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Proposed
GC248

SCHEDULE 3 TO CLAUSE 43.06 BUILT FORM OVERLAY

Shown on the planning scheme map as **BFO3**

BURWOOD SUBURBAN RAIL LOOP EAST STRUCTURE PLAN AREA – RESIDENTIAL NEIGHBOURHOODS

1.0 Development objectives

To support medium housing growth in the form of mid-rise development in a garden landscape character.

To create a high-quality public realm with human scale through building heights, recessed upper levels, solar access to identified public open spaces, and a safe and inviting interface to Gardiners Creek (Kooyongkoot).

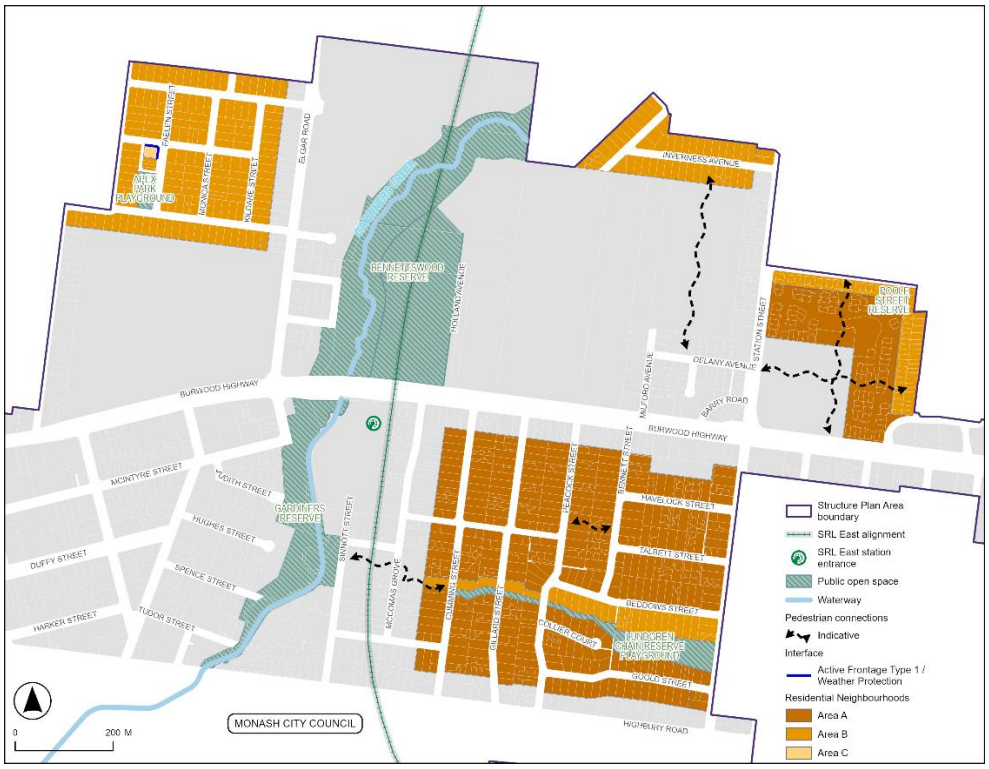
To ensure development maximises internal amenity by prioritising dwelling orientation to the street and rear of properties with generous rear setbacks incorporating deep soil planting and canopy trees.

To encourage lot consolidation to achieve increased building height and good design outcomes, including through landscaped side setbacks.

To increase permeability and connectivity for pedestrians and cyclists, with the creation of through-block pedestrian connections for a fine-grain street and laneway network.

2.0 Development framework

Map 1 to Schedule 3 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

A permit is required to construct or extend a front fence within 3 metres of a street, that exceeds 1.2 metres in height.

No permit is required to construct a building or construct or carry out works for the following:

- Extend one dwelling on a lot.
- Construct or extend a small second dwelling.
- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.

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, 43.06-7.7 and 43.06-7.8 do not apply.

6.2 Standards

Any standard specified in this schedule is in addition to any standard in clause 43.06-8 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** on land with a frontage width of less than 24 metres: ▪ 11 metres. **Maximum building height** on land with a frontage width of 24 metres or greater: ▪ Area A: · 21 metres ▪ Area B and Area C: · 14 metres	This is a discretionary and deemed to comply 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 Standard BF02, BF05 and BF06 of this schedule over public open spaces shown on the Development framework (Map 1): ▪ Lundgren Chain Reserve between 10am and 2pm on 22 September. ▪ Apex Park Playground between 10am and 2pm on 22 September.	This is a variation to standard BF04 of clause 43.06-7.4. This is a discretionary and deemed to comply standard.
Clause 43.06-7.5 Front setbacks, street wall heights, setbacks above the street wall and landscaped setbacks (BF05)	**Minimum front setback**: ▪ Area A for land with a frontage less than 24 metres: · 4 metre front setback to a height of 11 metres with an additional 0.5 metres per metre of height above 11 metres. ▪ Area A for land with a frontage greater than 24 metres: · 4 metre front setback to a height of 14 metres with an additional 0.5 metres per metre of height above 14 metres. ▪ Area B: · 4 metre front setback to a height of 11 metres with an additional 0.5 metres per metre of height above 11 metres.	This is a discretionary and deemed to comply standard.
	Maximum street wall height: ▪ Area C: · 11 metres. **Minimum front setback above** the maximum street wall height: ▪ Area C: · 0.5 metres per metres of height above 11 metres.	
	Minimum side street setback on land with a frontage width less than 24 metres: ▪ Area A and Area B: · 2 metres. ▪ Area C: · 2 metres above a height of 6.9 metres. **Minimum side street setback** on land with a frontage width of 24 metres or greater: ▪ Area A and Area B: · 4 metres. ▪ Area C: · 0 metres up to 6.9 metres in height. · 4.5 metres above a height of 6.9 metres · 0.8 metres per metre of height above 14 metres.	
Clause 43.06-7.6 Side and rear setbacks and building separation within a site (BF06)	**Minimum side setback** for land with a frontage width of less than 24 metres that does not abut public open space as shown on the Development framework (Map 1): ▪ Area A and Area B: · 0 metres up to a height of 6.9 metres for the front half of the site.	This is a discretionary and deemed to comply standard.

	⋅ 2 metres above a height of 6.9 metres, for the front half of the site. ⋅ 2 metres plus 1 metre per metre of height above 6.9 metres, for the rear half of the site. **Minimum side setback** for land with a frontage width of less than 24 metres that abuts public open space as shown on the Development framework (Map 1): ▪ Area A and Area B: ⋅ 2 metres. **Minimum side setback** for land with a frontage width of 24 metres or greater: ▪ Area A and Area B: ⋅ 4.5 metres plus 0.8 metre per metre of height above 14 metres. **Minimum side setback**: ▪ Area C: ⋅ 0 metres up to 6.9 metres in height. ⋅ 4.5 metres above 6.9 metres in height. ⋅ 0.8 metres per metre of height above 14 metres.	
	Minimum rear setback: ▪ Area A and Area B: ⋅ 6 metres plus 0.7 metres per metre of height above 11 metres except lots abutting public open space as shown on the Development framework (Map 1). ⋅ 6 metres plus 0.7 metres per metre of height above 14 metres for lots abutting public open space as shown on the Development framework (Map 1). ▪ Area C: ⋅ 0 metres for the ground level. ⋅ 6 metres above ground floor, plus 0.7 metres per metre of height above 11 metres.	
	Minimum building separation within a site: ▪ 9 metres.	

Table 2 specifies standards for the corresponding public interfaces outcomes, standards and their operation.

Table 2 – 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 locations identified on the Development framework (Map 1): ▪ 80% active frontage.	This is a discretionary and deemed to comply standard.
Clause 43.06-7.10 Pedestrian connections (BF10)	Provide pedestrian connections in the indicative locations identified on the Development framework (Map 1). A pedestrian connection should have a minimum width of 3 metres.	This is a discretionary and deemed to comply standard.

<table>
<tr>
<td>Clause 43.06-7.12
Landscaping and fencing (BF12)</td>
<td>In Area A and Area B:
▪ A development should meet the following landscaping requirements:
· A minimum deep soil area of 30% of the total site area.
· Canopy trees provided in accordance with Tables 2.1, 2.2 and 2.3.

Table 2.1 – Canopy Tree Requirements
<table>
<tr><th>Deep Soil Area</th><th>Canopy tree</th></tr>
<tr><td>50sqm or less</td><td>At least 1 Type A tree</td></tr>
<tr><td>51 - 100sqm</td><td>At least 1 Type B tree</td></tr>
<tr><td>101 - 200sqm</td><td>At least 2 Type B trees</td></tr>
<tr><td>201sqm or more</td><td>At least 3 Type B trees</td></tr>
</table>
Table 2.2 – Soil Requirements for Trees:
<table>
<tr><th>Tree Type</th><th>Area of Deep Soil</th><th>Minimum Plan Dimension</th></tr>
<tr><td>Type A</td><td>12sqm</td><td>2.5m</td></tr>
<tr><td>Type B</td><td>49sqm</td><td>4.5m</td></tr>
</table>
Table 2.3 – Tree Types:
<table>
<tr><th>Tree Type</th><th>Minimum Canopy diameter at maturity</th><th>Minimum height at maturity</th></tr>
<tr><td>Type A</td><td>4m</td><td>6m</td></tr>
<tr><td>Type B</td><td>8m</td><td>8m</td></tr>
</table>
Front fences should be constructed with high quality materials and be visually permeable.</td>
<td>This is a discretionary and deemed to comply standard.</td>
</tr>
</table>

Table 3 specifies standards for the corresponding design detail outcomes, standards and their operation.

Table 3 – Design Detail

Overlay reference	Standard	Operation
Clause 43.06-7.13 Car parking design (BF13)	The width of accessways should not exceed 33 per cent of the street frontage. No more than one vehicle crossover should be provided for a site. Ground level car parking, garage doors and accessways must not visually dominate public realm.	This is a replacement of standard BF13 of clause 43.06-7.13. This is a discretionary and deemed to comply standard.

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 43.06 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 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.

Urban Greening Plan

An application to construct a building must be accompanied by an Urban Greening Plan that addresses:

- Measures to achieve the targeted deep soil areas and canopy trees across the site area.
- Strategies to retain and enhance existing site vegetation where appropriate.
- The use of a locally common and climate adaptive landscape palette and vegetation selection.
- A maintenance plan for the proposed green cover.
- Any measures to improve the public realm interfaces adjacent the Site.

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 proposal meets the development objectives and requirements of this schedule.
- Whether development achieves housing at the scale and intensity sought by the development outcomes of this schedule, including opportunities for lot consolidation.
- Whether the lot could readily consolidate with an adjoining lot to achieve a dwelling yield sought by the development outcomes of this schedule.
- For the construction and extension of a dwelling, the extent to which the proposal maximises internal amenity by prioritising dwelling orientation to limit overlooking into private open space and habitable room windows of adjacent properties and other dwellings within the same development.
- For the construction of one dwelling on a lot, the objectives, standards and decision guidelines of clauses 54.03-5 and 54.05-2.
- For the construction or extension of two or more dwellings on a lot, other than an apartment development, the objectives, standards and decision guidelines, of clauses 55.02-3, 55.02-4, 55.03-5, 55.03-6, 55.03-7, 55.04-8, 55.05-1, 55.05-4, 55.05-6, 55.06-3 and 55.06-4.

The following decision guidelines apply to an application for a permit where the deemed to comply standards in this schedule are not met:

Building form

- Whether street setbacks provide a human scale to the public realm, including recession of upper levels.
- Whether the street setback accommodates canopy trees that contribute to the preferred garden landscape character.
- Whether rear setbacks contribute to a new rear character providing good outlooks for dwellings, privacy, daylight and the establishment of a new landscaped character derived from deep soil planting and canopy trees.

- Whether the height, and side and rear setbacks of development provides appropriate building separation to ensure good quality living environments and equitable development for the preferred character sought by the development outcomes of this schedule.
- Whether the building height and minimum setbacks are sufficient to reduce the visual bulk of upper levels when viewed from the public realm and adjoining interfaces.
- Development should not unreasonably reduce sunlight on nominated public open spaces. 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

- Whether there are reasonable opportunities to contribute to and fulfil the completion of a through-block pedestrian connection on adjacent land over time.
- The type and quantity of canopy cover.
- The extent to which the landscape and design response contributes to a biodiverse, greener environment and reduces urban heat.
- The contribution of landscaping to the public and private realm interfaces.
- The impact of a front fence on passive surveillance opportunities provided at ground level.

Design detail

- The impact of vehicle access on activation to the street, existing footpaths, on-street car parking spaces, street trees and infrastructure.

11.0 Mandatory permit conditions

None specified.

12.0 Signs

None specified.

13.0 Transitional provisions

None specified.