

--/--/---
Proposed
C177mona

SCHEDULE 9 TO CLAUSE 43.06 BUILT FORM OVERLAY

Shown on the planning scheme map as **BFO9**

GLEN WAVERLEY SUBURBAN RAIL LOOP EAST STRUCTURE PLAN AREA – MAIN STREETS (KINGSWAY)

1.0 Development objectives

To support mid-rise development that references the fine grain character of the area and provides activated commercial uses along Kingsway and Railway Parade North with a low-scale street wall and recessive upper levels.

To create a precinct which demonstrates design excellence, environmental sustainability and buildings which support the intended uses.

To ensure development protects solar access to the eastern and western footpaths of Kingsway, and facilitates comfortable wind conditions, to deliver a high-quality public realm.

To ensure that development maximises internal amenity by prioritising dwelling outlooks to the street and rear of properties.

2.0 Development framework

Map 1 to Schedule 9 to Clause 43.06: Development framework



3.0 Master plan requirements

Land to which the master plan requirements apply

None specified.

Requirement before a permit is granted

None specified.

Requirements for a master plan

None specified.

4.0 Public benefit uplift framework

None specified.

5.0 Buildings and works

Permit requirement

None specified.

6.0 Outcomes and standards

The outcomes and standards in this overlay and this schedule prevail over clause 58.03-5 and clause 58.04-1 in this planning scheme.

6.1 Outcomes that do not apply

The outcome in clauses 43.06-7.1, 43.06-7.3, 43.06-7.10, 43.06-7.12 and 43.06-7.13 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.

Table 1 specifies standards for the corresponding building form outcomes, standards and their operation.

Table 1 – Building Form

Overlay reference	Standard	Operation
Clause 43.06-7.2 – Building heights (BF02)	Maximum building height: <ul style="list-style-type: none"> 25 metres. 	This is a discretionary standard.
Clause 43.06.7.4 – Overshadowing of open space or public realm (BF04)	Buildings should not cast any additional shadow beyond that cast by the applicable building envelope specified in BF02, BF05 and BF06 of this schedule and existing buildings over the following nominated streets: <ul style="list-style-type: none"> Eastern footpath of Kingsway: between 11am and 3pm on 22 September. Western footpath of Kingsway: between 10am and 1pm on 22 September. 	This is a variation to standard BF04 of Clause 43.06-7.4. This is a discretionary standard.

Clause 43.06.7.5 – Front setbacks, street wall heights, setbacks above the street wall and landscaped setbacks (BF05)	Maximum street wall height: <ul style="list-style-type: none"> 12 metres. Minimum setback above the maximum street wall height: <ul style="list-style-type: none"> 3 metres, plus 1 metre per metre of height above 21 metres. Adopt the same setback for at least 75% of the height of the upper levels above the street wall to avoid stepped built form outcomes.	This is a discretionary standard.
Clause 43.06-7.6 – Side and rear setbacks and building separation within a site (BF06)	Minimum side and rear setback: <ul style="list-style-type: none"> 0 metres; or 4.5 metres for a habitable room window measured from a lot boundary or the centreline of a laneway. 	This is a discretionary standard.

Table 2 specifies standards for the corresponding building layout outcomes, standards and their operation.

Table 2 – Building Layout

Overlay reference	Standard	Operation
Clause 43.06.7.7 – Building layout and adaptability (BF07)	Standard BF07 does not apply.	This is a variation to standard BF07 of clause 43.06-7.7.
Clause 43.06.7.8 – Wind effects on the public realm (BF08)	This standard is required for development equal to or greater than 20 metres.	This is a variation to standard BF08 of clause 43.06-7.8. This is a discretionary standard.

Table 3 specifies standards for the corresponding public interfaces outcomes, standards and their operation.

Table 3 – Public Interfaces

Overlay reference	Standard	Operation
Clause 43.06.7.9 – Active frontages (BF09)	Minimum percentage of clear glazing or entries at ground level in the location identified on the Development framework (Map 1): <ul style="list-style-type: none"> Active frontage: 80%. 	This is a discretionary standard.
Clause 43.06.7.11 – Weather protection (BF11)	In the locations identified on the Development framework (Map 1).	This is a discretionary standard.

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 43.06 in addition to those specified in clause 43.06-9 and elsewhere in the scheme, and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

Urban Context Report

A written and illustrated Urban Context Report which must:

- Explain the key planning, design and contextual considerations and influence on the proposed buildings and works.
- Describe the urban context of the area in which the proposed buildings and works are to be located.
- Provide streetscape elevations showing the development in the context of adjacent buildings.
- Explain how the proposed buildings and works relate to their urban context including:
 - Architectural elements and materials in the surrounding streetscape including any heritage elements.
 - The relationship between the proposal and adjacent buildings (including likely adjacent equitable development envelopes) and open space.
 - Identify the key opportunities and constraints supporting the design response, including opportunities for new pedestrian connections.
- Explain how the design response addresses the development objectives, outcomes and standards of this schedule including how the development:
 - Will achieve the relevant development objectives if the outcomes and standards are not met.
 - Will provide high-quality public realm outcomes and ameliorate shadow and wind effects.
- Illustrate the following:
 - Concept plans, elevations and section drawings (minimum 1:50) describing the design of the lower levels of the building including entries, shop front design, service doors or cabinets, weather protection canopies and integrated signage elements.
 - A concept landscape plan for any publicly or communally accessible areas, including podium or rooftop spaces detailing proposed hard and soft landscape elements, plant schedule, plant container details and maintenance and irrigation systems.
 - Where car parking is proposed above ground level, demonstration of appropriate sleeving car parking from view from the public realm.
 - Shadow diagrams showing hourly diagrams between the control period specified at Standard BF04 of this schedule.

Design Excellence

An application for a permit must be accompanied by a report that demonstrates how the proposal achieves high-quality design. The report must:

- Explain how the application provides high-quality architecture, landscape architecture and urban design which demonstrates function, liveability, sustainability and public contribution to buildings and urban spaces.
- Explain how the application responds to the requirements of this schedule.
- Describe how the development addresses and provides high-quality public realm outcomes, and appropriately ameliorates shadow and wind effects to adjacent public realm.
- Where an application seeks to vary the standard(s) of this schedule, it must explain how the outcomes are achieved, and the alternative response demonstrates appropriate built form outcomes having regard to the decision guidelines of this schedule.

Any application which departs from the preferred setback, street wall height or building height by more than 20 per cent may be subject to an independent design review where required by the responsible authority.

Wind Impact Report

A development must be accompanied by a report prepared by a suitable qualified person to consider wind impacts and in the form of assessment as follows:

- A wind impact assessment for a development equal to or greater than 20 metres in height; or
- A wind tunnel modelling study for a development which meets one of the following:
 - The building height equal to or greater than 60 metres.
 - The building height is greater than 40 metres and is exposed to an area open from the north, west or south (open areas typically include major arterial roads, highways, parks, large water bodies or parcels of open land larger than 40 metres by 40 metres).
 - The building height is greater than 40 metres and there is more than one building on the site.

The respective wind impact assessment report or wind tunnel modelling study 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.
- At a minimum, model the wind effects of the proposed development and its surrounding buildings (existing and proposed) using wind tunnel testing.
- Identify the principal role of each portion of the publicly accessible areas for sitting, standing or walking purposes.

3D digital model of buildings and works

An application to construct a building greater than 11 metres in height must be accompanied by a 3D digital model of the proposed buildings and works in a format to the satisfaction of the responsible authority. The model may be used for assessing overshadowing and visual impacts caused by the proposal and for general archive, research and public information purposes.

9.0 Exemption from notice and review

An application under any provision of this planning scheme is 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 development meets the development objectives and requirements of this schedule.
- Whether development achieves housing and employment at the scale and intensity sought by the development outcomes of this schedule.
- Whether the development contributes to a building typology that can facilitate different uses, including non-residential uses at ground floor to provide high-quality activation to the street.

Building form

- Demonstration of design excellence through high-quality architecture, landscape architecture and urban design for the site as supported, where required, by an independent design review that endorses the proposed outcomes for the site.
- Whether the street wall height appropriately achieves a low scale high-quality pedestrian experience at Kingsway and Railway Parade North.
- Whether setbacks to levels above the street wall are sufficient to distinguish upper levels from the street wall.
- Whether setbacks to the street and rear of properties provide good outlooks, privacy and daylight for new dwellings.
- Whether the development avoids repetitive stepped forms.
- Development should not unreasonably reduce sunlight on nominated streets. Where shadows increase, consider the following:
 - The extent of shadows cast by adjacent buildings
 - The nature and use of the space; and
 - The relative area that will remain in sunlight.

Public interfaces and landscaping

- The extent to which the landscape and design response contributes to a biodiverse, greener environment and reduces urban heat.
- The opportunity to use shade structures and canopy trees or vines on trellis structures to shade outdoor areas exposed to summer sun.

11.0 Mandatory permit conditions

None specified.

12.0 Signs

None specified.

13.0 Transitional provisions

None specified.