

23/11/2016
C270**SCHEDULE 60 TO THE DESIGN AND DEVELOPMENT OVERLAY**Shown on the planning scheme map as **DDO60**.**Special Character Areas- Built Form (Southbank)****1.0**23/11/2016
C270**Design objectives**

- To ensure that the suitability of each development to its context takes precedence over the individual merit of the building.
- To ensure that new buildings respect the future development potential of adjacent sites and allow for an equitable spread of development potential on these sites.
- To ensure that new buildings respect the potential of future development on adjacent sites to access privacy, sunlight, daylight and an outlook from habitable interiors.
- To ensure the height of new buildings does not overwhelm the public domain.
- To allow daylight and sunlight to penetrate to the street and lower building levels.
- To ensure development supports high levels of pedestrian amenity in relation to human scale and microclimate conditions within the public realm including acceptable levels of sunlight access and wind.
- To maintain the visual dominance and views to the Arts Centre Spire as a civic skyline landmark.
- To ensure that development provides a high level of amenity for building occupants.
- To ensure that advertising signs interfacing with or visible from the Shrine of Remembrance do not adversely affect the significance of the Shrine of Remembrance.
- To ensure that the scale and design of new buildings preserve the significance of the Shrine of Remembrance as a historic and cultural landmark and place of reverence.

Area Design Objectives**Areas 1 and 7– Arts Centre and River Environs Design Objectives**

- To reinforce the breadth and grandeur of the Yarra River.
- To maintain the existing low-scale urban form along the river corridor.
- To protect and enhance St Kilda Road from Princes Bridge to the Victoria Barracks as a civic boulevard lined with predominantly low/mid rise civic and heritage buildings.
- To maintain the landscape character of St. Kilda Road as a dominant visual element.

Area 4 – Sturt Street Design Objectives

- To enhance Sturt Street as a civic spine through the creation of a mid-rise streetscape with high levels of public amenity.
- To protect and enhance the culturally significant buildings along Sturt Street.
- To ensure development on Sturt Street supports physical and visual connections to the CBD and the Arts Centre Spire.

Area 5 – Dorcas Street and Wells Street Precinct Design Objectives

- To consolidate the existing scale of development.
- To ensure that any new development or redevelopment preserves the cultural significance and setting of the Shrine of Remembrance.

Area 6 – Southbank Village Design Objectives

- To consolidate the existing scale of development.
- To provide a scale of development which is respectful of the Victoria Barracks.

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Buildings and works

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Definitions

For the purpose of this schedule, unless otherwise specified:

- **street** means a road reserve of a public highway more than 9 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.
- **setback** is the shortest horizontal distance from a building façade, including projections such as balconies and architectural features greater than 300mm, to the boundary.
- **floor area ratio** means the gross floor area above ground of all buildings on a site, including all enclosed areas, services, lifts, car stackers and covered balconies, divided by the area of the site. Voids associated with lifts, car stackers and similar service elements should be considered as multiple floors of the same height as adjacent floors or 3.0 metres if there is no adjacent floor.
- **unsafe wind conditions** means the hourly maximum 3 second gust which exceeds 20 metres/second with probability of exceedance of 0.1% from all wind directions combined.
- **comfortable wind conditions** means a mean wind speed from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less:
 - 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.

2.3 Requirements

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Built Form

Buildings and works:

- must meet the Design Objectives in this schedule;
- must satisfy the Built Form Outcomes specified for each relevant Area in Table 1 and Table 2 to this schedule and for each relevant Design Element in Table 3 to this schedule;
- should meet the Preferred Building Height or Modified Requirement specified for each relevant Area in Table 2 to this Schedule; and
- should meet the relevant Requirement specified for each relevant Design Element in Table 3 to this Schedule.

An application to exceed the Preferred Building Height or Modified Requirement must document how the development will achieve the specific Design Objectives and Built Form Outcomes of this schedule.

A permit must not be granted for buildings and works, including the replacement of the existing building, which exceed the Maximum Building Height specified in Table 1 to this schedule, with the exception of:

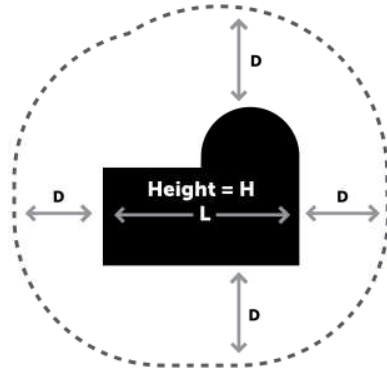
- non-habitable architectural features and building services.
- buildings and works for a replacement building which:
 - retains the existing building envelope, including no increase in height or reduction in setbacks, and
 - does not result in any additional habitable or occupiable floor area (excluding an open balcony).

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 of 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



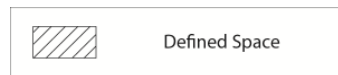
Assessment distance D = greater of:
 L/2 (Half longest width of building)
 OR
 H/2 (Half overall height of building)

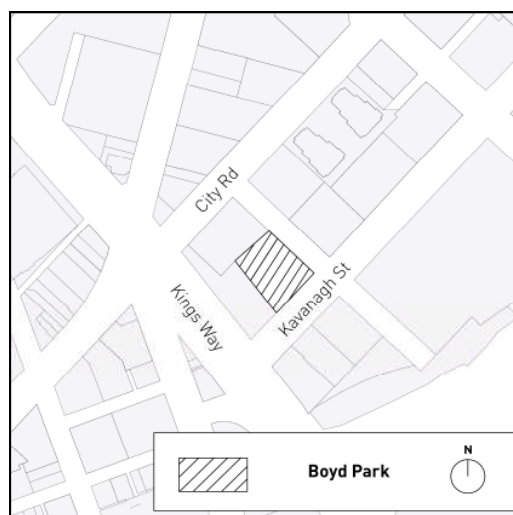
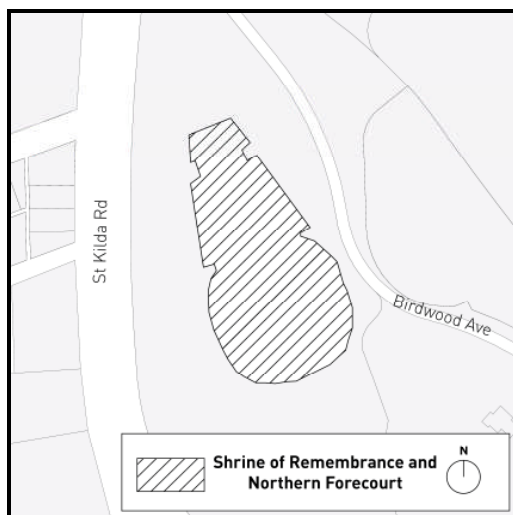
Overshadowing

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 below and shown in Figure 2 of this schedule during the hours and dates specified as follows:

Space	Hours between	Date(s)
Shrine of Remembrance and its northern forecourt	11.00am and 3.00pm	22 April to 22 September
Boyd Park	12.00pm and 2.00pm	22 April and 22 September

Figure 2





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

Space	Hours between	Date(s)
Sturt Street Reserve	11.00am and 2.00pm	22 April to 22 September
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		
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 1 to Schedule 60 of the Design and Development Overlay

Area	Maximum Building Height	Built Form Outcomes
Area 4B – Dodds Street	14 metres	<p>The maintenance of the dominance of the Arts Centre Spire silhouetted against the sky from the south along Sturt Street.</p> <p>The protection of the low scale residential development on the east side of Dodds Street.</p> <p>To enhance the sense of openness, maintains access to expansive sky views and maximises solar access from the low scale residential development on the east side of Dodds Street.</p>
Area 5B – Wells Street Precinct	70 metres to Australian Height Datum	<p>The preservation of the setting of the Shrine of Remembrance.</p> <p>To ensure that any new development or redevelopment does not adversely impact on the historic and cultural significance and visual prominence of the Shrine of Remembrance by reason of height and/or materials and finishes to buildings.</p>

Area	Maximum Building Height	Built Form Outcomes
Area 6 – Southbank Village	14 metres	<p>Low scale development that enhances the sense of openness, maintains access to expansive sky views and maximises solar access.</p> <p>Development that respects and complements the adjoining Victoria Barracks heritage buildings.</p> <p>Development that maintains the existing street scale proportions.</p>
Area 7 – Arts Centre	24 metres	<p>The protection of the stature of heritage and civic buildings along St Kilda Road.</p> <p>The maintenance of the importance of St Kilda Road as a grand entrance to the City.</p>

Table 2 to Schedule 60 of the Design and Development Overlay

Area	Preferred Building Height	Modified Requirement	Built Form Outcomes
Area 1 – River Environments	24 metres	6:1 Floor Area Ratio	<p>Development that protects and enhances the Yarra River (including views to and from it), as an important natural, recreational and tourism asset of Melbourne.</p> <p>Low scale development that enhances the sense of openness along both the Yarra River and St Kilda Road.</p> <p>Development that enhances the prominence of the Yarra River by the grading of building heights down to low along its banks.</p> <p>The protection of the stature of heritage and civic buildings along St Kilda Road.</p> <p>The maintenance of the importance of St Kilda Road as a grand entrance to the City.</p> <p>To ensure that the height of new buildings does not overwhelm the public domain.</p>
Area 4A – Sturt Street	40 metres	10:1 Floor Area Ratio	<p>Generally a mid-rise scale of development with opportunities for additional upper levels that are visually recessive from Sturt Street.</p> <p>Development along Sturt Street that provides street definition, a sense of openness, reasonable solar access to street level and an intimate scale for pedestrians.</p> <p>The protection of the stature of civic buildings along Sturt Street.</p> <p>Development that provides a transition in scale and form between higher buildings to the west of Moore Street and the predominantly lower scale buildings to the east of Dodds Street.</p> <p>Low scale development that enhances the sense of openness, maintains expansive sky views and solar access and provides a recessed backdrop of mid rise buildings as viewed from Dodds Street between Grant and Coventry Streets.</p>

Area	Preferred Building Height	Modified Requirement	Built Form Outcomes
			The maintenance of the dominance of the Arts Centre Spire silhouetted against the sky from the south along Sturt Street and looking south from the Hoddle Grid towards Sturt Street.
Area 5A – Dorcas Street Precinct	60 metres	13:1 Floor Area Ratio	<p>The maintenance of a mid-rise scale of development.</p> <p>The provision of an appropriate transition to development to the north and south of Area 5 is provided.</p> <p>The visual impact of taller buildings, above the preferred building height, is alleviated through increased upper level setbacks.</p>

Table 3 to Schedule 60 of the Design and Development Overlay

Design Element	Requirement	Built Form Outcomes
Street wall height	Street wall height should not exceed 20 metres, or the preferred building height, whichever is lower.	<p>Street wall height is scaled to ensure:</p> <ul style="list-style-type: none"> ▪ have a human scale. ▪ consistency with the prevalent parapet height of adjoining buildings. ▪ height and setback that respects the scale of adjoining heritage places. ▪ adequate opportunity for daylight, sunlight and skyviews in the street. ▪
Upper level street setbacks	Above the street wall, upper levels of a building should be set back a minimum of 5 metres.	<p>Buildings are setback to ensure:</p> <ul style="list-style-type: none"> ▪ larger buildings do not visually dominate the street or public space. ▪ the dominant street wall scale is maintained. ▪ sun penetration and mitigation of wind impacts at street level.
Setback(s) from side boundary	<p>Above 40 metres, upper levels of a building should be setback a minimum of 5 metres from a side boundary.</p> <p>If a laneway:</p> <p>Above 20 metres, upper levels of a building should be setback a minimum of 5 metres from the centreline of a laneway.</p>	<p>Buildings are setback to ensure:</p> <ul style="list-style-type: none"> ▪ provision of adequate sunlight, daylight, privacy and outlook from habitable rooms, for both existing and proposed developments. ▪ provision of adequate daylight and sunlight to laneways. ▪ buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them.
Setback(s) from rear boundaries	Above 20 metres, upper levels of a building should be setback a minimum of 5 metres from a rear boundary, or from the centreline of a laneway.	<p>Buildings are setback to ensure:</p> <ul style="list-style-type: none"> ▪ provision of adequate sunlight, daylight, privacy and outlook from habitable rooms, for both existing and proposed developments.

Design Element	Requirement	Built Form Outcomes
		<ul style="list-style-type: none"> taller buildings transition down in height to adjacent areas that have a lower height limit, so as not to visually dominate or compromise the character of adjacent existing low-scale development areas.
Setbacks on St Kilda Road	Buildings should be set back at least 13.2 metres from St Kilda Road.	The importance of St Kilda Road as a grand entrance to the City is maintained through the use of building setbacks with landscaped garden frontages.
Ground floors height of a building	The ground floor of a building should have a floor to ceiling height of at least 4 metres.	Provide potential for active commercial or retail uses.

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Exemption from notice and review

An application to construct a building or construct or carry out works for land that is within the Capital City Zone 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.

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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.
 - 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 1 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. This is for assessing overshadowing and visual impacts caused by the proposal and for general archive, research and public information purposes.

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Subdivision

A permit is not required to subdivide land.

4.0

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Advertising Signs – Area 5B Wells Street

Notice requirement

Where a permit is required under Clause 52.05 for a sign in Area 5B – Wells Street Precinct and the sign is located above 23 metres to the Australian Height Datum, notice must be given under section 52(1)(c) of the *Planning and Environment Act 1987* to the Shrine of Remembrance Trustees as specified in the schedule to Clause 66.06.

Decision Guidelines

Before deciding on an application to display a sign in Area 5B – Wells Street Precinct located above 23 metres to the Australian Height Datum, the responsible authority must consider, in addition to the decision guidelines at Clause 52.05 and Clause 65:

- Whether the advertising sign detracts from the landmark qualities and historical and cultural significance of the Shrine of Remembrance.
- Whether the location, size, illumination and reflectivity of the advertising signs detracts from important vistas from within the Shrine of Remembrance.

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Decision guidelines

- The Design Objectives.
- The Built Form Outcomes of Table 1, Table 2 and 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 development provides a high level of amenity for building occupants in relation to:
 - Daylight to all habitable rooms
 - Privacy to all habitable rooms
- Whether the development minimises loss of sky views from the public domain.
- Whether the development will deliver fine grain built form.
- Whether the development will provide a microclimate where street trees, green roofs, and green walls can flourish.
- 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 a heritage building being retained that an agreement be entered into to converse 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 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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- The Southbank Structure Plan 2010
- The Shrine of Remembrance: Managing the Significance of the Shrine, July 2013
- Central City Built Form Review Overshadowing Technical Report, Department of Environment, Land, Water and Planning, April 2016

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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 schedule, 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.