

31/08/2017
C245**SCHEDULE 10 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT
OVERLAY**Shown on the planning scheme map as **DDO10**.**GENERAL DEVELOPMENT AREA- BUILT FORM****1.0****Design objectives**23/11/2016
C270

- To ensure development achieves a high quality of pedestrian amenity in the public realm in relation to human scale and microclimate conditions such as acceptable levels of sunlight access and wind.
- To ensure that development respects and responds to the built form outcomes sought for the Central City.
- To encourage a level of development that maintains and contributes to the valued public realm attributes of the Central City.
- To ensure that new buildings provide equitable development rights for adjoining sites and allow reasonable access to privacy, sunlight, daylight and outlook for habitable rooms.
- To provide a high level of internal amenity for building occupants.
- To ensure the design of public spaces and buildings is of a high quality.
- To encourage intensive developments in the Central City to adopt a podium and tower format.

2.0**Buildings and works**31/08/2017
C245**2.1****Definitions**13/07/2017
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For the purpose of this schedule:

- **street** means a road reserve of a public highway more than 9 metres wide.
- **main street** means a road reserve of a public highway more than 20 metres wide.
- **laneway** means a road reserve of a public highway 9 metres or less wide.
- **street wall** means any part of the building constructed within 0.3 metres of a lot boundary fronting the street.
- **street wall height** means the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the street wall, with the exception of non-habitable architectural features not more than 3.0 metres in height and building services setback at least 3.0 metres behind the street wall.
- **total building height** means the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building, with the exception of non-habitable architectural features not more than 3.0 metres in height and building services setback at least 3.0 metres behind the façade.
- **tower** means a building that exceeds the street wall, excluding an addition.
- **addition** means a building that exceeds the street wall and which is less than 40 metres in height.
- **floorplate** means the area of each floor above the street wall defined by the setback from street frontages and setbacks from side and rear boundaries.

- **Setback** is the shortest horizontal distance from a building façade, including projections such as balconies, building services and architectural features greater than 300mm, to the boundary.
- **separation** is the shortest horizontal distance from a building façade, including projections such as balconies, building services and architectural features greater than 300mm to another building on the same site.
- **unsafe wind conditions** means the hourly maximum 3 second gust which exceeds 20 metres/second from any wind direction considering at least 16 wind directions with the corresponding probability of exceedance percentage.
- **comfortable wind conditions** means a mean wind speed from any wind direction with probability of exceedance less than 20% of the time, equal to or less than:
 - 3 metres/second for sitting areas
 - 4 metres/second for standing areas
 - 5 metres/second for walking areas.
- **mean wind speed** means the maximum of:
 - Hourly mean wind speed, or
 - Gust equivalent mean speed (3 second gust wind speed divided by 1.85).
- **additional shadow** means any shadow cast outside any existing shadow from buildings or works, but not a shadow cast by incidental elements such as canopies, kiosks, artworks, screens or trees.

2.2

Buildings and works for which no permit is required

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A permit is not required for:

- Buildings and works at ground level, including external works to provide access for persons with disabilities that comply with all legislative requirements.
- Buildings and works to install or modify plant and service fixtures to an existing building.
- Buildings and works to an existing building(s) which do not alter the height or setback of any part of an existing building or result in any additional habitable or occupiable floor area.
- Buildings and works which would cast a shadow across the Yarra River Corridor between 11.00 am and 2.00 pm on 22 June caused by unenclosed structures associated with the construction of gangways, mooring poles and pontoons which are constructed by or on behalf of Melbourne Parks and Waterways or Parks Victoria under the *Water Industry Act 1994*, the *Water Act 1989*, the *Marine Act 1988*, the *Port of Melbourne Authority Act 1958*, the *Parks Victoria Act 1998*, or the *Crown Land (Reserves) Act 1978*.

2.3

Requirements

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Built form

Buildings and works:

- must meet the Design Objectives specified in this schedule;
- must satisfy the Built Form Outcomes specified for each relevant Design Element in Table 3 to this schedule; and
- should meet the Preferred Requirement specified for each relevant Design Element in Table 3 to this Schedule.

An application to vary the Preferred Requirement for any Design Element specified in Table 3 to this schedule must document how the development will achieve the relevant Design Objectives and Built Form Outcomes.

An application which does not meet the Preferred Requirement, must be considered under the Modified Requirement for each relevant Design Element.

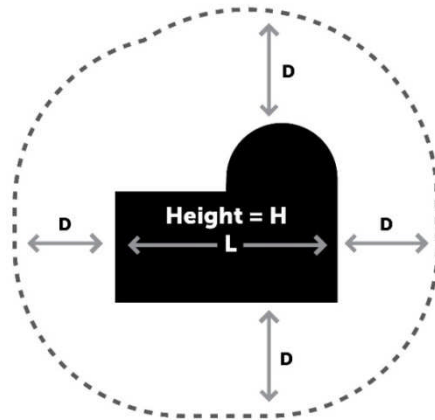
A permit must not be granted or amended (unless the amendment does not increase the extent of non-compliance) for buildings and works that do not meet the Modified Requirement for any relevant Design Element specified in Table 3 to this schedule.

Wind effects

A permit must not be granted for buildings and works with a total building height in excess of 40 metres that would cause unsafe wind conditions in publicly accessible areas within a distance equal to half the longest width of the building above 40 metres in height measured from all façades, or half the total height of the building, whichever is greater as shown in Figure 1.

A permit should not be granted for buildings and works with a total building height in excess of 40 metres that do not achieve comfortable wind conditions in publicly accessible areas within a distance equal to half the longest width of the building above 40 metres in height measured from all façades, or half the total height of the building, whichever is greater as shown in Figure 1.

Figure 1



Assessment distance D = greater of:
 L/2 (Half longest width of building)
 OR
 H/2 (Half overall height of building)

Overshadowing

With the exception of minor works or minor changes to existing buildings within that defined space, a permit must not be granted for buildings and works which would cast any additional shadow across a space listed within Table 1 to this schedule and shown in Figure 2 of this schedule during the hours and dates specified as follows:

Table 1 to Schedule 10

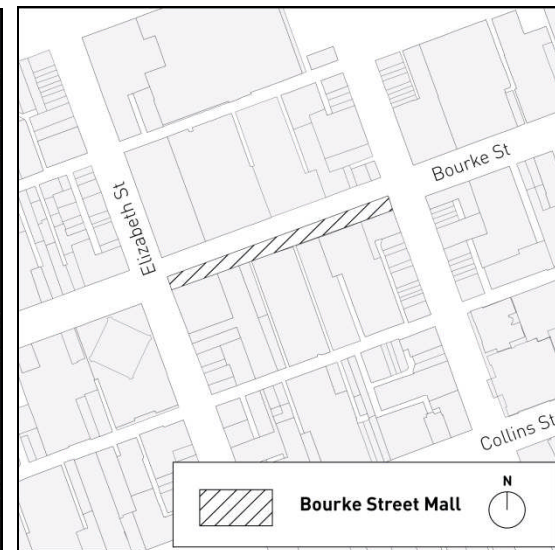
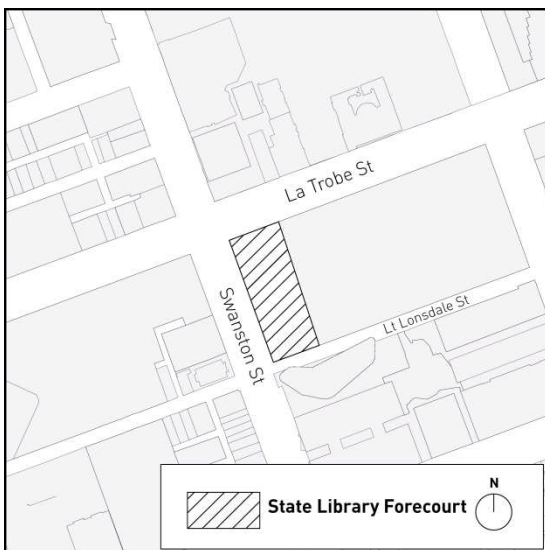
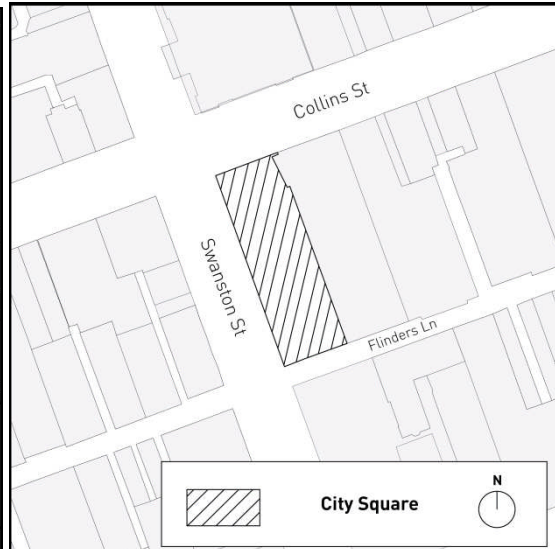
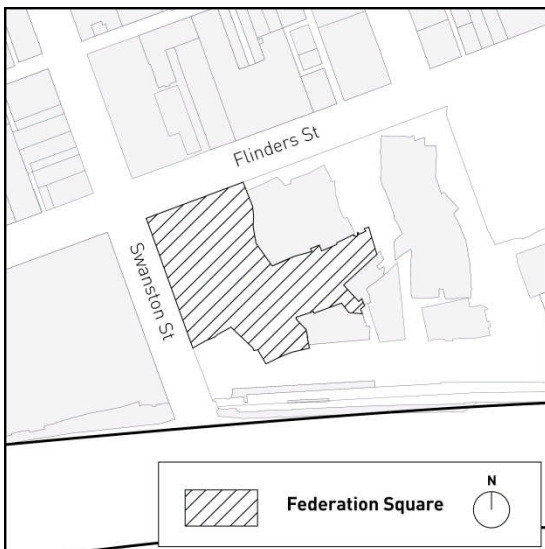
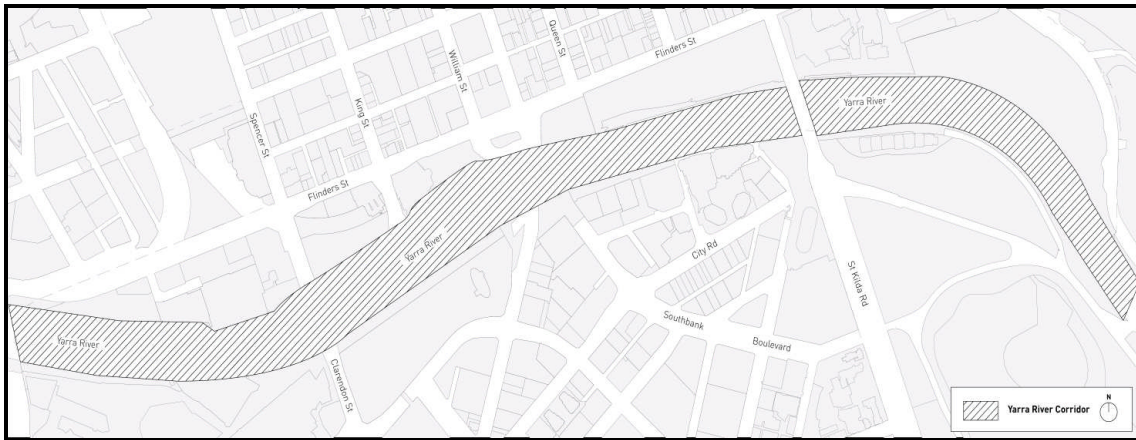
| Space | Hours between | Date(s) |
|---|--------------------|---------|
| The Yarra River corridor, including 15 metres from the edge of the north bank of the river to the south bank of the river | 11.00am and 2.00pm | 22 June |

MELBOURNE PLANNING SCHEME

| | | |
|--|--------------------|--------------------------|
| Federation Square | 11.00am and 3.00pm | 22 April to 22 September |
| City Square | | |
| State Library Forecourt | | |
| Shrine of Remembrance and its northern forecourt | | |

| | | |
|---|--------------------|---------------------------|
| Bourke Street Mall south of tram tracks | 12.00pm and 2.00pm | 22 April and 22 September |
| Boyd Park | | |

Figure 2





A permit must not be granted for buildings and works which would cast any additional shadow across a space listed within Table 2 to this schedule during the hours and date(s) specified, unless the overshadowing will not unreasonably prejudice the amenity of the space:

Table 2 to Schedule 10

| Space | Hours between | Date(s) |
|---|--------------------|---------------------------|
| Parliament Gardens Treasury Gardens Gordon Reserve Parliament Steps and Forecourt Old Treasury Steps Flinders Street Railway Station Steps | 11.00am and 3.00pm | 22 April to 22 September |
| Batman Park Birrarung Marr Sturt Street Reserve Grant Street Reserve and the Australian Centre for Contemporary Art Forecourt, south side of Grant Street between Sturt Street and Wells Street Dodds Street between Southbank Boulevard and Grant Street | 11.00am and 2.00pm | 22 April to 22 September |
| Swanston Street between south bank of the Yarra River and Latrobe Street Elizabeth Street between Flinders Street and Flinders Lane Hardware Lane and McKillop Street The southern footpath of Bourke Street between Spring Street and Exhibition Street | 12.00pm and 2.00pm | 22 April to 22 September |
| The southern building line of Little Bourke Street between Spring and Swanston Streets and Cohen | 12.00pm and 2.00pm | 22 April and 22 September |

| Space | Hours between | Date(s) |
|---|--------------------|--------------|
| Place/Chinatown Plaza Liverpool Street and Crossley Street Market Street between Collins Street and Flinders Lane | | |
| Flagstaff Gardens and proposed new public open space within Queen Victoria Market | 11.00am and 2.00pm | 22 June |
| Any public space, public parks and gardens, public squares, open spaces associated with a place of worship and privately owned public spaces accessible to the public | 11.00am and 2.00pm | 22 September |

Table 3 to Schedule 10

| Design Element | Preferred Requirement (Figure 3) | Modified Requirement (Figure 3) | Built Form Outcomes |
|---------------------------------------|--|---|---|
| Street wall height | Up to 20 metres | The street wall height must be no greater than: <ul style="list-style-type: none"> ▪ 40 metres; or ▪ 80 metres where it: <ul style="list-style-type: none"> • defines a street corner where at least one street is a main street and the 80 metre high street wall should not extend more than 25 metres along each street frontage, and/or • fronts a public space including any road reserve wider than 80 metres. | Street wall height is scaled to ensure: <ul style="list-style-type: none"> ▪ a human scale. ▪ an appropriate level of street enclosure having regard to the width of the street with lower street wall heights to narrower streets. ▪ consistency with the prevalent parapet height of adjoining buildings. ▪ height that respects the scale of adjoining heritage places. ▪ adequate opportunity for daylight, sunlight and skyviews in the street. ▪ definition of main street corners and/or public space where there are no significant impacts on the amenity of public spaces. ▪ maintenance of the prevailing street wall height and vertical rhythm on the street. |
| Building setback(s) above street wall | Above the street wall, towers and additions should be setback 10 metres from the title boundary. | Above the street wall, towers must be setback a minimum of 5 metres from the title boundary. | Towers and additions are setback to ensure: <ul style="list-style-type: none"> ▪ large buildings do not visually dominate the street or public space. ▪ the prevalent street wall scale is maintained. ▪ overshadowing and wind impacts are mitigated. ▪ The tower or addition includes a distinctly different form or |

| Design Element | Preferred Requirement (Figure 3) | Modified Requirement (Figure 3) | Built Form Outcomes |
|---|---|---|---|
| Building setbacks from side boundaries and rear boundaries (or from the centre line of an adjoining laneway) and tower separation within a site | Above the street wall or 40 metres (where there is no street wall), towers and additions should be setback a minimum of 5 metres or 6% of the total building height whichever is greater. | <p>Towers and additions up to 80 metres in height:</p> <p>Above the street wall or 40 metres (where there is no street wall), towers and additions must be setback a minimum of 5 metres.</p> <p>Towers and additions of no more than 80 metres in height may be constructed up to one side or rear boundary, excluding a laneway, if an existing, approved, proposed or potential building on an adjoining site is built to that boundary and if a minimum setback of 5 metres is met to all other side and rear boundaries and the centre line of any adjoining laneway. Buildings of no more than 80 metres in height, may be constructed to a second side or rear boundary if an adjoining site cannot, by legal restriction benefitting the application site, be developed above the street wall height.</p> <p>Towers exceeding 80 metres in total height:</p> <p>Above the street wall or 40 metres (where there is no street wall), towers and additions must be setback a minimum of 5 metres and must meet the design element requirements for tower floorplate.</p> <p>Tower separation within a site:</p> <p>Towers must be separated by a minimum of 10 metres.</p> | <p>architectural expression.</p> <p>Towers and additions are designed and spaced to ensure:</p> <ul style="list-style-type: none"> ▪ sun penetration and mitigation of wind impacts at street level. ▪ provision of reasonable sunlight, daylight, privacy and outlook from habitable rooms, for both existing and potential developments on adjoining sites. ▪ floorplate layout or architectural treatment limits direct overlooking between habitable rooms. ▪ buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them. ▪ buildings do not visually dominate heritage places and streetscapes, nor significant view lines.. |
| Tower floorplate | The tower floorplate is determined by the preferred requirement for building setbacks from side and rear boundaries and tower separation within a site, and the modified requirement for building setback(s) above the street | The tower floorplates above the street wall for a tower above 80 metres in height may be adjusted in terms of location and/or shape but must not: <ul style="list-style-type: none"> ▪ Result in an increase in the floorplate area; ▪ be situated less than 5 metres from a side or rear boundary (or from the centre line of an adjoining laneway); ▪ be less than 5 metres to a street boundary; | The adjusted floorplate is designed and spaced to: <ul style="list-style-type: none"> ▪ reduce impact on existing and potential neighbours in terms of privacy, outlook, daylight and sunlight access. ▪ minimise visual bulk. ▪ reduce impact on public spaces, including overshadowing and wind effects and reduced visual dominance. ▪ buildings do not visually dominate heritage places |

| Design Element | Preferred Requirement (Figure 3) | Modified Requirement (Figure 3) | Built Form Outcomes |
|----------------|----------------------------------|---|---|
| wall | | <ul style="list-style-type: none"> be less than 10 metres to an adjoining tower on the site. | <ul style="list-style-type: none"> and streetscapes, nor significant view lines. buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them. |

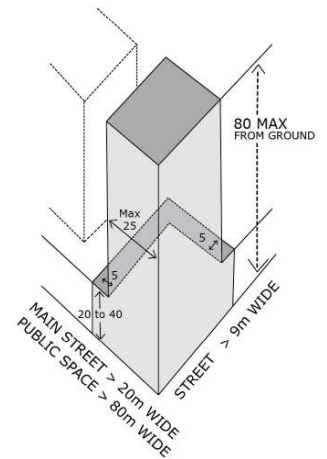
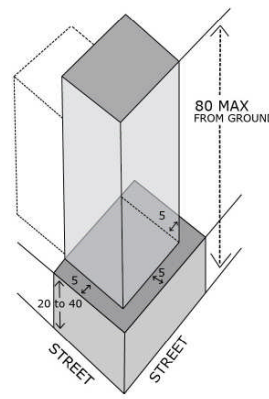
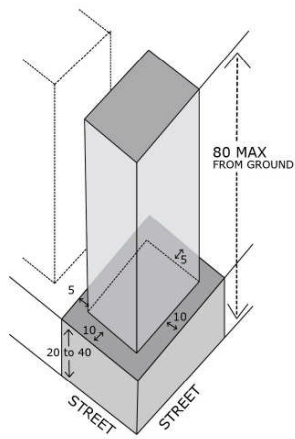
Figure 3 to Table 3

TOWERS UP TO 80 METRES IN TOTAL HEIGHT

Preferred Requirement:
 Street setbacks = 10m minimum
 Side & rear setbacks = 5m minimum

Modified Requirement:
 Building to one boundary
 Street setbacks = 5m minimum

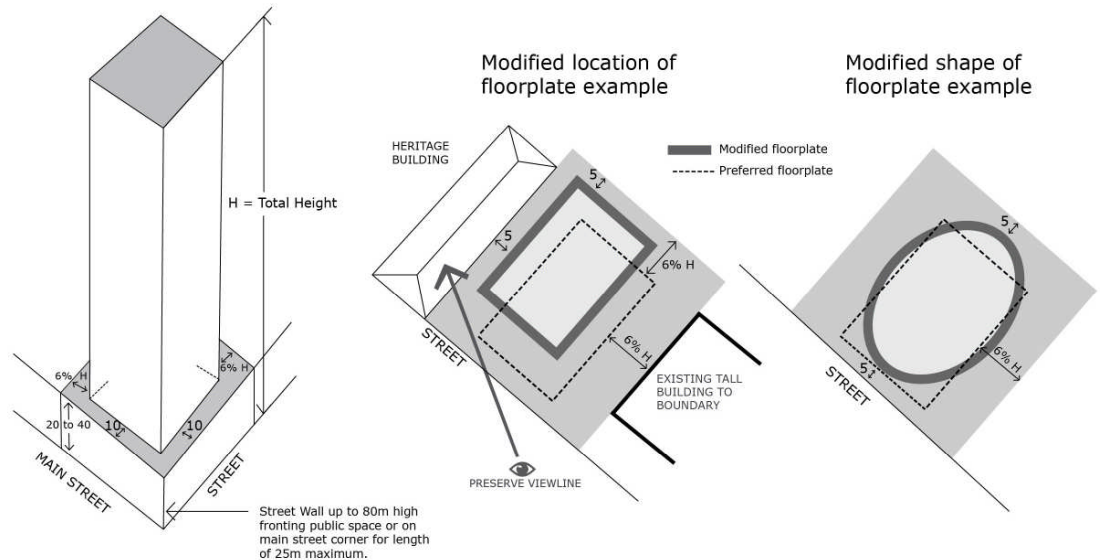
Modified Requirement:
 Building to corner or public space



TOWERS GREATER THAN 80 METRES IN TOTAL HEIGHT

Preferred Requirement:
 Street setbacks = 10m minimum
 Side & rear setbacks = 6% total height minimum

Modified Requirement:
 No increase in floorplate area
 Street setback = 5m minimum
 Side or rear setback = 5m minimum



2.4

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Exemption from notice and appeal

An application to construct a building or construct or carry out works 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.

2.5

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Application Requirements

If in the opinion of the responsible authority an application requirement listed below is not relevant to the assessment of the application, the responsible authority may waive or reduce the requirement.

Urban context report

An application for permit must be accompanied by a written and illustrated urban context report.

The urban context report must:

- explain the key planning, design and contextual considerations and influence on the proposed buildings and works.
- describe the existing urban context of the area in which the proposed buildings and works are to be located.
- explain how the proposed buildings and works relate to and respond to their urban context including:
 - built form character of adjacent and nearby buildings.
 - equitable outcomes for potential development on adjoining sites.
 - heritage character of adjacent and nearby heritage places.
- identify the key opportunities and constraints supporting the design response.
- explain the effect of the proposed buildings and works, including on:

- microclimate, including sunlight, daylight and wind impacts on streets and other public spaces.
- vistas.
- Explain how the proposed buildings and works respond to each of the Design Objectives and the Built Form Outcomes in Table 3 of this schedule, as appropriate.

Wind analysis report

An application for a permit for a building with a total building height in excess of 40 metres must be accompanied by a wind analysis report prepared by a suitably qualified person. The wind analysis report 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.
- not rely on street trees or any other element such as screens, within public areas for wind mitigation.

3D digital model of buildings and works

An application for a permit 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.

3.0

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Subdivision

A permit is not required to subdivide land.

4.0

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Advertising signs

None specified.

5.0

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Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Design Objectives.
- The Built Form Outcomes of Table 3 to this schedule.
- Whether the development respects the built form scale and urban structure of the precinct where it is located.
- Whether the development provides a high quality architectural response.
- Whether the cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale and microclimate conditions including overshadowing and wind impacts.
- Whether the development provides a high level of amenity for building occupants.

- Whether the proposed street wall height responds appropriately to the prevalent parapet height of adjoining buildings, respects the scale of adjoining heritage places and provides a human scale.
- Whether the proposed tower setbacks are sufficient to allow for equitable access to privacy, sunlight, daylight and outlook from habitable rooms for both existing and potential development of adjoining sites.
- An appropriate mechanism to restrict development on an adjoining site where the proposed development relies on that site.
- Securing the floor area ratio across a site where a site is developed in part to ensure:
 - that an agreement be entered into to acknowledge that the remaining site cannot be later developed;
 - that when a heritage building being retained, that an agreement be entered into to conserve the heritage building in perpetuity;
 - that the proposed building is sited so that adequate setbacks are maintained in the event that the land is subdivided or separate land holdings are administratively effected to create a future development site.
- The location of the site and whether it has an interface with the Westgate Freeway and /or is an island site.
- The effect of the proposed buildings and works on solar access to existing and proposed open spaces and public places.
- The potential for increased ground-level wind gust speeds and the effect on pedestrian comfort and the amenity of public places, with allowance to exceed uncomfortable conditions only if the wind effects of the proposed development do not exceed the existing wind condition(s).

6.0

Reference documents

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- Central City Built Form Review Overshadowing Technical Report, Department of Environment, Land, Water and Planning, April 2016

7.0

Transitional arrangements

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The requirements of this schedule do not apply to:

- an application (including an application to amend the permit) made before the commencement of Amendment C262 to this planning scheme. For such applications, the requirements of this scheme, as they were in force immediately before the commencement of Amendment C262, continue to apply.
- an application (including an application to amend the permit) made after the commencement of Amendment C262 but before the commencement of Amendment C270 to this planning scheme. For such applications, the requirements of this schedule, as they were in force immediately before the commencement of Amendment C270, continue to apply.