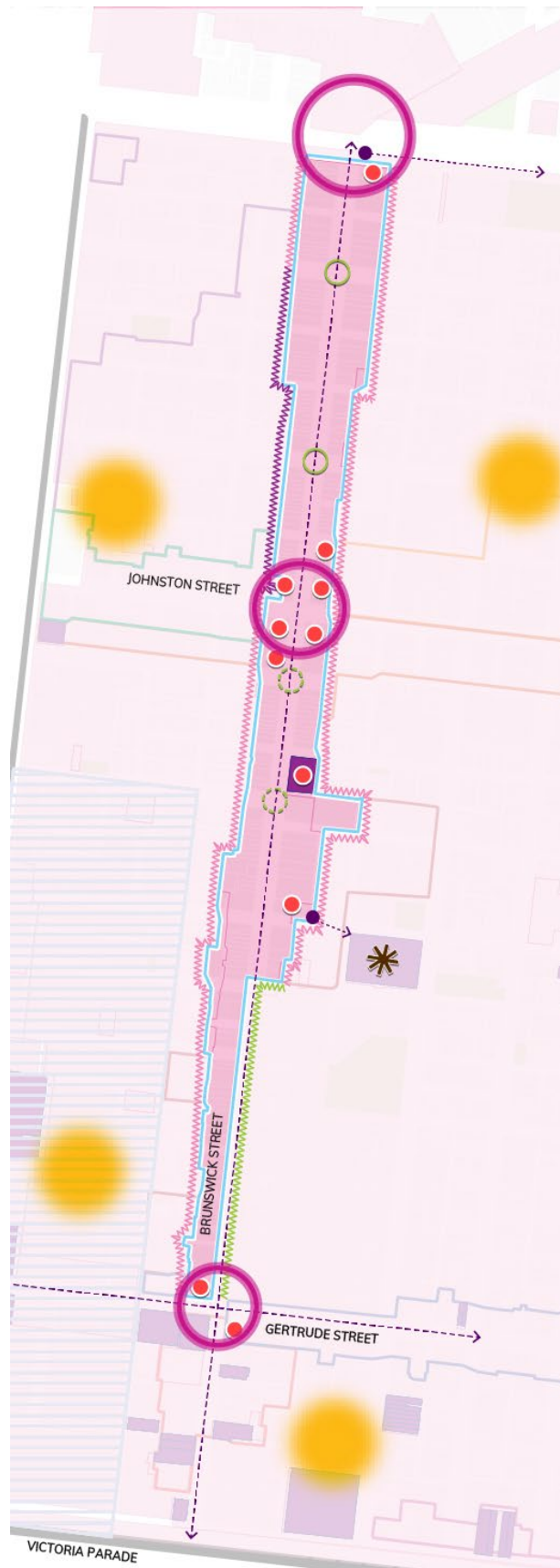
To ensure development maintains the prominence of the existing low-scale heritage street wall and fine-grain heritage character through recessive upper levels and a façade composition and articulation that complements the Brunswick Street character.

To encourage development **design** that promotes pedestrian activity and passive surveillance, contributes to a high-quality public realm, and avoids overshadowing of opposite footpaths on Brunswick Street, side streets 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 Development framework

Map 1 to Schedule 12 to Clause 43.06: Development framework



Map 1 legend to Schedule 12 to Clause 43.06: Development framework

LEGEND					
	MUNICIPAL BOUNDARY		PUBLIC REALM JUNCTION		BF012 - BRUNSWICK STREET SHOPS
	OPEN SPACE		POTENTIAL PUBLIC REALM JUNCTION		BF013 - SMITH STREET SHOPS
	TRAIN LINE		KEY JUNCTION		BF014 - GERTRUDE STREET SHOPS
	TRAM LINE		POTENTIAL NEW PUBLIC SPACE		BF015 - JOHNSTON STREET WEST
	WHEA BOUNDARY		SENSITIVE RESIDENTIAL INTERFACE		BF016 - BRUNSWICK STREET GRAND RESIDENTIAL
	VICTORIAN HERITAGE REGISTER (VHR)		MIXED USE INTERFACE		BF017 - FITZROY TOWN HALL AND BACK BLOCKS
	LANDMARK		COMMERCIAL INTERFACE		BF018 - JOHNSTON STREET SOUTH AND VICTORIA STREET
	KEY VIEW TO LANDMARK		OPEN SPACE INTERFACE		BF019 - FITZROY EAST AND JOHNSTON STREET NORTH
	LOCAL LANDMARK		SHARED STREET		BF020 - SMITH STREET NORTH AND SOUTH
			HERITAGE OVERLAY AREAS		BF021 - ALEXANDRA PARADE
					BF022 - VICTORIA PARADE
					BF023 - FITZROY WEST

3.0 Master plan requirements

Land to which the master plan requirements apply

None specified.

4.0 Public benefit uplift framework

None specified.

5.0 Buildings and works

Permit requirement

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

- A rear ground floor extension no higher than 4 metres above ground level.
- An alteration to an existing building façade provided:
 - 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 create blank walls which exceed 40 per cent of the building façade at ground floor level.

6.0 Outcomes and standards

The outcomes and standards in this overlay and this schedule prevail over any inconsistent provision in this planning scheme.

This does not apply to an application that has been made under Clause 53.22, Clause 53.23 or Clause 53.25, which prevail to the extent of any inconsistent provision in the Built Form Overlay.

6.1 Outcomes that do not apply

The outcomes in Clause 43.06-7.3 and Clause 43.06-7.10 do not apply.

6.2 Standards

Any standard specified in this schedule is in addition to any standard in clause 43.06-7 for the corresponding outcome, unless specified otherwise below.

6.2-1 Building typology and future character

None specified.

6.2-2 Building heights

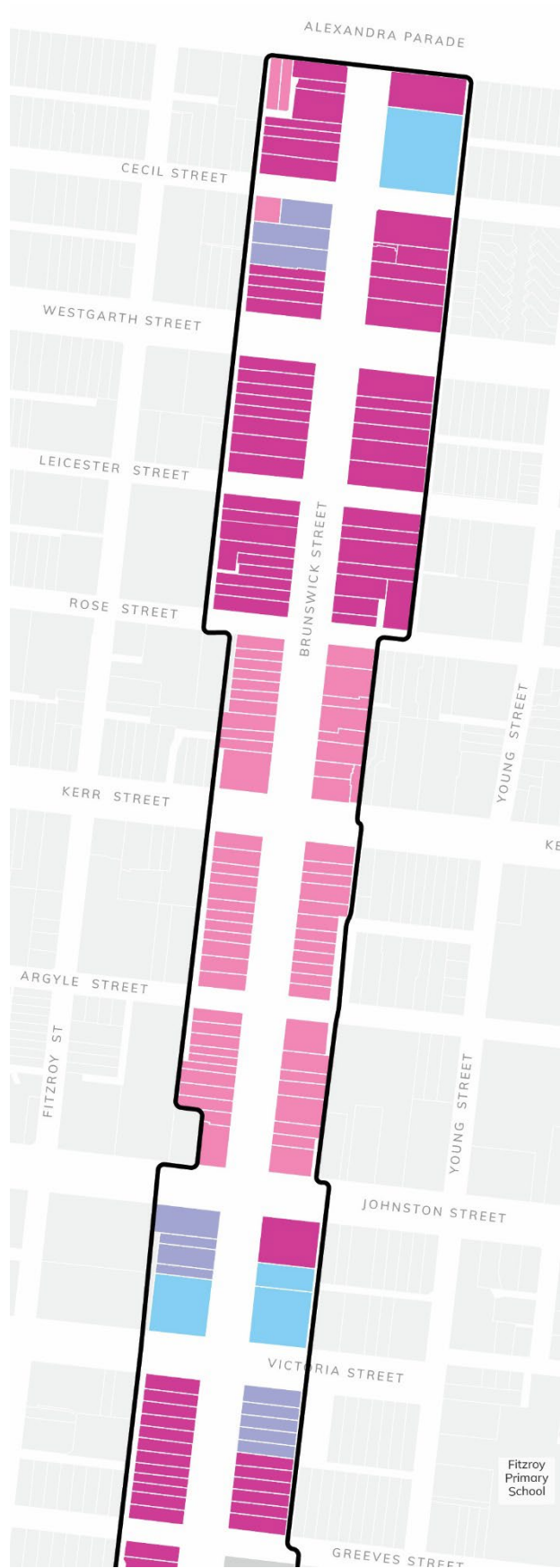
Standard BF02

Standard BF02 does not apply to a heritage place which is included in the Victorian Heritage Register.

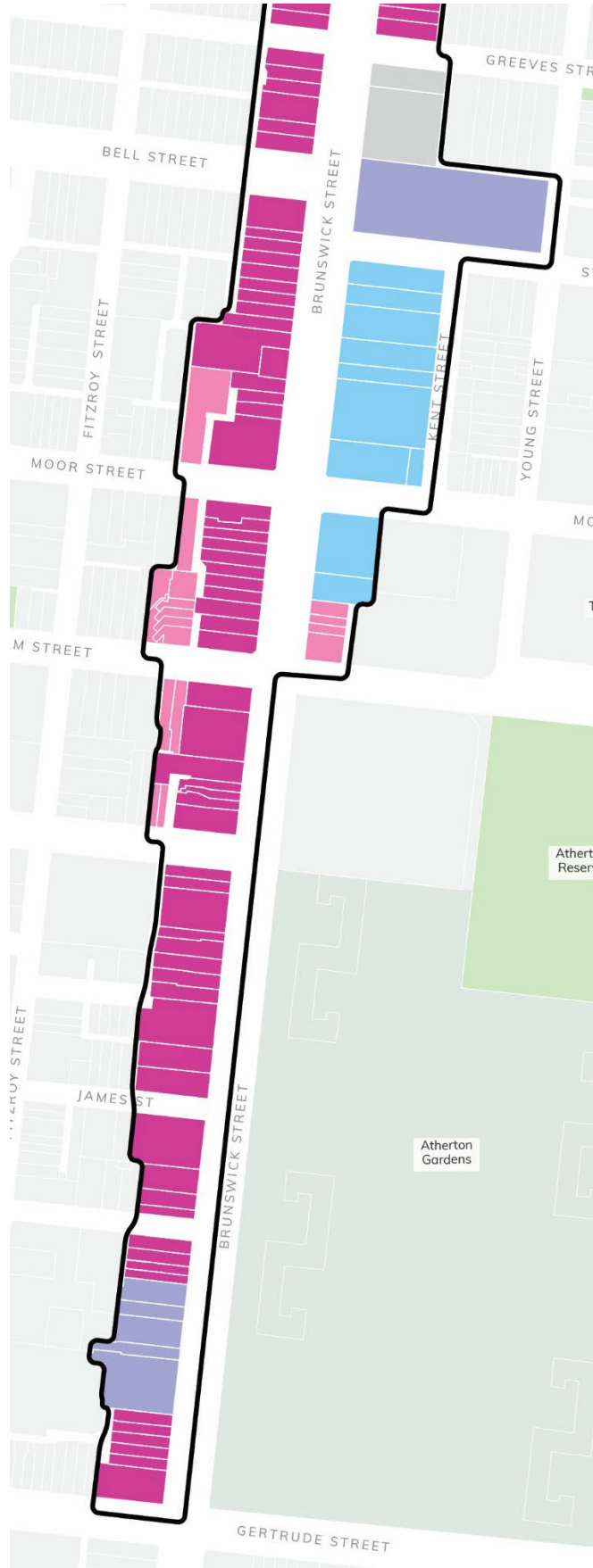
New development may exceed the mandatory maximum building height to match the fabric of ~~an~~ the existing ~~heritage~~ building, where the ~~heritage~~ building already exceeds the maximum building height shown on Map 2.

For land in a Special Building Overlay, the maximum building height specified in Standard BF02 is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Map 2a to Schedule 12 to Clause 43.06: Building heights



Map 2b to Schedule 12 to Clause 43.06: Building heights



Map 2 legend to Schedule 12 to Clause 43.06: Building heights

Maximum Building Heights

- Limited opportunity  5 storeys / 18.0m 
- 3 storeys / 11.2m  6 storeys / 21.0m 
- 4 storeys / 15.0m 

Table 1: Building heights

Area shown on Map 2	Maximum building height	Mandatory or discretionary	Deemed to comply
Area 1	3 storeys (11.2m)	Mandatory	No
Area 2	4 storeys (15m)	Mandatory	No
Area 3	5 storeys (18m)	Mandatory	No
Area 4	6 storeys (21m)	Mandatory	No

6.2-3 Overshadowing of open space or public realm

Standard BF04

The following standards replace Standard BF04 at Clause 43.06-7.4:

- Development adjoining land within a Neighbourhood or General Residential Zone should meet the objective of Clause 55.04-3, including where separated by a laneway.
- Buildings are to maintain existing sun access to the overshadowing areas identified at Table 2 using the specified sun access measurement.

This does not apply to shadow cast by:

- Incidental elements such as canopies, kiosks, artworks, screens or trees.
- Buildings and works constructed within the open space or street.

Table 2: Overshadowing of open space or public realm

Overshadowing area	Sun access measurement	Mandatory or Discretionary	Deemed to comply
Streets			
Streets of 15m or more in width (measured boundary to boundary)	No <u>additional</u> overshadowing between 10am and 2pm on 22 September on the opposite footpath measured <u>from the kerb 3 metres from the relevant property boundary</u>	Mandatory	No
Streets less than 15m in width (measured boundary to boundary)	No <u>additional</u> overshadowing between 10am and 2pm on 22 September on the opposite footpath measured <u>from the</u>	Discretionary	No

Overshadowing area	Sun access measurement	Mandatory or Discretionary	Deemed to comply
	kerb 3 metres from the relevant property boundary		
Other public space and public realm			
Any opposite kerb outstand, seating, or planting area, as applicable	No overshadowing between 10am and 2pm on 22 September	Discretionary	No
A public open space, reserve or parklet	No additional overshadowing between 10am and 2pm on 22 September	Mandatory	No
Properties			
Properties fronting the east side of Kent Street from the first floor upwards	No additional overshadowing between 10am and 2pm on 22 September	Discretionary	No

6.2-4 Front setbacks, street wall and front wall heights, setbacks above the street wall and front wall, and landscaped setbacks

Standard BF05

Where there is inconsistency between the requirements for all land and the requirements for heritage buildings and land adjoining heritage buildings, the requirements for heritage buildings and land adjoining heritage buildings prevail.

Any maximum street wall or front wall height specified in a schedule to this overlay does not apply to non-habitable architectural features that exceed the specified maximum height by not more than 1 metre.

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

For land in a Special Building Overlay, the maximum street wall height specified in Standard BF05 is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Front setbacks and street wall and front wall heights

Requirements for all land

The following requirements apply to all land:

- Development should retain the visual prominence of:
 - The heritage street wall in the vistas along the street.
 - Heritage fabric on the return facades of heritage buildings on corner sites.
- Development should provide a street wall on the street boundary, unless the site adjoins a footpath 1.8 metres wide or less.
- On a site which adjoins a footpath 1.8 metres wide or less, development should provide a front wall that is setback or generous, recessed building entrances to

provide space for pedestrian circulation and include space for landscaping, outdoor trading, seating and/or visitor bicycle parking.

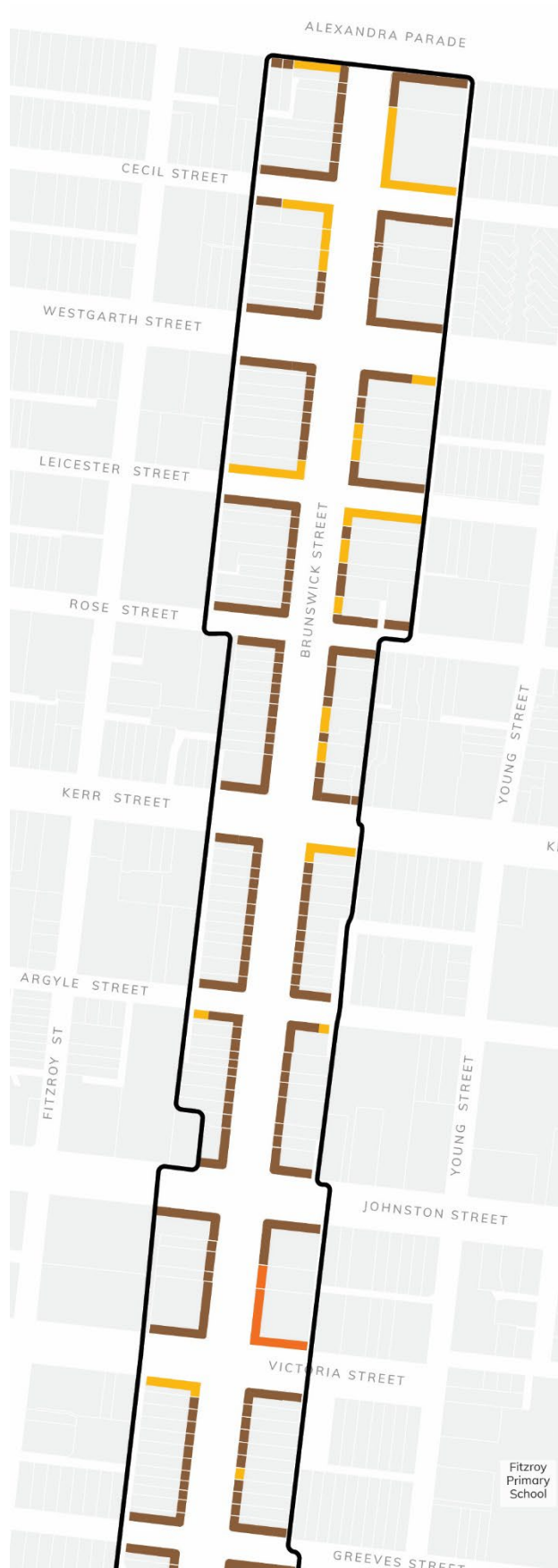
- Development of non-heritage buildings on street corners should provide a corner splay at minimum of 1 x 1 metre at the site's corner boundaries.
- The street wall or front wall on corner buildings should continue the street wall or front wall height for a minimum of 8 metres to the side street, unless a street wall or front wall height for the side street is shown on Map 3, with an appropriate transition in height to match the rear wall where required.

Requirements for heritage buildings and land adjoining heritage buildings

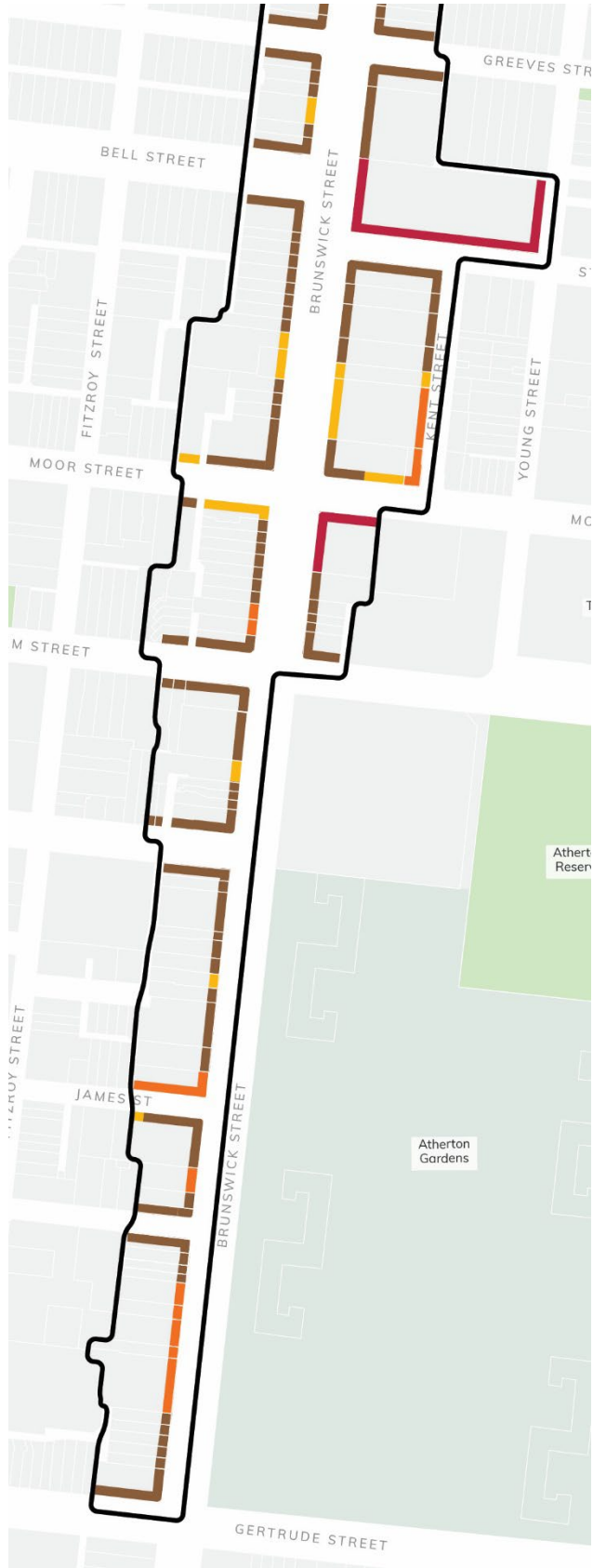
The following requirements apply to a heritage building, or land adjoining a heritage building, graded either individually significant or contributory:

- Development should match the front setback of an adjoining heritage building from the same street, except to laneway frontages.
- Development should provide a street wall or front wall no higher than the street wall or front wall height of an adjoining heritage building for a minimum length of 6 metres along the front boundary.

Map 3a to Schedule 12 to Clause 43.06: Street wall and front wall heights



Map 3b to Schedule 12 to Clause 43.06: Street wall and front wall heights



Map 3 legend to Schedule 12 to Clause 43.06: Street wall and front wall heights



Table 3: Street wall and front wall heights

Interface shown on Map 3	Maximum street wall or front wall height	Discretionary or Mandatory	Deemed to Comply
Interface 1	2 storeys (8m)	Mandatory	No
Interface 2	3 storeys (11.2m)	Mandatory	No
Interface 3	4 storeys (15m)	Mandatory	No

Setbacks above the street wall or front wall

Requirements for all land

Development above the street wall or front wall should avoid repetitive steps in the built form and incorporate no more than two steps, including the setback above the street wall or front wall as one step.

Requirements for heritage buildings

The following requirements apply to a heritage building that is graded either individually significant or contributory:

- The top level of development over 16.4 metres should be set back a further 3.2 metres from the Brunswick Street frontage.
- Development above the street wall or front wall should be set back in excess of the minimum 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 heritage building.
 - A lesser setback would detract from the character of the streetscape when viewed directly or obliquely across the street.

Table 4: Setbacks above street walls and front walls

Location	Minimum setback above street wall or front wall	Discretionary or Mandatory	Deemed to Comply
On Brunswick Street and Johnston Street	6 m	Mandatory	No
On side and other streets 10 metres or greater in width	6m	Discretionary	No
On side streets less than 10 metres in width	3 m	Discretionary	No

6.2-5 Side and rear setbacks and building separation within a site

Side and rear setbacks

Development should have no side street setback.

A wall on a rear boundary should not exceed the maximum height specified in Table 5, unless a street wall or front wall height is specified for the boundary on Map 3.

Table 5: Wall on rear boundary

Adjoining zone to rear boundary	Maximum height of wall on rear boundary	Discretionary or Mandatory	Deemed to Comply
NRZ whether or not separated by a laneway	8m	Discretionary	No
GRZ where there is no laneway	8m	Discretionary	No
GRZ where there is an existing laneway	11.2m	Discretionary	No
MUZ whether or not separated by a laneway	11.2m	Discretionary	No
C1Z whether or not separated by a laneway	11.2m	Discretionary	No

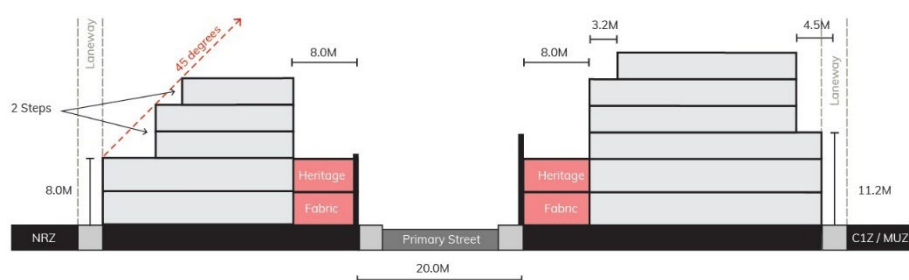
Development above a wall on a rear boundary:

- Must be set back from the rear boundary and be contained within a 45-degree setback envelope, except for green infrastructure (any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants) to support landscaping. The envelope's angle is to be measured perpendicular to the adjoining residential site's boundary (including where separated by a laneway), taken from the centre of the development site's boundary. This does not apply to a Commercial 1 Zone and/or Mixed Use Zone interface.
- Should avoid a repetitive stepping of individual levels and incorporate no more than two steps (including the setback above the boundary wall as one step) or be contained within a sloped facade.

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



Building separation

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, development above the street wall or front wall height 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 and/or exists on the adjoining property.
- 3 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 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, development above the street wall or front wall height should be separated by a minimum of:

- 9 metres, where a habitable window or balcony is proposed.
- 6 metres where a commercial or non-habitable window is proposed.

6.2-6 Building layout and adaptability

Standard BF07

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

Lower levels of development should be designed to incorporate a commercial floor to floor height of approximately 4 metres.

Pedestrian access should:

- Be achieved via streets and avoided from laneways. Where access is appropriate from a laneway provide for a pedestrian refuge or landing.
- Be clearly visible, secure, well-lit and have an identifiable sense of address.
- Distinguish residential and commercial entrances.

Common pedestrian areas should:

- Be legible and accessible.
- Provide hallway and lobby areas of a size that reflects the quantity of apartments or leasable floor area serviced.
- Be naturally lit and ventilated.

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

6.2-7 Wind effects

None specified.

6.2-8 Active frontages

Standard BF09

Ground level interfaces fronting Brunswick Street should achieve a fine-grain, shop front design that includes elements of:

- A stall riser.
- Pilasters.
- Clerestory window.

Security grills or mesh should:

- Be transparent.
- Not block views into tenancies at night.
- Be mounted internally to the shop windows.

Development should avoid floor to ceiling glass with limited entries for large expanses of the ground floor.

6.2-9 Weather protection

Standard BF11

Development should include continuous weather protection along Brunswick Street, except where a heritage place warrants an alternative approach.

6.2-10 Landscape and fencing

Standard BF12

Development should provide for green infrastructure (any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants) , including landscaping and vertical greening such as canopy trees where possible, climbing plants, green walls or planter boxes.

6.2-11 Carparking design

Standard BF13

Additional vehicle access to car parks must not be provided from Brunswick Street.

Vehicle access should be provided from laneways and side streets, in this order of preference.

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

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.

6.2-12 Building services

Standard BF14

Waste and loading access should not be located on the primary frontage.

6.2-13 Exterior design

Standard BF15

The design of development above the street wall or front wall should distinguish between

the lower levels through materials and articulation, including by using visually lightweight materials and colours.

Facades on Brunswick Street should incorporate vertical and horizontal proportions of the traditional fine-grain, retail shop front character of the street.

Development should:

- Create an appropriate ratio of solid to void elements
- Create visual interest through the arrangement of fenestration, balconies and the application of architectural features including external shading devices, window sills.

Materials and colours should be simple and limited to avoid overly busy façades.

6.3 Other outcomes and standards

None specified.

7.0 Subdivision

Permit requirements

None specified.

Subdivision requirements

None specified.

8.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.09, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- For an application to construct a building, in addition to the requirements of Clause 43.06-9, the design response must also explain how the proposed design considers its impact upon adjacent properties in terms of outlook, daylight and solar access to private open space and windows, and visual bulk.
- 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 area including an assessment of the ongoing functionality of laneway/s, where applicable.
- An application to construct a building of five or more storeys, excluding a basement, must be accompanied by a wind impact assessment report prepared by a suitably qualified person to consider wind impacts, which must:
 - Explain the effect of the proposed development on the wind conditions in publicly accessible areas within a distance equal to half the longest width of the building, measured from all façades, or half the total height of the building, whichever is greater.
 - For development with a total building height in excess of 30 metres, model the

wind effects of the proposed development and its surrounding buildings (existing and proposed) using wind tunnel testing, unless otherwise agreed by the responsible authority.

- Identify the principal role of each portion of the publicly accessible areas for sitting, standing or walking purposes.
- Explain whether the outcome and Standard BF08 at Clause 43.06-7.8 are met.

9.0 Notice and review

An application to construct a building or construct or carry out works is not 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.

10.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.06, in addition to those specified in Clause 43.06-11 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal meets the development objectives and requirements of this schedule.
- 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.
- The design of the shop fronts on Brunswick Street.
- Whether development impacts the prominence of the heritage street wall when viewed along Brunswick Street.
- Whether development impacts the prominence of heritage buildings on street corners when viewed from the opposite side of Brunswick Street.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street.
- 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 adjoining the site through a suitable transition in scale of street-wall, setbacks above the street wall and building height.
- Whether upper side and rear setbacks impact the amenity of existing dwellings.
- Whether the development responds to the interface with existing low-scale residential properties, including overshadowing of secluded private open space.
- Whether any additional overshadowing to the nominated spaces adversely affects the use, quality and amenity of the public space.
- Whether the proposed built form mitigates negative wind effects [to the public realm](#) created by the development

- 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.
- Whether the proposed roof decks are set back from lower levels and are recessive in appearance.
- Whether the impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bicycle lanes.

11.0 Mandatory permit conditions

None specified.

12.0 Signs

None specified.

13.0 Transitional provisions

The requirements of Clause 43.06 and this schedule do not apply to:

- An application made before the approval date of Amendment CXXX to this planning scheme. For the avoidance of doubt, this includes an amended application under section 50, 50A or 57A of the Act if the original application was made before the approval date of Amendment CXXX.
- An amended permit application under section 72 of the Act, if the original application in respect of which that permit was first granted (that is, before it was first amended) was either:
 - Made before the approval date of Amendment CXXX.
 - An amended application under section 50, 50A or 57A of the Act if the original application was made before the approval date of Amendment CXXX.
- The following provisions, as in force in relation to relevant land immediately before the approval date of Amendment CXXX, continue to apply to applications which this transitional provision applies:
 - XXX.

SCHEDULE 13 TO CLAUSE 43.06 BUILT FORM OVERLAY

Shown on the planning scheme map as **BFO13**.

SMITH STREET SHOPS

1.0 Development objectives

To ensure development responds to the heritage character and varied streetscape of Smith Street by supporting:

- a new low-rise to mid-rise character (ranging from 4 to 6 storeys) behind a consistent street wall north of Stanley and St David Streets and south of Gertrude Street.
- a new mid-rise character (ranging from 3 to 8 storeys) behind a varied heritage street wall between Stanley and St David Streets and Gertrude and Langridge Street.

To retain view lines to the former department stores and the prominence and integrity of corner heritage buildings, particularly at the Johnston Street intersection.

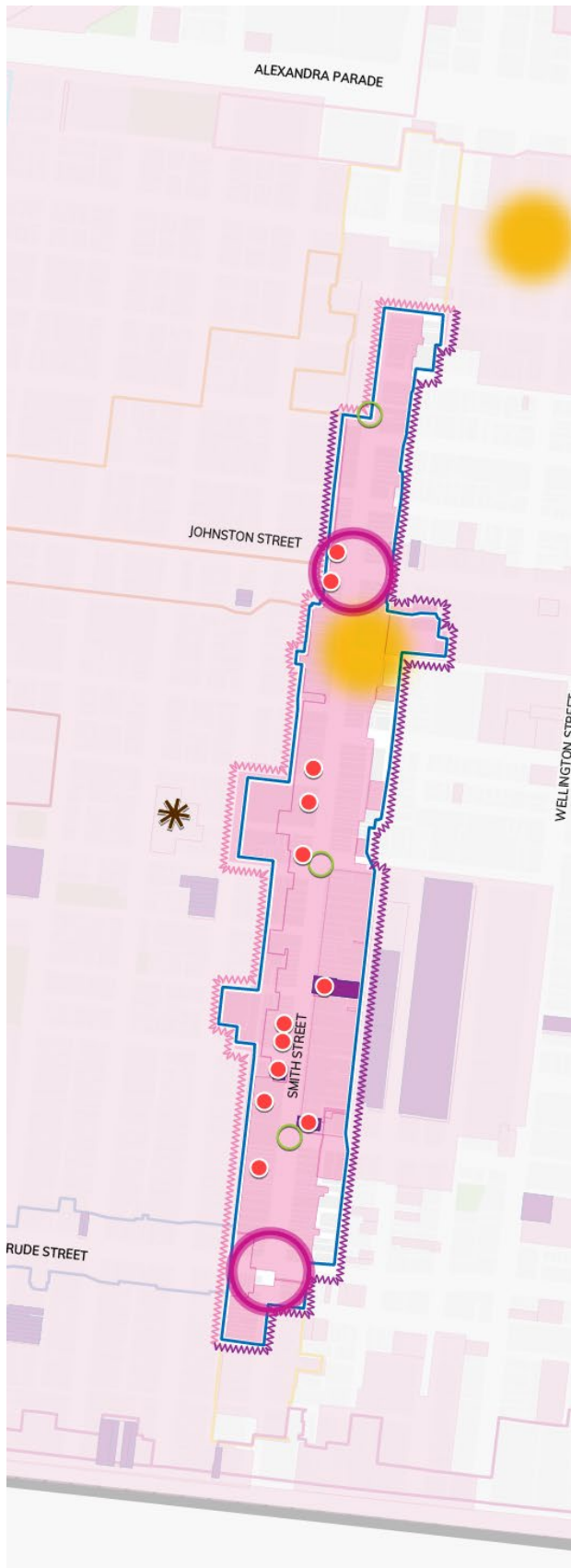
To ensure development maintains the prominence of the existing heritage street wall and fine-grain heritage character through recessive upper levels and a façade composition and articulation that complements the Smith Street character.

To encourage development design that promotes pedestrian activity and passive surveillance, contributes to a high-quality public realm, and avoids overshadowing of opposite footpaths on Smith Street, side streets 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 Development framework

Map 1 to Schedule 13 to Clause 43.06: Development Framework



Map 1 legend to Schedule 13 to Clause 43.06: Development Framework

LEGEND					
	MUNICIPAL BOUNDARY		PUBLIC REALM JUNCTION		BFO12 - BRUNSWICK STREET SHOPS
	OPEN SPACE		POTENTIAL PUBLIC REALM JUNCTION		BFO13 - SMITH STREET SHOPS
	TRAIN LINE		KEY JUNCTION		BFO14 - GERTRUDE STREET SHOPS
	TRAM LINE		POTENTIAL NEW PUBLIC SPACE		BFO15 - JOHNSTON STREET WEST
	WHEA BOUNDARY		SENSITIVE RESIDENTIAL INTERFACE		BFO16 - BRUNSWICK STREET GRAND RESIDENTIAL
	VICTORIAN HERITAGE REGISTER (VHR)		MIXED USE INTERFACE		BFO17 - FITZROY TOWN HALL AND BACK BLOCKS
	LANDMARK		COMMERCIAL INTERFACE		BFO18 - JOHNSTON STREET SOUTH AND VICTORIA STREET
	KEY VIEW TO LANDMARK		OPEN SPACE INTERFACE		BFO19 - FITZROY EAST AND JOHNSTON STREET NORTH
	LOCAL LANDMARK		SHARED STREET		BFO20 - SMITH STREET NORTH AND SOUTH
			HERITAGE OVERLAY AREAS		BFO21 - ALEXANDRA PARADE
					BFO22 - VICTORIA PARADE
					BFO23 - FITZROY WEST

3.0 Master plan requirements

Land to which the master plan requirements apply

None specified.

4.0 Public benefit uplift framework

None specified.

5.0 Buildings and works

Permit requirement

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

- A rear ground floor extension no higher than 4 metres above ground level.
- An alteration to an existing building façade provided:
 - 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 create blank walls which exceeds 40 per cent of the building façade at ground floor level.

6.0 Outcomes and standards

The outcomes and standards in this overlay and this schedule prevail over any inconsistent provision in this planning scheme.

This does not apply to an application that has been made under Clause 53.22, Clause 53.23 or Clause 53.25, which prevail to the extent of any inconsistent provision in the Built Form Overlay.

6.1 Outcomes that do not apply

The outcomes in Clause 43.06-7.3 and Clause 43.06-7.10 do not apply.

6.2 Standards

Any standard specified in this schedule is in addition to any standard in clause 43.06-7 for the corresponding outcome, unless specified otherwise below.

6.2-1 Building typology and future character

None specified.

6.2-2 Building heights

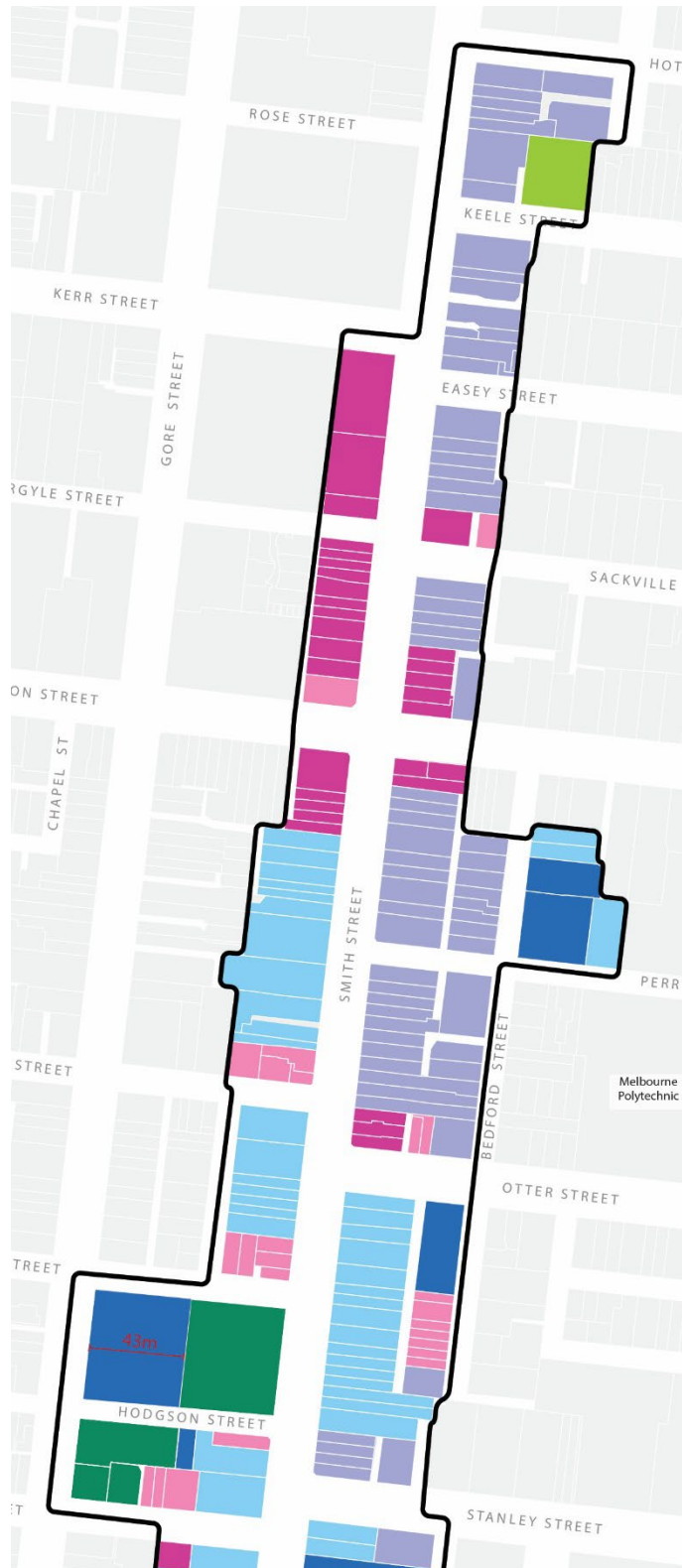
Standard BF02

Standard BF02 does not apply to a heritage place which is included in the Victorian Heritage Register.

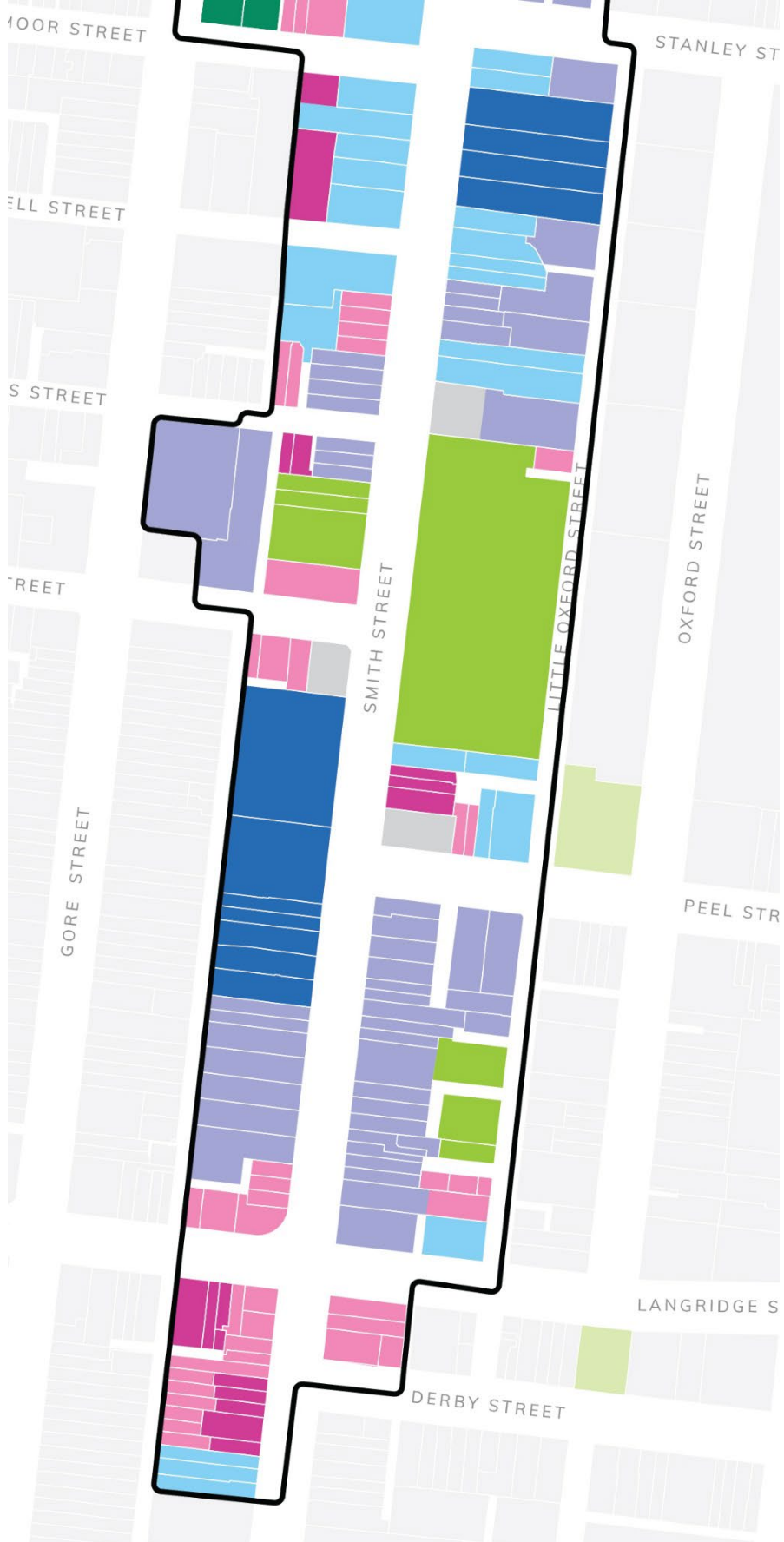
New development may exceed the mandatory maximum building height to match the fabric of ~~an~~ the existing ~~heritage~~ building, where the ~~heritage~~ building already exceeds the maximum building height shown on Map 2.

For land in a Special Building Overlay, the maximum building height specified in Standard BF02 is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Map 2a to Schedule 13 to Clause 43.06: Building heights



Map 2b to Schedule 13 to Clause 43.06: Building heights



Map 2 legend to Schedule 13 to Clause 43.06: Building heights

Maximum Building Heights

- Limited opportunity  7 storeys / 24.0m 
- 3 storeys / 11.2m  8 storeys / 28.0m 
- 4 storeys / 15.0m  9 storeys / 31.0m 
- 5 storeys / 18.0m  11 storeys / 37.0m 
- 6 storeys / 21.0m 

Table 1: Building heights

Area shown on Map 2	Maximum building height	Mandatory or discretionary	Deemed to comply
Area 1	3 storeys (11.2m)	Mandatory	No
Area 2	4 storeys (15m)	Mandatory	No
Area 3	5 storeys (18m)	Mandatory	No
Area 4	6 storeys (21m)	Mandatory	No
Area 5	7 storeys (24m)	Mandatory	No
Area 6	8 storeys (28m)	Mandatory	No
Area 7	9 storeys (31m)	Mandatory	No

6.2-3 Overshadowing of open space or public realm

Standard BF04

The following standards replace Standard BF04 at Clause 43.06-7.4:

- Development adjoining land within a Neighbourhood or General Residential Zone should meet the objective of Clause 55.04-3, including where separated by a laneway.
- Buildings are to maintain existing sun access to the overshadowing areas identified at Table 2 using the specified sun access measurement.

This does not apply to shadow cast by:

- Incidental elements such as canopies, kiosks, artworks, screens or trees.
- Buildings and works constructed within the open space or street.

Table 2: Overshadowing of open space or public realm

Overshadowing area	Sun access measurement	Mandatory or Discretionary	Deemed to comply?
Streets			
Streets of 15m or more in width (measured boundary to boundary)	No <u>additional</u> overshadowing between 10am and 2pm on 22 September on the opposite footpath measured <u>from the kerb 3 metres from the relevant property boundary</u>	Mandatory	No

Overshadowing area	Sun access measurement	Mandatory or Discretionary	Deemed to comply?
Streets less than 15m in width (measured boundary to boundary)	No additional overshadowing between 10am and 2pm on 22 September on the opposite footpath measured from the kerb 3 metres from the relevant property boundary	Discretionary	No
Other public space and public realm			
Any opposite kerb outstand, seating, or planting area, as applicable	No additional overshadowing between 10am and 2pm on 22 September	Discretionary	No
A public open space, reserve or parklet	No additional overshadowing between 10am and 2pm on 22 September	Mandatory	No
Properties			
Properties fronting Bedford Street, Little Oxford Street or Little Smith Street from the first floor upwards	No additional overshadowing between 10am and 2pm on 22 September	Discretionary	No

6.2-4 Front setbacks, street wall and front wall heights, setbacks above the street wall and front wall, and landscaped setbacks

Standard BF05

Where there is inconsistency between the requirements for all land and the requirements for heritage buildings and land adjoining heritage buildings, the requirements for heritage buildings and land adjoining heritage buildings prevail.

Any maximum street wall or front wall height specified in a schedule to this overlay does not apply to non-habitable architectural features that exceed the specified maximum height by not more than 1 metre.

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

For land in a Special Building Overlay, the maximum street wall height specified in Standard BF05 is the vertical distance from the minimum floor level determination by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Front setbacks, landscaped setbacks and street wall and front wall heights

Requirements for all land

The following requirements apply to all land:

- Development should retain the visual prominence of:
 - The heritage street wall in the vistas along the street.
 - Heritage fabric on the return facades of heritage buildings on corner sites.
- Development should provide a street wall on the street boundary, unless:
 - The site adjoins a footpath 1.8 metres wide or less.
 - An existing landscaped setback is required to be retained as shown on Map 3.
- On a site which adjoins a footpath 1.8 metres wide or less, development should provide a front wall that is setback or generous, recessed building entrances to provide space for pedestrian circulation and include space for landscaping, outdoor trading, seating and/or visitor bicycle parking.
- 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.
- The street wall or front wall on corner buildings should continue the street wall or front wall height for a minimum of 8 metres to the side street, unless a street wall or front wall height for the side street is shown on Map 3, with an appropriate transition in height to match the rear wall where required.

Requirements for heritage buildings and land adjoining heritage buildings

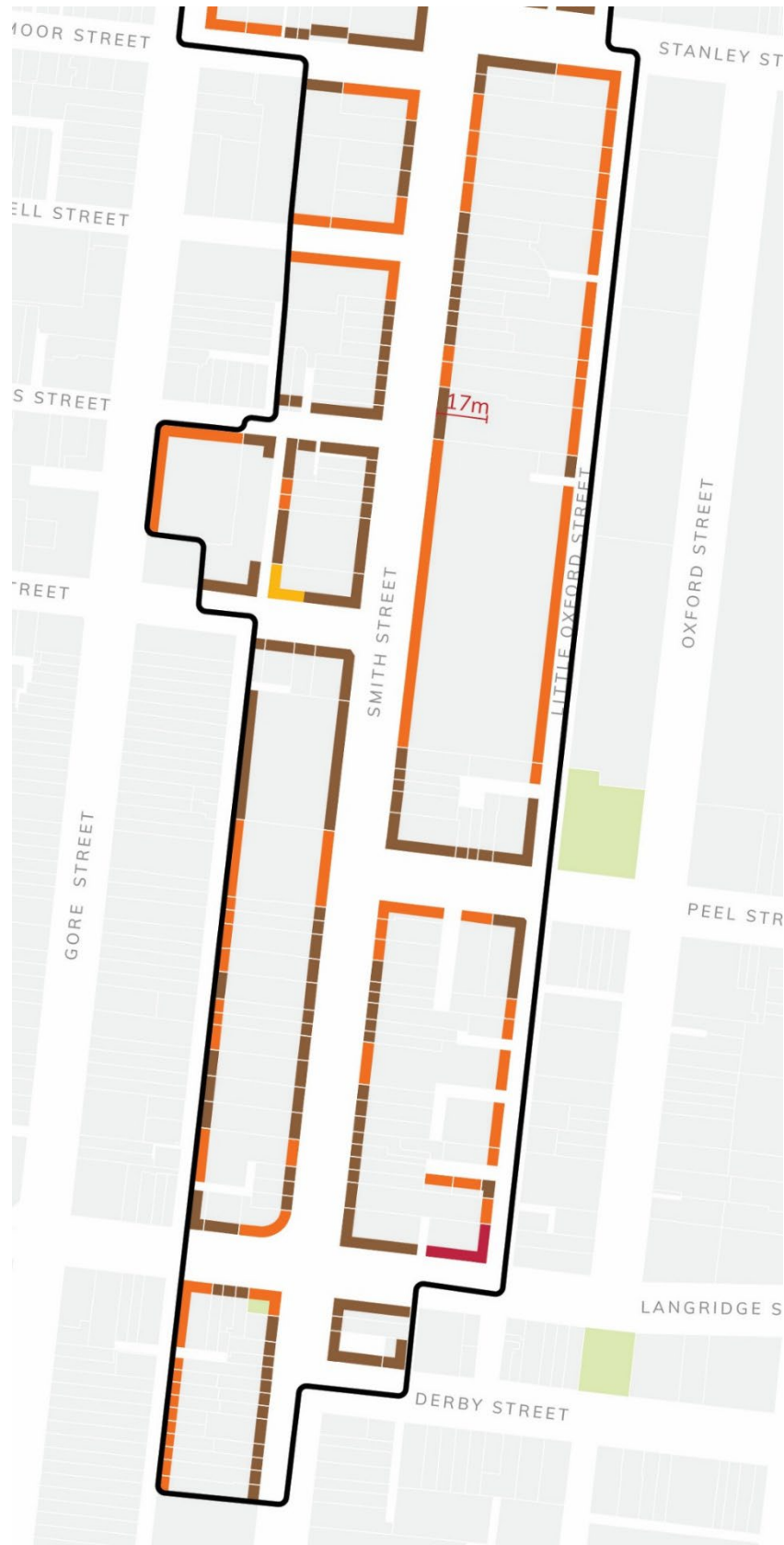
The following requirements apply to a heritage building, or land adjoining a heritage building, graded either individually significant or contributory:

- A development should match the front setback of an adjoining heritage building from the same street, except to laneway frontages.
- Smith Street development should provide a street wall or front wall no higher than the street wall or front wall height of an adjoining heritage building for a minimum length of 6 metres along the front boundary.

Map 3a to Schedule 13 to Clause 43.06: Street wall and front wall heights and landscaped setbacks



Map 3b to Schedule 13 to Clause 43.06: Street wall and front wall heights and landscaped setbacks



Map 3 legend to Schedule 13 to Clause 43.06: Street wall and front wall heights and landscaped setbacks

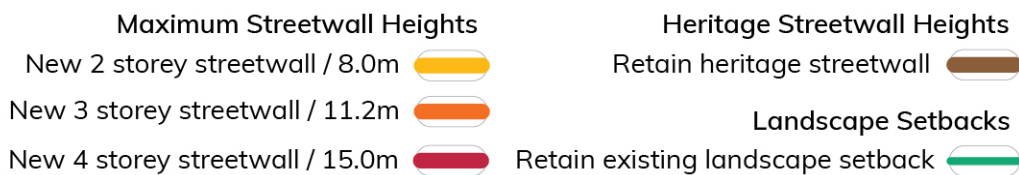


Table 3: Street wall and front wall heights

Interface shown on Map 3	Maximum street wall or front wall height	Discretionary or Mandatory	Deemed to Comply
Interface 1	2 storeys (8m)	Mandatory	No
Interface 2	3 storeys (11.2m)	Mandatory	No
Interface 3	4 storeys (15m)	Mandatory	No

Setbacks above the street wall or front wall

Requirements for all land

Development above the street wall or front wall should avoid repetitive steps in the built form and incorporate no more than two steps, including the setback above the street wall or front wall as one step.

Requirements for heritage buildings

The following requirements apply to a heritage building that is graded either individually significant or contributory:

- The top level of development over 16.4 metres should be set back a further 3.2 metres from the Smith Street frontage.
- Development above the street wall or front wall should be set back in excess of the minimum 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.
 - A lesser setback would detract from the character of the streetscape when viewed directly or obliquely across the street.

Table 4: Setbacks above street walls and front walls

Location	Minimum setback above street wall or front wall	Discretionary or Mandatory	Deemed to Comply
On Smith Street	8m	Mandatory	No
On Smith Street and Johnston Street	6m	Mandatory	No
On Langridge Street and on side streets 10 metres or greater in width	6m	Discretionary	No
On side streets less than 10 metres in width	6 3m	Discretionary	No

Location	Minimum setback above street wall or front wall	Discretionary or Mandatory	Deemed to Comply
	3m	Discretionary	No

6.2-5 Side and rear setbacks and building separation within a site

Standard BF06

Side and rear setbacks

Development should have no side street setback.

A wall on a rear boundary should not exceed the maximum height specified in Table 5 unless a street wall or front wall height is specified for the boundary on Map 3.

Table 5: Wall on a rear boundary

Adjoining zone to rear boundary	Maximum height of wall on a rear boundary	Discretionary or Mandatory	Deemed to Comply
NRZ whether or not separated by a laneway	8m	Discretionary	No
GRZ where there is no existing laneway	8m	Discretionary	No
GRZ where there is an existing laneway	11.2m	Discretionary	No
MUZ whether or not separated by a laneway	11.2m	Discretionary	No
C1Z whether or not separated by a laneway	11.2m	Discretionary	No

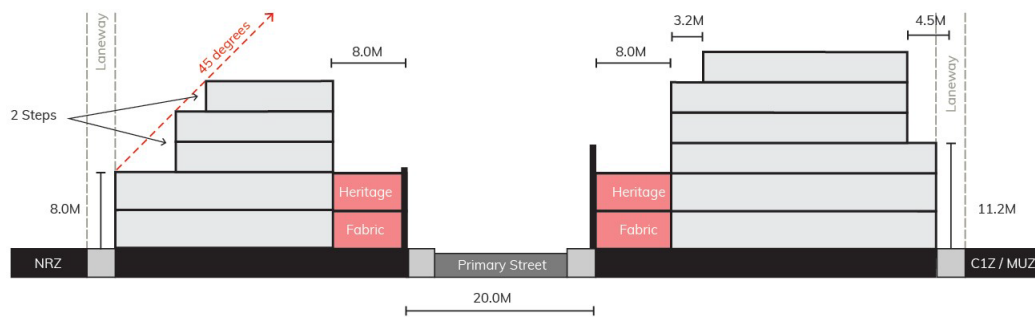
Development above a wall on a rear boundary:

- Must be set back from the rear boundary and be contained within a 45-degree setback envelope, except for green infrastructure (any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants) to support landscaping. The envelope’s angle is to be measured perpendicular to the adjoining residential site’s boundary (including where separated by a laneway), taken from the centre of the development site’s boundary. This does not apply to a Commercial 1 Zone and/or Mixed Use Zone interface.
- Should avoid a repetitive stepping of individual levels and incorporate no more than two steps (including the setback above the boundary wall as one step) or be contained within a sloped facade.

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



Building separation

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:

- Development above the street wall or front wall height up to 27 metres 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 and/or exists on the adjoining property.
 - 3 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.
- Development above the street wall or front wall height exceeding 27 metres should 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, development above the street wall or front wall height should be separated by a minimum of:

- 9 metres, where a habitable window or balcony is proposed.
- 6 metres where a commercial or non-habitable window is proposed.

6.2-6 Building layout and adaptability

Standard BF07

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

Lower levels of development should be designed to incorporate a commercial floor to floor height of approximately 4 metres.

Pedestrian access should:

- Be achieved via streets and avoided from laneways. Where access is appropriate from a laneway provide for a pedestrian refuge or landing.
- Be clearly visible, secure, well-lit and have an identifiable sense of address.
- Distinguish residential and commercial entrances.

Common pedestrian areas should:

- Be legible and accessible.
- Provide hallway and lobby areas of a size that reflects the quantity of apartments or leasable floor area serviced.
- Be naturally lit and naturally ventilated.

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

6.2-7 Wind effects

None specified.

6.2-8 Active frontages

Standard BF09

Ground level interfaces fronting Smith Street should achieve a fine-grain, shop front design that includes elements of:

- A stall riser.
- Pilasters.
- Clerestory window.

Security grills or mesh should:

- Be transparent.
- Not block views into tenancies at night.
- Be mounted internally to the shop windows.

Development should avoid floor to ceiling glass with limited entries for large expanses of the ground floor.

6.2-9 Weather protection

Standard BF11

Development should include continuous weather protection along Smith Street, except where a heritage place warrants an alternative approach.

6.2-10 Landscape and fencing

Standard BF12

Development should provide for green infrastructure (any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants), including soft landscaping and vertical greening such as canopy trees where possible, climbing plants, green walls or planter boxes.

6.2-11 Carparking design

Standard BF13

Additional vehicle access to car parks must not be provided from Smith Street.

Vehicle access should be provided from laneways and side streets, in this order of

preference.

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 overhand of the first floor.

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

6.2-12 Building services

Standard BF14

Waste and loading access should not be located on the primary frontage.

6.2-13 Exterior design

Standard BF15

The design of development above the street wall or front wall should distinguish between the lower levels through materials and articulation, including by using visually lightweight materials and colours.

Facades on Smith Street should incorporate vertical and horizontal proportions of the traditional fine-grain, retail shop front character of the street.

Development should:

- Create an appropriate ratio of solid to void elements
- Create visual interest through the arrangement of fenestration, balconies and the application of architectural features including external shading devices, window sills.

Materials and colours should be simple and limited to avoid overly busy façades.

6.3 Other outcomes and standards

None specified.

7.0 Subdivision

Permit requirements

None specified.

Subdivision requirements

None specified.

8.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.09, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- For an application to construct a building, in addition to the requirements of Clause 43.06-9, the design response must also explain how the proposed design considers its

impact upon adjacent properties in terms of outlook, daylight and solar access to private open space and windows, and visual bulk.

- 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 area including an assessment of the ongoing functionality of laneway/s, where applicable.
- An application to construct a building of five or more storeys, excluding a basement, must be accompanied by a wind impact assessment report prepared by a suitably qualified person to consider wind impacts, which must:
 - Explain the effect of the proposed development on the wind conditions in publicly accessible areas within a distance equal to half the longest width of the building, measured from all façades, or half the total height of the building, whichever is greater.
 - For development with a total building height in excess of 30 metres, model the wind effects of the proposed development and its surrounding buildings (existing and proposed) using wind tunnel testing, unless otherwise agreed by the Responsible Authority.
 - Identify the principal role of each portion of the publicly accessible areas for sitting, standing or walking purposes.
 - Explain whether the outcome and Standard BF08 at Clause 43.06-7.8 are met.

9.0 Notice and review

An application to construct a building or construct or carry out works is not 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.

10.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.06, in addition to those specified in Clause 43.06-11 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal meets the development objectives and requirements of this schedule.
- 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.
- The design of the shop fronts on Smith Street.
- Whether development impacts the prominence of the heritage street wall when viewed along Smith Street.

- Whether development impacts the prominence of heritage buildings on street corners when viewed from the opposite side of Smith Street.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street.
- 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 adjoining the site through a suitable transition in scale of street-wall, upper level setbacks and building height.
- Whether upper side and rear setbacks impact the amenity of existing dwellings.
- Whether the development responds to the interface with existing low-scale residential properties, including overshadowing of secluded private open space.
- Whether any additional overshadowing to the nominated spaces adversely affects the use, quality and amenity of the public space.
- Whether the proposed built form mitigates negative wind effects [to the public realm](#) created by the development.
- 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.
- Whether the proposed roof decks are set back from lower levels and are recessive in appearance.
- Whether the impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bicycle lanes.

11.0 Mandatory permit conditions

None specified.

12.0 Signs

None specified.

13.0 Transitional provisions

The requirements of Clause 43.06 and this schedule do not apply to:

- An application made before the approval date of Amendment CXXX to this planning scheme. For the avoidance of doubt, this includes an amended application under section 50, 50A or 57A of the Act if the original application was made before the approval date of Amendment CXXX.
- An amended permit application under section 72 of the Act, if the original application in respect of which that permit was first granted (that is, before it was first amended) was either:
 - Made before the approval date of Amendment CXXX.
 - An amended application under section 50, 50A or 57A of the Act if the original application was made before the approval date of Amendment CXXX.
- The following provisions, as in force in relation to relevant land immediately before the approval date of Amendment CXXX, continue to apply to applications which this transitional provision applies:

- XXX.

SCHEDULE 14 TO CLAUSE 43.06 BUILT FORM OVERLAY

Shown on the planning scheme map as **BFO14**.

GERTRUDE STREET SHOPS

1.0 Development objectives

To ensure development responds to the heritage character and intact streetscape of Gertrude Street by supporting a low-rise character (ranging from 3 to 4 storeys).

To ensure development retains view lines to the drum from the southern footpath of Gertrude Street between Fitzroy Street and Brunswick Street (west side), dome, lantern and flagpole of the Royal Exhibition Buildings and respects the prominence and integrity of corner heritage buildings.

To ensure development maintains the prominence of the low-scale heritage street wall and buildings through recessive upper levels and façade composition and articulation that complements the Gertrude Street character.

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 Gertrude Street, side streets 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 Development framework

Map 1 to Schedule 14 to Clause 43.06: Development Framework



Map 1 legend to Schedule 14 to Clause 43.06: Development Framework

LEGEND		
MUNICIPAL BOUNDARY	PUBLIC REALM JUNCTION	BFO12 - BRUNSWICK STREET SHOPS
OPEN SPACE	POTENTIAL PUBLIC REALM JUNCTION	BFO13 - SMITH STREET SHOPS
TRAIN LINE	KEY JUNCTION	BFO14 - GERTRUDE STREET SHOPS
TRAM LINE	POTENTIAL NEW PUBLIC SPACE	BFO15 - JOHNSTON STREET WEST
WHEA BOUNDARY	SENSITIVE RESIDENTIAL INTERFACE	BFO16 - BRUNSWICK STREET GRAND RESIDENTIAL
VICTORIAN HERITAGE REGISTER (VHR)	MIXED USE INTERFACE	BFO17 - FITZROY TOWN HALL AND BACK BLOCKS
LANDMARK	COMMERCIAL INTERFACE	BFO18 - JOHNSTON STREET SOUTH AND VICTORIA STREET
KEY VIEW TO LANDMARK	OPEN SPACE INTERFACE	BFO19 - FITZROY EAST AND JOHNSTON STREET NORTH
LOCAL LANDMARK	SHARED STREET	BFO20 - SMITH STREET NORTH AND SOUTH
	HERITAGE OVERLAY AREAS	BFO21 - ALEXANDRA PARADE
		BFO22 - VICTORIA PARADE
		BFO23 - FITZROY WEST

3.0 Master plan requirements

Land to which the master plan requirements apply

None specified.

4.0 Public benefit uplift framework

None specified.

5.0 Buildings and works

Permit requirement

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

- A rear ground floor extension no higher than 4 metres above ground level.
- An alteration to an existing building façade provided, 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.

6.0 Outcomes and standards

The outcomes and standards in this overlay and this schedule prevail over any inconsistent provision in this planning scheme.

This does not apply to an application that has been made under Clause 53.22, Clause 53.23 or Clause 53.25, which prevail to the extent of any inconsistent provision in the Built Form Overlay.

6.1 Outcomes that do not apply

The outcomes in Clause 43.06-7.3 and Clause 43.06-7.10 do not apply.

6.2 Standards

Any standard specified in this schedule is in addition to any standard in clause 43.06-7 for the corresponding outcome, unless specified otherwise below.

6.2-1 Building typology and future character

None specified.

6.2-2 Building heights

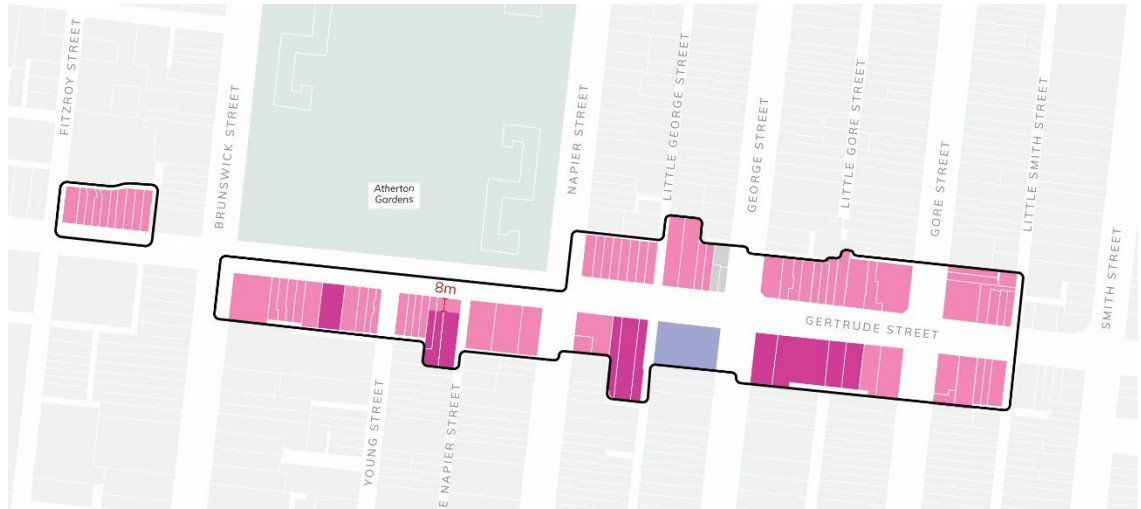
Standard BF02

Standard BF02 does not apply to a heritage place which is included in the Victorian Heritage Register.

New development may exceed the mandatory maximum building height to match the fabric of an the existing **heritage** building, where the **heritage** building already exceeds the maximum building height shown on Map 2.

For land in a Special Building Overlay, the maximum building height specified in Standard BF02 is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Map 2 to Schedule 14 to Clause 43.06: Building heights



Map 2 legend to Schedule 14 to Clause 43.06: Building heights

Maximum Building Heights

- Limited opportunity 4 storeys / 15.0m
- 3 storeys / 11.2m 5 storeys / 18.0m

Table 1: Building heights

Area shown on Map 2	Maximum building height	Mandatory or discretionary	Deemed to comply
Area 1	3 storeys (11.2m)	Mandatory	No
Area 2	4 storeys (15m)	Mandatory	No
Area 3	5 storeys (18m)	Mandatory	No

6.2-3 Overshadowing of open space or public realm

Standard BF04

The following standards replace Standard BF04 at Clause 43.06-7.4:

- Development adjoining land within a Neighbourhood or General Residential Zone should meet the objective of Clause 55.04-3, including where separated by a laneway.
- Buildings are to maintain existing sun access to the overshadowing areas identified at Table 2 using the specified sun access measurement.

This does not apply to shadow cast by:

- Incidental elements such as canopies, kiosks, artworks, screens or trees.
- Buildings and works constructed within the open space or street.

Table 2: Overshadowing of open space or public realm

Overshadowing area	Sun access measurement	Mandatory or Discretionary	Deemed to comply?
Streets			

Overshadowing area	Sun access measurement	Mandatory or Discretionary	Deemed to comply?
Streets of 15m or more in width (measured boundary to boundary)	No <u>additional</u> overshadowing between 10am and 2pm on 22 September on the opposite footpath measured <u>from the kerb 3 metres from the relevant property boundary</u>	Mandatory	No
Streets less than 15m in width (measured boundary to boundary)	No <u>additional</u> overshadowing between 10am and 2pm on 22 September on the opposite footpath measured <u>from the kerb 3 metres from the relevant property boundary</u>	Discretionary	No
Other public space and public realm			
Any opposite kerb outstand, seating, or plant area, as applicable	No overshadowing between 10am and 2pm on 22 September	Discretionary	No

6.2-4 Front setbacks, street wall and front wall heights, setbacks above the street wall and front wall, and landscaped setbacks

Where there is inconsistency between the requirements for all land and the requirements for heritage buildings and land adjoining heritage buildings, the requirements for heritage buildings and land adjoining heritage buildings prevail.

Any maximum street wall or front wall height specified in a schedule to this overlay does not apply to non-habitable architectural features that exceed the specified maximum height by not more than 1 metre.

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

For land in a Special Building Overlay, the maximum street wall height specified in Standard BF05 is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Front setbacks and street wall and front wall heights

Requirements for all land

The following requirements apply to all land:

- Development should retain the visual prominence of:

- The heritage street wall in the vistas along the street.
- Heritage fabric on the return facades of heritage buildings on corner sites.
- Development should provide a street wall on the street boundary, unless the site adjoins a footpath 1.8 metres wide or less.
- On a site which adjoins a footpath 1.8 metres wide or less, development should provide a front wall that is setback or generous, recessed building entrances to provide space for pedestrian circulation and include space for landscaping, outdoor trading, seating and/or visitor bicycle parking.
- 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.
- The street wall or front wall on corner buildings should continue the street wall or front wall height for a minimum of 8 metres to the side street, unless a street wall or front wall height for the side street is shown on Map 3 with an appropriate transition in height to match the rear wall where required.

Requirements for heritage buildings and land adjoining heritage buildings

The following requirements apply to a heritage building, or land adjoining a heritage building, graded either individually significant or contributory:

- A development should match the front setback of an adjoining heritage building from the same street, except to laneway frontages.
- Gertrude Street development should provide a street wall or front wall no higher than the street wall or front wall height of an adjoining heritage building for a minimum length of 6 metres along the front boundary.

Map 3 to Schedule 14 to Clause 43.06: Street wall and front wall heights



Map 3 legend to Schedule 14 to Clause 43.06: Street wall and front wall heights

- Maximum Streetwall Heights**
- New 2 storey streetwall / 8.0m
 - New 3 storey streetwall / 11.2m
- Heritage Streetwall Heights**
- Retain heritage streetwall

Table 3: Street wall and front wall heights

Interface shown on Map 3	Maximum street wall or front wall height	Discretionary or Mandatory	Deemed to Comply
Interface 1	2 storeys (8m)	Mandatory	No
Interface 2	3 storeys (11.2m)	Mandatory	No

Setbacks above the street wall or front wall

Requirements for all land

Development above the street wall or front wall should avoid repetitive steps in the built form and incorporate no more than two steps, including the setback above the street wall or front wall as one step.

Requirements for heritage buildings

The following requirements apply to a heritage building that is graded either individually significant or contributory.

Development above the street wall or front wall should be set back in excess of the minimum 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.
- A lesser setback would detract from the character of the streetscape when viewed directly or obliquely along the street.

Table 4: Setbacks above street walls and front walls

Location	Minimum setback above street wall or front wall	Discretionary or Mandatory	Deemed to Comply
On Gertrude Street, west of Brunswick Street	10m	Mandatory	No
On Gertrude Street, east of Brunswick Street	8m	Mandatory	No
On all other streets of 10 metres or greater in width	6m	Discretionary	No
On side streets less than 10 metres in width	3m	Discretionary	No

6.2-5 Side and rear setbacks and building separation within a site

Standard BF06

Side and rear setbacks

Development should have no side street setback.

Development above the street wall or front wall height to a side street should be set back a minimum of 6 metres.

A wall on a rear boundary should not exceed the maximum height specified in Table 5 unless a street wall or front wall height is specified for the boundary on Map 3.

Table 5: Wall on rear boundary

Adjoining zone to rear boundary	Maximum height of wall on rear boundary	Discretionary or Mandatory	Deemed to Comply
NRZ whether or not separated by a laneway	8m	Discretionary	No
GRZ where there is no existing laneway	8m	Discretionary	No
GRZ where there is an existing laneway	11.2m	Discretionary	No
MUZ whether or not separated by a laneway	11.2m	Discretionary	No
C1Z whether or not separated by a laneway	11.2m	Discretionary	No

Development above a wall on rear boundary:

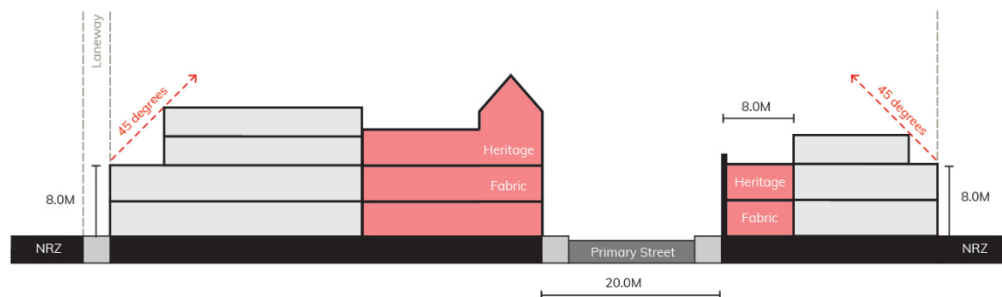
- Must be set back from the rear boundary and be contained within a 45-degree setback envelope, except for green infrastructure (any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants) to support landscaping. The envelope’s angle is to be measured perpendicular to the adjoining residential site’s boundary (including where separated by a laneway), taken from the centre of the development site’s boundary. This does not apply to a Commercial 1 Zone and/or Mixed Use Zone interface.
- Should avoid a repetitive stepping of individual levels and incorporate no more than two steps (including the setback above the boundary wall as one step) or be contained

within a sloped facade.

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



Building separation

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, development above the street wall or front wall height 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 and/or exists on the adjoining property.
- 3 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 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, development above the street wall or front wall height should be separated by a minimum of:

- 9 metres, where a habitable window or balcony is proposed.
- 6 metres where a commercial or non-habitable window is proposed.

6.2-6 Building layout and adaptability

Standard BF07

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

Lower levels of development should be designed to incorporate a commercial floor to floor height of approximately 4 metres.

Pedestrian access should:

- Be achieved via streets and avoided from laneways. Where access is appropriate from a laneway provide for a pedestrian refuge or landing.
- Be clearly visible, secure, well-lit and have an identifiable sense of address.
- Distinguish residential and commercial entrances.

Common pedestrian areas should:

- Be legible and accessible.
- Provide hallway and lobby areas of a size that reflects the quantity of apartments or leasable floor area serviced.
- Be naturally lit and naturally ventilated.

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

6.2-7 Wind effects

None specified.

6.2-8 Active frontages

Standard BF09

Ground level interfaces fronting Gertrude Street should achieve a fine-grain, shop front design that includes elements of:

- A stall riser.
- Pilasters.
- Clerestory window.

Security grills or mesh should:

- Be transparent.
- Not block views into tenancies at night.
- Be mounted internally to the shop windows.

Development should avoid floor to ceiling glass with limited entries for large expanses of the ground floor.

6.2-9 Weather protection

Standard BF11

Development should include continuous weather protection along Gertrude Street, except where a heritage place warrants an alternative approach.

6.2-10 Landscape and fencing

Standard BF12

Development should provide for green infrastructure (any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants), including landscaping and vertical greening such as canopy trees where possible, climbing plants, green walls or planter boxes.

6.2-11 Carparking design

Standard BF13

Additional vehicle access to car parks must not be provided from Gertrude Street.

Vehicle access should be provided from laneways and side streets, in this order of preference.

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

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.

6.2-12 Building services

Standard BF14

Waste and loading access should not be located on the primary frontage.

6.2-13 Exterior design

Standard BF15

The design of development above the street wall or front wall should distinguish between the lower levels through materials and articulation, including by using visually lightweight materials and colours.

Facades on Gertrude Street should incorporate vertical and horizontal proportions of the traditional fine-grain, retail shop front character of the street.

Development should:

- Create an appropriate ratio of solid to void elements
- Create visual interest through the arrangement of fenestration, balconies and the application of architectural features including external shading devices, window sills.

Materials and colours should be simple and limited to avoid overly busy façades.

6.3 Other outcomes and standards

None specified.

7.0 Subdivision

Permit requirements

None specified.

Subdivision requirements

None specified.

8.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.09, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- For an application to construct a building, in addition to the requirements of Clause 43.06-9, the design response must also explain how the proposed design considers its

impact upon adjacent properties in terms of outlook, daylight and solar access to private open space and windows, and visual bulk.

- 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 area including an assessment of the ongoing functionality of laneway/s, where applicable.
- An application to construct a building of five or more storeys, excluding a basement, must be accompanied by a wind impact assessment report prepared by a suitably qualified person to consider wind impacts, which must:
 - Explain the effect of the proposed development on the wind conditions in publicly accessible areas within a distance equal to half the longest width of the building, measured from all façades, or half the total height of the building, whichever is greater.
 - For development with a total building height in excess of 30 metres, model the wind effects of the proposed development and its surrounding buildings (existing and proposed) using wind tunnel testing, unless otherwise agreed by the Responsible Authority.
 - Identify the principal role of each portion of the publicly accessible areas for sitting, standing or walking purposes.
 - Explain whether the outcome and Standard BF08 at Clause 43.06-7.8 are met.

9.0 Notice and review

An application to construct a building or construct or carry out works is not 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.

10.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.06, in addition to those specified in Clause 43.06-11 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal meets the development objectives and requirements of this schedule.
- 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.
- The design of the shop fronts on Gertrude Street.
- Whether development impacts the prominence of the heritage street wall when viewed along Gertrude Street.

- Whether development impacts the prominence of heritage buildings on street corners when viewed from the opposite side of Gertrude Street.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street.
- 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, adjoining the site through a suitable transition in scale of street-wall, upper level setbacks and building height.
- Whether upper side and rear setbacks impact the amenity of existing dwellings.
- Whether the development responds to the interface with existing low-scale residential properties, including overshadowing of secluded private open space.
- Whether any additional overshadowing to the nominated spaces adversely affects the use, quality and amenity of the public space.
- Whether the proposed built form mitigates negative wind effects [to the public realm](#) created by the development.
- 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.
- Whether the proposed roof decks are set back from lower levels and are recessive in appearance.
- Whether the impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bicycle lanes.

11.0 Mandatory permit conditions

None specified.

12.0 Signs

None specified.

13.0 Transitional provisions

The requirements of Clause 43.06 and this schedule do not apply to:

- An application made before the approval date of Amendment CXXX to this planning scheme. For the avoidance of doubt, this includes an amended application under section 50, 50A or 57A of the Act if the original application was made before the approval date of Amendment CXXX.
- An amended permit application under section 72 of the Act, if the original application in respect of which that permit was first granted (that is, before it was first amended) was either:
 - Made before the approval date of Amendment CXXX.
 - An amended application under section 50, 50A or 57A of the Act if the original application was made before the approval date of Amendment CXXX.
- The following provisions, as in force in relation to relevant land immediately before the approval date of Amendment CXXX, continue to apply to applications which this transitional provision applies:

- XXX.

SCHEDULE 15 TO CLAUSE 43.06 BUILT FORM OVERLAY

Shown on the planning scheme map as **BFO15**.

JOHNSTON STREET WEST

1.0 Development objectives

To ensure development responds to the varied character and open streetscape of Johnston Street by supporting:

- a new mid-rise character (ranging from 4 to 9 storeys) behind a new street wall along the northside of Johnston Street.
- a mid-rise character (ranging from 4 to 8 storeys) behind a low, consistent heritage street wall on the south side of Johnston Street.

To ensure development creates a new mid-rise character (ranging from 6 to 9 storeys) along Nicholson Street that is set behind a robust street wall and transitions down towards Johnston Place and the former Avon Butter Factory.

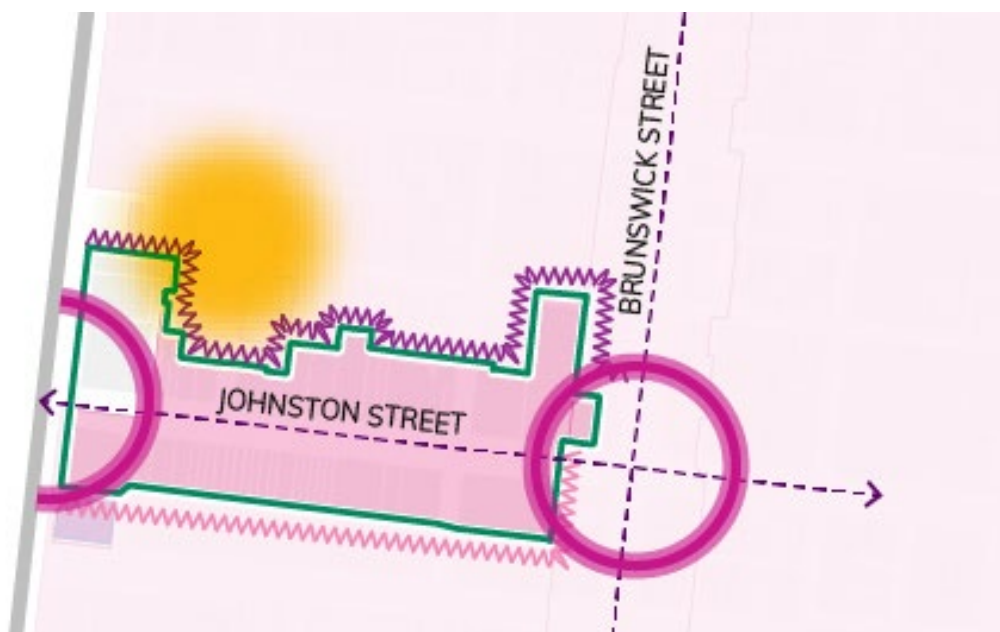
To ensure development respects the lower-scale street wall through recessive upper levels and façade composition and articulation that complements the heritage character of the street.

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 Johnston Street and properties fronting Victoria 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 Development framework

Map 1 to Schedule 15 to Clause 43.06: Development framework



Map 1 legend to Schedule 15 to Clause 43.06: Development framework

LEGEND					
	MUNICIPAL BOUNDARY		PUBLIC REALM JUNCTION		BFO12 - BRUNSWICK STREET SHOPS
	OPEN SPACE		POTENTIAL PUBLIC REALM JUNCTION		BFO13 - SMITH STREET SHOPS
	TRAIN LINE		KEY JUNCTION		BFO14 - GERTRUDE STREET SHOPS
	TRAM LINE		POTENTIAL NEW PUBLIC SPACE		BFO15 - JOHNSTON STREET WEST
	WHEA BOUNDARY		SENSITIVE RESIDENTIAL INTERFACE		BFO16 - BRUNSWICK STREET GRAND RESIDENTIAL
	VICTORIAN HERITAGE REGISTER (VHR)		MIXED USE INTERFACE		BFO17 - FITZROY TOWN HALL AND BACK BLOCKS
	LANDMARK		COMMERCIAL INTERFACE		BFO18 - JOHNSTON STREET SOUTH AND VICTORIA STREET
	KEY VIEW TO LANDMARK		OPEN SPACE INTERFACE		BFO19 - FITZROY EAST AND JOHNSTON STREET NORTH
	LOCAL LANDMARK		SHARED STREET		BFO20 - SMITH STREET NORTH AND SOUTH
			HERITAGE OVERLAY AREAS		BFO21 - ALEXANDRA PARADE
					BFO22 - VICTORIA PARADE
					BFO23 - FITZROY WEST

3.0 Master plan requirements

Land to which the master plan requirements apply

None specified.

4.0 Public benefit uplift framework

None specified.

5.0 Buildings and works

Permit requirement

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

- A rear ground floor extension no higher than 4 metres above ground level.
- An alteration to an existing building façade provided:
 - 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 create blank walls which exceeds 40 per cent of the building façade at ground floor level.

6.0 Outcomes and standards

The outcomes and standards in this overlay and this schedule prevail over any inconsistent provision in this planning scheme.

This does not apply to an application that has been made under Clause 53.22, Clause 53.23 or Clause 53.25, which prevail to the extent of any inconsistent provision in the Built Form Overlay.

6.1 Outcomes that do not apply

The outcome in Clause 43.06-7.3 and Clause 43.06-7.10 does not apply.

6.2 Standards

Any standard specified in this schedule is in addition to any standard in clause 43.06-7 for the corresponding outcome, unless specified otherwise below.

6.2-1 Building typology and future character

None specified.

6.2-2 Building heights

Standard BF02

Standard BF02 does not apply to a heritage place which is included in the Victorian Heritage Register.

New development may exceed the mandatory maximum building height to match the fabric of ~~an~~ the existing ~~heritage~~ building, where the ~~heritage~~ building already exceeds the maximum building height shown on Map 2.

For land in a Special Building Overlay, the maximum building height specified in Standard BF02 is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Map 2 to Schedule 15 to Clause 43.06: Building heights



Map 2 legend to Schedule 15 to Clause 43.06: Building heights

Maximum Building Heights



Table 21: Building heights

Area shown on Map 2	Maximum building height	Mandatory or discretionary	Deemed to comply
Area 1	4 storeys (14.4m)	Mandatory	No
Area 2	5 storeys (18m)	Mandatory	No
Area 3	6 storeys (21m)	Mandatory	No
Area 4	7 storeys (24m)	Mandatory	No
Area 5	8 storeys (28m)	Mandatory	No
Area 6	9 storeys (31m)	Mandatory	No

6.2-3 Overshadowing of open space or public realm

Standard BF04

The following standards replace Standard BF04 at Clause 43.06-7.4:

- Buildings are to maintain existing sun access to the overshadowing areas identified at Table 2 using the specified sun access measurement.

This does not apply to shadow cast by:

- Incidental elements such as canopies, kiosks, artworks, screens or trees.
- Buildings and works constructed within the open space or street.

Table 2: Overshadowing of open space or public realm

Overshadowing area	Sun access measurement	Mandatory or Discretionary	Deemed to comply?
Streets			
Streets of 15m or more in width (measured boundary to boundary)	No <u>additional</u> overshadowing between 10am and 2pm on 22 September on the opposite footpath measured <u>from the kerb</u> 3 metres from the relevant property boundary	Mandatory	No
Streets less than 15m in width (measured boundary to boundary)	No <u>additional</u> overshadowing between 10am and 2pm on 22 September on the opposite footpath measured <u>from the kerb</u> 3 metres from the relevant property boundary	Discretionary	No
Other public space and public realm			
Any opposite kerb outstand, seating, or planting area, as applicable	No overshadowing between 10am and 2pm on 22 September	Discretionary	No
Properties			
Properties on the south side of the laneway between Johnston and Victoria Street, from the first floor upwards	No <u>additional</u> overshadowing between 10am and 2pm on 22 September	Discretionary	No
Properties on the east side of Johnston Place, from the first floor upwards	No <u>additional</u> overshadowing between 10am and 2pm on 22 September	Discretionary	No

6.2-4 Front setbacks, street wall and front wall heights, setbacks above the street wall and front wall, and landscaped setbacks

Standard BF05

Where there is inconsistency between the requirements for all land and the requirements for heritage buildings and land adjoining heritage buildings, the requirements for heritage buildings and land adjoining heritage buildings prevail.

Any maximum street wall or front wall height specified in a schedule to this overlay does not apply to non-habitable architectural features that exceed the specified maximum

height by not more than 1 metre.

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

For land in a Special Building Overlay, the maximum street wall height specified in Standard BF05 is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Front setbacks and street wall and front wall heights

Requirements for all land

The following requirements apply to all land:

- Development should retain the visual prominence of:
 - The heritage street wall in the vistas along the street.
 - Heritage fabric on the return facades of heritage buildings on corner sites.
- Development should provide a street wall on the street boundary, unless the site adjoins a footpath 1.8 metres wide or less.
- On a site which adjoins a footpath 1.8 metres wide or less, development should provide a front wall that is setback or generous, recessed building entrances to provide space for pedestrian circulation and include space for landscaping, outdoor trading, seating and/or visitor bicycle parking.
- 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.
- The street wall or front wall on corner buildings should continue the street wall or front wall height for a minimum of 8 metres to the side street, unless a street wall or front wall height for the side street is shown on Map 3 with an appropriate transition in height to match the rear wall where required.

Requirements for heritage buildings and land adjoining heritage buildings

The following requirements apply to a heritage building, or land adjoining a heritage building, graded either individually significant or contributory:

- A development should match the front setback of an adjoining heritage building from the same street, except to laneway frontages.
- Towards Johnston and Nicholson Street, development should provide a street wall or front wall no higher than the street wall or front wall height of an adjoining heritage building for a minimum length of 6 metres along the front boundary.

Map 3 to Schedule 15 to Clause 43.06: Street wall and front wall heights



Map 3 legend to Schedule 15 to Clause 43.06: Street wall and front wall heights

- | | |
|---------------------------------|-----------------------------|
| Maximum Streetwall Heights | Heritage Streetwall Heights |
| New 2 storey streetwall / 8.0m | Retain heritage streetwall |
| New 3 storey streetwall / 11.2m | |
| New 4 storey streetwall / 15.0m | |

Table 3: Street wall and front wall heights

Interface shown on Map 3	Maximum street wall or front wall height	Discretionary or Mandatory	Deemed to Comply
Interface 1	2 storeys (8m)	Mandatory	No
Interface 2	3 storeys (11.2m)	Mandatory	No
Interface 3	4 storeys (15m)	Mandatory	No
244 – 260 Nicholson Street, Fitzroy	4 storeys (15m)	Discretionary	No

Setbacks above the street wall or front wall

Requirements for all land

Development above the street wall or front wall should avoid repetitive steps in the built form and incorporate no more than two steps, including the setback above the street wall or front wall as one step.

Requirements for heritage buildings

The following requirements apply to a heritage building that is graded either individually

significant or contributory:

- The top level of development over 5 storeys should be set back a further 3.2 metres from the main street frontage.
- Development above the street wall or front wall should be set back in excess of the minimum 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.
 - A lesser setback would detract from the character of the streetscape when viewed directly or obliquely across the street.

Table 4: Setbacks above street walls and front walls

Location	Minimum setback above street wall or front wall	Discretionary or Mandatory	Deemed to Comply
On Johnston Street	6m	Mandatory	No
On Argyle Street and Nicholson Street	6m	Discretionary	No
On side streets	3m	Discretionary	No

6.2-5 Side and rear setbacks and building separation within a site

Standard BF06

Side and rear setbacks

Development should have no side street setback.

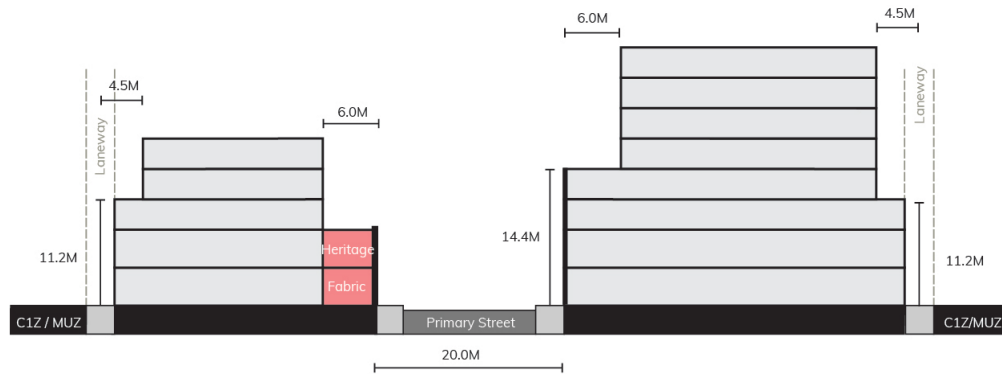
A wall on a rear boundary should not exceed a maximum height of 11.2 metres unless a street wall and front wall height is specified for the boundary on Map 3.

Development above a wall on rear boundary should avoid a repetitive stepping of individual levels and incorporate no more than two steps (including the setback above the boundary wall as one step) or be contained within a sloped facade.

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



Building separation

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:

- Development above the street wall or front wall height up to 27 metres 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 and/or exists on the adjoining property.
 - 3 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.
- Development above the street wall or front wall height exceeding 27 metres should 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, development above the street wall or front wall height should be separated by a minimum of:

- 9 metres, where a habitable window or balcony is proposed.
- 6 metres where a commercial or non-habitable window is proposed.

6.2-6 Building layout and adaptability

Standard BF07

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

Lower levels of development should be designed to incorporate a commercial floor to floor height of approximately 4 metres.

Pedestrian access should:

- Be achieved via streets and avoided from laneways. Where access is appropriate from a laneway provide for a pedestrian refuge or landing.
- Be clearly visible, secure, well-lit and have an identifiable sense of address.
- Distinguish residential and commercial entrances.

Common pedestrian areas should:

- Be legible and accessible.
- Provide hallway and lobby areas of a size that reflects the quantity of apartments or leasable floor area serviced.
- Be naturally lit and naturally ventilated.

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

6.2-7 Wind effects

6.2-8 Active frontages

Standard BF09

Ground level interfaces fronting Johnston Street should achieve a fine-grain, shop front design that includes elements of:

- A stall riser.
- Pilasters.
- Clerestory window.

Security grills or mesh should:

- Be transparent.
- Not block views into tenancies at night.
- Be mounted internally to the shop windows.

Development should avoid floor to ceiling glass with limited entries for large expanses of the ground floor.

6.2-9 Weather protection

Standard BF11

Development should include continuous weather protection along Johnston Street except where a heritage place warrants an alternative approach.

6.2-10 Landscape and fencing

Standard BF12

Development should provide for green infrastructure (any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants), including landscaping and vertical greening such as canopy trees where possible, climbing plants, green walls or planter boxes.

6.2-11 Carparking design

Standard BF13

Additional vehicle access to car parks must not be provided from Johnston Street. Vehicle access should be provided from laneways and side streets, in this order of preference.

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

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.

6.2-12 Building services

Standard BF14

Waste and loading access should not be located on the primary frontage.

6.2-13 Exterior design

Standard BF15

The design of development above the street wall or front wall should distinguish between the lower levels through materials and articulation, including by using visually lightweight materials and colours.

Facades on Johnston Street should incorporate vertical and horizontal proportions of the traditional fine-grain, retail shop front character of the street.

Development should:

- Create an appropriate ratio of solid to void elements
- Create visual interest through the arrangement of fenestration, balconies and the application of architectural features including external shading devices, window sills.

Materials and colours should be simple and limited to avoid overly busy façades.

6.3 Other outcomes and standards

None specified.

7.0 Subdivision

Permit requirements

None specified.

Subdivision requirements

None specified.

8.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.09, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- For an application to construct a building, in addition to the requirements of Clause 43.06-9, the design response must also explain how the proposed design considers its impact upon adjacent properties in terms of outlook, daylight and solar access to private open space and windows, and visual bulk.
- 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 area including an assessment of the ongoing functionality of laneway/s, where applicable.
- An application to construct a building of five or more storeys, excluding a basement, must be accompanied by a wind impact assessment report prepared by a suitably qualified person to consider wind impacts, which must:
 - Explain the effect of the proposed development on the wind conditions in publicly accessible areas within a distance equal to half the longest width of the building, measured from all façades, or half the total height of the building, whichever is greater.
 - For development with a total building height in excess of 30 metres, model the wind effects of the proposed development and its surrounding buildings (existing and proposed) using wind tunnel testing, unless otherwise agreed by the Responsible Authority.
 - Identify the principal role of each portion of the publicly accessible areas for sitting, standing or walking purposes.
 - Explain whether the outcome and Standard BF08 at Clause 43.06-7.8 are met.

9.0 Notice and review

An application to construct a building or construct or carry out works is not 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.

10.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.06, in addition to those specified in Clause 43.06-11 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal meets the development objectives and requirements of this schedule.
- 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.
- The design of the shop fronts on Johnston Street.
- Whether the design of development fronting Nicholson Street achieves a commercial character.
- Whether development impacts the prominence of the heritage street wall when viewed along Johnston Street.
- Whether development impacts the prominence of heritage buildings on street corners when viewed from the opposite side of Johnston Street.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street.

- 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, adjoining the site through a suitable transition in scale of street-wall, upper level setbacks and building height.
- Whether upper side and rear setbacks impact the amenity of existing dwellings.
- Whether the development responds to the interface with existing low-scale residential properties, including overshadowing of secluded private open space.
- Whether any additional overshadowing to the nominated spaces adversely affects the use, quality and amenity of the public space.
- Whether the proposed built form mitigates negative wind effects [to the public realm](#) created by the development.
- 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.
- Whether the proposed roof decks are set back from lower levels and are recessive in appearance.
- Whether the impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bicycle lanes.

11.0 Mandatory permit conditions

None specified.

12.0 Signs

None specified.

13.0 Transitional provisions

The requirements of Clause 43.06 and this schedule do not apply to:

- An application made before the approval date of Amendment CXXX to this planning scheme. For the avoidance of doubt, this includes an amended application under section 50, 50A or 57A of the Act if the original application was made before the approval date of Amendment CXXX.
- An amended permit application under section 72 of the Act, if the original application in respect of which that permit was first granted (that is, before it was first amended) was either:
 - Made before the approval date of Amendment CXXX.
 - An amended application under section 50, 50A or 57A of the Act if the original application was made before the approval date of Amendment CXXX.
- The following provisions, as in force in relation to relevant land immediately before the approval date of Amendment CXXX, continue to apply to applications which this transitional provision applies:
 - XXX.

SCHEDULE 16 TO CLAUSE 43.06 BUILT FORM OVERLAY

Shown on the planning scheme map as **BFO16**.

BRUNSWICK STREET GRAND RESIDENTIAL

1.0 Development objectives

To ensure development responds to the heritage character and open streetscape of Brunswick Street by supporting:

- The retention of the low-rise character (generally up to 4 storeys) along the west side of Brunswick Street with development being located behind the heritage buildings.
- A low-rise character (up to 4 storeys) along the east side of Brunswick Street behind the low, varied street wall.

To retain view lines to St Patrick’s Cathedral and the St Luke’s Church and the prominence of the ‘grand’ residential heritage buildings on the west side of Brunswick Street.

To ensure development maintains the varied heritage street wall and buildings on the east side through recessive upper levels and façade composition and articulation that complements the Brunswick Street character.

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 Brunswick Street, side streets 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 Development framework

Map 1 to Schedule 16 to Clause 43.06: Development framework



Map 1 legend to Schedule 16 to Clause 43.06: Development framework

LEGEND					
	MUNICIPAL BOUNDARY		PUBLIC REALM JUNCTION		BFO12 - BRUNSWICK STREET SHOPS
	OPEN SPACE		POTENTIAL PUBLIC REALM JUNCTION		BFO13 - SMITH STREET SHOPS
	TRAIN LINE		KEY JUNCTION		BFO14 - GERTRUDE STREET SHOPS
	TRAM LINE		POTENTIAL NEW PUBLIC SPACE		BFO15 - JOHNSTON STREET WEST
	WHEA BOUNDARY		SENSITIVE RESIDENTIAL INTERFACE		BFO16 - BRUNSWICK STREET GRAND RESIDENTIAL
	VICTORIAN HERITAGE REGISTER (VHR)		MIXED USE INTERFACE		BFO17 - FITZROY TOWN HALL AND BACK BLOCKS
	LANDMARK		COMMERCIAL INTERFACE		BFO18 - JOHNSTON STREET SOUTH AND VICTORIA STREET
	KEY VIEW TO LANDMARK		OPEN SPACE INTERFACE		BFO19 - FITZROY EAST AND JOHNSTON STREET NORTH
	LOCAL LANDMARK		SHARED STREET		BFO20 - SMITH STREET NORTH AND SOUTH
			HERITAGE OVERLAY AREAS		BFO21 - ALEXANDRA PARADE
					BFO22 - VICTORIA PARADE
					BFO23 - FITZROY WEST

3.0 Master plan requirements

Land to which the master plan requirements apply

None specified.

4.0 Public benefit uplift framework

None specified.

5.0 Buildings and works

Permit requirement

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

- A rear ground floor extension no higher than 4 metres above ground level.
- An alteration to an existing building façade provided the alterations include and/or retain existing windows and pedestrian entry points and do not create blank walls exceeding 40 per cent of the building façade ground floor.

6.0 Outcomes and standards

The outcomes and standards in this overlay and this schedule prevail over any inconsistent provision in this planning scheme.

This does not apply to an application that has been made under Clause 53.22, Clause 53.23 or Clause 53.25, which prevail to the extent of any inconsistent provision in the Built Form Overlay.

6.1 Outcomes that do not apply

The outcome in Clause 43.06-7.3 and Clause 43.06-7.10 do not apply.

6.2 Standards

Any standard specified in this schedule is in addition to any standard in clause 43.06-7 for the corresponding outcome, unless specified otherwise below.

6.2-1 Building typology and future character

None specified.

6.2-2 Building heights

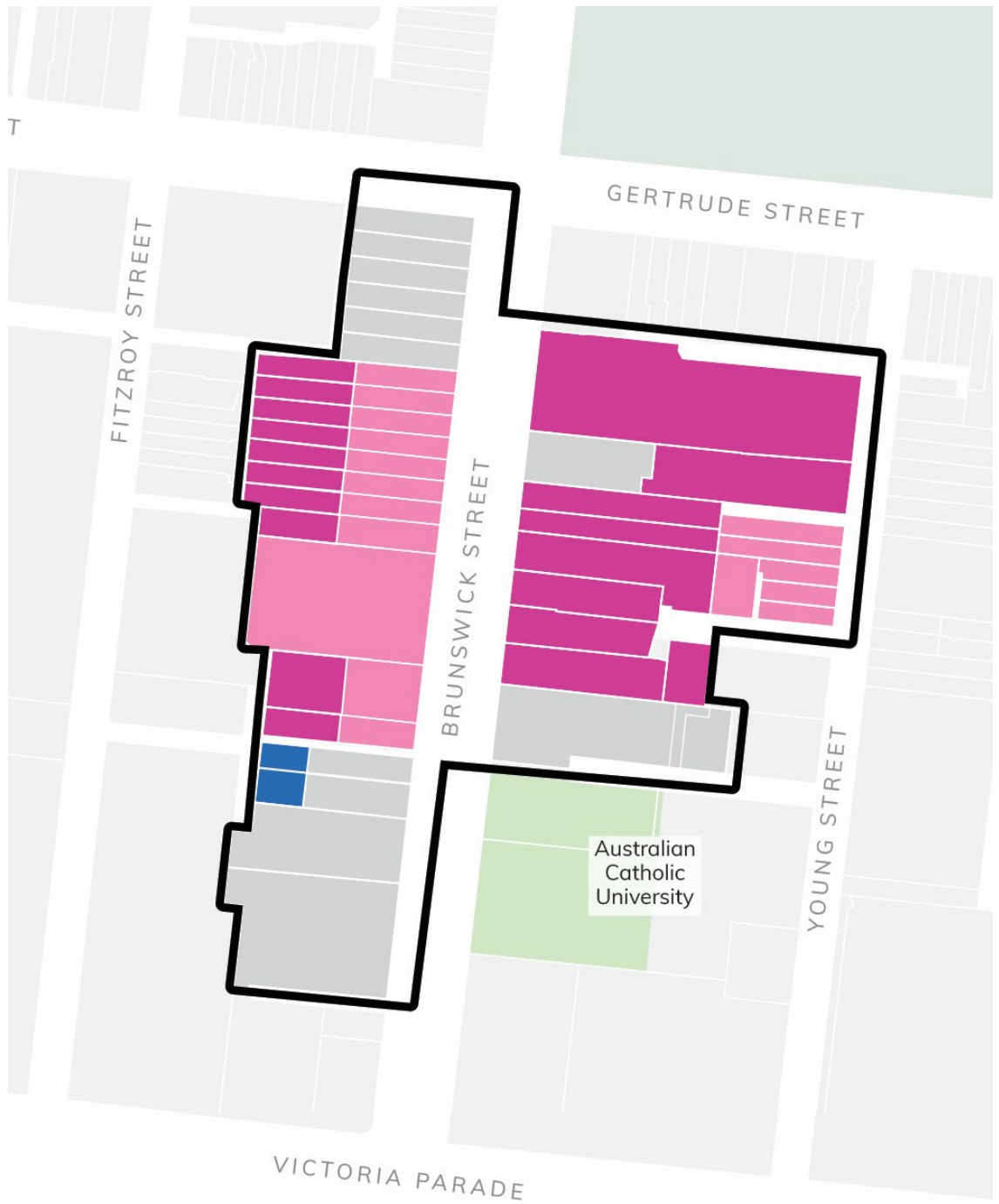
Standard BF02

Standard BF02 does not apply to a heritage place which is included in the Victorian Heritage Register.

New development may exceed the mandatory maximum building height to match the fabric of ~~an~~ the existing ~~heritage~~ building, where the ~~heritage~~ building already exceeds the maximum building height shown on Map 2.

For land in a Special Building Overlay, the maximum building height specified in Standard BF02 is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Map 2 to Schedule 16 to Clause 43.06: Building heights



Map 2 legend to Schedule 16 to Clause 43.06: Building heights

Maximum Building Heights

Limited opportunity	4 storeys / 15.0m
3 storeys / 11.2m	7 storeys / 24.0m

Table 1: Building heights

Area shown on Map 2	Maximum building height	Mandatory or discretionary	Deemed to comply
Area 1	3 storeys (11.2m)	Mandatory	No
Area 2	4 storeys (15 m)	Mandatory	No
Area 3	7 storeys (24m)	Mandatory	No

6.2-3 Overshadowing of open space or public realm

Standard BF04

The following standards replace Standard BF04 at Clause 43.06-7.4:

- Development adjoining land within a Neighbourhood Residential Zone should meet the objective of Clause 55.04-3, including where separated by a laneway.
- Buildings are to maintain existing sun access to the overshadowing areas identified at Table 2 using the specified sun access measurement.

This does not apply to shadow cast by:

- Incidental elements such as canopies, kiosks, artworks, screens or trees.
- Buildings and works constructed within the open space or street.

Table 2: Overshadowing of open space or public realm

Overshadowing area	Sun access measurement	Mandatory or Discretionary	Deemed to comply?
Streets			
Brunswick Street	No <u>additional</u> overshadowing between 10am and 2pm on 22 September on the opposite footpath measured <u>from the kerb 3 metres from the relevant property boundary</u>	Mandatory	No
Other public space and public realm			
Any opposite kerb outstand, seating, or planting areas, as applicable	No additional overshadowing between 10am and 2pm on 22 September	Discretionary	No

6.2-4 Front setbacks, street wall and front wall heights, setbacks above the street wall and front wall, and landscaped setbacks

Standard BF05

Where there is inconsistency between the requirements for all land and the requirements for heritage buildings and land adjoining heritage buildings, the requirements for heritage buildings and land adjoining heritage buildings prevail.

Any maximum street wall or front wall height specified in a schedule to this overlay does not apply to non-habitable architectural features that exceed the specified maximum height by not more than 1 metre.

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

For land in a Special Building Overlay, the maximum street wall height specified in Standard BF05 is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Front setbacks, landscaped setbacks and street wall and front wall heights

Requirements for all land

The following requirements apply to all land:

- Development should retain the visual prominence of:
 - The heritage street wall in the vistas along the street.
 - Heritage fabric on the return facades of heritage buildings on corner sites.
- Development should provide a street wall on the street boundary, unless:
 - The site adjoins a footpath 1.8 metres wide or less.
 - An existing landscaped setback is required to be retained as shown on Map 3.
- On a site which adjoins a footpath 1.8 metres wide or less, development should provide a front wall that is setback or generous, recessed building entrances to provide space for pedestrian circulation and include space for landscaping, outdoor trading, seating and/or visitor bicycle parking.
- 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.
- The street wall or front wall on corner buildings should continue the street wall or front wall height for a minimum of 8 metres to the side street, unless a street wall or front wall height for the side street is shown on Map 3 with an appropriate transition in height to match the rear wall where required.

Requirements for heritage buildings and land adjoining heritage buildings

The following requirements apply to a heritage building, or land adjoining a heritage building, graded either individually significant or contributory:

- A development should match the front setback of an adjoining heritage building from the same street, except to laneway frontages.
- Development should provide a street wall or front wall no higher than the street wall or front wall height of an adjoining heritage building for a minimum length of 6 metres along the front boundary.

Map 3 to Schedule 16 to Clause 43.06: Landscaped setbacks and street wall and front wall heights



Map 3 legend to Schedule 16 to Clause 43.06: Landscaped setbacks and street wall and front wall heights

- | | |
|---|---|
| Maximum Streetwall Heights | Heritage Streetwall Heights |
| New 3 storey streetwall / 11.2m  | Retain heritage streetwall  |
| | Landscape Setbacks |
| | Retain existing landscape setback  |

Table 3: Street wall and front wall heights

Interface shown on Map 3	Maximum street wall or front wall height	Discretionary or Mandatory	Deemed to Comply
Interface 1	3 storeys (11.2m)	Mandatory	No

Setbacks above the street wall or front wall

Requirements for all land

The following requirements apply to all land:

- Development above the street wall or front wall along the west side of Brunswick Street must be set back behind the existing heritage building as indicated on Map 3.
- Development above the street wall or front wall should avoid repetitive steps in the built form and incorporate no more than two steps, including the setback above the street wall or front wall as one step.

Table 4: Setbacks above street walls and front walls

Location	Minimum setback above street wall or front wall	Discretionary or Mandatory	Deemed to Comply
On the east side of Brunswick Street	8.6 metres	Mandatory	No

6.2-5 Side and rear setbacks and building separation within a site

Standard BF06

Side and rear setbacks

Development should have no side street setback.

A wall on a rear boundary should not exceed the maximum height specified in Table 5 unless:

- The site is located on the west side of Brunswick Street south of No. 25 Brunswick Street.
- A street wall or front wall height is specified for the boundary on Map 3.

Table 5: Wall on a rear boundary

Adjoining zone to rear boundary	Maximum height of wall on a rear boundary	Discretionary or Mandatory	Deemed to Comply
NRZ whether or not separated by a laneway	8m	Discretionary	No
MUZ whether or not separated by a laneway	11.2m	Discretionary	No
C1Z whether or not separated by a laneway	11.2m	Discretionary	No

Development above the height of a wall on a rear boundary located on the east side of Brunswick Street or on the west side of Brunswick Street north of No. 25 Brunswick

Street (including):

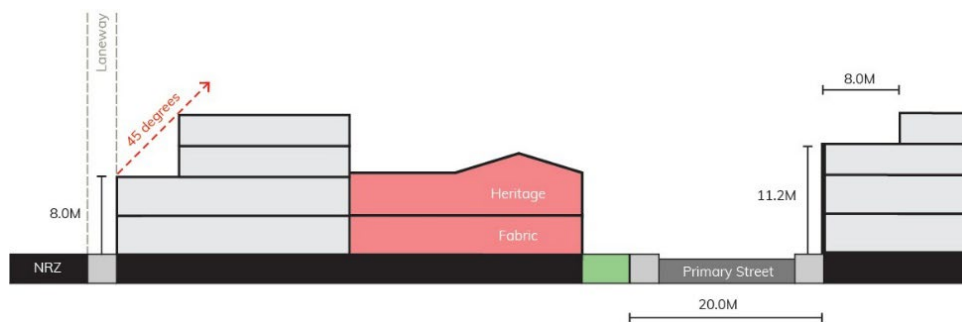
- Must be set back from the rear boundary and be contained within a 45-degree setback envelope, except for green infrastructure (any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants) to support landscaping. The envelope's angle is to be measured perpendicular to the adjoining residential site's boundary (including where separated by a laneway), taken from the centre of the development site's boundary. This does not apply to a Commercial 1 Zone and/or Mixed Use Zone interface.

Development above a wall on boundary should avoid a repetitive stepping of individual levels and incorporate no more than two steps (including the setback above the boundary wall as one step) or be contained within a sloped façade.

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



Building separation

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, development above the street wall or front wall height 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 and/or exists on the adjoining property.
- 3 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 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 levels upper levels, development above the street wall or front wall height should be separated by a minimum of:

- 9 metres, where a habitable window or balcony is proposed.
- 6 metres where a commercial or non-habitable window is proposed.

6.2-6 Building layout and adaptability

Standard BF07

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

Lower levels of development should be designed to accommodate commercial floor to floor height of approximately 4 metres.

Pedestrian access should:

- Be achieved via streets and avoided from laneways. Where pedestrian access from a laneway is appropriate, the building setback should provide for a pedestrian refuge or landing.
- Be clearly visible, secure, well-lit and have an identifiable sense of address.
- Distinguish residential and commercial entrances.

Common pedestrian areas should:

- Be legible and accessible.
- Provide hallway and lobby areas of a size that reflects the quantity of apartments or leasable floor area serviced.
- Be naturally lit and naturally ventilated.

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

6.2-7 Wind effects

None specified.

6.2-8 Active frontages

Standard BF09

Development should avoid floor to ceiling glass with limited entries for large expanses of the ground floor.

6.2-9 Landscape and fencing

Standard BF12

Development should provide for green infrastructure (any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants) , including landscaping and vertical greening such as canopy trees where possible, climbing plants, green walls or planter boxes.

6.2-10 Carparking design

Standard BF13

Additional vehicle access to car parks must not be provided from Brunswick Street. Vehicle access should be provided from laneways and side streets, in this order of preference.

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

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.

6.2-11 Building services

Standard BF14

Waste and loading access should not be located on the primary frontage.

6.2-12 Exterior design

Standard BF15

The design of development above the height of the street wall or front wall should distinguish between the lower levels through materials and articulation, including by using visually lightweight materials and colours.

Facades should incorporate vertical and horizontal proportions of either:

- The grand residential building character on the west side of Brunswick Street.
- The mixed retail, commercial and residential character on the east side of Brunswick Street.

Development should:

- Create an appropriate ratio of solid to void elements.
- Create visual interest through the arrangement of fenestration, balconies and the application of architectural features including external shading devices, window sills.

Materials and colours should be simple and limited to avoid overly busy façades.

6.3 Other outcomes and standards

None specified.

7.0 Subdivision

Permit requirements

None specified.

Subdivision requirements

None specified.

8.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.09, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- For an application to construct a building, in addition to the requirements of Clause 43.06-9, the design response must also explain how the proposed design considers its

impact upon adjacent properties in terms of outlook, daylight and solar access to private open space and windows, and visual bulk.

- 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 area including an assessment of the ongoing functionality of laneway/s, where applicable.
- An application to construct a building of five or more storeys, excluding a basement, must be accompanied by a wind impact assessment report prepared by a suitably qualified person to consider wind impacts, which must:
 - Explain the effect of the proposed development on the wind conditions in publicly accessible areas within a distance equal to half the longest width of the building, measured from all façades, or half the total height of the building, whichever is greater.
 - For development with a total building height in excess of 30 metres, model the wind effects of the proposed development and its surrounding buildings (existing and proposed) using wind tunnel testing, unless otherwise agreed by the responsible authority.
 - Identify the principal role of each portion of the publicly accessible areas for sitting, standing or walking purposes.
 - Explain whether the outcome and Standard BF08 at Clause 43.06-7.8 are met.

9.0 Notice and review

An application to construct a building or construct or carry out works is not 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.

10.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.06, in addition to those specified in Clause 43.06-11 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal meets the development objectives and requirements of this schedule.
- 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 development impacts the prominence of the heritage street wall and grand residential character along the western side of Brunswick Street.
- Whether the design of development along the east side of Brunswick Street achieves a mixed retail, commercial and residential character.

- Whether development impacts the prominence of heritage buildings on street corners when viewed from the opposite side of Brunswick Street.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street.
- 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, adjoining the site through a suitable transition in scale of street-wall, upper level setbacks and building height.
- Whether upper side and rear setbacks impact the amenity of existing dwellings.
- Whether the development responds to the interface with existing low-scale residential properties, including overshadowing of secluded private open space.
- Whether any additional overshadowing to the nominated spaces adversely affects the use, quality and amenity of the public space.
- Whether the proposed built form mitigates negative wind effects [to the public realm](#) created by the development.
- 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.
- Whether the proposed roof decks are set back from lower levels and are recessive in appearance.
- Whether the impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bicycle lanes.

11.0 Mandatory permit conditions

None specified.

12.0 Signs

None specified.

13.0 Transitional provisions

The requirements of Clause 43.06 and this schedule do not apply to:

- An application made before the approval date of Amendment CXXX to this planning scheme. For the avoidance of doubt, this includes an amended application under section 50, 50A or 57A of the Act if the original application was made before the approval date of Amendment CXXX.
- An amended permit application under section 72 of the Act, if the original application in respect of which that permit was first granted (that is, before it was first amended) was either:
 - Made before the approval date of Amendment CXXX.
 - An amended application under section 50, 50A or 57A of the Act if the original application was made before the approval date of Amendment CXXX.
- The following provisions, as in force in relation to relevant land immediately before the approval date of Amendment CXXX, continue to apply to applications which this transitional provision applies:
 - XXX.

SCHEDULE 17 TO CLAUSE 43.06 BUILT FORM OVERLAY

Shown on the planning scheme map as **BFO17**.

FITZROY TOWN HALL AND BACK BLOCKS

1.0 Development objectives

To ensure development supports a low-rise to mid-rise character (ranging from 3 to 6 storeys) in the Fitzroy Town Hall precinct and back blocks behind Brunswick Street.

To ensure development retains view lines to the Fitzroy Town Hall clock tower from the western corner of Kent Street and Moor Street.

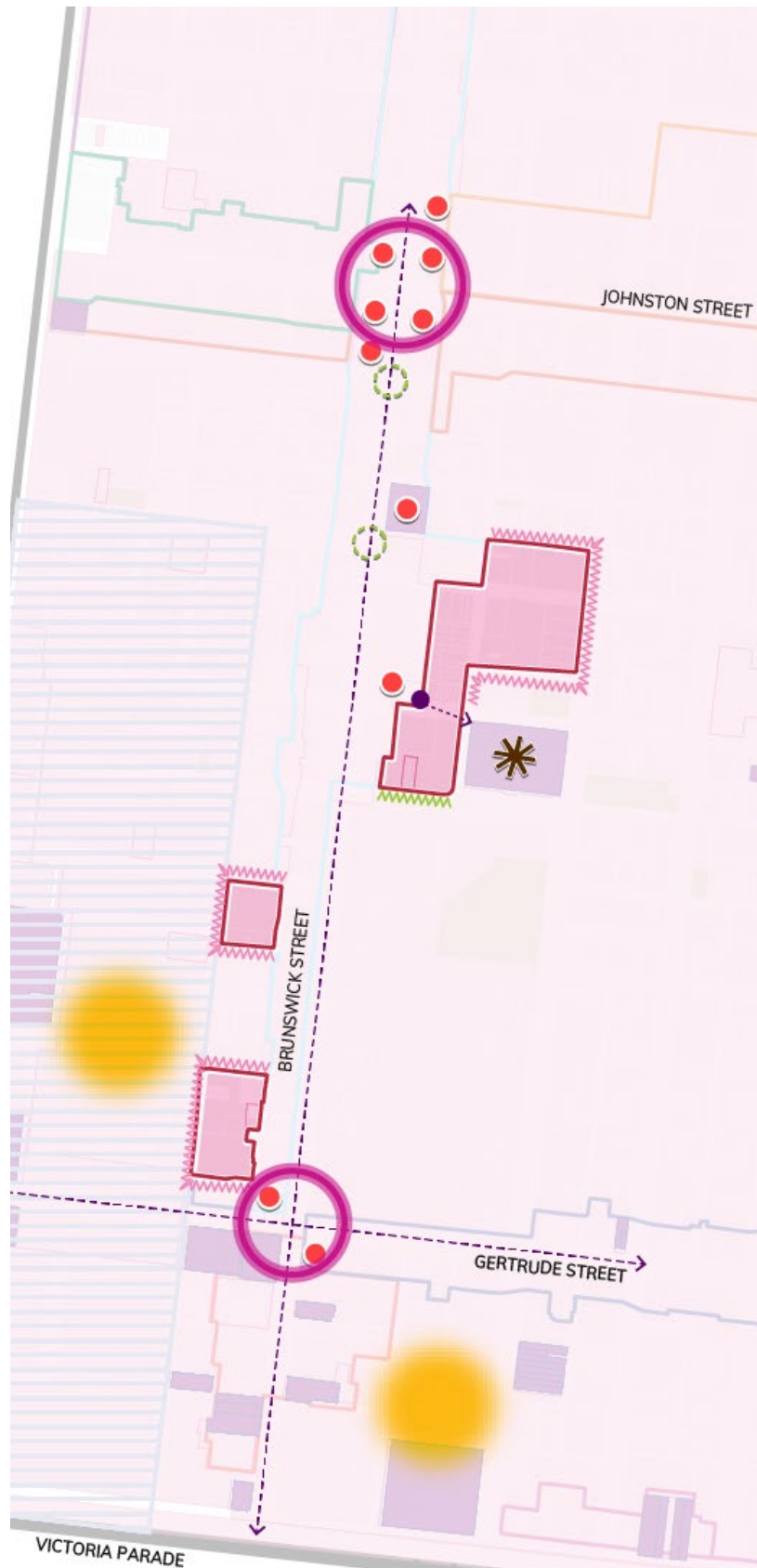
To ensure development respects the low-scale heritage street wall and buildings through recessive upper levels and façade composition and articulation that complements the mixed industrial and residential character of each area.

To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high quality public realm, and avoid overshadowing of opposite footpaths 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 Development framework

Map 1 to Schedule 17 to Clause 43.06: Development framework



Map 1 legend to Schedule 17 to Clause 43.06: Development framework

LEGEND					
	MUNICIPAL BOUNDARY		PUBLIC REALM JUNCTION		BF012 - BRUNSWICK STREET SHOPS
	OPEN SPACE		POTENTIAL PUBLIC REALM JUNCTION		BF013 - SMITH STREET SHOPS
	TRAIN LINE		KEY JUNCTION		BF014 - GERTRUDE STREET SHOPS
	TRAM LINE		POTENTIAL NEW PUBLIC SPACE		BF015 - JOHNSTON STREET WEST
	WHEA BOUNDARY		SENSITIVE RESIDENTIAL INTERFACE		BF016 - BRUNSWICK STREET GRAND RESIDENTIAL
	VICTORIAN HERITAGE REGISTER (VHR)		MIXED USE INTERFACE		BF017 - FITZROY TOWN HALL AND BACK BLOCKS
	LANDMARK		COMMERCIAL INTERFACE		BF018 - JOHNSTON STREET SOUTH AND VICTORIA STREET
	KEY VIEW TO LANDMARK		OPEN SPACE INTERFACE		BF019 - FITZROY EAST AND JOHNSTON STREET NORTH
	LOCAL LANDMARK		SHARED STREET		BF020 - SMITH STREET NORTH AND SOUTH
			HERITAGE OVERLAY AREAS		BF021 - ALEXANDRA PARADE
					BF022 - VICTORIA PARADE
					BF023 - FITZROY WEST

3.0 Master plan requirements

Land to which the master plan requirements apply

None specified.

4.0 Public benefit uplift framework

None specified.

5.0 Buildings and works

Permit requirement

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

- A rear ground floor extension no higher than 4 metres above ground level.
- An alteration to an existing building façade provided:
 - 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 create blank walls which exceeds 40 per cent of the building façade at ground floor level.

6.0 Outcomes and standards

The outcomes and standards in this overlay and this schedule prevail over any inconsistent provision in this planning scheme.

This does not apply to an application that has been made under Clause 53.22, Clause 53.23 or Clause 53.25, which prevail to the extent of any inconsistent provision in the Built Form Overlay.

6.1 Outcomes that do not apply

The outcomes in Clause 43.06-7.3 and Clause 43.06-7.10 do not apply.

6.2 Standards

Any standard specified in this schedule is in addition to any standard in clause 43.06-7 for the corresponding outcome, unless specified otherwise below.

6.2-1 Building typology and future character

None specified.

6.2-2 Building heights

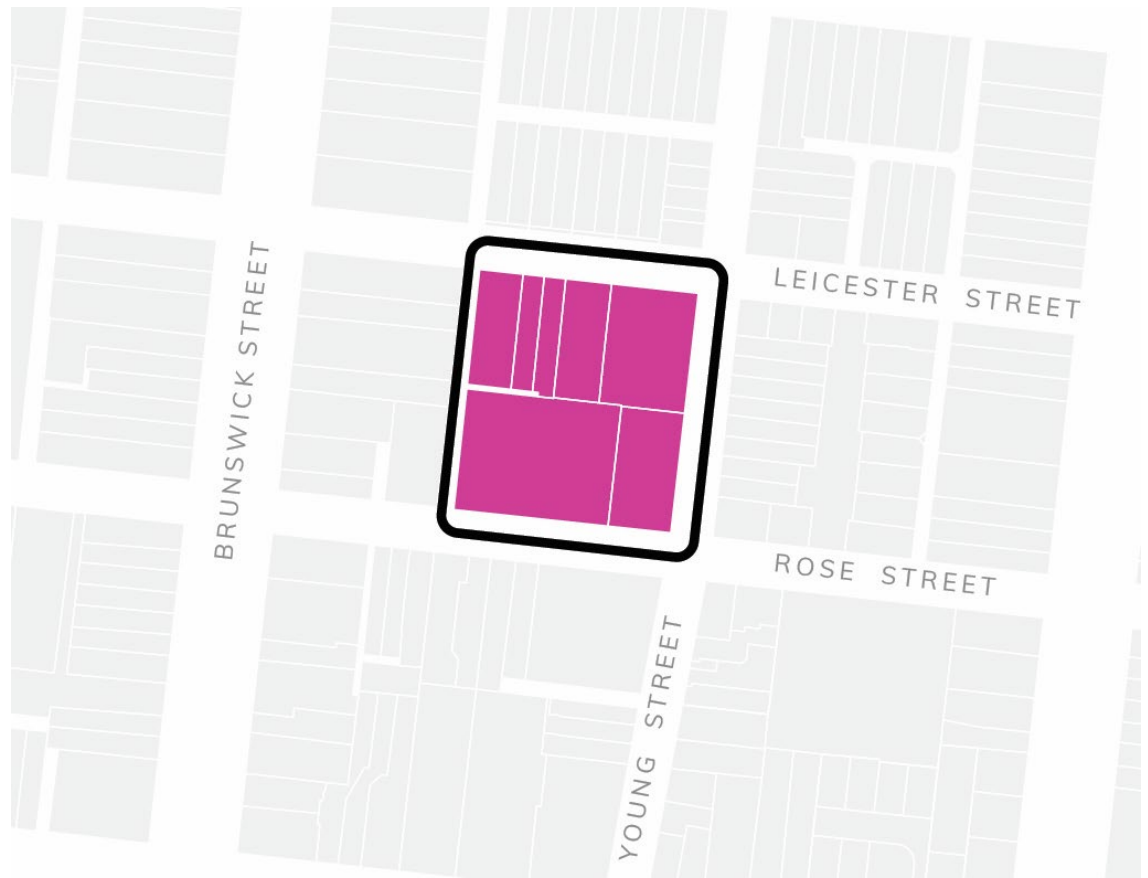
Standard BF02

Standard BF02 does not apply to a heritage place which is included in the Victorian Heritage Register.

New development may exceed the mandatory maximum building height to match the fabric of ~~an~~ the existing ~~heritage~~ building, where the ~~heritage~~ building already exceeds the maximum building height shown on Map 2.

For land in a Special Building Overlay, the maximum building height specified in Standard BF02 is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

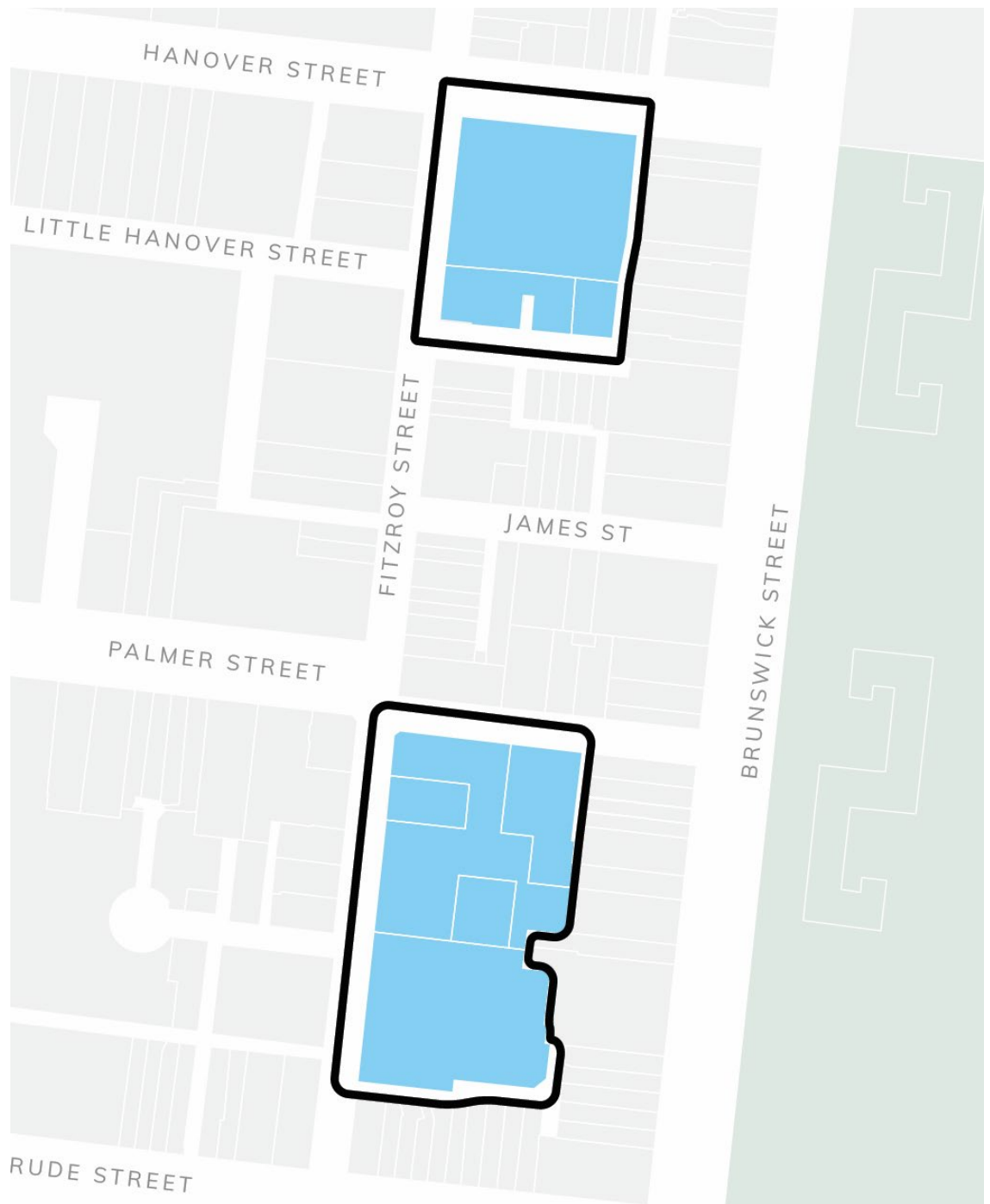
Map 2a to Schedule 17 to Clause 43.06: Building heights



Map 2b to Schedule 17 to Clause 43.06: Building heights



Map 2c to Schedule 17 to Clause 43.06: Building heights



Map 2 legend to Schedule 17 to Clause 43.06: Building heights

Maximum Building Heights

Limited opportunity		5 storeys / 18.0m	
3 storeys / 11.2m		6 storeys / 21.0m	
4 storeys / 15.0m			

Table 1: Building heights

Area shown on Map 2	Maximum building height	Mandatory or discretionary	Deemed to comply
Area 1	3 storeys (11.2m)	Discretionary	No
Area 2	4 storeys (15m)	Discretionary	No
Area 3	5 storeys (18m)	Discretionary	No
Area 4	6 storeys (21m)	Discretionary	No

6.2-3 Overshadowing of open space or public realm

Standard BF04

The following standards replace Standard BF04 at Clause 43.06-7.4:

- Development adjoining land within a Neighbourhood or General Residential Zone should meet the objective of Clause 55.04-3, including where separated by a laneway.
- Buildings are to maintain existing sun access to the overshadowing areas identified at Table 2 using the specified sun access measurement.

This does not apply to shadow cast by:

- Incidental elements such as canopies, kiosks, artworks, screens or trees.
- Buildings and works constructed within the open space or street.

Table 2: Overshadowing of open space or public realm

Overshadowing area	Sun access measurement	Mandatory or Discretionary	Deemed to comply?
Streets			
Streets of 15m or more in width (measured boundary to boundary)	No <u>additional</u> overshadowing between 10am and 2pm on 22 September on the opposite footpath measured <u>from the kerb 3 metres from the relevant property boundary</u>	Mandatory	No
Streets less than 15m in width (measured boundary to boundary)	No <u>additional</u> overshadowing between 10am and 2pm on 22 September on the opposite footpath measured <u>from the kerb 3 metres from the relevant property boundary</u>	Discretionary	No
Other public open space and public realm			
Any opposite kerb outstand, seating or planting area, as applicable	No <u>additional</u> overshadowing between 10am and 2pm on 22 September	Discretionary	No

Overshadowing area	Sun access measurement	Mandatory or Discretionary	Deemed to comply?
A public open space, reserve or parklet	No additional overshadowing between 10am and 2pm on 22 September	Mandatory	No

6.2-4 Front setbacks, street wall and front wall heights, setbacks above the street wall and front wall, and landscaped setbacks

Standard BF05

Where there is inconsistency between the requirements for all land and the requirements for heritage buildings and land adjoining heritage buildings, the requirements for heritage buildings and land adjoining heritage buildings prevail.

Any maximum street wall or front wall height specified in a schedule to this overlay does not apply to non-habitable architectural features that exceed the specified maximum height by not more than 1 metre.

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

For land in a Special Building Overlay, the maximum street wall height specified in Standard BF05 is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Front setbacks, landscaped setbacks and street wall and front wall heights

Requirements for all land

The following requirements apply to all land:

- Development should retain the visual prominence of:
 - The heritage street wall in the vistas along the street.
 - Heritage fabric on the return facades of heritage buildings on corner sites.
- Development should provide a street wall on the street boundary, unless:
 - The site adjoins a footpath 1.8 metres wide or less.
 - An existing landscaped setback is shown to be retained on Map 3.
- On a site which adjoins a footpath 1.8 metres wide or less, development should provide a front wall that is setback or generous, recessed building entrances to provide space for pedestrian circulation and include space for landscaping, outdoor trading, seating and/or visitor bicycle parking.
- 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.
- The street wall or front wall on corner buildings should continue the street wall or front wall height for a minimum of 8 metres to the side street, unless a street wall or front wall height for the side street is shown on Map 3, with an appropriate transition in height to match the rear wall where required.

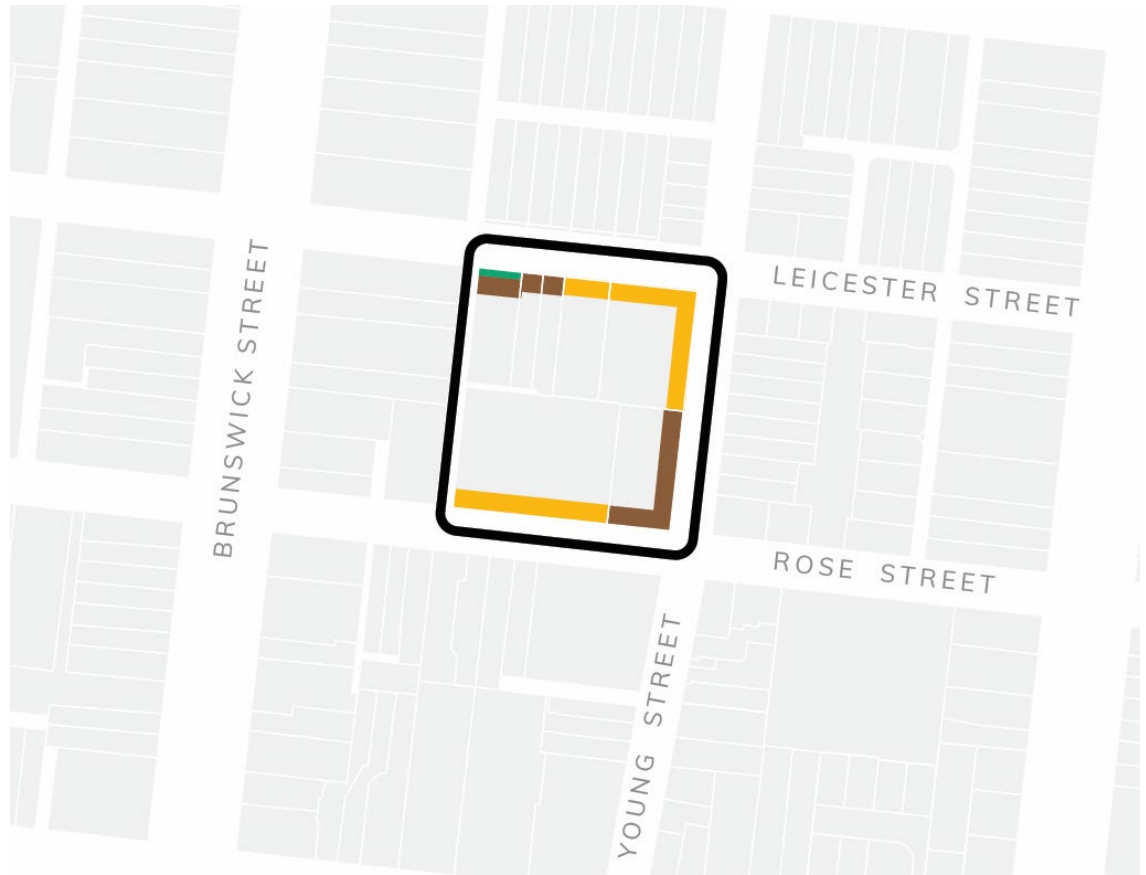
Requirements for heritage buildings and land adjoining heritage buildings

The following requirements apply to a heritage building, or land adjoining a heritage

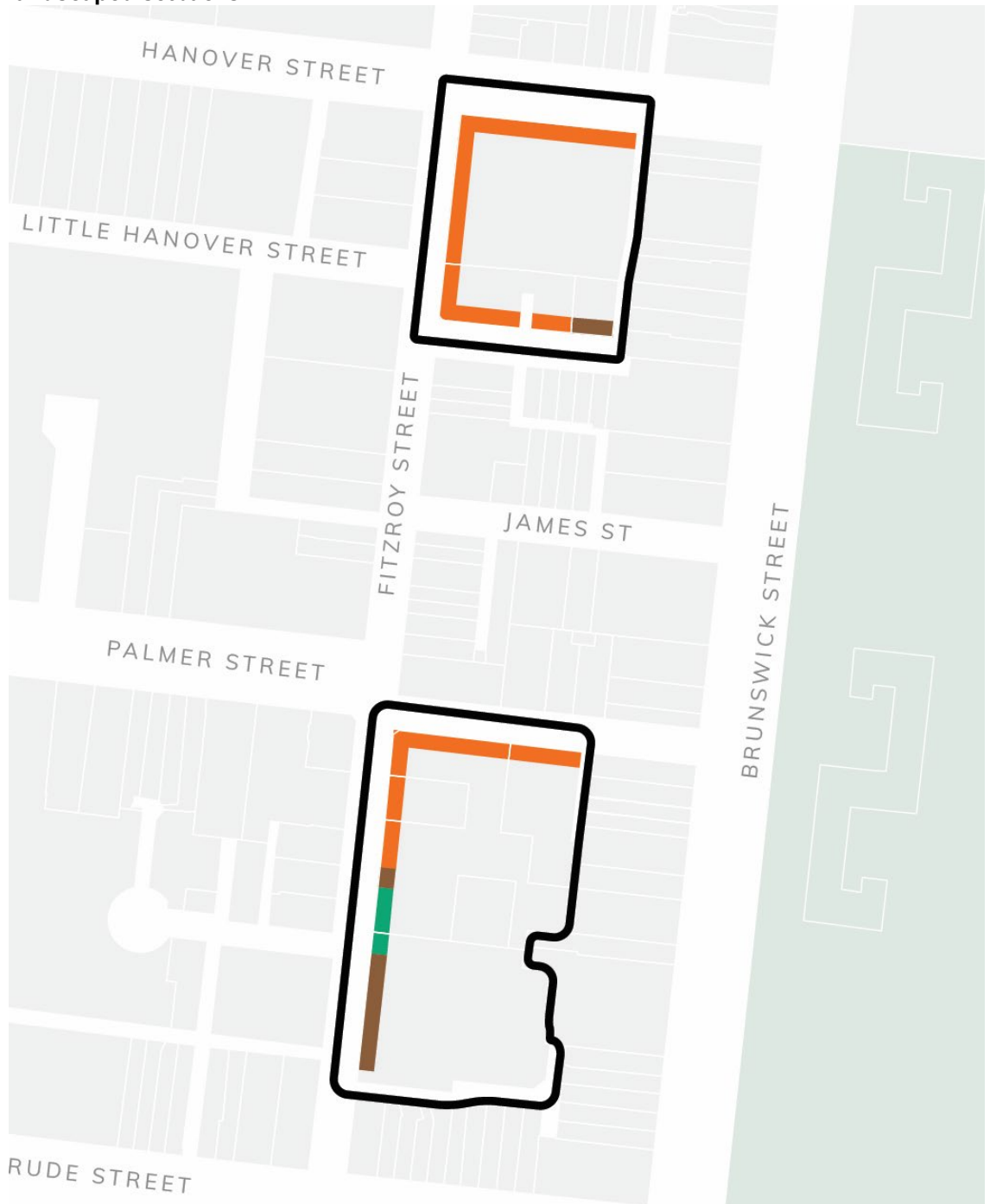
building, graded either individually significant or contributory:

- A development should match the front setback of an adjoining heritage building from the same street, except to laneway frontages.
- Development should provide a street wall or front wall no higher than the street wall or front wall height of an adjoining heritage building for a minimum length of 6 metres along the front boundary.

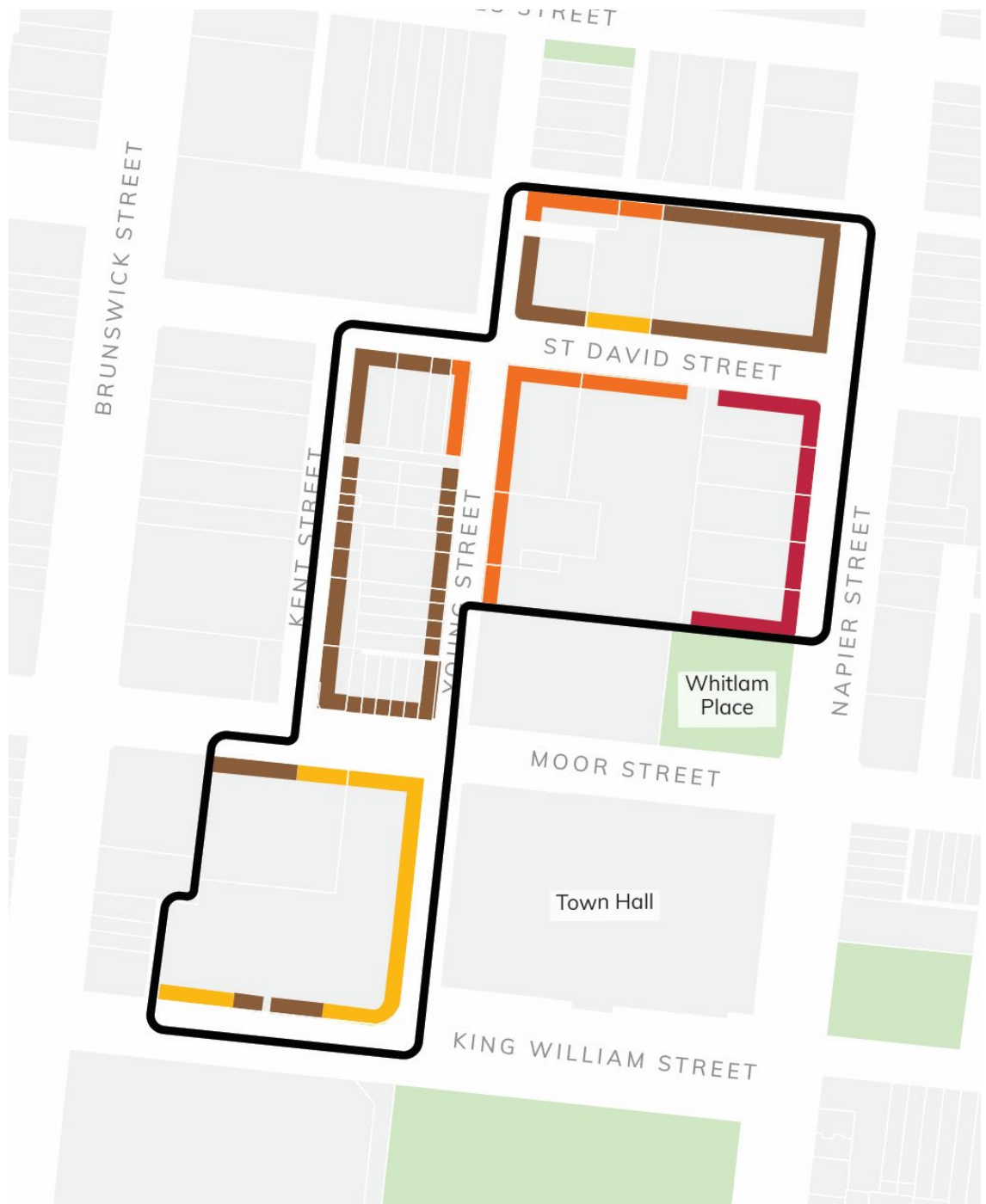
Map 3a to Schedule 17 to Clause 43.06: Street wall and front wall heights and landscaped setbacks



Map 3b to Schedule 17 to Clause 43.06: Street wall and front wall heights and landscaped setbacks



Map 3c to Schedule 17 to Clause 43.06: Street wall and front wall heights and landscaped setbacks



Map 3 legend to Schedule 17 to Clause 43.06: Street wall and front wall heights and landscaped setbacks






Maximum Streetwall Heights		Heritage Streetwall Heights	
New 2 storey streetwall / 8.0m		Retain heritage streetwall	
New 3 storey streetwall / 11.2m			
New 4 storey streetwall / 15.0m		Landscape Setbacks	
		Retain existing landscape setback	

Table 3: Street wall and front wall heights

Interface shown on Map 3	Maximum street wall or front wall height	Discretionary or Mandatory	Deemed to Comply
Interface 1	2 storeys (8m)	Mandatory	No
Interface 2	3 storeys (11.2m)	Mandatory	No
Interface 3	4 storeys (15m)	Mandatory	No

Setbacks above the street wall or front wall

Requirements for all land

Development above the street wall or front wall should:

- Retain views towards the tower of the Fitzroy Town Hall from the western corner of Kent and Moor Streets
- Avoid repetitive steps in the built form and incorporate no more than two steps, including the setback above the street wall or front wall as one step.

Requirements for heritage buildings

The following requirements apply to a heritage building that is graded either individually significant or contributory.

Development above the street wall or front wall should be set back in excess of the minimum 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.
- A lesser setback would detract from the character of the streetscape when viewed directly or obliquely across the street.

Table 4: Setbacks above street walls and front walls

Location	Minimum setback above street wall or front wall	Discretionary or Mandatory	Deemed to Comply
On the primary frontage except on King William Street or Fitzroy Street	6m	Discretionary	No
On the primary frontage on King William Street or Fitzroy Street	8m	Discretionary	No
On side streets	3m	Discretionary	No

6.2-5 Side and rear setbacks and building separation within a site

Standard BF06

Side and rear setbacks

Development should have no side street setback.

A wall on a rear boundary should not exceed 11.2 meters unless a street wall or front wall

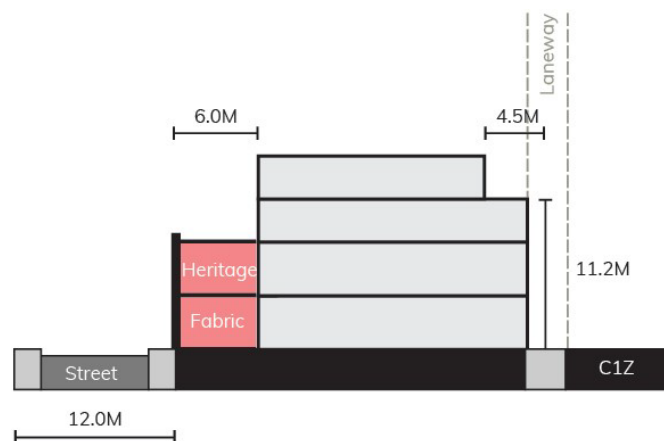
height is specified for the boundary on Map 3.

Development above a wall on a rear boundary should avoid a repetitive stepping of individual levels and incorporate no more than two steps (including the setback above the boundary wall as one step) or be contained within a sloped facade.

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



Building separation

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, development above the street wall or front wall height 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 and/or exists on the adjoining property.
- 3 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 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, development above the street wall or front wall height should be separated by a minimum of:

- 9 metres, where a habitable window or balcony is proposed.
- 6 metres where a commercial or non-habitable window is proposed.

6.2-6 Building layout and adaptability

Standard BF07

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

Lower levels of development should be designed to incorporate a commercial floor to floor height of approximately 4 metres.

Pedestrian access should:

- Be achieved via streets and avoided from laneways. Where access is appropriate from a laneway provide for a pedestrian refuge or landing.
- Be clearly visible, secure, well-lit and have an identifiable sense of address.
- Distinguish residential and commercial entrances.

Common pedestrian areas should:

- Be legible and accessible.
- Provide hallway and lobby areas of a size that reflects the quantity of apartments or leasable floor area serviced.
- Be naturally lit and naturally ventilated.

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

6.2-7 Wind effects

None specified.

6.2-8 Active frontages

Standard BF09

Development should avoid floor to ceiling glass with limited entries for large expanses of the ground floor.

6.2-9 Landscape and fencing

Standard BF12

Development should provide for green infrastructure (any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants) , including landscaping and vertical greening such as canopy trees where possible, climbing plants, green walls or planter boxes.

6.2-10 Carparking design

Standard BF13

Vehicle access should be provided from laneways and side streets, in this order of preference.

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

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.

6.2-11 Building services

Standard BF14

Waste and loading access should not be located on the primary frontage.

6.2-12 Exterior design

Standard BF15

The design of development above the street wall or front wall should distinguish between the lower levels through materials and articulation, including by using visually lightweight materials and colours.

Development should:

- Create an appropriate ratio of solid to void elements.
- Create visual interest through the arrangement of fenestration, balconies and the application of architectural features including external shading devices, window sills.

Materials and colours should be simple and limited to avoid overly busy façades.

6.3 Other outcomes and standards

None specified.

7.0 Subdivision

Permit requirements

None specified.

Subdivision requirements

None specified.

8.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.09, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- For an application to construct a building, in addition to the requirements of Clause 43.06-9, the design response must also explain how the proposed design considers its impact upon adjacent properties in terms of outlook, daylight and solar access to private open space and windows, and visual bulk.
- 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 area including an assessment of the ongoing functionality of laneway/s, where applicable.

- An application to construct a building of five or more storeys, excluding a basement, must be accompanied by a wind impact assessment report prepared by a suitably qualified person to consider wind impacts, which must:
 - Explain the effect of the proposed development on the wind conditions in publicly accessible areas within a distance equal to half the longest width of the building, measured from all façades, or half the total height of the building, whichever is greater.
 - For development with a total building height in excess of 30 metres, model the wind effects of the proposed development and its surrounding buildings (existing and proposed) using wind tunnel testing, unless otherwise agreed by the Responsible Authority.
 - Identify the principal role of each portion of the publicly accessible areas for sitting, standing or walking purposes.
 - Explain whether the outcome and Standard BF08 at Clause 43.06-7.8 are met.

9.0 Notice and review

An application to construct a building or construct or carry out works is not 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.

10.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.06, in addition to those specified in Clause 43.06-11 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

General

- Whether the proposal meets the development objectives and requirements of this schedule.
- 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 achieves a mixed use industrial warehouse and/or residential character, as applicable.
- Whether development impacts the prominence of Fitzroy Town Hall.
- Whether development impacts the prominence of the heritage street wall when viewed along the primary street frontage.
- Whether development impacts the prominence of heritage buildings on street corners 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 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, adjoining the site through a suitable transition in scale of street-wall, upper level setbacks and building height.
- Whether upper side and rear setbacks impact the amenity of existing dwellings.
- Whether the development responds to the interface with existing low-scale residential properties, including overshadowing of secluded private open space.
- Whether any additional overshadowing to the nominated spaces adversely affects the use, quality and amenity of the public space.
- Whether the proposed built form mitigates negative wind effects [to the public realm](#) created by the development.
- 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.
- Whether the proposed roof decks are set back from lower levels and are recessive in appearance.
- Whether the impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bicycle lanes.

Variations to discretionary standards for building heights

- Whether the development achieves greater building separation than the minimum standards in this schedule.
- Whether any additional overshadowing to secluded private open space to residentially zoned properties or adjacent parkland or reserves adversely affects the use, quality and amenity of the public space.

11.0 Mandatory permit conditions

None specified.

12.0 Signs

None specified.
































13.0 Transitional provisions

The requirements of Clause 43.06 and this schedule do not apply to:

- An application made before the approval date of Amendment CXXX to this planning scheme. For the avoidance of doubt, this includes an amended application under section 50, 50A or 57A of the Act if the original application was made before the approval date of Amendment CXXX.
- An amended permit application under section 72 of the Act, if the original application in respect of which that permit was first granted (that is, before it was first amended) was either:
 - Made before the approval date of Amendment CXXX.
 - An amended application under section 50, 50A or 57A of the Act if the original application was made before the approval date of Amendment CXXX.
- The following provisions, as in force in relation to relevant land immediately before the approval date of Amendment CXXX, continue to apply to applications which this transitional provision applies:

- XXX.

Map 1 legend to Schedule 18 to Clause 43.06: Development framework

LEGEND					
	MUNICIPAL BOUNDARY		PUBLIC REALM JUNCTION		BF012 - BRUNSWICK STREET SHOPS
	OPEN SPACE		POTENTIAL PUBLIC REALM JUNCTION		BF013 - SMITH STREET SHOPS
	TRAIN LINE		KEY JUNCTION		BF014 - GERTRUDE STREET SHOPS
	TRAM LINE		POTENTIAL NEW PUBLIC SPACE		BF015 - JOHNSTON STREET WEST
	WHEA BOUNDARY		SENSITIVE RESIDENTIAL INTERFACE		BF016 - BRUNSWICK STREET GRAND RESIDENTIAL
	VICTORIAN HERITAGE REGISTER (VHR)		MIXED USE INTERFACE		BF017 - FITZROY TOWN HALL AND BACK BLOCKS
	LANDMARK		COMMERCIAL INTERFACE		BF018 - JOHNSTON STREET SOUTH AND VICTORIA STREET
	KEY VIEW TO LANDMARK		OPEN SPACE INTERFACE		BF019 - FITZROY EAST AND JOHNSTON STREET NORTH
	LOCAL LANDMARK		SHARED STREET		BF020 - SMITH STREET NORTH AND SOUTH
			HERITAGE OVERLAY AREAS		BF021 - ALEXANDRA PARADE
					BF022 - VICTORIA PARADE
					BF023 - FITZROY WEST

3.0 Master plan requirements

Land to which the master plan requirements apply

None specified.

4.0 Public benefit uplift framework

None specified.

5.0 Buildings and works

Permit requirement

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

- A rear ground floor extension no higher than 4 metres above ground level.
- An alteration to an existing building façade provided:
 - 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 create blank walls which exceeds 40 per cent of the building façade at ground floor level.

6.0 Outcomes and standards

The outcomes and standards in this overlay and this schedule prevail over any inconsistent provision in this planning scheme.

This does not apply to an application that has been made under Clause 53.22, Clause 53.23 or Clause 53.25, which prevail to the extent of any inconsistent provision in the Built Form Overlay.

6.1 Outcomes that do not apply

The outcomes in Clause 43.06-7.3 and Clause 43.06-7.10 do not apply.

6.2 Standards

Any standard specified in this schedule is in addition to any standard in clause 43.06-7 for the corresponding outcome, unless specified otherwise below.

6.2-1 Building typology and future character

None specified.

6.2-2 Building heights

Standard BF02

Standard BF02 does not apply to a heritage place which is included in the Victorian Heritage Register.

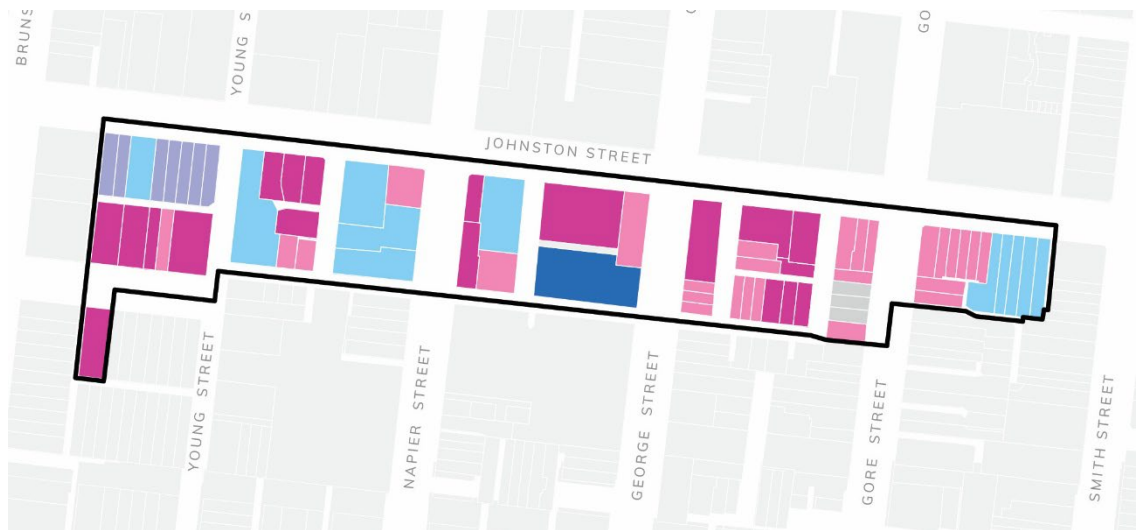
New development may exceed the mandatory maximum building height to match the fabric of ~~an~~ the existing ~~heritage~~ building, where the ~~heritage~~ building already exceeds the maximum building height shown on Map 2.

For land in a Special Building Overlay, the maximum building height specified in Standard BF02 is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Map 2a to Schedule 18 to Clause 43.06: Building heights



Map 2b to Schedule 18 to Clause 43.06: Building heights



Map 2 legend to Schedule 18 to Clause 43.06: Building heights

Maximum Building Heights	
Limited opportunity	6 storeys / 21.0m
3 storeys / 11.2m	7 storeys / 24.0m
4 storeys / 15.0m	8 storeys / 28.0m
5 storeys / 18.0m	

Table 1: Building heights

Area shown on Map 2	Maximum building height	Mandatory or discretionary	Deemed to comply
Area 1	3 storeys (11.2m)	Mandatory	No
Area 2	4 storeys (15m)	Mandatory	No
Area 3	5 storeys (18m)	Mandatory	No
Area 4	6 storeys (21m)	Mandatory	No
Area 5	8 storeys (28m)	Mandatory	No

6.2-3 Overshadowing of open space or public realm

Standard BF04

The following standards replace Standard BF04 at Clause 43.06-7.4:

- Development adjoining land within a Neighbourhood or General Residential Zone should meet the objective of Clause 55.04-3, including where separated by a laneway.
- Buildings are to maintain existing sun access to the overshadowing areas identified at Table 2 using the specified sun access measurement.

This does not apply to shadow cast by:

- Incidental elements such as canopies, kiosks, artworks, screens or trees.
- Buildings and works constructed within the open space or street.

Table 2: Overshadowing of open space or public realm

Overshadowing area	Sun access measurement	Mandatory or Discretionary	Deemed to comply?
Streets			
Streets of 15m or more in width (measured boundary to boundary)	No <u>additional</u> overshadowing between 10am and 2pm on 22 September on the opposite footpath measured <u>from the kerb 3 metres from the relevant property boundary</u>	Mandatory	No
Streets less than 15m in width (measured boundary to boundary)	No <u>additional</u> overshadowing between 10am and 2pm on 22 September on the opposite footpath measured <u>from the kerb 3 metres from the relevant property boundary</u>	Discretionary	No
Other public space and public realm			
Any opposite kerb outstands, seating and/or planting areas, as applicable	No additional overshadowing between 10am and 2pm on 22 September	Discretionary	No

Overshadowing area	Sun access measurement	Mandatory or Discretionary	Deemed to comply?
Land within a Public Use Zone, south of Chapel Street	No additional overshadowing between 10am and 2pm on 22 September	Discretionary	No

6.2-4 Front setbacks, street wall and front wall heights, setbacks above the street wall and front wall, and landscaped setbacks

Standard BF05

Where there is inconsistency between the requirements for all land and the requirements for heritage buildings and land adjoining heritage buildings, the requirements for heritage buildings and land adjoining heritage buildings prevail.

Any maximum street wall or front wall height specified in a schedule to this overlay does not apply to non-habitable architectural features that exceed the specified maximum height by not more than 1 metre.

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

For land in a Special Building Overlay, the maximum street wall height specified in Standard BF05 is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Front setbacks, landscaped setbacks and street wall and front wall heights

Requirements for all land

The following requirements apply to all land:

- Development should retain the visual prominence of:
 - The heritage street wall in the vistas along the street.
 - Heritage fabric on the return facades of heritage buildings on corner sites.
- Development should provide a street wall on the street boundary, unless:
 - The site adjoins a footpath 1.8 metres wide or less.
 - A landscaped setback is required as shown on Map 3.
- On a site which adjoins a footpath 1.8 metres wide or less, development should provide a front wall that is setback or generous, recessed building entrances to provide space for pedestrian circulation and include space for landscaping, outdoor trading, seating and/or visitor bicycle parking.
- 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.
- The street wall or front wall on corner buildings should continue the street wall or front wall height for a minimum of 8 metres to the side street, unless a street wall or front wall height for the side street is shown on Map 3, with an appropriate transition in height to match the rear wall where required.

Requirements for heritage buildings and land adjoining heritage buildings

The following requirements apply to a heritage building, or land adjoining a heritage

building, graded either individually significant or contributory:

- Development should match the front setback of an adjoining heritage building from the same street, except to laneway frontages.
- Development should provide a street wall or front wall no higher than the street wall or front wall height of an adjoining heritage building for a minimum length of 6 metres along the front boundary.

Map 3a to Schedule 18 to Clause 43.06: Street wall and front wall heights and landscaped setbacks



Map 3b to Schedule 18 to Clause 43.06: Street wall and front wall heights and landscaped setbacks



Map 3 legend to Schedule 18 to Clause 43.06: Street wall and front wall heights and landscaped setbacks






- | | |
|--|---|
| <p>Maximum Streetwall Heights</p> <p>New 2 storey streetwall / 8.0m </p> <p>New 3 storey streetwall / 11.2m </p> <p>New 4 storey streetwall / 15.0m </p> | <p>Heritage Streetwall Heights</p> <p>Retain heritage streetwall </p> |
| | <p>Landscape Setbacks</p> <p>Retain existing landscape setback </p> |

Table 3: Street wall and front wall heights

Interface shown on Map 3	Maximum street wall or front wall height	Discretionary or Mandatory	Deemed to Comply
Interface 1	2 storeys (8m)	Mandatory	No
Interface 2	3 storeys (11.2m)	Mandatory	No
Interface 3	4 storeys (15m)	Mandatory	No

Setbacks above the street wall or front wall

Requirements for all land

Development above the street wall or front wall should avoid repetitive steps in the built form and incorporate no more than two steps, including the setback above the street wall or front wall as one step.

Requirements for heritage buildings

The following requirements apply to a heritage building that is graded either individually significant or contributory:

- The top level of development over 16.4 metres should be set back a further 3.2 metres from the Johnston Street frontage.
- Development above the street wall or front wall should be set back in excess of the minimum 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 heritage building.
 - A lesser setback would detract from the character of the streetscape when viewed directly or obliquely across the street.

Table 4: Setbacks above street walls and front walls

Location	Minimum setback above street wall or front wall	Discretionary or Mandatory	Deemed to Comply
On Johnston Street	6m	Mandatory	No
On the north side of Victoria Street	6m	Mandatory	No
On Chapel Street	6m	Discretionary	No
Individually significant and contributory heritage buildings on side streets	6m	Discretionary	No
Non-contributory heritage buildings on side streets	3m	Discretionary	No

6.2-5 Side and rear setbacks and building separation within a site

Standard BF06

Side and rear setbacks

Development should have no side street setback.

A wall on a rear boundary should not exceed the maximum height specified in Table 5 unless a street wall or front wall height is specified for the boundary on Map 3.

Table 5: Wall on a rear boundary

Adjoining zone to rear boundary	Maximum height of wall on a rear boundary	Discretionary or Mandatory	Deemed to Comply
NRZ whether or not separated by a laneway	8m	Discretionary	No
MUZ whether or not separated by a laneway	11.2m	Discretionary	No
C1Z whether or not separated by a laneway	11.2m	Discretionary	No

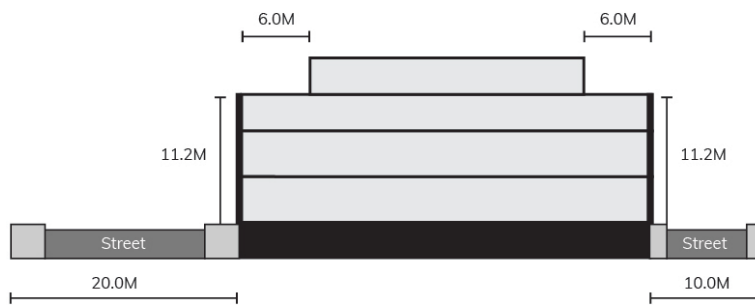
Development above a wall on a rear boundary:

- Must be set back from the rear boundary and be contained within a 45-degree setback envelope, except for green infrastructure (any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants) to support landscaping. The envelope’s angle is to be measured perpendicular to the adjoining residential site’s boundary (including where separated by a laneway), taken from the centre of the development site’s boundary. This does not apply to a Commercial 1 Zone and/or Mixed Use Zone interface.
- Should avoid a repetitive stepping of individual levels and incorporate no more than two steps (including the setback above the boundary wall as one step) or be contained within a sloped facade.

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



Building separation

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:

- Development above the street wall or front wall height up to 27 metres 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 and/or exists on the adjoining property.
 - 3 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.
- Development above the street wall or front wall height exceeding 27 metres should 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, development above the street wall or front wall height should be separated by a minimum of:

- 9 metres, where a habitable window or balcony is proposed.
- 6 metres where a commercial or non-habitable window is proposed.

6.2-6 Building layout and adaptability

Standard BF07

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

Lower levels of development should be designed to incorporate a commercial floor to floor height of approximately 4 metres.

Pedestrian access should:

- Be achieved via streets and avoided from laneways. Where access is appropriate from a laneway provide for a pedestrian refuge or landing.
- Be clearly visible, secure, well-lit and have an identifiable sense of address.
- Distinguish residential and commercial entrances.

Common pedestrian areas should:

- Be legible and accessible.
- Provide hallway and lobby areas of a size that reflects the quantity of apartments or leasable floor area serviced.
- Be naturally lit and naturally ventilated.

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

6.2-7 Wind effects

None specified.

6.2-8 Active frontages

Standard BF09

Ground level interfaces fronting Johnston Street should achieve a fine-grain, shop front design that includes elements of:

- A stall riser.
- Pilasters.
- Clerestory window.

Security grills or mesh should:

- Be transparent.
- Not block views into tenancies at night.
- Be mounted internally to the shop windows.

Development should avoid floor to ceiling glass with limited entries for large expanses of the ground floor.

6.2-9 Weather protection

Standard BF11

Development should include continuous weather protection along Johnston Street except where a heritage place warrants an alternative approach.

6.2-10 Landscape and fencing

Standard BF12

Development should provide for green infrastructure (any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants), including landscaping and vertical greening such as canopy trees where possible, climbing plants, green walls or planter boxes.

6.2-11 Carparking design

Standard BF13

Additional vehicle access to car parks must not be provided at Johnston Street.

Vehicle access should be provided from laneways and side streets, in this order of

preference.

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

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.

6.2-12 Building services

Standard BF14

Waste and loading access should not be located on the primary frontage.

6.2-13 Exterior design

Standard BF15

The design of development above the street wall or front wall should distinguish between the lower levels through materials and articulation, including by using visually lightweight materials and colours.

Facades should incorporate vertical and horizontal proportions of either:

- The fine-grain, retail shop front and/or residential character towards Johnston Street, as applicable.
- The heritage warehouse character of Victoria Street; as applicable.

Development should:

- Create an appropriate ratio of solid to void elements
- Create visual interest through the arrangement of fenestration, balconies and the application of architectural features including external shading devices, window sills.

Materials and colours should be simple and limited to avoid overly busy façades.

6.3 Other outcomes and standards

None specified.

7.0 Subdivision

Permit requirements

None specified.

Subdivision requirements

None specified.

8.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.09, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- For an application to construct a building, in addition to the requirements of Clause 43.06-9, the design response must also explain how the proposed design considers its

impact upon adjacent properties in terms of outlook, daylight and solar access to private open space and windows, and visual bulk.

- 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 area including an assessment of the ongoing functionality of laneway/s, where applicable.
- An application to construct a building of five or more storeys, excluding a basement, must be accompanied by a wind impact assessment report prepared by a suitably qualified person to consider wind impacts, which must:
 - Explain the effect of the proposed development on the wind conditions in publicly accessible areas within a distance equal to half the longest width of the building, measured from all façades, or half the total height of the building, whichever is greater.
 - For development with a total building height in excess of 30 metres, model the wind effects of the proposed development and its surrounding buildings (existing and proposed) using wind tunnel testing, unless otherwise agreed by the Responsible Authority.
 - Identify the principal role of each portion of the publicly accessible areas for sitting, standing or walking purposes.
 - Explain whether the outcome and Standard BF08 at Clause 43.06-7.8 are met.

9.0 Notice and review

An application to construct a building or construct or carry out works is not 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.

10.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.06, in addition to those specified in Clause 43.06-11 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal meets the development objectives and requirements of this schedule.
- 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.
- The design of the shop fronts on Johnston Street.
- Whether the design of development fronting Johnston Street achieves a fine-grain mixed shop front or respectively retains the heritage residential character.

- Whether the design of development in Victoria Street retains the heritage warehouse character.
- Whether development impacts the prominence of the heritage street wall when viewed along Johnston, Victoria and Chapel Street.
- Whether development impacts the prominence of heritage buildings on street corners when viewed from the opposite side of Johnston and Victoria Street.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street.
- 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, adjoining the site through a suitable transition in scale of street-wall, upper level setbacks and building height.
- Whether upper side and rear setbacks impact the amenity of existing dwellings.
- Whether the development responds to the interface with existing low-scale residential properties, including overshadowing of secluded private open space.
- Whether any additional overshadowing to the nominated spaces adversely affects the use, quality and amenity of the public space.
- Whether the proposed built form mitigates negative wind effects [to the public realm](#) created by the development.
- 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.
- Whether the proposed roof decks are set back from lower levels and are recessive in appearance.
- Whether the impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bicycle lanes.

11.0 Mandatory permit conditions

None specified.

12.0 Signs

None specified.

13.0 Transitional provisions

The requirements of Clause 43.06 and this schedule do not apply to:

- An application made before the approval date of Amendment CXXX to this planning scheme. For the avoidance of doubt, this includes an amended application under section 50, 50A or 57A of the Act if the original application was made before the approval date of Amendment CXXX.
- An amended permit application under section 72 of the Act, if the original application in respect of which that permit was first granted (that is, before it was first amended) was either:
 - Made before the approval date of Amendment CXXX.

- An amended application under section 50, 50A or 57A of the Act if the original application was made before the approval date of Amendment CXXX.
- The following provisions, as in force in relation to relevant land immediately before the approval date of Amendment CXXX, continue to apply to applications which this transitional provision applies:
 - XXX.

SCHEDULE 19 TO CLAUSE 43.06 BUILT FORM OVERLAY

Shown on the planning scheme map as **BFO19**.

FITZROY EAST AND JOHNSTON STREET NORTH

1.0 Development objectives

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 development responds to:

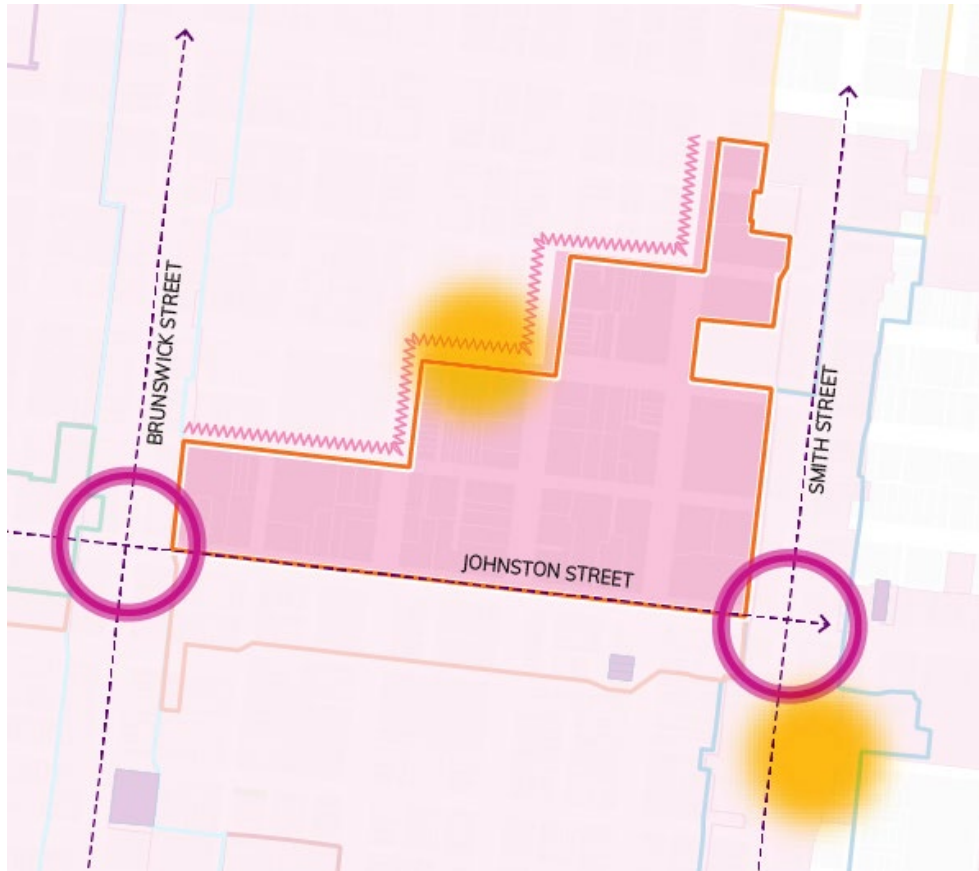
- the commercial character of Johnston Street.
- the varied industrial and residential heritage character of Fitzroy East.

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 Development framework

Map 1 to Schedule 19 to Clause 43.06: Development framework



Map 1 legend to Schedule 19 to Clause 43.06: Development framework

LEGEND		
MUNICIPAL BOUNDARY	PUBLIC REALM JUNCTION	BFO12 - BRUNSWICK STREET SHOPS
OPEN SPACE	POTENTIAL PUBLIC REALM JUNCTION	BFO13 - SMITH STREET SHOPS
TRAIN LINE	KEY JUNCTION	BFO14 - GERTRUDE STREET SHOPS
TRAM LINE	POTENTIAL NEW PUBLIC SPACE	BFO15 - JOHNSTON STREET WEST
WHEA BOUNDARY	SENSITIVE RESIDENTIAL INTERFACE	BFO16 - BRUNSWICK STREET GRAND RESIDENTIAL
VICTORIAN HERITAGE REGISTER (VHR)	MIXED USE INTERFACE	BFO17 - FITZROY TOWN HALL AND BACK BLOCKS
LANDMARK	COMMERCIAL INTERFACE	BFO18 - JOHNSTON STREET SOUTH AND VICTORIA STREET
KEY VIEW TO LANDMARK	OPEN SPACE INTERFACE	BFO19 - FITZROY EAST AND JOHNSTON STREET NORTH
LOCAL LANDMARK	SHARED STREET	BFO20 - SMITH STREET NORTH AND SOUTH
	HERITAGE OVERLAY AREAS	BFO21 - ALEXANDRA PARADE
		BFO22 - VICTORIA PARADE
		BFO23 - FITZROY WEST

3.0 Master plan requirements

Land to which the master plan requirements apply

None specified.

4.0 Public benefit uplift framework

None specified.

5.0 Buildings and works

Permit requirement

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

- A rear ground floor extension no higher than 4 metres above ground level.
- An alteration to an existing building façade provided:
 - 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 create blank walls which exceeds 40 per cent of the building façade at ground floor level.

6.0 Outcomes and standards

The outcomes and standards in this overlay and this schedule prevail over any inconsistent provision in this planning scheme.

This does not apply to an application that has been made under Clause 53.22, Clause 53.23 or Clause 53.25, which prevail to the extent of any inconsistent provision in the Built Form Overlay.

6.1 Outcomes that do not apply

The outcomes in Clause 43.06-7.3 and Clause 43.06-7.10 do not apply.

6.2 Standards

Any standard specified in this schedule is in addition to any standard in clause 43.06-7 for the corresponding outcome, unless specified otherwise below.

6.2-1 Building typology and future character

None specified.

6.2-2 Building heights

Standard BF02

Standard BF02 does not apply to a heritage place which is included in the Victorian Heritage Register.

New development may exceed the mandatory maximum building height to match the fabric of ~~an~~ the existing ~~heritage~~ building, where the ~~heritage~~ building already exceeds the maximum building height shown on Map 2.

For land in a Special Building Overlay, the maximum building height specified in Standard BF02 is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Map 2 to Schedule 19 to Clause 43.06: Building heights



Map 2 legend to Schedule 19 to Clause 43.06: Building heights

Maximum Building Heights

- 3 storeys / 11.2m 6 storeys / 21.0m
- 4 storeys / 15.0m 8 storeys / 28.0m
- 5 storeys / 18.0m 9 storeys / 31.0m

Mandatory Maximum Building Heights

- 3 storeys / 11.2m

Table 1: Building heights

Area shown on Map 2	Maximum building height	Mandatory or discretionary	Deemed to comply
All Hatched	3 storeys (11.2m)	Mandatory	No
Area 1	3 storeys (11.2m)	Discretionary	No
Area 2	4 storeys (14.4m)	Discretionary	No
Area 3	5 storeys (18m)	Discretionary	No
Area 4	6 storeys (21m)	Discretionary	No

Area shown on Map 2	Maximum building height	Mandatory or discretionary	Deemed to comply
All Hatched	3 storeys (11.2m)	Mandatory	No
Area 5	8 storeys (28m)	Discretionary	No
Area 6	9 storeys (31m)	Discretionary	No

6.2-3 Overshadowing of open space or public realm

Standard BF04

The following standards replace Standard BF04 at Clause 43.06-7.4:

- Development adjoining land within the Mixed Use Zone should meet the objective of Clause 55.04-3, including where separated by a laneway.
- Buildings are to maintain existing sun access to the overshadowing areas identified at Table 2 using the specified sun access measurement.

This does not apply to shadow cast by:

- Incidental elements such as canopies, kiosks, artworks, screens or trees.
- Buildings and works constructed within the open space or street.

Table 2: Overshadowing of open space or public realm

Overshadowing area	Sun access measurement	Mandatory or Discretionary	Deemed to comply?
Streets			
Streets of 15m or more in width (measured boundary to boundary)	No <u>additional</u> overshadowing between 10am and 2pm on 22 September on the opposite footpath measured <u>from the kerb 3 metres from the relevant property boundary</u>	Mandatory	No
Streets less than 15m in width (measured boundary to boundary)	No <u>additional</u> overshadowing between 10am and 2pm on 22 September on the opposite footpath measured <u>from the kerb 3 metres from the relevant property boundary</u>	Discretionary	No
Other public space and public realm			
<u>An opposite kerb outstand, seating, or planting area, as applicable</u>	<u>No overshadowing between 10am and 2pm on 22 September</u>	<u>Discretionary</u>	<u>No</u>
Properties			

Overshadowing area	Sun access measurement	Mandatory or Discretionary	Deemed to comply?
Properties fronting the south side of Argyle Street from the first floor upwards	No additional overshadowing between 10am and 2pm on 22 September	Discretionary	No

6.2-4 Front setbacks, street wall and front wall heights, setbacks above the street wall and front wall and landscaped setbacks

Standard BF05

Where there is inconsistency between the requirements for all land and the requirements for heritage buildings and land adjoining heritage buildings, the requirements for heritage buildings and land adjoining heritage buildings prevail.

Any maximum street wall or front wall height specified in a schedule to this overlay does not apply to non-habitable architectural features that exceed the specified maximum height by not more than 1 metre.

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

For land in a Special Building Overlay, the maximum street wall height specified in Standard BF05 is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Front setbacks, landscaped setbacks and street wall and front wall heights

Requirements for all land

The following requirements apply to all land:

- Development should retain the visual prominence of:
 - The heritage street wall in the vistas along the street.
 - Heritage fabric on the return facades of heritage buildings on corner sites.
- Development should provide a street wall on the street boundary, unless:
 - The site adjoins a footpath 1.8 metres wide or less.
 - An existing landscaped setback is required to be retained as shown on Map 3.
- On a site which adjoins a footpath 1.8 metres wide or less, development should provide a front wall that is setback or generous, recessed building entrances to provide space for pedestrian circulation and include space for landscaping, outdoor trading, seating and/or visitor bicycle parking.
- 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.
- The street wall or front wall on corner buildings should continue the street wall or front wall height for a minimum of 8 metres to the side street, unless a street wall or front wall height for the side street is shown on Map 3, with an appropriate transition in height to match the rear wall where required.

Requirements for heritage buildings and land adjoining heritage buildings

The following requirements apply to a heritage building, or land adjoining a heritage building, graded either individually significant or contributory:

- Development should match the front setback of an adjoining heritage building from the same street, except to laneway frontages.
- Development should provide a street wall or front wall no higher than the street wall or front wall height of an adjoining heritage building for a minimum length of 6 metres along the front boundary.

Map 3 to Schedule 19 to Clause 43.06: Street wall and front wall heights and landscaped setbacks



Map 3 legend to Schedule 19 to Clause 43.06: Street wall and front wall heights and landscaped setbacks

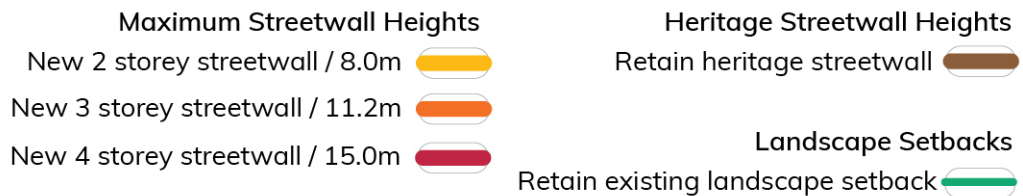


Table 3: Street wall and front wall heights

Interface shown on Map 2	Maximum street wall or front wall height	Discretionary or Mandatory	Deemed to Comply
Interface 1	2 storeys (8m)	Discretionary	No
Interface 2	3 storeys (11.2m)	Discretionary	No

Interface shown on Map 2	Maximum street wall or front wall height	Discretionary or Mandatory	Deemed to Comply
Interface 3	4 storeys (15m)	Discretionary	No

Setbacks above the street wall or front wall

Requirements for all land

Development above the street wall or front wall should avoid repetitive steps in the built form and incorporate no more than two steps, including the setback above the street wall or front wall as one step.

Requirements for heritage buildings

The following requirements apply to a heritage building that is graded either individually significant or contributory:

- Development above the street wall or front wall on the primary street frontage must be set back by a minimum of 6 metres.
- Development above a secondary street wall should be set back by 6 metres.
- The top level of development over 16.4 metres should be set back a further 3.2 metres from a street frontage.
- Development above the street wall or front wall should be set back in excess of the minimum 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 heritage building.
 - A lesser setback would detract from the character of the streetscape when viewed directly or obliquely across the street.

Table 4: Setbacks above street walls and front walls

Location	Minimum setback above street wall or front wall	Discretionary or Mandatory	Deemed to Comply
On Argyle Street	406m	Discretionary	No
On all other streets 10 metres or greater in width	6m	Discretionary	No
Side streets less than 10 metres in width	3m	Discretionary	No

6.2-5 Side and rear setbacks and building separation within a site

Standard BF06

Side and rear setbacks

Development should have no side street setback.

A wall on a rear boundary should not exceed a maximum height of 11.2 metres.

Development above a wall on a rear boundary should avoid a repetitive stepping of individual levels and incorporate no more than two steps (including the setback above the boundary wall as one step) or be contained within a sloped facade.

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

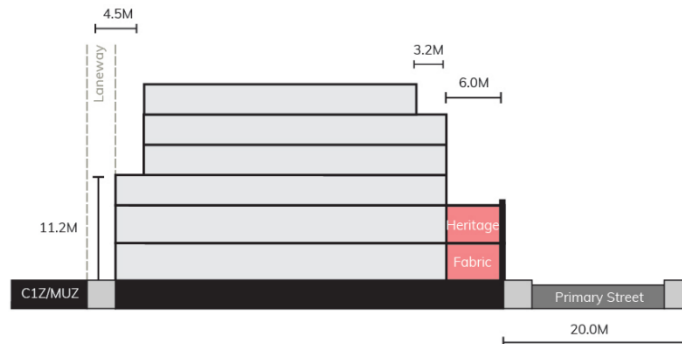
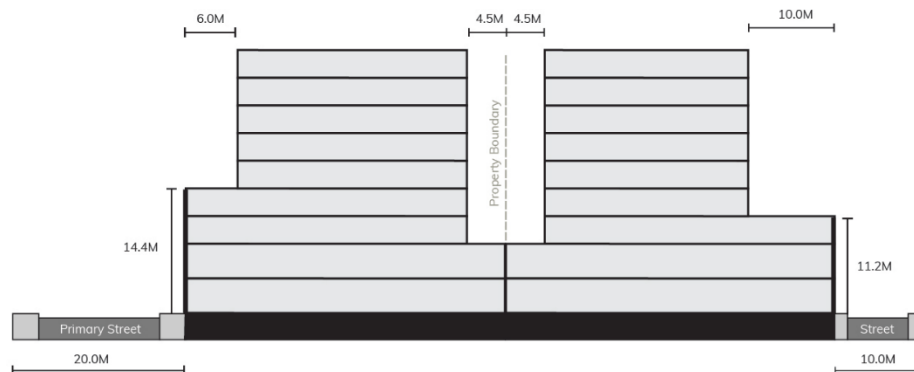


Figure 2: Indicative cross sections and measurements



Building separation

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:

- Development above the street wall or front wall height up to 27 metres 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 and/or exists on the adjoining property.
 - 3 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.
- Development above the street wall or front wall height exceeding 27 metres should 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, development above the street wall or front wall height should be separated by a minimum of:

- 9 metres, where a habitable window or balcony is proposed.
- 6 metres where a commercial or non-habitable window is proposed.

6.2-6 Building layout and adaptability

Standard BF07

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

Lower levels of development should be designed to incorporate a commercial floor to floor height of approximately 4 metres.

Pedestrian access should:

- Be achieved via streets and avoided from laneways. Where access is appropriate from a laneway provide for a pedestrian refuge or landing.
- Be clearly visible, secure, well-lit and have an identifiable sense of address.
- Distinguish residential and commercial entrances.

Common pedestrian areas should:

- Be legible and accessible.
- Provide hallway and lobby areas of a size that reflects the quantity of apartments or leasable floor area serviced.
- Be naturally lit and naturally ventilated.

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

6.2-7 Wind effects

None specified.

6.2-8 Active frontages

Standard BF09

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 should avoid floor to ceiling glass with limited entries for large expanses of the ground floor.

6.2-9 Landscape and fencing

Standard BF12

Development should provide for green infrastructure (any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants), including landscaping and vertical greening such as canopy trees where possible, climbing plants, green walls or planter boxes.

6.2-10 Carparking design

Standard BF13

Additional vehicle access to car parks must not be provided at Johnston Street.
Vehicle access should be provided from laneways and side streets, in this order of preference.

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

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.

6.2-11 Building services

Standard BF14

Waste and loading access should not be located on the primary frontage.

6.2-12 Exterior design

Standard BF15

The design of development above the street wall or front wall should distinguish between the lower levels through materials and articulation, including by using visually lightweight materials and colours.

Facades should incorporate 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.

Development should:

- Create an appropriate ratio of solid to void elements
- Create visual interest through the arrangement of fenestration, balconies and the application of architectural features including external shading devices, window sills.

Materials and colours should be simple and limited to avoid overly busy façades.

6.3 Other outcomes and standards

None specified.

7.0 Subdivision

Permit requirements

None specified.

Subdivision requirements

None specified.

8.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.09, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- For an application to construct a building, in addition to the requirements of Clause 43.06-9, the design response must also explain how the proposed design considers its impact upon adjacent properties in terms of outlook, daylight and solar access to private open space and windows, and visual bulk.
- 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 area including an assessment of the ongoing functionality of laneway/s, where applicable.
- An application to construct a building of five or more storeys, excluding a basement, must be accompanied by a wind impact assessment report prepared by a suitably qualified person to consider wind impacts, which must:
 - Explain the effect of the proposed development on the wind conditions in publicly accessible areas within a distance equal to half the longest width of the building, measured from all façades, or half the total height of the building, whichever is greater.
 - For development with a total building height in excess of 30 metres, model the wind effects of the proposed development and its surrounding buildings (existing and proposed) using wind tunnel testing, unless otherwise agreed by the responsible authority.
 - Identify the principal role of each portion of the publicly accessible areas for sitting, standing or walking purposes.
 - Explain whether the outcome and Standard BF08 at Clause 43.06-7.8 are met.

9.0 Notice and review

An application to construct a building or construct or carry out works is not 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.

10.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.06, in addition to those specified in Clause 43.06-11 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

General

- Whether the proposal meets the development objectives and requirements of this schedule.
- 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.
- The design of the shop fronts on Johnston Street.
- Whether the design of development in the remainder of the precinct achieves a mixed-use industrial warehouse and/or residential character.
- Whether development impacts the prominence of the heritage street wall when viewed along the primary street frontage.
- Whether development impacts the prominence of heritage buildings on street corners 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 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, adjoining the site through a suitable transition in scale of street-wall, upper level setbacks and building height.
- Whether upper side and rear setbacks impact the amenity of existing dwellings.
- Whether the development responds to the interface with existing low-scale residential properties, including overshadowing of secluded private open space.
- Whether any additional overshadowing to the nominated spaces adversely affects the use, quality and amenity of the public space.
- Whether the proposed built form mitigates negative wind effects [to the public realm](#) created by the development.
- 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.
- Whether the proposed roof decks are set back from lower levels and are recessive in appearance.
- Whether the impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bicycle lanes.

Variations to discretionary standards for building heights

- Whether the development achieves greater building separation than the minimum standards in this schedule.
- Whether any additional overshadowing to secluded private open space to residentially zoned properties or adjacent parkland or reserves adversely affects the use, quality and amenity of the public space.

Variations to discretionary standards for street wall heights and upper levels above street wall or front wall

- Whether the street wall height:
 - Provides an appropriate transition, scaling down to the interface with a heritage building.
 - Does not visually overwhelm the adjoining heritage building.

11.0 Mandatory permit conditions

None specified.

12.0 Signs

None specified.

13.0 Transitional provisions

The requirements of Clause 43.06 and this schedule do not apply to:

- An application made before the approval date of Amendment CXXX to this planning scheme. For the avoidance of doubt, this includes an amended application under section 50, 50A or 57A of the Act if the original application was made before the approval date of Amendment CXXX.
- An amended permit application under section 72 of the Act, if the original application in respect of which that permit was first granted (that is, before it was first amended) was either:
 - Made before the approval date of Amendment CXXX.
 - An amended application under section 50, 50A or 57A of the Act if the original application was made before the approval date of Amendment CXXX.
- The following provisions, as in force in relation to relevant land immediately before the approval date of Amendment CXXX, continue to apply to applications which this transitional provision applies:
 - XXX.

SCHEDULE 20 TO CLAUSE 43.06 BUILT FORM OVERLAY

Shown on the planning scheme map as **BFO20**.

SMITH STREET NORTH AND SOUTH

1.0 Development objectives

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

- a new mid-rise character (ranging from 6 to 10 storeys) along Smith Street behind a consistent low street wall.
- a new low-rise to mid-rise character (ranging from 3 to 6 storeys) along side and rear streets.

To retain the prominence and integrity of heritage warehouses and corner heritage buildings, particularly at Smith Street intersections.

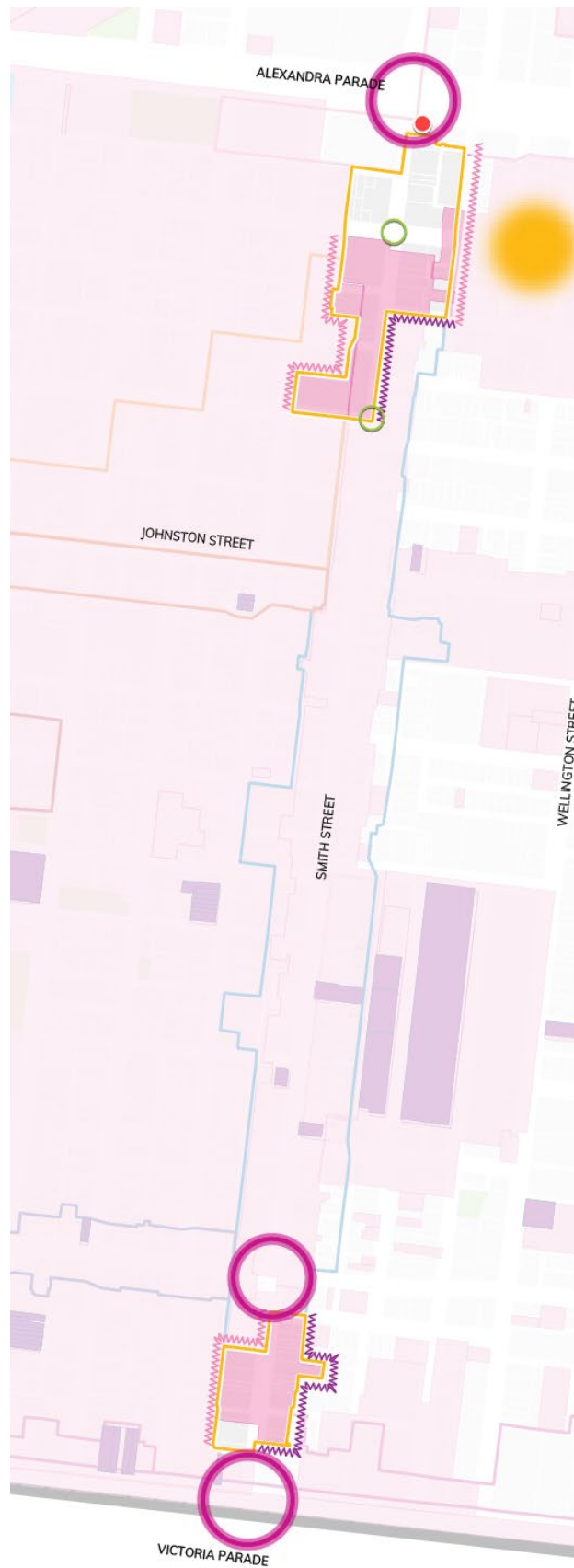
To ensure development respects the low-scale heritage street wall and buildings through recessive upper levels and façade composition and articulation that complements the commercial character of Smith Street and the mixed industrial and residential character of side and rear streets.

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 Smith, Emma, Westgarth, Leicester, Hotham and Kerr Streets 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 Development framework

Map 1 to Schedule 20 to Clause 43.06: Development framework



Map 1 legend to Schedule 20 to Clause 43.06: Development framework

LEGEND					
	MUNICIPAL BOUNDARY		PUBLIC REALM JUNCTION		BFO12 - BRUNSWICK STREET SHOPS
	OPEN SPACE		POTENTIAL PUBLIC REALM JUNCTION		BFO13 - SMITH STREET SHOPS
	TRAIN LINE		KEY JUNCTION		BFO14 - GERTRUDE STREET SHOPS
	TRAM LINE		POTENTIAL NEW PUBLIC SPACE		BFO15 - JOHNSTON STREET WEST
	WHEA BOUNDARY		SENSITIVE RESIDENTIAL INTERFACE		BFO16 - BRUNSWICK STREET GRAND RESIDENTIAL
	VICTORIAN HERITAGE REGISTER (VHR)		MIXED USE INTERFACE		BFO17 - FITZROY TOWN HALL AND BACK BLOCKS
	LANDMARK		COMMERCIAL INTERFACE		BFO18 - JOHNSTON STREET SOUTH AND VICTORIA STREET
	KEY VIEW TO LANDMARK		OPEN SPACE INTERFACE		BFO19 - FITZROY EAST AND JOHNSTON STREET NORTH
	LOCAL LANDMARK		SHARED STREET		BFO20 - SMITH STREET NORTH AND SOUTH
			HERITAGE OVERLAY AREAS		BFO21 - ALEXANDRA PARADE
					BFO22 - VICTORIA PARADE
					BFO23 - FITZROY WEST

3.0 Master plan requirements

Land to which the master plan requirements apply

None specified.

4.0 Public benefit uplift framework

None specified.

5.0 Buildings and works

Permit requirement

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

- A rear ground floor extension no higher than 4 metres above ground level.
- An alteration to an existing building façade provided:
 - 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 create blank walls which exceeds 40 per cent of the building façade at ground floor level.

6.0 Outcomes and standards

The outcomes and standards in this overlay and this schedule prevail over any inconsistent provision in this planning scheme.

This does not apply to an application that has been made under Clause 53.22, Clause 53.23 or Clause 53.25, which prevail to the extent of any inconsistent provision in the Built Form Overlay.

6.1 Outcomes that do not apply

The outcomes in Clause 43.06-7.3 and Clause 43.06-7.10 do not apply.

6.2 Standards

Any standard specified in this schedule is in addition to any standard in clause 43.06-7 for the corresponding outcome, unless specified otherwise below.

6.2-1 Building typology and future character

None specified.

6.2-2 Building heights

Standard BF02

Standard BF02 does not apply to a heritage place which is included in the Victorian Heritage Register.

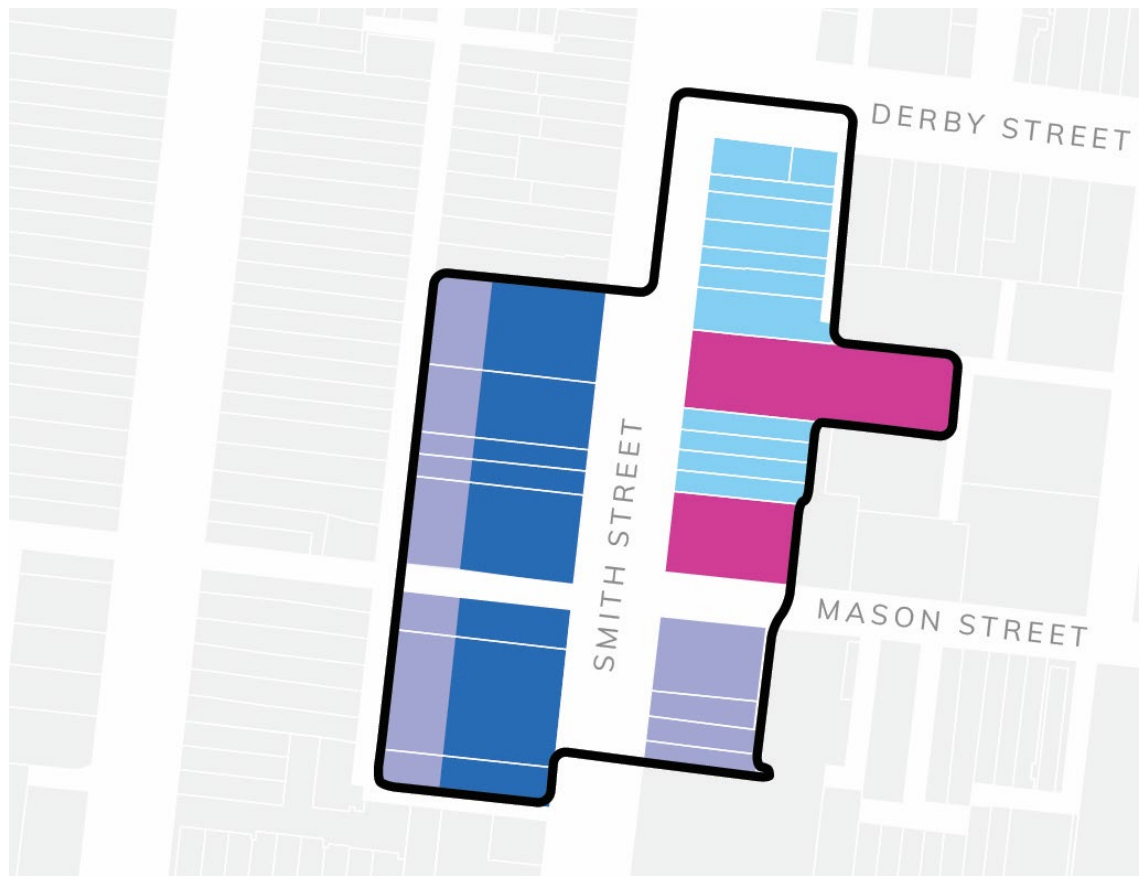
New development may exceed the mandatory maximum building height to match the fabric of ~~an~~ the existing ~~heritage~~ building, where the ~~heritage~~ building already exceeds the maximum building height shown on Map 2.

For land in a Special Building Overlay, the maximum building height specified in Standard BF02 is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Map 2a to Schedule 20 to Clause 43.06: Building heights



Map 2b to Schedule 20 to Clause 43.06: Building heights



Map 2 legend to Schedule 20 to Clause 43.06: Building heights

Maximum Building Heights

- 3 storeys / 11.2m 7 storeys / 24.0m
- 4 storeys / 15.0m 8 storeys / 28.0m
- 5 storeys / 18.0m 9 storeys / 31.0m
- 6 storeys / 21.0m 10 storeys / 34.0m

Table 1: Building heights

Area shown on Map 2	Maximum building height	Mandatory or discretionary	Deemed to comply
Area 1	3 storeys (11.2m)	Discretionary	No
Area 2	4 storeys (15m)	Discretionary	No
Area 3	5 storeys (18m)	Discretionary	No
Area 4	6 storeys (21m)	Discretionary	No
Area 5	7 storeys (24m)	Discretionary	No
Area 6	8 storeys (28m)	Discretionary	No
Area 7	9 storeys (31m)	Discretionary	No

Area shown on Map 2	Maximum building height	Mandatory or discretionary	Deemed to comply
Area 8	10 storeys (34m)	Discretionary	No

6.2-3 Overshadowing of open space or public realm

Standard BF04

The following standards replace Standard BF04 at Clause 43.06-7.4:

- Development adjoining land within a Neighbourhood or General Residential Zone should meet the objective of Clause 55.04-3, including where separated by a laneway.
- Buildings are to maintain existing sun access to the overshadowing areas identified at Table 2 using the specified sun access measurement.

This does not apply to shadow cast by:

- Incidental elements such as canopies, kiosks, artworks, screens or trees.
- Buildings and works constructed within the open space or street.

Table 2: Overshadowing of open space or public realm

Overshadowing area	Sun access measurement	Mandatory or Discretionary	Deemed to comply?
Streets			
Streets of 15m or more in width (measured boundary to boundary)	No <u>additional</u> overshadowing between 10am and 2pm on 22 September on the opposite footpath measured <u>from the kerb 3 metres from the relevant property boundary</u>	Mandatory	No
Streets less than 15m in width (measured boundary to boundary)	No <u>additional</u> overshadowing between 10am and 2pm on 22 September on the opposite footpath measured <u>from the kerb 3 metres from the relevant property boundary</u>	Discretionary	No
Other public space and public realm			
<u>Any opposite kerb outstands, seating and/or planting areas, as applicable</u>	<u>No overshadowing between 10am and 2pm on 22 September</u>	<u>Discretionary</u>	<u>No</u>

6.2-4 Front setbacks, street wall and front wall heights, setbacks above the street wall and front wall, and landscaped setbacks

Standard BF05

Where there is inconsistency between the requirements for all land and the requirements for heritage buildings and land adjoining heritage buildings, the requirements for heritage buildings and land adjoining heritage buildings prevail.

Any maximum street wall or front wall height specified in a schedule to this overlay does not apply to non-habitable architectural features that exceed the specified maximum height by not more than 1 metre.

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

For land in a Special Building Overlay, the maximum street wall height specified in Standard BF05 is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Front setbacks, landscaped setbacks and street wall and front wall heights

Requirements for all land

The following requirements apply to all land:

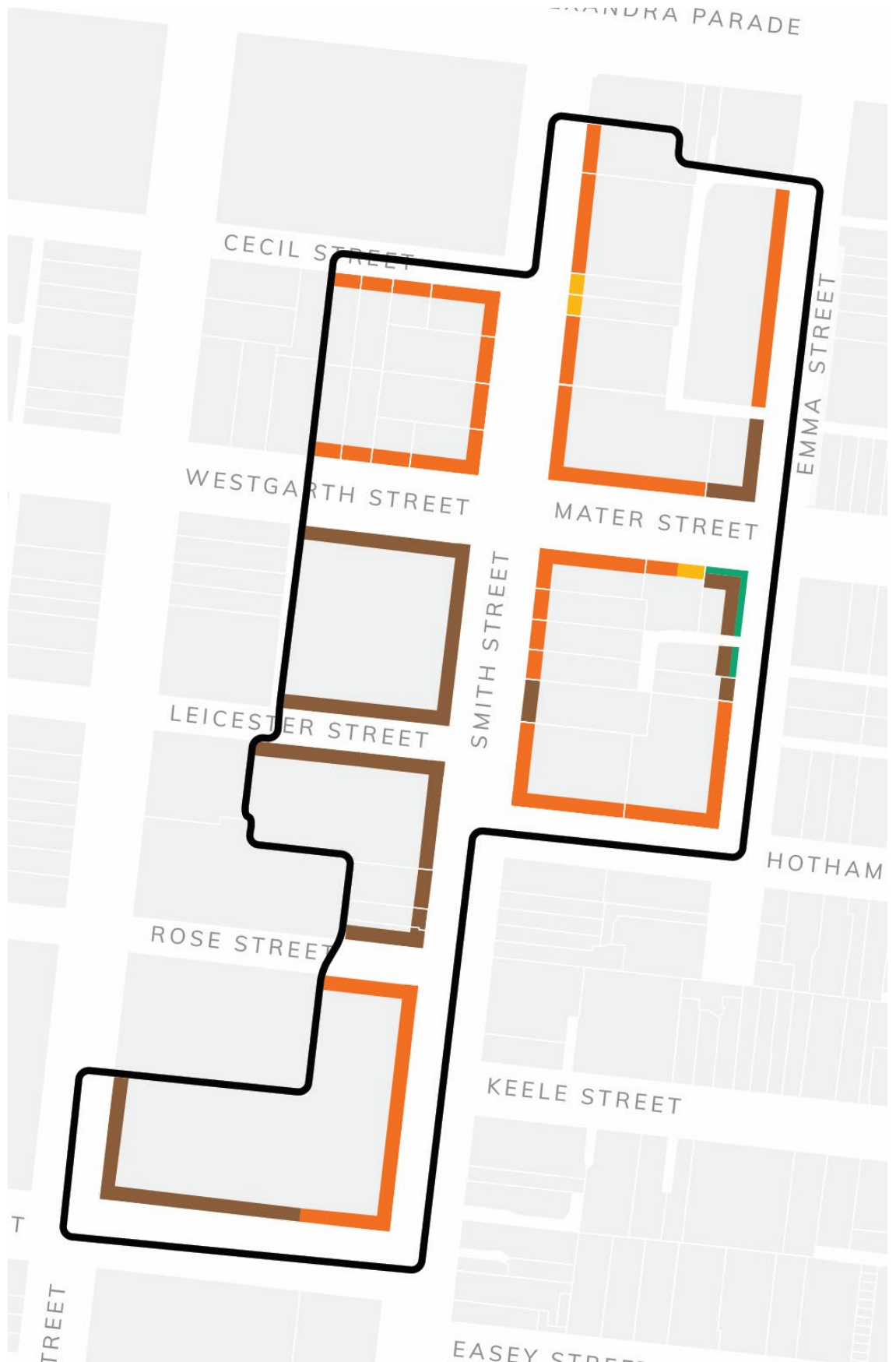
- Development should retain the visual prominence of:
 - The heritage street wall in the vistas along the street.
 - Heritage fabric on the return facades of heritage buildings on corner sites.
- Development should provide a street wall on the street boundary, unless:
 - The site adjoins a footpath 1.8 metres wide or less.
 - An existing landscaped setback is required to be retained as shown on Map 3.
- On a site which adjoins a footpath 1.8 metres wide or less, development should provide a front wall that is setback or generous, recessed building entrances to provide space for pedestrian circulation and include space for landscaping, outdoor trading, seating and/or visitor bicycle parking.
- 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.
- The street wall or front wall on corner buildings should continue the street wall or front wall height for a minimum of 8 metres to the side street, unless a street wall or front wall height for the side street is shown on Map 3, with an appropriate transition in height to match the rear wall where required.

Requirements for heritage buildings and land adjoining heritage buildings

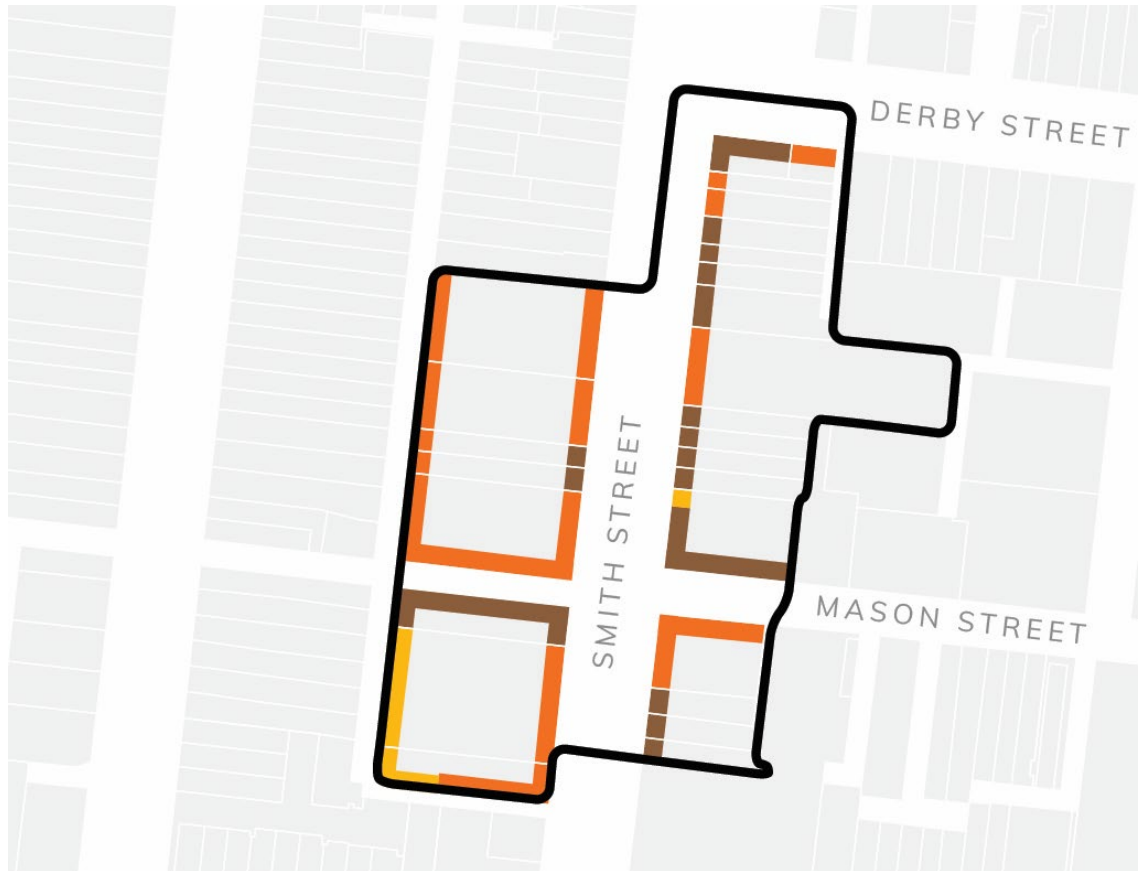
The following requirements apply to a heritage building, or land adjoining a heritage building, graded either individually significant or contributory:

- A development should match the front setback of an adjoining heritage building from the same street, except to laneway frontages.
- Smith Street development should provide a street wall or front wall no higher than the street wall or front wall height of an adjoining heritage building for a minimum length of 6 metres along the front boundary.

Map 3a to Schedule 20 to Clause 43.06: Street wall and front wall heights and landscaped setbacks



Map 3b to Schedule 20 to Clause 43.06: Street wall and front wall heights and landscaped setbacks



Map 3 legend to Schedule 20 to Clause 43.06: Street wall and front wall heights and landscaped setbacks

- | | | | |
|---------------------------------|--|-----------------------------------|--|
| Maximum Streetwall Heights | | Heritage Streetwall Heights | |
| New 2 storey streetwall / 8.0m | | Retain heritage streetwall | |
| New 3 storey streetwall / 11.2m | | | |
| New 4 storey streetwall / 15.0m | | Landscape Setbacks | |
| | | Retain existing landscape setback | |

Table 3: Street wall and front wall heights

Interface shown on Map 3	Maximum street wall or front wall height	Discretionary or Mandatory	Deemed to Comply
Interface 1	2 storeys (8m)	Discretionary	No
Interface 2	3 storeys (11.2m)	Discretionary	No

Setbacks above the street wall or front wall

Requirements for all land

Development above the street wall or front wall should avoid repetitive steps in the built form and incorporate no more than two steps, including the setback above the street wall or front wall as one step.

Requirements for heritage buildings

The following requirements apply to a heritage building that is graded either individually significant or contributory:

- The top level of development over 16.4 metres should be set back a further 3.2 metres from the Smith Street frontage.
- Development above the street wall or front wall should be set back in excess of the minimum 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.
 - A lesser setback would detract from the character of the streetscape when viewed directly or obliquely across the street.

Table 4: Setbacks above street walls and front walls

Location	Minimum setback above street wall or front wall	Discretionary or Mandatory	Deemed to Comply
On Smith Street, where no Heritage Overlay applies	8.6m	Discretionary	No
On Smith Street, where no Heritage Overlay applies	8.6m	Mandatory	No
On side streets greater than 10 metres in width	6m	Discretionary	No
On side streets less than 10 metres in width	3m	Discretionary	No

6.2-5 Side and rear setbacks and building separation within a site

Standard BF06

Side and rear setbacks

Development should have no side street setback.

A wall on a rear boundary should not exceed the maximum height specified in Table 5 unless a street wall or front wall height is specified for the boundary on Map 3.

Table 5: Wall on a rear boundary

Adjoining zone to rear boundary	Maximum height of wall on a rear boundary	Discretionary or Mandatory	Deemed to Comply
NRZ whether or not separated by a laneway	8m	Discretionary	No
GRZ where there is no existing laneway	8m	Discretionary	No
GRZ where there is an existing laneway	11.2m	Discretionary	No

MUZ whether or not separated by a laneway	11.2m	Discretionary	No
C1Z whether or not separated by a laneway	11.2m	Discretionary	No

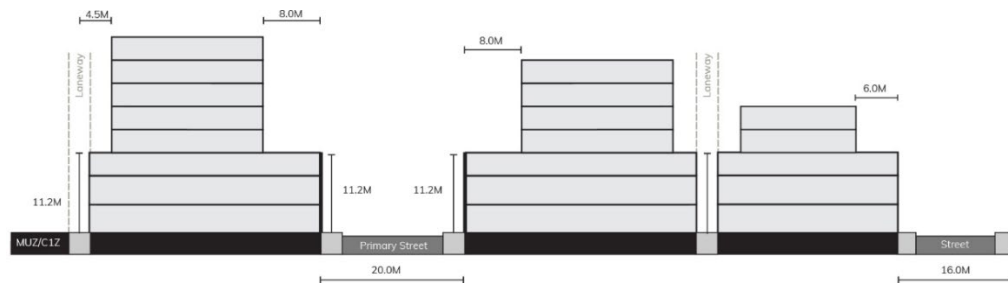
Development above a wall on a rear boundary:

- Must be set back from the rear boundary and be contained within a 45-degree setback envelope, except for green infrastructure (any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants) to support landscaping. The envelope’s angle is to be measured perpendicular to the adjoining residential site’s boundary (including where separated by a laneway), taken from the centre of the development site’s boundary. This does not apply to a Commercial 1 Zone, Commercial 2 Zone, and/or Mixed Use Zone interface.
- Should avoid a repetitive stepping of individual levels and incorporate no more than two steps (including the setback above the boundary wall as one step) or be contained within a sloped facade.

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



Building separation

Where development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone, Commercial 2 Zone and/or Mixed Use Zone outside of the overlay,

- Development above the street wall or front wall height up to 27 metres 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 and/or exists on the adjoining property.
 - 3 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.
- Development above the street wall or front wall height exceeding 27 metres should 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, development above the street wall or front wall height should be separated by a minimum of:

- 9 metres, where a habitable window or balcony is proposed.
- 6 metres where a commercial or non-habitable window is proposed.

6.2-6 Building layout and adaptability

Standard BF07

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

Lower levels of development should be designed to incorporate a commercial floor to floor height of approximately 4 metres.

Pedestrian access should:

- Be achieved via streets and avoided from laneways. Where access is appropriate from a laneway provide for a pedestrian refuge or landing.
- Be clearly visible, secure, well-lit and have an identifiable sense of address.
- Distinguish residential and commercial entrances.

Common pedestrian areas should:

- Be legible and accessible.
- Provide hallway and lobby areas of a size that reflects the quantity of apartments or leasable floor area serviced.
- Be naturally lit and naturally ventilated.

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

6.2-7 Wind effects

None specified.

6.2-8 Active frontages

Standard BF09

Ground level interfaces fronting Smith Street should achieve a fine-grain, shop front design that includes elements of:

- A stall riser.
- Pilasters.
- Clerestory window.

Security grills or mesh should:

- Be transparent.
- Not block views into tenancies at night.
- Be mounted internally to the shop windows.

Development should avoid floor to ceiling glass with limited entries for large expanses of the ground floor.

6.2-9 Weather protection

Standard BF11

Development should include continuous weather protection along Smith Street except where a heritage place warrants an alternative approach.

6.2-10 Landscape and fencing

Standard BF12

Development should provide for green infrastructure (any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants), including landscaping and vertical greening such as canopy trees where possible, climbing plants, green walls or planter boxes.

6.2-11 Carparking design

Standard BF13

Additional vehicle access to car parks must not be provided at Smith Street.

Vehicle access should be provided from laneways and side streets, in this order of preference.

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

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.

6.2-12 Building services

Standard BF14

Waste and loading access should not be located on the primary frontage.

6.2-13 Exterior design

Standard BF15

The design of development above the street wall or front wall should distinguish between the lower levels through materials and articulation, including by using visually lightweight materials and colours.

Facades should incorporate vertical and horizontal proportions of either:

- the traditional fine-grain, retail shop front character of Smith Street; or the warehouse character of side street, where applicable. Development should:
- Create an appropriate ratio of solid to void elements.
- Create visual interest through the arrangement of fenestration, balconies and the application of architectural features including external shading devices, window sills.

Materials and colours should be simple and limited to avoid overly busy façades.

6.3 Other outcomes and standards

None specified.

7.0 Subdivision

Permit requirements

None specified.

Subdivision requirements

None specified.

8.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.09, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- For an application to construct a building, in addition to the requirements of Clause 43.06-9, the design response must also explain how the proposed design considers its impact upon adjacent properties in terms of outlook, daylight and solar access to private open space and windows, and visual bulk.
- 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 area including an assessment of the ongoing functionality of laneway/s, where applicable.

An application to construct a building of five or more storeys, excluding a basement, must be accompanied by a wind impact assessment report prepared by a suitably qualified person to consider wind impacts, which must:

- Explain the effect of the proposed development on the wind conditions in publicly accessible areas within a distance equal to half the longest width of the building, measured from all façades, or half the total height of the building, whichever is greater.
- For development with a total building height in excess of 30 metres, model the wind effects of the proposed development and its surrounding buildings (existing and proposed) using wind tunnel testing, unless otherwise agreed by the Responsible Authority.
- Identify the principal role of each portion of the publicly accessible areas for sitting, standing or walking purposes.
- Explain whether the outcome and Standard BF08 at Clause 43.06-7.8 are met.

9.0 Notice and review

An application to construct a building or construct or carry out works is not 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.

10.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.06, in addition to those specified in Clause 43.06-11 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

General

- Whether the proposal meets the development objectives and requirements of this schedule.
- 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.
- The design of the shop fronts on Smith Street.
- Whether the design of development in other streets achieves a mixed use industrial warehouse and/or residential character.
- Whether development impacts the prominence of the heritage street wall when viewed along Smith Street.
- Whether development impacts the prominence of heritage buildings on street corners when viewed from the opposite side of Smith Street.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street.
- 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, adjoining the site through a suitable transition in scale of street-wall, upper level setbacks and building height.
- Whether upper side and rear setbacks impact the amenity of existing dwellings.
- Whether the development responds to the interface with existing low-scale residential properties, including overshadowing of secluded private open space.
- Whether any additional overshadowing to the nominated spaces adversely affects the use, quality and amenity of the public space.
- Whether the proposed built form mitigates negative wind effects [to the public realm](#) created by the development.
- 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.
- Whether any proposed roof decks are set back from lower levels and are recessive in appearance.
- Whether the impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bicycle lanes.

Variations to discretionary standards for building heights

- Whether the development achieves greater building separation than the minimum standards in this schedule.

- Whether any additional overshadowing to secluded private open space to residentially zoned properties or adjacent parkland or reserves adversely affects the use, quality and amenity of the public space.

Variations to discretionary standards for street wall heights and setbacks above the street wall or front wall

- Whether the street wall height:
 - Provides an appropriate transition, scaling down to the interface with a heritage building.
 - Does not visually overwhelm the adjoining heritage building.

11.0 Mandatory permit conditions

None specified.

12.0 Signs

None specified.

13.0 Transitional provisions

The requirements of Clause 43.06 and this schedule do not apply to:

- An application made before the approval date of Amendment CXXX to this planning scheme. For the avoidance of doubt, this includes an amended application under section 50, 50A or 57A of the Act if the original application was made before the approval date of Amendment CXXX.
- An amended permit application under section 72 of the Act, if the original application in respect of which that permit was first granted (that is, before it was first amended) was either:
 - Made before the approval date of Amendment CXXX.
 - An amended application under section 50, 50A or 57A of the Act if the original application was made before the approval date of Amendment CXXX.
- The following provisions, as in force in relation to relevant land immediately before the approval date of Amendment CXXX, continue to apply to applications which this transitional provision applies:
 - XXX.

SCHEDULE 21 TO CLAUSE 43.06 BUILT FORM OVERLAY

Shown on the planning scheme map as **BFO21**.

ALEXANDRA PARADE

1.0 Development 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 low-rise to mid-rise character (ranging from 3 to 6 storeys) behind a consistent street wall between Emma and Charlotte Streets on the south side.
- a new mid-rise character (ranging from 3 to 7 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.

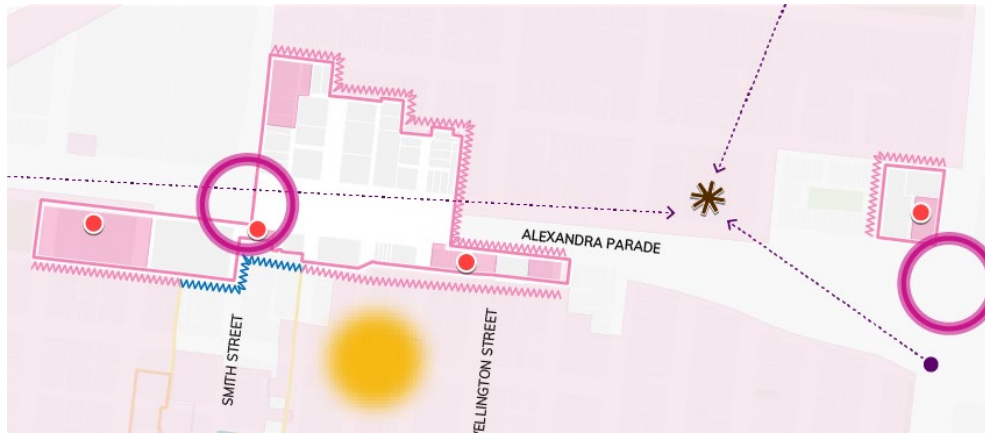
To ensure development maintains the prominence of the existing heritage street wall and fine-grain heritage character through recessive upper levels and a façade composition and articulation that complements the prevailing character.

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 Development framework

Map 1 to Schedule 21 to Clause 43.06: Development framework



Map 1 legend to Schedule 21 to Clause 43.06: Development framework

LEGEND					
	MUNICIPAL BOUNDARY		PUBLIC REALM JUNCTION		BF012 - BRUNSWICK STREET SHOPS
	OPEN SPACE		POTENTIAL PUBLIC REALM JUNCTION		BF013 - SMITH STREET SHOPS
	TRAIN LINE		KEY JUNCTION		BF014 - GERTRUDE STREET SHOPS
	TRAM LINE		POTENTIAL NEW PUBLIC SPACE		BF015 - JOHNSTON STREET WEST
	WHEA BOUNDARY		SENSITIVE RESIDENTIAL INTERFACE		BF016 - BRUNSWICK STREET GRAND RESIDENTIAL
	VICTORIAN HERITAGE REGISTER (VHR)		MIXED USE INTERFACE		BF017 - FITZROY TOWN HALL AND BACK BLOCKS
	LANDMARK		COMMERCIAL INTERFACE		BF018 - JOHNSTON STREET SOUTH AND VICTORIA STREET
	KEY VIEW TO LANDMARK		OPEN SPACE INTERFACE		BF019 - FITZROY EAST AND JOHNSTON STREET NORTH
	LOCAL LANDMARK		SHARED STREET		BF020 - SMITH STREET NORTH AND SOUTH
			HERITAGE OVERLAY AREAS		BF021 - ALEXANDRA PARADE
					BF022 - VICTORIA PARADE
					BF023 - FITZROY WEST

3.0 Master plan requirements

Land to which the master plan requirements apply

None specified.

4.0 Public benefit uplift framework

None specified.

5.0 Buildings and works

Permit requirement

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

- A rear ground floor extension no higher than 4 metres above ground level.
- An alteration to an existing building façade provided:
 - 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 create blank walls which exceeds 40 per cent of the building façade at ground floor level.

6.0 Outcomes and standards

The outcomes and standards in this overlay and this schedule prevail over any inconsistent provision in this planning scheme.

This does not apply to an application that has been made under Clause 53.22, Clause 53.23 or Clause 53.25, which prevail to the extent of any inconsistent provision in the Built Form Overlay.

6.1 Outcomes that do not apply

The outcomes in Clause 43.06-7.3 and Clause 43.06-7.10 do not apply.

6.2 Standards

Any standard specified in this schedule is in addition to any standard in clause 43.06-7 for the corresponding outcome, unless specified otherwise below.

6.2-1 Building typology and future character

None specified.

6.2-2 Building heights

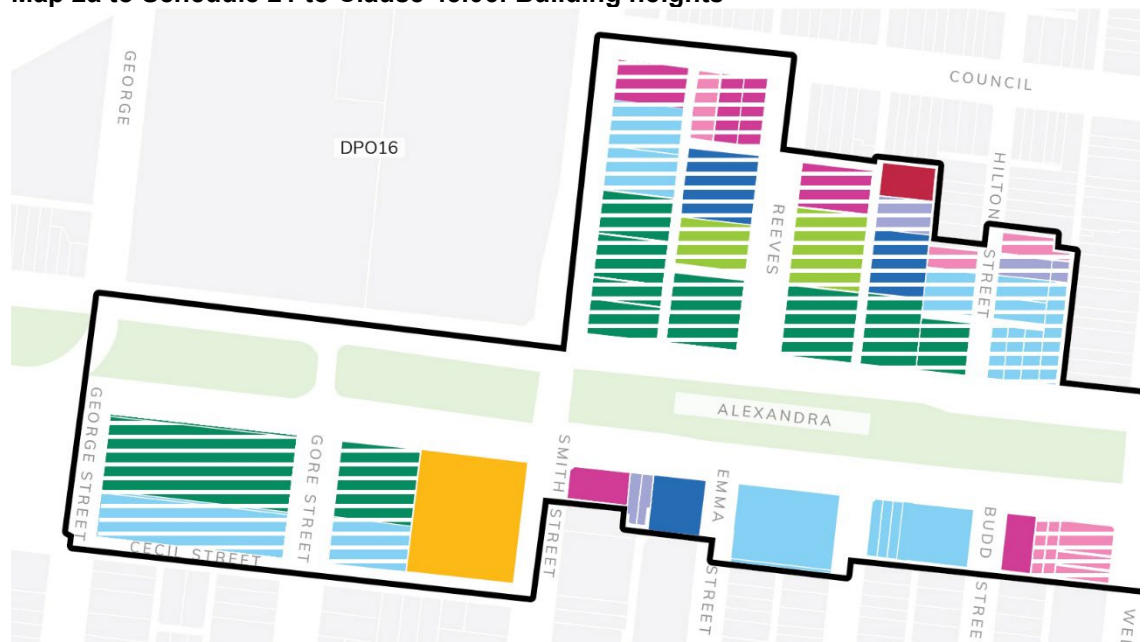
Standard BF02

Standard BF02 does not apply to a heritage place which is included in the Victorian Heritage Register.

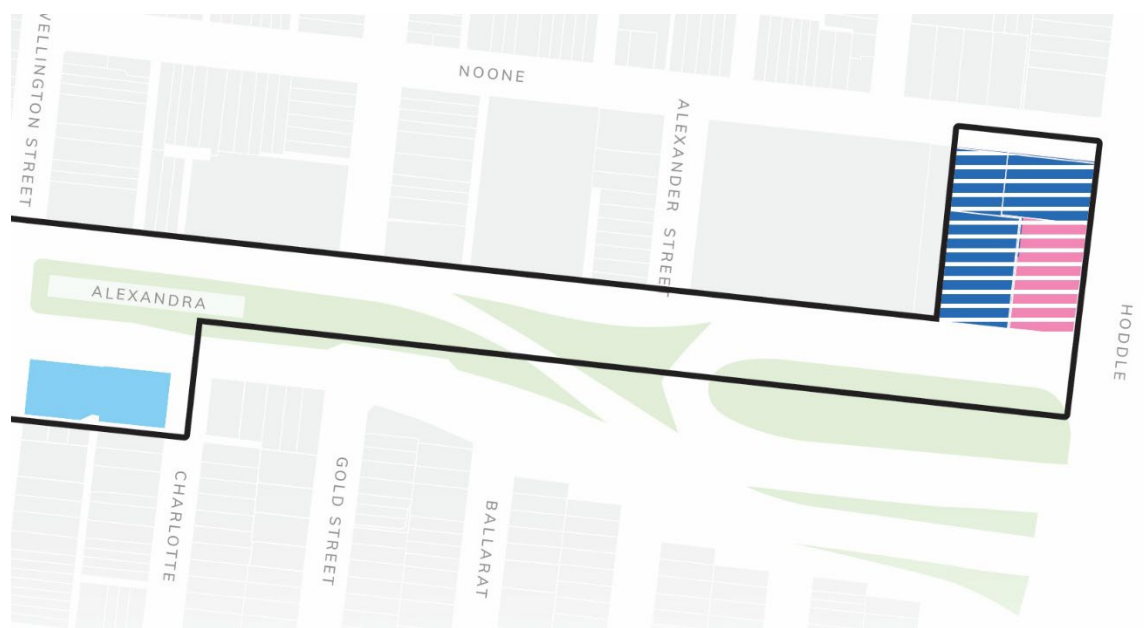
New development may exceed the mandatory maximum building height to match the fabric of an the existing **heritage** building, where the **heritage** building already exceeds the maximum building height shown on Map 2.

For land in a Special Building Overlay, the maximum building height specified in Standard BF02 is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Map 2a to Schedule 21 to Clause 43.06: Building heights



Map 2b to Schedule 21 to Clause 43.06: Building heights



Map 2 legend to Schedule 21 to Clause 43.06: Building heights legend

Maximum Building Heights

9.0m		7 storeys / 24.0m	
3 storeys / 11.2m		7 storeys / 28.0m	
3 storeys / 12.0m		8 storeys / 28.0m	
4 storeys / 15.0m		8 storeys / 32.0m	
4 storeys / 16.0m		9 storeys / 31.0m	
5 storeys / 18.0m		9 storeys / 36.0m	
5 storeys / 20.0m		10 storeys / 34.0m	
6 storeys / 21.0m		10 storeys / 40.0m	
6 storeys / 24.0m			

Table 1: Building heights

Area shown on Map 2	Maximum building height	Mandatory or discretionary	Deemed to comply
Area 1	9m	Discretionary	No
Area 2 (C2Z)	3 storeys (12m)	Discretionary	No
Area 3	4 storeys (15m)	Discretionary	No
Area 3 (C2Z)	4 storeys (16m)	Discretionary	No
Area 4	5 storeys (18m)	Discretionary	No
Area 4 (C2Z)	5 storeys (20m)	Discretionary	No
Area 5	6 storeys (21m)	Discretionary	No
Area 5 (C2Z)	6 storeys (24m)	Discretionary	No
Area 6	7 storeys (24m)	Discretionary	No
Area 6 (C2Z)	7 storeys (28m)	Discretionary	No
Area 7	8 storeys (28m)	Discretionary	No
Area 7 (C2Z)	8 storeys (32m)	Discretionary	No
Area 8	9 storeys (31m)	Discretionary	No
Area 8 (C2Z)	9 storeys (36m)	Discretionary	No
Area 9	10 storeys (34m)	Discretionary	No
Area 9 (C2Z)	10 storeys (40m)	Discretionary	No

6.2-3 Overshadowing of open space or public realm

Standard BF04

The following standards replace Standard BF04 at Clause 43.06-7.4:

- Development adjoining land within a Neighbourhood or General Residential Zone should meet the objective of Clause 55.04-3, including where separated by a laneway.
- Buildings are to maintain existing sun access to the overshadowing areas identified at Table 2 using the specified sun access measurement.

This does not apply to shadow cast by:

- Incidental elements such as canopies, kiosks, artworks, screens or trees.
- Buildings and works constructed within the open space or street.

Table 2: Overshadowing of open space or public realm

Overshadowing area	Sun access measurement	Mandatory or Discretionary	Deemed to comply?
Streets			
Alexandra Parade central median	No <u>additional</u> overshadowing at 12pm on 22 September	Mandatory <u>Discretionary</u>	No
Streets of 15m or more in width (measured boundary to boundary)	No <u>additional</u> overshadowing between 10am and 2pm on 22 September on the opposite footpath measured <u>from the kerb 3 metres from the relevant property boundary</u>	Mandatory	No
Streets less than 15m in width (measured boundary to boundary)	No <u>additional</u> overshadowing at 2pm on 22 September on the opposite footpath measured <u>from the kerb 3 metres from the relevant property boundary</u>	Discretionary	No
Other public space and public realm			
An opposite kerb outstand, seating, or planting area, as applicable	No overshadowing between 10am and 2pm on 22 September	Discretionary	No
<u>Properties</u>			
Properties fronting Hilton Street from the first floor upwards	No <u>additional</u> overshadowing between 10am and 2pm on 22 September	Discretionary	No

6.2-4 Front setbacks, street wall and front wall heights, setbacks above the street wall and front wall, and landscaped setbacks

Standard BF05

Where there is inconsistency between the requirements for all land and the requirements for heritage buildings and land adjoining heritage buildings, the requirements for heritage buildings and land adjoining heritage buildings prevail.

Any maximum street wall or front wall height specified in a schedule to this overlay does not apply to non-habitable architectural features that exceed the specified maximum height by not more than 1 metre.

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

For land in a Special Building Overlay, the maximum street wall height specified in Standard

BF05 is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Front setbacks, landscaped setbacks and street wall and front wall heights

Requirements for all land

The following requirements apply to all land:

- Development should retain the visual prominence of:
 - The heritage street wall in the vistas along the street.
 - Heritage fabric on the return facades of heritage buildings on corner sites.
- Development should provide a street wall on the street boundary, unless:
 - The site adjoins a footpath 1.8 metres wide or less.
 - A landscaped setback is required as shown on Map 3.
- On a site which adjoins a footpath 1.8 metres wide or less, development should provide a front wall that is setback or generous, recessed building entrances to provide space for pedestrian circulation and include space for landscaping, outdoor trading, seating and/or visitor bicycle parking.
- The landscape setback to Hilton Street should be provided without cantilevering upper levels.
- 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.
- The street wall or front wall on corner buildings should continue the street wall or front wall height for a minimum of 8 metres to the side street, unless a street wall or front wall height for the side street is shown on Map 3, with an appropriate transition in height to match the rear wall where required.

Requirements for heritage buildings and land adjoining heritage buildings

The following requirements apply to a heritage building, or land adjoining a heritage building, graded either individually significant or contributory:

- A development should match the front setback of an adjoining heritage building from the same street, except to Hilton Street.
- Development with a frontage to Hilton Street should provide a landscaped front setback as shown on Map 3.
- Development should provide a street wall or front wall no higher than the street wall or front wall height of an adjoining heritage building for a minimum length of 6 metres along the front boundary.

Map 3a to Schedule 21 to Clause 43.06: Street wall and front wall heights and landscaped setbacks



Map 3b to Schedule 21 to Clause 43.06: Street wall and front wall heights and landscaped setbacks



Map 3 to Schedule 21 to Clause 43.06: Street wall and front wall heights and landscaped setbacks Legend

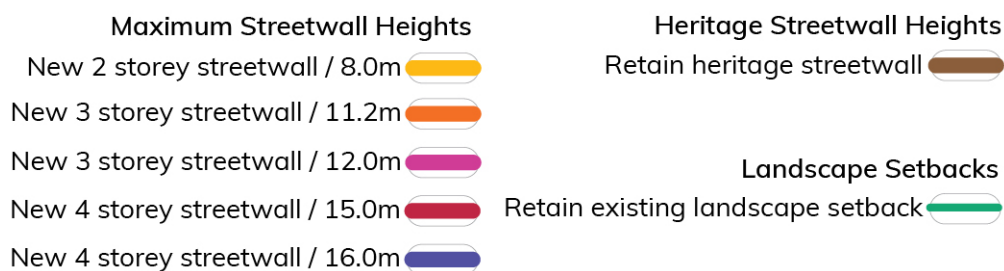


Table 3: Street wall and front wall heights

Interface shown on Map 3	Maximum street wall or front wall height	Discretionary or Mandatory	Deemed to Comply
Interface 1	2 storeys (8m)	Discretionary	No
Interface 2	3 storeys (11.2m)	Discretionary	No
Interface 3	3 storeys (12m)	Discretionary	No
Interface 4	4 storeys (15m)	Discretionary	No
Interface 5	4 storeys (16m)	Discretionary	No

Setbacks above the street wall or front wall

Requirements for all land

The following requirements apply to all land:

- Development above the street wall or front wall should avoid repetitive steps in the built form and incorporate no more than two steps, including the setback above the street wall or front wall as one step.
- Development above the street wall or front wall fronting Noone Street should be of limited visibility from the opposite footpath.

Requirements for heritage buildings

The following requirements apply to a heritage building that is graded either individually significant or contributory.

- Development above the secondary street wall should be set back by a minimum of 3 metres, unless specified otherwise.
- Development above the street wall or front wall should be set back in excess of the minimum 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.
 - A lesser setback would detract from the character of the streetscape when viewed directly or obliquely across the street.

Table 4: Setbacks above street walls and front walls

Location	Minimum setback above street wall or front wall	Discretionary or Mandatory	Deemed to Comply
Heritage buildings on Smith Street	6m	Mandatory	No
Heritage buildings facing on other streets	6m	Mandatory	No
On sites adjoining land in the Heritage Overlay	6m	Discretionary	No
Non-contributory buildings on the northern side of Alexandra Parade	6m	Discretionary	No
Non-contributory buildings on Cecil Street, Council Street, George Street, Gore Street and Smith Street	6m	Discretionary	No
To the Smith Street frontage at 230 Alexandra Parade, Fitzroy	6m	Discretionary	No
Other non-contributory sites and other streets, unless otherwise specified	3m	Discretionary	No

6.2-5 Side and rear setbacks and building separation within a site

Standard BF06

Side and rear setbacks

Development should have no side street setback.

A wall on a rear boundary should not exceed the maximum height specified in Table 5 unless a street wall or front wall height is specified for the boundary on Map 3.

Table 5: Wall on a rear boundary

Adjoining zone to rear boundary	Maximum height of wall on a rear boundary	Discretionary or Mandatory	Deemed to Comply
NRZ whether or not separated by a laneway	8m	Discretionary	No
GRZ where there is no existing laneway	8m	Discretionary	No
GRZ where there is an existing laneway	11.2m	Discretionary	No

MUZ whether or not separated by a laneway	11.2m	Discretionary	No
C1Z whether or not separated by a laneway	11.2m	Discretionary	No

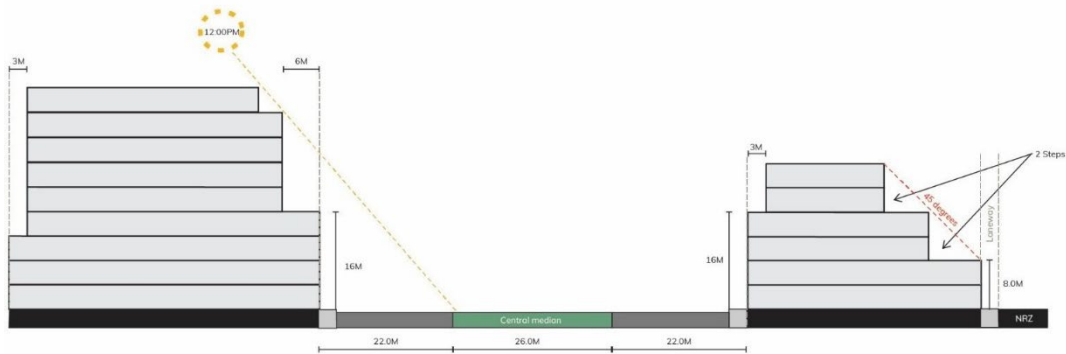
Development above a wall on a rear boundary:

- Must be set back from the rear boundary and be contained within a 45-degree setback envelope, except for green infrastructure (any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants) to support landscaping. The envelope’s angle is to be measured perpendicular to the adjoining residential site’s boundary (including where separated by a laneway), taken from the centre of the development site’s boundary. This does not apply to a Commercial 1 Zone, Commercial 2 Zone, and/or Mixed Use Zone interface.
- Should avoid a repetitive stepping of individual levels and incorporate no more than two steps (including the setback above the boundary wall as one step) or be contained within a sloped facade.

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



Building separation

Where development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone, Commercial 2 Zone and/or Mixed Use Zone outside of the overlay,

- Development above the street wall or front wall height up to 27 metres 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 and/or exists on the adjoining property.
 - 3 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.
- Development above the street wall or front wall height exceeding 27 metres should

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, development above the street wall or front wall height should be separated by a minimum of:

- 9 metres, where a habitable window or balcony is proposed.
- 6 metres where a commercial or non-habitable window is proposed.

6.2-6 Building layout and adaptability

Standard BF07

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

Lower levels of development should be designed to incorporate a commercial floor to floor height of approximately 4 metres.

Pedestrian access should:

- Be achieved via streets and avoided from laneways. Where access is appropriate from a laneway provide for a pedestrian refuge or landing.
- Be clearly visible, secure, well-lit and have an identifiable sense of address.
- Distinguish residential and commercial entrances.

Common pedestrian areas should:

- Be legible and accessible.
- Provide hallway and lobby areas of a size that reflects the quantity of apartments or leasable floor area serviced.
- Be naturally lit and naturally ventilated.

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

6.2-7 Wind effects

None specified.

6.2-8 Active frontages

Standard BF09

For new development in land affected by the Heritage Overlay, ground level interfaces in the Commercial 1 Zone fronting Alexandra Parade should achieve a fine-grain, shop front design that includes elements of:

- A stall riser.
- Pilasters.
- Clerestory window.

Security grills or mesh should:

- Be transparent.

- Not block views into tenancies at night.
- Be mounted internally to the shop windows.

Development should avoid floor to ceiling glass with limited entries for large expanses of the ground floor.

6.2-9 Weather protection

Standard BF11

Development in the Commercial 1 Zone on Alexandra Parade should include continuous weather protection except where a heritage place warrants an alternative approach.

6.2-10 Landscape and fencing

Standard BF12

Development should provide for green infrastructure (any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants), including landscaping and vertical greening such as canopy trees where possible, climbing plants, green walls or planter boxes.

6.2-11 Carparking design

Standard BF13

Additional vehicle access to car parks must not be provided at Alexandra Parade.

Vehicle access should be provided from laneways and side streets, in this order of preference.

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

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.

6.2-12 Building services

Standard BF14

Waste and loading access should not be located on the primary frontage.

6.2-13 Exterior design

Standard BF15

The design of development above the street wall or front wall should distinguish between the lower levels through materials and articulation, including by using visually lightweight materials and colours.

Facades should incorporate vertical and horizontal proportions of the existing, varied retail, commercial and residential character, as applicable.

Development should:

- Create an appropriate ratio of solid to void elements
- Create visual interest through the arrangement of fenestration, balconies and the application of architectural features including external shading devices, window sills.

Materials and colours should be simple and limited to avoid overly busy façades.

6.3 Other outcomes and standards

None specified.

7.0 Subdivision

Permit requirements

None specified.

Subdivision requirements

None specified.

8.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.09, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- For an application to construct a building, in addition to the requirements of Clause 43.06-9, the design response must also explain how the proposed design considers its impact upon adjacent properties in terms of outlook, daylight and solar access to private open space and windows, and visual bulk.
- 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 area including an assessment of the ongoing functionality of laneway/s, where applicable.
- An application to construct a building of five or more storeys, excluding a basement, must be accompanied by a wind impact assessment report prepared by a suitably qualified person to consider wind impacts, which must:
 - Explain the effect of the proposed development on the wind conditions in publicly accessible areas within a distance equal to half the longest width of the building, measured from all façades, or half the total height of the building, whichever is greater.
 - For development with a total building height in excess of 30 metres, model the wind effects of the proposed development and its surrounding buildings (existing and proposed) using wind tunnel testing, unless otherwise agreed by the Responsible Authority.
 - Identify the principal role of each portion of the publicly accessible areas for sitting, standing or walking purposes.
 - Explain whether the outcome and Standard BF08 at Clause 43.06-7.8 are met.

9.0 Notice and review

An application to construct a building or construct or carry out works is not 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.

10.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.06, in addition to those specified in Clause 43.06-11 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

General

- Whether the proposal meets the development objectives and requirements of this schedule.
- 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 Alexandra Parade adds to the high-amenity boulevard setting.
- Whether development impacts the prominence of the Clifton Hill Shot Tower.
- Whether development impacts the prominence of heritage buildings on street corners 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 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, adjoining the site through a suitable transition in scale of street-wall, upper level setbacks and building height.
- Whether upper side and rear setbacks impact the amenity of existing dwellings.
- Whether the development responds to the interface with existing low-scale residential properties, including overshadowing of secluded private open space.
- Whether any additional overshadowing to the nominated spaces adversely affects the use, quality and amenity of the public space.
- Whether the proposed built form mitigates negative wind effects [to the public realm](#) created by the development.
- 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.
- Whether any proposed roof decks are set back from lower levels and are recessive in appearance.
- Whether the impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bicycle lanes.

Variations to discretionary standards for building heights

- Whether the development achieves greater building separation than the minimum standards in this schedule.
- Whether any additional overshadowing to secluded private open space to residentially zoned properties or adjacent parkland or reserves adversely affects the use, quality and amenity of the public space.

Variations to discretionary standards for street wall heights and setbacks above street wall or front wall

- Whether the street wall height:
 - Provides an appropriate transition, scaling down to the interface with a heritage building.
 - Does not visually overwhelm the adjoining heritage building.

11.0 Mandatory permit conditions

None specified.

12.0 Signs

None specified.

13.0 Transitional provisions

The requirements of Clause 43.06 and this schedule do not apply to:

- An application made before the approval date of Amendment CXXX to this planning scheme. For the avoidance of doubt, this includes an amended application under section 50, 50A or 57A of the Act if the original application was made before the approval date of Amendment CXXX.
- An amended permit application under section 72 of the Act, if the original application in respect of which that permit was first granted (that is, before it was first amended) was either:
 - Made before the approval date of Amendment CXXX.
 - An amended application under section 50, 50A or 57A of the Act if the original application was made before the approval date of Amendment CXXX.
- The following provisions, as in force in relation to relevant land immediately before the approval date of Amendment CXXX, continue to apply to applications which this transitional provision applies:
 - XXX.

SCHEDULE 22 TO CLAUSE 43.06 BUILT FORM OVERLAY

Shown on the planning scheme map as **BFO22**.

VICTORIA PARADE

1.0 Development objectives

To ensure development responds to the varied character and open streetscape of Victoria Parade by supporting:

- a new low-rise to mid-rise character (ranging from 3 to 7 storeys) behind a varied heritagestreet wall west of Wellington Street, excluding the Smith Street junction.
- a new mid-rise character (ranging from 3 to 10 storeys) behind a consistent street wall at the Smith Street junction.
- a new mid-rise to higher-rise character (ranging from 3 to 12 storeys) behind a new, street wall east of Wellington Street.

To ensure development to the west of Wellington Street respects the low-scale, fine grain heritage street wall and buildings, through recessive upper levels and façade composition, and articulation that complements the heritage character.

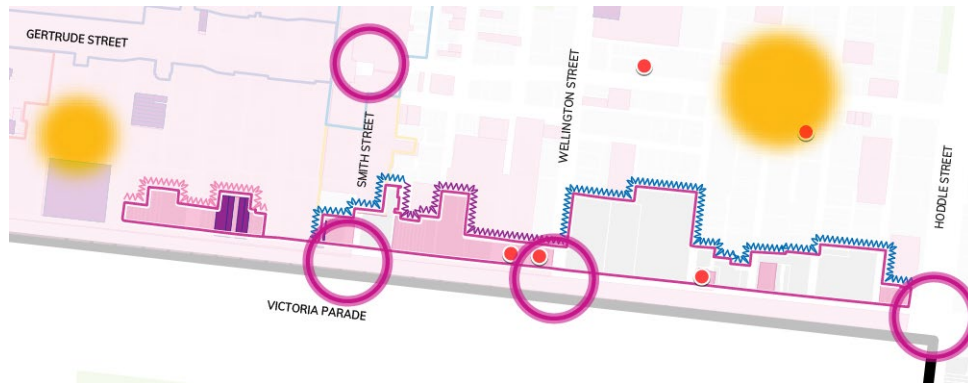
To ensure new development responds to the grand, tree lined, boulevard character of Victoria Parade.

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 Victoria 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 Development framework

Map 1 to Schedule 22 to Clause 43.06: Development framework



Map 1 legend to Schedule 22 to Clause 43.06: Development framework

LEGEND					
	MUNICIPAL BOUNDARY		PUBLIC REALM JUNCTION		BF012 - BRUNSWICK STREET SHOPS
	OPEN SPACE		POTENTIAL PUBLIC REALM JUNCTION		BF013 - SMITH STREET SHOPS
	TRAIN LINE		KEY JUNCTION		BF014 - GERTRUDE STREET SHOPS
	TRAM LINE		POTENTIAL NEW PUBLIC SPACE		BF015 - JOHNSTON STREET WEST
	WHEA BOUNDARY		SENSITIVE RESIDENTIAL INTERFACE		BF016 - BRUNSWICK STREET GRAND RESIDENTIAL
	VICTORIAN HERITAGE REGISTER (VHR)		MIXED USE INTERFACE		BF017 - FITZROY TOWN HALL AND BACK BLOCKS
	LANDMARK		COMMERCIAL INTERFACE		BF018 - JOHNSTON STREET SOUTH AND VICTORIA STREET
	KEY VIEW TO LANDMARK		OPEN SPACE INTERFACE		BF019 - FITZROY EAST AND JOHNSTON STREET NORTH
	LOCAL LANDMARK		SHARED STREET		BF020 - SMITH STREET NORTH AND SOUTH
			HERITAGE OVERLAY AREAS		BF021 - ALEXANDRA PARADE
					BF022 - VICTORIA PARADE
					BF023 - FITZROY WEST

3.0 Master plan requirements

Land to which the master plan requirements apply

None specified.

4.0 Public benefit uplift framework

None specified.

5.0 Buildings and works

Permit requirement

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

- A rear ground floor extension no higher than 4 metres above ground level.
- An alteration to an existing building façade provided:
 - 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 create blank walls which exceeds 40 per cent of the building façade at ground floor level.

6.0 Outcomes and standards

The outcomes and standards in this overlay and this schedule prevail over any inconsistent provision in this planning scheme.

This does not apply to an application that has been made under Clause 53.22, Clause 53.23 or Clause 53.25, which prevail to the extent of any inconsistent provision in the Built Form Overlay.

6.1 Outcomes that do not apply

The outcome in Clause 43.06-7.3 does not apply.

6.2 Standards

Any standard specified in this schedule is in addition to any standard in clause 43.06-7 for the corresponding outcome, unless specified otherwise below.

6.2-1 Building typology and future character

None specified.

6.2-2 Building heights

Standard BF02

Standard BF02 does not apply to a heritage place which is included in the Victorian Heritage Register.

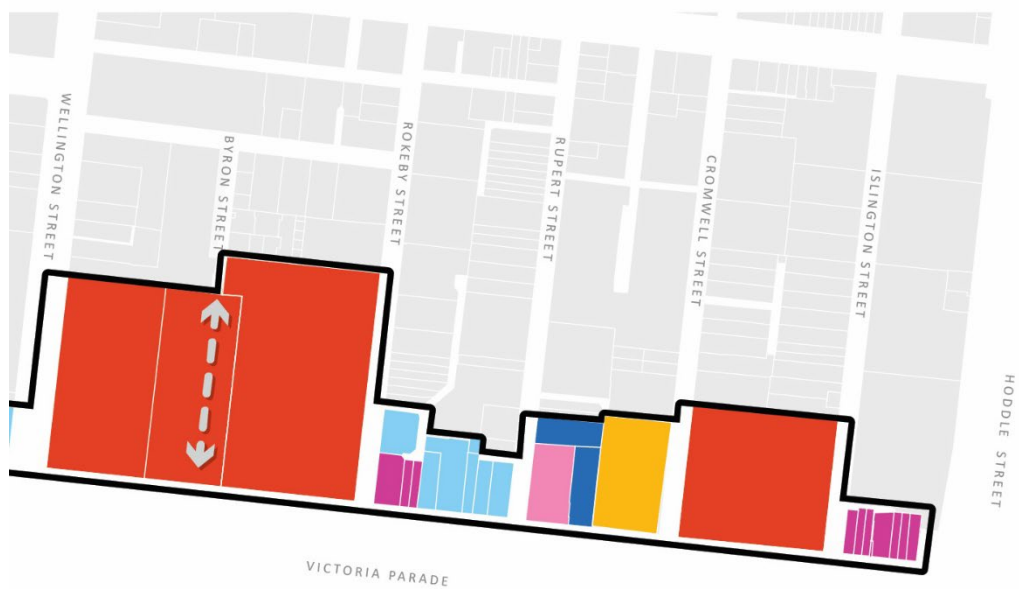
New development may exceed the mandatory maximum building height to match the fabric of an the existing **heritage** building, where the **heritage** building already exceeds the maximum building height shown on Map 2.

For land in a Special Building Overlay, the maximum building height specified in Standard BF02 is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Map 2a to Schedule 22 to Clause 43.06: Building heights



Map 2b to Schedule 22 to Clause 43.06: Building heights



Map 2 legend to Schedule 22 to Clause 43.06: Building heights

Maximum Building Heights



Table 1: Building heights

Area shown on Map 2	Maximum building height	Mandatory or discretionary	Deemed to comply
Area 1	3 storeys (11.2m)	Discretionary	No
Area 2	4 storeys (15m)	Discretionary	No
Area 3	5 storeys (18m)	Discretionary	No
Area 4	6 storeys (21m)	Discretionary	No
Area 5	7 storeys (24m)	Discretionary	No
Area 6	8 storeys (28m)	Discretionary	No
Area 7	10 storeys (34m)	Discretionary	No
Area 8	12 storeys (40m)	Discretionary	No

6.2-3 Overshadowing of open space or public realm

Standard BF04

The following standards replace Standard BF04 at Clause 43.06-7.4:

- Development adjoining land within a Neighbourhood or General Residential Zone should meet the objective of Clause 55.04-3, including where separated by a laneway.
- Buildings are to maintain existing sun access to the overshadowing areas identified at Table 2 using the specified sun access measurement.

This does not apply to shadow cast by:

- Incidental elements such as canopies, kiosks, artworks, screens or trees.
- Buildings and works constructed within the open space or street.

Table 2: Overshadowing of open space or public realm

Overshadowing area	Sun access measurement	Mandatory or Discretionary	Deemed to comply?
Streets			
The northern edge of the Victoria Parade central median	No <u>additional</u> overshadowing at 12pm on 22 September	Mandatory <u>Discretionary</u>	No
Streets of 15m or more in width (measured boundary to boundary)	No <u>additional</u> overshadowing between 10am and 2pm on 22 September on the opposite	Mandatory	No

Overshadowing area	Sun access measurement	Mandatory or Discretionary	Deemed to comply?
	footpath measured from the kerb 3 metres from the relevant property boundary		
Other public space and public realm			
An opposite kerb outstand, seating, or planting area, as applicable	No overshadowing between 10am and 2pm on 22 September	Discretionary	No
Properties			
Properties fronting Cromwell, Islington, Rokeby and Rupert Streets from the first floor upwards	No <u>additional</u> overshadowing between 10am and 2pm on 22 September	Discretionary	No

6.2-4 Front setbacks, street wall and front wall heights, setbacks above the street wall and front wall, and landscaped setbacks

Standard BF05

Where there is inconsistency between the requirements for all land and the requirements for heritage buildings and land adjoining heritage buildings, the requirements for heritage buildings and land adjoining heritage buildings prevail.

Any maximum street wall or front wall height specified in a schedule to this overlay does not apply to non-habitable architectural features that exceed the specified maximum height by not more than 1 metre.

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

For land in a Special Building Overlay, the maximum street wall height specified in Standard BF05 is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Front setbacks, landscaped setbacks and street wall and front wall heights

Requirements for all land

The following requirements apply to all land:

- Development should retain the visual prominence of:
 - The heritage street wall in the vistas along the street.
 - Heritage fabric on the return facades of heritage buildings on corner sites.
- Development should provide a street wall on the street boundary, unless:
 - An existing landscape setback is required to be retained or new ground level setback is required as shown on Map 3.
 - The site adjoins a footpath 1.8 metres wide or less.
- On a site which adjoins a footpath 1.8 metres wide or less, development should provide a front wall that is setback or generous, recessed building entrances to provide space for pedestrian circulation and include space for landscaping, outdoor trading, seating and/or visitor bicycle parking.

- The landscape setback to the east side of Rupert Street or new ground level setback should be provided without cantilevering upper levels.
- 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.
- The street wall or front wall on corner buildings should continue the street wall or front wall height for a minimum of 8 metres to the side street, , with an appropriate transition in height to match the rear wall where required.

Requirements for heritage buildings and land adjoining heritage buildings

The following requirements apply to a heritage building, or land adjoining a heritage building, graded either individually significant or contributory:

- Development should match the front setback of an adjoining heritage building from the same street, except:
 - Where there is a heritage building on the site, development should align with the existing front setback to the heritage building.
 - Where the site adjoins the east side of Rupert Street or a new ground level setback shown on Map 3.
- Development should provide a street wall or front wall no higher than the street wall or front wall height of an adjoining heritage building for a minimum length of 6 metres along the front boundary.

Map 3a to Schedule 22 to Clause 43.06: Front setbacks, landscaped setbacks and street wall and front wall heights



Map 3b to Schedule 22 to Clause 43.06: Front setbacks, landscaped setbacks and street wall and front wall heights



Map 3 legend to Schedule 22 to Clause 43.06: Front setbacks, landscaped setbacks and street wall and front wall heights

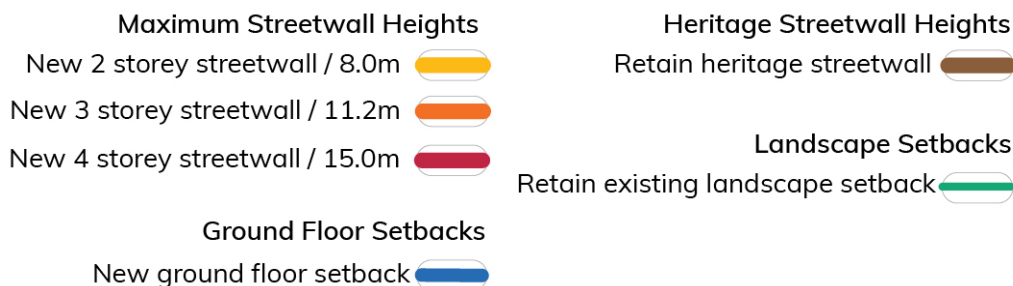


Table 3: Street wall and front wall heights

Interface shown on Map 3	Maximum street wall or front wall height	Discretionary or Mandatory	Deemed to Comply
Interface 1	2 storeys (8m)	Discretionary	No
Interface 2	3 storeys (11.2m)	Discretionary	No
Interface 3	4 storeys (15m)	Discretionary	No

Setbacks above the street wall or front wall

Requirements for all land

The following requirements apply to all land:

- Development above the street wall or front wall should avoid repetitive steps in the built form and incorporate no more than two steps, including the setback above the street wall or front wall as one step.
- For development greater than 10 storeys, the levels above the street wall or front wall should be further set back in order to be visually recessive and achieve limited visibility from the surrounding public realm.

Requirements for heritage buildings

The following requirements apply to a heritage building that is graded either individually significant or contributory:

- Development above the street wall or front wall should be set back in excess of the minimum 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.
 - A lesser setback would detract from the character of the streetscape when viewed directly or obliquely across the street.

Table 4: Setbacks above street walls and front walls

Location	Minimum setback above street wall or front wall	Discretionary or Mandatory	Deemed to Comply
On Victoria Parade and Wellington Street, and within or adjoining land in a Heritage Overlay	6m	Mandatory	No

Location	Minimum setback above street wall or front wall	Discretionary or Mandatory	Deemed to Comply
All other land on Victoria Parade and Wellington Street	6m	Discretionary	No
Rupert Street frontage of 165 Victoria Parade, Collingwood	6m	Discretionary	No
On Smith Street	8m	Discretionary	No
Land in a Heritage Overlay on a secondary frontage	6m	Discretionary	No
All other land on a secondary frontage	3m	Discretionary	No

6.2-5 Side and rear setbacks and building separation within a site

Standard BF06

Side and rear setbacks

Development should have no side street setback.

A wall on a rear boundary should not exceed the maximum height specified in Table 5 unless a street wall or front wall height is specified for the boundary on Map 3.

Table 5: Wall on a rear boundary

Adjoining zone to rear boundary	Maximum height of wall on a rear boundary	Discretionary or Mandatory	Deemed to Comply
NRZ whether or not separated by a laneway	8m	Discretionary	No
GRZ where there is no existing laneway	8m	Discretionary	No
GRZ where there is an existing laneway	11.2m	Discretionary	No
MUZ whether or not separated by a laneway	11.2m	Discretionary	No
C1Z whether or not separated by a laneway	11.2m	Discretionary	No

Development above a wall on a rear boundary:

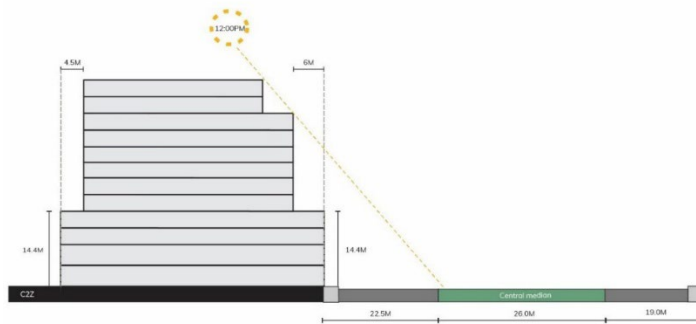
- Must be set back from the rear boundary and be contained within a 45-degree setback envelope, except for green infrastructure (any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants) to support landscaping. The envelope’s angle is to be measured perpendicular to the adjoining residential site’s boundary (including where separated by a laneway), taken from the centre of the development site’s boundary. This does not apply to a Commercial 1 Zone, Commercial 2 Zone, and/or Mixed Use Zone interface.

- Should avoid a repetitive stepping of individual levels and incorporate no more than two steps (including the setback above the boundary wall as one step) or be contained within a sloped facade.

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



Building separation

Where development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone, Commercial 2 Zone and/or Mixed Use Zone outside of the overlay,

- Development above the street wall or front wall height up to 27 metres 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 and/or exists on the adjoining property.
 - 3 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.
- Development above the street wall or front wall height exceeding 27 metres should 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, development above the street wall or front wall height should be separated by a minimum of:

- 9 metres, where a habitable window or balcony is proposed.
- 6 metres where a commercial or non-habitable window is proposed.

6.2-6 Building layout and adaptability

Standard BF07

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

Lower levels of development should be designed to incorporate a commercial floor to floor height of approximately 4 metres.

Pedestrian access should:

- Be achieved via streets and avoided from laneways. Where access is appropriate from a laneway provide for a pedestrian refuge or landing.
- Be clearly visible, secure, well-lit and have an identifiable sense of address.
- Distinguish residential and commercial entrances.

Common pedestrian areas should:

- Be legible and accessible.
- Provide hallway and lobby areas of a size that reflects the quantity of apartments or leasable floor area serviced.
- Be naturally lit and naturally ventilated.

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

6.2-7 Wind effects

None specified.

6.2-8 Active frontages

Standard BF09

Development should avoid floor to ceiling glass with limited entries for large expanses of the ground floor.

6.2-9 Pedestrian connections

Standard BF10

Development should provide the indicative pedestrian connection shown on Map 1 along the alignment indicated.

6.2-10 Landscape and fencing

Standard BF12

Development should provide for green infrastructure (any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants), including landscaping and vertical greening such as canopy trees where possible, climbing plants, green walls or planter boxes.

6.2-11 Carparking design

Standard BF13

Additional vehicle access to car parks must not be provided from Victoria Parade.

Vehicle access should be provided from laneways and side streets, in this order of preference.

Properties on the inside corner of bands in laneways or at intersections between two

laneways should provide a minimum 3m x 3m splay to facilitate vehicle access.

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.

6.2-12 Building services

Standard BF14

Waste and loading access should not be located on the primary frontage.

6.2-13 Exterior design

Standard BF15

The design of development above the street wall or front wall should distinguish between the lower levels through materials and articulation, including by using visually lightweight materials and colours.

Facades should incorporate vertical and horizontal proportions of:

- The historic fine-grain residential and retail shop front character of Victoria Parade to the west of Wellington Street; or
- The modern commercial character of Victoria Parade to the east of Wellington Street.

Development should:

- Create an appropriate ratio of solid to void elements
- Create visual interest through the arrangement of fenestration, balconies and the application of architectural features including external shading devices, window sills.

Materials and colours should be simple and limited to avoid overly busy façades.

6.3 Other outcomes and standards

None specified.

7.0 Subdivision

Permit requirements

None specified.

Subdivision requirements

None specified.

8.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.09, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- For an application to construct a building, in addition to the requirements of Clause 43.06-9, the design response must also explain how the proposed design considers its

impact upon adjacent properties in terms of outlook, daylight and solar access to private open space and windows, and visual bulk.

- 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 area including an assessment of the ongoing functionality of laneway/s, where applicable.
- An application to construct a building of five or more storeys, excluding a basement, must be accompanied by a wind impact assessment report prepared by a suitably qualified person to consider wind impacts, which must:
 - Explain the effect of the proposed development on the wind conditions in publicly accessible areas within a distance equal to half the longest width of the building, measured from all façades, or half the total height of the building, whichever is greater.
 - For development with a total building height in excess of 30 metres, model the wind effects of the proposed development and its surrounding buildings (existing and proposed) using wind tunnel testing, unless otherwise agreed by the Responsible Authority.
 - Identify the principal role of each portion of the publicly accessible areas for sitting, standing or walking purposes.
 - Explain whether the outcome and Standard BF08 at Clause 43.06-7.8 are met.

9.0 Notice and review

An application to construct a building or construct or carry out works is not 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.

10.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.06, in addition to those specified in Clause 43.06-11 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

General

- Whether the proposal meets the development objectives and requirements of this schedule.
- 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 the development fronting Victoria Parade adds to the high-amenity boulevard setting.
- The design of the shop fronts on Victoria Parade.

- Whether development impacts the prominence of the heritage street wall, west of Wellington Street, when viewed along Victoria Parade.
- Whether development impacts the prominence of heritage buildings on street corners when viewed from the opposite side of Victoria Parade.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street.
- 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, adjoining the site through a suitable transition in scale of street-wall, upper level setbacks and building height.
- Whether upper side and rear setbacks impact the amenity of existing dwellings.
- Whether the development responds to the interface with existing low-scale residential properties, including overshadowing of secluded private open space.
- Whether any additional overshadowing to the nominated spaces adversely affects the use, quality and amenity of the public space.
- Whether the proposed built form mitigates negative wind impacts [to the public realm](#) created by the development.
- 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.
- Whether any proposed roof decks are set back from lower levels and are recessive in appearance.
- Whether the impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bicycle lanes.

Variations to discretionary standards for building heights

- Whether the development achieves greater building separation than the minimum standards in this schedule.
- Whether any additional overshadowing to secluded private open space to residentially zoned properties or adjacent parkland or reserves adversely affects the use, quality and amenity of the public space.

Variations to discretionary standards for street wall heights and setbacks above the street wall or front wall

- Whether the street wall height:
 - Provides an appropriate transition, scaling down to the interface with a heritage building.
 - Does not visually overwhelm the adjoining heritage building.

11.0 Mandatory permit conditions

None specified.

12.0 Signs

None specified.

13.0 Transitional provisions

The requirements of Clause 43.06 and this schedule do not apply to:

- An application made before the approval date of Amendment CXXX to this planning scheme. For the avoidance of doubt, this includes an amended application under section 50, 50A or 57A of the Act if the original application was made before the approval date of Amendment CXXX.
- An amended permit application under section 72 of the Act, if the original application in respect of which that permit was first granted (that is, before it was first amended) was either:
 - Made before the approval date of Amendment CXXX.
 - An amended application under section 50, 50A or 57A of the Act if the original application was made before the approval date of Amendment CXXX.
- The following provisions, as in force in relation to relevant land immediately before the approval date of Amendment CXXX, continue to apply to applications which this transitional provision applies:
 - XXX.

SCHEDULE 23 TO CLAUSE 43.06 BUILT FORM OVERLAY

Shown on the planning scheme map as **BFO23**.

FITZROY WEST

1.0 Development objectives

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

- a mid-rise character (ranging from 3 to 8 storeys) in the mixed use precinct of Fitzroy West 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.
- a new mid-rise character (ranging from 3 to 7 storeys) behind a new street wall in the Commercial 2 Zone land which reflects the Alexandra Parade corner, Nicholson Street frontages and surrounding heritage influences.

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

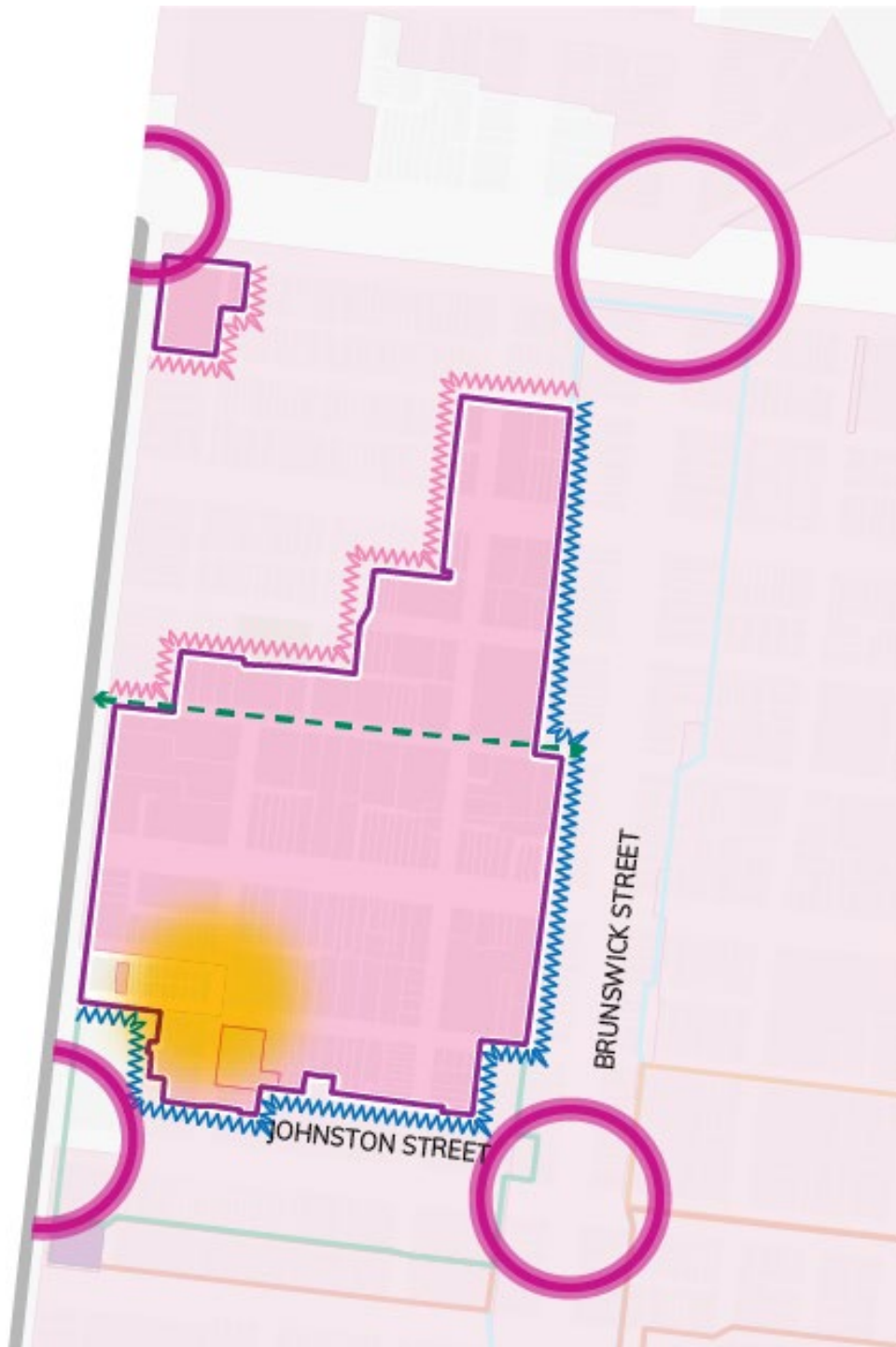
- the prominent heritage character of mixed industrial and residential heritage buildings within the streetscape of Fitzroy West; and
- the boulevard character of Alexandra Parade, transitioning down to sensitive interfaces behind the pocket of Commercial 2 Zone land at the western junction of Alexandra Parade.

To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high-quality public realm, and avoids overshadowing of footpaths on opposite side of streets 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 Development framework

Map 1 to Schedule 23 to Clause 43.06: Development framework



Map 1 legend to Schedule 23 to Clause 43.06: Development framework

LEGEND					
	MUNICIPAL BOUNDARY		PUBLIC REALM JUNCTION		BF012 - BRUNSWICK STREET SHOPS
	OPEN SPACE		POTENTIAL PUBLIC REALM JUNCTION		BF013 - SMITH STREET SHOPS
	TRAIN LINE		KEY JUNCTION		BF014 - GERTRUDE STREET SHOPS
	TRAM LINE		POTENTIAL NEW PUBLIC SPACE		BF015 - JOHNSTON STREET WEST
	WHEA BOUNDARY		SENSITIVE RESIDENTIAL INTERFACE		BF016 - BRUNSWICK STREET GRAND RESIDENTIAL
	VICTORIAN HERITAGE REGISTER (VHR)		MIXED USE INTERFACE		BF017 - FITZROY TOWN HALL AND BACK BLOCKS
	LANDMARK		COMMERCIAL INTERFACE		BF018 - JOHNSTON STREET SOUTH AND VICTORIA STREET
	KEY VIEW TO LANDMARK		OPEN SPACE INTERFACE		BF019 - FITZROY EAST AND JOHNSTON STREET NORTH
	LOCAL LANDMARK		SHARED STREET		BF020 - SMITH STREET NORTH AND SOUTH
			HERITAGE OVERLAY AREAS		BF021 - ALEXANDRA PARADE
					BF022 - VICTORIA PARADE
					BF023 - FITZROY WEST

3.0 Master plan requirements

Land to which the master plan requirements apply

None specified.

4.0 Public benefit uplift framework

None specified.

5.0 Buildings and works

Permit requirement

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

- A rear ground floor extension no higher than 4 metres above ground level.
- An alteration to an existing building façade provided:
 - 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 create blank walls which exceeds 40 per cent of the building façade at ground floor level.

6.0 Outcomes and standards

The outcomes and standards in this overlay and this schedule prevail over any inconsistent provision in this planning scheme.

This does not apply to an application that has been made under Clause 53.22, Clause 53.23 or Clause 53.25, which prevail to the extent of any inconsistent provision in the Built Form Overlay.

6.1 Outcomes that do not apply

The outcome in Clause 43.06-7.3, and Clause 43.06-7.10 do not apply.

6.2 Standards

Any standard specified in this schedule is in addition to any standard in clause 43.06-7 for the corresponding outcome, unless specified otherwise below.

6.2-1 Building typology and future character

None specified.

6.2-2 Building heights

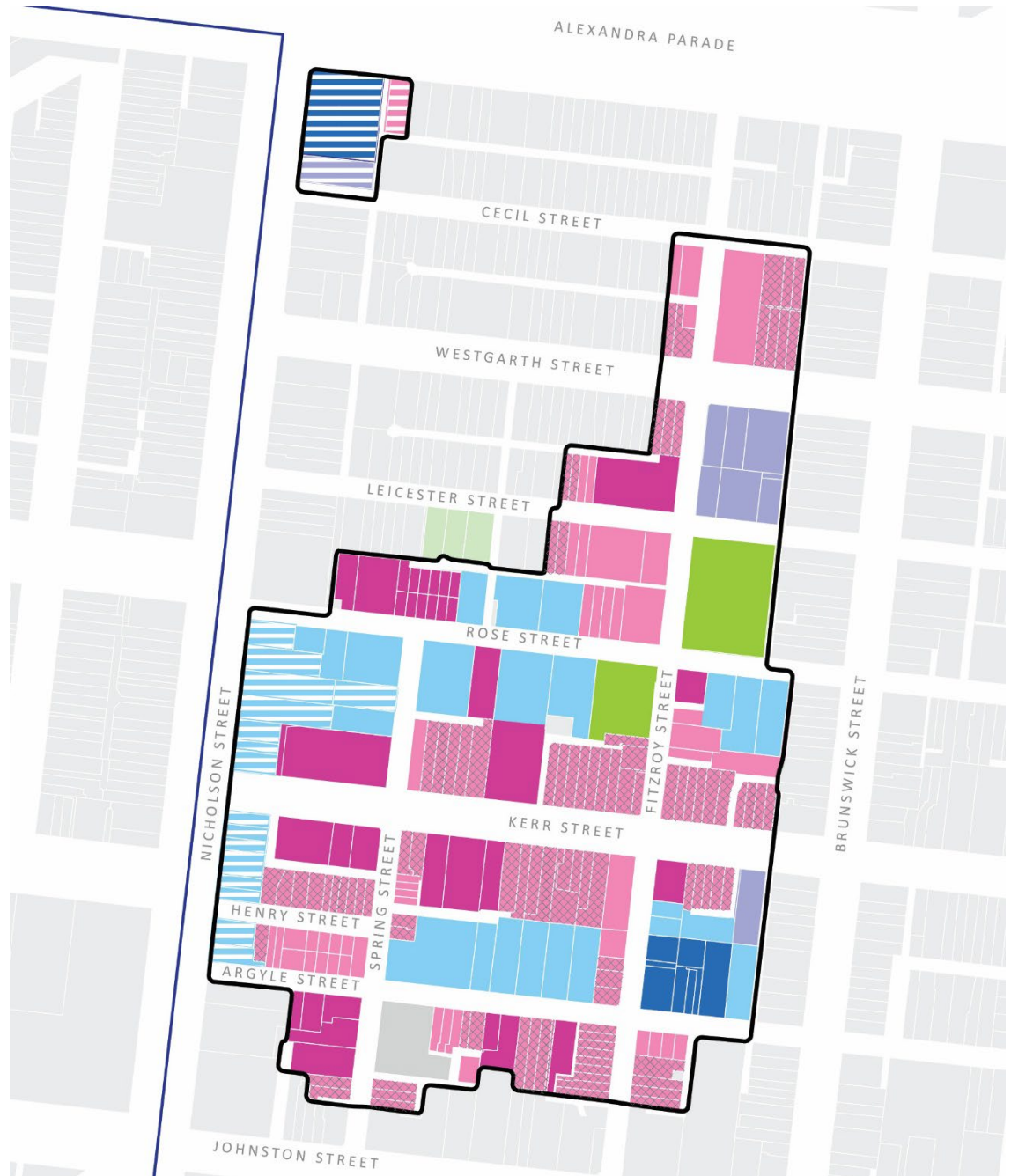
Standard BF02

Standard BF02 does not apply to a heritage place which is included in the Victorian Heritage Register.

New development may exceed the mandatory maximum building height to match the fabric of ~~an~~ the existing ~~heritage~~ building, where the ~~heritage~~ building already exceeds the maximum building height shown on Map 2.

For land in a Special Building Overlay, the maximum building height specified in Standard BF02 is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Map 2 to Schedule 23 to Clause 43.06: Building heights



Map 2 legend to Schedule 23 to Clause 43.06: Building heights

Maximum Building Heights

Limited opportunity		6 storeys / 21.0m	
3 storeys / 11.2m		6 storeys / 24.0m	
3 storeys / 12.0m		7 storeys / 24.0m	
4 storeys / 15.0m		7 storeys / 28.0m	
4 storeys / 16.0m		8 storeys / 28.0m	
5 storeys / 18.0m		8 storeys / 32.0m	
5 storeys / 20.0m			

Mandatory Maximum Building Heights


3 storeys / 11.2m	
-------------------	---

Table 1: Building heights

Area shown on Map 2	Maximum building height	Mandatory or discretionary	Deemed to comply
All Hatched	3 storeys (11.2m)	Mandatory	No
Area 1	3 storeys (11.2m)	Discretionary	No
Area 1 (C2Z)	3 storeys (12m)	Discretionary	No
Area 2	4 storeys (15m)	Discretionary	No
Area 2 (C2Z)	4 storeys (16m)	Discretionary	No
Area 3	5 storeys (18m)	Discretionary	No
Area 3 (C2Z)	5 storeys (20m)	Discretionary	No
Area 4	6 storeys (21m)	Discretionary	No
Area 4 (C2Z)	6 storeys (24m)	Discretionary	No
Area 5	7 storeys (24m)	Discretionary	No
Area 5 (C2Z)	7 storeys (28m)	Discretionary	No
Area 6	8 storeys (28m)	Discretionary	No
Area 6 (C2Z)	8 storeys (32m)	Discretionary	No

6.2-3 Overshadowing of open space or public realm

Standard BF04

The following standards replace Standard BF04 at Clause 43.06-7.4:

- Development adjoining land within the Mixed Use Zone should meet the objective of Clause 55.04-3, including where separated by a laneway.
- Buildings are to maintain existing sun access to the overshadowing areas identified at Table 2 using the specified sun access measurement.

This does not apply to shadow cast by:

- Incidental elements such as canopies, kiosks, artworks, screens or trees.
- Buildings and works constructed within the open space or street.

Table 2: Overshadowing of open space or public realm

Overshadowing area	Sun access measurement	Mandatory or Discretionary	Deemed to comply?
Streets			
Streets of 15m or more in width (measured boundary to boundary)	No additional overshadowing between 10am and 2pm on 22 September on the opposite footpath measured from the kerb 3 metres from the relevant property boundary	Mandatory	No
Other public space and public realm			
Any opposite kerb outstands, seating, and/or plant areas, as applicable	No overshadowing between 10am and 2pm on 22 September	Discretionary	No
A public open space, reserve or parklet	No additional overshadowing between 10am and 2pm on 22 September	Mandatory	No
Properties			
Buildings on the opposite side of all other streets from the first floor upwards	No additional overshadowing between 10am and 2pm on 22 September	Discretionary	No

6.2-4 Front setbacks, street wall and front wall heights, setbacks above the street wall and front wall, and landscaped setbacks

Standard BF05

Where there is inconsistency between the requirements for all land and the requirements for heritage buildings and land adjoining heritage buildings, the requirements for heritage buildings and land adjoining heritage buildings prevail.

Any maximum street wall or front wall height specified in a schedule to this overlay does not apply to non-habitable architectural features that exceed the specified maximum height by not more than 1 metre.

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

For land in a Special Building Overlay, the maximum street wall height specified in Standard BF05 is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Front setbacks, landscaped setbacks and street wall and front wall heights

Requirements for all land

The following requirements apply to all land:

- Development should retain the visual prominence of:
 - The heritage street wall in the vistas along the street.
 - Heritage fabric on the return facades of heritage buildings on corner sites.
- Development should provide a street wall on the street boundary, unless:
 - The site adjoins a footpath 1.8 metres wide or less.

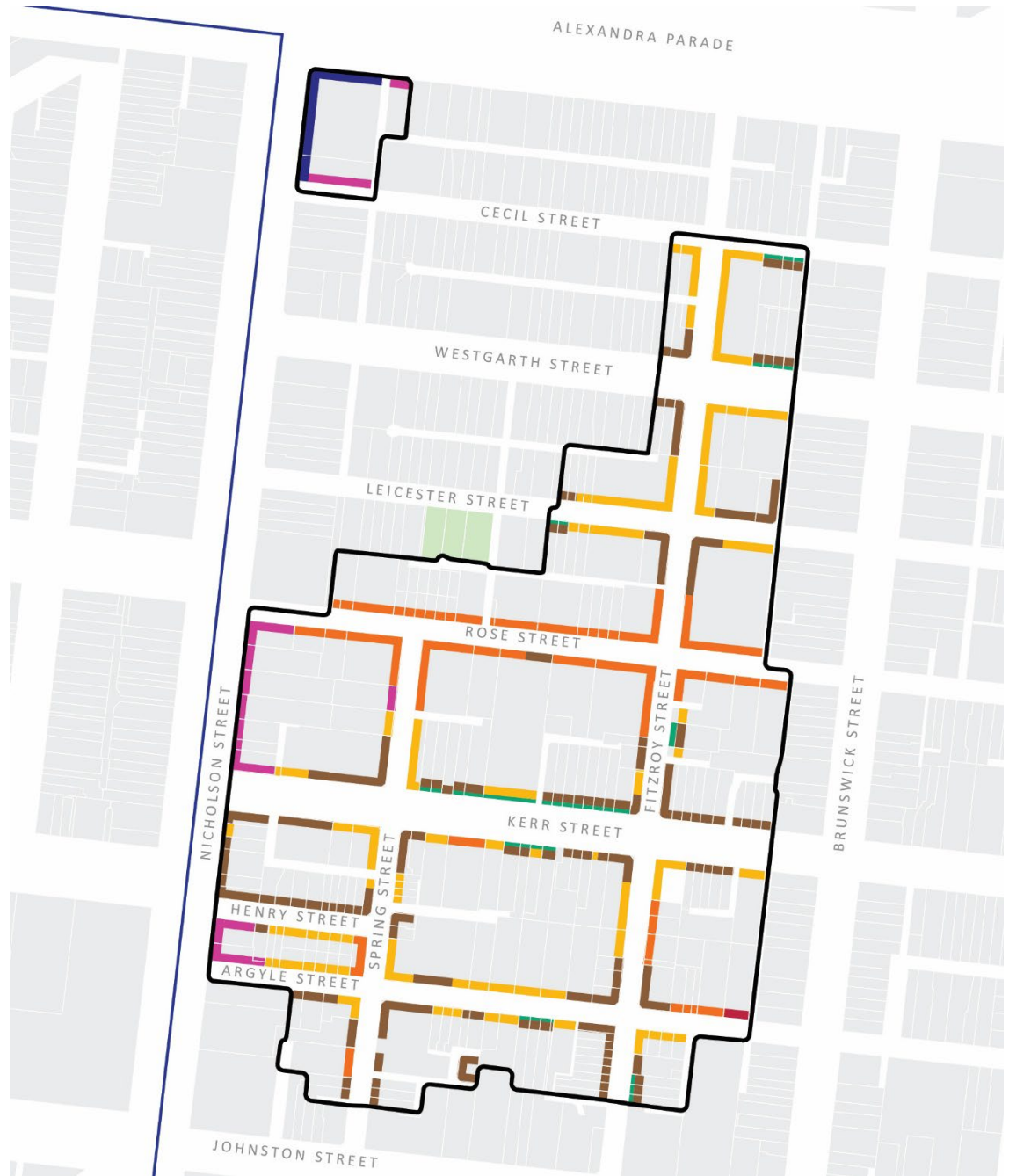
- An existing landscaped setback is required to be retained as shown on Map 3.
- On a site which adjoins a footpath 1.8 metres wide or less, development should provide a front wall that is setback or generous, recessed building entrances to provide space for pedestrian circulation and include space for landscaping, outdoor trading, seating and/or visitor bicycle parking.
- 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.
- The street wall or front wall on corner buildings should continue the street wall or front wall height for a minimum of 8 metres to the side street, unless a street wall or front wall height for the side street is shown on Map 3, with an appropriate transition in height to match the rear wall where required.

Requirements for heritage buildings and land adjoining heritage buildings

The following requirements apply to a heritage building, or land adjoining a heritage building, graded either individually significant or contributory:

- A development should match the front setback of an adjoining heritage building from the same street, except to laneway frontages.
- Development should provide a street wall or front wall no higher than the street wall or front wall height of an adjoining heritage building for a minimum length of 6 metres along the front boundary.

Map 3 to Schedule 23 to Clause 43.06: Street wall and front wall heights and landscaped setbacks



Map 3 legend to Schedule 23 to Clause 43.06: Street wall and front wall heights and landscaped setbacks








- | | | | |
|-----------------------------------|---|------------------------------------|---|
| Maximum Streetwall Heights | | Heritage Streetwall Heights | |
| New 2 storey streetwall / 8.0m |  | Retain heritage streetwall |  |
| New 3 storey streetwall / 11.2m |  | | |
| New 3 storey streetwall / 12.0m |  | | |
| New 4 storey streetwall / 15.0m |  | Landscape Setbacks | |
| New 4 storey streetwall / 16.0m |  | Retain existing landscape setback |  |

Table 3: Street wall and front wall heights

Interface shown on Map 3	Maximum street wall or front wall height	Discretionary or Mandatory	Deemed to Comply
Interface 1	2 storeys (8m)	Discretionary	No
Interface 2	3 storeys (11.2m)	Discretionary	No
Interface 3	3 storeys (12m)	Discretionary	No
Interface 4	4 storeys (15m)	Discretionary	No
Interface 5	4 storeys (16m)	Discretionary	No

Setbacks above the street wall or front wall

Requirements for all land

Development above the street wall or front wall should avoid repetitive steps in the built form and incorporate no more than two steps, including the setback above the street wall or front wall as one step.

Requirements for heritage buildings

The following requirements apply to a heritage building that is graded either individually significant or contributory:

- The top level of development over 16.4 metres should be set back a further 3.2 metres from the principal frontage.
- Development above the street wall or front wall should be set back in excess of the minimum 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.
 - A lesser setback would detract from the character of the streetscape when viewed directly or obliquely across the street.

Table 4: Setbacks above street walls and front walls

Location	Minimum setback above street wall or front wall	Discretionary or Mandatory	Deemed to Comply
Non-contributory heritage buildings on a primary street	6m	Discretionary	No
Non-contributory heritage buildings on a secondary street	3m	Discretionary	No
Significant and contributory heritage buildings on a primary street	6m	Mandatory	No
Significant and contributory heritage buildings on the secondary street of a corner site	6m	Discretionary	No

6.2-5 Side and rear setbacks and building separation within a site

Standard BF06

Side and rear setbacks

Development should have no side street setback.

A wall on a rear boundary should not exceed the maximum height specified in Table 5 unless a street wall or front wall height is specified for the boundary on Map 3.

Table 5: Wall on a rear boundary

Adjoining zone to rear boundary	Maximum height of wall on a rear boundary	Discretionary or Mandatory	Deemed to Comply
NRZ whether or not separated by a laneway	8m	Discretionary	No
GRZ where there is no existing laneway	8m	Discretionary	No
GRZ where there is an existing laneway	11.2m	Discretionary	No
MUZ whether or not separated by a laneway	11.2m	Discretionary	No
C1Z whether or not separated by a laneway	11.2m	Discretionary	No

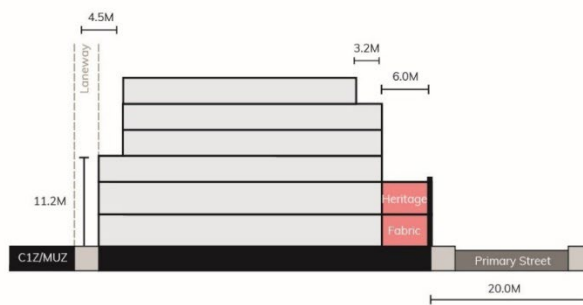
Development above a wall on a rear boundary:

- Must be set back from the rear boundary and be contained within a 45-degree setback envelope, except for green infrastructure (any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants) to support landscaping. The envelope's angle is to be measured perpendicular to the adjoining residential site's boundary (including where separated by a laneway), taken from the centre of the development site's boundary. This does not apply to a Commercial 1 Zone, Commercial 2 Zone, and/or Mixed Use Zone interface.
- Should avoid a repetitive stepping of individual levels and incorporate no more than two steps (including the setback above the boundary wall as one step) or be contained within a sloped facade.

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



Building separation

Where development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone, Commercial 2 Zone and/or Mixed Use Zone outside of the overlay:

- Development above the street wall or front wall height up to 27 metres 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 and/or exists on the adjoining property.
 - 3 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.
- Development above the street wall or front wall height exceeding 27 metres should 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, development above the street wall or front wall height should be separated by a minimum of:

- 9 metres, where a habitable window or balcony is proposed.
- 6 metres where a commercial or non-habitable window is proposed.

6.2-6 Building layout and adaptability

Standard BF07

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

Lower levels of development should be designed to incorporate a commercial floor to floor height of approximately 4 metres.

Pedestrian access should:

- Be achieved via streets and avoided from laneways. Where access is appropriate from a laneway provide for a pedestrian refuge or landing.
- Be clearly visible, secure, well-lit and have an identifiable sense of address.
- Distinguish residential and commercial entrances.

Common pedestrian areas should:

- Be legible and accessible.

- Provide hallway and lobby areas of a size that reflects the quantity of apartments or leasable floor area serviced.
- Be naturally lit and naturally ventilated.

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

6.2-7 Wind effects

None specified.

6.2-8 Active frontages

Standard BF09

Development should avoid floor to ceiling glass with limited entries for large expanses of the ground floor.

6.2-9 Landscape and fencing

Standard BF12

Development should provide for green infrastructure (any non-living building infrastructure which supports soft landscaping such as built-in planter boxes, mesh frames or other structures to support climbing plants), including landscaping and vertical greening such as canopy trees where possible, climbing plants, green walls or planter boxes.

6.2-10 Carparking design

Standard BF13

Vehicle access should be provided from laneways and side streets, in this order of preference.

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

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.

6.2-11 Building services

Standard BF14

Waste and loading access should not be located on the primary frontage.

6.2-12 Exterior design

The design of development above the street wall or front wall height should distinguish between the lower levels through materials and articulation, including by using visually lightweight materials and colours.

Facades should incorporate vertical and horizontal proportions of:

- the mixed historic industrial warehouse and/or residential character of Fitzroy West, as applicable; or
- the existing, varied commercial character for the Commercial 2 Zone land fronting Nicholson Street and at the western junction of Alexandra Parade, as appropriate.

Development should:

- Create an appropriate ratio of solid to void elements
- Create visual interest through the arrangement of fenestration, balconies and the application of architectural features including external shading devices, windowsills.

Materials and colours should be simple and limited to avoid overly busy façades.

6.3 Other outcomes and standards

None specified.

7.0 Subdivision

Permit requirements

None specified.

Subdivision requirements

None specified.

8.0 Application requirements

The following application requirements apply to an application for a permit under Clause 43.09, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- For an application to construct a building, in addition to the requirements of Clause 43.06-9, the design response must also explain how the proposed design considers its impact upon adjacent properties in terms of outlook, daylight and solar access to private open space and windows, and visual bulk.
- 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 area including an assessment of the ongoing functionality of laneway/s, where applicable.
- An application to construct a building of five or more storeys, excluding a basement, must be accompanied by a wind impact assessment report prepared by a suitably qualified person to consider wind impacts, which must:
 - Explain the effect of the proposed development on the wind conditions in publicly accessible areas within a distance equal to half the longest width of the building, measured from all façades, or half the total height of the building, whichever is greater.
 - For development with a total building height in excess of 30 metres, model the

wind effects of the proposed development and its surrounding buildings (existing and proposed) using wind tunnel testing, unless otherwise agreed by the Responsible Authority.

- Identify the principal role of each portion of the publicly accessible areas for sitting, standing or walking purposes.
- Explain whether the outcome and Standard BF08 at Clause 43.06-7.8 are met.

9.0 Notice and review

An application to construct a building or construct or carry out works is not 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.

10.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.06, in addition to those specified in Clause 43.06-11 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

General

- Whether the proposal meets the development objectives and requirements of this schedule.
- 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 the development in the Fitzroy West precinct retains a mixed use heritage industrial and/or residential character.
- Whether the design of development fronting Nicholson Street and Alexandra Parade achieves a fine grain commercial character.
- Whether development impacts the prominence of the heritage street wall when viewed from the opposite side of the primary streets.
- Whether development impacts the prominence of heritage buildings on street corners when viewed from the opposite side of primary and secondary streets.
- Whether heritage buildings retain their three-dimensional form as viewed from the public realm, including the opposite side of the street.
- 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, adjoining the site through a suitable transition in scale of street-wall, upper level setbacks and building height.
- Whether upper side and rear setbacks impact the amenity of existing dwellings.
- Whether the development responds to the interface with existing low-scale residential properties, including overshadowing of secluded private open space.
- Whether any additional overshadowing to the nominated spaces adversely affects the use, quality and amenity of the public space.

- Whether the proposed built form mitigates negative wind effects [to the public realm](#) created by the development.
- 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.
- Whether any proposed roof decks are set back from lower levels and are recessive in appearance.
- Whether the impact of development on traffic and parking in the nearby area, including on the functionality of laneways and bicycle lanes.

Variations to discretionary standards for building heights

- Whether the development achieves greater building separation than the minimum standards in this schedule.
- Whether any additional overshadowing to secluded private open space to residentially zoned properties or adjacent parkland or reserves adversely affects the use, quality and amenity of the public space.

Variations to discretionary standards for street wall heights and setbacks above the street wall or front wall

- Whether the street wall height:
 - Provides an appropriate transition, scaling down to the interface with a heritage building.
 - Does not visually overwhelm the adjoining heritage building.

11.0 Mandatory permit conditions

None specified.

12.0 Signs

None specified.

13.0 Transitional provisions

The requirements of Clause 43.06 and this schedule do not apply to:

- An application made before the approval date of Amendment CXXX to this planning scheme. For the avoidance of doubt, this includes an amended application under section 50, 50A or 57A of the Act if the original application was made before the approval date of Amendment CXXX.
- An amended permit application under section 72 of the Act, if the original application in respect of which that permit was first granted (that is, before it was first amended) was either:
 - Made before the approval date of Amendment CXXX.
 - An amended application under section 50, 50A or 57A of the Act if the original application was made before the approval date of Amendment CXXX.
- The following provisions, as in force in relation to relevant land immediately before the approval date of Amendment CXXX, continue to apply to applications which this transitional provision applies:
 - XXX.