

27/09/2018
C268(Part 1)**SCHEDULE 17 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO17**.

COMMERCIAL CORRIDORS**1.0 Design objectives**26/10/2017
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- To ensure the height and setbacks of development enhances the established streetscape and commercial character of the corridor.
- To achieve innovative, high quality architectural design that makes efficient use of land whilst enhancing the appearance and strengthening the identity of the commercial corridors.
- To ensure appropriate development that is complementary to the existing neighbourhood character and has regard to adjoining residential amenity.
- To ensure development respects and enhances identified heritage buildings and precincts.

2.0 Buildings and works27/09/2018
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A permit is required to construct a building or construct or carry out works. This does not apply to:

- The installation of an automatic teller machine.
- An alteration to an existing building facade provided:
 - The alteration does not include the installation of an external roller shutter.
 - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.

Application Requirements

An application to develop land should include, as appropriate, the following information to the satisfaction of the responsible authority:

- Three dimensional drawings or photo montages depicting the proposed development in the context of nearby buildings, taken from multiple viewpoints including pedestrian eye-level, for buildings or extensions of three storeys or more.
- An Environmental Sustainable Design Statement for new buildings (excluding fences, walls, outbuildings and service installations) and building additions of one or more storeys.
- An acoustic report that demonstrates how the design of the development achieves suitable indoor noise levels and protects residential uses within the development from external or potential internal noise sources including, but not limited to, entertainment activities, roads, tram and railway lines.

Building and Street Wall Height

A permit may be granted where the maximum overall building height requirements in the relevant Table and as specified in the Building height and setback requirements of this Schedule are not met.

Where the applicant demonstrates, to the satisfaction of the responsible authority, that all of the following would be satisfied:

- The proposed development would achieve the design objectives of this schedule and relevant policy and provisions of this planning scheme.
- The development is of an exemplary quality design that would make a positive contribution to the character of the neighbourhood.
- The additional height would:
 - result in specific design benefits, and
 - not have an adverse impact on heritage values, the public realm or the amenity of adjoining properties.

A permit cannot be granted to exceed the maximum street wall height requirements in the relevant Table and Map as specified in the Building height and setback requirements of this Schedule.

An application to reduce the street wall height requirements in the relevant Table and Map as specified in the Building height and setback requirements of this Schedule must demonstrate how the design objectives of this schedule will be met.

For the purpose of the maximum overall building height and maximum street wall height requirements:

- The street wall is the front façade of a building along all street frontages.
- A frontage onto public open space or public car park is treated as a frontage onto a street and is subject to the maximum streetwall height.
- The overall vertical height is measured from the natural ground level to the peak of the roof or parapet.

Setbacks

Primary Street Frontage

Where a preferred minimum upper storey setback is shown in the relevant Table as specified in the Building height and setback requirements of this Schedule, the building must be setback a minimum of 1.6 metres from the primary street frontage measured from the face of the building. The setback may be utilised for the purpose of the balcony.

A permit cannot be granted to reduce this requirement, except for architectural features that enhance the façade articulation and create visual interest.

Development up to the street wall height should be built on or within 200mm of the site boundary along all street frontages. This may be varied, if the setback is:

- designed as part of the public domain; and
- fully accessible to the public.

For the purpose of this requirement, a frontage onto a public open space or public car park is treated as a frontage onto a street.

Development above the street wall height should comply with the preferred minimum upper storey setbacks in the relevant Table as specified in the Building height and setback requirements of this Schedule. The setback for development above the street wall height is measured from the face of the building along the primary street frontage.

Side Street Frontage

Where a site is on a corner, development above the street wall height should provide the following setbacks along the side street frontage:

- 1.6 metres up to a building height of 14.5 metres; and
- 3 metres for building height in excess of 14.5 metres.

The setback for development above the street wall height is measured from the face of the building along the side street frontage.

An application to reduce the preferred upper storey setbacks must demonstrate how the design objectives of this Schedule have been met.

From Residential Zones

Where a rear boundary is shared with a property in a Residential Zone, any development must be set back:

- a minimum of three (3) metres; and
- in accordance with the provisions of Clause 55.04-1 of the Planning Scheme thereafter.

A permit cannot be granted to vary this requirement except where development:

- applies to alterations and/or additions to an existing building; or
- applies to a basement; or
- abuts a non-residential use.

Where a service lane/laneway separates a rear boundary from a property in a Residential Zone, development should apply ResCode setbacks in accordance with the provisions of Clause 55.04-1 of the planning scheme measured from the rear property boundary.

Where a side boundary is shared with a property in Residential Zone, a development should apply ResCode setbacks in accordance with the provisions of Clause 55.04-1 of the planning scheme measured from the shared side property boundary.

An application to reduce the rear or side boundary setback requirements must demonstrate how the design objectives of this schedule have been met.

Public Acquisition Overlay

Where land is affected by a Public Acquisition Overlay, the boundary of the PAO is taken to be the street frontage. The responsible authority will only consider an application to encroach within a PAO where written consent can be provided from the acquiring authority for the land confirming that an encroachment into the PAO is appropriate.

Building height and setback requirements

The tables and maps outline the height and setback requirements for each Commercial Corridor.

The Maximum Street Wall Height requirement is mandatory and the Maximum Overall Building Height and Minimum Upper Storey Setback requirements are discretionary.

Table 1: Burwood/Camberwell Road Commercial Corridor - Height and Setback Requirements

| Area | Maximum Street Wall Height | Minimum Upper Storey Setback | Maximum Overall Building Height |
|------|--|---|---------------------------------|
| 1 | 8 metres | 5 metres | 11 metres |
| 2 | 11 metres | 5 metres 7 metres for the Tower Hotel site | 17 metres |
| 3 | 11 metres | 5 metres | 14.5 metres |
| 4 | 11 metres | 3 metres | 19 metres |
| 5 | 11 metres on Burwood Road, Lilydale Grove and Montrose Street. | 3 metres | 30 metres |
| 6 | 8 metres | 0 metres | 8 metres |
| 7 | 11 metres | 5 metres | 22 metres |

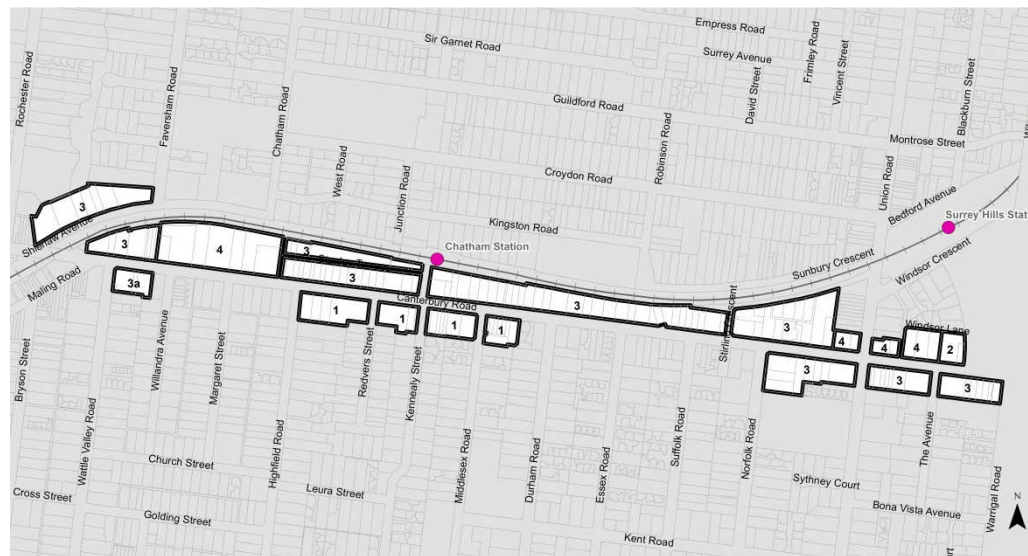


Map 1 Burwood / Camberwell Road Commercial Corridor - Built Form Areas

Note Site constraints or context may mean it is not appropriate to develop to the full extent of the building envelope established by the building heights and setbacks specified in this Schedule.

Table 2: Canterbury Road Commercial Corridor - Height and Setback Requirements

| Area | Maximum Street Wall Height | Minimum Upper Storey Setback | Maximum Overall Building Height | Other Requirements |
|------|------------------------------|---|---------------------------------|--|
| 1 | 9 metres | 0 metres | 9 metres | |
| 2 | 9 metres | 3 metres | 11 metres | |
| 3 | 11 metres on Canterbury Road | 0 metres | 11 metres | A minimum 3 metre wide landscape buffer should be provided along the Shierlaw Avenue frontage. |
| 3a | 11 metres | 0 metres | 11 metres | A minimum 3 metres wide landscape setback should be provided along Canterbury Road. |
| 4 | 11 metres | 3 metres from Canterbury Road 5 metres from Union Road | 14.5 metres | |

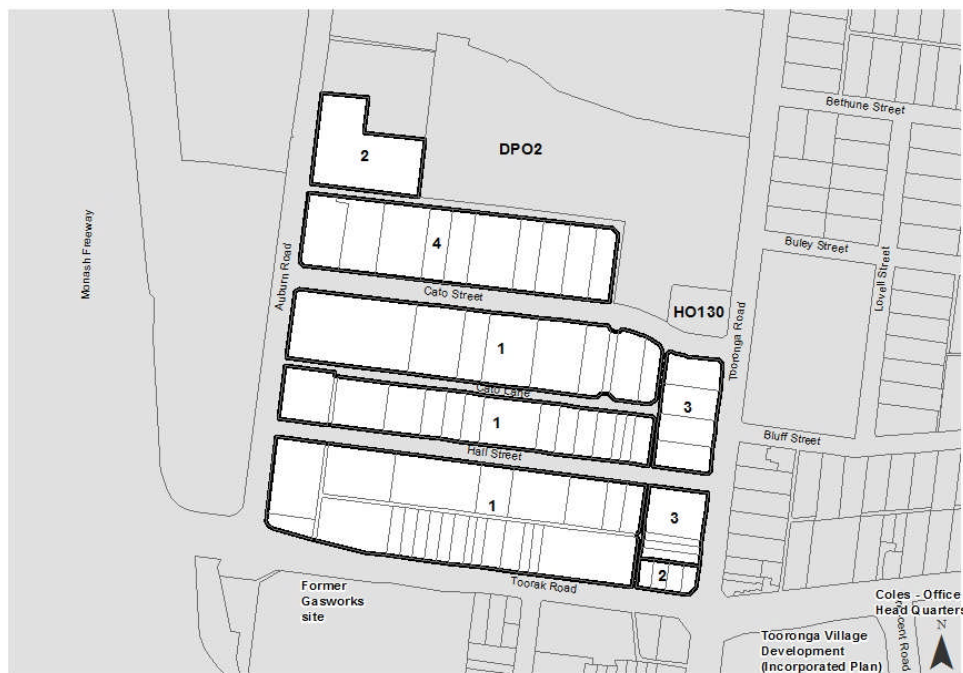


Map 2 Canterbury Road Commercial Corridor - Built Form Areas

Note: Site constraints or context may mean it is not appropriate to develop to the full extent of the building envelope established by the building heights and setbacks specified in this Schedule.

Table 3: Tooronga Commercial Corridor - Height and Setback Requirements

| Area | Maximum Street Wall Height | Minimum Upper Storey Setback | Maximum Overall Building Height | Other Requirements |
|------|----------------------------|--------------------------------------|---------------------------------|---|
| 1 | 16 metres | 3 metres | 19 metres | A minimum 3 metre wide landscape setback should be provided at ground level along the Hall Street, Cato Street and Auburn Road frontages. |
| 2 | 16 metres | Subject to detailed design analysis. | 16 metres | A minimum 3 metre wide landscape setback should be provided at ground level along the Auburn Road frontage. |
| 3 | 8 metres | Subject to detailed design analysis. | 16 metres | Area 3 is subject to land slope. The maximum streetwall height should be equivalent to the building height at the rear of the site. |
| 4 | 8 metres | 3 metres | 16 metres | A minimum 3 metre wide landscape setback should be provided at ground level along the Cato Street and Auburn Road frontages. |



Map 3 Tooronga Commercial Corridor - Built Form Areas

Note: Site constraints or context may mean it is not appropriate to develop to the full extent of the building envelope established by the building heights and setbacks specified in this Schedule.

3.0 Subdivision

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A permit is required to subdivide land.

4.0 Advertising signs

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None specified.

5.0 Decision guidelines

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Before deciding an application, the responsible authority must consider the following, as appropriate:

- Whether the proposed development achieves the design objectives and requirements of this schedule.
- Whether the design of the development can accommodate an integrated mix of uses including retail, office/commercial and residential.
- Whether the proposed development is appropriately recessed to reduce potential amenity impacts on adjoining residential properties.
- Whether the proposed development is appropriately recessed to reduce visual bulk on service lanes/laneways.
- Whether the combination of heights, setbacks and design treatment of new buildings is sympathetic to the heritage place or adjoining the site.
- Whether the design of the proposed development supports the provisions of this planning scheme and in particular:
 - Clause 22.03 Heritage Policy.
 - Clause 45.01 Public Acquisition Overlay.
 - Clause 55 objectives and standards.

Transitional arrangements

The mandatory requirements of this overlay do not apply to any planning permit application received by the responsible authority before 9 April 2015. The requirements of Clause 43.02 as in force immediately before 9 April 2015 continue to apply.