

17/01/2013  
C169**SCHEDULE 54 TO THE DESIGN AND DEVELOPMENT OVERLAY**Shown on the planning scheme map as **DDO54**.**BUSINESS PARK PRECINCT****1.0 Design objectives**07/04/2008  
C92

- To provide for a complementary mix of medium and high rise development within the Precinct.
- To provide continuous public access along the waterfront area adjoining Moonee Ponds Creek and Victoria Harbour.
- To facilitate innovative buildings and structures relating to the Waterfront City precinct for entertainment purposes.
- To ensure the conservation of the general form of Victoria Harbour.

**2.0 Buildings and works**17/01/2013  
C169**2.1 Permit Requirement**07/04/2008  
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A permit is not required to construct a building or construct or carry out works in accordance with an Existing Old Format Approval. In this schedule, "Existing Old Format Approval" has the meaning given to it in Clause 37.05-4.

A permit is not required to construct a building or construct or carry out works if the requirements of Table 1 and Table 2 to this schedule are met.

An application must be accompanied by a site analysis and urban context report which demonstrates how the proposed buildings and works achieves each of the Design Objectives of this schedule, and any local planning policy requirements.

Building height is 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 architectural features and building services.

**2.2 Exemption from notice and review**17/01/2013  
C169

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.

**Table 1 to Schedule 54**

Area	Maximum building height
DDO 54 Area 1	45 metres except for: Buildings or structures forming part of a theme park which may extend to 60 metres. Buildings or structures located within the Waterfront City Precinct that are used for or associated with entertainment purposes that will be a significant attraction for visitors and/or tourists, where no height limit will apply.
DDO 54 Area 2	75 metres

Area	Maximum building height
DDO 54 Area 3	50 metres except for one tower of 130 metres in New Quay Central Precinct and buildings or structures located within the Waterfront City Precinct that are used for or associated with entertainment purposes that will be a significant attraction for visitors and/or tourists, where no height limit will apply.
DDO 54 Area 4	50 metres except for buildings or structures located within the Waterfront City Precinct that are used for or associated with entertainment purposes that will be a significant attraction for visitors and/or tourists, where no height limit will apply.
DDO 54 Area 5	60 metres except for one 65 metre building in New Quay Central Precinct and buildings or structures located within the Waterfront City Precinct that are used for or associated with entertainment purposes that will be a significant attraction for visitors and/or tourists, where no height limit will apply.

**Table 2 to Schedule 54**

Area	Minimum widths of waterfront promenades
DDO 54 Area 3	15 metre wide waterfront promenade.

**3.0**07/04/2008  
C92**Decision guidelines**

Before deciding on an application the responsible authority must consider:

- The orientation and design of a development and whether it will cause significant overshadowing individually or as part of a cumulative effect on the public realm.
- The need to ensure appropriate separation of buildings, particularly tower elements, to provide spacing of building bulk and to avoid the creation of a wall effect.
- Buildings exceeding 40 metres in height must provide an appropriate built form relationship to the street.
- The need to preserve significant vistas.
- The nature of wind effects caused by any new building, and design measures to address these.
- The impact and relationship of any proposed structure on the significance of existing heritage places located within the Precinct.

**4.0**07/04/2008  
C92**Subdivision**

A permit is not required to subdivide land.