

19/01/2006  
VC37

**SCHEDULE 8 TO THE DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO8**.

**FORESHORE HEIGHT LIMITATION - MILL LANE AND GARDEN STREET; NELSON PLACE; FERGUSON STREET BETWEEN NELSON PLACE AND THE STRAND, JAMES AND AITKEN STREETS; AND RIFLE RANGE ESTATE**

**1.0**

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**Design objectives**

To protect and enhance the environment of the Hobsons Bay foreshore as a environmental, conservation and recreation asset of State, metropolitan and local significance.

To ensure that the height, scale, bulk, setback and appearance of new development is compatible with the prevailing character of the area.

To achieve development that is a high quality architectural and urban design standard.

To preserve solar access to the foreshore, including associated roadways, bicycle and pedestrian paths.

To protect and enhance key views and vistas.

To protect the foreshore reserve and significant public open spaces from inappropriate development.

**2.0**

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**Buildings and works**

**Building Height**

A building should not be constructed or works carried to exceed the preferred maximum building height level specified in the Table to this Schedule. Any proposal to exceed the preferred maximum building height must demonstrate how the proposal achieves the design objectives and outcomes specified in this Schedule. A building must not be constructed and works must not be carried out so as to exceed the maximum building height specified in the table to the schedule.

A permit may not be granted to exceed the maximum building height specified in the table to this schedule.

The height of a building or works is the height of its highest point above the permanent footpath at the centre of the site frontage. If there is no footpath, the natural surface level at the centre of the site frontage is the base level.

Any basement, which projects above this level is classified as a storey. Basements wholly below the natural surface level are not included in the calculation of the number of storeys.

Roof and other ancillary works may exceed the maximum building height.

**Table to Schedule 8**

Area	Preferred Maximum Building Height	Maximum Building Height	Outcomes
DDO8 (Mill Lane and Garden Street) (Nelson Place) (Ferguson Street between Nelson Place and the Strand and James Street and Aitken Street) (Rifle Range Estate)	2 storeys	3 storeys	To allow for higher development similar in height to the adjoining properties without dominating the scale and setting of the street and foreshore.  To express a gradual transition in scale from the adjoining properties, and to ensure that any increase in size and scale above that is an increment that can be absorbed by the character of the neighbourhood.  To ensure that buildings and works adjoining heritage listed places relate to and be recessive to the listed place.

**HOBSONS BAY PLANNING SCHEME**

<b>Area</b>	<b>Preferred Maximum Building Height</b>	<b>Maximum Building Height</b>	<b>Outcomes</b>
			<p>To ensure that space is provided at the front and rear of the site for the planting of one substantial tree in each area.</p> <p>To ensure that car parking facilities are not a dominant feature when viewed from the streetscape.</p>

**Decision guidelines**

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

- Whether the development is positioned on the site to characteristics that predominate in the neighbourhood.
- How the development replicates or interprets the broad forms (such as span, shape, arrangement of ridges, use of gables or hips, pitch and eaves details of roofs) that predominate in the neighbourhood.
- Whether the development integrates into the design treatment of the walls and elevations- particularly the height of the eaves – the typical floor-to-ceiling heights found in the neighbourhood.
- Whether the development uses materials that harmonise with materials commonly found in the neighbourhood.
- How the development relates the front garden and fence treatments to its surroundings.
- Whether the development is built in the dominant waterfront style with a contemporary interpretation.
- Whether the application incorporates existing building forms that contribute to a seaside character.
- Whether the development incorporates building elements and details that contribute to lightness of structure including balconies, verandahs, balustrades and gable ends.
- Whether any increase in height from an adjoining property provides a transition from the lower.
- Whether the height of any new development preserves and enhances pedestrian amenity by maintaining a human scale, allowing sunlight penetration to public spaces, and avoiding impacts due to visual build and wind tunnelling.
- Whether views of garages and carports from the front are minimised.
- Whether the use of semi basement car parks which are visible from any of the foreshore roads or foreshore areas are avoided.
- That the height of new development is not to result in amenity impacts upon adjoining residential properties due to overshadowing, overlooking and visual bulk.
- Whether the overshadowing of public spaces is minimised.
- Whether the proposal is consistent with the principles of the Hobsons Bay Neighbourhood Character Study Build Form Guidelines Supplement Waterfront Residential Areas February 1999.