PURPOSE AND VISION

This section sets out the purpose of this planning scheme, and the vision and strategic direction for the municipality.
PURPOSES OF THIS PLANNING SCHEME

- To provide a clear and consistent framework within which decisions about the use and development of land can be made.
- To express state, regional, local and community expectations for areas and land uses.
- To provide for the implementation of State, regional and local policies affecting land use and development.
SETTLEMENT

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Planning is to recognise the need for, and as far as practicable contribute towards:

- Health, wellbeing and safety.
- Diversity of choice.
- Adaptation in response to changing technology.
- Economic viability.
- A high standard of urban design and amenity.
- Energy efficiency.
- Prevention of pollution to land, water and air.
- Protection of environmentally sensitive areas and natural resources.
- Accessibility.
- Land use and transport integration.

Planning is to prevent environmental and amenity problems created by siting incompatible land uses close together.

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.
Settlement

Objective
To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

Strategies
Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.

Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warnambool and Wodonga.


Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.

Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.

Create and reinforce settlement boundaries.

Provide for growth in population and development of facilities and services across a regional or sub-regional network.

Plan for development and investment opportunities along existing and planned transport infrastructure.

Promote transport, communications and economic linkages between settlements through the identification of servicing priorities in regional land use plans.

Strengthen transport links on national networks for the movement of commodities.

Deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable by:

- Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments.
- Developing settlements that will support resilient communities and their ability to adapt and change.
- Balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level.
- Preserving and protecting features of rural land and natural resources and features to enhance their contribution to settlements and landscapes.
- Encouraging an integrated planning response between settlements in regions and in adjoining regions and states in accordance with the relevant regional growth plan.
- Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.
- Improving transport network connections in and between regional cities, towns and Melbourne.

Encourage a form and density of settlements that supports sustainable transport to reduce greenhouse gas emissions.

Limit urban sprawl and direct growth into existing settlements.
Promote and capitalise on opportunities for urban renewal and infill redevelopment.

Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.

Ensure retail, office-based employment, community facilities and services are concentrated in central locations.

Ensure land that may be required for future urban expansion is not compromised.

**Policy documents**

Consider as relevant:

- Central Highlands Regional Growth Plan (Victorian Government, 2014)
- G21 Regional Growth Plan (Geelong Region Alliance, 2013)
- Gippsland Regional Growth Plan (Victorian Government, 2014)
- Great South Coast Regional Growth Plan (Victorian Government, 2014)
- Hume Regional Growth Plan (Victorian Government, 2014)
- Loddon Mallee North Regional Growth Plan (Victorian Government, 2014)
- Loddon Mallee South Regional Growth Plan (Victorian Government, 2014)
- Wimmera Southern Mallee Regional Growth Plan (Victorian Government, 2014)
Settlement - Metropolitan Melbourne

Strategies

Maintain a permanent urban growth boundary around Melbourne to create a more consolidated, sustainable city and protect the values of non-urban land.

Focus investment and growth in places of state significance, including:

- Metropolitan Melbourne Central City.
- National Employment and Innovation Clusters.
- Metropolitan Activity Centres.
- State-Significant Industrial Precincts.
- Transport Gateways.
- Health and Education Precincts.
- Major Urban-Renewal Precincts.

Develop a network of activity centres linked by transport; consisting of Metropolitan Activity Centres supported by a network of vibrant major and neighbourhood activity centres of varying size, role and function.

Create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts, that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.
Melbourne 2050 plan

Note: Potential infrastructure projects and gateways are subject to infrastructure Victoria advice and Victorian Government approval. This framework will be updated at the end of 2017, following the government response to Infrastructure Victoria’s 30 Year Plan.
Green wedges - Metropolitan Melbourne

Objective
To protect the green wedges of Metropolitan Melbourne from inappropriate development.

Strategies
Promote and encourage the key features and related values of each green wedge area.
Support development in the green wedge that provides for environmental, economic and social benefits.
Consolidate new residential development in existing settlements and in locations where planned services are available and green wedge values are protected.
Plan and protect major state infrastructure and resource assets, such as airports and ports with their associated access corridors, water supply dams, water catchments and waste management and recycling facilities.
Protect important productive agricultural areas such as Werribee South, the Maribyrnong River flats, the Yarra Valley, Westernport and the Mornington Peninsula.
Support existing and potential agribusiness activities, forestry, food production and tourism.
Protect areas of environmental, landscape and scenic value such as biodiversity assets, national and state parks, Ramsar wetlands and coastal areas.
Protect significant resources of stone, sand and other mineral resources for extraction purposes.
Provide opportunities for renewable energy generation.

Policy documents
Consider as relevant:

Supply of urban land

Objective
To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Strategies
Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.

Ensure that sufficient land is available to meet forecast demand.

Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.

Planning for urban growth should consider:

- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- Neighbourhood character and landscape considerations.
- The limits of land capability and natural hazards and environmental quality.
- Service limitations and the costs of providing infrastructure.

Monitor development trends and land supply and demand for housing and industry.

Maintain access to productive natural resources and an adequate supply of well-located land for energy generation, infrastructure and industry.

Restrict rural residential development that would compromise future development at higher densities.

Policy guidelines
Consider as relevant:

- Victorian Government population projections and land supply estimates.
**Structure planning**

**Objective**
To facilitate the orderly development of urban areas.

**Strategies**
Ensure effective planning and management of the land use and development of an area through the preparation of relevant plans.

Undertake comprehensive planning for new areas as sustainable communities that offer high-quality, frequent and safe local and regional public transport and a range of local activities for living, working and recreation.

Facilitate the preparation of a hierarchy of structure plans or precinct structure plans that:

- Take into account the strategic and physical context of the location.
- Provide the broad planning framework for an area as well as the more detailed planning requirements for neighbourhoods and precincts, where appropriate.
- Provide for the development of sustainable and liveable urban areas in an integrated manner.
- Assist the development of walkable neighbourhoods.
- Facilitate the logical and efficient provision of infrastructure.
- Facilitate the use of existing infrastructure and services.
Sequencing of development

Objective
To manage the sequence of development in areas of growth so that services are available from early in the life of new communities.

Strategies
Define preferred development sequences in areas of growth to better coordinate infrastructure planning and funding.

Ensure that new land is released in areas of growth in a timely fashion to facilitate coordinated and cost-efficient provision of local and regional infrastructure.

Require new development to make a financial contribution to the provision of infrastructure such as community facilities, public transport and roads.

Improve the coordination and timing of infrastructure and service delivery in areas of growth.

Support opportunities to co-locate facilities.

Ensure that planning for water supply, sewerage and drainage works receives high priority in early planning for areas of growth.

Policy documents
Consider as relevant:

- Any applicable Growth Area Framework Plans (Department of Sustainability and Environment, 2006)

- Precinct Structure Planning Guidelines (Growth Areas Authority, 2009)

- Ministerial Direction No. 12 – Urban Growth Areas

- The Victorian Transport Plan (Victorian Government, 2008)
Activity centres

Objective
To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

Strategies
Build up activity centres as a focus for high-quality development, activity and living by developing a network of activity centres that:

- Comprises a range of centres that differ in size and function.
- Is a focus for business, shopping, working, leisure and community facilities.
- Provides different types of housing, including forms of higher density housing.
- Is connected by transport.
- Maximises choices in services, employment and social interaction.

Support the role and function of each centre in the context of its classification, the policies for housing intensification, and development of the public transport network.

Undertake strategic planning for the use and development of land in and around activity centres.

Give clear direction on preferred locations for investment.

Encourage a diversity of housing types at higher densities in and around activity centres.

Reduce the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres.

Improve access by walking, cycling and public transport to services and facilities.

Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.

Encourage economic activity and business synergies.

Improve the social, economic and environmental performance and amenity of activity centres.

Policy documents
Consider as relevant:


- *Precinct Structure Planning Guidelines* (Growth Areas Authority, 2009)
Activity centres - Metropolitan Melbourne

Strategies
Support the development and growth of Metropolitan Activity Centres by ensuring they:

- Are able to accommodate significant growth for a broad range of land uses.
- Are supported with appropriate infrastructure.
- Are hubs for public transport services.
- Offer good connectivity for a regional catchment.
- Provide high levels of amenity.

Locate significant new education, justice, community, administrative and health facilities that attract users from large geographic areas in or on the edge of Metropolitan Activity Centres or Major Activity Centres with good public transport.

Locate new small scale education, health and community facilities that meet local needs in or around Neighbourhood Activity Centres.

Ensure Neighbourhood Activity Centres are located within convenient walking distance in the design of new subdivisions.
Growth areas

Objective

To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.

Strategies

Concentrate urban expansion into growth areas that are served by high-capacity public transport.

Implement the strategic directions in the Growth Area Framework Plans.

Encourage average overall residential densities in the growth areas of a minimum of 15 dwellings per net developable hectare, and over time, seek an overall increase in residential densities to more than 20 dwellings per net developable hectare.

Deliver timely and adequate provision of public transport and local and regional infrastructure and services, in line with a preferred sequence of land release.

Provide for significant amounts of local employment opportunities and in some areas, provide large scale industrial or other more regional employment generators.

Create a network of mixed-use activity centres that are high quality, well designed and create a sense of place.

Provide a diversity of housing type and distribution.

Retain unique characteristics of established areas impacted by growth.

Protect and manage natural resources and areas of heritage, cultural and environmental significance.

Create well planned, easy to maintain and safe streets and neighbourhoods that reduce opportunities for crime, improve perceptions of safety and increase levels of community participation.

Develop Growth Area Framework Plans that will:

- Include objectives for each growth area.
- Identify the long term pattern of urban growth.
- Identify the location of broad urban development types, for example activity centre, residential, employment, freight centres and mixed use employment.
- Identify the boundaries of individual communities, landscape values and, as appropriate, the need for discrete urban breaks and how land uses in these breaks will be managed.
- Identify transport networks and options for investigation, such as future railway lines and stations, freight activity centres, freeways and arterial roads.
- Identify the location of open space to be retained for recreation, and/or biodiversity protection and/or flood risk reduction purposes guided and directed by regional biodiversity conservation strategies.
- Show significant waterways as opportunities for creating linear trails, along with areas required to be retained for biodiversity protection and/or flood risk reduction purposes.
- Identify appropriate uses for constrained areas, including quarry buffers.

Develop precinct structure plans consistent with the Precinct Structure Planning Guidelines (Growth Areas Authority, 2009) approved by the Minister for Planning to:

- Establish a sense of place and community.
- Create greater housing choice, diversity and affordable places to live.
- Create highly accessible and vibrant activity centres.
- Provide for local employment and business activity.
- Provide better transport choices.
- Respond to climate change and increase environmental sustainability.
- Deliver accessible, integrated and adaptable community infrastructure.

**Policy documents**
Consider as relevant:

- Any applicable Growth Area Framework Plans (Department of Sustainability and Environment, 2006)
- *Precinct Structure Planning Guidelines* (Growth Areas Authority, 2009)
- *Ministerial Direction No. 12 – Urban Growth Areas*
Peri-urban areas

Objective
To manage growth in peri-urban areas to protect and enhance their identified valued attributes.

Strategies
Identify and protect areas that are strategically important for the environment, biodiversity, landscape, open space, water, agriculture, energy, recreation, tourism, environment, cultural heritage, infrastructure, extractive and other natural resources.

Provide for development in established settlements that have capacity for growth having regard to complex ecosystems, landscapes, agricultural and recreational activities including in Warragul-Drouin, Bacchus Marsh, Torquay-Jan Juc, Gisborne, Kyneton, Wonthaggi, Kilmore, Broadford, Seymour and Ballan and other towns identified by Regional Growth Plans as having potential for growth.

Establish growth boundaries for peri-urban towns to avoid urban sprawl and protect agricultural land and environmental assets.

Enhance the character, identity, attractiveness and amenity of peri-urban towns.

Prevent dispersed settlement and provide for non-urban breaks between urban areas.

Ensure development is linked to the timely and viable provision of physical and social infrastructure.

Improve connections to regional and metropolitan transport services.
Coastal settlement

Objective
To plan for sustainable coastal development.

Strategies
Plan and manage coastal population growth and increased visitation so that impacts do not cause unsustainable use of coastal resources.

Support a network of diverse coastal settlements that provide for a broad range of housing types, economic opportunities and services.

Encourage urban renewal and redevelopment opportunities in existing settlements to reduce the demand for urban sprawl.

Identify a clear settlement boundary around coastal settlements to ensure that growth in coastal areas is planned and coastal values are protected. Where no settlement boundary is identified, the extent of a settlement is defined by the extent of existing urban zoned land and any land identified on a plan in the planning scheme for future urban settlement.

Direct new residential and other urban development and infrastructure to locations within defined settlement boundaries of existing settlements that are capable of accommodating growth.

Support the sustainable management of growth around coastal, estuary and marine assets to protect environmental values, and to achieve regional economic and community benefits.

Avoid linear urban sprawl along the coastal edge and ribbon development in rural landscapes.

Protect areas between settlements for non-urban use.

Avoid development on ridgelines, primary coastal dune systems and low lying coastal areas.

Encourage the restructure of old and inappropriate subdivisions to reduce development impacts on the environment.

Ensure a sustainable water supply, stormwater and sewerage treatment for all development.

Minimise the quantity and enhance the quality of stormwater discharge from new development into the ocean, bays and estuaries.

Policy documents
Consider as relevant:

- Victorian Coastal Strategy (Victorian Coastal Council, 2014)
- G21 Regional Growth Plan (Geelong Region Alliance, 2013)
- Gippsland Regional Growth Plan (Victorian Government, 2014)
- Great South Coast Regional Growth Plan (Victorian Government, 2014)
Distinctive areas and landscapes

Objective
To protect and enhance the valued attributes of identified distinctive areas and landscapes.

Strategies
Recognise the significant geographic and physical features of these areas.
Recognise the important role these areas play in the state as tourist destinations.
Protect the identified key values and activities of these areas.
Support use and development where it enhances the valued characteristics of these areas.
Avoid use and development that could undermine the long-term natural or non-urban use of land in these areas.
Protect areas that are important for food production.
Develop Localised Planning Statements for the Bellarine Peninsula, Macedon Ranges, Mornington Peninsula and the Yarra Valley and Dandenong Ranges.

Policy documents
Consider as relevant:
Regional and local places

Objective
To facilitate integrated place-based planning.

Strategies
Integrate relevant planning considerations to provide specific direction for the planning of sites, places, neighbourhoods and towns.

Consider the distinctive characteristics and needs of regional and local places in planning for future land use and development.
ENVIRONMENTAL AND LANDSCAPE VALUES

Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.

Planning must implement environmental principles for ecologically sustainable development that have been established by international and national agreements. Foremost amongst the national agreements is the Intergovernmental Agreement on the Environment, which sets out key principles for environmental policy in Australia. Other agreements include the National Strategy for Ecologically Sustainable Development, National Greenhouse Strategy, the National Water Quality Management Strategy, the National Strategy for the Conservation of Australia’s Biological Diversity, the National Forest Policy Statement and National Environment Protection Measures.

Planning should protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value.
Protection of biodiversity

Objective
To assist the protection and conservation of Victoria’s biodiversity.

Strategies
Use biodiversity information to identify important areas of biodiversity, including key habitat for rare or threatened species and communities, and strategically valuable biodiversity sites.
Strategically plan for the protection and conservation of Victoria’s important areas of biodiversity.
Ensure that decision making takes into account the impacts of land use and development on Victoria’s biodiversity, including consideration of:

- Cumulative impacts.
- Fragmentation of habitat.
- The spread of pest plants, animals and pathogens into natural ecosystems.

Avoid impacts of land use and development on important areas of biodiversity.
Consider impacts of any change in land use or development that may affect the biodiversity value of national parks and conservation reserves or nationally and internationally significant sites; including wetlands and wetland wildlife habitat designated under the Convention on Wetlands of International Importance (the Ramsar Convention) and sites utilised by species listed under the Japan-Australia Migratory Birds Agreement (JAMBA), the China-Australia Migratory Birds Agreement (CAMBA), or the Republic of Korea-Australia Migratory Bird Agreement (ROKAMBA).
Assist in the identification, protection and management of important areas of biodiversity.
Assist in the establishment, protection and re-establishment of links between important areas of biodiversity, including through a network of green spaces and large-scale native vegetation corridor projects.

Policy guidelines
Consider as relevant:
- State biodiversity information maintained by the Department of Environment, Land, Water and Planning.

Policy documents
Consider as relevant:
- Protecting Victoria’s Environment – Biodiversity 2037 (Department of Environment, Land, Water and Planning, 2017)
- Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017)
- Any applicable biodiversity strategies, including the relevant Regional Catchment Strategy (prepared under Part 4 of the Catchment and Land Protection Act 1994)
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Native vegetation management

Objective
To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

Strategies
Ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the three-step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017):

- Avoid the removal, destruction or lopping of native vegetation.
- Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
- Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.

Policy guidelines
Consider as relevant:

- State biodiversity information maintained by the Department of Environment, Land, Water and Planning.

Policy documents
Consider as relevant:

- *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017)
- *Assessor’s handbook – applications to remove, destroy or lop native vegetation* (Department of Environment, Land, Water and Planning, 2017)
Protection of coastal areas

Objective
To recognise the value of coastal areas to the community, conserve and enhance coastal areas and ensure sustainable use of natural coastal resources.

Strategies
Coordinate land use and planning with the requirements of the Coastal Management Act 1995 to:

- Provide clear direction for the future sustainable use of the coast, including the marine environment, for recreation, conservation, tourism, commerce and similar uses in appropriate areas.
- Protect and maintain areas of environmental significance.
- Identify suitable areas and opportunities for improved facilities.

Apply the hierarchy of principles for coastal planning and management:

- Principle 1: Ensure the protection of significant environmental and cultural values.
- Principle 2: Undertake integrated planning and provide clear direction for the future.
- Principle 3: Ensure the sustainable use of natural coastal resources.
- Principle 4: Ensure development on the coast is located in existing modified and resilient environments where the demand for development is evident and any impacts can be managed sustainably.

Plan for marine development and infrastructure that is sensitive to marine national parks and environmental assets.

Ensure development protects and seeks to enhance coastal biodiversity and ecological values.

Ensure development is sensitively sited and designed and respects the character of coastal settlements.

Encourage revegetation of cleared land abutting coastal reserves.

Maintain the natural drainage patterns, water quality and biodiversity in and adjacent to coastal estuaries, wetlands and waterways.

Avoid disturbance of coastal acid sulfate soils.

Protect cultural heritage places, including Aboriginal places, archaeological sites and historic shipwrecks.

Policy guidelines
Consider as relevant:

- Any applicable coastal action plan or management plan approved under the Coastal Management Act 1995 or National Parks Act 1975.

Policy documents
Consider as relevant:

- Victorian Coastal Strategy (Victorian Coastal Council, 2014)
- Coastal Spaces Landscape Assessment Study (Department of Sustainability and Environment, 2006)
Coastal Crown land

Objective
To achieve coastal crown land development that provides an environmental, social and economic balance.

Strategies
Ensure that use and development on or adjacent to coastal foreshore Crown land:
- Maintains safe, equitable public access and improves public benefit.
- Protects local environmental and social values.
- Demonstrates need and coastal dependency.
- Minimises impact on the coast by locating within a defined activity or recreation node.

Policy guidelines
Consider as relevant:
- The purpose for which land is reserved under the Crown Land (Reserves) Act 1978.
- Any relevant coastal action plan or management plan approved under the Coastal Management Act 1995 or National Parks Act 1975.

Policy documents
Consider as relevant:
- Victorian Coastal Strategy (Victorian Coastal Council, 2014)
Bays

Objective
To improve the environmental health of Port Phillip Bay and Western Port and their catchments.

Strategies
Reduce major environmental pressures associated with urban growth and development in Port Phillip Bay and Western Port catchments by:

- Requiring growth area planning to protect significant natural assets.
- Improving the quality of stormwater entering waterways, particularly from construction sites and road development.

Improve waterway management arrangements for Port Phillip Bay and Western Port catchments.

Protect coastal and foreshore environments and improve public access and recreation facilities around Port Phillip Bay and Western Port by:

- Focussing development in areas already developed or in areas that can tolerate more intensive use.
- Requiring coastal planning and management to be consistent with the Victorian Coastal Strategy (Victorian Coastal Council, 2014).
- Managing privately owned foreshore consistently with the adjoining public land.

Policy documents
Consider as relevant:

- Victorian Coastal Strategy (Victorian Coastal Council, 2014)
River corridors, waterways, lakes and wetlands

Objective
To protect and enhance river corridors, waterways, lakes and wetlands.

Strategies
Protect the environmental, cultural and landscape values of all water bodies and wetlands.
Ensure development responds to and respects the significant environmental, conservation, cultural, aesthetic, open space, recreation and tourism assets of water bodies and wetlands.
Ensure development is sensitively designed and sited to maintain and enhance environmental assets, significant views and landscapes along river corridors and waterways and adjacent to lakes and wetlands.
Ensure development does not compromise bank stability, increase erosion or impact on a water body or wetland’s natural capacity to manage flood flow.
Protect the Yarra, Maribyrnong and Murray River corridors as significant economic, environmental and cultural assets.
Facilitate growth in established settlements where water and wastewater can be managed.

Policy documents
Consider as relevant:
- *Maribyrnong River Valley Design Guidelines* (Department of Planning and Community Development, 2010)
- *Healthy Waterways Strategy* (Melbourne Water, 2013)

Yarra River protection

Objective
To maintain and enhance the natural landscape character of the Yarra River corridor.

Strategies
Strengthen the Yarra River’s natural environment, heritage and overall health by:
- Protecting the river’s riparian vegetation, natural riverbank topography and flood management capacity.
- Ensuring development does not increase the rate or quantity of stormwater, sediment or other pollutants entering the river.
- Protecting and enhancing both terrestrial and aquatic habitats and their linkages along the river corridor.

Promote a sense of place and landscape identity by:
- Retaining a dominant and consistent tree canopy along the river corridor and in its broader landscape setting.
- Ensuring that the appearance of development is subordinate to the local landscape setting, with any views of development being filtered through vegetation.

Retain and enhance people’s enjoyment of the river and its environment by:
- Planning for the river and its environs as a recreation and tourism resource.
- Ensuring linkages and public access to the river and its parklands are maintained, enhanced and new links created where appropriate.
- Avoiding overshadowing of the river, its banks and adjacent public open space to ensure that the amenity of the public realm is maintained year-round.

Ensure that development is designed and sited to maintain and enhance the river’s secluded and natural environment by:

- Minimising the visual intrusion of development when viewed from major roads, bridge crossings, public open space, recreation trails and the river itself.
- Ensuring that the siting and design of buildings avoids conflicting with the local natural landscape and environmental character.
- Ensuring building height is below the natural tree canopy and all development is set back a minimum of 30 metres from the banks of the river.

**Policy documents**

Consider as relevant:

- *Middle Yarra River Corridor Study - Recommendations Report* (Department of Environment, Land, Water and Planning, 2016)
Sustainable development in alpine areas

**Objective**
To facilitate sustainable use and development of Alpine areas for year-round use and activity.

**Strategies**
Protect and manage significant environmental features and ecosystems, taking into account the sensitive and fragile nature of the alpine environment.

Ensure that the use and development of land is managed to minimise the disturbance of indigenous flora and fauna and sensitive landscapes.

Ensure that there is a mixture of use and development to cater for users of alpine areas in all seasons.

Recognise the distinct environments, infrastructure needs and capabilities to support different activities of each alpine resort and other alpine areas.

Provide for the development of consolidated alpine villages, including a diverse range of employment, social and economic opportunities.

Promote development for active recreation solely at Falls Creek, Lake Mountain, Mt Buffalo, Mt Baw Baw, Mt Buller and Mt Hotham.

Promote intensive residential and commercial development at Falls Creek, Mt Baw Baw, Mt Buller and Mt Hotham.

Maintain Mt Stirling as an all-season nature based tourist, recreational and educational resource.

Ensure that the sustainable long term planning and management of Victoria’s six alpine resorts is consistent with the strategic directions contained in the *Alpine Resorts Strategic Plan* (Victorian Government, Alpine Resorts Co-ordinating Council, 2012).

Develop, monitor and regularly review the Alpine Resort Environmental Management Plans and Comprehensive Development Plans for each alpine resort, recognising their unique characteristics, constraints and opportunities.

Encourage best practice in design that responds to the alpine character of the area.

Ensure heritage places are protected and conserved, including Aboriginal cultural heritage and post contact heritage places.

Ensure that increases in skier, pedestrian and vehicular activity in the resorts do not compromise public safety or the accessibility and capacity of ski fields, services, commercial activity and development of trailheads.

Implement approved plans, manage development and work with Alpine Resort Management Boards to effectively operate alpine resorts and protect alpine resources.

**Policy guidelines**
Consider as relevant:

- Any applicable approved Victorian Environmental Assessment Council recommendations.
- Any relevant State Environment Protection Policy.
- Any approved management plan or guideline endorsed by the Minister for Energy, Environment and Climate Change or Minister for Water.

**Policy documents**
Consider as relevant:

- The Memorandum of Understanding in relation to the Co-operative Management of the Australian Alps National Parks, agreed to by the member states and territories of Victoria, Australian Capital Territory and New South Wales
Environmentally sensitive areas

Objective
To protect and conserve environmentally sensitive areas.

Strategies
Protect environmentally sensitive areas with significant recreational value from development that would diminish their environmental conservation or recreational values. These areas include the Dandenong and Macedon Ranges, the Upper Yarra Valley, Western Port and Port Phillip Bay and their foreshores, the Mornington Peninsula, the Yarra and Maribyrnong Rivers and the Merri Creek, the Grampians, the Gippsland Lakes and its foreshore, the coastal areas and their foreshores, Alpine areas and nominated urban conservation areas, historic buildings and precincts.
Landscapes

Objective
To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

Strategies
Ensure significant landscape areas such as forests, the bays and coastlines are protected.
Ensure development does not detract from the natural qualities of significant landscape areas.
Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.
Recognise the natural landscape for its aesthetic value and as a fully functioning system.
Ensure important natural features are protected and enhanced.
ENVIRONMENTAL RISKS AND AMENITY

Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.

Planning should aim to avoid or minimise natural and human-made environmental hazards, environmental degradation and amenity conflicts.

Planning should identify and manage the potential for the environment and environmental changes to impact on the economic, environmental or social wellbeing of society.

Planning should ensure development and risk mitigation does not detrimentally interfere with important natural processes.

Planning should prepare for and respond to the impacts of climate change.
13.01 CLIMATE CHANGE IMPACTS
Natural hazards and climate change

Objective
To minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.

Strategies
Consider the risks associated with climate change in planning and management decision making processes.

Identify at risk areas using the best available data and climate change science.

Integrate strategic land use planning with emergency management decision making.

Direct population growth and development to low risk locations.

Develop adaptation response strategies for existing settlements in risk areas to accommodate change over time.

Ensure planning controls allow for risk mitigation or risk adaptation strategies to be implemented.

Site and design development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards.
Coastal inundation and erosion

Objective
To plan for and manage the potential coastal impacts of climate change.

Strategies
Plan for sea level rise of not less than 0.8 metres by 2100 and allow for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology when assessing risks and coastal impacts associated with climate change.

In planning for sea level rise, an increase of 0.2 metres over current 1 in 100 year flood levels by 2040 may be used for new development in close proximity to existing development (urban infill).

Ensure that land subject to coastal hazards is identified and appropriately managed to ensure that future development is not at risk.

Ensure that development or protective works that seek to respond to coastal hazard risks avoid detrimental impacts on coastal processes.

Avoid development in identified coastal hazard areas susceptible to inundation (both river and coastal), erosion, landslip/landslide, acid sulfate soils, bushfire and geotechnical risk.

Policy guidelines
Consider as relevant:

- Any applicable Land Conservation Council recommendations.
- Any applicable coastal action plan or management plan approved under the Coastal Management Act 1995 or National Parks Act 1975.

Policy documents
Consider as relevant:

- Victorian Coastal Strategy (Victorian Coastal Council, 2014)
Bushfire planning

Policy application

This policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that is:

- Within a designated bushfire prone area;
- Subject to a Bushfire Management Overlay; or
- Proposed to be used or developed in a way that may create a bushfire hazard.

Objective

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Strategies

Protection of human life

Give priority to the protection of human life by:

- Prioritising the protection of human life over all other policy considerations.
- Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.
- Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.

Bushfire hazard identification and assessment

Identify bushfire hazard and undertake appropriate risk assessment by:

- Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.
- Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the Building Act 1993 or regulations made under that Act.
- Applying the Bushfire Management Overlay to areas where the extent of vegetation can create an extreme bushfire hazard.
- Considering and assessing the bushfire hazard on the basis of:
  - Landscape conditions - meaning conditions in the landscape within 20 kilometres (and potentially up to 75 kilometres) of a site;
  - Local conditions - meaning conditions in the area within approximately 1 kilometre of a site;
  - Neighbourhood conditions - meaning conditions in the area within 400 metres of a site; and
  - The site for the development.
- Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.
- Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.
- Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.
Settlement planning

Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by:

- Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).

- Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009) where human life can be better protected from the effects of bushfire.

- Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.

- Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reducing bushfire risk overall.

- Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction.

- Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis.

- Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).

Areas of biodiversity conservation value

Ensure settlement growth and development approvals can implement bushfire protection measures without unacceptable biodiversity impacts by discouraging settlement growth and development in bushfire affected areas that are important areas of biodiversity.

Use and development control in a Bushfire Prone Area

In a bushfire prone area designated in accordance with regulations made under the Building Act 1993, bushfire risk should be considered when assessing planning applications for the following uses and development:

- Subdivisions of more than 10 lots.

- Accommodation.

- Child care centre.

- Education centre.

- Emergency services facility.

- Hospital.

- Indoor recreation facility.

- Major sports and recreation facility.

- Place of assembly.

- Any application for development that will result in people congregating in large numbers.

When assessing a planning permit application for the above uses and development:

- Consider the risk of bushfire to people, property and community infrastructure.
- Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.
- Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.

Policy guidelines
Consider as relevant:
- Any applicable approved state, regional and municipal fire prevention plan.

Policy documents
Consider as relevant:
- *AS 3959-2009 Construction of Buildings in Bushfire-prone Areas* (Standards Australia, 2009)
- *Building in bushfire-prone areas - CSIRO & Standards Australia* (SAA HB36-1993, 1993)
- Any bushfire prone area map prepared under the *Building Act 1993* or regulations made under that Act
Floodplain management

Objective
To assist the protection of:

- Life, property and community infrastructure from flood hazard.
- The natural flood carrying capacity of rivers, streams and floodways.
- The flood storage function of floodplains and waterways.
- Floodplain areas of environmental significance or of importance to river health.

Strategies
Identify land affected by flooding, including land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority in planning schemes.

Avoid intensifying the impact of flooding through inappropriately located use and development.

Locate emergency and community facilities (including hospitals, ambulance stations, police stations, fire stations, residential aged care facilities, communication facilities, transport facilities, community shelters and schools) outside the 1 in 100 year floodplain and, where possible, at levels above the height of the probable maximum flood.

Locate use and development that involve the storage or disposal of environmentally hazardous industrial and agricultural chemicals or wastes and other dangerous goods (including intensive animal industries and sewage treatment plants) outside floodplains unless site design and management is such that potential contact between such substances and floodwaters is prevented, without affecting the flood carrying and flood storage functions of the floodplain.

Policy guidelines
Consider as relevant:

- Regional catchment strategies and special area plans approved by the Minister for Energy, Environment and Climate Change or Minister for Water.
- Any floodplain management manual of policy and practice, or catchment management, river health, wetland or floodplain management strategy adopted by the relevant responsible floodplain management authority.

Policy documents
Consider as relevant:

- State Environment Protection Policy (Waters of Victoria)
- Victorian Floodplain Management Strategy (Department of Environment, Land, Water and Planning 2016)
Contaminated and potentially contaminated land

Objective
To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

Strategies
Require applicants to provide adequate information on the potential for contamination to have adverse effects on future land use if the subject land is known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel.

Facilitate the remediation of contaminated land, particularly on sites in developed areas with potential for residential development.

Policy documents
Consider as relevant:

- State Environment Protection Policy (Prevention and Management of Contamination of Land)
- Ministerial Direction No. 1 - Potentially Contaminated Land
Erosion and landslip

Objective
To protect areas prone to erosion, landslip or other land degradation processes.

Strategies
Identify areas subject to erosion or instability in planning schemes and when considering the use and development of land.

Prevent inappropriate development in unstable areas or areas prone to erosion.

Promote vegetation retention, planting and rehabilitation in areas prone to erosion and land instability.

Policy guidelines
Consider as relevant:

- Any applicable regional catchment strategy.
- Any special area plan approved under the *Catchment and Land Protection Act 1994*. 
Salinity

Objective
To minimise the impact of salinity and rising water tables on land uses, buildings and infrastructure in rural and urban areas and areas of environmental significance and reduce salt load in rivers.

Strategies
Identify areas subject to salinity in the preparation of planning schemes and land use planning decisions.

Promote vegetation retention and replanting in aquifer recharge areas contributing to groundwater salinity problems.

Prevent inappropriate development in areas affected by groundwater salinity.

Policy guidelines
Consider as relevant:

- Any applicable regional catchment strategy and any associated implementation plan or strategy (particularly salinity management plans and regional vegetation plans).

- Any special area plan approved under the Catchment and Land Protection Act 1994.

Policy documents
Consider as relevant:

Noise abatement

Objective
To assist the control of noise effects on sensitive land uses.

Strategy
Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Policy documents
Consider as relevant:

- State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2
- State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 in metropolitan Melbourne
- Interim Guidelines for Control of Noise from Industry in Country Victoria (Environment Protection Authority, 1989)
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Air quality management

Objective
To assist the protection and improvement of air quality.

Strategies
Ensure that land use planning and transport infrastructure provision contribute to improved air quality by:

- Integrating transport and land use planning to improve transport accessibility and connections.
- Locating key developments that generate high volumes of trips in the Central City, Metropolitan Activity Centres and Major Activity Centres.
- Providing infrastructure for public transport, walking and cycling.

Ensure, wherever possible, that there is suitable separation between land uses that reduce air amenity and sensitive land uses.

Policy documents
Consider as relevant:

- State Environment Protection Policy (Air Quality Management)
- Recommended Buffer Distances for Industrial Residual Air Emissions (Environment Protection Authority, 1990)
Land use compatibility

Objective
To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Strategies
Ensure the compatibility of a use or development as appropriate to the land use functions and character of the area by:

- Directing land uses to appropriate locations.
- Using a range of building design, urban design, operational and land use separation measures.
Major hazard facilities

Objective
To minimise the potential for human and property exposure to risk from incidents that may occur at a major hazard facility and to ensure the ongoing viability of major hazard facilities.

Strategies
Ensure major hazard facilities are sited, designed and operated to minimise risk to surrounding communities and the environment.

Consider the risks associated with increasing the intensity of use and development within the threshold distance of an existing major hazard facility.

Apply appropriate threshold distances from sensitive land uses for new major hazard facilities and between major hazard facilities.

Protect registered or licenced major hazard facilities as defined under Regulation 5 of the Occupational Health and Safety Regulations 2017 from encroachment of sensitive land uses.
NATURAL RESOURCE MANAGEMENT

Planning is to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development.

Planning should ensure agricultural land is managed sustainably, while acknowledging the economic importance of agricultural production.
Protection of agricultural land

Objective
To protect the state’s agricultural base by preserving productive farmland.

Strategies
Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.
Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
Protect productive farmland that is of strategic significance in the local or regional context.
Protect productive agricultural land from unplanned loss due to permanent changes in land use.
Prevent inappropriately dispersed urban activities in rural areas.
Protect strategically important agricultural and primary production land from incompatible uses.
Limit new housing development in rural areas by:
  - Directing housing growth into existing settlements.
  - Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
  - Encouraging consolidation of existing isolated small lots in rural zones.
Identify areas of productive agricultural land by consulting with the Department of Economic Development, Jobs, Transport and Resources and using available information.
In considering a proposal to use, subdivide or develop agricultural land, consider the:
  - Desirability and impacts of removing the land from primary production, given its agricultural productivity.
  - Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
  - Compatibility between the proposed or likely development and the existing use of the surrounding land.
  - The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
  - Land capability.
Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.
Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.
Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.
Protection of agricultural land - Metropolitan Melbourne

Strategy

Protect agricultural land in Metropolitan Melbourne’s green wedges and peri-urban areas to avoid the permanent loss of agricultural land in those locations.
**Sustainable agricultural land use**

**Objective**
To encourage sustainable agricultural land use.

**Strategies**
Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.

Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.

Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.

Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.

Support genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.

Support agricultural investment through the protection and enhancement of appropriate infrastructure.

Facilitate ongoing productivity and investment in high value agriculture.

Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.

Ensure that the use and development of land for animal keeping or training is appropriately located and does not detrimentally impact the environment, the operation of surrounding land uses and the amenity of the surrounding area.

**Policy documents**
Consider as relevant:

- *Victorian Code for Broiler Farms* (Department of Primary Industries, 2009, plus 2018 amendments)
- *Apiary Code of Practice* (Department of Planning and Community Development, 2011)
- *Planning Guidelines for Land Based Aquaculture in Victoria* (Department of Primary Industries, No. 21, 2005)
- *Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines* (Department of Economic Development, Jobs, Transport and Resources, June 2018)
- *Victorian Low Density Mobile Outdoor Pig Farm Planning Permit Guidelines* (Department of Economic Development, Jobs, Transport and Resources, June 2018)
Forestry and timber production

Objective
To facilitate the establishment, management and harvesting of plantations and the harvesting of timber from native forests.

Strategies
Identify areas that may be suitably used and developed for plantation timber production.
Promote the establishment of softwood and hardwood plantations on predominantly cleared land, as well as other areas that are subject to or contributing to land and water degradation.
Ensure protection of water quality and soil.
Ensure timber production in native forests is conducted in a sustainable manner.
Conduct timber production (except agroforestry, windbreaks and commercial plantations of 5 hectares or less) in accordance with the Code of Practice for Timber Production (Department of Environment and Primary Industries, 2014).
Ensure Victoria’s greenhouse sinks are protected and enhanced by controlling land clearing, containing the growth of urban areas and supporting revegetation programs.

Policy documents
Consider as relevant:

- Code of Practice for Timber Production (Department of Environment and Primary Industries, 2014)
**Catchment planning and management**

**Objective**
To assist the protection and restoration of catchments, water bodies, groundwater, and the marine environment.

**Strategies**
Ensure the continued availability of clean, high-quality drinking water by protecting water catchments and water supply facilities.

Consider the impacts of catchment management on downstream water quality and freshwater, coastal and marine environments.

Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to:

- Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values,
- Minimise erosion of stream banks and verges, and
- Reduce polluted surface runoff from adjacent land uses.

Undertake measures to minimise the quantity and retard the flow of stormwater from developed areas.

Require appropriate measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins.

Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.

Ensure land use and development minimises nutrient contributions to water bodies and the potential for the development of algal blooms.

Require appropriate measures to restrict sediment discharges from construction sites.

Ensure planning is coordinated with the activities of catchment management authorities.

**Policy guidelines**
Consider as relevant:

- Any regional catchment strategy and related plans approved under the *Catchment and Land Protection Act 1994*.
- Any applicable implementation strategy approved by a catchment management authority or waterway management authority.
- Any special area or management plan under the *Heritage Rivers Act 1992*.
- Any action statement or management plan prepared under the *Flora and Fauna Guarantee Act 1988*.

**Policy documents**
Consider as relevant:

- *State Environment Protection Policy (Waters of Victoria)*
- *Murray River Regional Environmental Plan No 2 (REP2) of New South Wales*
- *Planning permit applications in open, potable water supply catchment areas* (Department of Sustainability and Environment, 2012)

Water quality

Objective

To protect water quality.

Strategies

Protect reservoirs, water mains and local storage facilities from potential contamination.

Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.

Discourage incompatible land use activities in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes.

Prevent the establishment of incompatible land uses in aquifer recharge or saline discharge areas and in potable water catchments.

Encourage the siting, design, operation and rehabilitation of landfills to reduce impact on groundwater and surface water.

Use the mapped information available from the Department of Environment, Land, Water and Planning to identify the beneficial uses of groundwater resources and have regard to potential impacts on these resources from proposed land use or development.

Policy documents

Consider as relevant:

- *Construction Techniques for Sediment Pollution Control* (Environment Protection Authority, 1991)

- *Environmental Guidelines for Major Construction Sites* (Environment Protection Authority, 1996 - Publication 480)

- *Doing it Right on Subdivisions: Temporary Environmental Protection Measures for Subdivision Construction Sites* (Environment Protection Authority, 2004 - Publication 960)

- *Planning permit applications in open, potable water supply catchments* (Department of Sustainability and Environment, 2012)
14.03

EARTH AND ENERGY RESOURCES
Resource exploration and extraction

Objective
To encourage exploration and extraction of natural resources in accordance with acceptable environmental standards.

Strategies
Provide for the long-term protection of natural resources in Victoria.

Protect the opportunity for exploration and extraction of natural resources where this is consistent with overall planning considerations and acceptable environmental practice.

Recognise the possible need to provide infrastructure for the exploration and extraction of natural resources.

Ensure planning schemes do not impose conditions on the use or development of land that are inconsistent with the Mineral Resources (Sustainable Development) Act 1990, the Greenhouse Gas Geological Sequestration Act 2008, the Geothermal Energy Resources Act 2005, or the Petroleum Act 1998.

Develop and maintain buffers around mining and quarrying activities.

Ensure planning permit applications clearly define buffer areas appropriate to the nature of the proposed extractive uses, which are to be owned or controlled by the proponent of an extractive industry.

Determine buffer areas between extractive activities and sensitive land uses on the following considerations:
- Appropriate limits on effects can be met at the sensitive locations using practical and available technology.
- Whether a change of land use in the vicinity of the extractive industry is proposed.
- Use of land within the buffer areas is not limited by adverse effects created by the extractive activities.
- Performance standards identified under the relevant legislation.
- Types of activities within land zoned for public use.

Protect the brown coal resource in Central Gippsland by ensuring that:
- Changes in use and development of land overlying coal resources, as generally defined in Framework for the Future (Minister for Industry, Technology and Resources and Minister for Planning and Environment, 1987) and the Land Over Coal and Buffer Area Study (Ministry for Planning and Environment, 1988), do not compromise the winning or processing of coal.
- Coal-related development is adequately separated from residential or other sensitive uses and main transport corridors by buffer areas to minimise adverse effects such as noise, dust, fire, earth subsidence and visual intrusion.
- Use and development within the buffer areas are compatible with use and development adjacent to these areas.

Policy guidelines
Consider as relevant:
- Any applicable State Environment Protection Policy.

Policy documents
Consider as relevant:
- Mineral Resources (Sustainable Development) Act 1990
- *Greenhouse Gas Geological Sequestration Act 2008*
- *Geothermal Energy Resources Act 2005*
- *Petroleum Act 1998*
- *Ballarat Supply Area - Extractive Industry Interest Areas* (Geological Survey of Victoria Technical Record, 1997/3)
- *Bendigo Supply Area - Extractive Industry Interest Areas* (Geological Survey of Victoria Technical Record, 1998/6)
- *Geelong Supply Area - Extractive Industry Interest Areas* (Geological Survey of Victoria Technical Record, 1999/2)
- *La Trobe Supply Area - Extractive Industry Interest Areas* (Geological Survey of Victoria Technical Record, 1999/4)
BUILT ENVIRONMENT AND HERITAGE

Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.

Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.

Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.

Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.

Planning should promote excellence in the built environment and create places that:

- Are enjoyable, engaging and comfortable to be in.
- Accommodate people of all abilities, ages and cultures.
- Contribute positively to local character and sense of place.
- Reflect the particular characteristics and cultural identity of the community.
- Enhance the function, amenity and safety of the public realm.
Urban design

Objective
To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Strategies
Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.

Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.

Ensure the interface between the private and public realm protects and enhances personal safety.

Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.

Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.

Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.

Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.

Promote good urban design along and abutting transport corridors.

Policy documents
Consider as relevant:

Urban design - Metropolitan Melbourne

Objective
To create a distinctive and liveable city with quality design and amenity.

Strategies
Support the creation of well-designed places that are memorable, distinctive and liveable.
Integrate place making practices into road space management.
Strengthen Melbourne’s network of boulevards.
Create new boulevards in urban-growth areas and selected existing road corridors across Melbourne.
Provide spaces and facilities that encourage and support the growth and development of Melbourne’s cultural precincts and creative industries.
Building design

Objective

To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Strategies

Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development.

Ensure development responds and contributes to the strategic and cultural context of its location.

Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.

Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.

Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.

Ensure development is designed to protect and enhance valued landmarks, views and vistas.

Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.

Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.

Encourage development to retain existing vegetation.

Policy documents

Consider as relevant:


Subdivision design

Objective
To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Strategies
In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:

- Creating compact neighbourhoods that have walkable distances between activities.
- Developing activity centres in appropriate locations with a mix of uses and services and access to public transport.
- Creating neighbourhood centres that include services to meet day to day needs.
- Creating urban places with a strong sense of place that are functional, safe and attractive.
- Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.
- Creating landscaped streets and a network of open spaces to meet a variety of needs with links to regional parks where possible.
- Protecting and enhancing native habitat.
- Facilitating an urban structure where neighbourhoods are clustered to support larger activity centres served by high quality public transport.

- Reduce car dependency by allowing for:
  - Convenient and safe public transport.
  - Safe and attractive spaces and networks for walking and cycling.
  - Subdivision layouts that allow easy movement within and between neighbourhoods.
  - A convenient and safe road network.

- Being accessible to people with disabilities.

- Creating an urban structure and providing utilities and services that enable energy efficiency, resource conservation, integrated water management and minimisation of waste and air pollution.

Policy documents
Consider as relevant:

Healthy neighbourhoods

Objective
To achieve neighbourhoods that foster healthy and active living and community wellbeing.

Strategies
Design neighbourhoods that foster community interaction and make it easy for people of all ages and abilities to live healthy lifestyles and engage in regular physical activity by providing:

- Connected, safe, pleasant and attractive walking and cycling networks that enable and promote walking and cycling as a part of daily life.
- Streets with direct, safe and convenient access to destinations.
- Conveniently located public spaces for active recreation and leisure.
- Accessibly located public transport stops.
- Amenities and protection to support physical activity in all weather conditions.

Policy documents
Consider as relevant:

Healthy neighbourhoods - Metropolitan Melbourne

Strategy

Create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.
Neighbourhood character

Objective
To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Strategies
Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.

Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:

- Pattern of local urban structure and subdivision.
- Underlying natural landscape character and significant vegetation.
- Heritage values and built form that reflect community identity.
Design for rural areas

Objective
To ensure development respects valued areas of rural character.

Strategies
Ensure that the siting, scale and appearance of development protects and enhances rural character.
Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.
Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.
**Energy and resource efficiency**

**Objective**
To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

**Strategies**
Improve the energy, water and waste performance of buildings and subdivisions through environmentally sustainable development.

Promote consolidation of urban development and integration of land use and transport.

Improve efficiency in energy use through greater use of renewable energy technologies and other energy efficiency upgrades.

Support low energy forms of transport such as walking and cycling.

Reduce the urban heat island effect by greening urban areas, buildings, transport corridors and open spaces with vegetation.

Encourage retention of existing vegetation and planting of new vegetation as part of development and subdivision proposals.
Heritage conservation

Objective
To ensure the conservation of places of heritage significance.

Strategies
Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.

Provide for the protection of natural heritage sites and man-made resources.

Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.

Encourage appropriate development that respects places with identified heritage values.

Retain those elements that contribute to the importance of the heritage place.

Encourage the conservation and restoration of contributory elements of a heritage place.

Ensure an appropriate setting and context for heritage places is maintained or enhanced.

Support adaptive reuse of heritage buildings where their use has become redundant.

Consider whether it is appropriate to require the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished in order to retain or interpret the cultural heritage significance of the building, streetscape or area.

Policy guidelines
Consider as relevant:

- The findings and recommendations of the Victorian Heritage Council.
Aboriginal cultural heritage

Objective
To ensure the protection and conservation of places of Aboriginal cultural heritage significance.

Strategies
Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme.

Provide for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places.

Ensure that permit approvals align with the recommendations of any relevant Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.

Policy guidelines
Consider as relevant:

- The findings and recommendations of the Aboriginal Heritage Council.
- The findings and recommendations of the Victorian Heritage Council for post-contact Aboriginal heritage places.

Policy documents
Consider as relevant:

- Aboriginal Heritage Act 2006
HOUSING

Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.

Planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.

Planning for housing should include the provision of land for affordable housing.
Integrated housing

Objective
To promote a housing market that meets community needs.

Strategies
Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.

Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.

Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.

Facilitate the delivery of high quality social housing.

Policy documents
Consider as relevant:

Integrated housing - Metropolitan Melbourne

Strategies

Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.

Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.
Location of residential development

Objective
To locate new housing in designated locations that offer good access to jobs, services and transport.

Strategies
Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.
Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.
Facilitate residential development that is cost effective in infrastructure provision and use, energy efficient, water efficient and encourages public transport use.
Identify opportunities for increased residential densities to help consolidate urban areas.
Housing opportunity areas - Metropolitan Melbourne

Strategies

Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.

Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are:

- In and around the Central City.
- Urban-renewal precincts and sites.
- Areas for residential growth.
- Areas for greyfield renewal, particularly through opportunities for land consolidation.
- Areas designated as National Employment and Innovation Clusters.
- Metropolitan activity centres and major activity centres.
- Neighbourhood activity centres - especially those with good public transport connections.
- Areas near existing and proposed railway stations that can support transit-oriented development.

Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.

Direct new housing to areas with appropriate infrastructure.
Housing diversity

Objective
To provide for a range of housing types to meet diverse needs.

Strategies
Ensure housing stock matches changing demand by widening housing choice.
Facilitate diverse housing that offers choice and meets changing household needs through:

- A mix of housing types.
- Adaptable internal dwelling design.
- Universal design.

Encourage the development of well-designed medium-density housing that:

- Respects the neighbourhood character.
- Improves housing choice.
- Makes better use of existing infrastructure.
- Improves energy efficiency of housing.

Support opportunities for a range of income groups to choose housing in well-serviced locations.
Ensure planning for growth areas provides for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.
Housing diversity - Metropolitan Melbourne

Strategy

Create mixed-use neighbourhoods at varying densities that offer more choice in housing.
**Housing affordability**

**Objective**
To deliver more affordable housing closer to jobs, transport and services.

**Strategies**
Improve housing affordability by:

- Ensuring land supply continues to be sufficient to meet demand.
- Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
- Promoting good housing and urban design to minimise negative environmental impacts and keep costs down for residents and the wider community.
- Encouraging a significant proportion of new development to be affordable for households on very low to moderate incomes.

Increase the supply of well-located affordable housing by:

- Facilitating a mix of private, affordable and social housing in suburbs, activity centres and urban renewal precincts.
- Ensuring the redevelopment and renewal of public housing stock better meets community needs.

Facilitate the delivery of social housing by identifying surplus government land suitable for housing.

**Policy documents**
Consider as relevant:

16.01-5S

Rural residential development

Objective
To identify land suitable for rural residential development.

Strategies
Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.

Encourage the consolidation of new housing in existing settlements where investment in physical and community infrastructure and services has already been made.

Demonstrate need and identify locations for rural residential development through a housing and settlement strategy.

Ensure planning for rural residential development avoids or significantly reduces adverse economic, social and environmental impacts by:

- Maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources.
- Protecting existing landscape values and environmental qualities such as water quality, native vegetation, biodiversity and habitat.
- Minimising or avoiding property servicing costs carried by local and state governments.
- Maintaining an adequate buffer distance between rural residential development and animal production.

Ensure land is not zoned for rural residential development if it will encroach on high quality productive agricultural land or adversely impact on waterways or other natural resources.

Discourage development of small lots in rural zones for residential use or other incompatible uses.

Encourage consolidation of existing isolated small lots in rural zones.

Ensure land is only zoned for rural residential development where it:

- Is located close to existing towns and urban centres, but not in areas that will be required for fully serviced urban development.
- Can be supplied with electricity, water and good quality road access.
Community care accommodation

Objective
To facilitate the establishment of community care accommodation and support their location being kept confidential.

Strategies
Planning schemes should not require a planning permit for or prohibit the use of land in a residential area for community care accommodation that accommodates no more than 20 clients and that is funded by, or conducted by or on behalf of, a government department or public authority, including a public authority established for a public purpose under a Commonwealth Act.

Facilitate the confidential establishment of community care accommodation through appropriate permit, notice and review exemptions.
Residential aged care facilities

Objective
To facilitate the development of well-designed and appropriately located residential aged care facilities.

Strategies
Recognise that residential aged care facilities contribute to housing diversity and choice, and are an appropriate use in a residential area.

Recognise that residential aged care facilities are different to dwellings in their purpose and function, and will have a different built form (including height, scale and mass).

Ensure local housing strategies, precinct structure plans and activity centre structure plans provide for residential aged care facilities.

Ensure that residential aged care facilities are located in residential areas, activity centres and urban renewal precincts, close to services and public transport.

Encourage planning for housing that:
- Delivers an adequate supply of land or redevelopment opportunities for residential aged care facilities.
- Enables older people to live in appropriate housing in their local community.

Provide for a mix of housing for older people with appropriate access to care and support services.

Ensure that proposals to establish residential aged care facilities early in the life of a growth area are in locations that will have early access to services and public transport.

Ensure that residential aged care facilities are designed to respond to the site and its context.

Promote a high standard of urban design and architecture in residential aged care facilities.

Policy guidelines
Consider as relevant:
- The Commonwealth Government’s Responsible ratios for the provision of aged care places under the Aged Care Act 1997.
ECONOMIC DEVELOPMENT

Planning is to provide for a strong and innovative economy, where all sectors are critical to economic prosperity.

Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.
Diversified economy

Objective
To strengthen and diversify the economy.

Strategies
Protect and strengthen existing and planned employment areas and plan for new employment areas. Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities. Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region. Improve access to jobs closer to where people live. Support rural economies to grow and diversify.
Diversified economy - Metropolitan Melbourne

Strategies

Support the Central City to become Australia’s largest commercial and residential centre by 2050, by planning for office, retail, residential, education, health, entertainment and cultural activity spaces.

Plan for the redevelopment of Major Urban-Renewal Precincts in and around the Central City to deliver high-quality, distinct and diverse neighbourhoods offering a mix of uses.

Facilitate the development of National Employment and Innovation Clusters by ensuring they:

- Have a high level of amenity to attract businesses and workers.
- Are supported by good public transport services and integrated walking and cycling paths.
- Maximise investment opportunities for the location of knowledge intensive firms and jobs.

Support the employment and servicing role of Health and Education Precincts by:

- Focussing on improving access, particularly public transport access.
- Encouraging co-location of facilities to better utilise existing infrastructure.
- Supporting and facilitating growth of associated businesses and industries.
- Reinforcing their specialised economic functions while also providing opportunities for ancillary retail, commercial, accommodation and supporting services.

Plan for industrial land in suitable locations to support employment and investment opportunities.

Facilitate investment in Melbourne’s outer areas to increase local access to employment.
Innovation and research

Objective
To create opportunities for innovation and the knowledge economy within existing and emerging industries, research and education.

Strategies
Encourage the expansion and development of logistics and communications infrastructure.
Support the development of business clusters.
Support the development of enterprise precincts that build the critical mass of employment in an area, leverage the area’s public and private sector economic competitive strengths and assets, and cater to a diversity of employment types and scales.
Promote an accessible, well-connected, high-amenity and collaborative physical environment that is conducive to innovation and to creative activities.
Encourage the provision of infrastructure that helps people to be innovative and creative, learn new skills and start new businesses in locations identified to accommodate employment and economic growth.
Support well-located, appropriate and low-cost premises for not-for-profit or start-up enterprises.
Improve access to community-based information and training through further developing libraries as community learning centres.
Business

Objective
To encourage development that meets the community’s needs for retail, entertainment, office and other commercial services.

Strategies
Plan for an adequate supply of commercial land in appropriate locations.
Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.
Locate commercial facilities in existing or planned activity centres.
Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.
Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.
Provide outlets of trade-related goods or services directly serving or ancillary to industry that have adequate on-site car parking.
Locate cinema based entertainment facilities within or on the periphery of existing or planned activity centres.
Apply a five year time limit for commencement to any planning permit for a shopping centre or shopping centre expansion of more than 1000 square metres leasable floor area.
Out-of-centre development

Objective
To manage out-of-centre development.

Strategies
Discourage proposals for expansion of single use retail, commercial and recreational facilities outside activity centres.

Give preference to locations in or on the border of an activity centre for expansion of single use retail, commercial and recreational facilities.

Discourage large sports and entertainment facilities of metropolitan, state or national significance in out-of-centre locations unless they are on the Principal Public Transport Network and in locations that are highly accessible to their catchment of users.

Ensure that out-of-centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal or provides small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.
Industrial land supply

Objective
To ensure availability of land for industry.

Strategies
Provide an adequate supply of industrial land in appropriate locations including sufficient stocks of large sites for strategic investment.

Identify land for industrial development in urban growth areas where:

- Good access for employees, freight and road transport is available.
- Appropriate buffer areas can be provided between the proposed industrial land and nearby sensitive land uses.

Protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development.

Avoid approving non-industrial land uses that will prejudice the availability of land in identified industrial areas for future industrial use.

Policy documents
Consider as relevant:

- *Recommended Buffer Distances for Industrial Residual Air Emissions* (Environment Protection Authority, 1990)
**Sustainable industry**

**Objective**

To facilitate the sustainable operation of industry.

**Strategies**

Ensure that industrial activities requiring substantial threshold distances are located in the core of industrial areas.

Encourage activities with minimal threshold requirements to locate towards the perimeter of the industrial area.

Minimise inter-industry conflict and encourage like industries to locate within the same area.

Protect industrial activity in industrial zones from the encroachment of commercial, residential and other sensitive uses that would adversely affect industry viability.

Encourage industrial uses that meet appropriate standards of safety and amenity to locate within activity centres.

Provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.

Encourage manufacturing and storage industries that generate significant volumes of freight to locate close to air, rail and road freight terminals.

**Policy documents**

Consider as relevant:

- *Recommended Buffer Distances for Industrial Residual Air Emissions* (Environment Protection Authority, 1990)
State significant industrial land

Objective
To protect industrial land of state significance.

Strategies
Protect state significant industrial precincts from incompatible land uses to allow for future growth. State significant industrial precincts include but are not limited to:

- Southern Industrial Precinct - Dandenong South.
- Northern Industrial Precinct - Campbellfield, Somerton and Thomastown.
- Western Industrial Precinct - Laverton North and Derrimut.
- Officer / Pakenham Industrial Precinct.
- Port of Hastings Industrial Precinct.

Ensure sufficient availability of strategically located land for major industrial development, particularly for industries and storage facilities that require significant threshold distances from sensitive or incompatible uses.

Protect heavy industrial areas from inappropriate development and maintain adequate buffer distances from sensitive or incompatible uses.
Facilitating tourism

Objective
To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

Strategies
Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.
Seek to ensure that tourism facilities have access to suitable transport.
Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.
Create innovative tourism experiences.
Encourage investment that meets demand and supports growth in tourism.

Policy guidelines
Consider as relevant:

- Any applicable regional tourism development strategy.

Policy documents
Consider as relevant:

Tourism in Metropolitan Melbourne

Objective
To maintain and develop Metropolitan Melbourne as a desirable tourist destination.

Strategies
Maintain Metropolitan Melbourne's position as a global, national and local destination in its own right and as a gateway to regional Victoria by:

- Developing city precincts and promenades.
- Revitalising the retail core of the Central City.
- Supporting artistic and cultural life.
- Improving public facilities, amenities and access.
- Maintaining city safety.
- Providing information and leisure services.
- Improving transport infrastructure.
Coastal and maritime tourism and recreation

Objective
To encourage suitably located and designed coastal, marine and maritime tourism and recreational opportunities.

Strategies
Support the development of ecotourism, tourism and major maritime events.

Ensure a diverse range of accommodation options and coastal experiences are provided for and maintained.

Ensure sites and facilities are accessible to all.

Ensure tourism development, within non-urban areas, demonstrates a tourist accommodation need and supports a nature-based approach.

Ensure development is of an appropriate scale, use and intensity relative to its location and minimises impacts on the surrounding natural, visual, environmental and coastal character.

Develop a network of maritime precincts around Port Phillip and Western Port that serve both local communities and visitors.

Maintain and expand boating and recreational infrastructure around the bays in maritime precincts at Frankston, Geelong, Hastings, Hobsons Bay, Mordialloc, Mornington, Patterson River, Portarlington, Queenscliff, St Kilda, Stony Point/Cowes and Wyndham.

Provide public access to recreational facilities and activities on land and water.

Encourage high quality urban design that is innovative, sustainable and integrated with surrounding areas.

Support maritime and related industries in appropriate locations.

Policy documents
Consider as relevant:

- Boating Coastal Action Plan (Central Coastal Board, 2007)
- Victorian Coastal Strategy (Victorian Coastal Council, 2014)
- Coastal Spaces Landscape Assessment Study (Department of Sustainability and Environment, 2006)
TRANSPORT

Planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe.
Land use and transport planning

Objective
To create a safe and sustainable transport system by integrating land use and transport.

Strategies
Develop integrated and accessible transport networks to connect people to jobs and services and goods to market.

Plan urban development to make jobs and services more accessible by:

- Ensuring equitable access is provided to developments in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding areas.
- Coordinating improvements to public transport, walking and cycling networks with the ongoing development and redevelopment of urban areas.
- Requiring integrated transport plans to be prepared for all new major residential, commercial and industrial developments.
- Focussing major government and private sector investments in regional cities and centres on major transport corridors, particularly railway lines, in order to maximise the access and mobility of communities.

Integrate public transport services and infrastructure into new development.

Improve transport links that strengthen the connections to Melbourne and adjoining regions.

Policy documents
Consider as relevant:

- The Victorian Transport Plan (Victorian Government, 2008)
- Public Transport Guidelines for Land Use and Development (Victorian Government, 2008)
- Cycling into the Future 2013-23 (Victorian Government, 2012)
Transport system

Objective
To coordinate development of all transport modes to provide a comprehensive transport system.

Strategies
Reserve land for strategic transport infrastructure.

Require transport system management plans for key transport corridors and for major investment proposals.

Incorporate the provision of public transport, cycling and walking infrastructure in all major new state and local government road projects.

Locate transport routes to achieve the greatest overall benefit to the community to making the best use of existing social, cultural and economic infrastructure, minimising impacts on the environment and optimising accessibility, safety, emergency access, service and amenity.

Locate and design new transport routes and adjoining land uses to minimise disruption of residential communities and their amenity.

Plan or regulate new uses or development of land near an existing or proposed transport route to avoid detriment to and where possible enhance, the service, safety and amenity desirable for that transport route in the short and long terms.

Facilitate infrastructure that connects and improves train services between key regional cities and townships and Melbourne.

Ensure that pedestrian and cyclist access to public transport is facilitated and safeguarded.

Ensure the design, construction and management of all transport modes reduces environmental impacts.

Ensure careful selection of sites for freight generating facilities to minimise associated operational and transport impacts to other urban development and transport networks.

Consider all modes of travel, including walking, cycling, public transport, taxis and private vehicles (passenger and freight) in providing for access to new developments.

Policy guidelines
Consider as relevant:

- Any applicable highway strategy published by VicRoads.

Policy documents
Consider as relevant:


Sustainable personal transport

Objective
To promote the use of sustainable personal transport.

Strategies
Ensure development and the planning for new suburbs, urban renewal precincts, greyfield redevelopment areas and transit-oriented development areas (such as railway stations) provide opportunities to promote more walking and cycling.

Encourage the use of walking and cycling by creating environments that are safe and attractive.

Develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters.

Ensure cycling routes and infrastructure are constructed early in new developments.

Provide direct and connected pedestrian and bicycle infrastructure to and between key destinations including activity centres, public transport interchanges, employment areas, urban renewal precincts and major attractions.

Ensure cycling infrastructure (on-road bicycle lanes and off-road bicycle paths) is planned to provide the most direct route practical and to separate cyclists from other road users, particularly motor vehicles.

Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, transport, shopping and community facilities and other major attractions when issuing planning approvals.

Provide improved facilities, particularly storage, for cyclists at public transport interchanges, rail stations and major attractions.

Ensure provision of bicycle end-of-trip facilities in commercial buildings.

Policy documents
Consider as relevant:

Sustainable personal transport - Metropolitan Melbourne

Strategies

Improve local travel options for walking and cycling to support 20 minute neighbourhoods.

Develop local cycling networks and new cycling facilities that support the development of 20-minute neighbourhoods and that link to and complement the metropolitan-wide network of bicycle routes - the Principal Bicycle Network.
Public Transport

Objective
To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.

Strategies
Maintain and strengthen passenger transport networks.
Connect activity centres, job rich areas and outer suburban areas through high-quality public transport.
Improve access to the public transport network by:
  * Ensuring integration with walking and cycling networks.
  * Providing end-of-trip facilities for pedestrians and cyclists at public transport interchanges.
Plan for bus services to meet the need for local travel.
Ensure development supports the delivery and operation of public transport services.
Plan for and deliver public transport in outer suburban areas that is integrated with land use and development.
Provide for bus routes and stops and public transport interchanges in new development areas.

Policy documents
Consider as relevant:
  * Public Transport Guidelines for Land Use and Development (Victorian Government, 2008)
  * The Victorian Transport Plan (Victorian Government, 2008)
  * Cycling into the Future 2013-23 (Victorian Government, 2012)
Principal Public Transport Network

Strategies

Facilitate high-quality public transport access to job-rich areas.

Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.

Identify and plan for new Principal Public Transport Network routes.

Support the Principal Public Transport Network with a comprehensive network of local public transport.

Plan for local bus services to provide for connections to the Principal Public Transport Network.

Improve the operation of the Principal Public Transport Network by providing for:

- A metro-style rail system.
- Extended tram lines and the establishment of a light rail system.
- Road space management measures including transit lanes, clearways, stops and interchanges.
Road system

Objective
To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.

Strategies
Plan and regulate the design of transport routes and nearby areas to achieve visual standards appropriate to the importance of the route with particular reference to landscaping, the control of outdoor advertising and, where appropriate, the provision of buffer zones and resting places.

Provide for grade separation at railway crossings except with the approval of the Minister for Transport.

Make better use of roads for all road users through the provision of wider footpaths, bicycle lanes, transit lanes (for buses and taxis) and specific freight routes.

Selectively expand and upgrade the road network to provide for:

- High-quality connections between Metropolitan Melbourne and regional cities, and between regional cities.
- Upgrading of key freight routes.
- Ongoing development in outer suburban areas.
- Higher standards of on-road public transport.
- Improved key cross-town arterial links in the outer suburbs including circumferential and radial movement.

Ensure access to jobs and services in growth areas and outer suburban areas by improving roads for all road users.

Improve the management of key freight routes to make freight operations more efficient while reducing their external impacts.

Ensure that road space complements land use and is managed to meet community and business needs.
18.02-4S

Car parking

Objective
To ensure an adequate supply of car parking that is appropriately designed and located.

Strategies
Allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking.

Encourage the efficient provision of car parking by consolidating car parking facilities.

Design and locate local car parking to:

- Protect the role and function of nearby roads.
- Enable easy and efficient use.
- Enable the movement and delivery of goods.
- Achieve a high standard of urban design and protect the amenity of the locality, including the amenity of pedestrians and other road users.
- Create a safe environment, particularly at night.
- Facilitate the use of public transport.

Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.

Make adequate provision for taxi ranks as part of activity centres, transport interchanges and major commercial, retail and community facilities.

Policy documents
Consider as relevant:

- Public Transport Guidelines for Land Use and Development (Victorian Government, 2008)
Planning for ports

Objective
To support the effective and competitive operation of Victoria’s commercial trading ports at local, national and international levels and to facilitate their ongoing sustainable operation and development.

Strategies
Provide for the ongoing development of ports at Melbourne, Geelong, Hastings and Portland in accordance with approved Port Development Strategies.
Identify and protect key transport corridors linking ports to the broader transport network.
Manage any impacts of a commercial trading port and any related industrial development on nearby sensitive uses to minimise the impact of vibration, light spill, noise and air emissions from port activities.

Policy documents
Consider as relevant:
- *Victorian Ports Strategic Framework* (Department of Infrastructure, 2004)
- *Port Futures* (Victorian Government, 2009)
- *Port of Portland - Port Land Use Strategy* (Port of Portland Pty Limited, 2009)
- *Port of Geelong - Development Strategy* (Victorian Regional Channels Authority, 2013)
- *Port Development Strategy 2035 Vision* (Port of Melbourne Corporation, 2009)
Planning for port environs

Objective
To plan for and manage land near commercial trading ports so that development and use are compatible with port operations and provide reasonable amenity expectations.

Strategies
Protect commercial trading ports from encroachment of sensitive and incompatible land uses in the port environs.

Plan for and manage land in the port environs to accommodate uses that depend upon or gain significant economic advantage from proximity to the port’s operations.

Ensure that industrially zoned land within the environs of a commercial trading port is maintained and continues to support the role of the port as a critical freight and logistics precinct.

Identify and protect key transport corridors linking ports to the broader transport network.

Ensure any new use or development within the environs of a commercial trading port does not prejudice the efficient and curfew free operations of the port.

Ensure that the use and intensity of development does not expose people to unacceptable health or safety risks and consequences associated with an existing major hazard facility.

Ensure that any use or development within port environs:

- Is consistent with policies for the protection of the environment.
- Takes into account planning for the port.

Policy documents
Consider as relevant:

- **Freight Futures: Victorian Freight Network Strategy for a more prosperous and liveable Victoria** (Victorian Government, 2008)
- **Statement of Planning Policy No 1 - Western Port** (1970-varied 1976)
- **Port Futures** (Victorian Government, 2009)
- **Port of Hastings Land Use and Transport Strategy** (Port of Hastings Corporation, 2009)
- **Port of Portland - Port Land Use Strategy** (Port of Portland Pty Limited, 2009)
- **Port of Geelong - Development Strategy** (Victorian Regional Channels Authority, 2013)
- **Port Development Strategy 2035 Vision** (Port of Melbourne Corporation, 2009)
Planning for airports and airfields

Objective
To strengthen the role of Victoria’s airports and airfields within the state's economic and transport infrastructure, facilitate their siting and expansion and protect their ongoing operation.

Strategies
Protect airports from incompatible land uses.

Ensure that in the planning of airports, land use decisions are integrated, appropriate land use buffers are in place and provision is made for associated businesses that service airports.

Ensure the planning of airports identifies and encourages activities that complement the role of the airport and enables the operator to effectively develop the airport to be efficient and functional and contribute to the aviation needs of the state.

Ensure the effective and competitive operation of Melbourne Airport at both national and international levels.

Protect the environs of Avalon Airport so it can operate as a full-size jet airport focussing on freight, training and services.

Recognise Essendon Airport’s current role in providing specialised functions related to aviation, freight and logistics and its potential future role as a significant employment and residential precinct that builds on the current functions.

Recognise Moorabbin Airport as an important regional and state aviation asset by supporting its continued use as a general aviation airport, ensuring future development at the site encourages uses that support and enhance the state’s aviation industry and supporting opportunities to extend activities at the airport that improve access to regional Victoria.

Maintain Point Cook Airfield as an operating airport complementary to Moorabbin Airport.

Preserve long-term options for a new general aviation airport south-east of Metropolitan Melbourne by ensuring urban development does not infringe on possible sites, buffer zones or flight paths.

Avoid the location of new airfields in areas that have greater long-term value to the community for other purposes.

Plan the location of airfields, nearby existing and potential development, and the land-based transport system required to serve them as an integrated operation.

Plan the visual amenity and impact of any use or development of land on the approaches to an airfield to be consistent with the status of the airfield.

Plan for areas around all airfields such that:

- Any new use or development that could prejudice the safety or efficiency of an airfield is precluded.

- The detrimental effects of aircraft operations (such as noise) are taken into account in regulating and restricting the use and development of affected land.

- Any new use or development that could prejudice future extensions to an existing airfield or aeronautical operations in accordance with an approved strategy or master plan for that airfield is precluded.

Policy documents
Consider as relevant:

- National Airports Safeguarding Framework (as agreed by Commonwealth, State and Territory Ministers at the meeting of the Standing Council on Transport and Infrastructure on 18 May 2012)
- *Avalon Airport Master Plan* (Avalon Airport Australia Pty Ltd, 2015)
- *Avalon Airport Strategy* (Department of Business and Employment/AeroSpace Technologies of Australia, 1993) and its associated Aircraft Noise Exposure Concepts
Melbourne Airport

Strategies

Protect the curfew-free status of Melbourne Airport and ensure any new use or development does not prejudice its operation.

Ensure any new use or development does not prejudice the optimum usage of Melbourne Airport.

Policy documents

Consider as relevant:

- Melbourne Airport Master Plan 2013 - People Place Prosperity (Australia Pacific Airports (Melbourne) Pty Ltd, 2013)

- Melbourne Airport Strategy (Government of Victoria/Federal Airports Corporation, approved 1990) and its associated Final Environmental Impact Statement
**Freight links**

**Objective**
To develop the key Transport Gateways and freight links and maintain Victoria’s position as the nation’s premier logistics centre.

**Strategies**
Support major Transport Gateways as important locations for employment and economic activity by:

- Protecting designated ports, airports, freight terminals and their environs from incompatible land uses.
- Encouraging adjacent complementary uses and employment generating activities.

Improve the freight and logistics network to optimise freight handling and maintain the efficiency and effectiveness of the network.

Support the development of freight and logistics precincts in strategic locations along key regional freight corridors.

Plan for improved freight connections that are adaptable to commodity, market and operating changes.

Link areas of production and manufacturing to export markets.

Improve freight efficiency and increase capacity of Transport Gateways while protecting urban amenity.

Facilitate increased capacity of Interstate Freight Terminals, both in regional areas and Metropolitan Melbourne.

Ensure an adequate supply of land is zoned to allow high-volume freight customers to locate adjacent to Interstate Freight Terminals.

Minimise negative impacts of freight movements on urban amenity.

Limit incompatible uses in areas expected to have intense freight activity by identifying and protecting key freight routes on the Principal Freight Network.

**Policy documents**
Consider as relevant:


**Freight links - Metropolitan Melbourne**

**Strategy**
Ensure suitable sites are provided for intermodal freight terminals at key locations around Metropolitan Melbourne, particularly for the Beveridge Interstate Freight Terminal and the Western Interstate Freight Terminal.
INFRstructure

Planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely.

Planning is to recognise social needs by providing land for a range of accessible community resources, such as education, cultural, health and community support (mental health, aged care, disability, youth and family services) facilities.

Planning should ensure that the growth and redevelopment of settlements is planned in a manner that allows for the logical and efficient provision and maintenance of infrastructure, including the setting aside of land for the construction of future transport routes.

Planning should facilitate efficient use of existing infrastructure and human services. Providers of infrastructure, whether public or private bodies, are to be guided by planning policies and should assist strategic land use planning.

Planning should minimise the impact of use and development on the operation of major infrastructure of national, state and regional significance, including communication networks and energy generation and distribution systems.

Planning authorities should consider the use of development and infrastructure contributions in the funding of infrastructure.
ENERGY
Energy supply

Objective
To facilitate appropriate development of energy supply infrastructure.

Strategies
Support the development of energy facilities in appropriate locations where they take advantage of existing infrastructure and provide benefits to industry and the community.

Support transition to a low-carbon economy with renewable energy and greenhouse emission reductions including geothermal, clean coal processing and carbon capture and storage.

Facilitate local energy generation to help diversify the local economy and improve sustainability outcomes.
Renewable energy

Objective
To promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met.

Strategies
Facilitate renewable energy development in appropriate locations.
Protect energy infrastructure against competing and incompatible uses.
Develop appropriate infrastructure to meet community demand for energy services.
Set aside suitable land for future energy infrastructure.
Consider the economic and environmental benefits to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment.
Recognise that economically viable wind energy facilities are dependent on locations with consistently strong winds over the year.

Policy documents
Consider as relevant:

19.01-2R Renewable energy - Metropolitan Melbourne

Strategy

Facilitate the uptake of renewable energy technologies on a site-by-site and neighbourhood level during the master planning of new communities and in green wedge and peri-urban areas.
**Pipeline infrastructure**

**Objective**
To ensure that gas, oil and other substances are safely delivered to users and to and from port terminals at minimal risk to people, other critical infrastructure and the environment.

**Strategies**
Plan for the development of pipeline infrastructure subject to the *Pipelines Act 2005*.
Recognise existing transmission-pressure gas pipelines in planning schemes and protect from further encroachment by residential development or other sensitive land uses, unless suitable additional protection of pipelines is provided.
Plan new pipelines along routes with adequate buffers to residences, zoned residential land and other sensitive land uses and with minimal impacts on waterways, wetlands, flora and fauna, erosion prone areas and other environmentally sensitive sites.
Provide for environmental management during construction and on-going operation of pipeline easements.
Health facilities

Objective
To assist the integration of health facilities with local and regional communities.

Strategies
Facilitate the location of health and health-related facilities (including acute health, aged care, disability services and community care facilities) taking into account demographic trends, the existing and future demand requirements and the integration of services into communities.

Plan public and private developments together, where possible, including some degree of flexibility in use.

Locate hospitals and other large health facilities in designated health precincts and areas highly accessible to public and private transport.

Provide adequate car parking for staff and visitors of health facilities.
Health precincts - Metropolitan Melbourne

Strategies

Facilitate health and community wellbeing precincts through the co-location of:

- Hospitals, allied health services and not-for-profit health providers at the regional level.
- General practitioners, community health facilities, allied health services and not-for-profit health providers at the neighbourhood level.

Create health precincts in new suburbs in or close to town centres.

Ensure health precincts are well serviced by community services.
Education facilities

Objective
To assist the integration of education and early childhood facilities with local and regional communities.

Strategies
Consider demographic trends, existing and future demand requirements and the integration of facilities into communities in planning for the location of education and early childhood facilities.
Locate childcare, kindergarten and primary school facilities to maximise access by public transport and safe walking and cycling routes.
Ensure childcare, kindergarten and primary school facilities provide safe vehicular drop-off zones.
Locate secondary school and tertiary education facilities in designated education precincts and areas that are highly accessible to public transport.
Locate tertiary education facilities within or adjacent to activity centres.
Ensure streets and accessways adjoining education and early childhood facilities are designed to encourage safe bicycle and pedestrian access.
Develop libraries as community based learning centres.
Education precincts - Metropolitan Melbourne

Strategy

Ensure education precincts are well serviced by community services.
Cultural facilities

Objective
To develop a strong cultural environment and increase access to arts, recreation and other cultural facilities.

Strategies
Encourage a wider range of arts, cultural and entertainment facilities including cinemas, restaurants, nightclubs and live theatres in the Central City and at Metropolitan Activity Centres.
Reinforce the existing major precincts for arts, sports and major events of state wide appeal.
Establish new facilities at locations well served by public transport.
Cultural facilities - Metropolitan Melbourne

Strategies

Maintain and strengthen Melbourne’s distinctiveness as a leading cultural and sporting city with world-class facilities.
Social and cultural infrastructure

Objective
To provide fairer distribution of and access to, social and cultural infrastructure.

Strategies
Identify and address gaps and deficiencies in social and cultural infrastructure, including additional regionally significant cultural and sporting facilities.
Encourage the location of social and cultural infrastructure in activity centres.
Ensure social infrastructure is designed to be accessible.
Ensure social infrastructure in growth areas, is delivered early in the development process and in the right locations.
Plan and design community places and buildings so they can adapt as the population changes and different patterns of work and social life emerge.
Support innovative ways to maintain equitable service delivery to settlements that have limited or no capacity for further growth, or that experience population decline.
Identify and protect land for cemeteries and crematoria.
Emergency services

Objective
To ensure suitable locations for police, fire, ambulance and other emergency services.

Strategies
Ensure police, fire, ambulance and other emergency services are provided for in or near activity centres.
Locate emergency services together in newly developing areas.
Open space

Objective

To establish, manage and improve a diverse and integrated network of public open space that meets the needs of the community.

Strategies

Plan for regional and local open space networks for both recreation and conservation of natural and cultural environments.

Ensure that open space networks:

- Are linked, including through the provision of walking and cycling trails.
- Are integrated with open space from abutting subdivisions.
- Incorporate, where possible, links between major parks and activity areas, along waterways and natural drainage corridors, connecting places of natural and cultural interest.
- Maintain public accessibility on public land immediately adjoining waterways and coasts.

Create opportunities to enhance open space networks within and between settlements.

Ensure that land is set aside and developed in residential areas for local recreational use and to create pedestrian and bicycle links to commercial and community facilities.

Ensure that land use and development adjoining regional open space networks, national parks and conservation reserves complements the open space in terms of visual and noise impacts, preservation of vegetation and treatment of waste water to reduce turbidity and pollution.

Improve the quality and distribution of open space and ensure long-term protection.

Protect large regional parks and significant conservation areas.

Ensure land identified as critical to the completion of open space links is transferred for open space purposes.

Ensure that where there is a reduction of open space due to a change in land use or occupation, additional or replacement parkland of equal or greater size and quality is provided.

Ensure that urban open space provides for nature conservation, recreation and play, formal and informal sport, social interaction, opportunities to connect with nature and peace and solitude.

Accommodate community sports facilities in a way that is not detrimental to other park activities.

Ensure open space provision is fair and equitable with the aim of providing access that meets the needs of all members of the community, regardless of age, gender, ability or a person’s location.

Develop open space to maintain wildlife corridors and greenhouse sinks.

Provide new parkland in growth areas and in areas that have an undersupply of parkland.

Encourage the preparation of management plans or explicit statements of management objectives for urban parks.

Ensure exclusive occupation of parkland by community organisations is restricted to activities consistent with management objectives of the park to maximise broad community access to open space.

Ensure the provision of buildings and infrastructure is consistent with the management objectives of the park.

Ensure public access is not prevented by developments along stream banks and foreshores.

Ensure public land immediately adjoining waterways and coastlines remains in public ownership.

Plan open space areas for multiple uses, such as community gardens, sports and recreation, active transport routes, wildlife corridors and flood storage basins.
Open space - Metropolitan Melbourne

Objective
To strengthen the integrated metropolitan open space network.

Strategies
Develop a network of local open spaces that are accessible and of high-quality and include opportunities for new local open spaces through planning for urban redevelopment projects.

Ensure major open space corridors are protected and enhanced.

Develop open space networks in growth areas and in the surrounding region of Metropolitan Melbourne, where existing open space is limited and demand is growing, including:

- Cardinia Creek Parklands.
- Cranbourne Regional Park.
- Kororoit Creek Corridor.
- Quarry Hills Regional Park.
- Chain of Parks - Sandbelt.
- Sunbury Regional Park - Jacksons Creek Valley.
- Toolern Creek Regional Park.
- Werribee Township Regional Park.

Create continuous open space links and trails along the:

- Frankston parklands (linking existing parks from Carrum to Mornington).
- Maribyrnong River parklands.
- Merri Creek parklands (extending to Craigieburn).
- Western Coastal parklands (linking Point Gellibrand, Point Cook and Werribee).
- Yarra River parklands (extending from Warrandyte to the Port Phillip Bay).

Provide long term planning protection to meet demand for future open space along the Plenty Gorge parklands, Yarra Valley parklands, Cardinia Creek parklands, Heatherton/Dingley ‘Sandbelt’ parklands and Dandenong Valley parklands.

Protect the metropolitan water’s edge parklands from intrusion and encroachment of development that impacts on open space and their natural landscape setting.

Continue development of the lower Yarra River as a focus for sport, entertainment and leisure.

Support establishing community gardens and productive streetscapes.

Policy documents
Consider as relevant:

- Linking People and Spaces: A Strategy for Melbourne’s Open Space Network (Parks Victoria, 2002)
- Maribyrnong River Valley Design Guidelines (Department of Planning and Community Development, 2010)
Development and infrastructure contributions plans

Objective
To facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans.

Strategies
Prepare development contributions plans and infrastructure contributions plans, under the Planning and Environment Act 1987, to manage contributions towards infrastructure.

Collect development contributions on the basis of approved development and infrastructure contributions plans.

Require annual reporting by collecting and development agencies to monitor the collection and expenditure of levies and the delivery of infrastructure.

Policy documents
Consider as relevant:

- Development Contributions Guidelines (Department of Sustainability and Environment, 2003 -as amended 2007)
- Ministerial Direction on the Preparation and Content of Development Contribution Plans and Reporting Requirements for Development Contributions Plans
- Ministerial Direction on the Preparation and Content of Infrastructure Contribution Plans and Reporting Requirements for Infrastructure Contributions Plans
19.03-2S Infrastructure design and provision

Objective
To provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.

Strategies
Provide an integrated approach to the planning and engineering design of new subdivision and development.
Integrated water management

Objective
To sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach.

Strategies
Plan and coordinate integrated water management, bringing together stormwater, wastewater, drainage, water supply, water treatment and re-use, to:
- Take into account the catchment context.
- Protect downstream environments, waterways and bays.
- Manage and use potable water efficiently.
- Reduce pressure on Victoria's drinking water supplies.
- Minimise drainage, water or wastewater infrastructure and operational costs.
- Minimise flood risks.
- Provide urban environments that are more resilient to the effects of climate change.

Integrate water into the landscape to facilitate cooling, local habitat improvements and provision of attractive and enjoyable spaces for community use.

Facilitate use of alternative water sources such as rainwater, stormwater, recycled water and run-off from irrigated farmland.

Ensure that development protects and improves the health of water bodies including creeks, rivers, wetlands, estuaries and bays by:
- Minimising stormwater quality and quantity related impacts.
- Filtering sediment and waste from stormwater prior to discharge from a site.
- Managing industrial and commercial toxicants in an appropriate way.
- Requiring appropriate measures to mitigate litter, sediment and other discharges from construction sites.

Manage stormwater quality and quantity through a mix of on-site measures and developer contributions at a scale that will provide greatest net community benefit.

Provide for sewerage at the time of subdivision or ensure lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.

Ensure land is set aside for water management infrastructure at the subdivision design stage.

Minimise the potential impacts of water, sewerage and drainage assets on the environment.

Protect significant water, sewerage and drainage assets from encroaching sensitive and incompatible uses.

Protect areas with potential to recycle water for forestry, agriculture or other uses that can use treated effluent of an appropriate quality.

Policy documents
Consider as relevant:
- State Environment Protection Policy (Waters of Victoria)
- Water for Victoria - Water Plan (Victorian Government, 2016)
- Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999)
Guidelines for Environmental Management: Code of Practice - Onsite Wastewater Management (Publication 891.4, Environment Protection Authority, 2016)

Planning Permit Applications in Open, Potable Water Supply Catchment Areas (Department of Sustainability and Environment, 2012)
Telecommunications

Objective
To facilitate the orderly development, extension and maintenance of telecommunication infrastructure.

Strategies
Facilitate the upgrading and maintenance of telecommunications facilities.

Ensure that modern telecommunications facilities are widely accessible to business, industry and the community.

Ensure the communications technology needs of business, domestic, entertainment and community services are met.

Ensure that the use of land for a telecommunications facility is not prohibited in any zone.

Encourage the continued deployment of broadband telecommunications services that are easily accessible by:

- Increasing and improving access for all sectors of the community to the broadband telecommunications trunk network.

- Supporting access to transport and other public corridors for the deployment of broadband networks in order to encourage infrastructure investment and reduce investor risk.

Ensure a balance between the provision of important telecommunications services and the need to protect the environment from adverse impacts arising from telecommunications infrastructure.

Planning should have regard to national implications of a telecommunications network and the need for consistency in infrastructure design and placement.

Policy documents
Consider as relevant:

19.03-4R Telecommunications - Metropolitan Melbourne

Strategy
Support the provision of high-quality telecommunications infrastructure in Melbourne’s employment, urban renewal and growth areas through early planning for fibre-ready facilities and wireless infrastructure.
Waste and resource recovery

Objective
To reduce waste and maximise resource recovery so as to reduce reliance on landfills and minimise environmental, community amenity and public health impacts.

Strategies
Ensure future waste and resource recovery infrastructure needs are identified and planned for to safely and sustainably manage all waste and maximise opportunities for resource recovery.

Protect waste and resource recovery infrastructure against encroachment from incompatible land uses by ensuring buffer areas are defined, protected and maintained.

Ensure waste and resource recovery facilities are sited, designed, built and operated so as to minimise impacts on surrounding communities and the environment.

Encourage technologies that increase recovery and treatment of resources to produce energy and other marketable end products.

Enable waste and resource recovery facilities to locate close together in order to share separation distances, reduce the impacts of waste transportation and improve the economic viability of resource recovery.

Site, design, manage and rehabilitate waste disposal facilities in accordance with the Waste Management Policy (Siting, Design and Management of Landfills) (Environment Protection Authority, 2004).

Integrate waste and resource recovery infrastructure planning with land use and transport planning.

Encourage development that facilitates sustainable waste and resource recovery.

Policy guidelines
Consider as relevant:

- Any applicable Regional Waste and Resource Recovery Implementation Plan.

Policy documents
Consider as relevant:

- Statewide Waste and Resource Recovery Infrastructure Plan (Sustainability Victoria, 2015)
- Metropolitan Waste and Resource Recovery Implementation Plan (Metropolitan Waste and Resource Recovery Group, 2016)
- Waste Management Policy (Siting, Design and Management of Landfills) (Environment Protection Authority, 2004)
- Best Practice Environmental Management Guideline (Siting, Design, Operation and Rehabilitation of Landfills) (Environment Protection Authority, 2001)
- Victorian Organics Resource Recovery Strategy (Sustainability Victoria, 2015)
- Designing, Constructing and Operating Composting Facilities (Environment Protection Authority, 2015)
LOCAL PLANNING POLICY FRAMEWORK

This section sets out the Municipal Strategic Statement and the Local Planning Policies that apply to the area covered by this planning scheme, and includes provisions about their operation.
INTRODUCTION

This Municipal Strategic Statement (MSS) sets out the vision, objectives and strategies for managing land use change and development in the City of Melbourne. It provides the basis for the application of local policies, zones, overlays and other provisions in the Melbourne Planning Scheme.

The objectives and strategies for the municipality as a whole are set out under the themes of settlement, environment and landscape, built environment and heritage, housing, economic development, transport and infrastructure. The Local Area section provides more detailed and locally specific information about the strategies.

The MSS has the following eleven sections:

21.01 Introduction
21.02 Municipal profile
21.03 Vision
21.04 Settlement
  • Growth area framework
21.05 Environment and Landscape
  • Biodiversity
21.06 Built environment and heritage
  • Urban design
  • Sustainable development
  • Heritage
21.07 Housing
  • Residential development
21.08 Economic development
  • Retail
  • Business
  • Industry
  • Maritime precincts
21.09 Transport
  • Integrated transport
  • Sustainable personal transport
  • Cycling
  • Public transport
  • Management of the road system
  • Car parking
  • Ports and freight movement
21.10 Infrastructure
  • Renewable energy
  • Health facilities
  • Education facilities
  • Community facilities
  • Cultural facilities
  • Communication infrastructure
21.11 Local Areas
21.12 The Hoddle Grid
21.13 Urban renewal
  • Southbank
  • Docklands
  • Fishermans Bend Urban Renewal Area
21.14 Proposed urban renewal
   - City North
   - Arden-Macaulay
   - E-Gate

21.15 Potential urban renewal
   - Dyonon Road
   - Flemington and Kensington
   - Sports and Entertainment Precinct

21.16 Other areas
   - St.Kilda Road and South Yarra
   - East Melbourne and Jolimont
   - Carlton
   - Parkville
   - North and West Melbourne
   - Fishermans Bend Industrial Area

21.17 Reference Documents
MUNICIPAL PROFILE

Context and history

Melbourne is Victoria’s capital city and at its heart is the City of Melbourne. The Municipality is the location for many of the State’s premier economic and cultural infrastructure and for a wide diversity of uses 24 hours a day, 7 days a week including office and commercial, cultural, leisure, entertainment, research, educational and residential uses. The City is the venue for many major events and festivals attracting visitors from the metropolitan area, Victoria, interstate and globally.

The City of Melbourne is on the Yarra River Estuary where the Yarra and Maribyrnong Rivers and Moonee Ponds Creek meet Port Phillip Bay. Five inner city municipalities and the Port of Melbourne surround the municipality. The Port is under the planning jurisdiction of the Port of Melbourne Corporation. Places Victoria administers the Docklands development area.

For 30,000 to 40,000 years before the arrival of European settlers, the indigenous peoples occupied the area. For the hunter-gatherers from the Wurundjeri, Boonwurrung and Wathaurong tribes of the Kulin nation alliance it was an important meeting place and source of food and water.

Permanent European settlement began in 1835. The surveyor Robert Hoddle laid out the City of Melbourne between 1837 and 1851. Over the next 20 years, the early city developed its key features: the orderly grid and hierarchy of streets, lanes and arcades (the Hoddle Grid); the intricate subdivision pattern; the main boulevards radiating to the northwest, north, east and south; the parks and gardens that ring the City; and the government and public buildings.

The Hoddle Grid developed as a dense and heterogeneous cityscape with a regular and legible pattern of streets and public spaces. On the hills at the east and west ends of the grid there are high-rise commercial precincts. The gully spanning Swanston and Elizabeth Streets has a lower building scale. It has predominantly retail, cafes, restaurants, and professional services, and attracts very high pedestrian activity. In the 1980s, the central city development expanded across the river into Southbank’s redundant industrial precincts and made the Yarra River an important focus of the Central City.

In the 1990s, apartment developments in the Hoddle Grid and Southbank began the Central City’s revival as a place to live as well as work. About 83 per cent of municipality’s housing stock is now units or apartments compared to detached houses and townhouses.

Around 2000 the Central City expanded again with the urban renewal of redundant port land in Docklands. Around this harbour setting high-density commercial and residential buildings were developed. This significantly expanded the Central City’s waterfront aspect. Today the Central City encompasses the Hoddle Grid, Southbank and Docklands.

The City’s assets include its historic precincts, streetscapes and buildings, the public spaces and activities along the Yarra River corridor including the Sports and Entertainment Precinct, Southbank cultural precinct and river promenade, its ring of parks and gardens, well established, diverse and easily accessible business districts, and its attractive residential areas. The City’s laneways and arcades are one of the most iconic elements of the City’s character, its social and cultural life and local economy.

One of the great Victorian-era cities in the world, the City contains many precincts, intact streetscapes and buildings recognised for their cultural heritage significance. While mostly known for its Victorian and Edwardian streetscapes, there are many examples of outstanding interwar, post war and contemporary architecture in the municipality.

Melbourne’s growth

The MSS envisages the continued intensive growth in the municipality. The residential population of 53,200 in 2001 has grown by 85 per cent to 98,200 in 2011. By 2030, this could reach 177,000 people. (ABS and COM City User forecasts)
The daily visitor population is also growing with the 705,000 workers, students and visitors now coming into the Municipality each day, expected to exceed one million by 2030. (COM City User forecasts)

The City is a national and international tourist destination and the State’s entertainment and celebration capital, regularly drawing crowds from metropolitan Melbourne, regional Victoria and beyond. In 2011, there were approximately 73,000 daily tourist visitors to the municipality. By 2020, around 84,000 national and international visitors are expected. (COM City User forecasts) The numerous large sports and entertainment venues, convention facilities and cultural facilities draw visitors to the city.

21.02-3
12/09/2013
C162

People City
The City of Melbourne has a young population with the median age of residents being 33 years. There is a much greater proportion of people aged 12-25, and a smaller proportion of children under 12 years compared to the metropolitan region. (ID Consulting 2011)

The City has a smaller population of older residents. By 2030 however, the number of city residents aged over 55 years could increase by 90 per cent to over 25,000. Couple households without children have increased 63 per cent from 4,400 to 7,200 between 2001 and 2006. (ID Consulting 2011)

The City is ethnically and culturally diverse. This diversity is made up of people from 140 different ethnic communities. Approximately 57 per cent of the population were born overseas and about 48 per cent of households speak a language other than English compared to 36 per cent and 32 per cent respectively for the rest of Melbourne. (ID Consulting 2011)

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12/09/2013
C162

Creative City
Melbourne is a national and international leader in creative endeavours such as music, performing and visual arts; film, television and radio; writing, publishing and print media; design and architecture; software and electronic gaming, web and multimedia development; and advertising and marketing.

Along the Sturt Street spine there is a cluster of many of Australia’s premier cultural institutions extending from Federation Square to the Arts Centre to the Malthouse Theatre. The North Melbourne Arts precinct is the other main arts cluster. The municipality’s rich cultural life contributes to the City’s liveability, capacity for innovation, competitiveness and reputation as a creative city. The City has also expanded rapidly as an entertainment and cultural centre with over 1,100 cafés and restaurants in the central business district area alone and a multitude of entertainment, cultural and dining venues in its inner suburbs. (CLUE 2010 Small Area Report: Melbourne (CBD)

Other City cultural assets include the Shrine of Remembrance and Royal Botanic Gardens, the Royal Exhibition Building and the surrounding Carlton Gardens, the Melbourne General Cemetery, the Melbourne Zoological Gardens and Sidney Myer Music Bowl.

21.02-5
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GC81

Prosperous City
Metropolitan Melbourne is a global city. Along with Sydney and Brisbane, it is a key hub in Australia’s eastern seaboard economic region and gateway of trade, commerce and culture linking into the world economy.

In 2011 there were over 461,000 people employed in the municipality. Employment has grown at 3.5 per cent per year since 2002, faster than the state average of 2.4 per cent. The Central City has grown at 3.7 per cent since 2001 and by 2011, 319,000 workers were employed there. (SGS 2011, Employment Forecasts)
With Greater Melbourne’s largest concentration of government and advanced business services, the City makes a substantial contribution to Victoria’s prosperity. In 2008 the City of Melbourne occupied 0.4 per cent of the land area in the Melbourne Statistical Division but its gross local product (GSP), at an estimated at $56,824 million, was approximately 20.5% of Victoria’s GSP and 25.8% of the GSP of the Melbourne Statistical Division. Melbourne’s community also extends overseas with a large ex-pat community based overseas further extending the global business connection. (Economy ID 2012, Economic Profile)

The Central City is the State’s main retail centre. The Retail Core in the Hoddle Grid’s is Victoria’s largest retail centre with about 526,000 square metres of retail floor space and an annual turnover of around $2.18 billion. (City Research, CLUE 2010)

The City has a traditional manufacturing and industry base with over 5,990,000 square metres of floor space in the municipality used for industrial purposes. (City Research, CLUE 2010) In recent times, there has been substantial change in the manufacturing sector with many manufacturing uses in the inner City areas relocating to areas on the periphery of Melbourne or offshore. In the Fishermans Bend Employment Precinct which is one of Victoria’s National Employment and Innovation Clusters (NEIC), the City has a vibrant industrial area with head offices of leading manufacturers and nationally important clusters in aviation and aerospace and defence. There is also an ongoing need for industrial uses that service the other activities in the City, the construction sector and for management of waste.

### Knowledge City

Melbourne is home to the University of Melbourne and RMIT University, the city campuses of four other universities, TAFE institutes and colleges as well as a number of private institutions. The linkages of these tertiary institutions with industry, business and hospitals provide a strong foundation for Melbourne’s future growth and success in the global economy. Research and learning institutions in the City are crucial to the State’s education and innovation economy and the global standing of metropolitan Melbourne as a knowledge city.

Melbourne hosts excellent research institutions in Bioscience and one of Victoria’s greatest strengths is the co-location of key education, hospitals, research institutes and industry in the Parkville and Alfred Hospital precincts.

Melbourne is one of the world’s leading student cities. The municipality’s student population increased 41 per cent from 22,005 to 30,937 between 2001 and 2006. Students now comprise 38 per cent of the resident population and about half are enrolled from overseas. (City Research (2008) ABS Census 2001 to 2006)

### Eco-City

Metropolitan Melbourne has a far-reaching ecological footprint reflecting increasingly unsustainable trends of resources consumption, waste generation and greenhouse gas emissions.

The City of Melbourne is one of the most compact, dense and mixed use part of the metropolitan area with the richest network of public transport services and generous reservations of public open space. These characteristics have intrinsic efficiencies and synergies and offer significant potential to drive down per capita energy use for building and transport services, to make the City robust against the predicted impacts of climate change particularly water scarcity and heatwaves.

### Connected City

The Sydney-Melbourne air route is the fourth busiest in the world. Fast daily passenger transport between the capital city centres is essential for Melbourne’s business and tourist connections globally and regionally.
The municipality is the hub of the state, regional and metropolitan road, rail, bus, and tram networks. Effective and efficient mobility is essential for the liveability, creativity, prosperity, innovation and environmental sustainability of the metropolitan region and the municipality. The private car is reaching its limits as an effective mode of mass transit for commuting and reliance on rail, tram and bus is increasing for this task.

Bicycle and motorised bikes/scooter have been growing as a mode. They are efficient users of road space and competitive with cars for trips times. These modes can replace some trips within 10km of the city centre currently taken by car and public transport.

A high quality and comprehensive pedestrian network underpins an effective public transport services. It gathers and distributes passengers, safely and conveniently to their final destinations.

The Port of Melbourne is a key hub for Australia’s international trade and freight. The Port handled $58 billion of trade in 2008-2009 with a direct contribution to the Victorian economy of $2.7 billion. It is the largest container, and one of the largest general cargo ports in Australia, handling 36 per cent of the nation's container trade. (PWC 2010, Economic Impact of PoM) Container freight will grow in the next two decades and the Melbourne International Freight Terminal is being developed in the Dynon Road Precinct to meet the growth and ensure efficient freight transfer and distribution by road and rail.
VISION

*Future Melbourne 2008* is the community’s plan to grow Melbourne as a global city and as one of the top ten most liveable and sustainable cities in the world. The plan’s vision for the municipality is of a **bold, inspirational and sustainable city.**

To achieve this vision, *Future Melbourne* has six high level goals for Melbourne to be:

- a city for people,
- a creative city,
- a prosperous city,
- a city of knowledge,
- an eco-city, and
- a connected city.

Key issues underpinning this vision that direct land use planning in Melbourne are:

**Settlement**

To accommodate the municipality’s growth over the coming 20 to 30 years the footprint of intensive growth areas will need to expand beyond Central City (Hoddle Grid, Docklands and Southbank) into designated new urban renewal areas.

Development in established residential areas will be limited to respect the existing neighbourhood character and heritage values of these areas.

**Environment and Landscape Values**

Continued protection of the health of ecological systems and the biodiversity they support continues to be relevant.

**Built Environment and Heritage**

Protecting existing built form character and heritage, in addition to providing an attractive and liveable built environment in parts of the City where development will intensify is essential. Also important is minimizing the ecological footprint of the City and managing the City so that it is responsive to climate change.

**Housing**

An important role for the city is in providing housing to accommodate the expected significant population growth. In a densely developed city, it is a challenge to achieve a diversity of housing choices, housing affordability, a good standard of building design and amenity.

**Economic Development**

The City of Melbourne makes an important contribution to the economic prosperity of the state through the provision of its local, corporate and global businesses, its strong retail, major cultural, sporting and tourism industry, and its significant industrial uses.

**Transport**

A priority for the City is maximising the use of sustainable modes of transport, in particular public transport, and supporting improved cycling and walking connections. Private motor vehicles will continue to be an important part of the mix of modes available but their use will become increasingly complementary to the other transport modes.

**Infrastructure**

There is a need to reinforce the efficient use of existing infrastructure and to provide new infrastructure to accommodate changing needs particularly in growth areas.
SETTLEMENT

Growth Area Framework

As the municipality continues to grow and develop, the culture and functioning of the City in twenty years time will be very different from today. However, through these changes the characteristics of the city we value today must be retained.

This can be achieved by: targeting urban growth and development into specific areas of the City; enabling ongoing but incremental growth and development in those parts of the City needing constant renewal of their vitality; and by maintaining the existing character in valued established areas.

The focus of this MSS is on promoting areas of growth and protecting areas of stability. Areas of ongoing and incremental growth will continue to be regulated under the current planning scheme controls. The MSS identifies five types of areas:

- The original city centre (the Hoddle Grid)
- Urban renewal areas
- Proposed urban renewal areas
- Potential urban renewal areas
- Stable residential areas

The Growth Area Framework Plan at Figure 1 identifies these areas.
Figure 1 Growth Area Framework Plan
The original city centre – the Hoddle Grid

Central City functions will be located in the Hoddle Grid. This area will be managed to facilitate continued growth where appropriate and limit change or the scale of development in identified locations to preserve valued characteristics. A strong emphasis will be placed on a quality public realm and good pedestrian amenity and connectivity.

Urban renewal areas

The urban renewal areas are Southbank, Docklands and the Fishermans Bend Urban Renewal Area. These areas have been planned and designed to provide for the expansion of the Central City in optimal living and working environments with a new mix of uses, higher density of development and excellent provision for walking, cycling and public transport services. Here change is guided by well-developed structure plans and master plans adopted by State Government and Council.

The design of the buildings, streets, public open spaces should be integrated over whole precincts with provision of utilities services to minimise the precinct’s greenhouse gas emissions, optimise water management, mitigate the effects of extreme storm events, reduce the urban heat island and take precautions against sea level rise.

Southbank

Starting in the early 1980s as an "Engaging with the Yarra River Initiative", Southbank has been under urban renewal for close to 30 years. It has now brought the Yarra River into the heart of the city’s life and provided a dynamic extension of the Central City with good commercial and residential high-density development opportunities.

Southbank is home to the State’s major arts facilities as part of its the internationally recognised Arts Precinct and other major activity areas including the Southbank Promenade, Melbourne Convention and Exhibition Centre and the South Wharf complex.

The Southbank Structure Plan 2010 was prepared to update the 1999 and 2007 plans. It provides a vision and strategy for the next 30 years for the area’s continued development as an extension of the central city, with a high-density mix of commercial and residential uses, a built form of a human scale and fine grain detail, greater permeability, activity and pedestrian priority at street level.

Docklands

Once one of Victoria’s main ports, by the 1990s it was an industrial wasteland. Around 2000 Docklands urban renewal began its transformation into a new residential, commercial and visitor destination providing housing, office, industry, research, institutional, business, education, entertainment/leisure, marina and sporting uses and public spaces. Docklands is an extension of the Central City and it is intended that leisure-related retailing complementary to retailing in the Retail Core is also be provided.

Together, Places Victoria, the City of Melbourne and the Docklands community have been assessing the first decade of development and planning for the second. Where the first decade focussed on creating buildings and attracting investment, the second decade is now being planned to be a place where people want to work, live and visit with a diversity of businesses, activities, residents, public spaces and community infrastructure.

Fishermans Bend Urban Renewal Area

The area measuring over 480 hectares includes four mixed use precincts which form part of the expanded Central City. The four mixed use precincts have been declared as a project of State significance and rezoned as part of an expansion to the Capital City Zone. One of these mixed-use precincts is the Lorimer precinct, and is within the City of Melbourne.
This rezoning expands the Capital City Zone by more than 50 per cent and is expected to accommodate jobs and residents within the four mixed use precincts.

The urban renewal area is also within the City of Port Phillip municipality. The area adjoins the Docklands and Southbank existing urban renewal areas.

**City North**

City North is identified for proposed renewal given its existing role as a specialised activity centre, the proposed Parkville Station as part of the Melbourne Metro project and its proximity as an extension of the Central City. The City North Structure Plan 2012 has been adopted by the City of Melbourne and has been implemented into the planning scheme via a planning scheme amendment.

**Arden-Macaulay**

Arden-Macaulay is an area in transition. Since the 1880’s, Arden-Macaulay has been primarily an industrial area supporting the city’s economy through manufacturing and production. The profile of business activity in the area has been changing with some degree of land under utilisation given its potential in relation to its proximity to the central City.

The Melbourne Metro station project to be located between Citylink and Laurens Street will lead to major change east of the Moonee Ponds Creek.

The Arden-Macaulay Structure Plan 2012 has been prepared and adopted by the City of Melbourne and will be implemented into the planning scheme via a planning scheme amendment. The directions of this plan for this local area are still to be inserted into the planning scheme.

Planning controls address the interface between on-going industrial and residential areas, and the interface between new development and existing residential areas and large manufacturing industry will be protected from sensitive uses by a land use buffer of non-residential development and/or non-sensitive land uses (depicted within Figure 11 as “Commercial and Industrial Buffer”). The planning controls are being introduced in two stages (Stage 1 shown as Area 6A and Stage 2 shown as Area 6B on the Growth Framework Plan).

**21.04-1.3 Proposed Urban Renewal Areas**

The Proposed Urban Renewal Areas have been broadly identified as the locations for the next generation of the city’s urban renewal. Once the structure plans for each of these areas are incorporated into the planning scheme the plan for the relevant local area will be updated with new objectives and strategies and the Growth Area Framework Plan will be updated to show the areas as ‘Existing Urban Renewal Areas’.

Until the objectives and strategies of approved structure plans are approved and implemented via a planning scheme amendment the existing local area policies for the area will apply.

**E-Gate**

This land is mostly railway reserve in State Government ownership and it adjoins the Docklands and Arden Macaulay urban renewal areas. State Government is developing plans for its urban renewal area and these plans being implemented into the planning scheme via a planning scheme amendment. The directions of this plan for this local area are still to be inserted into the planning scheme.

**21.04-1.4 Potential Urban Renewal Areas**

The Potential Urban Renewal Areas have been identified as long term options for future urban renewal that are dependant on the resolution of other related infrastructure planning before they can be considered in detail for urban renewal.
Dynon
This area accommodates mainly freight and some industrial activities. In the longer term, these activities will be reconfigured and rationalised within the area. This will be done in conjunction with the planning and development of the Port of Melbourne and the Melbourne Intermodal Freight Terminal serving the port south of Dynon Road.

The rationalisation and modernisation of the freight functions in the precinct will open up the potential for the renewal of the northern section of this area. Any urban renewal of this area should not constrain the operations of the port freight terminal to the south. The State Government in conjunction with the City will undertake the planning for this area.

Racecourse Rail Corridor
The Racecourse Rail Corridor between the Flemington Racecourse and the Showgrounds has potential similar to the Jolimont Rail Corridor. The area’s potential for urban renewal will depend on future options of a rail service to the area.

Jolimont Rail Corridor
The Jolimont rail corridor runs through the middle of the Sports and Entertainment precinct. The Federation Square development was the first step in the urban renewal of this corridor. As inner and central city locations have become more highly valued, development over transport corridors will become increasingly attractive not only for the development space they can yield but also for the opportunity to connect adjacent parts of the city that have been separated.

21.04-1.5 Stable Residential Areas

These residential areas are valued for their existing character and the important contribution this makes to the city. In these areas limited change such as in-fill development and alterations and additions, will continue to occur so that new land use or development fits in with the existing valued character.

21.04-2 Growth

Objective 1 To provide for the anticipated growth in the municipality over the next 20 years.
Strategy 1.1 Retain the Hoddle Grid area as the core of the Central City and plan for its ongoing change and growth.
Strategy 1.2 Direct new urban growth into the Docklands and Southbank Urban Renewal Areas.
Strategy 1.3 Plan and design Urban Renewal areas to provide optimal living and working environments, to be energy, water and waste efficient and adapted to predicted climate change.
Strategy 1.4 Plan identified Urban Renewal Areas, and define their exact extent, through structure planning for the local area.
Strategy 1.5 Ensure new development in Urban Renewal Areas does not compromise the preferred future renewal of the area.
Strategy 1.6 In the longer term, consider sites of Potential Urban Renewal at Dynon Road, the Jolimont Rail Corridor, the Racecourse Rail Corridor. Urban renewal of these areas will be dependant on the resolution of other related infrastructure planning.

Objective 2 To direct growth to identified areas.
Strategy 2.1 Support the ongoing development of the Hoddle Grid.
Strategy 2.2 Support ongoing urban renewal and Central City expansion in:
  - Southbank
  - Docklands
  - Fishermans Bend Urban Renewal Area
  - City North
  - Arden-Macaulay
Strategy 2.3 Plan for urban renewal in:
  - E-Gate
Strategy 2.4 Consider potential for urban renewal in:
Strategy 2.5  Develop Structure Plans to guide the local detail of urban renewal.

Implementation

Update structure plans for the existing urban renewal areas and implement structure plans into the planning scheme for proposed urban renewal areas.
ENVIRONMENT AND LANDSCAPE VALUES

Land use and development activities in the municipality can undermine the health and biodiversity of its flora and fauna ecologies. Protect the open spaces and the waterways that support those systems.

The quality of the city’s waterways is vitally important to the municipality’s recreational attractiveness and the health of its aquatic life. The city’s parks, gardens, and aquatic environments have several sites with important indigenous flora and fauna habitat.

21.05-1

Biodiversity

Objective 1  To protect and enhance the City’s habitats and biodiversity.

Strategy 1.1  Encourage the retention of native vegetation in the development of sites and enhance indigenous and remnant vegetation areas in the City including in parks and gardens and waterways.

Strategy 1.2  Encourage the use of indigenous vegetation in open spaces and roof top greening.

Strategy 1.3  Minimise the impacts of introduced flora and fauna on indigenous vegetation.

Strategy 1.4  Encourage revegetation with predominantly indigenous species.

Strategy 1.5  Create and enhance bio-links for native flora and fauna.

21.05-2

Significant environments and landscapes

Objective 1  To enhance the environmental value of Melbourne’s parklands waterways and other open spaces.

Strategy 1.1  Protect and enhance the vegetation, biodiversity, habitat, amenity and attractiveness of the city’s parklands, the Yarra and Maribyrnong Rivers and the Moonee Ponds Creek.

Strategy 1.2  Ensure open space links along waterways provide for recreational and environmental functions.

Strategy 1.3  Support design treatments that enhance or restore natural systems.

Objective 2  To improve water quality in waterways and the bay.

Strategy 2.1  Ensure residential, commercial and industrial development adopts a best practice approach to stormwater treatment and management.

Strategy 2.2  Encourage new developments to minimise stormwater run-off by reusing rainwater and recycling wastewater.
BUILT ENVIRONMENT AND HERITAGE

Melbourne’s character is defined by its distinctive urban structure, historic street pattern, boulevards and parks, heritage precincts, and individually significant heritage buildings. Heritage buildings, precincts and streetscapes are a large part of Melbourne’s attraction and the conservation of identified heritage places from the impact of development is crucial.

The buildings in the private realm should be coordinated with the development of the streets, paths, parks and places in the public realm. Development must add positively to Melbourne’s public realm and contribute to making it safe and engaging for users. Public and private open spaces should be able to support a range of uses including physical movement, communal exercising, social interaction, quiet enjoyment and connections to the natural environment.

Climate change is predicted to deliver reduced rainfall, rising sea level and more extreme flooding, intense storms, and heatwaves. The built environment must be designed to moderate and provide protection from these disruptive climate impacts. This must be done in ways that do not exacerbate the problem.
Figure 2 – Built Environment

[Map of Melbourne showing key landmarks, transportation routes, and built environment features.]

Key landmarks:
- Melbourne Museum
- Royal Exhibition Building
- Parliament House
- Old Treasury
- Melbourne Cricket Ground
- National Gallery of Victoria
- Federation Square Station
- Southern Cross Station
- North Melbourne Train Station
- Melbourne Town Hall
- Bolte Bridge
- Government House

Key features:
- Port of Melbourne
- Proposed Melbourne Metro Rail Station
- Proposed Melbourne Metro Rail Alignment
- Melbourne Freight Terminal
- Freeways
- Rail Network
- Proposed Metro Rail Station

Legend:
- Port of Melbourne - Subject to the Port of Melbourne Planning Scheme
- Rail Station
- Rail Network
- Proposed Melbourne Metro Rail Station
- Proposed Melbourne Metro Rail Alignment
- Melbourne Freight Terminal
- Freeways
- Rail Network
- Proposed Metro Rail Station

North arrow indicates orientation.

Scale: 0 - 2 kilometers.
Urban Design

Objective 1  To reinforce the City’s overall urban structure.
Strategy 1.1 Protect Melbourne’s distinctive physical character and in particular, maintain the importance of:
- identified places and precincts of heritage significance
- the World Heritage Listed Royal Exhibition Building and Carlton Gardens
- The Shrine of Remembrance
- the Hoddle Grid
- the Yarra River Corridor, Victoria Harbour and waterways
- the network of parks and gardens
- the Hoddle Grid’s retail core
- the network of lanes and arcades
- Boulevards
- the sense of place and identity in different areas of Melbourne.

Strategy 1.2 Ensure a strong distinction between the built form scale of the Central City with that of development in surrounding areas.

Strategy 1.3 Promote a high degree of connectivity and urban transition between the Hoddle Grid and Docklands.

Strategy 1.4 Maintain the formality and legibility of the Yarra River corridor as a key organising element of the city structure.

Strategy 1.5 Promote development that is compatible with the scale, character and amenity of public open spaces, and the environs of the Yarra River.

Strategy 1.6 Ensure that development on the City’s boulevards respects and maintains the prominence of their landscaped character.

Objective 2 To maintain the designated Yarra River Corridor as a continuous, high pedestrian amenity focus for the city.

Strategy 2.1 Promote active land uses such as cafes, restaurants and leisure venues in buildings along the waterfront, particularly those with a northern orientation.

Strategy 2.2 Ensure developments along the Yarra River address the waterfront.

Strategy 2.3 Encourage uses with high levels of activity at the waterfront.

Objective 3 To protect iconic views in the city

Strategy 3.1 Protect iconic views, including views to the:
- Shrine of Remembrance along Swanston Street from the State Library,
- Parliament House along Bourke Street,
- The Old Treasury Building along Collins Street,
- Flinders Street Station clock tower along Elizabeth Street,
- Victoria Harbour along LaTrobe Street,
- Royal Exhibition Building drum, dome, lantern and flagpole from along Spring Street and Queensberry Street,
- Yarra River from the Hoddle Grid,
- along the Bourke, Collins and Latrobe Street corridors from Docklands.
- The Arts Centre Spire along Sturt Street

Objective 4 To ensure that the height and scale of development is appropriate to the identified preferred built form character of an area

Strategy 4.1 Ensure the design, height and bulk of development in the Urban Renewal Areas creates a high quality built form.

Strategy 4.2 Ensure development in Urban Renewal Areas provides a complementary transitional scale to adjoining low scale buildings in areas where the existing built form character should be maintained.

Strategy 4.3 In areas where the existing built form is to be retained, ensure development is designed to maintain the generally low scale and character of those areas.

Strategy 4.5 In the Hoddle Grid and Urban Renewal areas ensure occupancies in new tower buildings are well spaced and offset to provide good access to an outlook, daylight, sunlight and to minimise direct overlooking between habitable room windows.

Objective 5 To increase the vitality, amenity, comfort, safety and distinctive City experience of the public realm.
Strategy 5.2 Ensure that the scale, bulk and quality of new development supports a high quality public realm.
Strategy 5.4 Encourage public art in new developments.
Strategy 5.6 Create diverse public spaces to serve the needs of the City’s diverse communities, including children, youth, residents, workers and visitors.
Strategy 5.7 Ensure advertising signs avoid visual pollution and intrusive light spill and respect the architecture of their host buildings, the surrounding streetscape character and skyline.
Strategy 5.8 Ensure development minimises the adverse effects of wind down drafts and provides wind protection to public open spaces suitable for their role and function.
Strategy 5.9 Ensure that development maximises solar access in public open spaces, and creates microclimatic conditions for a high level of pedestrian comfort.

Objective 6 To improve public realm permeability, legibility, and flexibility.
Strategy 6.1 Protect and enhance the character and function of laneways.
Strategy 6.2 Ensure the design of buildings and public spaces enhances the public realm and the pedestrian environment.
Strategy 6.3 Ensure that new developments in the Capital City, Docklands, Business and Mixed Use zoned areas provide active street frontages and minimise pedestrian disruption from car access.

Objective 7 To create a safe and comfortable public realm.
Strategy 7.1 Ensure built form and land uses promote surveillance of the public realm at all times of the day and night.
Strategy 7.2 Support the use of materials resistant to vandalism and graffiti, subject to their being respectful of the preferred built form character.
Strategy 7.3 Ensure that public and private safety design principles of are incorporated in the development of buildings and public open spaces.

21.06-2 Heritage

Objective 1 To conserve and enhance places and precincts of identified cultural heritage significance.
Strategy 1.1 Conserve, protect and enhance the fabric of identified heritage places and precincts.
Strategy 1.2 Support the restoration of heritage buildings and places.
Strategy 1.3 Maintain the visual prominence of heritage buildings and landmarks.
Strategy 1.4 In heritage precincts protect heritage buildings, subdivision patterns, boulevards and public open space.
Strategy 1.5 Protect the significant landscape and cultural heritage features of the City’s parks, gardens, waterways and other open spaces.
Strategy 1.6 Within heritage precincts and from adjoining areas protect buildings, streetscapes and precincts of cultural heritage significance from the visual intrusion of new built form both.
Strategy 1.7 Protect the scale and visual prominence of important heritage buildings, landmarks and heritage places, including the Shrine of Remembrance, Parliament House and the World Heritage Listed Royal Exhibition Building and Carlton Gardens.
Strategy 1.8 Maintain cultural heritage character as a key distinctive feature of the City and ensure new development does not damage this character.

21.06-3 Sustainable development

Objective 1 To create an environmentally sustainable urban environment with reduced greenhouse emissions
Strategy 1.1 Ensure that new buildings and new public spaces are environmentally sustainable.
Strategy 1.2 Promote innovative environmentally sustainable development.
Strategy 1.3 Encourage the retention of buildings or parts of buildings that have efficient recycling potential and can be adapted to a variety of uses.

Objective 2 To make the built environment resilient to heatwaves, water shortages, extreme storm events and sea level rise.
Strategy 2.1 Design new buildings, streets and public open spaces to minimise their contribution to the urban heat island effect and to contribute to urban cooling.
Strategy 2.2 Ensure that new development incorporates water sensitive urban design features including stormwater harvesting and flow attenuation, and water recycling and reuse.
Strategy 2.3 Ensure that flood risk by stormwater surges, waterway flooding and sea level rise is mitigated and managed.

Objective 3 To encourage efficient resource use and waste reduction in the City.
Strategy 3.1 Encourage all new development to maximise water efficiency.
Strategy 3.2 Encourage provision of purpose built storage for recyclable waste, in all development.

Objective 4 To encourage environmentally sustainable building design innovation
Strategy 4.1 Design all new developments to maximise the use of passive systems to achieve comfortable indoor conditions.

Strategy 4.2 Support new developments that minimise their embodied energy by their use of materials, construction and retention of reusable building fabric.

Strategy 4.3 Support on-site renewable and low emission energy generation, such as solar hot water, photovoltaic cells, wind powered turbines or combined heat and power generation systems in new developments.
HOUSING

The City of Melbourne supports the growth of the municipality’s residential population, which is forecast to reach 177,000 people by 2030 (ID Consulting 2011, Population Forecasts). Most of this increased population is planned to be accommodated in the City’s areas of urban renewal, planned urban renewal and the Hoddle Grid.

Outside these areas increased population growth will be modest and in some established areas such as South Yarra, parts of Parkville, North Melbourne, Kensington, Carlton, East Melbourne and Jolimont, there will be minimal change.

Residential growth must be managed to ensure a good quality of life and amenity for existing and future residents. High standards of on-site amenity should be provided in all residential developments including good access to sunlight and daylight and privacy. Residential development also needs to consider the amenity impacts of established and potential uses, including noise and light spill, and take protective steps to minimise these impacts.

Social diversity is an important factor in the social health of the city. A diverse population needs a diversity of housing sizes and types. There is also a need to increase the proportion of lower cost accommodation, social housing and housing for people of all abilities.

Residential development

Objective 1  To provide for new housing while preserving the valued characteristics of the existing neighbourhoods.

Strategy 1.1  In areas outside the Central City and Urban Renewal Areas, increase housing quantity and density consistent with the existing character of the area.

Strategy 1.2  Encourage the most significant housing and population growth in the Central City and Urban Renewal areas.

Strategy 1.3  Ensure that new residential development achieves high standards of amenity including access to sunlight and daylight and protection from overlooking.

Strategy 1.4  In areas of Proposed Urban Renewal, encourage housing that is consistent with an approved structure plan, or where it can be demonstrated it will not adversely impact on ongoing industry or port uses.

Strategy 1.5  Discourage housing where it will undermine the viability of port uses.

Objective 2  To ensure new dwellings are located and designed to protect residents from current and future off-site amenity impacts.

Strategy 2.1  In the Capital City, Docklands and Commercial Zones, ensure residential developments are designed to mitigate the amenity impacts from surrounding established and future uses, including insulation from noise.

Strategy 2.2  Encourage consideration of acoustic attenuation measures in dwellings that adjoin or are located close to the Capital City Zone, Docklands Zone, or Commercial Zones, or are in the Mixed Use Zone.

Strategy 2.3  Encourage all residential developments adjacent to industry, rail corridors and major roads to provide acoustic insulation in dwellings.

Strategy 2.4  Ensure new residential development close to existing Industrial Zones acknowledges and manages off-site effects caused by these industrial areas.

Objective 3  To ensure the amenity of existing residential uses is protected.

Strategy 3.1  Ensure that the reasonable expectations of amenity for existing residential uses are maintained.

Objective 4  To support a range of housing tenures, types and options to meet the diverse of housing needs.

Strategy 4.1  Support the provision of housing for older people close to public transport and services.

Strategy 4.2  Support the provision of affordable, safe and well designed and managed student housing in locations with good access to public transport, services and tertiary education facilities.

Strategy 4.3  Support the provision of well-designed and managed affordable housing, social housing, crisis accommodation and rooming houses.

Strategy 4.4  Support the development of well-designed and managed tourist accommodation close to major visitor attractions in the Central City.

Objective 5  To ensure new residential developments contribute to the social and physical infrastructure of the City.

Strategy 5.1  Ensure that in areas where a new built form character is sought, new residential development adds to the vitality, amenity, comfort and safety of the area.

Strategy 5.2  Support the provision of facilities and services for residents in new developments, including convenience retail and community facilities.
ECONOMIC DEVELOPMENT

Retail
Retailing is an important component of Melbourne’s Capital City function. The Hoddle Grid will remain the State’s pre-eminent retail centre and retailing in its Retail Core needs to be maintained and enhanced as a world class shopping district while respecting the character and heritage of this areas existing buildings and lanes.

There is a need to support the provision of local shops to serve the residential and working communities in local centres. A proliferation of eating and entertainment uses should not undermine the character and range of services offered in these local centres.

Business
The Central City is the prime location for commerce in metropolitan Melbourne, and along with the St Kilda Road commercial area, is of state significance. Areas zoned Mixed Use and Commercial around the Central City have traditionally provided locations for business activities, which support Capital City functions. These areas are under increased pressure for housing, and it is important to ensure their ongoing functioning and viability as business areas, which serve both local community needs and Capital City business activity.

Industry
Manufacturing uses in the inner City areas will continue to relocate to more competitive industrial locations in outer metropolitan Melbourne. The City of Melbourne, however offers unique locational and access advantages, particularly for advanced manufacturing industries. These industries and associated research have consolidated in the municipality. They are cleaner and more compatible with dense inner urban settings and need to be, protected and supported.

Industries can affect the amenity and environment of nearby sensitive land uses such as residential. Carefully manage this tension between the traffic, noise and other impacts of industrial operations and the amenity of surrounding residential areas.

Knowledge
Innovation in business is central to Melbourne’s economic vitality and its role as a globally competitive Capital City. The municipality is a dense centre of world standard services and research activity particularly in the financial, engineering, biotechnology and design sectors.

The University of Melbourne and RMIT University, the city campuses of four other universities and a number of TAFE institutes are able to link locally with industry, business, hospitals and research institutes in the Parkville, Alfred Hospital St Vincent’s Hospital precincts.

This dense co-location of business, education, and medical and, research centres will be supported to strengthen the City’s competitive and innovative capacity.
Figure 3 Economic Development Map
Retail

Objective 1 To support the Central City and local retail uses.
Strategy 1.1 Maintain and enhance the Retail Core as a world class retail offer, by supporting land uses and a built form which sustains this.
Strategy 1.2 Enhance the viability, diversity and vitality of shops and services in local retail centres providing convenience retailing serving the local community.
Strategy 1.3 Balance the regional tourism and local roles of the Lygon Street centre.
Strategy 1.4 Ensure that a proliferation of eating and entertainment establishments in local centres does not undermine the viability of their convenience retailing.
Strategy 1.5 Encourage the provision of convenience retailing and services including supermarkets in the Central City and Urban Renewal Areas for the local workers and residents.

Business

Objective 1 To reinforce the City’s role as Victoria’s principal centre for commerce.
Strategy 1.1 Support the Central City as metropolitan Melbourne’s principal centre for commerce, professional, business and financial services, and encourage new and innovative business that takes advantage of the Capital City location.
Strategy 1.2 Support the development of Docklands and Southbank as a vibrant business and retail areas along with the Hoddle Grid.
Strategy 1.3 Support the consolidation of St Kilda Road as a vibrant office and high density residential district.
Strategy 1.4 Support improved links between City businesses, tertiary educational institutions, research and development organisations and training institutions.
Strategy 1.5 Support Melbourne as an Australian and the Asia Pacific gateway for health services, financial and business services, education and biotechnology.
Strategy 1.6 Support the development of enterprise incubators and facilities for innovative business sectors.
Strategy 1.7 Support the provision of facilities and services for the changing and diverse needs of residents, visitors and workers.
Strategy 1.8 Ensure noise and disturbance from late night commerce related activity does not compromise the reasonable needs of residents and other users of the City.

Objective 2 To encourage employment opportunities for local residents.
Strategy 2.1 Encourage a diversity of small to medium enterprises in the Capital City, Docklands, Commercial and Mixed Use Zones.
Strategy 2.2 Support the development of home based businesses, consistent with maintaining amenity in Residential and Mixed Use Zones.
Strategy 2.3 To ensure the nature and intensity of office and commercial activity is appropriate to its location.
Strategy 2.4 Encourage a mix of commercial and business support and services close to the Central City in identified parts of South Carlton, East Melbourne, Jolimont and North and West Melbourne.
Strategy 2.5 Ensure that all new office and business uses manage off site impacts such as noise, traffic generation and parking consistent with the local amenity.
Strategy 2.6 In Residential and Mixed Use Zones support business uses that provide services to the local community only where consistent with local amenity.

Industry

Objective 1 To improve the long term viability and security of the City’s industries.
Strategy 1.1 Support the development of Fishermans Bend Employment Precinct as a National Employment and Innovation Cluster and as the City’s primary industrial area and the preferred location for clean, advanced manufacturing, research and development, and ancillary services.
Strategy 1.2 Ensure the development of commercial and retail uses in the Fishermans Bend Employment Precinct supports the vision as Australia’s leading design, engineering and advanced manufacturing precinct.
Strategy 1.3 Facilitate the on going role of industry in the West Melbourne Industrial Precinct.
Strategy 1.4 Support the ongoing 24 hour function of the Port of Melbourne and associated industries as Australia’s leading container port.
Strategy 1.5 Support the ongoing function of freight uses in the West Melbourne Industrial Precinct and the development of the Melbourne Freight Terminal to better integrating Port operations and Fishermans Bend Employment Precinct with the rail network.
Strategy 1.6 Support the ongoing operation of concrete batching plants located between Boundary and Rodgers Street and the West Gate Freeway in the transition of the Lorimer precinct from an industrial precinct to a high density mixed used precinct, recognising their significance and the role they play in urban renewal.
Objective 2  To encourage industries to adopt the highest standards of environmental management practice.

Strategy 2.1  Encourage industries to adopt Environmental Management Plans and ensure new industrial uses incorporate measures to minimise noise and environmental impacts.

Strategy 2.2  Ensure that the appearance and operation of transport, manufacturing and wholesale and distribution industries minimise their adverse impacts on the surrounding road network and on the amenity and condition of the public realm.

21.08-4  Maritime precincts

Objective 1  To promote water transport for recreational and commuter use as part of a larger integrated transport system and consistent with maintaining safe and efficient Port operation.

Strategy 1.1  Maintain opportunities for potential future transport access to the rivers.

Strategy 1.2  Ensure the capacity for necessary shore based infrastructure such as adequate mooring facilities and passenger and service access.

Strategy 1.3  Minimise the extent of marina encroachment into navigable waterways especially in the Docklands.

21.08-5  Knowledge precincts

Objective 1  To support education, medical and research activities.

Strategy 1.1  Support the operation, development and clustering of education research centres and associated uses whilst protecting the amenity of Residential and Mixed Use zoned areas.

Strategy 1.2  Support the increased integration of the tertiary education facilities into the public realm of the City through better access connections and the design of new development.

Strategy 1.3  Encourage research and development uses in appropriate zones throughout the City.

Strategy 1.4  Discourage the encroachment of non-residential uses associated with research, education and medical institutions into adjoining Residential Zones and parkland.

Strategy 1.6  Manage the off-site impacts of education and research facilities such as car parking and traffic to protect the character and amenity, (including visual amenity) of adjoining areas.
TRANSPORT

The structure of the City is a fundamental determinant of its economy, liveability creativity and its ecological footprint. Compact, mixed use and walkable cities built around public transport corridors and nodes are more efficient, more accessible and more sustainable.

The municipality is a key destination for intercity, interstate and international travel for business, tourism, arts and culture. The City’s transport infrastructure must meet the demands of the growing intensity and diversity of land uses, major events and the growth in residential and the commuter population places significant demands on. Approximately 705,000 people visit the City of Melbourne on a daily basis, and by 2030 the number of daily trips is expected to increase to around 1 million (City Research, City User forecasts 2011).

An efficient transport system is therefore vital for the economic, cultural and social operation of the City. Public transport is the most economic and efficient mode for mass travel to and from the City. Within the municipality, the network of trains, trams and buses complemented with a good quality, comprehensive walking network for pedestrians provides a rich means for local short trips. Walking accounts for the greatest proportion of trips within the municipality. An excellent walking network is necessary for the functioning of all the other modes but is particularly crucial for an efficient and effective public transport system.

Cycling is becoming one of the most effective means of mobility in the municipality. Cyclists are growing as a proportion of all commuter trips to the City, as is off-road cycling for leisure and recreation. There are good opportunities to increase cycling take-up.

Private motor vehicles will continue to be part of the mix of modes available for city users but their use will be developed to be more complementary with the other modes and more compatible with good quality higher density inner city living and working. Car sharing is one significant opportunity for achieving this.

Melbourne’s is Australia’s freight hub and gateway. It supports business, and tourism needs in rural, regional, national and international markets. The Port of Melbourne and the City’s industrial areas rely on efficient road and rail links for freight movement into and out of the City. In some of the high density mixed use areas of the municipality, freight traffic is degrading amenity. The impact of freight vehicles needs to be minimised.
Figure 4 Transport Map
Integrated transport

**Objective 1** To integrate transport and urban growth.

- Strategy 1.1 The growth and development of the City in the Urban Renewal Areas will be integrated with planned major transport infrastructure initiatives including:
  - The Regional Rail Link.
  - The Melbourne Metro Rail Tunnel.
  - The Melbourne Freight Terminal.
  - East West Link.

- Strategy 1.2 Encourage development in locations, which can maximise the potential use of public transport.
- Strategy 1.3 Ensure a development pattern in the Urban Renewal Areas that is permeable and fine-grained with a legible pattern of access and movement.
- Strategy 1.4 Consolidate development with a mix of uses along tram and bus corridors and at and around railway stations in Urban Renewal Areas.
- Strategy 1.5 Locate major entertainment, recreation, retail, education and employment uses close to good public transport in Urban Renewal areas.

**Objective 2** To maximise access to the City.

- Strategy 2.1 Support the provision of adequate, safe public transport, pedestrian and bicycle facilities and car parking, in the City to suit 24 hour activity.

**Objective 3** To enhance the role of the Boulevards and Principal Streets as entrances to the Central City.

- Strategy 3.1 Ensure that development along the City’s established boulevards of St. Kilda Road, Flemington Road, Victoria Parade, Royal Parade and Footscray Road (Harbour Esplanade) maintains the prominence of their landscape character.
- Strategy 3.2 Ensure development along Principal Streets reinforces their character as major, high quality entries into and through the City.

Walking

**Objective 1** To develop and maintain a comprehensive, safe, comfortable and convenient pedestrian network throughout the municipality.

- Strategy 1.1 Give priority to pedestrian use in high volume pedestrian areas, particularly in the Retail Core and the Central City.
- Strategy 1.2 Create high quality and safe pedestrian environments throughout the City.
- Strategy 1.3 Support the extension of the existing system of dedicated pedestrian routes (including shared paths) to link all major parks and gardens.
- Strategy 1.4 Ensure that pedestrian networks is accessible to all users, including those with wheelchairs and prams.
- Strategy 1.5 Support the extension of the existing pedestrian network (including shared paths and through block links) throughout the municipality.
- Strategy 1.6 Ensure that pedestrians are given priority around local centres, within the Retail Core of the Central City, along key pedestrian routes, at the rail stations, high volume tram and bus stops, and around major activity generators including sports and entertainment facilities.
- Strategy 1.7 Protect and enhance the laneway way as a significant element of the pedestrian network and public realm.
- Strategy 1.8 Encourage a permeable and fine-grained development pattern in Urban Renewal Areas.
- Strategy 1.9 Ensure that pedestrians are not impeded by ground level activity or development.

Cycling

**Objective 1** To develop a comprehensive, safe and convenient cycling network throughout the Municipality.

- Strategy 1.1 Encourage improved connectivity of the City’s bicycle network and support the extension of the existing system of dedicated cycle routes (including shared paths) to link all major parks and gardens in Melbourne.
- Strategy 1.2 Support the extension of principal cycling routes into and through the City from surrounding municipalities.
- Strategy 1.3 Ensure that new development provides bicycle access and high quality, safe and secure end of trip cycle facilities.
- Strategy 1.4 Ensure a safer cycling environment by encouraging passive surveillance of the bike network and safe and secure end of trip facilities.
- Strategy 1.5 Support the extension of the existing system of dedicated cycle routes (including shared paths) across the entire street network.
Strategy 1.6 Support the provision of public bike hire stations convenient to pedestrians and public transport.
Strategy 1.7 Minimise the impact of development, including vehicular crossings, on principal cycling routes.

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Public transport

Objective 1 To maximise the use of public transport through efficient urban structure.
Strategy 1.1 Ensure a development pattern in the Urban Renewal Areas that is permeable and fine-grained with a legible pattern of access and movement.
Strategy 1.2 Consolidate development with a mix of uses along tram and bus corridors and at and around railway stations in Urban Renewal Areas.
Strategy 1.3 Locate major entertainment, recreation, retail, education and employment uses close to good public transport in Urban Renewal Areas.
Strategy 1.4 Encourage public transport as the primary mode of access to the Central City
Strategy 1.5 Support improvements to the overall convenience, quality, and accessibility, level of service and safety of public transport.
Strategy 1.6 Support changes and improvements to the public transport system that serve the changing needs, demands, and structure of the City.
Strategy 1.7 Support improvements to public transport waiting areas, to ensure a high level of amenity, accessibility, and safety.
Strategy 1.8 Ensure major entertainment, recreation, retail, education and employment areas are accessible by public transport and walking.
Strategy 1.9 Support a public transport system that serves the City 24 hours a day.
Strategy 1.10 Facilitate access to public transport for people with a disability.

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Private Motor Transport

Objective 1 To encourage more efficient use of private motor vehicles.
Strategy 1.1 Recognise that cars are complementary to other modes of transport and their use should be visitors daily managed to minimise adverse impacts on other transport modes.
Strategy 1.2 Support the provision of purpose designed off street parking for small and micro cars, motor scooters and motorbikes to meet the needs of residents and businesses.
Strategy 1.3 Support provision of re-charging facilities powered by renewable sources of energy for electric powered vehicles.
Strategy 1.4 Support a variation to the on-site car parking requirements on sites which are of identified heritage significance if the requirements are likely to adversely impact on the significant building fabric or other significant features.
Strategy 1.5 Support the reduction or waiving of car parking for new uses and developments, which have good access to public transport.
Strategy 1.6 Discourage new commercial car parks.
Strategy 1.7 Discourage commuter car parking in the Central City.
Strategy 1.8 Encourage the co-location and sharing of car parking facilities.
Strategy 1.9 Minimise the extent of vehicle crossovers and their impediments to pedestrian access.
Strategy 1.10 Manage neighbourhood parking to ensure an appropriate level of amenity for residents in Residential and Mixed Use Zones, and parklands.

Objective 2 To reduce the negative economic, social and environmental impacts of traffic and parking, particularly on residential areas and parklands.
Strategy 2.1 Support traffic calming and parking management measures to improve the safety and amenity of the City.
Strategy 2.2 Minimise the impact of traffic through Residential and Mixed Use zones and local neighbourhoods particularly commuter traffic and heavy vehicle traffic.
Strategy 2.3 Ensure that the cumulative traffic and parking impact of developments on an area are considered.
Strategy 2.4 Ensure that traffic and parking impacts from new development is minimised.

21.09-6
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Port and Freight Movement

Objective 1 To enhance Melbourne’s role as Australia’s freight hub and gateway.
Strategy 1.1 Support the provision of an efficient and integrated freight transport system that reduces negative environmental impacts in residential and public areas.
Strategy 1.2 Support the sustainable development and efficient 24-hour operation of Melbourne’s deep-water port and the transport links to it.

Objective 2 To improve freight links to Port Melbourne.
Strategy 2.1 Support development of the Melbourne International Freight Terminal in the Dynon Precinct and transport links between the Port and the Terminal.

Strategy 2.2 Support enhanced rail links with the Port particularly to Webb Dock and Swanson Dock and between the Port and interstate networks.

Strategy 2.3 Support integrated planning of the Port, its environs and the road, rail and sea links to the Port.

Strategy 2.4 Ensure that the sustainable growth and development of the Port is maximised and that the Port area's environmental values are protected and enhanced.

Objective 3 To reduce the amenity and environmental impacts of road based service, delivery and waste freight vehicles.

Strategy 3.1 Support service, delivery and waste freight solutions, which improve efficiency and minimise negative impacts on amenity and the environment.

Strategy 3.2 Support improved rail links for freight movement servicing the Port of Melbourne and industry.

Strategy 3.3 Ensure that new developments have adequate on-site loading facilities.
21.10 **INFRASTRUCTURE**

Growth and development in the municipality will require a matching provision of infrastructure. The expansion and upgrading of roads, utilities, community facilities and public open space will be required to service the growth of resident, worker and visitor populations. Key to this planning is to facilitate the efficient use of existing infrastructure, reinforce those key elements and plan for future needs and requirements.

21.10-1 **Renewable energy and efficient water use**

**Objective 1** To develop integrated precinct utilities to reduce greenhouse gas emissions and increase resilience to climate change.

Strategy 1.1 Encourage precinct wide integrated water management systems including water sourced from tri-generation power systems.

Strategy 1.2 Encourage precinct wide integrated tri-generation systems to distribute power, heating, cooling and water.

21.10-2 **Open Space**

**Objective 1** To maintain, enhance and increase Melbourne’s public open space network and promote greening of the City.

Strategy 1.1 Support the development and implementation of Park Master plans.

Strategy 1.2 Ensure parks, gardens, waterways and open spaces remain a prominent element of the City’s structure and character.

Strategy 1.3 Ensure there is no net loss of the area of public open space and secure new public open space where opportunities arise.

Strategy 1.4 Support the maintenance and creation of a variety of public open space to meet the needs of the growing population for formal and informal outdoor recreation.

Strategy 1.5 Ensure that development in and surrounding the City’s parks and gardens does not adversely impact on the solar access, recreational, cultural heritage, environmental and aesthetic values, or amenity, of the open space.

Strategy 1.6 Protect heritage significant trees and landscapes in parks and heritage areas.

Strategy 1.7 Provide an integrated network of public open spaces in Urban Renewal areas.

**Objective 2** To provide a diversity of uses in parks where consistent with Park Master plans.

Strategy 2.1 Ensure parks are safe and accessible.

Strategy 2.2 Protect and enhance the biodiversity and habitat value of the City’s parks, gardens, open space and waterways.

Strategy 2.3 Ensure that activities, buildings and works in the City’s parks and gardens are consistent with Parks Master plans.

Strategy 2.4 Discourage activities, buildings and works that are not specifically related to the park and its use and that lead to the alienation of the park.

21.10-3 **Education facilities**

**Objective 1** To support education activities.

Strategy 1.1 Support primary, secondary and tertiary education facilities, whilst protecting the amenity of Residential and Mixed Use zoned areas and the heritage values of areas with cultural heritage significance, consistent with the local amenity.

Strategy 1.2 Support interaction and collaboration between education institutions, and business and industry by promoting their co-location compatible with the amenity of existing residential uses and areas of heritage significance.

**Objective 2** To ensure a high standard of ‘soft infrastructure’ to support innovative activity and education.

Strategy 2.1 Support accommodation, services and facilities, which serve and attract a highly skilled labour pool.

Strategy 2.2 Support the provision of facilities and services for students and researchers.

Strategy 2.3 Support affordable accommodation options for students.

21.10-4 **Health Facilities**

**Objective 1** To support medical, and research activities.

Strategy 1.1 Support the operation of the City’s hospitals and their intensive care–trauma facilities and capacity.
Strategy 1.2  Support the clustering of hospitals and their continued operation and development in their current locations.

Strategy 1.3  Support interaction and collaboration between medical and research institutions, and business and industry by promoting their co-location compatible with the amenity of existing residential uses and areas of heritage significance.

Strategy 1.4  Discourage uses or development near hospitals that prejudice public safety or risk reducing the efficiency or safe delivery of acute health care, trauma and emergency services (including 24 hour emergency helicopter access).

Strategy 1.6  Ensure that all new knowledge and innovation uses manage on site impacts such as noise, traffic generation and parking.

Objective 2  To encourage research and development uses throughout the City.
Strategy 2.1  Encourage research and development uses throughout the municipality.
Strategy 2.2  Encourage research and development activity clusters, including biotechnology uses, throughout the municipality.

Community Facilities

Objective 1  To provide facilities which meet the needs of the community.
Strategy 1.1  Provide new community facilities, where needed, in strategic re-development sites and in areas of population growth and development.
Strategy 1.2  Integrate new community facilities or renewed community facilities with residential developments in order to provide the appropriate balance and mix of facilities.
Strategy 1.3  Encourage co-location of complementary facilities.
Strategy 1.4  Ensure all future community facilities can accommodate multipurpose uses where appropriate and can be adapted to suit the needs of the community.

Cultural/Arts and Entertainment Facilities

Objective 1  To provide a diverse range of leisure, arts, cultural and entertainment facilities.
Strategy 1.1  Discourage the concentration of sexually explicit adult entertainment, amusement parlours and gaming venues in the Central City.
Strategy 1.2  Support quality public institutions, including art galleries, libraries and museums, throughout the municipality, where consistent with the local amenity.
Strategy 1.3  Support entertainment, music and cultural attractions in Commercial and Mixed Use Zones, where consistent with the local amenity.

Objective 2  Enhance the City as Victoria’s pre-eminent cultural and entertainment location.
Strategy 2.1  Support and encourage the growth of a vibrant cultural environment in the Hoddle Grid, Southbank and Docklands, by supporting entertainment uses, music and the arts.
Strategy 2.2  Support the City’s major sports facilities and parks in recognition of their national significance.
Strategy 2.3  Promote the Docklands waterfront as a tourism and leisure destination of State significance.

Communications infrastructure

Objective 1  To ensure that Melbourne has the infrastructure and capacity to meet anticipated information, communication and technology (ICT) needs.
Strategy 1.1  Encourage the incorporation of information, technology and communication infrastructure in new developments.
Strategy 1.2  Encourage co-location of communications infrastructure.

Objective 2  To minimise the visual impact of communications infrastructure and other utilities infrastructure.
Strategy 2.1  Ensure that the presence and visibility of communications infrastructure and utilities in heritage areas or upon parkland does not unreasonably impact on the heritage place or precinct, or on parkland values.
LOCAL AREAS

The following local sections provide more detail of strategies at a local level in the municipality. The sections are organised under the following Local Area headings:

21.12 Hoddle Grid

21.13 Urban Renewal Areas
   21.13-1 Southbank
   21.13-2 Docklands
   21.13-3 Fishermans Bend Urban Renewal Area

21.14 Proposed Urban Renewal Areas
   21.14-1 City North
   21.14-2 Arden-Macaulay
   21.14-3 E-Gate

21.15 Potential Urban Renewal Areas
   21.15-1 Dynon
   21.15-2 Flemington and Kensington
   21.15-3 Sports and Entertainment Precinct

21.16 Other Local Areas
   21.16-1 St Kilda Road and South Yarra
   21.16-2 East Melbourne and Jolimont
   21.16-3 Carlton
   21.16-4 Parkville
   21.16-5 North and West Melbourne
   21.16-6 Fishermans Bend Industrial Area
Figure 5: Local Areas
HODDLE GRID

Housing

- Support permanent and short term residential development in the Hoddle Grid that accommodates a diverse population.

Economic development

- Encourage the development of a range of complementary precincts within the Hoddle Grid that offer a diverse range of specialist retail, cultural and entertainment opportunities.
- Encourage the retention and enhancement of specialised shopping and entertainment precincts within the Hoddle Grid, particularly, Hardware Lane, Chinatown, Collins Street and Little Collins Street.
- Support entertainment, bars, eating and other evening uses throughout the Hoddle Grid.
- Support the Retail Core as a compact, high-density retail precinct and facilitate easy pedestrian access.
- Support the consolidation of education clusters on the northern and western edges of the Hoddle Grid and in Flinders Street.
- Ensure the Northbank of the Yarra River has increased open space opportunities.
- Support the Queen Victoria Market as a retail and tourist facility, and as a heritage asset of State significance.
- Ensure the form and use of development around the Queen Victoria Market does not detract from its amenity nor compromise its 24 hour function.

Built Environment and Heritage

- Protect the regular grid layout, laneways, tree-lined boulevards and identified significant public open spaces.
- Protect the scale of important heritage precincts, boulevards and other unique precincts that rely on a consistency of scale for their image, including the Retail Core, Chinatown, Hardware Lane, Flinders Lane, Bourke Hill, Parliament, the Melbourne Town Hall, and the churches on Flinders and Collins Streets.
- Facilitate the civic and ceremonial function of Swanston Street.
- Enhance Swanston Street as part of a boulevard axis which runs from Princes Park to St Kilda Road.
- Maintain a low rise form and streetscapes in the Retail Core and along key views to ensure an intimate pedestrian scale and views to key buildings are maintained.
- Ensure a clear edge between the taller built form of the Capital City Zone and the Docklands Zone and the lower form of the surrounding areas.
- Ensure a strong contrast in scale of development along Elizabeth Street from the lower scale areas to the north of Victoria Street and the higher scale of the Capital City Zone.
- Ensure that development form and scale in the area south of the Queen Victoria Market Precinct achieves built form, urban design, and public realm amenity outcomes consistent with those sought for the Hoddle Grid.
- Ensure that the design of tall buildings in the Hoddle Grid promote a human scale at street level especially in narrow lanes, respects the street pattern and provides a context for heritage buildings.
- Ensure that new tall buildings add architectural interest to the city’s skyline.
- Ensure tower buildings are well spaced and sited to provide equitable access to an outlook and sunlight for all towers.
- Ensure high quality and robust public space design in arcade and laneway upgrades.
- Link arcades and laneways in the Hoddle Grid.
- Encourage arcade and laneway links between streets and public spaces.
- Ensure development fronting streets creates a continuous building edge and integrated streetscape.
- Ensure that security treatments for shop fronts allow for views into the premises at night and positively contribute to the streetscape.
- Ensure the ground level design of shop fronts on Swanston Street contribute to its role as a pre-eminent retail and lifestyle avenue and entry axis to the Retail Core.
- Ensure sunlight penetration in the middle of the day to key public spaces, appropriate to their role and function.
- Protect the Yarra River and its south bank from overshadowing throughout the year.

**Transport**

- Ensure that pedestrian use is given priority in the Hoddle Grid.
- Facilitate the development of the Bourke Street Mall as a high quality pedestrian and retail space.
- Ensure that developments provide weather protection along key pedestrian routes and areas, where this does not conflict with building or streetscape integrity.
- Ensure that the design of buildings and public realm in the Hoddle Grid enhances the safety of pedestrians, visitors and occupants of buildings.
- Ensure streets and open space are physically and visually linked to the waterfront, where practicable.
- Develop better links between the south western edge of the Hoddle Grid and the Yarra River.
- Develop better links between the water side entertainment and recreational attractions of the north and south banks of the Yarra.
- Encourage the provision of pedestrian links to the Queen Victoria Market from surrounding areas.
Figure 6: Hoddle Grid
URBAN RENEWAL AREAS

Southbank

Housing
- Support medium scale residential development in the Residential Zones of Southbank Village.

Economic Development
- Support Southbank’s development as an extension of the Central City, providing a mix of commercial and residential land uses.
- Support a mix of uses, including residential development, with ground floor retail and small-scale business uses.
- Deliver a good provision of local services and facilities for workers and visitors and within easy walking distance from all residences.
- Support the ongoing operation and establishment of businesses that provide professional and business support services to the Capital City Zone in the Mixed Use Zones of Southbank.

Built Environment and Heritage
- Connect and integrate Southbank with the Central City and the Yarra River.
- Position Southbank as the natural extension of the city establishing the Yarra River at the City’s centre, not its edge. Provide easy and attractive access to and across the river from the central and southern parts of Southbank.
- Maintain low rise development on the northern and southern sides of the Yarra River and Arts Precinct to maintain the low scale river edge to protect key views to the Arts Centre Spire and prevent overshadowing of the south bank of the River.
- Encourage high rise tower development to the north of City Link and west of Moore Street.
- Encourage medium scale development in the Arts Precinct and the areas to the east of Moore Street and to the south of City Link.
- Encourage medium scale development in the Southbank Village.
- Support the physical integration and connection of the Victorian College of the Arts to the surrounding area to enhance its connection with other uses in the precinct.
- Ensure that buildings along St Kilda Road and in Sturt Street maintain the visual dominance of the Arts Centre Spire.
- Maintain the landscape character of St Kilda Road.
- Ensure that development maintains views to the Shrine of Remembrance as an important landmark.
- Ensure that the scale and design of buildings south of Coventry Street preserve the setting and significance of the Shrine of Remembrance as a historic and cultural landmark and place of reverence.
- Promote high rise, high density development, south of the Crown Casino and the Melbourne Exhibition Centre.
- Ensure all new development creates a high quality pedestrian environment and positively enhances the area’s public realm.
- Encourage a mix of public and commercial uses at ground level in new developments to support street life and provide pedestrian interest.
Transport

- Improve the public environment of Southbank by providing public spaces, improving pedestrian facilities and upgrading streetscapes.
- Improve streetscapes as a priority along major pedestrian routes.
- Strengthen pedestrian and cycle connections between Southbank and the Hoddle Grid and South Melbourne.
- Encourage a continuous network of through block links to increase permeability, amenity and safety and to improve access to the Yarra River and Arts Precinct.
- Give greater priority to pedestrian, cyclist and public transport amenity and access ahead of private motor vehicle use.
- Create a connected and permeable neighbourhood.

Infrastructure

- Encourage provision of open space and links between the Port Melbourne foreshore and the Hoddle Grid.
- Support arts and education uses and facilities at Southbank.
- Support arts, entertainment, cultural, educational attractions in Southbank, especially in the Arts Precinct.
Docklands

Housing

- Support residential development in Docklands that complements its other functions.
- Encourage medium to high residential density.

Economic Development

- Support mixed use development including office and commercial development in the Digital Harbour, Stadium, New Quay, Victoria Harbour, Yarra’s Edge and Batman’s Hill Precincts.
- Encourage active uses in the areas fronting the waterfront to promote maximum usage and activity at the waterfront.

- Support Victoria Harbour waterfront and Waterfront City as the primary retail precinct for Docklands that complements retailing in the Hoddle Grid.

- Limit the impact of marina development on public access to the waterfront.

- Encourage local industries and uses such as recreational boating, marinas, fish markets, and port services, particularly where access to the waterfront is available.

- Encourage the establishment of leading edge industries through the development and promotion of Digital Harbour and the installation of high technology infrastructure.

- Encourage the installation of high technology infrastructure throughout Docklands.

- Support the consolidation of education and research clusters in Docklands, including the Digital Harbour Precinct and TAFE facilities.

**Built Environment and Heritage**

- Ensure Docklands is physically and visually linked with the west end of the Hoddle Grid.

- Ensure that buildings provide weather protection and an attractive built form to promote an attractive, vibrant, safe and comfortable street environment.

- Encourage a development pattern that acknowledges Melbourne’s traditional hierarchy of streets, lanes and arcades. The development pattern should be permeable and fine-grained to create a clear pattern of access and movement.

- Ensure that the design of buildings encourages sustainable outcomes.

- Encourage the reuse of heritage buildings.

- Encourage interim land uses, reuse of existing buildings, infrastructure and landscaping which presents an attractive physical environment during the development phase.

- Ensure building heights and setbacks along the waterfront in Docklands allow for optimum climatic conditions on the promenades.

- Encourage a built form profile in the Docklands that forms an extension of the Hoddle Grid building profile.

- Maintain and reinforce views to the water from the Hoddle Grid where possible, particularly along the Collins, Bourke and Latrobe Street corridors.

- Ensure buildings on landmark sites which terminate views or vistas or mark key local focal points are designed to the highest quality.

- Ensure development in Docklands extends and reinforces Council’s public environment initiatives and practices.

- Ensure safe, wide and attractive public promenades are provided along the Docklands waterfront as an integrated part of the development of each precinct.

- Ensure continuous pedestrian and cycle promenades along the waterfront in Docklands.

- Ensure marina development in Docklands allows for public access to the water and the waterfront.

- Strengthen Harbour Esplanade as a civic spine for the Docklands.

- Ensure that new streets and open spaces provide physical and visual linkages to the waterfront.

**Transport**

- Support pedestrian connections to the Southern Cross Major Transport Hub.

- Strengthen pedestrian connections between Docklands and Port Melbourne and West Melbourne.
- Strengthen pedestrian and cycle connectivity between the Hoddle Grid and Docklands.
- Require the development of Docklands to incorporate a high level and quality of pedestrian and bicycle access.
- Support a wide variety of transport modes to and in Docklands, including public transport, vehicular, pedestrian, cycle and water based transport.
- Support an integrated public transport system in Docklands with a high degree of connectivity between tram, rail and bus services.
- Support the extension of light rail services to Docklands.
- Ensure new developments make provision for on-street car parking and bus and taxi parking adjacent to key public spaces and land uses.
- Encourage the co-location and sharing of car parking facilities where appropriate.
- Develop Footscray Road as a western boulevard entry to the City, through the use of strong urban and landscape design elements.
- Ensure the design of roads in Docklands encourages through-traffic to be diverted away from the harbour waterfront.
- Ensure that the provision of car parking for use and development is consistent with the efficient operation of the Melbourne Docklands area road network and approach roads, and with environmental considerations.

**Infrastructure**

- Support the development of continual open space links along the Docklands waterfront, Yarra River and Moonee Ponds Creek that provide for recreational and ecological purposes.
- Support the provision of an integrated network of parks and open spaces in Docklands.
- Support the development of Victoria Harbour, Harbour Esplanade and Docklands Park as the recreational focus for the Docklands.
- Ensure adequate and appropriate space is set aside in Docklands for community facilities and that these facilities can be extended and upgraded when required.
Figure 8: Docklands
Fishermans Bend Urban Renewal Area

Fishermans Bend is a declared project of State significance and is a priority urban renewal area. It is an unparalleled renewal opportunity within Melbourne. It will provide for 80,000 jobs (40,000 within the four mixed use precincts and 40,000 in the Employment Precinct) and a range of well serviced, high density housing options for 80,000 people. The Lorimer precinct is planned to accommodate approximately 12,000 residents and 6,000 jobs.

The Lorimer precinct will provide a mix of residential, retail, commercial, entertainment and employment land uses that complement the functions and built form of the Central City and Docklands. The Lorimer precinct will provide both employment and housing, implementing the sustainable transport objectives of the Fishermans Bend Framework, September 2018 through decreased travel times for residents (refer to figure 9).

The urban renewal of Fishermans Bend is driven by the fundamental principles of economic prosperity, social equity and environmental quality that takes advantage of its close proximity to existing employment, residential and transport links in the Central City/Southbank/Docklands areas. Design excellence and environmental sustainability are fundamental to delivering a high quality, high amenity urban environment and realising the vision for a highly liveable urban renewal area.

Development within the Fishermans Bend Urban Renewal Area should seek to achieve an affordable housing target of 6%.

The Lorimer precinct has a distinct role in delivering the Vision for Fishermans Bend. It will have its own distinct character and identity. Figure 10 identifies each of the sub-precincts within Lorimer.

Vision and Strategic Framework Plan

The Fishermans Bend Vision (September 2016) and the Fishermans Bend Framework, September 2018 set out 10 strategic directions and 8 sustainability goals, each of which are to be delivered in the Lorimer precinct.

Housing

- Ensure new residential areas provide for a connected and liveable community and are inclusive and healthy places to live.
- Encourage a vibrant, mixed use precinct close to the Yarra River and connected to Melbourne’s Central City, Docklands and other emerging urban renewal areas.
- Encourage a high density mixed use precinct centred around the Lorimer Parkway, an important recreational and biodiversity green link, promoting a healthy and connected community for people of all ages and backgrounds.

Economic Development

- Ensure Lorimer has excellent access to employment and public transport, being located on the doorstep of the Central City, Docklands and adjacent to the Fishermans Bend Employment Precinct (NEIC), connected by the northern Tram Route.
- Encourage development to deliver opportunities for economic development through a focus on the attraction and retention of key workers, and investment and growth in the knowledge, creative, design, research, education, innovation, engineering, advanced manufacturing and service sectors.
- Encourage mixed use outcomes to create a significant employment opportunities, complementing existing industries in the Employment Precinct (NEIC), and build on strengths in aeronautical and automotive engineering and defence.
- Ensure that new development manages and mitigates potential adverse amenity impacts from existing industry and warehouse uses, or from ongoing port operations.
**Built Environment and Heritage**

- Encourage a visual and physical connectivity to the Yarra River through a series of new north-south laneways that will stitch the precinct across Lorimer Street through to the Yarra River.

- Encourage a diversity of building typology with exterior finishes, materials and architectural detailing of demonstrably high quality to form an attractive backdrop to the West Gate Freeway and to provide a buffer between the freeway and the remainder of the precinct.

- Encourage perimeter and open block developments with small block sizes divided by laneways, multiple ground floor tenancies and multiple building entries and public access points.

- Ensure heights are reduced in key locations to protect existing and proposed open spaces from being overshadowed.

- Encourage active and fine-grain street frontages including retail uses to activate ground level interfaces with open spaces. Large and smaller format commercial uses are also encouraged within podium or lower levels of development.

- Ensure towers are well spaced to provide for outlook and view through to the river.

- Ensure buildings are designed to protect the amenity of streets and laneways.

- Encourage higher street walls along the freeway interface, providing a buffer from freeway traffic.

**Transport**

- Support the creation of the northern tram route along Turner Street and Lorimer Street providing direct, high frequency public transport connection to Docklands and the Central City.

- Support the creation of new or upgraded bridges over the Freeway at Ingles Street and Graham Street to provide public transport, bike and pedestrian access to Sandridge.

- Support the continued access to existing industrial uses, including concrete batching plants, during the transition from an industrial precinct to a high density mixed use precinct.

**Infrastructure**

- Support the creation of the Lorimer Central Open Space located in the heart of the precinct, between Ingles and Boundary Streets.

- Support Turner Street closure and widening to create Lorimer Parkway along the tram route, creating a green link to the new Lorimer West Open Space, and additional green link connecting to new open space at intersection of Hartley and Lorimer Streets.

- Support a network of new streets and laneways to transform the existing industrial scale blocks into a walkable neighbourhood.

- Encourage new facilities to be delivered as part of mixed use development, located in close proximity to the Lorimer Central Open Space or Hartley Street Open Space and northern tram route.

- Support a pop-up community hub created on land adjacent to the Bolte Bridge, evolving into a Health and Well-Being Hub.

- Support an Education and Community Hub (primary) located in the north-eastern part of the precinct and an Art and Cultural Hub located in the south eastern part of the precinct.

- Encourage a Sports and Recreation Hub (or part of cluster) to be delivered as part of mixed use development, located within the ‘investigation area’ at the western part of the precinct.
Flooding, Sea Level Rise and Water Sensitive Design

- Ensure the individual and combined impacts of sea level rise and flooding from storm events is appropriately managed through a combination of precinct wide and property specific physical and management measures.

Figure 9: Fishermans Bend Urban Renewal Area
Figure 10: Sub-precincts within the Lorimer precinct
PROPOSED URBAN RENEWAL AREAS

City North

City North is an area in transition and change is already underway. The University of Melbourne, RMIT University, hospitals and research institutions are investing in expansions and renewal of their facilities and the redevelopment of the former Carlton United Brewery site has commenced. Further potential for urban renewal exists between the existing Central City and the world renowned knowledge precinct in the south area of Parkville.

This area’s potential for urban renewal (as an extension of the Central City) is currently being planned utilising the directions from the Council adopted City North Structure Plan 2012. This amendment is still to be inserted into the planning scheme.

Figure 10: City North

Arden-Macaulay

Arden-Macaulay is an area in transition. Since the 1880’s, Arden-Macaulay has been primarily an industrial area supporting the city’s economy through manufacturing and production. The profile of business activity in the area has been changing with some degree of land under utilisation given its potential in relation to its proximity to the central City.

The Melbourne Metro station project to be located between Citylink and Laurens Street will lead to major change east of the Moonee Ponds Creek.

The Arden-Macaulay Structure Plan 2012 has been prepared and adopted by the City of Melbourne and will be implemented into the planning scheme via a planning scheme amendment. The directions of this plan for this local area are still to be inserted into the planning scheme.
Planning controls will address the interface between on-going industrial and residential areas, and the interface between new development and existing residential areas and large manufacturing industry will be protected from sensitive uses by a land use buffer of non-residential development and/or non-sensitive land uses (depicted within Figure 10 as “Commercial and Industrial Buffer”). The new planning controls will be introduced in two stages.
Figure 11: Arden-Macaulay
E-Gate

This land is mostly reserved for railway purposes and is in State Government ownership and adjoins the Docklands and the Arden-Macaulay urban renewal areas. State Government are developing plans for its urban renewal and these plans will be implemented into the planning scheme via a planning scheme amendment. It was identified as an extension of Docklands in the Future Melbourne Community Plan 2008. The directions for this local area are still to be inserted into the planning scheme.

Figure 12: E-Gate
POTENTIAL URBAN RENEWAL AREAS

Dynon

This area mainly accommodates freight with some industrial activities. In the longer term these activities could be reconfigured and rationalised within the area in conjunction with the planning and development of the Port of Melbourne and the proposed Melbourne Freight Terminal serving the port south of Dynon Road. The State Government’s planned West Link freeway interchange will significantly change the western end of the precinct.

As part of this, there is potential for the renewal of the northern section of this area. This area will be investigated for urban renewal in this context. Any urban renewal of this area should not constrain the operations of the port freight terminal to the south. The planning for this area will be undertaken by the State Government in conjunction with the City of Melbourne.

The current strategies for this local area are outlined below

Economic development

- Support the ongoing use of the Dynon Precinct, west of City Link, for a range of transport, manufacturing, wholesale and distribution industries.
- Support advanced manufacturing, service industries, and port/rail use compatible with the Port of Melbourne and nearby manufacturing, freight and transport logistics industries along the Maribyrnong River while ensuring that the amenity of the river is enhanced.
- Support the development of a freight distribution hub at Dynon Road with enhanced links to the Port of Melbourne.

Built Environment

- Encourage buildings fronting Dynon and Footscray Roads to have active and attractive fronts.
- Ensure new development along the Maribyrnong River and Moonee Ponds Creek enhances the recreational and environmental amenity of these waterway corridors and has appropriate setbacks.
- Enhance open space and recreational opportunities along the Maribyrnong River and Moonee Ponds creek.
Flemington and Kensington

Flemington and Kensington (west) are residential areas adjacent to the Flemington Racecourse, the Royal Agricultural Showgrounds and the Maribyrnong River.

Maintaining and enhancing residential amenity and the heritage characteristics of the area is a priority.

The ongoing operation and growth of Flemington Racecourse and the Royal Agricultural Showgrounds is supported along with the expansion of the recreational role of the Maribyrnong River and its enhancement as part of the Municipality’s open space network.

The rail corridor between Flemington Racecourse and the Showgrounds has potential for urban renewal. This will depend on future options for a rail service to the area.
Housing

- Ensure development in residentially zoned areas of Kensington maintains its generally low scale nature of heritage streetscapes and buildings.
- Ensure development in Kensington Banks maintains its generally low scale nature.
- Discourage the encroachment of non-residential uses associated with education and medical institutions into neighbouring residential zones.
- Support the provision of a range of housing including social housing in the Office of Housing Estate.
- Support the conversion of industrial uses on land bounded by Hobsons Road, Kensington Road and the Maribyrnong River to a mix of residential, commercial and recreational uses to ensure that they are more compatible with the adjoining Kensington Banks.

Economic Development

- Support the ongoing operation of Flemington Racecourse and the Royal Agricultural Showgrounds, including ancillary activities.
- Support the revitalisation of the Royal Agricultural Showgrounds to enhance its capacity as a recreation facility.
- Minimise the impact of Flemington Racecourse and the Royal Agricultural Showgrounds, including traffic, noise and parking on nearby Residential and Mixed Use Zones.
- Strengthen the role of the Macaulay Road shopping area for convenience shopping and facilities with a neighbourhood focus.
- Strengthen the recreational role of Holland Park and the Maribyrnong River.

Built Environment and Heritage

- Ensure development in the residentially zoned (stable residential) area of Flemington and Kensington maintains its generally low scale nature of heritage streetscapes and buildings.
- Ensure development in Kensington Banks maintains its generally low scale nature.
- Ensure development along the Maribyrnong River facilitates public access to the river and reflects its increasing recreational role.
- Ensure that development along the Maribyrnong River is river focused and does not dominate in terms of height, scale and bulk of development.
- Encourage sympathetic infill redevelopment and extensions that complement the architecture, scale and character of Kensington and Flemington.
- Ensure that the scale and built form of any new development on land along Hobsons Road is compatible with the prevailing built form of Kensington Banks.

Transport

- Strengthen pedestrian links between Flemington Racecourse and the Footscray Botanical Gardens across the Maribyrnong River.
- Strengthen public space and pedestrian and cycle connections on both sides and across the Maribyrnong River and Moonee Ponds Creek.
**Sports and Entertainment Area**

The Sports and Entertainment Area includes some of Melbourne’s major sporting and entertainment venues as well as some of the largest areas of parkland in the vicinity of the Central City, along the Yarra River corridor. It provides recreational, cultural and entertainment opportunities including Birrarung Marr, the Shrine of Remembrance, Government House, Sidney Myer Music Bowl and the National Herbarium within the Domain and Royal Botanic Gardens.

This area’s development will continue to provide Melbourne with world class recreational, entertainment and leisure facilities. Its future development could incorporate the urban renewal of the Jolimont rail corridor.
Economic development

- Ensure that commercial uses in the Royal Botanic Gardens and Domain Parklands do not detract from their landscape qualities and amenity.

Built Environment and Heritage

- Investigate the potential future development of the Jolimont railyards corridor.
- Protect key views to the Shrine of Remembrance and ensure that new buildings surrounding the Shrine of Remembrance preserve its significance as a historic and cultural landmark.
- Maintain the beauty, cultural values and functionality of the Royal Botanic Gardens and Domain Parklands and the institutions within them.
- Support the maintenance of the natural state of Yarra Park by retaining and enhancing its native vegetation.

Transport

- Ensure existing access and links to transport facilities in the area are maintained and strengthened.
- Develop pedestrian links between the water side entertainment and recreational attractions.
- Develop pedestrian links between Birrarung Marr across the Yarra River to Alexandra Gardens.
- Develop pedestrian links from the Sports and Entertainment Precinct to areas to the north and east, especially Richmond Station and other public transport nodes.
- Support the extension of Spring Street to Brunton Avenue and the development of the triangle of land between this new link, Wellington Parade and west of Jolimont Road.
- Minimise the impact of car parking on Yarra Park by reducing vehicle access and car parking as new opportunities arise.

Infrastructure

- Support the functioning and growth of sports and entertainment facilities commensurate with their key state and national role.
Figure 15 Sports and Entertainment Precinct
OTHER LOCAL AREAS

The following local area plans provide spatial and built form directions for the remaining neighbourhoods of the municipality.

St Kilda Road and South Yarra

St Kilda Road remains a premier boulevard containing high density office and residential development. The continued development of the area has necessitated the introduction of a wide range of uses and services to support residents, workers and businesses in the area.

In St Kilda Road and South Yarra, the educational, institutional and research facilities continue to be supported. As South Yarra is an area of stability with minimal potential for new development, residential amenity has been maintained and the area’s historic character and features have been preserved.

Housing

- Support residential development on St Kilda Road within its context as a premier office and residential boulevard.

Economic development

- Support street level convenience retailing and food and drink premises on St Kilda Road to provide for the needs of workers and residents.

- Ensure that the mix of uses does not prejudice the established character of St Kilda Road as a premier office and residential boulevard.

- Ensure Domain Road shopping area maintains its role for convenience shopping, neighbourhood facilities and as a neighbourhood focus.

- Support the ongoing operation and establishment of offices and related commercial developments along St Kilda Road to support its strategic role as a premier office district.

Built Environment and Heritage

- Ensure development in South Yarra is sensitively designed so that it maintains the generally low scale nature of heritage streetscapes and buildings.

- Ensure future development in St Kilda Road respects and maintains the prominence of the landscaped boulevard character which includes generous landscaped front setbacks, the appearance of “buildings in grounds” and established street trees.

- Ensure that building design along St Kilda Road maintains the prominence of views to the Arts Centre Spire and Shrine of Remembrance.

- Ensure that the scale of buildings along St Kilda Road maintain the silhouette of the Shrine of Remembrance.

- Encourage high rise residential and office developments along St Kilda Road.

- Encourage low rise sympathetic infill redevelopment and extensions that complement the architecture, scale and character of the residential areas in South Yarra.

- Protect the Royal Botanic Gardens by limiting the height of developments around the Gardens.

- Ensure that development around Fawkner Park protects the visual amenity of the park and avoids overshadowing.

Infrastructure

- Support medical research and associated medical uses in South Yarra in a cluster near the Alfred Hospital in the Public Use Zone.
Support the on-going operation of the State significant Alfred Hospital (including direct 24 hour emergency helicopter access) and other institutions on St Kilda Road.

Support the functioning and growth of education uses in St Kilda Road and South Yarra, consistent with the local amenity at the interface of Residential and Mixed Use zones.

Preserve and enhance the landscape qualities and recreational role of Fawkner Park.
Figure 16: St Kilda Road and South Yarra

Local Area Boundary
Proposed Melbourne Metro Rail Station
Proposed Melbourne Metro Rail Alignment
Freeway
Freeway Tunnel
Public Open Space
Boulevards
Waterways
Key Views

Precincts
1 St Kilda Road Area
2 Stable residential area
3 Alfred Hospital and Research Precinct
21.16-2

East Melbourne and Jolimont

The East Melbourne and Jolimont area will continue to accommodate Government facilities, institutions and businesses in the Treasury and Parliament precinct. It has an important role in providing hospital and medical services and supporting Central City edge business uses while maintaining residential amenity through limited development of residential areas.

Housing

- Ensure development in the residential areas of East Melbourne and Jolimont is sensitively designed so that it maintains the generally low scale nature of heritage streetscapes and buildings.
- Support a mix of residential and office development in Commercial Zones in Jolimont.

Economic Development

- Support the continued operation of existing businesses in East Melbourne between Victoria Parade and Albert Street (west of Powlett Street), Wellington Parade and in the Jolimont commercial area.
- Support the government function of the Treasury and Parliament Reserves.
- Discourage medical centres and other commercial uses in the Residential Zones of East Melbourne where they do not serve a local community function or cause adverse impacts on residential amenity.
- Encourage the role of Wellington Parade shopping area for convenience shopping, neighbourhood facilities and a neighbourhood focus.

Built Environment and Heritage

- Ensure any redevelopment of the sites respects the scale of the surrounding residential area, heritage buildings and Fitzroy Gardens.
- Ensure views to the World Heritage Listed Royal Exhibition Building drum, dome, lantern and flagpole from Spring and Nicholson Streets are protected.
- Encourage sympathetic infill redevelopment and extensions that complement the architecture, scale and character of the areas in the low rise areas of East Melbourne and Jolimont.
- Ensure development in the Commercial Zone along Albert Street and Victoria Parade is consistent with the existing scale and character of the area.
- Maintain and enhance the landscape qualities of Victoria Parade boulevard and ensure that buildings along Victoria Parade are designed to enhance its appearance as a major boulevard.
- Ensure that development along Wellington Parade and Albert Street enhances these roads as key entrances to the Hoddle Grid.
- Ensure that development does not adversely affect Fitzroy Gardens, Treasury Gardens or Yarra Park by minimising the visual impact of buildings and overshadowing of the parks.

Infrastructure

- Support hospital, medical and medical research uses in East Melbourne in the Commercial and Public Use Zones.
Figure 17: East Melbourne and Jolimont
Carlton

Carlton is a dynamic and diverse local area. It accommodates a range of uses including housing, retailing, entertainment, leisure and cultural activities. Lygon /Elgin Street is an important local shopping centre that also has a regional tourist role based on the popularity of its restaurants. The tourism functions, needs of local residents and the retailing needs of the Commercial Zone in Lygon and Elgin Streets need to be balanced.

Carlton provides for a range of housing needs including a significant amount of public housing and student accommodation.

Carlton will continue to accommodate a mix of retail, commercial, educational, institutional and residential uses of different scales. In the established residential areas it is important that new development maintains the neighbourhood’s amenity and complements the highly valued heritage buildings and streetscapes.

The scale and form of development in Carlton is determined by reference to the cultural heritage significance and preferred built form character of the locality in which the development has established.

**Housing**

- Support limited residential development which maintains the low scale nature of heritage streetscapes and buildings north of Grattan Street.
- Support further residential development (including student accommodation) along Swanston Street (between Elgin and Victoria Streets). This area will continue to accommodate a mix of land uses including education, commercial, medical and research and development uses. It will develop a new built form character over time.
- Support the on-going use of College Square on Swanston Street and Lygon Street as high density student housing accommodation.
- Support shop-top housing in the Lygon Street shopping strip, ensuring that such uses do not affect the viability of commercial activities operating in the shopping centre.
- Ensure existing levels of social housing are retained in the redeveloped Rathdowne and Nicholson Street Public Housing Estates.
- Support redevelopment of the Queen Elizabeth Hospital site for medium density housing (including a component of social housing).

**Economic development**

- Support the ongoing tourism, cultural and entertainment role of Lygon Street (south of Grattan Street), Melbourne Museum and the Royal Exhibition Building.
- Support the ongoing regional role of Lygon Street (south of Grattan Street) as a retail, restaurant and entertainment precinct.
- Ensure Lygon Street (north of Grattan Street continues to provide for the convenience retail needs of the local residents and working community while discouraging the encroachment of restaurants and entertainment uses.
- Encourage a mix of retail, tourist and commercial uses around Argyle Square, compatible with the amenity of existing residences.
- Support the ongoing operation and establishment of small scale office and commercial uses (including start-up businesses, consultancies, creative enterprises) in South Carlton, consistent with the local amenity.
- Support the continued operation of service business activity in the Commercial and Mixed Use Zones.
- Encourage small scale office and commercial activities locate along Elgin Street in the existing Commercial Zone.

- Encourage home offices and small scale ground floor office and commercial activities along the Pelham Street axis to promote active street frontages.

**Built Environment and Heritage**

- Ensure development north of Grattan Street is sensitively designed so that it maintains the generally low scale nature of heritage streetscapes and buildings.

- Support infill residential development in south of Grattan Street where it maintains the predominant low scale nature of these areas and respects the area’s heritage context.

- Maintain a strong contrast in scale between the built form and character of the Hoddle Grid and Carlton at the Victoria Street interface.

- Ensure the scale of development in Victoria Street, west of Carlton Gardens reinforces the distinct contrast between medium rise development in North Melbourne and Carlton, and higher rise development in the Hoddle Grid.

- Ensure that development in the block bounded by Victoria Parade, Drummond Street, Queensberry Street and Lygon Street respects the heritage values of Trades Hall and other significant streetscapes in the area.

- Maintain the predominantly low scale and ensure sympathetic infill redevelopment and extensions that complement the architecture, scale and character of the areas around Carlton Gardens, Lygon Street and residential areas included in the heritage overlay area.

- Ensure any redevelopment of the College Square on Swanston Street creates an environment of high pedestrian amenity along Swanston Street, and respects the scale and form of heritage buildings on Faraday and Cardigan Streets.

- Ensure that the height and mass of new development in proximity to Carlton Gardens and the World Heritage Listed Royal Exhibition Building maintains views of this World Heritage Listed site and does not adversely impact on this significance.

- Ensure development fronting Swanston Street (corner of Victoria Street) positively contribute to the built form character.

- Ensure that development is sympathetic to the heritage values of adjacent heritage areas and places.

**Infrastructure**

**Open Space**

- Ensure the retention of all parkland and protect Carlton Gardens, and the Carlton squares (Macarthur, Murchison and Argyle) from uses that would reduce their landscape character and recreational role.

- Ensure any buildings or structures in parks and gardens in Carlton are sensitively designed and located to minimise impacts on the landscape character and recreational role.
Figure 18: Carlton

Map showing the area of Carlton with various landmarks and features. The map includes:

- Local Area Boundary
- Proposed Melbourne Metro Rail Station
- Proposed Melbourne Metro Rail Alignment
- Public Open Space
- Boulevard
- Lygon Street Shopping Centre

Features:
- College Square
- Queen Elizabeth Hospital development site
- Nicholson Street Housing Estate
- Rathdowne Street Housing Estate
- Trades Hall
- Lygon Street Local Centre
- Elgin Street Shopping Strip
- Exhibition Building and Carlton Gardens World Heritage Environments Area

Landmarks:
- Melbourne Museum
- Royal Exhibition Building
Parkville

The extensive parklands of Royal Park and Princes Park dominate the land use of this area and provide both local and regional open space.

Parkville has small established residential neighbourhoods, defined by their park context and the high integrity of the heritage buildings.

These will remain residential areas where preservation of heritage and parkland values and maintenance of residential amenity are key priorities. Residential development will be been mainly confined to infill development. More intensive residential development will continue in the Parkville Gardens Estate.

Housing

- Support new residential development in Parkville Gardens, West Parkville.
- Support residential buildings associated with the institutions in the Commercial Zone land along Royal Parade.
- Discourage medical centres and other commercial uses in the residential zones, the stable residential areas of Parkville, except where they serve a local community function and do not cause adverse impacts on residential amenity.

Built Environment and Heritage

- Ensure that the Residential zoned areas of South Parkville, West Parkville and North Parkville maintain their residential character, predominantly low scale nature and heritage context
- Ensure that Royal Park remains the defining feature of Parkville by protecting the landscape character of the Park, preserving the recreational role of the Park and maintaining the open skyline from inside the Park.
- Reinforce Royal Parade and Flemington Road as major tree-lined boulevards.
- Ensure future development along Royal Parade and Flemington Road respects and maintains the prominence of the landscaped boulevard character which includes heritage buildings, landscaped front setbacks and established street trees.
- Ensure the scale of development respects the heritage and parkland values of the area and does not dominate or visually intrude upon parkland, streetscapes or lane-scapes.
- Ensure that new development in North Parkville maintains the existing built form character of buildings in a landscaped setting with generous setbacks from the street and between buildings. At the same time, promote quality building design and a consistent building scale.
- Ensure that development around the perimeter of the Royal Park does not significantly intrude into close range views from Royal Park.

Infrastructure

- Support State significant hospitals (including direct 24 hour emergency helicopter access) and research uses in the public use zoned land along Flemington Road from Elizabeth Street to the Royal Childrens’ Hospital consistent with the local amenity of residential and mixed use zones.
- Support industrial research and development at the Commonwealth Serum Laboratory Limited site to the north of Royal Park, consistent with the local amenity at the interface of residential and mixed use zones.
- Support research and education uses in the Commercial zoned land along Royal Parade in North Parkville, consistent with the local amenity in the Residential and Mixed use Zones.
- Discourage the encroachment of institutional uses into parkland and residential areas.
- Ensure the retention of all parkland and protect Royal Park and Princes Park from uses that would reduce its landscape character and recreational role.
• Ensure that buildings and other structures (e.g. communications infrastructure) in Royal Park and Princes Park are sensitively designed and located to minimise its impacts on the Park’s landscape character.

• Support the on-going operation of the Royal Melbourne Zoological Gardens, while ensuring that the landscape character of Royal Park is maintained.

• Encourage the retention and re-growth of predominantly indigenous vegetation in Royal Park.
Figure 19: Parkville

Precincts
- Parkville Gardens Estate
- CSL
- Royal Melbourne Hospital - Royal Park Campus
- Parkville Youth Centre
- Royal Melbourne Zoological Gardens
- State Netball and Hockey Centre
- Royal Childrens Hospital
- North Parkville
- South Parkville
- West Parkville
- Royal Park
- Visy Park
- Princess Park
- Melbourne General Cemetery
- University Colleges
North and West Melbourne

North and West Melbourne has a strong residential base as well as commercial and industrial uses. Many of the area’s streetscapes and buildings have been recognised for their heritage significance. Flemington Road is a key tree-lined boulevard entry into the City.

North and West Melbourne should provide a balance of residential and commercial uses that maintains an emphasis on local community and liveability. There should be a clear distinction in scale from the Central City with higher scales of development expected located at the Central City fringe, around the North Melbourne railway station and along Flemington Road. In all other areas, a lower scale of development should be maintained.

The role and character of the Errol Street and Victoria Street shopping area should be strengthened, as local community centres.

**Housing**

- Support residential development in the Hoddle Grid fringe. In this area, increased residential densities should be balanced with the strategic role of this area in providing for small to medium enterprises that support the Hoddle Grid and Docklands.
- Promote the retention and refurbishment of existing public housing estates.
- Support limited residential development that maintains the low scale nature of heritage buildings and streetscapes in the Residential Zone (stable residential areas).

**Economic Development**

- Support a mix of uses with retail and small scale business uses and some light industrial uses in the Mixed Use Zone in North Melbourne.
- Support a mix of uses including retail, small scale business uses with some light industrial uses and small to medium enterprises in West Melbourne south of Hawke and Roden Streets, given the proximity to Docklands and the Hoddle Grid.
- Support commercial development in the Hoddle Grid fringe.
- Strengthen the role of the Errol and Victoria Streets shopping area for convenience shopping, neighbourhood facilities and as a neighbourhood focus.
- Support the ongoing operation and establishment of small to medium enterprises and businesses that provide professional and business support services to the Capital City Zone in the Mixed Use Zone of North and West Melbourne adjacent to the Hoddle Grid.
- Support home business, small to medium offices and other commercial developments in the Mixed Use Zone of North and West Melbourne.
- Support light and service industry in the Mixed Use Zone in North and West Melbourne.

**Built Environment and Heritage**

- Maintain the predominantly low scale of the Mixed Use Zone in West Melbourne, south of Hawke and Roden Streets.
- Maintain the predominantly low scale of residential areas and the Mixed Use Zone in North Melbourne.
- Maintain lower scale streetscapes in other parts of West Melbourne and North Melbourne. Ensure that development is sympathetic to the architecture, scale and heritage character of the lower scale areas.
- Ensure the area bounded by Latrobe Street, south west of the Flagstaff Gardens provides a contrast in scale between the lower built form of West Melbourne and the higher scale of the Hoddle Grid.
- Encourage the re-use of existing warehouse and industrial buildings with efficient recycling potential where these contribute to the traditional mixed use character of the area.

- Ensure infill redevelopment and extensions complement the architecture, scale and heritage values of the residential area, especially where it is in a Heritage Overlay.

- Support higher building forms in West Melbourne in the area adjacent to the Hoddle Grid.

- Maintain the existing two storey scale in the Errol and Victoria Street shopping precinct consistent with the area’s heritage buildings.

- Reinforce Flemington Road as a key tree lined boulevard entry to the Central City.

**Transport**

- Strengthen pedestrian and cycle connections between Docklands and West Melbourne.

- Strengthen public open space and pedestrian and cycle connections in the North and West Melbourne area, across the Moonee Ponds Creek and with the Capital City trails.

- Strengthen pedestrian, cycle and visual connections to Royal Park.

- Encourage better links between existing transport modes in North and West Melbourne and between key precincts, e.g. Errol Street shopping precinct.

**Infrastructure**

- Support the role of the North Melbourne Town Hall arts precinct, including the Metropolitan Meat Market.

- Support the provision of open space and recreational facilities for the local resident and working community.

- Facilitate opportunities for the creation of new open space in North and West Melbourne.
Figure 20: North and West Melbourne
Fishermans Bend Employment Precinct

The Fishermans Bend Employment Precinct is one of Victoria’s National Employment and Innovation Clusters (NEIC). It is located west of the city adjacent to the Port of Melbourne. The Port of Melbourne is covered by a separate planning scheme administered by the Minister for Planning. While not the responsible authority for the Port, the City of Melbourne must ensure an appropriate interface and access to the Port as Australia’s largest container and general cargo port.

The continued protection of industry and the Port from encroachment by residential and other sensitive uses will be important.

Economic Development

- Support the development of limited convenience retail and professional services in the area to support the area’s growing workforce.
- Support advanced manufacturing and associated research and development organisations especially within the aerospace and automotive sectors to locate in the area, to provide mutual benefit through proximity to existing businesses and activities.
- Support development of the area as a National Employment and Innovation Cluster to attract new manufacturing business and corporate headquarters, focused on research and technology.
- Support the development of the precinct as a transitional area separating the larger manufacturing industries to the west from more intensive industrial businesses to the north east and encourage a variety of business and industrial uses and business incubators.
- Discourage small scale industrial and commercial development and subdivision in the precinct that is not related to advanced manufacturing and research and development uses.
- Manage the interface between the future residents of nearby areas by encouraging emission free or office based manufacturing uses and development.
- Encourage larger manufacturing businesses to locate in the western portion of precinct to minimise conflict with future residents of nearby areas.
- Discourage the location of sensitive activities in the precinct that are not compatible with the operations of the Port of Melbourne or other industrial activities.

Built Environment and Heritage

- Strengthen pedestrian and cycle connections and support provision of open space and links through the area between the Port Melbourne foreshore, the Hoddle Grid and Westgate Park.
- Ensure that development in the precinct visible from Docklands does not detract from the appearance or visual amenity of the Docklands area.
- Support improvements to the physical infrastructure, urban design and amenity of the precinct to make the area a high quality urban environment and more attractive for business.
- Encourage a high standard of visual amenity along Lorimer Street to reinforce the image of Fishermans Bend and to strengthen main vistas and views.
- Encourage large front landscaped setbacks on larger industrial sites in the precinct.
- Discourage the location of car parking along Lorimer Street where it is visible from the street.
- Discourage high wire mesh fencing at street frontages particularly along Lorimer Street.
- Enhance the environmental and open space values of Westgate Park.
- Enhance open space in the precinct to provide for the needs of the working population.

Transport

- Support the extension of bus, fixed and light rail services to the precinct.
- Support the development of transport infrastructure required for the Port of Melbourne in the precinct including planning for future rail links to Webb Dock to the south, heavy vehicles and freight and protecting shipping lanes.
- Support the extension of heavy rail to Webb Dock.

**Figure 21: Fishermans Bend Employment Precinct**
REFERENCE DOCUMENTS

General
How to Calculate Floor Area Uplifts and Public Benefits, Department of Environment, Land, Water and Planning (as amended from time to time)

Housing and community

Business and Retail

Urban Form and Structure and character
Docklands Open Space Strategy.
Melbourne Docklands Outdoor Signage Guidelines, 2004
Swanston Street, Carlton- Urban Design Guidelines, 1999
West Melbourne Structure Plan, April 2005
Carlton Brewery Masterplan, October 2007
Queen Victoria Market Precinct Renewal Built Form Review & Recommendations, April 2015.
Queen Victoria Market Precinct Renewal Master Plan, July 2015.

Parks
Parks Policy, 1997.
Transport and Access
Port of Melbourne Land Use Plan, 2002.
City West Plan, 2002.

Environment

Local Area Plans
Southbank Structure Plan 2010.
North West 2010 Local Plan, 1999.
The Shrine of Remembrance, Managing the significance of the Shrine, July 2013

Fishermans Bend Urban Renewal Area
Fishermans Bend Vision. September 2016
Fishermans Bend Framework, September 2018
Fishermans Bend Community Infrastructure Plan, 2017
Fishermans Bend Urban Design Strategy, 2017
Fishermans Bend Public Space Strategy, 2017
Fishermans Bend Integrated Transport Plan, 2017
Fishermans Bend Sustainability Strategy, 2017
22.01

URBAN DESIGN WITHIN THE CAPITAL CITY ZONE

This policy applies to land within Schedules 1, 2 and 3 to the Capital City Zone.

Policy Basis

The State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF) recognise the contribution that the following attributes make to the amenity, liveability and economic prosperity of the Central City:

- design excellence
- appropriate building height, setback and scale
- public realm amenity
- internal building amenity
- sunlight
- wind conditions
- attractive publicly accessible spaces, streets, lanes and public parks and gardens.

Melbourne’s buildings, streets, open spaces and landscape features combine to give the Central City its unique appearance and feeling.

These elements have created a complex and attractive urban environment, giving Melbourne a grand and dignified civic centre filled with diverse activities and possessing unique charm, character and a pleasant street level environment.

Objectives

- To ensure that development responds to the underlying framework and fundamental characteristics of the Capital City Zone while establishing its own identity.
- To enhance the physical quality and character of Melbourne’s streets, lanes and Capital City Zone form through sensitive and innovative design.
- To retain views into and out of the Hoddle Grid and Southbank and vistas to important civic or historic landmarks.
- To ensure that the design of public spaces, buildings and circulation spaces meets high quality design standards.
- To ensure developments contribute to a high quality public realm and to passive surveillance of the public domain.
- To incorporate laneways and through-block links to enhance pedestrian movement and permeability.
- To improve the experience of the city for pedestrians by providing a human scale to the street wall, weather protection, sunlight access, summer shadow, comfortable wind conditions, active
- To address the cumulative impact of the scale, setbacks and height of developments where multiple towers provide the precinct built form context for individual proposals.
- To provide adequate separation between towers to achieve sunlight access to streets, avoid a canyon effect, and provide the opportunity for a high level of internal amenity for occupants of adjacent towers.
- To maintain identified special character areas where a lower scale of development is appropriate in response to identified attributes.
- To encourage the early consideration and integration of public art work into building design to enhance the arts and cultural character of the city.
Additional Objectives for Schedule 3 to the Capital City Zone (Southbank)

- To connect and integrate Southbank with the Hoddle Grid and the Yarra River, providing easy and attractive access from all areas of Southbank to and across the river.
- To develop pedestrian and cycling connections so that Southbank has a fine grain network encouraging permeability and access.
- To encourage the redevelopment of the area bounded by City Road, Kings Way, Haig Street/Lane and the Westgate Freeway into a vibrant, mixed use area that includes smaller premises and establishes a distinct fine grained urban character.

Policy

This policy has nine sections addressing:
22.01-1 Building Envelope
22.01-2 Building Design
22.01-3 Pedestrian Permeability and Connectivity
22.01-4 Facades
22.01-5 City Roofs and Profiles
22.01-6 Projections
22.01-7 Wind and Weather Protection
22.01-8 Public Spaces
22.01-9 Access and Safety in Public Spaces

22.01-1

Building Envelope

It is policy that a proposed development is designed and assessed against the following requirements, as appropriate:

- Encourage a street wall height which responds to the prevalent street wall context. Ensure development, due to its location, scale and character does not detract from key views to:
  - Shrine of Remembrance
  - Parliament House
  - Old Treasury
  - Government House
  - Exhibition Building
  - Flinders Street Station dome and clocktower
  - Arts Centre Spire
  - Yarra River Corridor

- Requires a setback to the street frontage(s) for development above the street wall to maintain a pedestrian scale at street level. Higher street walls may be permitted if defining a main street corner.

- Require an upper level setback to adjoining sites above the street wall height which allows sufficient separation between buildings so as not to reduce the development potential of adjoining sites, to ensure a high level of amenity for both existing and future occupants of buildings, and to ensure adequate sunlight and daylight access to the street.

- Require the overall building envelope, including height and setbacks, to respond to the site’s context, taking into account any floor area ratio and uplift provision(s) specified.
Building Design
It is policy that a proposed development is designed and assessed against the following requirements, as appropriate:

- Encourage the lower portion of buildings to align to the street pattern and to respect the continuity of the street wall.
- Encourage buildings to be built to the street frontage at ground level, unless the design response includes a purposeful setback such as publicly accessible open space with a high standard of amenity.
- Encourage the architectural treatment to distinguish the tower from the street wall through the use of a tower setback or the adoption of a different but complementary design approach.
- Encourage a distinction between the street wall and towers through the use of tower setbacks. If an alternative design response is pursued it should include a complementary design approach. Maintain the traditional and characteristic vertical rhythm of streetscapes.
- Respect the height, scale, and proportions of adjoining heritage places.
- Encourage buildings with a wide street frontage to be broken into smaller vertical sections.
- Encourage towers to be well spaced, to equitably distribute access to outlook, daylight and sunlight between towers and ensure adequate sunlight and daylight penetration at street level.
- Tower separation should demonstrate that towers are offset and habitable room windows do not directly face one another and that consideration is given to the development potential of adjoining sites.
- Encourage development for new and refurbished residential and other noise sensitive uses to incorporate design measures to attenuate noise associated within the operation of businesses and non-residential activities associated with a vibrant 24-hour city.

Pedestrian Permeability and Connectivity
It is policy that a proposed development is designed and assessed against the following requirements, as appropriate:

- Pedestrian through block connections should be provided where the average length of a street block exceeds 100 metres. For street blocks exceeding 200 metres in length, at least two connections should be provided.
- Connections should be located toward the centre of the street block, no more than 70 metres from the next intersection or pedestrian connection.
- Where a development site is suitably located for a pedestrian connection, but does not extend the full depth of the block, the development should include a connection which will be completed when a connection is provided through the adjoining site.
- Where a development site has the potential to achieve a through block connection by extending an existing or proposed connection on an adjoining site, the new development should provide for the completion of the through block connection.
- Developments should provide pedestrian connections that are aligned with other lanes or pedestrian connections in adjacent blocks (or not offset by more than 30 metres) so as to provide direct connections.
- Developments should provide pedestrian connections which are:
  - Safe, direct, attractive and which provide a line of sight from one end of the connection to the other;
  - Publicly accessible and appropriately secured with an agreement;
  - 6 metres wide;
- Open to the sky or, if enclosed, be of a double-level height; and
- Flanked by active frontages

**22.01-4**  
23/11/2016  
C270

**Facades**

It is policy that a proposed development’s façade is designed and assessed against the following requirements, as appropriate:

- Encourage new facades to respect the positive attributes of the rhythm, scale, architectural features, fenestration, finishes and colour of the existing streetscape.
- Encourage detail that engages the eye of the pedestrian.
- Encourage the use of high quality building material and details.
- All visible sides of a building should be designed to a high standard, to provide visual interest and an enduring quality of finish.
- Blank building walls that are visible from streets and public spaces should be avoided.
- Buildings should address both street frontages on corner sites.
- Visible service areas (and other utility requirements) should be treated as an integral part of the overall design and fully screened from public areas.
- Signs should be integrated with the architecture of the building.
- Facades should make provision for the location of external lighting for public safety purposes and to give interest to streetscapes at night.
- Areas that might attract graffiti should be treated with graffiti proofing measures.
- Solid roller shutters should not be used on shopfronts. Open mesh security or transparent grills may be used and should be mounted internal to the shopfront.

**22.01-5**  
23/11/2016  
C270

**City and Roof Profiles**

It is policy that a proposed development is designed and is assessed against the following requirements, as appropriate:

- Encourage roof profiles to contribute to the architectural quality of the city skyline.
- Encourage roof profiles to be considered as part of the overall building form.
- Plant, exhaust and intake vents and other technical equipment should be integrated into the building design.
- In addition to views from the street, the views from higher surrounding buildings should be taken into account.
- Buildings should be designed to integrate attachments (including antennae) without disrupting the appearance of the building.
- Where they cannot be screened, attachments should be designed to complement the building.

**22.01-6**  
23/11/2016  
C270

**Projections**

Where a development includes projections over public space or into a laneway it is policy that the design is assessed against the following design standards, as appropriate:

- Projections should be designed to avoid an adverse impact on street trees, including planned street trees as specified in any adopted City of Melbourne plan, and allow for future growth.
- Projections should not adversely affect the service functions of a street or lane.
- Enclosed habitable floor space projecting over public land is discouraged.
Enclosed floor space and balcony projections should provide a clearance of at least 5 metres from any public space.

Building materials used for projections should be as durable and as transparent as possible to reduce visual impact and to maximise sunlight penetration.

Open balconies, projecting cornices, architectural features or other building elements should not overhang a street or lane unless they:

- Follow a local pattern.
- Contribute positively to the character and safety of a public space.
- Are discreet rather than prevailing elements of a building’s design.
- Provide evidence of the building’s occupation.

Wind and Weather Protection

It is policy that wind and weather protection measures are assessed against the following design standards as appropriate:

- Landscaping within the public realm should not be relied on to mitigate wind effects.
- Towers should be appropriately set back from all street frontages above the street wall or podium to assist in deflecting wind downdrafts from penetrating to street level.
- Within the tower setback, some variation in treatment may provide a transition between the podium and tower. Such treatment should be carefully checked for wind effects at street level.
- Areas designated in Schedule 4 of the Design and Development Overlay (Weather Protection) should be protected from rain and wind.
- The design, height, scale and detail of canopies, verandahs and awnings should be compatible to nearby buildings, the streetscape and the precinct character.
- Canopies, verandahs and awnings should be partly or fully transparent to allow light penetration to the footpath and views back up the building facade, and should be designed to avoid an adverse impact on street trees, allowing for future growth.
- Verandah support posts should be located at least 2 metres from tree pits.
- Weather protection does not need to be provided where it would interfere with the integrity or character of heritage buildings, heritage precincts or streetscapes and lanes.

Public Spaces

The provision of high quality, readily accessible internal and external spaces form an integral part of the public domain. Public spaces include streets and lanes, public parks and gardens and privately owned plaza, forecourts, arcades and atria, and parks and gardens that are used by the public.

It is policy that a proposed development is designed and is assessed against the following requirements, as appropriate:

- Encourage development to provide for high quality public spaces.
- Discourage public space at street intersections to reinforce the form of the city grid.
- Discourage small narrow spaces, alcoves and recesses that lack a clear public purpose.
- Encourage atria where they link different elements of building complexes or link new additions to historic buildings or improve the energy efficiency of the building.
- Atria, arcades and through building links should be publicly accessible during normal business hours, with longer hours encouraged. Other spaces should be publicly accessible 24 hours a day.
- Facades adjoining public spaces should be designed to maintain the continuity of the streetscape and provide active uses and passive surveillance.
- Clear views should be provided through to the other end of a covered public space to encourage pedestrian use.
- Natural lighting should be maximised in covered public spaces.
- Public open space should have a northerly aspect.
- The design and finishes in arcades and atria should provide a high level of noise absorption.
- Shopfronts fronting public spaces should be attractive and secure when the shops are closed. Roller shutters should not be used.
- Development of new or upgrading of existing open space should comply with the City of Melbourne’s design standards.
- Provision should be made for facilities such as seating, litter bins, tables, drinking fountains and planters where appropriate.

**Access and Safety**

It is policy that access and safety issues in public space design are assessed against the following standards as appropriate:

- Access to car parking and service areas should minimise impact on street frontages.
- The storage of refuse and recyclable material should be provided off-street and be fully screened from public areas.
- Streets and public spaces should be fronted by active uses to increase interest, use, and the perception of safety.
- On major streets and other areas of pedestrian activity, windows at ground floor level should be maximised to provide surveillance.
- Lighting should be provided to improve safety.
- Alcoves and spaces that cannot be observed by pedestrians are not supported.

**Policy References**

*Grids and Greenery – The character of inner Melbourne (1987)*
*Places for People (1994)*
*Vision for the Yarra Corridor (1998)*
*Central City Planning and Design Guidelines (1991)*
*The Southbank Structure Plan 2010*
*Central City Built Form Review Synthesis Report, Department of Environment, Land, Water and Planning, April 2016*
SUNLIGHT TO PUBLIC SPACES

This policy applies to public spaces throughout the municipality including parks and gardens, squares, streets and lanes, and privately owned publicly accessible spaces within developments, including building forecourts, atria and plazas.

The policy does not apply to land within the Docklands Zone and Schedule 5 to the Capital City Zone (City North).

Policy Basis

The State Planning Policy Framework sets out objectives for a high quality public realm. Similarly, the Municipal Strategic Statement sets out objectives for public realm quality. A fundamental feature of Melbourne’s character, liveability, comfort and attractiveness is its ability to offer sunlight to its streets and public spaces at the times of the year when the intensity of pedestrian activity is highest.

The policy recognises that sunlight contributes to the amenity and useability of public space, public health and well being and supports trees and other plants.

The policy recognises that not all public spaces have the same sunlight access requirements. Public spaces make a contribution to Melbourne’s character and cultural identity, where specific controls are required to maintain sunlight access and prevent additional overshadowing when the spaces are intensively used.

The policy provides guidance for the consideration of the impact of additional overshadowing on the amenity, quality and useability of the public space.

Objectives

- To achieve a comfortable and enjoyable public realm.
- To ensure new buildings and works allow good sunlight access to public spaces.
- To ensure that overshadowing from new buildings or works does not result in significant loss of sunlight and diminish the enjoyment of public spaces for pedestrians.
- To protect, and where possible increase the level of sunlight to public spaces during the times of the year when the intensity of use is at its highest.
- To create and enhance public spaces to provide sanctuary, visual pleasure and a range of recreation and leisure opportunities.

Policy

It is policy that development proposals are assessed against the following requirements.

Key Public Spaces

Development must not cast additional shadow across the following spaces at key times and dates identified in the planning scheme:

- The Yarra River corridor, including 15 metres from the edge of the north bank of the river to the south bank of the river
- Federation Square
- City Square
- State Library Forecourt
- Bourke Street Mall south of the tram tracks
- Shrine of Remembrance and its Northern Forecourt
- Boyd Park
Development should not cast additional shadow across the following spaces at key times and dates identified in the planning scheme:

- Parliament Gardens
- Treasury Gardens
- Flagstaff Gardens
- Gordon Reserve
- Parliament Steps and Forecourt
- Old Treasury Steps
- Flinders Street Railway Station Steps
- 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
- Swanston Street between south bank of the Yarra River and La Trobe 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
- The southern building line of Little Bourke Street between Spring and Swanston Streets and Cohen Place/ Chinatown Plaza
- Liverpool Street and Crossley Street
- Market Street between Collins Street and Flinders Lane

**Other Public Spaces within the municipality**

Development should not unreasonably reduce the amenity of public spaces by casting additional shadows on any public space, public parks and gardens, public squares, major pedestrian routes including streets and lanes, open spaces associated with a place of worship and privately owned plazas accessible to the public between 11.00 am and 2.00 pm on 22 September.

**Policy Implementation**

In considering the impact of additional overshadowing as set out in this policy, the responsible authority will assess whether the additional overshadowing adversely affects the use, quality and amenity of the public space. The following matters will be considered as appropriate:

- The area of additional overshadowing relative to the area of remaining sunlit space compared to the total area of the public space;
- Any adverse impact on the cultural or social significance of the public space;
- Any adverse impact on the natural landscaping, including trees and lawn or turf surfaces in the public space;
- Whether the additional overshadowing compromises the existing and future use, quality and amenity of the public space;
- Whether allowing additional shadows on other public spaces such as streets and lanes, is reasonable having regard to their orientation and shadows cast by adjacent buildings.
Definitions for the Purpose of this Policy

The south bank is the north edge of the existing physical boundary bordering the south side of the river.

The north bank is the south edge of the existing physical boundary bordering the north side of the river.

Policy Reference

Places for People (1994)

Bourke Hill Heritage, Planning and Urban Design Review, Department of Transport, Planning and Local Infrastructure, September 2014

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

FLOOR AREA UPLIFT AND DELIVERY OF PUBLIC BENEFITS

This policy applies to land within Schedules 1, 2 and 3 of the Capital City Zone that are also subject to Schedule 10 to the Design and Development Overlay.

Policy Basis

The State Planning Policy Framework sets out objectives to ensure that planning in Victoria is fostered through appropriate land use and development planning policies and practices which integrates relevant environmental, social and economic factors in the interests of net community benefit and sustainable development. Similarly, the Municipal Strategic Statement at Clause 21.04 sets out objectives to provide for the anticipated growth in the municipality over the next twenty years.

Objectives

- To ensure that a development delivers a commensurate public benefit when Floor Area Uplift is sought.

Policy

When a Floor Area Uplift requires the delivery of a public benefit, it is policy to:

- ensure the appropriateness and value of the public benefit(s); and
- ensure the management and maintenance of the public benefit(s); and
- ensure the complete and timely delivery of the public benefit(s).

Policy Implementation

In considering any Floor Area Uplift as set out in this policy, the responsible authority in consultation with the receiving agency of the proposed public benefit(s) must assess whether the Floor Area uplift is appropriately matched by the public benefit(s) to be provided, by considering the following:

- whether the public benefit(s) is consistent with state and local policy, strategic initiatives and relevant guidelines; and
- whether the quantity and value of the Floor Area Uplift has been appropriately calculated and the proposed public benefit(s) is of a matching value; and
- whether the proposed public benefit(s) can be realistically delivered and secured by a suitable legal agreement; and
- whether the proposed public benefit is supported by the proposed receiving agency and can be maintained for a reasonable period of time.

Definitions

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 site area. 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.

Floor Area Uplift means the part of the building(s) containing the uppermost floor area of the building, without which the building(s) would not exceed a floor area ratio of 18:1.

Policy Reference

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

How to Calculate Floor Area Uplifts and Public Benefits, Department of Environment, Land, Water and Planning (as amended from time to time)
HERITAGE PLACES WITHIN THE CAPITAL CITY ZONE

This policy applies to the Capital City Zone excluding land within Schedule 5 to the Capital City Zone (City North).

Policy Basis

The heritage of the Capital City Zone area, comprising individual buildings, precincts, significant trees, and Aboriginal archaeological sites, is a significant part of Melbourne’s attraction as a place in which to live, visit, do business and invest. It is also important for cultural and sociological reasons, providing a distinctive historical character and a sense of continuity. Much of Melbourne’s charm is provided by its older buildings, which, while not always of high individual significance, together provide cultural significance or interest, and should be retained in their three dimensional form, not as two dimensional facades as has sometimes occurred.

The identification, assessment, and citation of heritage places have been undertaken over decades, as part of an ongoing heritage conservation process and their recognition and protection have been a crucial component of planning in Melbourne since 1982.

Objectives

- To conserve and enhance all heritage places, and ensure that any alterations or extensions to them are undertaken in accordance with accepted conservation standards.
- To consider the impact of development on buildings listed in the Central Activities District Conservation Study and the South Melbourne Conservation Study.
- To promote the identification, protection and management of Aboriginal cultural heritage values.
- To conserve and enhance the character and appearance of precincts identified as heritage places by ensuring that any new development complements their character, scale, form and appearance.

Policy

The following matters shall be taken into account when considering applications for buildings, works or demolition to heritage places as identified in the Heritage Overlay:

- Proposals for alterations, works or demolition of an individual heritage building or works involving or affecting heritage trees should be accompanied by a conservation analysis and management plan in accordance with the principles of the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance 1992 (The Burra Charter).
- The demolition or alteration of any part of a heritage place should not be supported unless it can be demonstrated that that action will contribute to the long-term conservation of the significant fabric of the heritage place.
- The impact of proposed developments on aboriginal cultural heritage values, as indicated in an archaeologist's report, for any site known to contain aboriginal archaeological relics.
All development affecting a heritage precinct should enhance the character of the precinct as described by the following statements of significance.

Regard shall be given to buildings listed A, B, C and D or significant and/or contributory in the individual conservation studies, and their significance as described by their individual Building Identification Sheet.

**Statements of Significance and Key Attributes for Heritage Areas within the Heritage Overlay**

**Bank Place Precinct**

**Statement of Significance**
The character of the intimate space within Bank Place is created by the architectural variety of the comparatively small, individual buildings that enclose it. They vary in style from the English domestic of the Mitre Tavern (1865), through to the Victorian facades of Stalbridge Chambers and the romanesque revival of Nahun Barnett’s Bank Houses. The Savage Club, 12 Bank Place, was erected as a townhouse in the 1880s and is now on the Victorian Heritage Register. With its narrow entrances, flanked at the northern end by the impressive and ornately detailed Stalbridge Chambers on one side and on the other by a significant row of two-storey shops, representing the oldest legal offices in what was once Chancery Lane, it provides a pleasant and intimate space in the heart of the City. The area extends across Little Collins Street to include the Normanby Chambers, another sophisticated facade featuring Italian and English Renaissance design, another office long associated with the legal fraternity, and forming an architectural focus for Bank Place.

**Key Attributes**
- The intimate scale and character of Bank Place, as well as its strong social and traditionally pedestrian role.
- Architecturally interesting building facades and detailing throughout.

**Bourke Hill Precinct**

**What is Significant**
The Bourke Hill Precinct, located in the north east of the CBD, comprises Spring, Little Bourke, Bourke, Little Collins and Exhibition Streets and the network of laneways between the major streets. It contains a range of buildings that predominantly date from the nineteenth century, with a number of significant buildings dating from the early twentieth century through to the Postwar period. The precinct contains a number of landmark buildings.

Elements which contribute to the significance of the precinct include (but are NOT limited to):
- All buildings and land identified as significant and / or contributory;
- The regularity of the Hoddle Grid;
- The hierarchy and network of streets, lanes and alleyways;
- The early street materials including bluestone pitchers, kerbs and gutters;
- The distinctive character between the streets and lanes notably: the change in scale, visual contribution of the side and rear elements of the significant built forms, and cohesive materials;
- The character of various laneways, formed by the heritage buildings that face onto them, along with the side and rear walls of buildings that face into the main streets;
- The side elevations, rear elevations, roof forms (including chimneys) and rear walls, etc. that are visible throughout the precinct due to the particular configuration of laneway development in combination with the regular layout of main and sub-streets;
- The pre-1875 (pre land boom) buildings, as a rare collection of early buildings;
The diverse architectural expression linking the key periods of Melbourne’s development (from pre gold rush to the Postwar period), seen throughout the precinct;

Evidence of layering through the application of later change and the influence of various cultures, seen throughout the precinct;

The low scale of the buildings to Bourke Street and the precinct as a whole;

Narrow frontages to Bourke Street;

Cohesive massing and use of materials present on Bourke Street;

The continuing presence of a retail, restaurant and café culture within the precinct;

Visual dominance of the three landmark buildings: Hotel Windsor, Princess Theatre and Parliament House (including steps and ‘piazza’);

Vista along Bourke Street East towards Parliament House taking in the consistent diminutive scale of Bourke Street East and its contrast with the monumentality of Parliament House and steps at the street’s eastern termination. Vista includes the junction of Spring and Bourke Street that form a ‘piazza’ to Parliament House;

The vista along Bourke Street from the main entrance to Parliament House with expansive views of open sky that reinforces the consistent diminutive scale of the eastern end of Bourke Street and which, by comparison, increases the monumentality of Parliament House;

The views to the Parliament Gardens from Little Bourke Street;

The cohesive scale, architectural expression and materiality of the red brick buildings located on Little Bourke Street; and;

The cohesive scale, Interwar & Postwar character and materiality of Crossley Street.

How is it Significant

The Bourke Hill Precinct is of aesthetic, architectural, historic, scientific and social significance to the City of Melbourne.

Why is it Significant

The Bourke Hill Precinct is of local significance to the City of Melbourne.

The Bourke Hill Precinct is historically significant as the land upon which the precinct sits and the site now occupied by Parliament House and steps is historically connected to its traditional owners, the Kulin clan as a meeting point prior to European settlement.

The Bourke Hill Precinct is historically significant as it demonstrates the early structure of the Hoddle Grid through its layout of main and sub-streets, interspersed with sporadic laneway development.

The Bourke Hill Precinct is historically and aesthetically significant as a longstanding section of the CBD, which demonstrates all aspects of growth and consolidation of the city from its early post-European beginnings through to the Postwar period seen in the early built form and layering of subsequent eras.

The Bourke Hill Precinct is historically and aesthetically significant as it contains the only surviving main CBD thoroughfare that retains a character and scale of the pre land boom era, and possesses a large collection of central city buildings surviving from the pre land boom era.

The Bourke Hill Precinct is historically significant as it demonstrates the pattern of immigration beginning from the first Jewish and European immigrants, to the wave of Italian immigration in the Postwar period. The character of the precinct is a direct result of those different nationalities that have lived and worked in the area, making their mark on all aspects of the precinct.
The Bourke Hill Precinct is historically and socially significant as an entertainment and leisure precinct, containing well known cultural places such as Pellegrini’s and Florentino’s cafes and the Princess and Palace Theatres.

The Bourke Hill Precinct is aesthetically significant for its fine collection of landmark buildings that provide an outstanding streetscape along Spring Street.

The Precinct is aesthetically significant as it contains the unique vista east along Bourke Street terminating with the monumental presence of Parliament House and its setting. This vista is of high aesthetic value to the City of Melbourne and Victoria as a whole.

The Bourke Hill Precinct is of architecturally significant for its rich and varied architectural expression. It encompasses a range of styles from Early and Late Victorian, Federation, Interwar, Moderne and Postwar styles. The stylistic development of the precinct, seen not only in the expression of individual buildings, but also in the layering of subsequent eras, architectural expression and cultural influences, is of aesthetic and historic significance.

The Bourke Hill Precinct is of scientific significance through the presence of Turnbull Alley, and a notable collection of pre-gold rush buildings. The area is an extremely important and sensitive archaeological site within the CBD.

The Bourke Hill Precinct is of social significance for its connections to a large number of cultural, community and professional groups, and individuals. The precinct contains Parliament House a place of community gathering and it contains a strong association with many cultures that arrived as migrants from the early days of settlement.

The Bourke Hill Precinct is historically and socially significant as it contains Parliament House and connections with the Salvation Army. Parliament House is a place of importance in the operation of the State of Victorian and formerly Australia, and as a place for civic events and public meeting. At their City Temple, the Salvation Army, has provided religious and moral guidance and welfare services since the late nineteenth century.

The Bourke Hill Precinct is significant for its association with the following Victorians who have played a role in the development of the city: Robert Hoddle, surveyor of the original city grid and Sir Richard Bourke Governor of NSW.

**Bourke West Precinct**

**Statement of Significance**

Architecturally diverse but coherent in scale and picturesque setting, this precinct contains highly expressive elements of the late 19th and early 20th century city. Apart from containing a rare and interesting mix of diverse functions and building types, this precinct includes a range of government services located in the western quarter of the City. Some buildings such as Unity Hall (1916), Hudson’s Stores (1876-77) and the Old Tramways Building (1891) have important historical associations with transport and the Spencer Street railway yards. The comparatively low levels of even the tallest buildings contrast well with the single-storey structures on the southern side of Bourke Street, enabling the taller structures to be seen from their original perspective.

**Key Attributes**

- A group of architecturally diverse 19th and early 20th century buildings that are consistent in scale and associated with public services and warehousing.
- The dominance of the Tramways Building on the south side of Bourke Street and the Mail Exchange building on the north side.
- The amenity of the garden around St Augustine’s Church.
Collins East Precinct

Statement of Significance

Collins Street has often been identified as Melbourne’s leading street. This is due, in part, to the pleasant amenity and distinctive character of its eastern end. Its relative elevation and proximity to the Government Reserve and points of access to the City provided for its development as an elite locale. Initially a prestige residential area, the Melbourne Club re-established itself here in 1857 and by the 1860s the medical profession had begun to congregate. By the turn of the century it was firmly established as a professional and artistic centre of Melbourne, with part of its fame due to its tree plantations in the French boulevard manner (hence the ‘Paris end’), which date from 1875.

A number of significant buildings come together in this precinct to form a series of prominent streetscapes. These include, at the western end, the Town Hall, Athenaeum, and Assembly Hall through to the Scots and Independent Churches, with the Regent Theatre through to the redeveloped T&G building opposite. The eastern end includes the early 19th century residential and artists’ studio buildings at the foot of No. One Collins, with the predominantly 20th century intact run to the north featuring Alcaston, Anzac Portland and Chanonry Houses, and Victor Horsley Chambers plus the nearby Melbourne Club.

At all times until the post 1939-45 war period, redevelopment took place in a quiet and restrained manner with an emphasis on dignity, harmony and compatibility with the intimate scale and pedestrian qualities of the street. These qualities are still embodied in significant remnant buildings and other artifacts, despite the intrusion of large developments. The qualities of the street are also embodied in the social functions of the buildings which include elite smaller scale residential, religious, social, quality retailing and professional activities.

Key Attributes

- The buildings remaining from before the Second World War.
- The boulevard quality of this end of Collins Street with street tree plantations and street furniture.
- A consistent height, scale, character and appearance of the remaining 19th and early 20th century buildings.
- The historic garden of the Melbourne Club.

Flinders Gate Precinct

Statement of Significance

This precinct comprises the City’s southern face, a major access point at Princes Bridge, and the specialised commercial district of Flinders Street. The area has been a gateway to the City from the south ever since the first Prince’s Bridge (1841) and Melbourne’s first railway were constructed, and Flinders and Spencer Street stations were linked by a viaduct in 1879. A grand new Princes Bridge (1886) confirmed the trend to redevelopment in the latter decades of the 19th century. The present Flinders Street Station (1906-10) also dates from this period. Proximity to the centre of Victoria’s railway system explains the location and the size of the Commercial Travellers’ Club (1899) in Flinders Street.

It was here, at Melbourne’s southern gate, that the Anglican community chose to build their grand new St Paul’s Cathedral (1880-91), replacing an earlier church on the same site. The choice was a logical one as many of them lived in the southern and eastern suburbs. More commercial motives saw the construction in Flinders Street of large retail emporia such as the former Mutual Store (1891) and Ball and Welch (1899).

This precinct offers evidence of all these changes, and also includes two of Melbourne’s earliest and best known hotels, the Duke of Wellington (1850) and Young and Jackson’s Princes Bridge Hotel (1854). An important feature of Flinders Street’s southern face of buildings is their uniform height facing the station, Federation Square and the Yarra River.
Key Attributes

- The traditional gateway to the central city from the south and an area associated with retailing.
- Major 19th and early 20th century buildings including Flinders Street Station, St Paul’s Cathedral and Princes Bridge.

Flinders Lane Precinct

Statement of Significance

Proximity to the Yarra River, Queens Wharf and the Customs House marked Flinders Lane as an appropriate location for the establishment of wholesaling businesses in the 19th century. Up until the 1870s and 1880s, Melbourne was the centre of the colonial re-export trade. Overseas cargoes were received, re-packed and distributed to the southern colonies and New Zealand. This trade created a demand for functional warehouses offering large areas of space close to the ground without any need for external display. This generation of buildings were plain brick or stone, up to three storeys in height, and limited to one commercial occupant.

The international exhibition of 1880-81 helped change this. International agents were introduced into the commercial economy, together with a system of indented goods sent direct from manufacturer to retailer. As this system took hold and the southern face of the city became more accessible to rail and road (with the development of Flinders and Spencer Street stations, and the construction of the new Princes Bridge), it became uneconomic to maintain large areas of warehouse space in Flinders Lane. The new wholesaler was able to store his goods elsewhere, requiring only a rented office and sample room in the city proper. However, clothing manufacturers and designers did find the larger floor areas to their liking and a number of ‘Rag Trade’ activities were established in the area.

An intense period of building between 1900 and 1930 resulted in taller buildings incorporating large showcase windows to both ground and basement floors, characteristically separated by a floor line approximately 1 metre from the ground. The new buildings of the 1970s and 1980s were even taller, more architecturally pretentious, and presented a display to the street. Flinders Lane retains buildings from all three eras, and presents a striking physical display of the changing pattern of trading activity in Melbourne.

Key Attributes

- The scale and character of the six and seven-storey office and warehouse buildings constructed in Flinders Lane before the Second World War and the predominant building forms and materials of the precinct.
- The traditional association with ‘Rag Trade’ activities, other creative professions, or dwellings.
- The large showcase windows at the ground and basement floors of the warehouse offices constructed before the Second World War.

Little Bourke Precinct

Statement of Significance

Chinese immigrants settled in Little Bourke Street as early as the mid 1850s. Chinese occupation in the city centre then extended north and west, creating a distinct enclave. The buildings that they occupied were not distinctively ‘Chinese’ in their appearance but were rather the typical small brick shops, dwellings, warehouses and factories of the less affluent areas of Victorian Melbourne (indeed the area was not known as ‘Chinatown’ until the 1970s).

A number of architecturally distinctive, community-oriented buildings were constructed in the heart of the precinct on Little Bourke Street. These included the Num Pon Soon Chinese Club House (1861) and the premises of leading Chinese merchant Sum Kum Lee (1888). However, the most obvious features of Chinatown were the Chinese themselves, their characteristic trades, and the often run-down general character of their quarter of the City. In the late 19th century, the
overwhelmingly Anglo-Celtic community stigmatised both the Chinese and their portion of the city for an association with vice but, for many Chinese, Little Bourke Street was a centre of trade and community life. Today, Chinatown’s shops, restaurants and distinctive character are popular with many Melburnians and tourists as well as the Chinese community. The precinct is bordered on its northern boundary by taller strip development fronting Lonsdale Street. Many Victorian and Edwardian buildings survive in this location and they provide an important contextual link between the ‘back streets and lanes’ of the heart of the precinct and the more public areas of the City. Since the Second World War, Lonsdale Street has become a centre for Melbourne’s Greek community, further enhancing the cultural diversity of this cosmopolitan precinct.

Key Attributes

- The small low-scale Victorian and Edwardian buildings densely located along Little Bourke Street and the adjoining laneways.
- The traditional association with the Chinese community expressed through uses and signage.
- The focus for Greek commercial, entertainment, professional and cultural activities on the southern side of Lonsdale Street.
- The Swanston Street, Russell Street and Exhibition Street entry points to Chinatown.
- The prominence of Sum Kum Lee (112-114 Little Bourke Street) and Num Pon Soon (200-202 Little Bourke Street) within Little Bourke Street.
- The amenity of Little Bourke Street and the adjoining laneways for pedestrian use.
- The attractiveness of the precinct for tourism and recreation.

Post Office Precinct

Statement of Significance

For the immigrant community of Victorian Melbourne, dependant on the mail for news of all kinds, the General Post Office (GPO) was an important social institution. The present building reflects this social standing in its imposing architecture and occupation of a prominent corner site. The present building replaced an earlier structure of 1841 and was constructed in three stages between 1859 and 1907. The importance of the post office ensured a variety of other commercial attractions in the vicinity, many of them of retail character. The confluence of omnibus and tramway facilities assisted this. Overall, this precinct has maintained its place as a major retail centre for the metropolis, surviving the challenges of such suburban centres as Smith and Chapel Streets and Chadstone. In the inter-war period, such establishments as Buckley and Nunn redeveloped their properties, the Myer Emporium put on its present face, and London Stores, the Leviathan Public Benefit Bootery, G J Coles and Dunklings all developed as substantial variety and specialist stores.

Important 19th century buildings such as the Royal Arcade and the GPO are now intermingled with the commercial gothic and art-deco characteristics of the 20th century shops and emporia to create a precinct characterised by glamour and variety. The precinct also contains sub-areas of great cultural value, such as the post office steps and arcades and Myer’s windows (especially when decorated at Christmas time). The precinct’s status as a meeting place has been recognised and enhanced by the establishment of the Bourke Street Mall.

Key Attributes

- The traditional character of the precinct as a major retail centre.
- The scale, form and appearance of the buildings constructed before the Second World War and of the surviving 19th century buildings.
The Block Precinct

Statement of Significance

Within this precinct may be found not only the heart of Victorian Melbourne’s most fashionable retail area but also the beginnings of its ‘Chicago end’ along Swanston Street. ‘Doing the Block’, a term coined to describe the popular pastime amongst Melbourne’s middle classes of promenading outside the plush retail and accessory stores, reached its height in the boom years of the 1880s. The tradition of arcaded shopping was borrowed from nearby Royal Arcade and became a marked feature of this precinct. Block Arcade (1891-93), Centreway Arcade (1913), Block Court (1930), Manchester Unity Arcade (1932), and the Century Arcade (1938-40) testify to the continued popularity of this form.

The precinct contains a great number of significant and architecturally impressive buildings dating from the boom years of the 19th century through to the period immediately prior to the 1939-45 war. The Elizabeth Street end is dominated by the smaller buildings of the earlier period whereas along Swanston Street may be found the Manchester Unity Building, the Capitol Theatre and the Century Arcade, all based on precedents found in Chicago at the time, and pushed to the maximum height limit of 132 feet that existed in Melbourne until the construction of the ICI building in 1958.

Key Attributes

- The historic character of the precinct as a retail area, characterised by a large number of buildings from the late Victorian and early 20th century periods and by the network of arcade shopping.
- The comfortable pedestrian movement within the precinct.
- The commercial and retail buildings of the Victorian and 1900-1940 periods.

The Queen Victoria Market Precinct

Statement of Significance

What is Significant?

The Queen Victoria Market precinct is of historic and social significance as Melbourne's premier market in operation for over 130 years (since the late 1870s), with origins dating back to 1859. It is the last surviving 19th century market established by the City of Melbourne, and has been an important hub of social life in the city. The Meat Hall, the oldest extant building, was constructed in 1869. It is one of the earliest, purpose-built market complexes in Australia, with its single span roof only the second of its type when erected. The market has evolved throughout its history in line with changing requirements, with several phases of expansion.

The Queen Victoria Market precinct is of aesthetic significance as a fine example of a Victorian era market which retains much of its original 19th century fabric intact. Its present configuration is largely that which was established by the end of the Interwar period. Architecturally, there is a mixture of utilitarian buildings – the sheds – and more elaborate brick buildings, with the most exuberant being the 1884 façade of the Meat Hall, by noted architect William Salway. The later but more intact Dairy Produce Hall (1929) features a distinctive Georgian Revival style to the upper part of the façade in combination with Art Deco style to the lower part (canopy, tiling and shop fronts). The groups of shops to Victoria and Elizabeth Streets are rare examples of such extensive, intact rows of Victorian period commercial buildings, as are the Interwar period shops to Franklin Street.

Key Attributes

- The historic character of the precinct as a retail area.
The generally simple, low-scale and remarkably intact example of a utilitarian form from the period of its construction. Taken as a whole, the Market and its component buildings are substantially intact in its 1923 form.

The visual dominance of the Queen Victoria Market in the surrounding area.

**Little Lon Precinct**

**Statement of Significance**

The precinct is locally significant, historically, socially and aesthetically to the City of Melbourne. The building group, which epitomises the much publicised and interpreted ‘Little Lon’ district and its colourful past, represents three key development phases in the City’s history, the immediate post gold era boom of the late 1850s and early 1860s, the development boom of the 1880s leading to the great Depression of the 1890s, and the Edwardian-era recovery with development of local manufacturing that also saw the establishment of a greater Chinatown in the street.

The building group commences with the gold rush era Exploration Hotel and develop through the 19th century with the associated boarding and row houses at 120-122 Little Lonsdale Street and the Leitrim Hotel, itself erected on an old hotel site. The next phase of building is from the Edwardian era with factory warehouse construction that was to serve the Chinese cabinet making and furniture trade.

**Key Attributes**

- A single and strong architectural expression derived from classical revival architecture that emerged in the Colony during the 1860s and is seen here extending into the Edwardian-era.
- Contributory elements include external walls and finishes, parapeted form, mouldings, fenestration, joinery two and three-storey scale, and roof form, along with any new material added in sympathy to the original fabric it replaced.
- The architecturally significant Leitrim Hotel displays a strong boom-era dynamism in its façade ornament.

**Policy Reference**

Urban Conservation in the City of Melbourne 1985
Central Activities District Conservation Study 1985
Harbour, Railways, Industrial Conservation
South Melbourne Conservation Study 1985
Central City (Hoddle Grid) Heritage Review 2011
Bourke Hill Precint Heritage Review Amendment C240 2015
City North Heritage Review, RBA Architects 2013
Southbank and Fishermans Bend Heritage Review, Biosis and Graeme Butler, 16 June 2017
Hoddle Grid Heritage Review, June 2018
Guildford and Hardware Laneways Heritage Study 2017, Lovell Chen
HERITAGE PLACES OUTSIDE THE CAPITAL CITY ZONE

This policy applies to all places within the Heritage Overlay Area excluding the Capital City Zone Schedules 1, 2, 3 and 4 and the Docklands Zone.

Policy Basis

The Municipal Strategic Statement identifies that Melbourne has a high-quality, rich and diverse urban environment. Heritage is an extremely significant component of Melbourne’s attractiveness, its character and its distinction, and therefore its appeal as a place to live, work and visit. This policy is the mechanism to conserve and enhance places and areas of architectural, social or historic significance and aboriginal archaeological sites and to encourage development which is in harmony with the existing character and appearance of designated heritage places and areas. This policy is consistent with policy document Urban Conservation in the City of Melbourne, which has been in operation since 1985 and has contributed to the conservation of the character of places of heritage significance.

Objectives

- To conserve all parts of buildings of historic, social or architectural interest which contribute to the significance, character and appearance of the building, streetscape or area.
- To ensure that new development, and the construction or external alteration of buildings, make a positive contribution to the built form and amenity of the area and are respectful to the architectural, social or historic character and appearance of the streetscape and the area.
- To promote the identification, protection and management of aboriginal cultural heritage values.

Policy

The following matters will be taken into account when considering planning applications for Heritage Places within the Heritage Overlay.

Performance Standards for Assessing Planning Applications

The performance standards outline the criteria by which the heritage aspects of planning applications will be assessed. Definitions of words used in these performance standards and an explanation of building and streetscape grading’s are included at the end of this policy.

In considering applications under the Heritage Overlay, regard should be given to the heritage places listed in the individual conservation studies and their significance as described by their individual Building Identification Sheets and the individual Statements of Significance which are incorporated documents in this scheme. The Building Identification Sheets and Statements of Significance include information on the age, style, notable features, integrity and condition of the heritage place.

Demolition

Demolishing or removing original parts of buildings, as well as complete buildings, will not normally be permitted in the case of ‘A’ and ‘B’, the front part of ‘C’ and many ‘D’ graded buildings. The front part of a building is generally considered to be the front two rooms in depth.

Before deciding on an application for demolition of a graded building the responsible authority will consider as appropriate:

- The degree of its significance.
- The character and appearance of the building or works and its contribution to the architectural, social or historic character and appearance of the streetscape and the area.
Whether the demolition or removal of any part of the building contributes to the long-term conservation of the significant fabric of that building.

Whether the demolition or removal is justified for the development of land or the alteration of, or addition to, a building.

A demolition permit should not be granted until the proposed replacement building or works have been approved.

**Renovating Graded Buildings**

Intact significant external fabric on any part of an outstanding building, and on any visible part of a contributory building, should be preserved. Guidelines on what should be preserved are included in *Urban Conservation in the City of Melbourne*.

In considering a planning application to remove or alter any fabric, consideration will be given to:

- The degree of its significance.
- Its contribution to the significance, character and appearance of a building or a streetscape.
- Its structural condition.
- The character and appearance of proposed replacement materials.
- The contribution of the features of the building to its historic or social significance.

Where there is evidence of what a building originally looked like, renovation of any part of an outstanding building, or any visible part of a contributory building, should form part of an authentic restoration or reconstruction process, or should not preclude it at a future date. Evidence of what a building used to look like might include other parts of the building or early photographs and plans.

Where there is no evidence of what a building originally looked like, renovations should preferably be respectful of an interpretive modern design, rather than "guesswork" reconstruction or any other form of reproduction design.

**Sandblasting and Painting of Previously Unpainted Surfaces**

Sandblasting of render, masonry or timber surfaces and painting of previously unpainted surfaces will not normally be permitted.

**Designing New Buildings and Works or Additions to Existing Buildings**

**Form**

The external shape of a new building, and of an addition to an existing building, should be respectful in a Level 1 or 2 streetscape, or interpretive in a Level 3 streetscape.

**Facade Pattern and Colours**

The facade pattern and colours of a new building, and of an addition or alteration to an existing building, should be respectful where visible in a Level 1 streetscape, and interpretive elsewhere.

**Materials**

The surface materials of a new building, and of an addition or alteration to an existing building, should always be respectful.

**Details**

The details (including verandahs, ornaments, windows and doors, fences, shopfronts and advertisements) of a new building, and of an addition or alteration to an existing building, should preferably be interpretive, that is, a simplified modern interpretation of the historic form rather than a direct reproduction.
Concealment Of Higher Rear Parts (Including Additions)

Higher rear parts of a new building, and of an addition to an existing graded building, should be concealed in a Level 1 streetscape, and partly concealed in a Level 2 and 3 streetscape. Also, additions to outstanding buildings (‘A’ and ‘B’ graded buildings anywhere in the municipality) should always be concealed. In most instances, setting back a second-storey addition to a single-storey building, at least 8 metres behind the front facade will achieve concealment.

These provisions do not apply to land within Schedule 5 to the Capital City Zone (City North).

Facade Height and Setback (New Buildings)

The facade height and position should not dominate an adjoining outstanding building in any streetscape, or an adjoining contributory building in a Level 1 or 2 streetscape. Generally, this means that the building should neither exceed in height, nor be positioned forward of, the specified adjoining building. Conversely, the height of the facade should not be significantly lower than typical heights in the streetscape. The facade should also not be set back significantly behind typical building lines in the streetscape.

These provisions do not apply to land within Schedule 5 to the Capital City Zone (City North).

Building Height

The height of a building should respect the character and scale of adjoining buildings and the streetscape. New buildings or additions within residential areas consisting of predominantly single and two-storey terrace houses should be respectful and interpretive.

Archaeological Sites

Proposed development must not impact adversely on the aboriginal cultural heritage values, as indicated in an archaeologist’s report, for any site known to contain aboriginal archaeological relics.

Sites of Historic or Social Significance

An assessment of a planning application should take into account all aspects of the significance of the place. Consideration should be given to the degree to which the existing fabric demonstrates the historic and social significance of the place, and how the proposal will affect this significance. Particular care should be taken in the assessment of cases where the diminished architectural condition of the place is outweighed by its historic or social value.

Definitions of Words Used in the Performance Standards

Concealed means not visible from any part of the street serving the front of the building, as defined under ‘visible’. ‘Partly concealed’ means that a limited amount of the addition or higher rear part may be visible, provided it does not dominate the appearance of the building's facade and the streetscape.

Conservation means looking after a place to retain its heritage significance. It may include maintenance, preservation, restoration, reconstruction and adaptation to accommodate new uses.

Context means:
- The surrounding area as a whole
- Adjoining or nearby significant buildings or works
- In the case of additions or alterations, significant parts of the subject building.

Contributory building means a ‘C’ grade building anywhere in the municipality, or a ‘D’ grade building in a Level 1 or Level 2 streetscape.

Cultural significance means aesthetic, historic, scientific or social value for past, present and future generations.

Enhancement means:
- Encouraging removal of buildings or objects that detract from an area’s character and appearance.
- Allowing replacement of buildings or objects that do not contribute to an area’s character and significance by a building of a sympathetic new design.
- Allowing new works specifically designed to enhance an area’s character and appearance.

**Fabric** means all the physical material of the place.

**Outstanding building** means a grade A or B building anywhere in the municipality.

**Preservation** means maintaining the fabric of a place in its existing state and retarding deterioration.

**Reconstruction** means returning a place as nearly as possible to a known earlier state and is distinguished by the introduction of materials (new or old) into the fabric. This is not to be confused with either ‘recreation’ or ‘conjectural reconstruction’.

**Respectful and interpretive** refer to design that honestly admits its modernity while relating to the historic or architecturally significant character of its context. ‘Respectful’ means a design approach in which historic building size, form, proportions, colours and materials are adopted, but modern interpretations are used instead of copies of historic detailing and decorative work. ‘Interpretive’ means a looser reference to historic size, form, proportions, colours, detailing and decoration, but still requires use of historic or closely equivalent materials.

**Restoration** means returning the existing fabric of a place to a known earlier state by removing accretions or later additions or by reassembling existing components without the introduction of new material.

**Significant** means of historic, architectural or social value for past, present or future generations. All graded buildings are significant. ‘Significant parts’ of a graded building means parts which contribute to the historic, architectural or social value of the building. The Building Identification Forms within *City of Melbourne Conservation Schedule* highlight many of the significant parts of each building.

**Visible** means anything that can be seen from any part of the street serving the front of the building including:
- Side elevations that are readily visible from the front street.
- Anything that can be seen from a side or rear laneway, if the laneway itself is classified as a Level 1 or 2 streetscape.

**Grading of Buildings and Streetscape Levels**

Every building of cultural significance has been assessed and graded according to its importance. Streetscapes, that is complete collections of buildings along a street frontage, have also been graded for planning control purposes. The individual buildings are grade A to D, the streetscapes from Level 1 to 3, both in descending order of significance. The grade of every building and streetscape is identified in the incorporated document *Heritage Places Inventory March 2018*.

**‘A’ Buildings**

‘A’ buildings are of national or state importance, and are irreplaceable parts of Australia’s built form heritage. Many will be either already included on, or recommended for inclusion on the Victorian Heritage Register or the Register of the National Estate.

**‘B’ Buildings**

‘B’ buildings are of regional or metropolitan significance, and stand as important milestones in the architectural development of the metropolis. Many will be either already included on, or recommended for inclusion on the Register of the National Estate.
‘C’ Buildings
‘C’ buildings. Demonstrate the historical or social development of the local area and/or make an important aesthetic or scientific contribution. These buildings comprise a variety of styles and building types. Architecturally they are substantially intact, but where altered, it is reversible. In some instances, buildings of high individual historic, scientific or social significance may have a greater degree of alteration.

‘D’ Buildings
‘D’ buildings are representative of the historical, scientific, architectural or social development of the local area. They are often reasonably intact representatives of particular periods, styles or building types. In many instances alterations will be reversible. They may also be altered examples which stand within a group of similar period, style or type or a street which retains much of its original character. Where they stand in a row or street, the collective group will provide a setting which reinforces the value of the individual buildings.

Level 1 Streetscapes
Level 1 streetscapes are collections of buildings outstanding either because they are a particularly well preserved group from a similar period or style, or because they are highly significant buildings in their own right.

Level 2 Streetscapes
Level 2 streetscapes are of significance either because they still retain the predominant character and scale of a similar period or style, or because they contain individually significant buildings.

Level 3 Streetscapes
Level 3 streetscapes may contain significant buildings, but they will be from diverse periods or styles, and of low individual significance or integrity.

Policy Reference
Urban Conservation in the City of Melbourne 1985
East Melbourne & Jolimont Conservation Study 1985
Parkville Conservation Study 1985
North & West Melbourne Conservation Study 1985, & 1994
Flemington & Kensington Conservation Study 1985
Carlton, North Carlton and Princes Hill Conservation Study 1994 & 1985
South Yarra Conservation Study 1985
South Melbourne Conservation Study 1985 & 1998
Harbour, Railway, Industrial Conservation Study 1985
Kensington Heritage Review, Graeme Butler 2013
Review of Heritage Buildings in Kensington: Percy Street Area, Graeme Butler 2013
City North Heritage Review, RBA Architects 2013
Arden Macaulay Heritage Review, Graeme Butler 2012
Southbank and Fishermans Bend Heritage Review, Biosis and Graeme Butler, 16 June 2017
[NO CONTENT]
ADVERTISING SIGNS
This policy applies to all applications for advertising within the municipality and the Docklands Zone.

Policy Basis
The Municipal Strategic Statement sets out objectives for public realm quality. The location, size and number of signs have a direct impact on the appearance and character of the municipality. A proliferation of signs may detract from the character and amenity of the place and create visual clutter. Advertising sign requirements are located at Clause 52.05.

Objectives
- To allow for the reasonable identification and marketing of institutions, businesses and buildings and communication of messages.
- To protect the characteristics of significant buildings and streetscapes.
- To protect important vistas from obtrusive and insensitive advertising.
- To ensure that signs in residential areas and other high amenity areas do not detract from the appearance or character of the area.
- To encourage where appropriate, signs that contribute to the lively and attractive character of an area.
- To encourage signs that improve the quality of the area.

Policy
It is policy that proposals are assessed against the following criteria:

General
- Signs should respect the building style and scale and the character of the street.
- Signs should fit within architectural forms and be integrated with the design of the building.
- Signs should not obscure architectural features of buildings, including windows.
- Wall or fascia signs should be applied directly to the building or on a flush mounted panel with minimum projection.
- Signs should not cause visual clutter. Existing signs on a building or site will be taken into account when assessing new proposals.
- An integrated approach should be taken to the provision of signage on buildings with more than one occupancy.
- Where a building is occupied by more than one business, adequate space should be made available for all occupancies to display signage.
- Signs should not interrupt important views and vistas along roads leading to and out of the Central City.
- Views of the sign from all angles should be considered and the supporting structure should be designed with this in mind.
- Promotion, panel and sky signs are discouraged.
- Illumination should be concealed within, or integral to the sign through use of neon or an internally lit box or by sensitively designed external spot-lighting.
- Cabling to signs should be concealed.
- Signs and their support should allow adequate clearance for the servicing requirements of streets and lanes.
The design and location of new signs should respect the cultural heritage significance, character and appearance of the heritage place.

Signs which are attached to or form part of a building (including painted signs) and which contribute to the cultural heritage significance of the place should be retained.

Residential Zones
- Signs should be sensitive to the residential character and amenity of the area.
- Signs should be small in scale.

Commercial and Industrial Zones
- Signs should be located at ground floor level in a Commercial 1 Zone.
- A balanced approach should be taken between the economic and promotional need for signs and the importance of protecting vistas and avoiding unreasonable clutter.
- Sky signs and promotion signs are not supported unless part of an established signage pattern.

Public Park and Recreation Zone
- Signs should be sympathetic to the heritage and landscape character of the area.
- Signs should be designed and located to minimise their impact on their immediate surrounds.
- Signs on sports stadiums/grandstands should be limited to that required for building identification purposes.

Abutting Road Zones
- Signs should not be located in a landscaped area or freeway buffer zone.
- Signs should be limited in number and their size and height should complement the dominant built form or quality of landscape.
- Signs should respect the boulevard quality of St Kilda Road, Victoria Parade, Royal Parade, Flemington Road, Elizabeth Street and Footscray Road.

Capital City Zone
- Signs within the Capital City Zone should meet the requirements set out in the table to this policy.

In addition to the requirements in the table, it is policy to consider the following design requirements for areas of special character.

Bourke Hill
This area is bound by Little Bourke Street, Spring, Little Collins Street and, Exhibition Street. It consists of small-scale buildings of mixed vintage, with entertainment and residential uses dominant. Many older buildings are renovated and new buildings often sympathetically designed.

Objectives
- To enhance the tourism and residential functions.
- To improve pedestrian amenity and interest.
- To retain the small scale character.

Signs are encouraged to:
- Be small scale and at ground floor level.
- Individually crafted with a high degree of detail.
- Illuminated in ways to minimise detriment to the amenity of any surrounding residences.
- Limited in number, and should not include promotional advertising.

**Chinatown**

This area is bound by Lonsdale, Exhibition, Bourke and Swanston Streets, and consists of small-scale, mainly 19th century buildings with narrow laneways. Its Asian character stems from the existing uses, goods on display, activities and people. A vibrant commercialism is an essential part of its character.

**Objective**

- To enhance the area’s role as part of the entertainment area, its attraction for visitors, and its traditional role as a focus for the Asian community.

Signs are encouraged to:

- Be vertically proportioned. Horizontal projecting signs are discouraged.
- Be small to medium scale to reflect the scale and character of the buildings and the streetscape.
- Be bright and animated.
- Include Chinese characters where in keeping with the tenancy of the building.
- Comprise traditional Chinese colours - red, green, black and gold. White is not culturally appropriate.
- Be of tubular neon.

**Greek Precinct**

This precinct relates to the south side of Lonsdale Street, between Russell and Swanston Streets, and includes the east side of Russell Street, between Lonsdale and Little Lonsdale Streets. The precinct consists mainly of Victorian small-scale buildings and its special character stems from Greek goods, activities and people.

**Objective**

- To enhance the area’s attraction for visitors, and its role as a focus for the Greek community.

Signs are encouraged to:

- Be horizontal projecting signs.
- Be generally small scale to reflect the scale and character of the buildings.
- Reflect and enhance the Greek character. A Greek border motif and lettering may be appropriate.
- Be compatible with the post-supported verandahs, hence fascia signs are not encouraged.
- Be internally illuminated where appropriate.

**Swanston Street and Shrine of Remembrance Environs**

This area relates to Swanston Street between Victoria Street and the Yarra River and the area west of the Shrine of Remembrance between Coventry Street and Dorcas Street. Swanston Street provides important vistas to the Shrine of Remembrance and is an important civic and ceremonial spine within the municipality. The area between Coventry Street and Dorcas Street generally east of Wells Street forms part of the setting and built form context surrounding the Shrine of Remembrance.
Objective

- To emphasise the area’s civic role, maintain the prominence of the public buildings and protect vistas along the street.
- To ensure that signs interfacing with or visible from the Shrine of Remembrance be respectfully designed to preserve the cultural significance of the Shrine of Remembrance as a place of reverence and contemplation.

Signs are encouraged to be at ground level, usually under the verandah.
Panel, promotion, pole, sky and high wall signs are discouraged on buildings visible from within the Shrine of Remembrance forecourt.

Yarra River Environs

This applies to the Yarra River between Charles Grimes Bridge and Punt Road. The Yarra River and its environs form the landscape and recreational heart of Melbourne and are its greatest natural asset. Being a key tourist area, it is important that new signs add interest to the area’s tourism and arts characteristics.

Objective

- To enhance the area’s attraction for visitors by preserving the visual characteristics and high amenity of public spaces along the Yarra River corridor, the varied and interesting built form and the intensively used promenades.

Signs should:
- Contribute to the important recreational and visual characteristics of the Yarra River corridor.
- Be limited to that required for business identification purposes.
- Be strictly controlled with particular sensitivity to parkland and promenade areas.
- Be unobtrusive and complementary to the scale and character of buildings and landscaped areas.
- Panel, promotion, pole, sky and high wall signs are discouraged on buildings visible within the Yarra River corridor.

Docklands Zone

The development of the Docklands is to achieve a new waterfront for Melbourne, being a place of character and quality in which to live and work, creating both a tourism asset and a boost to Victoria’s prosperity.

Objectives

- Promote a thriving and vibrant mixed use inner city environment that includes major sporting and entertainment, leisure and recreation facilities.
- Provide for a range of residential development that complements the other functions of Docklands
- Encourage leisure and recreational activities to be located around the waterfront to ensure waterfront access and exposure are maximised.

Signs should:
- Be innovative. Signage should be designed to not only fulfil its primary purpose but also be innovative and creative in the way that it fulfils that purpose.
- Be integrated. Signage should reinforce the contemporary character of Docklands and be designed to enhance and complement the surrounding environment and architecture. The signage response may vary according to its physical context.

- Be durable. Signage design and materials should be of high quality. The marine environment of Docklands should be considered in the choice of materials as well as flexibility for updating and changing the signage in the future.

**Policy References**

*Central City Planning and Design Guidelines (1991)*

*Swanston Street Walk – Precinct Amenity Planning Report (1992)*

*Yarra River: Use and Development Guidelines (1991)*


*The Shrine of Remembrance, Managing the significance of the Shrine, July 2013*
### Guidelines for Signs within the Capital City Zone

<table>
<thead>
<tr>
<th>Level</th>
<th>Type</th>
<th>Clearance to pavement</th>
<th>Height, width &amp; depth (metres) h w d</th>
<th>Location</th>
<th>Max. Overall Dimensions</th>
<th>Number</th>
<th>Special Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground</td>
<td>Horizontal projection</td>
<td>2.7 m min.</td>
<td>0.5 2.5 0.3</td>
<td>Under verandah</td>
<td>1.5 sq m</td>
<td></td>
<td>2.7 m minimum vertical clearance to footpath. If within 0.75m of kerb, 5.0 m minimum vertical clearance to roadway.</td>
</tr>
<tr>
<td>Façade mounted</td>
<td>2.7 m to 3.5 m</td>
<td>0.6 0.84 0.3</td>
<td>Projecting from walls, with no verandah</td>
<td></td>
<td></td>
<td></td>
<td>If within 0.75 m of kerb, 5.0 m minimum vertical clearance to roadway. Should not project in total more than 1.0 m from building.</td>
</tr>
<tr>
<td>First floor to 40m</td>
<td>Wall mounted projecting</td>
<td>N/A</td>
<td>--- 0.6 0.3</td>
<td>Between first floor and facade parapet. Lower levels preferred. Should not be mounted on roof of verandah, canopy or awning</td>
<td>Maximum 1 per facade</td>
<td></td>
<td>May be permitted in individual circumstances where upper-floor tenancies rely on passing trade, subject to urban design and amenity considerations. Should not project in total more than 1.0 m from building.</td>
</tr>
<tr>
<td>Wall sign</td>
<td>N/A</td>
<td></td>
<td>Maximum 1 per facade</td>
<td></td>
<td></td>
<td></td>
<td>May be permitted in individual circumstances subject to urban design and amenity considerations. To be compatible with scale of building and streetscape. Signs to cover a minor proportion of the building facade. Should not be detrimental to the architecture of the host building.</td>
</tr>
<tr>
<td>Sky sign</td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>In exceptional cases where a sky sign is suitable, the following applies: Should not be detrimental to the city skyline, street parapet line or architecture of the supporting or adjacent building. Rear of support structure not to detract from views and skylines. To be compatible with scale of supporting building/s and streetscape. Signs should cover a minor proportion of the supporting building facade.</td>
</tr>
<tr>
<td>Level</td>
<td>Type</td>
<td>Clearance to pavement</td>
<td>Height, width &amp; depth (metres) h w d</td>
<td>Location</td>
<td>Max. Overall Dimensions</td>
<td>Number</td>
<td>Special Comments</td>
</tr>
<tr>
<td>---------</td>
<td>-----------------------------------</td>
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<td>--------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
<td>-------------------------</td>
<td>--------</td>
<td>-----------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Over 40 m</td>
<td>Wall sign and Sky sign</td>
<td>N/A</td>
<td></td>
<td>On building parapet. Painted or fixed directly to building.</td>
<td>Wall sign – 1 per building facade, max. of 4.</td>
<td></td>
<td>Signs should not project above planning scheme height controls</td>
</tr>
<tr>
<td>Open site</td>
<td>Free-standing on building forecourt, plazas or vacant sites</td>
<td>N/A</td>
<td>1.2 m high otherwise see max. dimensions</td>
<td>Min. 3 m from any wall; if closer, should be mounted on wall to reduce clutter.</td>
<td>3sq m max per face.</td>
<td>1 per site</td>
<td>Logos of corporate bodies with naming rights, or major tenants, or name of building are supported in this location. Sign to be preferably painted on the wall. Given the high visibility, compatibility with the architecture and the effect on the city skyline is extremely important. Animated signs are discouraged. Sky signs are discouraged. In exceptional circumstances where such a sign is suitable, the above guidelines contained in this table for sky signs apply. Signs should maintain a low profile and be incorporated in landscape design. Where possible, these signs should be avoided by having signs fixed to buildings rather than freestanding. Information should relate to the use of buildings – (directory). Promotional advertising is discouraged.</td>
</tr>
</tbody>
</table>
[NO CONTENT]
AMUSEMENT PARLOURS

This policy applies to all applications to use land for an amusement parlour within the Capital City Zone.

Policy Basis

Clause 21.04-2 of the Municipal Strategic Statement sets out objectives and strategies for recreation, entertainment and the arts. These strategies include ensuring that the operations of entertainment uses maintain an appropriate level of amenity within the central city and that amusement parlours do not form concentrations in particular areas.

Amusement parlours provide an important entertainment and recreational role in the Capital City Zone, particularly for young people. Experience has shown that amusement parlours, when allowed to agglomerate, may create adverse off-site impacts in terms of loss of amenity, perceived safety and character and image of an area, poor-quality appearance of shop fronts, uncomfortable pedestrian movement.

Clause 21.04-2 of the Municipal Strategic Statement sets out objectives and strategies for retail and business including strategies aimed at improving the retail core and supporting improvements to the design and retail mix of Swanston, Russell and Bourke Streets.

Objectives

- To minimise the clustering of amusement parlours.
- To ensure that the location, appearance and concentration of amusement parlours is not detrimental to the amenity, function, character and image of the City.
- To develop the retail core as a compact high-density retail precinct.
- To enhance the retail mix of Swanston, Russell and Bourke Streets by promoting activities other than amusement parlours.
- To balance the need for youth entertainment venues with other functions of the City.

Policy

It is policy that proposals are assessed against the following criteria:

- Amusement parlours should be located more than 100 metres walking distance from an existing amusement parlour.
- Ground floor premises should provide visually interactive and attractive frontages.
- Signage should be designed to provide interest and vitality to the streetscape.
- Premises should be operated under an agreed accord or an adopted code of management, which identifies management policies and practices.

It is policy that the responsible authority consider, as appropriate:

- The character and function of the area.
- The likely effect on the amenity of the area.
- The visual appearance of the area and the nature and character of the streetscape.
- The relationship the use will have with other surrounding uses.
- Any proposed code of management or accord that relates to the manner in which the use will operate.
- Proposed hours of operation having regard to the likely impact on the amenity of the surrounding area.
Policy References

The Bourke Russell Street Area Development Strategy (1999)

SEXUALLY EXPLICIT ADULT ESTABLISHMENTS

This policy applies to all land within the Capital City Zone. It applies to the use of land for an Adult Sex Bookshop, or Sexually Explicit Adult Entertainment.

Policy Basis

The character and amenity of the CBD is largely determined by the appearance of buildings, the nature of activities within them and the mix of people who live, work and visit the city. The responsible authority is committed to providing a welcoming, livable, attractive and supportive environment for all people in the City. Maintaining this balance is crucial to the City’s vitality.

Sexually Explicit Adult Establishments can have adverse off-site impacts in terms of loss of amenity, safety, character and image of an area. These activities tend to ‘block out’ shopfronts, minimise active street frontages, and can lead to anti-social behaviour by patrons. These problems are exacerbated by the agglomeration of like uses that attract large numbers of people on the street outside them. Agglomeration of these uses affects the mix of people and business attracted to an area and can create de facto red light districts. This is detrimental to the image of the City and contrary to the objectives set out in the Municipal Strategic Statement. A minimum separation distance of half a city block can prevent the agglomeration of these activities.

The retail core is Melbourne’s premier shopping centre. Through continuous improvement and by building on its unique attributes and activities, it should offer outstanding customer amenity and service. It is important that development and activities in the retail core contribute positively to its life, activity, appearance, character, and image. Attractive and welcoming street frontages and activities such as specialty shops and cafes are given preference. AdultSex Bookshops and Sexually Explicit Adult Entertainment may work against these outcomes.

Objective

- To ensure that the location, appearance and concentration of Adult Sex Bookshops and Sexually Explicit Adult Entertainment are not detrimental to the amenity, character, image and public perceptions of the city.

Policy

The following matters should be taken into account when considering an application to use land for an Adult Sex Bookshop, or Sexually Explicit Adult Entertainment.

Location

The premises should not be located:

- Within the retail core.
- Within 100 metres walking distance of an existing Adult Sex Bookshop, or Sexually Explicit Adult Entertainment venue.

Appearance

- The external appearance of any building used for these purposes should not have a detrimental effect on the appearance of the street and character of the building and streetscape.
- Frontages and entries should be designed to be discrete and unobtrusive.
- Signs should be minimal and advise in simple terms the use of the premises.

Operation

- Touting or spruiking will not be supported.
- No form of public address or sound amplification should be audible from outside the premises.
Definitions

Sexually Explicit Adult Entertainment:
- Land used to provide nude dancing, lap dancing and all other forms of sexually explicit entertainment for adults only. It may include the provision of food and drink.

Adult Sex Bookshop:
- Land used to sell or hire sexually explicit material, including: (a) publications classified as restricted under the Classification (Publications, Film and Computer Games) (Enforcement) Act 1995; and (b) materials and devices (other than contraceptives and medical treatments) used in conjunction with sexual behaviour.

Policy Reference

City Plan – Municipal Strategic Statement
GAMING PREMISES

This policy applies to applications for gaming premises in the Mixed Use Zone, Public Use Zone, Public Park and Recreational Zone, Commercial Zones, Industrial Zones, Docklands Zone and Schedule 5 to the Capital City Zone. It is noted that gaming premises are prohibited in the Residential Zones.

Policy Basis

The Municipal Strategic Statement sets out objectives and strategies for recreation, entertainment and the arts. These strategies include ensuring that the operation of entertainment venues maintains an appropriate level of amenity within the municipality and that gaming premises do not form concentrations in particular areas. Gaming machines are discouraged in residential areas.

There are a number of gaming premises throughout the Central City and in nearby business zones. There are also a large number of existing licensed premises in other zones where gaming could be introduced in the future.

Objectives

- To ensure that amenity, social and economic impacts of gaming are considered when deciding on a planning application.
- To encourage applicants to submit a social and economic impact assessment with the planning application.
- To ensure that gaming premises are primarily located in existing venues in commercial centres.
- To ensure that gaming premises are established in locations that will not detract from the amenity of surrounding residential areas.
- To restrict the proliferation of gaming premises in areas where residential use is encouraged.
- To ensure that a new gaming premises is consistent with the purpose of the zone applying to the land.

Policy

It is policy to require a detailed social and economic impact assessment with any planning application.

It is policy that proposals are assessed against the following criteria:

- Gaming should be located in existing licensed premises that have a range of other entertainment uses.
- Proposals for gaming on public land should be ancillary to the existing use of the land and be consistent with the zoning intent for the land.
- Gaming premises should not be located adjacent to existing residential uses.
- Alterations to the external appearance of the premises and any advertising signs should be of high quality design and should not detract from the visual appearance and amenity of the surrounding area.
- Signs advertising gaming should not be a dominant feature of any building in which gaming is located.

It is policy that the responsible authority considers, as appropriate:

- Likely traffic and car parking demand generated by the proposal.
- Whether the hours of operation change the intensity of the existing use and its compatibility with surrounding uses.
- Whether the social and economic impact assessment supports the location of the gaming premises.
- The extent to which electronic gaming machines are located in the subject area.
- Whether the amenity impacts and appearance are detrimental to the surrounding area.
- Whether alternative entertainment uses exist within the venue.

Policy Reference

*Gaming Machine Policy (1997)*
DISCRETIONARY USES IN THE NEIGHBOURHOOD AND GENERAL RESIDENTIAL ZONES

This policy applies to all applications to use land for Section 2 (discretionary) uses in the Neighbourhood and General Residential Zones.

Policy Basis

The established residential areas in the City of Melbourne are a significant capital city asset. They provide high quality and attractive residential environments at the doorstep of the Central City. The MSS recognises the importance of these areas for the liveability and economic performance of the city. The MSS sets out objectives and strategies for land uses applicable to this Clause.

The Residential zones provide for residential development at a range of densities as well as a range of educational, recreational, religious and a limited range of other uses to serve local needs.

The proximity of the residential areas of the City of Melbourne to the Central City makes these areas attractive for uses that are not focussed on local needs and may not be compatible with residential amenity. To protect these areas, it is important to restrict the encroachment of incompatible non-residential uses.

It is also important to acknowledge that there are existing non-residential uses in residential areas which make important contributions to local neighbourhoods. In these instances, the responsibility for management of impacts should fall upon the ‘agent of change’.

Objectives

- To retain existing residential uses.
- To facilitate non-residential uses in residential areas only where they are compatible with the residential character and amenity and serve the needs of the local community.
- To discourage new non-residential uses that have a negative impact on residential amenity or would be more appropriately located within Mixed Use or Commercial Zones.

Policy

It is policy to:

- Discourage new non-residential uses in the Residential Zones unless there is a net benefit to local residents and the local community.
- Ensure the intensity of non-residential uses are appropriate to a residential context.
- Minimise the effects of non-residential uses on residential amenity (by controlling numbers of operators, practitioners, staff levels, hours of operation, traffic and parking movements, light, noise and air emissions).
- Encourage non-residential uses to locate:
  - In buildings that were purpose-built for predominantly non-residential purposes.
  - On corner sites that have direct access to a road in a Road Zone.
  - On sites that are located adjacent to the boundary of a non-residential zone.
- Ensure that responsibility for management of operational impacts such as traffic, parking, odour, light spill, signage and noise falls upon the agent of change to minimise impacts on the neighbourhood.

It is policy that proposals are assessed against the following criteria:

- Non-residential uses should have a clear and workable management plan for their operation.
- Non-residential uses should not result in significant changes to traffic conditions in local streets or significantly increase demand for on-street car parking.
The times of loading or unloading of deliveries should not adversely affect the amenity or traffic function of the area.

Noise associated with deliveries should not cause disturbance to nearby residents.

Non-residential uses should not subject neighbouring residential properties to unreasonable levels of noise or vibration (associated with the operation of the use, the hours of operation, music and entertainment, air conditioning and other plant equipment).

Provision should be made on site for appropriate waste storage and collection facilities, including provision for specialised wastes. Waste facilities should be screened from neighbouring properties, streets and laneways.

Rubbish and waste collection, particularly the collection of bottles and other recyclable materials, should not disturb residential amenity.

Signage and its illumination must not detrimentally impact the residential amenity of the area.

Non-residential uses should prevent light spillage onto residential properties.

Residential properties should not be subjected to dust, or offensive air emissions.

Residents should not be disturbed by the operation of the activity during the night.

Non-residential uses should not cause electrical interference to neighbouring properties.

Application Requirements

An application should be accompanied by the following information, as appropriate:

- A site layout plan showing the existing and proposed location of all buildings, vehicle access, car parking, loading and unloading and waste storage and collection areas on the site, and relationship to public areas outside the boundaries of the site such as footpaths and open space.
- The internal layout of the premises, including the location of doors and windows, and the total floor area to be occupied by the proposed use.
- The external layout of the premises, including location and details of plant equipment, external lighting, signage, waste storage and landscaping.
- A neighbourhood context plan showing the proximity of the premises from residential properties with details of all doors, habitable room windows and open space areas of all adjacent residential properties.
- A descriptive statement of the existing and proposed use including, where relevant:
  - Hours of operation for all parts of the premises.
  - Scale of the use, including numbers of operators, practitioners, staff, seats, patrons.
  - Demonstration that the proposal will address a local demand and result in a net benefit to local residents and the local community.
  - The type of any liquor licence to be sought.
  - The number of car parking spaces to be provided, proposed site access arrangements and a statement justifying any reduction or the waiving of car parking requirements.
  - Details of any air and noise emissions and vibration from the premises generated by the proposed use and appropriate attenuation measures.
  - General rubbish, specialised wastes, bottle and other recyclable material storage and removal arrangements including hours of pick up.
  - The management of and arrangements for deliveries to and from and loading and unloading at the premises, including the times that this will occur.
LYGON AND ELGIN STREET SHOPPING CENTRE

This policy applies to the Lygon and Elgin Street Shopping Centre and surrounding area (Map 1).

Policy Basis

The Lygon/Elgin Street shopping centre has a dual role of providing for the convenience shopping needs of the local residential and working community and the needs of the metropolitan population in terms of entertainment and eating establishments. The Municipal Strategic Statement identifies Lygon Street as a major retail area where a diversity of retail and local convenience premises are encouraged. The success of the street in fulfilling this dual role is dependent on a broad mix of shops, and food and drink premises. In accordance with the Lygon Street Action Plan 1984, Lygon Street north (north of Grattan Street) and Elgin Street are the local retailing and community focus of the area, and Lygon Street south (south of Grattan Street) is the regional restaurant and entertainment focus.

Objectives

- To ensure the Lygon/Elgin Street shopping centre retains its dual local shopping centre and regional restaurant/entertainment role.
- To encourage a range of eating and entertainment facilities to develop in areas where these uses will cause the least detriment on the shopping centre and residential areas.
- To maintain a local shopping centre role to help promote residential development in the surrounding area.
- To discourage the extension of retail, entertainment and restaurant uses from Lygon Street into surrounding streets.

Policy

In Lygon Street north (north of Grattan Street) and Elgin Street:

- A wide range of shops to serve the needs of the local community should be maintained and enhanced.
- The continuity of the street-level shop frontages and tenancy mix should be maintained and enhanced.
- Conversion of shop fronts to non-shop uses should be discouraged.
- Restaurants, convenience restaurants, hotels, motels and takeaway food premises should be discouraged in adjacent residential and mixed-use areas.

In Lygon Street south (between Grattan and Queensberry Streets):

- New uses and development should complement the tourist/entertainment role of the area.
- Entertainment and restaurant uses should be promoted.

Decision Guidelines

Before deciding on an application the responsible authority, must consider:

- Whether the continuity of shop frontages in Lygon Street north and Elgin Street is maintained.
- The provision of car parking spaces.
- The existing and future amenity of the land and the surrounding area including abutting residential uses.
- The hours of operation.
- The type of liquor licence, if any.
Map 1 | Lygon and Elgin Street
Shopping Centre Environments

Policy Reference
Lygon Street Action Plan 1984
[NO CONTENT]
URBAN DESIGN OUTSIDE THE CAPITAL CITY ZONE

This policy applies to land in the municipality excluding the Capital City Zone and the Docklands Zone.

Policy Basis

Melbourne’s buildings, streets, open spaces and landscape features combine to give the municipality its unique appearance and feeling.

It is important that the valued aspects of the City’s character are not lost through redevelopment. Where the built form character of an area is established and valued, new development must respect this character and add to the overall quality of the urban environment.

In areas where built form change is more substantial, a new and equally attractive environment must be created. The Municipal Strategic Statement identifies areas where there is a desire for built form change and a preferred new built form character. The Design Objectives and Built Form Outcomes in the Design and Development Overlays also guide the scale and form of development in the creation of a new built form character. The Municipal Strategic Statement sets out the objectives for built form and heritage.

Objectives

- To ensure that the scale, siting, massing and bulk of development complements the scale, siting, massing and bulk of adjoining and nearby built form.
- To ensure that the height of buildings relates to the prevailing patterns of height and scale of existing development in the surrounding area.
- To reduce unacceptable bulk in new development.
- To ensure that buildings on prominent sites are designed to achieve a high standard of design which reflects the importance of their location and extent of their visibility.
- To ensure that building design including the use of materials and activities at the ground floor frontages of buildings creates and improves pedestrian interest and engagement.
- To ensure that development includes architecturally integrated building tops.
- To ensure that development uses design and detail to ensure all visible facades (including the rear and sides of buildings) provide a rich and positive contribution to the public realm.
- To ensure that development avoids ambiguity and conflict in the design of fronts and backs of buildings.
- To ensure that development contributes to a pedestrian and vehicular network which ensures pedestrian movement and amenity is a priority and strengthens networks of pedestrian pathways through an area.
- To ensure that development maintains and enhances traditional street patterns of projecting cornices, and allows projecting balconies and canopies where they follow an existing pattern and/or contribute positively to the public realm.
- To ensure that development promotes building forms that will minimise the adverse impacts of wind in surrounding public spaces and provide weather protection where appropriate.
- To ensure that development creates and maintains a high quality landscape setting.

Policy

It is policy that:

Scale

- The relative size of buildings and their parts be considered in terms of human scale, building scale, subdivision patterns, and building location and alignment.
The scale of new development is encouraged to respond to the scale of surrounding development both in terms of its overall dimensions and the size of its individual architectural elements.

In areas where the desire for built form change has been identified, the scale of new development is encouraged to respond to the scale of the emerging preferred new built form.

**Context**

- Buildings and works are encouraged to respond to the building and settlement pattern of the surrounding area acknowledging that any development is part of a larger setting and that each setting is different.

- In areas where the desire for built form change has been identified, new buildings and works should consider the potential for other development to occur in the immediate environment and respect the ability for surrounding sites to be at least equally developed.

- An application will be assessed against the qualities of contextual response being scale, building grain, building location and alignment, and heritage.

**Building Height**

- The height of new development should respect the existing built form of the immediate surroundings.

- In areas where the desire for built form change has been identified, the height of new development is encouraged to respond to the height of the emerging preferred new built form character.

**Building Bulk**

- The massing and design of large new buildings is discouraged from overwhelming the built scale of any important pattern and character of existing built form.

- The articulation of a building’s form and surface treatment is encouraged to moderate the apparent bulk by using techniques such as:
  - creating contrast between recessive and projecting elements of a building’s various frontages;
  - the apparent subdivision of its street frontages to reflect neighbouring frontage subdivision patterns; and
  - the break-up of a building’s overall volume into a number of sub-volumes to modify its perceived size.

- Where these techniques are ineffective, other techniques including dimensional constraints such as setbacks and reshaping of the building form are encouraged.

**Large and Prominent Sites**

- New development in prominent locations will be encouraged to use building design, including the design of certain building elements as well as other techniques of perceived scale and contrast to acknowledge this prominence.

- Building siting should be used to contribute meaning and positive effect to the public realm but not at the expense of the important contextual qualities of the built surroundings of the development site.

- Developments on large sites are encouraged to provide laneway and pedestrian through block links.

**Street Level Frontages**

- In commercial and mixed use areas, ground floor occupancies to street frontages of new development are encouraged to directly engage with the street and be visually evident from the street.
In circumstances where the immediate potential for active use is limited, building design is encouraged to make provision for the ultimate conversion of ground floor frontages to active uses.

The design of residential and institutional buildings is encouraged to provide ground level interest to engage with the street through a direct relationship of ground floor entries, front doors and windows at or adjacent to the street.

Solid roller shutters are prohibited on shopfronts. Open mesh security or transparent grills are preferred and should be mounted internal to the shopfront.

Fronts and Backs of Buildings

- The fronts and backs of buildings are encouraged to be developed in ways that connect with and acknowledge the prevailing structure of neighbouring public space.

- Development is encouraged to give prominence to the principal street entrance and frontage of a building.

- Building design is encouraged to acknowledge local access patterns when locating front and rear entrances and associated activities.

Building Tops

- All roof elements including plant, lift over-runs, and other building services are encouraged to be absorbed within the overall building form or be included as part of overall roof design.

Visible Facades and Blank Walls

- Design consideration is encouraged to compose and articulate all visible frontages of a building.

- The development of a blank building wall along street frontages or that is visible from streets and other public spaces is discouraged.

- The visible service areas (and other utility requirements) of a building are encouraged to be treated as an integral part of the overall design and fully screened from public areas.

Pedestrian Connection and Vehicle Access

- The design of new development is encouraged to maintain and enhance the existing form of pedestrian access of the development site unless it can be demonstrated that it can be relocated to achieve an equal level of pedestrian amenity and accessibility.

- The design of new development is encouraged to provide for new pedestrian links and laneways where there is an absence of such connections.

- Where new development involves the master planning or development of very large sites, it is encouraged that a subdivision pattern of publicly accessible streets, pedestrian links, laneways and appropriate public spaces will be achieved.

- Discourage alcoves to ensure safe pedestrian environments.

- Encourage access, lighting, visibility, and surface detailing to ensure a safe and interesting pedestrian environment.

- The design of new vehicular and pedestrian networks both within and surrounding a development is encouraged to minimise traffic conflicts with pedestrians.

- Vehicle crossings to pedestrian footpaths are encouraged to:
  - be limited to the minimum necessary for access requirements;
  - avoid, where possible, the aggregation of vehicle crossings.

- New vehicle crossings are discouraged in many heritage streetscapes.
Building Projections

- Enclosed floor spaces overhanging the public space are generally not encouraged.
- Open balconies/canopies, projecting cornices and other similar building elements that overhang public space beyond a building’s boundaries are discouraged, except if they follow a local pattern, contribute positively to the design outcome and to the safety of public spaces, are discreet rather than prevailing elements of a building’s design and provide evidence of the building’s occupation. Projections over laneways are discouraged in circumstances where they would detrimentally impact on the servicing requirements of the lane.
- Enclosed floor space and balcony projections are discouraged at first floor level or at a clearance height less than 5 metres from any public space.

Protection from Wind and Rain

- The design of new development is encouraged to consider the possible wind effects of building proposals on their surroundings.
- In areas where there is an established pattern of continuous weather protection along a street, the design of new development is encouraged to reinforce this pattern.
- Weather protection need not be provided where it would interfere with the integrity or character of heritage buildings.

Landscape

- New development is encouraged to respect and maintain the garden or landscape character of an area where this is a dominant feature of the neighbourhood.
- New buildings are encouraged, where possible, to retain existing mature trees and to provide opportunities to enhance the landscape features of the area. In circumstances where mature trees are removed, developers are encouraged to incorporate suitable replacement planting.

Access and Safety in Public Spaces

- Public spaces should be designed to be easily accessible and available for public use.
- Design of public spaces should ensure safe and adequate access for people with disabilities.
- Pedestrian circulation and through-access in public spaces should be designed to allow ease of access.
- Active uses are encouraged to abut the street and public spaces so as to increase interest, use, and the perception of safety.
- Lighting is encouraged to be provided to improve safety.
- Alcoves and spaces that cannot be observed by pedestrians are discouraged.
- Building lighting design is encouraged to be fully integrated and contribute to the public amenity.
- On major streets and other areas of pedestrian activity, windows at ground floor level should be maximised to provide surveillance.

Definitions for the Purpose of this Policy

Scale: the relative size of development both in terms of its overall dimensions and the size of its individual architectural elements in comparison to those of its surrounds.

Building grain: the characteristic pattern of land subdivision and related built form within an area. It makes specific reference to frontage widths along the edges to streets, laneways and other public spaces. Distinctions are made between fine grain patterns where consistently narrow frontages are accompanied by finely detailed building frontages and coarse grain patterns where the frontage widths are wide and building frontages are less articulated and detailed in their aspect.
**Building alignment and location**: the location and alignment of individual buildings and their related outdoor spaces relative to the established composition patterns of streets, laneways and other public spaces within a particular area.
URBAN DESIGN WITHIN THE DOCKLANDS ZONE

This policy applies to land within the Docklands Zone.

Policy Basis

The primary purpose of this policy is to stimulate and guide the work of the private and public sector developers to achieve design excellence.

Melbourne Docklands has become a new and vital urban redevelopment and activity hub. It is located at the western end of the Melbourne Central Business District and is the hub of the Yarra River / Maribyrnong River / Port Phillip Bay water system.

The policy encourages diversity and complementary design between buildings and public spaces with the aim of creating a destination with a unique character and sense of place.

The policy sets out a dynamic framework to assist in achieving design excellence and integration.

Objectives

- To provide a waterfront place of character and quality in which to live and work, creating both a tourism asset and a boost to Victoria’s prosperity.
- To encourage exciting, viable developments built to the highest design and environmental standards.
- To respond to the changing urban context of Docklands whilst strengthening its relationship with the Hoddle Grid and the Yarra River Corridor.

Policy

Policy Implementation

A comprehensive site analysis and urban context report is the starting point of the design process for any development proposal. The urban context report should document the key influences on the proposed development, how it responds to the strategies, policies and requirements of the planning scheme, and how it relates to the social, built and historic character of Docklands and the surrounding area. The report will form the basis for the consideration of height, scale, massing and detail.

Street Frontages, Pedestrian Access and Vehicle Networks

Objective

To ensure development is attractive and accessible to all people.

Design Principles

- Create “active” streets throughout Docklands with new development incorporating active ground level frontages which enliven and energise public streets and spaces.
- Ensure ground level uses are occupied wherever possible by shops, cafes, offices and similar functions of high activity.
- The facades of buildings should be attractive to passing pedestrians, with blank walls strongly discouraged. Interest should be provided by window and door openings into activities, displays, and by rich architectural detailing. Pedestrian entries should be clearly visible from the public domain.
- Safe, comfortable and direct pedestrian routes, which are fully accessible by day and night, should be provided throughout Docklands.
- Access for cars should be facilitated by providing on street parking and integrating parking within developments.
- Integrated parking structures must maintain active and attractive frontages to the streets; vehicles should not be visible from street level and the standard of architectural design must meet that for any other use within the Docklands.

- Connections between transport modes should avoid conflicts between pedestrians and vehicles and provide weather protection for interchanging passengers.

- Attractive pedestrian and cycle networks should be provided to encourage walking, cycling and the use of public transport as the primary means of moving around Docklands.

- Strong pedestrian links to tourism focal points such as the Docklands Stadium, Victoria Harbour and the Yarra River should be provided.

- Vehicular access to parking and service areas should be designed to minimise disruption to pedestrian movements and minimise their visual impact on architectural and streetscape qualities.

Performance Guidelines
- Ground level frontages should provide active uses for a minimum of 50% of the street frontage. In key areas of public activity there is to be a minimum of 80% active uses.

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Responsive to Melbourne’s Central Activities District

Objective
To ensure that development responds to the various characteristics of Melbourne and provides an attractive and distinctive experience for people – day and night, season by season.

Design Principles
- Development should not mimic other waterfront locations but draw on Melbourne’s distinct character to create a unique “Melbourne Docklands”. These elements include:
  - Street patterns that extend the geometry and vistas of inner Melbourne
  - A hierarchy of boulevards, avenues, streets, lanes and arcades
  - Planting in public spaces which presents elegance and formality

- Provide a hierarchy of roads and streets that establishes a clear pattern of movement throughout Docklands.

- Develop Docklands Park, Grand Plaza, Harbour Esplanade, Central Pier and Victoria Harbour to collectively form the major open space focus at Docklands.

Performance Guidelines
- Planting should be designed to draw inspiration from both the exotic landscape of the city, with its traditional parklands, avenues and boulevards and the native riverside plantings associated with surrounding waterways – Moonee Ponds Creek, the Yarra River and Maribyrnong River.

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Responsive to Site

Objective
To ensure development is site-responsive, taking maximum advantage of varying characteristics and features of each site, complementing adjoining development – both existing and proposed – and addressing physical, cultural and environmental features.

Design Principles
- Development should generally be constructed to the street boundary to define and enclose streets and other public spaces, creating continuous street frontage whilst allowing variations in individual buildings and uses.
Environmental conditions should be addressed with appropriate site layouts, building forms, materials and finishes which respond to issues of solar access, salt air and wind patterns.

Where possible, public open space should be co-located with community services and civic facilities.

**Performance Guidelines**

Foster a character that draws on cultural influences, such as the maritime and transport related uses of the site, to form a thematic basis for architecture, streetscape elements, planting schemes and the layout and function of urban spaces.

**Focused on the water**

**Objective**

To ensure development in each precinct and across the whole of Docklands is focused on the waters of Victoria Harbour, the Yarra River and Moonee Ponds Creek, with high quality waterfronts and water-based activities.

**Design Principles**

- Full public access to all waterfront areas and public areas should be provided.
- Waterfront promenades may accommodate low structures within the waterfront area which contribute to the activity and interest of public spaces.
- Sufficient space should be provided for maritime waterfront uses and activities, including active waterfront facilities.
- Control the extent of marina encroachment into navigable waterways to limit the impact on public access to the waterfront. Also coordinate water transportation, including water taxis and ferries with land-based services.
- The waterfront location should be celebrated, adopting the water as a thematic element of artworks, landscape design and community events.
- Design should promote 24-hour usage and an attractive night “waterscape”.
- Cross-movement between precincts and adjacent areas that are accessible by water should be provided.
- Development should provide an attractive setting and the appropriate infrastructure to host major water or land-based events.
- Extensive public access to the water throughout Docklands via waterfront promenades and public places should be provided.
- Establish a diverse water-based public transport network through the provision of necessary shore-based infrastructure.
- Accommodate functional requirements in the arrangement of water-based facilities.
- Facilities and activities should form a continuation of the historic working uses of the Docklands, incorporating activities which service existing maritime uses within the Yarra River and Port of Melbourne.

**Performance guidelines**

- The Victoria Harbour and Yarra River waterfront will provide full accessibility (pedestrian, cycle and mobility impaired) via a series of continuous promenades of varying width consistent with the approved Development Plan for the precinct with opportunities to access water taxis, ferries, ships and a range of marine vessels and small craft.
Development should provide full public access along the waterfront promenade that accommodates a mix of uses, diverse structures, gathering spaces, activities and points of interest.

Development should accommodate the functional requirements for marina development, including servicing, security and public access.

**Focused on the public realm**

**Objective**
To ensure that public spaces in Docklands should be comfortable, interesting and functional and should form a linked sequence of enlivening experiences.

**Design Principles**
- Streetscapes should maximise opportunities as social spaces and places for public activity.
- Provide a range of spaces, including water places, urban places, urban squares, promenades and precinct open spaces, both public and private, to cater for diverse activities and uses.
- Ensure that the network of spaces is linked via public promenades, streets and pedestrian pathways or linear parklands.
- Open lot car parks are discouraged on all principal frontages.
- Require unifying elements and materials within the public domain throughout Docklands as a whole.
- Integrate landscape architecture with the visual arts and industrial design to develop a creative urban art program, including events, a visually dynamic night time image, and innovative public uses.
- Continuous building edge should be provided where retail and service uses (such as cafes and restaurants) abut the footpath to enable continuous awnings, with arcades and/or colonnades where deeper setbacks occur.
- Development should provide sunlight access to important areas of the public domain and protect key public recreational spaces from overshadowing.
- Development should provide protection from adverse wind conditions and create safe and comfortable conditions without compromising architectural character, views or sight lines.
- Protect access to sun and daylight, incorporating adequate climate protection for shade, shelter and wind protection.
- Maximise the use of favourable breezes in site planning by providing carefully orientated breezeways and cross-ventilation of residential and work spaces.
- All streetscapes should be well-lit and provide maximum security and safety for day and night time use.
- Enhance public amenity through seating and associated street furniture items within streets, plazas and parks.

**Performance guidelines**
- Public spaces should generally be free of significant overshadowing between 11am and 3pm at the equinox (22 September / 20 March). Shadow diagrams should be prepared which illustrate the shading effects of development on public and private spaces.
- Require a minimum width of 14 metres of hard surface for pedestrian movement in areas of more intense activity such as shops, restaurants and higher levels of interaction with the water’s edge.
Encourage level changes or spatial differentiation to achieve diverse spatial differentiation to be incorporated into waterfront promenades, allowing 10 metres clear for pedestrian flow on any single level.

Promenade activities should be supported by appropriate furnishings, such as seating, sculpture, children’s play areas, kiosks, picnic shelters, coffee stands, landscaped areas and even small restaurants for public use.

**Diverse and integrated**

**Objective**

To ensure that development provides a high level of access to a diversity of uses and activities, provides cohesion and diversity in design character and detail, and is able to respond to changes over time.

**Design Principles**

- Architectural character should adopt a contemporary palette of styles and materials, reflecting the varied land uses and providing activity and interest, particularly at street level.
- Development should create new and interesting vistas from both land and water.
- Vistas to the water and to the city skyline should be maximised, particularly from key pedestrian spaces. Particular attention should be paid to building form and roof profiles in areas of high visibility.
- Built form and profile should encourage vistas into and out of the site, from the city edge and the water, to strengthen the image of “Victoria’s New Waterfront”.
- Landmark buildings and spaces should be encouraged at significant sites, junctions, gateways and key destinations. Maximise opportunities within the site to reinforce view corridors or terminate axes via buildings, structures or landscape treatments. The applicable Design and Development Overlays identify the location of landmark buildings in Docklands.
- Development should create integration between the Docklands development and adjacent areas, particularly the Central City.

**Performance guidelines**

- Development should maintain and reinforce view corridors through consistent road alignments and profiles, building design and alignment, and open space location and design.
- Development should provide a high level of integration between and within the precincts.

**Creative, Innovation and Dynamic**

**Objective**

To encourage innovative design solutions in order to achieve the best possible development.

**Design Principles**

- Innovative, high quality buildings should respond to the urban character of Melbourne and Docklands on key sites to form landmarks.
- Parking structures should be carefully designed with articulated facades containing active edges to principal streets and public spaces.
- Public art should be included as an integral component of development proposals and environmental design.
Performance Guidelines

- Promote use of significant elements such as sculptures, pavilions, bridges or lighting effects to create focal areas or to signal the entrance points of individual precincts.
- Provide a flexible street network, building form and facilities to accommodate changing uses and demands across the site and within buildings over time.
- Encourage the sensitive adaptation and re-use of existing waterfront structures, warehouses and industrial “relics”.

Definition

Waterfront promenade:
The minimum distance from the wharf edge of a proposed building fronting onto the waterfront.

Policy References

Melbourne Docklands ESD Guide (October 2002)
The Docklands Authority Environmental Management Plan (EMP)(1995, revised 2000)
Melbourne Docklands and City of Melbourne Open Space Strategy (2001)
Melbourne Docklands Community Development Plan 2001-2016 (2001)
Melbourne Docklands Bicycle Strategy (2000)
Integration and Design Excellence (2000)
Places for Everyone – A Strategy for creating and linking public open spaces at Melbourne Docklands.
Melbourne Docklands Water Plan – June 2001
Urban Art Strategy (check details)
Victoria Harbour Development Plan 2010
ENERGY, WATER AND WASTE EFFICIENCY

The policy applies to applications for the construction of a building (including alterations and additions) for the purposes of office, retail, education centre and accommodation (except for Dependant Person’s Unit, Camping & Caravan Park, Corrective Institution, Host Farm) uses.

The policy provides guidelines to ensure that the design, construction and operation of buildings and urban renewal areas:

- Minimise the production of greenhouse gas emissions and maximise energy efficiency.
- Minimise mains potable water use and encourage the use of alternative water sources.
- Minimise waste going to landfill, maximise the reuse and recycling of materials and lead to improved waste collection efficiency.

Policy Basis

The City of Melbourne’s policies for becoming an environmentally sustainable city, include the Zero Net Emissions by 2020 energy strategy, Total Watermark – City as a Catchment water strategy and the Waste Management Strategy. The City’s eco-city goals and targets as set out in Future Melbourne Community Plan 2008 are derived from these policies.

The relevant Eco-City goals are:

- Residents reduce their greenhouse gas emissions by 35 percent per capita by 2020 (from 2006 levels)
- Workers reduce their greenhouse gas emissions by 59 per cent per capita by 2020 (from 2006 levels)
- Reduce residents’ mains water consumption by 40 per cent by 2020 (from 1999/2000 levels)
- Reduce workers’ mains water consumption by 50 per cent by 2020 (from 1999/2000 levels)
- Reduced household waste in the City of Melbourne
- Reduced commercial waste in the municipality

These policy documents underpin the need to consider resource use and efficiency in the assessment of new development under the Melbourne Planning Scheme.

The State Planning Policy Framework (SPPF) encourages sustainable development, including the development of buildings which use energy and water efficiently and minimise waste within Victoria’s urban areas.

The City of Melbourne Municipal Strategic Statement (MSS) includes a vision for a sustainable city and strategies to reduce greenhouse gas emissions and to encourage buildings which use energy and water efficiently and minimise waste.

It is Council policy to encourage the development of integrated precinct solutions to reduce greenhouse gas emissions and increase resilience to climate change.

The objectives and guidelines of this policy build on this body of established strategic work by aiming to ensure that new buildings incorporate design measures that assist in reducing energy, water and waste resource use in accordance with the targets set by Council’s eco-city goals.

Objectives

The objectives of this policy are:

- To ensure buildings achieve high environmental performance standards at the design, construction and operation phases.
- To minimise the city’s contribution to climate change impacts by reducing greenhouse gas emissions.
- To improve the water efficiency of buildings and encourage the use of alternative water sources.
- To minimise the quantity of waste going to landfill and maximise the recycling and reuse of materials.
- To minimise the impacts of waste on the community.
- To encourage the connection of buildings to available or planned district energy, water and waste systems in urban renewal areas in order to achieve additional energy, water & waste efficiency arising from a precinct-wide approach to infrastructure where appropriate.

### 22.19-3  
**Policy**

It is policy to encourage buildings that:

- minimise greenhouse gas emissions and maximise energy efficiency.
- minimise mains potable water consumption and encourage the use of alternative water sources, such as rainwater and grey water.
- provide the facilities that will enable building users and occupants to reduce waste sent to landfill, maximise the recycling and reuse of materials and support the municipality’s progress towards becoming a resource and material-efficient city.

### 22.19-4  
**Application Requirements**

- All applications must be accompanied by a Waste Management Plan prepared in accordance with the City of Melbourne’s *Guidelines for Waste Management Plans*.
- All applications must be accompanied by an Environmentally Sustainable Design Statement which demonstrates how the development meets the policy objectives of Clause 22.19-2 and the policy requirements of Clause 22.19-3. The Sustainable Design Statement must also include the following as applicable:
  - Applications for buildings over 2,000 square metres in gross floor area must provide a statement from a suitably qualified professional verifying that the building has the preliminary design potential to achieve the relevant required Performance Measures set out in clause 22.19-5.
  - Applications for buildings under 2,000 square metres in gross floor area must provide a statement demonstrating that the building has the preliminary design potential to achieve the relevant required Performance Measures set out in clause 22.19-5.

### 22.19-5  
**Performance Measures**

It is policy to assess proposals against the following performance measures:

<table>
<thead>
<tr>
<th>Type Of Building</th>
<th>Performance Measure</th>
<th>Energy Efficiency</th>
<th>Water Efficiency</th>
<th>Waste Efficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office</td>
<td></td>
<td>Compliance with the energy efficiency requirements of the Sustainable Design Scorecard or equivalent.</td>
<td>3 points for Wat-1 credit under a current version of the Green Building Council of Australia’s Green Star—Office rating tool or equivalent.</td>
<td>A Waste Management Plan prepared in accordance with the current version of the <em>City of Melbourne's Guidelines for Waste Management Plans</em>.</td>
</tr>
<tr>
<td>More than 2,000 square metres gross floor area</td>
<td>NABERS Office – Energy 5 Stars or equivalent.</td>
<td>3 points for Wat-1 credit under a current version of the Green Building</td>
<td>A Waste Management Plan prepared in accordance with the current version of the <em>City of Melbourne's Guidelines for Waste Management Plans</em>.</td>
<td></td>
</tr>
<tr>
<td>Type Of Building</td>
<td>Performance Measure</td>
<td>Water Efficiency</td>
<td>Waste Efficiency</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>Energy Efficiency</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Over 5,000 square metres gross floor area</td>
<td>Same minimum energy, water &amp; waste requirements as buildings over 2,000 square metres plus a 5 star rating under a current version of Green Star - Office rating tool or equivalent.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail premises</td>
<td>Up to 2,000 square metres gross floor area</td>
<td>N/A (sufficiently covered by the Building Code of Australia)</td>
<td>5 points for Wat-1 credit under a current version of the Green Building Council of Australia’s Green Star – Retail rating tool or equivalent.</td>
<td>A Waste Management Plan prepared in accordance with the current version of the City of Melbourne’s Guidelines for Waste Management Plans.</td>
</tr>
<tr>
<td></td>
<td>More than 2,000 square metres gross floor area</td>
<td>N/A (sufficiently covered by the Building Code of Australia)</td>
<td>5 points for Wat-1 credit under a current version of the Green Building Council of Australia’s Green Star – Retail Centre rating tool or equivalent.</td>
<td>A Waste Management Plan prepared in accordance with the current version of the City of Melbourne’s Guidelines for Waste Management Plans.</td>
</tr>
<tr>
<td>Over 5,000 square metres gross floor area</td>
<td>Same minimum energy, water &amp; waste requirements as buildings over 2,000 square metres plus a 5 star rating under a current version of Green Star - Retail Centre rating tool or equivalent</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education centre</td>
<td>Up to 2,000 square metres gross floor area</td>
<td>Compliance with the energy efficiency requirements of the Sustainable Design Scorecard or equivalent.</td>
<td>3 points for Wat-1 credit under a current version of the Green Building Council of Australia’s Green Star – Education rating tool or equivalent.</td>
<td>A Waste Management Plan prepared in accordance with the current version of the City of Melbourne’s Guidelines for Waste Management Plans.</td>
</tr>
<tr>
<td></td>
<td>More than 2,000 square metres gross floor area</td>
<td>5 points for Ene-1 credit under a current version of the Green Building Council of Australia’s Green Star – Education rating tool or equivalent.</td>
<td>3 points for Wat-1 credit under a current version of the Green Building Council of Australia’s Green Star – Education rating tool or equivalent.</td>
<td>A Waste Management Plan prepared in accordance with the current version of the City of Melbourne’s Guidelines for Waste Management Plans.</td>
</tr>
<tr>
<td>Over 5,000 square metres gross floor area</td>
<td>Same minimum energy, water &amp; waste requirements as buildings over 2,000 square metres plus 5 star rating under a current version of Green Star - Education rating tool or equivalent.</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Accommodation (except for Dependant Person’s Unit, Camping &amp; Caravan Park, Corrective Institution, Host Farm)</td>
<td>Up to 5,000 square metres gross floor area</td>
<td>N/A (sufficiently covered by the Building Code of Australia)</td>
<td>1 point for Wat-1 credit under a current version of the Green Building Council of Australia’s Green Star – Multi Unit Residential rating tool or equivalent.</td>
<td>A Waste Management Plan prepared in accordance with the current version of the City of Melbourne’s Guidelines for Waste Management Plans.</td>
</tr>
<tr>
<td></td>
<td>Over 5,000 square metres gross floor area</td>
<td>Same minimum energy, water &amp; waste requirements as buildings up to 5,000 square metres plus a 5 star rating under a current version of Green Star - Multi Unit Residential rating tool or equivalent.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Mixed use developments should be assessed against the performance measures in the table above applicable to each use component of the development.
Applications for alterations and additions should be assessed against the performance measures in the table above in so far as they are applicable to the alterations and additions to the building. Applications for development may use alternative rating tools or assessment methods provided that equivalence of the development to the performance measures listed in the table can be demonstrated.

Proposals that do not meet these performance measures may still meet the objectives of this policy.

Urban Renewal Areas

It is policy that:

- In addition to the performance requirements set out at Clause 22.19-5, when developing land within any urban renewal area, the development should be capable of connecting to available and planned alternative district water supply, energy supply, waste collection and treatment systems.
- Developers of precincts or large sites are encouraged to install alternative district water supply, energy supply, waste collection and waste treatment systems.

Examples of Alternative District water supply, energy supply, waste collection and waste treatment systems that can be considered include, but are not limited to, the following:

Alternative district water supply

Black and grey water treatment systems, stormwater harvesting systems and desalination.

Alternative district energy supply

Solar concentrating and district solar, biomass and gas fired co and tri generation, wind and geothermal generation.

Alternative district waste collection

Vacuum and automated based collection systems.

Alternative district treatment

Mechanical (wet and dry sorting) and biological treatment, (anaerobic digestion and other biological processes), thermal treatment systems (pyrolysis, gasification, plasma gasification)

Reference Documents

- Future Melbourne Community Plan (September 2008)
- City of Melbourne, Total Watermark – City as a Catchment (2009)
- City of Melbourne. Waste Management Strategy (2005)
- City of Melbourne, Guidelines for preparing a waste management plan (2012)
- Green Building Council of Australia, Green Star rating tools (as amended from time to time)
- National Australian Built Environment Rating System (as amended from time to time)
- City of Port Phillip and City of Moreland, Sustainable Design Scorecard (as amended from time to time)
Definitions for the Purpose of this Policy

Green Star

Developed by the Green Building Council of Australia, Green Star is a credit-based tool that assesses a range of building classes for their environmental impact. Areas of consideration include energy, transport, materials, land & ecology, and management. Under its point based system, Green Star Awards of 4 to 6 star ratings are granted for environmentally sustainable design and / or construction.

NABERS

The National Australian Built Environment Rating System (NABERS) is a rating tool that assesses a building on the basis of its measured operational impacts (energy, water, indoor environment and waste) on the environment. A building can be awarded star ratings (between 4 and 5 stars) for each of the environmental components.

Sustainable Design Scorecard (SDS)

The Sustainable Design Scorecard is a Microsoft Excel tool developed to assess the environmental performance of non-residential developments (commercial, industrial and mixed use) in Victoria.
CBD LANES

This policy applies to all existing and proposed laneways and all land with a boundary to a laneway in the Central Business District bounded by Flinders Street, Spring Street, Victoria Street, Peel Street, LaTrobe Street and Spencer Street, excluding the RMIT University.

Policy Basis

The Central City laneway network is a valued and vital part of the city’s urban form and provides an insight into the city’s built form evolution.

Lanes provide some of the most important and unique public spaces within the Central City. Lanes provide an environment for social interaction and activity such as live music performances, outdoor dining, play and art appreciation, and can make a significant contribution to the enjoyment, identity and vitality of Melbourne.

Some lanes offer unique aspects that make them interesting and valuable such as historical character including services functions, vegetation and art. These other aspects are also important in providing vibrancy to the city.

Many lanes provide a human scale built form and intimate environment that is less common in the city’s main streets. This built form proportion assists in providing favourable amenity and climatic conditions that are conducive to pedestrian activity.

New development in and abutting a lane also has the potential to affect the lanes functionality with respect to servicing and access and its desirability as a pedestrian thoroughfare.

The Municipal Strategic Statement recognises the city’s lanes and enduring assets that provide for interest and help and contribute to the city’s character.

The Municipal Strategic Statement sets out the objectives which seek to protect and enhance built form, character and function of laneways and to distinguish them from other streets.

The purpose of this policy is to identify the important characteristics of the city’s lanes and to indicate the preferred character and form of development along lanes.

Four core value characteristics are identified that contribute to the success of the lane as a pedestrian environment and include:

- Connectivity – The provision of a physical connection through a city block.
- Active frontages – Building frontages that provide for visual and physical interaction between the public space of the lane and the ground floors of the buildings.
- Elevational articulation – the architectural character of the buildings adjoining the lane and the degree to which this provides aesthetic and spatial interest to the public realm.
- Views – views from the lane’s public realm towards a connecting lane, street or landmark.

Lanes within the Central City have been assessed against these characteristics and have been rated Class 1, Class 2 or Class 3 as illustrated in maps 1, 2 and 3.

Lane Class definitions

Class 1 Lanes

Class 1 lanes show signs of all four core value characteristics and support a high level of pedestrian activity. The character and/or function of these lanes are significant and require protection

Class 2 Lanes

Class 2 lanes show signs of three out of the four core value characteristics. The character and/or function of these lanes are significant and require protection.

Class 3 Lanes
Class 3 lanes show sign of two or less of the four core value characteristics. Many of these lanes may benefit from upgrading and enhancement to realise their full potential with regard to pedestrian amenity and urban design. These lanes generally provide vehicular access to the rear of buildings for loading and service requirements or access to car parking areas.

**General Objectives**

- To ensure that the unique and valued characteristics of Melbourne’s laneways are maintained and enhanced through appropriate built form outcomes of future development.
- To maintain and improve the city’s lane way network and encourage the creation of new lanes and connections.
- To enhance the climatic conditions and amenity of the laneway to encourage more intensive pedestrian use and social activity.
- To encourage activity, vitality and interaction between public laneways and adjacent private uses.
- To protect and where possible create views along lanes that provide a visual link to other streets and lanes in the pedestrian network, or which terminate at notable buildings or landmarks.
- To recognise lanes that provide for essential servicing and vehicular access and to ensure that new development does not adversely effect or impede the operation of these functions.

**Policy**

**General Policy**

- To carefully manage future development in and adjacent to Class 1 lanes to protect their significant character and function.
- To carefully manage future development in and adjacent to Class 2 and 3 lanes to encourage these lanes to show signs of Class 1 lanes.
- To improve the pedestrian amenity and safety of lanes that provide necessary service and access functions while maintaining efficient vehicular movements.
- To retain all Class 1 and 2 lanes and strongly discourage the closure or partial closure of Class 3 lanes unless it can be demonstrated that the lane’s closure will:
  - Not obstruct necessary, service and access arrangements, and
  - Results in a replacement lane that improves pedestrian amenity and advances the objectives and design standards of this policy.

**Laneway design**

It is policy to:

- Provide safe, direct, accessible and attractive through block pedestrian routes that improve the legibility of the city.
- Encourage new lanes and retail arcades to respect the traditional street pattern.
- Retain bluestone laneways, kerbs and guttering within heritage precincts, whilst encouraging their retention outside heritage precincts.
- Promote and create the opportunity for the inclusion of art, landscaping, street furniture, activity spaces etc
- Improve the pedestrian amenity of lanes which are primarily used for servicing and car parking through the use of materials, lighting and designated areas for pedestrians and vehicles, to ensure pedestrians can move through these lanes safely and efficiently.
- Require lanes to provide 24 hour public access.
Buildings and works adjoining lanes.

It is policy to:

- Maintain and enhance the intimate environment of lanes by ensuring that higher tower forms are set back from the predominate parapet height along the laneway to ensure a sense of openness that reinforces a human scale.

- Encourage new development to respond to the fine grain pattern, vertical articulation and division of building frontages where this forms part of the established lane way character.

- Encourage new development to provide highly articulated and well detailed facades that create visual interest, particularly at the lowers levels.

- Encourage development to orientate windows and balconies to overlook lane ways.

- Require development along lanes to minimise adverse microclimate effects.

- Encourage small scale tenancies and spaces at ground level to promote activities such as retail, service and community facilities that contribute to the enjoyment of lane ways.

- Discourage buildings and works from extending over lanes.

- Discourage developments from locating primary access and loading facilities on Class 1 and Class 2 lane ways and carefully consider the design and management of access and loading areas along Class 3 Lanes.

Policy References

CBD Lanes Built Form Review ID sheets (2005)
Grids and Greenery – The character of inner Melbourne (1987)
Places for People (1994)
Central City Planning and Design Guidelines (1991)

Map 1 Lane Classification: Class 1 Lanes

40. Hardware Street
66. Hardware Lane North
102. Hardware Lane South
139. The Causeway
163. Bank Place
168. Equitable Place
193. Centre Place
219. Degraves Street
222. Scott Alley
Map 1 Lane Classification: Class 1 Lanes
### Map 2 Lane Classification: Class 2 Lanes

<table>
<thead>
<tr>
<th>Number</th>
<th>Street Name</th>
<th>Number</th>
<th>Street Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Anthony Street</td>
<td>150</td>
<td>Westwood Place</td>
</tr>
<tr>
<td>5</td>
<td>Wills Street</td>
<td>151</td>
<td>McIlwraith Place</td>
</tr>
<tr>
<td>6</td>
<td>Little LaTrobe Street</td>
<td>152</td>
<td>Meyers Place</td>
</tr>
<tr>
<td>47</td>
<td>Drewery Lane</td>
<td>153</td>
<td>Windsor Place</td>
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<tr>
<td>49</td>
<td>Jones Lane</td>
<td>170</td>
<td>Block Place</td>
</tr>
<tr>
<td>59</td>
<td>Merritts Place</td>
<td>171</td>
<td>Brown Alley</td>
</tr>
<tr>
<td>65</td>
<td>Goldie Place</td>
<td>173</td>
<td>Howey Place</td>
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<tr>
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<td>Hefferman Lane</td>
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<td>Alfred Place</td>
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<tr>
<td>84</td>
<td>Cohen Place</td>
<td>194</td>
<td>Manchester Lane</td>
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<td>Punch Lane</td>
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<td>Market Lane</td>
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<td>137</td>
<td>McKillop Street</td>
<td>227</td>
<td>Oliver Lane</td>
</tr>
<tr>
<td>148</td>
<td>Melbourne Place</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Map 2 Lane Classification: Class 2 Lanes
Map 3 Lane Classification: Class 3 Lanes

1. Electric Place
2. Stewart Street
3. Singers Lane
4. Grange Place
5. Bell Place
6. Grant Lane
7. Warner Lane
8. Nicholson Place
9. Eagle Alley
10. Park Street
11. Brights Place
12. Alsop Lane
13. Sampson Lane
14. Flanigan Lane
15. Guilford Lane
16. McLean Alley
17. Sutherland Street
18. Zevenboom Lane
19. McIntyre Alley
20. Knox Lane
21. Knox Place
22. Hayward Lane Nth
23. Davisons Place
24. Bennetts Lane
25. Exploration Lane
26. Evans Lane
27. Merriman Lane
28. Elliot Lane
29. Altson Lane
30. Gough Alley
31. Manton Lane
32. Healyes Lane
33. Chisholm Place
34. Wicklow Lane
35. Lonsdale Lane
36. Finlay Alley
37. Timothy Lane
38. Heape Court
39. Mitchell Lane
40. Drewery Alley
41. Drewery Place
42. Sniders Lane
43. Hayward Lane South
44. Little Leichhardt Street
45. Gorman Alley
46. Casselden Place
47. Griffen Lane
48. Cleve Lane
49. Rose Alley
50. Pender Alley
51. Uniacke Court
52. Brown Alley
53. Crombie Lane
54. Guests Lane
55. St Johns Lane
56. Barry Lane
57. Crown Place
58. Niagara Lane
59. Warburton Alley
60. White Hart Lane
61. Driver Lane
62. Globe Alley
63. Tattersalls Lane
64. Celestial Avenue
65. Waratah Place
66. Belman Place
67. Corrs Lane
68. Globe Alley
69. Gresham Street
70. Ramsay Lane
71. Goldsborough Lane
72. Grice Alley
73. Little William Street
74. Thomson Street
75. St Patrick Alley
76. Merlin Alley
77. Benjamin Lane
78. Kirks Lane
79. Platypus Alley
80. Racing Club Lane
81. Warburton Lane
82. Rankins Lane
83. Somerset Place
84. Angelo Lane
85. Stawton Place
86. Buckley Place
87. Louden Place
88. Turner Alley
89. Star Alley
90. LaTrobe Place
91. Hughes Alley
92. Dean Alley
93. Bullens Alley
94. Golden Fleece Alley
95. Coverlid Place
96. Lees Place
97. Harwood Place
98. Turnbull Alley
99. Godfrey Street
100. Gallagher Place
101. Church Street
102. Kitz Lane
103. Michael Lane
104. Penfold Place
105. Gills Alley
106. Union Lane
107. Sugden Place
108. Masons Lane
109. Rainbow Alley
110. Royal Lane
111. Albion Place
112. Loughlan Place
113. Turner Alley
114. Star Alley
115. LaTrobe Place
116. Hughes Alley
117. Dean Alley
118. Bullens Alley
119. Golden Fleece Alley
120. Coverlid Place
121. Paynes Place
122. Brien Lane
123. Croft Alley
124. Lees Place
125. Mornane Place
126. Harwood Place
127. Turnbull Alley
128. Godfrey Street
129. Gallagher Place
130. Church Street
131. Kitz Lane
132. Michael Lane
133. Penfold Place
134. Gills Alley
135. Union Lane
136. Sugden Place
137. Masons Lane
138. Rainbow Alley
139. Royal Lane
140. Francis Street
141. McCrackers Lane
142. Church Lane
143. Henty Lane
144. St James Lane
145. Gurners Lane
146. Roeszler Lane
147. Mitre Lane
148. Austral Lane
149. Briscoe Lane
150. Collins way
151. Temple Court Place
152. Balcombe Place
153. Carson Place
154. Athenaem Place
155. Pink Alley
156. Benson Lane
157. McGraths Lane
158. Club Lane
159. Ridgeway Place
160. Coates Lane East
161. Ulster Lane
162. Gardiner Place
163. Samuel Lane
164. Ryril Lane
165. Fulham Place
166. Bligh Place
167. Staughton Alley
168. Monaghan Lane
169. Watson Place
170. Lush Lane
171. Ramsden Place
172. Beaney Lane
173. Chester Lane
174. Strachan Lane
175. Howitt Lane
176. Downie Street
177. Katherine Place
178. Hay Place
179. Mercantile Place
180. Custom House Lane
181. Foxton Lane
182. Tavistock Place
183. Bond Street
184. Commerce Way
185. Mill Place
186. Flinders Court
187. Rothsay Lane
188. Lingham Lane
189. Degraes Places
190. Royston Place
191. Cocker Alley
192. Rutledge Lane
193. Higson Lane
194. AcDc Lane
195. Duckboard Place
| 71. | Lynch Place | 145. | Russell Place | 231. | Malthouse Lane |
| 72. | Arcade Alley | 146. | Donaldson Lane | 232. | Spark Lane |
| 73. | Caledonian Lane | 147. | Portland Lane | 233. | Throssell |
| 74. | Stevenson Lane | 149. | Coromandel Place |
Map 3 Lane Classification: Class 3 Lanes
HERITAGE PLACES WITHIN THE WORLD HERITAGE ENVIRONS AREA

This policy applies to all land covered by the Heritage Overlay within the World Heritage Environments Area (WHEA) Area of Greater Sensitivity as shown in Figure 1.

Specifically, this policy applies to land within HO992 (World Heritage Environments Area Precinct), HO81, HO87, HO103, HO104 and HO809.

The provisions of Clauses 22.04 and 22.05 also apply.

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Figure 1

**Policy Basis**

The MSS highlights the importance of the WHEA in providing a buffer zone for the World Heritage Listed Royal Exhibition Building and Carlton Gardens. The WHEA provides a setting and context of significant historic character for the World Heritage property.

**Objectives**

- To protect significant views and vistas to the Royal Exhibition Building and Carlton Gardens.
- To maintain and conserve the significant historic character (built form and landscapes) of the area.
- To ensure new development in the area has regard to the prominence and visibility of the Royal Exhibition Building and Carlton Gardens.

**Policy**

It is policy to:
- retain and conserve individually significant and contributory places, including contributory fabric, form, architectural features and settings, to assist with maintaining the heritage character of the setting and context of the Royal Exhibition Building and Carlton Gardens.

- retain and conserve the valued heritage character of streetscapes to assist with maintaining the heritage character of the setting and context of the Royal Exhibition Building and Carlton Gardens.

- retain the predominantly lower scale form of development which provides a contrast to the dominant scale and form of the Royal Exhibition Building.

- avoid consolidation of allotments in residential areas which will result in the loss of evidence of typical nineteenth century subdivision and allotment patterns.

- protect direct views and vistas to the Royal Exhibition Building and Carlton Gardens from bordering/abutting streets and other views and vistas to the dome available from streets within the precinct including Queensberry Street, the north ends of Spring and Exhibition Streets, and the east end of Latrobe Street.

- discourage the introduction and proliferation of permanent structures and items such as shelters, signage (other than for historic interpretation purposes), kiosks and the like around the perimeter of the Royal Exhibition Building and Carlton Gardens in order to:
  - avoid impacts on the presentation of the Royal Exhibition Building and Carlton Gardens, including impacts on axial views along treed allees and avenues; and
  - minimise inappropriate visual clutter around the perimeter of the Royal Exhibition Building and Carlton Gardens.

References

*World Heritage Environ Area Strategy Plan: Royal Exhibition Building and Carlton Gardens*, Department of Planning and Community Development, 2009
POLICY FOR LICENSED PREMISES THAT REQUIRE A PLANNING PERMIT

This policy applies to the consideration of all planning permit applications and amendments to permits that involve the sale and consumption of liquor in the municipality. The policy applies where a permit is triggered under Clause 52.27 of the Melbourne Planning Scheme or where a permit for a tavern, hotel or nightclub in the Capital City Zone and Docklands Zone is required.

Policy basis

The City of Melbourne has approximately 1600 licensed premises across the municipality that provide opportunities for social interaction in the municipality and a vital night-time economy providing music, food and entertainment.

The Municipal Strategic Statement acknowledges that licensed premises contribute to the vibrancy and economic strength of the municipality. The Municipal Strategic Statement (at Clause 21.08-1) also acknowledges that some parts of the municipality (especially the Central City) are encouraged to develop as a “24 hour” precinct where a range of activities, including licensed premises are supported.

Well managed licensed premises contribute positively to the activity, appearance, character, and image of the area. Small licensed premises are particularly important to the vitality of the Central City as a 24 hour city.

The purpose of this policy is to provide guidance for new licensed premises and where existing licensed premises change their operation.

Objectives

- To identify appropriate locations and trading hours for licensed premises.
- To manage the operation of licensed premises to minimise adverse impacts on the amenity of the area and maintain the positive character, image and function of the city.
- To ensure that the cumulative impacts of licensed premises are assessed where venues are clustered in the one location.

Policy

It is policy that:

Noise

- The licensed premises should be operated to ensure that noise emissions from the premises:
  - will not have an unreasonable impact on the amenity of the surrounding area;
  - comply with the standards as specified in the State Environmental Protection Policies; and
  - are regulated and monitored, making use of noise limiters where appropriate.

- Where noise attenuation measures are required, ie. Limiters, these should be installed by a suitably qualified person to prevent the attenuation measures being easily tampered with or altered.

- Noise impacts associated with waste management and bottle crushing should be minimised by incorporating measures such as:
  - On site storage of waste;
  - The use of on-site bottle crushers within noise proof enclosures; and
  - Limiting waste collection before 7am and after 9pm or earlier when licensed premises is closed.
Patron numbers
The maximum number of patrons permitted in a licensed premise should be limited to manage any unreasonable impact on the amenity of the surrounding uses and area and the maximum occupancy capacity of the premises, as determined by the Building Act 1993.

Hours of Operation
Applications to extend operating hours beyond the hours otherwise specified for indoor and outdoor areas within this policy will only be supported where the further extension of hours will not unreasonably impact on the amenity of the surrounding area.

Capital City Zone and Docklands Zone
- Taverns, hotels and nightclubs which accommodate less than 100 patrons and which have appropriate noise attenuation will be encouraged throughout the Capital City Zone and Docklands Zone.
- Hours of operation of taverns, hotels and nightclubs in the Capital City Zone and Docklands Zone should be limited to 1am
- Outdoor areas, including smoking areas, rooftops and open courtyards, should not be occupied past 1am and in noise sensitive areas alcohol should not be consumed in those areas after 11pm.

Residential 1 and 2 Zones
- New licensed premises are discouraged from locating in the Residential 1 Zone.
- Operating hours beyond normal business hours (9am – 6pm) for licensed premises in the Residential 1 Zone beyond will be discouraged.

Mixed Use Zone
- New licensed premises are discouraged in the Mixed Use Zone where the predominant surrounding land use is residential.
- Hours of operation of licensed premises in the Mixed Use Zone should be limited to 11pm.

Business Zones
- Hours of operation of licensed premises in the Business Zones should be limited to:
  - 11pm if the licensed premise is within 30 metres of a residential zone;
  - 1am elsewhere.
- Outdoor areas, including smoking areas, rooftops and open courtyards, should not be occupied past 1am and in noise sensitive areas alcohol should not be consumed in those areas after 11pm.

Application Requirements
An application for the establishment of a new licensed premise or the extension of existing licensed premises should be accompanied by the following information, as appropriate:

Plans
- Location plan showing the proximity of the premises to other licensed premises.
- Location Plan showing the location of properties used for sensitive uses in direct line of sight and within 100m of the site. Details of doors, windows and open space areas should be shown.
- Site plan showing all areas likely to be used by patrons including areas outside the boundaries of the site i.e. public spaces or footpaths.
- Site plan showing car parking layout (if parking is to be provided).
- Plan showing the existing and proposed internal layout of the premises.
• Plan showing the locations of all doors and windows within the premises.
• Plan showing the total numbers of patrons to be accommodated on the premises and the allocation of these patrons to identified areas.

Written Submission
• Licensed premises operating after 11pm are required to demonstrate how amenity impacts would be addressed, including the potential for cumulative impacts where there are existing late night venues in the locality.
• Applications for a tavern, hotel and/or nightclub should provide a Management Plan, which should include the following:
  - Hours of operation for all parts of the premises.
  - Details of the provision of music.
  - Security arrangements including hours of operation and management to minimise queues outside the venue.
  - Entry and exit locations.
  - Pass-out arrangements.
  - Training of staff in the management of patron behaviour.
  - A complaint management process.
  - Management of any outdoor areas to minimise impacts on the amenity of nearby properties.
  - Management of patrons who are smoking.
  - Lighting within the boundaries of the site.
  - Security lighting outside the premises.
  - General rubbish storage and removal arrangements, including hours of pick up.
  - Bottle storage and removal arrangements, including hours of pick up.
  - Noise attenuation measures including the use of noise limiters.

Decision Guidelines
Before deciding on an application, the responsible authority must consider, as appropriate:

All applications
• Zoning and use of the land.
• Site characteristics.
• Nature and use of surrounding land including;
  - Proximity of the site to sensitive uses.
  - Proximity of the site to other licensed premises including details of the nature of licensed premises, their hours of operation and maximum patron numbers.
• The location of doorways, windows and other noise sources on the premises with respect to nearby residential properties.
• Location of outdoor areas to be used in association with the licensed premises, including outdoor smoking areas, beer gardens and terraces.
• Specific nature of the proposed use including details of activities and entertainment to be provided.
- Proposed hours of operation.
- The number of patrons likely to be on the premises at any time.
- Potential effect of the use on the amenity of the surrounding area including the ability to comply with relevant noise standards and whether noise attenuation measures are required.
- Whether bottles and waste are able to be stored within the premises until 7.00am and the adequacy of removal arrangements.
- Availability of sufficient car parking.
- Proximity of or access to public transport and taxis.
- The cumulative impact of any existing and the proposed liquor license, the hours of operation and number of patrons, on the amenity of the area.

**Extensions to existing licensed premises**

- For applications to extend the licensed area and/or trading hours of existing licensed premises, regard shall also be given to the following:
  - The views of relevant authorities.
  - Relevant information including complaints and problems with the premises, breach of planning or liquor license permit conditions.
  - The conditions of the existing liquor license or planning permit controlling noise, security, patron numbers and hours of operation.
STORMWATER MANAGEMENT (WATER SENSITIVE URBAN DESIGN)

This policy applies to applications for:

- New buildings
- Extensions to existing buildings which are 50 square metres in floor area or greater.
- A subdivision in a commercial zone

This policy does not apply to an application for:

- A subdivision of an existing building.

Policy Basis

Increased development can result in greater hard surface area and changes to the volume, velocity and quality of stormwater drainage into natural waterways.

Achieving improved stormwater quality is a key objective in reducing the environmental impact of urban development on waterways and receiving water bodies in the Port Phillip catchment, this policy implements the best practice performance objective outlined in the *Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999* (or as amended) to achieve the objectives of the State Environment Protection Policy (Water of Victoria).

Waterways are an important environmental asset and measures that protect, or improve, water quality will be of significant benefit environmentally, socially and economically.

Incorporating stormwater treatment measure into the design of development, including wetlands, bio-retention systems and porous pavements to filter pollutants, will help to protect and improve the condition of the natural waterways and passively irrigate urban vegetation.

Water sensitive urban design (WSUD) is the design of buildings, subdivisions and works to minimise the hydrological impact of urban development on the surrounding environment. WSUD provides the means for treating stormwater run-off in a variety of ways so that the flow is reduced, and the quality of run-off is improved. Stormwater management can take various forms in the urban environment including infrastructure upgrades, streetscape layout changes, piping reconfigurations, storage tanks, and the use of different paving.

Objectives

- To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended). Currently, these water quality performance objectives are:
  - Suspended Solids - 80% retention of typical urban annual load
  - Total Nitrogen - 45% retention of typical urban annual load
  - Total Phosphorus - 45% retention of typical urban annual load
  - Litter - 70% reduction of typical urban annual load.

- To promote the use of water sensitive urban design, including stormwater re-use.

- To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.

- To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.

- To reinteegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and wellbeing.
Policy

- Require that development applications provide for the achievement of the best practice performance objectives for suspended solids, total phosphorus and total nitrogen, as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).

- Require the use of stormwater treatment measures that improve the quality and reduce the flow of water discharged to waterways. This can include but is not limited to:
  - collection and reuse of rainwater and stormwater on site
  - vegetated swales and buffer strips
  - rain gardens
  - installation of water recycling systems
  - multiple uses of water within a single manufacturing site
  - direction of flow from impervious ground surfaces to landscaped areas.

- Encourage the use of measures to prevent litter being carried off-site in stormwater flows, including:
  - appropriately designed waste enclosures and storage bins, and
  - the use of litter traps for developments with the potential to generate significant amounts of litter.

- Encourage the use of vegetation, where practicable, (to be irrigated with rainwater/stormwater) to manage the quality and quantity of stormwater.

Application requirements

An application must be accompanied by a Water Sensitive Urban Design Response including, as appropriate:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Detail Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>A site layout plan showing the location of proposed stormwater treatment measures.</td>
<td>Show location, area draining to a treatment measure, and the connection points, of any:</td>
</tr>
<tr>
<td></td>
<td>- Harvesting and Reuse Measures: such as rainwater tanks (must identify what the tank is connected to; toilets, gardens etc).</td>
</tr>
<tr>
<td></td>
<td>- Water Quality Treatment Measures: such as raingardens, wetlands, buffers and swales.</td>
</tr>
<tr>
<td></td>
<td>- Infiltration Measures: such as porous paving and infiltration trenches/sumps.</td>
</tr>
<tr>
<td></td>
<td>- Passive Irrigation Measures: such as directing runoff into gardens.</td>
</tr>
<tr>
<td>A report outlining how the application achieves the objectives of this policy.</td>
<td>A report from an industry accepted performance measurement tool such as STORM or MUSIC (or equivalent).</td>
</tr>
<tr>
<td>Design details, such as cross sections, to assess the technical effectiveness of the proposed stormwater treatment measures.</td>
<td>Design details as appropriate to the stormwater treatment measure proposed.</td>
</tr>
<tr>
<td>A site management plan which details how the site will be managed through construction.</td>
<td>A statement is required outlining construction measures to prevent litter, sediments and pollution entering stormwater systems.</td>
</tr>
</tbody>
</table>
A maintenance program which sets out future operational and maintenance arrangements.

If the water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended) are not met, an application must include justification for how the development meets the objectives of this policy.

### Decision guidelines

Before deciding on an application, the responsible authority will consider, as appropriate:

- The extent to which the development meets the objectives and requirements of this policy
- The Water Sensitive Urban Design Response
- Whether the application meets the best practice performance objective and treatment measures.
- Whether the proposal is designed and incorporates works to maintain, or improve, the quality of stormwater within or exiting the site.
- Whether the proposal will significantly add to the stormwater discharge or adversely affect water quality entering the drainage system.
- Opportunities for water conservation and reuse that influence the use of water sensitive urban design.
- The level of ongoing management required to achieve and maintain the desired stormwater quality measures that will be used during the construction phase to prevent a loss of stormwater quality as a result of building activities, such as silt traps.

### Reference documents


State Environment Protection Policy (Waters of Victoria), Environment Protection Authority, 2003 (as amended from time to time).

Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO, 1999 (as amended from time to time).


STORM calculator (as amended from time to time)

MUSIC – model for urban stormwater improvement conceptualisation tool (as amended from time to time).

### Expiry

This policy will expire when superseded (as determined by the Minister for Planning) by Water Sensitive Urban Design provisions in the Victoria Planning Provisions or the Building Code of Australia Regulations, whichever happens first.
STUDENT HOUSING POLICY

This policy applies where a planning permit is required for the use or development of Student Housing, typically under the definition of residential building or residential college.

For the purpose of this policy Student Housing is defined as the use or development of land for:

- Accommodation that is purpose built to accommodate bona fide students while studying at tertiary institutions; or
- Accommodation that is modified or converted (for more than ten habitable rooms) to accommodate bona fide students while studying at tertiary institutions. This would include accommodation that was used in the past as a dwelling.

This policy does not apply:

- To informal student housing where students occupy dwellings as defined within the planning scheme. Dwellings can be used for shared housing without the need for a planning permit.
- If the accommodation comprises a number of fully self-contained units that meet the definition of a dwelling.

Policy basis

The City of Melbourne is home to many tertiary educational institutions. The University of Melbourne and RMIT University are foremost amongst these.

These institutions cater for a large number of students who move to Melbourne to study from overseas, interstate and from regional Victoria. Some of these students seek specialist accommodation services that will support their period of study in Melbourne. The demand for this type of accommodation is projected to be ongoing.

Purpose built student housing has specific requirements compared to other types of dwellings which need to be addressed at the planning permit application stage.

This policy supports purpose built student housing which provides for pastoral care, reduces social isolation and which facilitates social interaction and communication among the students.

The location and design of purpose built student accommodation needs to be affordable, meet the practical requirements of students, and have convenient walking access to public transport and shops, and convenient access to educational and community facilities. The standards included in this policy are the minimum requirements for student life.

Collaboration between developers and universities is encouraged to achieve the objectives of this policy.

The Municipal Strategic Statement supports:

- “the provision of affordable, safe and well designed and managed student housing in locations with good access to public transport, services and tertiary education facilities’’; and
- “affordable accommodation options for students.”

This policy is supported by the findings of Transnational and temporary: Students, community and place-making in central Melbourne 2009, a report prepared by the University of Melbourne.

Objectives

- To ensure that the internal layout of rooms and communal facilities provide sufficient space and amenity for the reasonable requirements of an active social, work, and private life of the student while promoting social interaction.
- To provide a safe, healthy, secure and well managed living environment.
Policy

Bicycle, Motorcycle, Scooter and Car Parking, and Loading and Unloading

It is policy to:

- Encourage at least one bicycle parking space per student
- Design and locate bicycle parking in accordance with the decision guidelines at Clause 52.34-4;
- Provide adequate space on the land for motorcycle and scooter parking;
- Design safe and efficient motorcycle and scooter parking;
- Provide car parking for the management and servicing needs of the building;
- Support applications that provide limited or no car parking for students;
- Design car spaces and accessways in accordance with Clause 52.06-3; and
- Provide adequate space on the land for loading and unloading vehicles and waste collection.

Layout, Students’ rooms and Shared Spaces

Student rooms may comprise various levels of shared facilities including:

- Student rooms with all facilities except laundry facilities;
- Student rooms with en-suite bathrooms and shared laundry and cook facilities; or
- Hostel type facility where rooms are for sleeping and studying and shared laundry, cooking and bathroom facilities are provided.

Students’ Rooms

It is policy that:

- Every room has a size, layout and design able to comfortably accommodate:
  - A bed accessible from a long side;
  - A study area with a desk and bookshelf;
  - A robe /drawer unit with ample storage space for clothing and personal items;
  - Computer and TV;
  - A table or bench to provide a space to eat separate from that used for study purposes;

One way to comply with this policy would be to provide a minimum floor space of 10.8m² for a room to be used as a basic single student bedroom. This does not include a kitchen or an en-suite.

- Every room has direct access to daylight and fresh air and an external window.
- That at least one source of light to study bedrooms be from external walls open to the sky.
- Each room is not unreasonably overlooked by another room, either in the same building or an adjoining property.
- Rooms should be designed and located to limit excessive noise and disruption from pedestrian or vehicle traffic from within or outside the complex.
- Where private kitchen facilities are provided there should be adequate room for a microwave, stove top cooker, fridge, clear bench space and sink with hot and cold running water, as well as storage space for food, crockery, utensils, cleaning equipment and a designated location for garbage and re-cycling.
- Adequate long term storage in a secure location is provided.
Shared Facilities

It is policy that:

- Shared laundries include the following:
  - A reasonably attractive design conducive to incidental socialising; and.
  - Appropriate provision of shared facilities including washing machines, clothes dryers, laundry tubs with hot and cold water and clotheslines.

- Shared cooking and dining facilities include the following:
  - A designated location for garbage and re-cycling bins; and
  - Appropriate provision of shared cooking and dining facilities including stove top cookers, sinks with running hot and cold water, refrigerators, freezers, bench space for food preparation and storage space for dry goods.

- The provision of storage areas for property manager’s equipment and building maintenance is encouraged.

- The provision of appropriate waste management facilities is encouraged.

- Shared facilities are located in a safe and accessible location for all students.

- Corridors and stairways are healthy attractive spaces, with natural lighting and ventilation and are conducive to incidental social interaction.

Communal outdoor space and internal common areas

It is policy to:

- Ensure each student has access to communal outdoor space that is well designed, safe and accessible and can be maintained appropriately;

One way to comply with this policy would be to provide a ratio of 2.5m$^2$ of communal outdoor space per student, in a maximum of two parcels, each parcel with a minimum width of 3m;

- Ensure adequate solar access into any communal outdoor space;

- Ensure each student has access to internal common areas that are capable of being used for multiple functions to meet a range of study, social, cultural and religious needs of students;

One way to comply with this policy would be to provide a common living area or recreation room with a minimum of 15m$^2$ in area for the first 12 students, and a further 15m$^2$ for each additional 12 students thereafter;

- Ensure internal common areas are well located adjacent to high movement areas and doors to internal common areas contain glass to enable natural surveillance from circulation areas;

- Encourage a direct relationship between communal outdoor spaces and common internal spaces to enhance function and safety;

- Ensure that lighting of internal and external access areas is adequate;

- Ensure that all common areas promote student interaction and a sense of community;

- Require that all common areas remain the responsibility of the building management and not be sold off independently.

The floor area of bedrooms, bathrooms, laundries, reception area, storage, kitchens, car parking, loading docks, driveways, clothes drying areas, corridors and the like are not counted when determining the area of internal communal living area. Dining areas may be included as communal living area.
Conversion of Existing Buildings

It is policy to:

- Consider the capacity of the building to meet the requirements of this policy, particularly the provision of communal open space when assessing applications for the conversion of an existing building to student housing.

Application Requirements

The responsible authority may require a Management Plan to be submitted and approved before the use of the student housing commences.

The Management Plan should include, but is not limited to:

- Permanent display of the Management Plan in a common area.
- Provision for at-call contact details of a suitably responsible contact person for response 24 hours a day and seven days a week, to be displayed so they are clearly visible to any person entering the site.
- Provision of information on community and education services, including health, counselling and cultural services.
- Provision of information on local public transport and to encourage walking (eg. information on facilities within walking distance, local public transport timetables, outlets for purchase of Myki tickets, car share services etc).
- House rules regarding occupancy and behaviour of students and visitors.
- Resolution process for disputes between students and complaints from persons not residing on the site.
- Areas where washed clothes may be dried.
- Details of rubbish bin storage and waste collection.
- Employment of a suitably qualified manager or lead tenant who is accommodated on-site.
- Details of which unit is to be set aside for the resident manager and how this unit is to be managed.
- The nature of the management of the complex and the contact details of the manager/lead tenant.
- Critical Incident Management and Emergency & Evacuation Procedures.
- Management procedures over holiday periods.
- Information for students on how to use the building effectively, efficiently and responsibly.
[NO CONTENT]
22.26

PUBLIC OPEN SPACE CONTRIBUTIONS

This policy applies to all development applications that include an application for subdivision that would trigger an open space contribution under Clause 52.01.

22.26-1

Policy Basis

The Melbourne Planning Scheme sets out broad directions for open space planning in its MSS. Public open space is highly valued within the City of Melbourne and fulfils a wide range of functions. The importance of public open space in the city environment is heightened by the intensity of development and the limited availability of private open space.

The City of Melbourne Open Space Strategy (CoMOSS) provides an overarching framework and strategic direction for open space planning. The Strategy identifies where new or improved open space will be required in the future, based on detailed research of population growth and development forecasts. The Strategy seeks to ensure that residents and workers have access to a diversity of quality open spaces within easy walking distance. This requires upgrading of existing open space and adding to the open space network into the future.

Public open space contributions from developers is one of a number of potential resources for the acquisition of land for public open space and improvement of existing facilities on behalf of new populations.

Because public open space contributions can only be imposed at the subdivision stage, it is important for developers to ascertain at the site analysis stage of the development design process whether any part of the land proposed to be developed is likely to be required for public open space.

This will ensure that public open space requirements are identified and allowed for at the earliest possible time.

22.26-2

Objectives

- To implement the City of Melbourne Open Space Strategy.
- To identify when and where land contributions for public open space are preferred over cash contributions.
- To ensure that in areas where a land contribution is preferred, land suitable for public open space is set aside as part of the design of a development so that it can be transferred to or vested in Council to satisfy the public open space contribution requirement under Clause 52.01.

22.26-3

Policy

It is policy that:

Location

Land contributions for public open space will be preferred over cash contributions for the purposes of Clause 52.01 of the scheme for land proposed to be developed and subdivided within areas identified on Map 1.
In all other areas of the municipality, a cash contribution equal to the amount specified in Clause 52.01 is preferred.

**Application requirements**

All applications must be accompanied by a urban context and site analysis plan which demonstrate how the development meets the policy objectives of Clause 22.26-2 and the criteria for public open space of Clause 22.26-5.

**Criteria for public open space**

Before deciding on application for development in a precinct where land contributions may be required, as identified on Map 1, the responsible authority will determine whether part of the land proposed to be developed is appropriate for use as public open space having regard to:

a) the size of the area of land to be used for open space, on its own or in combination with adjoining land.

b) whether the open space area is located at ground level.

c) the type of landscaping which might be provided, including whether the land is capable of supporting a large mature canopy tree, can incorporate sustainable water supply and reuse, and moisture retention for passive cooling.
d) the potential to accommodate a range of (organised, unstructured and informal) recreational uses;

e) whether the open space area is safe and accessible, and its location having regard to a range of transport options and entry from a local street.

f) whether the open space area enhances the liveability of the neighbourhood by providing visual relief from built form and noise.

g) whether the open space area receives adequate levels of sunlight (a minimum of 3 hours of direct sunlight between 9am and 3pm on June 22 and at least 5 hours of direct sunlight between 9am and 3pm on September 22).

h) whether the open space area will remain useable and functional as open space with sea level rise and larger storm events.

i) the impact of adjoining land uses.

j) whether the land, or adjoining land is contaminated.

k) the location of the site and open space area having regard to biodiversity, habitat corridors, and the wider open space network.

l) whether the open space is restricted by services or easements including roadways, overhead structures, water and power supply, and flood mitigation and drainage infrastructure.

m) whether the open space contributes to the character and attractiveness of the neighbourhood.

n) whether the open space is visually prominent to maximise its use.

o) whether the open space is capable of being transferred to the Council and rezoned for public open space.

p) whether the open space is able to be improved, maintained and managed by Council.

**Early consideration of land contributions**

An applicant should consult Council very early in the site analysis phase of a proposal to ascertain whether:

- the land proposed to be developed and subdivided is within an area identified in map 1 as an area where a land contribution is preferred over a cash contribution,

- part of the land proposed to be developed and subdivided is appropriate for setting aside as public open space having regard to the matters identified in this policy.

The design of a building on land which contains an area considered appropriate for public open space should accommodate the provision of public open space in a manner that facilitates and enhances the public open space.

If a contribution under Clause 52.01 is likely to be imposed as a land contribution, and Council is satisfied that an additional part of the land is appropriate for the public open space having regard to the matters identified in this policy, Council may consult with the applicant to determine whether the design of the building could be modified to enable provision of the additional land to Council at Council’s cost.

**References Documents**


City of Melbourne Open Space Strategy, Technical Report, prepared by Thompson Berrill Landscape Design Pty Ltd and Environment & Land Management Pty Ltd in association with Professor Nigel Tapper and Dr Serryn Eagleston, June 2012.
FISHERMANS BEND URBAN RENEWAL AREA POLICY

This policy applies to use and development of all land within Fishermans Bend affected by the Capital City Zone Schedule 4 or Design and Development Overlay Schedule 67.

To the extent of any inconsistency with another local policy, this local policy prevails.

Policy basis

This policy implements the vision for Fishermans Bend, as set out in the Fishermans Bend Framework, September 2018 as a ‘thriving place that is a leading example for environmental sustainability, liveability, connectivity, diversity and innovation’ that will by 2050, accommodate 80,000 residents, 40,000 jobs and be Australia’s largest Green Star – Community. Fishermans Bend is striving for a 6 Star Green Star – Community rating.

This policy supports:

- Locating the highest densities of employment opportunities close to existing and planned public transport.
- Delivering housing opportunities for a diverse community.
- Providing at least six per cent of dwellings as Affordable housing, with additional Social housing dwellings provided as part of a Social housing uplift scheme.
- Creating a place of design excellence.
- Creating a benchmark for sustainable and resilient urban transformation that supports the creation of a climate adept, water sensitive, low carbon, low waste community.
- Creating resilience against the impacts of sea level rise and flooding from storm events without compromising the urban form at the ground level.
- Addressing the potential flood impacts with measures which in the first instance maintain activity at ground level.
- Creating a low waste community that is designed to provide best practice waste and resource recovery management.
- Creating a connected, permeable and accessible community that prioritises walking, cycling, and public transport use.
- Encouraging developments to be designed to support 80 per cent of movements via active and public transport.
- Encouraging new uses and developments to implements measures to mitigate against adverse amenity impacts from existing industrial uses.

Objectives

To create a thriving urban renewal area that is a leading example for design excellence, environmental sustainability, liveability, connectivity, diversity and innovation.

To create a prosperous community that supports diverse employment opportunities across all precincts that build on proximity to the Central City and Port of Melbourne.

To promote employment generating floor space in all precincts that supports growth in the knowledge, creative, design, innovation, engineering, and service sectors.

To create thriving, lively mixed-use neighbourhoods that have distinct identity and character consistent with the preferred character for each precinct.

To encourage Affordable housing and the provision of community infrastructure, open space and housing diversity to support a diverse and inclusive community.
To ensure development is carried out in accordance with ecologically sustainable development principles.

To encourage the transition over time from a primarily industrial area to a high-density mixed use area and to support the continued operation of existing uses which are of strategic importance to the urban renewal of Fishermans Bend.

### Definitions

The following definitions apply for the purposes of interpreting this policy:

**Affordable housing** has the same meaning as in the *Planning and Environment Act 1987*.

**Dwelling density** (dw/ha) means the number of dwellings on the site divided by the total site area (hectares), including any proposed road, laneway and public open space.

**Social housing** has the same meaning as in the *Housing Act 1983*.

**Social housing uplift** means dwellings that exceed the number of dwellings allowable under the dwelling density requirements in the Schedule to the Capital City Zone.

### Policy

#### 22.27-4.1 Providing for employment floor area

It is policy to assess proposals against the following criteria:

- Development in a Core area in the relevant Map in Schedule 4 to the Capital City Zone should provide floor area for employment generating uses. Table 1 sets out the preferred minimum plot ratio that should be provided for a use other than Dwelling.

**Table 1: Minimum plot ratio not used for Dwelling**

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Minimum plot ratio not used for Dwelling (Core Areas)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lorimer</td>
<td>1.7:1</td>
</tr>
</tbody>
</table>

Where development in the core areas provides less than the minimum plot ratio set out in Table 1 to this policy, the responsible authority will consider as appropriate:

- Whether the built form envelope available on the site makes it impractical to provide the minimum plot ratios.
- Whether the application is associated with the continued operation or expansion of an existing employment or residential use on site.
- Whether the buildings floor to floor heights, layout and design will facilitate future conversion from residential to employment generating uses or from car parking areas to other employment generating uses.
- Whether the development can demonstrate that it is contributing to the employment objectives of this policy while providing less than the minimum plot ratio.

#### 22.27-4.2 Community and diversity

It is policy to:

- Encourage a diversity of dwelling typologies and sizes within each precinct and within individual development sites.
- Encourage Affordable housing to be provided within a range of built form typologies.
Encourage design that delivers a range of housing types suitable for households with children through:

- The development of mid-rise housing with access to private open space.
- Living room sizes that exceed minimum requirements.
- Access to outdoor communal green space including children’s play spaces on ground level, podium levels or roof tops and locating some dwellings to achieve direct visual access to those play spaces.
- Providing children’s communal active indoor play or recreation space as part of indoor communal spaces.
- Locating sufficient storage areas in areas with easy access to dwellings.

Encourage the delivery of adaptable floor plates including the opportunity to combine one and two-bedroom units to form larger apartments.

Encourage communal open spaces within residential development to include a range of facilities, garden and recreation areas, with consideration given to opportunities for a range of users.

Encourage the early delivery of community infrastructure hubs.

It is policy to assess proposals against the following criteria:

- Proposals of more than 100 dwellings should provide the following percentage of three-bedroom dwellings:
  - Lorimer: 20 per cent

### 22.27-4.3 Providing for Affordable housing

#### Affordable housing

It is policy to assess proposals against the following criteria:

- Development should provide at least six per cent of dwellings permitted under the dwelling density requirements in the Capital City Zone (excluding any Social housing uplift dwellings) as Affordable housing, unless, any of the following apply:
  - The built form envelope available on the site makes it impractical to do so.
  - It can be demonstrated that the development will contribute to the Affordable housing objectives of this policy while providing less than the minimum amount.
  - It can be demonstrated that meeting the Affordable housing objectives of this policy would render the proposed development economically unviable.

#### Affordable housing should:

- Be a mix of one, two and three bedrooms that reflects the overall dwelling composition of the building.
- Have internal layouts identical to other comparable dwellings in the building.
- Be externally indistinguishable from other dwellings.

#### Social housing

It is policy to:

- Encourage development to provide Social housing, in addition to the provision of six per cent Affordable housing, by allowing a Social housing uplift equivalent to eight additional private dwellings of equivalent size for each Social housing unit provided.
Where a Social housing uplift is sought the responsible authority, in consultation with the housing provider receiving the proposed Social housing, will consider as appropriate:

- Whether the proposed Social housing is consistent with state and local policy, and strategic initiatives.
- Whether the proposed Social housing can be realistically delivered and secured by a suitable legal agreement.
- Whether the proposed Social housing is supported by the proposed housing provider receiving the housing and can be maintained as Social housing in perpetuity.
- Whether the Social housing uplift will have acceptable consequences, having regard to the preferred character of the area, and the level of public transport and other infrastructure available.

22.27-4.4 Design excellence

It is policy to:

- Encourage varied built form typologies that align with the precinct character area as detailed in Schedule 67 to the Design and Development Overlay.
- Encourage fine grain, pedestrian scale environment.

It is policy to assess proposals against the following criteria:

- Buildings should contribute to a high quality public realm.
- Developments should deliver spaces, including open spaces, for people to meet, gather, socialise, exercise and relax.
- Developments should deliver variation in massing, building height, and roof forms and staggering or offsetting of tower footprints.

22.27-4.5 Achieving a climate adept, water sensitive, low carbon, low waste community

Energy

It is policy to assess proposals against the following criteria:

- Developments should achieve a 20 per cent improvement on current National Construction Code energy efficiency standards. This includes energy efficiency standards for building envelopes and for lighting and building services.
- Residential developments should achieve an average 7 star NatHERS rating for each building.
- Developments should incorporate renewable energy generation, on-site energy storage, and opportunities to connect to a future precinct-wide or locally distributed low-carbon energy supply.

Urban heat island

It is policy to assess proposals against the following criteria:

- At least 70 per cent of the total site area should comprise building or landscape elements that reduce the impact of the urban heat island effect including:
  - Vegetation, green roofs and water bodies.
  - Roof materials, shade structures, solar panels or hard scaping materials with high solar reflectivity index.
- Non-glazed facade materials exposed to summer sun should have a low solar absorptance.
Sea level rise, flooding and water recycling and management

It is policy to:

- Only consider the raising of internal ground floor level above street level as a last resort, except where the implementation of other measures coupled with an evidence based approach to risk management reasonably necessitates raising internal floor levels above street level.

It is policy to assess proposals in flood prone areas against the following criteria:

- Design elements and materials should be resilient including water proof doors and windows, elevated power outlets and the like.
- Land uses at ground floor level should be able to easily recover from the impacts of temporary flooding.
- Any level change required between street level and internal ground floor should be integrated into the design of the building to maintain good physical and visual connection between the street and internal ground floor.
- Essential services, such as power connections, switchboards and other critical services should be located to address potential flooding events.
- Development and public realm layout and design should integrate best practice Water Sensitive Urban Design.

Waste management

It is policy to assess proposals against the following criteria:

- Developments should respond to any precinct waste management plan.
- Where practicable, developments should create opportunities to:
  - Optimise waste storage and efficient collection methods.
  - Combine commercial and residential waste storage.
  - Share storage or collections with adjacent developments.
  - Separate collection for recycling, hard waste, and food and green waste.

22.27-4.6 Communal open spaces

It is policy to:

- Create private and communal open spaces within developments to supplement the public open space network.
- Encourage development with an interface to existing or proposed open space to:
  - Avoid unreasonable amenity or microclimate impacts to the open space.
  - Ensure vehicle movement to or from the development does not unreasonably impact on the function, useability or amenity of the open space.

- Encourage internal and external communal spaces within the same development to connect to one another and be designed as multifunctional, adaptable spaces.
- Encourage the provision of additional publicly accessible areas at ground level that contribute to the creation of a network of passive, formal and informal recreational spaces.

It is policy to assess proposals against the following criteria:

- Communal open space should be designed to meet the needs of a range of potential users.
- The location, design and layout of publicly accessible open space areas at ground level should be integrated with adjoining areas of open space.
22.27-4.7 Landscaping

It is policy to:

- Encourage developments to provide landscaping in all areas of open space including public open space, communal open space and private open space.

It is policy to assess proposals against the following criteria:

- Landscape areas should:
  - Contribute to the creation of a sense of place and identity and the preferred character sought for the precinct.
  - Incorporate innovative approaches to flood mitigation and stormwater run-off, and best practice Water Sensitive Urban Design.
  - Incorporate opportunities for community gardens.
  - For public open space, interpret and celebrate heritage and culture, including Aboriginal cultural heritage.

- Plant selection should:
  - Support the creation of complex and biodiverse habitat that includes native and indigenous flora and fauna.
  - Balance the provision of native and indigenous plants with exotic climate resilient plants that provide resources for biodiversity.
  - Support the creation of vegetation links within Fishermans Bend to surrounding areas of biodiversity though planting selection and design.
  - Incorporate food plants.

- Buildings should:
  - Include deep soil zones of at least 1.5 metres or planter pits to accommodate canopy trees.
  - Incorporate green facades, rooftop, podium or terrace planting that is water efficient, located and designed to be sustainable, viable and resilient and appropriate to micro-climate conditions.

22.27-4.8 New streets, laneways and pedestrian connections

It is policy to assess proposals against the following criteria:

- New streets, laneways and pedestrian connections should be spaced not more than 50 to 70 metres apart in the preferred direction and 100 metres apart in the other direction in a block. The preferred direction for new pedestrians connections and laneways is:
  - In Lorimer north of the Lorimer Parkway, north–south, to encourage better connections with the Yarra River.

- Sites of more than 3000 square metres, should provide new streets, laneways or paths to create mid-block through links and define and separate buildings.

- New streets, laneways and pedestrian connections should:
  - Be aligned with and connected to existing and proposed streets as shown in the relevant Maps in the Schedule to the Capital City Zone, laneways and pedestrian connections.
  - Provide direct access to existing or proposed public transport stations and routes, and existing or proposed public open space.
New shared streets or shared laneways should prioritise pedestrian movement and safety.

New streets and laneways should be designed to:
- Enable views through the street block.
- Have active frontages in a core area.
- Be open to the sky.
- Allow for canopy tree planting.

22.27-4.9 Sustainable transport

It is policy to:
- Ensure development does not compromise the delivery of future public transport including new tram, train and bus routes.
- Reduce impacts of new vehicle access points on pedestrian, public transport and bicycle priority routes.
- Design internal connections to give priority to bicycle and pedestrian movements.
- Provide high levels of and easy access to bicycle parking facilities, including end of trip change rooms, showers and lockers.
- Encourage developments to provide less than the preferred maximum number of car spaces.
- Encourage developments to provide for future conversion of car parking to alternative uses.

22.27-4.10 Land use transition

It is policy to:
- Ensure new uses and the expansion of existing uses with potential adverse amenity impacts do not prejudice the urban renewal of Fishermans Bend.
- For applications that may be affected by adverse amenity impacts, require the preparation of an Amenity Impact Plan that includes measures to mitigate adverse amenity impacts.

22.27-5 Reference documents

Fishermans Bend Vision, September 2016
Fishermans Bend Framework, September 2018
RELATIONSHIP TO THE PLANNING POLICY FRAMEWORK

Clauses 21 and 22 of this planning scheme (the Local Planning Policy Framework) form part of the Planning Policy Framework. Where a provision of this planning scheme requires consideration of the Planning Policy Framework, that consideration must include Clauses 21 and 22.

A reference in this planning scheme, including any incorporated document, to the:

- State Planning Policy Framework or the Local Planning Policy Framework is to be taken to be a reference to the Planning Policy Framework.
- Planning Policy Framework is to be taken to include the Local Planning Policy Framework.
OPERATION OF THE MUNICIPAL STRATEGIC STATEMENT

The Municipal Strategic Statement (MSS) is a concise statement of the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving the objectives. It furthers the objectives of planning in Victoria to the extent that the State Planning Policy Framework is applicable to the municipality and local issues. It provides the strategic basis for the application of the zones, overlays and particular provisions in the planning scheme and decision making by the responsible authority.

The MSS provides an opportunity for an integrated approach to planning across all areas of council and should clearly express links to the corporate plan. The MSS is dynamic and enables community involvement in its ongoing review. The MSS will be built upon as responsible authorities develop and refine their strategic directions in response to the changing needs of the community.

When preparing amendments to this planning scheme and before making decisions about permit applications, planning and responsible authorities must take the MSS into account.
OPERATION OF THE LOCAL PLANNING POLICIES

Local Planning Policies are tools used to implement the objectives and strategies of the Municipal Strategic Statement.

A Local Planning Policy is a policy statement of intent or expectation. It states what the responsible authority will do in specified circumstances or the responsible authority’s expectation of what should happen. A Local Planning Policy gives the responsible authority an opportunity to state its view of a planning issue and its intentions for an area. A Local Planning Policy provides guidance to decision making on a day to day basis. It can help the community to understand how the responsible authority will consider a proposal. The consistent application of policy over time should achieve a desired outcome.

When preparing amendments to this planning scheme and before making decisions about permit applications, planning and responsible authorities must take any relevant Local Planning Policy into account.
ZONES

This section sets out the zones which apply in this scheme.
32.04

MIXED USE ZONE

Shown on the planning scheme map as MUZ with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.

To provide for housing at higher densities.

To encourage development that responds to the existing or preferred neighbourhood character of the area.

To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

32.04-1

Objectives

A schedule to this zone may contain objectives to be achieved for the area.

32.04-2

Table of uses

Section 1 – Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art gallery</td>
<td></td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td></td>
<td>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Must meet the requirements of Clause 52.22-2.</td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td>Must be the only dependent person’s unit on the lot.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td></td>
</tr>
<tr>
<td>Food and drink premises</td>
<td>The leasable floor area must not exceed 150 square metres.</td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td>The gross floor area must not exceed 250 square metres.</td>
</tr>
<tr>
<td>Museum</td>
<td></td>
</tr>
<tr>
<td>Office (other than Medical centre)</td>
<td>The leasable floor area must not exceed 250 square metres.</td>
</tr>
<tr>
<td>Place of worship</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>-------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td></td>
</tr>
<tr>
<td>Rooming house</td>
<td>Must meet the requirements of Clause 52.23-2.</td>
</tr>
<tr>
<td>Shop (other than Adult sex product shop)</td>
<td>The leasable floor area must not exceed 150 square metres.</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

**Section 2 - Permit required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Community care accommodation, Dependent person's unit, Dwelling, Residential aged care facility and Rooming house)</td>
<td></td>
</tr>
<tr>
<td>Agriculture (other than Animal production, Apiculture, Domestic animal husbandry and Racing dog husbandry)</td>
<td></td>
</tr>
<tr>
<td>Domestic animal boarding</td>
<td></td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Materials recycling and Transfer station)</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation)</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Art gallery, Carnival, Circus, Museum and Place of worship)</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Food and drink premises and Shop)</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

**Section 3 - Prohibited**

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex product shop</td>
<td></td>
</tr>
<tr>
<td>Animal production (other than Grazing animal production)</td>
<td></td>
</tr>
<tr>
<td>Brothel</td>
<td></td>
</tr>
</tbody>
</table>
Use for industry, service station and warehouse

Amenity of the neighbourhood

The use of land for an industry, service station or warehouse must not adversely affect the amenity of the neighbourhood, including through:

- The transport of materials or goods to or from the land.
- The appearance of any stored materials or goods.
- Traffic generated by the use.
- Emissions from the land.

Subdivision

Permit requirement

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

<table>
<thead>
<tr>
<th>Class of subdivision</th>
<th>Objectives and standards to be met</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 or more lots</td>
<td>All except Clause 56.03-5.</td>
</tr>
<tr>
<td>16 – 59 lots</td>
<td>All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.</td>
</tr>
<tr>
<td>3 – 15 lots</td>
<td>All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.</td>
</tr>
<tr>
<td>2 lots</td>
<td>Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.</td>
</tr>
</tbody>
</table>

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
</tbody>
</table>
**Clause 59.02**

Subdivide land into lots each containing an existing building or car parking space where:

- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.
- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.

Subdivide land into 2 lots if:

- The construction of a building or the construction or carrying out of works on the land:
  - Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.
  - Has started lawfully.
- The subdivision does not create a vacant lot.

---

### Construction and extension of one dwelling on a lot

#### Permit requirement

A permit is required to construct or extend one dwelling on a lot of less than 300 square metres. A development must meet the requirements of Clause 54.

#### No permit required

No permit is required to:

- 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.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

#### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

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**32.04-5**

31/07/2018

VC148

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**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.
Class of application

- Meets the requirements in the following standards of Clause 54:
  - A10 Side and rear setbacks.
  - A11 Walls on boundaries.
  - A12 Daylight to existing windows.
  - A13 North-facing windows.
  - A14 Overshadowing open space.
  - A15 Overlooking.

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

32.04-6

Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

Permit requirement

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

A permit is not required to construct one dependent person’s unit on a lot.

Transitional provisions

Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 58 does not apply to:
• An application for a planning permit lodged before the approval date of Amendment VC136.

• An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.</td>
<td>Clause 59.03</td>
</tr>
</tbody>
</table>

**32.04-7**  
15/07/2013  
VC100

**Requirements of Clause 54 and Clause 55**

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

**32.04-8**  
26/10/2018  
VC152

**Residential aged care facility**

**Permit requirements**

A permit is required to construct a building or construct or carry out works for a residential aged care facility.

A development must meet the requirements of Clause 53.17 - Residential aged care facility.

**32.04-9**  
26/10/2018  
VC152

**Buildings and works associated with a Section 2 use**

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $100,000 where:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>The building or works is not associated with a dwelling.</td>
<td></td>
</tr>
<tr>
<td>The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:</td>
<td></td>
</tr>
<tr>
<td>A10 Side and rear setbacks.</td>
<td></td>
</tr>
</tbody>
</table>
### Class of application

- A11 Walls on boundaries.
- A12 Daylight to existing windows.
- A13 North-facing windows.
- A14 Overshadowing open space.
- A15 Overlooking.

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

### Buildings on lots that abut another residential zone

Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone, or Township Zone must meet the requirements of Clauses 55.03-5, 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary.

This does not apply to a building or works for a residential aged care facility.

### Maximum building height requirement

A building must not be constructed that exceeds the maximum building height specified in a schedule to this zone.

A building may exceed the maximum building height specified in a schedule to this zone if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height of the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.
- It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.
- It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.
- It is a residential aged care facility and the maximum building height in the schedule to the zone is less than 16 metres.

An extension to an existing building may exceed the maximum building height specified in a schedule to this zone if it does not exceed the building height of the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

The maximum building height requirement in this zone or a schedule to this zone applies whether or not a planning permit is required for the construction of a building.
Building height if land is subject to inundation

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Application requirements

General

Any application requirements specified in a schedule to this zone.

Use for industry and warehouse

Unless the circumstances do not require, an application to use land for an industry or warehouse must be accompanied by the following information:

- The purpose of the use and the types of activities to be carried out.
- The type and quantity of materials and goods to be stored, processed or produced.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
- How land not required for immediate use is to be maintained.
- The likely effects, if any, on the neighbourhood, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare, solar access and hours of operation (including the hours of delivery and dispatch of materials and goods).

Buildings and works associated with a Section 2 use

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A site analysis and descriptive statement explaining how the proposal responds to the site and its context.
- Plans drawn to scale and dimensioned which show:
  - The layout of proposed buildings and works.
  - An elevation of the building design and height.
  - Setbacks to property boundaries.
  - All proposed access and pedestrian areas.
  - All proposed driveway, car parking and loading areas.
  - Existing vegetation and proposed landscape areas.
  - The location of easements and services.

Exemption from notice and review

Subdivision

An application for subdivision 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.
Other applications

A schedule to this zone may specify that an application 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.

Decision guidelines

General

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

- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a Mixed Use Zone or Residential Growth Zone.

Use for industry, service station and warehouse

- The effect that existing uses on adjoining or nearby land may have on the proposed use.
- The design of buildings, including provision for solar access.
- The availability and provision of utility services.
- The effect of traffic to be generated by the use.
- The interim use of those parts of the land not required for the proposed use.
- Whether the use is compatible with adjoining and nearby land uses.
- For non-residential uses, the proposed hours of operation, noise and any other likely off-site amenity impacts.

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

Construction and extension of one dwelling on a lot

- The objectives, standards and decision guidelines of Clause 54.

Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

- For two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.
- For an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.

Signs

Sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.
SCHEDULE TO CLAUSE 32.04 MIXED USE ZONE

Shown on the planning scheme map as MUZ.

MELBOURNE MIXED USE AREAS

1.0

Objectives

None specified.

2.0

Clause 54 and Clause 55 requirements

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum street setback</td>
<td>A3 and B6</td>
<td>None specified</td>
</tr>
<tr>
<td>Site coverage</td>
<td>A5 and B8</td>
<td>None specified</td>
</tr>
<tr>
<td>Permeability</td>
<td>A6 and B9</td>
<td>None specified</td>
</tr>
<tr>
<td>Landscaping</td>
<td>B13</td>
<td>None specified</td>
</tr>
<tr>
<td>Side and rear setbacks</td>
<td>A10 and B17</td>
<td>None specified</td>
</tr>
<tr>
<td>Walls on boundaries</td>
<td>A11 and B18</td>
<td>None specified</td>
</tr>
<tr>
<td>Private open space</td>
<td>A17</td>
<td>None specified</td>
</tr>
<tr>
<td></td>
<td>B28</td>
<td>None specified</td>
</tr>
<tr>
<td>Front fence height</td>
<td>A20 and B32</td>
<td>None specified</td>
</tr>
</tbody>
</table>

3.0

Maximum building height requirement

None specified.

4.0

Exemption from notice and review

None specified.

5.0

Application requirements

None specified.

6.0

Decision guidelines

None specified.
RESIDENTIAL GROWTH ZONE

Shown on the planning scheme map as RGZ with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To provide housing at increased densities in buildings up to and including four storey buildings.
To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.
To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.
To ensure residential development achieves design objectives specified in a schedule to this zone.
To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Design objectives

A schedule to this zone must contain the design objectives to be achieved for the area.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Must meet the requirements of Clause 52.22-2.</td>
</tr>
<tr>
<td>Dependent person's unit</td>
<td>Must be the only dependent person's unit on the lot.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td></td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td>Place of worship</td>
<td>The gross floor area of all buildings must not exceed 250 square metres. The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td>Must meet the requirements of Clause 52.23-2.</td>
</tr>
<tr>
<td>Rooming house</td>
<td></td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

**Section 2 – Permit required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Community care accommodation, Dependent person’s unit, Dwelling, Residential aged care facility and Rooming house)</td>
<td></td>
</tr>
<tr>
<td>Agriculture (other than Animal production, Animal training, Apiculture, Domestic animal husbandry, Horse husbandry and Racing dog husbandry)</td>
<td></td>
</tr>
<tr>
<td>Car park</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Car wash</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Convenience restaurant</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Food and drink premises (other than Convenience restaurant and Take away food premises)</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Office (other than Medical centre)</td>
<td>The land must be located within 100 metres of a commercial zone.</td>
</tr>
<tr>
<td></td>
<td>The land must have the same street frontage as the land in the commercial zone.</td>
</tr>
<tr>
<td></td>
<td>The leasable floor area must not exceed 250 square metres.</td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus, Nightclub and Place of worship)</td>
<td></td>
</tr>
<tr>
<td>Plant nursery</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>-------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Service station</td>
<td>The site must either:</td>
</tr>
<tr>
<td></td>
<td>• Adjoin a commercial zone or industrial zone.</td>
</tr>
<tr>
<td></td>
<td>• Adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td></td>
<td>The site must not exceed either:</td>
</tr>
<tr>
<td></td>
<td>• 3000 square metres.</td>
</tr>
<tr>
<td></td>
<td>• 3600 square metres if it adjoins on two boundaries a road in a Road Zone.</td>
</tr>
<tr>
<td>Shop (other than Adult sex product shop, Bottle shop and Convenience shop)</td>
<td>The land must be located within 100 metres of a commercial zone or Mixed Use Zone.</td>
</tr>
<tr>
<td></td>
<td>The land must have the same street frontage as the land in the commercial zone or Mixed Use Zone.</td>
</tr>
<tr>
<td>Store</td>
<td>Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.</td>
</tr>
<tr>
<td>Take away food premises</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
<tr>
<td><strong>Section 3 – Prohibited</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Use</strong></td>
<td></td>
</tr>
<tr>
<td>Adult sex product shop</td>
<td></td>
</tr>
<tr>
<td>Amusement parlour</td>
<td></td>
</tr>
<tr>
<td>Animal production (other than Grazing animal production)</td>
<td></td>
</tr>
<tr>
<td>Animal training</td>
<td></td>
</tr>
<tr>
<td>Bottle shop</td>
<td></td>
</tr>
<tr>
<td>Brothel</td>
<td></td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td></td>
</tr>
<tr>
<td>Domestic animal boarding</td>
<td></td>
</tr>
<tr>
<td>Extractive industry</td>
<td></td>
</tr>
<tr>
<td>Horse husbandry</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Car wash)</td>
<td></td>
</tr>
<tr>
<td>Motor racing track</td>
<td></td>
</tr>
<tr>
<td>Nightclub</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Food and drink premises, Market, Plant nursery and Shop)</td>
<td></td>
</tr>
<tr>
<td>Saleyard</td>
<td></td>
</tr>
</tbody>
</table>
Subdivision

Permit requirement

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

<table>
<thead>
<tr>
<th>Class of subdivision</th>
<th>Objectives and standards to be met</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 or more lots</td>
<td>All except Clause 56.03-5.</td>
</tr>
<tr>
<td>16 – 59 lots</td>
<td>All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.</td>
</tr>
<tr>
<td>3 – 15 lots</td>
<td>All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.</td>
</tr>
<tr>
<td>2 lots</td>
<td>Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.</td>
</tr>
</tbody>
</table>

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into 2 lots if:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The construction of a building or the construction or carrying out of works on the land:</td>
<td></td>
</tr>
</tbody>
</table>
### Class of application

| Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired. |
| Has started lawfully. |
| The subdivision does not create a vacant lot. |

#### Construction and extension of one dwelling on a lot

##### Permit requirement

A permit is required to construct or extend one dwelling on a lot less than 300 square metres. A development must meet the requirements of Clause 54.

##### No permit required

No permit is required to:

- 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.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

##### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

#### Class of application

| Construct an outbuilding or extend a dwelling if the development: |
| Clause 59.14 |

- Does not exceed a building height of 5 metres.
- Is not visible from the street (other than a lane) or a public park.
- Meets the requirements in the following standards of Clause 54:
  - A10 Side and rear setbacks.
  - A11 Walls on boundaries.
  - A12 Daylight to existing windows.
  - A13 North-facing windows.
  - A14 Overshadowing open space.
  - A15 Overlooking.

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.
If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

### Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

#### Permit requirement

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

A permit is not required to construct one dependent person’s unit on a lot.

### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

### Transitional provisions

Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

### Requirements of Clause 54 and Clause 55

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

### Residential aged care facility

**Permit requirements**

A permit is required to construct a building or construct or carry out works for a residential aged care facility.

A development must meet the requirements of Clause 53.17 - Residential aged care facility.

### Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.07-2.

### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $100,000 where:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>- The building or works is not associated with a dwelling.</td>
<td></td>
</tr>
<tr>
<td>- The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:</td>
<td></td>
</tr>
<tr>
<td>- A10 Side and rear setbacks.</td>
<td></td>
</tr>
<tr>
<td>- A11 Walls on boundaries.</td>
<td></td>
</tr>
<tr>
<td>- A12 Daylight to existing windows.</td>
<td></td>
</tr>
<tr>
<td>- A13 North-facing windows.</td>
<td></td>
</tr>
<tr>
<td>- A14 Overshadowing open space.</td>
<td></td>
</tr>
<tr>
<td>- A15 Overlooking.</td>
<td></td>
</tr>
</tbody>
</table>

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.
Maximum building height requirement for a dwelling or residential building

A building must not be constructed for use as a dwelling or a residential building that exceeds the maximum building height specified in a schedule to this zone.

If no maximum building height is specified in a schedule to this zone, the building height should not exceed 13.5 metres.

This building height requirement replaces the maximum building height specified in Standard A4 in Clause 54 and Standard B7 in Clause 55.

A building may exceed the maximum building height specified in a schedule to this zone if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height of the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.
- It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.
- It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.

An extension to an existing building may exceed the maximum building height specified in a schedule to this zone if it does not exceed the building height of the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

The maximum building height requirement in this zone or a schedule to this zone applies whether or not a planning permit is required for the construction of a building.

Building height if land is subject to inundation

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

Buildings on lots that abut another residential zone

Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, Neighbourhood Residential Zone, or Township Zone must meet the requirements of Clauses 55.03-5, 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary.

Application requirements

An application must be accompanied by the following information, as appropriate:

- For a residential development of four storeys or less, the neighbourhood and site description and design response as required in Clause 54 and Clause 55.
- For an apartment development of five or more storeys, an urban context report and design response as required in Clause 58.01.
- For an application for subdivision, a site and context description and design response as required in Clause 56.
- Plans drawn to scale and dimensioned which show:
  - Site shape, size, dimensions and orientation.
- The siting and use of existing and proposed buildings.
- Adjacent buildings and uses.
- The building form and scale.
- Setbacks to property boundaries.

- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.
- Any other application requirements specified in a schedule to this zone.

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

32.07-12

Exemption from notice and review

Subdivision

An application to subdivide land 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.

32.07-13

Decision guidelines

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

General

- The purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a Mixed Use Zone or Residential Growth Zone.

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

Dwellings and residential buildings

- For the construction of one dwelling on a lot, whether the development is an under-utilisation of the lot.
- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.
- For the construction and extension of an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.
Non-residential use and development

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

Signs

Sign requirements are at Clause 52.05. This zone is in Category 3.
SCHEDULE 1 TO CLAUSE 32.07 RESIDENTIAL GROWTH ZONE

Shown on the planning scheme map as RGZ1.

MELBOURNE RESIDENTIAL GROWTH AREAS

1.0

Requirements of Clause 54 and Clause 55

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum street setback</td>
<td>A3 and B6</td>
<td>None specified</td>
</tr>
<tr>
<td>Site coverage</td>
<td>A5 and B8</td>
<td>None specified</td>
</tr>
<tr>
<td>Permeability</td>
<td>A6 and B9</td>
<td>None specified</td>
</tr>
<tr>
<td>Landscaping</td>
<td>B13</td>
<td>None specified</td>
</tr>
<tr>
<td>Side and rear setbacks</td>
<td>A10 and B17</td>
<td>None specified</td>
</tr>
<tr>
<td>Walls on boundaries</td>
<td>A11 and B18</td>
<td>None specified</td>
</tr>
<tr>
<td>Private open space</td>
<td>A17</td>
<td>None specified</td>
</tr>
<tr>
<td></td>
<td>B28</td>
<td>None specified</td>
</tr>
<tr>
<td>Front fence height</td>
<td>A20 and B32</td>
<td>None specified</td>
</tr>
</tbody>
</table>

2.0

Maximum building height requirement for a dwelling or residential building

None specified.

3.0

Application requirements

None specified.

4.0

Decision guidelines

None specified.
SCHEDULE 2 TO CLAUSE 32.07 RESIDENTIAL GROWTH ZONE

Shown on the planning scheme map as RGZ2.

PUBLIC HOUSING RENEWAL – ABBOTSFORD STREET, NORTH MELBOURNE

1.0 Design objectives

- To facilitate the renewal of Abbotsford Street site.
- To provide housing diversity.
- To minimise the loss of trees on the site.
- To respond to the surrounding area’s built form character.

2.0 Requirements of Clause 54 and Clause 55

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum street setback</td>
<td>A3 and B6</td>
<td>3 metres from Molesworth Street and Haines Street.</td>
</tr>
<tr>
<td>Site coverage</td>
<td>A5 and B8</td>
<td>None specified</td>
</tr>
<tr>
<td>Permeability</td>
<td>A6 and B9</td>
<td>None specified</td>
</tr>
<tr>
<td>Landscaping</td>
<td>B13</td>
<td>None specified</td>
</tr>
<tr>
<td>Side and rear setbacks</td>
<td>A10 and B17</td>
<td>None specified</td>
</tr>
<tr>
<td>Walls on boundaries</td>
<td>A11 and B18</td>
<td>None specified</td>
</tr>
<tr>
<td>Private open space</td>
<td>A17</td>
<td>None specified</td>
</tr>
<tr>
<td></td>
<td>B28</td>
<td>None specified</td>
</tr>
<tr>
<td>Front fence height</td>
<td>A20 and B32</td>
<td>None specified</td>
</tr>
</tbody>
</table>

3.0 Maximum building height requirement for a dwelling or residential building

None Specified.

4.0 Application requirements

None specified.

5.0 Decision guidelines

The following decision guidelines apply to an application for a permit under clause 32.07, in addition to those specified in clause 32.07 and elsewhere in the scheme:

- Whether the proposal meets the objectives of this Schedule.

- Whether the built form and land use response is consistent with the requirements of Schedule 12 to the Development Plan Overlay within the Melbourne Planning Scheme.
GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as GRZ, R1Z, R2Z or R3Z with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To encourage development that respects the neighbourhood character of the area.
To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Neighbourhood character objectives

A schedule to this zone may contain neighbourhood character objectives to be achieved for the area.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td></td>
<td>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Must meet the requirements of Clause 52.22-2.</td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td>Must be the only dependent person’s unit on the lot.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td></td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td></td>
<td>Must not require a permit under Clause 52.06-3.</td>
</tr>
<tr>
<td></td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Place of worship</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td></td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td></td>
</tr>
<tr>
<td>Rooming house</td>
<td>Must meet the requirements of Clause 52.23-2.</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

**Section 2 - Permit required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Community care accommodation, Dependent person's unit, Dwelling, Residential aged care facility and Rooming house)</td>
<td></td>
</tr>
<tr>
<td>Agriculture (other than Animal production, Animal training, Apiculture, Domestic animal husbandry, Horse husbandry and Racing dog husbandry)</td>
<td></td>
</tr>
<tr>
<td>Car park</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Car wash</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Convenience restaurant</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Food and drink premises (other than Convenience restaurant and Take away food premises)</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus, Nightclub and Place of worship)</td>
<td></td>
</tr>
<tr>
<td>Plant nursery</td>
<td></td>
</tr>
<tr>
<td>Service station</td>
<td>The site must either:</td>
</tr>
<tr>
<td></td>
<td>• Adjoin a commercial zone or industrial zone.</td>
</tr>
<tr>
<td></td>
<td>• Adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td></td>
<td>The site must not exceed either:</td>
</tr>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Store</td>
<td>Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.</td>
</tr>
<tr>
<td>Take away food premises</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

### Section 3 – Prohibited

- Amusement parlour
- Animal production (other than Grazing animal production)
- Animal training
- Brothel
- Cinema based entertainment facility
- Domestic animal boarding
- Extractive industry
- Horse husbandry
- Industry (other than Car wash)
- Motor racing track
- Nightclub
- Office (other than Medical centre)
- Retail premises (other than Convenience shop, Food and drink premises, Market, and Plant nursery)
- Saleyard
- Transport terminal
- Warehouse (other than Store)

### Subdivision

#### Permit requirement

A permit is required to subdivide land.

An application to subdivide land that would create a vacant lot less than 400 square metres capable of development for a dwelling or residential building, must ensure that each vacant lot created less than 400 square metres contains at least 25 percent as garden area. This does not apply to a lot created by an application to subdivide land where that lot is created in accordance with:
• An approved precinct structure plan or an equivalent strategic plan;
• An incorporated plan or approved development plan; or
• A permit for development.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

• Must meet all of the objectives included in the clauses specified in the following table.
• Should meet all of the standards included in the clauses specified in the following table.

<table>
<thead>
<tr>
<th>Class of subdivision</th>
<th>Objectives and standards to be met</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 or more lots</td>
<td>All except Clause 56.03-5.</td>
</tr>
<tr>
<td>16 – 59 lots</td>
<td>All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.</td>
</tr>
<tr>
<td>3 – 15 lots</td>
<td>All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.</td>
</tr>
<tr>
<td>2 lots</td>
<td>Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.</td>
</tr>
</tbody>
</table>

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>• The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>• The general direction of the common boundary does not change.</td>
<td></td>
</tr>
</tbody>
</table>

| Subdivide land into lots each containing an existing building or car parking space where: | Clause 59.02 |
| • The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme. |
| • An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision. |

| Subdivide land into 2 lots if: | Clause 59.02 |
| • The construction of a building or the construction or carrying out of works on the land: |
| • Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired. |
| • Has started lawfully. |
| • The subdivision does not create a vacant lot. |
### Construction or extension of a dwelling or residential building

#### Minimum garden area requirement

An application to construct or extend a dwelling or residential building on a lot must provide a minimum garden area as set out in the following table:

<table>
<thead>
<tr>
<th>Lot size</th>
<th>Minimum percentage of a lot set aside as garden area</th>
</tr>
</thead>
<tbody>
<tr>
<td>400 - 500 sqm</td>
<td>25%</td>
</tr>
<tr>
<td>Above 500 - 650 sqm</td>
<td>30%</td>
</tr>
<tr>
<td>Above 650 sqm</td>
<td>35%</td>
</tr>
</tbody>
</table>

This does not apply to:

- An application to construct or extend a dwelling or residential building if specified in a schedule to this zone as exempt from the minimum garden area requirement;
- An application to construct or extend a dwelling or residential building on a lot if:
  - The lot is designated as a medium density housing site in an approved precinct structure plan or an approved equivalent strategic plan;
  - The lot is designated as a medium density housing site in an incorporated plan or approved development plan; or
- An application to alter or extend an existing building that did not comply with the minimum garden area requirement of Clause 32.08-4 on the approval date of Amendment VC110.

### Construction and extension of one dwelling on a lot

#### Permit requirement

A permit is required to construct or extend one dwelling on:

- A lot of less than 300 square metres.
- A lot of between 300 square metres and 500 square metres if specified in a schedule to this zone.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with one dwelling on:
  - A lot of less than 300 square metres, or
  - A lot of between 300 and 500 square metres if specified in a schedule to this zone, and
- The fence exceeds the maximum height specified in Clause 54.06-2.

A development must meet the requirements of Clause 54.

#### No permit required

No permit is required to:

- 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.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.
VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct an outbuilding or extend a dwelling if the development:</td>
<td>Clause 59.14</td>
</tr>
<tr>
<td>Meets the minimum garden area requirement of Clause 32.08-4.</td>
<td></td>
</tr>
<tr>
<td>- Does not exceed a building height of 5 metres.</td>
<td></td>
</tr>
<tr>
<td>- Is not visible from the street (other than a lane) or a public park.</td>
<td></td>
</tr>
<tr>
<td>- Meets the requirements in the following standards of Clause 54:</td>
<td></td>
</tr>
<tr>
<td>- A10 Side and rear setbacks.</td>
<td></td>
</tr>
<tr>
<td>- A11 Walls on boundaries.</td>
<td></td>
</tr>
<tr>
<td>- A12 Daylight to existing windows.</td>
<td></td>
</tr>
<tr>
<td>- A13 North-facing windows.</td>
<td></td>
</tr>
<tr>
<td>- A14 Overshadowing open space.</td>
<td></td>
</tr>
<tr>
<td>- A15 Overlooking.</td>
<td></td>
</tr>
</tbody>
</table>

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

Construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling. Clause 59.03

Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

Permit requirement

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.
An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

A permit is not required to construct one dependent person’s unit on a lot.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.</td>
<td>Clause 59.03</td>
</tr>
</tbody>
</table>

**Transitional provisions**

Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

**Requirements of Clause 54 and Clause 55**

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

**Residential aged care facility**

**Permit requirements**

A permit is required to construct a building or construct or carry out works for a residential aged care facility.

A development must meet the requirements of Clause 53.17 - Residential aged care facility.

**Buildings and works associated with a Section 2 use**

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.
VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $100,000 where:</td>
<td></td>
</tr>
<tr>
<td>- The building or works is not associated with a dwelling.</td>
<td></td>
</tr>
<tr>
<td>- The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:</td>
<td></td>
</tr>
<tr>
<td>- A10 Side and rear setbacks.</td>
<td></td>
</tr>
<tr>
<td>- A11 Walls on boundaries.</td>
<td></td>
</tr>
<tr>
<td>- A12 Daylight to existing windows.</td>
<td></td>
</tr>
<tr>
<td>- A13 North-facing windows.</td>
<td></td>
</tr>
<tr>
<td>- A14 Overshadowing open space.</td>
<td></td>
</tr>
<tr>
<td>- A15 Overlooking.</td>
<td></td>
</tr>
</tbody>
</table>

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

32.08-10

Maximum building height requirement for a dwelling or residential building

A building must not be constructed for use as a dwelling or a residential building that:

- exceeds the maximum building height specified in a schedule to this zone; or
- contains more than the maximum number of storeys specified in a schedule to this zone.

If no maximum building height or maximum number of storeys is specified in a schedule to this zone:

- the building height must not exceed 11 metres; and
- the building must contain no more than 3 storeys at any point.

A building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height or contain a greater number of storeys than the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.
• It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.

• It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.

An extension to an existing building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if it does not exceed the building height of the existing building or contain a greater number of storeys than the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

A basement is not a storey for the purposes of calculating the number of storeys contained in a building.

The maximum building height and maximum number of storeys requirements in this zone or a schedule to this zone apply whether or not a planning permit is required for the construction of a building.

**Building height if land is subject to inundation**

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

### Application requirements

An application must be accompanied by the following information, as appropriate:

• For a residential development of four storeys or less, the neighbourhood and site description and design response as required in Clause 54 and Clause 55.

• For an apartment development of five or more storeys, an urban context report and design response as required in Clause 58.01.

• For an application for subdivision, a site and context description and design response as required in Clause 56.

• Plans drawn to scale and dimensioned which show:
  - Site shape, size, dimensions and orientation.
  - The siting and use of existing and proposed buildings.
  - Adjacent buildings and uses.
  - The building form and scale.
  - Setbacks to property boundaries.

• The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.

• Any other application requirements specified in a schedule to this zone.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.
Exemption from notice and review

Subdivision

An application to subdivide land into lots each containing an existing dwelling or car parking space 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.

Decision guidelines

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

General

- The purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

Dwellings and residential buildings

- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.
- For the construction and extension of an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.

Non-residential use and development

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

Signs

Sign requirements are at Clause 52.05. This zone is in Category 3.
Transitional provisions

The minimum garden area requirements of Clause 32.08-4 and the maximum building height and number of storeys requirements of Clause 32.08-9 introduced by Amendment VC110 do not apply to:

- A planning permit application for the construction or extension of a dwelling or residential building lodged before the approval date of Amendment VC110.

- Where a planning permit is not required for the construction or extension of a dwelling or residential building:
  - A building permit issued for the construction or extension of a dwelling or residential building before the approval date of Amendment VC110.
  - A building surveyor has been appointed to issue a building permit for the construction or extension of a dwelling or residential building before the approval date of Amendment VC110. A building permit must be issued within 12 months of the approval date of Amendment VC110.
  - A building surveyor is satisfied, and certifies in writing, that substantial progress was made on the design of the construction or extension of a dwelling or residential building before the approval date of Amendment VC110. A building permit must be issued within 12 months of the approval date of Amendment VC110.

The minimum garden area requirement of Clause 32.08-3 introduced by Amendment VC110 does not apply to a planning permit application to subdivide land for a dwelling or a residential building lodged before the approval date of Amendment VC110.
SCHEDULE 1 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as GRZ1.

GENERAL RESIDENTIAL AREAS

1.0 Permit requirement for the construction or extension of one dwelling on a lot

Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?

None specified

2.0 Requirements of Clause 54 and Clause 55

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum street setback</td>
<td>A3 and B6</td>
<td>None specified</td>
</tr>
<tr>
<td>Site coverage</td>
<td>A5 and B8</td>
<td>None specified</td>
</tr>
<tr>
<td>Permeability</td>
<td>A6 and B9</td>
<td>None specified</td>
</tr>
<tr>
<td>Landscaping</td>
<td>B13</td>
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</tr>
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<td>Side and rear setbacks</td>
<td>A10 and B17</td>
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</tr>
<tr>
<td>Walls on boundaries</td>
<td>A11 and B18</td>
<td>None specified</td>
</tr>
<tr>
<td>Private open space</td>
<td>A17</td>
<td>None specified</td>
</tr>
<tr>
<td></td>
<td>B28</td>
<td>None specified</td>
</tr>
<tr>
<td>Front fence height</td>
<td>A20 and B32</td>
<td>None specified</td>
</tr>
</tbody>
</table>

3.0 Maximum building height requirement for a dwelling or residential building

None specified.

4.0 Application requirements

None specified.

5.0 Decision guidelines

None specified.
SCHEDULE 2 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as GRZ2.

GENERAL RESIDENTIAL AREAS – 8 METRE HEIGHT LIMIT

1.0

Permit requirement for the construction or extension of one dwelling on a lot

Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?

None specified

2.0

Requirements of Clause 54 and Clause 55

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Standard</th>
<th>Requirement</th>
</tr>
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<td>B28</td>
<td>None specified</td>
</tr>
<tr>
<td>Front fence height</td>
<td>A20 and B32</td>
<td>None specified</td>
</tr>
</tbody>
</table>

3.0

Maximum building height requirement for a dwelling or residential building

A building used as a dwelling or a residential building must not exceed a height of 8 metres, with the exception of architectural features and building services.

4.0

Application requirements

None specified.

5.0

Decision guidelines

None specified.

6.0

Transitional provisions

Schedule 2 to clause 32.08 to the General Residential Zone does not apply to an application to construct a dwelling or residential building made before the approval date of the planning scheme amendment that introduced this schedule into the planning scheme. The requirements of clause 54 as they apply to clause 54.03-2 or of clause 55 as they apply to clause 55.03-2 as in force immediately before the said approved date continue to apply.

Despite the provisions to Schedule 2 to Clause 32.08, these do not apply to an application under section 69 of the Act to extend a permit to construct or extend a development.
SCHEDULE 3 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as GRZ3.

BISHOPSCOURT, EAST MELBOURNE

1.0

Permit requirement for the construction or extension of one dwelling on a lot

**Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?**

None specified

2.0

Requirements of Clause 54 and Clause 55

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Standard</th>
<th>Requirement</th>
</tr>
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<tbody>
<tr>
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<td>Front fence height</td>
<td>A20 and B32</td>
<td>None specified</td>
</tr>
</tbody>
</table>

3.0

Maximum building height requirement for a dwelling or residential building

A building used as a dwelling or a residential building must not exceed a height of 12 metres, with the exception of architectural features and building services.

4.0

Application requirements

None specified.

5.0

Decision guidelines

None specified.

6.0

Transitional provisions

Schedule 3 to clause 32.08 to the General Residential Zone does not apply to an application to construct a dwelling or residential building made before the approval date of the planning scheme amendment that introduced this schedule into the planning scheme. The requirements of clause 54 as they apply to clause 54.03-2 or of clause 55 as they apply to clause 55.03-2 as in force immediately before the said approved date continue to apply.

Despite the provisions to Schedule 3 to Clause 32.08, these do not apply to an application under section 69 of the Act to extend a permit to construct or extend a development.
SCHEDULE 4 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as GRZ4.

SOUTH PARKVILLE

1.0

Permit requirement for the construction or extension of one dwelling on a lot

Is a permit required to construct or extend one dwelling on a lot of between 300 square metres and 500 square metres?

None specified

2.0

Requirements of Clause 54 and Clause 55

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Permeability</td>
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<tr>
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<tr>
<td>Side and rear setbacks</td>
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<td>None specified</td>
</tr>
<tr>
<td></td>
<td>B28</td>
<td>None specified</td>
</tr>
<tr>
<td>Front fence height</td>
<td>A20 and B32</td>
<td>None specified</td>
</tr>
</tbody>
</table>

3.0

Maximum building height requirement for a dwelling or residential building

A building used as a dwelling or a residential building must not exceed a height of:

- 10 metres; or
- 9 metres, for areas within 10 metres of Gatehouse Street and Royal Parade with the exception of architectural features and building services.

4.0

Application requirements

None specified.

5.0

Decision guidelines

None specified.

6.0

Transitional provisions

Schedule 4 to clause 32.08 to the General Residential Zone does not apply to an application to construct a dwelling or residential building made before the approval date of the planning scheme amendment that introduced this schedule into the planning scheme. The requirements of clause 54 as they apply to clause 54.03-2 or of clause 55 as they apply to clause 55.03-2 as in force immediately before the said approved date continue to apply.

Despite the provisions to Schedule 4 to Clause 32.08, these do not apply to an application under section 69 of the Act to extend a permit to construct or extend a development.
SCHEDULE 5 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as GRZ5.

GENERAL RESIDENTIAL AREAS – 12 METRE HEIGHT LIMIT

1.0 Neighbourhood character objectives

None specified

2.0 Construction or extension of a dwelling or residential building - minimum garden area requirement

Is the construction or extension of a dwelling or residential building exempt from the minimum garden area requirement?

No

3.0 Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

Is a permit required to construct or extend one dwelling on a lot of between 300 and 500 square metres?

No

Is a permit required to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot of between 300 and 500 square metres?

No

4.0 Requirements of Clause 54 and Clause 55

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
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</tr>
<tr>
<td></td>
<td>B28</td>
<td>None specified</td>
</tr>
<tr>
<td>Front fence height</td>
<td>A20 and B32</td>
<td>None specified</td>
</tr>
</tbody>
</table>

5.0 Maximum building height requirement for a dwelling or residential building

A building used as a dwelling or a residential building must not exceed a height of 12 metres.

6.0 Application requirements

None specified.
7.0 Decision guidelines

None specified.
SCHEDULE 6 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as GRZ6.

GENERAL RESIDENTIAL AREAS – 14 METRE HEIGHT LIMIT

1.0

Neighbourhood character objectives

None specified

2.0

Construction or extension of a dwelling or residential building - minimum garden area requirement

Is the construction or extension of a dwelling or residential building exempt from the minimum garden area requirement?

No

3.0

Permit requirement for the construction or extension of one dwelling or a fence associated with a dwelling on a lot

Is a permit required to construct or extend one dwelling on a lot of between 300 and 500 square metres?

No

Is a permit required to construct or extend a front fence within 3 metres of a street associated with a dwelling on a lot of between 300 and 500 square metres?

No

4.0

Requirements of Clause 54 and Clause 55

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
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<tr>
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<td>Site coverage</td>
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</tr>
<tr>
<td>Permeability</td>
<td>A6 and B9</td>
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</tr>
<tr>
<td>Landscaping</td>
<td>B13</td>
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<tr>
<td>Side and rear setbacks</td>
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<tr>
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<td>None specified</td>
</tr>
<tr>
<td>Private open space</td>
<td>A17</td>
<td>None specified</td>
</tr>
<tr>
<td>Front fence height</td>
<td>A20 and B32</td>
<td>None specified</td>
</tr>
</tbody>
</table>

5.0

Maximum building height requirement for a dwelling or residential building

A building used as a dwelling or a residential building must not exceed a height of 14 metres.

6.0

Application requirements

None specified.
Decision guidelines

None specified.
**NEIGHBOURHOOD RESIDENTIAL ZONE**

Shown on the planning scheme map as NRZ with a number (if shown).

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To recognise areas of predominantly single and double storey residential development.

To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

**Neighbourhood character objectives**

A schedule to this zone must contain the neighbourhood, heritage, environment or landscape character objectives to be achieved for the area.

**Table of uses**

**Section 1 - Permit not required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast</td>
<td>No more than 10 persons may be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td></td>
<td>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Must meet the requirements of Clause 52.22-2.</td>
</tr>
<tr>
<td>Dependent person's unit</td>
<td>Must be the only dependent person's unit on the lot.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding)</td>
<td>Must be no more than 2 animals.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td></td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td></td>
<td>Must be located in an existing building.</td>
</tr>
<tr>
<td></td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td></td>
<td>Must not require a permit under Clause 52.06-3.</td>
</tr>
<tr>
<td>Place of worship</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td></td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td></td>
<td>Must not require a permit under Clause 52.06-3.</td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Must be no more than 2 animals.</td>
</tr>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Railway</td>
</tr>
<tr>
<td>Residential aged care facility</td>
</tr>
<tr>
<td>Rooming house</td>
</tr>
<tr>
<td>Tramway</td>
</tr>
<tr>
<td>Any use listed in clause 62.01</td>
</tr>
</tbody>
</table>

### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Community care accommodation, Dependent person’s unit, Dwelling, Residential aged care facility and Rooming house)</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Agriculture (other than Animal production, Animal training, Apiculture, Domestic animal husbandry, Horse husbandry and Racing dog husbandry)</td>
<td></td>
</tr>
<tr>
<td>Car park</td>
<td>Must be used in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Car wash</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Convenience restaurant</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Convenience shop</td>
<td>The leasable floor area must not exceed 80 square metres.</td>
</tr>
<tr>
<td>Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met</td>
<td>Must be no more than 5 animals.</td>
</tr>
<tr>
<td>Food and drink premises (other than Convenience restaurant and Take away food premises)</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus, Nightclub and Place of worship)</td>
<td></td>
</tr>
<tr>
<td>Plant nursery</td>
<td></td>
</tr>
<tr>
<td>Service station</td>
<td>The site must either:</td>
</tr>
<tr>
<td></td>
<td>- Adjoin a commercial zone or industrial zone.</td>
</tr>
<tr>
<td></td>
<td>- Adjoin, or have access to, a road in a Road Zone.</td>
</tr>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The site must not exceed either:</td>
</tr>
<tr>
<td></td>
<td>• 3000 square metres.</td>
</tr>
<tr>
<td></td>
<td>• 3600 square metres if it adjoins on two boundaries a road in a Road Zone.</td>
</tr>
<tr>
<td>Store</td>
<td>Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.</td>
</tr>
<tr>
<td>Take away food premises</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

### Section 3 – Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement parlour</td>
</tr>
<tr>
<td>Animal production (other than Grazing animal production)</td>
</tr>
<tr>
<td>Animal training</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
</tr>
<tr>
<td>Domestic animal boarding</td>
</tr>
<tr>
<td>Extractive industry</td>
</tr>
<tr>
<td>Horse husbandry</td>
</tr>
<tr>
<td>Industry (other than Car wash)</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
<tr>
<td>Nightclub</td>
</tr>
<tr>
<td>Office (other than Medical centre)</td>
</tr>
<tr>
<td>Retail premises (other than, Convenience shop, Food and drink premises, Market and Plant nursery)</td>
</tr>
<tr>
<td>Saleyard</td>
</tr>
<tr>
<td>Transport terminal</td>
</tr>
<tr>
<td>Warehouse (other than Store)</td>
</tr>
</tbody>
</table>

### Subdivision

**Permit requirement**

A permit is required to subdivide land.
An application to subdivide land that would create a vacant lot less than 400 square metres capable of development for a dwelling or residential building, must ensure that each vacant lot created less than 400 square metres contains at least 25 percent as garden area. This does not apply to a lot created by an application to subdivide land where that lot is created in accordance with:

- An approved precinct structure plan or an equivalent strategic plan;
- An incorporated plan or approved development plan; or
- A permit for development.

A schedule to this zone may specify a minimum lot size to subdivide land. Each lot must be at least the area specified for the land, except where an application to subdivide land is made to create lots each containing an existing dwelling or car parking space, where an application for the existing dwelling or car parking space was made or approved before the approval date of the planning scheme amendment that introduced this clause 32.09 into the planning scheme.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

### Objectives and standards to be met

<table>
<thead>
<tr>
<th>Class of subdivision</th>
<th>Objectives and standards to be met</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 or more lots</td>
<td>All except Clause 56.03-5.</td>
</tr>
<tr>
<td>16 – 59 lots</td>
<td>All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.</td>
</tr>
<tr>
<td>3 – 15 lots</td>
<td>All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.</td>
</tr>
<tr>
<td>2 lots</td>
<td>Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.</td>
</tr>
</tbody>
</table>

### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
<td></td>
</tr>
</tbody>
</table>
### Class of application

<table>
<thead>
<tr>
<th>Subdivide land into 2 lots if:</th>
<th>Clause 59.02</th>
</tr>
</thead>
<tbody>
<tr>
<td>The construction of a building or the construction or carrying out of works on the land:</td>
<td></td>
</tr>
<tr>
<td>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</td>
<td></td>
</tr>
<tr>
<td>- Has started lawfully.</td>
<td></td>
</tr>
<tr>
<td>The subdivision does not create a vacant lot.</td>
<td></td>
</tr>
</tbody>
</table>

### Construction or extension of a dwelling or residential building

#### Minimum garden area requirement

An application to construct or extend a dwelling or residential building on a lot must provide a minimum garden area as set out in the following table:

<table>
<thead>
<tr>
<th>Lot size</th>
<th>Minimum percentage of a lot set aside as garden area</th>
</tr>
</thead>
<tbody>
<tr>
<td>400 - 500 sqm</td>
<td>25%</td>
</tr>
<tr>
<td>Above 500 - 650 sqm</td>
<td>30%</td>
</tr>
<tr>
<td>Above 650 sqm</td>
<td>35%</td>
</tr>
</tbody>
</table>

This does not apply to:

- An application to construct or extend a dwelling or residential building on a lot if:
  - The lot is designated as a medium density housing site in an approved precinct structure plan or an approved equivalent strategic plan;
  - The lot is designated as a medium density housing site in an incorporated plan or approved development plan; or

- An application to alter or extend an existing building that did not comply with the minimum garden area requirement of Clause 32.09-4 on the approval date of Amendment VC110.

### Construction and extension of one dwelling on a lot

#### Permit requirement

A permit is required to construct or extend one dwelling on:

- A lot of less than 300 square metres.
- A lot of less than the lot size specified in a schedule to this zone.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with one dwelling on:
  - A lot of less than 300 square metres, or
  - A lot of less than the lot size specified in a schedule to this zone, and

- The fence exceeds the maximum height specified in Clause 54.06-2.
A development must meet the requirements of Clause 54.

**No permit required**

No permit is required to:

- 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.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct an outbuilding or extend a dwelling if the development:</td>
<td>Clause 59.14</td>
</tr>
<tr>
<td>- Meets the minimum garden area requirement of Clause 32.09-4.</td>
<td></td>
</tr>
<tr>
<td>- Does not exceed a building height of 5 metres.</td>
<td></td>
</tr>
<tr>
<td>- Is not visible from the street (other than a lane) or a public park.</td>
<td></td>
</tr>
<tr>
<td>- Meets the requirements in the following standards of Clause 54:</td>
<td></td>
</tr>
<tr>
<td>- A10 Side and rear setbacks.</td>
<td></td>
</tr>
<tr>
<td>- A11 Walls on boundaries.</td>
<td></td>
</tr>
<tr>
<td>- A12 Daylight to existing windows.</td>
<td></td>
</tr>
<tr>
<td>- A13 North-facing windows.</td>
<td></td>
</tr>
<tr>
<td>- A14 Overshadowing open space.</td>
<td></td>
</tr>
<tr>
<td>- A15 Overlooking.</td>
<td></td>
</tr>
</tbody>
</table>

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

| Construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling. | Clause 59.03 |

---

**Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

**Permit requirement**

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
Construct two or more dwellings on a lot.
Extend a dwelling if there are two or more dwellings on the lot.
Construct or extend a dwelling if it is on common property.
Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:
- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55.

A permit is not required to construct one dependent person’s unit on a lot.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.</td>
<td>Clause 59.03</td>
</tr>
</tbody>
</table>

**Transitional provisions**

Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:
- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

**Requirements of Clause 54 and Clause 55**

A schedule to this zone may specify the requirements of:
- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

**Residential aged care facility**

**Permit requirements**

A permit is required to construct a building or construct or carry out works for a residential aged care facility.

A development must meet the requirements of Clause 53.17 - Residential aged care facility.

**Buildings and works associated with a Section 2 use**

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-2.
VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $100,000 where:</td>
<td></td>
</tr>
<tr>
<td>- The building or works is not associated with a dwelling.</td>
<td></td>
</tr>
<tr>
<td>- The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:</td>
<td></td>
</tr>
<tr>
<td>- A10 Side and rear setbacks.</td>
<td></td>
</tr>
<tr>
<td>- A11 Walls on boundaries.</td>
<td></td>
</tr>
<tr>
<td>- A12 Daylight to existing windows.</td>
<td></td>
</tr>
<tr>
<td>- A13 North-facing windows.</td>
<td></td>
</tr>
<tr>
<td>- A14 Overshadowing open space.</td>
<td></td>
</tr>
<tr>
<td>- A15 Overlooking.</td>
<td></td>
</tr>
</tbody>
</table>

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

32.09-10 Maximum building height requirement for a dwelling or residential building

A building must not be constructed for use as a dwelling or a residential building that:

- exceeds the maximum building height specified in a schedule to this zone; or
- contains more than the maximum number of storeys specified in a schedule to this zone.

If no maximum building height or maximum number of storeys is specified in a schedule to this zone:

- the building height must not exceed 9 metres; and
- the building must contain no more than 2 storeys at any point.

A building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height or contain a greater number of storeys than the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.
- It is on a corner lot butted by lots with existing buildings and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.

- It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.

An extension to an existing building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if it does not exceed the building height of the existing building or contain a greater number of storeys than the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

A basement is not a storey for the purposes of calculating the number of storeys contained in a building.

The maximum building height and maximum number of storeys requirements in this zone or a schedule to this zone apply whether or not a planning permit is required for the construction of a building.

**Building height if land is subject to inundation**

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

### Application requirements

An application must be accompanied by the following information, as appropriate:

- For a residential development, the neighbourhood and site description and design response as required in Clause 54 and Clause 55.

- For an application for subdivision, a site and context description and design response as required in Clause 56.

- Plans drawn to scale and dimensioned which show:
  - Site shape, size, dimensions and orientation.
  - The siting and use of existing and proposed buildings.
  - Adjacent buildings and uses, including siting and dimensioned setbacks.
  - The building form and scale.
  - Setbacks to property boundaries.

- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare.

- Any other application requirements specified in a schedule to this zone.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.
Exemption from notice and review

Subdivision

An application to subdivide land into lots each containing an existing dwelling or car parking space 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.

Decision guidelines

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

General

- The purpose of this zone.
- The objectives set out in the schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

Dwellings and residential buildings

- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55.

Non-residential use and development

In the local neighbourhood context:

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

Signs

Sign requirements are at Clause 52.05. This zone is in Category 3.
Transitional provisions

The minimum garden area requirements of Clause 32.09-4 and the maximum building height and number of storeys requirements of Clause 32.09-9 introduced by Amendment VC110 do not apply to:

- A planning permit application for the construction or extension of a dwelling or residential building lodged before the approval date of Amendment VC110.

- Where a planning permit is not required for the construction or extension of a dwelling or residential building:
  - A building permit issued for the construction or extension of a dwelling or residential building before the approval date of Amendment VC110.
  - A building surveyor has been appointed to issue a building permit for the construction or extension of a dwelling or residential building before the approval date of Amendment VC110. A building permit must be issued within 12 months of the approval date of Amendment VC110.
  - A building surveyor is satisfied, and certifies in writing, that substantial progress was made on the design of the construction or extension of a dwelling or residential building before the approval date of Amendment VC110. A building permit must be issued within 12 months of the approval date of Amendment VC110.

The minimum garden area requirement of Clause 32.09-3 introduced by Amendment VC110 does not apply to a planning permit application to subdivide land for a dwelling or a residential building lodged before the approval date of Amendment VC110.
SCHEDULE 1 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as NRZ1.

SOUTH YARRA, ROYAL BOTANIC GARDENS

1.0

Minimum subdivision area

None specified

2.0

Permit requirement for the construction or extension of one dwelling on a lot

<table>
<thead>
<tr>
<th>Permit requirement for the construction or extension of one dwelling on a lot</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit requirement to construct or extend a front fence within 3 metres of a street on a lot</td>
<td>None specified</td>
</tr>
</tbody>
</table>

2.0

Permit requirement for the construction or extension of one dwelling on a lot

<table>
<thead>
<tr>
<th>Permit requirement for the construction or extension of one dwelling on a lot</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit requirement to construct or extend a front fence within 3 metres of a street on a lot</td>
<td>None specified</td>
</tr>
</tbody>
</table>

3.0

Requirements of Clause 54 and Clause 55

<table>
<thead>
<tr>
<th>Minimum street setback</th>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site coverage</td>
<td>A5 and B8</td>
<td>None specified</td>
</tr>
<tr>
<td>Permeability</td>
<td>A6 and B9</td>
<td>None specified</td>
</tr>
<tr>
<td>Landscaping</td>
<td>B13</td>
<td>None specified</td>
</tr>
<tr>
<td>Side and rear setbacks</td>
<td>A10 and B17</td>
<td>None specified</td>
</tr>
<tr>
<td>Walls on boundaries</td>
<td>A11 and B18</td>
<td>None specified</td>
</tr>
<tr>
<td>Private open space</td>
<td>A17</td>
<td>None specified</td>
</tr>
<tr>
<td></td>
<td>B28</td>
<td>None specified</td>
</tr>
</tbody>
</table>

4.0

Number of dwellings on a lot

None specified

5.0

Maximum building height requirement for a dwelling or residential building

A building used as a dwelling or a residential building must not exceed a height of 8 metres.

6.0

Application requirements

None specified

7.0

Decision guidelines

None specified
SCHEDULE 2 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as NRZ2.

SOUTH YARRA, FAWKNER PARK

1.0

Minimum subdivision area
None specified

2.0

Permit requirement for the construction or extension of one dwelling on a lot

<table>
<thead>
<tr>
<th>Permit requirement for the construction or extension of one dwelling on a lot</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit requirement to construct or extend a front fence within 3 metres of a street on a lot</td>
<td>None specified</td>
</tr>
</tbody>
</table>

3.0

Requirements of Clause 54 and Clause 55

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum street setback</td>
<td>A3 and B6</td>
</tr>
<tr>
<td>Site coverage</td>
<td>A5 and B8</td>
</tr>
<tr>
<td>Permeability</td>
<td>A6 and B9</td>
</tr>
<tr>
<td>Landscaping</td>
<td>B13</td>
</tr>
<tr>
<td>Side and rear setbacks</td>
<td>A10 and B17</td>
</tr>
<tr>
<td>Walls on boundaries</td>
<td>A11 and B18</td>
</tr>
<tr>
<td>Private open space</td>
<td>A17</td>
</tr>
<tr>
<td>B28</td>
<td></td>
</tr>
<tr>
<td>Front fence height</td>
<td>A20 and B32</td>
</tr>
</tbody>
</table>

4.0

Number of dwellings on a lot
None specified

5.0

Maximum building height requirement for a dwelling or residential building

A building used as a dwelling or a residential building must not exceed a height of 8 metres.

6.0

Application requirements
None specified

7.0

Decision guidelines
None specified
INDUSTRIAL 1 ZONE

Shown on the planning scheme map as IN1Z.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Crop raising</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Materials recycling and Transfer station)</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</td>
</tr>
<tr>
<td></td>
<td>- The threshold distance, for a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>- 30 metres, for a purpose not listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>Must not adversely affect the amenity of the neighbourhood, including through the:</td>
</tr>
<tr>
<td></td>
<td>- Transport of materials, goods or commodities to or from the land.</td>
</tr>
<tr>
<td></td>
<td>- Appearance of any stored goods or materials.</td>
</tr>
<tr>
<td></td>
<td>- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.</td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Mail centre</td>
<td></td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Service station</td>
<td>The land must be at least 30 metres from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.</td>
</tr>
<tr>
<td></td>
<td>Must not adversely affect the amenity of the neighbourhood, including through the:</td>
</tr>
<tr>
<td></td>
<td>- Transport of materials, goods or commodities to or from the land.</td>
</tr>
<tr>
<td></td>
<td>- Appearance of any stored goods or materials.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>----------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Condition</strong></td>
<td>Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.</td>
</tr>
<tr>
<td><strong>Shipping container storage</strong></td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</td>
</tr>
<tr>
<td></td>
<td>- The threshold distance, for a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>- 100 metres, for a purpose not listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td></td>
<td>Shipping containers must be setback at least 9 metres from a road in a Road Zone.</td>
</tr>
<tr>
<td></td>
<td>The height of shipping container stacks must not exceed 6 containers or 16 metres, whichever is the lesser.</td>
</tr>
<tr>
<td></td>
<td>Must not adversely affect the amenity of the neighbourhood, including through the:</td>
</tr>
<tr>
<td></td>
<td>- Transport of materials, goods or commodities to or from the land.</td>
</tr>
<tr>
<td></td>
<td>- Appearance of any stored goods or materials.</td>
</tr>
<tr>
<td></td>
<td>- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.</td>
</tr>
<tr>
<td><strong>Take away food premises</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Tramway</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Warehouse (other than Mail centre and Shipping container storage)</strong></td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</td>
</tr>
<tr>
<td></td>
<td>- The threshold distance, for a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>- 30 metres, for a purpose not listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>Must not adversely affect the amenity of the neighbourhood, including through the:</td>
</tr>
<tr>
<td></td>
<td>- Transport of materials, goods or commodities to or from the land.</td>
</tr>
<tr>
<td></td>
<td>- Appearance of any stored goods or materials.</td>
</tr>
<tr>
<td></td>
<td>- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.</td>
</tr>
<tr>
<td><strong>Any use listed in Clause 62.01</strong></td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>
## Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex product shop</td>
<td>Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.</td>
</tr>
<tr>
<td>Agriculture (other than Apiculture, Crop raising, Grazing animal production, Intensive animal production, Pig farm and Poultry farm)</td>
<td></td>
</tr>
<tr>
<td>Caretaker’s house</td>
<td></td>
</tr>
<tr>
<td>Education centre</td>
<td>Must not be a primary or secondary school.</td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation)</td>
<td></td>
</tr>
<tr>
<td>Materials recycling</td>
<td>The land must be at least 30 metres from land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.</td>
</tr>
<tr>
<td>Office</td>
<td>The leasable floor area must not exceed the amount specified in the schedule to this zone.</td>
</tr>
<tr>
<td>Place of assembly (other than Carnival, Cinema based entertainment facility and Circus)</td>
<td></td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Shop and Take away food premises)</td>
<td></td>
</tr>
<tr>
<td>Transfer Station</td>
<td>The land must be at least 30 metres from land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility).</td>
<td>Any gas holder, or sewerage or refuse treatment or disposal works, must be at least 30 metres from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

## Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Caretaker’s house)</td>
<td></td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td></td>
</tr>
</tbody>
</table>
Use

Hospital

Intensive animal production

Pig farm

Poultry farm

Shop (other than Adult sex product shop, Convenience shop and Restricted retail premises)

Use of land

Application requirements

An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
- The likely effects, if any, on the neighbourhood, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water.
  - Traffic, including the hours of delivery and despatch.
  - Light spill or glare.

Decision guidelines

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

- The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
- The effect that nearby industries may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.
Subdivision

Permit requirement

A permit is required to subdivide land.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>• The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>• The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>• The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>• An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into 2 lots if:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>• The construction of a building or the construction or carrying out of works on the land:</td>
<td></td>
</tr>
<tr>
<td>• Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</td>
<td></td>
</tr>
<tr>
<td>• Has started lawfully.</td>
<td></td>
</tr>
<tr>
<td>• The subdivision does not create a vacant lot.</td>
<td></td>
</tr>
</tbody>
</table>

Exemption from notice and review

An application 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. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Decision guidelines

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

• The Municipal Planning Strategy and the Planning Policy Framework.

• Any natural or cultural values on or near the land.

• Streetscape character.

• Landscape treatment.
- Interface with non-industrial areas.

### Buildings and works

#### Permit requirement

A permit is required to construct a building or construct or carry out works.

This does not apply to:

- A building or works which rearrange, alter or renew plant if the area or height of the plant is not increased.
- A building or works which are used for crop raising or informal outdoor recreation.
- A rainwater tank with a capacity of more than 10,000 litres if the following requirements are met:
  - The rainwater tank is not located within the building’s setback from a street (other than a lane).
  - The rainwater tank is no higher than the existing building on the site.
  - The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway.
- A building or works which are used for grazing animal production, except for permanent or fixed feeding infrastructure for seasonal or supplementary feeding constructed within 100 metres of:
  - A waterway, wetland or designated flood plain.
  - A dwelling not in the same ownership.
  - A residential or urban growth zone.

### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $1,000,000 where the land is not:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>- Within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
<tr>
<td>- Used for a purpose listed in the table to Clause 53.10.</td>
<td></td>
</tr>
<tr>
<td>- Used for a Brothel or Adult sex product shop.</td>
<td></td>
</tr>
</tbody>
</table>

### Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - Relevant ground levels.
- The layout of existing and proposed buildings and works.
- Driveways and vehicle parking and loading areas.
- Proposed landscape areas.
- External storage and waste treatment areas.

- Elevation drawings to scale which show the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways and vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.

**Exemption from notice and review**

An application 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. This exemption does not apply to an application for a building or works within 30 metres of land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

**Decision guidelines**

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

- Any natural or cultural values on or near the land.
- Streetscape character.
- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.

**Maintenance**

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 2.
## SCHEDULE TO CLAUSE 33.01 INDUSTRIAL 1 ZONE

<table>
<thead>
<tr>
<th>Land</th>
<th>Maximum leasable floor area for office (square metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>
INDUSTRIAL 3 ZONE

Shown on the planning scheme map as IN3Z.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.

To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.

To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.

To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Crop raising</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td></td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Mail centre</td>
<td></td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Service industry</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</td>
</tr>
<tr>
<td></td>
<td>- The threshold distance, for a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>- 30 metres, for a purpose not listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Service station</td>
<td>The land must be at least 30 metres from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.</td>
</tr>
<tr>
<td>Shop (other than Adult sex product shop, Convenience shop, Restricted retail premises and Supermarket)</td>
<td>Must adjoin, or be on the same lot as, a supermarket when the use commences.</td>
</tr>
<tr>
<td></td>
<td>The combined leasable floor area for all shops adjoining or on the same lot as the supermarket must not exceed 500 square metres.</td>
</tr>
<tr>
<td></td>
<td>The site must adjoin, or be within 30 metres of, a road in a Road Zone.</td>
</tr>
<tr>
<td>Supermarket</td>
<td>The leasable floor area must not exceed 1800 square metres.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Take away food premises</td>
<td>Must be on land within an urban growth boundary and in metropolitan Melbourne.</td>
</tr>
</tbody>
</table>
| Tramway                                                  | Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10. The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:  
  - The threshold distance, for a purpose listed in the table to Clause 53.10.  
  - 30 metres, for a purpose not listed in the table to Clause 53.10. Must not adversely affect the amenity of the neighbourhood, including through the:  
  - Transport of materials, goods or commodities to or from the land.  
  - Appearance of any stored goods or materials.  
  - Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil |
| Warehouse (other than Fuel depot, Mail centre or Shipping container storage) | Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10. The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:  
  - The threshold distance, for a purpose listed in the table to Clause 53.10.  
  - 30 metres, for a purpose not listed in the table to Clause 53.10. Must not adversely affect the amenity of the neighbourhood, including through the:  
  - Transport of materials, goods or commodities to or from the land.  
  - Appearance of any stored goods or materials.  
  - Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil |
| Any use listed in Clause 62.01                          | Must meet the requirements of Clause 62.01.                                                                                                                                                                                                                                                                                                |
| Section 2 - Permit required                              |                                                                                                                                                                                                                                                                                                                                           |
| Use                                                      | Condition                                                                                                                                                                                                                                                                                                                                 |
| Adult sex product shop                                   | Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school. |
| Agriculture (other than Apiculture, Crop raising, Grazing animal production, Intensive animal production, Pig farm and Poultry farm) |                                                                                                                                                                                                                                                                                                                                           |
| Caretaker's house                                        | Must not be a primary or secondary school.                                                                                                                                                                                                                                                                                                |
| Education centre                                         | Must not be a primary or secondary school.                                                                                                                                                                                                                                                                                                |
| Industry (other than Service industry)                   |                                                                                                                                                                                                                                                                                                                                           |
| Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility, and Motor racing track) |                                                                                                                                                                                                                                                                                                                                           |
## Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office</td>
<td>The leasable floor area must not exceed the amount specified in the schedule to this zone.</td>
</tr>
<tr>
<td>Place of assembly (other than Carnival, Cinema based entertainment facility and Circus)</td>
<td></td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Shop and Take away food premises)</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Caretaker's house)</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
</tr>
<tr>
<td>Hospital</td>
</tr>
<tr>
<td>Intensive animal production</td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
<tr>
<td>Pig farm</td>
</tr>
<tr>
<td>Poultry farm</td>
</tr>
<tr>
<td>Shop (other than Adult sex product shop, Convenience shop, Restricted retail premises and Supermarket) – if the Section 1 conditions are not met</td>
</tr>
<tr>
<td>Supermarket – if the section 1 conditions are not met</td>
</tr>
</tbody>
</table>

### Use of land

#### Amenity of the neighbourhood

A use must not adversely affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any stored goods or materials.
- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

#### Application requirements

An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.

- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.

- The likely effects, if any, on the neighbourhood, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water.
  - Traffic, including the hours of delivery and despatch.
  - Light spill or glare.

**Decision guidelines**

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


- The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.

- The effect that nearby industries may have on the proposed use.

- The drainage of the land.

- The availability of and connection to services.

- The effect of traffic to be generated on roads.

- The interim use of those parts of the land not required for the proposed use.

- The effect on nearby industries.

**33.03-3**

**Subdivision**

**Permit requirement**

A permit is required to subdivide land.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Class of application

- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.
- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.

Subdivide land into 2 lots if: Clause 59.02

- The construction of a building or the construction or carrying out of works on the land:
  - Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.
  - Has started lawfully.
- The subdivision does not create a vacant lot.

Exemption from notice and review

An application 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. This exemption does not apply to land within 30 metres from land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Decision guidelines

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

- Any natural or cultural values on or near the land.
- Streetscape character.
- Landscape treatment.
- Interface with non-industrial areas.

Buildings and works

Permit requirement

A permit is required to construct a building or construct or carry out works.

This does not apply to:

- A building or works which rearrange, alter or renew plant if the area or height of the plant is not increased.
- A building or works which are used for crop raising or informal outdoor recreation.
- A rainwater tank with a capacity of more than 10,000 litres if the following requirements are met:
  - The rainwater tank is not located within the building’s setback from a street (other than a lane).
- The rainwater tank is no higher than the existing building on the site.
- The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway.

- A building or works which are used for grazing animal production, except for permanent or fixed feeding infrastructure for seasonal or supplementary feeding constructed within 100 metres of:
  - A waterway, wetland or designated flood plain.
  - A dwelling not in the same ownership.
  - A residential or urban growth zone.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $1,000,000 where the land is not:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>- Within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
<tr>
<td>- Used for a purpose listed in the table to Clause 53.10.</td>
<td></td>
</tr>
<tr>
<td>- Used for a Brothel or Adult sex product shop.</td>
<td></td>
</tr>
</tbody>
</table>

**Application requirements**

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - Driveways and vehicle parking and loading areas.
  - Proposed landscape areas.
  - External storage and waste treatment areas.
  - Mechanisms to mitigate noise, odour and other adverse amenity impacts of, and on, nearby industries.

- Elevation drawings to scale which show the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways and vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.
**Decision guidelines**

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

- Any natural or cultural values on or near the land.
- Streetscape character.
- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.
- The effect on nearby industries.
- The effect of nearby industries.

**Maintenance**

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 2.
## SCHEDULE TO CLAUSE 33.03 INDUSTRIAL 3 ZONE

<table>
<thead>
<tr>
<th>Land</th>
<th>Maximum leasable floor area for office (square metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>

MELBOURNE PLANNING SCHEME
COMMERCIAL 1 ZONE
Shown on the planning scheme map as B1Z, B2Z, B5Z or C1Z.

Purpose
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
To provide for residential uses at densities complementary to the role and scale of the commercial centre.

Operation
A schedule may apply under this zone to a planning scheme outside of metropolitan Melbourne. That schedule may:
- specify the maximum leasable floor area for office
- specify the maximum leasable floor area for shop (other than restricted retail premises).

Table of uses
Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Community care accommodation, Corrective institution and Rooming house)</td>
<td>Any frontage at ground floor level must not exceed 2 metres (other than a bed and breakfast and caretaker's house).</td>
</tr>
<tr>
<td>Art and craft centre</td>
<td></td>
</tr>
<tr>
<td>Child care centre</td>
<td>Any frontage at ground floor level must not exceed 2 metres and access must not be shared with a dwelling (other than a caretaker's house).</td>
</tr>
<tr>
<td>Cinema</td>
<td></td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td></td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Any frontage at ground floor level must not exceed 2 metres.</td>
</tr>
<tr>
<td></td>
<td>Must meet the requirements of Clause 52.22-2.</td>
</tr>
<tr>
<td>Education centre (other than Child care centre)</td>
<td></td>
</tr>
<tr>
<td>Exhibition centre</td>
<td></td>
</tr>
<tr>
<td>Home based business</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>The leasable floor area for all offices must not exceed any amount specified in the schedule to this zone.</td>
</tr>
<tr>
<td>Place of worship</td>
<td>The gross floor area of all buildings must not exceed 250 square metres.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail premises (other than Shop)</td>
</tr>
<tr>
<td>Rooming house</td>
</tr>
<tr>
<td>Shop (other than Adult sex product shop)</td>
</tr>
<tr>
<td>Tramway</td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
</tr>
</tbody>
</table>

### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex product shop</td>
</tr>
<tr>
<td>Agriculture (other than Animal production and Apiculture)</td>
</tr>
<tr>
<td>Grazing animal production</td>
</tr>
<tr>
<td>Industry</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or, land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.</td>
</tr>
<tr>
<td>Must not be a purpose listed in the table to Clause 53.10.</td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal production (other than Grazing animal production)</td>
</tr>
<tr>
<td>Corrective institution</td>
</tr>
</tbody>
</table>
Use

Major sports and recreation facility
Motor racing track

Use of land

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Subdivision

A permit is required to subdivide land.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into 2 lots if:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The construction of a building or the construction or carrying out of works on the land:</td>
<td></td>
</tr>
<tr>
<td>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</td>
<td></td>
</tr>
<tr>
<td>- Has started lawfully.</td>
<td></td>
</tr>
<tr>
<td>- The subdivision does not create a vacant lot.</td>
<td></td>
</tr>
</tbody>
</table>

Buildings and works

A permit is required to construct a building or construct or carry out works.
This does not apply to:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.

An apartment development must meet the requirements of Clause 58.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $500,000 where the land is not:</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>- Within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
<tr>
<td>- Used for a purpose listed in the table to Clause 53.10.</td>
<td></td>
</tr>
<tr>
<td>- Used for a Brothel or Adult sex product shop.</td>
<td></td>
</tr>
</tbody>
</table>

Transitional provisions

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

Neighbourhood and site description and design response

An application for any of the following must be accompanied by a neighbourhood and site description and a design response as described in Clause 54.01 or 55.01, as appropriate:

- Construction or extension of one dwelling on a lot of less than 300 square metres.
- Construction of a dwelling if there is at least one dwelling existing on the lot.
- Construction of two or more dwellings on a lot.
- Extension of a dwelling if there are two or more dwellings on the lot.
- Construction or extension of a dwelling on common property.
- Construction or extension of a residential building.

Clause 34.01-5 does not apply to an apartment development.
Satisfactory neighbourhood and site description before notice and decision

If the responsible authority decides that the neighbourhood and site description is not satisfactory, it may require more information from the applicant under Section 54 of the Act.

The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 54.01 or 55.01 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.

Application requirements

Use

An application to use land must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of activities which will be carried out.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare.
- The means of maintaining land not required for immediate use.
- If an industry or warehouse:
  - The type and quantity of goods to be stored, processed or produced.
  - Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
  - Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
  - The likely effects on adjoining land, including air-borne emissions and emissions to land and water.

Buildings and works

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and purpose of buildings and works on adjoining land.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - All driveway, car parking and loading areas.
  - Proposed landscape areas.
  - All external storage and waste treatment areas.
  - Areas not required for immediate use.
- Elevation drawings to scale showing the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

An application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, must be accompanied by an urban context report and design response as required in Clause 58.01.

### Exemption from notice and review

An application to subdivide land or 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. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

### Decision guidelines

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

**General**
- The interface with adjoining zones, especially the relationship with residential areas.

**Use**
- The effect that existing uses may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

**Subdivision**
- Provision for vehicles providing for supplies, waste removal and emergency services and public transport.
- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.

**Building and works**
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

- The availability of and connection to services.

- The design of buildings to provide for solar access.

- The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to an apartment development.

- For an apartment development, the objectives, standards and decision guidelines of Clause 58.

**Transitional provisions**

The objectives, standards and decision guidelines of Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.

- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 1.
### SCHEDULE TO CLAUSE 34.01 COMMERCIAL 1 ZONE

<table>
<thead>
<tr>
<th>Land</th>
<th>Maximum leasable floor area for office (square metres)</th>
<th>Maximum leasable floor area for shop (other than restricted retail premises) (square metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
COMERCIAL 2 ZONE

Shown on the planning scheme map as B3Z, B4Z or C2Z.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.

To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art and craft centre</td>
<td></td>
</tr>
<tr>
<td>Art gallery</td>
<td></td>
</tr>
<tr>
<td>Cinema</td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td></td>
</tr>
<tr>
<td>Food and drink premises</td>
<td>The leasable floor area must not exceed 100 square metres.</td>
</tr>
<tr>
<td>Industry (other than Materials recycling and Transfer station)</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>The land must be at least the following distances from land (not a road) which is in a residential zone, Commercial 1 Zone, Capital City Zone, Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</td>
</tr>
<tr>
<td></td>
<td>* The threshold distance, for a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>* 30 metres, for a purpose not listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Mail centre</td>
<td></td>
</tr>
<tr>
<td>Museum</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Postal agency</td>
<td></td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td></td>
</tr>
<tr>
<td>Shop (other than Adult sex product shop, Restricted retail premises and Supermarket)</td>
<td>Must adjoin, or be on the same land as, a supermarket when the use commences.</td>
</tr>
<tr>
<td></td>
<td>The combined leasable floor area for all shops adjoining or on the same land as the supermarket must not exceed 500 square metres.</td>
</tr>
<tr>
<td></td>
<td>The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Supermarket</strong></td>
<td>The leasable floor area must not exceed 1800 square metres. The site must adjoin, or have access to, a road in a Road Zone. Must be on land within the City of Greater Geelong or within an urban growth boundary in metropolitan Melbourne.</td>
</tr>
<tr>
<td><strong>Trade supplies</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Tramway</strong></td>
<td></td>
</tr>
</tbody>
</table>
| **Warehouse (other than Mail centre)** | Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10. The land must be at least the following distances from land (not a road) which is in a residential zone, Commercial 1 Zone, Capital City Zone, Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:  
  - The threshold distance, for a purpose listed in the table to Clause 53.10.  
  - 30 metres, for a purpose not listed in the table to Clause 53.10.                                                                 |
| **Any use listed in Clause 62.01**     | Must meet the requirements of Clause 62.01.                                                                                               |
| **Section 2 - Permit required**        |                                                                                                                                           |
| **Use**                                | **Condition**                                                                                                                                 |
| **Adult sex product shop**             | Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone, land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school. |
| **Agriculture (other than Animal production and Apiculture)** |                                                                                                                                           |
| **Caretaker’s house**                  |                                                                                                                                           |
| **Education centre**                   |                                                                                                                                           |
| **Grazing animal production**          |                                                                                                                                           |
| **Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)** |                                                                                                                                           |
| **Materials recycling**                |                                                                                                                                           |
| **Place of assembly (other than Art gallery, Carnival, Cinema, Cinema based entertainment facility, Circus and Museum)** |                                                                                                                                           |
| **Residential hotel**                  |                                                                                                                                           |
| **Retail premises (other than Food and drink premises, Postal agency, Restricted retail premises, Supermarket and Trade supplies)** |                                                                                                                                           |
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supermarket – if the Section 1 conditions are not met</td>
<td>The leasable floor area must not exceed 1800 square metres unless on land within the City of Greater Geelong or within an urban growth boundary in metropolitan Melbourne. The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Transfer station</td>
<td>The land must be at least 30 metres from land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Caretaker’s house and Residential hotel)</td>
</tr>
<tr>
<td>Animal production (other than Grazing animal production)</td>
</tr>
<tr>
<td>Hospital</td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
</tbody>
</table>

### Use of land

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

### Subdivision

A permit is required to subdivide land.

### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
</tbody>
</table>
Subdivide land into lots each containing an existing building or car parking space where:
- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.
- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.

Subdivide land into 2 lots if:
- The construction of a building or the construction or carrying out of works on the land:
  - Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.
  - Has started lawfully.
- The subdivision does not create a vacant lot.

34.02-4

Buildings and works
A permit is required to construct a building or construct or carry out works.
This does not apply to:
- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.

VicSmart applications
Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.
<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Used for a Brothel or Adult sex product shop.</td>
<td></td>
</tr>
</tbody>
</table>

**Maintenance**

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

**Application requirements**

**Use**

An application to use land must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of activities which will be carried out.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods or materials, hours of operation and light spill, solar access and glare.
- The means of maintaining areas not required for immediate use.
- If an industry or warehouse:
  - The type and quantity of goods to be stored, processed or produced.
  - Whether a Works Approval, or Waste Discharge Licence is required from the Environment Protection Authority.
  - Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the *Dangerous Goods Act 1995* is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
  - The likely effects on adjoining land, including air-borne emissions and emissions to land and water.

**Building and works**

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and purpose of buildings and works on adjoining land.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - All driveway, car parking and loading areas.
  - Proposed landscape areas.
  - All external storage and waste treatment areas.
  - Areas not required for immediate use.
- Elevation drawings to scale showing the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.
- Any natural or cultural values on or nearby the land.
- Outdoor storage, lighting, and stormwater discharge.
- The design of buildings to provide for solar access.

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 1.
PUBLIC USE ZONE

Shown on the planning scheme map as PUZ with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To recognise public land use for public utility and community services and facilities.

To provide for associated uses that are consistent with the intent of the public land reservation or purpose.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Railway station</td>
<td>The total leasable floor area for the selling of food, drink and other convenience goods and services must not exceed 50 square metres.</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
<tr>
<td>Any other use</td>
<td>The use must be for the purpose described in the table to Clause 36.01-6 which corresponds to the notation on the planning scheme map.</td>
</tr>
<tr>
<td></td>
<td>The use must be carried out by or on behalf of the public land manager.</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
</table>

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td></td>
</tr>
</tbody>
</table>

Permit requirement

A permit is required to:

- Construct a building or construct or carry out works for any use in Section 2 of Clause 36.01-1. This does not apply to navigational beacons and aids.

- Subdivide land.

Application requirements

An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:

- To the application for permit being made.
- To the application for permit being made and to the proposed use or development.

**Decision guidelines**

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The comments of any Minister or public land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

**Permit not required**

A permit is not required to use land, or to construct a building or construct or carry out works on land, listed in a schedule to this zone, provided any condition in the schedule is complied with.

**Table of public land use**

<table>
<thead>
<tr>
<th>Shown on the planning scheme map</th>
<th>Purpose of public land use</th>
</tr>
</thead>
<tbody>
<tr>
<td>PUZ1</td>
<td>Service &amp; Utility</td>
</tr>
<tr>
<td>PUZ2</td>
<td>Education</td>
</tr>
<tr>
<td>PUZ3</td>
<td>Health &amp; Community</td>
</tr>
<tr>
<td>PUZ4</td>
<td>Transport</td>
</tr>
<tr>
<td>PUZ5</td>
<td>Cemetery/Crematorium</td>
</tr>
<tr>
<td>PUZ6</td>
<td>Local Government</td>
</tr>
<tr>
<td>PUZ7</td>
<td>Other public use</td>
</tr>
</tbody>
</table>

**Signs**

Sign requirements are at Clause 52.05. This zone, except for the PUZ4 (Transport), is in Category 4 unless a different requirement is specified in the schedule to this zone.

For land within the PUZ4 (Transport), the sign category which applies is the category which applies to the adjoining zone nearest to the land. If land is equidistant from two or more adjoining zones, the least restrictive category applies.

Where the Road Zone is the nearest adjoining zone, a permit is required to display a sign.
SCHEDULE TO CLAUSE 36.01 PUBLIC USE ZONE

 Permit exemptions and conditions

<table>
<thead>
<tr>
<th>Public land</th>
<th>Use or development</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

 Advertising sign requirements

<table>
<thead>
<tr>
<th>Land</th>
<th>Advertising Sign Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>161-169 Moore Street, Southbank, described in Title Volume 4613 Folio 516</td>
<td>Category 1</td>
</tr>
<tr>
<td>The University of Melbourne, VCA Campus, described as Area A in Map 1 to this Schedule and also known as part of: 204 St Kilda Road, Southbank; 13-39 Dodds Street, Southbank; and 28-40 Dodds Street and 45 Sturt Street, Southbank.</td>
<td>Category 2</td>
</tr>
<tr>
<td>The Epworth Freemasons Hospital Campus, described as Area A in Map 2 to this Schedule and also known as 124, 128, 130-132 Grey Street, and 166 Clarendon Street, East Melbourne.</td>
<td>Category 3</td>
</tr>
<tr>
<td>Part of RMIT University, City Campus, described as Area A in Map 3 to this Schedule, being the land bounded by Swanston Street, Franklin Street, Bowen Street and La Trobe Street, Melbourne.</td>
<td>Category 2</td>
</tr>
</tbody>
</table>

Map No. 1 to the Schedule to Clause 36.01

Category 4 continues to apply for a depth of 20m from the Grant Street frontage (Clause 37.01-7).
Map No. 2 to the Schedule to Clause 36.01

Map 3 to the Schedule to Clause 36.01
PUBLIC PARK AND RECREATION ZONE

Shown on the planning scheme map as PPRZ.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To recognise areas for public recreation and open space.
To protect and conserve areas of significance where appropriate.
To provide for commercial uses where appropriate.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Open sports ground</td>
<td>Must be conducted by or on behalf of the public land manager.</td>
</tr>
<tr>
<td></td>
<td>Must not be on coastal Crown land under the Coastal Management Act 1995.</td>
</tr>
<tr>
<td></td>
<td>Must not be costeaning or bulk sampling.</td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
<tr>
<td>Contractor’s depot</td>
<td>Must be either of the following:</td>
</tr>
<tr>
<td>Heliport</td>
<td>A use conducted by or on behalf of a public land manager or Parks Victoria under the relevant provisions of the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forest Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port of Melbourne Authority Act 1958, or the Crown Land (Reserves) Act 1978.</td>
</tr>
<tr>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Retail premises</td>
<td></td>
</tr>
<tr>
<td>Store</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 3</td>
<td></td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractor’s depot - if the Section 1 condition is not met</td>
<td>Must be associated with the public land use.</td>
</tr>
<tr>
<td>Heliport - if the Section 1 condition is not met</td>
<td>Must be associated with the public land use.</td>
</tr>
<tr>
<td>Office - if the Section 1 condition is not met</td>
<td>Must be associated with the public land use.</td>
</tr>
<tr>
<td>Retail premises - if the Section 1 condition is not met</td>
<td>Must be associated with the public land use.</td>
</tr>
<tr>
<td>Store - if the Section 1 condition is not met</td>
<td>Must be associated with the public land use.</td>
</tr>
</tbody>
</table>
Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
</tr>
<tr>
<td>Corrective institution</td>
</tr>
<tr>
<td>Display home centre</td>
</tr>
<tr>
<td>Funeral parlour</td>
</tr>
<tr>
<td>Industry</td>
</tr>
<tr>
<td>Saleyard</td>
</tr>
<tr>
<td>Transport terminal (other than Heliport)</td>
</tr>
<tr>
<td>Veterinary centre</td>
</tr>
<tr>
<td>Warehouse (other than Store)</td>
</tr>
</tbody>
</table>

### Permit requirement

A permit is required to:

- Construct a building or construct or carry out works. This does not apply to:
  - Pathways, trails, seating, picnic tables, drinking taps, shelters, barbeques, rubbish bins, security lighting, irrigation, drainage or underground infrastructure.
  - Playground equipment or sporting equipment, provided these facilities do not occupy more than 10 square metres of parkland.
  - Navigational beacons and aids.
  - Planting or landscaping.
  - Fencing that is 1 metre or less in height above ground level.
  - A building or works shown in an Incorporated plan which applies to the land.
  - A building or works carried out by or on behalf of a public land manager or Parks Victoria under the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forest Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port of Melbourne Authority Act 1958 or the Crown Land (Reserves) Act 1978.

- Subdivide land.

### Application requirements

An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:

- To the application for permit being made.
- To the application for permit being made and to the proposed use or development.
36.02-4

Exemption from notice and review

An application to subdivide land which is consistent with an Incorporated plan 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.

36.02-5

Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

36.02-6

Incorporated plan

An Incorporated plan is a plan which shows the way the land is to be used and developed. An Incorporated plan may include the following information:

- Recognition of existing use and how the area is to be developed.
- The building envelope of any proposed buildings.
- Details of any proposed buildings or works.
- The location of pedestrian or vehicle access points or car parking areas.
- The location of any areas for specific uses or a schedule of specific uses which are allowed without permit.
- Topographic details including any proposed cut and fill.
- The location of existing and proposed features.
- The location of existing native and other vegetation and any proposed landscaping works or areas of vegetation to be added or removed.
- The identification of sites of flora or fauna significance (including, in particular, any potentially threatened species or significant habitat) or other places of cultural heritage or scientific value.

The Incorporated plan must be consistent with the intent of the public land reservation under any Act and make reference to relevant policies and guidelines.

An Incorporated plan may be prepared in parts or stages.

36.02-7

Use and development of land identified in a schedule

Land identified in a schedule to this zone may be used and developed in accordance with the schedule or the specific controls contained in an incorporated document corresponding to the land, provided any condition in the schedule or incorporated document is complied with.

36.02-8

Signs

Sign requirements are at Clause 52.05. This zone is in Category 4 unless a different requirement is specified in the schedule to this zone.
# SCHEDULE TO THE PUBLIC PARK AND RECREATION ZONE

<table>
<thead>
<tr>
<th>Public Land</th>
<th>Use Or Development</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land</th>
<th>Advertising Sign Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>
ROAD ZONE

Shown on the planning scheme map as **RDZ1** for a Category 1 road and **RDZ2** for a Category 2 road.

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To identify significant existing roads.
To identify land which has been acquired for a significant proposed road.

**Table of uses**

**Section 1 - Permit not required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

**Section 2 - Permit required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility installation (other than Minor utility installation and</td>
<td></td>
</tr>
<tr>
<td>Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

**Section 3 - Prohibited**

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td></td>
</tr>
</tbody>
</table>

**Permit requirement**

A permit is required to:
- Construct a building or construct or carry out works for a use in Section 2 of Clause 36.04-1.
- Subdivide land.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:
- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
Signs

Sign requirements are at Clause 52.05. A permit is required to display a sign over the road formation or over land within 600 millimetres of the road formation. For other land in this zone, the category of advertising control which applies is the category which applies to the adjoining zone nearest to the land. If land is equidistant from two or more adjoining zones, the least restrictive category applies.

Where the Public Use Zone 4 is the nearest adjoining zone, a permit is required to display a sign.
SPECIAL USE ZONE

Shown on the planning scheme map as SUZ with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 1 of the schedule to this zone</td>
<td>Must comply with any condition in Section 1 of the schedule to this zone</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 2 of the schedule to this zone</td>
<td>Must comply with any condition in Section 2 of the schedule to this zone.</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3 of the schedule to this zone</td>
<td></td>
</tr>
</tbody>
</table>

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 3 of the schedule to this zone</td>
</tr>
</tbody>
</table>

Use of land

Any requirement in the schedule to this zone must be met.

Application requirements

An application to use land must be accompanied by any information specified in the schedule to this zone.

Exemption from notice and review

The schedule to this zone may specify that an application 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.

Decision guidelines

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

- Any guidelines in the schedule to this zone.
Subdivision

Permit requirement

A permit is required to subdivide land.
Any requirement in the schedule to this zone must be met.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into 2 lots if:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The construction of a building or the construction or carrying out of works on the land:</td>
<td></td>
</tr>
<tr>
<td>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</td>
<td></td>
</tr>
<tr>
<td>- Has started lawfully.</td>
<td></td>
</tr>
<tr>
<td>- The subdivision does not create a vacant lot.</td>
<td></td>
</tr>
</tbody>
</table>

Application requirements

An application to subdivide land must be accompanied by any information specified in the schedule to this zone.

Exemption from notice and review

The schedule to this zone may specify that an application 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.

Decision guidelines

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

- Any guidelines in the schedule to this zone.
Buildings and works

Permit requirement
A permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.

Any requirement in the schedule to this zone must be met.

An apartment development must meet the requirements of Clause 58.

VicSmart applications
Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $500,000 and the land is not:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Clause 59.04</td>
</tr>
<tr>
<td></td>
<td>- Within 30 metres of land (not a road) which is in a residential zone.</td>
</tr>
<tr>
<td></td>
<td>- Used for a purpose listed in the table to Clause 53.10.</td>
</tr>
</tbody>
</table>

Transitional provisions
Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

Application requirements
An application to construct a building or construct or carry out works must be accompanied by any information specified in the schedule to this zone.

An application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, must be accompanied by an urban context report and design response as required in Clause 58.01.

Exemption from notice and review
The schedule to this zone may specify that an application 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.

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

- For an apartment development, the objectives, standards and decision guidelines of Clause 58.
- Any guidelines in the schedule to this zone.
Signs

Sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.
SCHEDULE 1 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ1.

FLEMINGTON RACECOURSE

To provide for areas to be used as a Racecourse and associated uses including Horse stables.

To recognise that Flemington Racecourse is a major recreational and entertainment resource of State and Metropolitan significance.

To provide for the use and development of the Flemington Racecourse in non-racing periods for a range of events including temporary cultural or community activities and entertainment such as a concert, festival or exhibition.

To ensure that the future use and development of the Flemington Racecourse does not unduly impact on the amenity of surrounding areas.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture (other than Animal keeping, Extensive animal husbandry and Intensive animal husbandry)</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 1997.</td>
</tr>
<tr>
<td>Apiculture</td>
<td>Must meet the requirements of Clause 52.08-2.</td>
</tr>
<tr>
<td>Betting agency</td>
<td></td>
</tr>
<tr>
<td>Caretaker’s house</td>
<td></td>
</tr>
<tr>
<td>Car park</td>
<td></td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Mineral exploration</td>
<td></td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Mining</td>
<td>Must meet the requirements of Clause 52.08-2.</td>
</tr>
<tr>
<td>Natural systems</td>
<td></td>
</tr>
<tr>
<td>Open sports ground</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour)</td>
<td></td>
</tr>
<tr>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Search for stone</td>
<td>Must not be costeasing or bulk sampling.</td>
</tr>
</tbody>
</table>
### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal keeping</td>
<td></td>
</tr>
<tr>
<td>Extensive animal husbandry</td>
<td></td>
</tr>
<tr>
<td>Intensive animal husbandry</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation,</td>
<td></td>
</tr>
<tr>
<td>Major sports and recreation facility, Open sports ground and Motor</td>
<td></td>
</tr>
<tr>
<td>racing track)</td>
<td></td>
</tr>
<tr>
<td>Mineral, stone, or soil extraction (other than Extractive industry,</td>
<td></td>
</tr>
<tr>
<td>Mineral exploration, Mining, and Search for stone)</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>Must be directly associated with the VRC and/or management of the racecourse.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Caretaker’s house)</td>
</tr>
<tr>
<td>Amusement parlour</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Extractive industry</td>
</tr>
<tr>
<td>Motor racing track</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation)</td>
</tr>
<tr>
<td>Warehouse</td>
</tr>
</tbody>
</table>

#### Use of land for an event or a place of assembly

Land must not be used for an event for more than 15,000 people or for a place of assembly for more than 15,000 people unless an Event Management Plan has been approved by the responsible authority. This does not apply to use of the land as a racecourse.

The requirements of the Event Management Plan must be met to the satisfaction of the responsible authority.

#### Consultative committee

Prior to approving an Event Management Plan the responsible authority must consider the views of a Consultative Committee comprised of the Victoria Racing Club, Department of Sustainability and Environment, Melbourne City Council and Moonee Valley City Council.
The Consultative Committee must operate in accordance with protocols prepared by the Victoria Racing Club to the satisfaction of the responsible authority. The Consultative Committee must consider management arrangements prepared under this clause.

### Event Management Plan

An Event Management Plan may provide for one or more events and may set out management arrangements for any other use. An Event Management Plan may be prepared and approved in stages. At the request or with the consent of the Victoria Racing Club, the Plan or any stage of the Plan may be amended to the satisfaction of the responsible authority.

Event management arrangements must form part of licensing or leasing requirements with any event operator.

The Event Management Plan must include but is not limited to the following:

#### Event management

- Event management arrangements.
- A schedule of the frequency of events, days when events will occur and hours of operation.

#### Noise management

- Arrangements to monitor and assess music noise levels against State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 and relevant Environment Protection Authority guidelines.
- Identification of appropriate locations for particular activities.
- If appropriate, a strategy for noise mitigation works and procedures to be put in place, whether on a temporary or permanent basis and in stages if appropriate.

#### Traffic and parking management

- Traffic management procedures in co-operation with the Victoria Police, VicRoads, Melbourne City Council and Moonee Valley City Council.
- Public transport management procedures in co-operation with the Public Transport Division of the Department of Infrastructure or its successor.
- Parking area management procedures including location, ingress and egress points, vehicle capacity, hours of operation and staffing.

### Decision guidelines

Before deciding if an Event Management Plan is to its satisfaction the responsible authority must consider, as appropriate:

- The purpose specified in this schedule.
- The management of noise and parking anticipated to be generated by the use.
- The impact of traffic generated by the use.
- Points of vehicular and pedestrian access to and from the land and whether they are suitably located.
- The provision for car parking, including the layout of car parking areas and access to them.
- The amenity of the adjoining area.
- The frequency of any proposed event.
- The impact of hours of operation of the use on neighbouring areas, particularly with respect to night time use.
The views of the Melbourne City Council and the Moonee Valley City Council.

- The views of VicRoads.
- The views of the Environment Protection Authority.

### 3.0 Subdivision

#### Exemptions

An application 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 appeal rights of Section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a Residential Zone or Business 5 Zone, land used for a hospital or school or land in a Public Acquisition Overlay to be acquired for a hospital or school.

### 4.0 Buildings and works

A permit is not required to construct a building or construct or carry out works unless the land is located within 60 metres of the bank of the Maribyrnong River.

#### Buildings and works requirements

- Buildings and works must be setback 17.5m from the Maribyrnong River bank with a setback ratio of 3:5 taken from 1.6 (eye height) at the top of the Maribyrnong River bank.
- Development must not create tower forms.

### 5.0 Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 2.

### 6.0 Landscaping

Planting must use local native plants where possible and plantings of heritage significance should be conserved.

#### Policy Reference

Maribyrnong River Valley Design Guidelines – April 2010
SCHEDULE 2 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ2.

ROYAL MELBOURNE SHOWGROUNDS

Purpose

To recognise that the Royal Melbourne Showgrounds is a major educational, recreational and entertainment resource of State and Metropolitan significance.

To recognise the Royal Melbourne Show as an event of major cultural and social significance.

To encourage the use and development of the Royal Melbourne Showgrounds for the Royal Melbourne Show and in the non-Show period for a range of entertainment, recreational, commercial and community events and activities.

To provide the physical facilities for the Royal Agricultural Society of Victoria Limited to achieve its mission and objectives.

To encourage the multiple use of land and buildings within the Royal Melbourne Showgrounds in order to facilitate its usage throughout the year for events and other activities.

To facilitate office, retail, entertainment, leisure and other uses within the showgrounds on land not required for the staging of the Royal Melbourne Show.

To ensure that the combination of uses, their operation, and the scale and character of any development do not prejudice the amenity of surrounding areas.

To ensure that the future use and development of the Royal Melbourne Showgrounds occurs in a planned and orderly manner generally in accordance with the Royal Melbourne Showgrounds Redevelopment Master Plan – December 2004 which is an incorporated document in this Scheme.

1.0

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Corrective institution)</td>
<td></td>
</tr>
<tr>
<td>Agriculture (other than Aquaculture and Timber production)</td>
<td></td>
</tr>
<tr>
<td>Art and craft centre</td>
<td></td>
</tr>
<tr>
<td>Car park</td>
<td></td>
</tr>
<tr>
<td>Child care centre</td>
<td></td>
</tr>
<tr>
<td>Education centre (other than Primary school and Secondary school)</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Abattoir, Motor repairs, Refuse disposal, Sawmill and Transfer station)</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 52.10 The land must be at least the following distances from land (not a road) which is in a residential zone, Business 5 Zone, Capital City Zone or Docklands Zone, land used for a hospital or school or land in a Public Acquisition Overlay to be acquired for a hospital or school:</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Leisure and recreation</td>
<td>Must not adversely affect the amenity of the neighbourhood, including through the:</td>
</tr>
<tr>
<td>(other than Motor racing track and</td>
<td>Transport of materials, goods or commodities to or from the land.</td>
</tr>
<tr>
<td>Major sports and recreation facility)</td>
<td>Appearance of any stored goods or materials.</td>
</tr>
<tr>
<td>Mineral exploration</td>
<td>Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.</td>
</tr>
<tr>
<td>Mining</td>
<td>Must meet the requirements of Clause 52.08-2.</td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Place of Assembly</td>
<td></td>
</tr>
<tr>
<td>(other than Drive in theatre)</td>
<td></td>
</tr>
<tr>
<td>Research centre</td>
<td></td>
</tr>
<tr>
<td>Retail premises</td>
<td></td>
</tr>
<tr>
<td>(other than Motor vehicle, boat, or</td>
<td>Must not be costeaning or bulk sampling</td>
</tr>
<tr>
<td>caravan sales, Timber yard and</td>
<td></td>
</tr>
<tr>
<td>Gambling premises)</td>
<td></td>
</tr>
<tr>
<td>Saleyard</td>
<td></td>
</tr>
<tr>
<td>Search for stone</td>
<td></td>
</tr>
<tr>
<td>Veterinary centre</td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 52.10.</td>
</tr>
<tr>
<td></td>
<td>The land must be at least the following distances from land (not a road) which is in a residential zone, Business 5 Zone, Capital City Zone or Docklands Zone, land used for a hospital or school or land in a Public Acquisition Overlay to be acquired for a hospital or school:</td>
</tr>
<tr>
<td></td>
<td>The threshold distance, for a purpose listed in the table to Clause 52.10.</td>
</tr>
<tr>
<td></td>
<td>30 metres, for a purpose not listed in the table to Clause 52.10.</td>
</tr>
</tbody>
</table>
### Use

**Condition**

Must not adversely affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any stored goods or materials.
- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

### Winery

### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abattoir</td>
<td>If the Section 1 condition is not met.</td>
</tr>
<tr>
<td>Aquaculture</td>
<td></td>
</tr>
<tr>
<td>Drive-in theatre</td>
<td></td>
</tr>
<tr>
<td>Fuel depot</td>
<td></td>
</tr>
<tr>
<td>Gambling premises</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Abattoir, Motor repairs, Refuse disposal, Sawmill and Transfer station)</td>
<td>If the Section 1 condition is not met.</td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
<td></td>
</tr>
<tr>
<td>Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Search for stone)</td>
<td>If the Section 1 condition is not met.</td>
</tr>
<tr>
<td>Mining</td>
<td>If the Section 1 condition is not met.</td>
</tr>
<tr>
<td>Motor vehicle, boat, or caravan sales</td>
<td></td>
</tr>
<tr>
<td>Primary school</td>
<td></td>
</tr>
<tr>
<td>Sawmill</td>
<td></td>
</tr>
<tr>
<td>Transfer station</td>
<td></td>
</tr>
<tr>
<td>Search for stone</td>
<td>If the Section 1 condition is not met.</td>
</tr>
<tr>
<td>Secondary school</td>
<td></td>
</tr>
<tr>
<td>Timber production</td>
<td></td>
</tr>
<tr>
<td>Timber yard</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation)</td>
<td>If the Section 1 condition is not met.</td>
</tr>
<tr>
<td>Warehouse</td>
<td>If the Section 1 condition is not met.</td>
</tr>
</tbody>
</table>
Use | Condition
--- | ---
Any other use not in Section 1 or 3 |  

**Section 3 - Prohibited**

**Use**

- Brothel
- Cemetery
- Corrective institution
- Crematorium
- Extractive industry
- Hospital
- Motor racing track
- Motor repairs
- Refuse disposal

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**Use of land**

**Noise**

The use of land must be managed in accordance with the following noise limits.

- The use of land for the purposes of commerce, industry and trade shall comply with State Environment Protection Policy N-1 Control of Noise from Commerce Industry and Trade.
- The use of land for the purposes of musical functions (outdoor) musical functions (indoor) and the operation of public address equipment shall comply with State Environment Protection Policy N-2 Control of Music Noise from Public Premises and relevant Environment Protection Authority guidelines.

A permit is required to use land (unless exempt under Clause 2.5) for the purpose of musical events (outdoor) where the number of such events in any financial year exceeding 55 dB(A) measured outside any residence exceeds three. The views of the Environment Protection Authority shall be sought.

**Parking**

The use of land (unless exempt under Clause 2.5) must be managed in accordance with the Parking Precinct Plan in the Schedule to Clause 52.06-2.

**Land management**

Prior to the use of land for the purpose of Place of assembly or Leisure and recreation including Major sports and recreation facility, other than the annual Royal Melbourne Show, a Land Management Plan setting out management arrangements in respect of that use shall be prepared to the satisfaction of the responsible authority.

Any Place of assembly use or Leisure and recreation event for which no permit has been obtained must conform to the requirements of the Land Management Plan to the satisfaction of the responsible authority.

The Plan may set out, if appropriate, management arrangements in respect of any other use.
The Royal Agricultural Society of Victoria Limited shall establish a consultative group comprising the Royal Agricultural Society of Victoria Limited, the Melbourne City Council, the Moonee Valley City Council, the Environment Protection Authority and a local community representative. The Consultative Group shall operate in accordance with protocols prepared by the Royal Agricultural Society of Victoria Limited to the satisfaction of the responsible authority. The Consultative Group shall consider management arrangements prepared under this clause.

Such arrangements must include but are not limited to the following:

**Noise Management**
- appropriate locations for particular events.
- noise mitigation works to be put in place on a temporary or permanent basis and in stages if appropriate.
- noise measurement procedures where there is a reasonable possibility that the noise associated with a particular event may exceed 50dB(A) when measured from the nearest residence.
- noise limiting procedures.

**Traffic and Parking Management**
- traffic mitigation works to be put in place on a temporary or permanent basis and in stages if appropriate and including nomination of the party responsible for the cost of such works.
- traffic management procedures for particular events, in co-operation with the Victoria Police, Melbourne City Council and Moonee Valley City Council.
- public transport management procedures for particular events in co-operation with the Public Transport Corporation or its successor.
- parking area management procedures including location, ingress and egress points, vehicle capacity, hours of operation and staffing.

**Event Management**
- event management arrangements prepared by the Royal Agricultural Society of Victoria Limited which shall form part of licensing requirements between the land owner and any event operator.
- hours of operation.

**Approval of Land Management Plan**
The responsible authority may approve a Land Management Plan for any stage of the proposed use or may approve separately one or more components of the Plan.
At the request or with the consent of the owner of the land, the Plan or any stage may be amended to the satisfaction of the responsible authority.

**Application requirements**
An application to use land must be accompanied by the following information, as appropriate.
- the extent to which the use is consistent with the Royal Melbourne Showgrounds Redevelopment Master Plan – December 2004.
- the anticipated number of patrons to be generated.
- the anticipated times of operation of the use.
- the extent to which the use is consistent with the Land Management Plan approved by the responsible authority, and any special management arrangements proposed.
- the extent to which the use is consistent with the Royal Melbourne Showgrounds Parking Precinct Plan.
- any significant social or economic effects.

2.5 Exempt use
A permit is not required to use land for the purpose of events held during the annual Royal Melbourne Show conducted by the Royal Agricultural Society of Victoria Limited.

2.6 Exemption from notice and appeal
An application to use land for the purpose of Major sports and recreation facility 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 appeal rights of Section 82(1) of the Act where the use is generally in accordance with the Land Management Plan to the satisfaction of the responsible authority.

2.7 Decision guidelines
Before deciding on an application, or whether a Land Management Plan is to its satisfaction the responsible authority must consider, as appropriate.
- The purpose specified in this schedule.
- The management of noise and parking anticipated to be generated by the use.
- The impact of traffic generated by the use.
- Points of vehicular and pedestrian access to and from the land and whether they are suitably located.
- The provision for car parking, including the layout of car parking areas and access to them, and the availability of car parking on adjoining land at the Flemington Racecourse and the extent to which the use is consistent with the Royal Melbourne Showgrounds Parking Precinct Plan.
- The amenity of the adjoining area.
- The frequency of any proposed event.
- The impact of hours of operation of the use on neighbouring areas, particularly with respect to night time use.
- The views of the Melbourne City Council and Moonee Valley City Council.
- The views of the Environment Protection Authority.

3.0 Subdivision

3.1 Permit requirement
A permit is required to subdivide land.

3.2 Exemption from notice and appeal
An application 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 appeal rights of Section 82(1) of the Act.
This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone or Business 5 zone, land used for a hospital or school or land in a Public Acquisition Overlay to be acquired for a hospital or school.

### 3.3 Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The purpose specified in this schedule.
- Points of vehicular and pedestrian access to and from the land and whether they are suitably located.
- The provision for car parking including the layout of car parking areas and access to them, and the availability of car parking on adjoining land at the Flemington Racecourse.
- The views of the Melbourne City Council and Moonee Valley City Council.

### 4.0 Buildings and works

#### 4.1 Permit requirement

A permit is required to construct a building or construct or carry out works.

A permit is not required to construct a building or construct or carry out works for any of the following:

- Buildings or works associated with events only held during the annual Royal Melbourne Show conducted by the Royal Agricultural Society of Victoria Limited.

#### 4.2 Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information as appropriate:

A plan drawn to scale which shows:

- The location, height, dimensions, elevations and floor area of all proposed buildings and works including advertising signs.
- The proposed use of each building.
- The acoustical performance characteristics of each building.
- Points of vehicular and pedestrian access to and from the land.
- The location, height and use of buildings and works on adjoining land.
- The location and layout of all car parking areas and access to and from them in accordance with the Royal Melbourne Showgrounds Parking Precinct Plan.
- Landscaping areas.
- Provision for the loading and unloading of vehicles and storage areas.
- The stages, if any, in which the land is to be developed.
Exemption from notice and appeal

An application to construct a building or carry out works for a use in Section 1 of this Schedule and where the buildings and works are generally in accordance with the Royal Melbourne Showgrounds Redevelopment Master Plan – December 2004, 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 appeal rights of Section 82(1) of the Act.

Decision guidelines

Before deciding on an application the responsible authority must consider, as appropriate:

- The purpose specified in this schedule.
- The impact of traffic in the area generated by the proposal.
- Points of vehicular and pedestrian access to and from the land and whether they are suitably located.
- The provision for car parking, including the layout of car parking areas and access to them, and the availability of car parking on adjoining land at the Flemington Racecourse and the extent to which the development is consistent with the Royal Melbourne Showgrounds Parking Precinct Plan.
- The amenity of the adjoining area.
- The impact of hours of operation of any proposed use on neighbouring areas, particularly with respect to night time use.
- The views of the Melbourne City Council and Moonee Valley City Council.

Advertising signs

Advertising sign controls are at Clause 52.05. This zone is in Category 1.

A permit is not required to display a sign provided the advertisement cannot be seen from nearby land.
SCHEDULE 3 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ3.

PRIVATE SPORTS GROUNDS AND RELIGIOUS AND EDUCATIONAL INSTITUTIONS

Purpose

To provide for areas in private ownership to be used as private sports grounds and religious and educational institutions.

To ensure that development of private sports grounds and religious and educational institutions takes place in an orderly and proper manner and does not cause a loss of amenity to the surrounding neighbourhood.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture (other than Animal husbandry)</td>
<td></td>
</tr>
<tr>
<td>Apiculture</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 1997.</td>
</tr>
<tr>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Mineral exploration</td>
<td></td>
</tr>
<tr>
<td>Mining</td>
<td>Must meet the requirements of Clause 52.08-2.</td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Natural systems</td>
<td></td>
</tr>
<tr>
<td>Nursing home</td>
<td></td>
</tr>
<tr>
<td>Open sports ground</td>
<td></td>
</tr>
<tr>
<td>Place of worship</td>
<td></td>
</tr>
<tr>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Search for stone</td>
<td>Must not be costeining or bulk sampling.</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal husbandry</td>
<td></td>
</tr>
<tr>
<td>Car park</td>
<td>Must be in conjunction with another use in Section 1 or 2.</td>
</tr>
<tr>
<td>Dwelling</td>
<td>Must be in association with an Education centre, Nursing home or Place of worship.</td>
</tr>
</tbody>
</table>
### Use and Conditions

**Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility, Open sports ground and Motor racing track)**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major sports and recreation facility</td>
<td>The facility must not provide seating for more than 76,000 people at a sporting event.</td>
</tr>
<tr>
<td>Mineral, stone or soil extraction (other than Mineral exploration, Mining, and Search for stone)</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>The leaseable floor area must not exceed 500 square metres.</td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, and Place of worship)</td>
<td></td>
</tr>
<tr>
<td>Residential building (other than Nursing home)</td>
<td>Must be in association with an Education centre, Open sports ground or Place of worship.</td>
</tr>
<tr>
<td>Residential village</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

**Use**

- Accommodation (other than Dwelling, Nursing home, Residential building, and Residential village)
- Amusement parlour
- Brothel
- Extractive industry
- Industry
- Motor racing track
- Research centre
- Retail premises
- Service station
- Utility installation (other than Minor utility installation)
- Warehouse

### Use of Land

**Application Requirements**

An application to use land must be accompanied by the following information as appropriate:

- a master plan for the site which has been approved by the responsible authority;
- the purpose of the use and types of activities which will be carried out; and
- the likely effects, if any, on adjacent land including noise levels, traffic and hours of operation.

**Decision Guidelines**

Before deciding on an application to use land, the responsible authority must consider, as appropriate:
- the effect that existing uses may have on the proposed uses; and
- the effect that the proposed use may have on the amenity of the neighbourhood.

### Subdivision

#### Permit Requirement

A permit is required to subdivide land.

#### Exemptions

An application 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 appeal rights of Section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone or Business 5 Zone, land used for a hospital or school or land in a Public Acquisition Overlay to be acquired for a hospital or school.

#### Decision Guidelines

Before deciding on an application to subdivide land, the responsible authority must consider, as appropriate:

- the interface with adjoining zones, especially the relationship with residential areas; and
- the effect the subdivision will have on the potential of the land to accommodate existing and potential future uses in accordance with the purpose of this zone.

### Building and Works

#### Application Requirements

A permit is required to construct a building or construct or carry out works. An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- any master plan for the site;
- a plan, drawn to scale, which shows:
  - The boundaries and dimensions of the site.
  - Relevant ground levels.
  - Location, height and purpose of buildings and works on adjoining land.
  - The layout and use of existing and proposed buildings and works.
  - The location and layout and access to and from all car parking areas and, as appropriate, a management plan for operating and maintaining the car parking areas.
  - Elevation drawings to scale indicating the colour and materials of all proposed buildings and works.
  - Details of proposed landscaping.
  - Vehicle and pedestrian entry/exit points for the site.
  - where required, details of any noise control measures.
  - where required, a traffic management plan which includes traffic management and traffic control works considered necessary.
Exemption

An application to construct a building or construct or carry out works that is generally in accordance with a master plan incorporated in the planning scheme or approved by the responsible authority 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 appeal rights of Section 82(1) of the Act.

Decision Guidelines

Before deciding on an application to construct a building or construct or carry out works, the responsible authority must consider, as appropriate:

- a master plan for the site approved by the responsible authority;
- the interface with adjoining zones, especially the relationship with residential areas;
- the location and type of access to the site;
- the provision and location of car parking;
- the appearance and bulk of buildings, having regard to the adjoining zones, especially the relationship with residential areas;
- the provision for landscaping;
- the movement of pedestrians and cyclists and vehicles providing for supplies, waste removal, emergency services and public transport;
- the impact of traffic generated by the proposal and whether it is likely to require special traffic management or control works; and
- the effect of the proposed buildings and works on the amenity of the neighbourhood, including the effects of noise, lighting, overshadowing, building bulk and privacy.

Advertising Signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.
**SCHEDULE 4 TO THE SPECIAL USE ZONE**

Shown on the planning scheme map as SUZ4.

**PORT OF MELBOURNE**

**Purpose**

To provide for the ongoing operation and development of the Melbourne Port as a key area of the State for the interchange, storage and distribution of goods.

To provide for uses which derive direct benefit from co-establishing with a port.

**Table of uses**

**Section 1 - Permit not required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apiculture</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 1997.</td>
</tr>
<tr>
<td>Industry (other than Rural Industry)</td>
<td>Must be directly associated with and reliant upon the port.</td>
</tr>
<tr>
<td></td>
<td>Must not be for a purpose shown with a Note 1 or Note 2 in the Table to Clause 52.10.</td>
</tr>
<tr>
<td></td>
<td>The land must be at least the following distances from land (not a road) which is in a residential zone, Business 5 Zone, Capital City Zone, Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</td>
</tr>
<tr>
<td></td>
<td>- The threshold distance, for a purpose listed in the Table to Clause 52.10;</td>
</tr>
<tr>
<td></td>
<td>- 30 metres, for a purpose not listed in the table to Clause 52.10.</td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Mineral exploration</td>
<td></td>
</tr>
<tr>
<td>Mining</td>
<td>Must meet the requirements of Clause 52.08-2.</td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Natural systems</td>
<td></td>
</tr>
<tr>
<td>Pleasure boat facility</td>
<td></td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Search for stone</td>
<td>Must not be costeanning or bulk sampling.</td>
</tr>
<tr>
<td>Service station</td>
<td>The land must be at least the 30 metres from land (not a road) which is in a residential zone, Business 5 Zone, Capital City Zone, Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.</td>
</tr>
<tr>
<td>Shipping container storage</td>
<td>Must be directly associated with and reliant upon the Port.</td>
</tr>
<tr>
<td></td>
<td>Must not be for a purpose shown with a Note 1 or Note 2 in the table to Clause 52.10.</td>
</tr>
</tbody>
</table>
## ConditionUse

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>The land must be at least the following distances from land (not a road) which is in a residential zone, Business 5 Zone, the Capital City Zone, the Docklands Zone, land used for a hospital or an education centre or land in a public Acquisition Overlay to be acquired for a hospital or an education centre:</td>
<td></td>
</tr>
<tr>
<td>- The threshold distance, for a purpose listed in the Table to Clause 52.10</td>
<td></td>
</tr>
<tr>
<td>- 30 metres, for a purpose not listed in the table to Clause 52.10.</td>
<td></td>
</tr>
</tbody>
</table>

### Telecommunications facility

Buildings and works must meet the requirements of Clause 52.19.

### Tramway

Must be directly associated with and reliant upon the port.

### Transport terminal (other than Heliport and Wharf)

The land must be at least 30 metres from land (not a road) which is in a residential zone, Business 5 Zone, the Docklands Zone, land used for a hospital or an education centre or land in a public Acquisition Overlay to be acquired for a hospital or an education centre:

- the threshold distance, for a purpose listed in the Table to Clause 52.10
- 30 metres, for a purpose not listed in the table to Clause 52.10.

### Warehouse

Must be directly associated with and reliant upon the Port.

Must not be for a purpose shown with a Note 1 or Note 2 in the table to Clause 52.10.

The land must be at least the following distances from land (not a road) which is in a residential zone, Business 5 Zone, the Capital City Zone, the Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:

- the threshold distance, for a purpose listed in the Table to Clause 52.10
- 30 metres, for a purpose not listed in the table to Clause 52.10.

### Wharf

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caretaker’s house</td>
<td></td>
</tr>
<tr>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Education centre</td>
<td>Must not be a primary or secondary school</td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Heliport</td>
<td></td>
</tr>
<tr>
<td>Mineral, stone, or soil extraction (other than Mineral exploration, Mining, and Search for stone)</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>The leasable floor area must not exceed 500 square metres.</td>
</tr>
<tr>
<td>Place of Assembly</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Market and Shop)</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation)</td>
<td></td>
</tr>
</tbody>
</table>
### Use of land

#### Application requirements

An application to use land must be accompanied by the following information, as appropriate:

- A report which demonstrates a need or significant benefit for the use to establish close to the port or associated uses.
- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a licence under the Dangerous Goods Act 1985 is required.
- The likely effects, if any, on the neighbourhood, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water.
  - Traffic, including the hours of delivery and despatch.
  - Light spill or glare.
- A Site Environmental Management Plan for the management of environmental issues associated with the operation of the use.
- An assessment against the policies of the Port Strategic Statement.

#### Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Port Strategic Statement and local planning policies.

- The effect that the use may have on land in a residential zone, Business 5 Zone, the Capital City Zone, the Docklands Zone, land used for a hospital or education centre or land in a Public Acquisition Overlay to be acquired for a hospital or education centre, having regard to any comments or directions of the referral authorities.

- The effect that the use may have on nearby existing or proposed uses for or associated with the port.

- The effect that nearby existing or proposed uses for or associated with the port may have on the proposed use.

- Whether there is a demonstrated need or significant benefit associated with any proposed industry, transport terminal, utility installation (other than a minor utility installation) or warehouse, in it being located near or associated with port facilities or uses.

- The drainage of the land.

- The availability of and connection to services.

- Provision for fire protection and other emergency services.

- The effect of traffic likely to be generated on roads including the need for and provision of traffic management plans.

- The interim use of those parts of the land not required for the proposed use.

- The requirements of the Strategic Framework Plan contained in the Port Strategic Statement if applicable.

**Subdivision**

Lots may only be created if the land is to be used for an approved port related use.

**Exemption from notice and review**

An application 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. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, Capital City Zone, Docklands Zone or Business 5 Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

**Decision guidelines**

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

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Port Strategic Statement and local planning policies.

- The ability of the land as subdivided to accommodate future port related uses.

- The ability of the land to be combined with other lots for use as a port related use.

- Any natural and cultural values on or near the land.

- The purpose of the zone.

- The use intended.

- The extent of any existing or proposed reclamation works.

- The topography of the land.
The availability and standard of road access, drainage, sewerage and other infrastructure available to the site.

Whether the frontage is adequate to provide for industrial traffic requirements.

Any easement or rights of way which may be required to convey public or private goods or services to or across the land.

4.0

Buildings and works

Permit requirement

A permit is required to construct a building or construct or carry out works.

This does not apply to a building or works which:

- Provide for a Pleasure boat facility, Wharf, or Shipping container storage and other storage and handling facilities (not tanks for bulk liquid storage), navigational beacons and aids, terminals and other associated facilities.
- Rearrange, alter, renew or maintain plant if the area or height of the plant is not increased.
- Comply with a direction or licence under the Dangerous Goods Act 1985 or a Waste Discharge Licence, Works Approval or any notice under the Environment Protection Act 1970.
- Provide for a railway, road or tramway.
- Provide for informal outdoor recreation.
- Alter electrical or gas services or telephone lines.
- Alter plumbing services which do not affect the drainage of other land.

Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - the boundaries and dimensions of the site;
  - adjoining roads;
  - relevant ground levels;
  - the layout of existing and proposed buildings and works;
  - the locations of the proposed use of all existing and proposed buildings;
  - the provision of on-site vehicle parking;
  - loading and unloading areas;
  - internal vehicle movements;
  - site entrance and exit points;
  - proposed landscape areas;
  - external storage and waste treatment areas;
  - features above or below water.
- Elevation drawings to scale which show the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways and vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.

- Where development involves reclamation, information concerning the type and amount of material to be used to carry out the reclamation works and the uses to which the reclaimed land can be put.

- Details relating to the staging of development and an appropriate time scale in which each stage of development should be completed.

- A Site Environmental Management Plan for the management of environmental issues associated with the construction of the development or carrying out of works.

**Exemption from notice and review**

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. This exemption does not apply to an application for a building or works within 30 metres of land (not a road) which is in a residential zone, Capital City Zone, Docklands Zone or Business 5 Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

**Decision guidelines**

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

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Port Strategic Statement and local planning policies.

- Any natural or cultural values on or near the land or water.

- The effect of the proposed development on the future development of the land and adjoining area for port and port related uses.

- The effect of the development on adjoining areas.

- Traffic generation and traffic management proposals.

- The adequacy of provision for parking and site access.

- The location and extent of loading, storage and service areas.

- The adequacy of existing roads and infrastructure to support the proposed development.

- The built form and visual impact of the proposed development, including signage.

- The objectives and likely effectiveness of the proposed landscaping treatment.

- The adequacy of stormwater discharge.

- The requirements of the Strategic Framework Plan contained in the Port Strategic Statement if applicable.

**Maintenance**

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

**Advertising signs**

The advertising sign requirements are at Clause 52.05. This Zone is in Category 2.
SCHEDULE 5 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as SUZ5.

WATERS OF THE PORT OF MELBOURNE

Purpose

To provide navigable channels and access for shipping to the Port of Melbourne as a key area of the State for the interchange, storage and distribution of goods.

To provide for boating and recreational uses within the waters of the Port of Melbourne.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apiculture</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 1997.</td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Mineral exploration</td>
<td>Must meet the conditions requirements of Clause 52.08-2.</td>
</tr>
<tr>
<td>Mining</td>
<td></td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Natural systems</td>
<td></td>
</tr>
<tr>
<td>Pleasure boat facility</td>
<td></td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Search for stone</td>
<td>Must not be costeaning or bulk sampling.</td>
</tr>
<tr>
<td>Telecommunications facility</td>
<td>Buildings and works must meet the requirements of Clause 52.19</td>
</tr>
<tr>
<td>Wharf</td>
<td></td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
</table>
| Industry (other than Rural Industry)     | Must be directly associated with and reliant upon the port. Must not be for a purpose shown with a Note 1 or Note 2 in the Table to Clause 52.10. The land must be at least the following distances from land (not a road) which is in a residential zone, Business 5 Zone, Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:  
  - The threshold distance, for a purpose listed in the Table to Clause 52.10;  
  - 30 metres, for a purpose not listed in the table to Clause 52.10.                                                                 |
<p>| Leisure and recreation (other than Informal outdoor recreation) |                                                                                                                                                                                                                           |</p>
<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transport terminal (other than wharf)</td>
<td>Must be directly associated with and reliant upon the port. The land must be at least 30 metres from land (not a road) which is in a residential zone, Business 5 Zone, the Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.</td>
</tr>
</tbody>
</table>
| Utility installation (other than Minor utility installation)       | Must be directly associated with and reliant upon the Port. Must not be for a purpose shown with a Note 1 or Note 2 in the table to Clause 52.10. The land must be at least the following distances from land (not a road) which is in a residential zone, Business 5 Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:  
  - The threshold distance, for a purpose listed in the Table to Clause 52.1  
  - 30 metres, for a purpose not listed in the table to Clause 52.10. |
| Warehouse (other than Boat and caravan storage and Rural store)     | Must be directly associated with and reliant upon the Port. Must not be for a purpose shown with a Note 1 or Note 2 in the table to Clause 52.10. The land must be at least the following distances from land (not a road) which is in a residential zone, Business 5 Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:  
  - The threshold distance, for a purpose listed in the Table to Clause 52.1  
  - 30 metres, for a purpose not listed in the table to Clause 52.10. |

## Section 3 - Prohibited

### Use

Any other use not in Section 1 or 2

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### Use of land

#### Application requirements

An application to use land must be accompanied by the following information, as appropriate:

- A report which demonstrates a need or significant benefit for the use to establish close to the port or associated uses.
- The nature and purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a licence under the Dangerous Goods Act 1985 is required.
- The likely effects, if any, on the neighbourhood, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water.
  - Traffic, including the hours of delivery and despatch.
  - Light spill or glare.
- A Site Environmental Management Plan for the management of environmental issues associated with the operation of the use.
- An assessment against the policies of the Port Strategic Statement.
Decision guidelines

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

- The effect that the use may have on land in a residential zone, Business 5 Zone, the Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre, having regard to any comments or directions of the referral authorities.
- The effect that the use may have on nearby existing or proposed uses for or associated with the port.
- The effect that nearby existing or proposed uses for or associated with the port may have on the proposed use.
- Whether there is a demonstrated need or significant benefit associated with any proposed industry, transport terminal, utility installation (other than a minor utility installation) or warehouse, in it being located near uses port facilities or associated uses.
- The drainage of the land.
- The availability of and connection to services.
- Provision for fire protection and other emergency services.
- The effect of traffic likely to be generated on roads including the need for and provision of traffic management plans and works to the satisfaction of the responsible authority to minimise any adverse impacts.
- The interim use of those parts of the land not required for the proposed use.
- Any state or local policy or guidelines relating to the protection, use or development of port facilities.

Buildings and works

Permit requirement

A permit is required to construct a building or construct or carry out works. This does not apply to a building or works which:

- Provide for a Pleasure boat facility, Wharf, or Shipping container storage and other storage and handling facilities (not tanks for bulk liquid storage), navigational beacons and aids, terminals and other associated facilities.
- Provides for dredging to navigable depths in designated shipping channels and harbours to ensure continued access to port facilities.
- Rearrange, alter, renew or maintain plant if the area or height of the plant is not increased.
- Comply with a direction or licence under the Dangerous Goods Act 1985 or a Waste Discharge Licence, Works Approval or any notice under the Environment Protection Act 1970.
- Provide for a railway, road or tramway.
- Provide for informal outdoor recreation.
- Alter electrical or gas services or telephone lines.
- Alter plumbing services which do not affect the drainage of other land.

Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:
A plan drawn to scale which shows:
- The boundaries and dimensions of the site.
- Adjoining roads.
- Relevant ground levels.
- The layout of existing and proposed buildings, and works.
- Driveways and vehicle parking and loading areas.
- Proposed landscape areas.
- External storage and waste treatment areas.

Elevation drawings to scale which show the colour and materials of all buildings and works.

Construction details of all drainage works, driveways and vehicle parking and loading areas.

A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.

Where development involves reclamation, information concerning the type and amount of material to be used to carry out the reclamation works and the uses to which the reclaimed land can be put.

Details relating to the staging of development and an appropriate time scale in which each stage of development should be completed.

A Site Environmental Management Plan for the management of environmental issues associated with the construction of the development or carrying out of works.

Exemptions from notice and review

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. This exemption does not apply to an application for a building or works within 30 metres of land (not a road) which is in a residential zone, Docklands Zone, Capital City Zone or Business 5 Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Decision guidelines

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

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Port Strategic Statement and local planning policies.
- Any natural or cultural values on or near the land or water.
- The effect of the proposed development on the future development of the land and adjoining area for port and port related uses.
- The effect of the development on adjoining areas.
- Traffic generation and traffic management proposals.
- The adequacy of provision for parking and site access.
- The location and extent of loading, storage and service areas.
- The adequacy of existing roads and infrastructure to support the proposed development.
- The built form and visual impact of the proposed development, including signage.
The objectives and likely effectiveness of the proposed landscaping treatment.

- The adequacy of stormwater discharge.
- The requirements of the Strategic Framework Plan contained in the Port Strategic Statement if applicable.

**Maintenance**

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

**Advertising signs**

The advertising sign requirements are at Clause 52.05. This Zone is in Category 2.
COMPREHENSIVE DEVELOPMENT ZONE

Shown on the planning scheme map as CDZ with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 1 of the schedule to this zone</td>
<td>Must comply with any condition in Section 1 of the schedule to this zone.</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 2 of the schedule to this zone</td>
<td>Must comply with any condition in Section 2 of the schedule to this zone.</td>
</tr>
</tbody>
</table>

Any other use not in Section 1 or 3 of the schedule to this zone

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 3 of the schedule to this zone</td>
</tr>
</tbody>
</table>

Use of land

Any requirement in the schedule to this zone must be met.

Application requirements

An application to use land must be accompanied by any information specified in the schedule to this zone.

Exemption from notice and review

The schedule to this zone may specify that an application 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.

Decision guidelines

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

- Any guidelines in the schedule to this zone.
Subdivision

Permit requirement

A permit is required to subdivide land.
Any requirement in the schedule to this zone must be met.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into 2 lots if:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The construction of a building or the construction or carrying out of works on the land:</td>
<td></td>
</tr>
<tr>
<td>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</td>
<td></td>
</tr>
<tr>
<td>- Has started lawfully.</td>
<td></td>
</tr>
<tr>
<td>- The subdivision does not create a vacant lot.</td>
<td></td>
</tr>
</tbody>
</table>

Application requirements

An application to subdivide land for residential development, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

<table>
<thead>
<tr>
<th>Class of subdivision</th>
<th>Objectives and standards to be met</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 or more lots</td>
<td>All except Clause 56.03-5.</td>
</tr>
<tr>
<td>16 – 59 lots</td>
<td>All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.</td>
</tr>
<tr>
<td>3 – 15 lots</td>
<td>All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.</td>
</tr>
</tbody>
</table>
An application to subdivide land must be accompanied by any information specified in the schedule to this zone.

**Exemption from notice and review**

The schedule to this zone may specify that an application 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.

**Decision guidelines**

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

- The objectives and standards of Clause 56.
- Any guidelines in the schedule to this zone.

**Buildings and works**

**Permit requirement**

A permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.

Any requirement in the schedule to this zone must be met.

An apartment development must meet the requirements of Clause 58.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to</td>
<td>Clause 59.04</td>
</tr>
<tr>
<td>$500,000 and the land is not:</td>
<td></td>
</tr>
<tr>
<td>- Within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
<tr>
<td>- Used for a purpose listed in the table to Clause 53.10.</td>
<td></td>
</tr>
</tbody>
</table>

**Transitional provisions**

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

**Application requirements**

An application to construct a building or construct or carry out works must be accompanied by any information specified in the schedule to this zone.
An application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, must be accompanied by an urban context report and design response as required in Clause 58.01.

**Exemption from notice and review**

An application 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 if it is generally consistent with the comprehensive development plan.

The schedule to this zone may specify that other applications are also 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.

**Decision guidelines**

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

- For an apartment development, the objectives, standards and decision guidelines of Clause 58.
- Any guidelines in the schedule to this zone.

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.
SCHEDULE 2 TO THE COMPREHENSIVE DEVELOPMENT ZONE

Shown on the planning scheme map as CDZ2.

CARLTON BREWERY

Carlton Brewery Comprehensive Development Plan October 2007

Land

Carlton Brewery, bounded by Victoria Street, Swanston Street, Queensberry Street and Bouverie Street, Carlton.

Purpose

To use and develop Carlton Brewery generally in accordance with the Carlton Brewery Comprehensive Development Plan October 2007 (the CDP) and the Carlton Brewery Masterplan October 2007 (the masterplan) prepared by Grocon Pty Ltd and NHArchitecture Pty Ltd.

To implement the vision for Carlton Brewery to create a mixed use, high density precinct comprising a range of uses including commercial, entertainment, residential and educational uses at a scale and intensity commensurate with the site’s strategic location on the edge of the CBD and within the South Carlton educational precinct. The redevelopment will support a vibrant and safe public realm that is inviting to pedestrians, with a high level of cross-site permeability.

To provide for RMIT’s presence and an education centre to complement RMIT’s city campus on Swanston Street;

To retain and re-use the buildings and structures of heritage significance;

To reinforce Swanston Street as the civic and ceremonial spine of the City;

To reinforce the Shrine of Remembrance axis with an appropriate termination within the site;

To achieve excellence in architecture, urban design and landscape architecture and deliver exemplary design for all buildings;

To implement ESD measures in building design;

To encourage development that meets the design objectives and outcomes specific to the project and included in the CDP and the masterplan.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Corrective institution)</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 1997.</td>
</tr>
<tr>
<td>Apiculture</td>
<td></td>
</tr>
<tr>
<td>Child care centre</td>
<td></td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td></td>
</tr>
<tr>
<td>Display home</td>
<td></td>
</tr>
<tr>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Mineral exploration</td>
<td></td>
</tr>
</tbody>
</table>
### Condition Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mining</td>
<td>Must meet the requirements of Clause 52.08-2.</td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Nightclub and Reception centre)</td>
<td></td>
</tr>
<tr>
<td>Postal Agency</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Adult sex bookshop, Hotel, Manufacturing sales, Motor vehicle, boat or caravan sales, Primary produce sales, Tavern and Timber yard)</td>
<td></td>
</tr>
<tr>
<td>Research and development centre</td>
<td></td>
</tr>
<tr>
<td>Research centre</td>
<td></td>
</tr>
<tr>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Search for stone</td>
<td>Must not be costeaining or bulk sampling.</td>
</tr>
<tr>
<td>Telecommunications facility</td>
<td>Buildings and works must meet the requirements of Clause 52.19</td>
</tr>
<tr>
<td>Warehouse (other than Fuel depot and Store)</td>
<td>Must not be a purpose listed in the table to Clause 52.10</td>
</tr>
</tbody>
</table>

### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car park</td>
<td>Must not be an open lot car park.</td>
</tr>
<tr>
<td>Hotel</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Motor repairs and Research and development centre)</td>
<td>Must not be a purpose listed in the table to Clause 52.10</td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation)</td>
<td></td>
</tr>
<tr>
<td>Manufacturing sales</td>
<td></td>
</tr>
<tr>
<td>Motor vehicle, boat or caravan sales</td>
<td></td>
</tr>
<tr>
<td>Nightclub</td>
<td></td>
</tr>
<tr>
<td>Reception centre</td>
<td></td>
</tr>
<tr>
<td>Tavern</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than minor utility installation)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in section 1 or section 3</td>
<td></td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex bookshop</td>
</tr>
</tbody>
</table>
Use

Agriculture
Brothel
Corrective institution
Extractive industry
Fuel depot
Motor repairs
Primary produce sales
Service station
Store
Timber yard

2.0 Use of land

The use of land must be generally in accordance with the CDP and the masterplan and contribute to the vision for a full and broad mix of uses at a scale and intensity that is commensurate with the site’s location on the edge of Melbourne’s CBD.

2.1 Exemption from notice and review

An application to use land 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.

2.2 Decision guidelines

Before deciding on an application to use land, the responsible authority must consider, as appropriate:

- The CDP, the masterplan and the vision for Carlton Brewery;
- The effect of the use on the amenity of the area and the means of addressing any unreasonable impacts;
- The adequacy of car parking spaces;
- Safety and efficiency of vehicle access arrangements;
- The adequacy of bicycle facilities;
- The views, if any, of Heritage Victoria and the Roads Corporation.

3.0 Subdivision

A permit is required to subdivide land.

3.1 Exemption from notice and review

An application for subdivision 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.
Buildings and works

Permit requirement

A permit is required to construct a building or to construct or carry out works.

A permit is not required for the following:

- Site preparation and retention works including security fencing, site offices, bulk excavation and piling, footings, ground beams and ground slabs;
- Alterations to a building authorised under the Heritage Act, provided the works do not alter the existing building envelope or floor area.
- Footpath vehicle crossovers provided they are constructed to the satisfaction of the responsible authority;
- Bus and tram shelters required for public purposes by or for the Crown or a public authority in accordance with plans and siting to the satisfaction of the responsible authority;
- Street furniture;
- A work of art, statue, fountain or similar civic works required for public purposes by or for the Crown, a public authority or the City of Melbourne;
- Traffic control works required by or for the Crown, a public authority or the City of Melbourne;
- The construction, or modification, of a waste pipe, flue, vent, duct, exhaust fan, air conditioning plant, lift motor room, skylight, security camera, street heater or similar minor works provided they are to the satisfaction of the responsible authority.
- A flagpole;
- A modification to the shop front window or entranceway of a building to the satisfaction of the responsible authority having regard to the architectural character of the building.
- An addition or modification to a verandah, awning, sunblind or canopy of a building to the satisfaction of the responsible authority.
- The painting, plastering and external finishing of a building or works outside areas subject to the Heritage Overlay to the satisfaction of the responsible authority.
- Changes to glazing of existing windows to not more than 20% reflectivity or to the satisfaction of the Responsible Authority.
- External works to provide disabled access that complies with all legislative requirements to the satisfaction of the responsible authority.

Application requirements

An application to construct a building or to construct or carry out works must be generally in accordance with the CDP and the masterplan.

An application to construct a building or to construct or carry out works should include the following information, as appropriate:

Plans

- Site context and existing conditions plan including levels, existing heritage and other buildings, pedestrian and other areas used by the public and an evaluation of opportunities and constraints;
- Design rationale report and plan explaining how the development responds to the building envelope plan, building envelope elevations, design objectives and outcomes in the CDP and the masterplan;
- Demolition plan;
Detailed land use plan;

- Layout plans for the basement(s), ground floor and other floors within the development, roof plan, elevations and sections. All plans must be to scale and with dimensions;
- Vehicle access and the location and layout of all car parking areas;
- Location and layout of loading and unloading areas / facilities;
- Location and layout of rubbish storage and waste recycling;
- Location of all external plant, building services and equipment, including lift over runs;
- Stages, if any, of development;
- Location of areas available for public use and the intended use;
- Shadow plans for 22 September on the hour between 11am and 2pm;
- Landscape concept plan;
- Verandah awning, sunblind or canopy of a building.
- Shopfront and signage strategy for the site.

Open space plan

The open space plan must:

- Include a management plan for the permanent maintenance of all open space areas available to the public.
- Show areas of open space that will be available to the public (public areas) and non-public areas.
- Show by plans and elevations open space that will be part of a building.
- Specify the uses to which public areas may be put.
- Lighting plan.
- Include a landscape concept plan for all public areas.
- Any temporary structures.

Development schedule

- A development schedule showing uses, floor area (net floor area) by use, car parking spaces and bicycle facilities; number of levels and building height using the AHD.

Other information

- Initial wind assessment;
- Proposed external materials, finishes and colours;
- Report addressing pedestrian connections and access arrangements for people with mobility impairment;
- ESD report;
- A traffic management and car parking assessment report.
- Perspective views;

Heritage

In addition to any other requirements specified in this schedule, the plans must be generally consistent with any relevant permit(s) or other approval issued under the Heritage Act 1995.
Exemption from notice and review

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 if it is generally consistent with the CDP.

Decision Guidelines

Before deciding on an application to construct a building or to construct or carry out works; the responsible authority must consider, as appropriate:

- The response to the building envelope plan, building envelope elevations, design objectives and outcomes in the CDP;
- The masterplan;
- The quality of the architecture, urban design and landscape;
- The effect on the safety, use and amenity of areas available to the public, in particular shadow and wind impacts;
- The quality of the pedestrian connections through the site;
- The impact on public transport;
- The adequacy of ESD measures;
- The impact on heritage buildings and structures;
- Arrangements for the maintenance of areas available to the public;
- The impact of any temporary structures on public accessible space;
- The adequacy of the number of car parking spaces;
- The safety and efficiency of vehicle access;
- The adequacy of bicycle facilities;
- The views, if any, of Heritage Victoria and the Roads Corporation and the extent to which plans can be amended to address any issues raised.

Preferred maximum building height

A building or works should not exceed the preferred maximum building height above the Australian Height Datum (AHD) or building setback for any particular building envelope shown on the building envelope plan and the building envelope elevations in the CDP.

A permit is required to exceed the preferred maximum building height and building setback for any building envelope shown on the building envelope plan and the building envelope elevations in the CDP, excluding architectural features and building services. In addition to the information required in Clause 4 of this schedule (where applicable), an application to exceed the preferred maximum building height and building setback must also include an urban context report that provides the rationale for the increased height.

The building envelopes and the building envelope elevations shown in the CDP provides for up to 15% of the overall envelope area to be utilised to enable the desired façade articulation.

Exemption from notice and review

An application to exceed the preferred maximum building height and building setback 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.
6.0

Preferred maximum number of car parking spaces and loading facilities

Car parking

Development within the zone is exempt from the provisions of Clause 52.06 of the Scheme. The CDP provides for a preferred maximum number of 1500 car parking spaces. This does not include car parking provided on public roads.

A permit is required to exceed the 1500 car parking spaces. An application to exceed 1500 car parking spaces must provide a justification prepared by a qualified traffic engineer supporting the proposed number of car parking spaces and include measures to encourage public transport use.

The car parking space dimensions, access, aisle and driveway requirements shall comply with AS 2890.1 unless otherwise approved in writing by the responsible authority.

6.1

Exemption from notice and review

An application to exceed the preferred maximum number of car parking spaces 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.

Loading bays

Facilities for vehicles to load and unload must be provided on the land to the satisfaction of the responsibility authority.

7.0

Advertising signs

A permit is required to erect an advertising sign, except for:

- Advertising signs exempted by Clause 52.05.3
- An under-verandah business sign if:
  - It does not exceed 2.5 metres measured horizontally, 0.5 metres vertically and 0.3 metres between the faces of the sign;
  - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building façade; and
  - It does not contain any animation or intermittent lighting;
- A ground floor business sign cantilevered from a building if:
  - It does not exceed 0.84 metres measured horizontally, 0.61 metres vertically and 0.3 metres between the faces of the sign;
  - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building facade; and
  - It does not contain any animation or intermittent lighting;
- A window display.
- A non-illuminated sign on a verandah fascia, provided no part of the sign protrudes above or below the fascia.
- Renewal or replacement of an existing internally illuminated business identification sign.

7.1

Decision Guidelines

Before deciding on an application to erect an advertising sign, the responsible authority must consider, as appropriate:

- The approved shopfront and signage strategy.
7.2
20/03/2008
C126

Exemption from notice and review

An application to erect or construct or carry out works for an advertising sign 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.
SCHEDULE 3 TO THE COMPREHENSIVE DEVELOPMENT ZONE

Shown on the planning scheme map as CDZ3.

FLEMINGTON GREEN COMPREHENSIVE DEVELOPMENT PLAN

Land

This Schedule applies to land between Fisher Parade and the Flemington Racecourse rail spur line, at the southern end of Leonard Crescent.

Purpose

To develop the Flemington Green comprehensive development area for medium and/or high density urban living supported by a limited mix of complementary uses including commercial, retail and community facilities.

To provide exemplary architecture and urban design outcomes for the built form and the public realm.

To support the ongoing operation of the Flemington Racecourse and Melbourne Showgrounds.

To provide for best practice sustainability outcomes in the design, construction and ongoing management of development on the site.

To provide for development of the land in accordance with the approved Comprehensive Development Plan.

1.0 Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal keeping (other than Animal boarding)</td>
<td>Must be no more than 2 animals</td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td>Must be the only dependent person’s unit on the lot</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>The total number of dwellings must be no more than 520</td>
</tr>
<tr>
<td>Food and drink premises (other than Hotel and Tavern)</td>
<td>The leasable floor area must not exceed 150m². Must be in a precinct identified for this use in the Comprehensive Development Plan.</td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td>The gross floor area of all buildings must not exceed 250m². Must not require a permit under clause 52.06-3.</td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Office (other than Medical centre)</td>
<td>The combined leasable floor area must not exceed 250m². Must be in a precinct identified for this use in the Comprehensive Development Plan.</td>
</tr>
<tr>
<td>Place of worship</td>
<td>The gross floor area of all buildings must not exceed 250m². Must be in a precinct identified for this use in the Comprehensive Development Plan.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td></td>
</tr>
<tr>
<td>Shop (other than Adult sex bookshop)</td>
<td>The combined leasable floor area must not exceed 500m².</td>
</tr>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Must be in a precinct identified for this use in the Comprehensive Development Plan.</td>
<td></td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Corrective institution, Dependent person’s unit and Dwelling)</td>
<td></td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Carnival, Circus and Nightclub)</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Food and drink premises, Gambling premises, Hotel and Shop)</td>
<td></td>
</tr>
<tr>
<td>Tavern</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

### Section 3 – Prohibited

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex bookshop</td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td></td>
</tr>
<tr>
<td>Amusement parlour</td>
<td></td>
</tr>
<tr>
<td>Animal boarding</td>
<td></td>
</tr>
<tr>
<td>Brothel</td>
<td></td>
</tr>
<tr>
<td>Corrective institution</td>
<td></td>
</tr>
<tr>
<td>Gambling premises</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td></td>
</tr>
<tr>
<td>Industry</td>
<td></td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
<td></td>
</tr>
<tr>
<td>Motor racing track</td>
<td></td>
</tr>
<tr>
<td>Nightclub</td>
<td></td>
</tr>
<tr>
<td>Saleyard</td>
<td></td>
</tr>
<tr>
<td>Shop - if the Section 1 conditions are not met</td>
<td></td>
</tr>
<tr>
<td>Stone extraction</td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td></td>
</tr>
</tbody>
</table>

### Use of land

The use of land must be generally in accordance with the approved Comprehensive Development Plan.
Application Requirements

An application to use land must be generally in accordance with the Comprehensive Development Plan and must include the following information, as relevant:

- Plans drawn to scale which show:
  - The boundaries and dimensions of the site.
  - Detailed land use.

- A Traffic Management Plan which includes but is not limited to:
  - Compliance with the Integrated Transport and Access Plan.
  - Estimated traffic generation (based on the indicative built form and land use mix) and the impact on the existing road network.
  - Car parking assessment.
  - Preferred location for vehicle egress and ingress, and
  - Estimated pedestrian traffic generation and a strategy to ensure safe and efficient pedestrian movement.

- A Green Travel Plan, including a strategy to encourage walking, cycling and public transport use.

- Details of how the use addresses the objectives and requirements of the approved Comprehensive Development Plan.

- Hours of operation for any non-residential uses.

Exemption from notice and review

An application for use of land 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, if it is generally consistent with the approved Comprehensive Development Plan.

Decision Guidelines

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

- The approved Comprehensive Development Plan.

- The effect of the use on the amenity of the area and the means of addressing any unreasonable impacts.

- Any impact on the ongoing operation of the Flemington Racecourse and Melbourne Showgrounds.

- The adequacy of car parking provision associated with the use.

- Safety and efficiency of vehicle access arrangements and pedestrian movements.

- The impact of the use on the surrounding road, bicycle and pedestrian network, and adjacent open space, and whether additional mitigation measures are required.

- Whether the use is complementary to the primary residential use of the land.
Subdivision

Exemption from notice and appeal

An application for subdivision 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.

Decision Guidelines

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

- The approved Comprehensive Development Plan.

Buildings and works

A permit is not required for:

- Buildings or works directly associated the continued use and operation of the Flemington Racecourse provided they do not undermine the purposes of this Comprehensive Development Zone Schedule.

- An alteration to an existing building façade for a commercial use identified by the approved Comprehensive Development Plan provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.

- Construction or carrying out of works normal to a dwelling.

- Construction or extension of 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.

Building Height

A permit must not be granted to construct a building or construct or carry out works which exceeds 10 storeys in height above natural ground level, with the exception of non-habitable architectural features and building services.

Application Requirements

An application for buildings and works must be generally in accordance with the approved Comprehensive Development Plan and must include the following information, as relevant:

- A site context and existing conditions plan, showing levels at AHD, existing land uses and building footprints, adjoining roads and access points.

- A written report in support of the proposal which includes, but is not limited to, the following:
  - How the proposal is consistent with the Comprehensive Development Plan.
  - The evolution of the design including a description of any design review process and having regard to the significance of the Racecourse precinct.
  - How the proposal minimises impacts on the ongoing operations of the Flemington Racecourse and Melbourne Showgrounds.

- Plans drawn to scale which show:
  - The boundaries and dimensions of the site.
  - Detailed land use plan.
- Locations of areas for public use and the intended use, including public open space,
- Any areas of private open space.
- Maximum building heights, building setbacks and building depths
- Vehicle access and the location and layout of all carparking and loading areas and all pedestrian and cyclist ingress, egress and access way locations consistent with the approved Integrated Transport and Access Plan.
- Links between proposed pedestrian and cyclist access ways and the existing public transport network.
- All external storage and waste treatment areas.
- The location of all external plant, building services and equipment including lift over runs.
- Details of drainage works
- Fully dimensioned floor plans and elevations for all proposed buildings
- Cross sections, including level changes across the site
- Stages of development and the proposed treatment of areas not required for immediate use.
- Proposed external materials, finishes and colours.
- Existing vegetation to be retained and/or removed.
- Any mitigating works required by the Integrated Transport and Access Plan.

- A floor schedule which describes the size and number of proposed dwellings and other uses and demonstrating a reasonable range of dwelling typographies and bedroom numbers.
- Shadow diagrams for 22 September and 22 June (winter solstice) for each hour between 9am and 3pm.
- Cross-sections of all proposed built form, indicating level changes across the site.
- A photomontage of the proposal from key public vantage points including the Maribyrnong River (from Cumberland Drive), Fisher Parade (at its intersection with Leonard Crescent) and the Flemington Racecourse Rail Station (from the southern end of the platform).
- A landscape concept plan consistent with the approved Public Realm and Streetscape Design Document.
- A Wind Assessment Report which addresses;
  - Short term stationary wind exposure for any outdoor cafes and restaurants (should they be proposed);
  - Short term wind exposure for street frontages and trafficable areas used as a thoroughfare;
  - Design measures to minimise the effect of wind to streets and public open spaces and ensure that adverse wind effects over and above the conditions that are currently experienced at present are not created.

- An Environmentally Sustainable Development (ESD) report which demonstrates best practice ESD and outlines the ESD strategy for the proposed development including sustainability requirements or performance targets which the development must meet and the means by which the sustainability requirements or performance targets will be met.
- A Traffic Management Plan which includes but is not limited to:
  - Estimated traffic generation (based on the indicative built form and land use mix) and the impact on the existing road network;
  - Car parking assessment
- Preferred location for vehicle egress and ingress,
- Estimated pedestrian traffic generation and a strategy to ensure safe and efficient pedestrian movement.
- A Green Travel Plan, which encourages walking, cycling and public transport use.

- An Acoustic Report prepared by a suitably qualified engineer which addresses;
  - The likely noise sources to impact the proposed development.
  - The maximum permissible noise from the nearby noise sources.
  - The necessary measures to attenuate these noise impacts, including how the proposal will meet the following requirement:
    - Habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45dB Laeq, 15 minutes, in accordance with the relevant Australian Standards for acoustic control.

- A Waste Management Plan including details of waste collection, storage and removal facilities and areas.
- A Construction Management Plan (CMP) prepared in accordance with the Melbourne City Council’s construction management guidelines. The CMP must:
  - Consider traffic and amenity impacts during the construction period
  - Set out how a community reference group will be involved in the drafting of the CMP and its ongoing role through implementation of the CMP.

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

**Exemption from notice and appeal**

An application to construct a building or construct or carry out works under any other provision of the 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, if it is generally consistent with the approved Comprehensive Development Plan.

**Decision Guidelines**

Before deciding on an application the responsible authority must consider, as appropriate:

- The purpose of the zone, overlays and any other relevant provisions of the planning scheme.
- The approved Comprehensive Development Plan, as required by this schedule.
- The amenity of existing residents and the future residents of the site.
- Any impact on the ongoing operation of the Flemington Racecourse and Melbourne Showgrounds.
- Whether the development will provide for best practice sustainability outcomes.
- The development’s contribution to the neighbourhood and sense of place.
- The impact on internal and external traffic movements.
- The quality of the pedestrian and bicycle connections through the site and beyond.
- The impact on the heritage aspects and setting of the bluestone wall.
- The views of Melbourne City Council and Moonee Valley City Council.
- The views of the Maribyrnong City Council for works on public land including traffic works, if appropriate.
The views of the Office of the Victorian Government Architect, if any, or any other independent reviewer as to the architectural expression and materiality of the proposal having regard to the significance of the racecourse precinct.

Impacts on existing community infrastructure.

Flemington Green Comprehensive Development Plan

Before a permit can be granted under any provision of this Schedule a Comprehensive Development Plan must be prepared in accordance with the requirements of this Schedule and be approved by the responsible authority.

Prior to approving, or amending, a Comprehensive Development Plan:

The responsible authority must consider the views of:
- Melbourne City Council,
- Moonee Valley City Council, and
- The Office of the Victorian Government Architect, or any other independent reviewer, as to the architectural expression and materiality of the proposal having regard to the significance of the racecourse precinct.

The owner of the land must enter into an agreement with the municipal council and the responsible authority, to the satisfaction of the responsible authority under Section 173 of the Planning and Environment Act 1987, requiring:
- Construction at the cost of the owner of all improvements to any public and publically accessible open space to be provided within the site.
- Payment by the owner to the Melbourne City Council of a contribution of $3,000.00 per dwelling (indexed 1 July each year according to the Building Price Index, June Quarter, Melbourne, in Rawlinsons Australian Construction Handbook), such contribution to be paid prior to a certificate of occupancy being granted.
- Provision of 5% of all dwellings (including 15 dwellings to be held in Trust for low income staff working at Flemington Racecourse) for the purposes of affordable housing.
- Provision and enhancement of bicycle and pedestrian connections (plans to be prepared that show):
  - A shared path link between the site and the existing cycle path on the northern side of the Maribyrnong river shown on the GTA “Active Travel Improvements Plan” dated 17 April 2014;
  - Improvements, as required, for that part of the pedestrian/cyclist link on the northern side of the Maribyrnong River between the Fisher Parade Bridge and Smithfield Road Bridge.
- Payment by the owner of all of the Melbourne City Council and the responsible authority's reasonable legal costs and expenses of the agreement, including preparation, execution and registration on title.

Comprehensive Development Plan Objectives

- To promote medium and/or high density residential living that encourages both day and evening activity though the provision of complementary community, convenience and service uses.

- To provide for limited community facilities and other non-residential uses that support the current and future residential community and provide opportunities for social interaction.
To provide ground level uses (including residential, community and limited retail) that promote activity to the street.

To provide for a mix of residential accommodation, dwelling typographies including dwelling sizes and densities.

To create a composition of varied building forms and heights across the development area.

To provide an appropriate building height transition and separation between new development and the interface with adjoining properties.

Materials and finishes to be of a high quality and generally consistent throughout the development.

To provide high quality internal amenity for future residents, including the provision of communal spaces for the overall development.

To optimise solar access and minimise the impact of wind to streets and public open spaces to enhance amenity and functionality throughout the year.

To minimise overshadowing of the Maribyrnong River.

To contribute to the character and identity of Flemington Racecourse while defining a new character for the emerging new urban renewal precinct.

To protect and enhance existing heritage elements.

To provide sufficient car parking and use, where possible, the fall across the site to minimise the view of car parking areas from the street frontage.

To provide a highly pedestrianised precinct, with attractive streets, well-located and usable public open space, and passive amenity for the community and local residents.

To provide for an efficient movement network within the site with an emphasis on pedestrian and bicycle networks and promotion of public transport use.

To provide a layout and design that caters for high volumes of pedestrians and vehicles during Flemington Racecourse events.

To provide pedestrian and bike paths to connect to the surrounding neighbourhoods and the Maribyrnong River.

To ensure buildings achieve high environment performance standards at the design, construction and operation phases.

To improve the water and energy efficiency of buildings and encourages the use of alternative water and energy (such as on-site solar generation) sources.

To provide for innovative precinct scale environmentally sustainable initiatives.

To minimise the impacts of waste on the community.

**Comprehensive Development Plan Requirements**

The Comprehensive Development Plan must be prepared to address the Objectives and include the following:

- A site context and existing conditions plan, showing levels at AHD, existing land uses and building footprints, adjoining roads and access points.

- A site master plan, generally in accordance with the overall site layout and setbacks generally in accordance with the ‘Jacques plan’, as shown in Appendix E to the Flemington Hill and Epsom Road Advisory Committee - Advisory Committee Stage 4 Report, 3 June 2016, showing:
  - Within Precincts B and C a maximum of three buildings with height of no more than 10 storeys, with remaining buildings within these precincts to be no more than 8 storeys in height.
- Within Precinct A buildings must be between 2 – 4 storeys in height.
- All land adjoining existing residential areas must be no more than 2 – 4 storeys in height.
- A maximum of 520 dwellings.
- A detailed land use plan.

- An Integrated Transport and Access Plan including:
  - the mitigating road works referred to in the following drawings for developments up to 520 dwellings
  - Ballarat Road/Farnsworth Roadworks, generally in accordance with drawing number 14M9014011-09P5, prepared by GTA and dated 13 November 2015.
  - Leonard Crescent/Langs Road Roadworks, generally in accordance with drawing number 14M9014011-07P54, prepared by GTA and dated 13 November 2015, and modified to provide a single lane ingress or egress to the RASV site.
  - Epsom Road /Langs Road Roadworks, generally in accordance with Figure 12 of the O’Brien Evidence Statement dated March 2016.
  - any further mitigation works necessary as a consequence of a Section 2 uses proposed.
  - any conditions to be included on permits granted for use, subdivision or buildings and works as required by the Integrated Transport and Access Plan.
  - a requirement that mitigating works may be staged to the satisfaction of the responsible authority and must be implemented at the cost of the developer.
  - a requirement for the Integrated Transport and Access Plan to be prepared to the satisfaction of the responsible authority in consultation with Moonee Valley City Council, Melbourne City Council, VicRoads and Public Transport Victoria.

- A Public Realm and Streetscape Design Document which includes the following information:
  - Details of proposed street furniture including lighting, seating and bins.
  - Details of proposed kerb and channel details, pit covers and pavement surfaces.
  - Details of plant species.

- The Public Realm and Streetscape Design Document must be prepared to the satisfaction of the responsible authority in consultation with Moonee Valley City Council and Melbourne City Council.

- A Public Open Space Plan including the following information:
  - Details of how the development will facilitate delivery of no less than 7.06% of the land known as the ‘Flemington Green’ comprehensive development area, (governed by this schedule and the Comprehensive Development Zone Schedule 1 of the Moonee Valley Planning Scheme), being set aside and ultimately zoned for public open space, generally consistent with the Comprehensive Development Plan.
  - Details of how the proposal achieves the objective of receiving a minimum of 3 hours of direct sunlight between 9am and 3pm during the winter solstice (22 June)
  - The Public Open Space Plan must be prepared to the satisfaction of the responsible authority in consultation with Moonee Valley City Council and Melbourne City Council.
  - An assessment of how the CDP addresses the recommendations of the Flemington Hill and Epsom Road Advisory Committee - Advisory Committee Stage 4 Report, 3 June 2016.
SCHEDULE 4 TO THE COMPREHENSIVE DEVELOPMENT ZONE

Shown on the planning scheme map as CDZ4.

550 EPSOM ROAD COMPREHENSIVE DEVELOPMENT PLAN

Land

This Schedule applies to land at 550 Epsom Road, Flemington.

Purpose

To develop 550 Epsom Road for medium and/or high density urban living incorporating a variety of residential uses and dwelling types with a high quality of internal amenity, supported by a limited mix of complementary uses including commercial and retail.

To provide for an exemplary standard of architecture and urban design, having regard to the site’s premier location close to both a major intersection and main entrance to the Flemington Racecourse.

To ensure that the design of buildings respect and enhance the heritage significance of the former Jockey’s Convalescent Lodge and its landscape setting, which is identified in the statement of significance for the Flemington Racecourse Heritage citation within the Victorian Heritage Database (H220).

To support the ongoing operation of the Flemington Racecourse and Melbourne Showgrounds.

To provide for best practice sustainability outcomes in the design, construction and ongoing management of development on the site.

To provide for development of the land in accordance with the approved Comprehensive Development Plan, as required by this Schedule.

1.0

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal keeping (other than Animal boarding)</td>
<td>Must be no more than 2 animals</td>
</tr>
<tr>
<td>Dependent person’s unit</td>
<td>Must be the only dependent person’s unit on the lot.</td>
</tr>
<tr>
<td>Dwelling (other than Bed and breakfast)</td>
<td>The total number of dwellings must be no more than 300.</td>
</tr>
<tr>
<td>Food and drink premises ( other than Hotel and Tavern)</td>
<td>The leasable floor area must not exceed 150m².</td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Dependent person’s unit and Dwelling)</td>
<td></td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td></td>
</tr>
</tbody>
</table>
### Use of land

The use of land must be generally in accordance with the approved Comprehensive Development Plan required by this Schedule.

### Application Requirements

An application for use of the land must be generally in accordance with the Comprehensive Development Plan and must include the following information, as relevant,

- Plans drawn to scale which show:
  - The boundaries and dimensions of the site
  - Detailed land use plan

- A Traffic Management Plan which includes but is not limited to:
  - Compliance with the Integrated Transport and Access Plan.
  - Estimated traffic generation (based on the indicative built form and land use mix) and the impact on the existing road network;
  - Car parking assessment;
  - Preferred location for vehicle egress and ingress; and

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation and Major sports and recreation facility)</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Carnival, Circus and Nightclub)</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Food and drink premises, Gambling premises, Hotel, Tavern and Shop)</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation and Telecommunications facility)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

- Adult sex bookshop
- Agriculture
- Amusement Parlour
- Brothel
- Corrective Institution
- Gambling Premises
- Hotel
- Industry
- Major sports and recreation facility
- Nightclub
- Stone extraction
- Tavern
- Estimated pedestrian traffic generation and a strategy to ensure safe and efficient pedestrian movement.
- A Green Travel Plan, including a strategy to encourage walking, cycling and public transport use.
- Details of how the use addresses the objectives and requirements of the approved Comprehensive Development Plan.
- Hours of operation for any non-residential uses

**Exemption from notice and review**

An application for use of land 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, if it is generally consistent with the approved Comprehensive Development Plan.

**Decision Guidelines**

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

- The approved Comprehensive Development Plan
- The effect of the use on the amenity of the area and the means of addressing any unreasonable impacts
- Any impact on the ongoing operation of the Flemington Racecourse and Melbourne Showgrounds.
- The adequacy of car parking provision associated with the use
- Safety and efficiency of vehicle access arrangements and pedestrian movements
- The impact of the use on the surrounding road, bicycle and pedestrian network, adjacent open spaces, and whether mitigation measures are required
- Whether the use is complementary to the primary residential use of the land

**Subdivision**

**Exemption from notice and review**

An application for subdivision 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.

**Decision Guidelines**

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

- The approved Comprehensive Development Plan.

**Buildings and works**

A permit is not required for:

- Buildings or works directly associated the continued use and operation of the Flemington Racecourse provided they do not undermine the purposes of this Comprehensive Development Zone Schedule.
- 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.

Alterations to a building authorised under the Heritage Act 1995 provided the works do not alter the existing building envelope or floor area.

Building Height

A permit must not be granted to construct a building or construct or carry out works which exceeds 15 storeys in height above natural ground level, with the exception of non-habitable architectural features and building services.

Application Requirements

An application for buildings and works must be generally in accordance with the approved Comprehensive Development Plan and must include the following information, as relevant:

- A site context and existing conditions plan, showing levels at AHD, existing land uses and building footprints, adjoining roads and access points.
- A written report in support of the proposal which includes, but is not limited to, the following:
  - How the proposal is consistent with the Comprehensive Development Plan.
  - The evolution of the design including a description of any design review process and having regard to the significance of the Racecourse precinct.
  - How the proposal minimises impacts of the ongoing operation of the Flemington Racecourse and Melbourne Showgrounds.
- Plans drawn to scale which show:
  - The boundaries and dimensions of the site
  - Detailed land use plan
  - Locations of areas for public use and the intended use, including public open space
  - Any areas of private open space
  - Maximum building heights, building setbacks and building depths
  - Vehicle access and the location and layout of all car parking and loading areas and all pedestrian and cyclist ingress, egress and access way locations consistent with the approved Integrated Transport and Access Plan.
  - All external storage and waste treatment areas
  - The location of all external plant, building services and equipment including lift over runs.
  - Details of drainage works.
  - Fully dimensioned floor plans and elevations for all proposed buildings
  - Cross sections, including level changes across the site
  - Stages, if any, of development and the proposed treatment of areas not required for immediate use.
  - Proposed external materials, finishes and colours.
  - Existing vegetation to be retained and/or removed.
  - Landscaping, including how the development will integrate with the area surrounding the Jockeys Convalescent Lodge.
  - Any mitigating works required by the Integrated Transport and Access Plan.
- A floor area schedule which describes the size and number of proposed dwellings and other uses and demonstrating a reasonable range of dwelling typographies and bedroom numbers.
- Shadow diagrams for 22 September and 22 June (winter solstice) for each hour between 9am and 3pm.
- Cross-sections of all proposed built form, indicating level changes across the site.
- A photomontage of the proposal from key public vantage points, including the intersection of Racecourse Road and Ascot Vale Road, the intersection of Epsom Road and Smithfield Road, and the Flemington Racecourse Members Grandstand.
- A Wind Assessment which addresses:
  - Short term stationary wind exposure for any proposed outdoor cafes and restaurants (should they be proposed).
  - Short term wind exposure for street frontages and trafficable areas used as a thoroughfare.
  - Design measures to minimise the effect of wind to streets and public open spaces and ensure that adverse wind effects over and above the conditions that are currently experienced at present are not created.
- An Environmentally Sustainable Development (ESD) report which demonstrates best practice ESD and outlines the ESD strategy for the proposed development including sustainability requirements or performance targets which the development must meet and the means by which the sustainability requirements or performance targets will be met.
- A Traffic Management Plan which includes but is not limited to:
  - Estimated traffic generation (based on the indicative built form and land use mix) and the impact on the existing road network,
  - Car parking assessment,
  - Preferred location for vehicle egress and ingress,
  - Estimated pedestrian traffic generation and a strategy to ensure safe and efficient pedestrian movement, and
  - A Green Travel Plan, which encourages walking, cycling and public transport use.
- An Acoustic Report prepared by a suitably qualified engineer which addresses;
  - The likely noise sources to impact the proposed development;
  - The maximum permissible noise from the nearby noise sources; and
  - The necessary measures to attenuate these noise impacts.
  - The necessary measures to attenuate these noise impacts, including how the proposal will meet the following requirement:
    . Habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45dB Laeq, 15 minutes, in accordance with the relevant Australian Standards for acoustic control.
- A Waste Management Plan including details of waste collection, storage and removal facilities and areas.
- A Construction Management Plan (CMP) prepared in accordance with Melbourne City Council’s construction management guidelines. The CMP must:
- Consider traffic and amenity impacts during the construction period
- Set out how the community reference group will be involved in the drafting of the CMP and its ongoing role through implementation of the CMP.

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

**Exemption from notice and appeal**

An application to construct a building or construct or carry out works under any other provision of the 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, if it is generally consistent with the approved Comprehensive Development Plan.

**Decision Guidelines**

Before deciding on an application the responsible authority must consider, as appropriate

- The purpose of the zone, overlays and any other relevant provisions of the planning scheme.
- The approved Comprehensive Development Plan, as required by this Schedule
- The amenity of existing residents and future residents of the site.
- Any impact on the ongoing operation of the Flemington Racecourse and Melbourne Showgrounds.
- Whether the development will provide for best practice sustainability outcomes
- The development’s contribution to the neighbourhood and sense of place.
- The impact on internal and external traffic movements.
- The quality and safety of the pedestrian and bicycle connections through the site and beyond.
- The impacts on existing community infrastructure.
- The impact on the heritage aspects of the former Jockey’s Convalescent Lodge and its landscape setting.
- The views of Melbourne City Council and Moonee Valley City Council.
- The views of the Office of the Victorian Government Architect, if any, or any other independent reviewer as to the architectural expression and materiality of the proposal having regard to the significance of the racecourse precinct.

**550 Epsom Road Comprehensive Development Plan**

Before a permit can be granted under any provision of this Schedule a Comprehensive Development Plan must be prepared in accordance with the requirements of this Schedule and be approved by the responsible authority.

Prior to approving, or amending, a Comprehensive Development Plan:

- The responsible authority must consider the views of:
  - Melbourne City Council,
- Moonee Valley City Council, and
- The Office of the Victorian Government Architect, or any other independent reviewer, as to the architectural expression and materiality of the proposal having regard to the significance of the racecourse precinct.

- The owner of the land must enter into an agreement with the City of Melbourne and the responsible authority, to the satisfaction of the responsible authority under Section 173 of the Planning and Environment Act 1987, requiring:
  - Payment by the owner to the City of Melbourne of a contribution of $3,000.00 per dwelling (indexed 1 July each year according to the Building Price Index, June Quarter, Melbourne, in Rawlinsons Australian Construction Handbook), such contribution to be paid prior to a certificate of occupancy being granted;
  - Provision of 5% of new dwellings to be held in Trust and managed as affordable housing.
  - Contribution towards the shared path between the site and the Showgrounds Village Shopping Centre on the west side of Epsom Road and a shared path from the site to connect to the existing bicycle path on Smithfield Road.
  - Payment by the owner of all of the City of Melbourne and the responsible authority's reasonable legal costs and expenses of the agreement, including preparation, execution and registration on title.

**Comprehensive Development Plan Objectives**

- To promote medium and/or high density residential living that encourages both day and evening activity though the provision of limited complementary community, convenience and service uses.
- To provide for limited community facilities and other non-residential uses that support the current and future residential community and provide opportunities for social interaction.
- To provide ground level uses (including residential, community and commercial) that promote activity to Epsom Road.
- To provide for a mix of residential accommodation, dwelling typographies and apartment sizes.
- Materials and finishes to be of a high quality and generally consistent throughout the development.
- To provide high quality internal amenity for future residents, including the provision of communal spaces for the overall development.
- To optimise solar access and minimise the effect of wind to streets and public open spaces to enhance amenity and function throughout the year
- To limit minimise the extent of overshadowing of the Newmarket Reserve between 9am-3pm at the equinox (22 September) and to allow a minimum of 3 hours of direct sunlight between 9 am and 3 pm at the winter solstice (22 June).
- To protect and enhance the former Jockey’s Convalescent Lodge including retaining a visual relationship between the Lodge and the Racecourse
- To provide sufficient car parking and utilise, where possible, the fall across the site to minimise the view of car parking areas from the street frontage
- To provide safe pedestrian and bike paths to connect to the principal pedestrian bicycle and public transport networks.
- To ensure buildings achieve high environmental performance standards at the design, construction and operation phases.
To improve the water and energy efficiency of buildings and encourage the use of alternative water and energy (such as on-site solar generation) sources.

To explore opportunities for innovative precinct scale environmentally sustainable initiatives.

To minimise the impacts of waste on the community.

**Comprehensive Development Plan Requirements**

The Comprehensive Development Plan must be prepared to address the Objectives and include the following:

- A site context and existing conditions plan, showing levels at AHD, existing land uses and building footprints, adjoining roads and access points.

- A site master plan which includes:
  - indicative building locations, including a single tower form with a maximum building height of 15 storeys.
  - A building envelope with minimum setbacks of no less than 4m from all site boundaries.
  - A minimum curtilage of 25m surrounding the former Jockey’s Convalescent Lodge, within which no development is to occur, with the exception of landscaping.
  - No more than two indicative vehicle entry points to the site from Epsom Road.
  - A maximum of 300 dwellings.

- A landscape plan which:
  - promotes the reinstatement of the original garden and planting of the Jockey’s Convalescent Lodge to its original early configuration (being an area of 19m from the edge of the building).
  - retains existing significant vegetation where practicable.
  - sets the buildings in a landscaped setting.

- An Integrated Transport and Access Plan showing:
  - mitigating works shown in diagrams for developments up to 300 dwellings:
    - Epsom Road, Racecourse Road & Ascot Vale Road, generally in accordance with drawing number 14M9014011-14-P4, prepared by GTA and dated 24 March 2016 (noting this plan includes intersection works at the roundabout, the signalised pedestrian crossing of Epsom Road, the pedestrian crossing of Racecourse Road to provide access to the tram stops on racecourse road).
    - any further mitigation works necessary as a consequence of a Section 2 uses proposed.
    - any conditions to be included on permits granted for use, subdivision or buildings and works as required by the Integrated Transport and Access Plan.
    - a requirement that mitigating works may be staged to the satisfaction of the responsible authority and must be implemented at the cost of the developer.
    - a requirement for the Integrated Transport and Access Plan to be prepared to the satisfaction of the responsible authority in consultation with Moonee Valley City Council, Melbourne City Council, VicRoads and Public Transport Victoria.
    - An assessment of how the CDP addresses the recommendations of the *Flemington Hill and Epsom Road Advisory Committee - Advisory Committee Stage 4 Report, 3 June 2016.*
CAPITAL CITY ZONE

Shown on the planning scheme map as CCZ with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To enhance the role of Melbourne’s central city as the capital of Victoria and as an area of national and international importance.

To recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone.

To create through good urban design an attractive, pleasurable, safe and stimulating environment.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 1 of the schedule to this zone</td>
<td>Must comply with any condition in Section 1 of the schedule to this zone.</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 2 of the schedule to this zone</td>
<td>Must comply with any condition in Section 2 of the schedule to this zone.</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3 of the schedule to this zone</td>
<td></td>
</tr>
</tbody>
</table>

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 3 of the schedule to this zone</td>
<td></td>
</tr>
</tbody>
</table>

Use of land

Any requirement in the schedule to this zone must be met.

Application requirements

An application to use land must be accompanied by any information specified in the schedule to this zone.

Exemption from notice and review

The schedule to this zone may specify that an application 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.

Decision guidelines

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

Any guidelines in the schedule to this zone.

### Subdivision

#### Permit requirement

A permit is required subdivide land unless the schedule to this zone specifies otherwise. Any requirement in the schedule to this zone must be met.

#### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>where:</td>
<td></td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into 2 lots if:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The construction of a building or the construction or carrying out of works on the land:</td>
<td></td>
</tr>
<tr>
<td>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</td>
<td></td>
</tr>
<tr>
<td>- Has started lawfully.</td>
<td></td>
</tr>
<tr>
<td>- The subdivision does not create a vacant lot.</td>
<td></td>
</tr>
</tbody>
</table>

#### Application requirements

An application to subdivide land must be accompanied by any information specified in the schedule to this zone.

#### Exemption from notice and review

The schedule to this zone may specify that an application 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.

#### Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:
• The Municipal Planning Strategy and the Planning Policy Framework.

• Any guidelines in the schedule to this zone.

**Buildings and works**

**Permit requirement**

A permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.

A permit is required to demolish or remove a building or works if specified in the schedule to this zone.

Any requirement in the schedule to this zone must be met.

A permit granted must include any condition required by the schedule to this zone.

An apartment development must meet the requirements of Clause 58.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $500,000 and the land is not used for a purpose listed in the table to Clause 53.10.</td>
<td>Clause 59.04</td>
</tr>
</tbody>
</table>

**Transitional provisions**

Clause 58 does not apply to:

• An application for a planning permit lodged before the approval date of Amendment VC136.

• An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

**Application requirements**

An application to construct a building or construct or carry out works must be accompanied by any information specified in the schedule to this zone.

An application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, must be accompanied by an urban context report and design response as required in Clause 58.01.

**Exemption from notice and review**

The schedule to this zone may specify that an application 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.

**Decision guidelines**

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

• The Municipal Planning Strategy and the Planning Policy Framework.

• For an apartment development, the objectives, standards and decision guidelines of Clause 58.
- Any guidelines in the schedule to this zone.

**Signs**

**Permit requirement**

Sign requirements are at Clause 52.05. This zone is not in a sign category at Clauses 52.05-11 to 52.05-14.

A permit is required to construct or put up for display a sign unless the schedule to this zone specifies otherwise.

Any requirement in the schedule to this zone must be met.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct or put up for display a sign if:</td>
<td>Clause 59.09</td>
</tr>
<tr>
<td>- The sign is not within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
<tr>
<td>- The sign is not a pole sign, a sky sign, a reflective sign, internally illuminated sign, floodlit sign, electronic sign or animated sign.</td>
<td></td>
</tr>
<tr>
<td>- The display area of the sign does not exceed 10 square metres.</td>
<td></td>
</tr>
</tbody>
</table>

**Exemption from notice and review**

The schedule to this zone may specify that an application 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.
SCHEDULE 1 TO CLAUSE 37.04 CAPITAL CITY ZONE

Shown on the planning scheme map as CCZ1.

OUTSIDE THE RETAIL CORE

Purpose
To provide for a range of financial, legal, administrative, cultural, recreational, tourist, entertainment and other uses that complement the capital city function of the locality.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Corrective institution)</td>
<td></td>
</tr>
<tr>
<td>Any use permitted under the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975 or the Forest Act 1958.</td>
<td></td>
</tr>
<tr>
<td>Apiculture</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 1997.</td>
</tr>
<tr>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Mineral exploration</td>
<td></td>
</tr>
<tr>
<td>Mining</td>
<td>Must meet the requirements of Clause 52.08-2.</td>
</tr>
<tr>
<td>Minor sport and recreation facility</td>
<td>Must occur on the Yarra River or on land abutting the Yarra River which is managed by Melbourne Parks and Waterways or Parks Victoria. Must be licensed by Parks Victoria.</td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour and Nightclub)</td>
<td></td>
</tr>
<tr>
<td>Pleasure boat facility</td>
<td>Must occur on the Yarra River or on land abutting the Yarra River which is managed by Melbourne Parks and Waterways or Parks Victoria. Must be licensed by Parks Victoria.</td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Railway station</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Adult sex bookshop, Department store, Hotel, Supermarket, and Tavern)</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>-------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Road</td>
<td>Must not be costeaning or bulk sampling.</td>
</tr>
<tr>
<td>Search for stone</td>
<td>Must not be costeaning or bulk sampling.</td>
</tr>
<tr>
<td>Tramway</td>
<td>A use conducted 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, the Port of Melbourne Authority Act 1958, the Parks Victoria Act 1998 or the Crown Land (Reserves) Act 1978.</td>
</tr>
</tbody>
</table>

**Section 2 - Permit required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex bookshop</td>
<td>Must meet the requirements of Clause 52.06.</td>
</tr>
<tr>
<td>Amusement parlour</td>
<td>Must not be an open lot car park.</td>
</tr>
<tr>
<td>Car park</td>
<td>Must meet the requirements of Clause 52.06.</td>
</tr>
<tr>
<td>Corrective institution</td>
<td>Must not be a purpose listed in the table to Clause 52.10 (other than Materials Recycling)</td>
</tr>
<tr>
<td>Department store</td>
<td>Must not be a purpose listed in the table to Clause 52.10 (other than Materials Recycling)</td>
</tr>
<tr>
<td>Hotel</td>
<td>Must not be a purpose listed in the table to Clause 52.10 (other than Materials Recycling)</td>
</tr>
<tr>
<td>Industry</td>
<td>Must not be a purpose listed in the table to Clause 52.10 (other than Materials Recycling)</td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation)</td>
<td></td>
</tr>
<tr>
<td>Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Search for stone)</td>
<td></td>
</tr>
<tr>
<td>Nightclub</td>
<td>Must not be a purpose listed in the table to Clause 52.10 (other than Materials Recycling)</td>
</tr>
<tr>
<td>Supermarket</td>
<td>Must not be a purpose listed in the table to Clause 52.10 (other than Materials Recycling)</td>
</tr>
<tr>
<td>Tavern</td>
<td>Must not be a purpose listed in the table to Clause 52.10 (other than Materials Recycling)</td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation)</td>
<td></td>
</tr>
<tr>
<td>Warehouse (other than Freezing and cool storage, and Liquid fuel depot)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

**Section 3 - Prohibited**

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cold store</td>
<td></td>
</tr>
<tr>
<td>Extractive industry</td>
<td></td>
</tr>
</tbody>
</table>
Use

Freezing and cool storage
Liquid fuel depot

2.0
23/11/2016
C270

Subdivision

Exemption from notice and review
An application to subdivide land 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.

3.0
13/07/2017
C311

Buildings and works

Prohibitions
The construction of footbridges, pedestrian ways, vehicle bridges and links across the above ground level of Bourke Street, Collins Street, Swanston Street and Elizabeth Street, Melbourne is prohibited.

Permit Requirement
A permit is required:
- To construct a building or construct or carry out works.
- To construct a building which does not extend to the road boundary of the site.
- To construct a building providing fewer than one bicycle parking space per 500 square metres of gross floor area in the case of a new building without on site car parking.
- To construct a building providing fewer than one bicycle parking space for every 100 car parking spaces in the case of a new building with on-site car parking.

A permit must not be granted or amended (unless the amendment does not increase the extent of non-compliance) to construct a building or construct or carry out works with a floor area ratio in excess of 18:1 on land to which schedule 10 to the Design and Development Overlay applies unless:
- a public benefit as calculated and specified in a manner agreed to by the responsible authority is provided; and
- the permit includes a condition (or conditions) which requires the provision of a public benefit to be secured via an agreement made under section 173 of the Planning and Environment Act 1987.

For the purpose of this schedule the floor area ratio is 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.

No Permit Required
A permit is not required for:
- Buildings or works carried out 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, the Port of Melbourne Authority Act 1958, the Parks Victoria Act 1998 or the Crown Land (Reserves) Act 1978.
- Buildings or works for Railway purposes.
- Alterations to a building authorised under the Heritage Act, provided the works do not alter the existing building envelope or floor area.
- Footpath vehicle crossovers provided they are constructed to the satisfaction of the responsible authority.
- Bus and tram shelters required for public purposes by or for the Crown or a public authority in accordance with plans and siting to the satisfaction of the responsible authority.
- Decorations, gardens and planting required for public purposes by or for the Crown, a public authority or the City of Melbourne.
- Street furniture.
- A work of art, statue, fountain or similar civic works required for public purposes by or for the Crown, a public authority or the City of Melbourne.
- Buildings or works or uses on public land for which a current permit exists under a City of Melbourne local law.
- The erection of information booths and kiosks required for public purposes by or for the Crown, a public authority or the City of Melbourne.
- Traffic control works required by or for the Crown, a public authority or the City of Melbourne.
- The construction, or modification, of a waste pipe, flue, vent, duct, exhaust fan, air conditioning plant, lift motor room, skylight, security camera, street heater or similar minor works provided they are to the satisfaction of the responsible authority.
- A flagpole.
- A modification to the shop front window or entranceway of a building to the satisfaction of the responsible authority having regard to the architectural character of the building.
- An addition or modification to a verandah, awning, sunblind or canopy of a building to the satisfaction of the responsible authority.
- The painting, plastering and external finishing of a building or works to the satisfaction of the responsible authority.
- Changes to glazing of existing windows to not more than 15% reflectivity.
- External works to provide disabled access that complies with all legislative requirements to the satisfaction of the responsible authority.

Application Requirements

An application for a permit must be accompanied by a written urban context report documenting the key planning influences on the development and how it relates to its surroundings. The urban context report must identify the development opportunities and constraints, and document the effect of the development, as appropriate, in terms of:
- Built form and character of adjacent and nearby buildings.
- Heritage character of adjacent and nearby heritage places.
- Microclimate, including sunlight, daylight and wind effects on streets and other public spaces.
- Energy efficiency and waste management.
- Ground floor street frontages, including visual impacts and pedestrian safety.
- Public infrastructure, including reticulated services, traffic and car parking impact.
- Vistas.
An application to construct a building or to construct or carry out works must include, as appropriate, upgrading of adjacent footpaths or laneways to the satisfaction of the responsible authority.

An application for a permit to construct or carry out works for development of a building listed in the Heritage Overlay must be accompanied by a conservation analysis and management plan in accordance with the principles of the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance 1992 (The Burra Charter) to the satisfaction of the responsible authority.

An application to construct a building or to construct or carry out works for a residential use must be accompanied by an Acoustic Assessment which must show how the proposal meets the following requirements:

- Habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45dB in accordance with relevant Australian Standards for acoustic control.

An application to construct a building or construct or carry out works on land to which schedule 10 to the Design and Development Overlay applies must:

- be accompanied by an assessment and report of the proposed floor area ratio from an independent quantity surveyor; and
- if the proposed floor area ratio exceeds 18:1, include details of the public benefit to be provided.

**Exemption from notice and review**

An application to construct a building or construct or carry out works for a use in Section 1 of Clause 37.04-1 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.

**Decision guidelines**

Before deciding on a permit application under this schedule the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The comments and requirements of relevant authorities.
- The size and shape of the parcel of land to which the application relates, the siting of the proposed development and the area to be occupied by the development in relation to the size and shape of the land, adjoining land and adjoining development.
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking, loading of vehicles and access to parking spaces and loading bays.
- The adequacy of entrance to and egress from the site.
- The streetscape, the scale and height of the neighbouring buildings and the proposed development, the proximity to heritage places, the design of verandahs, access from street frontages, the protection of active frontages to pedestrian areas, the treatment of the front and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The existing and future use and amenity of the land and the locality.
- The location, area, dimensions and suitability of use of land proposed for public use.
- The provision of landscaping.
- The responsibility for the maintenance of buildings, landscaping and paved areas.
- The impact on the amenity of any existing dwellings on adjacent sites.
Where new buildings incorporate dwellings, that the design respects and anticipates the development potential of adjacent sites, to ensure that the future development of the adjacent site does not cause a significant loss of amenity to the subject site.

Habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45 dB in accordance with relevant Australian Standards for acoustic control.

The design of buildings to provide for solar access, energy efficiency and waste management.

The impact on amenity of existing or proposed sensitive land uses susceptible to the off-site effects of industry.

Whether the development would compromise the function, form and capacity of public spaces and public infrastructure.

If the floor area ratio of the proposal exceeds 18:1, the extent to which it will deliver a commensurate public benefit.

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 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.

**Decision Guidelines – Bicycle Parking**

Before deciding on an application involving bicycle parking facilities, the responsible authority must consider, as appropriate:

- The design and location, accessibility and security (ie. suitable lighting, locking devices) of the facilities.
- Local Planning Policy Framework.

**Demolition or Removal of Buildings**

A permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works.

This does not include:

- Demolition or removal of temporary structures.
- Demolition ordered or undertaken by the responsible authority in accordance with the relevant legislation and/or local law.

Before deciding on an application to demolish or remove a building, the responsible authority may require an agreement pursuant to Section 173 of the Planning and Environment Act 1987 between the landowner and the responsible authority requiring, as appropriate:

- Temporary works on the vacant site should it remain vacant for 6 months after completion of the demolition.
- Temporary works on the vacant site where demolition or construction activity has ceased for 6 months, or an aggregate of 6 months, after commencement of the construction.
Temporary works must be constructed to the satisfaction of the responsible authority. Temporary works may include:

- The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage.
- Landscaping of the site for the purpose of public recreation and open space.

**Exemption from notice and review**

An application to demolish or remove a building or 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.

### Advertising signs

A permit is required to erect an advertising sign, except for:

- Advertising signs exempted by Clause 52.05.4.
- An under-verandah business sign if:
  - It does not exceed 2.5 metres measured horizontally, 0.5 metres vertically and 0.3 metres between the faces of the sign;
  - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building facade; and
  - It does not contain any animation or intermittent lighting.
- A ground floor business sign cantilevered from a building if:
  - It does not exceed 0.84 metres measured horizontally, 0.61 metres vertically and 0.3 metres between the faces of the sign;
  - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building facade; and
  - It does not contain any animation or intermittent lighting.
- A window display.
- A non-illuminated sign on a verandah fascia, provided no part of the sign protrudes above or below the fascia.
- Renewal or replacement of an existing internally illuminated business identification sign.

**Exemption from notice and review**

An application to erect or construct or carry out works for an advertising sign, 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.

### Referral of applications

An application that includes the creation or alteration of access to the arterial road – Wurundjeri Way must be referred in accordance with section 55 of the Act to the referral authority specified in the schedule to clause 66.04.

An application for development with a gross floor area exceeding 25,000 square metres must be referred in accordance with section 55 of the Act to the referral authority specified in the schedule to clause 66.04.
Transitional arrangements

The requirements of this schedule do not apply to:

- an application (including an application to amend a 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 a 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.
SCHEDULE 2 TO CLAUSE 37.04 CAPITAL CITY ZONE

Shown on the planning scheme map as CCZ2.

RETAIL CORE

Purpose
To provide for the intensification of retail and other complementary commercial, community and entertainment uses within the established retail core.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Corrective institution)</td>
<td></td>
</tr>
<tr>
<td>Apiculture</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 1997.</td>
</tr>
<tr>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Mineral exploration</td>
<td></td>
</tr>
<tr>
<td>Mining</td>
<td>Must meet the requirements of Clause 52.08-2.</td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Office (other than Bank)</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Cinema, and Nightclub)</td>
<td></td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Adult sex bookshop, Hotel, and Tavern)</td>
<td></td>
</tr>
<tr>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Search for stone</td>
<td>Must not be costeaming or bulk sampling.</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex bookshop</td>
<td></td>
</tr>
<tr>
<td>Amusement parlour</td>
<td></td>
</tr>
<tr>
<td>Bank</td>
<td></td>
</tr>
<tr>
<td>Car park</td>
<td>Must meet the requirements of Clause 52.06.</td>
</tr>
<tr>
<td></td>
<td>Must not be an open lot car park.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Corrective institution</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td></td>
</tr>
<tr>
<td>Industry</td>
<td>Must not be a purpose listed in the table to Clause 52.10 (other than Materials Recycling)</td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation)</td>
<td></td>
</tr>
<tr>
<td>Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Search for stone)</td>
<td></td>
</tr>
<tr>
<td>Nightclub</td>
<td></td>
</tr>
<tr>
<td>Tavern</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation)</td>
<td></td>
</tr>
<tr>
<td>Warehouse (other than Freezing and cool storage, and Liquid fuel depot)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
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### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
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<tbody>
<tr>
<td>Cold store</td>
</tr>
<tr>
<td>Extractive industry</td>
</tr>
<tr>
<td>Freezing and cool storage</td>
</tr>
<tr>
<td>Liquid fuel depot</td>
</tr>
</tbody>
</table>

### Subdivision

**Exemption from notice and review**

An application to subdivide land 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.

### Buildings and works

**Prohibitions**

The construction of footbridges, pedestrian ways, vehicle bridges and links across the above ground level of Bourke Street, Collins Street, Swanston Street and Elizabeth Street, Melbourne is prohibited.

**Permit Requirement**

A permit is required:

- To construct a building or construct or carry out works.
- To construct a building which does not extend to the road boundary of the site.
- To construct a building providing fewer than one bicycle parking space per 500 metres of gross floor area in the case of a new building without on site car parking.

- To construct a building providing fewer than one bicycle parking space for every 100 car parking spaces in the case of a new building with on-site car parking.

A permit must not be granted or amended (unless the amendment does not increase the extent of non-compliance) to construct a building or construct or carry out works with a floor area ratio in excess of 18:1 on land to which schedule 10 to the Design and Development Overlay applies unless:

- a public benefit as calculated and specified in a manner agreed to by the responsible authority is provided; and

- the permit includes a condition (or conditions) which requires the provision of a public benefit to be secured via an agreement made under section 173 of the Planning and Environment Act 1987.

For the purpose of this schedule the floor area ratio is 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.

**No Permit Required**

A permit is not required for:

- Buildings or works carried out 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, the Port of Melbourne Authority Act 1958, the Parks Victoria Act 1998 or the Crown Land (Reserves) Act 1978.

- Buildings or works for Railway purposes.

- Alterations to a building authorised under the Heritage Act, provided the works do not alter the existing building envelope or floor area.

- Footpath vehicle crossovers provided they are constructed to the satisfaction of the responsible authority.

- Bus and tram shelters required for public purposes by or for the Crown or a public authority in accordance with plans and siting to the satisfaction of the responsible authority.

- Decorations, gardens and planting required for public purposes by or for the Crown, a public authority or the City of Melbourne.

- Street furniture.

- A work of art, statue, fountain or similar civic works required for public purposes by or for the Crown, a public authority or the City of Melbourne.

- Buildings or works or uses on public land for which a current permit exists under a City of Melbourne local law.

- The erection of information booths and kiosks required for public purposes by or for the Crown, a public authority or the City of Melbourne.

- Traffic control works required by or for the Crown, a public authority or the City of Melbourne.

- The construction, or modification, of a waste pipe, flue, vent, duct, exhaust fan, air conditioning plant, lift motor room, skylight, security camera, street heater or similar minor works provided they are to the satisfaction of the responsible authority.

- A flagpole.
A modification to the shop front window or entranceway of a building to the satisfaction of the responsible authority having regard to the architectural character of the building.

An addition or modification to a verandah, awning, sunblind or canopy of a building to the satisfaction of the responsible authority.

The painting, plastering and external finishing of a building or works to the satisfaction of the responsible authority.

Changes to glazing of existing windows to not more than 15% reflectivity.

External works to provide disabled access that complies with all legislative requirements to the satisfaction of the responsible authority.

Application Requirements

An application for a permit must be accompanied by a written urban context report documenting the key planning influences on the development and how it relates to its surroundings. The urban context report must identify the development opportunities and constraints, and document the effect of the development, as appropriate, in terms of:

- Built form and character of adjacent and nearby buildings.
- Heritage character of adjacent and nearby heritage places.
- Microclimate, including sunlight, daylight and wind effects on streets and other public spaces.
- Energy efficiency and waste management.
- Ground floor street frontages, including visual impacts and pedestrian safety.
- Public infrastructure, including reticulated services, traffic and car parking impact.
- Vistas.

An application to construct a building or to construct or carry out works must include, as appropriate, upgrading of adjacent footpaths or laneways to the satisfaction of the responsible authority.

An application for a permit to construct or carry out works for development of a building listed in the Heritage Overlay must be accompanied by a conservation analysis and management plan in accordance with the principles of the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance 1992 (The Burra Charter) to the satisfaction of the responsible authority.

An application to construct a building or to construct or carry out works for a residential use must be accompanied by an Acoustic Assessment which must show how the proposal meets the following requirements:

- Habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45dB in accordance with relevant Australian Standards for acoustic control.

An application to construct a building or to construct or carry out works to which schedule 10 to the Design and Development Overlay must:

- be accompanied by an assessment and report of the proposed floor area ratio from an independent quantity surveyor; and
- if the proposed floor area ratio exceeds 18:1, include details of the public benefit to be provided.

Exemption from notice and review

An application to construct a building or construct or carry out works for a use in Section 1 of Clause 37.04-1 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.
Referral of applications

An application for development with a gross floor area exceeding 25,000 square metres must be referred in accordance with section 55 of the Act to the referral authority specified in the schedule to clause 66.04.

Decision guidelines

Before deciding on a permit application under this schedule the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The comments and requirements of relevant authorities.
- The size and shape of the parcel of land to which the application relates, the siting of the proposed development and the area to be occupied by the development in relation to the size and shape of the land, adjoining land and adjoining development.
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking, loading of vehicles and access to parking spaces and loading bays.
- The adequacy of entrance to and egress from the site.
- The streetscape, the scale and height of the neighbouring buildings and the proposed development, the proximity to heritage places, the design of verandahs, access from street frontages, the protection of active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The existing and future use and amenity of the land and the locality.
- The location, area, dimensions and suitability of use of land proposed for public use.
- The provision of landscaping.
- The responsibility for the maintenance of buildings, landscaping and paved areas.
- The impact on the amenity of any existing dwellings on adjacent sites.
- Where new buildings incorporate dwellings, that the design respects and anticipates the development potential of adjacent sites, to ensure that the future development of the adjacent site does not cause a significant loss of amenity to the subject site.
- Habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45 dB in accordance with relevant Australian Standards for acoustic control.
- The design of buildings to provide for solar access, energy efficiency and waste management.
- The impact on amenity of existing or proposed sensitive land uses susceptible to the off-site effects of industry.
- Whether the development would compromise the function, form and capacity of public spaces and public infrastructure.
- If the floor area ratio of the proposal exceeds 18:1, the extent to which it will deliver a commensurate public benefit.
- 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 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.

**Decision Guidelines – Bicycle Parking**

Before deciding on an application involving bicycle parking facilities, the responsible authority must consider, as appropriate:

- The design and location, accessibility and security (ie. suitable lighting, locking devices) of the facilities.
- Local Planning Policy Framework.

**Demolition or Removal of Buildings**

A permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works.

This does not include:

- Demolition or removal of temporary structures.
- Demolition ordered or undertaken by the responsible authority in accordance with the relevant legislation and/or local law.

Before deciding on an application to demolish or remove a building, the responsible authority may require an agreement pursuant to Section 173 of the Planning and Environment Act 1987 between the landowner and the responsible authority requiring, as appropriate:

- Temporary works on the vacant site should it remain vacant for 6 months after completion of the demolition.
- Temporary works on the vacant site where demolition or construction activity has ceased for 6 months, or an aggregate of 6 months, after commencement of the construction.

Temporary works must be constructed to the satisfaction of the responsible authority. Temporary works may include:

- The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage.
- Landscaping of the site for the purpose of public recreation and open space.

**Exemption from notice and review**

An application to demolish or remove a building or 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.

**Advertising signs**

A permit is required to erect an advertising sign, except for:

- Advertising signs exempted by Clause 52.05.4.
- An under-verandah business sign if:
  - It does not exceed 2.5 metres measured horizontally, 0.5 metres vertically and 0.3 metres between the faces of the sign;
- It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building facade; and
- It does not contain any animation or intermittent lighting.

- A ground floor business sign cantilevered from a building if:
  - It does not exceed 0.84 metres measured horizontally, 0.61 metres vertically and 0.3 metres between the faces of the sign;
  - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building facade; and
  - It does not contain any animation or intermittent lighting.

- A window display.

- A non-illuminated sign on a verandah fascia, provided no part of the sign protrudes above or below the fascia.

- Renewal or replacement of an existing internally illuminated business identification sign.

Exemption from notice and review
An application to erect or construct or carry out works for an advertising sign, 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.

Transitional arrangements
The requirements of this schedule do not apply to:

- an application (including an application to amend a 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 a 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.
SCHEDULE 3 TO CLAUSE 37.04 CAPITAL CITY ZONE

Shown on the planning scheme map as CCZ3.

SOUTHBANK

Purpose

- To develop Southbank as an extension of the central city, providing for a mix of commercial and residential land uses that complement the capital city function of the locality.
- To comfortably accommodate a residential and worker population in a pleasant neighbourhood where all public spaces are comfortable, bright and safe.
- To maintain and enhance the role of Southbank as a cultural and arts precinct.
- To develop Sturt Street as an arts and performance precinct with services and activities for local residents and visitors.
- To support art facilities and creative industry businesses along Sturt Street.
- To deliver local services and facilities within an approximate 400m walk from all residences.
- To provide uses at ground floor and upper podium floors to promote a visual link with, and facilitate the passive surveillance of, the public realm.
- To support commercial, retail and community uses along pedestrian corridors.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Corrective institution)</td>
<td>The ground floor of the building has a floor to ceiling height of at least 4 metres.</td>
</tr>
<tr>
<td>Any use permitted under the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975 or the Forest Act 1958.</td>
<td></td>
</tr>
<tr>
<td>Apiculture</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 1997.</td>
</tr>
<tr>
<td>Child care centre</td>
<td></td>
</tr>
<tr>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Mineral exploration</td>
<td></td>
</tr>
<tr>
<td>Mining</td>
<td>Must meet the requirements of Clause 52.08-2.</td>
</tr>
<tr>
<td>Mining</td>
<td>Must occur on the Yarra River or on land abutting the Yarra River which is managed by Melbourne Parks and Waterways or Parks Victoria.</td>
</tr>
<tr>
<td>Mining</td>
<td>Must be licensed by Parks Victoria.</td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour and Nightclub)</td>
<td></td>
</tr>
<tr>
<td>Pleasure boat facility</td>
<td>Must occur on the Yarra River or on land abutting the Yarra River which is managed by Melbourne Parks and Waterways or Parks Victoria.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Railway</td>
<td>Must be licensed by Parks Victoria.</td>
</tr>
<tr>
<td>Railway station</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Adult sex bookshop, Department store, Hotel, and Tavern)</td>
<td></td>
</tr>
<tr>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Search for stone</td>
<td>Must not be costeanning or bulk sampling.</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 3</td>
<td>A use conducted 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, the Port of Melbourne Authority Act 1958, the Parks Victoria Act 1998 or the Crown Land (Reserves) Act 1978.</td>
</tr>
</tbody>
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### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex bookshop</td>
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<td>Amusement parlour</td>
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<td>Car park</td>
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<tr>
<td>Commercial Car Park</td>
<td>Must meet the requirements of Clause 52.06.</td>
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<tr>
<td>Corrective institution</td>
<td></td>
</tr>
<tr>
<td>Department store</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td></td>
</tr>
<tr>
<td>Industry</td>
<td>Must not be a purpose listed in the table to Clause 52.10.</td>
</tr>
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<td>Leisure and recreation (other than Informal outdoor recreation)</td>
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<tr>
<td>Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Search for stone)</td>
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<td>Utility installation (other than Minor utility installation)</td>
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<td>Liquid fuel depot</td>
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2.0
Subdivision
Exemption from notice and review
An application to subdivide land 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.

3.0
Buildings and works
Permit Requirement
A permit must not be granted or amended (unless the amendment does not increase the extent of non-compliance) to construct a building or construct or carry out works with a floor area ratio in excess of 18:1 on land to which schedule 10 to the Design and Development Overlay applies unless:

- a public benefit as calculated and specified in a manner agreed to by the responsible authority is provided; and
- the permit includes a condition (or conditions) which requires the provision of a public benefit to be secured via an agreement made under section 173 of the Planning and Environment Act 1987.

For the purpose of this schedule the floor area ratio is 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.

No Permit Required
A permit is not required for:

- Buildings or works carried out 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, the Port of Melbourne Authority Act 1958, the Parks Victoria Act 1998 or the Crown Land (Reserves) Act 1978.
- Buildings or works for Railway purposes.
- Alterations to a building authorised under the Heritage Act, provided the works do not alter the existing building envelope or floor area.
- Footpath vehicle crossovers provided they are constructed to the satisfaction of the responsible authority.
- Bus and tram shelters required for public purposes by or for the Crown or a public authority in accordance with plans and siting to the satisfaction of the responsible authority.
- Decorations, gardens and planting required for public purposes by or for the Crown, a public authority or the City of Melbourne.
- Street furniture.
- A work of art, statue, fountain or similar civic works required for public purposes by or for the Crown, a public authority or the City of Melbourne.
- Buildings or works or uses on public land for which a current permit exists under a City of Melbourne local law.
- The erection of information booths and kiosks required for public purposes by or for the Crown, a public authority or the City of Melbourne.
- Traffic control works required by or for the Crown, a public authority or the City of Melbourne.
- The construction, or modification, of a waste pipe, flue, vent, duct, exhaust fan, air conditioning plant, lift motor room, skylight, security camera, street heater or similar minor works provided they are to the satisfaction of the responsible authority.

- A flagpole.

- A modification to the shop front window or entranceway of a building to the satisfaction of the responsible authority having regard to the architectural character of the building.

- An addition or modification to a verandah, awning, sunblind or canopy of a building to the satisfaction of the responsible authority.

- The painting, plastering and external finishing of a building or works to the satisfaction of the responsible authority.

- Changes to glazing of existing windows to not more than 15% reflectivity.

- External works to provide disabled access that complies with all legislative requirements to the satisfaction of the responsible authority.

**Application Requirements**

An application for a permit must be accompanied by a written urban context report documenting the key planning influences on the development and how it relates to its surroundings. The urban context report must identify the development opportunities and constraints, and document the effect of the development, as appropriate, in terms of:


- Built form and character of adjacent and nearby buildings.

- Heritage character of adjacent and nearby heritage places.

- Microclimate, including sunlight, daylight and wind effects on streets and other public spaces.

- Energy efficiency and waste management.

- Ground floor street frontages, including visual impacts and pedestrian safety.

- Public infrastructure, including reticulated services, traffic and car parking impact.

- Vistas.

An application to construct a building or to construct or carry out works must include, as appropriate, upgrading of adjacent footpaths or laneways to the satisfaction of the responsible authority.

An application for a permit to construct or carry out works for development of a building listed in the Heritage Overlay must be accompanied by a conservation analysis and management plan in accordance with the principles of the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance 1992 (The Burra Charter) to the satisfaction of the responsible authority.

An application to construct a building or to construct or carry out works for a residential use must be accompanied by an Acoustic Assessment which must show how the proposal meets the following requirements:

- Habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45dB in accordance with relevant Australian Standards for acoustic control.

An application to construct a building or to construct or carry out works on land which schedule 10 to the Design and Development Overlay applies must:

- be accompanied by an assessment and report of the proposed floor area ratio from an independent quantity surveyor; and

- if the proposed floor area ratio exceeds 18:1, includes details of the public benefits to be provided.
Exemption from notice and review
An application to construct a building or construct or carry out works for a use in Section 1 of Clause 37.04-1 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.

Referral Requirement
An application for development with a gross floor area exceeding 25,000 square metres must be referred in accordance with section 55 of the Act to the referral authority specified in the schedule to clause 66.04.

Decision guidelines
Before deciding on a permit application under this schedule, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The comments and requirements of relevant authorities.
- The ability for pedestrians, bicycles and vehicles to move within and through the area.
- The adequacy of car parking provision and loading bays.
- The adequacy of vehicle entry and egress.
- The impact the proposal will have on the amenity of existing and future development in the locality.
- The suitability of land proposed for public use.
- The provision of landscaping.
- Whether the building design at street level provides for active street frontages, pedestrian engagement and weather protection.
- The impact on the amenity of any dwellings on adjacent sites.
- The development potential of adjacent sites, and whether this will cause an unreasonable loss of amenity to the subject site.
- Waste management.
- The ability to establish a visual relationship between occupants of upper floors and pedestrians, and better surveillance of the street by developing the first five levels of buildings with a “casing” of dwellings or offices or other design mechanisms.
- The impact the proposal will have on street amenity if buildings are not constructed to the street boundary at ground level.
- The impact the proposal will have on street amenity if on-site parking occupies more than 20% of the length of the street frontages at ground level and in the first five levels of the building.
- Whether the development would compromise the function, form and capacity of public spaces and public infrastructure.
- If the floor area ratio of the proposal exceeds 18:1, the extent to which it will deliver a commensurate public benefit.
- 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 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.

A permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works.

### Demolition or Removal of Buildings

A permit is required to demolish or remove a building or works. This does not include:

- Demolition or removal of temporary structures.
- Demolition ordered or undertaken by the responsible authority in accordance with the relevant legislation and/or local law.

Before deciding on an application to demolish or remove a building, the responsible authority may require an agreement pursuant to Section 173 of the Planning and Environment Act 1987 between the landowner and the responsible authority requiring, as appropriate:

- Temporary works on the vacant site should it remain vacant for 6 months after completion of the demolition.
- Temporary works on the vacant site where demolition or construction activity has ceased for 6 months, or an aggregate of 6 months, after commencement of the construction.

Temporary works must be constructed to the satisfaction of the responsible authority.

Temporary works may include:

- The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage.
- Landscaping of the site for the purpose of public recreation and open space.

### Exemption from notice and review

An application to demolish or remove a building or 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

### Decision Guidelines

Before deciding on a permit application for demolition or removal of buildings, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Whether the demolition or removal of buildings gives effect to a permit or prior approval for the redevelopment of land.
- Whether the demolition or removal of buildings is required for environmental remediation of contaminated land.
- The provision of temporary works or landscaping to avoid vacant sites in perpetuity.

### Advertising signs

A permit is required to erect an advertising sign, except for:

- Advertising signs exempted by Clause 52.05-4
• An under-verandah business sign if:
  - It does not exceed 2.5 metres measured horizontally, 0.5 metres vertically and 0.3 metres between the faces of the sign;
  - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building facade; and
  - It does not contain any animation or intermittent lighting.

• A ground floor business sign cantilevered from a building if:
  - It does not exceed 0.84 metres measured horizontally, 0.61 metres vertically and 0.3 metres between the faces of the sign;
  - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building facade; and
  - It does not contain any animation or intermittent lighting.

• A window display.

• A non-illuminated sign on a verandah fascia, provided no part of the sign protrudes above or below the fascia.

• Renewal or replacement of an existing internally illuminated business identification sign.

**Exemption from notice and review**

An application to erect or construct or carry out works for an advertising sign, 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.

### Transitional arrangements

The requirements of this schedule do not apply to:

• an application (including an application to amend a 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 a 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.
SCHEDULE 4 TO CLAUSE 37.04 CAPITAL CITY ZONE

Shown on the planning scheme map as CCZ4.

FISHERMANS BEND URBAN RENEWAL AREA

Purpose
To create a thriving urban renewal area that is a leading example for design excellence, environmental sustainability, liveability, connectivity, diversity and innovation.

To create a highly liveable mixed-use area where the scale of growth is aligned with the provision of public transport and other infrastructure.

To create a world leading sustainable urban renewal area that incorporates best practice sustainable design into all developments and supports sustainable transport patterns.

To provide public benefit in the form of Social housing where development exceeds the nominated Dwelling density.

To support the continued operation of strategically important existing uses and existing industrial uses that provide services to the construction industry, and ensure new development includes measures to mitigate potential amenity impacts from those industrial uses.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Dwelling, Corrective institution, Motel, Residential aged care facility and Residential hotel)</td>
<td>Must not be within an Amenity buffer shown on Map 3.</td>
</tr>
<tr>
<td>Art and craft centre</td>
<td></td>
</tr>
<tr>
<td>Bank</td>
<td>Must have a frontage to a Primary or Secondary active frontage street shown on Map 1.</td>
</tr>
<tr>
<td>Child care centre</td>
<td>Must not be within an Amenity buffer shown on Map 3.</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td>Must be located in a Core area with frontage to a Primary or Secondary active frontage street shown on the relevant Urban Structure Map.</td>
</tr>
<tr>
<td>Department store</td>
<td>Must have a frontage to a Primary or Secondary active frontage street shown on Map 1.</td>
</tr>
<tr>
<td>Display home</td>
<td></td>
</tr>
<tr>
<td>Dwelling</td>
<td>Must not be within an Amenity buffer shown on Map 3.</td>
</tr>
<tr>
<td>Education centre</td>
<td>Must not be within an Amenity buffer shown on Map 3.</td>
</tr>
<tr>
<td>Home based business</td>
<td>Must meet requirements of Clause 52.11</td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td>Must not be within an Amenity buffer shown on Map 3.</td>
</tr>
<tr>
<td>Minor sports and recreation facility</td>
<td></td>
</tr>
<tr>
<td>Motel</td>
<td>Must not be within an Amenity buffer shown on Map 3.</td>
</tr>
<tr>
<td>Office (other than Bank)</td>
<td></td>
</tr>
</tbody>
</table>
## Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Place of assembly (other than Function centre and Nightclub)</td>
<td></td>
</tr>
<tr>
<td>Railway station</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Hotel, Shop and Tavern)</td>
<td>Must not exceed 1000 square metres gross leasable floor area.</td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td></td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td>Must not be within an Amenity buffer shown on Map 3.</td>
</tr>
<tr>
<td>Residential hotel</td>
<td></td>
</tr>
<tr>
<td>Shop (other than Adult sex product shop, Department store, Supermarket and Restricted retail premises)</td>
<td></td>
</tr>
<tr>
<td>Supermarket</td>
<td>Must have a frontage to a Primary active frontage street shown Map 1.</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01</td>
</tr>
</tbody>
</table>

### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex product shop</td>
<td></td>
</tr>
<tr>
<td>Function centre</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation, Minor sport and recreation facility, Motor racing track and Racecourse)</td>
<td></td>
</tr>
<tr>
<td>Nightclub</td>
<td></td>
</tr>
<tr>
<td>Tavern</td>
<td></td>
</tr>
<tr>
<td>Transport terminal (other than Airport and Railway station)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport</td>
<td></td>
</tr>
<tr>
<td>Brothel</td>
<td></td>
</tr>
<tr>
<td>Cemetery</td>
<td></td>
</tr>
<tr>
<td>Corrective institution</td>
<td></td>
</tr>
<tr>
<td>Motor racing track</td>
<td></td>
</tr>
<tr>
<td>Race course</td>
<td></td>
</tr>
<tr>
<td>Recreational boat facility</td>
<td></td>
</tr>
</tbody>
</table>

### Use of land

#### Requirements

The use of land must be generally in accordance with Map 1 of this schedule.
The use of land for a dwelling must not exceed the specified Dwelling density in Table 1, unless an agreement under section 173 of the Act has been entered into between the landowner, the responsible authority and the local council (if not the responsible authority) that requires the landowner to provide at least one Social housing dwelling for every eight dwellings provided above the number of dwellings allowable under the specified Dwelling density.

Table 1: Dwelling density

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Core area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lorimer</td>
<td>339 dw/ha</td>
</tr>
</tbody>
</table>

These requirements do not apply to an application for the use of land in accordance with a planning permit for buildings and works granted before the approval date of Amendment GC81.

**Application requirements**

The following application requirements apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

**Residential development**

An application to use land for a Dwelling, Residential village or Retirement village must be accompanied by a report that addresses:

- How the proposal contributes to an activated frontage.
- How the proposal achieves the Community and diversity objectives of the Fishermans Bend Urban Renewal Local Policy, including an assessment of the composition and size of dwellings proposed.
- How the proposal contributes to the job growth targets and employment floor area set out in the Fishermans Bend Urban Renewal Area Local Policy.

**Sensitive uses**

An application to use land within an Amenity buffer shown on Map 3 of this schedule, for Accommodation, Child care centre, Education centre, Residential aged care facility, Residential hotel or Informal outdoor recreation must be accompanied by an Amenity Impact Plan which includes, as appropriate:

- A site plan identifying the type and nature of the existing use identified in Map 3.
- An assessment of the impact of the proposed sensitive use on the existing use.
- Measures to mitigate potential amenity impacts from the existing use.
- Incorporation of noise attenuation measures.

**Industry and warehouse uses**

An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.

The likely effects, if any, on the neighbourhood and the urban renewal of Fishermans Bend, including:
- Noise levels.
- Airborne emissions.
- Emissions to land or water.
- Traffic, including the hours of delivery and dispatch.
- Light spill or glare.

### Exemptions from notice and review
An application for the use of land 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.

This exemption does not apply to an application to use land for a nightclub, tavern, hotel or adult sex product shop.

### Decision guidelines
The following decision guidelines apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- If a dwelling is proposed, whether the proposal:
  - Creates an activated ground floor, particularly in Core areas.
  - Provides home offices or communal facilities that support ‘work from home’ or ‘mobile’ employment.
  - Provides Affordable housing consistent with the objectives and targets set out in the Fishermans Bend Urban Renewal Area Local Policy.

- Whether the use provides the minimum plot ratio not used for a dwelling set out in the Fishermans Bend Urban Renewal Area Local Policy.

- The impact the proposal has on the realisation of employment targets.

- The temporary uses of land not immediately required for the proposed use.

- The impact of the proposal on the amenity of the urban renewal of Fishermans Bend.

- Whether the proposal will prejudice the achievement or orderly development of the urban renewal of Fishermans Bend.

- If a sensitive use is proposed on land within an Amenity buffer shown on Map 3 of this schedule, whether the proposal incorporates appropriate measures to mitigate against adverse amenity from the existing use, where relevant.

### Subdivision
#### Requirements
The subdivision of land must be generally in accordance with Map 1 of this schedule. This does not apply to a new road or laneway marked as indicative.
Car parking areas must be retained in a single or a consolidated title as common property, unless the responsible authority agrees otherwise.

These requirements do not apply to a subdivision of land in accordance with a planning permit for buildings and works granted before the approval date of Amendment GC81.

### Application requirements

The following application requirements apply to an application for a permit to subdivide land under Clause 37.04-3, in addition to those specified in Clause 37.04 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings, car parking areas and private open space.
  - The location, shape and size of the proposed lots to be created.
  - The location of any easements on the subject land.
  - The location of abutting roads, services, infrastructure and street trees.
  - Any proposed common property to be owned by a body corporate and the lots participating in the body corporate.

- Information that demonstrates how the subdivision makes provision for roads, laneways and open spaces, as shown on Map 1 of this schedule.

- Information that demonstrates how the subdivision will allow for the transition of car parking spaces to alternate uses over time.

### Exemption from notice and review

An application for the subdivision of land 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.

### Decision guidelines

The following decision guidelines apply to an application for a permit to subdivide land under Clause 37.04-3, in addition to those specified in Clause 37.04 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The contribution the proposed subdivision makes to a fine-grain precinct, and pedestrian and bicycle permeability.

- Whether the subdivision will facilitate the future adaptation or repurposing of proposed car parking areas.

- Whether the subdivision promotes consolidated car parking.

- Whether the subdivision provides for the necessary utilities infrastructure to service the development of the subdivided parcels, and allows for shared trenching.

Whether any proposed staging of development is appropriate.

The impact of the subdivision on landscape opportunities along street frontages, particularly for large canopy trees.

Whether the subdivision can accommodate an appropriate building envelope.
**Existing uses**

These requirements do not apply to an application for subdivision associated with a continuing lawful use of land.

In considering whether a permit should be granted for the subdivision of land associated with an ongoing existing use of land, the responsible authority must consider, as appropriate:

- The impact of the proposed subdivision on the amenity of the future urban renewal area.
- Whether the grant of the permit will prejudice the achievement or orderly development of the future urban structure for the area.
- Whether the subdivision supports the continued operation of an existing use that is of strategic importance, or that will facilitate the urban renewal of Fishermans Bend.

**Buildings and works**

**Permit requirement**

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

- An addition of or modification to a verandah, awning, sunblind or canopy of an existing building.

A permit is required to demolish or remove a building or works, except for:

- The demolition or removal of temporary structures.
- The demolition ordered or undertaken by the responsible authority in accordance with the relevant legislation or local law.

**Requirements**

The construction of a building, and the carrying out of works, must be generally in accordance with the relevant Map 1 of this schedule. This does not apply to new road or laneway marked as indicative.

This requirement does not apply to an application to amend a permit issued before the approval date of Amendment GC81.

**Dwelling density**

A permit must not be granted to construct a building or construct or carry out works with a Dwelling density in excess of the Dwelling density specified in Table 1, unless:

- An agreement under section 173 of the Act has been entered between the landowner, the responsible authority and the local council (if not the responsible authority) that requires the landowner to provide at least one Social housing dwelling for every eight dwellings provided above the number of dwellings allowable under the specified Dwelling density.

**Bicycle, Motorcycle and Car share parking**

Developments must provide bicycle, motorcycle and car share parking space in accordance with Table 2, unless the responsible authority is satisfied that a lesser number is sufficient.

**Table 2: Parking Provision**

<table>
<thead>
<tr>
<th>Developments of more than 50 dwellings</th>
<th>Bicycle spaces</th>
<th>Motorcycle spaces</th>
<th>Spaces allocated to a car share scheme</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision of spaces</td>
<td>1 per dwelling</td>
<td>1 per 50 dwellings</td>
<td>2 spaces plus 1 per 25 car spaces.</td>
</tr>
<tr>
<td>Provision of visitor spaces</td>
<td>1 per 10 dwellings</td>
<td>None specified</td>
<td>None specified</td>
</tr>
</tbody>
</table>
Spaces allocated to a car share scheme

<table>
<thead>
<tr>
<th>Developments with over 10,000 sqm non-residential floor space</th>
<th>Bicycle spaces</th>
<th>Motorcycle spaces</th>
<th>Spaces allocated to a car share scheme</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision of spaces</td>
<td>1 per 50 sqm of net non-residential floor area</td>
<td>1 per 100 car parking spaces</td>
<td>For all developments with 120 or less car spaces: A minimum of 2 spaces</td>
</tr>
<tr>
<td>Provision of visitor spaces</td>
<td>1 per 1000 sqm of net non-residential floor area</td>
<td>None specified</td>
<td>For developments with more than 120 car spaces: 1 per 60 car parking spaces</td>
</tr>
</tbody>
</table>

Vehicle access points and crossovers

A permit must not be granted to construct a building or construct or carry out works where vehicle access points and/or crossovers (not including openings for a road) are located along roads designated as ‘no cross overs permitted’ in Map 1 of this schedule, unless no other access is possible.

4.3 Conditions on permits

Green Star rating

A permit granted to construct a building or to construct or carry out works for:

- A new building or additions that contain 10 or more dwellings or 5000 square metres or more of floor space must include the following conditions:
  - Prior to the commencement of buildings and works, evidence must be submitted to the satisfaction of the responsible authority, that demonstrates the project has been registered to seek a minimum 5 Star Green Star Design and As-Built rating (or equivalent) with the Green Building Council of Australia.
  - Within 12 months of occupation of the building, certification must be submitted to the satisfaction of the responsible authority, that demonstrates that the building has achieved a minimum 5 Star Green Star Design and As-Built rating (or equivalent).

- Other buildings and alterations and additions of more than 50 square metres must include the following conditions:
  - Prior to the commencement of buildings and works, evidence must be submitted to the satisfaction of the responsible authority, that demonstrates the project has been registered to seek a minimum 4 Star Green Star Design and As-Built rating (or equivalent) with the Green Building Council of Australia.
  - Within 12 months of occupation of the building, certification must be submitted to the satisfaction of the responsible authority, that demonstrates that the building has achieved a minimum 4 Star Green Star Design and As-Built rating (or equivalent).

Third pipe and rain tank

A permit granted to construct a building or to construct or carry out works must include the following conditions:

- A third pipe must be installed for recycled and rain water to supply all non-potable outlets within the development for toilet flushing, irrigation and washing machine, unless otherwise agreed by the relevant water authority.

- An agreed building connection point must be provided from the third pipe, designed to the satisfaction of the relevant water supply authority, to ensure readiness to connect to a future precinct-scale recycled water supply.
• A rainwater tank must be provided that:
  - Has a minimum effective volume of 0.5 cubic metres for every 10 square metres of catchment area to capture rainwater from 100% of suitable roof rainwater harvesting areas (including podiums);
  - Is fitted with a first flush device, meter, tank discharge control and water treatment with associated power and telecommunications equipment approved by the relevant water authority.

• Rainwater captured from roof harvesting areas must be re-used for toilet flushing, washing machine and irrigation or, controlled release.

Roads and laneways

Where a new road or laneway is proposed on the land, and the road, street or laneway is not funded through an Infrastructure Contributions Plan, a permit granted to construct a building or to construct or carry out works must include a condition requiring the following:

• An agreement under section 173 of the Act must be entered into between the landowner, the responsible authority and the local council (if not the responsible authority) which provides for the:
  - Construction of the new road or laneway to the satisfaction of the responsible authority and the relevant road management authority; and
  - Transfer of the new road or laneway to or vesting in the relevant road authority as a public road at no cost to the relevant road authority. This does not apply to a new laneway that is agreed to be retained in private ownership to the satisfaction of the responsible authority.

The condition is not required in relation to a new road or laneway marked as indicative.

Application requirements

The following application requirements apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

• A written urban context report documenting the key planning influences on the development and how it relates to its surroundings.

• A design response detailing how the design makes provision for roads, laneways and open space generally in accordance with Map 1 of this schedule.

• A 3D digital model of the proposed buildings and works in a suitable format.

• An assessment and report detailing how the proposal responds to the Fishermans Bend Urban Renewal Area Local Policy.

• Any technical or supporting information necessary, prepared by suitably qualified professionals, including:
  - A Sustainable Transport Plan demonstrating how the development supports sustainable travel behaviour and promotes active transport modes.
  - A Landscape Plan for all areas of open space, except private open space for dwellings, providing for biodiversity, canopy tree planting, water sensitive urban design and microclimate management of buildings.
Affordable housing including Social housing

An application to construct a building or to construct or carry out works for a Dwelling must be accompanied by the following information, to the satisfaction of the responsible authority:

- A report that addresses how the proposal contributes to the Affordable housing objectives and targets of the Fishermans Bend Urban Renewal Local Policy, and identifies:
  - The number and location of Affordable housing dwellings proposed to be provided.
  - The proportion of total dwellings that are proposed to be Affordable housing dwellings.
  - The mix of one, two and three-bedroom Affordable housing dwellings that reflects the overall dwelling composition of the building.

- Plans that demonstrate that:
  - The proposed Affordable housing dwellings have internal layouts like other comparable dwellings in the building.
  - The proposed Affordable housing dwellings will be externally indistinguishable from other dwellings.
  - These plans are not required for Affordable housing that is proposed to be provided as Social housing.

- If Social housing is proposed, a report that:
  - Includes a dwelling schedule that shows the number, size and composition of private dwellings, Social housing dwellings, and private dwellings proposed to be provided to obtain a Social housing uplift.
  - Provides details of the participating registered agency proposed to own or manage the Social housing units.
  - Provides evidence of the agency’s agreement to own or manage the Social housing units.

Amenity impacts from existing industrial uses, freight routes and transport corridors

An application for building and works associated with the use of land for Accommodation, Child care centre, Education centre, Residential aged care facility, Residential hotel or Informal outdoor recreation within an Amenity buffer shown on Map 3 of this schedule, must be accompanied by an Amenity Impact Plan which includes, as appropriate:

- A site plan identifying the type and nature of the existing use identified in Map 3.
- An assessment of the impact of the proposed sensitive use on the existing use.
- Measures to mitigate potential amenity impacts from the existing use.
- Incorporation of noise attenuation measures.

Exemption from notice and review

An application to demolish or remove a building or 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.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.04-4, in addition to those specified in Clause 37.04 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal responds satisfactorily to the Fishermans Bend Urban Renewal Area Local Policy.
Whether the layouts of roads, laneways and open space are generally in accordance with those shown in the relevant Map 1 of this schedule.

How the proposal contributes to establishing sustainable transport as the primary mode of transport through integrated walking, cycling and pedestrian links.

Whether the development supports the function, form and capacity of public spaces and public infrastructure.

For proposals within an Amenity buffer shown on Map 3 of this schedule, whether the proposal includes appropriate mitigation measures to protect against off-site amenity impacts.

Whether the proposal includes appropriate measures to prevent off-site amenity impacts.

Whether the proposed vehicle access to and from the development impacts on the provision of public transport, pedestrian and cyclist safety, and whether there are any constraints to vehicle access to the site.

The proposed sustainability rating of the building.

Whether appropriate sustainable water, waste and energy management is proposed.

Where only part of a site is developed, whether an agreement under section 173 of the Act has been entered into between the landowner, the responsible authority and the local council (if not the responsible authority) to ensure that the Dwelling density across the whole of the site will not be exceeded and whether the development is sited so that adequate setbacks are maintained in the event that the site is subdivided or otherwise altered to create a separate future development site.

The management and maintenance of any Affordable housing, including Social housing.

Any impacts to the proposed tram alignments, bus routes and the potential future elevated road structures.

Whether the buildings and works may compromise the delivery of the proposed tram alignments or the future elevated road structures.

Whether residential development includes floor plate layouts and servicing strategies that demonstrate a future capacity to allow one and two-bedroom dwellings to be combined and adapted into three or more-bedroom dwellings.

**Demolition and removal of buildings**

Before deciding on an application to demolish or remove a building or works, the responsible authority must consider any need for a condition requiring an agreement under section 173 of the Act to be entered by the landowner and the responsible authority and the local council (if not the responsible authority) requiring:

- Temporary buildings or works on the vacant site should it remain vacant for six months after completion of the demolition.

- Temporary buildings or works on the vacant site where demolition or construction activity has ceased for an aggregate of six months after commencement of the construction.

- Temporary buildings or works may include:
  - The construction of temporary buildings for short-term retail or commercial use. Such structures must include the provision of an active street frontage.
  - Landscaping of the site for public recreation and open space.
  - A demolition plan, detailing the staging of demolition and any temporary works proposed.
Existing uses

The requirements of clauses 4.2, 4.3 and 4.4 do not apply to an application for buildings and works associated with a continuing lawful use of land.

In considering whether a permit should be granted for buildings and works associated with an existing use of land for industry or warehouse, the responsible authority must consider, as appropriate:

- The impact of the proposed buildings and works on the amenity of the future urban renewal area.
- Whether the grant of the permit will prejudice the achievement or orderly development of the future urban structure for the area.
- Whether the buildings and works support the continued operation of an existing industrial use that is of strategic importance, or that will facilitate the urban renewal of Fishermans Bend.
- Whether the buildings and works may compromise the delivery of the proposed tram alignments or the future elevated road structures.

Signs

A permit is required to construct and display a sign except for:

- Advertising signs exempted by Clause 52.05-4.
- Renewal or replacement of an existing internally illuminated business identification sign.
- A home occupation sign with an advertisement area not more than 0.2 square metres.
- A direction sign where there is only one to each premises.
- A business identification sign, bed and breakfast sign, home occupation sign, or promotion sign, that have a combined total advertisement area to each premises not exceeding 8 square metres.
- An internally illuminated sign of no greater than 1.5 square metres and the sign is not above a verandah or more than 3.7 metres above pavement level. The sign must be more than 30 metres from a residential zone or pedestrian or traffic lights.
- A non-illuminated sign on a verandah fascia, provided no part of the sign protrudes above or below the fascia of the building.

Exemption from notice and review

An application to construct and display a sign 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.
MAP 1: Lorimer urban structure

MAP 2: Transport infrastructure
Definitions

The following definitions apply for the purposes of interpreting this schedule:

**Affordable housing** has the same meaning as in the *Planning and Environment Act 1987*.

**Core area** and **Non-core area** are those area identified on the relevant Map.

**Dwelling density** (dw/ha) means the number of dwellings on the site divided by the total site area (hectares), including any proposed road, laneway and public open space.

**Social housing** has the same meaning as in the *Housing Act 1983*.

**Social housing uplift** means dwellings that exceed the number of dwellings allowable under the dwelling density requirements in this Schedule.
SCHEDULE 5 TO THE CAPITAL CITY ZONE

Shown on the planning scheme map as CCZ5.

CITY NORTH

Purpose
To develop City North as a mixed use extension of the Central City.
To provide for a range of educational, research and medical uses as part of an internationally renowned knowledge district.
To encourage a range of uses that complement the capital city function of the locality and serves the needs of residents, workers, students and visitors.

Table of uses
Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Corrective institution)</td>
<td>Along the street frontages as shown at Map 1 of Clause 43.02 Schedule 61, any frontage at ground floor level must not exceed 4 metres</td>
</tr>
<tr>
<td>Any use permitted under the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975 or the Forests Act 1958.</td>
<td></td>
</tr>
<tr>
<td>Apiculture</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 1997.</td>
</tr>
<tr>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Mineral exploration</td>
<td></td>
</tr>
<tr>
<td>Mining</td>
<td>Must meet the requirements of Clause 52.08-2.</td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Function Centre and Nightclub)</td>
<td></td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Railway station</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Adult sex bookshop, Hotel, and Tavern)</td>
<td></td>
</tr>
<tr>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Stone exploration</td>
<td>Must not be costeaming or bulk sampling.</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
</tbody>
</table>
### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex bookshop</td>
<td></td>
</tr>
<tr>
<td>Amusement parlour</td>
<td></td>
</tr>
<tr>
<td>Car park (other than Commercial car park or an open lot car park)</td>
<td>Must meet the requirements of Clause 52.06.</td>
</tr>
<tr>
<td>Corrective institution</td>
<td></td>
</tr>
<tr>
<td>Function Centre</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td></td>
</tr>
<tr>
<td>Industry</td>
<td>Must not be a purpose listed in the table to Clause 52.10.</td>
</tr>
<tr>
<td>Leisure and Recreation (other than Minor sports and recreation facility and informal outdoor recreation)</td>
<td></td>
</tr>
<tr>
<td>Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Stone exploration)</td>
<td></td>
</tr>
<tr>
<td>Nightclub</td>
<td></td>
</tr>
<tr>
<td>Tavern</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation)</td>
<td></td>
</tr>
<tr>
<td>Warehouse (other than Freezing and cool storage, and Liquid fuel depot)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial car park or an open lot car park</td>
</tr>
<tr>
<td>Cold store</td>
</tr>
<tr>
<td>Extractive industry</td>
</tr>
<tr>
<td>Freezing and cool storage</td>
</tr>
<tr>
<td>Liquid fuel depot</td>
</tr>
</tbody>
</table>

### Use of land

#### Exemption from notice and review

An application to use land 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.

This exemption does not apply to an application to use land for a Function centre, Nightclub, Tavern, Brothel, Adult sex bookshop, Amusement parlour or Hotel.
Decision Guidelines

Before deciding on a permit application under this schedule the responsible authority must consider as appropriate:

- The comments and requirements of relevant authorities.
- The existing and future use and amenity of the land and the locality.
- The impact the use will have on the amenity of existing dwellings and adjacent and nearby sites including noise emissions and how this impact is to be minimised.
- The provision of physical infrastructure and community services sufficient to meet the needs of the proposed use.
- The effect that existing uses may have on the proposed use.

Subdivision

Exemption from notice and review

An application to subdivide land 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.

Buildings and works

Permit Requirement

A permit is required to construct a building or carry out works.

This does not apply to:

- Alterations to a building authorised under the Heritage Act, provided the works do not alter the existing building envelope or floor area.
- The construction, or modification, of a waste pipe, flue, vent, duct, exhaust fan, air conditioning plant, lift motor room, skylight, security camera, street heater or similar minor works provided they are not visible from any street, lane or public place.
- Changes to glazing of existing windows with not more than 15% reflectivity.
- External works to provide disabled access that complies with all legislative requirements.
- Buildings or works carried out by or on behalf of Parks Victoria under the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port Management Act 1995, the Parks Victoria Act 1998 or the Crown Land (Reserves) Act 1978.
- Buildings or works for Railway purposes.

Application Requirements

An application for permit must be accompanied by a written urban context report documenting the key planning influences on the development and how it relates to its surroundings. The urban context report must identify the development opportunities and constraints, and document the effect of the development, as appropriate, in terms of:

- Built form and character of adjacent and nearby buildings.
- Heritage character of adjacent and nearby heritage places.
- Ground floor street frontages, including visual impacts and pedestrian safety.
Microclimate, including sunlight, daylight and wind effects on streets and other public spaces.

Energy efficiency and waste management.

Public infrastructure, including reticulated services, traffic and car parking impact.

An application to construct a building or to construct or carry out works must include, as appropriate, upgrading of adjacent footpaths or laneways to the satisfaction of the responsible authority.

An application for a permit to construct or carry out works for development of a building listed in the Heritage Overlay must be accompanied by a conservation analysis and management plan in accordance with the principles of the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance 1992 (The Burra Charter) to the satisfaction of the responsible authority.

**Exemption from notice and review**

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.

**Decision guidelines**

Before deciding on a permit application under this schedule the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The comments and requirements of relevant authorities.
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking, loading of vehicles and access to parking spaces and loading bays.
- The adequacy of entrance to and egress from the site.
- The existing and future use and amenity of the land and the locality.
- The location, area, dimensions and suitability of use of land proposed for public use.
- The provision of landscaping.
- The effect of the proposed works on solar access to existing open spaces and public places.
- The provision of solar access to private open space areas in residential development.
- The responsibility for the maintenance of buildings, landscaping and paved areas.
- The impact a new development will have on the amenity of existing dwellings on adjacent sites and how this impact has been minimised.
- The incorporation of design measures to attenuate against noise associated with the operation of other businesses and activities, including limiting internal noise levels of new habitable rooms to a maximum of 45 dB in accordance with relevant Australian Standards for acoustic control, for new and refurbished residential developments and other sensitive uses.
- Whether the provision of storage for refuse and recyclable material provided off-street is fully screened from public areas.
- Whether the first five levels of buildings are developed with a “casing” of dwellings or offices or other active uses so that a visual relationship between occupants of upper floors and pedestrians is able to be established and better surveillance of the street is achieved.
Demolition or Removal of Buildings

A permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works.

This does not include:

- Demolition or removal of temporary structures.
- Demolition ordered or undertaken by the responsible authority in accordance with the relevant legislation and/or local law.

Before deciding on an application to demolish or remove a building, the responsible authority may require an agreement pursuant to Section 173 of the Planning and Environment Act 1987 between the landowner and the responsible authority requiring, as appropriate:

- Temporary works on the vacant site should it remain vacant for 6 months after completion of the demolition.
- Temporary works on the vacant site where demolition or construction activity has ceased for 6 months, or an aggregate of 6 months, after commencement of the construction.

Temporary works must be constructed to the satisfaction of the responsible authority. Temporary works may include:

- The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage.
- Landscaping of the site for the purpose of public recreation and open space.

Exemption from notice and review

An application to demolish or remove a building or 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.

Advertising signs

A permit is required to erect an advertising sign, except for:

- Advertising signs exempted by Clause 52.05-4
- An under-verandah business sign if:
  - It does not exceed 2.5 metres measured horizontally, 0.5 metres vertically and 0.3 metres between the faces of the sign;
  - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building facade; and
  - It does not contain any animation or intermittent lighting.
- A ground floor business sign cantilevered from a building if:
  - It does not exceed 0.84 metres measured horizontally, 0.61 metres vertically and 0.3 metres between the faces of the sign;
  - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building facade; and
  - It does not contain any animation or intermittent lighting.
- A window display.
- A non-illuminated sign on a verandah fascia, provided no part of the sign protrudes above or below the fascia.
- Renewal or replacement of an existing internally illuminated business identification sign.
Exemption from notice and review

An application to erect or construct or carry out works for an advertising sign 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.
SCHEDULE 6 TO THE CAPITAL CITY ZONE

Shown on the planning scheme map as CCZ6.

CARLTON CONNECT SITE – FORMER ROYAL WOMEN’S HOSPITAL SITE

Purpose

To recognise the strategic importance of Carlton Connect and the capital city function of the site.

To implement the vision for the Carlton Connect site to achieve an exemplary and integrated mixed use precinct that includes research and development, education, office, exhibition facilities, community, retail and other employment generating activities, and multi-dwelling housing. High quality design and development will commensurate with the designation and significance of the site as the headquarters for Carlton Connect.

Table of uses

1.0

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use permitted under the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975 or the Forest Act 1958.</td>
<td></td>
</tr>
<tr>
<td>Child care centre</td>
<td>The ground floor of the building has a floor to ceiling height of at least 4 metres.</td>
</tr>
<tr>
<td>Dwelling</td>
<td></td>
</tr>
<tr>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than Function centre, Amusement parlour and Nightclub)</td>
<td></td>
</tr>
<tr>
<td>Railway</td>
<td></td>
</tr>
<tr>
<td>Railway station</td>
<td></td>
</tr>
<tr>
<td>Research and Development Centre</td>
<td></td>
</tr>
<tr>
<td>Residential building (other than Residential hotel)</td>
<td></td>
</tr>
<tr>
<td>Retail premises (other than Adult sex bookshop, Hotel, and Tavern)</td>
<td></td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Dwelling and Residential Building)</td>
<td>Must meet the requirements of Clause 52.06.</td>
</tr>
<tr>
<td>Amusement parlour</td>
<td>Must not be an open lot car park.</td>
</tr>
<tr>
<td>Car park</td>
<td></td>
</tr>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Function Centre</td>
<td>Must not be a purpose listed in the table to Clause 52.10 (other than Materials Recycling)</td>
</tr>
<tr>
<td>Hotel</td>
<td></td>
</tr>
<tr>
<td>Industry (other than Research and Development Centre)</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation)</td>
<td></td>
</tr>
<tr>
<td>Nightclub</td>
<td></td>
</tr>
<tr>
<td>Tavern</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation)</td>
<td></td>
</tr>
<tr>
<td>Warehouse (other than Freezing and cool storage, and Liquid fuel depot)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex bookshop</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Freezing and cool storage</td>
</tr>
<tr>
<td>Liquid fuel depot</td>
</tr>
</tbody>
</table>

### Use of land

#### Exemption from notice and review

An application to use land 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.

This exemption does not apply to an application to use land for a Function Centre, Nightclub, Tavern, Amusement Parlour or Hotel.

#### Decision Guidelines

Before deciding on a permit application under this schedule the responsible authority must consider as appropriate:

- The comments and requirements of relevant authorities.
- The existing and future use and amenity of the land and the locality.
- The impact the use will have on the amenity of existing dwellings and adjacent and nearby sites including noise emissions and how this impact is to be minimised.
- The provision of physical infrastructure and community services sufficient to meet the needs of the proposed use.
- The effect that existing uses may have on the proposed use.
- Any relevant approved development plan for the land.
Subdivision

Exemption from notice and review
An application to subdivide land 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.

Buildings and works

Permit Requirement
A permit is not required for:

- Buildings or works carried out 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.

- Buildings or works for Railway purposes.

- Footpath vehicle crossovers provided they are constructed to the satisfaction of the responsible authority.

- Bus and tram shelters required for public purposes by or for the Crown or a public authority in accordance with plans and siting to the satisfaction of the responsible authority.

- The following works required for public purposes by or for the Crown, a public authority or the City of Melbourne:
  - Decorations, gardens and planting
  - A work of art, statue, fountain or similar civic works.
  - The erection of information booths and kiosks.
  - Traffic control works.

- Street Furniture.

- Temporary installations and associated works by or on behalf of the University of Melbourne.

- The construction, or modification, of a waste pipe, flue, vent, duct, exhaust fan, air conditioning plant, lift motor room, skylight, security camera, street heater or similar minor works provided they are to the satisfaction of the responsible authority.

- A flagpole.

- A modification to the shop front window or entranceway of a building to the satisfaction of the responsible authority having regard to the architectural character of the building.

- An addition or modification to a verandah, awning, sunblind or canopy of a building to the satisfaction of the responsible authority.

- The painting, plastering and external finishing of a building or works to the satisfaction of the responsible authority.

- Changes to glazing of existing windows to not more than 15% reflectivity.

- External works to provide disabled access that complies with all legislative requirements to the satisfaction of the responsible authority.
Application Requirements

An application for permit must be accompanied by a written urban context report documenting the key planning influences on the development and how it relates to its surroundings. The urban context report must identify the development opportunities and constraints, and document the effect of the development, as appropriate, in terms of:

- Built form and character of adjacent and nearby buildings.
- Heritage character of adjacent and nearby heritage places.
- Microclimate, including sunlight, daylight and wind effects on streets and other public spaces.
- Energy efficiency and waste management.
- Ground floor street frontages, including visual impacts and pedestrian safety.
- Public infrastructure, including reticulated services, traffic and car parking impact.
- Vistas.

An application to construct a building or to construct or carry out works must include, as appropriate, upgrading of adjacent footpaths or laneways to the satisfaction of the responsible authority.

An application to construct a building or to construct or carry out works must be accompanied by a Wind Analysis which should show how the proposal meets the following requirements:

- Developments fronting Swanston Street or internal lanesways should be designed to be generally acceptable for stationary long term wind exposure (where the peak gust speed during the hourly average with a probability of exceedence of 0.1% in any 22.5° wind direction sector must not exceed 10 ms\(^{-1}\)).

- All other areas should be designed to be generally acceptable for short term wind exposure (where the peak gust speed during the hourly average with a probability of exceedence of 0.1% in any 22.5° wind direction sector must not exceed 13 ms\(^{-1}\)). However, if it can be demonstrated that the street frontage or trafficable area is only likely to be used as a thoroughfare for the life of the development, the building interface should be designed to be generally acceptable for walking (where the peak gust speed during the hourly average with a probability of exceedence of 0.1% in any 22.5° wind direction sector must not exceed 16 ms\(^{-1}\)).

- Developments should not rely on street trees for wind protection.

An application to construct a building or to construct or carry out works for a residential use must be accompanied by an Acoustic Assessment which should show how the proposal meets the following requirements:

- Habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45 dB in accordance with relevant Australian Standards for acoustic control.

Exemption from notice and review

An application to construct a building or construct or carry out works for a use in Section 1 of Clause 37.04-1 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.

Decision guidelines

Before deciding on a permit application under this schedule the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
The comments and requirements of relevant authorities.

The size and shape of the parcel of land to which the application relates, the siting of the proposed development and the area to be occupied by the development in relation to the size and shape of the land, adjoining land and adjoining development.

The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.

The provision of car parking, loading of vehicles and access to parking spaces and loading bays.

The adequacy of pedestrian, cycling and vehicular entrances to and egress from the site.

The impact on the existing and future use and amenity of the land, adjacent sites and the locality.

The location, area, dimensions and suitability of use of land proposed for public use.

The provision of landscaping.

The effect of the proposed works on solar access to existing open spaces and public places.

The pedestrian comfort and the amenity of public places in terms of the potential for ground-level wind.

The responsibility for the maintenance of buildings, landscaping and paved areas.

The development potential of adjacent sites and whether this will cause an unreasonable loss of amenity to the subject site.

The design of buildings to provide for solar access, energy efficiency and waste management.

The ability to establish a visual relationship between occupants of upper floors and pedestrians, and better surveillance of the street by developing the first five levels of buildings with active uses or other design mechanisms.

The impact the proposal will have on street amenity if on-site parking occupies more than 20% of the length of the street frontages at ground level and in the first five levels of the building.

Any relevant approved development plan for the land.

Advertising signs

A permit is required to erect an advertising sign, except for:

Advertising signs exempted by Clause 52.05.4.

An under-verandah business sign if:

- It does not exceed 2.5 metres measured horizontally, 0.5 metres vertically and 0.3 metres between the faces of the sign;
- It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building facade; and
- It does not contain any animation or intermittent lighting.

A ground floor business sign cantilevered from a building if:

- It does not exceed 0.84 metres measured horizontally, 0.61 metres vertically and 0.3 metres between the faces of the sign;
- It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building facade; and
- It does not contain any animation or intermittent lighting.

A window display.
- A non-illuminated sign on a verandah fascia, provided no part of the sign protrudes above or below the fascia.
- Renewal or replacement of an existing internally illuminated business identification sign.

**Exemption from notice and review**

An application to erect or construct or carry out works for an advertising sign, 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.
SCHEDULE 7 TO CLAUSE 37.04 CAPITAL CITY ZONE

Shown on the planning scheme map as CCZ7.

MELBOURNE ARTS PRECINCT

Purpose
To maintain and enhance the Melbourne Arts Precinct as a significant arts and cultural precinct of State significance.

To develop Sturt Street and surrounds as an arts and performance spine with complementary services and activities for local residents and visitors.

To support the growth of creative industry sectors and disciplines such as music and performing arts, fashion, film, television and radio, digital and print media, architecture, design and visual arts.

To provide for a diversity of art and cultural uses within the first four storeys of buildings, including studios, workshops, galleries and rehearsal, performance and event spaces.

To provide for commercial and residential uses above the first four storeys of buildings and development which maximises pedestrian access, provides for active street frontages and integration with the public realm.

1.0

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation (other than Corrective institution)</td>
<td>Must not be located within the first four storeys of a building or within the first 16 metres of building height above ground level, whichever is the lower height, except for part of a building which provides access such as a lobby or entrance. Any frontage at ground floor level must not exceed 2 metres.</td>
</tr>
<tr>
<td>Art and craft centre</td>
<td></td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td></td>
</tr>
<tr>
<td>Child care centre</td>
<td></td>
</tr>
<tr>
<td>Dancing school</td>
<td></td>
</tr>
<tr>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Food and drink premises (other than Hotel and Tavern)</td>
<td></td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>Must not be located within the first four storeys of a building or above the first 16 metres of building height above ground level, whichever is the lower height, except for part of a building which provides access such as a lobby or entrance. Any frontage at ground floor level must not exceed 2 metres.</td>
</tr>
<tr>
<td>Place of assembly (other than Amusement parlour, Nightclub and Restricted Place of Assembly)</td>
<td></td>
</tr>
<tr>
<td>Postal agency</td>
<td></td>
</tr>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Railway station</td>
<td></td>
</tr>
<tr>
<td>Shop (other than Adult sex bookshop, Department Store and Restricted retail premises)</td>
<td></td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 3</td>
<td>Must be conducted 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, the Port of Melbourne Authority Act 1958, the Parks Victoria Act 1998 or the Crown Land (Reserves) Act 1978.</td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01</td>
</tr>
</tbody>
</table>

### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex product shop</td>
<td></td>
</tr>
<tr>
<td>Amusement parlour</td>
<td></td>
</tr>
<tr>
<td>Car park</td>
<td>Must meet the requirements of Clause 52.06.</td>
</tr>
<tr>
<td>Corrective institution</td>
<td></td>
</tr>
<tr>
<td>Department store</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td></td>
</tr>
<tr>
<td>Industry</td>
<td>Must not be a purpose listed in the table to Clause 52.10.</td>
</tr>
<tr>
<td>Leisure and recreation (other than Dancing School and Informal outdoor recreation)</td>
<td></td>
</tr>
<tr>
<td>Nightclub</td>
<td></td>
</tr>
<tr>
<td>Restricted Place of Assembly</td>
<td></td>
</tr>
<tr>
<td>Tavern</td>
<td></td>
</tr>
<tr>
<td>Utility installation</td>
<td></td>
</tr>
<tr>
<td>Warehouse (other than Freezing and cool storage, and Liquid fuel depot)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freezing and cool storage</td>
</tr>
<tr>
<td>Liquid fuel depot</td>
</tr>
</tbody>
</table>

### Use of land

#### Application requirements

An application to use land must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of activities which will be carried out.
• The compatibility of the proposed use with the purpose of the zone.

• The likely effects, if any, on nearby uses and residential amenity including noise levels, traffic, parking, the hours of delivery and dispatch of goods and material, hours of operation.

**Decision guidelines**

The following decision guidelines apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

• Whether the proposed use is compatible with the purposes of this zone and would contribute to:
  - Delivering an arts and creative industries precinct of State significance.
  - Accommodating the needs of creative industry sectors and a growing residential population above the first four storeys of buildings.
  - Maximising opportunities for community access and use.

• The impact the use will have on the amenity of existing dwellings and adjacent and nearby sites.

• The effect that existing uses may have on the proposed uses.

**3.0**

**Exemption from notice and review**

An application to subdivide land 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.

**4.0**

**Buildings and works**

**Permit Requirement**

A permit is required to demolish or remove a building or works. This does not include:

• Demolition or removal of temporary structures.

• Demolition ordered or undertaken by the responsible authority in accordance with the relevant legislation and/or local law.

Before deciding on an application to demolish or remove a building, the responsible authority may require an agreement pursuant to Section 173 of the Planning and Environment Act 1987 between the landowner and the responsible authority requiring, as appropriate:

• Temporary works on the vacant site should it remain vacant for 6 months after completion of the demolition.

• Temporary works on the vacant site where demolition or construction activity has ceased for 6 months, or an aggregate of 6 months, after commencement of the construction.

Temporary works must be constructed to the satisfaction of the responsible authority.

Temporary works may include:

• The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage.

• Landscaping of the site for the purpose of public recreation and open space.
No Permit Required

A permit is not required for:

- Buildings or works carried out 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, the Port of Melbourne Authority Act 1958, the Parks Victoria Act 1998 or the Crown Land (Reserves) Act 1978.
- Buildings or works for Railway purposes.
- Alterations to a building authorised under the Heritage Act, provided the works do not alter the existing building envelope or floor area.
- Footpath vehicle crossovers provided they are constructed to the satisfaction of the responsible authority.
- Bus and tram shelters required for public purposes by or for the Crown or a public authority in accordance with plans and siting to the satisfaction of the responsible authority.
- Decorations, gardens and planting required for public purposes by or for the Crown, a public authority or the City of Melbourne.
- A work of art, statue, fountain or similar civic works required for public purposes by or for the Crown, a public authority or the City of Melbourne.
- Buildings or works or uses on public land for which a current permit exists under a City of Melbourne local law.
- The erection of information booths and kiosks required for public purposes by or for the Crown, a public authority or the City of Melbourne.
- Traffic control works required by or for the Crown, a public authority or the City of Melbourne.
- The construction, or modification, of a waste pipe, flue, vent, duct, exhaust fan, air conditioning plant, lift motor room, skylight, security camera, street heater or similar minor works provided they are to the satisfaction of the responsible authority.
- A flagpole.
- A modification to the shop front window or entranceway of a building to the satisfaction of the responsible authority having regard to the architectural character of the building.
- An addition or modification to a verandah, awning, sunblind or canopy of a building to the satisfaction of the responsible authority.
- The painting, plastering and external finishing of a building or works to the satisfaction of the responsible authority.
- Changes to glazing of existing windows to not more than 15% reflectivity.
- External works to provide disabled access that complies with all legislative requirements to the satisfaction of the responsible authority.

Application Requirements

An application for a permit must be accompanied by a written urban context report documenting the key planning influences on the development and how it relates to its surroundings. The urban context report must identify the development opportunities and constraints, and document the effect of the development, as appropriate, in terms of:

- Built form and character of adjacent and nearby buildings.
- Heritage character of adjacent and nearby heritage places.
Microclimate, including sunlight, daylight and wind effects on streets and other public spaces.

Energy efficiency and waste management.

Ground floor street frontages, including visual impacts and pedestrian safety.

Public infrastructure, including reticulated services, traffic and car parking impact.

Vistas.

An application to construct a building or to construct or carry out works must include, as appropriate, upgrading of adjacent footpaths or laneways to the satisfaction of the responsible authority.

An application for a permit to construct or carry out works for development of a building listed in the Heritage Overlay must be accompanied by a conservation analysis and management plan in accordance with the principles of the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance 1992 (The Burra Charter) to the satisfaction of the responsible authority.

An application to construct a building or construct or carry out works for a residential or other noise sensitive use, must be accompanied by an Acoustic Assessment to the satisfaction of the responsible authority, which addresses:

- The likely noise sources to impact the proposed development.
- The maximum permissible noise from the nearby noise sources.
- The necessary measures to attenuate these noise impacts, including how the proposal will meet the following requirement:
  - Habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45dB Laeq. in accordance with the relevant Australian Standards for acoustic control.

Exemption from notice and review

An application to construct a building or construct or carry out works for a use in Section 1 of Clause 37.04-1 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.

An application to demolish or remove a building or 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.

Referral Requirement

An application for development with a gross floor area exceeding 25,000 square metres must be referred in accordance with section 55 of the Act to the referral authority specified in the schedule to Clause 66.04.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The comments and requirements of relevant authorities.
- The ability for pedestrians, bicycles and vehicles to move within and through the area.
- The adequacy of car parking provision and loading bays.
- The adequacy of vehicle entry and egress.
- The impact the proposal will have on the amenity of existing and future development in the locality.
- The suitability of land proposed for public use.
- Whether the development provides space that could be adapted for arts and creative industries in the future.
- The provision of landscaping.
- Whether the building design at street level provides for active street frontages, pedestrian engagement and weather protection.
- The impact on the amenity of any dwellings on adjacent sites.
- The development potential of adjacent sites, and whether this will cause an unreasonable loss of amenity to the subject site.
- Whether the proposal provides provides acceptable internal noise levels within habitable rooms of new dwellings taking into account existing or reasonably anticipated future noise sources.
- Whether the development includes appropriate measures to attenuate against noise associated with the operation of other businesses and activities, including limiting internal noise levels of new habitable rooms.
- Waste management.
- The ability to establish a visual relationship between occupants of upper floors and pedestrians, and better surveillance of the street by developing the first five levels of buildings with a “casing” of dwellings or offices or other design mechanisms.
- The impact the proposal will have on street amenity if buildings are not constructed to the street boundary at ground level.
- The impact the proposal will have on street amenity if on-site parking occupies more than 20% of the length of the street frontages at ground level and in the first five levels of the building and whether any above ground multi-level car parking is sleeved and concealed by active frontages.
- Whether the development would compromise the function, form and capacity of public spaces and public infrastructure.
- Whether the demolition or removal of buildings gives effect to a permit or prior approval for the redevelopment of land.
- Whether the demolition or removal of buildings is required for environmental remediation of contaminated land.
- The provision of temporary works or landscaping to avoid vacant sites in perpetuity.

Advertising signs

A permit is required to construct or display a sign, except for:

- Advertising signs exempted by Clause 52.05-4
- An under-verandah business sign if:
  - It does not exceed 2.5 metres measured horizontally, 0.5 metres vertically and 0.3 metres between the faces of the sign;
  - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building facade; and
  - It does not contain any animation or intermittent lighting.
- A ground floor business sign cantilevered from a building if:
- It does not exceed 0.84 metres measured horizontally, 0.61 metres vertically and 0.3 metres between the faces of the sign;
- It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building facade; and
- It does not contain any animation or intermittent lighting.

- A window display.
- A non-illuminated sign on a verandah fascia, provided no part of the sign protrudes above or below the fascia.
- Renewal or replacement of an existing internally illuminated business identification sign.

**Exemption from notice and review**

An application to construct or display a sign, 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.

**Expirey**

The requirements of this schedule cease to have effect after 22 January 2021.
**DOCKLANDS ZONE**

Shown on the planning scheme map as DZ with a number.

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To ensure that use and development take account of the unique nature of the water environment.

To encourage a variety of dwelling types within the Melbourne Docklands area to suit a diversity of needs.

To ensure that development takes account of the relationship of the Melbourne Docklands area to the Central Activities District and the policies relating to the future development of the Central Activities District and other parts of the capital city.

To encourage visual and physical linkages between the Melbourne Docklands and adjacent areas, in particular the Central Business District.

To provide for the conservation and enhancement of buildings, areas and places of scientific, aesthetic, architectural or historical significance.

**Table of uses**

**Section 1 - Permit not required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 1 of the schedule to this zone</td>
<td>Must comply with any condition in Section 1 of the schedule to this zone.</td>
</tr>
</tbody>
</table>

**Section 2 - Permit required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 2 of the schedule to this zone</td>
<td>Must comply with any condition in Section 2 of the schedule to this zone.</td>
</tr>
</tbody>
</table>

**Section 3 - Prohibited**

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use in Section 3 of the schedule to this zone</td>
</tr>
</tbody>
</table>

**Use of land**

Any requirement in the schedule to this zone must be met.

**Application requirements**

An application to use land must be accompanied by any information specified in the schedule to this zone.

**Exemption from notice and review**

The schedule to this zone may specify that an application 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.
Decision guidelines

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

- Any guidelines in the schedule to this zone.

Subdivision

Permit requirement

A permit is required to subdivide land unless the schedule to this zone specifies otherwise. Any requirement in the schedule to this zone must be met.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into 2 lots if:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The construction of a building or the construction or carrying out of works on the land:</td>
<td></td>
</tr>
<tr>
<td>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</td>
<td></td>
</tr>
<tr>
<td>- Has started lawfully.</td>
<td></td>
</tr>
<tr>
<td>- The subdivision does not create a vacant lot.</td>
<td></td>
</tr>
</tbody>
</table>

Application requirements

An application to subdivide land must be accompanied by any information specified in the schedule to this zone.
Exemption from notice and review

The schedule to this zone may specify that an application 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.

Decision guidelines

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

- Any guidelines in the schedule to this zone.

Buildings and works

Permit requirement

A permit is required to construct a building or construct or carry out works, and to demolish or remove a building or works. This does not apply:

- If a schedule to this zone specifically states that a permit is not required;
- where the construction, carrying out, demolition or removal complies with an Existing Old Format Approval, as approved or varied with the consent of the responsible authority, including any conditions of that approval.

‘Existing Old Format Approval’ means a development plan that was approved by the responsible authority under Clause 415 of the former Melbourne Docklands Area Planning Provisions (September 2006), excluding any described in the following table.

Table 1

<table>
<thead>
<tr>
<th>Approval description</th>
<th>Date of approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outline Development Plan, MAB Business Park Precinct</td>
<td>Approved by the Minister for Planning on 30 April 1999</td>
</tr>
<tr>
<td>Supplementary Outline Development Plan Business Park Precinct</td>
<td>As approved by the Minister for Planning on 22 November 1999</td>
</tr>
<tr>
<td>Amended MAB Docklands Outline Development Plan dated 3 June 2002</td>
<td>As approved by the Minister for Planning on 29 August 2002</td>
</tr>
<tr>
<td>Amended Lot 9 &amp; 11 Outline Development Plan MAB East Precinct October 2003</td>
<td>As approved by the Minister for Planning on 8 April 2004</td>
</tr>
<tr>
<td>Waterfront City Outline Development Plan dated 15 September 2003</td>
<td>As approved by the Minister for Planning on 28 November 2003</td>
</tr>
<tr>
<td>Amended Victoria Harbour Outline Development Plan Sept 2006</td>
<td>As approved by the Minister for Planning on 6 February 2007</td>
</tr>
<tr>
<td>Outline Development Plan (Digital Harbour – Commonwealth Technology Port Masterplan, 1 February 2002 Comtechport Precinct)</td>
<td>As approved by the Minister for Planning on 20 August 2002</td>
</tr>
<tr>
<td>Outline Development Plan Village Docklands, May 2007 revised August 2007 Volume 1 and 2</td>
<td>As approved by the Minister for Planning on 1 November 2007</td>
</tr>
<tr>
<td>Mirvac Yarra’s Edge Revised Outline Development Plan</td>
<td>As approved by the Minister for Planning on 26 October 2006</td>
</tr>
</tbody>
</table>

Any requirement in the schedule to this zone must be met.

An apartment development must meet the requirements of Clause 58.
VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works with an estimated cost of up to $500,000 and the land is not used for a purpose listed in the table to Clause 53.10.</td>
<td>Clause 59.04</td>
</tr>
</tbody>
</table>

Transitional provisions

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information as appropriate:

- An urban design written statement which must include details of:
  - The urban design and landscaping of the site, in the context of its surrounding area.
  - Pedestrian, watercraft and vehicle (including motorcycle and bicycle) access locations.
  - The provision of infrastructure on the site, and how the development relates to the overall infrastructure network of the Melbourne Docklands area.
  - How the development provides for the conservation of and is compatible with buildings, areas or other places of scientific, aesthetic, architectural or historical importance where applicable.
  - Any proposed demolition.

- The location, height, dimensions, design and floor area of all buildings and works.
- Elevations detailing facade articulation and external materials, colours and finishes.
- Proposed uses within all buildings.
- Stages, if any, in which the land is to be developed.
- Proposed vehicle (including motorcycle and bicycle) access and parking arrangements.
- The location of public transport facilities relative to the proposal, access to them and where appropriate, proposed passenger facilities.
- Provision for vehicle loading areas, including the location of rubbish storage and removal facilities.
- The location, layout and planting schedule for all landscaped areas.
- Any other requirement in the schedule to this zone.

An application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, must be accompanied by an urban context report and design response as required in Clause 58.01.
**Exemption from notice and review**

The schedule to this zone may specify that an application 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.

**Decision guidelines**

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

- For an apartment development, the objectives, standards and decision guidelines of Clause 58.
- Any guidelines in the schedule to this zone.

**Car parking**

Any requirement in relation to car parking in the schedule to this zone must be met.

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 3 unless a different requirement is specified in the schedule to this zone.

**Effect of approved development plans**

In respect of any land that has been developed pursuant to a development plan approved by the responsible authority prior to 7 April 2008 under Clause 415 of the former Melbourne Docklands Area Planning Provisions (September 2006), the use and development of the land must comply with the approved development plan, including any conditions which apply to the plan, except with the further consent of the responsible authority.

**Environmental audits**

Before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the timing for which must be to the satisfaction of the responsible authority having regard to the Melbourne Docklands Environmental Management Plan as amended, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.
SCHEDULE 1 TO THE DOCKLANDS ZONE

Shown on the planning scheme map as **DZ1**.

YARRA’S EDGE PRECINCT

**Purpose**

To provide for a range of residential, commercial, recreational, business and leisure uses within a mixed use environment.

To provide for medium to high residential density and a variety of dwelling types that acknowledge the location adjoining the Yarra River.

### Table of uses

#### Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use permitted under the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975 or the Forest Act 1958.</td>
<td></td>
</tr>
<tr>
<td>Art gallery</td>
<td></td>
</tr>
<tr>
<td>Dwelling</td>
<td></td>
</tr>
<tr>
<td>Food &amp; drink premises (other than Convenience restaurant, Hotel and Tavern)</td>
<td></td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Marina</td>
<td>The use must be associated with and abut an approved water based marina. The use must not impede access to or use of the public promenade, along the waterfront.</td>
</tr>
<tr>
<td>Minor sports and recreation facility</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>If located east of Point Park the use must not be located on the ground floor with a frontage to the Yarra River, with the exception of an entrance way or lobby.</td>
</tr>
<tr>
<td>Place of assembly (other than Nightclub)</td>
<td></td>
</tr>
<tr>
<td>Research and development centre</td>
<td></td>
</tr>
<tr>
<td>Residential hotel</td>
<td></td>
</tr>
<tr>
<td>Shop (other than Adult sex bookshop, Department store, Restricted retail premises, and Supermarket exceeding 2,500 square metres of GFA)</td>
<td>Must be located at ground level.</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Any use listed in Clause 62.01</td>
<td>Must meet the requirements of Clause 62.01.</td>
</tr>
</tbody>
</table>

#### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement parlour</td>
<td></td>
</tr>
<tr>
<td>Car park</td>
<td></td>
</tr>
<tr>
<td>Child care centre</td>
<td></td>
</tr>
<tr>
<td>Cinema</td>
<td></td>
</tr>
</tbody>
</table>
### Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td><strong>Motor vehicle, boat or caravan sales</strong></td>
<td>Motor vehicles, boats or caravans must not be displayed on the land included in the waterfront promenade.</td>
</tr>
<tr>
<td></td>
<td>The portion of any motor vehicle, boat and caravan sales or hire activity within the zone must be predominantly within a building.</td>
</tr>
<tr>
<td></td>
<td>The main frontage of a motor vehicle and caravan sales or hire activity must be to Lorimer Street.</td>
</tr>
<tr>
<td></td>
<td>The frontage of boat sales or hire tenancies to the promenade must be predominantly glass (or another transparent material) and provide a view into a reception, display or similar area.</td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex bookshop</td>
</tr>
<tr>
<td>Animal husbandry</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
<tr>
<td>Fuel depot</td>
</tr>
<tr>
<td>Industry (other than Carwash, Dry cleaner, Laundromat and Research and development centre)</td>
</tr>
<tr>
<td>Manufacturing sales</td>
</tr>
</tbody>
</table>

### Use of land

#### Exemption from notice and appeal

An application for use 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.

#### Decision guidelines

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

- The existing and future use and amenity of the land and the locality.
- The provision of physical infrastructure and community services sufficient to meet the needs of the proposed use.

### Subdivision

A permit is required to subdivide land.

#### Exemption from notice and appeal

An application to subdivide land 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.
Buildings and works

Permit requirement

A permit is not required for the following:

- The construction, or modification, of a waste pipe, flue, vent, duct, exhaust fan, air conditioning plant, lift motor room, skylight, security camera, street heater or similar minor works provided they are to the satisfaction of the responsible authority.

- A modification to the shop front window or entranceway of a building to the satisfaction of the responsible authority having regard to the architectural character of the building.

- An addition or modification to a verandah, awning, sunblind or canopy of a building to the satisfaction of the responsible authority.

- The painting, plastering and external finishing of a building or works to the satisfaction of the responsible authority.

- Changes to glazing of existing windows to not more than 15% reflectivity or to the satisfaction of the responsible authority.

- External works to provide disabled access that complies with all legislative requirements to the satisfaction of the responsible authority.

Exemption from notice and appeal

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

Decision guidelines

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

- The siting and design quality of all buildings and works and their suitability for the use proposed in the context of the adjacent area.

- The provision of site landscaping in the context of adjacent areas.

- The effect on the visual amenity, landscape and streetscape of the area.

- Impact on the importance, character and appearance of any building, area or place of scientific, aesthetic, architectural, or historical importance.

- Where new buildings incorporate dwellings, the design should respect and anticipate the development potential of adjacent sites, to ensure that the future development of the adjacent sites does not cause a significant loss of amenity to the subject site.

- For residential development, ensure appropriate noise attenuation measures are adopted to limit internal and external noise to appropriate levels.

- The design and treatment of the public realm including the solar access to existing open spaces.

- The wind effects of the proposed development at ground level.

Referral of applications

An application to use land or to construct a building or carry out works must be referred in accordance with Section 55 of the Act to the referral authority specified in the schedule to Clause 66.04.
Advertising signs

A permit is required to erect an advertising sign, except for:

- Advertising signs exempted by Clause 52.05.4.
- An under-verandah business sign if:
  - It does not exceed 2.5 metres measured horizontally, 0.5 metres vertically and 0.3 metres between the faces of the sign;
  - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building façade;
  - It does not contain any animation or intermittent lighting; and
  - It meets the Docklands Signage Guidelines to the satisfaction of the responsible authority.
- A ground floor business sign cantilevered from a building if:
  - It does not exceed 0.84 metres measured horizontally, 0.61 metres vertically and 0.3 metres between the faces of the sign;
  - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building façade;
  - It does not contain any animation or intermittent lighting; and
  - It meets the Docklands Signage Guidelines to the satisfaction of the responsible authority.
- A window display.
- A non-illuminated sign on a verandah fascia, provided no part of the sign protrudes above or below the fascia.
- Renewal or replacement of an existing internally illuminated business identification sign.

Exemption from notice and appeal

An application to erect or construct or carry out works for an advertising sign, 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.
SCHEDULE 2 TO THE DOCKLANDS ZONE

Shown on the planning scheme map as DZ2.

VICTORIA HARBOUR PRECINCT

Purpose

To provide for a range of commercial, residential, recreational, educational, technology, business and leisure uses within a mixed use environment.

To provide a promenade environment for urban art and waterfront events and festivals.

To provide a retail focus for Docklands that complements retailing in the Central City.

To encourage the refurbishment of existing wharves for commercial, institutional and public uses.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use permitted under the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975 or the Forest Act 1958.</td>
<td></td>
</tr>
<tr>
<td>Apiculture</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 1997.</td>
</tr>
<tr>
<td>Aquarium</td>
<td></td>
</tr>
<tr>
<td>Beauty salon</td>
<td></td>
</tr>
<tr>
<td>Bottle shop</td>
<td></td>
</tr>
<tr>
<td>Commercial display area</td>
<td></td>
</tr>
<tr>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td>Department store</td>
<td>Must be located within the land bounded by Bourke Street, Collins Street and Investigator Drive.</td>
</tr>
<tr>
<td>Dwelling</td>
<td>Must not be located on Central Pier.</td>
</tr>
<tr>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Food &amp; drink premises</td>
<td></td>
</tr>
<tr>
<td>Hairdresser</td>
<td></td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Market</td>
<td>Must be located on Central Pier.</td>
</tr>
<tr>
<td>Mineral exploration</td>
<td></td>
</tr>
<tr>
<td>Mining</td>
<td>Must meet the requirements of 52.08-2.</td>
</tr>
<tr>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Place of assembly</td>
<td></td>
</tr>
<tr>
<td>Research centre</td>
<td></td>
</tr>
<tr>
<td>Research and development centre</td>
<td></td>
</tr>
<tr>
<td>Residential hotel</td>
<td></td>
</tr>
<tr>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Search for stone</td>
<td>Must not be costeanning or bulk sampling.</td>
</tr>
</tbody>
</table>
**Use** | **Condition**
---|---
Restricted retail premises | Must be located within the Central Precinct area.
Supermarket | Must be located within the Central Precinct area.
Telecommunications facility | Buildings and works must meet the requirements of Clause 52.19
Tramway Wharf

**Section 2 - Permit required**

**Use** | **Condition**
---|---
Car park | Must be associated with a marina use or development in the surrounding area, or a Section 1 or 2 use.

Any use not in Section 1 or 3.

**Section 3 - Prohibited**

**Use**

Adult sex bookshop
Animal husbandry
Brothel
Fuel depot
Industry (other than Car wash, Dry cleaner, Laundromat, Motor repairs and Research and development centre)
Panel beating

**Use of land**

**Exemption from notice and appeal**

An application for use 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.

**Decision guidelines**

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

- The existing and future use and amenity of the land and the locality.
- The provision of physical infrastructure and community services sufficient to meet the needs of the proposed use.

**Subdivision**

A permit is required to subdivide land.
Exemption from notice and appeal

An application to subdivide land 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.

Buildings and works

Prohibitions

The construction of buildings and works which would cast a shadow across the south bank of the Yarra River between 11.00 am and 2.00 pm on 22 June is prohibited, excluding mooring poles, marinas and gangways.

Permit requirement

A permit is not required for the following:

- The construction, or modification, of a waste pipe, flue, vent, duct, exhaust fan, air conditioning plant, lift motor room, skylight, security camera, street heater or similar minor works provided they are to the satisfaction of the responsible authority.

- A modification to the shop front window or entranceway of a building to the satisfaction of the responsible authority having regard to the architectural character of the building.

- An addition or modification to a verandah, awning, sunblind or canopy of a building to the satisfaction of the responsible authority.

- The painting, plastering and external finishing of a building or works to the satisfaction of the responsible authority.

- Changes to glazing of existing windows to not more than 15% reflectivity or to the satisfaction of the Responsible Authority.

- External works to provide disabled access that complies with all legislative requirements to the satisfaction of the responsible authority.

Exemption from notice and appeal

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

Decision guidelines

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

- The siting and design quality of all buildings and works and their suitability for the use proposed in the context of the adjacent area.

- The provision of site landscaping in the context of adjacent areas.

- The effect on the visual amenity, landscape and streetscape of the area.

- The impact on the importance, character and appearance of any building, area or place of scientific, aesthetic, architectural, or historical importance.

- Where new buildings incorporate dwellings, the design should respect and anticipate the development potential of adjacent sites, to ensure that the future development of the adjacent sites does not cause a significant loss of amenity to the subject site.

- For residential development, ensure appropriate noise attenuation measures are adopted to limit internal and external noise to appropriate levels.
The design and treatment of the public realm including the solar access to existing open spaces.

- The wind effects of the proposed development at ground level.

**Referral of applications**

An application to use land or to construct a building or carry out works must be referred in accordance with Section 55 of the Act to the referral authority specified in the schedule to Clause 66.04.

**Advertising signs**

A permit is required to erect an advertising sign, except for:

- Advertising signs exempted by Clause 52.05-4.

  - An under-verandah business sign if:
    - It does not exceed 2.5 metres measured horizontally, 0.5 metres vertically and 0.3 metres between the faces of the sign;
    - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building façade;
    - It does not contain any animation or intermittent lighting; and
    - It meets the Docklands Signage Guidelines to the satisfaction of the responsible authority.

  - A ground floor business sign cantilevered from a building if:
    - It does not exceed 0.84 metres measured horizontally, 0.61 metres vertically and 0.3 metres between the faces of the sign;
    - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building façade; and
    - It does not contain any animation or intermittent lighting.

- A window display.

- A non-illuminated sign on a verandah fascia, provided no part of the sign protrudes above or below the fascia.

- Renewal or replacement of an existing internally illuminated business identification sign.

**Exemption from notice and appeal**

An application to erect or construct or carry out works for an advertising sign, 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.
SCHEDULE 3 TO THE DOCKLANDS ZONE

Shown on the planning scheme map as **DZ3**.

**BATMAN’S HILL PRECINCT**

**Purpose**

To provide for a range of commercial, residential, recreational, educational, technology, business and leisure uses within a mixed use environment.

To provide for the development of a landmark mixed use tower development of a scale of international significance.

To ensure that the overall development of land will include public open spaces linking the southern Cross Station area, Harbour Esplanade and along the north bank of the Yarra River.

To acknowledge the importance of Wurundjeri Way as an arterial road.

---

### 1.0 Table of uses

**Section 1 - Permit not required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Apiculture</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Aquarium</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Car park</strong></td>
<td>Must be no more than 1,800 car spaces and made available for use by patrons of the Major Sports and Recreation Facility. Must not be an open lot carpark.</td>
</tr>
<tr>
<td><strong>Commercial display area</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Dwelling</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Education centre</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Greenhouse gas sequestration</strong></td>
<td>Must meet the requirements of Clause 52.08-6. Must be within the confines of the arterial road - Wurundjeri Way.</td>
</tr>
<tr>
<td><strong>Greenhouse gas sequestration exploration</strong></td>
<td>Must be within the confines of the arterial road - Wurundjeri Way.</td>
</tr>
<tr>
<td><strong>Home occupation</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Hotel</strong></td>
<td>Must be located south of Bourke Street and east of Waterview Walk and Batman’s Hill Drive.</td>
</tr>
<tr>
<td><strong>Informal outdoor recreation</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Market</strong></td>
<td>Must be located within Goods Shed No. 2.</td>
</tr>
<tr>
<td><strong>Mineral exploration</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Mining</strong></td>
<td>Must meet the requirements of 52.08-2.</td>
</tr>
<tr>
<td><strong>Minor utility installation</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Natural systems</strong></td>
<td>Must be within the confines of the arterial road - Wurundjeri Way.</td>
</tr>
<tr>
<td><strong>Railway</strong></td>
<td></td>
</tr>
</tbody>
</table>
### Condition Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Railway station</td>
<td>The total leasable floor area for the selling of food, drink and other convenience goods and services must not exceed 50 square metres.</td>
</tr>
<tr>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Place of assembly</td>
<td></td>
</tr>
<tr>
<td>Research centre</td>
<td></td>
</tr>
<tr>
<td>Research and development centre</td>
<td></td>
</tr>
<tr>
<td>Residential hotel</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td></td>
</tr>
<tr>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Search for stone</td>
<td>Must not be costeaming or bulk sampling.</td>
</tr>
<tr>
<td>Shop (other than Adult sex bookshop, Department store, Restricted retail premises, and Supermarket exceeding 2,500 square metres of GFA)</td>
<td>Must be located at ground level.</td>
</tr>
<tr>
<td>Take away food premises</td>
<td></td>
</tr>
<tr>
<td>Tavern</td>
<td></td>
</tr>
<tr>
<td>Telecommunications facility</td>
<td>Buildings and works must meet the requirements of Clause 52.19</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
</tbody>
</table>

#### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car park</td>
<td>Must be associated with a development in the surrounding area, or a Section 1 or 2 use.</td>
</tr>
<tr>
<td>Adult sex bookshop</td>
<td>Must be within the confines of the arterial road - Wurundjeri Way.</td>
</tr>
<tr>
<td>Animal husbandry</td>
<td>Must be within the confines of the arterial road - Wurundjeri Way.</td>
</tr>
<tr>
<td>Brothel</td>
<td>Must be within the confines of the arterial road - Wurundjeri Way.</td>
</tr>
<tr>
<td>Fuel depot</td>
<td>Must be within the confines of the arterial road - Wurundjeri Way.</td>
</tr>
<tr>
<td>Industry (other than Car wash, Dry cleaner, Laundromat, Motor repairs and Research and development centre)</td>
<td>Must be within the confines of the arterial road - Wurundjeri Way.</td>
</tr>
<tr>
<td>Panel beating</td>
<td>Must be within the confines of the arterial road - Wurundjeri Way.</td>
</tr>
</tbody>
</table>

Any use not in Section 1 or 3.
Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
</tr>
</tbody>
</table>

Use of land

Exemption from notice and appeal
An application for use 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.

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

- The existing and future use and amenity of the land and the locality.
- The provision of physical infrastructure and community services sufficient to meet the needs of the proposed use.
- The views of the relevant road authority if within the confines of the arterial road - Wurundjeri Way.
- The effect of the proposal on the operation of the road and on public safety if within the confines of the arterial road - Wurundjeri Way.

Subdivision
A permit is required to subdivide land.

Exemption from notice and appeal
An application to subdivide land 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.

Buildings and works

Prohibitions
The construction of buildings and works which would cast a shadow across the south bank of the Yarra River between 11.00 am and 2.00 pm on 22 June is prohibited.
This does not apply to buildings and works on land between Flinders Street, Collins Street, Aurora Lane, and the Rail Reserve.

Permit requirement
A permit is not required for the following:

- The construction, or modification, of a waste pipe, flue, vent, duct, exhaust fan, air conditioning plant, lift motor room, skylight, security camera, street heater or similar minor works provided they are to the satisfaction of the responsible authority.
- A modification to the shop front window or entranceway of a building to the satisfaction of the responsible authority having regard to the architectural character of the building.
- An addition or modification to a verandah, awning, sunblind or canopy of a building to the satisfaction of the responsible authority.
- The painting, plastering and external finishing of a building or works to the satisfaction of the responsible authority.

- Changes to glazing of existing windows to not more than 15% reflectivity or to the satisfaction of the Responsible Authority.

- External works to provide disabled access that complies with all legislative requirements to the satisfaction of the responsible authority.

- Buildings or works for Railway purposes or carried out on behalf of the transport public land manager within the confines of the railway reserve.

- Buildings or works for road purposes or carried out on behalf of the roads authority and within the confines of the arterial road - Wurundjeri Way.

**Exemption from notice and appeal**

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

**Decision guidelines**

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

- The siting and design quality of all buildings and works and their suitability for the use proposed in the context of the adjacent area.

- Provision of site landscaping in the context of adjacent areas.

- Effect on the visual amenity, landscape and streetscape of the area.

- Impact on the importance, character and appearance of any building, area or place of scientific, aesthetic, architectural, or historical importance.

- Where new buildings incorporate dwellings, the design should respect and anticipate the development potential of adjacent sites, to ensure that the future development of the adjacent sites does not cause a significant loss of amenity to the subject site.

- For residential development, ensure appropriate noise attenuation measures are adopted to limit internal and external noise to appropriate levels.

- The design and treatment of the public realm including the solar access to existing open spaces.

- The wind effects of the proposed development at ground level

- Any overshadowing on the south bank of the Yarra from a building built between Flinders Street, Collins Street, Aurora Lane, and the Rail Reserve. Any new building should minimise as much as practical the effect on the amenity of the Yarra River corridor.

**Referral of applications**

An application to use land or to construct a building or carry out works must be referred in accordance with Section 55 of the Act to the referral authority specified in the schedule to Clause 66.04.
Advertising signs

Advertising Signs within the confines of the arterial road - Wurundjeri Way.

Advertising sign controls are at Clause 52.05. A permit is required to display a sign over the road formation or over land within 600 millimetres of the road formation. For other land in this zone, the category of advertising control which applies is the category which applies to the adjoining zone nearest to the land. If land is equidistant from two or more adjoining zones, the least restrictive category applies.

Advertising signs for all other areas

A permit is required to erect an advertising sign, except for:

- Advertising signs exempted by Clause 52.05-4.
- An under-verandah business sign if:
  - It does not exceed 2.5 metres measured horizontally, 0.5 metres vertically and 0.3 metres between the faces of the sign;
  - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building façade;
  - It does not contain any animation or intermittent lighting; and
  - It meets the Docklands Signage Guidelines to the satisfaction of the responsible authority.
- A ground floor business sign cantilevered from a building if:
  - It does not exceed 0.84 metres measured horizontally, 0.61 metres vertically and 0.3 metres between the faces of the sign;
  - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building façade;
  - It does not contain any animation or intermittent lighting; and
  - It meets the Docklands Signage Guidelines to the satisfaction of the responsible authority.
- A window display.
- A non-illuminated sign on a verandah fascia, provided no part of the sign protrudes above or below the fascia.
- Renewal or replacement of an existing internally illuminated business identification sign.

Exemption from notice and appeal

An application to erect or construct or carry out works for an advertising sign, 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.
SCHEDULE 4 TO THE DOCKLANDS ZONE

Shown on the planning scheme map as DZ4.

STADIUM PRECINCT

Purpose

To provide for a range of commercial, residential, recreational, educational, technology, business and leisure uses within a mixed use environment.

To encourage integrated and compatible land use and development within the area surrounding the stadium facility.

To ensure that the Major Sports and Recreation Facility includes the opportunity to cater for a wide range of sporting events, as well as a range of entertainment and leisure activities.

1.0 Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use permitted under the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975 or the Forest Act 1958.</td>
<td></td>
</tr>
<tr>
<td>Apiculture</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 1997.</td>
</tr>
<tr>
<td>Aquarium</td>
<td></td>
</tr>
<tr>
<td>Car park</td>
<td>Must be;</td>
</tr>
<tr>
<td></td>
<td>No more than 3,600 car spaces which are a component of or used in association with the Major Sports and Recreation Facility.</td>
</tr>
<tr>
<td></td>
<td>No more than 500 spaces to the north west of the Major Sports and Recreation facility.</td>
</tr>
<tr>
<td></td>
<td>Must not be an open lot car park.</td>
</tr>
<tr>
<td>Commercial display area</td>
<td></td>
</tr>
<tr>
<td>Dwelling</td>
<td>Must be located to the south of the Major Sports and Recreation facility.</td>
</tr>
<tr>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Exhibition Centre</td>
<td>If located within the Major Sports and Recreation Facility.</td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td>Must not be located to the north east of the major sports and recreation facility.</td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
<td></td>
</tr>
<tr>
<td>Mineral exploration</td>
<td></td>
</tr>
<tr>
<td>Mining</td>
<td>Must meet the requirements of 52.08-2.</td>
</tr>
<tr>
<td>Museum</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Place of assembly</td>
<td></td>
</tr>
<tr>
<td>Research centre</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Research and development centre</td>
<td></td>
</tr>
<tr>
<td>Residential hotel</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td></td>
</tr>
<tr>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Search for stone</td>
<td>Must not be costeaining or bulk sampling.</td>
</tr>
<tr>
<td>Shop (other than Adult Sex bookshop Department store, a Supermarket exceeding 2,500 sqm of GFA and Restricted retail premises)</td>
<td>If located in the Major Sports and Recreation Facility must be located within the building. Must not be located at ground floor.</td>
</tr>
<tr>
<td>Take away food premises</td>
<td></td>
</tr>
<tr>
<td>Tavern</td>
<td></td>
</tr>
<tr>
<td>Telecommunications facility</td>
<td>Buildings and works must meet the requirements of Clause 52.19</td>
</tr>
<tr>
<td>Television studio</td>
<td></td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
</tbody>
</table>

**Section 2 - Permit required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car park</td>
<td>Must be associated with a development in the surrounding area, or a Section 1 or 2 use.</td>
</tr>
</tbody>
</table>

Any use not in Section 1 or 3.

**Section 3 - Prohibited**

<table>
<thead>
<tr>
<th>Use</th>
</tr>
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<tbody>
<tr>
<td>Adult sex bookshop</td>
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<tr>
<td>Animal husbandry</td>
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<tr>
<td>Brothel</td>
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<tr>
<td>Fuel depot</td>
</tr>
<tr>
<td>Industry (other than Car wash, Dry cleaner, Laundromat, Motor repairs and Research and development centre)</td>
</tr>
</tbody>
</table>

**Use of land**

**Exemption from notice and appeal**

An application for use 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.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:
- The existing and future use and amenity of the land and the locality.
- The provision of physical infrastructure and community services sufficient to meet the needs of the proposed use.

### 3.0
**Subdivision**
A permit is required to subdivide land.

**Exemption from notice and appeal**
An application to subdivide land 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.

### 4.0
**Buildings and works**

**Permit requirement**
A permit is not required for the following:
- The construction, or modification, of a waste pipe, flue, vent, duct, exhaust fan, air conditioning plant, lift motor room, skylight, security camera, street heater or similar minor works provided they are to the satisfaction of the responsible authority.
- A modification to the shop front window or entranceway of a building to the satisfaction of the responsible authority having regard to the architectural character of the building.
- An addition or modification to a verandah, awning, sunblind or canopy of a building to the satisfaction of the responsible authority.
- The painting, plastering and external finishing of a building or works to the satisfaction of the responsible authority.
- Changes to glazing of existing windows to not more than 15% reflectivity or to the satisfaction of the Responsible Authority.
- External works to provide disabled access that complies with all legislative requirements to the satisfaction of the responsible authority.

**Exemption from notice and appeal**
An application to construct a building or construct or carry out works or demolish or remove a building or 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.

**Decision guidelines**
Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:
- The siting and design quality of all buildings and works and their suitability for the use proposed in the context of the adjacent area.
- Provision of site landscaping in the context of adjacent areas.
- Effect on the visual amenity, landscape and streetscape of the area.
- Impact on the importance, character and appearance of any building, area or place of scientific, aesthetic, architectural, or historical importance.
- Where new buildings incorporate dwellings, the design should respect and anticipate the development potential of adjacent sites, to ensure that the future development of the adjacent sites does not cause a significant loss of amenity to the subject site.
- For residential development, ensure appropriate noise attenuation measures are adopted to limit internal and external noise to appropriate levels.
- The design and treatment of the public realm including the solar access to existing open spaces.
- The wind effects of the proposed development at ground level

**Referral of applications**
An application to use land or to construct a building or carry out works must be referred in accordance with Section 55 of the Act to the referral authority specified in the schedule to Clause 66.04.

**Advertising signs**
A permit is required to erect an advertising sign, except for:

- Advertising signs exempted by Clause 52.05-4.
- An under-verandah business sign if:
  - It does not exceed 2.5 metres measured horizontally, 0.5 metres vertically and 0.3 metres between the faces of the sign;
  - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building façade;
  - It does not contain any animation or intermittent lighting; and
  - It meets the Docklands Signage Guidelines to the satisfaction of the responsible authority.
- A ground floor business sign cantilevered from a building if:
  - It does not exceed 0.84 metres measured horizontally, 0.61 metres vertically and 0.3 metres between the faces of the sign;
  - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building façade;
  - It does not contain any animation or intermittent lighting; and
  - It meets the Docklands Signage Guidelines to the satisfaction of the responsible authority.
- A window display.
- A non-illuminated sign on a verandah fascia, provided no part of the sign protrudes above or below the fascia.
- Renewal or replacement of an existing internally illuminated business identification sign.

**Exemption from notice and appeal**
An application to erect or construct or carry out works for an advertising sign, 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.
SCHEDULE 5 TO THE DOCKLANDS ZONE

Shown on the planning scheme map as DZ5.

DIGITAL HARBOUR PRECINCT

Purpose

To provide for a range of commercial, residential, recreational, educational, technology, business and leisure uses within a mixed use environment.

To provide for high technology industries and institutions in a campus-style development supported by residential and other related development.

To provide a distinctive entry to Melbourne Docklands from the northern edge of the city.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use permitted under the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975 or the Forest Act 1958.</td>
<td></td>
</tr>
<tr>
<td>Apiculture</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 1997.</td>
</tr>
<tr>
<td>Aquarium</td>
<td></td>
</tr>
<tr>
<td>Car park</td>
<td>At least 600 car spaces in the Digital Harbour Precinct must be available for use in association with the Major Sports and Recreation Facility. Must not be an open lot car park.</td>
</tr>
<tr>
<td>Commercial display area</td>
<td></td>
</tr>
<tr>
<td>Dwelling</td>
<td></td>
</tr>
<tr>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Mineral exploration</td>
<td></td>
</tr>
<tr>
<td>Mining</td>
<td>Must meet the requirements of 52.08-2.</td>
</tr>
<tr>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Place of assembly (other than, Amusement parlour, Cinema, Drive-in theatre and Nightclub)</td>
<td></td>
</tr>
<tr>
<td>Research centre</td>
<td></td>
</tr>
<tr>
<td>Research and development centre</td>
<td></td>
</tr>
<tr>
<td>Residential hotel</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td></td>
</tr>
<tr>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Search for stone</td>
<td>Must not be costeaining or bulk sampling.</td>
</tr>
<tr>
<td>Shop (other than Adult Sex bookshop Department store, a Supermarket exceeding 2,500 sqm of GFA and Restricted retail premises)</td>
<td>Must not be located at ground floor.</td>
</tr>
<tr>
<td>Take away food premises</td>
<td></td>
</tr>
</tbody>
</table>
## Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tavern</td>
<td></td>
</tr>
<tr>
<td>Telecommunications facility</td>
<td>Buildings and works must meet the requirements of Clause 52.19</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
</tbody>
</table>

### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car park</td>
<td>Must be associated with a development in the surrounding area, or a Section 1 or 2 use.</td>
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Any use not in Section 1 or 3.

### Section 3 - Prohibited

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<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex bookshop</td>
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<tr>
<td>Brothel</td>
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<td>Fuel depot</td>
</tr>
<tr>
<td>Industry (other than Car wash, Dry cleaner, Laundromat, Motor repairs and Research and development centre).</td>
</tr>
<tr>
<td>Panel beating</td>
</tr>
</tbody>
</table>

## Use of land

### Exemption from notice and appeal

An application for use 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.

### Decision guidelines

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

- The existing and future use and amenity of the land and the locality.
- The provision of physical infrastructure and community services sufficient to meet the needs of the proposed use.

## Subdivision

A permit is required to subdivide land.

### Exemption from notice and appeal

An application to subdivide land 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.
Buildings and works

Permit requirement

A permit is not required for the following:

- The construction, or modification, of a waste pipe, flue, vent, duct, exhaust fan, air conditioning plant, lift motor room, skylight, security camera, street heater or similar minor works provided they are to the satisfaction of the responsible authority.

- A modification to the shop front window or entranceway of a building to the satisfaction of the responsible authority having regard to the architectural character of the building.

- An addition or modification to a verandah, awning, sunblind or canopy of a building to the satisfaction of the responsible authority.

- The painting, plastering and external finishing of a building or works to the satisfaction of the responsible authority.

- Changes to glazing of existing windows to not more than 15% reflectivity or to the satisfaction of the Responsible Authority.

- External works to provide disabled access that complies with all legislative requirements to the satisfaction of the responsible authority.

Exemption from notice and appeal

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

Decision guidelines

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

- The siting and design quality of all buildings and works and their suitability for the use proposed in the context of the adjacent area.

- Provision of site landscaping in the context of adjacent areas.

- Effect on the visual amenity, landscape and streetscape of the area.

- Impact on the importance, character and appearance of any building, area or place of scientific, aesthetic, architectural, or historical importance.

- Where new buildings incorporate dwellings, the design should respect and anticipate the development potential of adjacent sites, to ensure that the future development of the adjacent sites does not cause a significant loss of amenity to the subject site.

- For residential development, ensure appropriate noise attenuation measures are adopted to limit internal and external noise to appropriate levels.

- The design and treatment of the public realm including the solar access to existing open spaces.

- The wind effects of the proposed development at ground level.

Referral of applications

An application to use land or to construct a building or carry out works must be referred in accordance with Section 55 of the Act to the referral authority specified in the schedule to Clause 66.04.
6.0

Advertisingsigns

Apermitisrequiredtoerectanadvertisingsign,exceptfor:

- Advertising signs exempted by Clause 52.05-4.
- An under-verandahbusiness sign if:
  - It does not exceed 2.5 metres measured horizontally, 0.5 metres vertically and 0.3 metres between the faces of the sign;
  - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building façade;
  - It does not contain any animation or intermittent lighting; and
  - It meets the Docklands Signage Guidelinesto the satisfaction of the responsible authority.

- A ground floor business sign cantilevered from a building if:
  - It does not exceed 0.84 metres measured horizontally, 0.61 metres vertically and 0.3 metres between the faces of the sign;
  - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building façade;
  - It does not contain any animation or intermittent lighting; and
  - It meets the Docklands Signage Guidelinesto the satisfaction of the responsible authority.

- A window display.

- A non-illuminated sign on a verandah fascia, provided no part of the sign protrudes above or below the fascia.

- Renewal or replacement of an existing internally illuminated business identification sign.

Exemption from notice and appeal

Anapplication to erect or construct or carry out works for anadvertisingsign, 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.
SCHEDULE 6 TO THE DOCKLANDS ZONE

Shown on the planning scheme map as DZ6.

BUSINESS PARK PRECINCT

Purpose
To provide for a range of commercial, residential, recreational, educational, technology and business and leisure uses within a mixed use environment.
To provide for a range of active and people orientated uses at the lower levels of buildings that are complementary of residential uses.
To acknowledge the retention of port related activities west of Bolte Bridge.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use permitted under the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975 or the Forest Act 1958.</td>
<td></td>
</tr>
<tr>
<td>Apiculture</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 1997.</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td></td>
</tr>
<tr>
<td>Dwelling (other than a Caretaker’s house)</td>
<td>Must not be located on land fronting Docklands Drive, east of Waterfront City area.</td>
</tr>
<tr>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Film studio</td>
<td>Must not have a frontage to the Victoria Dock promenade.</td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Marina</td>
<td>Must be associated with and abut an approved water based marina and must not impede access to or use of the public promenade, along the waterfront.</td>
</tr>
<tr>
<td>Market</td>
<td>Must be located within Waterfront City.</td>
</tr>
<tr>
<td>Mineral exploration</td>
<td></td>
</tr>
<tr>
<td>Mining</td>
<td>Must meet the requirements of 52.08-2.</td>
</tr>
<tr>
<td>Minor sports and recreation facility (other than Paintball games facility)</td>
<td>Must not be located south of Docklands Drive.</td>
</tr>
<tr>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Place of assembly</td>
<td></td>
</tr>
<tr>
<td>Research centre</td>
<td></td>
</tr>
<tr>
<td>Research and development centre</td>
<td></td>
</tr>
<tr>
<td>Residential hotel</td>
<td></td>
</tr>
<tr>
<td>Restaurant</td>
<td></td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td></td>
</tr>
<tr>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>---------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Search for stone</td>
<td>Must not be costeanning or bulk sampling.</td>
</tr>
<tr>
<td>Service station</td>
<td>Must only be one within the Business Park Precinct.</td>
</tr>
<tr>
<td></td>
<td>Must not be located within 100 metres of Dudley Street. Access to Footscray Road must be via a service road.</td>
</tr>
<tr>
<td>Shop (other than Adult sex bookshop, Department store, a Supermarket exceeding 2,500 sqm of GFA.)</td>
<td>Must not be located within Docklands Studios area.</td>
</tr>
<tr>
<td>Take away food premises</td>
<td></td>
</tr>
<tr>
<td>Tavern</td>
<td>Must only be three within the Business Park Precinct except where located within the Waterfront City area.</td>
</tr>
<tr>
<td>Pleasure Park</td>
<td>Must not have a frontage to Victoria Dock promenade.</td>
</tr>
<tr>
<td>Telecommunications facility</td>
<td>Buildings and works must meet the requirements of Clause 52.19</td>
</tr>
<tr>
<td>Tramway</td>
<td></td>
</tr>
<tr>
<td>Warehouse (other than Commercial display area, Fuel depot)</td>
<td>Must not be located on a waterfront property.</td>
</tr>
</tbody>
</table>

**Section 2 – Permit required**

<table>
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<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car park</td>
</tr>
<tr>
<td>Caretaker’s house</td>
</tr>
<tr>
<td>Industry (other than Panel beating)</td>
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<tr>
<td>Any use not in Section 1 or 3.</td>
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**Section 3 - Prohibited**

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<tr>
<th>Use</th>
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<tr>
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</table>

**Use of land**

**Exemption from notice and appeal**

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

- The existing and future use and amenity of the land and the locality.
- The provision of physical infrastructure and community services sufficient to meet the needs of the proposed use.

Subdivision
A permit is required to subdivide land.

Exemption from notice and appeal
An application to subdivide land 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.

Buildings and works

Permit requirement
A permit is not required for the following:

- The construction, or modification, of a waste pipe, flue, vent, duct, exhaust fan, air conditioning plant, lift motor room, skylight, security camera, street heater or similar minor works provided they are to the satisfaction of the responsible authority.
- A modification to the shop front window or entranceway of a building to the satisfaction of the responsible authority having regard to the architectural character of the building.
- An addition or modification to a verandah, awning, sunblind or canopy of a building to the satisfaction of the responsible authority.
- The painting, plastering and external finishing of a building or works to the satisfaction of the responsible authority.
- Changes to glazing of existing windows to not more than 15% reflectivity or to the satisfaction of the Responsible Authority.
- External works to provide disabled access that complies with all legislative requirements to the satisfaction of the responsible authority.

Exemption from notice and appeal
An application to construct a building or construct or carry out works or demolish or remove a building or 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.

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

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- Provision of site landscaping in the context of adjacent areas.
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Where new buildings incorporate dwellings, the design should respect and anticipate the
development potential of adjacent sites, to ensure that the future development of the adjacent
sites does not cause a significant loss of amenity to the subject site.

For residential development, ensure appropriate noise attenuation measures are adopted to limit
internal and external noise to appropriate levels.

The design and treatment of the public realm including the solar access to existing open spaces.

The wind effects of the proposed development at ground level

**Referral of applications**

An application to use land or to construct a building or carry out works must be referred in
accordance with Section 55 of the Act to the referral authority specified in the schedule to Clause
66.04.

**Advertising signs**

A permit is required to erect an advertising sign, except for:

- Advertising signs exempted by Clause 52.05-4.

- An under verandah business sign if:
  - It does not exceed 2.5 metres measured horizontally, 0.5 metres vertically and 0.3 metres
    between the faces of the sign;
  - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the
    building façade;
  - It does not contain any animation or intermittent lighting; and
  - It meets the Docklands Signage Guidelines to the satisfaction of the responsible authority.

- A ground floor business sign cantilevered from a building if:
  - It does not exceed 0.84 metres measured horizontally, 0.61 metres vertically and 0.3 metres
    between the faces of the sign;
  - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the
    building façade;
  - It does not contain any animation or intermittent lighting; and
  - It meets the Docklands Signage Guidelines to the satisfaction of the responsible authority.

- A window display.

- A non-illuminated sign on a verandah fascia, provided no part of the sign protrudes above or
  below the fascia.

- Renewal or replacement of an existing internally illuminated business identification sign.

**Exemption from notice and appeal**

An application to erect or construct or carry out works for an advertising sign, 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.
**SCHEDULE 7 TO THE DOCKLANDS ZONE**

Shown on the planning scheme map as **DZ7**.

**WATERWAYS**

**Purpose**

To provide for the mooring of watercraft.

To provide for integration with adjoining development.

To provide for extensive public access to the water.

To ensure the conservation of the general form of Victoria Harbour.

To ensure that any use and development on the edge of the waterways is appropriately designed, operated and maintained so as to retain an attractive waterfront.

**Table of uses**

### Section 1 - Permit not required

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<th>Use</th>
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</tr>
<tr>
<td>Apiculture</td>
<td>Must meet the requirements of the Apiary Code of Practice, May 1997.</td>
</tr>
<tr>
<td>Marina (other than Jetty)</td>
<td>The use must be shown on an approved development plan and must not impede or adversely affect dredging or navigation within the waterway or the safe operation of any approved water based use. The use must be compatible with the adjoining land use and development on land.</td>
</tr>
<tr>
<td>Mineral exploration</td>
<td></td>
</tr>
<tr>
<td>Mining</td>
<td>Must meet the requirements of 52.08-2.</td>
</tr>
<tr>
<td>Search for stone</td>
<td>Must not be costeasing or bulk sampling.</td>
</tr>
<tr>
<td>Telecommunications facility</td>
<td>Buildings and works must meet the requirements of Clause 52.19</td>
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</table>

### Section 2 - Permit required

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<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aquarium</td>
<td>If compatible with adjacent uses.</td>
</tr>
<tr>
<td>Boat launching facility</td>
<td>If compatible with adjacent uses.</td>
</tr>
<tr>
<td>Dwelling</td>
<td>If compatible with adjacent uses.</td>
</tr>
<tr>
<td>Helicopter landing site</td>
<td>If compatible with adjacent uses.</td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td>If compatible with adjacent uses.</td>
</tr>
<tr>
<td>Jetty</td>
<td>If compatible with adjacent uses.</td>
</tr>
<tr>
<td>Restaurant</td>
<td>If compatible with adjacent uses.</td>
</tr>
</tbody>
</table>
## Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shop (other than Adult sex bookshop)</td>
<td>If compatible with adjacent uses.</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult sex bookshop</td>
</tr>
<tr>
<td>Brothel</td>
</tr>
</tbody>
</table>

## Use of land

### Exemption from notice and appeal

An application for use 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.

### Decision guidelines

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

- The existing and future use and amenity of the waterway and adjacent land.
- The provision of physical infrastructure and community services sufficient to meet the needs of the proposed use.

## Buildings and works

### Permit requirement

A permit is required to construct a building or construct or carry out works.

### Application requirement

An application for permit requiring disturbance of the bed of the Yarra River and Victoria Harbour must be accompanied by appropriate maritime archaeological investigations.

### Referral of applications

Before deciding on an application for jetties, gangways, mooring poles, pontoons or other works the responsible authority must refer the application in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause.

### Exemption from notice and appeal

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

### Decision guidelines

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

- The provisions of the Melbourne Docklands Environmental Management Plan.
• The siting and design quality of all buildings and works and their suitability for the use proposed in the context of the adjacent area.

• The provision of site landscaping in the context of adjacent areas.

• The effect on the visual amenity, landscape and streetscape of the area.

• Impact on the importance, character and appearance of any building, area or place of scientific, aesthetic, architectural, or historical importance.

• Where new buildings incorporate dwellings, the design should respect and anticipate the development potential of adjacent sites, to ensure that the future development of the adjacent sites does not cause a significant loss of amenity to the subject site.

• For residential development, ensure appropriate noise attenuation measures are adopted to limit internal and external noise to appropriate levels.

• That the 20 metre wide portion of water directly adjoining riverfront properties is used in a manner complementary to the use of the adjoining riverfront properties.

4.0
07/04/2008
C92

Referral of applications
An application to use land or to construct a building or carry out works must be referred in accordance with Section 55 of the Act to the referral authority specified in the schedule to Clause 66.04.

5.0
07/04/2008
C92

Advertising signs
A permit is required to erect an advertising sign, except for:

• A window display.

• Renewal or replacement of an existing internally illuminated business identification sign.

Exemption from notice and appeal
An application to erect or construct or carry out works for an advertising sign, 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.
PORT ZONE

Shown on the planning scheme map as PZ.

Purpose


To recognise the significant transport, logistics and prime maritime gateway roles of Victoria’s commercial trading ports in supporting Victoria’s economy.

To provide for shipping, road and railway access and the development of each of Victoria’s commercial trading ports as key areas of the State for the interchange, storage and distribution of goods.

To provide for uses which derive direct benefit from co-establishing with a commercial trading port.

To provide for the ongoing use and development of Victoria’s commercial trading ports that support the relevant port development strategy prepared pursuant to the Port Management Act 1995.

Table of uses

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
</table>
| Industry (other than Materials recycling, Refuse disposal, Transfer station, Rural industry) | Must be located on land and associated with port operations. Must not be located on Station Pier, Port Melbourne. Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10. The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:  
  - The threshold distance, for a purpose listed in the table to Clause 53.10.  
  - 30 metres, for a purpose not listed in the table to Clause 53.10. |
| Informal outdoor recreation       |                                                                           |
| Railway                          |                                                                           |
| Road                             |                                                                           |
| Shipping container storage       | Must be located on land and associated with port operations. Must not be for a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10. The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:  
  - The threshold distance, for purpose listed in table to Clause 53.10  
  - 30 metres, for a purpose not listed in the table to Clause 53.10. |
<p>| Tramway                          |                                                                           |</p>
<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transport terminal (other than Heliport and Wharf)</td>
<td>Must be located on land and associated with port operations.</td>
</tr>
<tr>
<td></td>
<td>The land must be at least 30 metres from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.</td>
</tr>
<tr>
<td>Warehouse (other than a Commercial display area)</td>
<td>Must be located on land and associated with port operations.</td>
</tr>
<tr>
<td></td>
<td>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>The land must be at least the following distances from land (not a road) which is in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre:</td>
</tr>
<tr>
<td></td>
<td>- The threshold distance, for a purpose listed in the table to Clause 53.10.</td>
</tr>
<tr>
<td></td>
<td>- 30 metres, for a purpose not listed in the table to Clause 53.10.</td>
</tr>
</tbody>
</table>

**Wharf**

Any use listed in Clause 62.01 Must meet the requirements of Clause 62.01

**Section 2 - Permit required**

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment training centre</td>
<td>Must be located on land and associated with port operations.</td>
</tr>
<tr>
<td>Heliport</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation (other than Informal outdoor recreation)</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>Must be located on land and associated with port operations.</td>
</tr>
<tr>
<td>Recreational boat facility</td>
<td></td>
</tr>
<tr>
<td>Utility installation (other than Minor utility installation)</td>
<td></td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3</td>
<td></td>
</tr>
</tbody>
</table>

**Section 3 - Prohibited**

<table>
<thead>
<tr>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation</td>
</tr>
<tr>
<td>Child care centre</td>
</tr>
<tr>
<td>Hospital</td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
</tr>
<tr>
<td>Market</td>
</tr>
</tbody>
</table>
Use

Motor racing track
Outdoor recreation facility
Primary school
Secondary school
Shop (other than Convenience shop)

Use of land

Application requirements
An application to use land must be accompanied by the following information, as appropriate:

- An assessment against the relevant port development strategy, particularly the port precincts, prepared pursuant to the Port Management Act 1995.

- The nature and purpose of the use and the types of processes to be utilised, including the type and quantity of goods to be stored, processed or produced.

- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.

- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.

- The likely effects on adjoining land, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water.
  - Traffic volumes.
  - Light spill or glare.

- A Site Environmental Management Plan for the management of environmental issues associated with the operation of the use.

Exemption from notice and review
An application 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.

This exemption does not apply where any of the land required for the use is within 30 metres of land (not a road) which is in a residential zone, Capital City Zone or a Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

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

- Whether the proposed use is consistent with the relevant port development strategy, particularly the port precincts, prepared pursuant to the Port Management Act 1995.
The effect that the use may have on land in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or education centre, having regard to any comments or directions of the referral authorities.

The effect on environmental values of adjoining land and port waters.

The effect that the use may have on nearby existing or proposed uses for or associated with the port.

The effect that nearby existing or proposed uses for or associated with the port may have on the proposed use.

The interface with non-port areas.

The drainage of the land.

The availability of and connection to services.

Traffic implications on the surrounding road network.

Subdivision

Permit requirement
A permit is required to subdivide land.

Exemption from notice and review
An application 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.

This exemption does not apply where any of the land required for subdivision is within 30 metres of land (not a road) which is in a residential zone, Capital City Zone or a Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

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

- Whether the proposed subdivision is consistent with the relevant port development strategy, particularly the port precincts, prepared pursuant to the Port Management Act 1995.
- The ability of the land as subdivided to accommodate future port-related uses.
- The ability of the land to be combined with other lots for use as a port-related use.
- The extent of any existing or proposed reclamation works.
- The availability and standard of road access, drainage, sewerage and other infrastructure available to the site.
- Whether the frontage is adequate to provide for industrial traffic requirements.
- Any easements or rights of way which may be required to convey public or private goods or services to, or across the land.

Buildings and works

Permit requirement
A permit is required to construct a building or construct or carry out works. This does not apply to a building or works which:
• Provide for a Wharf or Shipping container storage and other storage and handling facilities (other than tanks for bulk liquid storage), navigational beacons and aids, terminals and associated facilities.

• Rearrange, alter, renew or maintain a plant if the area or height of the plant is not increased.

• Comply with a direction or a licence under the Dangerous Goods Act 1985 or a Waste Discharge Licence, Works Approval or any notice under the Environment Protection Act 1970.

• Provide for a railway, road or tramway.

• Provide for informal outdoor recreation.

• Alter electrical or gas services or telephone lines.

• Alter plumbing services which do not affect the drainage of other land.

• Provide for a rainwater tank with a capacity of more than 10,000 litres if the following requirements are met:
  - The rainwater tank is not located within the building’s setback from a street.
  - The rainwater tank is no higher than the existing building on the site.
  - The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway.

**Application requirements**

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

• A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - Relevant existing and finished ground levels, including the areas of any cut and fill.
  - The layout of existing and proposed buildings and works.
  - The location of the proposed use of all existing and proposed buildings.
  - The provision of on-site vehicle parking.
  - Loading and unloading areas.
  - Internal vehicle movements.
  - Site entrance and exit points.
  - External storage and waste treatment areas.
  - Features above or below water.

• Elevation drawings to scale which show the colour and material of the proposed buildings and works.

• Construction details of all drainage works, driveways and vehicle parking and loading areas.

• Where development involves reclamation, information concerning the type and amount of material to be used to carry the reclamation works and the uses to which the reclaimed land can be put.

• Details relating to the staging of development and an appropriate time scale in which each stage of development should be completed.
- A Site Environmental Management Plan for the management of environmental issues associated with the construction of the development or carrying out of work.

**Exemption from notice and review**

An application 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.

This exemption does not apply to an application for buildings and works that are within 30 metres of land (not a road) which is in a residential zone, Capital City Zone or a Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

**Decision guidelines**

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

- Whether the proposed development is consistent the relevant port development strategy, particularly the port precincts, prepared pursuant to the *Port Management Act 1995*.
- The effect on environmental values of adjoining land and port waters.
- Built form.
- Interface with non-port areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.
- Traffic implications on the surrounding road network.

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 2.
OVERLAYS

This section sets out the overlays which apply in this scheme.
ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To identify areas where the development of land may be affected by environmental constraints.
To ensure that development is compatible with identified environmental values.

Environmental significance and objectives

A schedule to this overlay must contain:

- A statement of environmental significance.
- The environmental objectives to be achieved.

Permit requirement

A permit is required to:

- Construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- Construct a fence if specified in a schedule to this overlay.
- Construct bicycle pathways and trails.
- Subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.
- Remove, destroy or lop any vegetation, including dead vegetation. This does not apply:
  - If a schedule to this overlay specifically states that a permit is not required.
  - If the table to Clause 42.01-3 specifically states that a permit is not required.
  - To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
</tbody>
</table>
### Class of application | Information requirements and decision guidelines
---|---
- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.

#### Subdivide land into 2 lots if:
- The construction of a building or the construction or carrying out of works on the land:
  - Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.
  - Has started lawfully.
- The subdivision does not create a vacant lot.

#### Construct a fence.
- Clause 59.05

#### Remove, destroy or lop one tree.
- Clause 59.06

#### Construct a building or construct or carry out works for:
- Clause 59.05
  - A carport, garage, pergola, verandah, deck, shed or similar structure.
  - A rainwater tank.
The buildings and works must be associated with a dwelling.

## Table of exemptions

### The requirement to obtain a permit does not apply to:

#### Emergency works
- Vegetation that is to be removed, destroyed or lopped:
  - in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access or to enable emergency works; or
  - where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.

#### Extractive industry
- Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority granted under that Act.

#### Fire protection
- Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of any of the following fire protection activities:
  - fire fighting;
  - planned burning;
  - making or maintenance of a fuelbreak or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;
  - making of a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987);
  - is ground fuel within 30 metres of a building and is vegetation other than native vegetation;
  - in accordance with a fire prevention notice issued under either:
The requirement to obtain a permit does not apply to:

- Section 65 of the *Forests Act 1958*; or
- Section 41 of the *Country Fire Authority Act 1958*.

- keeping vegetation clear of, or minimising the risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the *Electricity Safety Act 1998*;
- minimising the risk to life and property from bushfire on a roadside of a public road managed by the relevant responsible road authority, and carried out by, or on behalf of that authority in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the *Road Management Act 2004*.

*Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.*

<table>
<thead>
<tr>
<th>Geothermal energy exploration and extraction</th>
<th>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the <em>Geothermal Energy Resources Act 2005</em>.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greenhouse gas sequestration and exploration</td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the <em>Greenhouse Gas Geological Sequestration Act 2008</em>.</td>
</tr>
<tr>
<td>Land management or directions notice</td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the <em>Catchment and Land Protection Act 1994</em>.</td>
</tr>
<tr>
<td>Land use conditions</td>
<td>Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the <em>Catchment and Land Protection Act 1994</em>.</td>
</tr>
</tbody>
</table>
| Mineral exploration and mining             | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention licence issued under the *Mineral Resources (Sustainable Development) Act 1990*:  
  - that is low impact exploration within the meaning of Schedule 4A of the *Mineral Resources (Sustainable Development) Act 1990*; or  
  - in accordance with a work plan approved under Part 3 of the *Mineral Resources (Sustainable Development) Act 1990*.  
  *Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.* |
| Noxious weeds                              | Vegetation that is a noxious weed subject of a declaration under section 58 or section 58A of the *Catchment and Land Protection Act 1994*. This exemption does not apply to Australian Dodder (*Cuscuta australis*). |
| Pest animal burrows                        | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows.  
  In the case of native vegetation the written agreement of an officer of the department responsible for administering the *Flora and Fauna Guarantee Act 1988* is required before the vegetation can be removed, destroyed or lopped. |
| Planted vegetation                         | Vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding for Crop raising or Grazing animal production. |
| Railways                                   | Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*). |
| Regrowth                                   | Vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established vegetation, and is: |
The requirement to obtain a permit does not apply to:

- bracken (Pteridium esculentum); or
- within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation.

This exemption does not apply to land on which vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster.

Road safety
Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing public road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).

Stone exploration
Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.

The maximum extent of vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:

- 1 hectare of vegetation which does not include a tree.
- 15 trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.
- 5 trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

This exemption does not apply to costeasing and bulk sampling activities.

Surveying
Vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licenced surveyor (within the meaning of section 3 of the Surveying Act 2004) using hand-held tools to establish a sightline for the measurement of land.

Traditional owners
Vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:

- a natural resources agreement under Part 6 of the Traditional Owners Settlement Act 2010; or
- an authorisation order made under sections 82 or 84 of the Traditional Owner Settlement Act 2010 as those sections were in force immediately before the commencement of section 24 of the Traditional owners Settlement Amendment Act in 2016 (1 May 2017).

Application requirements
An application must be accompanied by any information specified in a schedule to this overlay.

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

- The statement of environmental significance and the environmental objective contained in a schedule to this overlay.
- The need to remove, destroy or lop vegetation to create a defendable space to reduce the risk of bushfire to life and property.
- Any other matters specified in a schedule to this overlay.
SCHEDULE 1 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO1.

PORT OF MELBOURNE ENVIRONS

1.0

Statement of environmental significance

The overlay manages potential conflicts between land in the port environs and the adjoining Port of Melbourne. Land within this overlay should not be developed for any purpose that might compromise the long term protection and expansion of port operations, infrastructure and associated storage facilities.

2.0

Environmental objective to be achieved

- Minimise the potential for future land use conflicts between the port and port environs.
- Ensure that any use and intensity of development in the overlay area does not constrain the ongoing operation and development of the commercial port.

3.0

Permit requirement

A permit is not required to:

- Construct a building or construct or carry out works, unless the building or works is associated with the following uses:
  - Accommodation
  - Child care centre
  - Education centre
  - Place of Assembly
  - Office

- Subdivide land.
- Remove, destroy or lop any vegetation, including dead vegetation.

4.0

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Whether the proposed use or development is appropriate to the site by virtue of the proximity to the port.
- Whether the proposed use or development might impede the long term development and operation of the port.
- Whether the proposed use or development has the potential to expose people unnecessarily to any off-site impacts associated with the 24-hour, 7 day a week operation of the port.
- Whether the siting and design of the proposed use or development includes appropriate measures to ensure that the amenity of the proposed use will not be impacted by off-site impacts associated with the 24-hour, 7 day a week operation of the port.
- Whether the proposal is compatible with the present and future operation of the commercial trading port as detailed in a port development strategy approved under the Port Services Act 1995.
- Whether the proposal will result in an increase in the number of people affected by noise or road or rail traffic arising from port operations.

- Whether the proposal will result in an increase in the number of people affected by exposure to risk to health or life arising from port operations.

Reference

SCHEDULE 2 TO THE ENVIRONMENTAL SIGNIFICANCE OVERLAY

Shown on the planning scheme map as ESO2.

EXCEPTIONAL TREES

1.0

Statement of environmental significance

The City of Melbourne’s Exceptional Tree Register 2012 (as amended in 2014) identifies trees that are of exceptional significance. The trees have been identified for a variety of reasons, including their horticultural, aesthetic or historical value, because they are rare, old, or in a particular location or context; because they are an outstanding size or are a curious growth form, because they have outstanding habitat value or micro-climate services or because of their Aboriginal association or social, cultural or spiritual value. Many of these trees are also included in the National Trust of Australia (Victoria) Register of Significant Trees.

These trees contribute to the character and culture of local areas and collectively, to the valuable ecosystems of the City of Melbourne’s Urban Forest.

2.0

Environmental objectives to be achieved

- To protect and preserve the exceptional trees as listed in the Table to this schedule, for their intrinsic environmental, ecological, habitat, historical, cultural, landscape, aesthetic and scientific values.

- To minimise the adverse effects of development and works on the condition and health of the exceptional trees as listed in the Table to this schedule.

3.0

Permit requirement

A permit is not required:

- to construct a building or construct or carry out works outside the Tree Protection Zone of any exceptional tree listed in the table to this schedule.

- To construct a fence outside the Tree Protection Zone of any exceptional tree listed in the table to this schedule.

- To construct bicycle pathways and trails outside the Tree Protection Zone of any exceptional tree listed in the table to this schedule.

- to subdivide land unless the alignment of the title intrudes on the Tree Protection Zone of any exceptional tree listed in the table to this schedule.

- to remove, destroy or lop any vegetation which is not listed in the table to this schedule.

- to remove, destroy or lop any dead vegetation.

- To prune any exceptional tree listed in the table to this schedule. Pruning is the trimming and removal of small twigs and minor branches to maintain the general shape or form of a tree. The pruning must be in accordance with the Australian Standard – Pruning of Amenity Trees, AS4373 (2007).

The Tree Protection Zone used to determine whether or not a permit is required under this clause is the area within the radius specified in the table to this schedule as measured from the centre of the trunk.

Any application must be accompanied by a report from a suitably qualified arborist, which identifies the reason and need for the proposed works, options for alternative treatments and any remedial or restorative action proposed.
Decision guidelines

Before deciding on an application, the responsible authority must consider as appropriate:

- The impact of the proposal on the environmental, ecological, habitat, historical, cultural, landscape, aesthetic or scientific significance of the identified exceptional tree.
- The impact of the proposal on the health, appearance and stability of the tree.
- The impact of the proposal within the tree protection zone of any identified exceptional tree including whether the tree protection zone (as assessed by a qualified arborist) is different in size or shape to the tree protection zone for that tree as defined in clause 3.0.
- Any relevant report provided by a suitably qualified arborist.
- The relevant identified values and statement of significance as in the Table to this schedule.
- Any report that identifies, describes, or deals with the tree including the City of Melbourne Exceptional Tree Register 2012 (as amended in 2014) and the National Trust of Australia (Victoria) Register of Significant Trees in Victoria.
- Whether alternatives to tree removal including potential redesign or relocation of buildings and works, have been considered.
- Whether a long-term maintenance program is required for the tree, especially if it is subject to continuing works.
- The desirability of requiring fencing or any other protective barrier.
- Whether the planting of appropriate replacement tree(s) or vegetation is required.
- The findings of a report prepared by a suitably qualified professional on the impact of the tree on the structural integrity of a building included in a Heritage Overlay.

Reference documents

City of Melbourne Exceptional Tree Register 2012 (as amended in 2014)


Register of Significant Trees in Victoria, National Trust of Australia (Victoria)
## Table to Schedule 2

<table>
<thead>
<tr>
<th>Property Address of Exceptional Tree</th>
<th>Tree Name (Botanical &amp; Common)</th>
<th>Identified Value(s)</th>
<th>Tree Protection Zone Radius (m)</th>
<th>Exceptional Tree Register Tree Report Number:</th>
<th>Planning Scheme Map No.</th>
<th>Statement of Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>607 Bourke Street MELBOURNE</td>
<td>Gleditsia sinensis, Chinese Honey Locust</td>
<td>Historical (HO512) Value, Horticultural Value, Rare or Localised.</td>
<td>9.48</td>
<td>1</td>
<td>8ESO</td>
<td>Believed to be the only specimen of this species in Victoria, the site was the location for the first brick and stone building in the Port Philip District (1830). This tree is on the National Trust’s Register of significant trees of Victoria.</td>
</tr>
<tr>
<td>621-633 Bourke Street MELBOURNE</td>
<td>Pyrus communis Common Pear</td>
<td>Particularly Old.</td>
<td>3</td>
<td>2</td>
<td>8ESO</td>
<td>This tree is particularly old and believed to be the oldest pear tree in Victoria. It is on the National Trust’s Register of significant trees of Victoria.</td>
</tr>
<tr>
<td>78 Carlton Street CARLTON</td>
<td>Platanus Xacerifolia Plane Tree</td>
<td>Outstanding Size, Particularly Old, Location or Context.</td>
<td>15</td>
<td>3</td>
<td>5ESO</td>
<td>This is a large, old, fine specimen in a residential garden with a broad and spreading canopy in excellent condition, particularly in context with its built surrounds.</td>
</tr>
<tr>
<td>2 Cathedral Place EASTMELBOURNE</td>
<td>Ulmus glabra 'Lutescens' Golden Elm</td>
<td>Aesthetic Value, Outstanding Size, Particularly Old, Location or Context.</td>
<td>12.24</td>
<td>4</td>
<td>8ESO</td>
<td>This is an outstanding specimen that dominates the surrounding landscape. It has high aesthetic qualities with long flowing branches down to the ground and a full canopy.</td>
</tr>
</tbody>
</table>

**Group 1 (G1) Bishop’s Court, East Melbourne**

<table>
<thead>
<tr>
<th>Property Address of Exceptional Tree</th>
<th>Tree Name (Botanical &amp; Common)</th>
<th>Identified Value(s)</th>
<th>Tree Protection Zone Radius (m)</th>
<th>Exceptional Tree Register Tree Report Number:</th>
<th>Planning Scheme Map No.</th>
<th>Statement of Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>84 Clarendon Street EASTMELBOURNE</td>
<td>Ulmus hollandica DutchElm</td>
<td>Outstanding Size, Particularly Old.</td>
<td>13.68</td>
<td>5 (G1)</td>
<td>9ESO</td>
<td>This is a large, old tree planted at Bishopscourt in the late 1800s. It has a large spreading canopy in good condition.</td>
</tr>
<tr>
<td>84 Clarendon Street EASTMELBOURNE</td>
<td>Ficus rubiginosa Port Jackson Fig</td>
<td>Aesthetic Value, Curious Growth Form, Outstanding Size, Particularly Old.</td>
<td>12.96</td>
<td>6 (G1)</td>
<td>9ESO</td>
<td>This is a fine example of a large, old specimen planted at Bishopscourt in the late 1800s. It is in good condition with grafted gnarled growth and high aesthetic value. This tree is on the National Trust's Register of significant trees of Victoria.</td>
</tr>
<tr>
<td>84 Clarendon Street EASTMELBOURNE</td>
<td>Eucalyptus camaldulensis River Red Gum</td>
<td>Aesthetic Value, Outstanding Size, Particularly Old, Location or Context, Horticultural Value, Historical (HO131) Value.</td>
<td>12.96</td>
<td>9 (G1)</td>
<td>9ESO</td>
<td>This River Red Gum is a large indigenous specimen in good condition with long drooping branchlets. It is a fine example of the species</td>
</tr>
<tr>
<td>Property Address of Exceptional Tree</td>
<td>Tree Name (Botanical &amp; Common)</td>
<td>Identified Value(s)</td>
<td>Tree Protection Zone Radius (m)</td>
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</tr>
<tr>
<td>84 Clarendon Street EAST MELBOURNE</td>
<td><em>Ulmus procera</em> English Elm</td>
<td>Outstanding Size, Aesthetic Value, Particularly Old.</td>
<td>15</td>
<td>10 (G1)</td>
<td>9ESO</td>
<td>This tree forms part of a group of three elms planted at Bishopscourt. It is a large, old specimen in good condition with long sweeping branches, a high aesthetic quality and is an outstanding example of the species.</td>
</tr>
<tr>
<td>84 Clarendon Street EAST MELBOURNE</td>
<td><em>Ulmus X hollandica</em> Dutch Elm</td>
<td>Aesthetic Value, Outstanding Size, Particularly Old.</td>
<td>15</td>
<td>11 (G1)</td>
<td>9ESO</td>
<td>This tree forms part of a group of three, it is a large, old specimen in good condition planted at Bishopscourt in the late 1800s.</td>
</tr>
<tr>
<td>84 Clarendon Street EAST MELBOURNE</td>
<td><em>Ulmus X hollandica</em> Dutch Elm</td>
<td>Outstanding Size, Aesthetic Value, Particularly Old.</td>
<td>15</td>
<td>12 (G1)</td>
<td>9ESO</td>
<td>This tree forms part of a group of three, it is a large, old specimen in good condition planted at Bishopscourt in the late 1800s.</td>
</tr>
<tr>
<td>84 Clarendon Street EAST MELBOURNE</td>
<td><em>Cupressus macrocarpa</em> Monterey Cypress</td>
<td>Outstanding Size, Particularly Old, Location or Context.</td>
<td>15</td>
<td>13 (G1)</td>
<td>9ESO</td>
<td>This is a large tree located in Bishopscourt's garden. It is in good condition and dominates the surrounding landscape.</td>
</tr>
<tr>
<td>43 Collett Street KENSINGTON</td>
<td><em>Lagerstroemia indica</em> Crepe Myrtle</td>
<td>Curious Growth Form, Aesthetic Value, Outstanding Size.</td>
<td>4.2</td>
<td>14</td>
<td>4ESO</td>
<td>This is a large specimen in good condition with old gnarled grafted branches and high aesthetic qualities.</td>
</tr>
<tr>
<td>36 Collins Street MELBOURNE</td>
<td><em>Platanus Xacerifolia</em> Plane Tree</td>
<td>Environmental/Micro-climate Services, Outstanding Size, Aesthetic Value, Particularly Old, Social Cultural or Spiritual Value.</td>
<td>15</td>
<td>15</td>
<td>8ESO</td>
<td>Planted in 1895, this is an exceptionally large tree in good condition with fine form. It is an outstanding example of the specimen and has high aesthetic qualities. This tree is on the National Trust's Register of significant trees of Victoria.</td>
</tr>
<tr>
<td>36 Collins Street MELBOURNE</td>
<td><em>Platanus Xacerifolia</em> Plane Tree</td>
<td>Environmental/Micro-climate Services, Aesthetic Value, Outstanding Size, Particularly Old.</td>
<td>14.4</td>
<td>16</td>
<td>8ESO</td>
<td>Planted in 1896. This is a large specimen in the city centre in good condition, particularly in context with its built surrounds.</td>
</tr>
<tr>
<td>Property Address of Exceptional Tree</td>
<td>Tree Name (Botanical &amp; Common)</td>
<td>Identified Value(s)</td>
<td>Tree Protection Zone Radius (m)</td>
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</tr>
<tr>
<td>MELBOURNE</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>Planted in 1896. This is a large specimen in the city centre in good condition, particularly in context with its built surrounds.</td>
</tr>
<tr>
<td>36 Collins Street</td>
<td><em>Platanus Xacerifolia</em></td>
<td>Environmental/Micro-climate Services, Outstanding Size, Aesthetic Value, Particularly Old.</td>
<td>13.8</td>
<td>17</td>
<td>8ESO</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Plane Tree</td>
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<td></td>
<td></td>
<td></td>
<td><strong>Group 2 (G2), Domain Road, South Yarra</strong></td>
</tr>
<tr>
<td></td>
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<td></td>
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</tr>
<tr>
<td>209 Domain Road SOUTH YARRA</td>
<td><em>Ulmus procera</em></td>
<td>Outstanding Size, Particularly Old.</td>
<td>15</td>
<td>18 (G2)</td>
<td>11ESO</td>
<td>This is a large, old specimen in good condition, particularly in context with its built surrounds. It is one of three elms left from a row of elms dating back to the original estate in the late 1800s.</td>
</tr>
<tr>
<td></td>
<td>English Elm</td>
<td></td>
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</tr>
<tr>
<td>119 Dryburgh Street</td>
<td><em>Corymbia citriodora</em></td>
<td>Outstanding Size, Aesthetic Value, Location or Context.</td>
<td>9</td>
<td>20</td>
<td>4ESO</td>
<td>This is a large native tree in good condition especially in context with its built surrounds. It has a wide canopy and dominates the surrounding landscape.</td>
</tr>
<tr>
<td>NORTH MELBOURNE</td>
<td>Lemon-scented Gum</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>132 Gipps Street EAST MELBOURNE</td>
<td><em>Fagus sylvatica</em></td>
<td>Rare or Localised, Aesthetic Value.</td>
<td>3.96</td>
<td>56</td>
<td>9ESO</td>
<td>This medium sized tree is a cold climate ornamental rarely seen in a residential setting in the City of Melbourne. It is in good condition and adds character to the landscape.</td>
</tr>
<tr>
<td></td>
<td>European Beech</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>328 King Street</td>
<td><em>Quercus robur</em></td>
<td>Location or Context, Historical (HO680) Value, Environmental/Micro-climate Services.</td>
<td>6.6</td>
<td>111</td>
<td>8ESO</td>
<td>This is a medium sized specimen in good condition, particularly in context with its built surrounds. It is within the grounds of a heritage listed building constructed in 1850 with architectural significance.</td>
</tr>
<tr>
<td>MELBOURNE</td>
<td>English Oak</td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>101 Leopold Street</td>
<td><em>Eucalyptus saligna</em></td>
<td>Outstanding Size, Location or Context.</td>
<td>6.6</td>
<td>112</td>
<td>11ESO</td>
<td>This is a large native specimen in good condition, particularly in context with its built surrounds and it dominates the surrounding landscape.</td>
</tr>
<tr>
<td>SOUTH YARRA</td>
<td>Sydney Blue Gum</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>116 Little Lonsdale Street</td>
<td><em>Hymenosporum flavum</em></td>
<td>Aesthetic Value, Outstanding Size, Location or Context, Environmental/Micro-climate Services.</td>
<td>4.2</td>
<td>114</td>
<td>8ESO</td>
<td>This is a tall example of a species more commonly grown in sub-tropical climates. It is in good condition especially in context with its built surrounds.</td>
</tr>
<tr>
<td></td>
<td>Native Frangipani</td>
<td></td>
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<tr>
<td>Property Address of Exceptional Tree</td>
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<tr>
<td>MELBOURNE</td>
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</tr>
<tr>
<td>118 Lonsdale Street</td>
<td>Olea europaea (European Olive)</td>
<td>Outstanding Size, Particularly Old.</td>
<td>10.32</td>
<td>115</td>
<td>8ESO</td>
<td>This is a large and very old specimen of European Olive planted in 1875 and moved to its present location in 1988. It is in good condition and is on the National Trust's Register of significant trees of Victoria.</td>
</tr>
<tr>
<td>26 MacArthur Place North</td>
<td>Jacaranda mimosifolia (Jacaranda)</td>
<td>Outstanding Size, Aesthetic Value, Location or Context.</td>
<td>4.56</td>
<td>116</td>
<td>5ESO</td>
<td>This is a large specimen with a full canopy in good condition, particularly in context with its built surrounds.</td>
</tr>
<tr>
<td>35 Marne Street SOUTH YARRA</td>
<td>Liquidambar styraciflua (Liquidambar)</td>
<td>Aesthetic Value, Outstanding Size.</td>
<td>10.32</td>
<td>117</td>
<td>11ESO</td>
<td>This is a large specimen in good condition, particularly in context with its built surrounds. It has high aesthetic qualities especially in Autumn and adds character to the surrounding landscape.</td>
</tr>
<tr>
<td>36 McConnell Street KENSINGTON</td>
<td>Schinus molle (Peppercom Tree)</td>
<td>Outstanding Size, Particularly Old, Environmental/Micro-climate Services.</td>
<td>15</td>
<td>118</td>
<td>4ESO</td>
<td>This is a large specimen, with a large gnarled trunk in good condition, particularly in context with its built surrounds.</td>
</tr>
<tr>
<td>36 McConnell Street KENSINGTON</td>
<td>Corymbia maculata (Spotted Gum)</td>
<td>Aesthetic Value, Location or Context, Environmental/Micro-climate Services.</td>
<td>8.28</td>
<td>119</td>
<td>4ESO</td>
<td>This is a fine specimen in good condition and, located in a street of small trees, it dominates the surrounding landscape.</td>
</tr>
<tr>
<td>13 Mona Place SOUTH YARRA</td>
<td>Liquidambar styraciflua (Liquidambar)</td>
<td>Aesthetic Value, Outstanding Size, Particularly Old.</td>
<td>8.4</td>
<td>120</td>
<td>11ESO</td>
<td>This is a large tree planted in 1929. It is in good condition with a full canopy and a high aesthetic value.</td>
</tr>
<tr>
<td>92 O'Shanassry Street NORTH</td>
<td>Platanus Xacerifolia (Plane Trees (X 19))</td>
<td>Environmental/Micro-climate Services, Outstanding Habitat Value, Outstanding Size, Aesthetic Value, Particularly Old, Location or Context.</td>
<td>12.24</td>
<td>121</td>
<td>4ESO &amp; 5ESO</td>
<td>These 19 trees form an avenue of large plane trees that are from an original planting of planes along the historic extension of Harris street with photographic evidence suggesting planting prior to 1910.</td>
</tr>
<tr>
<td>Property Address of Exceptional Tree</td>
<td>Tree Name (Botanical &amp; Common)</td>
<td>Identified Value(s)</td>
<td>Tree Protection Zone Radius (m)</td>
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</tr>
<tr>
<td>64 Pasley Street SOUTH YARRA</td>
<td>Jacaranda mimosifolia Jacaranda</td>
<td>Aesthetic Value, Outstanding Size, Particularly Old.</td>
<td>6.96</td>
<td>122</td>
<td>11ESO</td>
<td>This is a large, old example of the species in good condition. It has a large single trunk and high aesthetic qualities especially in flower.</td>
</tr>
<tr>
<td>321 St Kilda Road MELBOURNE</td>
<td>Araucaria heterophylla Norfolk Island Pine</td>
<td>Aesthetic Value, Outstanding Size, Particularly Old.</td>
<td>11.16</td>
<td>123</td>
<td>11ESO</td>
<td>This tree was planted in 1858. It is a very large, old and outstanding example of the species with high aesthetic qualities and it dominates the surrounding landscape.</td>
</tr>
<tr>
<td>583 St Kilda Road MELBOURNE</td>
<td>Cinnamomum camphora Camphor Laurel</td>
<td>Environmental/Micro-climate Services, Outstanding Size, Aesthetic Value, Particularly Old.</td>
<td>15</td>
<td>124</td>
<td>11ESO</td>
<td>This is an outstanding specimen with a large trunk and canopy that dominates the surrounding landscape. It provides shade to the garden below.</td>
</tr>
<tr>
<td>583 St Kilda Road MELBOURNE</td>
<td>Ulmus minor ‘Variegata’ Variegated Elm</td>
<td>Outstanding Size, Rare or Localised, Horticultural Value, Location or Context.</td>
<td>8.04</td>
<td>125</td>
<td>11ESO</td>
<td>This is a large specimen in good condition, particularly in context with its built surrounds. It is relatively rare in Melbourne and an outstanding example of the species.</td>
</tr>
<tr>
<td>583 St Kilda Road MELBOURNE</td>
<td>Lophostemon confertus Queensland Brush Box</td>
<td>Aesthetic Value, Outstanding Size, Particularly Old, Location or Context.</td>
<td>11.88</td>
<td>126</td>
<td>11ESO</td>
<td>This is a large specimen of a fairly common species in Melbourne. It is in good condition and located at the front of an old historic building.</td>
</tr>
<tr>
<td>583 St Kilda Road MELBOURNE</td>
<td>Ceratonia siliqua Carob</td>
<td>Aesthetic Value, Outstanding Size, Curious Growth Form, Particularly Old.</td>
<td>11.4</td>
<td>127</td>
<td>11ESO</td>
<td>This is a very old tree with a full and healthy canopy and curious gnarled growth form.</td>
</tr>
<tr>
<td>583 St Kilda Road MELBOURNE</td>
<td>Corymbia citriodora Lemon-scented Gum</td>
<td>Outstanding Size, Location or Context.</td>
<td>9.24</td>
<td>128</td>
<td>11ESO</td>
<td>This is the only eucalypt in an area of predominantly exotic trees. It is tall and towers above other trees making it a landmark along St Kilda Road, Melbourne.</td>
</tr>
<tr>
<td>321 St Kilda Road MELBOURNE</td>
<td>Ulmus procera English Elm</td>
<td>Environmental/Micro-climate Services, Aesthetic Value, Outstanding Size, Particularly Old.</td>
<td>15</td>
<td>129</td>
<td>11ESO</td>
<td>This tree is a very large and old example of the species with a full canopy and high aesthetic qualities and it dominates the surrounding landscape.</td>
</tr>
<tr>
<td>Property Address of Exceptional Tree</td>
<td>Tree Name (Botanical &amp; Common)</td>
<td>Identified Value(s)</td>
<td>Tree Protection Zone Radius (m)</td>
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</tr>
<tr>
<td>20 St Martins Place SOUTH YARRA</td>
<td><em>Schinus molle</em> Peppercom Tree</td>
<td>Aesthetic Value, Outstanding Size, Particularly Old.</td>
<td>13.44</td>
<td>130</td>
<td>11ESO</td>
<td>This is a fine large specimen in good condition with long extended branches and a full canopy. This tree is on the National Trust's Register of significant trees of Victoria.</td>
</tr>
<tr>
<td>120W Toorak Road SOUTH YARRA</td>
<td><em>Phoenix canariensis</em> Canary Island Date Palm</td>
<td>Historical (HO6) Value, Aesthetic Value, Particularly Old, Location or Context.</td>
<td>4.5</td>
<td>131</td>
<td>11ESO</td>
<td>This is a large specimen in good condition, particularly in context with its built surrounds. It is one of a pair that dominates the entrance to the heritage listed Simonds Hall.</td>
</tr>
<tr>
<td>120W Toorak Road SOUTH YARRA</td>
<td><em>Phoenix canariensis</em> Canary Island Date Palm</td>
<td>Historical (HO6) Value, Aesthetic Value, Outstanding Size, Particularly Old, Location or Context.</td>
<td>4.25</td>
<td>132</td>
<td>11ESO</td>
<td>This is a large specimen in good condition, particularly in context with its built surrounds. It is one of a pair that dominates the entrance to the heritage listed Simonds Hall.</td>
</tr>
<tr>
<td>120W Toorak Road SOUTH YARRA</td>
<td><em>Cupressus torulosa</em> Bhutan Cypress</td>
<td>Outstanding Size, Historical (HO6) Value, Particularly Old, Location or Context.</td>
<td>4.44</td>
<td>133</td>
<td>11ESO</td>
<td>This tree forms part of a row of cypress trees which are in good condition and likely to have been part of the original plantings of the heritage listed Simonds Hall.</td>
</tr>
<tr>
<td>544 Victoria Parade EAST MELBOURNE</td>
<td><em>Schinus molle</em> Peppercom Tree</td>
<td>Outstanding Size, Particularly Old.</td>
<td>15</td>
<td>135</td>
<td>9ESO</td>
<td>A commonly planted tree in Melbourne in the early twentieth century, this is a fine, old specimen with an exceptionally large trunk, good form and a full canopy.</td>
</tr>
<tr>
<td>113 Walsh Street SOUTH YARRA</td>
<td><em>Quercus palustris</em> Pin Oak</td>
<td>Aesthetic Value, Particularly Old, Outstanding Size, Location or Context.</td>
<td>7.92</td>
<td>136</td>
<td>11ESO</td>
<td>This is a large tree with aesthetic qualities in an urban context that dominates the surrounding landscape.</td>
</tr>
<tr>
<td>113 Walsh Street SOUTH YARRA</td>
<td><em>Erythrina Xsykesii</em> Coral Tree</td>
<td>Outstanding Size, Aesthetic Value, Particularly Old, Rare or Localised.</td>
<td>15</td>
<td>137</td>
<td>11ESO</td>
<td>This is a large, old specimen, rarely seen to this size in Melbourne. It is an outstanding example of the species especially in context with its built surrounds.</td>
</tr>
<tr>
<td>290 Walsh Street SOUTH YARRA</td>
<td><em>Pinus radiata</em> Monterey Pine</td>
<td>Outstanding Size, Particularly Old, Historical (HO453) Value.</td>
<td>14.4</td>
<td>138</td>
<td>11ESO</td>
<td>This is a large tree that dominates the surrounding landscape. The tree is located in the grounds of a Robin Boyd designed house which is of architectural and historical significance to the state of Victoria.</td>
</tr>
<tr>
<td>Property Address of Exceptional Tree</td>
<td>Tree Name (Botanical &amp; Common)</td>
<td>Identified Value(s)</td>
<td>Tree Protection Zone Radius (m)</td>
<td>Exceptional Tree Register Tree Report Number:</td>
<td>Planning Scheme Map No.</td>
<td>Statement of Significance</td>
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</tr>
<tr>
<td>30 Flemington Road PARKVILLE</td>
<td><em>Ulmus procera</em> English Elm</td>
<td>Aesthetic Value, Particularly Old, Environmental/Micro-climate Services.</td>
<td>13.92</td>
<td>55</td>
<td>5ESO</td>
<td>This is a large, old tree located on a centre roundabout with high aesthetic qualities, making it a feature of the landscape.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td><em>Pseudopanax lessonii</em> Houpara</td>
<td>Aesthetic Value, Outstanding Size, Rare or Localised, Horticultural Value, Environmental/Micro-climate Services.</td>
<td>3.6</td>
<td>57</td>
<td>5ESO</td>
<td>This is a large tree for its species and uncommonly cultivated outside of its native New Zealand. It is in good condition, particularly in context with its built surrounds.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td><em>Salix babylonica</em> Weeping Willow</td>
<td>Outstanding Size, Particularly Old, Aesthetic Value.</td>
<td>9.96</td>
<td>58</td>
<td>5ESO</td>
<td>This is a large tree with cascading branches and high aesthetic qualities that dominate the surrounding landscape.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td><em>Ulmus procera</em> English Elm</td>
<td>Environmental/Micro-climate Services, Outstanding Size, Aesthetic Value, Particularly Old.</td>
<td>14.4</td>
<td>59</td>
<td>5ESO</td>
<td>This is a large specimen in good condition, particularly in context with its built surrounds. It has long extended branches which provide shade for the seats beneath and it has a high aesthetic value.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td><em>Ulmus procera</em> English Elm</td>
<td>Environmental/Micro-climate Services, Aesthetic Value, Outstanding Size, Particularly Old.</td>
<td>14.88</td>
<td>60</td>
<td>5ESO</td>
<td>This is a large specimen in good condition, particularly in context with its built surrounds.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td><em>Ulmus procera</em> English Elm</td>
<td>Environmental/Micro-climate Services, Aesthetic Value, Outstanding Size, Particularly Old.</td>
<td>15</td>
<td>61</td>
<td>5ESO</td>
<td>This is a large specimen in good condition, particularly in context with its built surrounds. It has weeping branches which provide shade for the seats beneath and it has a high aesthetic value.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td><em>Ginkgo biloba</em> Maiden Hair Tree</td>
<td>Aesthetic Value, Rare or Localised, Horticultural Value.</td>
<td>4.8</td>
<td>62</td>
<td>5ESO</td>
<td>A species originating from China, these two trees one male and one female are rare in Melbourne and were brought here by a Geology Professor after the second world war. They stand outside the entrance to an historic building at Melbourne University.</td>
</tr>
<tr>
<td>Property Address of Exceptional Tree</td>
<td>Tree Name (Botanical &amp; Common)</td>
<td>Identified Value(s)</td>
<td>Tree Protection Zone Radius (m)</td>
<td>Exceptional Tree Register Tree Report Number</td>
<td>Planning Scheme Map No.</td>
<td>Statement of Significance</td>
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</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Magnolia grandiflora Bull Bay</td>
<td>Outstanding Size, Historical (HO342) Value, Particularly Old, Aesthetic Value.</td>
<td>8.4</td>
<td>63</td>
<td>5ESO</td>
<td>This is a large, old, ornamental specimen with showy flowers, dating back to the early history of McFarland Court at Melbourne University.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Fagus sylvatica f purpurea &quot;Purple Beech&quot;</td>
<td>Aesthetic Value, Rare or Localised, Horticultural Value.</td>
<td>7.2</td>
<td>64</td>
<td>5ESO</td>
<td>This is a good specimen of a cold climate species growing in the City of Melbourne. It has good form and high aesthetic value and adds character to its surrounding landscape.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Cedrus deodara Deodar Cedar</td>
<td>Aesthetic Value, Historical (HO350) Value, Outstanding Size, Particularly Old.</td>
<td>14.4</td>
<td>65</td>
<td>5ESO</td>
<td>This is a large ornamental specimen dating back to the early history of McFarland Court. It has high aesthetic value with a large trunk and flowing branches and dominates the surrounding landscape.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Ulmus X hollandica 'Vegeta' Huntingdon Elm</td>
<td>Environmental/Micro-climate Services, Aesthetic Value, Outstanding Size, Particularly Old.</td>
<td>11.4</td>
<td>66</td>
<td>5ESO</td>
<td>This is an outstanding example of the species in good condition with high aesthetic qualities. It has long extended branches and a full canopy providing shade for the seating areas and courtyard beneath.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Corymbia maculata Spotted Gum</td>
<td>Aesthetic Value, Outstanding Size, Location or Context.</td>
<td>9.36</td>
<td>67</td>
<td>5ESO</td>
<td>This is a large specimen in good condition, particularly in context with its built surrounds. Its location at the end of a road makes it a dominant feature of the landscape.</td>
</tr>
</tbody>
</table>

**Group 5 (G5), Melbourne University System Garden**

<table>
<thead>
<tr>
<th>Property Address of Exceptional Tree</th>
<th>Tree Name (Botanical &amp; Common)</th>
<th>Identified Value(s)</th>
<th>Tree Protection Zone Radius (m)</th>
<th>Exceptional Tree Register Tree Report Number</th>
<th>Planning Scheme Map No.</th>
<th>Statement of Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Phoenix dactylifera Date Palm</td>
<td>Aesthetic Value, Particularly Old.</td>
<td>3</td>
<td>68 (G5)</td>
<td>5ESO</td>
<td>This is a large, old palm in good condition. It forms part of a trio of palms located in the System Garden at Melbourne University and together they have high aesthetic value.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Taxodium distichum Dawn Redwood</td>
<td>Outstanding Size, Aesthetic Value.</td>
<td>8.04</td>
<td>69 (G5)</td>
<td>5ESO</td>
<td>This large ornamental specimen from South America located in the System Garden at Melbourne University is in good condition. One of the few deciduous conifers it has high aesthetic value, especially in Autumn.</td>
</tr>
<tr>
<td>Property Address of Exceptional Tree</td>
<td>Tree Name (Botanical &amp; Common)</td>
<td>Identified Value(s)</td>
<td>Tree Protection Zone Radius (m)</td>
<td>Exceptional Tree Register Tree Report Number</td>
<td>Planning Scheme Map No.</td>
<td>Statement of Significance</td>
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</tr>
<tr>
<td>156 Grattan Street</td>
<td>Grevillea robusta Silky Oak</td>
<td>Outstanding Size.</td>
<td>10.92</td>
<td>70 (G5)</td>
<td>5ESO</td>
<td>This is a large, tall specimen located in the System Garden at Melbourne University. It is in good condition, particularly in context with its built surrounds.</td>
</tr>
<tr>
<td>156 Grattan Street</td>
<td>Ficus platypoda Rock Fig</td>
<td>Aesthetic Value, Outstanding Size.</td>
<td>15</td>
<td>71 (G5)</td>
<td>5ESO</td>
<td>This is a large specimen located in the System Garden at Melbourne University. It has multiple stems and is in good condition, particularly in context with its built surrounds.</td>
</tr>
<tr>
<td>156 Grattan Street</td>
<td>Maclura pomifera Osage Orange</td>
<td>Particularly Old, Outstanding Size, Rare or Localised, Horticultural Value, Aesthetic Value.</td>
<td>13.2</td>
<td>72 (G5)</td>
<td>5ESO</td>
<td>This is a large, old specimen with high aesthetic qualities. Originating from America it is relatively uncommonly planted in Melbourne. Located in the System Garden this tree is also on the National Trust's Register of significant trees of Victoria.</td>
</tr>
<tr>
<td>156 Grattan Street</td>
<td>Brachychiton discolor White Kurrajong</td>
<td>Outstanding Size.</td>
<td>9.12</td>
<td>73 (G5)</td>
<td>5ESO</td>
<td>This is a large specimen in good condition, particularly in context with its built surrounds.</td>
</tr>
<tr>
<td>156 Grattan Street</td>
<td>Jubaea chilensis Chilean Wine Palm</td>
<td>Outstanding Size, Particularly Old, Rare or Localised, Horticultural Value, Aesthetic Value.</td>
<td>5</td>
<td>74 (G5)</td>
<td>5ESO</td>
<td>This is a large specimen from South America, relatively uncommon in Melbourne. It is in good condition with aesthetic qualities and adds character to the System Garden at Melbourne University.</td>
</tr>
<tr>
<td>156 Grattan Street</td>
<td>Catalpa bignonioides Indian Bean Tree</td>
<td>Environmental/Micro-climate Services, Rare or Localised, Horticultural Value, Aesthetic Value.</td>
<td>9.84</td>
<td>75 (G5)</td>
<td>5ESO</td>
<td>This is a large specimen originating from south east America. It has large showy flowers and is rarely cultivated in Melbourne.</td>
</tr>
<tr>
<td>156 Grattan Street</td>
<td>Taxodium mucronatum Montezuma Cypress</td>
<td>Outstanding Size, Particularly Old, Horticultural Value, Rare or Localised.</td>
<td>14.04</td>
<td>76 (G5)</td>
<td>5ESO</td>
<td>This is a large specimen found in the System Garden at Melbourne University. It is a rare species in Melbourne, in good condition, particularly in context with its built surrounds.</td>
</tr>
<tr>
<td>Property Address of Exceptional Tree</td>
<td>Tree Name (Botanical &amp; Common)</td>
<td>Identified Value(s)</td>
<td>Tree Protection Zone Radius (m)</td>
<td>Exceptional Tree Register Tree Report Number:</td>
<td>Planning Scheme Map No.</td>
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</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Phoenix canariensis</td>
<td>Aesthetic Value, Outstanding Size, Particularly Old.</td>
<td>4</td>
<td>77 (G5)</td>
<td>5ESO</td>
<td>Originating from the Canary Islands, this is a commonly cultivated palm in Melbourne. This is a large, old specimen in good condition that adds character to System Garden at Melbourne University.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Eucalyptus saligna</td>
<td>Environmental/Micro-climate Services, Outstanding Size.</td>
<td>13.68</td>
<td>78 (G5)</td>
<td>5ESO</td>
<td>This is a large and fine example of the species in excellent condition with good form and a full canopy. It provides shade for the plants and pedestrians in the System Garden and dominates the surrounding landscape.</td>
</tr>
</tbody>
</table>

**Group 6 (G6), Melbourne University 1888 Building**

<table>
<thead>
<tr>
<th>Property Address of Exceptional Tree</th>
<th>Tree Name (Botanical &amp; Common)</th>
<th>Identified Value(s)</th>
<th>Tree Protection Zone Radius (m)</th>
<th>Exceptional Tree Register Tree Report Number:</th>
<th>Planning Scheme Map No.</th>
<th>Statement of Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Magnolia grandiflora</td>
<td>Aesthetic Value, Outstanding Size, Particularly Old.</td>
<td>12</td>
<td>79 (G6)</td>
<td>5ESO</td>
<td>This is a large, old, tree in good condition with large showy flowers and a gnarled trunk. It forms part of a group of trees planted in the nineteenth century.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Schinus molle</td>
<td>Environmental/Micro-climate Services, Aesthetic Value, Outstanding Size, Particularly Old.</td>
<td>15</td>
<td>80 (G6)</td>
<td>5ESO</td>
<td>This is a large, old, specimen with long weeping branches in good condition. It is a dominating feature of the landscape and provides a shaded environment for the courtyard beneath.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Pinus canariensis</td>
<td>Outstanding Size, Particularly Old.</td>
<td>11.28</td>
<td>81 (G6)</td>
<td>5ESO</td>
<td>This is a large, old specimen in good condition, particularly in context with its built surroundings. It forms part of a group of trees planted in the nineteenth century outside the 1888 building of Melbourne University.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Phoenix canariensis</td>
<td>Particularly Old, Outstanding Size.</td>
<td>4.5</td>
<td>82 (G6)</td>
<td>5ESO</td>
<td>This is a large old specimen, in good condition, particularly in context with its built surrounds. It forms part of a group of trees planted in the nineteenth century outside the 1888 building of Melbourne University.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Cedrus deodara</td>
<td>Outstanding Size, Particularly Old.</td>
<td>11.76</td>
<td>83 (G6)</td>
<td>5ESO</td>
<td>This is a large, old, ornamental specimen in good condition. It forms part of a group of trees planted in the nineteenth century outside the 1888 building of Melbourne University.</td>
</tr>
<tr>
<td>Property Address of Exceptional Tree</td>
<td>Tree Name (Botanical &amp; Common)</td>
<td>Identified Value(s)</td>
<td>Tree Protection Zone Radius (m)</td>
<td>Exceptional Tree Register Tree Report Number:</td>
<td>Planning Scheme Map No.</td>
<td>Statement of Significance</td>
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</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Araucaria cunninghamii Hoop Pine</td>
<td>Location or Context, Aesthetic Value, Outstanding Size, Particularly Old, Aesthetic Value.</td>
<td>15.6</td>
<td>84 (G6)</td>
<td>5ESO</td>
<td>This is a large, old specimen in good condition with striking form and central to the 1888 gardens at Melbourne University. It forms part of a group of trees planted in the nineteenth century and is a dominating feature of the area.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Phoenix canariensis Canary Island Date Palm</td>
<td>Outstanding Size, Aesthetic Value, Particularly Old.</td>
<td>11.88</td>
<td>85 (G6)</td>
<td>5ESO</td>
<td>This is a large, old specimen in good condition. It forms part of a group of trees planted in the late nineteenth century.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Ulmus procera English Elm</td>
<td>Aesthetic Value, Outstanding Size, Location or Context.</td>
<td>11.64</td>
<td>86</td>
<td>5ESO</td>
<td>This is a large healthy specimen in good condition, particularly in context with its built surrounds. It has high aesthetic qualities, adds character and dominates the surrounding landscape.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Eucalyptus bicostata Victoria Blue Gum</td>
<td>Outstanding Size.</td>
<td>11.4</td>
<td>87</td>
<td>5ESO</td>
<td>This is a very tall native tree in good condition that dominates the surrounding landscape.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Araucaria bidwillii Bunya Bunya Pine</td>
<td>Outstanding Size, Aesthetic Value, Particularly Old, Location or Context.</td>
<td>13.68</td>
<td>88</td>
<td>5ESO</td>
<td>This is a large old tree with two large trunks in a predominantly single trunked specimen. It has good health and is a dominant feature of the surrounding landscape.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Eucalyptus cladocalyx Sugar Gum</td>
<td>Outstanding Size, Particularly Old.</td>
<td>15</td>
<td>89</td>
<td>5ESO</td>
<td>This is a very large tree in good condition, with its large trunk, major stems and full canopy it dominates the surrounding landscape.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Eucalyptus camaldulensis River Red Gum</td>
<td>Outstanding Size, Aesthetic Value, Particularly Old, Horticultural Value, Remnant, Outstanding Habitat Value.</td>
<td>10.92</td>
<td>90 (G7)</td>
<td>5ESO</td>
<td>This is a large old tree in good condition that is likely to be remnant and dominates the surrounding landscape.</td>
</tr>
</tbody>
</table>

**Group 7 (G7), Melbourne University Remnant River Red Gums**
<table>
<thead>
<tr>
<th>Property Address of Exceptional Tree</th>
<th>Tree Name (Botanical &amp; Common)</th>
<th>Identified Value(s)</th>
<th>Tree Protection Zone Radius (m)</th>
<th>Exceptional Tree Register Tree Report Number:</th>
<th>Planning Scheme Map No.</th>
<th>Statement of Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td><em>Eucalyptus camaldulensis</em> River Red Gum</td>
<td>Aesthetic Value, Outstanding Size, Particularly Old, Horticultural Value, Remnant, Outstanding Habitat Value.</td>
<td>11.28</td>
<td>91 (G7)</td>
<td>5ESO</td>
<td>This is a large old tree in good condition that is likely to be remnant and dominates the surrounding landscape.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td><em>Eucalyptus camaldulensis</em> River Red Gum</td>
<td>Outstanding Size, Particularly Old, Horticultural Value, Remnant, Outstanding Habitat Value.</td>
<td>11.88</td>
<td>92 (G7)</td>
<td>5ESO</td>
<td>This is a large tree in good condition that is likely to be remnant and dominates the surrounding landscape.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td><em>Eucalyptus camaldulensis</em> River Red Gum</td>
<td>Curious Growth Form, Aesthetic Value, Particularly Old, Horticultural Value, Remnant, Outstanding Habitat Value.</td>
<td>10.92</td>
<td>93 (G7)</td>
<td>5ESO</td>
<td>This tree is a fine example of the species with old gnarled extended branches and great form. It is likely to be remnant and has high aesthetic qualities.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td><em>Cussonia spicata</em> Cabbage Tree</td>
<td>Location or Context, Horticultural Value, Curious Growth Form, Environmental/Micro-climate Services.</td>
<td>8.88</td>
<td>94</td>
<td>5ESO</td>
<td>This is a large specimen native to South Africa. It is rarely cultivated in Melbourne and is a feature of Cussonia Court at Melbourne University.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td><em>Liriodendron tulipifera</em> Tulip Tree</td>
<td>Aesthetic Value, Outstanding Size.</td>
<td>9.12</td>
<td>95</td>
<td>5ESO</td>
<td>This is a large tree with good form and in good condition. The tree is an impressive and significant component in the landscape.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td><em>Metasequoia glyptostroboides</em> Dawn Redwood</td>
<td>Rare or Localised, Horticultural Value, Location or Context.</td>
<td>6</td>
<td>96</td>
<td>5ESO</td>
<td>This is one of a pair of an uncommon species in Melbourne, marking the entrance to an historic building.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td><em>Corymbia citriodora</em> Lemon-scented Gum</td>
<td>Environmental/Micro-climate Services, Aesthetic Value, Location or Context, Outstanding Size, Particularly Old.</td>
<td>8.28</td>
<td>97</td>
<td>5ESO</td>
<td>This is a large specimen in good condition with weeping branches that provide shade to the seating areas beneath. It has a high aesthetic value and dominates the surrounding landscape.</td>
</tr>
<tr>
<td>Property Address of Exceptional Tree</td>
<td>Tree Name (Botanical &amp; Common)</td>
<td>Identified Value(s)</td>
<td>Tree Protection Zone Radius (m)</td>
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</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Platanus Xacerifolia Plane Tree</td>
<td>Environmental/Micro-climate Services, Location or Context, Aesthetic Value.</td>
<td>7.68</td>
<td>98</td>
<td>5ESO</td>
<td>This row of trees are located on top of an underground car park at Melbourne University. They are in good condition and add character to the local landscape.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Corymbia citriodora Lemon-scented Gum</td>
<td>Outstanding Size.</td>
<td>8.52</td>
<td>99</td>
<td>5ESO</td>
<td>This is a very tall native specimen in good condition, particularly in context with its built surrounds.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Ulmus glabra 'Pendula' Weeping Elm</td>
<td>Outstanding Size, Location or Context.</td>
<td>7.56</td>
<td>100</td>
<td>5ESO</td>
<td>This is a large specimen of the weeping form of elm. It is in good condition and adds character to the surrounding landscape.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Cassine crocea African Holly</td>
<td>Location or Context, Aesthetic Value, Outstanding Size, Rare or Localised, Horticultural Value.</td>
<td>8.16</td>
<td>101</td>
<td>5ESO</td>
<td>This is a large tree originating from South Africa and rarely seen in Melbourne. It is in good condition, particularly in context with its built surrounds and is a dominating feature of the landscape.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Phytolacca dioica Ombu</td>
<td>Curious Growth Form, Rare or Localised, Horticultural Value.</td>
<td>6.36</td>
<td>102</td>
<td>5ESO</td>
<td>This is a small canopied specimen from South America and relatively rare in Melbourne. It has a large trunk and curious growth form.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Corymbia citriodora Lemon-scented Gum</td>
<td>Curious Growth Form, Environmental/Micro-climate Services, Aesthetic Value, Outstanding Size, Particularly Old, Location or Context.</td>
<td>9.84</td>
<td>103</td>
<td>5ESO</td>
<td>This is a large specimen with a twisted trunk and long twisting branches. It is in good condition, particularly in context with its built surrounds and has high aesthetic qualities.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Picconia excelsa Canary Island Laurel</td>
<td>Outstanding Size, Rare or Localised, Horticultural Value, Historical (HO342) Value, Location or Context.</td>
<td>7.8</td>
<td>104</td>
<td>5ESO</td>
<td>Originating in Spain and Portugal and reaching 10m in height, this is a very large example of a rarely grown species in Melbourne and dates back to the early development of McFarland Court.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td>Phytolacca dioica Ombu</td>
<td>Rare or Localised, Horticultural Value.</td>
<td>6.6</td>
<td>105</td>
<td>5ESO</td>
<td>This tree from South America is rarely grown in Melbourne. It is in good condition, particularly in context with its built surrounds.</td>
</tr>
<tr>
<td>Property Address of Exceptional Tree</td>
<td>Tree Name (Botanical &amp; Common)</td>
<td>Identified Value(s)</td>
<td>Tree Protection Zone Radius (m)</td>
<td>Exceptional Tree Register Tree Report Number:</td>
<td>Planning Scheme Map No.</td>
<td>Statement of Significance</td>
</tr>
<tr>
<td>-----------------------------------</td>
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</tr>
<tr>
<td>PARKVILLE</td>
<td><em>Corymbia maculata</em> Spotted Gum</td>
<td>Outstanding Size.</td>
<td>10.56</td>
<td>106</td>
<td>5ESO</td>
<td>This is a very tall specimen in good condition, particularly in context with its built surrounds.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td><em>Malus xpurpurea</em> Crab Apple</td>
<td>Aesthetic Value, Curious Growth Form, Outstanding Size, Particularly Old.</td>
<td>6.6</td>
<td>107</td>
<td>5ESO</td>
<td>This is a large specimen in good condition, particularly in context with its built surrounds. It has a high aesthetic value with a large spreading canopy with gnarled branches.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td><em>Platanus Xacerifolia</em> Plane Tree</td>
<td>Environmental/Micro-climate Services, Aesthetic Value, Outstanding Size, Particularly Old, Location or Context, Social Cultural or Spiritual Value.</td>
<td>14.16</td>
<td>108</td>
<td>5ESO</td>
<td>This is an outstanding specimen of a common species with great form and spread. It has a high aesthetic value and provides shade to the busy courtyard beneath its canopy. It is on the National Trust's Register of significant trees of Victoria.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td><em>Ulmus hollandica</em> Dutch Elm</td>
<td>Aesthetic Value, Location or Context, Outstanding Size, Particularly Old, Environmental/Micro-climate Services.</td>
<td>11.16</td>
<td>109</td>
<td>5ESO</td>
<td>This is a good example of the species and it dominates the surrounding landscape. It is in good condition, particularly in context with its built surrounds.</td>
</tr>
<tr>
<td>156 Grattan Street PARKVILLE</td>
<td><em>Eucalyptus cladocalyx</em> Sugar Gum</td>
<td>Outstanding Size, Particularly Old, Location or Context.</td>
<td>20.64</td>
<td>110</td>
<td>5ESO</td>
<td>This is a large, old native specimen in good condition, particularly in context with its built surrounds. With its large girth and stems and full canopy, it is a dominant feature of the landscape.</td>
</tr>
</tbody>
</table>

**Group 3 (G3), Phoenix canariensis, Melbourne Zoo**

<table>
<thead>
<tr>
<th>Elliott Avenue PARKVILLE</th>
<th><em>Phoenix canariensis</em> Canary Island Date Palm</th>
<th>Particularly Old, Aesthetic Value, Outstanding Size, Location or Context.</th>
<th>4.5</th>
<th>21 (G3)</th>
<th>5ESO</th>
<th>This large specimen is in good condition with high aesthetic qualities and is one of three palms that dominate the walk up the main driveway.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elliott Avenue PARKVILLE</td>
<td><em>Phoenix canariensis</em> Canary Island Date Palm</td>
<td>Aesthetic Value, Particularly Old, Location or Context.</td>
<td>4.25</td>
<td>22 (G3)</td>
<td>5ESO</td>
<td>This large specimen is in good condition with high aesthetic qualities and is one of three palms that dominate the walk up the main driveway.</td>
</tr>
<tr>
<td>Property Address of Exceptional Tree</td>
<td>Tree Name (Botanical &amp; Common)</td>
<td>Identified Value(s)</td>
<td>Tree Protection Zone Radius (m)</td>
<td>Exceptional Tree Register Tree Report Number</td>
<td>Planning Scheme Map No.</td>
<td>Statement of Significance</td>
</tr>
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<td>--------------------------</td>
</tr>
<tr>
<td>Elliott Avenue PARKVILLE</td>
<td><em>Phoenix canariensis</em> Canal Island Date Palm</td>
<td>Particularly Old, Aesthetic Value, Location or Context.</td>
<td>4.25</td>
<td>23 (G3)</td>
<td>5ESO</td>
<td>This large specimen is in good condition with high aesthetic qualities and is one of three palms that dominate the walk up the main driveway.</td>
</tr>
<tr>
<td>Elliott Avenue PARKVILLE</td>
<td><em>Brachychiton acerifolius</em> Flame Tree</td>
<td>Aesthetic Value, Outstanding Size.</td>
<td>4.25</td>
<td>24</td>
<td>5ESO</td>
<td>This is a large specimen in good condition, particularly in context with its built surrounds. It has high aesthetic qualities particularly in flower.</td>
</tr>
<tr>
<td>Elliott Avenue PARKVILLE</td>
<td><em>Schinus mollis</em> Peppercom Tree</td>
<td>Aesthetic Value, Curious Growth Form, Outstanding Size, Particularly Old, Location or Context, Environmental/Micro-climate Services.</td>
<td>15</td>
<td>25</td>
<td>5ESO</td>
<td>This is a large old fine specimen in good condition, with a large gnarled trunk. It has high aesthetic qualities and, located on a main thoroughfare, is a major attraction.</td>
</tr>
<tr>
<td>Elliott Avenue PARKVILLE</td>
<td><em>Eucalyptus camaldulensis</em> River Red Gum</td>
<td>Outstanding Habitat Value, Aesthetic Value, Particularly Old, Outstanding Size, Environmental/Micro-climate Services.</td>
<td>11.76</td>
<td>26</td>
<td>5ESO</td>
<td>This is a large old tree, possibly remnant, in good condition and provides habitat and food to native fauna.</td>
</tr>
<tr>
<td>Elliott Avenue PARKVILLE</td>
<td><em>Populus deltoides</em> Cotton Wood</td>
<td>Outstanding Size, Particularly Old.</td>
<td>13.68</td>
<td>28</td>
<td>5ESO</td>
<td>This is a large, old tree in good condition with a full canopy that dominates the surrounding landscape.</td>
</tr>
<tr>
<td>Elliott Avenue PARKVILLE</td>
<td><em>Pinus canariensis</em> Canary Island Pine</td>
<td>Outstanding Size, Particularly Old.</td>
<td>13.2</td>
<td>29</td>
<td>5ESO</td>
<td>This is a large specimen in good condition that dominates the surrounding landscape.</td>
</tr>
<tr>
<td>Elliott Avenue PARKVILLE</td>
<td><em>Ficus macrophylla</em> Moreton Bay Fig</td>
<td>Outstanding Size, Aesthetic Value, Particularly Old, Social Cultural or Spiritual Value, Environmental/Micro-climate Services.</td>
<td>15</td>
<td>30</td>
<td>5ESO</td>
<td>This tree is a large outstanding example of the species with long extended limbs and a large canopy. It has high aesthetic qualities and adds great character to this area of the zoo.</td>
</tr>
<tr>
<td>Elliott Avenue PARKVILLE</td>
<td><em>Schinus mollis</em> Peppercom Tree</td>
<td>Curious Growth Form, Aesthetic Value, Particularly Old, Location or Context, Environmental/Micro-climate Services.</td>
<td>11.88</td>
<td>31</td>
<td>5ESO</td>
<td>This is a fine specimen in very good health with drooping branches, its location outside a main food court adds character and aesthetic qualities to the area.</td>
</tr>
<tr>
<td>Property Address of Exceptional Tree</td>
<td>Tree Name (Botanical &amp; Common)</td>
<td>Identified Value(s)</td>
<td>Tree Protection Zone Radius (m)</td>
<td>Exceptional Tree Register Tree Report Number</td>
<td>Planning Scheme Map No.</td>
<td>Statement of Significance</td>
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<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Elliott Avenue PARKVILLE</td>
<td><em>Pinus canariensis</em> Canary Island Pine</td>
<td>Environmental/Micro-climate Services, Outstanding Size, Aesthetic Value, Particularly Old.</td>
<td>10.56</td>
<td>32</td>
<td>5ESO</td>
<td>This is a large specimen in good condition with good symmetrical branching and a canopy that provides shade for the picnic area below.</td>
</tr>
<tr>
<td>Elliott Avenue PARKVILLE</td>
<td><em>Ulmus procera</em> English Elm</td>
<td>Environmental/Micro-climate Services, Aesthetic Value, Outstanding Size, Particularly Old.</td>
<td>12.24</td>
<td>33</td>
<td>5ESO</td>
<td>This is a large specimen in good condition with a full canopy that provides a shaded environment for the picnic area below.</td>
</tr>
<tr>
<td>Elliott Avenue PARKVILLE</td>
<td><em>Brachychiton acerifolius</em> Flame Tree</td>
<td>Location or Context, Aesthetic Value, Outstanding Size, Particularly Old.</td>
<td>10.68</td>
<td>35</td>
<td>5ESO</td>
<td>This is a large specimen in good condition, particularly in context with its built surrounds.</td>
</tr>
<tr>
<td>Elliott Avenue PARKVILLE</td>
<td><em>Brachychiton acerifolius</em> Flame Tree</td>
<td>Curious Growth Form, Aesthetic Value, Outstanding Size, Particularly Old.</td>
<td>12.84</td>
<td>36</td>
<td>5ESO</td>
<td>This is an exceptional example of the species with fine form and healthy canopy. It has interesting root growth above ground and high aesthetic qualities particularly in flower.</td>
</tr>
<tr>
<td>Elliott Avenue PARKVILLE</td>
<td><em>Eucalyptus camaldulensis</em> River Red Gum</td>
<td>Outstanding Habitat Value, Remnant, Outstanding Size, Particularly Old.</td>
<td>12</td>
<td>37</td>
<td>5ESO</td>
<td>This is a large old tree, possibly remnant, in good condition. It provides habitat and food for local wildlife.</td>
</tr>
<tr>
<td>Elliott Avenue PARKVILLE</td>
<td><em>Quercus palustris</em> Pin Oak</td>
<td>Aesthetic Value, Particularly Old, Outstanding Size.</td>
<td>8.16</td>
<td>38</td>
<td>5ESO</td>
<td>This is a large tree in good condition with high aesthetic qualities and it dominates the surrounding landscape.</td>
</tr>
<tr>
<td>Elliott Avenue PARKVILLE</td>
<td><em>Ficus macrophylla</em> Moreton Bay Fig</td>
<td>Outstanding Size, Particularly Old.</td>
<td>11.4</td>
<td>39</td>
<td>5ESO</td>
<td>This is a large tree in good condition with long extended branches and it adds character to the surrounding landscape.</td>
</tr>
<tr>
<td>Elliott Avenue PARKVILLE</td>
<td><em>Eucalyptus camaldulensis</em> River Red Gum</td>
<td>Outstanding Habitat Value, Outstanding Size, Particularly Old.</td>
<td>12.6</td>
<td>40</td>
<td>2ESO</td>
<td>This is a large old tree, possibly remnant, in good condition. It provides habitat and food for local wildlife.</td>
</tr>
<tr>
<td>Elliott Avenue PARKVILLE</td>
<td><em>Sequoia sempervirens</em> Coast Redwood</td>
<td>Rare or Localised, Outstanding Size, Aesthetic Value, Particularly Old, Horticultural Value.</td>
<td>10.8</td>
<td>41</td>
<td>5ESO</td>
<td>This is an outstanding example of the species with good trunk flare and a full healthy canopy. It has high aesthetic qualities and dominates the surrounding landscape.</td>
</tr>
</tbody>
</table>
### Property Address of Exceptional Tree

<table>
<thead>
<tr>
<th>Tree Name (Botanical &amp; Common)</th>
<th>Identified Value(s)</th>
<th>Tree Protection Zone Radius (m)</th>
<th>Exceptional Tree Register Tree Report Number:</th>
<th>Planning Scheme Map No.</th>
<th>Statement of Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elliott Avenue</td>
<td><strong>Quercus nigra</strong> Water Oak</td>
<td>Rare or Localised, Horticultural Value.</td>
<td>6.72</td>
<td>42</td>
<td>2ESO</td>
</tr>
<tr>
<td>Elliott Avenue</td>
<td><strong>Quercus palustris</strong> Pin Oak</td>
<td>Aesthetic Value, Outstanding Size, Particularly Old.</td>
<td>9.84</td>
<td>45</td>
<td>5ESO</td>
</tr>
<tr>
<td>Elliott Avenue</td>
<td><strong>Schinus molle</strong> Peppercom Tree</td>
<td>Outstanding Size, Particularly Old.</td>
<td>17.76</td>
<td>46</td>
<td>5ESO</td>
</tr>
<tr>
<td>Elliott Avenue</td>
<td><strong>Ficus rubiginosa</strong> Port Jackson Fig</td>
<td>Outstanding Size, Particularly Old.</td>
<td>12.24</td>
<td>47</td>
<td>5ESO</td>
</tr>
</tbody>
</table>

#### Group 3 (G4), Toona ciliata, Melbourne Zoo

<table>
<thead>
<tr>
<th>Property Address of Exceptional Tree</th>
<th>Tree Name (Botanical &amp; Common)</th>
<th>Identified Value(s)</th>
<th>Tree Protection Zone Radius (m)</th>
<th>Exceptional Tree Register Tree Report Number:</th>
<th>Planning Scheme Map No.</th>
<th>Statement of Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elliott Avenue PARKVILLE</td>
<td><strong>Toona ciliata</strong> Australian Red Cedar</td>
<td>Aesthetic Value, Rare or Localised.</td>
<td>5.52</td>
<td>49 (G4)</td>
<td>5ESO</td>
<td>This is one of a pair of Australian Red Cedars, a tropical tree relatively rare in Melbourne and one of the few deciduous Australian natives.</td>
</tr>
<tr>
<td>Elliott Avenue PARKVILLE</td>
<td><strong>Toona ciliata</strong> Australian Red Cedar</td>
<td>Environmental/Micro-climate Services, Aesthetic Value, Rare or Localised.</td>
<td>6</td>
<td>50 (G4)</td>
<td>5ESO</td>
<td>This is one of a pair of Australian Red Cedars, a tropical tree relatively rare in Melbourne and one of the few deciduous Australian natives. It has high aesthetic qualities and is a feature of the surrounding landscape.</td>
</tr>
<tr>
<td>Elliott Avenue PARKVILLE</td>
<td><strong>Sequoia sempervirens</strong> Coast Redwood</td>
<td>Rare or Localised, Aesthetic Value, Outstanding Size, Horticultural Value.</td>
<td>9.12</td>
<td>51</td>
<td>2ESO</td>
<td>Originating from California and one of the tallest growing species, this is a fine specimen of a relatively rare species grown in Melbourne. It is in good condition with high aesthetic qualities.</td>
</tr>
<tr>
<td>Elliott Avenue PARKVILLE</td>
<td><strong>Eucalyptus camaldulensis</strong> River Red Gum</td>
<td>Social Cultural or Spiritual Value, Outstanding Habitat Value, Aboriginal Association, Outstanding Size, Particularly Old.</td>
<td>15</td>
<td>52</td>
<td>5ESO</td>
<td>This tree is a large, remnant Aboriginal scar tree, with cultural and spiritual significance.</td>
</tr>
<tr>
<td>Elliott Avenue PARKVILLE</td>
<td><strong>Caiba speciosa</strong> Silk Floss Tree</td>
<td>Curious Growth Form, Aesthetic Value, Rare or Localised, Horticultural Value.</td>
<td>6.36</td>
<td>53</td>
<td>5ESO</td>
<td>This is a tropical specimen rarely grown in Melbourne. It has curious natural growth with a spiny trunk and high aesthetic qualities with large pink flowers against deep green leaves.</td>
</tr>
</tbody>
</table>
HERITAGE OVERLAY

Shown on the planning scheme map as HO with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To conserve and enhance heritage places of natural or cultural significance.
To conserve and enhance those elements which contribute to the significance of heritage places.
To ensure that development does not adversely affect the significance of heritage places.
To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

Scope

The requirements of this overlay apply to heritage places specified in the schedule to this overlay. A heritage place includes both the listed heritage item and its associated land. Heritage places may also be shown on the planning scheme map.

Permit requirement

A permit is required to:

- Subdivide land.
- Demolish or remove a building.
- Construct a building or construct or carry out works, including:
  - Domestic services normal to a dwelling if the services are visible from a street (other than a lane) or public park.
  - A solar energy system attached to a building that primarily services the land on which it is situated if the services are visible from a street (other than a lane) or public park.
  - A rainwater tank if the rainwater tank is visible from a street (other than a lane) or public park.
  - A fence, if the fence is visible from a street (other than a lane) or public park.
  - Roadworks which change the appearance of a heritage place or which are not generally undertaken to the same details, specifications and materials.
  - Street furniture other than:
    - traffic signals, traffic signs, fire hydrants, parking meters, post boxes and seating.
    - speed humps, pedestrian refuges and splitter islands.
  - A domestic swimming pool or spa and associated mechanical and safety equipment, if the swimming pool or spa and associated equipment are visible from a street (other than a lane) or public park.
  - A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
  - A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level, if the deck is visible from a street (other than a lane) or public park
  - Non-domestic disabled access, excluding a non-domestic disabled access ramp if the ramp is not visible from a street (other than a lane) or public park.
- An electric vehicle charging station if the charging station is visible from a street (other than a lane) or public park.
- Services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar, if the works are visible from a street (other than a lane) or public park.

- Externally alter a building by structural work, rendering, sandblasting or in any other way.
- Construct or display a sign.
- Externally paint a building if the schedule to this overlay specifies the heritage place as one where external paint controls apply.
- Externally paint an unpainted surface.
- Externally paint a building if the painting constitutes an advertisement.
- Internally alter a building if the schedule to this overlay specifies the heritage place as one where internal alteration controls apply.
- Carry out works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials.
- Remove, destroy or lop a tree if the schedule to this overlay specifies the heritage place as one where tree controls apply. This does not apply:
  - To any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the *Electricity Safety Act 1998*.
  - If the tree presents an immediate risk of personal injury or damage to property.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where the area of either lot is reduced by less than 15 percent and the general direction of the common boundary does not change.</td>
<td>Clause 59.07</td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td></td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into 2 lots if:</td>
<td></td>
</tr>
<tr>
<td>- The construction of a building or the construction or carrying out of works on the land is approved under this scheme or by a permit issued under this scheme and the permit has not expired.</td>
<td></td>
</tr>
<tr>
<td>Class of application</td>
<td>Information requirements and decision guidelines</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>- The construction or carrying out of the approved building or works on the land has started lawfully.</td>
<td></td>
</tr>
<tr>
<td>- The subdivision does not create a vacant lot.</td>
<td></td>
</tr>
<tr>
<td>• Demolish or remove an outbuilding (including a carport, garage, pergola, verandah, deck, shed or similar structure) unless the outbuilding is specified in the schedule to the Heritage Overlay.</td>
<td></td>
</tr>
<tr>
<td>• Demolish or remove a fence unless the fence is specified in the schedule to the Heritage Overlay.</td>
<td></td>
</tr>
<tr>
<td>• Externally alter a non-contributory building.</td>
<td></td>
</tr>
<tr>
<td>• External painting.</td>
<td></td>
</tr>
<tr>
<td>• Construct a fence.</td>
<td></td>
</tr>
<tr>
<td>• Construct a carport, garage, pergola, verandah, deck, shed or similar structure.</td>
<td></td>
</tr>
<tr>
<td>• Construct and install domestic services normal to a dwelling.</td>
<td></td>
</tr>
<tr>
<td>• Construct and install a non-domestic disabled access ramp.</td>
<td></td>
</tr>
<tr>
<td>• Construct a vehicle cross-over.</td>
<td></td>
</tr>
<tr>
<td>• Construct a domestic swimming pool or spa and associated mechanical equipment and safety fencing.</td>
<td></td>
</tr>
<tr>
<td>• Construct a rainwater tank.</td>
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<tr>
<td>• Construct or display a sign.</td>
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<tr>
<td>• Lop a tree.</td>
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<tr>
<td>• Construct or install a solar energy system attached to a dwelling.</td>
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<tr>
<td>• Construct and install an electric vehicle charging station.</td>
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<tr>
<td>• Construct and install services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.</td>
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</tr>
</tbody>
</table>

43.01-2
21/11/2017
VC141

Places in the Victorian Heritage Register

A heritage place which is included in the Victorian Heritage Register is subject to the requirements of the Heritage Act 2017.

Permit requirement

A permit is required under this overlay to subdivide a heritage place which is included in the Victorian Heritage Register. This includes the subdivision or consolidation of land including any building or airspace.

Referral of applications

An application to subdivide a heritage place which is included in the Victorian Heritage Register must be referred to the relevant referral authority under Section 55 of the Act in accordance with Clause 66 of this scheme.
No permit required

No permit is required under this overlay:

- For anything done in accordance with an incorporated plan specified in a schedule to this overlay.
- To internally alter a church for liturgical purposes if the responsible authority is satisfied that the alterations are required for liturgical purposes.
- For interments, burials and erection of monuments, re-use of graves, burial of cremated remains and exhumation of remains in accordance with the *Cemeteries and Crematoria Act 2003*.
- To develop a heritage place which is included in the Victorian Heritage Register, other than an application to subdivide a heritage place of which all or part is included in the Victorian Heritage Register.

Exemption from notice and review

An application under this overlay for any of the following classes of development 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:

- Demolition or removal of an outbuilding (including a carport, garage, pergola, verandah, deck, shed or similar structure) unless the outbuilding is specified in the schedule to this overlay.
- Demolition or removal of a fence unless the fence is specified in the schedule to this overlay.
- External alteration of a building.
- External painting.
- Construction of a fence.
- Construction of a carport, garage, pergola, verandah, deck, shed or similar structure.
- Domestic services normal to a dwelling.
- Carry out works, repairs and routine maintenance.
- Internally alter a building.
- Non-domestic disabled access ramp.
- Construction of a vehicle cross-over.
- Construction of a domestic swimming pool or spa and associated mechanical equipment and safety fencing.
- Construction of a tennis court.
- Construction of a rainwater tank.
- Construction or display of a sign.
- Lopping of a tree.
- Construction of seating, picnic tables, drinking taps, barbeques, rubbish bins, security lighting, irrigation, drainage or underground infrastructure, bollards, telephone boxes.
- Roadworks.
- An electric vehicle charging station.
- Services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.
Statements of significance

The schedule to this overlay must specify a statement of significance for each heritage place included in the schedule after the commencement of Amendment VC148. This does not apply to:

- A heritage place included in the schedule to this overlay by an amendment prepared or authorised by the Minister under section 8(1)(b) or section 8A(4) of the Act before or within three months after the commencement of Amendment VC148.
- A registered heritage place included in the Victorian Heritage Register established under Part 3 of the Heritage Act 2017.
- A heritage place included in the schedule to this overlay on an interim basis.

Heritage design guidelines

The schedule to this overlay may specify heritage design guidelines for any heritage place included in the schedule. A heritage design guideline must not contain any mandatory requirements.

Application requirements

An application must be accompanied by any information specified in the schedule to this overlay.

Decision guidelines

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

- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance (whether or not specified in the schedule to this overlay), heritage study and any applicable conservation policy.
- Any applicable heritage design guideline specified in the schedule to this overlay.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed subdivision will adversely affect the significance of the heritage place.
- Whether the proposed subdivision may result in development which will adversely affect the significance, character or appearance of the heritage place.
- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.
- Whether the lopping or development will adversely affect the health, appearance or significance of the tree.
- Whether the location, style, size, colour and materials of the proposed solar energy system will adversely affect the significance, character or appearance of the heritage place.
Use of a heritage place

A permit may be granted to use a heritage place (including a heritage place which is included in the Victorian Heritage Register) for a use which would otherwise be prohibited if all of the following apply:

- The schedule to this overlay specifies the heritage place as one where prohibited uses may be permitted.
- The use will not adversely affect the significance of the heritage place.
- The benefits obtained from the use can be demonstrably applied towards the conservation of the heritage place.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider the effect of the use on the amenity of the area.

Aboriginal heritage places

A heritage place specified in the schedule to this overlay as an Aboriginal heritage place is also subject to the requirements of the *Aboriginal Heritage Act 2006*. 
### Application requirements

None specified.

### Heritage places

The requirements of this overlay apply to both the heritage place and its associated land.

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<thead>
<tr>
<th>PS map ref</th>
<th>Heritage place</th>
<th>External paint controls apply?</th>
<th>Internal alteration controls apply?</th>
<th>Tree controls apply?</th>
<th>Outbuildings or fences not exempt under Clause 43.01-4</th>
<th>Included on the Victorian Heritage Register under the Heritage Act 2017?</th>
<th>Prohibited uses permitted?</th>
<th>Aboriginal heritage place?</th>
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<td>HO1124</td>
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<td>Melbourne Girls Grammar – Merton Hall Campus Master Plan, June 2002</td>
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<td>HO1123</td>
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<td>HO992</td>
<td>World Heritage Environs Area Precinct</td>
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<td>Kensington Railway Station Commercial &amp; Residential Precinct</td>
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<td>Parsons Street South Streetscape</td>
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<td>HO1167</td>
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<td>Pridham Street North Residential Street North Residential Precinct</td>
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<td>Rankins Road North Streetscape</td>
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<td>HO1170</td>
<td>Smith Street Victorian Era Residential Streetscape</td>
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<td>HO1171</td>
<td>William Adams’ Investment House Streetscape</td>
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<td>HO1092</td>
<td>Moonee Ponds Creek and Infrastructure Precinct</td>
<td>Yes</td>
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<td>The heritage place consists of the Racecourse Road, Macaulay Road, Arden Street and Dynon Road Bridges (plus 3m from the bridge perimeter), Pumping stations 1-5, the water course with vegetated banks and existing channel widths and creek reserve including bluestone pitcher lining and the brick pipe bridge piers</td>
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<td>Melbourne Water Permit Exemptions for the Moonee Ponds Creek and Infrastructure Precinct 2015</td>
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<td>HO869</td>
<td>Home for Lost and Starving Dogs, later Lost Dogs Home &amp; Animal Hospital 2-52 Gracie Street, North Melbourne</td>
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<td>HO455</td>
<td>North and West Melbourne Biscuit Making &amp; Flour Milling Precinct</td>
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<td>Southbank Heritage Inventory, February 2018</td>
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3-21 Anderson Street, 24-78 Laurens Street (including alternate address 1-25 Munster Terrace) North Melbourne

**PRECINCTS INSIDE THE CAPITAL CITY ZONE**

HO1214 Interim control
Expiry date: 22/01/2021

HO503

HO500

HO501

HO502

HO504

HO1290 Interim Control
Expiry date: 29 May 2020

HO1125

413-503 Elizabeth Street
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<td>Treasury Gardens, Spring Street, and Wellington Parade, Melbourne</td>
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<td>Mature pepper tree row Part 208-292 Arden Street, North Melbourne The heritage place is the pepper tree row and land within the Tree Protection Zone which is calculated as being twelve times the measured trunk diameter</td>
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<td>Clayton Reserve, drinking fountain and plane trees which includes land within the Tree Protection Zone which is calculated as being twelve times the measured trunk diameter 201-241 Macaulay Road, North Melbourne</td>
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**CARLTON**

| HO17      | Former Myer Despatch Buildings 31-47 Barry Street and 258-274 Queensberry Street, Carlton | Yes                           | No                                 | No                  | No                                                   | No                                                                             | No                          | No                          |
| HO800     | Pair of houses 56-58 Barry Street, Carlton                                                  | Yes                           | No                                 | No                  | No                                                   | No                                                                             | No                          | No                          |
| HO1126    | Repco Warehouse                                                                            | Yes                           | No                                 | No                  | No                                                   | No                                                                             | No                          | No                          |
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<td>Trades Hall, 2 Lygon Street &amp; 172 Victoria Street, Carlton</td>
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<td>HO181</td>
<td>Ardee, 162-166 Victoria Pde, East Melbourne</td>
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<td>-</td>
<td>Yes Ref No H859</td>
<td>Yes</td>
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<td>HO182</td>
<td>Ensor, 168-172 Victoria Pde, East Melbourne</td>
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<td>Yes Ref No H860</td>
<td>Yes</td>
<td>No</td>
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<td>HO183</td>
<td>Church of the Holy Annunciation Evangelismos, 186-196 Victoria Parade, East Melbourne</td>
<td>-</td>
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<td>Yes Ref No H532</td>
<td>Yes</td>
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<td>Tree controls apply?</td>
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<td>Aboriginal heritage place?</td>
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<td>HO184</td>
<td>Cathedral College, Former Christian Brothers College 'Parade', 256-278 Victoria Parade, East Melbourne</td>
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<td>Yes Ref No H20</td>
<td>Yes</td>
<td>Yes</td>
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<td>HO185</td>
<td>Terrace, 352-354 Victoria Pde, East Melbourne</td>
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<td>Yes Ref No H638</td>
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<td>Yes</td>
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<td>Terrace, 356-358 Victoria Pde, East Melbourne</td>
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<td>Yes</td>
<td>Yes</td>
<td>No</td>
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<td>HO187</td>
<td>Former Victoria Brewery, 388-442 Victoria Parade, 148-200 Albert St &amp; 187-225 Powlett St, East Melbourne</td>
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<td>Yes Ref No H624</td>
<td>Yes</td>
<td>Yes</td>
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<td>HO189</td>
<td>Ornamental Tramway Overhead Poles, Victoria Pde, East Melbourne (see also HO299)</td>
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<td>Yes Ref No H1023</td>
<td>Yes</td>
<td>Yes</td>
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<td>HO173</td>
<td>Former Yarra Park Primary School No. 1406, 2-40 Webb Lane, East Melbourne</td>
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<td>Yes Ref No H768</td>
<td>Yes</td>
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<td>HO194</td>
<td>Yarra Park &amp; Former Grand Rank Cabman’s Shelter near Footbridge, Wellington Pde and Punt Rd and Vale St and Jolimont Tce and Brunton Ave and Jolimont St, East Melbourne</td>
<td>-</td>
<td>-</td>
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<td>Yes Ref No H849 &amp; Ref No H2251</td>
<td>Yes</td>
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<td>HO190</td>
<td>Elizabeth House, 86-92 Wellington Pde, East Melbourne</td>
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<td>Yes Ref No H102</td>
<td>Yes</td>
<td>Yes</td>
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<td>HO921</td>
<td>Jolimont Square, 95-133 Wellington Pde south and 49-55 Charles St and 50-62 Agnes St, East Melbourne</td>
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<td>Yes Ref No H2009</td>
<td>Yes</td>
<td>Yes</td>
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<td>HO191</td>
<td>Virginia, 116 Wellington Pde, East Melbourne</td>
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<td>Aboriginal heritage place?</td>
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<td>HO221</td>
<td>Royal Agricultural Showgrounds, 300 Epsom Road, Flemington</td>
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<td>Yes</td>
<td>Yes Ref No H1329</td>
<td>Yes</td>
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<td>The heritage place includes Cape Chestnut tree (Calodendron Capense)</td>
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<td>Flemington Racecourse, Epsom Road and Smithfield Road, Flemington</td>
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<td>Yes</td>
<td>Yes Ref No H2220</td>
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<td>HO1091</td>
<td>Kimpton &amp; Sons Barastoc Products Provender Mill, later part Gaston Bros P/L work site</td>
<td>Yes</td>
<td>No</td>
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<td>Part 329-351 Arden Street, Kensington</td>
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<td>HO195</td>
<td>Alfred Lawrence &amp; Co Ltd offices and warehouse</td>
<td>Yes</td>
<td>No</td>
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<td>13-19 Barrett St, Kensington</td>
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<td>HO1097</td>
<td>Limb Scurry &amp; Limb and Alfred Lawrence Laboratories and works</td>
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<td>No</td>
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<td>29-37 Barrett Street, Kensington (including alternate address 43 Bruce Street, Kensington)</td>
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<td>17 Bayswater Road, Kensington</td>
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<td>Railway Bridge, Bellair St, Kensington</td>
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<td>Railway gravitation shunting yards retaining wall and two Canary Island palms which includes land within the Tree Protection Zone which is calculated as being twelve times the measured trunk diameter East side of Bellair Street, Kensington</td>
<td>Yes</td>
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<td>Victorian Railways Kensington Signal Box and Pepper Tree which includes land within the Tree Protection Zone which is calculated as being twelve times the measured trunk diameter Bellair Street</td>
<td>Yes</td>
<td>Yes</td>
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<td>Semaphore Rail Signals, Kensington</td>
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<td>HO954</td>
<td>22 Bellair Street, former municipal offices, Kensington</td>
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<td>Former Kensington Property Exchange, Office, Shop and Residences, 166-168 Bellair Street, Kensington</td>
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<td>Yes Ref No H1204</td>
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<td>HO215</td>
<td>1-3 Belmont Road, Kensington</td>
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<td>7 Belmont Road, Kensington</td>
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<td>5-7 Bruce Street, Kensington</td>
<td>Yes</td>
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<td>HO867</td>
<td>Bridge Over Maribyrnong River at Dynon Road, Kensington</td>
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<td>HO1162</td>
<td>Goldsbrough Row and Co., later Younghusband P/L Wool and Grain warehouses 2-50 Elizabeth Street, Kensington</td>
<td>Yes</td>
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<td>HO262</td>
<td>Former Newmarket Saleyards &amp; Abattoirs, Epsom Road &amp; Smithfield Road, Kensington</td>
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<td>25 Epsom Road, Kensington</td>
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<td>29-33 Epsom Road, Kensington</td>
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<td>43 Epsom Road, Kensington</td>
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<td>15 Gower Street, Kensington</td>
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<td>19 Gower Street, Kensington</td>
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<td>27-37 Gower Street, Kensington</td>
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<td>2-6 Henry Street, Kensington</td>
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<td>1-39 Hobsons Road, Kensington</td>
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<td>21-31 Kensington Road, Kensington</td>
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<td>2-4 Kensington Road, Kensington</td>
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<td>HO243</td>
<td>24-26 Kensington Road, Kensington</td>
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<td>HO244</td>
<td>32-40 Kensington Road, Kensington</td>
<td>Yes</td>
<td>No</td>
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<td>HO245</td>
<td>46-52 Kensington Road, Kensington</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO246</td>
<td>56 Kensington Road, Kensington</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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<td>HO247</td>
<td>60-68 Kensington Road, Kensington</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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<td>HO957</td>
<td>McCracken Street, Kensington Primary School No. 2374 (1880-1881), Kensington</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO251</td>
<td>R Lohn &amp; Co Pty Ltd offices, factory and stores, later Kensington Community High School Part 369-391, 393-399 Macaulay Road, Kensington</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO1094</td>
<td>Duncan &amp; Yeo Wool Store later R Lohn &amp; Co P/L warehouse precinct</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>407-411 Macaulay Road, 43-51 Albermarle Street, Kensington</td>
<td>Bell and Wilson wool store Part 435-451 Macaulay Road, Kensington</td>
<td>Yes</td>
<td>No</td>
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<td>HO253</td>
<td>521 Macaulay Road, Kensington</td>
<td>Yes</td>
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<td>HO865</td>
<td>537-539 Macaulay Road, Kensington</td>
<td>Yes</td>
<td>No</td>
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<td>HO866</td>
<td>Foot Bridge, Maribyrnong River, Kensington</td>
<td>No</td>
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<td>HO260</td>
<td>Nottingham / Collett Street, Kensington</td>
<td>Yes</td>
<td>No</td>
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<td>HO952</td>
<td>Racecourse Road Railway Bridge, Upfield line Racecourse Road, Kensington</td>
<td>Yes</td>
<td>No</td>
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<td>No</td>
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<td>HO1101</td>
<td>Former Burge Bros Factory, 135-157 Racecourse Road, Kensington</td>
<td>-</td>
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<td>Yes Ref No H1216</td>
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<td>HO959</td>
<td>201-223 Racecourse Road, Kensington</td>
<td>Yes</td>
<td>No</td>
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<td>HO1172</td>
<td>15-17 Rankins Road, Kensington</td>
<td>Yes</td>
<td>No</td>
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<td>HO958</td>
<td>165 Rankins Road, Kensington - House</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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<td>HO963</td>
<td>25 Rankins Road Kensington Former returnes Sailors &amp; Soldiers Imperial League of Australia</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO1173</td>
<td>43 Rankins Road, Kensington-shop &amp; residence</td>
<td>Yes</td>
<td>No</td>
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<td>HO1174</td>
<td>45 Rankins Road, Kensington-Bates shop and part residence</td>
<td>Yes</td>
<td>No</td>
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<td>HO1175</td>
<td>47 Rankins Road, Kensington-Bates shop and part residence</td>
<td>Yes</td>
<td>No</td>
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<td>HO1177</td>
<td>49 Rankins Road, Kensington-Bates shop and part residence</td>
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<td>HO1102</td>
<td>James Hill’s factory and drop forge 57-59 Robertson Street, Kensington</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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<td>HO1103</td>
<td>Crescent Manufacturing Company factory and offices later Cork &amp; Seals P/L 64-68 Stubbs Street, Kensington</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
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<td>HO1104</td>
<td>Gibson &amp; Son Pynerzone factory and offices, later Ross, Robbins P/L 106-166 Stubbs Street, Kensington</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO265</td>
<td>9 Westbourne Road, Kensington</td>
<td>Yes</td>
<td>No</td>
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<td>HO266</td>
<td>17 Westbourne Road, Kensington</td>
<td>Yes</td>
<td>No</td>
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<td>HO267</td>
<td>21-35 Westbourne Road &amp; 2-6 Belmont Road, Kensington</td>
<td>Yes</td>
<td>No</td>
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<td>HO268</td>
<td>43-45 Westbourne Road, Kensington</td>
<td>Yes</td>
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<td>HO868</td>
<td>47-55 Westbourne Road, Kensington</td>
<td>Yes</td>
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<td>HO269</td>
<td>59 Westbourne Road, Kensington</td>
<td>Yes</td>
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<td>HO271</td>
<td>69 Westbourne Road, Kensington</td>
<td>Yes</td>
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<td><strong>NORTH MELBOURNE</strong></td>
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<td>HO283</td>
<td>Former Cable Tram Engine House and Cable Tram Track Formation, 187-201 Abbotsford St, North Melbourne</td>
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<td>Yes Ref No H988</td>
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<td>HO284</td>
<td>480-482 Abbotsford St, North Melbourne</td>
<td>Yes</td>
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<td>HO1105</td>
<td>Farrell’s stables</td>
<td>Yes</td>
<td>No</td>
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<td>HO1106</td>
<td>Hotham Cricket Ground, later Recreation Reserve, later North Melbourne Recreation Reserve, also North Melbourne football ground and Arden Street Oval. The heritage place is the oval and ramped margins only 204-206 Arden Street, North Melbourne (historic address is part 1-39 Macaulay Road, North Melbourne)</td>
<td>No</td>
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<td>HO288</td>
<td>Former Metropolitan Meat Market, 1-3 Blackwood Street &amp; 36-54 Courtney Street, North Melbourne</td>
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<td>Yes Ref No H42</td>
<td>Yes</td>
<td>No</td>
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<td>HO287</td>
<td>Former Shops 13-15 Blackwood St, North Melbourne</td>
<td>Yes</td>
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<td>HO1108</td>
<td>Kensington Hotel, former 2 Boundary Road, North Melbourne</td>
<td>Yes</td>
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<td>HO1109</td>
<td>Scrubb &amp; Co Ammonia works, later Hotham or North Melbourne Community Centre Part, 49-53 Buncle Street, North Melbourne</td>
<td>Yes</td>
<td>No</td>
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<td>HO289</td>
<td>Brassey House, 111-115 Chapman St &amp; 464 Abbotsford St, North Melbourne</td>
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<td>Yes Ref No H26</td>
<td>Yes</td>
<td>No</td>
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<td>HO290</td>
<td>Former factory 30-32 Courtney St, North Melbourne</td>
<td>Yes</td>
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<td>HO1137</td>
<td>Former Robert Burns Hotel 34 Courtney Street, North Melbourne</td>
<td>Yes</td>
<td>No</td>
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<td>HO291</td>
<td>56-58 Courtney St, North Melbourne</td>
<td>Yes</td>
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<td>HO1138</td>
<td>Three Basalt Cottages&lt;br&gt;Part (front) 64 Courtney Street and 1A Hotham Place North Melbourne&lt;br&gt;(alternate address 60-62 Courtney Street, North Melbourne)</td>
<td>Yes</td>
<td>No</td>
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<td>HO292</td>
<td>Former Presbyterian Union Memorial Church Complex, 49-61 Curzon Street, 2-22 Elm Street, 579-589 Queensberry Street, North Melbourne</td>
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<td>Yes&lt;br&gt;Ref No H7</td>
<td>Yes</td>
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<td>HO295</td>
<td>North Melbourne Primary School No. 1402, Errol Street, North Melbourne</td>
<td>Yes</td>
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<td>HO1139</td>
<td>Former Exchange Hotel&lt;br&gt;37 Flemington Road, North Melbourne</td>
<td>Yes</td>
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<td>HO1140</td>
<td>Chelsea House&lt;br&gt;55 Flemington Road, North Melbourne</td>
<td>Yes</td>
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<td>HO1142</td>
<td>Pair of Shops&lt;br&gt;65-67 Flemington Road, North Melbourne</td>
<td>Yes</td>
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<td>HO1143</td>
<td>Phillymore &amp; Ballymore&lt;br&gt;91-93 Flemington Road, North Melbourne</td>
<td>Yes</td>
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<td>HO1144</td>
<td>Villa&lt;br&gt;95 Flemington Road, North Melbourne</td>
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<td>HO1145</td>
<td>Pair of Terrace Houses&lt;br&gt;66-68 Harcourt Street, North Melbourne</td>
<td>Yes</td>
<td>No</td>
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<td>HO296</td>
<td>St Mary’s Church of England, 147-177 Howard Street, 408-434 Queensberry Street &amp; 204-208 Chetwynd Street, North Melbourne</td>
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<td>Yes Ref No H10</td>
<td>Yes</td>
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<td>HO1110</td>
<td>Trevor Boiler &amp; Engineering Co P/L offices and amenities</td>
<td>Yes</td>
<td>No</td>
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<td>HO1111</td>
<td>Melbourne City Council Electric Supply substation and coal yard, later CitiPower 146-166 Laurens Street, North Melbourne</td>
<td>Yes</td>
<td>No</td>
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<td>HO286</td>
<td>North Melbourne Swimming Baths 1-39 Macaulay Road, North Melbourne</td>
<td>Yes</td>
<td>No</td>
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<td>No</td>
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<td>HO870</td>
<td>Former Melbourne Omnibus Company Stables, 36-58 Macaulay Road, North Melbourne.</td>
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<td>Yes Ref No H1810</td>
<td>Yes</td>
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<td>HO1112</td>
<td>Austral Manufacturing Co offices, showroom, workshop Part 36-58 Macaulay Road, North Melbourne</td>
<td>Yes</td>
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<td>HO1113</td>
<td>Melbourne Gas Company gateway, wall and caretakers house Part 98-166 Macaulay Road, North Melbourne</td>
<td>Yes</td>
<td>No</td>
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<td>No</td>
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<td>HO891</td>
<td>Gas Regulating House, 60-96 Macaulay Road, North Melbourne</td>
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<td>Yes Ref No H1731</td>
<td>Yes</td>
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<td>HO1114</td>
<td>Melbourne Electric Supply, later, Citywide substation 46 Mark Street, North Melbourne</td>
<td>Yes</td>
<td>No</td>
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<td>HO1146</td>
<td>House</td>
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## MELBOURNE PLANNING SCHEME

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<td>Old Physics Conference Room &amp; Gallery, The University of Melbourne, 156-292 Grattan Street, Parkville</td>
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<td>Underground Car Park, The University of Melbourne, 156-292 Grattan Street, Parkville</td>
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<td>Main Entrance Gates (Gate 6), Pillars &amp; Fence, The University of Melbourne, 156-292 Grattan Street, Parkville</td>
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<td>Trinity Chapel &amp; College, Trinity College, Royal Parade, Parkville</td>
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<td>University House, Uni of Melbourne</td>
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<td>Vice Chancellor’s House, The University of Melbourne, 156-292 Grattan Street, Parkville</td>
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<td>HO872</td>
<td>Agriculture and Forestry Building, The University of Melbourne</td>
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**SOUTH MELBOURNE / SOUTHBANK / DOCKLANDS / PORT MELBOURNE**

| HO1215    | Electricity substation thematic group:                                        | Yes                            | No                               | No                   | No                                                     | No                                                                    | No                        | No                        |
| Interim control | 99A Sturt Street, Southbank                                                  |                               |                                  |                      |                                                        |                                                        |                           |                           |
| Expiry date: | 79 Fawkner Street, Southbank                                                   |                               |                                  |                      |                                                        |                                                        |                           |                           |
|            | 33 Hancock Street, Southbank                                                  |                               |                                  |                      |                                                        |                                                        |                           |                           |
|            | 7 Moray Street, Southbank                                                      |                               |                                  |                      |                                                        |                                                        |                           |                           |
|            | 181 Sturt Street, Southbank                                                    |                               |                                  |                      |                                                        |                                                        |                           |                           |
| Incorporated document: | Southbank Heritage Inventory, February 2018                                   |                               |                                  |                      |                                                        |                                                        |                           |                           |
| Statement of Significance: | Southbank Statements of Significance, February 2018                          |                               |                                  |                      |                                                        |                                                        |                           |                           |

| HO1216    | Bluestone pitched laneways group:                                            | Yes                            | No                               | No                   | No                                                     | No                                                                    | No                        | No                        |
| Interim control | Anthony Lane SML246 between Coventry Street and Dorcas Street, Southbank |                               |                                  |                      |                                                        |                                                        |                           |                           |
| Expiry date: | Blakeney Place SML639 off Clarendon Street, Southbank                         |                               |                                  |                      |                                                        |                                                        |                           |                           |

| Statement of Significance: | Southbank Statements of Significance, February 2018                          |                               |                                  |                      |                                                        |                                                        |                           |                           |
## Aboriginal Heritage Place?

### Prohibited Uses Permitted?

Included on the Victorian Heritage Register under the Heritage Act 2017?

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<th>Aboriginal heritage place?</th>
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### Tree Controls Apply?

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### Outbuildings or fences not exempt under Clause 43.01-4

1. lane off Catherine Street SM0477 between 18-24 Moray Street and 245-251 City Road, Southbank
2. lane off City Road SM0199 from City Road, Southbank
3. lane off Clarendon Street SM0337, adjacent to 54 Clarendon Street, Southbank
4. Fawkner Street between Southbank Boulevard and Power Street, Southbank
5. Haig Lane between Kings Way and Clarke Street, Southbank
6. lane off Hancock Street SM549 between 11 – 15 Hancock Street, Southbank
7. lane off Power Street PL5195, to 173 City Road, Southbank
8. Wells Place SML609, Sml 247 and Sml 248 from Dodds Street and between Wells Street and Anthony Lane, Southbank

**Incorporated document:**
Southbank Heritage Inventory, February 2018

**Statement of Significance:**
Southbank Statements of Significance, February 2018

### New St John’s Lutheran Church, 20 City Road, Southbank

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**Interim control**
Expiry date: 22/01/2021

**Incorporated document:**
Southbank Heritage Inventory, February 2018

**Statement of Significance:**
Southbank Statements of Significance, February 2018
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<td>HO366</td>
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<td>HO368</td>
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<td>J H Boyd Girls High School, 207-229 City Road, Southbank</td>
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<td>Eckersley &amp; Sons, 93-103 Clarendon Street, Southbank</td>
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<td>Melbourne and Metropolitan Tramways Board Electricity Substation ‘S’, 67-69 Clarke Street, Southbank</td>
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<td>Duke &amp; Orr’s Dry Dock, 1-27 South Wharf Promenade, South Wharf and Cargo Sheds, 4,5,6,7,8,9, 4-9 South Wharf Road, South Wharf</td>
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<td>No. 2 Goods Shed, 707 Collins Street and 733 Bourke Street, Docklands</td>
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<td>Berth No. 5, North Wharf, 731-739 Flinders Street, Docklands</td>
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<td>Former Castlemaine Brewery, 107-127, 129-131, and 133 Queens Bridge Street, Southbank</td>
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<td>Yes – uppermost two floors only of 129-131 Queens Bridge Street (tower)</td>
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<td>Robur Tea Company factory-warehouse, 107-127 Queens Bridge Street, Southbank</td>
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<tr>
<td>HO763</td>
<td>Jones Bond Store, 1 Riverside Quay, Southbank</td>
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<td>Victorian Arts Centre, 2-128 St. Kilda Road, 1-9 Sturt St &amp; 93-115 Southbank Rd, Southbank</td>
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<td>HO1298</td>
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|            | **Incorporated document:**  
|            | Southbank Heritage Inventory, February 2018  
|            | **Statement of Significance:**  
<p>|            | Southbank Statements of Significance, February 2018 |
| HO762      | Sandridge Railway Line Bridge, Over Yarra River, Southbank and Melbourne | - | - | - | - | Yes Ref No H994 | Yes | No |
| HO915      | Victoria Dock, Harbour Esplanade, Victoria Harbour Promenade, North Wharf Road, Docklands Drive and Newquay Promenade, Docklands | - | - | - | - | Yes Ref No H1720 | Yes | No |
| <strong>SOUTH YARRA</strong> |<br />
| HO832      | 23-25 Acland Street, Sth Yarra | Yes | No | No | No | No | No | No |
| HO395      | Morell Bridge, over Yarra River, Anderson Street, Sth Yarra | - | - | - | - | Yes Ref No H1440 | Yes | No |
| HO833      | 1 Alexandra Avenue, Sth Yarra | Yes | No | No | No | No | No | No |
| HO405      | 17 Clowes Street, Sth Yarra | Yes | No | No | No | No | No | No |
| HO406      | 31 Clowes Street, Sth Yarra | Yes | No | No | No | No | No | No |</p>
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<td>162-164 Adderley Street, West Melbourne</td>
<td>Yes</td>
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<td>3-21 Anderson Street, West Melbourne</td>
<td>Yes</td>
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<td>Bentley’s row houses</td>
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<td>HO770</td>
<td>Inter-war industrial precinct 33-43, 45-47, 55-67 Batman Street, 15-21 Boughton Place and 34-36, 38 Jeffcott Street, West Melbourne</td>
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<td>Autocar Industries Proprietary Limited Assembling and Motor Body Works, 100-154</td>
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<td>Festival Hall, 272-306 Dudley Street, West Melbourne</td>
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<td>St Mary Star of the Sea Church Complex, 33 Howard Street and 235-273</td>
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<td>Former Phoenix Clothing Company, 347-349 King Street &amp; 4-8 Phoenix Lane,</td>
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<td>West Melbourne Police Station, later Fibrous Plaster Manufacturers Association of Victoria offices 469-471 King Street, West Melbourne</td>
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<td>Sisalkraft Distributors P/L store and offices, later CFMEU offices 152-160 Miller Street, West Melbourne</td>
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<td>Wigton cottages and palms, 171 - 179 Roden Street, West Melbourne</td>
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<td>HO1192</td>
<td>Felton Grimwade and Duerdins Pty. Ltd. factory, later Lyell-Owen Pty. Ltd., 101-107 Rosslyn Street, West Melbourne</td>
<td>Yes</td>
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<td>Australian Biscuit Company Ltd. Stores, 298-302 Rosslyn Street, West Melbourne</td>
<td>Yes</td>
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<td>HO771</td>
<td>Sands &amp; McDougall precinct 115, 133-137 Batman Street, 23 Franklin Place, 102 Jeffcott Street, 355 &amp; 371 Spencer Street, West Melbourne</td>
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<td>Hotel Spencer, 475 Spencer Street, West Melbourne</td>
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<td>Associated Taxi Services offices and service station, later Embassy café and service station, 541-547 Spencer Street, West Melbourne</td>
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<td>Melbourne Brewery, later Tasmanian Brewery also Burton Brewery, part 31-47 rear Stanley Street, West Melbourne</td>
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<td>HO528</td>
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Hoddle Grid Heritage Review: Heritage Inventory, September 2018

**Statement of Significance:**
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**Incorporated document:**
Hoddle Grid Heritage Review: Heritage Inventory, September 2018

**Statement of Significance:**

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**Expiry date:** 29 May 2020
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- Guildford and Hardware Laneways Heritage Analysis, November 2018 (Amended May 2019)

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MELBOURNE PLANNING SCHEME
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<td>Young and Jackson’s Princes Bridge Hotel, 1-7 Swanston Street, cnr Flinders Street, Melbourne</td>
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<td>HO1291 Interim control</td>
<td>Shop and residence, 215-217 Swanston Street, Melbourne</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>Expiry date: 29 May 2020</td>
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<tr>
<td>HO749</td>
<td>Former ANZ Bank, 219-225 Swanston Street, Melbourne</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<td>Yes Ref No H390</td>
<td>Yes</td>
<td>No</td>
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<td>HO750</td>
<td>226-238 Swanston Street, Melbourne</td>
<td>Yes</td>
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<td>No</td>
<td>No</td>
<td>No</td>
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<td>HO751</td>
<td>State Library of Victoria, 304-328 Swanston Street and 179-181 LaTrobe Street, Melbourne</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H1497</td>
<td>Yes</td>
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<td>HO1081</td>
<td>309-325 Swanston Street</td>
<td>Yes</td>
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<td>No</td>
<td>No</td>
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<td>HO752</td>
<td>Church of Christ, 327-333 Swanston Street &amp; 178-190 Little Lonsdale Street, Melbourne</td>
<td>-</td>
<td>-</td>
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<td>-</td>
<td>Yes Ref No H455</td>
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<td>HO482</td>
<td>Storey Hall, 344-346 Swanston Street, Melbourne</td>
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<td>Tree controls apply?</td>
<td>Outbuildings or fences not exempt under Clause 43.01-4</td>
<td>Included on the Victorian Heritage Register under the Heritage Act 2017?</td>
<td>Prohibited uses permitted?</td>
<td>Aboriginal heritage place?</td>
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<td>HO1082</td>
<td>401-403 Swanston Street</td>
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<td>No</td>
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<td>HO1083</td>
<td>407-409 Swanston Street</td>
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<td>No</td>
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<td>HO1084</td>
<td>411-423 Swanston Street</td>
<td>Yes</td>
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<td>No</td>
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<td>No</td>
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<tr>
<td>HO493</td>
<td>City Baths, 420-438 Swanston St, 39-41 Victoria St &amp; 2-6 Franklin St, Melbourne</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Yes Ref No H466</td>
<td>Yes</td>
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<tr>
<td>HO1085</td>
<td>427-433 Swanston Street</td>
<td>Yes</td>
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<tr>
<td>HO1249</td>
<td>Interim control</td>
<td>Citipower, (former Melbourne City Council substation), 11-27 Tavistock Place, Melbourne</td>
<td>No</td>
<td>No</td>
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Incorporated document:  
Hoddle Grid Heritage Review: Heritage Inventory, September 2018

Statement of Significance:  
Hoddle Grid Heritage Review: Statements of Significance, September 2018

<p>| HO790      | Princes Bridge over Yarra River, Swanston Street and St Kilda Road, Melbourne | -                             | -                                   | -                   | Yes Ref No H1447 &amp; part Ref No H1500 &amp; part Ref No H2304 &amp; part Ref No H2359 | Yes                                                             | No                          | No                       |
| HO494      | Royal Society of Victoria, 1-9 Victoria St &amp; 2-8 LaTrobe St, Melbourne | -                             | -                                   | -                   | Yes Ref No H373                                      | Yes                                                             | No                          | No                       |
| HO495      | Horticultural Hall, 31-33 Victoria St, Melbourne | -                             | -                                   | -                   | Yes Ref No H520                                      | Yes                                                             | No                          | No                       |</p>
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<tr>
<th>PS map ref</th>
<th>Heritage place</th>
<th>External paint controls apply?</th>
<th>Internal alteration controls apply?</th>
<th>Tree controls apply?</th>
<th>Outbuildings or fences not exempt under Clause 43.01-4</th>
<th>Included on the Victorian Heritage Register under the Heritage Act 2017?</th>
<th>Prohibited uses permitted?</th>
<th>Aboriginal heritage place?</th>
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<tbody>
<tr>
<td>HO951</td>
<td>Royal Melbourne Regiment Drill Hall, 49-53 Victoria St, Melbourne</td>
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<td>-</td>
<td>Yes Ref No H285</td>
<td>Yes</td>
<td>Yes</td>
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<td>HO753</td>
<td>77-89 William Street &amp; 460-462 Collins Street, Melbourne</td>
<td>Yes</td>
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<td>HO1086</td>
<td>22-32 William Street</td>
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<td>HO754</td>
<td>Queensland Building, 84-88 William Street, Melbourne</td>
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<td>Yes Ref No H445</td>
<td>Yes</td>
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<td>HO755</td>
<td>Scottish House, 90-96 William Street, Melbourne</td>
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<td>Yes Ref No H606</td>
<td>Yes</td>
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<td>HO756</td>
<td>The Australian Club, 98-110 William Street &amp; 475-485 Little Collins Street, Melbourne</td>
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<td>Yes Ref No H105</td>
<td>Yes</td>
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<td>HO1180</td>
<td>Former Dillingham Estates House, 114 – 128 William Street, Melbourne</td>
<td>Yes</td>
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<td>HO767</td>
<td>Former BHP House, 130-148 William Street &amp; 503-523 Bourke Street, Melbourne</td>
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<td>Yes Ref No H1699</td>
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<td>HO757</td>
<td>Law Courts &amp; Library of the Supreme Court, 210 William Street, Melbourne</td>
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<td>Yes Ref No H1514 &amp; Ref No H1477</td>
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<td>Heritage place</td>
<td>External paint controls apply?</td>
<td>Internal alteration controls apply?</td>
<td>Tree controls or fences not exempt under Clause 43.01-4</td>
<td>Outbuildings or fences not exempt under Clause 43.01-4</td>
<td>Prohibited uses permitted?</td>
<td>Aboriginal heritage place?</td>
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<td>259 William Street</td>
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<td>261 William Street</td>
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<td>Metropolitan Hotel 263-267 William Street, Melbourne</td>
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<td>Former Royal Mint, 280-318 William Street &amp; 391-429 LaTrobe Street &amp; 388-426 Little Lonsdale Street, Melbourne</td>
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<td>Yes Ref No H770</td>
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<td>Former Dominion Can Company Building 386-412 William Street, Melbourne</td>
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<td>17-23 Wills Street, Melbourne</td>
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</table>
DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To identify areas which are affected by specific requirements relating to the design and built form of new development.

Design objectives

A schedule to this overlay must contain a statement of the design objectives to be achieved for the area affected by the schedule.

Buildings and works

Permit requirement

A permit is required to:

- Construct a building or construct or carry out works. This does not apply:
  - If a schedule to this overlay specifically states that a permit is not required.
  - To the construction of an outdoor swimming pool associated with a dwelling unless a specific requirement for this matter is specified in a schedule to this overlay.
- Construct a fence if specified in a schedule to this overlay.

Buildings and works must be constructed in accordance with any requirements in a schedule to this overlay. A schedule may include requirements relating to:

- Building setbacks.
- Building height.
- Plot ratio.
- Landscaping.
- Any other requirements relating to the design or built form of new development.

A permit may be granted to construct a building or construct or carry out works which are not in accordance with any requirement in a schedule to this overlay, unless the schedule specifies otherwise.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a fence.</td>
<td>Clause 59.05</td>
</tr>
<tr>
<td>Construct a building or construct or carry out works for:</td>
<td>Clause 59.05</td>
</tr>
<tr>
<td>- A carport, garage, pergola, verandah, deck, shed or similar structure.</td>
<td></td>
</tr>
<tr>
<td>- An outdoor swimming pool.</td>
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</tr>
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</tbody>
</table>

The buildings and works must be associated with a dwelling.
### Exemption from notice and review

A schedule to this overlay may specify that an application 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.

### Subdivision

#### Permit requirement

A permit is required to subdivide land.

This does not apply if a schedule to this overlay specifically states that a permit is not required.

Subdivision must occur in accordance with any lot size or other requirement specified in a schedule to this overlay.

A permit may be granted to subdivide land which is not in accordance with any lot size or other requirement in a schedule to this overlay, unless the schedule specifies otherwise.

#### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivide land to realign the common boundary between 2 lots where:</td>
<td>Clause 59.01</td>
</tr>
<tr>
<td>- The area of either lot is reduced by less than 15 percent.</td>
<td></td>
</tr>
<tr>
<td>- The general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into lots each containing an existing building or car parking space where:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
<td></td>
</tr>
<tr>
<td>- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
<td></td>
</tr>
<tr>
<td>Subdivide land into 2 lots if:</td>
<td>Clause 59.02</td>
</tr>
<tr>
<td>- The construction of a building or the construction or carrying out of works on the land:</td>
<td></td>
</tr>
</tbody>
</table>
Class of application

- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.
- Has started lawfully.
- The subdivision does not create a vacant lot.

Information requirements and decision guidelines

Exemption from notice and review

A schedule to this overlay may specify that an application 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.

Signs

Sign requirements are at Clause 52.05 unless otherwise specified in a schedule to this overlay.

Application requirements

An application must be accompanied by any information specified in a schedule to this overlay.

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 of the relevant schedule to this overlay.
- The provisions of any relevant policies and urban design guidelines.
- Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
- Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.
- Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
- The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking.
- Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
- Any other matters specified in a schedule to this overlay.
SCHEDULE 1 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO1.

ACTIVE STREET FRONTAGES

1.0

Design objectives

- To ensure ground floor frontages are pedestrian oriented and add interest and vitality to city streets.
- To provide continuity of ground floor shops along streets and lanes within the retail core.
- To ensure ground floor frontages contribute to city safety by providing lighting and activity.

2.0

Requirements

Area 1 - Retail Core

Buildings with ground-level street frontages in the retail core must contribute to the appearance and retail function of the area to the satisfaction of the responsible authority, by providing:

- At least 5 metres or 80% of the street frontage (whichever is the greater) as an entry or display window to a shop and/or a food and drink premises.
- Built scale appropriate to the street and pedestrians.
- Clear glazing (security grilles must be transparent).

Area 2 - Major Pedestrian Areas and Key Pedestrian Routes Within CCZ1

Buildings with ground-level street frontages to major pedestrian areas must present an attractive pedestrian oriented frontage to the satisfaction of the responsible authority, by providing:

- At least 5 metres or 80% of the street frontage (whichever is the greater) as an entry or display window to a shop and/or a food and drink premises, or
- At least 5 metres or 80% of the street frontage (whichever is the greater) as other uses, customer service areas and activities, which provide pedestrian interest and interaction.
- Built scale appropriate to the street and pedestrians.
- Clear glazing (security grilles must be transparent).

Area 3 – Major Pedestrian Areas And Key Pedestrian Routes Within CCZ3 and MUZ

Buildings should provide a positive architectural response when viewed from street level and provide active street frontages and opportunities for engagement with pedestrians, by providing:

- At least 5 metres or 80% of the street frontage (whichever is the greater) as an entry or window which allows occupants to engage with the street.

3.0

No permit required

A permit is not required under this overlay for:

- Buildings and works other than at ground level.
- External works to provide disabled access that complies with all legislative requirements to the satisfaction of the responsible authority.
- To develop a heritage place which is included on the Victorian Heritage Register if either:
  - A permit for the development has been granted under the Heritage Act 1995.
  - The development is exempt under Section 66 of the Heritage Act 1995.
4.0  
19/01/2006  
VC37  

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.

5.0  
10/06/2010  
C122  

Subdivision  
A permit is not required to subdivide land.
SCHEDULE 2 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO2.

SPECIAL CHARACTER AREAS- BUILT FORM (HODDLE GRID)

1.0

Design objectives

- To protect sunlight access to key public places and open space areas so as to provide a comfortable, pedestrian-friendly urban environment.
- To ensure that the height of new buildings reinforces the built form character of unique areas.
- To maintain the visual dominance of prominent landmarks.
- To protect the unique built form and public realm amenity.

2.0

Buildings and works

Definitions

For the purpose of this schedule:

- **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, building services 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 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

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 the 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 11.00am and 2.00pm 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

#### 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 3 and Table 4 to this schedule and for each relevant Design Element in Table 5 to this schedule;
- should meet the Preferred Building Height or Modified Requirement specified for each relevant Area in Table 4 to this schedule; and
- should meet the relevant Requirement specified for each relevant Design Element specified in Table 5 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 3 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 facades, 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 facades, or half the total height of the building, whichever is greater as shown in Figure 1.

**Figure 1**

![Diagram of wind effects](image)

Assessment distance \( D = \text{greater of:} \)

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 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 2**

<table>
<thead>
<tr>
<th>Space</th>
<th>Hours between</th>
<th>Date(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Yarra River corridor, including 15 metres</td>
<td>11.00am and 2.00pm</td>
<td>22 June</td>
</tr>
<tr>
<td>from the edge of the north bank of the river to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>the south bank of the river</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federation Square</td>
<td>11.00am and 3.00pm</td>
<td>22 April to 22 September</td>
</tr>
<tr>
<td>City Square</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Library Forecourt</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bourke Street Mall south of tram tracks</td>
<td>12.00pm and 2.00pm</td>
<td>22 April and 22 September</td>
</tr>
</tbody>
</table>
A permit must not be granted for buildings and works which would cast any additional shadow across the spaces within Table 2 to this schedule during the hours and date(s) specified for that space, unless the overshadowing will not unreasonably prejudice the amenity of the space:
Table 2 to Schedule 2

<table>
<thead>
<tr>
<th>Space</th>
<th>Hours between</th>
<th>Date(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flinders Street Railway Station Steps</td>
<td>11.00am and 3.00pm</td>
<td>22 April to 22 September</td>
</tr>
<tr>
<td>Batman Park</td>
<td>11.00am and 2.00pm</td>
<td>22 April to 22 September</td>
</tr>
<tr>
<td>Birrarung Marr</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swanston Street between south bank of the Yarra River and La Trobe Street</td>
<td>12.00pm and 2.00pm</td>
<td>22 April to 22 September</td>
</tr>
<tr>
<td>Elizabeth Street between Flinders Street and Flinders Lane</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hardware Lane and McKillop Street</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The southern building line of Little Bourke Street between Spring and Swanston Streets and Cohen Place/ Chinatown Plaza</td>
<td>12.00pm and 2.00pm</td>
<td>22 April to 22 September</td>
</tr>
<tr>
<td>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</td>
<td>11.00am and 2.00pm</td>
<td>22 September</td>
</tr>
</tbody>
</table>

Table 3 to Schedule 2

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1 Core Height Control</td>
<td>40 metres</td>
<td>A feeling of openness and intimate scale for pedestrians is maintained. Reasonable solar access is maintained to the streets between 11.00 am and 2.00 pm on 22 September.</td>
</tr>
</tbody>
</table>

Table 4 to Schedule 2

<table>
<thead>
<tr>
<th>Area</th>
<th>Preferred Building Height</th>
<th>Modified Requirement</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>A2</td>
<td>15 metres</td>
<td>4:1 Floor Area Ratio</td>
<td>The low-rise, high-density and pedestrian oriented built form of the Chinatown and McKillop/ Hardware/ Guilford Lane precincts is maintained. Upper levels are visually recessive from streets and laneways. To provide a comfortable scale transition between the precinct and the broader area.</td>
</tr>
<tr>
<td>A3</td>
<td>20 metres</td>
<td>6:1 Floor Area Ratio</td>
<td>Pedestrian gateways to the Chinatown and Hardware Lane precincts are developed to provide a comfortable scale transition between the precinct and the broader area. Upper levels are visually recessive from streets and laneways.</td>
</tr>
<tr>
<td>A5</td>
<td>40 metres</td>
<td>10:1 Floor Area Ratio</td>
<td>The scale of development complements and is compatible with the nearby retail core. St Paul’s Cathedral remains the dominant building on the Flinders Street skyline between Swanston and Russell Streets. The Parliamentary buildings remain dominant in vistas along Bourke Street.</td>
</tr>
</tbody>
</table>
Upper levels are visually recessive from streets and laneways.

A6 30 metres 8:1 Floor Area Ratio

The scale of development on these gateway sites takes advantage of the opportunities of consolidated sites, but maintains a comfortable relationship with the surrounding low-scale and pedestrian oriented built form character of the Chinatown precinct and does not unreasonably overshadow streets in the precinct.

Upper levels are visually recessive from streets and laneways.

A7 80 metres 12:1 Floor Area Ratio

The scale of development takes advantage of the opportunities of large sites but provides a comfortable scale transition between precinct A5 and the broader area, and does not intrude upon the long vistas to Parliament House along Bourke Street.

The visual impact of taller buildings, above the preferred building height, is alleviated through increased upper level setbacks.

A8 60 metres 13:1 Floor Area Ratio

The scale of development takes advantage of the opportunities of sites in the Chinatown precinct, which are set back from important pedestrian laneways, but also maintains a comfortable relationship with the surrounding low-scale precincts.

The visual impact of taller buildings, above the preferred building height, is alleviated through increased upper level setbacks.

A9 30 metres 7:1 Floor Area Ratio

The Town Hall and the historic buildings in the block remain visually dominant.

### Table 5 to Schedule 2

<table>
<thead>
<tr>
<th>Design Element</th>
<th>Requirement</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street wall height</td>
<td>The street wall height should not exceed 20 metres, or the preferred building height, whichever is lower.</td>
<td>Street wall height is scaled to ensure:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• a human scale.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• consistency with the prevalent parapet height of adjoining buildings.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• height and setback that respects the scale of adjoining heritage places.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• adequate opportunity for daylight, sunlight and skyviews in the street.</td>
</tr>
<tr>
<td>Upper level street setbacks</td>
<td>Above the street wall, upper levels of a building should be setback a minimum of 5 metres.</td>
<td>Buildings are setback to ensure:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• larger buildings do not visually dominate the street or public space.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• the dominant street wall scale is maintained.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• sun penetration and mitigation of wind impacts at street level.</td>
</tr>
<tr>
<td>Setback(s) from side boundary</td>
<td>Above 40 metres, upper levels of a building should be setback a minimum of 5 metres from a side boundary. If a laneway: Above 20 metres, upper levels of a building should be setback a minimum of 5 metres from the centreline of a laneway.</td>
<td>Buildings are setback to ensure:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• provision of adequate sunlight, daylight, privacy and outlook from habitable rooms, for both existing and proposed developments.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• provision of adequate daylight and sunlight to laneways.</td>
</tr>
</tbody>
</table>
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.

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 influences 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 3, Table 4 and Table 5 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 facades, or half the total height of the building, whichever is greater.
- at a minimum, model the wind effects of the proposed development and 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 23/11/2016

Subdivision

A permit is not required to subdivide land.

4.0 23/11/2016

Advertising signs

None specified.

5.0 13/07/2017

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, Table 4 and Table 5 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. 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).
  - 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 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.

Reference documents

Transitional arrangements
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.
SCHEDULE 3 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO3.

TRAFFIC CONFLICT FRONTAGE – CAPITAL CITY ZONE

1.0

Design objectives

- To promote pedestrian flow, safety and amenity.
- To improve opportunities for the enhancement of roads for pedestrian use by discouraging further access to off-street car parking across traffic conflict frontages.
- To minimise conflict between pedestrians and vehicles on footpaths.

2.0

Requirements

Vehicular ingress or egress points, excluding loading and unloading bays, should not be constructed on a traffic conflict frontage or in a lane leading off a traffic conflict frontage.

Vehicular ingress or egress points must not be constructed on a traffic conflict frontage, or in a lane leading off a traffic conflict frontage within the Retail Core Area - Schedule 2 to the Capital City Zone.

3.0

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.

4.0

Decision guidelines

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

- The extent to which the proposed access point would conflict with any proposal to limit or prohibit traffic in certain roads.
- Any adverse impacts on present vehicular traffic flows and in the context of any likely future changes in car parking and traffic conditions in the area.

5.0

No permit required

A permit is not required to construct a building or carry out works other than those associated with the creation or alteration of a crossover or vehicle access way.

6.0

Subdivision

A permit is not required to subdivide land.

7.0

Reference documents

Southbank Structure Plan 2010.
SCHEDULE 4 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO4.

WEATHER PROTECTION – CAPITAL CITY ZONE

1.0

Design objectives

- To promote pedestrian amenity on major pedestrian routes and areas.
- To provide protection from rain, wind and sun, without causing detriment to building or streetscape integrity.

2.0

Requirements

A building with a road frontage marked Weather Protection must provide a verandah for weather protection over the footpath unless it is demonstrated to the satisfaction of the responsible authority that the particular circumstances do not require it.

3.0

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.

4.0

No permit required

A permit is not required to construct a building or construct or carry out works if adequate weather protection to the street frontage is provided to the satisfaction of the responsible authority.

5.0

Subdivision

A permit is not required to subdivide land
SCHEDULE 5 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO5**.

BRIDGE PROTECTION AREA

1.0

Design objectives

- To ensure that the use and development of land under and immediately adjacent to a bridge does not prejudice the safety of the structure and its safe and efficient operation and maintenance.
- To ensure that appropriate standards of visual amenity are maintained.

2.0

Requirements

A permit is required:

- For a building or works to be demolished, removed or altered externally by structural or other similar works.

This does not apply to tramway works if allowed by the agency responsible for the bridge structure.

3.0

Decision guidelines

Before deciding on an application to use land, or for land to be subdivided, or for a building or works to be constructed, carried out, demolished, removed or altered externally, the responsible authority must consider:

- The design objectives for the area.
- The requirements of the agency responsible for the bridge structure.
- Whether the use, subdivision, buildings or works, demolition, removal or external alterations will prejudice or inhibit:
  - The safe and efficient operation of the bridge.
  - Access to the bridge structure for maintenance.
SCHEDULE 6 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO6.

CARLTON AREA

1.0 Design objectives

- To protect and conserve buildings and streetscapes of significance and to reinforce the built form character of the area as being essentially of low-rise buildings.
- To maintain the human scale of the area and to ensure compatibility with the scale and character of the existing built form.
- To ensure that any redevelopment or new development is compatible with the scale and character of adjoining buildings and the area.
- To protect and manage the values of and views to the Royal Exhibition Building.

2.0 Requirements

2.1 Building height

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

Buildings or works should not exceed the Maximum Building Height specified in the table to this schedule.

An application to exceed the Maximum Building Height must demonstrate how the development will continue to achieve the Design Objectives and Built Form Outcomes 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.

Table to Schedule 6

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
<th>Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>8 metres</td>
<td>The predominantly 1-2 storey built form character of the area is maintained to ensure a pedestrian scale of development abutting the streets and laneways.</td>
</tr>
<tr>
<td>12</td>
<td>10 metres</td>
<td>The low-rise built form of the area, which is predominantly 2-3 storey, is maintained to ensure that the existing Victorian character of the area is conserved.</td>
</tr>
<tr>
<td>13</td>
<td>13.5 metres</td>
<td>The existing historic character of the area remains.</td>
</tr>
<tr>
<td>14</td>
<td>16 metres</td>
<td>Development of an appropriate scale to Cardigan Street is achieved, but in doing so maintains a comfortable relationship with the surrounding low-scale area. Views to the drum, dome, lantern and flagpole of the Royal Exhibition Building from the footpath on the south side of Queensberry Street between Lygon Street (west side) and Rathdowne Street are protected.</td>
</tr>
</tbody>
</table>
3.0 Notice requirements
In accordance with section 52(1)(c) of the Act notice must be given for any application for buildings and works at 83 – 95 Rathdowne Street, 80 Drummond Street or the Queensberry Street road reserve to the Executive Director, Heritage Victoria.

4.0 Decision Guidelines
Before deciding on an application for 83 – 95 Rathdowne Street, 80 Drummond Street, or the Queensberry Street road reserve, the responsible authority must consider the impact on the view of the drum, dome, lantern and flagpole of the Royal Exhibition Building.

Policy References
World Heritage Environs Area Strategy Plan: Royal Exhibition Building and Carlton Gardens (Department of Planning and Community Development, 2009)

5.0 Subdivision
A permit is not required to subdivide land.
SCHEDULE 9 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO9.

FAWKNER PARK AREA

Design objectives

- To ensure that any new development or works is at a scale that protects the visual amenity of Fawkner Park and avoids overshadowing of the public space.
- To ensure that any new development or redevelopment is compatible with the existing scale and character of the adjoining buildings and the area.

Requirements

Building heights

Buildings or works should not exceed the maximum building height specified in the table to this schedule.

An application to exceed the maximum building height must be accompanied by a site analysis plan and a written urban context report documenting how the development will achieve the specific design objectives and outcomes of this schedule.

The height of a building or works is the height of its highest point above the permanent footpath at the centre of the site frontage. If there is no footpath, the natural surface level at the centre of the site frontage is the base level.

Table to Schedule 9

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
<th>Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO9</td>
<td>9 metres</td>
<td>The amenity of Fawkner Park is protected from additional overshadowing between 11.00 am and 2.00 pm on 22 March and 22 September.</td>
</tr>
</tbody>
</table>

Subdivision

A permit is not required to subdivide land.
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

- 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

Definitions

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

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

#### 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**

![Figure 1](image)

Assessment distance $D = \text{greater of:}$

- $L/2$ (half longest width of building)
- $H/2$ (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**

<table>
<thead>
<tr>
<th>Space</th>
<th>Hours between</th>
<th>Date(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Yarra River corridor, including 15 metres from the edge of the north bank of the river to the south bank of the river</td>
<td>11.00am and 2.00pm</td>
<td>22 June</td>
</tr>
<tr>
<td>Federation Square</td>
<td>11.00am and 3.00pm</td>
<td>22 April to 22 September</td>
</tr>
<tr>
<td>City Square</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Library Forecourt</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Space</td>
<td>Hours between</td>
<td>Date(s)</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>---------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Shrine of Remembrance and its northern forecourt</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bourke Street Mall south of tram tracks</td>
<td>12.00pm and 2.00pm</td>
<td>22 April and 22 September</td>
</tr>
<tr>
<td>Boyd Park</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Figure 2

Defined Space

Federation Square

City Square

State Library Forecourt

Bourke Street Mall

Shrine of Remembrance and Northern Forecourt

Boyd Park
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**

<table>
<thead>
<tr>
<th>Space</th>
<th>Hours between</th>
<th>Date(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parliament Gardens</td>
<td>11.00am and 3.00pm</td>
<td>22 April to 22 September</td>
</tr>
<tr>
<td>Treasury Gardens</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gordon Reserve</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parliament Steps and Forecourt</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Old Treasury Steps</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flinders Street Railway Station Steps</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Batman Park</td>
<td>11.00am and 2.00pm</td>
<td>22 April to 22 September</td>
</tr>
<tr>
<td>Birrarung Marr</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sturt Street Reserve</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grant Street Reserve and the Australian Centre for Contemporary Art Forecourt, south side of Grant Street between Sturt Street and Wells Street</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dodds Street between Southbank Boulevard and Grant Street</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swanston Street between south bank of the Yarra River and Latrobe Street</td>
<td>12.00pm and 2.00pm</td>
<td>22 April to 22 September</td>
</tr>
<tr>
<td>Elizabeth Street between Flinders Street and Flinders Lane</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hardware Lane and McKillop Street</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The southern footpath of Bourke Street between Spring Street and Exhibition Street</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The southern building line of Little Bourke Street between Spring Street and Swanston Streets and Cohen Place/Chinatown Plaza</td>
<td>12.00pm and 2.00pm</td>
<td>22 April and 22 September</td>
</tr>
<tr>
<td>Liverpool Street and Crossley Street</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Market Street between Collins Street and Flinders Lane</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flagstaff Gardens and proposed new public open space within Queen Victoria Market</td>
<td>11.00am and 2.00pm</td>
<td>22 June</td>
</tr>
<tr>
<td>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</td>
<td>11.00am and 2.00pm</td>
<td>22 September</td>
</tr>
</tbody>
</table>

**Table 3 to Schedule 10**

<table>
<thead>
<tr>
<th>Design Element</th>
<th>Preferred Requirement (Figure 3)</th>
<th>Modified Requirement (Figure 3)</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street wall height</td>
<td>Up to 20 metres</td>
<td>The street wall height must be no greater than:</td>
<td>Street wall height is scaled to ensure:</td>
</tr>
<tr>
<td>Design Element</td>
<td>Preferred Requirement (Figure 3)</td>
<td>Modified Requirement (Figure 3)</td>
<td>Built Form Outcomes</td>
</tr>
<tr>
<td>----------------</td>
<td>---------------------------------</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building setback(s) above street wall</td>
<td>Above the street wall, towers and additions should be setback 10 metres from the title boundary.</td>
<td>Above the street wall, towers must be setback a minimum of 5 metres from the title boundary.</td>
<td>Towers and additions are setback to ensure:</td>
</tr>
<tr>
<td></td>
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<tr>
<td></td>
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<tr>
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</tr>
<tr>
<td>Building setbacks from side boundaries and rear boundaries (or from the)</td>
<td>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</td>
<td>Towers and additions up to 80 metres in height: Above the street wall or 40 metres (where there is no street wall), towers and additions must be setback a minimum of 5 metres. 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</td>
<td>Towers and additions are designed and spaced to ensure:</td>
</tr>
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<td></td>
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<td></td>
</tr>
</tbody>
</table>

- 40 metres; or
- 80 metres where it:
  - 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.

- 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.

- 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 architectural expression.

- 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.
<table>
<thead>
<tr>
<th>Design Element</th>
<th>Preferred Requirement (Figure 3)</th>
<th>Modified Requirement (Figure 3)</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Centre line of an adjoining laneway) and tower separation within a site</td>
<td>The total building height whichever is greater.</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td><strong>Towers exceeding 80 metres in total height:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Tower separation within a site:</strong></td>
<td>Towers must be separated by a minimum of 10 metres.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tower floorplate</td>
<td>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 wall</td>
<td>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:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Result in an increase in the floorplate area;</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- be situated less than 5 metres from a side or rear boundary (or from the centre line of an adjoining laneway);</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- be less than 5 metres to a street boundary;</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- be less than 10 metres to an adjoining tower on the site.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The adjusted floorplate is designed and spaced to:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- reduce impact on existing and potential neighbours in terms of privacy, outlook, daylight and sunlight access.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- minimise visual bulk.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- reduce impact on public spaces, including overshadowing and wind effects and reduced visual dominance.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- buildings do not visually dominate heritage places and streetscapes, nor significant view lines.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- buildings do not appear as a continuous wall at street level or from nearby vantage points and maintain open sky views between them.</td>
<td></td>
</tr>
</tbody>
</table>
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.

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
23/11/2016
C270

Subdivision

A permit is not required to subdivide land.

4.0
23/11/2016
C270

Advertising signs

None specified.
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).

Reference documents


Transitional arrangements

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.
SCHEDULE 12 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO12.

NOISE ATTENUATION AREA

1.0

Design objectives

- To ensure that new or refurbished developments for new residential and other noise sensitive uses constructed in the vicinity of the Docklands Major Sports and Recreation Facility include appropriate acoustic measures to attenuate noise levels, in particular music noise, audible within the building.

- To ensure that land use and development in the vicinity of the Docklands Major Sports and Recreation Facility is compatible with the operation of a Major Sports and Recreation Facility.

2.0

Requirements

Any new or refurbished development or any conversion of part or all of an existing building that will accommodate new residential or other noise-sensitive uses must:

- Be designed and constructed to include noise attenuation measures. These measures must achieve a maximum noise level of 45 dB in habitable rooms with windows closed when music is emitted from the Major Sports and Recreation Facility in the Melbourne Docklands Area.

- Be fitted with ducted air conditioning if the new or refurbished development is within 400 metres of the centre point of the Docklands Major Sports and Recreation Facility.

- Have external glazing and doors and the air conditioning or ventilation system in all new residential and other noise-sensitive use and development designed by a recognised acoustic consultant.

For the purpose of this requirement, noise-sensitive uses are those that have an element of residential accommodation and are nested under the definition of accommodation in the planning scheme.

3.0

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.

4.0

No permit required

A permit is not required for buildings and works other than buildings and works associated with new, refurbished or converted developments for noise sensitive uses.

5.0

Subdivision

A permit is not required to subdivide land.
SCHEDULE 13 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO13.

PARLIAMENT AREA

Design objectives

- To encourage development to be compatible with the Victorian character and scale of the area.
- To minimise the visual impact of new buildings and works within the vicinity of the Fitzroy Gardens and the surrounding public spaces.

Requirements

Building height

Buildings or works should not exceed the maximum building height specified in the table to this schedule.

An application to exceed the maximum building height must be accompanied by a site analysis plan and a written urban context report documenting how the development will achieve the specific design objectives and outcomes of this schedule.

The height of a building or works is the height of its highest point above the permanent footpath at the centre of the site frontage. If there is no footpath, the natural surface level at the centre of the site frontage is the base level.

Table to Schedule 13

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
<th>Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>25 metres</td>
<td>A consistent scale of buildings on the edge of the Victoria Parade boulevard entry to the CBD.</td>
</tr>
<tr>
<td>22</td>
<td>74 metres</td>
<td>The height of any further development on the site is restricted to not more than the existing building height to minimise further impact upon the environmental qualities of the area around Victoria Parade, Albert Street and the Fitzroy Gardens.</td>
</tr>
<tr>
<td>23</td>
<td>15 metres</td>
<td>The amenity of the Fitzroy Gardens is protected from additional overshadowing between 11.00 am and 2.00 pm on 22 March and 22 September.</td>
</tr>
<tr>
<td>25</td>
<td>14 metres</td>
<td>A uniform scale of built form is maintained on both sides of Morrison Place compatible with the parapet height of the heritage buildings on the east side of Morrison Place.</td>
</tr>
<tr>
<td>26</td>
<td>15 metres</td>
<td>Views of the drum, dome, lantern and flagpole of the Royal Exhibition Building from the western footpath of Spring Street, between the north west corner of Bourke Street and the south west corner of Lonsdale Street and from Spring and Nicholson Street road reserves are protected.</td>
</tr>
</tbody>
</table>

Subdivision

A permit is not required to subdivide land.

Notice requirements

In accordance with section 52(1)(c) of the Act notice must be given for any application for buildings and works at 250-290 Spring Street to the Executive Director, Heritage Victoria.
**Decision Guidelines**

Before deciding on an application for 250-290 Spring Street the responsible authority must consider the impact on the view of the drum, dome, lantern and flagpole of the Royal Exhibition Building.

**Policy References**

World Heritage Environs Area Strategy Plan: Royal Exhibition Building and Carlton Gardens (Department of Planning and Community Development, 2009)
SCHEDULE 14 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO14.

QUEEN VICTORIA MARKET AREA

Design objectives

- To ensure that any development within the Queen Victoria Market is consistent with its Victorian character and low-scale.

- To ensure that development around the Market edges and within close proximity to the Market provides an appropriate scale transition from the low scale Market buildings towards the medium and high rise towers in the Central Business District.

- To ensure that any development in close proximity to the Queen Victoria Market is compatible with the scale and character of the Market, surrounding residential developments and adjacent precincts.

Buildings and works

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

Buildings and works should not exceed the Maximum Building Height specified in the table to this schedule.

An application to exceed the Maximum Building Height must demonstrate how the development will continue to achieve the Design Objectives and Built Form Outcomes 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.

Table to Schedule 14

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum building height</th>
<th>Built form outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>12 metres</td>
<td>Development maintains the consistency of scale and built form of the historic Queen Victoria Market.</td>
</tr>
<tr>
<td>16</td>
<td>7 metres</td>
<td>Development maintains the consistency of scale and built form of the historic Queen Victoria Market.</td>
</tr>
<tr>
<td>17</td>
<td>10 metres</td>
<td>Development maintains the consistency of scale and built form of the historic Queen Victoria Market.</td>
</tr>
<tr>
<td>18</td>
<td>20 metres</td>
<td>The scale of surrounding development respects the low scale built form character of the Queen Victoria Market.</td>
</tr>
</tbody>
</table>

Exemption from notice and review

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 of rights of Section 82(1) of the Act.
4.0 Subdivision

A permit is not required to subdivide land.
SCHEDULE 15 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO15.

ROYAL BOTANIC GARDENS

1.0

Design Objectives

- To preserve the landscape qualities and amenity of the Royal Botanical Gardens and to foster vegetation growth in the Gardens.

- To ensure that the enjoyment of the Royal Botanic Gardens is not diminishes by overshadowing or visual intrusion from any new buildings or works.

- To minimise detrimental wind impacts on the Royal Botanic Gardens.

- To ensure that any new development or redevelopment is compatible with the existing scale and character of buildings in the area.

- To protect the residential amenity of the area.

2.0

Buildings and works

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

A permit cannot be granted to vary the Maximum Building Height specified in Table 1 to this schedule.

A permit may be granted to replace or alter a building or works existing at the approval date but which do not comply with the Maximum Building Height specified in Table 1, only if the responsible authority is satisfied an increased height improves the amenity and enhances the urban character of the area.

Buildings or works should not exceed the Maximum Building Height specified in Table 2 to this schedule. An application to exceed the Maximum Building Height specified in Table 2 to this schedule must demonstrate how the development will continue to achieve the Design Objectives and Built Form Outcomes 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.

3.0

Decision guidelines

Before deciding on an application, the responsible authority must consider the views of the Director of the Royal Botanic Gardens if the responsible authority considers that the application involves works which may be visible from the Royal Botanic Gardens.

Table 1 to Schedule 15

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO 15 – Area A1</td>
<td>12 metres</td>
<td>Buildings or works do not visually intrude upon vistas within the Royal Botanic Gardens or cast shadows on the Gardens between 11.00 am and 2.00 pm on 22 March and 22 September. Development is compatible with the scale and character of the South Yarra area.</td>
</tr>
</tbody>
</table>
Table 2 to Schedule 15

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO 15 – Area A2</td>
<td>12 metres</td>
<td>Buildings or works do not visually intrude upon vistas within the Royal Botanic Gardens or cast shadows on the Gardens between 11.00 am and 2.00 pm on 22 March and 22 September.</td>
</tr>
<tr>
<td>Schedule 3 to the Special Use Zone (SUZ3)</td>
<td></td>
<td>Development is compatible with the scale and character of the South Yarra area.</td>
</tr>
<tr>
<td>(SUZ3) and north of the Royal Botanic Gardens</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4.0 [19/01/2006 VC37]

Exemption from notice and appeal
An application to construct a building or construct or carry out works that is generally in accordance with a master plan incorporated in the planning scheme or approved by the responsible authority 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.

5.0 [18/10/2010 C174]

Subdivision
A permit is not required to subdivide land.
SCHEDULE 17 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO17.

SHRINE VISTA

1.0

Design objectives

- To ensure that the Shrine of Remembrance and its outline as viewed from Swanston Street outside the State Library is not fully or partially obscured by any buildings or works.

2.0

Requirements

Building height

The height of buildings or works must be in compliance with the shrine vista height control formula as prescribed in the Shrine of Remembrance Vista Control April 2014.

A permit cannot be granted to vary this requirement.

2.2

Buildings and Works

A permit is not required for a building or works to be constructed up to 33 metres in height above the Australian Height Datum on land within the boundaries of this overlay.

3.0

Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The views of the Shrine of Remembrance Trustees.

4.0

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.

5.0

Subdivision

A permit is not required to subdivide land.
SCHEDULE 19 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO19.

ST KILDA ROAD AREA

1.0

Design objectives

- To encourage site development that will enhance the appearance, dignity and spaciousness of St Kilda Road.
- To protect and enhance the appearance of St Kilda Road as a major boulevard.
- To encourage urban design improvements so that the physical environment offers variety, interest, safety and convenience to people in the area.
- To encourage retention of those features of the area that enhance its appearance, give it character or provide a sense of identity.
- To encourage appropriate landscaped outdoor uses within a garden environment.
- To ensure that any new development or redevelopment is at a scale that protects the visual amenity of Fawkner Park.
- To ensure that development preserves the vista of the Shrine of Remembrance.

2.0

Requirements

2.1

Building height and plot ratio

Buildings or works should not exceed the maximum building height specified in the table to this schedule.

An application to exceed the maximum building height and/or plot ratio must be accompanied by a site analysis plan and a written urban context report documenting how the development will achieve the specific design objectives and outcomes of this schedule.

The height of a building or works is the height of its highest point above the permanent footpath at the centre of the site frontage. If there is no footpath, the natural surface level at the centre of the site frontage is the base level.

For the purpose of this requirement, plot ratio is defined as the gross floor area of all buildings on a site divided by the area of the site, but excluding the area of stairs, loading bays, access ways or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply or lifts.

2.2

Setbacks

Buildings and works should not be situated within any setback distance specified in the table to this schedule. A permit may be granted to allow:

- Minor building projections (including sunshades and small balconies) other than projections into the setback distance from St Kilda Road.
- A structure within a setback area on land with a frontage to St Kilda Road provided that the structure is:
  - single storey and located at ground level.
  - separated by a landscaping strip of a minimum width of 6.5 metres from St Kilda Road.
  - constructed of lightweight materials consisting of glazing or a canvas roofing system, and being primarily an open structure within a garden setting.
  - of a design and quality that is in keeping with the garden environment of St Kilda Road.
An unenclosed verandah that is part of an entry to a building at or near ground level to extend into a setback area on land with a frontage to St Kilda Road:

- up to 4.5 metres into a setback area at the front of a building.
- up to 3 metres into a setback area at the side of a building.

A fire escape

A basement within a setback area provided no part of it projects above ground level. If the site abuts St Kilda Road, any part of the basement within a frontage setback area must be at least 0.8 metres below permanent footpath level. Garden soil must cover the basement to a depth of at least 0.8 metres and the surface must be planted and maintained with lawn, garden trees, shrubs or other appropriate features, except for any pedestrian and vehicular access ways.

Stairs to a basement within a setback area.

This does not include:

The construction or modification of a waste pipe, flue, vent, exhaust fan, skylight security camera, street heater or similar minor works provided they are to the satisfaction of the Responsible Authority.

An application for buildings and works within the setback distance must be accompanied by a site analysis plan and a written urban context report documenting how the development will achieve the specific design objectives and outcomes of this schedule.

### 2.3 Landscaping

Land between a building and St Kilda Road must be landscaped and maintained to the satisfaction of the responsible authority.

### 2.4 Fences

A fence should not be built higher than 0.3 metres, unless it can be demonstrated to the satisfaction of the responsible authority that the design objectives of this schedule can be met.

### 2.5 Car parking areas

Cars parked in parking areas should not be visible from St Kilda Road and footpaths and driveways should be no wider than 4.5 metres, unless it can be demonstrated to the satisfaction of the responsible authority that the design objectives of this schedule can be met.

### 2.6 Display of goods

Any goods displayed in a building or on the site must not be able to be seen from St Kilda Road, unless it can be demonstrated to the satisfaction of the responsible authority that the design objectives of this schedule can be met.

### 3.0 Subdivision

A permit is not required to subdivide land.

**Table to Schedule 19**

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
<th>Setbacks</th>
<th>Plot Ratio</th>
<th>Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>40</td>
<td>12 metres</td>
<td>--</td>
<td>--</td>
<td>Development does not intrude into the vista to the Shrine of Remembrance.</td>
</tr>
<tr>
<td>Area</td>
<td>Maximum Building Height</td>
<td>Setbacks</td>
<td>Plot Ratio</td>
<td>Outcomes</td>
</tr>
<tr>
<td>------</td>
<td>-------------------------</td>
<td>----------</td>
<td>------------</td>
<td>----------</td>
</tr>
<tr>
<td>41</td>
<td>60 metres</td>
<td>13.7 metres from St Kilda Road</td>
<td>--</td>
<td>Development does not intrude into the vista to the Shrine of Remembrance. The landscaped garden frontages of St Kilda Road are maintained. The intensity and scale of development reinforces the existing built form character of St Kilda Road as a non-CBD commercial district and does not detrimentally impact on the traffic and car parking capacity of St Kilda Road.</td>
</tr>
<tr>
<td>42</td>
<td>60 metres</td>
<td>13.7 metres from St Kilda Road or 4.5 metres if the site abuts another road. Sideage or any other boundary: 4.5 metres</td>
<td>4</td>
<td>Development does not impact upon the attractiveness of Fawkner Park, the vista to the Shrine of Remembrance or the built form character of the area. The landscaped garden frontages to St Kilda Road are maintained. The intensity and scale of development reinforces the existing built form character of St Kilda Road as a non-CBD commercial district and does not detrimentally impact on the traffic and car parking capacity of St Kilda Road.</td>
</tr>
</tbody>
</table>
SCHEDULE 20 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO20.

VICTORIA PARADE AND ALBERT STREET AREA

Design objectives

- To minimise the visual impact of buildings on the Fitzroy Gardens and to preserve the amenity of the gardens.
- To ensure that the enjoyment of the Fitzroy Gardens is not excessively diminished by overshadowing from any new building or works.
- To ensure that any new development or redevelopment is compatible with the existing scale and character of adjoining buildings and the area.
- To protect and enhance the appearance of Victoria Parade as a major boulevard.

Requirements

Building height and setback

Buildings or works should not exceed the maximum building height or be constructed within the setback distance specified in the table to this schedule.

An application to exceed the maximum height or vary the setback must be accompanied by a site analysis plan and a written urban context report documenting how the development will achieve the specific design objectives and outcomes of this schedule.

The height of a building or works is the height of its highest point above the permanent footpath at the centre of the site frontage. If there is no footpath, the natural surface level at the centre of the site frontage is the base level.

Table to Schedule 20

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
<th>Building Setback</th>
<th>Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>9 metres</td>
<td></td>
<td>The predominantly 2-3 storey scale and built form character of the area is maintained.</td>
</tr>
<tr>
<td>38</td>
<td>30 metres</td>
<td></td>
<td>The buildings that edge the Victoria Parade boulevard entry to the CBD have a consistent scale.</td>
</tr>
<tr>
<td>43</td>
<td>No buildings may be constructed that protrude above a plane inclined at an angle of 22 degrees from a point that is: On the southern alignment of Albert Street. At a permanent footpath level, or if there is no footpath, at natural surface level. Directly opposite the centre of the site frontage. Frontage: 8 metres to the Albert Street boundary (excluding enclosed verandahs).</td>
<td></td>
<td>New buildings or works do not impact upon the visual attractiveness of Fitzroy Gardens or create additional overshadowing on the gardens between 11.00 am and 2.00 pm on 22 March and 22 September.</td>
</tr>
<tr>
<td>45</td>
<td>No building or works may be constructed to exceed the height above the Australian Height Datum as shown on the incorporated document named “Building Envelope Plan Replacement Plan No.1”.</td>
<td></td>
<td>Development that takes advantage of a large consolidated site is achieved provided that the density, scale and character of any redevelopment is compatible with: The amenity of the surrounding area.</td>
</tr>
</tbody>
</table>
## Decision guidelines

In Area 43, before deciding on an application, the responsible authority must be satisfied that the building or works would not protrude above a plane elevated from the same point to the highest southern parapet of a building fronting Victoria Parade north of the site.

## Subdivision

A permit is not required to subdivide land.
SCHEDULE 21 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO21.

WELLINGTON PARADE AND CLARENDON STREET

1.0

Design objectives

- To enhance the importance of Wellington Parade as a key approach to central Melbourne through quality building design and street amenity;
- To minimise the visual impact and overshadowing effect of buildings on the Fitzroy Gardens and Yarra Park;
- To respect the scale and significance of heritage buildings on the site or on adjacent sites.

2.0

Requirements

Buildings and works

A permit may be granted to vary any maximum building height specified in Table 1 to this schedule.

An application must be accompanied by a site analysis and urban context report which demonstrates how the proposed building or works achieves each of the Design Objectives and Built Form Outcomes 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.

Table 1 to Schedule 21

<table>
<thead>
<tr>
<th>AREA</th>
<th>MAXIMUM BUILDING HEIGHT</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
</table>
| 1    | 12 metres               | Development that does not overshadow Fitzroy Gardens between 11am and 2pm on 22 September and 22 March.  
New development north of the Cliveden building is consistent with the prevailing heritage buildings in the area.  
Existing low scale built form and landscaped setting of Bishopscourt to Clarendon, Gipps and Hotham Streets is maintained.  
Existing low scale of Mosspennoch is maintained. |
| 2    | 14 metres               | New development is of quality architectural design and in scale with the buildings in Albert Street, Grey Street and the residential areas on Gipps Street. |
| 3    | 17 metres               | Development that does not overshadow Fitzroy Gardens between 11am and 2pm on 22 September and 22 March.  
New development is of quality architectural design and in scale with the hospital building fronting Clarendon Street. |
| 4    | 24 metres               | Development that does not overshadow Fitzroy Gardens between 11am and 2pm on 22 September and 22 March.  
New development that compliments the low scale and heritage significance of the Mercy Private Hospital building fronting Grey Street.  
Development to the south of Mosspennoch to be a transition to the higher built form of the Hilton Hotel.  
New development fronting Wellington Parade is a transition to adjoining higher built form and promotes a boulevard entrance into the City.  
Existing landscaped setbacks are to be maintained for significant heritage buildings. |
### Built Form Outcomes

<table>
<thead>
<tr>
<th>AREA</th>
<th>MAXIMUM BUILDING HEIGHT</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>35 metres</td>
<td>Development that does not overshadow Fitzroy Gardens between 11am and 2pm on 22 September and 22 March. New development that provides for a higher built form to the rear of the hospital building fronting Clarendon Street.</td>
</tr>
<tr>
<td>6</td>
<td>40 metres</td>
<td>Development that does not overshadow Fitzroy Gardens between 11am and 2pm on 22 September and 22 March.</td>
</tr>
<tr>
<td>7</td>
<td>46 metres</td>
<td>Development that does not overshadow Yarra Park between 11am and 2pm on 22 September and 22 March. Buildings are developed to a consistent scale along the Wellington Parade entry to the CBD but are articulated to allow sunlight to penetrate to the street and to avoid creating a wall of buildings.</td>
</tr>
<tr>
<td>8</td>
<td>52 metres</td>
<td>Development that does not overshadow Fitzroy Gardens between 11am and 2pm on 22 September and 22 March. Development that facilitates adaptive re-use of existing buildings in the area for residential purposes.</td>
</tr>
<tr>
<td>9</td>
<td>70 metres</td>
<td>Additional overshadowing of Yarra Park between 11.00 am and 2.00 pm on 22 March and 22 September is avoided. New development is of a quality architectural design that promotes Wellington Parade as a boulevard entrance into the City.</td>
</tr>
<tr>
<td>20</td>
<td>24 metres</td>
<td>Development that does not overshadow Yarra Park between 11am and 2pm on 22 September and 22 March. Buildings are developed to a consistent scale along the Wellington Parade entry to the CBD but are articulated to allow sunlight to penetrate to the street and to avoid creating a wall of buildings.</td>
</tr>
</tbody>
</table>

### Subdivision

A permit is not required to subdivide land.
SCHEDULE 22 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO22.

YARRA PARK AREA

1.0

Design objectives

- To ensure that any new development or redevelopment is compatible with the scale and character of buildings in the area.
- To minimise the visual impact of buildings on Yarra Park and to preserve the landscape qualities and amenity of the gardens.
- To ensure that the enjoyment of Yarra Park is not excessively diminished by overshadowing from any new building or works.

2.0

Requirements

2.1

Building height

Buildings or works should not exceed the maximum building height specified in the table to this schedule.

An application to exceed the maximum building height must be accompanied by a site analysis plan and a written urban context report documenting how the development will achieve the specific design objectives and outcomes of this schedule.

The height of a building or works is the height of its highest point above the permanent footpath at the centre of the site frontage. If there is no footpath, the natural surface level at the centre of the site frontage is the base level.

Table to Schedule 22

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
<th>Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>9 metres</td>
<td>Yarra Park is not additionally overshadowed between 11.00 am and 2.00 pm on 22 March and 22 September. Development is of a scale compatible with the historic Jolimont precinct and preserves the amenity of the pedestrian streets and lanes within the precinct.</td>
</tr>
<tr>
<td>16</td>
<td>12 metres</td>
<td>Yarra Park is not additionally overshadowed between 11.00 am and 2.00 pm on 22 March and 22 September. Development is of a scale compatible with the historic Jolimont precinct and preserves the amenity of the pedestrian streets and lanes within the precinct.</td>
</tr>
<tr>
<td>24</td>
<td>15 metres</td>
<td>Yarra Park is not additionally overshadowed between 11.00 am and 2.00 pm on 22 March and 22 September. Development is of a scale compatible with the historic Jolimont precinct and preserves the amenity of the pedestrian streets and lanes within the precinct.</td>
</tr>
</tbody>
</table>

3.0

Subdivision

A permit is not required to subdivide land.
SCHEDULE 23 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO23.

ALFRED HOSPITAL HELIPAD FLIGHT PATH NOISE PROTECTION AREA

1.0 Design objectives

- To maintain the efficiency and safety of the Alfred Hospital Helipad.
- To limit aircraft noise intrusion to buildings with noise-sensitive uses.
- To ensure any use or development of the land which could prejudice the safety and efficiency of the Alfred Hospital Helipad is prevented.
- To implement the Airfields Policy set out in the State Planning Policy Framework of this planning scheme.

2.0 Buildings and works

Any new or refurbished development or any conversion of part or all of an existing building that will accommodate residential or other noise-sensitive uses must:

- Be designed and constructed to include noise attenuation measures in the immediate vicinity of the Alfred Hospital Helipad in accordance with Australian Standard AS 2021-2000, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by Standards Australia International Ltd., to the satisfaction of the responsible authority.
- Have external glazing and doors and the air conditioning or ventilation system in all new residential and other noise-sensitive use and development designed by a recognised acoustic consultant to the satisfaction of the responsible authority.

For the purpose of this requirement, noise-sensitive uses are those that have an element of residential accommodation and are nested under the definition of accommodation in the planning scheme.

3.0 Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Whether the proposal is compatible with the present and future operation of the Alfred Hospital helipad.
- Whether the design of the building incorporates appropriate noise attenuation measures.
- The views of the Department of Health and Human Services and the Alfred Health.
SCHEDULE 26 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO26.

NORTH MELBOURNE, WEST MELBOURNE AND ARDEN-MACAULAY NOISE ATTENUATION AREA

1.0

Design objectives

- To ensure that new, refurbished or converted developments for new residential and other noise sensitive uses constructed in the vicinity of the Laurens Street, North Melbourne Industrial Area and in the vicinity of industrial operations in Arden-Macaulay include appropriate acoustical measures to attenuate noise levels within the building.

- To ensure that land use and development in the vicinity of the Laurens Street, North Melbourne Industrial Area and in the vicinity of industrial operations in Arden-Macaulay does not adversely affect the viability of industry within these areas.

2.0

Requirements

2.1

Building Design and Pre-construction Noise Measurement

Any new or refurbished development or any conversion of part or all of an existing building that will accommodate new residential or other noise-sensitive uses must:

- Be designed and constructed to include noise attenuation measures. These noise attenuation measures must achieve a maximum noise level of 35dB(A)Leq in unfurnished and uncarpeted habitable rooms, with all windows and doors closed, unless there is no suitable air conditioning and/or mechanical ventilation, in which case the maximum noise level of 35dB(A)Leq in unfurnished and uncarpeted habitable rooms must be achieved with all the windows half open and the doors closed.

- Be fitted with suitable air conditioning and/or mechanical ventilation system to the satisfaction of the responsible authority unless the maximum noise level of 35dB(A)Leq in unfurnished and uncarpeted habitable rooms can be achieved with all the windows half open and the doors closed.

- Have walls, roof, windows, doors and external glazing and the air conditioning or ventilation system designed by a qualified acoustical consultant who must certify that the incorporation of the design features recommended by the consultant will achieve a maximum noise level in unfurnished and uncarpeted habitable rooms of 35dB(A)Leq, based on the external noise levels measured by the consultant as part of a noise level assessment conducted to the satisfaction of the responsible authority.

The pre-construction noise measurement will be conducted as follows:

- Be sufficient in detail and duration to be representative of the noise from the industrial operations which occur in the vicinity of the Laurens Street North Melbourne Industrial Area and the noise from industrial operations in Arden-Macaulay. This monitoring shall include sampling during the day, evening and night periods on weekdays and weekends.

2.2

Verification Testing

Prior to the commencement of a residential or other noise-sensitive use, acoustic testing must be conducted by a qualified acoustical consultant. The testing must verify that the maximum noise level of 35dB(A)Leq in the two most likely to be affected unfurnished and uncarpeted habitable rooms is achieved to the satisfaction of the responsible authority.

The verification testing will be conducted as follows:
The maximum noise level of 35dB(A)Leq must be met when measured in the centre of each unfurnished and uncarpeted habitable room, at a height of between 1.5 and 1.6 metres above floor level.

Noise shall be measured so as to obtain an A-weighted Equivalent Continuous Noise Level that is representative of the noise over a continuous 30 minute period.

If a suitable air conditioning and/or mechanical ventilation system is provided, the windows shall be closed during the noise assessment. However, if no suitable air conditioning and/or mechanical ventilation system is provided, then the windows shall be opened to half their extent during the noise assessment.

All doors to the room shall be closed.

Mechanical ventilation and air-conditioning to the room shall not be in operation during the assessment.

2.3 Noise Measurement – General Requirements for Preconstruction and Verification Testing

A report containing the raw data, time of collection, the accreditation certificate of the consultant, and the result of the testing must be submitted to the responsible authority, and must be to the satisfaction of the responsible authority.

The maximum noise level must be assessed using the equivalent continuous noise level (Leq) descriptor with a type 1 or type 2 sound level meter.

For the purpose of this Schedule, noise shall be measured to:

- Include only those sounds occurring when the sound level meter indication correlates with aurally identified industrial noise and noise from the loading and unloading of vehicles on public roads abutting industrial premises within and in the vicinity of the Laurens Street North Melbourne Industrial Area, and
- Exclude from the assessment all other sound at other times, and extraneous noise from traffic and public transport.

2.4 Interpretation

For the purpose of this Schedule:

- “Noise-sensitive uses” are those uses that are nested under the definition of accommodation;
- “Habitable room” has the general term meaning excluding kitchen; and
- The Laurens Street North Melbourne Industrial Area means the Industrial 1 Zone located between Anderson Street/Munster Terrace and Laurens Streets, North Melbourne.
- Nothing in this Schedule is intended to prevent developments with openable windows provided noise testing demonstrates compliance with the requirements of this Schedule with all the windows closed or half open, as the case requires.

3.0 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.

4.0 No permit required

A permit is not required for buildings and works other than buildings and works associated with new, refurbished or converted developments for noise sensitive uses.
5.0 Subdivision

A permit is not required to subdivide land.
SCHEDULE 27 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO27**.

CITY LINK EXHAUST STACK ENVIRONS

1.0  
**Design objectives**

- To ensure that the development of land around the City Link exhaust stack is not adversely affected by the operation of the stack.
- To ensure that development of land around the City Link exhaust stack does not adversely affect the operation of the stack.
- To ensure that the relevant authorities are informed of development within close proximity of the City Link exhaust stack and to facilitate comment by those authorities on any specific requirements relating to the design and built form of new development in the area which might be desirable having regard to the proximity of the stack.

2.0  
**Buildings and works**

A permit is not required to construct a building or construct or carry out works.

3.0  
**Subdivision**

A permit is not required to subdivide land.

4.0  
**Notice requirement**

Where a permit is required to use land or for the construction of a building or the construction or carrying out of works under another provision in this scheme, notice must be given under section 52(1)(c) of the Planning and Environment Act 1987 to the person or body specified as a person or body to be notified in Clause 66.06 or a schedule to that clause.

5.0  
**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.
SCHEDULE 28 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO28.

NORTH MELBOURNE STATION

1.0

19/01/2006

Design Objectives

- To acknowledge the transitional nature of the area.
- To encourage development of the area as a distinctive urban activity node.
- To encourage the development of a new built form character and the retention of the mixed use nature of the area.
- To acknowledge the potential for higher density development near the North Melbourne railway station.

2.0

19/01/2006

Buildings and works

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

In calculating the building height based on storeys, the following floor to floor dimensions should apply:

- 3.5 metres for residential use,
- 4 metres for non-residential use.

Buildings or works should not exceed the Maximum Building Height specified in the table to this schedule.

An application to exceed the Maximum Building Height must demonstrate how the development will continue to achieve the Design Objectives and Built Form Outcomes 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.

Table to Schedule 28

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO 28</td>
<td></td>
<td>Higher development and a new built form character.</td>
</tr>
<tr>
<td>North Melbourne Station</td>
<td>5 storeys</td>
<td>Development that complements the scale of and provides a transition to, adjoining lower scale heritage buildings</td>
</tr>
</tbody>
</table>

3.0

Subdivision

A permit is not required to subdivide land.
SCHEDULE 29 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO29.

WEST MELBOURNE

1.0

Design Objectives

- To acknowledge the transitional nature of the area.
- To encourage the development of a new built form character and the retention of the mixed use nature of the area.
- To acknowledge the potential for higher density development near North Melbourne Railway Station.

2.0

Buildings and works

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

In calculating the building height based on storeys, the following floor to floor dimensions should apply:

- 3.5 metres for residential use,
- 4 metres for non-residential use.

Buildings or works should not exceed the Maximum Building Height specified in the table to this schedule.

An application to exceed the Maximum Building Height must demonstrate how the development will continue to achieve the Design Objectives and Built Form Outcomes 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.

Table to Schedule 29

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO 29</td>
<td>4 storeys</td>
<td>Higher buildings and a new built form character.</td>
</tr>
<tr>
<td>West Melbourne</td>
<td></td>
<td>Development reflects the higher building forms in the area.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Development respects the scale of, and provides a transition to, adjoining lower scale heritage buildings.</td>
</tr>
</tbody>
</table>

3.0

Subdivision

A permit is not required to subdivide land.
SCHEDULE 31 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO31.

NORTH MELBOURNE CENTRAL

1.0

Design Objectives

- To maintain the predominant low scale nature of the area.
- To ensure that development retains views to significant landmarks.
- To ensure development supports high levels of pedestrian amenity related to access to sunlight and sky views and a pedestrian friendly scale.

2.0

Buildings and works

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

A permit cannot be granted to vary the Maximum Building Height.

A permit may be granted to replace or alter a building or works existing at the approval date but which do not comply with the Maximum Building Height specified in the table, only if the responsible authority is satisfied an increased height improves the amenity and enhances the urban character of the area.

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.

Table to Schedule 31

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO 31 North Melbourne Central</td>
<td>10.5 metres</td>
<td>New development respects and is consistent with the built form especially low scale of the existing older building stock in the street. New buildings adjacent to heritage buildings reflect the height and setback of heritage buildings and the typical streetscape pattern. Visibility of upper levels of new development from heritage streetscapes is minimised. Development which retains views to the landmark North Melbourne Town Hall roof and tower.</td>
</tr>
</tbody>
</table>

3.0

Subdivision

A permit is not required to subdivide land.
SCHEDULE 32 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO32**.

NORTH MELBOURNE PERIPHERAL

1.0

19/01/2006

VC37

**Design Objectives**

- To maintain the predominant low scale nature of the area.
- To ensure that development retains views to significant landmarks.
- To ensure development supports high levels of pedestrian amenity related to access to sunlight and sky views and a pedestrian friendly scale.

2.0

19/01/2006

VC37

**Buildings and works**

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

A permit cannot be granted to vary the Maximum Building Height.

A permit may be granted to replace or alter a building or works existing at the approval date but which do not comply with the Maximum Building Height specified in the table, only if the responsible authority is satisfied an increased height improves the amenity and enhances the urban character of the area.

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.

**Table to Schedule 32**

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
</table>
| DDO 32 North Melbourne Peripheral | 14 metres | New development respects existing built form especially low scale of the existing older building stock in the street.
Development in streets with higher typical built form provides a transition in scale to the lower building forms.
Development in the vicinity of the Queen Victoria Market which enhances and respects the importance and general low scale environs of the market as a heritage place and pedestrian focus.
Enhancement of the character of Peel Street by retaining the skyline dominance of the street trees along the median.
Development which retains views to the landmark Meat Market building and the North Melbourne Town Hall roof and tower. |

3.0

18/11/2010

C174

**Subdivision**

A permit is not required to subdivide land.
SCHEDULE 33 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO33.

CBD FRINGE

1.0

05/07/2007

C96

Design Objectives

- To provide a transition between the taller built form of the central city and the lower scale built form of West Melbourne.

- To maintain the heritage characteristics of the area by ensuring new development respects the scale of, and provides a transition to, adjoining heritage buildings.

- To ensure development limits impact on the amenity and outlook from Flagstaff Gardens.

2.0

05/07/2007

C96

Buildings and works

A permit may be granted to vary any Maximum Building Height, Podium Height or Minimum Building Setback specified in the table to this schedule.

An application must be accompanied by a site analysis and urban context report which demonstrates how the proposed building or works achieves each of the Design Objectives and Built Form Outcomes 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 or architectural features and building services.

Table to Schedule 33

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height, Podium Height And Minimum Building Setback</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO 33</td>
<td>Height 40 metres</td>
<td>Built form which provides a visual transition between the taller prevailing heights of the CBD and the lower scale built form of West Melbourne.</td>
</tr>
<tr>
<td></td>
<td>Podium Height</td>
<td>Development provides a transition to adjoining lower scale heritage buildings by the use of podiums and upper level setbacks.</td>
</tr>
<tr>
<td></td>
<td>16 metres or an appropriate lesser height where the site is adjacent to a heritage building.</td>
<td>Development that does not overshadow Flagstaff Gardens between 11am and 2 pm on 22 September and 22 June.</td>
</tr>
<tr>
<td></td>
<td>Setbacks</td>
<td>Building setbacks that strengthen the pedestrian scale and focus of the area and maintain a sense of open outlook from the Flagstaff Gardens.</td>
</tr>
<tr>
<td></td>
<td>Setbacks above podium:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- 6 metres from all front, side and rear boundaries.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- 2 metres from laneways.</td>
<td></td>
</tr>
</tbody>
</table>

3.0

05/07/2007

C96

Decision Guidelines

Before deciding on an application for a site adjoining a Heritage Overlay, the responsible authority must consider, as appropriate:

- Whether the height of any new development or the height of its podium will adversely effect the heritage significance of any adjoining heritage building, including the grading of the building as listed in the Heritage Places Inventory 2002.

4.0

18/11/2010

C174

Subdivision

A permit is not required to subdivide land.
SCHEDULE 34 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO34.

ERROL STREET & VICTORIA STREET

1.0

Design Objectives

- To maintain the predominant low scale nature of the area.

2.0

Buildings and works

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

A permit cannot be granted to vary the Maximum Building Height.

A permit may be granted to replace or alter a building or works existing at the approval date but which do not comply with the Maximum Building Height specified in the table, only if the responsible authority is satisfied an increased height improves the amenity and enhances the urban character of the area.

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.

Table to Schedule 34

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO 34</td>
<td></td>
<td>Development in the Errol Street and Victoria Street shopping precinct is consistent with the prevailing 2 storey heritage buildings in the precinct.</td>
</tr>
<tr>
<td>Errol Street &amp; Victoria Street</td>
<td>10.5 metres</td>
<td></td>
</tr>
</tbody>
</table>

3.0

Subdivision

A permit is not required to subdivide land.
SCHEDULE 35 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO35.

ROYAL PARK AND ROYAL PARADE

1.0

Design Objectives

- To maintain the open, spacious and isolated character of Royal Park by ensuring that new development around the perimeter of the Park has limited intrusion into the skyline above the dominant tree canopy.

- To enhance the landscape setting of Royal Park and minimise the visibility of new development at close range from within Royal Park by requiring landscape frontages.

- To ensure that the enjoyment of Royal Park is not diminished by overshadowing from any new buildings or works.

- To maintain the landscape character of Royal Parade as the dominant visual element in the area.

- To reflect the existing built form and open space pattern of North Parkville.

2.0

Buildings and works

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

A permit cannot be granted to vary the Maximum Building Height specified in Table 1 to this schedule.

A permit may be granted to replace or alter a building or works existing at the approval date but which do not comply with the Maximum Building Height specified in table 1, only if the responsible authority is satisfied an increased height improves the amenity and enhances the urban character of the area.

Buildings and works should not be constructed to reduce the Minimum Building Setback specified in Table 1 to this schedule. An application to reduce the Minimum Building Setback specified in Table 1 to this schedule must demonstrate how the development will continue to achieve the Design Objectives and Built Form Outcomes of this schedule and any local planning policy requirements.

Buildings or works should not exceed the Maximum Building Height specified in Table 2 to this schedule. An application to exceed the Maximum Building Height specified in Table 2 to this schedule must demonstrate how the development will continue to achieve the Design Objectives and Built Form Outcomes 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.

Table 1 to Schedule 35

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height And Minimum Building Setback</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Royal Park and Royal Parade</td>
<td>Height: 10 metres within a distance of 30 metres from Royal Parade, 10 metres within a distance of 19.5 metres from The Avenue.</td>
<td>Development does not intrude significantly into views from Royal Park at close range, through the use of building setbacks and landscaped frontages. The open character of the southern part of Princes Park is maintained by ensuring that nearby buildings do not further intrude into views of the skyline above the tree canopy from within the Park.</td>
</tr>
</tbody>
</table>
### Table 2 to Schedule 35

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO 35 – Area A2 South Parkville</td>
<td>9 metres within a distance of 10 metres from Gatehouse Street and Royal Parade. 10 metres elsewhere.</td>
<td>The existing low scale built form character is maintained.</td>
</tr>
<tr>
<td>DDO 35 – Area A3 West Parkville</td>
<td>14 metres</td>
<td>Development does not intrude significantly into views from Royal Park.</td>
</tr>
</tbody>
</table>

### Subdivision

A permit is not required to subdivide land.
SCHEDULE 36 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme as DDO36.

ROYAL PARADE CENTRAL

1.0

Design Objectives

- To reflect the existing built form and open space pattern of North Parkville.
- To ensure that buildings do not dominate the landscape character of the area.
- To ensure that building siting creates spaces for tall canopied trees.
- To encourage generous setbacks so as to provide landscaping and a sense of spaciousness between buildings which allow for views between buildings.
- To maintain the landscape character of Royal Parade as the dominant visual element in the area.
- To preserve the limited opportunities for growth in the education and research sectors by restricting the scale of general commercial developments.

Buildings and works

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

A permit cannot be granted to vary the Maximum Building Height specified in the table to this schedule.

A permit may be granted to replace or alter a building or works existing at the approval date but which do not comply with the Maximum Building Height specified in the table, only if the responsible authority is satisfied an increased height improves the amenity and enhances the urban character of the area.

Buildings and works should not be constructed to reduce the Minimum Building Setback specified in the table to this schedule. An application to reduce the Minimum Building Setback specified in the table to this schedule must demonstrate how the development will continue to achieve the Design Objectives and Built Form Outcomes 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.

Buildings or works should not exceed the Plot Ratio Requirement specified in the table to this schedule. An application to exceed the Plot Ratio Requirement must demonstrate how the development will continue to achieve the Design Objectives and Built Form Outcomes of this schedule and any local planning policy requirements.

For the purpose of this requirement, plot ratio is defined as the gross floor area of all buildings on a site divided by the area of the site, excluding the areas of stairs, loading bays, access ways or car parking areas, or any area occupied by machinery required for airconditioning, heating, power supplies or lifts.
### Table to Schedule 36

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height, Minimum Building Setback And Plot Ratio</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
</table>
| DDO 36 Royal Parade Central | **Height**  
10 metres within a distance of 30 metres from Royal Parade  
8 metres within 6 metres from Mile Lane  
17.5 metres elsewhere  
**Setbacks**  
13.5 metres from Royal Parade  
6 metres from all side boundaries  
**Plot Ratio**  
1.5:1  
(does not apply to residential, research and education development) | Development does not intrude significantly into views from Royal Park at close range.  
The open character of the southern part of Princes Park is maintained by ensuring that nearby buildings do not further intrude into views of the skyline above the tree canopy from within the Park.  
Maintenance of the importance of Royal Parade as a grand entrance boulevard by quality building design, creation of a consistent building scale and maintaining the dominance of boulevard tree planting.  
Continuance of the spacious landscape setting of Royal Parade and the appearance of buildings in spacious grounds by generous landscaped building setbacks.  
Views of the sky or tree canopy between buildings are maintained by setting all new development back from side boundaries.  
Maintenance of the pedestrian friendly scale of Mile Lane.  
The quantum of general commercial and office development limited to a level that does not detract from residential amenity or opportunities for growth in research and education sectors. |

### Subdivision

A permit is not required to subdivide land.
SCHEDULE 37 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO37.

PHARMACY COLLEGE

1.0

Design Objectives

- To reflect the existing built form and open space pattern of North Parkville.
- To ensure that buildings do not dominate the landscape character of the area.
- To ensure that building siting creates spaces for tall canopied trees.
- To encourage generous setbacks so as to provide landscaping and a sense of spaciousness between buildings which allow for views between buildings.
- To maintain the landscape character of Royal Parade as the dominant visual element in the area.
- To encourage development opportunities for growth in the education, research and development sectors.

2.0

Buildings and works

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

Buildings or works should not exceed the Maximum Building Height or reduce the Minimum Building Setback specified in the table to this schedule.

An application to exceed the Maximum Building Height or reduce the Minimum Building Setback must demonstrate how the development will continue to achieve the Design Objectives and Built Form Outcomes 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.

Table to Schedule 37

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height And Minimum Building Setback</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO 37 Pharmacy College</td>
<td>Height</td>
<td>Maintenance of the importance of Royal Parade as a grand entrance boulevard by quality building design, creation of a consistent building scale and maintaining the dominance of boulevard tree planting.</td>
</tr>
<tr>
<td></td>
<td>10 metres within a distance of 19.5 metres from Royal</td>
<td>Maintenance of the pedestrian friendly scale of Mile Lane.</td>
</tr>
<tr>
<td></td>
<td>Parade</td>
<td>Views of the sky or tree canopy between buildings are maintained by setting all new development back from side boundaries.</td>
</tr>
<tr>
<td></td>
<td>9.5 metres within a distance of 6 metres from Mile</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lane</td>
<td></td>
</tr>
<tr>
<td></td>
<td>24 metres elsewhere</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Setbacks</td>
<td></td>
</tr>
<tr>
<td></td>
<td>13.5 metres from Royal Parade</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 metres from the northern boundary of the site</td>
<td></td>
</tr>
</tbody>
</table>

3.0

Subdivision

A permit is not required to subdivide land.
SCHEDULE 40 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO40**.

SPECIAL CHARACTER AREAS- BUILT FORM (RIVER ENVIRONS)

1.0

Design objectives

- To ensure development supports high levels of pedestrian amenity related to access to sunlight and sky views and a pedestrian friendly scale.
- To maintain the existing low-scale river edge urban form along the river corridor.
- To maintain sunlight access to the river to provide reflections for visual enjoyment and solar access to promote healthy water conditions.

2.0

Buildings and works

Definitions

For the purpose of this schedule:

- **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.

- **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 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

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 south bank of the Yarra River 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

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 3 to this schedule; and
- should meet the Preferred Building Height or Modified Requirement specified for each relevant Area 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.

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 facades, 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 facades, 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 40

<table>
<thead>
<tr>
<th>Space</th>
<th>Hours between</th>
<th>Date(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Yarra River corridor, including 15 metres from the edge of the north bank of the river to the south bank of the river</td>
<td>11.00am and 2.00pm</td>
<td>22 June</td>
</tr>
<tr>
<td>Federation Square</td>
<td>11.00am and 3.00pm</td>
<td>22 April to 22 September</td>
</tr>
</tbody>
</table>

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 40

<table>
<thead>
<tr>
<th>Space</th>
<th>Hours between</th>
<th>Date(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flinders Street Railway Station Steps</td>
<td>11.00am and 3.00pm</td>
<td>22 April to 22 September</td>
</tr>
<tr>
<td>Space</td>
<td>Hours between</td>
<td>Date(s)</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Batman Park</td>
<td>11.00am and 2.00pm</td>
<td>22 April to 22 September</td>
</tr>
<tr>
<td>Swanston Street between south bank of the Yarra River and Latrobe Street</td>
<td>12.00pm and 2.00pm</td>
<td>22 April to 22 September</td>
</tr>
<tr>
<td>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</td>
<td>11.00am and 2.00pm</td>
<td>22 September</td>
</tr>
</tbody>
</table>

Table 3 to Schedule 40

<table>
<thead>
<tr>
<th>Area</th>
<th>Preferred Building Height</th>
<th>Modified Requirement</th>
<th>Built form outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO 40 River Environ</td>
<td>24 metres</td>
<td>6:1 Floor Area Ratio</td>
<td>Development that protects and enhances the Yarra River (including views to and from it), as an important natural, recreational and tourism asset of Melbourne. Low scale development that enhances the sense of openness, maintains access to sky views and maximises solar access. A consistent building scale that strengthens the pedestrian focus of the area.</td>
</tr>
</tbody>
</table>

2.4 Exemption from notice and review

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 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 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 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.

### Subdivision

A permit is not required to subdivide land.

### Advertising signs

None specified.

### 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.
- 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.
- 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 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 effect of the proposed buildings and works on solar access to existing and proposed open spaces and public places as well as the river waters.
- 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

7.0

Transitional arrangements
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.
SCHEDULE 44 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO44.

SOUTH CARLTON

1.0 Design Objectives

- To maintain a contrast in building heights between this precinct and the CBD.
- To acknowledge the transitional nature of the area and the opportunity for the development of a new built form character.
- To encourage development opportunities for growth in the education, research and development sectors.

2.0 Buildings and works

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

In calculating the building height based on storeys, the following floor to floor dimensions should apply:

- 3.5 metres for residential use,
- 4 metres for non-residential use.

Buildings or works should not exceed the Maximum Building Height specified in the table to this schedule.

An application to exceed the Maximum Building Height must demonstrate how the development will continue to achieve the Design Objectives and Built Form Outcomes 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.

Table to Schedule 44

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO 44 South Carlton</td>
<td>8 storeys</td>
<td>The creation of a new character reflecting institutional, commercial and residential demand.</td>
</tr>
</tbody>
</table>

3.0 Subdivision

A permit is not required to subdivide land.
SCHEDULE 45 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO45.

SWANSTON STREET

1.0

19/01/2006
VC37

Design Objectives

- To promote the future character of this precinct as a major, tree-lined, civic spine fronted by buildings of consistent scale.
- To encourage development opportunities for growth in the education, research and development sectors.
- To maintain the visual contrast between development in this precinct and the CBD.
- To acknowledge the transitional nature of the area and the opportunity for the development of a new built form character.

2.0

19/01/2006
VC37

Buildings and works

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

In calculating the building height based on storeys, the following floor to floor dimensions should apply:

- 3.5 metres for residential use,
- 4 metres for non-residential use.

Buildings or works should not exceed the Maximum Building Height specified in the table to this schedule.

An application to exceed the Maximum Building Height must demonstrate how the development will continue to achieve the Design Objectives and Built Form Outcomes 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.

Table to Schedule 45

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO 45 Swanston Street</td>
<td>9 storeys</td>
<td>Development that reinforces the importance of Swanston Street as a major thoroughfare, pedestrian and public transport route and entrance to the CBD.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A consistent built form and strong urban edge with zero front setbacks.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>An active and attractive pedestrian environment along Swanston Street.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Development that does not overshadow Lincoln Square between 11am and 2pm on 22nd September and 22nd March.</td>
</tr>
</tbody>
</table>

3.0

18/11/2010
C174

Subdivision

A permit is not required to subdivide land.
SCHEDULE 46 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO46.

UNIVERSITY EAST

1.0 19/01/2006 VC37

Design Objectives

- To encourage development that reinforces the importance of Swanston Street as a major thoroughfare.
- To ensure that the highest parts of any redevelopment are located at the Swanston Street frontage of the site.
- To ensure that new development respects the scale and form of heritage buildings on Faraday and Cardigan Streets.

2.0 19/01/2006 VC37

Buildings and works

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

Buildings or works should not exceed the Maximum Building Height specified in the table to this schedule.

An application to exceed the Maximum Building Height must demonstrate how the development will continue to achieve the Design Objectives and Built Form Outcomes 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.

Table to Schedule 46

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10.5 metres within 15 metres of Cardigan Street and 36 metres elsewhere</td>
<td>Development that reinforces the importance of Swanston Street as a major thoroughfare and pedestrian and public transport route. Development that creates an environment with high pedestrian amenity along Swanston Street. Development respects the scale of adjoining lower scale heritage buildings in Faraday Street and Cardigan Street.</td>
</tr>
</tbody>
</table>

3.0 18/11/2010 C174

Subdivision

A permit is not required to subdivide land.
SCHEDULE 47 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO47.

CENTRAL CARLTON SOUTH

1.0

Design Objectives

- To maintain the predominant low scale nature of the area.
- To ensure development supports high levels of pedestrian amenity related to access to sunlight and sky views and a pedestrian friendly scale.

Buildings and works

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

In calculating the building height based on storeys, the following floor to floor dimensions should apply:

- 3.5 metres for residential use,
- 4 metres for non-residential use.

Buildings or works should not exceed the Maximum Building Height specified in the table to this schedule.

An application to exceed the Maximum Building Height must demonstrate how the development will continue to achieve the Design Objectives and Built Form Outcomes 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.

Table to Schedule 47

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO 47 Central Carlton South</td>
<td>4 storeys</td>
<td>New development respects and is consistent with the built form especially low scale of the existing older building stock in the street. Development that creates an environment with high pedestrian amenity along Lygon street. Development that does not overshadow Argyle Square, Carlton Gardens or the Royal Society of Victoria Gardens between 11am and 2pm on 22nd September and 22nd March.</td>
</tr>
</tbody>
</table>

3.0

Subdivision

A permit is not required to subdivide land.
SCHEDULE 48 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO48.

CENTRAL CARLTON NORTH

1.0

Design Objectives

- To maintain the predominant low scale nature of the area.
- To ensure development supports high levels of pedestrian amenity related to access to sunlight and sky views and a pedestrian friendly scale.

2.0

Buildings and works

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

A permit cannot be granted to vary the Maximum Building Height.

A permit may be granted to replace or alter a building or works existing at the approval date but which do not comply with the Maximum Building Height specified in the table, only if the responsible authority is satisfied an increased height improves the amenity and enhances the urban character of the area.

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.

Table to Schedule 48

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO 48 Central Carlton North</td>
<td>10.5 metres</td>
<td>New development respects and is consistent with the built form especially low scale of the existing older building stock in the street. Development that creates an environment with high pedestrian amenity along Lygon Street and Faraday Street.</td>
</tr>
</tbody>
</table>

3.0

Subdivision

A permit is not required to subdivide land.
SCHEDULE 49 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO49**.

YARRA’S EDGE PRECINCT

**Design objectives**

- To provide for a complementary mix of low, medium and high rise development within the Precinct.
- To provide for continuous public access along the waterfront adjoining the Yarra River.
- To maintain the visual dominance of prominent landmarks.
- To provide for prominent built form landmarks at terminating vistas from the city edge.

**Buildings and works**

**Permit Requirement**

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.

**Exemption from notice and review**

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 49**

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO 49 Area 1</td>
<td>30 metres except for:</td>
</tr>
<tr>
<td></td>
<td>- A single or twin 130 metre tower on the Bourke Street axis</td>
</tr>
<tr>
<td></td>
<td>- A 75 metre tower on the Little Bourke Street axis</td>
</tr>
<tr>
<td></td>
<td>- A 135 metre tower on the Collins Street axis</td>
</tr>
<tr>
<td>DDO 49 Area 2</td>
<td>90 metres except for:</td>
</tr>
<tr>
<td></td>
<td>135 metres for two towers framing the Flinders Street axis</td>
</tr>
<tr>
<td>DDO 49 Area 3</td>
<td>90 metres</td>
</tr>
</tbody>
</table>

**Table 2 to Schedule 49**

<table>
<thead>
<tr>
<th>Area</th>
<th>Minimum Widths Of Waterfront Promenades</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO 49</td>
<td>15 metre wide waterfront promenade.</td>
</tr>
</tbody>
</table>
3.0

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 of buildings, to ensure appropriate 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 buildings, and the design measures used to address these.

4.0

Subdivision

A permit is not required to subdivide land.
SCHEDULE 50 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO50.

VICTORIA HARBOUR PRECINCT

1.0

Design objectives

- To provide vistas from the city edge to enhance the visual connection between the CBD and Victoria Harbour.
- To ensure that vistas from the stadium concourse to the Bolte Bridge are recognised and protected.
- To provide for a complementary mix of medium and high rise development within the Precinct.
- To provide for continuous public access along the waterfront area adjoining the Yarra River and Victoria Harbour.
- To ensure the conservation of the general form of Victoria Harbour.
- To ensure development supports high levels of pedestrian amenity in relation to daylight, sky views, wind, sunlight, safety and visual interest.

2.0

Buildings and works

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.

The height of a building is measured from the footpath level at the road alignment at the centre of the site, except for a building above 45 metres which is measured from the vertical distance from natural ground level to the roof or parapet at any point measured at the centre of the site, except for architectural features and building services.

Exemption from notice and review

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 50

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO 50 Area 1</td>
<td>10 metres</td>
</tr>
<tr>
<td>DDO 50 Area 2</td>
<td>10 metres</td>
</tr>
<tr>
<td>DDO 50 Area 3</td>
<td>A building of outstanding design quality that is a significant attraction for visitors and/or tourists.</td>
</tr>
<tr>
<td>DDO 50 Area 4</td>
<td>40 metres with the exception of five buildings not exceeding 60 metres and one building not exceeding 45 metres which are within the southern portion of this area.</td>
</tr>
<tr>
<td>DDO 50 Area 5</td>
<td>120 metres.</td>
</tr>
</tbody>
</table>
Maximum Building Height

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO 50 Area 6</td>
<td>90 metres with the exception of two towers not exceeding 115 metres, comprising one tower at each of the eastern and western portions of this area.</td>
</tr>
<tr>
<td>DDO 50 Area 7</td>
<td>15 metres with the exception of one building not exceeding 25 metres at the eastern portion of this area.</td>
</tr>
<tr>
<td>DDO 50 Area 8</td>
<td>35 metres.</td>
</tr>
</tbody>
</table>

Table 2 to Schedule 50

<table>
<thead>
<tr>
<th>Area</th>
<th>Minimum Widths Of Waterfront Promenades</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Promenade</td>
<td></td>
</tr>
<tr>
<td>DDO 50 Area 1,</td>
<td>15 metre wide waterfront promenade.</td>
</tr>
<tr>
<td>DDO 50 Area 2</td>
<td>15 metre wide waterfront promenade.</td>
</tr>
<tr>
<td>DDO 50 Area 3</td>
<td>15 metre wide waterfront promenade.</td>
</tr>
<tr>
<td>DDO 50 Area 4</td>
<td>30 metre wide waterfront promenade.</td>
</tr>
<tr>
<td>DDO 50 Area 5</td>
<td>23 metre wide waterfront promenade.</td>
</tr>
<tr>
<td>DDO 50 Area 7</td>
<td>6.5 metre wide waterfront promenade with the eastern end promenade to have an average width of 15 metres.</td>
</tr>
<tr>
<td>South Promenade</td>
<td></td>
</tr>
<tr>
<td>DDO 50 Area 4</td>
<td>15 metre wide waterfront promenade.</td>
</tr>
<tr>
<td>DDO 50 Area 6</td>
<td>6.5 metre wide waterfront promenade.</td>
</tr>
<tr>
<td>DDO 50 Area 8</td>
<td>6.5 metre wide waterfront promenade.</td>
</tr>
</tbody>
</table>

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.
- Building spacing and permeability, in order to allow views and access to the waterfront and sunlight access to the north bank of the Yarra River.
- 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 cumulative impact of development particularly in terms of the number of tower elements proposed and the impact upon the public realm in terms of overshadowing, views and built form.
- The impact and relationship of any proposed structure on the significance of existing heritage places located within the Precinct.

Subdivision

A permit is not required to subdivide land.
SCHEDULE 51 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO51.

BATMAN'S HILL PRECINCT

1.0  Design objectives

- To provide for a built form scale transition from the CBD towards Victoria Harbour and the Yarra River corridor.
- To ensure that any new development or redevelopment is compatible with the scale and character of adjoining buildings and the area.
- To provide for a major landmark tower development that integrates with the CBD and surrounding Docklands precincts and recognises the presence of historic buildings.

2.0  Buildings and works

2.1  Permit Requirement

A permit is not required to construct a building or constructor 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 constructor carry out works if the requirements of Table 1 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

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 51

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO 51 Area 1</td>
<td>40 metres with the exception of towers to a height not exceeding 100 metres.</td>
</tr>
<tr>
<td>DDO 51 Area 2</td>
<td>180 metres</td>
</tr>
<tr>
<td>DDO 51 Area 3</td>
<td>40 metres, with the exception of: Towers not exceeding 60 metres. One tower in the south east portion of this area, which must not exceed a height of 90 metres.</td>
</tr>
<tr>
<td>DDO 51 Area 4</td>
<td>32 metres</td>
</tr>
<tr>
<td>DDO 51 Area 5</td>
<td>20 metres</td>
</tr>
</tbody>
</table>

3.0  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 cumulative impact of development particularly in terms of the number of tower elements proposed and the impact upon the public realm in terms of overshadowing, vistas and built form.

The impact and relationship of any proposed structure on the significance of existing heritage places located within the Precinct.

The use of innovative techniques, building forms and materials, in smaller and larger structures, particularly on prominent sites.

**Subdivision**

A permit is not required to subdivide land.
SCHEDULE 52 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO52.

STADIUM PRECINCT

1.0

Design objectives

- To ensure that vistas to the east, into the Central Business District, and to the west across Victoria Harbour water body are recognised.
- To prevent any overshadowing of the playing surface of the major sports and recreation facility greater than the shadow that is already cast by the existing facility roof when fully open.

2.0

Buildings and works

Permit Requirement

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 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.

Exemption from notice and review

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 52

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO 52 Area 1</td>
<td>25 metres except for two towers not exceeding 75 metres.</td>
</tr>
<tr>
<td>DDO 52 Area 2</td>
<td>25 metres except for one tower not exceeding 75 metres.</td>
</tr>
<tr>
<td>DDO 52 Area 3</td>
<td>60 metres</td>
</tr>
<tr>
<td>DDO 52 Area 4</td>
<td>25 metres except for:</td>
</tr>
<tr>
<td></td>
<td>- A tower in the north east not exceeding 90 metres</td>
</tr>
<tr>
<td></td>
<td>- A tower in the south east not exceeding 120 metres</td>
</tr>
<tr>
<td></td>
<td>- A tower in the south west not exceeding 150 metres</td>
</tr>
<tr>
<td></td>
<td>- A tower in the north west not exceeding 35 metres.</td>
</tr>
</tbody>
</table>

Decision guidelines

Before deciding on an application the responsible authority must consider:
- The prevention of any overshadowing of the playing surface of the major sports and recreation facility greater than the shadow which is already cast by the existing facility roof when fully open.

- 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.

4.0

Subdivision

A permit is not required to subdivide land.
SCHEDULE 53 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO53**.

DIGITAL HARBOUR PRECINCT

1.0

**Design objectives**

- To ensure that vistas to the east, into the Central Business District, and to the west across Victoria Harbour are recognised.
- To prevent any overshadowing of the playing surface of the major sports and recreation facility greater than the shadow that is already cast by the existing facility roof when fully open.

2.0

**Buildings and works**

**Permit Requirement**

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 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.

**Exemption from notice and review**

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 53**

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum building height</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO 53 Area 1</td>
<td>60 metres, except for one tower in the north west corner of the module not exceeding 100 metres.</td>
</tr>
<tr>
<td>DDO 53 Area 2</td>
<td>75 metres, except for one tower in the south east corner of the module not exceeding 100 metres.</td>
</tr>
<tr>
<td>DDO 53 Area 3</td>
<td>25 metres</td>
</tr>
</tbody>
</table>

3.0

**Decision guidelines**

Before deciding on an application the responsible authority must consider:

- The prevention of any overshadowing of the playing surface of the major sports and recreation facility greater than the shadow which is already cast by the existing facility roof when fully open.
- 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.

Subdivision
A permit is not required to subdivide land.
SCHEDULE 54 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO54.

BUSINESS PARK PRECINCT

1.0

Design objectives

- 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

Permit Requirement

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.

Exemption from notice and review

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

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum building height</th>
</tr>
</thead>
</table>
| 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 |
| 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. |
Maximum building height

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum building height</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO 54 Area 5</td>
<td>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.</td>
</tr>
</tbody>
</table>

Table 2 to Schedule 54

<table>
<thead>
<tr>
<th>Area</th>
<th>Minimum widths of waterfront promenades</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO 54 Area 3</td>
<td>15 metre wide waterfront promenade.</td>
</tr>
</tbody>
</table>

3.0 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 Subdivision

A permit is not required to subdivide land.
SCHEDULE 55 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO55.

USE AND DEVELOPMENT IN THE VICINITY OF THE GAS REGULATOR STATION

1.0

Design objectives

- To ensure that the relevant gas supply, transmission and distribution companies are notified of all planning permit applications for use and/or development within 39 metres of the gas vents associated with the Gas Regulator Station facility.

- To ensure that all use and development (where located within 39 metres of the gas vents associated with the Gas Regulator Station facility) is compatible with the operation of the Gas Regulator Station facility.

- To ensure that public safety risks are minimised.

2.0

Referral of applications

An application to use land or to construct a building or carry out works must be referred in accordance with Section 55 of the Act to the referral authority specified in the schedule to Clause 66.04.

3.0

Notice requirement

Notice of an application to use land or to construct a building or construct or carry out works within the area defined in the map to this Schedule must be given in accordance with Section 52(1)(c) of the Act to the relevant gas supply, transmission and distribution companies as specified in the schedule to Clause 66.06.

4.0

Decision guidelines

Before deciding on an application, the responsible authority must consider the views of the relevant gas supply, transmission and distribution companies.

5.0

Subdivision

A permit is not required to subdivide land.
SCHEDULE 56 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO56.

CBD LANES – CLASS 1 AND CLASS 2

1.0

Design objectives

- To maintain and enhance the pedestrian amenity of the Central Business District’s Class 1 and Class 2 lane ways.
- To manage future development along the Central Business District’s Class 1 and Class 2 lane ways to maintain or create a built form that reinforces the human scale and relates to the prevailing building height along the lane wall.

2.0

Buildings and Works

A permit is not required under this overlay to construct a building or construct or carry out works if the Building height along lane wall, Setback and Interface requirements of this schedule are met.

3.0

Building height along lane wall

Development abutting a Class 1 lane or Class 2 lane must meet a preferred maximum lane wall building height to lane width ratio of 5:1. (Lane wall building height is defined as the maximum height of the building on the lane alignment);

Where a lane is also within a height control area under Schedule 2 to the Design and Development Overlay (DDO) the height of a wall abutting a lane should meet the lesser of:

- the maximum building height set out in Table 1 and 2 to Schedule 2 to the DDO; or
- the preferred maximum height to lane width ratio of 5:1.

Setbacks

Any part of the development that exceeds the preferred 5:1 Building height along lane wall must be setback from the lane way. The minimum setback must be a distance equivalent to the width of the lane.

Interfaces

On a corner site new development must meet the Building height along lane wall and Setback requirements at a point no less than 15 metres into the lane.
4.0

Decision guidelines

Before deciding on an application, in addition to the decision guidelines listed at Clause 43.02-5, the responsible authority must consider:

- Whether tower forms are generally concealed from the view of a pedestrian within the lane therefore avoiding a canyon effect.

5.0

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.

6.0

Subdivision

A permit is not required to subdivide land.

7.0

Expiry

This schedule does not apply after 30 September 2011.
SCHEDULE 57 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme as DDO57.

FLEMINGTON ROAD

1.0

Design Objectives

- To protect the Flemington Road boulevard from visual intrusion caused by the inappropriate siting, massing and appearance of buildings and works.
- To encourage building design and development that will enhance the appearance of the boulevard.
- To minimise the impact of development on the amenity of adjoining land uses in terms of appearance, amenity and streetscape presentation.
- Buildings should be built to the front and side boundaries, including on corner sites.
- Buildings should be built to the rear boundary where practicable, and the frontage to the laneway should be treated as a residential frontage with doorways, car access and lighting.
- Materials and detailing to rear frontages should define residential entry and avoid a ‘back of house’ appearance.
- Activities at the front of the building at ground level should generate pedestrian interest and interaction, such as cafes and shops, and the façade should incorporate windows and door openings with clear glazing.
- The frontages of developments should not incorporate car parking and access and should be designed with fenestration that lightens the structure and provides a texture and rhythm that is consistent with the existing built form of the area.
- New buildings and alterations to existing buildings are to respect the architectural integrity of the surrounding buildings and/or existing structures.

2.0

Buildings and works

A permit is required to construct buildings and to carry out works.

A permit is not required unless specifically required in any other part of this scheme for:

- A single dwelling and extensions to existing dwellings on a lot in excess of 300m² and not within a Heritage Overlay.
- Fences not exceeding 1.2 metres in height.
- Road works and associated street furniture.
- Repairs and routine maintenance to buildings and works.

The Maximum Building Height may be varied if it can be demonstrated to the satisfaction of the responsible authority, that an equivalent or better design outcome can be achieved by the variation.

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 and Decision Guidelines 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.

3.0

Subdivision

A permit is not required to subdivide land.
Decision guidelines

Before deciding on an application the responsible authority must consider:

- The Local Planning Policy Framework, including the Municipal Strategic Statement and the Urban Design Outside the Capital City Zone local planning policy.
- The building height outlined in the table to this schedule.
- Whether the location, bulk and appearance of the buildings or works will be in keeping with the character and appearance of the boulevard.
- Whether the location, bulk, outline and appearance of the building or works will be in keeping or enhance the boulevard.
- The interface with adjoining zones especially the relationship with residential areas.
- The area of the site, the established pattern of development in the area, proposed use of the building, and the style, bulk and design outcome of the proposed development.

Table to Schedule 57

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDO 57 - Flemington Road</td>
<td>3 storeys in total</td>
</tr>
<tr>
<td></td>
<td>2 storeys within 5 metres of the rear boundary.</td>
</tr>
</tbody>
</table>
SCHEDULE 58 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO58.

312-332 ST KILDA ROAD

1.0 Design objectives

- To encourage site development that will enhance the appearance, dignity and spaciousness of St Kilda Road.
- To encourage development that will enhance the appearance, pedestrian amenity, material quality, formality and perceived spaciousness of St Kilda Road as a major boulevard.
- To encourage urban design improvements so that the physical environment offers variety, interest, safety and convenience to people in the area.
- To encourage design of buildings with setbacks, materials and a differentiation in façade composition.
- To ensure that any new development or redevelopment is at a scale that protects the visual and environmental amenity of the Shrine precinct including its surrounding gardens and monuments, by limiting any adverse overshadowing, wind and glare effects.
- To ensure that any new development or redevelopment does not have an adverse impact on the cultural significance or the visual dominance of the Shrine of Remembrance by reason of height and/or material and finishes to buildings.
- 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.

2.0 Buildings and works requirements

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

With the exception of architectural features, signage, landscaping and entry treatments and building services, buildings and works must not be constructed to exceed the maximum height or intrude into the St Kilda Road setbacks set out in the table to this schedule. A permit cannot be granted to vary this requirement.

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 minor architectural features and building services.

Reconstructed or replacement buildings

A permit may be granted to replace a building or works existing on the date Amendment C220 was introduced into the planning scheme, but which does not meet the height or setbacks requirements of the relevant table to this schedule if:

- The building or works is no higher than the building being replaced.
- The buildings or works is to be constructed no closer to a boundary than the building being replaced.
Advertising Signs

Notice requirement
Where a permit is required under Clause 52.05 for a sign 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 located above 23 metres 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 sign detracts from important views and vistas from the Shrine of Remembrance.

Transitional arrangements
The requirements of sub clause 2.0 of this schedule do not apply to any use or development of land that is undertaken in accordance with:

- a permit under the Building Act 1993 that was issued before Amendment C220 was introduced into the planning scheme; or
- a planning permit that was issued before Amendment C220 was introduced into the planning scheme.

Table to Schedule 58

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height &amp; Setbacks</th>
<th>Outcomes</th>
</tr>
</thead>
</table>
| 312 – 332 St Kilda Rd | 36 metres to Australian Height Datum (AHD)  
Buildings must be setback 3 metres from St Kilda Road. | New development that responds to, and is respectful of, the scale of the St Kilda Road boulevard.  
New development that maintains the visual and cultural dominance of the Shrine of Remembrance.  
Consistent setback of buildings. |
SCHEDULE 59 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO59.

NORTH WHARF PRECINCT, DOCKLANDS

1.0 Design objectives

- To ensure that new development respects and responds to the heritage elements of the site and surrounds
- To achieve a balanced spatial relationship between built forms and open spaces and create well connected linkages to open spaces adjoinng the riverfront and beyond.
- To connect North Wharf Precinct with its surrounds, including Docklands, through elements encouraging movement and access.
- To recognise the site’s location adjoining public open spaces.
- To provide safe paths of movement for pedestrians and cyclists through the precinct and beyond.

2.0 Buildings and works

A permit is required to construct buildings and to carry out works.

An application for permit must be accompanied by a site analysis and urban context report that demonstrate how the proposed buildings and works achieve each of the Design Objectives and Built Form Outcomes of this schedule, and any local planning policy requirements.

3.0 Built form outcomes

3.1 Heritage elements

- Development must respect the primary views from the public domain to the heritage elements of the Wharf, Crane, Shed 5 and the Mission to Seafarers.
- Development must provide for a publicly accessible area along the south face of the Mission to Seafarers building to allow the building to maintain a strong visual presence within North Wharf Precinct.
- The physical scale of any development proposal for the precinct must be responsive to the scale of the existing buildings in the precinct, in particular with Shed 5 and the Mission to Seafarers building, and the adjoining public open spaces.
- Any redevelopment of Shed 5 must provide for the potential to open up and engage with the river edge promenade and the surrounding public open spaces.

Built form and open space

- Building forms must orientate towards and be responsive to public open spaces and the river with strong building frontages enclosing and framing the river corridor and spaces, providing a range of views and settings for heritage structures and publicly accessible areas.
- Active building edges are encouraged that enhance the activities of the surrounding public areas, with a high level of public interface at ground level. Building frontage to Wurundjeri Way should acknowledge this road’s potential boulevard character and the role this edge has as a prime public face.
- Building design should protect pedestrians from prevailing winds and inclement weather where appropriate.
- Built forms should minimise the external impact of car parking.
• Building design should consider the impacts of traffic noise from Wurundjeri Way and introduce measures to reduce noise levels across the precinct.

• Any development must achieve a minimum five star Green Star in the Green Building Council of Australia rating for commercial development, including the design of whole-of-site systems for sustainable energy, water use and recycling.

**Movement and access**

• Any development must provide a contiguous riverfront experience and allow for connection to a generous public pedestrian promenade along the river edge.

• Any development should ensure that it addresses a clear, direct and generous shared pedestrian/cyclist connection from the river edge promenade (in the vicinity of Seafarers Bridge) through (or immediately adjacent) to the public open space, and to the recommended crossing point at Wurundjeri Way, or to any other easily accessible variant of the Wurundjeri Way crossing.

• Car parking requirements within the site will need to be demonstrated by a needs analysis.

• Vehicular access and movement through the precinct must be rationalised and clearly arranged to minimise pedestrian/cyclist/vehicular conflict, with the provision of clear visual cues and sightlines along paths of travel.

• New development must enhance connectivity with the surrounding area, including the north-south axis from Seafarer’s Bridge to Wurundjeri Way into Docklands, and the east-west axis from the Charles Grimes Bridge along the waterfront to Spencer Street.

---

**4.0**

**26/04/2012**

**C168**

**Exemption from notice and review**

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.

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**5.0**

**26/04/2012**

**C168**

**Subdivision**

A permit is not required to subdivide land.
SCHEDULE 60 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO60.

SPECIAL CHARACTER AREAS- BUILT FORM (SOUTHBANK)

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.

Buildings and works

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, building services 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 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:
  - 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.

Buildings and works for which no permit is required

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.

**Requirements**

**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 3 and Table 4 to this schedule and for each relevant Design Element in Table 5 to this schedule;
- should meet the Preferred Building Height or Modified Requirement specified for each relevant Area in Table 4 to this Schedule; and
- should meet the relevant Requirement specified for each relevant Design Element in Table 5 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 3 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.
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 of this schedule and shown in Figure 2 of this schedule during the hours and dates specified as follows:

Table 1 to Schedule 60

<table>
<thead>
<tr>
<th>Space</th>
<th>Hours between</th>
<th>Date(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shrine of Remembrance and its northern forecourt</td>
<td>11.00am and 3.00pm</td>
<td>22 April to 22 September</td>
</tr>
<tr>
<td>Boyd Park</td>
<td>12.00pm and 2.00pm</td>
<td>22 April and 22 September</td>
</tr>
</tbody>
</table>

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 60**

<table>
<thead>
<tr>
<th>Space</th>
<th>Hours between</th>
<th>Date(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sturt Street Reserve</td>
<td>11.00am and 2.00pm</td>
<td>22 April to 22 September</td>
</tr>
<tr>
<td>Grant Street Reserve and the Australian Centre for Contemporary Art Forecourt, south side of Grant Street between Sturt Street and Wells Street</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dodds Street between Southbank Boulevard and Grant Street</td>
<td></td>
<td></td>
</tr>
<tr>
<td>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</td>
<td>11.00am and 2.00pm</td>
<td>22 September</td>
</tr>
</tbody>
</table>

**Table 3 to Schedule 60**

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area 4B – Dodds Street</td>
<td>14 metres</td>
<td>The maintenance of the dominance of the Arts Centre Spire silhouetted against the sky from the south along Sturt Street.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The protection of the low scale residential development on the east side of Dodds Street.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>Area 5B – Wells Street Precinct</td>
<td>70 metres to Australian Height Datum</td>
<td>The preservation of the setting of the Shrine of Remembrance.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>Area 6 – Southbank Village</td>
<td>14 metres</td>
<td>Low scale development that enhances the sense of openness, maintains access to expansive sky views and maximises solar access.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Development that respects and complements the adjoining Victoria Barracks heritage buildings.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Development that maintains the existing street scale proportions.</td>
</tr>
<tr>
<td>Area 7 – Arts Centre</td>
<td>24 metres</td>
<td>The protection of the stature of heritage and civic buildings along St Kilda Road.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The maintenance of the importance of St Kilda Road as a grand entrance to the City.</td>
</tr>
</tbody>
</table>
Table 4 to Schedule 60

<table>
<thead>
<tr>
<th>Area</th>
<th>Preferred Building Height</th>
<th>Modified Requirement</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area 1 - River Environns</td>
<td>24 metres</td>
<td>6:1 Floor Area Ratio</td>
<td>Development that protects and enhances the Yarra River (including views to and from it), as an important natural, recreational and tourism asset of Melbourne.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Low scale development that enhances the sense of openness along both the Yarra River and St Kilda Road.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Development that enhances the prominence of the Yarra River by the grading of building heights down to low along its banks.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The protection of the stature of heritage and civic buildings along St Kilda Road.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The maintenance of the importance of St Kilda Road as a grand entrance to the City.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>To ensure that the height of new buildings does not overwhelm the public domain.</td>
</tr>
<tr>
<td>Area 4A – Sturt Street</td>
<td>40 metres</td>
<td>10:1 Floor Area Ratio</td>
<td>Generally a mid-rise scale of development with opportunities for additional upper levels that are visually recessive from Sturt Street.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Development along Sturt Street that provides street definition, a sense of openness, reasonable solar access to street level and an intimate scale for pedestrians.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The protection of the stature of civic buildings along Sturt Street.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>Area 5A – Dorcas Street Precinct</td>
<td>60 metres</td>
<td>13:1 Floor Area Ratio</td>
<td>The maintenance of a mid-rise scale of development.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The provision of an appropriate transition to development to the north and south of Area 5 is provided.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The visual impact of taller buildings, above the preferred building height, is alleviated through increased upper level setbacks.</td>
</tr>
</tbody>
</table>

Table 5 to Schedule 60

<table>
<thead>
<tr>
<th>Design Element</th>
<th>Requirement</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street wall height</td>
<td>Street wall height should not exceed 20 metres, or the preferred building height, whichever is lower.</td>
<td>Street wall height is scaled to ensure:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• have a human scale.</td>
</tr>
</tbody>
</table>
### Design Element | Requirement | Built Form Outcomes
--- | --- | ---
Upper level street setbacks | Above the street wall, upper levels of a building should be set back a minimum of 5 metres. | - 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.  
Buildings are setback to ensure:  
- 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 | Above 40 metres, upper levels of a building should be setback a minimum of 5 metres from a side boundary.  
**If a laneway:** Above 20 metres, upper levels of a building should be setback a minimum of 5 metres from the centreline of a laneway. | - 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.  
Buildings are setback to ensure:

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. | - provision of adequate sunlight, daylight, privacy and outlook from habitable rooms, for both existing and proposed developments.  
- 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.  
Buildings are setback to ensure:

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.

### 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.
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 3, Table 4 and Table 5 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.

Subdivision

A permit is not required to subdivide land.
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.

Decision guidelines

- The Design Objectives.
- The Built Form Outcomes of Table 3, Table 4 and Table 5 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 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 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).

**Reference documents**

- The Southbank Structure Plan 2010
- The Shrine of Remembrance: Managing the Significance of the Shrine, July 2013

**Transitional arrangements**

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.
SCHEDULE 61 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO61**.

**CITY NORTH**

1.0

**Design objectives**

- To encourage City North to develop as a central city precinct characterised by university, research and medical buildings.

- To establish a mid-rise scale of buildings (6 to 15 storeys) that is distinct from the tall built form in the Hoddle Grid area to the south, which steps down at the interface to the lower scale surrounding established neighbourhoods in North and West Melbourne.

- To support increased density and diversity of uses along the Victoria Street, Flemington Road, Elizabeth Street and Swanston Street tram corridors and around the proposed Grattan and CBD North Metro Rail stations.

- To establish built form that creates a strong sense of street definition by adopting a building height at the street edge determined by a 1:1 (building height to street width) ratio.

- To ensure development responds appropriately with suitable building scale, heights and setbacks to the existing character, context, and interfaces with established residential areas, and immediate amenity.

- To ensure that new buildings respect the rich heritage fabric of the area and that new buildings that adjoin the heritage buildings respect their height, scale, character and proportions.

- To develop a fine grain urban form by encouraging buildings with a wide street to be broken into smaller vertical sections,

- To develop the Haymarket area as a central city gateway precinct and public transport interchange.

- To ensure university, research and medical buildings are actively integrated with the surrounding public realm.

- To design buildings to provide passive surveillance and activation of ground floors addressing the streets.

- To ensure development allows good levels of daylight and sunlight to penetrate to the streets and to lower storeys of buildings by providing adequate separation between buildings.

- To deliver a scale of development that provides a high level of pedestrian amenity having regard to sunlight, sky views and wind conditions.

- To improve the walkability of the precinct by encouraging new laneways and pedestrian connections.

- To encourage the ground floor of buildings to be designed so that they can be converted to a range of alternative active uses over time.

2.0

**Buildings and Works**

A permit is not required for public works or minor alterations or the installation of service fixtures to existing buildings.

All buildings and works requiring a permit should

- be constructed in accordance with the preferred maximum street edge height, preferred maximum building height and preferred upper level setback requirements for the specific areas as identified in Part 1.0 and Table 1 of this Schedule

- meet the Design objectives and Design Requirements as set out in Table 2 of this Schedule.
An application to exceed the preferred maximum building height should demonstrate achievement of the relevant the Design objectives and Built Form Outcomes as identified in Part 1.0 and Table 1 of this Schedule.

The street wall height is measured at the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building at the street edge, with the exception of architectural features and building services.

**3.0**

**15/10/2015**

C196

**Subdivision**

A permit is not required to subdivide land.

**4.0**

**15/10/2015**

C196

**Application requirements**

An application for permit, other than an application for minor buildings or works as determined by the responsible authority, must be accompanied by a comprehensive site analysis and urban context report documenting the key planning influences on the development. The urban context report must identify the development opportunities and constraints, and demonstrate how the development, addresses:

- The objectives, design requirements and outcomes of this Schedule.
- Built form and character of adjacent and nearby buildings.
- Heritage character of adjacent and nearby heritage places.
- Microclimate including sunlight, daylight and wind effects on streets and public spaces.
- Energy efficiency and waste management.
- Ground floor and lower level street frontages, including visual impacts and pedestrian safety.
- Public infrastructure, including reticulated services, traffic and car parking impact.

**5.0**

**15/10/2015**

C196

**Decision guidelines**

Before deciding on an application, the responsible authority must consider, as appropriate:

- Whether the proposal achieves the design objectives in Part 1.0 of this Schedule
- Whether the proposal achieves the built form outcomes contained in Table 1.
- Whether the proposal achieves the design requirements contained in Table 2.
- Whether the development maintains and enhances the character and amenity of the streetscape.
- The wind effect at ground level as demonstrated by wind effects studies as necessary.

**6.0**

**15/10/2015**

C196

**Exemption from notice and appeal**

An application to construct a building or carry out works on land located within the Capital City Zone (CCZ5) 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.

**7.0**

**15/10/2015**

C196

**Reference documents**

City North Structure Plan 2012
### Table 1 – Preferred Built Form Outcomes for Specific Areas

<table>
<thead>
<tr>
<th>DDO Area</th>
<th>Building Height</th>
<th>Street edge height and upper level setback</th>
<th>Built Form Outcome</th>
</tr>
</thead>
</table>
| 1        | 24 metres       | **Buildings fronting O’Connell, Cobden and Princess Street:** 20 metre street edge height. Any part of the building above the 20 metre setback 4 metres from the street. **Development that:**  
  - Respects the heritage character of the Queen Victoria Market Buildings;  
  - Avoids overshadowing the Queen Victoria Market buildings;  
  - Delivers an even transition in scale from the lower built form in Peel Street and adjacent areas in North Melbourne. |
| 2        | 24 metres       | **Buildings fronting Harcourt Street:** 14 metre street edge height. Any part of the building at the street edge of Harcourt Street above 14 metres setback from the street behind a 45 degree line. **Buildings adjacent to DDO32:** 14 metre building height at the property boundary. For sites adjacent to DDO32, any part of the building above 14 metres setback from the street behind a 45 degree line in accordance with Figures 1. **Buildings facing all other streets:** 24 metre street edge height Any part of the building above 24 metres setback from the street behind a 45 degree line. **Development that:**  
  - Delivers an appropriate transition in scale of development from the lower scale built form in Courtney Street to the higher scale built form in Flemington Road.  
  - Limits amenity impacts of excessive building bulk, overlooking and overshadowing on existing buildings in DDO 32 |
| 3        | 40 metres       | Building facing all streets: 40 metre street edge height Any part of the building above 40 metres setback 6 metres from the street. **Development that:**  
  - Creates strong definition to the streetscape.  
  - Does not dominate buildings in Area 2.  
  - Has a scale that reinforces Flemington Road as a civic spine and facilitates the enhancement of its landscape character |
| 4.1      | 40 metres       | **Buildings fronting Grattan, Pelham, Queensberry, Bouverie, Leicester, Barry, Berkeley and Lincoln Square North and South streets:** 24 metre street edge height. Any part of the building above 24 metres setback 6 metres from the street. **Buildings fronting O’Connell Street:** 20 metre street edge height. Any part of the building above 20 metres setback 6 metres from the street. **Buildings fronting Swanston Street:** 32 metre street edge height. **Development that:**  
  - Reinforces Elizabeth Street as a civic spine and facilitates the enhancement of its landscape character.  
  - Creates stronger definition to the streetscape.  
  - Complements the existing character established by the university, research and medical buildings.  
  - Ensures sunlight reaches the lower floors of new developments.  
  - Facilitates an integrated built form on both sides of the Swanston Street. |
### Table 2-Design Requirements for all DDO Areas

<table>
<thead>
<tr>
<th>Design Objective</th>
<th>Design Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building Heights, Scale and Setbacks</strong></td>
<td>Deliver a scale of development at the street edge in accordance with Table 1 in this Schedule. Buildings should be constructed to the street boundary of the site. Upper levels above the maximum street wall heights should be visually recessive and more diminutive than the building’s base. On corner sites where two different street edge heights are nominated, buildings should “turn the corner” and apply the higher street edge and transition to the lower nominated street edge height. Buildings should have a minimum ground floor to floor height of 4 metres at ground floor and a minimum floor to floor height of 3.2 metres in levels above the ground floor.</td>
</tr>
</tbody>
</table>

To ensure that the height of new buildings reinforces the built form character of specific areas as defined in Table 1 in this Schedule.

To ensure appropriate building scale, height and setbacks at interfaces with established residential areas having regard to existing character, context and amenity.

To ensure appropriate building scale on the side and rear boundaries of new buildings and works that respects the scale of existing adjoining buildings.
<table>
<thead>
<tr>
<th>Design Objective</th>
<th>Design Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>To avoid to exposed blank walls</td>
<td>The design of new buildings should respect the character, height, scale, rhythm and proportions of the heritage buildings.</td>
</tr>
<tr>
<td>To assist in limiting visual impact and adverse amenity on adjacent development sites.</td>
<td>New buildings should step down in height to adjoining lower scale heritage buildings.</td>
</tr>
<tr>
<td>To promote articulated rooflines with architectural interest and variation.</td>
<td>New buildings should consider retaining the traditional heritage street wall (as opposed to defining a new higher street wall) where appropriate.</td>
</tr>
<tr>
<td>To establish a generally consistent built form to the street edge that creates a strong sense of definition and place.</td>
<td></td>
</tr>
<tr>
<td>To ensure that the scale of built form provides an urban environment that is comfortable for pedestrians.</td>
<td></td>
</tr>
<tr>
<td>To ensure equitable and good access to sunlight / daylight for occupants of buildings and in public places.</td>
<td></td>
</tr>
<tr>
<td>To ensure that new development is adaptable over the long term to a range of alternate uses.</td>
<td></td>
</tr>
<tr>
<td>To ensure that new buildings and works adjoining individually significant heritage buildings or buildings within a heritage precinct respects the character, form, massing and scale of the heritage buildings.</td>
<td></td>
</tr>
</tbody>
</table>

**Building Facades and Street Frontages**

<table>
<thead>
<tr>
<th>Design Objective</th>
<th>Design Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>To ensure that buildings are well designed and enhance the amenity of City North.</td>
<td>Addressing the Street</td>
</tr>
<tr>
<td>To deliver a fine grain built form with architectural variety and interest.</td>
<td>The articulation of building facades should express a fine grain.</td>
</tr>
<tr>
<td>To encourage high quality facade and architectural detailing.</td>
<td>Expressing the vertical elements is encouraged to minimise the dominance of wide building frontages.</td>
</tr>
<tr>
<td></td>
<td>Multiple doors/entrances to buildings and windows should be provided off the street to improve activation of the street.</td>
</tr>
<tr>
<td></td>
<td>The facades of buildings should maintain the continuity, and traditional characteristic vertical rhythm of streetscapes.</td>
</tr>
<tr>
<td></td>
<td>All visible sides of a building should be fully designed and appropriately articulated and provide visual interest.</td>
</tr>
<tr>
<td>Building on corner sites should address both street frontages.</td>
<td>Blank building walls that are visible from streets and public spaces should be avoided.</td>
</tr>
</tbody>
</table>

**Service areas**

Service areas (plant, exhaust, intake vents and other technical equipment and other utility requirements) should be treated as an integral part of the overall building design and visually screened from public areas.

Buildings should be designed to integrate attachments (including antennae) without disrupting the appearance of the building.

**Building Projections**

Building projections outside the property boundary should accord with Council’s Road Encroachment Guidelines.

**Active and Safe Street Frontages**

<table>
<thead>
<tr>
<th>Design Objective</th>
<th>Design Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>To create safe streets.</td>
<td>Ground floor frontages should contribute to city safety by providing lighting and activity.</td>
</tr>
<tr>
<td>Design Objective</td>
<td>Design Requirement</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>To ensure all streets are pedestrian oriented and contribute to pedestrian safety.</td>
<td>At least the first five levels of a building should provide windows and balconies, fronting the street or lane. Access to car parking and service areas should minimise impact on street frontages and pedestrian movement.</td>
</tr>
<tr>
<td>To ensure development presents welcoming, engaging and active edges to streets and other public spaces at ground floor and the street frontages of lower storeys.</td>
<td>Carparking should not be located at ground floor and should not occupy more than 20% of the length of the street frontage above ground floor. Facades at ground level should not have alcoves and spaces that cannot be observed by pedestrians.</td>
</tr>
<tr>
<td>To ensure development contributes to passive surveillance of the public domain.</td>
<td></td>
</tr>
</tbody>
</table>
| To provide continuity of ground floor shops and food and drink premises in proposed activity nodes. | Buildings with ground-level street frontages along Royal Parade at the Haymarket area and Victoria Street as shown on Map 1 should contribute to the appearance and support the proposed retail function of the area to the satisfaction of the responsible authority, by providing:  
  - At least 5 metres or 80% of the street frontage (whichever is the greater) as an entry or display window to a shop and/or a food and drink premises.  
  - Clear glazing (security grilles should be transparent) |
| To ensure ground floor frontages to major pedestrian area add interest and vitality. | Buildings with ground-level street frontages to Elizabeth Street, Peel Street, Grattan Street, Swanston Street and Queensberry Streets as shown on Map 1 should present an attractive pedestrian oriented frontage to the satisfaction of the responsible authority, by providing:  
  - At least 5 metres or 80% of the street frontages (whichever is the greater) as:  
    - an entry or display window to a shop and/or a food and drink premises; or  
    - as any other uses, customer service areas and activities, which provide pedestrian interest or interaction.  
  - Clear glazing (security grilles must be transparent). |
<p>| <strong>Provision of Public Places</strong>                                                   |                                                                                                                                                                                                                       |
| To encourage the provision of well-designed and publicly accessible spaces       | The opportunity for the inclusion of public spaces should be promoted.                                                                                                                                                 |
| <strong>Sunlight to Public Places</strong>                                                    |                                                                                                                                                                                                                       |
| To ensure that new buildings allow daylight and sunlight penetration to public spaces, and open space throughout the year. | Buildings and works should not cast a shadow between 11.00 am and 2.00 pm on 22 March and 22 September over public space, public parks and gardens, public squares, major pedestrian routes including streets and lanes, and privately owned plazas open to the public. A permit may only be granted if the overshadowing will not prejudice the amenity of those areas. Maximise the extent of the northerly aspect of public open spaces. Ensures sunlight reaches the lower floors of new developments. |
| To protect sunlight to public spaces.                                            |                                                                                                                                                                                                                       |
| To ensure that overshadowing of public spaces by new buildings or works does not result in significant loss of sunlight. |                                                                                                                                                                                                                       |
| <strong>Pedestrian Links</strong>                                                            |                                                                                                                                                                                                                       |
| To encourage the creation of new lanes and connections, particularly in locations where block lengths exceed 100m. | Pedestrian through block connections should be provided where the average length of a street block exceeds 100 metres. For street blocks exceeding 200 metres in length at least two connections should be provided. Connections should be located towards the centre of the street block, no more than 70 metres from the next intersection or pedestrian connection. |
| To ensure new laneways are aligned to respect the street pattern;               |                                                                                                                                                                                                                       |
| To ensure new laneways integrate with the pattern of development of adjacent areas, |                                                                                                                                                                                                                       |</p>
<table>
<thead>
<tr>
<th>Design Objective</th>
<th>Design Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>To accommodate vehicular and service access to developments.</td>
<td>Where a development site is suitably located for a pedestrian connection but does not exceed the full depth of the block, the development should include a connection which would be completed when a connection is provided through the adjoining site. Where a development site has the potential to achieve a through block connection by extending an existing or proposed connection on an adjoining site, the new development should provide for the completion of the through block connection. Development should provide pedestrian connections that are aligned with other lanes or pedestrian connections in adjacent blocks (or not offset by more than 30 metres) so as to provide direct routes through City North. Bluestone lanes, kerbs and guttering within heritage precincts must be retained, and should also be retained outside heritage precincts. Laneway design and character</td>
</tr>
<tr>
<td>Weather Protection</td>
<td>The design of the building should minimise the potential for ground-level wind and any adverse effect on pedestrian comfort as follows:  - In the proposed activity nodes shown on Map 1 the peak gust speed during the hourly average with a probability of exceedence of 0.1% in any 22.5° wind direction sector should not exceed 10 ms⁻¹. This speed is generally acceptable for stationary, long term exposure (&gt;15 minutes); for instance, outdoor restaurants/cafes, theatres  - Along major pedestrian areas shown on Map 1 the peak gust speed during the hourly average with a probability of exceedence of 0.1% in any 22.5° wind direction sector should not exceed 13 ms⁻¹. This speed is generally acceptable for stationary, short term exposure (&lt;15 minutes); for instance, window shopping, standing or sitting in plazas;</td>
</tr>
</tbody>
</table>
### Design Objective

<table>
<thead>
<tr>
<th>Design Objective</th>
<th>Design Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Along all other streets the peak gust speed during the hourly average with a probability of exceedence of 0.1% in any 22.5° wind direction sector should not exceed 16 ms⁻¹ (which results in half the wind pressure of a 23ms⁻¹ gust) which is generally acceptable for walking in urban and suburban areas.</td>
<td>Buildings should include protection from the weather in the form of canopies, verandas and awnings. The design, height, scale and detail of canopies, verandas and awnings:</td>
</tr>
<tr>
<td>Landscaping within the public realm should not be relied on to mitigate wind.</td>
<td>should be compatible with nearby buildings, streetscape and precinct character;</td>
</tr>
<tr>
<td>To protect pedestrians from the elements by providing shelter from the rain and sun, without causing detriment to building or streetscape integrity.</td>
<td>may be partly or fully transparent to allow light penetration to the footpath and views back up the building façade;</td>
</tr>
<tr>
<td>Protection need not be provided where it would interfere with the integrity or character of heritage buildings, heritage precincts or streetscapes and lanes.</td>
<td>should be setback to accommodate existing street trees; and</td>
</tr>
<tr>
<td></td>
<td>should be located so that verandah support posts are at least 2 metres from tree pits.</td>
</tr>
</tbody>
</table>
Figure 1

Provisions for Area 2 (Land adjoining DDO32)
Map 1 – Street Frontages
SCHEDULE 62 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO62.

SPECIAL CHARACTER AREAS- BUILT FORM (BOURKE HILL)

1.0

Design objectives

- To protect the unique character of Bourke Hill.
- To protect the built form context of view lines to and from Parliament House to maintain its visual prominence.
- To ensure the scale and prominence of the landmark heritage buildings, the Princess Theatre and the Hotel Windsor, is maintained.
- To ensure development respects and maintains the heritage significance, low scale built form and valued public realm attributes of Bourke Hill.
- To protect sunlight access to streets and key laneways, the steps and ‘forecourt’ area of Parliament House including adjacent public spaces and public spaces.
- To maintain a high level of pedestrian amenity within Bourke Hill.
- To retain expansive open air sky views for pedestrians along streets and key laneways.

2.0

Buildings and works

Definitions

For the purpose of this schedule:

- **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, building services 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 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

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

#### 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 2, Table 3 and Table 4 to this schedule and for each relevant Design Element in Table 5 to this schedule;
- should meet the Preferred Building Height or Modified Requirement specified for each relevant Area in Table 3 to this Schedule;
- should meet the Building Design Features specified for each relevant Area in Table 4 to this Schedule; and
- should meet the relevant Requirement specified for each relevant Design Element specified in Table 5 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 2 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 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**

![Figure 1](image)

Assessment distance $D = \max\left(\frac{L}{2} (\text{Half longest width of building}), \frac{H}{2} (\text{Half overall height of building})\right)$

**Overshadowing**

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 during the hours and date(s) specified, unless the overshadowing will not unreasonably prejudice the amenity of the space:

**Table 1 to Schedule 62**

<table>
<thead>
<tr>
<th>Space</th>
<th>Hours between</th>
<th>Date(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parliament Gardens</td>
<td>11.00am and 3.00pm</td>
<td>22 April to 22 September</td>
</tr>
<tr>
<td>Treasury Gardens</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gordon Reserve</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parliament Steps and Forecourt</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Old Treasury Steps</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Birrarung Marr</td>
<td>11.00am and 2.00pm</td>
<td>22 April to 22 September</td>
</tr>
<tr>
<td>Space</td>
<td>Hours between</td>
<td>Date(s)</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>The southern footpath of Bourke Street between Spring Street and Exhibition Street</td>
<td>12.00pm and 2.00pm</td>
<td>22 April to 22 September</td>
</tr>
<tr>
<td>The southern building line of Little Bourke Street between Spring and Swanston Streets and Cohen Place/Chinatown Plaza Liverpool Street and Crossley Street</td>
<td>12.00pm and 2.00pm</td>
<td>22 April and 22 September</td>
</tr>
<tr>
<td>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</td>
<td>11.00am and 2.00pm</td>
<td>22 September</td>
</tr>
</tbody>
</table>

Table 2 to Schedule 62

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum building height</th>
<th>Built form outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1</td>
<td>15 metres</td>
<td>The low scale and fine grain historic context of the Bourke Hill heritage precinct is respected and new development sensitively responds to this context.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The visual prominence of Parliament House is maintained.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Maintain the low scale built form context to Bourke Street and the general bowl shaped prospect view from Parliament House.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The vista along Bourke Street continues to be characterised by the consistent diminutive scale of buildings facing Bourke Street, an intimate human scale, and a fine grain pattern of buildings and their contrast with the monumentality of Parliament House and its steps at the streets eastern termination.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The high level of pedestrian amenity provided by the low scale built form, access to sunlight and active street frontages along Crossley and Liverpool Streets is maintained.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Overshadowing of the public realm is limited to maintain the high level of pedestrian amenity by ensuring there is no reduction in sunlight access to the Parliament House steps and ‘forecourt’ and key streetscapes and public spaces.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>New development should respect and respond to the high quality public realm and amenity attributes brought about by low scale heritage streetscapes, expansive open air sky views, sunlight access, minimal wind impacts, pedestrian connectivity, active street frontages and development of an intimate human scale.</td>
</tr>
<tr>
<td>B2</td>
<td>25 metres</td>
<td>The prominence of the original heritage buildings of the Hotel Windsor and the Princess Theatre is maintained.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The scale of the landmark heritage buildings as visual anchors, or ‘bookends’, to the Spring Street streetscape and the prospect view from Parliament House is respected.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The built form scale at the eastern entry to Little Bourke Street is complementary to the existing historic built form scale of the Princess Theatre.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Overshadowing of the public realm is limited to maintain the high level of pedestrian amenity by ensuring there is no reduction in sunlight access to the Parliament House steps and ‘forecourt’ and key streetscapes and public spaces.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>New development should respect and respond to the high quality public realm and amenity attributes brought about by low scale heritage streetscapes, expansive open air sky views, sunlight access, minimal wind impacts, pedestrian connectivity, active street frontages and development of an intimate human scale.</td>
</tr>
</tbody>
</table>
The prominence of the original heritage buildings of the Hotel Windsor and the Princess Theatre is maintained.

The scale of the landmark heritage buildings as visual anchors, or ‘bookends’, to the Spring Street streetscape and the prospect view from Parliament House is respected.

Development does not detract from, or intrude upon, the built form context of the view lines to and from Parliament House.

Maintain the low scale built form context to Bourke Street and the general bowl shaped prospect view from Parliament House.

Development does not diminish the prominence of, and view lines to, the decorative roof forms of the Hotel Windsor and Princess Theatre.

Development respects the existing built form context of Liverpool Street and Harwood Place.

Overshadowing of the public realm is limited to maintain the high level of pedestrian amenity by ensuring there is no reduction in sunlight access to the Parliament House steps and ‘forecourt’ and key streetscapes and public spaces.

The high quality public realm and amenity attributes of low scale heritage streetscapes, expansive open air sky views, sunlight access, minimal wind impacts, pedestrian connectivity, active street frontages and an intimate human scale are maintained.

A height of 25 metres is preferred for development at 103-137 Spring Street, Melbourne. Development above this height must meet the above Built Form Outcomes.

### Table 3 to Schedule 62

<table>
<thead>
<tr>
<th>Area</th>
<th>Preferred Building Height</th>
<th>Modified Requirement</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>B4</td>
<td>40 metres</td>
<td>10:1 Floor Area Ratio</td>
<td>Development does not visually intrude upon the Parliament House view lines. Maintain the low scale built form context to Bourke Street and the general bowl shaped prospect view from Parliament House. Development responds to the low scale nature of area B1 and provides a transition to the higher built form scale of area B5 and area B6 Development responds to the human scale of Little Collins Street. Upper levels are visually recessive from streets and laneways. The visual impact of taller buildings, above the preferred building height, is alleviated through increased upper level setbacks. Overshadowing of the public realm is limited to ensure pedestrian amenity is maintained by providing a high level of sunlight access to the Parliament House steps and ‘forecourt’, public spaces and:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>To Little Bourke Street (street frontage on the south side of the street) and to Crossley Street and Liverpool Street, between 11.00 am to 2.00 pm on 22 September.</td>
</tr>
<tr>
<td>Area</td>
<td>Preferred Building Height</td>
<td>Modified Requirement</td>
<td>Built Form Outcomes</td>
</tr>
<tr>
<td>------</td>
<td>---------------------------</td>
<td>----------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>B5</td>
<td>60 metres</td>
<td>13:1 Floor Area Ratio</td>
<td>Development does not adversely impact on the highly valued public realm and amenity attributes of areas B1, B2 and B3. Development limits additional overshadowing of the Melbourne Club Garden to protect the viability of existing and future plantings and to ensure that significant trees are not compromised by lack of sunlight resulting from development.</td>
</tr>
<tr>
<td>B6</td>
<td>100 metres</td>
<td>15:1 Floor Area Ratio</td>
<td>Development responds to the higher rise, commercial edge of the north side of Lonsdale Street without compromising the integrity and amenity of the low scale Bourke Hill heritage precinct. Overshadowing of the public realm is limited to ensure pedestrian amenity is maintained by providing a high level of sunlight access to the Parliament House steps and ‘forecourt’, public spaces and: To Little Bourke Street (to the building line, south side) and to Crossley Street and Liverpool Street between 11.00 am and 2.00 pm on 22 September. Development does not adversely impact on the highly valued public realm and amenity attributes of areas B1, B2 and B3. The visual impact of taller buildings, above the preferred building height, is alleviated through increased upper level setbacks.</td>
</tr>
</tbody>
</table>
The provision of a street wall and setback is responsive to the characteristics and operational function of the adjoining laneway.

The street wall height and setback should respond to the Built Form Outcomes for area B3 as listed at Table 1 to this Schedule.

The provision of a street wall and setback is responsive to the characteristics and operational function of the adjoining laneway.

The street wall height and setback should respond to the Built Form Outcomes for area B4 as listed at Table 1 to this Schedule.

---

### Table 4 to Schedule 62

<table>
<thead>
<tr>
<th>Area</th>
<th>Building design features</th>
<th>Built form outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>B3</td>
<td>Street wall height should not exceed 25 metres. Buildings above the street wall should be setback no less than 5 metres from a laneway or Liverpool Street.</td>
<td>The provision of a street wall and setback is responsive to the characteristics and operational function of the adjoining laneway. The street wall height and setback should respond to the Built Form Outcomes for area B3 as listed at Table 1 to this Schedule.</td>
</tr>
<tr>
<td>B4</td>
<td>Street wall height should not exceed 25 metres. Buildings above the street wall should be setback no less than 5 metres from a laneway or Little Collins Street.</td>
<td>The provision of a street wall and setback is responsive to the characteristics and operational function of the adjoining laneway. The street wall height and setback should respond to the Built Form Outcomes for area B4 as listed at Table 1 to this Schedule.</td>
</tr>
</tbody>
</table>

### Table 5 to Schedule 62

<table>
<thead>
<tr>
<th>Design Element</th>
<th>Requirement</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
</table>
| Street wall height | Street wall height should not exceed 20 metres, or the preferred building height, whichever is lower, excluding the areas specified in Table 3 above. | Street wall height is scaled to ensure:  
- 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. | Buildings are setback to ensure:  
- 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 | Above the street wall the setback from side boundary should be:  
- 5 metres if above 40 metres, or  
- 6% of the total building height if above 80 metres.  
If a laneway: Above the street wall, the setback to the centreline of the laneway from side boundary should be: | Buildings are setback to ensure:  
- 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. |
### 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.

### 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 influences 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 2, Table 3 and Table 4 and Table 5 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 facades, or half the total height of the building, whichever is greater.
- at a minimum, model the wind effects of the proposed development and 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 23/11/2016 C270

**Subdivision**

A permit is not required to subdivide land.

4.0 23/11/2016 C270

**Advertising signs**

None specified.

5.0 13/07/2017 C311

**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 specific Built Form Outcomes of Table 2, Table 3, Table 4 and Table 5 to this schedule.
- Whether the development adversely impacts on the unique character of the Bourke Hill precinct.
- 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.
- The impact of development on the consistency of scale (low scale) and heritage significance of the Bourke Hill heritage precinct.
- Whether development detracts from the visual prominence of Parliament House both in terms of scale and architectural expression.
Whether development adversely impacts on the built form context of view lines to and from Parliament House.

Whether the scale and prominence of the landmark heritage buildings, the Princess Theatre and the Hotel Windsor, is maintained.

Whether development maintains and responds to the fine grain subdivision pattern and narrow lot frontages of Bourke Hill.

Whether the distinctive and highly valued public realm attributes of Bourke Hill are maintained and enhanced.

Whether development adversely impacts on the expansive open air sky views (from pedestrian eye level) along streets and laneways.

Whether development improves pedestrian connectivity and permeability.

Whether development provides a comfortable and attractive pedestrian environment at ground level, including frontage activation and protection from adverse wind impacts.

Whether the development adversely impacts significant trees through overshadowing in the Melbourne Club Garden.

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 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.

Whether the cumulative effect of the proposed development in associated 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.

The effect of the proposed buildings and works on solar access to existing and proposed open space and public places.

The potential for increased ground level wind 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).

Reference documents

- Bourke Hill Heritage, Planning and Urban Design Review, Department of Transport, Planning and Local Infrastructure, September 2014


Transitional arrangements

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.
SCHEDULE 63 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO63.

MACAULAY URBAN RENEWAL AREA, KENSINGTON AND NORTH MELBOURNE

1.0

Design objectives

- To create a compact, high density, predominantly mid-rise, 6 – 12 storey walkable neighbourhood that steps down at the interface with the low scale surrounding established residential neighbourhoods.
- To provide for higher development that delivers identified demonstratable benefits on large sites that do not interface with the low scale surrounding established residential neighbourhoods.
- To create urban streetscapes that are defined by a generally consistent plane of building facades that enclose streets but allow daylight and sunlight to penetrate to the streets and to lower building levels.
- To ensure that built form elements above the street wall are visually recessive and do not contribute to visual bulk.
- To encourage the ground floor of buildings to be designed so that they can be used for a variety of uses over time.

2.0

Buildings and works

A permit is not required for buildings and works that do not alter the height or setback of an existing building.

An application must be accompanied by a site analysis and urban context report which demonstrates how the proposed building or works achieve each of the Design Objectives and Built Form outcomes of this schedule, and any local planning policy requirements and the following:

- Design objectives and built form outcomes contained in this schedule.
- Detailed elevation and section drawings at a minimum of 1:50 scale at all street interfaces for at least the lower levels.
- Any local planning policy requirements.

The specified building height does not apply to service equipment including plant rooms, lift overruns, solar collectors and other architectural features and equipment provided the following criteria are met:

- The equipment is located in a position on the roof so as to minimise overshadowing of neighbouring properties and public spaces.
- The equipment is designed to the satisfaction of the responsible authority.

Building Heights

Development should not exceed the Preferred maximum height in Table 1.

All developments that exceed the Preferred maximum height in Table 1 must demonstrate each of the following:

- A demonstrable benefit to the broader community that include among others:
  - Exceptional quality of design.
  - A positive contribution to the quality of the public realm.
  - High quality pedestrian links where needed.
  - Good solar access to the public realm.
A permit cannot be granted to exceed the **Absolute maximum height in Table 1** except in Area 5 where the following applies:

**Area 5:**
The absolute maximum building height does not apply to Area 5.

Any redevelopment of this area above the preferred height should include a master plan that reintegrates the whole area with the surrounding urban fabric, including:

- improved interfaces with surrounding streets through innovative urban design treatments, visually recessive built form closer to the road frontages, and
- improved pedestrian and cycling connections to and from the site.

### Table 1: Building heights

<table>
<thead>
<tr>
<th>Area</th>
<th>Preferred maximum height</th>
<th>Absolute maximum height</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>3 storeys</td>
<td>4 storeys</td>
</tr>
<tr>
<td>A2</td>
<td>4 storeys</td>
<td>6 storeys</td>
</tr>
<tr>
<td>A3, A4</td>
<td>6 storeys</td>
<td>8 storeys</td>
</tr>
<tr>
<td>A5</td>
<td>8 storeys</td>
<td>N/A</td>
</tr>
<tr>
<td>A6</td>
<td>6 storeys</td>
<td>8 storeys</td>
</tr>
<tr>
<td>A7</td>
<td>9 storeys</td>
<td>12 storeys</td>
</tr>
<tr>
<td>A8</td>
<td>9 storeys</td>
<td>12 storeys</td>
</tr>
</tbody>
</table>

### Table 2: Built form outcomes

<table>
<thead>
<tr>
<th>Area</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>Deliver a scale of development that complements the established low-scale residential area. Protect the amenity of existing residential areas by avoiding overlooking and overshadowing of private open space and minimising the visual impact of upper levels.</td>
</tr>
<tr>
<td>A2</td>
<td>Set back higher building form along Melrose Street to deliver scale of development that responds appropriately to the existing context.</td>
</tr>
<tr>
<td>A3</td>
<td>Deliver a scale of development that provides street definition and a pedestrian friendly scale. Deliver a scale of development that provides appropriate access to sunlight and daylight. Protect the amenity of existing residential development by avoiding overlooking and overshadowing of private open space and minimising the visual impact of upper levels.</td>
</tr>
<tr>
<td>A4, A5</td>
<td>Deliver a scale of development that provides street definition and a pedestrian friendly scale. Deliver a scale of development that provides appropriate access to sunlight and daylight. Deliver a scale of development at the interface with established low-scale residential development that provides an appropriate transition in height and minimises the visual impact of upper levels. Solar access is maintained to ground floors on western side of Thompson Street and southern side of Scarborough Place. Deliver the reintegration of Office of Housing estates into the surrounding urban fabric.</td>
</tr>
<tr>
<td>A6, A7</td>
<td>Deliver a scale of development that provides street definition and a pedestrian friendly scale. Deliver a scale of development that provides appropriate access to sunlight and daylight. Provide limited opportunities for taller buildings that deliver significant public realm outcomes.</td>
</tr>
<tr>
<td>A8</td>
<td>Deliver a scale of development that provides street definition and a pedestrian friendly scale. Deliver a scale of development that provides appropriate access to sunlight and daylight.</td>
</tr>
</tbody>
</table>
Deliver a scale of development at the interface with established low-scale residential development that provides an appropriate transition in height and minimises the visual impact of upper levels.

Ensure laneways have appropriate levels of access to daylight and sunlight. Deliver developments that maximise surveillance of public and communal areas and nearby creek environs.

Deliver a scale of development setbacks from the Moonee Ponds Creek environs which respond appropriately to creek/public space conditions and provision of public thoroughfares in the public and private domain adjacent to the creek, as appropriate.

Where development respond to flood risk by providing ramp structures or other measures flood mitigation measure, high quality urban design outcomes must be provided at the building and public interfaces.

### Street wall and setbacks

A permit cannot be granted to increase the Street Wall Height in Table 3.

Development should be setback from all streets identified in Map 1 in accordance with Table 3. This applies even if the site does not have frontage to the identified street.

Buildings should be built to street edge at ground level to provide a clearly delineated and fronted public realm.

Buildings should be setback from existing low scale residential development in accordance with Table 3.

### Table 3: Street wall height and setbacks

<table>
<thead>
<tr>
<th>Interface type shown on Map 1</th>
<th>Street wall height</th>
<th>Setback of buildings above street wall</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 and 30 metre wide renewal street</td>
<td>Development at the frontage must not exceed a height of 6 storeys.</td>
<td>Development should be set back 1 metre for every metre of height above 20 metres.</td>
</tr>
<tr>
<td>15 metre wide renewal street</td>
<td>Development at the frontage must not exceed a height of 4 storeys.</td>
<td>Development should be set back 1 metre for every metre of height above 15 metres.</td>
</tr>
<tr>
<td>10 to 15 metre wide renewal street</td>
<td>Development at the frontage must not exceed a height of 3 storeys.</td>
<td>Development should be set back 1 metre for every metre of height above the street wall.</td>
</tr>
<tr>
<td>Residential interface street</td>
<td>Development at the frontage must not exceed a height of 3 storeys.</td>
<td>Development above the street wall should be setback at least 10 metres and be visually recessive.</td>
</tr>
<tr>
<td>Laneway</td>
<td>Development along the laneway must not exceed a height of 3 storeys.</td>
<td>Development above the street wall should be setback 4 metres. In addition, development on the northern side of an east-west laneway should be set back 1 metre for every metre of height above the preferred maximum height.</td>
</tr>
<tr>
<td>Shiel Street</td>
<td>Development at the frontage must not exceed a height of 3 storeys.</td>
<td>Development above the street wall should be set back at least 2 metres for every 1 metre of height.</td>
</tr>
</tbody>
</table>

| Interface type shown on Plan | Set back from boundary with low scale residential development |
**Interface type shown on Map 1**

<table>
<thead>
<tr>
<th>Street wall height</th>
<th>Setback of buildings above street wall</th>
</tr>
</thead>
<tbody>
<tr>
<td>ResCode Applies</td>
<td>A new building not on or within 200mm of a boundary should be set back from the boundaries 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</td>
</tr>
</tbody>
</table>

**Map 1 – Street wall height and setbacks**

**Active Street Frontages**

A building in a Commercial Zone, with ground-level frontage should provide:

- At least 5 metres or 80 per cent of the street frontage (whichever is the greater) as an entry or display window to a shop and/or a food and drink premises, or as other uses, customer service areas and activities, which provide pedestrian interest and interaction.

- Clear glazing (security grilles must be transparent).

A building with ground-level frontage to a street identified on Map 2 should present an attractive pedestrian oriented frontage with commercial uses where practical.
Buildings with ground-level frontage to all other streets, should provide an active and physically connected street interface, for example by providing multiple entrances off the street.

**Weather protection and facade treatment**

A building with a road frontage to a street identified on Map 2, should provide a veranda for weather protection over the footpath unless this would cause detriment to the integrity of a heritage building or streetscape.

The articulation of a building facade should express a fine grain variety and modulation that assists in reducing the visual dominance of buildings, particularly a wide street frontage. Expressing the vertical elements is encouraged to further minimise the dominance of wide building frontages.
Map 2 – Frontages to primary streets

Connectivity and laneways

Development must provide for a high quality pedestrian link generally along the eastern side of CityLink to provide direct pedestrian connection to Macaulay and Flemington Bridge Stations for land between Macaulay Road and Racecourse Road.

Development should provide for a fine-grained system of laneways and pedestrian connections that are:

- Safe, direct and attractive;
- Publicly accessible;
- Aligned with other lanes or pedestrian connections to provide direct through routes.

Development along new and existing laneways and pedestrian connections must comply with the laneway controls in Table 3.

Heritage
When new developments adjoin heritage buildings located in a Heritage Overlay, the design of new buildings should have regard to the height, scale, rhythm of and proportions of the heritage buildings.

Reference documents
Arden-Macaulay Structure Plan 2012

3.0
23/10/2017
C190(Part 1)
Subdivision
None specified.

4.0
23/10/2017
C190(Part 1)
Advertising signs
None specified.

5.0
20/09/2019
C359melb
Decision guidelines
None specified.

Expiry
The requirements of this overlay cease to apply after 30 September 2021.
SCHEDULE 65 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO65.

HOSPITAL EMERGENCY MEDICAL SERVICES HELICOPTER FLIGHT PATH PROTECTION (INNER AREA)

1.0

Design objectives

To ensure that the height of buildings and works do not encroach on the flight path areas associated with hospital helicopter landing sites.

To ensure that the height of development avoids creating a hazard to aircraft using hospital helicopter landing sites.

2.0

Buildings and works

A permit is not required to construct a building or to construct or carry out works that would result in the height of the building or works being less than the referral height specified in Table 1.

Table 1: Helicopter Landing Site Elevations

<table>
<thead>
<tr>
<th>Helicopter landing site</th>
<th>Helipad Height (AHD)</th>
<th>Referral Height (AHD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alfred Hospital</td>
<td>15.7 metres</td>
<td>15.7 metres</td>
</tr>
<tr>
<td>Royal Childrens Hospital</td>
<td>62.4 metres</td>
<td>62.4 metres</td>
</tr>
<tr>
<td>Royal Melbourne Hospital</td>
<td>67.3 metres</td>
<td>67.3 metres</td>
</tr>
</tbody>
</table>

A permit is not required to construct or carry out buildings and works in relation to an existing dwelling that exceeds the heights specified in Table 1 provided:

- The buildings and works do not exceed the existing height of the building (measured at the apex of the roofline), and
- The lot does not immediately adjoin the hospital land (hospital land is defined by the extent of the Public Use Zone 3).

A permit is not required to construct a building or to construct or carry out works within the Public Use Zone 3.

Note: Check the “Hospital Emergency Medical Services – Helicopter Flight Path Protection Areas Incorporated Document, June 2017” for additional requirements for land affected by this schedule.

Referral of applications

An application must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause.

Application requirements

An application must include the following information (prepared by a suitably qualified person):

- The location and topography of the subject land in relation to the helicopter landing site.
- The location and height of the main features on the subject land, including existing buildings, structures, trees or any other tall features.
- The proposed buildings and works on the land including details of the maximum height of the proposed buildings, works and construction equipment measured relative to the height of the helipad (AHD).
Exemption from notice and appeal

An application is exempt from 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.

Note: AHD means Australian Height Datum.

3.0
29/02/2016
GC41

Subdivision

A permit is not required to subdivide land.

4.0
24/11/2017
GC49

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Whether the height and design of any proposed buildings or works will have an impact on the flight paths associated with the helicopter landing sites at Alfred Hospital, Royal Childrens Hospital and Royal Melbourne Hospital.
- The views of the Department of Health and Human Services (Vic).
SCHEDULE 66 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO66.

HOSPITAL EMERGENCY MEDICAL SERVICES HELICOPTER FLIGHT PATH PROTECTION (OUTER AREA)

1.0 Design objectives

To ensure that the height of buildings and works do not encroach on the flight path areas associated with hospital helicopter landing sites.

To ensure that the height of development avoids creating a hazard to aircraft using hospital helicopter landing sites.

2.0 Buildings and works

A permit is not required to construct a building or to construct or carry out works that would result in the height of the building or works being less than the referral height specified in Table 1.

Table 1: Helicopter Landing Site Elevations

<table>
<thead>
<tr>
<th>Helicopter landing site</th>
<th>Helipad Height (AHD)</th>
<th>Referral Height (AHD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alfred Hospital</td>
<td>15.7 metres</td>
<td>25.7 metres</td>
</tr>
<tr>
<td>Royal Childrens Hospital</td>
<td>62.4 metres</td>
<td>72.4 metres</td>
</tr>
<tr>
<td>Royal Melbourne Hospital</td>
<td>67.3 metres</td>
<td>77.3 metres</td>
</tr>
</tbody>
</table>

A permit is not required to construct or carry out buildings and works in relation to an existing dwelling that exceeds the heights specified in Table 1 provided:

- The buildings and works do not exceed the existing height of the building (measured at the apex of the roofline), and
- The lot does not immediately adjoin the hospital land (hospital land is defined by the extent of the Public Use Zone 3).

A permit is not required to construct a building or to construct or carry out works within the Public Use Zone 3.

Note: Check the “Hospital Emergency Medical Services – Helicopter Flight Path Protection Areas Incorporated Document, June 2017” for additional requirements for land affected by this schedule.

Referral of applications

An application must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause.

Application requirements

An application must include the following information (prepared by a suitably qualified person):

- The location and topography of the subject land in relation to the helicopter landing site.
- The location and height of the main features on the subject land, including existing buildings, structures, trees or any other tall features.
- The proposed buildings and works on the land including details of the maximum height of the proposed buildings, works and construction equipment measured relative to the height of the helipad (AHD).
Exemption from notice and appeal
An application is exempt from 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.

Note:  "AHD means Australian Height Datum."

3.0
29/02/2016
GC41

Subdivision
A permit is not required to subdivide land.

4.0
24/11/2017
GC49

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Whether the height and design of any proposed buildings or works will have an impact on the flight paths associated with the helicopter landing sites at Alfred Hospital, Royal Childrens Hospital and Royal Melbourne Hospital.

- The views of the Department of Health and Human Services (Vic).
SCHEDULE 67 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO67.

FISHERMANS BEND - LORIMER PRECINCT

1.0

Design objectives

To create a thriving urban renewal area that is a leading example for design excellence, environmental sustainability, liveability, connectivity, diversity and innovation.

To encourage a diversity of mid and high-rise scale developments, including hybrid developments on larger sites that incorporate communal open space, with taller buildings located along the interface to the West Gate Freeway.

To ensure built form protects sunlight penetration to the Lorimer Parkway and other identified public open spaces, streets and laneways, and facilitate comfortable wind conditions, to deliver a high quality public realm.

To ensure high levels of internal amenity for all development.

To encourage adaptable floorspace to facilitate a reduction in car dependence and an increase in commercial floor space over time.

2.0

Buildings and works

2.1

Buildings and works for which no permit is required

A permit is not required to construct or carry out works for a new or modified verandah, awning, sunblind or canopy to an existing building.

2.2

Requirements

The following requirements apply to an application to construct a building or construct or carry out works.

The following requirements do not apply to:

- An application for buildings and works associated with an existing industrial use which provides services to the construction industry.

- An application to amend an existing permit granted before the approval date of Amendment GC81 which does not increase the extent of non-compliance with the requirements of this schedule.

A permit cannot be granted to vary a Built form requirement expressed with the term ‘must’.

A permit may be granted to vary a discretionary Built form requirement expressed with the term ‘should’.

An application for buildings and works that does not meet a requirement expressed with the term ‘should’ must achieve the relevant Built form outcomes.

Any reference to street width is a reference to the proposed ultimate width of the street reserve.

If there is a discrepancy between the diagrams of this schedule and the text, the text should be used.

2.3

Definitions

For the purpose of this schedule:

Laneway means a street with a street width of 9 metres or less.
Street wall means that part of a building constructed within 0.3 metres of an existing or proposed street, laneway or public open space.

Street wall height means a height measured from the footpath or natural surface level at the centre of the site frontage.

### Building typologies

#### Built form outcomes

A precinct that:

- Comprises subprecincts with a distinctive character and built form typology.

For the purpose of this schedule:

- Low-rise is development up to and including 6 storeys.
- Mid-rise is development of 7 storeys to 15 storeys.
- High-rise is development of 16 storeys and taller.

#### Built form requirements

Buildings and works should be generally in accordance with the built form typology in Table 1. Buildings and works should help deliver the relevant preferred precinct character in Table 1.

### Table 1: Building typologies and preferred precinct character

<table>
<thead>
<tr>
<th>Precinct on Map 1</th>
<th>Building typology</th>
<th>Preferred precinct character</th>
</tr>
</thead>
</table>
| **Area L1**       | Hybrid (predominantly high-rise) | Predominantly high-rise buildings. On larger sites, a hybrid of high-rise perimeter blocks (with central communal open space) and slender towers that create fast moving shadows to minimise overshadowing of the Lorimer Parkway.  
Lower street wall heights along Lorimer Parkway to minimise overshadowing impacts.  
Developments that incorporate north–south laneways that provide activated pedestrian connections towards the Yarra River. |
| **Area L2**       | Mid-rise          | Mid-rise developments with opportunities for some additional upper levels that are visually recessive from the street and from within Lorimer Central and do not result in tower–podium building types.  
Developments that incorporate north–south laneways that provide activated pedestrian connections towards the Yarra River.  
Lower scale development to interface with Lorimer Central. |
| **Area L3**       | Hybrid (predominantly mid-rise) | Predominantly mid-rise developments that incorporate slender towers to minimise overshadowing of the Lorimer Parkway.  
Upper levels of mid-rise buildings are visually recessive from the street and Lorimer Parkway.  
Developments that incorporate north–south laneways that provide activated pedestrian connections towards the Yarra River. |
| **Area L4**       | Hybrid (predominantly high-rise) | Predominantly podium–tower developments interspersed with some mid-rise perimeter blocks and courtyard buildings.  
A variety of street wall heights between 4 and 8 storeys to contribute to architectural diversity within the street.  
Well-spaced, slender towers that avoid a wall-of-towers effect when viewed from the Yarra River, Lorimer Parkway, streets in Lorimer and the West Gate Freeway.  
Well-spaced slender towers that minimise overshadowing of the Sandridge Precinct. |
Building height

**Built form outcomes**

Building heights that:

- Respond to the preferred precinct character and building typologies specified in Table 1 to this schedule.
- Contribute to a varied and architecturally interesting skyline.
- Contribute to a diversity of building typologies and avoid repetitive built form.
- Limit impacts on the amenity of the public realm as a result of overshadowing and wind.
- Share outlook to the north towards the Yarra River and access to sunlight and views by locating lower buildings north of Lorimer Parkway and taller buildings south of Lorimer Parkway along the West Gate Freeway.

**Built form requirements**

Buildings and works should not exceed the relevant height specified in Map 2 of this schedule.

The following elements may exceed the specified height:

- Non-habitable architectural features not more than 3.0 metres in height.
- Building services and communal recreation facilities setback at least 3.0 metres behind the building façade.

Overshadowing

Buildings must not cast any additional shadow above the shadows cast by hypothetical buildings built to the Maximum street wall height and existing buildings over:

- The existing or proposed public open spaces or streets shown in Map 5 of this schedule for the hours specified in Table 2 to this schedule.

For the purpose of determining the shadow cast by the Maximum street wall height, the Maximum street wall height must be converted from storeys to metres using the following formula:

\[
\text{Height in metres} = 3.8 \times \text{number of storeys} + 3.2
\]

These requirements do not apply to buildings and works constructed within the open space.

**Table 2: Overshadowing**

<table>
<thead>
<tr>
<th>Area on Map</th>
<th>Hours and dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>11:00am to 2:00pm, 22 September</td>
</tr>
<tr>
<td>B</td>
<td>11:00am to 2:00pm, 21 June to 22 September</td>
</tr>
<tr>
<td>C</td>
<td>10:00am to 1:00pm, 22 September</td>
</tr>
<tr>
<td>D</td>
<td>10:30am to 1:30pm, 22 September</td>
</tr>
</tbody>
</table>

Street wall height

**Built form outcomes**

With the exception of street walls to the West Gate Freeway, the City Link overpass, and other elevated road structures street walls that:

- Deliver a distinct human scale street wall.
- Deliver appropriate street enclosure having regard to the width of the street, with lower street walls on narrower streets.
- Allow for views to the sky from the street or laneway.
- Do not overwhelm the public realm.
- Provide an appropriate transition to adjoining heritage places when viewed from the street.
- Enable adequate daylight and sunlight in streets and laneways.
- Make an appropriate transition back to the preferred street wall height from taller street walls on corner sites.
- Enable a high degree of sunlight access to the Lorimer Parkway.

Street walls along the interface with the West Gate Freeway, the City Link overpass, and other elevated road structures, that:
- Assist with mitigating noise impacts and visual impacts from the freeway.

**Built form requirements**

Buildings should include a street wall (built to the boundary) of the Preferred street wall height specified in Map 3 and Table 3 of this schedule.

A new street wall must not exceed the Maximum street wall height specified in Table 3 of this schedule, unless required to deliver a building typology other than tower–podium.

Where a new building is on a corner, the taller Maximum street wall height applies to the frontage with the lower Maximum street wall:
- On streets wider than 9 metres for a distance of 60 metres.
- On Laneways for a distance of 25 metres.

The following elements may exceed the Maximum street wall height:
- Non-habitable architectural features not more than 3.0 metres in height.

**Table 3: Street wall height**

<table>
<thead>
<tr>
<th>Location on Map 3</th>
<th>Qualification</th>
<th>Preferred street wall height</th>
<th>Maximum street wall height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type A</td>
<td>4 storeys</td>
<td>6 storeys</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>6 storeys</td>
<td></td>
</tr>
<tr>
<td>Type B</td>
<td>at least 4 storeys</td>
<td>8 storeys</td>
<td></td>
</tr>
<tr>
<td>Type C</td>
<td>at least 4 storeys</td>
<td>6 storeys</td>
<td></td>
</tr>
<tr>
<td>Type D</td>
<td>where the building height is ≤10 storeys</td>
<td>8 storeys</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>where the building height is &gt;10 storeys</td>
<td>6 storeys</td>
</tr>
</tbody>
</table>

**Setbacks above the street wall**

**Built form outcomes**

Setbacks above street walls that:
- Help deliver comfortable wind conditions in the public realm.
- Enable adequate daylight and sunlight in streets and laneways.
- Allow for views to the sky from the street or laneway.
• Do not overwhelm the public realm.
• Minimise visual bulk of upper floors when viewed from streets and laneways.

**Built form requirements**

Any part of the building above the Maximum street wall height specified in Table 3:

• Should be set back from the street wall at least the Preferred setback specified in Table 4.
• Must be set back from the street wall at least the Minimum setback specified in Table 4, unless a lesser setback is required to deliver a building typology other than tower–podium.

The setback from a street less than 9 metres wide must be measured from the centreline of the street. A negative value setback must be interpreted as a zero setback.

**Table 4: Setbacks above the street wall**

<table>
<thead>
<tr>
<th>Location</th>
<th>Qualification</th>
<th>Preferred Setback</th>
<th>Minimum Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where the building fronts a street that runs beside:</td>
<td>where building height is ≤ 8 storeys</td>
<td>5 metres</td>
<td>3 metres</td>
</tr>
<tr>
<td></td>
<td>where building height is &gt; 8 storeys</td>
<td>10 metres</td>
<td>5 metres</td>
</tr>
<tr>
<td>the West Gate Freeway</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>the City Link overpass</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>an elevated road structure</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other locations</td>
<td>where building height is ≤ 8 storeys</td>
<td>5 metres</td>
<td>3 metres</td>
</tr>
<tr>
<td></td>
<td>where building height is &gt; 8 storeys and ≤ 20 storeys</td>
<td>10 metres</td>
<td>5 metres</td>
</tr>
<tr>
<td></td>
<td>where overall building height is &gt; 20 storeys</td>
<td>10 metres</td>
<td>10 metres</td>
</tr>
</tbody>
</table>

**Diagram 1**

*Building height ≤ 8 storeys, West Gate Freeway, City Link overpass, Elevated Road Structures*
Diagram 2
Building height > 8 storeys, West Gate Freeway, City Link overpass, Elevated Road Structures

Diagram 3
Building height ≤ 8 storeys, Other locations

Diagram 4
Building height > 8 storeys and ≤ 20 storeys, Other locations
Diagram 5

Building height > 20 storeys, Other locations

Side and rear setbacks

Built form outcomes

Side and rear setbacks that:

- Create a continuous street wall along streets and laneways.
- Enable adequate daylight and sunlight in streets and laneways.
- Allow sunlight and daylight to, and outlook from habitable rooms in existing and potential developments on adjoining sites.
- Mitigate wind effects on the public realm.
- Ensure tall buildings do not appear as a continuous wall when viewed from street level or northern side of the Yarra River.
- Allow for views to the sky between buildings.
- Minimise visual bulk.
- Achieve privacy by setbacks rather than screening.
- Provide opportunities for buildings in the south of Lorimer to have views to the Yarra River through building separation.

Built form requirements

That part of a new building below the Maximum street wall height should be built on or within 300 mm of a side boundary.

A new building not on or within 300 mm of a boundary:

- Should be setback at least the Preferred setback specified in Table 5 from the side or rear boundary.
- Must be setback at least the Minimum setback specified in Table 5 from the side or rear boundary.
The reference to the Maximum street wall height is a reference to the Maximum street wall height that applies on the nearest frontage to the side or rear boundary.

### Table 5: Side and rear setbacks

<table>
<thead>
<tr>
<th>Part of building Height</th>
<th>Building height</th>
<th>Qualification</th>
<th>Preferred setback</th>
<th>Minimum setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below the Maximum street wall height</td>
<td>none specified</td>
<td>if not within 300 mm of a side or rear boundary</td>
<td>9 metres</td>
<td>6 metres</td>
</tr>
<tr>
<td>Above the Maximum street wall height</td>
<td>≤ 20 storeys</td>
<td>where the building below the Maximum street wall height is built on the boundary</td>
<td>10 metres</td>
<td>5 metres</td>
</tr>
<tr>
<td></td>
<td>other buildings</td>
<td></td>
<td>10 metres</td>
<td>10 metres</td>
</tr>
<tr>
<td></td>
<td>&gt; 20 storeys</td>
<td>where the building has direct interface with:</td>
<td>10 metres</td>
<td>5 metres</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- West Gate Freeway</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- City Link overpass</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>other buildings</td>
<td></td>
<td>10 metres</td>
<td>10 metres</td>
</tr>
</tbody>
</table>

### Building separation within a site

**Built form outcomes**

Building separation that:

- Delivers high quality amenity within buildings having regard to outlook, daylight, and overlooking.
- Offsets direct views between buildings within the same site.
- Achieves privacy by building separation rather than screening.
- Ensures tall buildings do not appear as a continuous wall when viewed from street level or the northern side of the Yarra River.

**Built form requirements**

Buildings within the same site:

- Should be separated from each other by at least the Preferred building separation specified in Table 6.
- Must be separated from each other by at least the Minimum building separation specified in Table 6.

Architectural features, but not balconies, may encroach into the Minimum building separation.

The reference to the Maximum street wall height is a reference to the Maximum street wall height that applies on the nearest frontage to buildings.
Table 6: Minimum building separation within a site

<table>
<thead>
<tr>
<th>Part of building</th>
<th>Building height</th>
<th>Preferred building separation</th>
<th>Minimum building separation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below the Maximum street wall height</td>
<td>12 metres</td>
<td>6 metres</td>
<td></td>
</tr>
<tr>
<td>Above the Maximum street wall height</td>
<td>≤ 20 storeys</td>
<td>20 metres</td>
<td>10 metres</td>
</tr>
<tr>
<td></td>
<td>&gt; 20 storeys</td>
<td>20 metres</td>
<td>20 metres</td>
</tr>
</tbody>
</table>

Diagram 6

Building height ≤20 storeys
Wind effects on the public realm

Built form outcomes

Local wind conditions that:

- Maintain a safe and pleasant pedestrian environment on footpaths and other public spaces for walking, sitting or standing.

Built form requirements

Buildings and works higher than 40 metres:

- Must not cause unsafe wind conditions as specified in Table 7 in publicly accessible areas within the assessment distance from all façades.
- Should achieve comfortable wind conditions as specified in Table 7 in publicly accessible areas within the assessment distance from all façades.

The assessment distance is shown in the figure below and is the greater of:

- Half the longest width of the building.
- Half the total height of the building.

Table 7: Wind effects on the public realm

<table>
<thead>
<tr>
<th>Wind condition</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Comfortable wind conditions</strong></td>
<td>The hourly mean wind speed from all wind directions combined with a probability of exceedance of 20 per cent, is less than or equal to:</td>
</tr>
<tr>
<td></td>
<td>- 3 metres/second for sitting areas.</td>
</tr>
<tr>
<td></td>
<td>- 4 metres/second for standing areas.</td>
</tr>
<tr>
<td></td>
<td>- 5 metres/second for walking areas.</td>
</tr>
</tbody>
</table>
## Wind condition Specifications

<table>
<thead>
<tr>
<th>Wind condition</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly mean wind speed is the maximum of:</td>
<td></td>
</tr>
<tr>
<td>- The hourly mean wind speed.</td>
<td></td>
</tr>
<tr>
<td>- The gust equivalent mean speed (3 second gust wind speed divided by 1.85).</td>
<td></td>
</tr>
</tbody>
</table>

| Unsafe wind conditions | The hourly maximum 3 second gust from any wind direction (considering at least 16 wind directions) with a corresponding probability of exceedance percentage greater than 20 metres per second. |

---

### Active street frontages

#### Built form outcomes

Buildings that:

- Enhance connectivity to the Yarra River.
- Address and define existing or proposed streets or open space and provide direct pedestrian access from the street to ground floor uses.
- Address both street frontages if the building is on a corner.
- Create activated building façades with windows and legible entries.
- Consolidate services within sites and within buildings, and ensure any externally accessible services or substations are integrated into the façade design.
- Avoid unsafe indents with limited visibility.

Buildings with residential development at ground level that:

- Create a sense of address by providing direct individual street entries to dwellings or home offices, where practicable.

Car parking that does not detract from the public realm.

#### Built form requirements

All buildings should provide:

- Openable windows and balconies within the street wall along streets and laneways.
- Entrances that are no deeper than one-third of the width of the entrance.
Ground floor building services, including waste, loading and parking should occupy less than 40 per cent of the ground floor area of the building.

Buildings fronting the Primary and Secondary active streets on Map 4 of this schedule, should:

- Achieve a diversity of fine-grain frontages.
- Provide canopies over footpaths where retail uses are proposed.
- Deliver the Clear glazing specified in Table 8.

Car parking should:

- Be sleeved with active uses so that it is not visible from the public realm or adjoining sites.

**Table 8: Active street frontages**

<table>
<thead>
<tr>
<th>Streets or areas on Map 4</th>
<th>Clear Glazing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary active frontages</td>
<td>At least 80 per cent clear glazing along the ground level frontage to a height of 2.5 metres, excluding any solid plinth or base.</td>
</tr>
<tr>
<td>Secondary active frontages (Type 1)</td>
<td>At least 60 per cent clear glazing along the ground level frontage to a height of 2.5 metres, excluding any solid plinth or base.</td>
</tr>
</tbody>
</table>

**Adaptable buildings**

**Built form outcomes**

Buildings that:

- Provide for the future conversion of those parts of the building accommodating non-employment uses to employment uses.

Car parking that:

- Can be adapted to other uses over time.

**Built form requirements**

The Building elements in Table 9 should incorporate the adaptability opportunities identified in the table.

**Table 9: Adaptable buildings**

<table>
<thead>
<tr>
<th>Building element</th>
<th>Adaptable opportunity</th>
</tr>
</thead>
</table>
| Lower levels up to the height of the street wall | At least 4.0 metres floor to floor height at ground level.  
At least 3.8 metres floor to floor height for other lower levels. |
| Car parking areas              | In areas not in a basement:  
- Level floors.  
- A floor-to-floor height at least 3.8 metres.  
Mechanical parking systems to reduce the area required for car parking. |
| Dwelling layout                | The ability for one and two-bedroom dwellings to be combined or adapted into three or more bedroom dwellings. |
| Internal layout                | Minimal load bearing walls to maximise flexibility for retail or commercial refits. |
2.14 Building finishes

Built form outcomes

Facade finishes that:

- Provide visual interest on all facades.
- Do not compromise road safety.

Built form requirements

Buildings should avoid blank facades.

Building walls facing a street or public place should be detailed to provide visual interest.

Buildings fronting main roads should use materials and finishes with a perpendicular reflectivity less than 15 per cent, measured at 90 degrees to the facade surface.

2.15 Exemption from notice and review

An application for construction of a building or to 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.

3.0 Subdivision

None specified.

3.1 Exemption from notice and review

An application to subdivide land 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.

4.0 Advertising signs

None specified.

5.0 Application requirements

None specified.

6.0 Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The Built form outcomes identified in this schedule.
- Whether the proposal delivers design excellence.
- The cumulative impact of the proposed development and any existing adjoining development.
- Equitable access to privacy, sunlight, daylight and outlook having regard to the proposed internal uses and the height of existing or proposed adjoining built form.
MAP 1: Building typologies

MAP 2: Building heights
MAP 3: Preferred street wall heights

MAP 4: Active street frontages
MAP 5: Overshadowing

LEGEND

- Green: New and existing public open space with overshadowing controls (refer to table 3)
- Dark Green: New and existing public open space with no overshadowing controls

The open spaces shown on this Map are collectively referred to in this Schedule as the Laviere Parkway.
MELBOURNE METRO RAIL PROJECT – INFRASTRUCTURE PROTECTION AREAS

1.0 Design objectives

- To avoid direct contact with and provide safe working clearance around the Melbourne Metro Infrastructure.
- To ensure development does not adversely affect or put at risk the construction, integrity or operation of the Melbourne Metro Infrastructure.
- To avoid loading onto the Melbourne Metro Infrastructure that could lead to structural damage, reduced structural capacity, damage detrimental to the serviceability of the structures, or displacement of the Melbourne Metro Infrastructure to the detriment of passenger rail operations.
- To avoid excavation or other unloading of the ground that could lead to structural, serviceability, or operational damage of the Melbourne Metro Infrastructure.
- To prevent development and construction methods that could generate unacceptable levels of vibration in the Melbourne Metro Infrastructure.
- To ensure that development works do not rely upon direct structural support from the Melbourne Metro Infrastructure unless specifically envisaged in the Melbourne Metro design.
- To ensure that potential effects of development on the Melbourne Metro Infrastructure, and the consequences of those effects on the wider Melbourne transport network, are appropriately managed or mitigated.

In this schedule:

- Melbourne Metro means the use and development the subject of the Melbourne Metro Rail Project Incorporated Document, May 2018.
- Melbourne Metro Infrastructure means the Melbourne Metro tunnels, stations and associated infrastructure and equipment.
- Loading means the application of force to an asset.
- Surface Level means the level of the land at any point to Australian Height Datum (AHD) on 5 January 2017 as supplied by the relevant referral authority.

2.0 Buildings and works

A permit is not required under this schedule for:

- A new building of up to two storeys without a basement provided any footing is founded no more than two metres below Surface Level.
- A temporary structure of no more than one storey.
- Earthworks or excavation that do not change the Surface Level by more than one metre.
- A pole, sign or retaining wall provided any footing is founded no more than two metres below Surface Level.
- An underground utility provided any trench is no more than two metres below Surface Level.
- Internal and external alterations to a building provided there are no works below Surface Level.
- The installation of an automatic teller machine.
- A tramway provided any required earthworks do not change the Surface Level by more than one metre and works are no more than two metres below Surface Level.

- An outdoor swimming pool associated with a dwelling provided there are no works below Surface Level.

Note: Additional permit requirements for land affected by this schedule are included in the “Melbourne Metro Rail Project – Infrastructure Protection Areas Incorporated Document, December 2016” which is an incorporated document in this scheme.

Application requirements

An application must be accompanied by the following information, as appropriate:

- Site and layout plans drawn to scale which show:
  - The boundaries and dimensions of the site.
  - Adjoining roads and infrastructure.
  - Relevant ground levels and Surface Levels to AHD.
  - The layout and dimensions of existing and proposed buildings and works, including foundation details, loadings and proposed levels of bulk excavation or filling.
  - The location and use of all existing and proposed buildings.

- Sections and elevations drawn to scale which show:
  - The boundaries and dimensions of the site.
  - The depth of any basements.
  - The proposed foundations, including their form, founding levels and loads.
  - The details of any proposed drainage system, including any discharge outlet.

- Details relating to the staging of development and the likely timing of each stage.

- Either of the following:
  - Details of any consultation undertaken with the person or body specified as the referral authority in the Schedule to Clause 66.04 prior to the date the application is lodged with the responsible authority; or
  - The written approval of the person or body specified as the referral authority in the Schedule to Clause 66.04 dated no more than three months prior to the date the application is lodged with the responsible authority.

Referral of applications

An application must be referred under section 55 of the Act to the person or body specified as the referral authority in the Schedule to Clause 66.04.

Exemption from notice and review

An application 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.

Subdivision

A permit is not required to subdivide land.

Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:
- The views of the relevant referral authority.
- Any technical guidelines prepared by the relevant referral authority.
- The design objectives of this schedule.
SCHEDULE 71 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO71.

2 ST. ANDREWS PLACE, EAST MELBOURNE (FORMER PETER MACCALLUM CANCER CENTRE SITE)

1.0 Design objectives

- To achieve a site responsive, well-designed and high quality architectural and urban design outcome for the former Peter MacCallum Cancer Centre site.
- To ensure the visual impact of new building mass, height and bulk respects the site context including the public realm, Fitzroy Gardens, St Patrick's Cathedral Precinct, Parliament House and Treasury Reserve Precinct.
- To maintain the heritage significance, values, character and visual prominence of the adjacent buildings and places including Parliament House and St Patrick's Cathedral.
- To encourage a visually engaging pedestrian experience around the site and where relevant within the site.
- To maintain sunlight access to adjoining properties and avoid overshadowing to Fitzroy Gardens and Treasury Gardens.

2.0 Buildings and works

The following buildings and works requirements apply to an application to construct a building or construct or carry out works.

A permit cannot be granted to construct a building or construct or carry out works which are not in accordance with any requirement expressed using the verb must, except that a permit may be granted to replace a building or works existing at the approval date of the planning scheme amendment which introduces this schedule into the Planning Scheme.

Building Heights

Buildings must not exceed AHD82.

Buildings must not be visible when viewed from the sightlines viewpoints listed below:
- Above Parliament House when viewed from Bourke Street.
- Above St Patrick's Cathedral when viewed from the north west corner of the junction of Albert and Gisborne Streets.
- Above Old Treasury Building when viewed from Collins Street.

Buildings should not overshadow the Fitzroy Gardens between 11am and 2pm between 22 April and 22 September.

Buildings should not overshadow the Treasury Gardens between 11:00am and 3:00pm between 22 April and 22 September.

Street Walls

Buildings should be setback from streets as specified in Table 1.

Buildings should not exceed the maximum Street wall heights specified in Table 1.

Buildings and works must achieve the Built Form Outcomes specified in Table 2.

Building Design

Buildings and works should achieve the Design Outcomes specified in Table 2.
### Table 1 to Schedule 71

<table>
<thead>
<tr>
<th>Street level setback</th>
<th>Maximum street-wall height</th>
<th>Minimum upper level setback</th>
<th>Built form outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cathedral Place</td>
<td>4 metres</td>
<td>20 metres</td>
<td>Development that:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10 metres from the facade</td>
<td>- Protects the</td>
</tr>
<tr>
<td></td>
<td></td>
<td>with the exception of 10% of</td>
<td>existing streetwall</td>
</tr>
<tr>
<td></td>
<td></td>
<td>the streetwall length</td>
<td>character in</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Cathedral Place</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>and St Andrews</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Place.</td>
</tr>
<tr>
<td>St. Andrews Place</td>
<td>3 metres</td>
<td>20 metres</td>
<td>- Establishes a</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10 metres from the facade</td>
<td>consistent and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>with the exception of 10% of</td>
<td>visually engaging</td>
</tr>
<tr>
<td></td>
<td></td>
<td>the streetwall length</td>
<td>streetwall.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Recesses upper</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>levels of the</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>building behind a</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>streetwall.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Encourages</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>articulation in</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>the design of</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>upper levels.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Provides a</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>ground level</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>landscaped setback.</td>
</tr>
<tr>
<td>Lansdowne Street</td>
<td>0 Metres</td>
<td>Mandatory height of 24</td>
<td>Development that</td>
</tr>
<tr>
<td></td>
<td></td>
<td>metres</td>
<td>respects the</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Minimum setback of 10</td>
<td>local character and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>metres from the façade</td>
<td>does not</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mandatory</td>
<td>overwhelm adjacent</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>heritage buildings.</td>
</tr>
</tbody>
</table>

### Table 2 to Schedule 71

<table>
<thead>
<tr>
<th>Design feature</th>
<th>Design outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Massing and site layout</td>
<td>- A collection of visually complementary buildings that complement and enhance the Parliament precinct.</td>
</tr>
<tr>
<td></td>
<td>- Development that does not read as a single building mass.</td>
</tr>
<tr>
<td>Architectural quality</td>
<td>- A well designed architectural and urban design outcome for the site.</td>
</tr>
<tr>
<td></td>
<td>- The use of high quality, durable and interesting building materials.</td>
</tr>
<tr>
<td>Open space</td>
<td>- Generous and high quality communal open space(s) at the site.</td>
</tr>
<tr>
<td></td>
<td>- An environment with high quality pedestrian amenity.</td>
</tr>
<tr>
<td>Active frontages</td>
<td>- An engaging and active ground level interface is provided along the Lansdowne Street Frontage.</td>
</tr>
<tr>
<td></td>
<td>- A mix of land uses at the site.</td>
</tr>
<tr>
<td>Building separation</td>
<td>- Adequate building separation between structures on the site to ensure acceptable amenity consequences for future occupants.</td>
</tr>
<tr>
<td></td>
<td>- Development that respects the amenity and future development potential of adjacent sites to allow for their equitable development. Development may be built to the boundary to abut exiting blank walls.</td>
</tr>
<tr>
<td>Building articulation</td>
<td>- Articulation of the building's exterior through a variety of design techniques including, for example, stepped and / or separate forms, architectural features, materiality, fenestration and other openings and landscaping.</td>
</tr>
<tr>
<td>Landscaping</td>
<td>- Landscaping integrated within the design.</td>
</tr>
<tr>
<td></td>
<td>- Landscaped frontages to St Andrews Place and Cathedral Place.</td>
</tr>
<tr>
<td>Vehicular access</td>
<td>- Limited vehicular access points to the site.</td>
</tr>
<tr>
<td></td>
<td>- No vehicular access in Cathedral Place to protect the potential for this road to become an open space link in the future.</td>
</tr>
</tbody>
</table>
### Design outcomes

<table>
<thead>
<tr>
<th>Design feature</th>
<th>Design outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car Parking</td>
<td>Minimal visibility of car parking and car parking entrances from the public realm.</td>
</tr>
</tbody>
</table>

### Subdivision

None specified.

### Advertising signs

None specified.

### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- How the proposed building or works achieve each of the Built Form Outcomes and Design Outcomes of this schedule.

- The overshadowing and visual impacts of the proposed buildings and works assessed using a 3D digital model in a format to the satisfaction of the responsible authority.
INCORPORATED PLAN OVERLAY

Shown on the planning scheme map as IPO with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify areas which require:

- The form and conditions of future use and development to be shown on an incorporated plan before a permit can be granted to use or develop the land.
- A planning scheme amendment before the incorporated plan can be changed.

To exempt an application from notice and review if it is generally in accordance with an incorporated plan.

Requirement before a permit is granted

A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until an incorporated plan has been incorporated into this scheme.

This does not apply if a schedule to this overlay specifically states that a permit may be granted before an incorporated plan has been incorporated into this scheme.

A permit granted must:

- Be generally in accordance with the incorporated plan, unless a schedule to this overlay specifies otherwise.
- Include any conditions or requirements specified in a schedule to this overlay.

Exemption from notice and review

An application under any provision of this planning scheme which is generally in accordance with the incorporated plan 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.

Decision guidelines

Before deciding on an application under any provision of this scheme which is not generally in accordance with the incorporated plan, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The incorporated plan.
- Any other matters specified in a schedule to this overlay.

Preparation of the incorporated plan

The incorporated plan may consist of plans or other documents and may, with the agreement of the planning authority, be prepared and implemented in stages.

An incorporated plan that provides for residential subdivision in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone, Township Zone, Comprehensive Development Zone and Priority Development Zone must meet the requirements of Clause 56 as specified in the zone.

The incorporated plan must describe:

- The land to which the plan applies.
- The proposed use and development of each part of the land.
- Any other requirements specified for the plan in a schedule to this overlay.
SCHEDULE 1 TO THE INCORPORATED PLAN OVERLAY

Shown on the planning scheme map as IPO1.

236-254 ST KILDA ROAD, SOUTHBANK

1.0 Purpose

To provide a framework of specific site controls for the land to enable detailed planning to proceed with certainty having regard to specific design guidelines.

2.0 Design guidelines

- To preserve the vista of the Shrine of Remembrance from St Kilda Road and Swanston Street.
- To ensure that development enhances the boulevard character of St Kilda Road and recognises its importance as Melbourne’s major civic and ceremonial route, and in particular that:
  - built form and external finishes along the St Kilda Road frontage are respectful of the Victoria Barracks, the Victorian College of the Arts, and the Domain gardens;
  - any substantial increase in building height above 30 metres Australian Height Datum (AHD) in Height Control Area B on Plan 1, should generally not occur over more than 20% of the area of that Height Control Area; and
  - landscaping along the St Kilda Road frontage area is complementary to the existing landscape treatment of the boulevard.
- To ensure that development does not dominate the Shrine or detract from its appearance, having regard to viewing points from the centre point of the upper forecourt of the Shrine and the mid-point of the eastern footpath of Princes Bridge.
- To ensure high quality urban design, having regard to the massing, articulation and detailing of buildings, and in particular:
  - built form on St Kilda Road and Grant Street is to be generally parallel to the relevant street frontage and incorporate rooftop building services within the roof forms;
  - active uses on street frontages at ground level are to be encouraged; and
  - built form on Grant Street shall provide a high quality frontage to that street.

3.0 General

The provisions of this Incorporated Plan Overlay provide specific controls for land situated at 236-254 St Kilda Road, being land bounded by St Kilda Road, Wadey Street, Wells Street and Grant Street, Southbank.

4.0 Requirements and conditions for permits

4.1 Subdivision

There is no requirement for public open space to be provided or set aside in respect of subdivision, or for any payment to be made by the owner of the land in lieu of such provision or setting aside.

4.2 Height and setback

In areas marked Height Control Area B, C or D on Plan 1, buildings must not be constructed above the respective heights listed in Column 1 of Table 1.
Table to Schedule 1

<table>
<thead>
<tr>
<th>Height Control Area</th>
<th>Column 1 Height (Ahd)</th>
<th>Column 2 Height (Ahd)</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>25 metres</td>
<td>45 metres</td>
</tr>
<tr>
<td>C</td>
<td>50 metres</td>
<td>70 metres</td>
</tr>
<tr>
<td>D</td>
<td>60 metres</td>
<td>75 metres</td>
</tr>
</tbody>
</table>

Notwithstanding the above, buildings may be constructed above the heights listed in Column 1, but not exceeding the height nominated in Column 2, for the respective parts of the land if the responsible authority is satisfied that such buildings are generally in keeping with the relevant design guidelines as specified in Clause 2 to this schedule.

Building heights listed in the table to this schedule are measured to the top of the roof slab (excluding architectural features and building services). Architectural features and building services to the satisfaction of the responsible authority may exceed the building heights nominated.

Subject to Clause 4.4(g), no above-ground buildings or works may be constructed or carried out in Height Control Area A, as shown in Plan 1, except for driveways, footpaths, street furniture, fences, landscape works, or architectural features if such buildings and works are to the satisfaction of the responsible authority.

4.3

Crown Allotment 44F

For Crown Allotment 44F, being the land comprised in Certificate of Title Volume 10341 Folio 002 as at 23 January 1998 (as shown on Plan No. TP 800001 B), (Lot 44F), buildings and works may be carried out on that land in accordance with the height and setback controls in Clause 4.2 subject to the following:

a) No buildings or works shall be constructed on Parcel A of Lot 44F directly above the Melbourne City Link Project tunnels which result in a loading on structures of the tunnels in excess of a loading equivalent of 40 kPa uniform loading.

b) No buildings or works shall be constructed on Parcel B of Lot 44F which would have a material adverse effect on the structural integrity of the adjacent Melbourne City Link Project tunnels.

4.4

General requirements

a) Except with the consent of the responsible authority, any glazing material used on external surfaces must not reflect more than 20% of visible light when measured at an angle of incidence normal to the glass surface.

b) The loading and unloading of service vehicles and the delivery of goods, plant and materials shall at all times take place within the curtilage of the land.

c) All garbage and other waste material shall at all times be stored in areas set aside for such purposes to the satisfaction of the responsible authority.

d) Drainage of the site must be constructed to the satisfaction of the Melbourne City Council.

e) The owner of the land shall remove all vehicle crossings not required for the development.

f) The area set aside for the parking of vehicles and accessways shall be constructed, surfaced, sealed, drained, delineated and maintained at all times to the satisfaction of the responsible authority and such works shall be completed prior to the commencement of the use.

g) Notwithstanding any other provision of this planning scheme, the subject land or any part thereof may be developed and used for the purpose of a temporary display and marketing facility together with associated landscaping, signage and car parking.
h) No permit is required for the dispensation of car parking providing it is to the satisfaction of the responsible authority.

Incorporated Plan Overlay No. 1

236-254 St Kilda Road, Southbank

Plan No. 1
**SCHEDULE 2 TO THE INCORPORATED PLAN OVERLAY**

Shown on the planning scheme map as IPO2.

**HOBBONS ROAD MIXED USE PRECINCT**

1.0

**Purpose**

To facilitate the use and development of the land for residential and commercial purposes generally in accordance with the Incorporated Plan.

To ensure that development is visually compatible with the prevailing scale and height of Kensington Banks.

To ensure that the development of the land provides an appropriate built form to the Maribyrnong River.

To ensure that the development provides visual and access corridors through the site to link Kensington Banks with the Maribyrnong River.

To achieve an adequate setback of buildings to the Maribyrnong River to provide for appropriate flood management of the site.

2.0

**Requirement before a permit is granted**

An application to subdivide land, construct a building or construct or carry out works must be accompanied by detail plans and accompanying report that demonstrates how the development will comply with the relevant requirements of the Hobsons Road Incorporated Plan March 2008 and this Schedule to the satisfaction of the Responsible Authority.

3.0

**Permits not generally in accordance with incorporated plan**

A permit may be granted for a development that does not comply with the Incorporated Plan to allow for architectural features and building services, the screening of plant and equipment at the roof level, the slope of roofs or to ensure an exceptional design outcome.

4.0

**Conditions and requirements for permits**

Applications for a planning permit must comply with the following requirements:

**Incorporated Plan**

The development must generally be in accordance with the Incorporated Plan title “Hobsons Road Incorporated Plan-March 2008”

**Use**

The mix of commercial and residential uses on the site must be to the satisfaction of the Responsible Authority.

Use of the precinct should be a mix of residential densities and types and some commercial across the site, commercial office development close to the power lines and a café, convenience shop, or community facility located adjacent to the Maribyrnong River close to the power line easement (identified as a key site on the “Hobsons Road Built Form Framework Plan”).

**Building Heights**

In areas marked Height Control Areas A, B or C on the “Hobsons Road Precinct Built Form Framework Plan March 2008”, buildings should not be constructed above the heights listed in Column 1 of Table 1.
Table 1

<table>
<thead>
<tr>
<th>Height Control Area</th>
<th>Column 1-Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>10.5 metres</td>
</tr>
<tr>
<td>B</td>
<td>18 metres</td>
</tr>
<tr>
<td>C</td>
<td>22 metres</td>
</tr>
</tbody>
</table>

**Built Form**

Building design should complement but not mimic the scale and form of the existing development within Kensington Banks.

Buildings must be designed to achieve an exceptional level of design that reduces the impacts of their visibility and dominance.

The development of blank walls, fencing and screening at the ground level is discouraged.

Buildings should address Hobsons Road and the River frontage through direct relationship of ground level entries, casual surveillance, windows facing public areas and minimal setbacks.

Buildings located adjacent to open space should be designed to provide casual surveillance of those areas.

Buildings should be designed to minimize noise from the railway line.

Buildings should be designed to minimize overshadowing effects on the Maribyrnong River and walking trail.

**Traffic and Carparking**

A Traffic Management Plan by a suitable qualified Traffic Engineer must be submitted to and approved by the Responsible Authority. This must include a report on the proposed level of traffic to be generated by the proposal and whether the proposal is likely to require special traffic management or controls in the neighbourhood.

The Traffic Management Plan should also take account of the following:

- The development of the land should not have an adverse impact on local traffic conditions in neighbouring Kensington Banks.
- Traffic generated from the Hobsons Road precinct should use Kensington Road to access and egress the area.
- The provision of adequate and convenient on street visitor car parking is encouraged.
- Vehicle crossings over pedestrian footpaths are discouraged and where provided should be aggregated.
- Vehicular access must be designed to ensure that access to garages in dwellings is from rear lanes.
- Residents and tenants car parking should be located below the new ground level in basement or semi basement car parking.

**Permeability and Circulation**

A plan showing the location of vehicle, bicycle and pedestrian access points and linkages must be submitted to and approved by the Responsible Authority.

New streets should be located as indicated on the “Hobsons Road Precinct Built Form Framework Plan March 2008” and as per the widths shown on that plan.

Public roadways should be designed and developed to standards prescribed by the City of Melbourne and should be provided to ensure traffic circulation throughout the site.
New streets should provide quality and accessible vehicular, pedestrian and bicycle through links between Hobsons Road and Maribyrnong River.

**Open Space**

The development should provide safe, accessible and convenient public open space.

Provision should be made for pedestrian and cycling paths which link the precinct to regional paths.

Provision should be made for a bike and pedestrian link to the Maribyrnong River along the railway embankment.

The open space setback required by Melbourne Water to address flooding should be appropriately landscaped and publicly accessible via the public roadways. Where a contribution is required under Clause 52.01 of the Melbourne Planning Scheme, the area of land provided for open space (to show compliance with the provisions of the Urban Floodway Zone) shall be considered to have met that requirement.

**Landscaping**

A landscape plan designed by a suitable qualified person must be submitted to and approved by the Responsible Authority. This must include a written response of how the landscape plan achieves the integration of the development with the areas of open space adjacent to the river.

**Flood Mitigation**

Buildings and works must meet the following requirements of Melbourne Water to ensure that development is protected from flooding from the Maribyrnong River:

- To ensure compliance with the requirements of Melbourne Water, the owners of the land are required to fill the land at least to the applicable 1% ARI flood level.

- All buildings are to attain a finished floor level of a minimum of 600mm above the applicable 1% ARI flood level. The owners of the land are to provide safe pedestrian and vehicular access from the development during a peak flood event by raising the height of Hobsons Road to a minimum level no lower than 350mm below the applicable 1% ARI flood level.

- An Emergency Response Plan (ERP) should be prepared in consultation with an appropriately accredited risk management firm. The ERP is to consider flood risks, and the future management of the site in relation to the flood risks. The landowner should register the ERP on title through the creation of a 173 agreement.

- Basements, including entry and exist points for carparking should be designed to prevent flooding through the construction of a flood proof apex, a minimum of 600mm above the applicable 1% ARI flood level.

**Heritage**

The retention of the chimney of the former glue factory at 1-39 Hobsons Road, Kensington is encouraged where possible.

A report recording the architectural and historical character of the heritage buildings presently on the land must be submitted to and approved by the Responsible Authority if they are to be demolished or altered.

**Sustainability**

An application for a planning permit should be supported by an Environmental Sustainable Development Report identifying the environmental features to be included in the development.

New development should incorporate core sustainability features addressing water management, greenhouse gas emissions, solar access and waste management.
Decision guidelines

In deciding on an application for subdivision, use or buildings and works the responsible authority must consider as appropriate:

- Whether the development contributes to a positive riverfront experience including limiting any overshadowing impacts.
- Whether the development along Hobsons Road is compatible in scale to prevailing building heights in Kensington Banks.
- Whether the design includes appropriate measures to minimise noise levels generated from the railway line.
- The layout and appearance of areas set aside for car parking, access and egress and the location of any proposed car parking.
- Energy efficiency, waste management and water sensitive urban design initiatives.
- Whether public and private open spaces will be suitable landscaped.
- Whether the extent of shadows cast by any new buildings has an unreasonable impact on public open space areas.
SCHEDULE 5 TO THE INCORPORATED PLAN OVERLAY

Shown on the planning scheme map as IPO5.

MOONEE PONDS CREEK CONCEPT PLAN

1.0

Requirement before a permit is granted

- To co-ordinate the development along the Moonee Ponds Creek, it’s banks and surrounding environment.
- To reserve the natural features and remnant vegetation of the Creek and prevent further deterioration of the creek and its environs.
- To improve access to land adjacent to the creek and the creek itself, to enable the extension of the linear trail along the entire creek and developing cross links to other areas.

2.0

Conditions and requirements for permits.

Before deciding on an application, the responsible authority must consider:

- The purpose of the Moonee Ponds Creek Concept Plan 1992, the relevant zone and of any abutting zones.
- The existing use and/or development of the area.
- The need to prevent pollution of the waterway, it’s banks and surrounding area.
- Whether the buildings and works, or planting or removal of vegetation is likely to cause any deterioration of the area by erosion or depositing of sand or silt or any other reason.

3.0

Exemptions

A permit is not required for drainage works or flood mitigation works carried out by Melbourne Water or any public authority.
SCHEDULE 6 TO CLAUSE 43.03 INCORPORATED PLAN OVERLAY

Shown on the planning scheme map as IPO6.

156-160 LEICESTER STREET, CARLTON

Note: Also include reference to the Incorporated plan in the Schedule to Clause 72.04

1.0

Requirement before a permit is granted

None specified.

2.0

Permits not generally in accordance with incorporated plan

None specified.

3.0

Conditions and requirements for permits

The following conditions and/or requirements apply to permits:

Conditions

Demolition and Construction Management Plan

Before the development starts, a detailed Demolition and Construction Management Plan must be submitted to and approved by the responsible authority. The Demolition and Construction Management Plan is to be prepared in accordance with the Melbourne City Council - Construction Management Plan Guidelines and is to consider the following:

- air and dust management;
- operating hours, noise and vibration controls;
- public safety, amenity and site security;
- stormwater and sediment control;
- traffic management; and
- waste and material reuse.

Site contamination

A Preliminary Environmental Site Assessment, prepared by a suitably qualified professional, indicating whether the current state of the land is suitable for the proposed use, and whether an environmental audit of the land is required in accordance with Part IXD of the Environment Protection Act 1970 for a sensitive use must be prepared to the satisfaction of the responsible authority.

If a sensitive use is proposed (residential use, child care centre, pre-school centre or primary school), or before the construction or carrying out of buildings and works in association with a sensitive use commences, the recommendations of the Preliminary Environmental Site Assessment must be implemented to the satisfaction of the responsible authority.

3D Model

Before the development starts, including demolition, bulk excavation and site preparation works, or as otherwise agreed to in writing by the responsible authority, a 3D digital model of the development and its immediate surrounds, as appropriate, must be submitted to the responsible authority and be to the satisfaction of the responsible authority in conformity with the Department of Environment, Land, Water and Planning Advisory Note 3D Digital Modelling.
In the event that substantial modifications are made to the building envelope a revised 3D digital model must be submitted to the responsible authority and be to the satisfaction of the responsible authority, before these modifications are approved.

**Decision guidelines**

None specified.

**Preparation of the incorporated plan**

An incorporated plan must include the following requirements.

**Site Analysis Plan** which shows:

- Existing site conditions, orientation, boundaries and dimensions.
- Site context and surrounds, including details of surrounding land uses and scale and form of development, including heritage buildings, the wider site context of the Parkville National Employment and Innovation Cluster, Parkville Knowledge Precinct and Melbourne Metro Parkville Station.

**Heritage Response Plan** which outlines how the site will be developed and any consideration of the following matters:

- The historical use of the site.
- The historical, cultural and social significance of the site.
- The scale, design and materials of previous buildings on the site.
- The site’s corner location and the historic significance of the streetscape, including the street wall heights of adjoining heritage buildings.

**Development Concept Plan** which shows:

- Any building envelope compliant with the Design and Development Overlay Schedule 61.
- Any wind impacts and wind mitigation measures.
- Design standards for any residential development.
- The access to the site and the location of any loading and unloading facilities.
- The areas for any storage of waste.
- The environmental sustainability of any development.
- The extent of any overshadowing of the public realm and any other building at 22 September.
- Any internal layout.
- The provision of public and any private open space.
- The use proposed.

**Development Concept Report** which details how the development may:

- Create a strong sense of definition and place.
- Integrate with the surrounding area, including adjoining buildings, private open space, habitable room windows and public open spaces.
- Respond to all relevant provisions of the Melbourne Planning Scheme, including Design and Development Overlay Schedule 61 and Heritage Overlay HO85.
- Respond to the surrounding urban fabric, streetscape and landscape in terms of siting, size, height and proportions.
- Use built form, materials, textures and colours to give consistent character and an element of neighbourly resemblance.

The Development Concept Report must include the site analysis plan, heritage response plan and development concept plan.

The planning authority may request that additional requirements be provided following review of the incorporated plan and consultation with Melbourne City Council.
DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.
To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.

Objectives

A schedule to this overlay may specify objectives to be achieved for the area affected by the overlay.

Requirement before a permit is granted

A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.
This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority.
A permit granted must:
- Be generally in accordance with the development plan.
- Include any conditions or requirements specified in a schedule to this overlay.

Exemption from notice and review

If a development plan has been prepared to the satisfaction of the responsible authority, 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.

Preparation of the development plan

The development plan may consist of plans or other documents and may, with the agreement of the responsible authority, be prepared and implemented in stages.
A development plan that provides for residential subdivision in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone, Township Zone, Comprehensive Development Zone and Priority Development Zone must meet the requirements of Clause 56 as specified in the zone.
The development plan must describe:
- The land to which the plan applies.
- The proposed use and development of each part of the land.
- Any other requirements specified for the plan in a schedule to this overlay.
The development plan may be amended to the satisfaction of the responsible authority.
SCHEDULE 1 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO1.

LONSDALE STREET (GOLDEN SQUARE CARPARK) AREA

Site Description
The development site is described as 213-237 Lonsdale Street and 222-230 Little Bourke Street, Melbourne and comprises land in three titles which abuts Tattersalls Lane and with existing access from Little Bourke Street and Lonsdale Street.

Requirements for Development Plan

1.0

Use and Development
The land shall be used for a wide range of purposes including a combination of one or more of the following:

- Accommodation
- Amusement parlour
- Retail Premises
- Offices
- Place of assembly
- Public car parking and parking associated with all the various uses

The provision of car parking on the site shall be located within the basement and/or within the podium levels of any future buildings on the site as shown in Figure 1 Building Envelope Plan. The car park location maybe varied to the satisfaction of the responsible authority.

1.2

Design Objectives

- To promote a high quality, multi-storey landmark built form which contributes to the revitalisation of Lonsdale Street.
- To ensure new development complements the quality of the public realm.
- To provide for architectural detail, excitement and interest at both skyline and pedestrian levels.
- To improve and enhance pedestrian network linkages surrounding the site and to make a positive contribution to the street level microclimate.
- To ensure that any future development constructed to the street alignment of the Little Bourke Street frontage respects the character of the buildings along that frontage.
- To ensure that adequate access and egress from the site is to be provided having regard to the existing and proposed infrastructure.
- To ensure building entrances are identifiable from the street.

1.3

Access Arrangements
Access and egress to the site shall be provided generally in accordance with drawings “Proposed Lonsdale Street Access Configuration; Ref No 98093/T/07/P2” prepared by Grogan Richards. The access arrangements may be amended to the satisfaction of the responsible authority.

The main points of access and egress shall be provided at the Lonsdale Street frontage.
**1.4 Car Parking**

Car parking on the site shall be accordance with the Parking Precinct Plan in the Schedule to Clause 52.06-2 of the Melbourne Planning Scheme: “Car Parking in the Capital City Zone” – Retail Core, Lonsdale Street (Golden Square Car Park ) Area”.

**1.5 Building Height**

Except with a permit, buildings and works (excluding architectural features and building services) must not be constructed to exceed the maximum building height specified in the table to this schedule and within the areas shown on the Building Envelope Plan, Figure 2.

The height of a building or works is the height of its highest point above the permanent footpath at the centre of the site frontage to Lonsdale Street. If there is no footpath, the natural surface level at the centre of the site frontage is the base level.

### Table to Schedule 1

<table>
<thead>
<tr>
<th>Area</th>
<th>Maximum Building Height</th>
<th>Extent Of Height Control Area</th>
<th>Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total site frontage to Little Bourke Street</td>
<td>15 metres</td>
<td>a depth of 10 metres from the alignment of Little Bourke Street extending the full frontage of Little Bourke Street</td>
<td>To ensure that any future development constructed to the street alignment of the Little Bourke Street frontage respects the character of the buildings along that frontage. To enhance the pedestrian environment of Little Bourke Street</td>
</tr>
<tr>
<td>Total site frontage to Lonsdale Street</td>
<td>30 metres</td>
<td>a distance of 10 metres from the alignment of Lonsdale Street extending the full frontage of Lonsdale Street</td>
<td>To provide for architectural detail, excitement and interest along this podium base.</td>
</tr>
<tr>
<td>Rear portion of the site known as 222-230 Little Bourke Street</td>
<td>24 metres</td>
<td>commencing at a distance of 10 metres from the Little Bourke Street frontage extending into the site for a distance of 29.80 metres.</td>
<td>To ensure that the design of new development does not adversely affect the amenity of Little Bourke Street</td>
</tr>
<tr>
<td>Central podium component of the whole site; but also to the rear eastern and western edges of the Lonsdale Street site</td>
<td>40 metres</td>
<td>Commencing 10 metres from the Lonsdale Street frontage for part of the 68.92m frontage to Lonsdale Street, (53.20m) inclusive of all land for a distance of 45.88 metres from the Lonsdale Street boundary in an area of 919.9 sq m as indicated by the hatched area</td>
<td>To provide for architectural detail, excitement and interest along these elevations</td>
</tr>
<tr>
<td>Eastern boundary fronting Lonsdale Street</td>
<td>60 metres</td>
<td>Setback 10 metres from the Lonsdale Street frontage and 11.85m from the eastern boundary of the site for a distance of 20.73 metres providing a total are of 245.7 sq m</td>
<td>To achieve a stepped transition in building bulk to the tower component.</td>
</tr>
<tr>
<td>Tower component of the Lonsdale Street site</td>
<td>90 metres</td>
<td>Setback a minimum of 10 metres from the Lonsdale Street frontage extending from 11.85m from the eastern boundary of the site to a distance of 10 metres from the western boundary indicated by the shaded area annotated “A” on the Building Envelope Plan.</td>
<td>To promote a high quality, multi-storey landmark built form which contributes to the revitalisation of Lonsdale Street To provide for architectural detail, excitement and interest at both skyline and pedestrian levels To facilitate city views into and out of the city</td>
</tr>
</tbody>
</table>
SCHEDULE 2 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO2.

YARRA’S EDGE PRECINCT

Site Description

The site is described as land bounded by the Yarra River, the Charles Grimes Bridge, Lorimer Street and the Bolte Bridge.

1.0

Requirements before a permit is granted

A permit may be granted to use or subdivide land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the responsible authority.

A permit may be granted for demolition before a development plan has been prepared, provided that interim treatments are to the satisfaction of the Responsible Authority.

2.0

Requirements for Development Plan

The development plan must include, to the satisfaction of the responsible authority:

- An urban design statement which indicates a design philosophy and framework for development across the site.
- Existing conditions plan, showing extent of proposed demolition, topography (including levels), and infrastructure provision.
- Concept plans which show:
  - A precinct plan for the site, showing building locations, car parking areas, access ways and open spaces.
  - Maximum building heights, floor areas and indicative uses at each building location.
  - Conceptual elevations indicating the architectural theme, including preferred materials, colours and finishes.
  - Cross sections, indicating level changes across the site (including marina and water levels) where appropriate.
  - Orientation and overshadowing.
  - Three-dimensional views from the Yarra River of the proposed development where appropriate.
- A movement and parking plan which shows:
  - Identification of roads, pedestrian, cyclist, watercraft and vehicular access locations, including parking areas and nominal loading bays.
  - Location and linkages to public transport, including provision of passenger facilities.
- A landscaping plan which shows:
  - Treatment and layout of the public realm, including the waterfront promenade and details of marinas and wharf edges.
  - The location, layout and a typical planting schedule for all landscaped areas.
- A staging plan which indicates the stages and interim treatments, if any, in which the land is to be developed.
Decision Guidelines

In assessing a Development Plan or an amendment to a Development Plan, the responsible authority should consider the:

- Purposes of the zone, overlays and any other relevant provisions of the planning scheme.
- Views of City of Melbourne.
- Views of VicUrban.
- Views of the precinct from the Yarra River.
- Pedestrian and vehicle movement network, both internal and external to the site.
- Spacing of towers and podiums, and their relation to the street, waterfront and public realm areas.
- Treatment of the waterfront and public realm.

Outline Development Plan

The Outline Development Plan/s described in the following table, as amended from time to time by the Responsible Authority, are approved Development Plans under this Clause to extent that they apply to the Yarra’s Edge Precinct:

<table>
<thead>
<tr>
<th>Outline Development Plan Description</th>
<th>Date Of Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Mirvac Yarra's Edge Revised Outline Development Plan&quot;</td>
<td>As approved by the Minister for Planning on 20 October 2006</td>
</tr>
</tbody>
</table>
SCHEDULE 3 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO3.

VICTORIA HARBOUR PRECINCT

Site Description
The site is described as land bounded by the Yarra River to the south, and Harbour Esplanade and Victoria Harbour water body to the east.

1.0

Requirement before a permit is granted
A permit may be granted to use or subdivide land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the responsible authority.

A permit may be granted for demolition before a development plan has been prepared, provided that interim treatments are to the satisfaction of the Responsible Authority.

2.0

Requirements for development plan
The development plan must include, to the satisfaction of the responsible authority:

- An urban design statement which indicates a design philosophy and framework for development across the site.
- Existing conditions plan, showing heritage places, extent of proposed demolition, topography (including levels), and infrastructure provision.
- Concept plans which show:
  - A precinct plan for the site, showing building locations, car parking areas, access ways and open spaces.
  - Maximum building heights, floor areas and indicative uses at each building location.
  - Conceptual elevations indicating the architectural theme, including preferred materials, colours and finishes.
  - Cross sections, indicating level changes across the site (including marina and water levels).
  - Orientation and overshadowing.
  - Three-dimensional views from the Yarra River or Victoria Harbour water body of the proposed development where appropriate.
- A movement and parking plan which shows:
  - Identification of roads, pedestrian, cyclist, watercraft and vehicular access locations, including parking areas and nominal loading bays.
  - Location and linkages to public transport, including provision of passenger facilities.
- A landscaping plan which shows:
  - Appropriate landscaping treatment of the raised ground plane
  - Treatment and layout of the public realm, including the waterfront promenade and details of marinas and wharf edges.
  - The location, layout and a typical planting schedule for all landscaped areas.
- A staging plan which indicates the stages and interim treatments, if any, in which the land is to be developed.
Decision Guidelines

In assessing a Development Plan or an amendment to a Development Plan, the responsible authority should consider the:

- Purposes of the zone, overlays and any other relevant provisions of the planning scheme.
- Views of the City of Melbourne.
- Views of VicUrban.
- Precinct views from the Yarra River and Victoria Harbour water body.
- Pedestrian and vehicle movement network, both internal and external to the site.
- Impact of overshadowing on the waterfront promenade and Yarra River.
- Impact of proposed development on heritage places.
- Treatment of the waterfront and public realm.

Development Plan

The Development Plan/s described in the following table, as amended from time to time by the Responsible Authority, are approved Development Plans under this Clause to extent that they apply to the Victoria Harbour Precinct:

<table>
<thead>
<tr>
<th>Development Plan Description</th>
<th>Date Of Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victoria Harbour Development Plan 2010</td>
<td>As approved by the Minister for Planning on 7 March 2011.</td>
</tr>
</tbody>
</table>
SCHEDULE 4 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO4.

BATMAN’S HILL PRECINCT

Site Description

The site is described as land bounded by the Harbour Esplanade to the west, Wurundjeri Way to the south and east and Bourke Street to the north.

Requirements before a permit is granted

A permit may be granted to use or subdivide land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the responsible authority.

A permit may be granted for demolition before a development plan has been prepared, provided that interim treatments are to the satisfaction of the Responsible Authority.

Requirements for Development Plan

The development plan must include, to the satisfaction of the responsible authority:

- An urban design statement which indicates a design philosophy and framework for development across the site.
- Existing conditions plan, showing heritage places, extent of proposed demolition, topography (including levels), and infrastructure provision.
- Concept plans which show:
  - A precinct plan for the site, showing building locations, car parking areas, access ways and open spaces.
  - Maximum building heights, floor areas and indicative uses at each building location.
  - Conceptual elevations indicating the architectural theme, including preferred materials, colours and finishes.
  - Cross sections, indicating level changes across the site.
  - Orientation and overshadowing.
- A movement and parking plan which shows:
  - Identification of roads, pedestrian, cyclist and vehicular access locations, including parking areas and nominal loading bays.
  - Location and linkages to public transport, including provision of passenger facilities.
- A landscaping plan which shows:
  - Treatment and layout of the public realm.
  - The location, layout and a typical planting schedule for all landscaped areas.
- A staging plan which indicates the stages and interim treatments, if any, in which the land is to be developed.

Decision Guidelines

In assessing a Development Plan or an amendment to a Development Plan, the responsible authority should consider the:

- Purposes of the zone, overlays and any other relevant provisions of the planning scheme.
- Views of the City of Melbourne.
- Views of Places Victoria.
- Pedestrian and vehicle movement networks, both internal and external to the site.
- Impact of the proposed development on heritage places.
- Treatment of the public realm.

**Development Plan**

The Development Plan/s described in the following table, as amended from time to time by the Responsible Authority, are approved Development Plans under this Clause to extent that they apply to the Batman’s Hill Precinct:

<table>
<thead>
<tr>
<th>Outline Development Plan Description</th>
<th>Date of Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Development Plan Collins Square - April 2011, Volumes 1 and 2”</td>
<td>As approved by the Minister for Planning on 30 June 2011.</td>
</tr>
</tbody>
</table>
SCHEDULE 5 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO5.

STADIUM PRECINCT

Site Description

The site is described as land bounded by Latrobe Street to the north, Wurundjeri Way to the east, Harbour Esplanade to the west, and Bourke Street to the south.

1.0 Requirements before a permit is granted

A permit may be granted to use or subdivide land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the responsible authority.

A permit may be granted for demolition before a development plan has been prepared, provided that interim treatments are to the satisfaction of the Responsible Authority.

2.0 Requirements for Development Plan

The development plan must include, to the satisfaction of the responsible authority:

- An urban design statement which indicates a design philosophy and framework for development across the site.
- Existing conditions plan, showing heritage places, extent of proposed demolition, topography (including levels), and infrastructure provision.
- Concept plans which show:
  - A precinct plan for the site, showing building locations, car parking areas, access ways and open spaces.
  - Maximum building heights, floor areas and indicative uses at each building location.
  - Conceptual elevations indicating the architectural theme, including preferred materials, colours and finishes.
  - Cross sections, indicating level changes across the site.
  - Orientation and overshadowing.
- A movement and parking plan which shows:
  - Identification of roads, pedestrian, cyclist, watercraft and vehicular access locations, including parking areas and nominal loading bays.
  - Location and linkages to public transport, including provision of passenger facilities.
- A landscaping plan which shows:
  - Treatment and layout of the public realm.
  - The location, layout and a typical planting schedule for all landscaped areas.
- A staging plan which indicates the stages and interim treatments, if any, in which the land is to be developed.

3.0 Decision Guidelines

In assessing a Development Plan or an amendment to a Development Plan, the responsible authority should consider the:

- Purposes of the zone, overlays and any other relevant provisions of the planning scheme.
- Views of the City of Melbourne.
- Views of VicUrban.
- Pedestrian and vehicle movement networks, both internal and external to the site.
- Treatment of the public realm.
SCHEDULE 6 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO6.

DIGITAL HARBOUR PRECINCT

Site Description

The site is described as land bounded by Wurundjeri Way to the north and east, La Trobe Street to the south and Harbour Esplanade to the west.

1.0

Requirements before a permit is granted

A permit may be granted to use or subdivide land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the responsible authority.

A permit may be granted for demolition before a development plan has been prepared, provided that interim treatments are to the satisfaction of the Responsible Authority.

2.0

Requirements for Development Plan

- The development plan must include, to the satisfaction of the responsible authority:
  - An urban design statement which indicates a design philosophy and framework for development across the site.
  - Existing conditions plan, showing heritage places, extent of proposed demolition, topography (including levels), and infrastructure provision.
  - Concept plans which show:
    - A precinct plan for the site, showing building locations, car parking areas, access ways and open spaces.
    - Maximum building heights, floor areas and indicative uses at each building location.
    - Conceptual elevations indicating the architectural theme, including preferred materials, colours and finishes.
    - Cross sections, indicating level changes across the site.
    - Orientation and overshadowing.
  - A movement and parking plan which shows:
    - Identification of roads, pedestrian, cyclist, watercraft and vehicular access locations, including parking areas and nominal loading bays.
    - Location and linkages to public transport, including provision of passenger facilities.
  - A landscaping plan which shows:
    - Treatment and layout of the public realm.
    - The location, layout and a typical planting schedule for all landscaped areas.
  - A staging plan which indicates the stages and interim treatments, if any, in which the land is to be developed.

3.0

Decision Guidelines

In assessing a Development Plan or an amendment to a Development Plan, the responsible authority should consider the:

- Purposes of the zone, overlays and any other relevant provisions of the planning scheme.
- Views of the City of Melbourne.
- Views of Places Victoria.
- Pedestrian and vehicle movement networks, both internal and external to the site.
- Treatment of the public realm.

### Outline Development Plan

The Outline Development Plan/s described in the following table, as amended from time to time by the Responsible Authority, are approved Development Plans under this Clause to extent that they apply to the Digital Harbour Precinct:

<table>
<thead>
<tr>
<th>Outline Development Plan description</th>
<th>Date of Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Digital Harbour Development Plan (Amended April 2011)”</td>
<td>As approved by the Minister for Planning on 26 July 2011</td>
</tr>
</tbody>
</table>
SCHEDULE 7 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO7.

BUSINESS PARK PRECINCT

Site Description

The site is described as land bounded by the Footscray Road (Docklands Way) to the east, Victoria Harbour water body to the south and the Bolte Bridge to the west.

Requirements before a permit is granted

A permit may be granted to use or subdivide land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the responsible authority.

A permit may be granted for demolition before a development plan has been prepared, provided that interim treatments are to the satisfaction of the Responsible Authority.

Requirements for Development Plan

The development plan must include, to the satisfaction of the responsible authority:

- An urban design statement which indicates a design philosophy and framework for development across the site.
- Existing conditions plan, showing heritage places, extent of proposed demolition, topography (including levels), and infrastructure provision.
- Concept plans which show:
  - A precinct plan for the site, showing building locations, car parking areas, access ways and open spaces.
  - Maximum building heights, floor areas and indicative uses at each building location.
  - Conceptual elevations indicating the architectural theme, including preferred materials, colours and finishes.
  - Cross sections, indicating level changes across the site (including marina and water levels).
  - Orientation and overshadowing.
  - Three-dimensional views from the Victoria Harbour of the proposed development.
- A movement and parking plan which shows:
  - Identification of roads, pedestrian, cyclist, watercraft and vehicular access locations, including parking areas and nominal loading bays.
  - Location and linkages to public transport, including provision of passenger facilities.
- A landscaping plan which shows:
  - Treatment and layout of the public realm, including the waterfront promenade and details of marinas and wharf edges.
  - The location, layout and a typical planting schedule for all landscaped areas.
  - A staging plan which indicates the stages and interim treatments, if any, in which the land is to be developed.

Decision Guidelines

In assessing a Development Plan or an amendment to a Development Plan, the responsible authority should consider the:
- Purposes of the zone, overlays and any other relevant provisions of the planning scheme.
- Views of the City of Melbourne.
- Views of Places Victoria.
- Views of the precinct from the Victoria Harbour water body.
- Pedestrian and vehicle movement networks, both internal and external to the site.
- Impact of overshadowing on the waterfront promenade and Victoria Harbour water body.
- Impact of the proposed development on heritage places.
- Treatment of the public realm.

## Outline Development Plan

The Outline Development Plan/s described in the following table, as amended from time to time by the Responsible Authority, are approved Development Plans under this Clause to extent that they apply to the Business Park Precinct:

<table>
<thead>
<tr>
<th>Outline Development Plan description</th>
<th>Date of Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Outline Development Plan, MAB Business Park Precinct&quot;</td>
<td>Approved by the Minister for Planning on 30 April 1999</td>
</tr>
<tr>
<td>&quot;Supplementary Outline Development Plan&quot; Business Park Precinct</td>
<td>As approved by the Minister for Planning on 22 November 1999</td>
</tr>
<tr>
<td>&quot;Amended MAB Docklands Outline Development Plan&quot; dated 3 June 2002&quot;</td>
<td>As approved by the Minister for Planning on 29 August 2002</td>
</tr>
<tr>
<td>&quot;Amended Lot 9 &amp; 11 Outline Development Plan MAB East Precinct October 2003&quot;</td>
<td>As approved by the Minister for Planning on 8 April 2004</td>
</tr>
<tr>
<td>&quot;Waterfront City Outline Development Plan&quot; dated 15 September 2003&quot;</td>
<td>As approved by the Minister for Planning on 28 November 2003</td>
</tr>
<tr>
<td>&quot;Amended MAB New Quay West Development Plan September 2007 Melbourne Docklands Business Park Precinct&quot;</td>
<td>As approved by the Minister for Planning on 16 May 2008</td>
</tr>
<tr>
<td>&quot;NewQuay Central, Docklands, Development Plan&quot;, 2011</td>
<td>As approved by the Minister for Planning on 28 June 2012</td>
</tr>
</tbody>
</table>
SCHEDULE 8 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO8.

CARLTON HOUSING PRECINCTS

Site Description

The development area covers three public housing precincts in Carlton. The precincts are:

- Lygon/Rathdowne Precinct comprising the area generally bounded by Lygon Street, Princes Street, Drummond Street, Neill Street and Rathdowne Street, Carlton;
- Elgin/Nicholson Precinct comprising the area bounded by Elgin Street, Nicholson Street, Canning Street and Palmerston Street, Carlton;
- Keppel/Cardigan Precinct comprising the area bounded by Keppel Street, Cardigan Street, Cemetery Road East and Swanston Street, Carlton.

1.0

Requirement before a permit is granted

A permit may be granted to use or subdivide land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the responsible authority. Before granting a permit the responsible authority must be satisfied that the permit will not prejudice the future use and development of the land in an integrated manner.

An application for a planning permit should be supported by an Environmental Sustainable Development report identifying the environmental features to be included in the development.

2.0

Requirements for development plan

The development plan must include the following information:

- Existing conditions plans, showing land uses and existing building footprints, buildings proposed to be demolished, contours, adjoining roads and access points;
- Car parking rates for residential uses;
- Indicative numbers and the proposed mix of private and public dwellings;
- Report on traffic management and car parking requirements and where required traffic management measures.
- Response to the Carlton Community Infrastructure Plan Report, November 2006 prepared for the City of Melbourne and the Office of Housing, Revision E, as amended from time to time.
- Concept plans which show:
  - Existing and new building locations, land uses, car parking areas, public roads, vehicle access locations, pedestrian and bike paths and areas and locations of public open space;
  - Building envelopes for new buildings including preferred maximum building height, the minimum separation distance between buildings, the minimum setback from the street frontage and the preferred street address;
  - A landscape concept plan;
  - Design guidelines on precinct planning; street edge/frontage treatments; building envelope and articulation; circulation and parking; open space and landscape design; heritage buildings and streetscapes; safety and security, environmentally sustainable design; and accessibility
which are generally in accordance with the design guidelines contained in the Carlton Housing Precincts Development Plan, March 2006 as amended November 2006, or as further amended from time to time;

- Principles and objectives for new development which are generally in accordance with those contained within the Carlton Housing Precincts Development Plan, March 2006 as amended November 2006, or as further amended from time to time.

Before approving a development plan for any part of the development area or for any stage of development, the responsible authority must be satisfied that its approval will not prejudice the future development of the development area in an integrated manner.

Where the terms “building height” and “building envelope” are used in this Schedule, they have the following meanings.

Building height
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.

Building envelope
The building envelope nominates the preferred maximum building height for a new building and the area within which a new building should be sited.

2.1 Lygon/Rathdowne Precinct
In addition to any other requirements for a development plan specified in this schedule, the development plan for the Lygon/Rathdowne Precinct must provide for:

- A new public street between Drummond Street and Rathdowne Street;
- A new pedestrian connection /view line to Princes Street between Drummond Street and Rathdowne Street.

2.2 Elgin/Nicholson Precinct
In addition to any other requirements for a development plan specified in this schedule, the development plan for the Elgin/Nicholson Precinct must provide for:

- The reinstatement of part of Station Street into the precinct, to provide a street address and access for buildings, a pedestrian connection, visitor parking and public open space. A through traffic connection between Elgin Street and Palmerston Street must not be provided.
- New pedestrian connections/view lines to Canning Street (north south); and reinstated part of Station Street (east west).

2.3 Keppel/Cardigan Precinct
In addition to any other requirements for a development plan specified in this schedule, the development plan for the Keppel/Cardigan Precinct must be generally consistent with any relevant permit(s) or other approval issued under the Heritage Act 1995, and must show:

- Retained heritage buildings;
- Buildings which are proposed to be demolished, subject to a permit being granted under the Heritage Act 1995;
- Building envelopes for new buildings, and the minimum separation distance between retained buildings and new buildings;
- Proposed uses for the retained heritage buildings;
- Design guidelines addressing the treatment of the setting around the retained heritage buildings.

**Decision Guidelines**

Before deciding on any planning permit application for the Keppel/Cardigan Precinct, in addition to the decision guidelines specified in this schedule, the responsible authority must consider:

- Impact on the significance of the heritage place, in particular impact on the retained heritage buildings;
- Potential for the re-use of the retained heritage buildings; and
- Extent of consistency with any relevant permit(s) or other approval issued under the Heritage Act 1995.

**3.0 29/03/2007 C117**

**Principles and objectives for new development**

New development should:

- Replace the existing public housing walk-up blocks with new multiple dwelling housing;
- Maintain, as a minimum, the current number of public housing units;
- Provide an integrated mix of private and social housing;
- Provide for forms of social housing matched to the housing needs of low-income residents;
- Incorporate core sustainability features addressing water management, greenhouse gas emissions, solar access and waste management;
- Create a composition of varied forms and heights across the precincts that respect the built form character of the surrounding neighbourhood and the heritage buildings and streetscapes;
- Express significant corners with higher buildings built to the boundary;
- Recreate a sense of the former local street network using public open space and tree planning;
- Provide pedestrian and bike paths to connect to the surrounding neighbourhoods;
- Create a strong sense of personal safety and property security in a both day and night environment by enhancing visibility and casual surveillance opportunities, creating pedestrian friendly streets and clearly identified public and private areas;
- Provide sufficient car parking and utilise where possible the fall across the site to minimise the view of car parking areas from the street frontage;
- Implement traffic management techniques to actively discourage through traffic;
- Connect to the surrounding neighbourhoods using reinstated streets, view lines, open space and pedestrian and bike paths;
- Provide attractive, well-located and useable public open space;
- Provide an appropriate building height transition between towers and surrounding streets;
- Clearly define the building entry from the street frontage and provide an individual street address;
- Clearly define public and private areas using techniques such as open style fencing and landscaping;
- Provide activated and pedestrian friendly street frontages with opportunities for casual surveillance;
- Maintain the pedestrian scale of residential streets;
- Provide a range of public spaces and dwellings that meet the needs of all people including those with mobility impairment;
- Provide dwellings and non residential uses with accessibility, visitability and adaptability features;
- Design and locate car parking areas, including semi-basements, so that they do not dominate the street or public open space;
- Provide for community facilities and other non-residential uses that support the Carlton community and provide opportunities for social interaction;
- Respect heritage places, heritage buildings and streetscapes.

**Decision guidelines**

Before deciding on a request to amend a development plan, the responsible authority shall consider the comments of the City of Melbourne, if received within 28 days of the request.

Before deciding to approve or amend a development plan or any planning permit application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The purposes of the zone, overlays and any other relevant provisions of the planning scheme.
- The development’s contribution to the neighbourhood and sense of place;
- The impact on internal and external traffic movements.
SCHEDULE 9 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO9.

52-76 BUNCLE STREET, PEARL STREET & 91-117 MELROSE STREET, NORTH MELBOURNE MEDIUM DENSITY HOUSING SITE

1.0

01/07/2008

C134

Requirement before a permit is granted

A permit for subdivision may be granted prior to the approval of the development plan provided that the subdivision is for the land at 52-76 Buncle Street, is for no more than 2 lots and that each lot created has a minimum area of 3000 square metres.

A development plan may be approved in stages and a permit for development for that stage may be issued prior to the approval of a development plan for any other stage of development of the land.

2.0

01/07/2008

C134

Conditions and requirements for permits

Buildings (other than a lift overrun, plant equipment or architectural features) should not exceed four storeys, excluding a basement (for the purpose of this schedule a storey has a floor to floor height not exceeding 3.5 metres).

Appropriate supervision from an arborist prior to and during building works is required where the buildings and works are within the nominated tree protection zone to the satisfaction of the responsible authority.

Setbacks for development must be in accordance with the building envelope plan forming part of this schedule except for minor encroachments including eaves, architectural features, screening devices or similar.

3.0

01/07/2008

C134

Requirements for the development plan

The purpose of the requirements in this schedule are to:

- Enable development in accordance with the building envelope plan which forms part of this schedule.
- Enable development which is of a high quality design and responds to the purposes and requirements of this clause and other requirements of the Scheme.
- Encourage a built form that responds to the site's development potential to accommodate medium to higher density housing.
- Respond to the character and amenity of the area and ensure that any new development will not have an unreasonable effect on the residential amenity of the surrounding areas.
- Ensure that any new development is appropriately articulated and modulated as it presents to the site’s various street frontages.
- Ensure that there is appropriate transition in building height and scale between the development of the subject land and development of the adjoining land at 61-89 Melrose Street.
- Ensure an appropriate level of car parking is provided.
- Ensure that new development is of a height and scale that will be compatible with the surrounding built form context.
- Provide for appropriate landscape setbacks and provide for a high standard of landscaping that is responsive to the preferred landscape character for the surrounding area.
- Ensure that new development exhibits design excellence and high quality materials and finishes.
- Ensure that car parking and garages do not dominate in terms of their presentation to the site’s street frontages.
• Ensure that development which has a side elevation to street frontages is appropriately articulated so as to provide visual interest when viewed from the public realm.

• Ensure that new development incorporates appropriate front setbacks.

• Ensure that all service infrastructure is appropriately integrated into the design of new buildings and obscured from the public domain.

• Ensure that all public spaces and accessways are designed to facilitate a perception of security and accessibility for the whole community.

• Ensure that a pedestrian connection is provided between Pearl Street and Mark Street.

• Ensure that the development does not unreasonably overshadow the adjoining land at 61-89 Melrose Street.

• Ensure that the development incorporates appropriate measures to avoid the unreasonable potential for overlooking of the adjoining development at 61-89 Melrose Street.

The Development Plan must show:

• The location, dimensions, height, floor area and elevations of all buildings and works (including any above roof facilities), details of all building materials, including colours and finishes.

• The location of all vehicle ingress and egress ways and pedestrian access to and from the site.

• The location, layout, design and construction details of areas set aside for car parking including visitor car parking.

• The location and details of all urban design features of the development, including streetscape elements and associated paving and landscaping beautification.

• The location and screening of all service infrastructure.

• The location of any open space or foyer or pedestrian areas and the provision for appropriate landscaping.

• The relationship of the development to existing or proposed development on adjoining land and how the elevations and building design address the issues of street address, overshadowing, daylight, energy efficiency, overlooking and bulk.

• The location and screening of waste collection areas.

• Where common parking areas are proposed at grade, the screening of these areas when viewed from Bunle, Sutton, Mark Streets by the use of appropriate landscaping and/or architectural devices.

• Development fronting Melrose Street to include architectural features to respond to the traditional house subdivision pattern in Melrose Street. Such features may include spacing of dwelling entries, balconies and window fenestration.

• Details of Ecologically Sustainable Development (ESD).

• Pedestrian / vehicular circulation so as to improve physical connectivity and avoid pedestrian / vehicle conflict.

• Pedestrian connection between Pearl Street and Mark Street.
Building Envelope Plan

52-76 Buncle Street, Pearl Street & 91-117 Melrose Street, North Melbourne
SCHEDULE 11 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO11.

QUEEN VICTORIA MARKET PRECINCT

Site Description
The development plan overlay applies to the land within the red line of Figure 1.

1.0
Requirement before a permit is granted
A planning permit may be granted to use, subdivide land or for minor buildings and works to an existing development before a development plan has been prepared to the satisfaction of the responsible authority.

The responsible authority must be satisfied that the grant of a permit will not prejudice the future use or development of the land in an integrated manner.

2.0
Conditions and requirements for permits
Any permit issued for the use, subdivide or development of the land must be generally in accordance with:

- The approved Development Plan;
- The Queen Victoria Market Precinct Framework Plan 2017 at Figure 1; and
- The Vision in Clause 3.0.

Any permit issued for the use, subdivision or development of the land must be compliant with the provisions of Table 1.

A permit must not be granted for a development that does not meet the mandatory requirements in Table 1.

A permit application must provide the following:

- **Elevations and Cross-Section Plans** that address and meet (as a minimum) the following design requirements:
  - The design of the first 10 metre rise of podiums, and any flanking walls, in Parcel A and B (as shown on Figure 1) should manage the heritage sensitivities in this location, including by the detailed design and treatment of the podium façade directly referencing the Queen Victoria Market opposite and provide an appropriate pedestrian experience.
  - Where consistent with the heritage significance of existing buildings, continuous weather protection should be provided to the footpaths of Therry Street, Queen Street, Peel Street and to the southern side of the New Franklin Street to promote pedestrian amenity and provide protection from rain, wind and sun.
  - An active frontage to the ground level of buildings fronting Therry Street, Queen Street, the southern side of New Franklin Street and Peel Street, comprising:
    - At least 5 metres or 80% of the street frontage (whichever is the greater) as an entry or display window to a shop and/or a food and drink premises, or
    - At least 5 metres or 80% of the street frontage (whichever is the greater) as other uses, customer service areas and activities, which provide pedestrian interest and interaction.

- New development should not cast a shadow across the Flagstaff Gardens or the proposed public open space in Figure 1 between 11.00 am and 2.00 pm on 22 June, unless the Responsible Authority considers the overshadowing will not significantly prejudice the amenity of the open space.
- **Site Layout Plans** that address and meet (as a minimum) the following design requirements:
  - For street length blocks that exceed 100 metres in length the provision of at least one mid-block publicly accessible pedestrian link.
  - For street length blocks that exceed 200 metres in length the provision of at least two mid-block publicly accessible pedestrian links.
  - New publicly accessible pedestrian links should be located to connect to the area’s pedestrian network and enhance the pedestrian permeability of the public realm, generally as shown on Figure 1.
  - Vehicular ingress and egress to new development (excluding loading and unloading facilities) should not be constructed within a frontage to Therry Street, Queen Street, Peel Street or the southern side of the New Franklin Street, where vehicle access via an alternative frontage is possible.

- **Floor Area Ratio** assessment and report by an independent quantity surveyor.

- **Materials and Finishes Schedule** that outline the specifications of the proposed building materials and finishes.

- **Wind Tunnel Model Study** that addresses and meets (as a minimum) the following design requirements:
  - Demonstrates that new development will not adversely affect the amenity of the public realm.
  - New development adjoining the proposed public open space shown on Figure 1 and the frontages of Therry Street, Queen Street, the southern side of the New Franklin Street and Peel Street should be designed to be generally acceptable for short term stationary wind exposure (where the peak gust speed during the hourly average with a probability of exceedence of 0.1% in any 22.5o wind direction sector must not exceed 13ms-1).
  - New development adjoining all other public spaces should be designed to be generally acceptable for walking (where the peak gust speed during the hourly average with a probability of exceedence of 0.1% in any 22.5o wind direction sector must not exceed 16ms1).

- **Acoustic Assessment Report** that addresses and meets (as a minimum) the following design requirements:
  - How noise sensitive uses will be protected from impacts from noise generating uses in the area;
  - Buildings to be occupied by a residential use should be designed to limit internal noise levels in habitable rooms to a maximum of 45dB in accordance with relevant Australian Standards for acoustic control.

- **Environmental Sustainable Design and Water Sensitive Urban Design Assessment** that outlines the initiatives that are to be included in the proposal.

- **Demolition and Construction Management Plan** that addresses (as a minimum) the following design requirements:
  - Compliance with the City of Melbourne Construction Management Plan Guidelines.
  - Construction vehicle access and traffic management that ensures that the ongoing activities of the Queen Victoria Market are not adversely affected.
  - Public safety and amenity.
  - Air and dust management.
Requirements for development plan

The Development Plan must be generally in accordance with the Queen Victoria Market Precinct Framework Plan 2017 at Figure 1.

The Development Plan must be consistent with the following Vision:

- Development will contribute to the Melbourne CBD’s distinctive character by reinforcing the distinction between the Hoddle Grid and Queen Victoria Market.
- Development will preserve and enhance the heritage significance of the Queen Victoria Market.
- Use and development will contribute to safe and activated streets and public spaces via appropriately scaled podiums that incorporate ground floor uses that foster interaction with the street and uses at upper levels that achieve passive surveillance of public spaces.
- Use and development defines and activates the Queen Victoria Market’s edge as a special place that does not overwhelm the public domain and does not adversely affect its heritage significance.
- Development will be configured and designed to ensure that appropriate solar access to the proposed public open space shown on Figure 1 and Flagstaff Gardens is provided.
- Development will be configured and designed to minimise the negative amenity impacts of shadows on Flagstaff Gardens.
- Development will provide for public spaces that are protected from adverse wind impacts so they are comfortable to use for outdoor cafes and walking.
- Development will respect the future development potential of adjacent sites including access, privacy, sunlight, daylight and an outlook from habitable interiors and allow for an equitable spread of development potential on these sites.
- Development will achieve a high standard of architectural quality and provide a high level of amenity for building occupants.
- All existing 720 car parking spaces associated with the Queen Victoria Market will be relocated within Parcel A or Parcel D as shown on Figure 1 or within the Queen Victoria Market Precinct area and maintained to service the ongoing viability of the Queen Victoria Market.
- Parcel A will be a new mixed use development complementing the Queen Victoria Market and proposed public open space. This parcel will accommodate fine grain retail, hospitality and community uses, commercial and residential apartments.
- Parcel B will provide a moderating transition to the proposed public open space shown on Figure 1.
- Parcel C will be a new building that will help to activate the new open space, and provide a home for visitor services. The building will be of a modest scale and form, be transparent, be of an excellent standard of design excellence and be sympathetic to its setting.
- Parcel D will be a mixed use development incorporating the Market’s old Franklin Street stores. It will have active street frontages to all streets and new public pedestrian links through the block.
- Proposals on land owned or controlled by the City of Melbourne, will give consideration to incorporating affordable housing.

A Development Plan submitted for approval to the Responsible Authority must include the following:

- Urban Context and Existing Conditions Report that provides (as a minimum);
- Identification of the key attributes of the land, the surrounding and on-site land uses, built form, buildings, the relationships between existing and proposed uses, noise sources, access points and adjoining roads.

- Assessment of the implications of the proposed works on the Old Melbourne Cemetery including details of how any consents issued (and any subsequent conditions) by other agencies have been incorporated into the design and layout of the area.

- **Development Concept Plan** that provides (as a minimum):
  - Building heights and setbacks which achieve the mandatory and discretionary built form and amenity provisions, and the floor area ratios (where applicable), set out in this schedule (including Table 1);
  - Shadow diagrams for the hours between 11:00am and 2pm at 22 June demonstrating any shadow impacts on the proposed public open space and/or the Flagstaff Gardens, as relevant; and
  - The alignment of existing and new roads and pedestrian links.

- **Staging Plan** with indicative detail on the proposed order in which development will proceed, and how interfaces with adjoining land with be treated between stages.

- **Heritage Impact Statement** that demonstrates how the significance of the Queen Victoria Market will be preserved.

- **Planning Report** that demonstrates how the Development Plan is consistent with this Schedule.

- **Transport Management Report** which assesses the transport, traffic, pedestrian and bicycle access needs and impacts of the revised layout, both within and adjacent to the Queen Victoria Market precinct, including, but not limited to:
  - A road management plan which provides details of the alignment, design and finish to new public roads (including the shared zone of the realigned Franklin Street) as illustrated on Figure 1 to this Schedule.
  - Detailed investigation and assessment of the impacts of the proposed revised road layout on surrounding roads, including consideration of the likely impacts of the Metro and West Gate Tunnel projects. This assessment should include the identification of potential mitigation measures where appropriate.
  - Analysis of expected traffic volumes and how this is consistent with a ‘shared zone’ or localised traffic movements so that the works align with the vision for encouraging pedestrian and cycle activities as outlined in the Queen Victoria Market Masterplan.
  - Details of the design, layout, functionality and management of the realigned Franklin Street and how it would provide for a pedestrian friendly environment and preserve and enhance the heritage values of the Franklin Street Stores.
  - Management of traffic within the revised road layout within the area covered by Amendment C245.
  - How the existing 720 car parking spaces associated with the Queen Victoria Market located within the proposed public open space and New Franklin Street will be accessed and provided within the Queen Victoria Market precinct area.
  - Demonstrates that the revised layout would not have an undue detrimental impact on the vitality and viability of the Queen Victoria Market.
  - Indicative waste storage, servicing and collection points.

**Reference documents**
Queen Victoria Market Precinct Renewal Built Form Review & Recommendations, April 2015.
Table 1 to Schedule 11 of the Development Plan Overlay

<table>
<thead>
<tr>
<th>Podium Height</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Discretionary minimum podium heights:</strong></td>
<td>All building podiums should:</td>
</tr>
<tr>
<td>Podiums fronting Therry Street and Queen Street north of laneway CL1184</td>
<td>• Be oriented to complement the street system and constructed to the street edge.</td>
</tr>
<tr>
<td>10 metres.</td>
<td>• Be of a scale that provides an appropriate level of street enclosure having regard to the width of the street.</td>
</tr>
<tr>
<td>Podiums fronting Queen Street south of laneway CL1184</td>
<td>• Complement adjoining building podiums.</td>
</tr>
<tr>
<td>10 metres.</td>
<td>• Include high quality treatments to side walls where visible above adjoining buildings.</td>
</tr>
<tr>
<td>Podiums fronting Franklin</td>
<td>• Be of a height, siting and detailing that does not adversely affect the heritage significance of the Queen Victoria Market or any adjoining heritage building(s).</td>
</tr>
<tr>
<td>20 metres.</td>
<td>• Be designed to internalise above ground car parking behind active uses such as dwellings or offices to ensure a visual</td>
</tr>
<tr>
<td>Built Form</td>
<td>Requirements</td>
</tr>
<tr>
<td>------------</td>
<td>-------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Street south of the laneway CL1184</td>
</tr>
<tr>
<td></td>
<td>Podiums fronting Little Franklin Street (labelled “Formerly Franklin Street” on Figure 1), New Franklin Street (as labelled on Figure 1), William Street and Queen Street</td>
</tr>
</tbody>
</table>

### Mandatory maximum podium heights:

| Podiums fronting Therry Street and Queen Street north of laneway CL1184 | 20 metres. |
| Podiums fronting Queen Street south of the laneway CL1184              | 20 metres. |
| Podiums fronting Franklin Street south of the laneway CL1184            | 40 metres. |
| Podiums fronting Little Franklin Street (labelled “Formerly Franklin Street” on Figure 1), New Franklin Street (as labelled on Figure 1), William Street and Queen Street | 20 metres. |

<table>
<thead>
<tr>
<th>Tower setbacks</th>
<th>Discretionary minimum tower setbacks from front of podium</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Towers should be designed and spaced to:</td>
</tr>
<tr>
<td></td>
<td>• Equitably distribute access to an outlook, sunlight between towers and to ensure adequate sun penetration at street level.</td>
</tr>
<tr>
<td>Built Form</td>
<td>Requirements</td>
</tr>
<tr>
<td>------------</td>
<td>--------------</td>
</tr>
</tbody>
</table>
| Parcel B (as shown on Figure 1) fronting Queen Street | 10 metres. | - Ensure habitable room windows do not directly face one another and that consideration has been given to the development potential of adjoining lots.  
- Ensure sunlight, good daylight and privacy and an outlook from habitable rooms for both existing and proposed development can be provided.  
- Encourage the reasonable sharing of access to daylight and an outlook, and the mitigation of wind effects.  
- Ensure towers do not appear as a continuous wall at street level. |

**Mandatory minimum tower setbacks from front of podium**

<p>| Parcel A (as shown on Figure 1) | 10 metres. |
| Parcel B (as shown on Figure 1) fronting Franklin Street | 5 metres. |
| Parcel D (as shown on Figure 1) fronting the former alignment of Franklin Street | 6 metres. |
| Mandatory minimum tower setback from the northern masonry facades of the existing Franklin Street Stores (Parcel D as shown on Figure 1) | 15 metres. |
| Mandatory minimum tower setback from side boundaries and rear boundaries (or from the centre line of an adjoining lane*). | 5 metres |
| All other streets | 10 metres. |
| On Parcel B only (as shown on Figure 1) mandatory minimum tower setback from side boundaries and rear boundaries | 0 metres. |</p>
<table>
<thead>
<tr>
<th>Built Form Outcomes</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>(or from the centre line of an adjoining lane*) on buildings up to 40 metres in height, where the applicant can demonstrate to the satisfaction of the responsible authority that the reduction will not cause an unreasonable impact on the future development potential or amenity of adjoining sites.</td>
<td></td>
</tr>
<tr>
<td>* lane means a road reserve of a public highway 9 metres or less wide</td>
<td></td>
</tr>
<tr>
<td>Tower separation</td>
<td>Discretionary minimum tower separation within a site and from existing or approved towers on adjoining sites</td>
</tr>
<tr>
<td></td>
<td>Mandatory minimum tower separation within a site and from existing or approved towers on adjoining sites</td>
</tr>
<tr>
<td>Towers should be designed and spaced to:</td>
<td></td>
</tr>
<tr>
<td>- Equitably distribute access to an outlook, sunlight between towers and to ensure adequate sun penetration at street level.</td>
<td></td>
</tr>
<tr>
<td>- Ensure habitable room windows do not directly face one another and that consideration has been given to the development potential of adjoining lots.</td>
<td></td>
</tr>
<tr>
<td>- Ensure sunlight, good daylight and privacy and an outlook from habitable rooms for both existing and proposed development can be provided.</td>
<td></td>
</tr>
<tr>
<td>- Encourage the reasonable sharing of access to daylight and an outlook, and the mitigation of wind effects.</td>
<td></td>
</tr>
<tr>
<td>- Ensure towers do not appear as a continuous wall at street level.</td>
<td></td>
</tr>
<tr>
<td>Building heights and Floor Area Ratios</td>
<td><strong>Mandatory maximum building heights</strong></td>
</tr>
<tr>
<td></td>
<td>Parcel A East (as shown on Figure 1)</td>
</tr>
<tr>
<td></td>
<td>Parcel A West (as shown on Figure 1)</td>
</tr>
<tr>
<td></td>
<td><strong>Parcel A:</strong> Ensure that development responds appropriately to the new public open space and the public realm.</td>
</tr>
<tr>
<td></td>
<td><strong>Parcel B:</strong> Ensure that development provides a moderating transition to the proposed public open space and the future visitor centre.</td>
</tr>
</tbody>
</table>
## Built Form Requirements

<table>
<thead>
<tr>
<th>Parcel C</th>
<th>13 metres.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(as shown on Figure 1)</td>
<td></td>
</tr>
</tbody>
</table>

**Discretionary building heights**

<table>
<thead>
<tr>
<th>Parcel B</th>
<th>40 metres</th>
</tr>
</thead>
<tbody>
<tr>
<td>(as shown on Figure 1)</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Parcel C</th>
<th>7 metres.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(as shown on Figure 1)</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Parcel D</th>
<th>100 metres with a floor area ratio of 12:1</th>
</tr>
</thead>
<tbody>
<tr>
<td>(as shown on Figure 1)</td>
<td></td>
</tr>
</tbody>
</table>

New development should not cast a shadow across the Flagstaff Gardens or the proposed public open space in Figure 1 between 11.00 am and 2.00 pm on 22 June, unless the Responsible Authority considers the overshadowing will not significantly prejudice the amenity of the open space.

**Any application to exceed the discretionary heights must be supported by 3D modelling and an assessment of the visual impact on the proposed public open space shown on Figure 1 to this schedule, Flagstaff Gardens and on the public realm.**

### Definitions

For the purposes of this schedule:

- **Podium 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 podium, with the exception of architectural features and building services.

- **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.

- **Total building height** means the vertical distance between the footpath or natural surface level at the highest point 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.
SCHEDULE 12 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO12.

PUBLIC HOUSING RENEWAL – ABBOTSFORD STREET, NORTH MELBOURNE

1.0

Requirement before a permit is granted

A permit may be granted before a development plan has been approved to use or subdivide land, construct a building or construct or carry out works to the satisfaction of the Responsible Authority. Before granting a permit the Responsible Authority must be satisfied that the permit will not prejudice the future use and integrated and orderly development of the site in accordance with the Development Plan requirements specified in this Schedule.

2.0

Conditions and requirements for permits

The following conditions and/or requirements apply to permits, as appropriate:

- Prior to the commencement of any permitted demolition, buildings or works, a detailed Construction Management Plan as relevant to that demolition or those buildings or works must be prepared to the satisfaction of the Responsible Authority. The Construction Management Plan must address (as relevant): demolition, bulk excavation, management of the construction site, hours of construction, noise, control of dust, public safety, construction vehicle road routes and traffic management (including location of construction vehicle access and worker parking), soiling and cleaning of roadways, discharge of any polluted water and stormwater, security fencing, disposal of site waste, location of cranes, location of site offices, storage of plant and equipment, redirection of any above or underground services and the protection of trees on or adjacent to the site to be retained in accordance with an Arboricultural Assessment Report prepared in accordance with this schedule.

- Prior to the commencement of any permitted demolition, buildings or works, a Waste Management Plan must be prepared to the satisfaction of the Responsible Authority that addresses a cohesive approach to waste and recycling collections for the entire development. The Waste Management Plan must:
  - Identify and specify the type of bins to be used, location areas, where they will be stored, collection points and times, responsibility for collection and return, and details of screening and ventilation
  - Specify how recycling materials will be managed and collected
  - Show access routes for waste collection vehicles that do not rely on reversing movements.
  - Explore a waste management system that diverts organic waste from landfill
  - Explore centralised and easily accessible areas located within the development where waste compactors could be stationed for all residents of the development to utilise.

3.0

Requirements for development plan

A Development Plan must include the following requirements.

General

The Development Plan must be prepared to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.

The Development Plan must demonstrate the following:
- high quality integrated social and private housing that is socially, economically and environmentally sustainable that delivers high levels of residential amenity and liveability

- an increase in the number of social housing dwellings that achieves dwelling diversity across the site with a range of one, two and three or more bedroom dwellings, balancing issues of equity in the delivery of social and private housing that is well integrated and is visually indistinguishable integration of Precinct 5 that is set aside for education purposes with the balance of the site through landscaping, open space and built form

- integration with the surrounding area by responding to existing or preferred neighbourhood character, enhancing the public realm and existing networks and delivering ‘good neighbour’ outcomes

- opportunities for legible access and address points for the site, buildings and spaces, including defining open spaces that foster social connections between residents and the wider community and that prioritise pedestrian and bicycle access within and external to the site

- landscaping and open space (including communal parks, playgrounds and other pocket spaces) that is resilient, well connected and enhances the sense of place, sustainability and liveability of the site and local area that meets the needs of both the social and private housing residents

- delivery of adaptable buildings and spaces that are accessible and practical for people of all abilities and respond to the future needs of residents.

**Land Use**

The Development Plan could show or make provision for:

- community facilities and non-residential uses in Precincts 1 and/or 2 fronting either Abbotsford Street or the new publicly accessible shared space as shown on the Concept Plan, at ground level where they will be accessible to all residents of the Estate and the surrounding community.

The Development Plan must demonstrate that potential amenity impacts of these uses can be appropriately managed.

**Concept Plan**

The Development Plan must be generally in accordance with the Concept Plan forming part of this schedule to the satisfaction of the Responsible Authority.
Building Heights Setbacks

The Development Plan must show:

- Buildings that do not exceed the “maximum building height” shown on the Concept Plan.

- Boundary setbacks as outlined in each relevant Interface Treatment or an increased setback in locations where necessary to protect existing trees to be retained or accommodate replacement canopy trees.

- For Interface Treatment A (Abbottsford Street and Molesworth Street (western portion))
  - A zero boundary setback

- For Interface Treatment B (Haines Street, Curzon and Molesworth Street (Eastern Portion))
  - A 3 metre boundary setback up to 4 storeys, and an additional 6 metre setback above 4 storeys
For **Interface Treatment C (Molesworth Street):**

- A 3 metre boundary setback up to 3 storeys, and an additional 10 metre setback above 3 storeys.

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**Other Built Form Requirements**

The Development Plan should show:

- Building envelopes that have regard to the amenity of dwellings within the site, including sunlight access to private open spaces on the September equinox.

- Buildings should achieve a grain of development that reflects the characteristics of the area.

- Active frontages to Abbotsford Street, Haines Street and Molesworth Street, open space and internal connections through:
  - Avoiding large expanses of blank wall, large service areas, garbage storage areas, car parking and co-located or continuous garage doors along ground floor frontages.
  - Provision of individual entry doors to ground floor dwellings that have frontages to a street.

- Passive surveillance of Hardwicke Street and any other new access ways or lanes.

- For any non-residential uses at ground floor level in Precinct 1 or 2 buildings should provide:
  - A minimum four metre floor to floor height.
  - An entrance and clear glazed window at the street frontages of each individual non-residential use.
  - Weather protection at the street frontages of the non-residential uses.

- Reduced visual bulk of buildings through the placement of balconies and use of discontinuous forms, articulated facades and varied materials, particularly in the articulation zones as shown on the Interface Treatment Diagrams.

- The location of car parking spaces within basement levels or suitably concealed within buildings or behind features such as active podium frontages.

- Cohesive architectural design, with the use of high quality, durable and low maintenance materials.

- No increased overshadowing of the footpath on the southern side of Haines Street between 10:00am and 2:00pm on September equinox.

- Appropriate mitigation measures to minimise the adverse impacts on existing or potential future sensitive uses in proximity of the site.
Landscape and Open Space
The Development Plan should show:

- A new publicly accessible shared space between Abbotsford Street and Hardwicke Street (the Wood Street extension) that:
  - Provides a visual connection across Abbotsford Street from Wood Street
  - Has a minimum width of 20 metres
  - If vehicle access off Abbotsford Street is proposed, no through access should be provided to Hardwicke Street
  - May provide short-term parking spaces.

- A new landscaped open space in Haines Street mid-block between Hardwicke Street and Harker Street, providing a pedestrian connection to the new east-west street with a minimum width of six metres and containing at least one large canopy tree along the Haines Street Interface

- Retention of all trees identified in the required Tree Management Plan as trees to be retained.

- Replacement of trees assessed in the required Arboricultural Assessment Report as having moderate or high retention value that are required to be removed with trees on a two for one ratio, that provide equivalent amenity value to residents and the public realm

- New canopy trees within new open space areas.

Circulation
The Development Plan should show:

- A legible vehicle circulation system within the site, generally as shown on the Concept Plan and including the following:
  - Maintenance of Hardwicke Street as a north south vehicle laneway through the site
  - Hardwicke Street is provided with a 1.5 metre wide footpath path on the west side; three metre wide carriageway for through traffic, and 2.5 metre wide indented parking spaces with street trees on the east side. If the school proceeds, two metre minimum footpaths on both sides with 3.5 metre wide carriageway for through traffic, and 2.5 metre wide indented parking spaces with street trees on the east side.
  - Creation of a new east west street between Hardwicke Street and Molesworth Street with intersections and road cross sections to the satisfaction of Melbourne City Council.

- Vehicle access to Precinct 1 and 2 provided only from Hardwicke Street or Molesworth Street

- Accessible car parking in each Precinct for residents, workers (if applicable) and visitors

- Provision for secure bicycle parking for residents and workers, end of bicycle trip facilities for workers and short term bicycle parking for visitors.

- Bicycle parking located at primary frontages in proximity to pedestrian access ways.

- Bicycle parking provided at a minimum of:
  - one space per dwelling without a car space
  - one space per five dwellings with a car space
  - one space per 10 dwellings for visitors

- Bicycle servicing facilities, that are located in highly visible and well-lit
Required documents, plans and reports

The following documents, plans and reports must form part of any Development Plan (as applicable if the Development Plan is approved in stages), and must be prepared to the satisfaction of the Responsible Authority:

1. A **Planning Report** that demonstrates how the recommendations of the others plans required by this Schedule have been incorporated into the proposed development of the land.

2. A **Site Context Analysis** prepared in accordance with Clause 55.01 or Clause 58.01 of the Planning Scheme that includes, but is not limited to:
   - The urban context and existing conditions showing topography, the surrounding and on site land uses, buildings, noise sources, access points, adjoining roads, cycle and pedestrian network and public transport
   - Views to be protected and enhanced, including views of and from the site
   - Key land use and development opportunities and constraints.

3. **Preliminary Architectural Plans and Design Report** that show the distribution and design of built form on the site generally in accordance with the Concept Plan included in this Schedule, including, but not limited to:
   - A design response to the Site Context Analysis in accordance with Clause 55.01 or Clause 58.01
   - Demonstration of compliance with the requirements of Clauses 55 and 58 as relevant
   - Demolition works
   - Building envelopes including maximum building heights, building setbacks, and building depths
   - The proposed built form edge and interface treatments to Abbotsford Street, Haines Street and Molesworth Street
   - Conceptual elevations and cross-sections, indicating level changes across the site
   - Shadow diagrams of both existing conditions and proposed shadows to be prepared at the September equinox at 9am, 12 noon and 3pm
   - Images which show how the proposed built form will be viewed from Abbotsford Street, Haines Street and Molesworth Street
   - The mix of dwelling types and sizes for each precinct including a mix of social and private housing
   - The mix of land uses, including non-residential uses and the location of these uses to each building or Precinct
   - Any retail, community or commercial uses restricted to the Abbotsford Street frontage south of the Wood Street extension and on the south side of the Wood Street extension
   - Open space area/s surrounding buildings and the proposed use and access of all spaces
   - The relationship between proposed buildings and works and surrounding land uses and development, including:
     - Existing residential properties on the surrounding residential streets
     - Existing 1-2 storey retail shops and shop-top dwellings on Abbotsford Street.

4. An **Integrated Transport and Traffic Management Plan** that addresses, but is not limited to:
   - The range and scale of uses anticipated on the site
- The estimated population of residents, visitors and workers (if applicable)
- Estimated vehicle trip generation levels resulting from use and development within the site
- Vehicle ingress and egress points and estimated levels of usage
- The likely impacts of the proposed development on the arterial and local roads and any mitigating works required such as off-site traffic management treatments
- The location of on-site car parking for residents, visitors and workers (if applicable).
- An indicative layout of internal roads that:
  - Complements the form and structure of the surrounding network
  - Recognises the primacy of pedestrian and bicycle access within the site
  - Provides a high level of amenity and connectivity, whilst managing the movement of vehicles travelling through the site
  - Are of sufficient width to accommodate footpaths and street trees as appropriate
- Provision for loading and unloading of vehicles and means of access to them, including waste, delivery and furniture removalist vehicles
- Provision of a safe and accessible pedestrian and bicycle network within the site and connecting to the external network
- Green Travel Plan initiatives that can be adopted to reduce private car usage by residents, visitors and workers (if applicable), including a new resident awareness and education program and opportunities for the provision of a car share program
- Provision for secure bicycle storage for residents and workers (if applicable), end of bicycle trip facilities for workers (if applicable) and short term bicycle parking for visitors

5. An Arboricultural Assessment Report that addresses, but is not limited to:
- Assessment of trees on or adjacent to the site, including retention value
- Recommendations for the protection of trees to be retained to conform to Australian Standard AS 4970-2009 Protection of Trees on Development Sites to ensure long-term health, including designation of tree protection zones (for roots and canopy) and structural root zones
- Recommendations for trees to replace the removal of any trees of moderate or high retention value required to be removed where replacement trees provide equivalent amenity value to the residents and the public realm.

6. A Tree Management Plan that addresses, but is not limited to:
- Identifying trees to be retained
- Detailing the methodology for protecting trees identified for retention, including the provision of high visibility tree protections fences at least 1.8 metres tall before construction commences, and measures to protect the trees, including their canopies, during construction.

7. A Landscape and Open Space Plan that addresses, but is not limited to:
- Existing vegetation to be retained as assessed in an Arboricultural Assessment Report prepared in accordance with this Schedule
- New canopy trees and landscaping within the public realm and open space areas
- Landscaping areas within private open spaces
- Street trees along Abbotsford, Molesworth and Haines Streets and internal connections
- A planting theme that:
Complements existing trees to be retained on the site, the surrounding neighbourhood character and Abbotsford, Molesworth and Haines Streets
- Demonstrates water sensitive urban design outcomes.

- Delineation of communal and private open spaces and the treatment of these interfaces
- Hard and soft landscaping treatments of the public realm and open spaces
- Integration of sustainability and water sensitive urban design measures
- Maintenance responsibilities.

8. A **Dwelling Diversity** report that must:

- Demonstrate how the development will achieve an appropriate level of dwelling diversity for both the social and the private components across the site
- Include the number and extent of one, two and three bedroom plus dwellings for both the social and private housing
- Provide for additional initiatives that actively encourage affordable housing and /or other alternate housing delivery models.

9. An **Ecologically Sustainable Development Plan** that demonstrates how development on the site will achieve best practice standards and incorporate innovative initiatives for the site. The Plan is to address the areas of energy efficiency, water resources, indoor environment quality, stormwater management, transport, waste management, innovation and urban ecology. All buildings must be designed to achieve a minimum 5 star rating against the Green Building Council of Australia’s Green Star rating system for design (or achieve and equivalent standard using an equivalent rating tool).

10. A **Services and Infrastructure Plan** that addresses, but is not limited to:

- An assessment of the existing engineering infrastructure servicing the site and its capacity to service the proposed development
- A description of the proposed provision of all appropriate utility services to each Precinct.

11. An **Environmental Site Assessment** that addresses, but is not limited to:

- Site history and current site uses, including a photographic record of the buildings to be demolished
- The extent of any filling that has occurred on the site, including area, depth and fill material
- The presence and depth of groundwater at the site
- The contamination status of soil on the site
- If intrusive works are likely to occur during redevelopment works, an acid sulphate soil assessment
- Advice on the need for a Site Remediation Strategy
- An assessment of risks for the proposed redevelopment of the site and recommendation for any required remediation.

12 Where the development will be undertaken in stages, a **Staging Plan** that addresses, but is not limited to

- The delivery of infrastructure and shared facilities within each stage to ensure the orderly development of the site
Site management, such as resident amenity, vehicle access and parking, pedestrian access and protection of existing buildings, infrastructure and vegetation.

Timeframes for the commencement and completion of each stage and any management of overlap between stages.

13. An **Acoustic Report** that addresses, but is not limited to:
   - Whether the proposed use and development of the Estate is likely to be affected by noise from nearby uses or abutting roads
   - The likely effect of non-residential uses on the site on the amenity of nearby residential uses
   - Methods to address the issues identified.

14. A **Social Infrastructure Assessment** to inform potential community facilities, programs and services that may be delivered on site.

15. A **Community Engagement Report** which outlines the consultation which has occurred to inform the preparation of the Development Plan, including but not limited to the following stakeholders:
   - Melbourne City Council
   - Office of the Victorian Government Architect
   - Department of Education and Training and the Victorian School Building Authority
   - Transport for Victoria (including Public Transport Victoria and VicRoads)
   - Estate Residents
   - Community Groups
   - Neighbouring owners and occupiers
SCHEDULE 13 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as DPO13.

WEST MELBOURNE WATERFRONT – 156-232 KENSINGTON ROAD, WEST MELBOURNE

1.0

Requirement before a permit is granted

A planning permit may be granted to demolish a building or to carry out site preparation works and related activities before a development plan has been prepared.

Any permit granted must not prejudice the future use and development of the land in accordance with the vision for the site stated at 3.0 of this schedule.

2.0

Conditions and requirements for permits

Except for a permit issued as provided for under Clause 1.0 of this schedule, a permit must contain the permit conditions or meet the requirements set out in this clause, as appropriate.

A permit for development must meet the mandatory requirements set out in Table 1 of this schedule.

A permit must not be granted for a development that does not meet the mandatory requirements set out in Table 1 of this schedule.

A permit may be issued for a development that varies a discretionary requirement set out in Table 1 of this schedule, as long as any such development provides the relevant outcome sought in Table 1.

If a planning permit allows a use or development for part of the land included in this overlay, the permit must show (either by words or diagrammatically):

- How the use or development allowed by the permit is consistent with and will facilitate delivery of no less than 7.06% of the land included in this overlay being set aside and ultimately zoned for public open space generally in accordance with Figure 1- Indicative Framework Plan.
- How the use or development authorised by the permit will integrate with any previously approved and remaining stages of development of the land.

An application for a planning permit must provide the following:

- Site plans drawn to scale which show:
  - Vehicle access and the location and layout of all carparking and loading areas and all pedestrian and cyclist ingress, egress and access way locations consistent with the Integrated Transport and Access Plan that forms part of the development plan.
  - Links between proposed pedestrian and cyclist access ways and the existing public transport network.
  - Details of drainage works.
  - Stages, if any, of development and the proposed treatment of areas not required for immediate use.
- Fully dimensioned floor plans, elevations and cross section plans of all built form, including streetscape elevations.
- A floor schedule which describes the size and number of proposed dwellings and other uses and demonstrating a range of dwelling types and bedroom numbers including three bedroom apartments.
- Shadow diagrams on the hour between 9am and 3pm on 21 June and 22 September.
- A landscape plan prepared by a Landscape Architect that includes proposed landscape treatments for the interface with the Maribyrnong River consistent with the public realm plan that forms part of the development plan.
A plan which identifies all structures and treatments, including public art, proposed in the public realm.

A Safety Management Study having regard to AS 2885.1-2012 in relation to the AusNet pipeline which runs along Hobsons Road and Childers Street.

A design statement that identifies how odour and dust emissions from surrounding uses will be mitigated by the layout and built form of the development.

A Wind Assessment for the proposed development which addresses matters raised in the wind assessment that forms part of the development plan.

**Requirement - Materials and finishes**

Development must make use of a high-quality palette of materials and finishes including, for development along the northern interface and along the river, materials that are non-reflective to ensure the safety of trains and to minimise potential impacts on river users.

**Requirement - Noise protection**

Prior to occupation of a dwelling allowed by the permit, an acoustic report must be submitted confirming that the development achieves the requirements set out in the acoustic and vibrations assessment that forms part of the development plan.

Any development allowed by a permit must:

- Be fitted with suitable air conditioning and/or mechanical ventilation system to the satisfaction of the Responsible Authority unless the maximum noise level of 35dB(A)Leq for bedrooms can be achieved with all the windows half open and the doors closed.

- Have walls, roof, windows, doors and external glazing and the air conditioning or ventilation system designed by a qualified acoustical consultant who must certify that the incorporation of the design features recommended by the consultant will achieve the specified noise level, based on the external noise levels measured by the consultant as part of a noise level assessment conducted to the satisfaction of the Responsible Authority.

**Condition - Flood mitigation**

Prior to commencement of the works authorised by the permit, the owner of the land must enter into an agreement with Melbourne Water and the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 whereby the owner covenants that:

- Prior to the occupation of the works authorised by the permit, the owner of the land is to provide for safe pedestrian and vehicular access from the development during a peak flood event (1 in 100-year flood level) to the satisfaction of Melbourne Water and the Responsible Authority.

- The finished floor level of any residential building be constructed to a minimum of 600 mm above the applicable 1 in 100-year flood level of 2.46 metres to AHD.

- No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water’s drains or watercourses.

**Requirements for development plan**

The development plan must be consistent with the following vision and respond to the following principles and objectives and principles:

**Vision**

*An exemplary mixed use development including a number of visually complementary buildings, which enhance the Maribyrnong River frontage and provide opportunities for riverside activity consistent with the Maribyrnong River Valley Design Guidelines 2010.*
Principles and objectives

Land Use

- A mix of land uses, focussing commercial uses at the northern end of the site, and with only commercial uses along Kensington Road at ground level (except for residential lobbies).
- Any larger format retail uses (such as a supermarket) to be sleeved with smaller tenancies.
- Activation of the first five levels of buildings at the street edge with residential or commercial uses to achieve a visual relationship between occupants of upper floors and pedestrians.
- Varied accommodation typologies suitable for a range of household sizes and types.
- Floorspace for community services such as child care and creative industries.
- Buildings that can be adapted to a range of uses over time.
- Ensure that the proposed use does not compromise established land uses on adjoining and nearby land, including the Port of Melbourne.

Urban Design and Public/Private Realm

- The design of the public realm must achieve design excellence and include a high-quality palette of materials and finishes.
- High quality communal and private outdoor spaces sufficient for the needs of residents and workers and located to receive good access to sunlight.
- Enhance the role of the Maribyrnong River as a pedestrian and cycle route.
- Views and access to the Maribyrnong River from Kensington Road.
- Generous pedestrian links with high quality paving materials and lighting.
- Appropriate tree canopy cover having regard to the City of Melbourne Urban Forest Strategy 2012-2032.

Environmentally Sustainable Design

- Take advantage of opportunities for innovative precinct scale environmental sustainability initiatives.

Built Form

- Development of the site consistent with the Maribyrnong River Valley Design Guidelines 2010.
- All buildings should be designed to maintain a diverse, interesting and articulated built form which considers the relationship between buildings within the site.
- Ensure that the scale and quality of design elements reflect the distance at which the building is viewed and experienced from Kensington Road and the Maribyrnong River.
- Ensure that buildings do not visually dominate the waterfront and building massing provides a high quality public realm outcome within the site.
- All building frontages to Kensington Road, internal streets and to the Maribyrnong River should be modulated and articulated in their presentation.
- Ensure built form along the northern boundary abutting the rail line provides visual interest through the use of design elements and articulation.
- Minimise overshadowing within the site and on adjoining land.
- Ensure that new development provides a high level of amenity for future occupants, by providing all bedrooms with windows that are visible from all points in the bedroom.
- Floorplates are to be designed to maximise opportunities for direct sunlight, natural cross ventilation and passive heating and cooling.
All habitable rooms must have good natural light.

The building typologies chosen (e.g. podium/tower or an alternative typology) should create a permeable network of buildings that facilitates a good pedestrian experience, with floorplates sized, and upper levels spaced, to ensure good internal access to daylight.

**Pedestrian Permeability, Traffic Management and Bicycle and Car Parking**

- Provide a network that:
  - complements and connects with the surrounding network;
  - considers existing traffic access requirements for the Melbourne Seafood Centre located opposite the northern part of the site including access for 19.0m articulated vehicles;
  - recognises the primacy of pedestrian and bicycle access within the site and provides a high level of amenity and connectivity for pedestrians and cyclists;
  - provides safe access for pedestrians and bike users at all times of the day and night;
  - allows for manoeuvrability of emergency and service vehicles; and
  - is of sufficient width to accommodate footpaths, street trees, and water sensitive urban design.

- Manage traffic impacts associated with the new development to ensure safe access to, and egress from, the site and to minimise disruption to movement along Kensington Road.

- Ensure the pedestrian network allows for ease of movement within the site:
  - Street blocks including the northern interface with the railway line should not exceed 100 metres in length on any side.
  - Secondary streets or laneways should be included in blocks over 70 metres in length.

- The provision of convenient and direct pedestrian movement north south through the site (in addition to Kensington Road and the shared path along the River) is encouraged. The width of the three east west connections between Kensington Road and the Maribyrnong River should be sized to provide good spacing between buildings and to accommodate footpaths, bicycle paths and street trees and should generally be in accordance with the widths shown on the Indicative Framework Plan.

- Ensure direct pedestrian and cycle access is provided from Kensington Road to the Maribyrnong River shared path at intervals of at least every 100 metres.

- Ensure that the ‘shared zone’ as illustrated on the Indicative Framework Plan (Figure 1) is designed so that it is a low speed environment and that priority is afforded to pedestrian movements.

- Ensure service entries, where required, are provided along the northern boundary of the site and do not undermine the public realm.

**Development plan**

The Development Plan must be generally in accordance with the Indicative Framework Plan, as shown in Figure 1. The access connections and building footprints shown on the Indicative Framework Plan are indicative only.

The development plan must address the views of Melbourne Water, Environmental Protection Authority, Department of Environment, Land, Water and Planning, Port of Melbourne, VicTrack and the City of Maribyrnong.

The Development Plan must include the following:
The urban context and existing conditions showing topography, the top of the Maribyrnong River bank, the surrounding and on-site land uses, buildings, noise and odour sources, access points, adjoining roads, cycle and pedestrian paths and public transport. Views to be protected and enhanced, including views of and from the site.

- Plans or diagrams showing the following
  - Demolition works and their location.
  - Building envelopes including maximum building heights, building setbacks, and building depths.
  - Conceptual elevations.
  - Street and movement networks, including pedestrian and cycling connections.
  - Cross sections, indicating level changes across the site.
  - Orientation and overshadowing demonstrating how development within the proposed building envelopes can comply with the following requirements:
    - built form must not cast a shadow over the proposed public open space located along the Maribyrnong River between 9 am and 3 pm for a minimum of five hours on 22 September;
    - built form must not cast a shadow over the proposed public open space located along the Maribyrnong River between for a minimum of 3 hours at the winter solstice;
    - reasonable levels of sunlight will be provided to other areas of the public realm, including the street network, on 22 September and at the winter solstice.

- Key land use and development opportunities and constraints.

  - The provision of not less than 7.06% of the area of the site, provided as public open space along the Maribyrnong River.

  - The mix of land uses.

  - The proposed built form edge to the river, including an analysis of whether the triangular spaces between the proposed development and the Maribyrnong River shown on the Indicative Framework Plan provide an appropriate response to the river.

  - Images which show how the proposed built form will be viewed from the Buddhist temple and Newell's paddock.

  - If it is proposed to develop the land included in this overlay in stages, the staging plan must identify, to the satisfaction of the Responsible Authority:
    - The proposed sequencing of development, the indicative timing of the provision of infrastructure and services and overall integration with other development stages.
    - Vehicular access points, road infrastructure works and traffic management for each stage of the development.

A Public Realm Plan for the Maribyrnong River frontage (being that part of the land between the top of the bank of the Maribyrnong River to the edge of the proposed built form fronting the river) and for the Kensington Road frontage. The Public Realm Plan must be prepared by a Landscape Architect and have regard to the City of Melbourne Open Space Strategy 2012 and show:

  - A site survey with current bank alignment, overlayed parcel boundaries, existing shared path and defined top of bank;

  - Cross sections at regular intervals along the river frontage showing all built form envelopes within 30 m of the top of the river bank, the location of the public shared path, the existing ground level, the proposed/modified ground level and the defined top of bank;
• At least 7.06% of the land included in this overlay being set aside and ultimately zoned for public open space generally in accordance with Figure 1- Indicative Framework Plan, namely along the Maribyrnong River frontage of the site;

• A coherent vision for the Maribyrnong River frontage, including the nomination of spaces for public use;

• Land uses within buildings that interface with the river and with Kensington Road;

• The interface between the public and private realm including how direct access from residential or commercial developments will be managed to avoid privatisation of the public realm;

• Flood management setbacks;

• An outline landscape plan including:
  - A survey of existing vegetation to be retained and/or removed;
  - A weed management program;
  - Buildings and trees on neighbouring properties within three metres of the title boundary;
  - Details of surface finishes located on recreational pathways, maintenance access or any other pathways near waterways;
  - An indicative planting schedule including details of plant species (indigenous species must be used within the proposed public open space);

• Details of proposed bank treatments and assets below the shared path that do not compromise bank stability or result in increased erosion of the Maribyrnong River;

• How wind and sun will be managed and mitigated to provide a comfortable pedestrian environment; and

• Details of all improvements to be provided within the Maribyrnong River open space including details of proposed street furniture including lighting, seating, bins etc.

An **Integrated Transport and Access Plan** which includes:

• Expected traffic generation and the impact on the existing road network over a 24 hour period.

• Location of vehicle egress and ingress points.

• An investigation of the best location and design of the loop road, including:
  - whether any part of the loop road should run along part or all of the northern title boundary;
  - how to ensure that the loop road maintains a low speed, shared pedestrian environment;
  - how to minimise the impact of the loop road on the public open space along the river;
  - the impact of the access and egress associated with the loop road on street trees and on the traffic management associated with the commercial uses to the east of Kensington Road.
  - A detailed functional design of Kensington Road along the site frontage that considers (but is not limited to) the following:
    - Extent of required road reserve;
    - Impact of the loss of parking along both sides of Kensington Road;
    - Retention of 19 metre semi-trailer access to/from the Melbourne Seafood Centre site at 133 Kensington Road West Melbourne;
    - Safe cross-sections of through lanes with respect to buses, commercial vehicles and bicycles;
    - Street trees and poles on both sides of the carriageway.
    - The provision of a movement network to, from and within the site that:
connects with and complements the form and structure of the surrounding network;
- recognises the primacy of pedestrian and bicycle access within the site;
- provides a high level of amenity and connectivity;
- allows for appropriate levels of manoeuvrability for emergency and service vehicles; and
- are of sufficient width to accommodate footpaths, street trees, water sensitive urban design and bicycle lanes.

- The identification of active travel and public transport upgrades along the Maribyrnong River and Kensington Road frontage;
- The identification of appropriate traffic mitigation measures which can practically be provided in association with the proposal which may include ameliorative road works (such as in the nature of signal optimisation or the removal of on-street car spaces) at the intersections of:
  - Dynon and Kensington Roads; and
  - Kensington Road with Epsom Road and Macaulay Road.

A preliminary Wind Assessment which sets criteria against which any permit applications are to be assessed which ensures that:

- Accessible areas for public or private use satisfy comfortable walking criterion of 7.5m/s for the Weekly Gust Equivalent Mean Wind Speeds, which corresponds to 16m/s for the annual maximum gust wind speeds.
- All outdoor seating areas such as café seating and short duration stays, including building entries, satisfy the short exposure criterion of 5.5m/s for the Weekly Gust Equivalent Mean Wind Speeds, which corresponds to 13m/s for the annual maximum gust wind speeds.
- All areas to be used for long duration stay activities, such as restaurant use, satisfy the long exposure criterion of 3.5m/s for the Weekly Gust Equivalent Mean Wind speeds, which corresponds to 10m/s for the annual maximum gust wind speeds.
- All areas also satisfy the Safety Limit Criterion of 23m/s for the annual maximum gust wind speeds.
- Design measures minimise the effect of wind to streets and public open spaces.

An Infrastructure Analysis Report addressing as appropriate the location of existing and proposed infrastructure on the site.

An Environmental Sustainable Development Report identifying the precinct scale environmentally sustainable initiatives to be included in the development.

An Acoustic and Vibrations Assessment that details how future development will meet the following acoustic requirements:

For railway noise:

- Noise intrusion of railway and associated infrastructure noise sources to noise sensitive receivers shall not exceed:
  - 55 dBLAmax (bedrooms)
  - 60 dBLAmax (living room areas)
- (L.Amax is to be measured as the 95th percentile of the highest value of the A weighted sound pressure level reached between 6am to 10pm (day) or 10pm to 6am (night)).

For other noise:
Any new or refurbished development or any conversion of part or all of an existing building that will accommodate new residential or other noise-sensitive uses must achieve a maximum noise level of 35dB(A)Leq for bedrooms and 40dB(A)Leq for living rooms in each case with all windows and doors closed, unless there is no suitable air conditioning and/or mechanical ventilation, in which case the maximum noise level of 35dB(A)Leq for bedrooms and 40dB(A)Leq for living rooms must be achieved with all the windows half open and the doors closed. (The applicable measurement period for bedrooms is 10pm - 6am and the applicable measurement period for living rooms is 6am – 10pm).

A **Risk Assessment for the site in relation to Industrial Residual Air Emissions** to inform the appropriate location of residential and sensitive land uses that includes:

- An assessment of potential odour and dust emissions;
- Volume of products and waste products;
- Waste management;
- Topography, weather and climate;
- Pollution reports;
- An assessment of upset conditions;
- Proposed mitigation measures and associated responsibilities;
- A plan of the site showing suitable location/s for residential and sensitive uses as appropriate.

A **Stormwater and Flood Management Plan**, prepared by a suitably qualified person(s) to the satisfaction of Melbourne Water and the Responsible Authority that identifies and considers:

- The historical flooding of the site;
- The unique flooding characteristics of the site, in particular aspects such as flood conveyance, flood storage and accessibility during floods. A model should be prepared demonstrating the ‘base case’, impacts of redevelopment on the land and mitigation options;
- The control of flows in and around the site for discharges up to and including the 1 in 100-year ARI event;
- Works required to create safe pedestrian and vehicle access and egress to and from the land;
- That residential buildings are to attain a finished floor level of a minimum of 600mm above the applicable 1 in 100-year flood level of 2.46 metres to AHD; and
- Mitigation works in the context of local conditions that do not prejudice potential future regional outcomes.
Table 1 - Built Form Requirements

<table>
<thead>
<tr>
<th>Built Form Element</th>
<th>Mandatory requirement</th>
<th>Discretionary requirement</th>
<th>Outcome sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setback of all built form from Kensington Road site boundary</td>
<td>2 metres minimum</td>
<td></td>
<td>The area set aside is to be transferred to the council to be included in the road reserve, and a footpath is to be constructed within the 2 m at the expense of the developer so as to facilitate pedestrian movements along Kensington Road.</td>
</tr>
<tr>
<td>Height of street wall on Kensington Road</td>
<td>Maximum of 6 storeys in height and minimum of 3 storeys in height</td>
<td></td>
<td>A diverse street wall height (i.e. varied in height) which does not dominate the pedestrian experience along Kensington Road and ensures satisfactory levels of sunlight along Kensington Road. To create a human scale experience along Kensington Road.</td>
</tr>
<tr>
<td>Height and setbacks of built form above the maximum street wall height on Kensington Road</td>
<td>Above the street wall, upper levels should be set back generally within a 45 degree angle from the street wall.</td>
<td></td>
<td>To minimise the impact of upper levels on the pedestrian experience.</td>
</tr>
<tr>
<td>Setback of built form from the top of the Maribyrnong riverbank</td>
<td>15 metres minimum setback and 25 m average setback.</td>
<td></td>
<td>To respond to the Maribyrnong River Design Guidelines 2010.</td>
</tr>
<tr>
<td>Height and setback of built form from the top of the Maribyrnong riverbank, measured at</td>
<td>A ratio of 3:5 (height to setback) in accordance with the</td>
<td></td>
<td>To respond to the Maribyrnong River Design Guidelines 2010. To ensure that built form does not visually dominate the waterfront.</td>
</tr>
<tr>
<td>Built Form Element</td>
<td>Mandatory requirement</td>
<td>Discretionary requirement</td>
<td>Outcome sought</td>
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<tr>
<td>eye height (1.6 metres from natural ground level)</td>
<td>Maribyrnong River Valley Design Guidelines 2010 (refer Figure 2 of this schedule)</td>
<td>Minimum separation of buildings within the site: Buildings up to 13.5 metres in height – 12 metres between buildings. Buildings up to 25 metres in height - 12 metres separation for the first 13.5 metres of height and 18 metres separation for the part of the building that is between 13.5 to 25 metres in height. Buildings over 25 metres in height – 12 metres separation for the first 13.5 metres of height, 18 metres separation for the part of the building that is between 13.5 to 25 metres in height and 24 metres separation for the part of the building over 25 metres in height. The separation is measured from glazing line to glazing line to the open edge of a balcony. The main building structure (including walls, balconies and other building appurtenances) should not encroach into the setback.</td>
<td>To provide for high levels of amenity within buildings and sunlight to internal streets. Building massing should ensure internal links within the site are comfortable for pedestrians</td>
</tr>
<tr>
<td>Spacing between buildings</td>
<td></td>
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<tr>
<td>Maximum street wall height of all built form from internal streets and laneways</td>
<td>4 storeys</td>
<td>To provide for high levels of amenity within buildings and along the street network within the site. Building massing should ensure internal links within the site are high quality streets that comfortable for pedestrians.</td>
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</tr>
<tr>
<td>Overall building height (excluding plant and equipment and architectural features)</td>
<td>14 storeys maximum building height</td>
<td>10 storeys preferred height</td>
<td>Height up to 14 storeys may be permitted, if: - The ratio of 3:5 (height to setback) continues to be met; and - No additional shadow is cast, beyond that which would be cast by 10 storeys, over the Maribyrnong River, public open space, the internal street network or the footpath on Kensington Road between 11am-2pm on 22 September; and</td>
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<tr>
<td>Built Form Element</td>
<td>Mandatory requirement</td>
<td>Discretionary requirement</td>
<td>Outcome sought</td>
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<tr>
<td>Public connections (pedestrian or pedestrian/vehicle) between Kensington Road and</td>
<td>Minimum of 3 public</td>
<td>Provide public access to</td>
<td>- 15% of the gross floor area above 10 storeys is shown as set aside within the building or in another part of the development for affordable housing</td>
</tr>
<tr>
<td>the Maribyrnong River front.</td>
<td>connections</td>
<td>the river front.</td>
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<tr>
<td>Maximum height of ground floor above the finished level of the abutting street</td>
<td>1.2 metres</td>
<td>To encourage a connection</td>
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<td></td>
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<td>between the street and the</td>
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<td>uses abutting the street.</td>
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<tr>
<td>Setback from the northern title boundary</td>
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<td>Activation of the interface</td>
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<td>with the railway line to</td>
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<td>provide a safe and</td>
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<td>attractive environment</td>
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<td>and to utilise the site's</td>
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<td>northern orientation while</td>
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<td>responding to the acoustic</td>
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<td>and vibration impacts of</td>
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<td></td>
<td></td>
<td>the railway line.</td>
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<tr>
<td>Car parking visible from the public realm</td>
<td>Not more than 20% of</td>
<td>Ensure a high quality public</td>
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<td></td>
<td>the length of frontages</td>
<td>realm and activation of</td>
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<td></td>
<td>at ground level or the</td>
<td>the street network.</td>
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<td>first five levels of</td>
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<td></td>
<td>the building.</td>
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</tbody>
</table>

**Figure 2 to Table 1 – Height to setback ration calculation**

Source: Maribyrnong River Valley Design Guidelines
SCHEDULE 14 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO14**.

INCLUSIONARY HOUSING PILOT – 87-103 MANNINGHAM STREET, PARKVILLE

1.0

Requirement before a permit is granted

A permit may be granted before a development plan has been approved to use, subdivide, construct or carry out works, create, vary or remove easements or restrictions on the land to the satisfaction of the responsible authority.

Before granting a permit, the responsible authority must be satisfied that the permit will not prejudice the preparation of a development plan and future use and development of the land in an integrated manner.

2.0

Conditions and requirements for permits

The following conditions and/or requirements apply to permits, as appropriate:

- Prior to the commencement of the development a detailed construction management plan must be submitted to and be approved by the responsible authority. This construction management plan is to be prepared in accordance with Melbourne City Council – Construction Management Guidelines and is to consider the following:
  - public safety, amenity and site security.
  - operating hours, noise and vibration control.
  - air and dust management.
  - stormwater and sediment control.
  - waste and materials reuse.
  - traffic management.
- A building must meet a mandatory requirement set out in Table 1 to this schedule.
- Unless a permit authorises a development that varies a discretionary requirement set out in Table 1 to this schedule, a building should meet a discretionary requirement set out in Table 1 to this schedule with the exception of non-habitable architectural features and building services.

3.0

Requirements for development plan

The development plan may be prepared for the whole site or in stages.

Development plan objectives

The development plan should demonstrate how the future use and development of the land responds to and achieves the following objectives:

- A high quality urban design response that protects the amenity of neighbouring dwellings, provides high levels of permeability, a public and private street network within the development, a sense of address for each building within the development, separation between building forms, appropriate solar access and no unreasonable overshadowing of the public or private realm.
- A high quality architectural response that reflects the importance of the Melbourne International Gateway and Royal Park.
- Provide for a range of dwelling types, as appropriate, to allow for a diversity of households and a high standard of internal amenity, including provision of private and communal open space.
The retention of existing canopy trees wherever practicable and a landscape response that reflects the well vegetated character of the neighbourhood.

The avoidance of screening mechanisms to mitigate overlooking between private open space and habitable rooms.

Appropriate vehicle, cycling and pedestrian access to the site and movement within the site with a preference for basement parking for apartment buildings and avoidance of garage openings to internal streets for townhouse typologies wherever possible.

**Development plan requirements**

A development plan should be generally in accordance with the Indicative Framework Plan (Figures 1, 2 and 3) to the satisfaction of the responsible authority.

The development plan must include the following:

- A site and context analysis plan, showing surrounding land uses and development, access points, adjoining roads, pedestrian and cycling links, public transport routes, noise sources, topography, existing canopy trees, and vegetation.

- Concept plans for the layout of the site which show:
  - The siting and orientation of buildings.
  - Areas and locations of private and public open space.
  - Existing vegetation to be retained or removed, including the mandatory retention of *Eucalyptus camaldulensis* (River Red Gum) and *Corymbia ficifolia* (Red-flowering Gum) shown on Figure 1 – Indicative Framework Plan.
  - Layout options for dual aspect apartments along the freeway interface to limit any single aspect west facing apartments.
  - Indicative use of communal areas, including communal open space.
  - Proposed lot and road layout.
  - Areas set aside for car parking and bicycle parking.
  - Vehicle, bicycle and pedestrian access locations.
  - Waste storage and collection points, including any areas set aside for loading / unloading.
  - Three dimensional building envelopes for new buildings including indicative building heights, the separation distances between buildings, the relationship to surrounding sites and the setback from the street frontage.
  - An indicative development schedule, including the number, type and density of dwellings, and the floor area of any proposed non-residential uses.
  - Where non-residential uses are proposed, details of the nature of the proposed use.
  - Indicative staging / sequence of development.

- Shadow diagrams of the proposed building envelopes demonstrating:
  - No overshadowing of Royal Park between 11am and 2pm on 22 September.
  - The extent of solar access to primary communal open space areas on the site between 9am and 3pm on 22 September and 9am and 3pm on 21 June.
  - The extent of solar access to secluded private open space on the adjoining sites to the south between 9am and 3pm on 22 September.

- View analysis diagrams of the three dimensional building envelopes demonstrating the following:
- Views from the Tullamarine Freeway looking generally south towards the site through the Melbourne International Gateway.
- Close range views from within Royal Park looking generally west towards the site.

- A traffic management report outlining:
  - The existing capacity within the surrounding road network.
  - Likely car and bicycle parking demand and traffic generation.
  - Indicative access arrangements for vehicles, cyclists and pedestrians.
  - Recommendations for any traffic management measures.

- An arboricultural assessment. The assessment must include a statement outlining why it is not practicable to retain any trees rated as moderate if these trees are proposed to be removed.

- A landscape concept plan for the site prepared by a suitable qualified person(s).

- An acoustic report prepared by a suitably qualified engineer which addresses:
  - The likely noise sources to impact the proposed development.
  - The maximum permissible noise from the nearby noise sources.
  - The necessary measures to attenuate these noise impacts to the required standard(s).

The responsible authority may waive the need to provide any of the information detailed above that is not relevant to a particular development plan or part of a development plan.
Figure 1 – Indicative Framework Plan

Figure 2 – Indicative Framework Plan Section AA
Figure 3 – Indicative Framework Plan Section BB

Table 1 – Built Form Requirements

<table>
<thead>
<tr>
<th>Built form element</th>
<th>Mandatory requirement</th>
<th>Discretionary requirement</th>
<th>Outcome sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spacing between buildings</td>
<td>9 metres</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Setback from northern boundary</td>
<td>5 metres</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Setback from southern boundary</td>
<td>Minimum of 4 metres</td>
<td>Compliant with Standard B17 of ResCode</td>
<td>Protect the amenity of dwellings in the south</td>
</tr>
<tr>
<td>Setbacks from Manningham Street</td>
<td>3 metres</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height of apartment building closest to Manningham Street</td>
<td>Maximum of 6 storeys</td>
<td></td>
<td>To complement the character of the residential streetscape</td>
</tr>
<tr>
<td>Minimum width of main street reserves</td>
<td>12 metres (minor) – 18 metres (main access)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum width of land reserve</td>
<td>6 metres</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**LAND SUBJECT TO INUNDATION OVERLAY**

Shown on the planning scheme map as **LSIO** with a number (if shown).

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.

To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

To reflect any declaration under Division 4 of Part 10 of the *Water Act, 1989* where a declaration has been made.

To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

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**Land subject to inundation objectives and statement of risk**

A schedule to this overlay may contain:

- Land subject to inundation management objectives to be achieved.
- A statement of risk.

---

**Buildings and works**

A permit is required to construct a building or to construct or carry out works, including:

- A fence.
- Roadworks, if the water flow path is redirected or obstructed.
- Bicycle pathways and trails.
- Public toilets.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- Rainwater tank with a capacity of not more than 10,000 litres.
- A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
- A non-domestic disabled access ramp.
- A dependent person’s unit.

This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To flood mitigation works carried out by the responsible authority or floodplain management authority.
To the following works in accordance with plans prepared to the satisfaction of the responsible authority:

- The laying of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.
- The erection of telephone or power lines provided they do not involve the construction of towers or poles.
- To post and wire and post and rail fencing.

**Subdivision**

A permit is required to subdivide land.

**Application requirements**

An application must be accompanied by any information specified in a schedule to this overlay.

**Local floodplain development plan**

If a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan.

**Exemption from notice and review**

An application under this overlay 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.

**Referral of applications**

An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.

**Decision guidelines**

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

- Any local floodplain development plan.
- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:
  - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
- The flood warning time available.
- The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.

- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.

- The effect of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.

- Any other matters specified in a schedule to this overlay.
SCHEDULE 1 TO THE LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme map as **LSIO1**.

None specified.
SCHEDULE 2 TO THE LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme map as LSIO2.

1.0 Permit requirement

A permit is not required to construct or carry out any of the following buildings and works on land subject to Schedule 1 to the Special Use Zone (Flemington Racecourse):

- A non-habitable building or an extension of a non-habitable building
- A building for the purpose of an office, where floor levels are at least 500mm above natural surface levels
- A building for the purpose of exhibitions
- A building for the purpose of place of assembly
- A building for the purpose of betting agency
- A building for the purpose of spectators
- An open style building with no walls
- Upper storey extensions or alterations to existing building
- Racing and equine related buildings such as horse stables and yards, swimming pools, sand rolls, TV tote screens, steward towers, tack stores and maintenance workshops and amenities for staff
- Racing and training tracks including trotting and exercise tracks
- An open style fence
- Replacement fences with the same or similar materials as the existing fence
- Advertising signs or posts attached to buildings
- Earth works and landscaping, where no fill is imported to the site and where no flood storage is reduced
- Process equipment and plant
- Footpaths and bicycle paths
- Road
- Car park
- Public toilets
- Pergola
- Marquee

2.0 Application requirements

An application to construct a building or construct or carry out works must be accompanied by four sets of plans drawn to scale which show:

- The boundaries and dimensions of the site
- Relevant ground levels, to Australian Height Datum, taken by or under the direction or supervision of a licensed land surveyor
- The layout of existing and proposed buildings and works
- Floor levels of any existing and proposed buildings, to Australian Height Datum, taken by or under the direction or supervision of a licensed land surveyor
Referral of Applications

An application to construct a building or construct or carry out works or an application to amend a permit does not have to be referred to the floodplain management authority if the application:

- is accompanied by the relevant floodplain management authority’s written approval, The written approval must:
  - Be granted not more than three months prior to lodging with the responsible authority
  - Quote the reference number of the approved plans
  - State applicable flood level and any required floor levels
- is in accordance with an adopted local floodplain development plan.
- Complies with building envelope, filling levels and floor levels specified by Melbourne Water in the previous six months
SPECIAL BUILDING OVERLAY

Shown on the planning scheme map as **SBO** with a number (if shown).

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority.

To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

**Flooding management objectives and statement of risk**

A schedule to this overlay may contain:

- Flooding management objectives to be achieved.
- A statement of risk.

**Buildings and works**

A permit is required to construct a building or to construct or carry out works, including:

- A fence.
- Roadworks, if the water flow path is redirected or obstructed.
- Bicycle pathways and trails.
- Public toilets.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- A rainwater tank with a capacity of not more than 10,000 litres.
- A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
- A non-domestic disabled access ramp.
- A dependent person’s unit.

This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To flood mitigation works carried out by the responsible authority or floodplain management authority.
- To the following works in accordance with plans prepared to the satisfaction of the responsible authority:
  - The laying of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.
- The erection of telephone or power lines provided they do not involve the construction of towers or poles designed to operate at more than 66,000 volts.

- To landscaping, driveways, vehicle cross overs, footpaths or bicycle paths if there is no significant change to existing surface levels, or if the relevant floodplain management authority has agreed in writing that the flowpath is not obstructed.

- To an extension of less than 20 square metres in floor area to an existing building (not including an out-building), where the floor levels are constructed to at least 300mm above the flood level or if the relevant floodplain management authority has agreed in writing that the flowpath is not obstructed.

- To an upper storey extension to an existing building.

- To an alteration to an existing building where the original building footprint remains the same and floor levels are constructed to at least 300mm above flood level.

- To an out-building (including replacement of an existing building) if the out-building is less than 10 square metres in floor area and constructed to at least 150mm above the flood level or the relevant floodplain management authority has agreed in writing that the flowpath is not obstructed.

- To a replacement building (not including an out-building) if it is constructed to at least 300mm above the flood level and the original building footprint remains the same. The responsible authority may require evidence of the existing building envelope.

- To fencing with at least 25% openings and with the plinth at least 300mm above the flood level.

- To a replacement fence in the same location and of the same type and materials as the existing fence.

- To a pergola or an open deck area with unenclosed foundations.

- To a carport constructed over an existing carspace.

- To an in-ground swimming pool and associated security fencing, where the perimeter edging of the pool is constructed at natural surface levels and excavated material is removed from the flowpath.

- To a tennis court at existing surface level with fencing designed to minimise obstruction to flows.

- To an aviary or other enclosure for a domestic animal if it is less than 10 square metres in floor area at ground level.

- To open sided verandahs, open sided picnic shelters, barbeques and park furniture (excluding playground equipment) if there is less than 30mm change to existing surface levels.

- To radio masts, light poles or signs on posts or attached to buildings.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct a building or construct or carry out works.</td>
<td>Clause 59.08</td>
</tr>
</tbody>
</table>

**Subdivision**

A permit is required to subdivide land.
**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any of the following classes of subdivision:</td>
<td>Clause 59.08</td>
</tr>
<tr>
<td>- Subdivide land to realign the common boundary between 2 lots where the area of either lot is reduced by less than 15 percent and the general direction of the common boundary does not change.</td>
<td></td>
</tr>
<tr>
<td>- Subdivide land into lots each containing an existing building or car parking space where:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</td>
</tr>
<tr>
<td></td>
<td>- An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</td>
</tr>
<tr>
<td>- Subdivide land into 2 lots if:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- The construction of a building or the construction or carrying out of works on the land is approved under this scheme or by a permit issued under this scheme and the permit has not expired.</td>
</tr>
<tr>
<td></td>
<td>- The construction or carrying out of the approved building or works on the land has started lawfully.</td>
</tr>
<tr>
<td></td>
<td>- The subdivision does not create a vacant lot.</td>
</tr>
</tbody>
</table>

**Application requirements**

Unless otherwise agreed in writing by the relevant floodplain management authority, an application to construct a building or construct or carry out works must be accompanied by a site plan which shows, as appropriate:

- The boundaries and dimensions of the site.
- Relevant existing and proposed ground levels, to Australian Height Datum, taken by or under the direction or supervision of a licensed land surveyor.
- The layout, size and use of existing and proposed buildings and works, including vehicle parking areas.
- Floor levels of any existing and proposed buildings to Australian Height Datum.
- Cross sectional details of any basement entry ramps and other basement entries to Australian Height Datum, showing floor levels of entry and exit areas and drainage details.
- Any other application requirements specified in a schedule to this overlay.

**Local floodplain development plan**

If a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan.
Exemption from notice and review

An application under this overlay 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.

Referral of applications

An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed to in writing between the responsible authority and the floodplain management authority.

Decision guidelines

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

- Any local floodplain development plan.
- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.

Flood risk factors to consider include:
- The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
- The flood warning time available.
- The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.

- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- Any other matters specified in a schedule to this overlay.
SCHEDULE TO THE SPECIAL BUILDING OVERLAY

Shown on the planning scheme map as SBO.

1.0
Permit requirement
None specified.

2.0
Referral of applications
An application must be referred to Melbourne Water in accordance with Section 55 of the Act.
PUBLIC ACQUISITION OVERLAY

Shown on the planning scheme map as PAO with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify land which is proposed to be acquired by a Minister, public authority or municipal council.

To reserve land for a public purpose and to ensure that changes to the use or development of the land do not prejudice the purpose for which the land is to be acquired.

To designate a Minister, public authority or municipal council as an acquiring authority for land reserved for a public purpose.

Permit required

A permit is required to:

- Use land for any Section 1 or Section 2 use in the zone.

- Construct a building or construct or carry out works, including:
  - A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
  - A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
  - A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.

- Damage, demolish or remove a building or works.

- Damage, remove, destroy or lop any vegetation. This does not apply:
  - If the vegetation has been planted for pasture, timber production or any other crop.
  - To any action which is necessary to keep the whole or any part of a tree clear of an electric line provided the action is carried out in accordance with a code of practice prepared under Section 86 of the Electricity Safety Act 1998.
  - If the vegetation presents an immediate risk of personal injury or damage to property.

- Subdivide land.

This does not apply:

- To the acquiring authority for the land if the land has been acquired and any of the above matters for which a permit is required is consistent with the purpose for which the land was acquired.

- To an authority or a municipal council if the responsible authority, after consulting with the acquiring authority for the land, is satisfied that any of the above matters for which a permit is required is consistent with the purpose for which the land is to be acquired.

Exemption from notice and review

An application under this overlay 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.
Referral of applications
An application must be referred under Section 55 of the Act to the acquiring authority for the land.

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

- The effect of the proposed use or development on the purpose for which the land is to be acquired as specified in the schedule to this overlay.

A permit granted under this clause may be conditional on:

- The extent of alterations and extensions to an existing building and works, and the materials that may be used.
- The location, dimensions, design and material or a new building or works.
- The demolition, removal or alteration of any buildings or works.
- The demolition or removal of buildings or works constructed or carried out in accordance with a permit under this clause.
- No compensation being payable for the demolition or removal of any buildings or works constructed under the permit.

Land not to be spoiled or wasted
Land must not be spoiled or wasted so as to adversely affect the use of the land for the purpose for which it is to be acquired.

Reservation for public purpose
Any land included in a Public Acquisition Overlay is reserved for a public purpose within the meaning of the Planning and Environment Act 1987, the Land Acquisition and Compensation Act 1986 or any other act.

Acquiring authority
An acquiring authority is the Minister, public authority or municipal council specified in the schedule to this overlay as the acquiring authority for the land.
## SCHEDULE TO CLAUSE 45.01 PUBLIC ACQUISITION OVERLAY

<table>
<thead>
<tr>
<th>PS Map</th>
<th>Acquiring Authority</th>
<th>Purpose of Acquisition</th>
</tr>
</thead>
<tbody>
<tr>
<td>PAO1</td>
<td>Melbourne City Council</td>
<td>Public open space</td>
</tr>
<tr>
<td>PAO2</td>
<td>VicRoads Corporation</td>
<td>Road</td>
</tr>
<tr>
<td>PAO3</td>
<td>VicRoads Corporation</td>
<td>Road widening</td>
</tr>
<tr>
<td>PAO5</td>
<td>Melbourne City Council</td>
<td>Footpath / road widening</td>
</tr>
<tr>
<td>PAO6</td>
<td>Melbourne City Council</td>
<td>Pedestrian way</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Baptist PI = 1.5 metres.</td>
</tr>
<tr>
<td>PAO7</td>
<td>Department of Infrastructure</td>
<td>Road and Rail</td>
</tr>
</tbody>
</table>
ENVIRONMENTAL AUDIT OVERLAY

Shown on the planning scheme map as EAO.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.

Requirement

Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.
ROAD CLOSURE OVERLAY

Shown on the planning scheme map as RXO.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify a road that is closed by an amendment to this planning scheme.

Road closure

A road included in this overlay is closed on the date notice of approval of the amendment is published in the Government Gazette.

Decision guidelines

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

- That the road is closed.
DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as DCPO with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

Development contributions plan

A permit must not be granted to subdivide land, construct a building or construct or carry out works until a development contributions plan has been incorporated into this scheme.

This does not apply to the construction of a building, the construction or carrying out of works or a subdivision specifically excluded by a schedule to this overlay.

A permit granted must:

- Be consistent with the provisions of the relevant development contributions plan.
- Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.

Preparation of a development contributions plan

The development contributions plan may consist of plans or other documents and may, with the agreement of the planning authority, be prepared and implemented in stages.

The development contributions plan must:

- Specify the area to which the plan applies.
- Set out the works, services and facilities to be funded through the plan, including the staging of the provision of those works, services and facilities.
- Relate the need for the works, services or facilities to the proposed development of land in the area.
- Specify the estimated costs of each of the works, services and facilities.
- Specify the proportion of the total estimated costs of the works, services and facilities which is to be funded by a development infrastructure levy or community infrastructure levy or both.
- Specify the land in the area and the types of development in respect of which a levy is payable and the method for determining the levy payable in respect of any development of land.
- Provide for the procedures for the collection of a development infrastructure levy in respect to any development for which a permit is not required.

The development contributions plan may:

- Exempt certain land or certain types of development from payment of a development infrastructure levy or community infrastructure levy or both.
- Provide for different rates or amounts of levy to be payable in respect of different types of development of land or different parts of the area.
SCHEDULE 2 TO CLAUSE 45.06 THE DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as DCPO2.

MACAULAY URBAN RENEWAL AREA DEVELOPMENT CONTRIBUTIONS PLAN

1.0

Area covered by this development contributions plan

Macaulay Urban Renewal Area, which is covered by the DCPO2.

2.0

Summary of costs

None specified.

3.0

Summary of contributions

None specified.

4.0

Land or development excluded from development contributions plan

A permit may be granted to subdivide, construct a building or construct and carry out works before a development contributions plan has been prepared to the satisfaction of the responsible authority if any of the following apply:

- An agreement under Section 173 of the Planning and Environment Act 1987 has been entered into with the responsible authority that makes provision for development contributions;

- The permit contains a condition requiring an agreement under Section 173 of the Planning and Environment Act 1987 that makes provision for development contributions to be entered into before the commencement of the development.

- A permit for the construction of a building or construction or carrying out works for:
  - Additions or alterations to a single dwelling or development ancillary to use of land for a single dwelling.
  - A single dwelling on a lot
  - Development associated with an existing use provided the gross floor area of the development is not increased by more than 1000 square metres.
  - A sign.

- The permit for a boundary realignment.

The following land or development is exempt from the provisions of this overlay:

- A government and non-government school
- Housing provided by or on behalf of the Department of Health and Human Services
- Development associated with a dwelling that is existing or approved at the approval date of this provision.

The requirements of this overlay cease to have effect after 30 June 2020.
CITY LINK PROJECT OVERLAY

Shown on the planning scheme map as CLPO.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To ensure the efficient construction, operation and maintenance of the Melbourne City Link Project, the Exhibition Street Extension Project and CityLink Tulla Widening Project.

To ensure that the display of a Business identification sign on land no longer required for the Melbourne City Link Project or the Exhibition Street Extension Project is limited to a level that does not compete with the display of signs shown on the plan titled "Melbourne City Link Project - Advertising Sign Locations November 2003".

Use and development

A permit is not required to use or develop land in the:

- City Link Project area if the use or development is part of the Melbourne City Link Project or the Exhibition Street Extension Project.

- CityLink Tulla Widening Project Area if the use or development is part of, or associated with, the CityLink Tulla Widening Project.

Outdoor advertising signs - permit not required

A permit is not required to display an outdoor advertising sign if the sign is in a location or area identified on the plan titled "Melbourne City Link Project - Advertising Locations November 2003".

Except in locations shown on the plan where signs are prohibited, additional outdoor advertising signs may be displayed without a permit for a period not exceeding four years from the date of approval (or other such period approved by the Minister) provided that a plan of the sign showing its location and dimensions is approved by the Minister.

In deciding whether or not to approve a plan the Minister must consider:

- The visual impact of the sign on the road and the surrounding area.

- The effect of the sign on the safe and efficient operation of the road.

- Any government policy or agreement relating to the Melbourne City Link Project.

Business identification signs - permit required

In locations shown as “prohibited area for advertising signs” on the plan titled “Melbourne City Link Project - Advertising Sign Locations November 2003”, a permit may be granted to display a Business identification sign provided:

- The land is no longer under the control of the Melbourne City Link Project or the Exhibition Street Extension Project.

- The sign is not prohibited by the advertising requirements of the zone and Clause 52.05 - Advertising Signs.

Written advice from the relevant Government agency that the land is no longer part of the Melbourne City Link Project or the Exhibition Street Extension Project is sufficient evidence of the status of the land pursuant to this clause.

In deciding whether or not to grant a permit for a Business identification sign the responsible authority must consider in addition to the decision guidelines under Clause 52.05:
Whether the Business identification sign detracts from the visual prominence of signs identified on the plan titled "Melbourne City Link Project - Advertising Sign Locations November 2003".

**Control building**

A permit is not required to use and develop the Link Control Site under the *Melbourne City Link Act 1995*, for buildings housing link control rooms and ancillary activities, provided the building does not exceed 3 storeys in height and is generally in accordance with plans, Ref Nos: A-SBI-AR-404 A, SK-SBI1-4087 A to SK-SBI-4090 A (inclusive), SBI-AR-4001 Revision C, SBI-AR-4002 Revision C, SBI-AR-4030 Revision B, SBI-LS-4102 Revision C, and SBI-CI-4701 Revision A.

A permit is required to use and develop the Link Control Site under the *Melbourne City Link Act 1995* if the building to house the link control rooms and ancillary activities for the City Link Project exceeds 3 storeys in height or is not generally in accordance with the plans.

**Other scheme requirements**

No other requirement of the scheme applies to a use or development of land in the:

- City Link Project area if the use or development is for the purpose of the Melbourne City Link Project or the Exhibition Street Extension Project.
- CityLink Tulla Widening Project Area if the use or development is for the purpose of part of, or associated with, the CityLink Tulla Widening Project.

This provision prevails over any inconsistent provision in this scheme.

**Referral of applications**

An application must be referred under Section 55 of the Act to the Roads Corporation.

**Definitions**

In this clause:

- **Melbourne City Link Project** has the same meaning as in the *Melbourne City Link Act 1995*.
- **Exhibition Street Extension Project** has the same meaning as in the *Melbourne City Link Act 1995*.
- **CityLink Tulla Widening Project** means use and development for and associated with widening and upgrading the Tullamarine Freeway, Melbourne City Link Project and West Gate Freeway corridor within the CityLink Tulla Widening Project Area.
- **CityLink Tulla Widening Project Area** is the area of land affected by this overlay between:
  - The northern extremity of the overlay near the Tulla Calder Interchange; and
  - The western portals of the Burnley and Domain tunnels.
45.09

PARKING OVERLAY

Shown on the planning scheme map as PO with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To facilitate an appropriate provision of car parking spaces in an area.

To identify areas and uses where local car parking rates apply.

To identify areas where financial contributions are to be made for the provision of shared car parking.

45.09-1

Operation

This overlay operates in conjunction with Clause 52.06.

A schedule to this overlay may:

- Vary the requirements of Clause 52.06 as allowed by this overlay.
- Specify additional requirements to the requirements of Clause 52.06 as allowed by this overlay.
- Specify requirements for the provision of a financial contribution as a way of meeting the car parking requirements of Clause 52.06 or this overlay.

45.09-2

Parking objectives

A schedule to this overlay must specify the parking objectives to be achieved for the area affected by the schedule.

45.09-3

Permit requirement

A schedule to this overlay may specify that:

- The exemption from the requirement for a permit in Clause 52.06-3 does not apply. If the exemption does not apply, a permit is required for any of the matters set out in Clause 52.06-3.
- A permit must not be granted to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or this overlay.
- A permit must not be granted to provide some or all of the car parking spaces required under Clause 52.06-5 or this overlay on another site.
- A permit must not be granted to provide more than the maximum parking provision specified in a schedule to this overlay.
- A permit is not required under Clause 52.06-3.

45.09-4

Number of car parking spaces required

A schedule to this overlay may:

- Vary the car parking rate and measure for any use listed in Table 1 of Clause 52.06-5.
- Specify the car parking requirements for any use of land not listed in Table 1 of Clause 52.06-5.
- Specify maximum and minimum car parking requirements for any use of land.
- For any use listed in Table 1 of Clause 52.06-5, apply Column B in the Table to that use.

45.09-5

Application requirements and decision guidelines for permit applications

Before deciding on an application under Clause 52.06-3, in addition to the relevant decision guidelines in Clause 52.06-7, the responsible authority must consider, as appropriate:
- The parking objectives of the relevant schedule to this overlay.
- Any application requirements and decision guidelines specified in a schedule to this overlay.

45.09-6
19/04/2013
VC95

Financial contribution requirement
A schedule to this overlay may allow a responsible authority to collect a financial contribution in accordance with the schedule as a way of meeting the car parking requirements that apply under this overlay or Clause 52.06.

A schedule must specify:
- The area to which the provisions allowing the collection of financial contributions applies.
- The amount of the contribution that may be collected in lieu of each car parking space that is not provided, including any indexation of that amount.
- When any contribution must be paid.
- The purposes for which the responsible authority must use the funds collected under the schedule. Such purposes must be consistent with the objectives in section 4 of the Act.

45.09-7
25/05/2017
VC133

Requirements for a car parking plan
A schedule to this overlay may specify additional matters that must be shown on plans prepared under Clause 52.06-8.

45.09-8
25/05/2017
VC133

Design standards for car parking
A schedule to this overlay may specify:
- Additional design standards.
- Other requirements for the design and management of car parking.

Plans prepared in accordance with Clause 52.06-8 must meet any design standards and requirements specified in a schedule to this overlay.

45.09-9
25/05/2017
VC133

Decision guidelines for car parking plans
Before deciding whether a plan prepared under Clause 52.06-8 is satisfactory, in addition to the decision guidelines in Clause 52.06-10, the responsible authority must consider, as appropriate, any other matter specified in a schedule to this overlay.
SCHEDULE 1 TO THE PARKING OVERLAY

Shown on the planning scheme map as PO1.

CAPITAL CITY ZONE – OUTSIDE THE RETAIL CORE

1.0

Parking objectives to be achieved
To identify appropriate car parking rates for various uses within the Capital City Zone.

2.0

Permit requirement
A permit is required to provide car parking spaces in excess of the car parking rates in Clause 3.0 of this schedule.

This does not include the provision of additional car parking, to the satisfaction of the responsible authority, which is required to serve:

- on site use for dwellings or a residential hotel.
- a use that generates a significant demand for short stay parking (up to 4 hours) and the spaces are not accessible to vehicles between the hours of 5.30am and 9.30am Monday to Friday, or such other hours that the responsible authority is satisfied are appropriate.

3.0

Number of car parking spaces required
The car parking rates apply to use in connection with another activity on the site.

Where no part of the site is used for dwellings the number of car parking spaces must not exceed the number calculated using one of the following formulas:

Maximum spaces =
\[
5 \times \text{net floor area of buildings on the site in sq m} \\
1000 \text{ sq m}
\]

or
\[
12 \times \text{site area in sq m} \\
1000 \text{ sq m}
\]

Where a site is used wholly for dwellings, the number of spaces for each dwelling must not exceed one (1).

Where a site is used partly for dwellings and partly for other uses, the maximum number of spaces allowed:

- for that part of the site devoted to dwellings (including common areas serving the dwellings) must not exceed one (1) space per dwelling.
- for that part of the site devoted to other uses, (excluding common areas serving the dwellings) must not exceed the number calculated using one of the following formulas:

Maximum spaces =
\[
5 \times \text{net floor area of buildings on that part of the site in sq m} \\
1000 \text{ sq m}
\]

or
\[
12 \times \text{that part of the site area in sq m} \\
1000 \text{ sq m}
\]

Motorcycle parking rates
All buildings that provide on-site car parking must provide motorcycle parking for the use of occupants and visitors, at a minimum rate of one motor cycle parking space for every 100 car parking spaces, unless the responsible authority is satisfied that a lesser number is sufficient.
**Decision guidelines for permit applications**

Before deciding on an application which includes the provision of car parking spaces, the responsible authority must consider as appropriate:

- Any relevant local planning policies.
- Whether the proposal involves the making or the use of an access point across a traffic conflict frontage.
- Any effect on vehicle and pedestrian traffic in the area.
- The safety and convenience of pedestrians moving to, from and within the car parking facility, including lighting levels, surveillance systems, signage, ease of orientation and visibility.
- Whether any public car park facility will be connected to the City of Melbourne Parking Guidance System.
- The extent to which the proposed access point would conflict with any proposal to limit or prohibit traffic in certain roads.
- Any alternative route by which access to the car park could be obtained.
- The ease with which casual visitors to the central city can find, enter and leave the facility.
- The size, internal design and general operation for users.
- The location and context of directional and pricing signage to enable easy customer recognition before entering the car park.
- The suitability for use during weekends and outside normal business hours.
- Whether the development incorporates bicycle and motorcycle parking.
- Whether the development incorporates other uses in the site that will contribute to achievement of relevant policies.
- The current usage patterns of any nearby public parking facilities.
- Any adverse impacts on present vehicular traffic flows and in the context of any likely future changes in car parking and traffic conditions in the area.
SCHEDULE 2 TO THE PARKING OVERLAY

Shown on the planning scheme map as PO2.

CAPITAL CITY ZONE – RETAIL CORE

1.0

Parking objectives to be achieved

To identify appropriate car parking rates for various uses within the Capital City Zone.

2.0

Permit requirement

Except with a permit, car parking must comply with the following:

- Only short-stay public car parking (up to 4 hours) or parking to serve dwellings or a residential hotel is provided and the responsible authority is satisfied that the number of car parking spaces is required.
- The spaces provided for short-stay car parking are not to be accessible to vehicles between the hours of 5.30am and 9.30am Monday to Friday.
- No car parking spaces are located at the ground floor level of any building.
- Above-ground car parking facilities with a street frontage must incorporate retail or other active uses on the street frontage to the satisfaction of the responsible authority.
- Cars within, or on, a building must not be visible from streets and other pedestrian activity areas.

3.0

Number of car parking spaces required

No car parking spaces are required for any use.

Motor-cycle parking rates

All buildings that provide on-site car parking must provide motor-cycle parking, for the use of occupants and visitors, at a minimum rate of one motor-cycle parking space for every 100 car parking spaces, unless the responsible authority is satisfied that a lesser number is sufficient.

4.0

Design standards for car parking

Except for loading or unloading bays, vehicle access or egress points must not be located on a pedestrian priority frontage, or laneway leading off a pedestrian priority frontage.

5.0

Decision guidelines for permit applications

Before deciding on an application which includes the provision of car parking spaces, the responsible authority must consider as appropriate:

- Any relevant local planning policies.
- Whether the proposal involves the making or the use of an access point across a traffic conflict frontage.
- Any effect on vehicle and pedestrian traffic in the area.
- The safety and convenience of pedestrians moving to, from and within the car parking facility, including lighting levels, surveillance systems, signage, ease of orientation and visibility.
- Whether any public car park facility will be connected to the City of Melbourne Parking Guidance System.
- The extent to which the proposed access point would conflict with any proposal to limit or prohibit traffic in certain roads.
Any alternative route by which access to the car park could be obtained.

The ease with which casual visitors to the central city can find, enter and leave the facility.

The size, internal design and general operation for users.

The location and context of directional and pricing signage to enable easy customer recognition before entering the car park.

The suitability for use during weekends and outside normal business hours.

Whether the development incorporates bicycle and motorcycle parking.

Whether the development incorporates other uses in the site that will contribute to achievement of relevant policies.

The current usage patterns of any nearby public parking facilities.

Any adverse impacts on present vehicular traffic flows and in the context of any likely future changes in car parking and traffic conditions in the area.
SCHEDULE 3 TO THE PARKING OVERLAY

Shown on the planning scheme map as PO3.

CAPITAL CITY ZONE – LONSDALE STREET (GOLDEN SQUARE CAR PARK) AREA

Parking objectives to be achieved

To identify appropriate car parking rates within the Lonsdale Street (Golden Square Car Park) Area, 213-237 Lonsdale Street and 222-230 Little Bourke Street, Melbourne.

Number of car parking spaces required

820 spaces are to be provided on the sites, comprising 520 existing car spaces and 300 new spaces associated with the future uses and/or public parking facilities to be established on the site.

The 520 car spaces currently used for the purposes of a commercial vehicle car park on the sites described as 213-237 Lonsdale Street and 222-230 Little Bourke Street, Melbourne shall continue to be accommodated on the sites described above for use as public parking facilities and located in accordance with the Location of parking and dimensions requirements of this clause together with the Building Envelope Plans accompanying the provisions included in the Development Plan Overlay - Schedule 1, to reflect the existing uses of the site.

Car parking shall be provided in the following way:

- A total of 160 of the 820 car spaces shall be for short stay public parking and operated as follows and in accordance with the permit requirement for short stay parking at Clause 3.0 of this schedule.
- At least 160 spaces (short stay spaces) shall be available exclusively for casual short stay public car parking on any day that the car park is open (except on a Public Holiday, a Saturday or a Sunday).
- The short stay spaces shall be located within those levels most accessible to the car park entry and exit points.
- The short stay car parking spaces shall be clearly identified and sign posted on the site as being available for short stay parking only.

All buildings that provide on-site car parking must provide motorcycle parking for the use of occupants and visitors, at a rate of one motor cycle parking space for every 100 car parking spaces on the site above 520 car parking spaces.

Design standards for car parking

The 160 car spaces for short stay public parking specified in Clause 2.0 of this schedule must comply with the following:

- Only short-stay public car parking (up to 4 hours) or parking to serve dwellings or a residential hotel is provided and the responsible authority is satisfied that the number of car parking spaces is required.
- The spaces provided for short-stay car parking are not to be accessible to vehicles between the hours of 5.30am and 9.30am Monday to Friday.
- No car parking spaces are located at the ground floor level of any building.
- Above-ground car parking facilities with a street frontage must incorporate retail or other active uses on the street frontage to the satisfaction of the responsible authority.
- Cars within, or on, a building must not be visible from streets and other pedestrian activity areas.
Loading and unloading and vehicle access to the site must be provided via Lonsdale Street in accordance with the plan known as ‘Proposed Lonsdale Street Access Configuration; Ref No 98093/T/07/P2’.

Public car parking and parking associated with the various uses on the site shall be provided below ground level and/or within the podium level of the future development as shown on the Building Envelope Plan.

Any road works in Lonsdale Street designated ‘Ausvest Development Proposed Road Works’ required as a result of the proposed use and development of the site shall be designed and constructed generally in accordance with the drawing known as ‘Proposed Lonsdale Street Access Configuration; Ref No 98093/T/07/P2’.

Provision may be made in Lonsdale Street for the parking of buses to allow for the loading and unloading of passengers to the satisfaction of the responsible authority.

The layout, dimensions and line marking of car parking spaces must be in accordance with Clause 52.06 of the Melbourne Planning Scheme to the satisfaction of the responsible authority.
SCHEDULE 4 TO THE PARKING OVERLAY

Shown on the planning scheme map as PO4.

ROYAL MELBOURNE SHOWGROUNDS

1.0

Parking objectives to be achieved

To recognise the special nature of car parking space demands and supply within the Royal Melbourne Showgroundsin particular:

- concurrent demands by separate uses.
- the special availability of public transport services for particular events.
- the location and supply of parking spaces within the precinct which varies depending upon particular types or combination of uses occurring.
- the ability for multiple use of the same parking spaces at different times.
- the ready availability of a large supply of parking spaces within the Showgrounds and on adjacent land.

- To provide a framework for traffic and parking management arrangements under the Land Management Plan referred to in Clause 2.3 of Schedule 2 to the Special Use Zone.

This schedule provides the framework for traffic and parking management arrangements under the Land Management Plan referred to in Clause 2.3 of Schedule 2 to the Special Use Zone.

2.0

Number of car parking spaces required

Place of assembly and leisure & recreation uses

The use of land for a purpose set out in the Event Category in the Table to this Schedule shall comply with the vehicle parking space requirements set out in that Table unless exempt under Clause 2.5 of Schedule 2 to the Special Use Zone. Parking spaces shall be provided within the Royal Melbourne Showgrounds or if necessary within the Flemington Racecourse, in accordance with traffic and parking management arrangements under the Land Management Plan referred to in Clause 2.3 of Schedule 2 to the Special Use Zone.

Table: Car parking spaces

<table>
<thead>
<tr>
<th>Event Category</th>
<th>Attendance Numbers</th>
<th>Minimum Parking Spaces Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>More than 45,000</td>
<td>To be determined as part of management arrangements under the Land Management Plan</td>
</tr>
<tr>
<td></td>
<td>Up to 45,000</td>
<td>8,500 – 10,000 car parking spaces</td>
</tr>
<tr>
<td></td>
<td>Up to 38,000</td>
<td>2,500 – 8,500 car parking spaces</td>
</tr>
<tr>
<td></td>
<td>Up to 10,000</td>
<td>2,500 car parking spaces</td>
</tr>
<tr>
<td>B</td>
<td>More than 100,000</td>
<td>To be determined as part of management arrangements under the Land Management Plan</td>
</tr>
<tr>
<td></td>
<td>Up to 100,000</td>
<td>8,500 – 10,000 car parking spaces</td>
</tr>
<tr>
<td></td>
<td>Up to 50,000</td>
<td>2,500 – 8,500 car parking spaces</td>
</tr>
<tr>
<td></td>
<td>Up to 15,000</td>
<td>2,500 car parking spaces</td>
</tr>
</tbody>
</table>
For the purpose of the Table to this schedule:

- Event Category A means the use Place of assembly or Leisure and recreation events where patrons generally arrive and leave at similar times and all patrons are there for the event duration.
- Event Category B means the use Place of assembly or Leisure and recreation events where patrons generally arrive and leave at various times and all patrons are not present simultaneously for the event duration.

Other uses
Vehicle parking space requirements for any use of the Showgrounds site, other than for Event Categories A and B, must be to the satisfaction of the Responsible Authority.

Parking provision on-site
The location and number of available car parking spaces within the Royal Melbourne Showgrounds is shown in the Land Management Plan.

Parking provision off-site
The location and number of car parking spaces available at the Flemington Racecourse adjacent to the precinct is as follows:

- Main Members Car Park: 2,300 spaces
- Public Car Park: 4,200 spaces
- Centre of Course: 4,500 spaces

Decision guidelines for permit applications

Use of land
Before deciding on an application to use land the Responsible Authority must consider, as appropriate:

- The particular use proposed with regard to the likely car parking demands generated.
- The proposed locations and capacities of car parking areas, both within and adjacent to the precinct, in meeting likely car parking demands.
- The likely contribution of public transport in mitigating car parking demands.
- The points of ingress and egress for vehicular traffic to and from the precinct related to the particular use.
- The management of car parking with regard to the Land Management Plan for the precinct, and management arrangements for particular types of events.
- The safety and security of persons using car parking areas.
- The concurrent use of other land or buildings within the precinct and the likely additional parking space demands generated and availability of parking spaces.

Buildings and works
Before deciding on an application to construct a building or construct or carry out works within the precinct the Responsible Authority must consider as appropriate:

- The proposed location and capacities of car parking areas both within and adjacent to the precinct in meeting likely car parking demands to be generated by uses within the development.
- The points of ingress and egress for vehicular traffic to and from the proposed buildings or works at the precinct boundary.
- The adequacy of the access ways to be used for vehicular traffic to and from the proposed buildings and works.
- The safety of pedestrians within the precinct.
- The proposed security within car parking areas.
- The proposed landscaping or screening of car parking areas.
SCHEDULE 5 TO THE PARKING OVERLAY

Shown on the planning scheme map as PO5.

ROYAL MELBOURNE SHOWGROUNDS – NON-CORE LAND

1.0

Parking objectives to be achieved

To identify appropriate car parking design and rates for various uses in the non-core land, being land that is not required for the Royal Melbourne Show, of the Royal Melbourne Showgrounds.

2.0

Number of car parking spaces required

If a use is specified in the Table below, the number of car parking spaces required for the use is calculated by multiplying the Rate specified for the use by the accompanying Measure.

Table: Car parking spaces

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate</th>
<th>Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office</td>
<td>2.5</td>
<td>Car spaces to each 100 sq m of net leasable floor area</td>
</tr>
<tr>
<td>Restaurant</td>
<td>0.3</td>
<td>Car spaces to each seat available to the public</td>
</tr>
<tr>
<td>Specialty retail</td>
<td>4</td>
<td>Car spaces to each 100 sq m of floor area</td>
</tr>
<tr>
<td>Supermarket</td>
<td>5.5</td>
<td>Car spaces to each 100 sq m of floor area</td>
</tr>
<tr>
<td>Tavern</td>
<td>20</td>
<td>Car spaces to each 100 sq m of net leasable floor area available to the public</td>
</tr>
</tbody>
</table>

3.0

Decision guidelines for permit applications

Use of land

Before deciding on an application to use land the Responsible Authority must consider, as appropriate:

- The particular use proposed with regard to the likely car parking demands generated.
- The proposed locations and capacities of car parking areas, both within and adjacent to the precinct, in meeting likely car parking demands.
- The likely contribution of public transport in mitigating car parking demands.
- The points of ingress and egress for vehicular traffic to and from the precinct related to the particular use.
- The safety and security of persons using car parking areas.
- The concurrent use of other land or buildings within the precinct and the likely additional parking space demands generated and availability of parking spaces.

Buildings and works

Before deciding on an application to construct a building or construct or carry out works the Responsible Authority must consider as appropriate:

- The proposed location and capacities of car parking areas both within and adjacent to the precinct in meeting likely car parking demands to be generated by uses within the development.
- The points of ingress and egress for vehicular traffic to and from the proposed buildings or works at the precinct boundary.
- The adequacy of the access ways to be used for vehicular traffic to and from the proposed buildings and works.
- The safety of pedestrians within the precinct.
- The proposed security within car parking areas.
- The proposed landscaping or screening of car parking areas.
SCHEDULE 6 TO THE PARKING OVERLAY

Shown on the planning scheme map as PO6.

DOCKLANDS – VICTORIA HARBOUR

1.0

Parking objectives to be achieved

To identify appropriate car parking rates for various uses within the Victoria Harbour precinct of Docklands.

2.0

Permit requirement

A permit is required for a public car park facility.

A permit is required to provide car parking spaces in excess of the maximum number specified in the Table below.

3.0

Number of car parking spaces required

If a use is specified in the Table below, the maximum number of car parking spaces that can be provided for the use is calculated by multiplying the Rate specified for the use by the accompanying Measure.

Car parking rates in the Table below are based on a maximum rather than minimum provision of car parking spaces for each land use category.

Table: Maximum car parking spaces

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate</th>
<th>Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling</td>
<td>2</td>
<td>To each dwelling</td>
</tr>
<tr>
<td>Office</td>
<td>2.5</td>
<td>To each 100 sq m of gross floor area</td>
</tr>
<tr>
<td>Retail premises in Area CPA*</td>
<td>4</td>
<td>To each 100 sq m of gross floor area</td>
</tr>
<tr>
<td>Retail premises in Area CPB*</td>
<td>3</td>
<td>To each 100 sq m of gross floor area</td>
</tr>
<tr>
<td>Retail premises in Area CPC*</td>
<td>2</td>
<td>To each 100 sq m of gross floor area</td>
</tr>
<tr>
<td>Industry</td>
<td>1</td>
<td>To each 150 sq m of gross floor area</td>
</tr>
<tr>
<td>Any other use</td>
<td>1</td>
<td>To each 100 sq m of gross floor area</td>
</tr>
</tbody>
</table>

* as identified in the Victoria Harbour Car Parking Area Map below.
### Design standards for car parking

Car parking spaces should not be visible from any street frontage or the waterfront. This does not apply to a ground level car space for the use of a dwelling and which adjoins or forms part of that dwelling in accordance with a planning permit to the satisfaction of the responsible authority.

The dimensions of car spaces and access to such car spaces, should be consistent with the provisions of AS 2890.1 - 1993.

Parking structures should be carefully designed with articulated facades containing active edges to principal streets and public spaces.

Vehicular access to parking and service areas should be designed to minimise disruption to pedestrian movements and minimise their visual impact on architectural and streetscape qualities.

Open lot car parks are discouraged on all principle frontages.

### Decision guidelines for permit applications

Before deciding on an application to use or develop land for car parking, the responsible authority must consider, as appropriate:

- Any effect on vehicle and pedestrian traffic in the area, including in the context of any future changes in car parking and traffic conditions.

- The safety and convenience of pedestrians moving to and from and within the car parking facility, including lighting levels, surveillance systems, signage and visibility.

- Whether the development includes bicycle and motor cycle parking.

- The particular use proposed with regard to the likely car parking demands generated.
The proposed locations and capacities of car parking areas, both within and close to the site in meeting likely car parking demands.

- The likely contribution of public transport in mitigating car parking demands.
- The points of ingress and egress for vehicular traffic.
- The management of car parking and management arrangements for events.
- The proposed landscaping and screening of car parking facilities and areas.

- The extent to which the proposed access point would conflict with any proposal to limit or prohibit traffic in certain roads.
- The provisions for parking and loading of vehicles and access of parking spaces and loading bays on land and water.
SCHEDULE 7 TO THE PARKING OVERLAY

Shown on the planning scheme map as PO7.

DOCKLANDS – BATMAN’S HILL

Parking objectives to be achieved
To identify appropriate car parking rates for various uses within the Batman’s Hill precinct of Docklands.

Permit requirement
A permit is required for a public car park facility.

A permit is required to provide car parking spaces in excess of the maximum number specified in the Table below.

A permit is not required for car parking associated with the Major Sports & Recreation Facility if it complies with the following:

- The car spaces are available for use in association with the Major sports and Recreation facility, to the satisfaction of the Responsible Authority.
- The total number of spaces does not exceed 1,800.
- Vehicular access to the car parks in the Batman’s Hill Precinct are designed to avoid conflicts with the major pedestrian movement access routes through and within the Batman’s Hill Precinct to the satisfaction of the Responsible Authority.

Number of car parking spaces required
If a use is specified in the Table below, the maximum number of car parking spaces that can be provided for the use is calculated by multiplying the Rate specified for the use by the accompanying Measure.

Car parking rates in the Table below are based on a maximum rather than minimum provision of car parking spaces for each land use category.

Table: Maximum car parking spaces

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate</th>
<th>Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling</td>
<td>2</td>
<td>To each dwelling</td>
</tr>
<tr>
<td>Office</td>
<td>1.5</td>
<td>To each 100 sq m of gross floor area</td>
</tr>
<tr>
<td>Industry</td>
<td>1</td>
<td>To each 150 sq m of gross floor area</td>
</tr>
<tr>
<td>Any other use</td>
<td>1</td>
<td>To each 100 sq m of gross floor area</td>
</tr>
</tbody>
</table>

Design standards for car parking
Car parking spaces should not be visible from any street frontage or the waterfront. This does not apply to a ground level car space for the use of a dwelling and which adjoins or forms part of that dwelling in accordance with a planning permit to the satisfaction of the responsible authority.

The dimensions of car spaces and access to such car spaces, should be consistent with the provisions of AS 2890.1-1993.

Parking structures should be carefully designed with articulated facades containing active edges to principal streets and public spaces.
Vehicular access to parking and service areas should be designed to minimise disruption to pedestrian movements and minimise their visual impact on architectural and streetscape qualities.
Open lot car parks are discouraged on all principle frontages.

**Decision guidelines for permit applications**

Before deciding on an application to use or develop land for car parking, the responsible authority must consider, as appropriate:

- Any effect on vehicle and pedestrian traffic in the area, including in the context of any future changes in car parking and traffic conditions.
- The safety and convenience of pedestrians moving to and from and within the car parking facility, including lighting levels, surveillance systems, signage and visibility.
- Whether the development includes bicycle and motor cycle parking.
- The particular use proposed with regard to the likely car parking demands generated.
- The proposed locations and capacities of car parking areas, both within and close to the site in meeting likely car parking demands.
- The likely contribution of public transport in mitigating car parking demands.
- The points of ingress and egress for vehicular traffic.
- The management of car parking and management arrangements for events.
- The proposed landscaping and screening of car parking facilities and areas.
- The extent to which the proposed access point would conflict with any proposal to limit or prohibit traffic in certain roads.
- The provisions for parking and loading of vehicles and access of parking spaces and loading bays on land and water.
SCHEDULE 8 TO THE PARKING OVERLAY

Shown on the planning scheme map as PO8.

DOCKLANDS – STADIUM PRECINCT

1.0 Parking objectives to be achieved

To identify appropriate car parking rates for various uses within the Stadium precinct of Docklands.

2.0 Permit requirement

A permit is required for a public car park facility.

A permit is required to provide car parking spaces in excess of the maximum number specified in the Table below.

A permit is not required for car parking associated with the Major Sports & Recreation Facility if it complies with the following:

- The total number of spaces does not exceed 3,600.
- The car spaces are constructed as a component of or in association with the Major Sports and Recreation Facility.
- Vehicular access to the car parks in the Docklands Stadium Precinct are designed to avoid conflicts with the major pedestrian movement access routes for the Major Sports and Recreation Facility to the satisfaction of the responsible authority.
- The provision of car parking spaces in excess of 2,600 and the access arrangements of these spaces are demonstrated to be consistent with the efficient operation of the Melbourne Docklands area road network to the satisfaction of the responsible authority.
- On land at the north-west of the Major Sports and Recreation Facility, no more than 500 spaces.

A permit is required to vary these requirements.

3.0 Number of car parking spaces required

If a use is specified in the Table below, the maximum number of car parking spaces that can be provided for the use is calculated by multiplying the Rate specified for the use by the accompanying Measure.

Car parking rates in the Table below are based on a maximum rather than minimum provision of car parking spaces for each land use category.

Table: Maximum car parking spaces

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate</th>
<th>Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling</td>
<td>1.5</td>
<td>To each dwelling</td>
</tr>
<tr>
<td>Industry</td>
<td>1</td>
<td>To each 150 sq m of gross floor area</td>
</tr>
<tr>
<td>Any other use</td>
<td>1</td>
<td>To each 100 sq m of gross floor area</td>
</tr>
</tbody>
</table>

4.0 Design standards for car parking

Car parking spaces should not be visible from any street frontage or the waterfront. This does not apply to a ground level car space for the use of a dwelling and which adjoins or forms part of that dwelling in accordance with a planning permit to the satisfaction of the responsible authority.

The dimensions of car spaces and access to such car spaces, should be consistent with the provisions of AS 2890.1- 1993.
Parking structures should be carefully designed with articulated facades containing active edges to principal streets and public spaces.

Vehicular access to parking and service areas should be designed to minimise disruption to pedestrian movements and minimise their visual impact on architectural and streetscape qualities. Open lot car parks are discouraged on all principle frontages.

**Decision guidelines for permit applications**

Before deciding on an application to use or develop land for car parking, the responsible authority must consider, as appropriate:

- Any effect on vehicle and pedestrian traffic in the area, including in the context of any future changes in car parking and traffic conditions.
- The safety and convenience of pedestrians moving to and from and within the car parking facility, including lighting levels, surveillance systems, signage and visibility.
- Whether the development includes bicycle and motor cycle parking.
- The particular use proposed with regard to the likely car parking demands generated.
- The proposed locations and capacities of car parking areas, both within and close to the site in meeting likely car parking demands.
- The likely contribution of public transport in mitigating car parking demands.
- The points of ingress and egress for vehicular traffic.
- The management of car parking and management arrangements for events.
- The proposed landscaping and screening of car parking facilities and areas.
- The extent to which the proposed access point would conflict with any proposal to limit or prohibit traffic in certain roads.
- The provisions for parking and loading of vehicles and access of parking spaces and loading bays on land and water.
SCHEDULE 9 TO THE PARKING OVERLAY

Shown on the planning scheme map as PO9.

DOCKLANDS – COMTECH PORT

1.0 Parking objectives to be achieved
To identify appropriate car parking rates for various uses within the Comtech Port precinct of Docklands.

2.0 Permit requirement
A permit is required for a public car park facility.
A permit is required to provide car parking spaces in excess of the maximum number specified in the Table below.
A permit is not required for car parking associated with the Major Sports & Recreation Facility if it complies with the following:
- The total number of spaces in the precinct does not exceed 600.
- The car spaces are available for use in association with the Major Sports and Recreation Facility, to the satisfaction of the Responsible Authority.
A permit is required to vary these requirements.

3.0 Number of car parking spaces required
If a use is specified in the Table below, the maximum number of car parking spaces that can be provided for the use is calculated by multiplying the Rate specified for the use by the accompanying Measure.

Car parking rates in the Table below are based on a maximum rather than minimum provision of car parking spaces for each land use category.

**Table: Maximum car parking spaces**

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate</th>
<th>Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling</td>
<td>1.5</td>
<td>To each dwelling</td>
</tr>
<tr>
<td>Office</td>
<td>2</td>
<td>To each 100 sq m of gross floor area</td>
</tr>
<tr>
<td>Industry</td>
<td>1</td>
<td>To each 150 sq m of gross floor area</td>
</tr>
<tr>
<td>Any other use</td>
<td>1</td>
<td>To each 100 sq m of gross floor area</td>
</tr>
</tbody>
</table>

4.0 Design standards for car parking
Car parking spaces should not be visible from any street frontage or the waterfront. This does not apply to a ground level car space for the use of a dwelling and which adjoins or forms part of that dwelling in accordance with a planning permit to the satisfaction of the responsible authority.

The dimensions of car spaces and access to such car spaces, should be consistent with the provisions of AS 2890.1- 1993.

Parking structures should be carefully designed with articulated facades containing active edges to principal streets and public spaces.

Vehicular access to parking and service areas should be designed to minimise disruption to pedestrian movements and minimise their visual impact on architectural and streetscape qualities.

Open lot car parks are discouraged on all principle frontages.
Decision guidelines for permit applications

Before deciding on an application to use or develop land for car parking, the responsible authority must consider, as appropriate:

- Any effect on vehicle and pedestrian traffic in the area, including in the context of any future changes in car parking and traffic conditions.
- The safety and convenience of pedestrians moving to and from and within the car parking facility, including lighting levels, surveillance systems, signage and visibility.
- Whether the development includes bicycle and motor cycle parking.
- The particular use proposed with regard to the likely car parking demands generated.
- The proposed locations and capacities of car parking areas, both within and close to the site in meeting likely car parking demands.
- The likely contribution of public transport in mitigating car parking demands.
- The points of ingress and egress for vehicular traffic.
- The management of car parking and management arrangements for events.
- The proposed landscaping and screening of car parking facilities and areas.
- The extent to which the proposed access point would conflict with any proposal to limit or prohibit traffic in certain roads.
- The provisions for parking and loading of vehicles and access of parking spaces and loading bays on land and water.
SCHEDULE 10 TO THE PARKING OVERLAY

Shown on the planning scheme map as PO10.

DOCKLANDS – BUSINESS PARK

1.0

Parking objectives to be achieved

To identify appropriate car parking rates for various uses within the Business Park precinct of Docklands.

2.0

Permit requirement

A permit is required for a public car park facility.

A permit is required to provide car parking spaces in excess of the maximum number specified in the Table below.

3.0

Number of car parking spaces required

If a use is specified in the Table below, the maximum number of car parking spaces that can be provided for the use is calculated by multiplying the Rate specified for the use by the accompanying Measure.

Car parking rates in the Table below are based on a maximum rather than minimum provision of car parking spaces for each land use category.

Table: Maximum car parking spaces

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate</th>
<th>Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling</td>
<td>1.5</td>
<td>To each dwelling</td>
</tr>
<tr>
<td>Film Studio</td>
<td>3.5</td>
<td>To each 100 sq m of gross floor area</td>
</tr>
<tr>
<td>Office</td>
<td>3</td>
<td>To each 100 sq m of gross floor area</td>
</tr>
<tr>
<td>Place of Assembly</td>
<td>2</td>
<td>To each 100 sq m of gross floor area</td>
</tr>
<tr>
<td>Residential Hotel</td>
<td>0.4</td>
<td>To each room</td>
</tr>
<tr>
<td>Retail Premises</td>
<td>4</td>
<td>To each 100 sq m of gross floor area</td>
</tr>
<tr>
<td>Industry</td>
<td>1</td>
<td>To each 150 sq m of gross floor area</td>
</tr>
<tr>
<td>Any other use</td>
<td>1</td>
<td>To each 100 sq m of gross floor area</td>
</tr>
</tbody>
</table>

4.0

Design standards for car parking

Car parking spaces should not be visible from any street frontage or the waterfront. This does not apply to a ground level car space for the use of a dwelling and which adjoins or forms part of that dwelling in accordance with a planning permit to the satisfaction of the responsible authority.

The dimensions of car spaces and access to such car spaces, should be consistent with the provisions of AS 2890.1-1993.

Parking structures should be carefully designed with articulated facades containing active edges to principal streets and public spaces.

Vehicular access to parking and service areas should be designed to minimise disruption to pedestrian movements and minimise their visual impact on architectural and streetscape qualities.

Open lot car parks are discouraged on all principle frontages.
Decision guidelines for permit applications

Before deciding on an application to use or develop land for car parking, the responsible authority must consider, as appropriate:

- Any effect on vehicle and pedestrian traffic in the area, including in the context of any future changes in car parking and traffic conditions.
- The safety and convenience of pedestrians moving to and from and within the car parking facility, including lighting levels, surveillance systems, signage and visibility.
- Whether the development includes bicycle and motor cycle parking.
- The particular use proposed with regard to the likely car parking demands generated.
- The proposed locations and capacities of car parking areas, both within and close to the site in meeting likely car parking demands.
- The likely contribution of public transport in mitigating car parking demands.
- The points of ingress and egress for vehicular traffic.
- The management of car parking and management arrangements for events.
- The proposed landscaping and screening of car parking facilities and areas.
- The extent to which the proposed access point would conflict with any proposal to limit or prohibit traffic in certain roads.
- The provisions for parking and loading of vehicles and access of parking spaces and loading bays on land and water.
SCHEDULE 11 TO THE PARKING OVERLAY

Shown on the planning scheme map as PO11.

DOCKLANDS – YARRA’S EDGE

Parking objectives to be achieved
To identify appropriate car parking rates for uses within the Yarra’s Edge precinct of Docklands.

Permit requirement
A permit is required for a public car park facility.
A permit is required to provide car parking spaces in excess of the maximum number specified in the Table below.

Number of car parking spaces required
If a use is specified in the Table below, the maximum number of car parking spaces that can be provided for the use is calculated by multiplying the Rate specified for the use by the accompanying Measure.

Car parking rates in the Table below are based on a maximum rather than minimum provision of car parking spaces for each land use category.

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate</th>
<th>Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling</td>
<td>2</td>
<td>To each dwelling</td>
</tr>
<tr>
<td>Office</td>
<td>2</td>
<td>To each 100 sq m of gross floor area</td>
</tr>
<tr>
<td>Retail premises</td>
<td>4</td>
<td>To each 100 sq m of gross floor area</td>
</tr>
<tr>
<td>Industry</td>
<td>1</td>
<td>To each 150 sq m of gross floor area</td>
</tr>
<tr>
<td>Any other use</td>
<td>1</td>
<td>To each 100 sq m of gross floor area</td>
</tr>
</tbody>
</table>

Design standards for car parking
Car parking spaces should not be visible from any street frontage or the waterfront. This does not apply to a ground level car space for the use of a dwelling and which adjoins or forms part of that dwelling in accordance with a planning permit to the satisfaction of the responsible authority.

The dimensions of car spaces and access to such car spaces, should be consistent with the provisions of AS 2890.1-1993.

Parking structures should be carefully designed with articulated facades containing active edges to principal streets and public spaces.

Vehicular access to parking and service areas should be designed to minimise disruption to pedestrian movements and minimise their visual impact on architectural and streetscape qualities.

Open lot car parks are discouraged on all principle frontages.

Decision guidelines for permit applications
Before deciding on an application to use or develop land for car parking, the responsible authority must consider, as appropriate:

- Any effect on vehicle and pedestrian traffic in the area, including in the context of any future changes in car parking and traffic conditions.
The safety and convenience of pedestrians moving to and from and within the car parking facility, including lighting levels, surveillance systems, signage and visibility.

Whether the development includes bicycle and motor cycle parking.

The particular use proposed with regard to the likely car parking demands generated.

The proposed locations and capacities of car parking areas, both within and close to the site in meeting likely car parking demands.

The likely contribution of public transport in mitigating car parking demands.

The points of ingress and egress for vehicular traffic.

The management of car parking and management arrangements for events.

The proposed landscaping and screening of car parking facilities and areas.

The extent to which the proposed access point would conflict with any proposal to limit or prohibit traffic in certain roads.

The provisions for parking and loading of vehicles and access of parking spaces and loading bays on land and water.
SCHEDULE 12 TO THE PARKING OVERLAY

Shown on the planning scheme map as PO12.

RESIDENTIAL DEVELOPMENT IN SPECIFIC INNER CITY AREAS

1.0  Parking objectives to be achieved

To identify appropriate car parking rates for residential development in specific inner city areas of Melbourne.

2.0  Permit requirement

A permit is required to provide car parking spaces in excess of the maximum number specified in the Table below.

3.0  Number of car parking spaces required

If a use is specified in the Table below, the maximum number of car parking spaces that can be provided for the use is calculated by multiplying the Rate specified for the use by the accompanying Measure.

Car parking rates in the Table below are based on a maximum rather than minimum provision of car parking spaces for each land use category.

Table: Maximum car parking spaces

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate</th>
<th>Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling</td>
<td>1</td>
<td>To each dwelling</td>
</tr>
</tbody>
</table>

4.0  Decision guidelines for permit applications

For applications to provide more than the maximum parking provision specified in this schedule

Before deciding on an application which seeks to increase the maximum number of car parking spaces, the responsible authority must consider as appropriate:

- Any relevant Local Planning Policies.
- Any empirical analysis which supports a variation in the number of car parking spaces that should be provided.
- The particular characteristics of the proposed use with regard to the likely car parking demands generated.
- The availability of car parking in the locality.
- The likely contribution of public transport in mitigating car parking demands.
- Whether the development includes bicycle and motorcycle parking.

Note: The occupiers of any dwellings approved by permit subject to the provisions of this Schedule may not be eligible for Resident Priority Parking Permits.
SCHEDULE 13 TO CLAUSE 45.09 PARKING OVERLAY

Shown on the planning scheme map as PO13.

FISHERMANS BEND URBAN RENEWAL AREA

1.0

Parking objectives to be achieved

To identify appropriate car parking rates for various uses in the Fishermans Bend Urban Renewal Area.

To provide for the future adaptation of car parking to other uses and innovations in transport technology.

To encourage alternative forms of parking to be provided including car share and consolidated precinct based parking.

2.0

Permit requirement

A permit is required to provide more than the maximum parking provision specified for a use in Table 1 to this schedule.

This does not apply to the provision of additional car parking that is allocated for car share or precinct based parking to the satisfaction of the responsible authority.

3.0

Number of car parking spaces required

If a use is specified in the table below, the maximum number of car parking spaces to be provided for the use is calculated by multiplying the rate specified for the use by the accompanying measure. For all other uses listed in Table 1 of Clause 52.06-5, the maximum number of car parking spaces to be provided for the use is calculated by multiplying the rate in Column B of Table 1 in Clause 52.06-5 specified for the use, by the accompanying measure.

Table 1: Maximum car parking spaces

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate</th>
<th>Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling</td>
<td>0.5</td>
<td>To each dwelling</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>To each 3 or more bedroom dwelling</td>
</tr>
<tr>
<td>Industry</td>
<td>1</td>
<td>To each 150 square metres of gross floor area</td>
</tr>
<tr>
<td>Office</td>
<td>1</td>
<td>To each 100 square metres of gross floor area</td>
</tr>
<tr>
<td>Place of assembly</td>
<td>1</td>
<td>To each 100 square metres of gross floor area</td>
</tr>
<tr>
<td>Residential Village, Retirement Village</td>
<td>0.5</td>
<td>To each dwelling</td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td>1</td>
<td>To each 100 square metres of gross floor area</td>
</tr>
<tr>
<td>Retail premises</td>
<td>1</td>
<td>To each 100 square metres of gross floor area</td>
</tr>
<tr>
<td>Supermarket</td>
<td>2</td>
<td>To each 100 square metres of gross floor area</td>
</tr>
</tbody>
</table>

4.0

Application requirements and decision guidelines for permit applications

Application Requirements

An application to provide more than the maximum parking provision specified in Table 1 of this schedule must be accompanied by a statement that demonstrates how any additional car parking will be transitioned to other uses over time.
Decision Guidelines

The following decision guidelines apply to an application for a permit under Clause 52.06-3, in addition to those specified in Clause 52.06-7 and elsewhere in the scheme. The responsible authority must consider, as appropriate:

- Whether the objectives of this schedule have been met.
- The availability of public transport in the locality and the timing of future improvements to the network.
- The number and type of dwellings proposed, including the proportion of dwellings that contain three or more bedrooms.
- Whether car parking is to be provided in a stand-alone building to be used for precinct car parking.
- If any parking is proposed to be provided off-site, whether the recipient site is located within convenient walking distance (200 metres) of the subject site, and is part of a precinct based parking facility.
- The impact of the proposed car parking rates on local amenity, including pedestrian amenity and the creation of a high quality public realm.
- The future adaptability of the car parking areas and ability to transition to future uses over time.
- The proportion of car share, motocycle and bicycle parking proposed.
- The impacts of the proposed car parking rates on creating sustainable transport patterns, that preference walking, cycling and public transport use.

Financial contribution requirement

None specified.

Requirements for a car parking plan

The following requirements must be shown on a car parking plan, in addition to the matters that must be shown on plans prepared under Clause 52.06-8:

- Any spaces allocated to car share parking, motocycle parking and bicycle parking.
- If a green travel plan is provided under another provision of the scheme, any relevant information specified in the green travel plan.

Design standards for car parking

The following design standards for car parking and other requirements for the design and management of car parking must be met, in addition to the matters that must be shown on plans prepared under Clause 52.06-9:

- Vehicle access ways, crossovers and car park entries should be provided from service roads, side or rear laneways, or secondary streets (in order of preference) where available.
- All crossovers (except on roads adjacent to the freeway) should:
  - Be consolidated to provide shared access to multiple buildings.
  - Include intermediate pedestrian refuges if the vehicle access or crossover is more than 6.1 metres.
- The design and layout of car parking areas should:
  - Ensure the layout and design of car parking areas encourages sharing of car parking spaces between different uses with different peak demand patterns.
- Include provision for future conversion of car parking areas to alternative employment generating uses.
- Allow natural ventilation, without compromising the provision of activated frontages.
- Ensure the use of car lifts, turntables and stackers do not result in cars queueing on the street.
- Include the provision for internal queuing and minimise the need for cars to queue on the street.
- Provide dedicated parking for car share and car charging stations.
- Where appropriate, make provision for easily accessible short term temporary parking and drop-off/pick up zones.

8.0
05/10/2018
GC81

Decision guidelines for car parking plans

The following decision guidelines apply to car parking plans prepared under Clause 52.06-8, and must be considered, as appropriate, by the responsible authority:

- Whether the car parking plan encourages sustainable transport patterns, that preference walking, cycling and public transport use.
- The extent to which the car parking areas (not located within a basement) are designed for future adaptation and repurposing.
- The availability of car share vehicles and precinct parking facilities in the locality.
- The rates of car share, motorcycle and bicycle spaces provided.
- If a green travel plan is required under another provision, any recommendations of the green travel plan.
- Whether alternative access to the site is constrained and no other access is possible.

9.0
05/10/2018
GC81

Reference document

Fishermans Bend Framework, September 2018
Fishermans Bend Integrated Transport Plan 2017
**INFRASTRUCTURE CONTRIBUTIONS OVERLAY**

Shown on the planning scheme map as **ICO** with a number.

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.
To identify the area where an infrastructure contributions plan applies for the purpose of imposing contributions for the provision of infrastructure.
To identify the infrastructure contribution imposed for the development of land.

**Infrastructure contributions plan**

A schedule to this overlay must specify the name of the infrastructure contributions plan to which it applies.

The requirements of the relevant infrastructure contributions plan incorporated into this scheme apply to the development of land covered by this overlay.

**Permit requirement**

A permit must not be granted to subdivide land, construct a building or construct or carry out works until an infrastructure contributions plan has been incorporated into this scheme.

This does not apply to the construction of a building, the construction or carrying out of works or a subdivision specifically excluded by a schedule to this overlay.

A permit granted must:

- Be consistent with the provisions of the relevant infrastructure contributions plan.
- Include any conditions required to give effect to any levies set out in the relevant schedule to this overlay.

**Monetary component**

A schedule to this overlay must specify, if applicable:

- The standard levy rate payable.
- The supplementary levy rate payable.

**Land component**

A schedule to this overlay must specify, if applicable:

- The infrastructure contributions plan land contribution percentage for each class of development.
- The parcel contribution percentage for each parcel of land in the infrastructure contributions plan area.
- The land credit amount or land equalisation amount in respect of each parcel of land in the infrastructure contributions plan area.

**Indexation**

A schedule to this overlay must specify:

- The method and timing of indexation to be applied to the standard levy rate and any supplementary levy rate of the monetary component.
- The method and timing of adjustment to be applied to the land credit amounts and land equalisation amounts of the land component.
Land or development exempt from infrastructure contributions

The following land or development of land is exempt from an infrastructure contribution:

- A non-government school.
- Housing provided by or on behalf of the Department of Health and Human Services.
- For any other land or development of land specified in a schedule to this overlay.
SCHEDULE 1 TO CLAUSE 45.11 INFRASTRUCTURE CONTRIBUTIONS OVERLAY

Shown on the planning scheme map as ICO1.

FISHERMANS BEND INFRASTRUCTURE CONTRIBUTIONS PLAN

1.0

Permit requirement

A permit may be granted to subdivide land, construct a building or construct or carry out works before an infrastructure contributions plan has been incorporated into this scheme for the following:

- An existing use of land provided the site coverage is not increased.
- A sign.
- Consolidation of land or a boundary realignment.
- Subdivision of buildings and works approved by a permit granted before the approval date of Amendment GC81.
- Subdivision of an existing building used for non-residential purposes provided each lot contains part of the building and each lot is not intended for a residential purpose.

2.0

Monetary component – Standard levy

<table>
<thead>
<tr>
<th>Class of development</th>
<th>Infrastructure category</th>
<th>Levy rate payable</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td>None specified</td>
<td>None specified</td>
</tr>
<tr>
<td></td>
<td>Total standard levy rate payable</td>
<td>None specified</td>
</tr>
</tbody>
</table>

3.0

Monetary component – Supplementary levy

<table>
<thead>
<tr>
<th>Class of development</th>
<th>Infrastructure category</th>
<th>Levy rate payable</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td>None specified</td>
<td>None specified</td>
</tr>
<tr>
<td></td>
<td>Total supplementary levy rate payable</td>
<td>None specified</td>
</tr>
</tbody>
</table>

4.0

Infrastructure Contribution Plan (ICP) land contribution percentage

<table>
<thead>
<tr>
<th>Class of development</th>
<th>ICP land contribution percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td>None specified</td>
</tr>
</tbody>
</table>

5.0

Land component

<table>
<thead>
<tr>
<th>Precinct Structure Plan (PSP) parcel ID</th>
<th>Class of development</th>
<th>Parcel contribution percentage</th>
<th>Land credit amount</th>
<th>Land equalisation amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td>None specified</td>
<td>None specified</td>
<td>None specified</td>
<td>None specified</td>
</tr>
</tbody>
</table>

6.0

Method and timing of indexation – Standard levy rate

<table>
<thead>
<tr>
<th>Infrastructure category</th>
<th>Indexation method</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td>None specified</td>
<td>None specified</td>
</tr>
</tbody>
</table>
7.0
Method and timing of indexation – Supplementary levy rate

<table>
<thead>
<tr>
<th>Infrastructure category</th>
<th>Indexation method</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td>None specified</td>
<td>None specified</td>
</tr>
</tbody>
</table>

8.0
Method and timing of adjustment – Land component

<table>
<thead>
<tr>
<th>Adjustment method</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td>None specified</td>
</tr>
</tbody>
</table>

9.0
Land or development exempt from payment of an infrastructure contribution
None specified.

Notes: This schedule sets out the levies prescribed in the infrastructure contributions plan. Refer to the incorporated infrastructure contributions plan for full details.
SPECIFIC CONTROLS OVERLAY

Purpose
To apply specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances.

Use or development
Land affected by this overlay may be used or developed in accordance with a specific control contained in the incorporated document corresponding to the notation on the planning scheme map (as specified in the schedule to this overlay). The specific control may:

- Allow the land to be used or developed in a manner that would otherwise be prohibited or restricted.
- Prohibit or restrict the use or development of the land beyond the controls that may otherwise apply.
- Exclude any other control in this scheme.

Expiry of a specific control
If a specific control contained in an incorporated document identified in the schedule to this clause allows a particular use or development, that control will expire if any of the following circumstances applies:

- The use and development is not started within two years of the approval date of the incorporated document or another date specified in the incorporated document.
- The development is not completed within one year of the date of commencement of works or another date specified in the incorporated document.

The responsible authority may extend the periods referred to if a request is made in writing before the expiry date or within three months afterwards.

Upon expiry of the specific control, the land may be used and developed only in accordance with the provisions of this scheme.
## Specific controls

<table>
<thead>
<tr>
<th>PS Map Ref</th>
<th>Name of incorporated document</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCO1</td>
<td>State Netball and Hockey Centre, Brens Drive, Royal Park, Parkville, May 2000 Incorporated Document (Amended September 2018)</td>
</tr>
<tr>
<td>SCO2</td>
<td>University of Melbourne Bio21 Project Parkville, November 2018</td>
</tr>
<tr>
<td>SCO3</td>
<td>Melbourne Central redevelopment March 2002 (Amended October 2019)</td>
</tr>
<tr>
<td>SCO4</td>
<td>Cliveden Hill Private Hospital, 29 Simpson Street, East Melbourne, July 1999</td>
</tr>
<tr>
<td>SCO5</td>
<td>Mirvac, Residential Towers, 236-254 St Kilda Road, Southbank</td>
</tr>
<tr>
<td>SCO6</td>
<td>Flinders Gate car park, Melbourne, July 1999</td>
</tr>
<tr>
<td>SCO7</td>
<td>Young and Jackson’s Hotel, Promotional Panel Sky sign, Melbourne, July 1999</td>
</tr>
<tr>
<td>SCO9</td>
<td>Former Herald and Weekly Times building, 46-74 Flinders Street, Melbourne, August 2002</td>
</tr>
<tr>
<td>SCO10</td>
<td>The Games Village Project, Parkville, September 2015</td>
</tr>
<tr>
<td>SCO11</td>
<td>Advertising Signs - Mercedes-Benz, 135-149 Kings Way, Southbank</td>
</tr>
<tr>
<td>SCO12</td>
<td>70 Southbank Blvd, June 2014</td>
</tr>
<tr>
<td>SCO13</td>
<td>Shadow Controls, 555 Collins Street, Melbourne, February 2013</td>
</tr>
<tr>
<td>SCO15</td>
<td>55 Southbank Boulevard, Southbank, February 2017</td>
</tr>
<tr>
<td>SCO20</td>
<td>Illuminated high wall signs - 766 Elizabeth Street, Carlton</td>
</tr>
<tr>
<td>SCO21</td>
<td>Former Queen Victoria Hospital Site - Open Lot Car Par, Melbourne</td>
</tr>
</tbody>
</table>
PARTICULAR PROVISIONS

This section sets out Particular Provisions which apply to the matters specified.
SPECIFIC SITES AND EXCLUSIONS

Purpose
To recognise specific controls designed to achieve a particular land use and development outcome existing on the approval date.
To provide in extraordinary circumstances specific controls designed to achieve a particular land use and development outcome.

Use or development
Land identified in the schedule to this clause may be used or developed in accordance with the specific controls contained in the incorporated document corresponding to that land. The specific controls may:

- allow the land to be used or developed in a manner that would otherwise be prohibited or restricted;
- prohibit or restrict the use or development of the land beyond the controls that may otherwise apply;
- exclude any other control in this scheme.

Expiry of a specific control
If a specific control contained in an incorporated document identified in the schedule to this clause allows a particular use or development, that control will expire if any of the following circumstances applies:

- The development and use is not started within two years of the approval date or another date specified in the incorporated document.
- The development is not completed within one year of the date of commencement of works or another date specified in the incorporated document.

The responsible authority may extend the periods referred to if a request is made in writing before the expiry date or within three months afterwards.

Upon expiry of the specific control, the land may be used and developed only in accordance with the provisions of this scheme.
### Specific sites and exclusions

<table>
<thead>
<tr>
<th>Address of land</th>
<th>Title of incorporated document</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kensington Banks Redevelopment Site, Kensington</td>
<td>Kensington Banks Development Plan (Subdivisions)</td>
</tr>
<tr>
<td>42 Clarendon Street, South Melbourne</td>
<td>Sky sign - 42 Clarendon Street, South Melbourne</td>
</tr>
<tr>
<td>346-376 Queen Street, 334-346 La Trobe Street and 142-171 A'Beckett Street</td>
<td>346-376 Queen Street, 334-346 La Trobe Street and 142-171 A'Beckett Street Open Lot Car Park, Melbourne</td>
</tr>
<tr>
<td>218 Berkeley Street, 243, 249, 251 and 253 Grattan Street, Vol 9586 Fol 585</td>
<td>University of Melbourne, University Square Campus, Carlton, November 1999</td>
</tr>
<tr>
<td>153 Barry Street, Vol 8277 Fol 993</td>
<td></td>
</tr>
<tr>
<td>155 Barry Street, Vol 8277 Fol 994</td>
<td></td>
</tr>
<tr>
<td>157 Barry Street, Vol 8733 Fol 185</td>
<td></td>
</tr>
<tr>
<td>159 Barry Street, Vol 8252 Fol 839</td>
<td></td>
</tr>
<tr>
<td>161-163 Barry Street, Vol 8273 Fol 464</td>
<td></td>
</tr>
<tr>
<td>95 Barry Street, Vol 8651 Fol 154</td>
<td></td>
</tr>
<tr>
<td>97 Barry Street, Vol 4454 Fol 890686</td>
<td></td>
</tr>
<tr>
<td>99 Barry Street, Vol 9310 Fol 338</td>
<td></td>
</tr>
<tr>
<td>101 Barry Street, Vol 990 Fol 598</td>
<td></td>
</tr>
<tr>
<td>103-105 Barry Street, Vol 2659 Fol 700</td>
<td></td>
</tr>
<tr>
<td>107 Barry Street, Vol 9605 Fol 235</td>
<td></td>
</tr>
<tr>
<td>109 Barry Street, Vol 9605 Fol 236</td>
<td></td>
</tr>
<tr>
<td>111-117 Barry Street, Vol 9968 Fol 851, Vol 4744 Fol 948694 and Vol 6549 Fol 1309658</td>
<td></td>
</tr>
<tr>
<td>119-129 Barry Street, Vol 10042 Fol 777 Part (combined with 131-137 Barry Street and 200 Berkeley)</td>
<td></td>
</tr>
<tr>
<td>179-187 Pelham Street, Vol 8149 Fol 784</td>
<td></td>
</tr>
<tr>
<td>Leicester Street, Vol 4164 Fol 832756</td>
<td></td>
</tr>
<tr>
<td>149 Leicester Street, Vol 8369 Fol 589 and Vol 8369 Fol 320</td>
<td></td>
</tr>
<tr>
<td>62 Barry Street, Vol 8041 Fol 082</td>
<td></td>
</tr>
<tr>
<td>239-241 Bourverie Street, Vol 9955 Fol 707</td>
<td></td>
</tr>
<tr>
<td>Victorian Bowling Club, Grattan Street, Part Vol 0600 Fol 912</td>
<td></td>
</tr>
<tr>
<td>216-222 Leicester Street, Graduate Union, subterranean rights for carpark access, Vol 9767 Fol 292</td>
<td></td>
</tr>
<tr>
<td>Address of land</td>
<td>Title of incorporated document</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Spencer Street Station redevelopment precinct generally bounded by Spencer Street, Collins Street, Wurundjeri Way and La Trobe Street Melbourne, (excluding the Melbourne City Mail Centre)</td>
<td>Promotional Panel sign, Crown Allotment 21D, Power Street, Southbank, July 1999</td>
</tr>
<tr>
<td>Crown Allotment 21D, Power Street, Southbank</td>
<td>Former Southern Cross Hotel site, Melbourne, March 2002</td>
</tr>
<tr>
<td>95-129 Bourke Street, 113-149 Exhibition Street, and 78-120 Little Collins Street, Melbourne</td>
<td>Sports and Entertainment Precinct, Melbourne, August 2007</td>
</tr>
<tr>
<td>Land comprising public lands and sports and entertainment facilities within the area bounded generally by Flinders Street, Wellington Parade, Punt Road, South-Eastern Freeway, Batman Avenue and Exhibition Street Extension, Melbourne</td>
<td>Federation Arch and Sports and Entertainment Precinct Signs, April 2002</td>
</tr>
<tr>
<td>St Kilda Road adjacent to Princes Bridge Melbourne; Sports and Entertainment Precinct, (Batman Avenue and Swan Street), Melbourne</td>
<td>Tram Route 109 Disability Discrimination Act compliant Platform Tram Stops, August 2007</td>
</tr>
<tr>
<td>Road reservations of Victoria Parade, East Melbourne, Gisborne Street, Macarthur Street, Collins Street and Spencer Street, Melbourne, and Clarendon Street and Normanby Road, South Melbourne</td>
<td>Melbourne Aquarium Signs, July 2001</td>
</tr>
<tr>
<td>Melbourne Aquarium, Enterprise Park/Batman Park</td>
<td>Freshwater Place, Southbank, August 2001 (Amended 2012)</td>
</tr>
<tr>
<td>2-26 and 30-50 Southbank Boulevard, 17-23 Queensbridge Street and 127-131 and 133-141 Queensbridge Square, Southbank</td>
<td>Simplot Australia head office, Kensington, October 2001</td>
</tr>
<tr>
<td>4 Lloyd Street, Kensington</td>
<td>Rialto South Tower Communications Facility Melbourne, November 2002</td>
</tr>
<tr>
<td>South Tower -Rialto Towers, 525 Collins Street, Melbourne</td>
<td>former Victoria Brewery site, East Melbourne – 'Tribeca' Redevelopment October 2003</td>
</tr>
<tr>
<td>412-442 Victoria Parade, 167-225 Powlett Street and 148-178 Albert Street, East Melbourne</td>
<td>former Olympic Swimming Stadium, Collingwood Football Club signage, April 2004</td>
</tr>
<tr>
<td>Corner Swan Street and Batman Avenue, Melbourne</td>
<td>Royal Melbourne Showgrounds Redevelopment Project - December 2004</td>
</tr>
<tr>
<td>Royal Melbourne Showgrounds, Epsom Road, Ascot Vale</td>
<td>Judy Lazarus Transition Centre, March 2005</td>
</tr>
<tr>
<td>110 Jeffcott Street, West Melbourne</td>
<td></td>
</tr>
<tr>
<td>(Crown Allotment 19, Section 35, at West Melbourne, Parish of Melbourne North, City of Melbourne)</td>
<td></td>
</tr>
<tr>
<td>Address of land</td>
<td>Title of incorporated document</td>
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<tr>
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</tr>
<tr>
<td>134-144 Southbank Boulevard, 21-43 Sturt Street, and part of Southbank Boulevard, adjacent to the northern boundary of the site, Southbank</td>
<td>Melbourne Recital Hall and MTC Theatre project, August 2005</td>
</tr>
<tr>
<td>Land at Princes Park, North Carlton (parkland area generally defined by Royal Parade, Cemetery Road West, Princes Park Drive and the pedestrian path connecting Princes Park Drive and Royal Parade located to the south of Optus Oval)</td>
<td>Big Day Out Music Festival, January 2006</td>
</tr>
<tr>
<td>Land comprising public lands and sports and entertainment facilities within the area bounded generally by Swan Street, Punt Road, Batman Avenue and Boulton Parade, Melbourne</td>
<td>Rectangular Pitch Stadium Project: Olympic Park and Gosch’s Paddock, Melbourne, August 2007</td>
</tr>
<tr>
<td>Land comprising the Melbourne Convention Centre Development Southbank and associated Northbank redevelopment Docklands, Precinct Plan area, generally bounded by Wurundjeri Way, the north-south alignment of Siddeley Street and its prolongation south to the Yarra River, Charles Grimes Bridge, Montague Street, the southern alignment of the West Gate Freeway, Normanby Road and Clarendon Street, the Yarra River southbank including south wharf and Dukes Dock and Orrs Dock, and parts of the northbank of the Yarra River in the vicinity of the western end of Siddeley Street, and part of the intervening Yarra River</td>
<td>Melbourne Convention Centre Development, Southbank and North Wharf redevelopment, Docklands, April 2006</td>
</tr>
<tr>
<td>Land comprising the Dynon Port Rail Link Project area generally bounded by Footscray Road (west of the City Link off ramp) and land to the north</td>
<td>Dynon Port Rail Link Project</td>
</tr>
<tr>
<td>Land between Yarraville and Doveton adjacent to and encompassing the West Gate Freeway, the City Link Southern Link and Western Link south of the Bolte Bridge, the Monash Freeway and the South Gippsland Freeway, insofar as the land is in the City of Melbourne</td>
<td>M1 Redevelopment Project, October 2006</td>
</tr>
<tr>
<td>Land at 167-177 and 181-191 Little Collins Street and 97-101, 103-107 and 109-113 Russell Street, Melbourne</td>
<td>Scots Church Site Redevelopment, Melbourne, May 2013</td>
</tr>
<tr>
<td>57-83 Kavanagh Street, Southbank</td>
<td>State Coronal Services Centre Redevelopment Project, August 2007</td>
</tr>
<tr>
<td>Land at 47 Whiteman Street, 25-31 Haig Street, 28 Haig Street, 35-39 Haig Street, 57-69 Clarendon Street, 71-77 Clarendon Street and 79-91Clarendon Street, and 93 Clarendon Street, Southbank and roads bounded by the land</td>
<td>Crown Casino Third Hotel, September 2007</td>
</tr>
<tr>
<td>Land at 314-336 Bourke Street, 297-309 Little Bourke Street and 315-321 Little Bourke Street, Melbourne</td>
<td>Myer Melbourne Bourke Street store redevelopment, Melbourne, October 2007</td>
</tr>
<tr>
<td>The New Royal Children’s Hospital Project Area, Flemington Road Parkville, generally bounded by Royal Park, Flemington Road, the tramway and the existing Royal Children’s Hospital on the corner of Gatehouse Street and Flemington Road, Parkville</td>
<td>The New Royal Children’s Hospital Project, Parkville, October 2007</td>
</tr>
<tr>
<td>Address of land</td>
<td>Title of incorporated document</td>
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<tr>
<td>--------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Land at: 65-71 Haig Street, Southbank 9-15 Moray Street, South Melbourne 1-3 Cobden Street, South Melbourne</td>
<td>Major Promotion Signs, December 2008</td>
</tr>
<tr>
<td>Land at: 269, 271-73 and 275-321 Lonsdale Street, 266-78, 280-84, 286-88 and 290-316 Little Bourke Street (including Lynch Place), Melbourne, and Arcade Alley, Melbourne (Corporation Lane 63). The land generally bound by Little Bourke Street to the south, Caledonian Lane to the east, Lonsdale Street to the north and the Strand Central Arcade at 323-345 Lonsdale Street and the Pacific International Apartments building at 318-320 Little Bourke Street to the west</td>
<td>Emporium Melbourne Development, July 2009</td>
</tr>
<tr>
<td>Melbourne Park Redevelopment Area - All land bounded generally by Olympic Boulevard between Batman Avenue and Punt Road to the south, Punt Road to the east, the rail corridor and William Barak Bridge to the north and Batman Avenue between William Barak Bridge and Olympic Boulevard to the west. The Area includes the proposed pedestrian bridge alignment and landings over Batman Avenue linking Birrarung Marr and Melbourne Park and the constructed pedestrian bridge over Olympic Boulevard linking Melbourne Park and AAMI Park</td>
<td>Melbourne Park Redevelopment February 2014</td>
</tr>
<tr>
<td>Hamer Hall Redevelopment Area comprising Hamer Hall and land bound by Princes Bridge, St Kilda Road, Yarra River and Southgate Avenue and the Arts Centre lawn</td>
<td>Hamer Hall Redevelopment July 2010</td>
</tr>
<tr>
<td>The land required for the Regional Rail Link Project as identified in clause 3 of the incorporated document</td>
<td>Regional Rail Link Project Section 1 Incorporated Document, March 2015</td>
</tr>
<tr>
<td>Yarra Park Master Plan Area – The area includes the Yarra Park Reserve, the Melbourne Cricket Ground and the Richmond Cricket Ground/Punt Road Oval in Precinct 1. Precinct 1 is generally bordered by Brunton Avenue to the south, Punt Road to the east, Vale Street South and Vale Street to the north-east, the railway line running parallel to Wellington Parade to the north and Jolimont Street and Jolimont Terrace, East Melbourne, to the west. Precinct 2 on the Area Plan includes part of Wellington Parade South and parts of Wellington Park and Jolimont Reserve that correspond to the alignment of external infrastructure required to connect the source of wastewater to the water recycling facility to be constructed in Yarra Park</td>
<td>Yarra Park Master Plan Implementation September 2010</td>
</tr>
<tr>
<td>The '80 Collins Street Development Project' located at the combined property address of 72-74, 76-80, 82 and 84 Collins Street, Melbourne. The land includes Benson Lane, identified as the former Council owned Corporation Lane no.1405, the air space above the former Commercial Bank of Australia at 68-72 Collins Street, Melbourne and the bluestone Lane to the rear of 68-72 Collins Street Melbourne</td>
<td>80 Collins Street Melbourne Development, May 2013</td>
</tr>
<tr>
<td>Address of land</td>
<td>Title of incorporated document</td>
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<tr>
<td>-------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Land on the northern bank of the Yarra River to the east and west of the Charles Grimes Bridge, and over the Yarra River under the Charles Grimes Bridge, as detailed in the “Charles Grimes Bridge Underpass Concept Plan”</td>
<td>Charles Grimes Bridge Underpass, December 2011</td>
</tr>
<tr>
<td>Visy Park, Royal Parade, Carlton North</td>
<td>“Visy Park Signage, 2012”</td>
</tr>
<tr>
<td>North Melbourne Recreation Reserve, Arden Street, North Melbourne</td>
<td>“North Melbourne Recreation Reserve Signage 2012”</td>
</tr>
<tr>
<td>120-130 Southbank Boulevard and 102-118 Sturt Street, Southbank</td>
<td>ABC Melbourne New Office and Studio Accommodation Project (Southbank), December 2013</td>
</tr>
<tr>
<td>13-21 Little Lonsdale Street, 261-265 Spring Street and 267-271 Spring Street, Melbourne (part of the land contained in Certificate of Title Volume 10720 Folio 134 and described as Lot 1 on Plan of Subdivision 446765C)</td>
<td>271 Spring Street, Melbourne, Transitional Arrangements, May 2016</td>
</tr>
<tr>
<td>433-455 Collins Street Melbourne, (also known as 447 Collins Street Melbourne) contained in Certificate of Title Volume 100043 Folio 738 and being Crown Allotment 15 Section 3 City of Melbourne Parish of Melbourne North</td>
<td>271 Spring Street, Melbourne, Transitional Arrangements, May 2016</td>
</tr>
<tr>
<td>The land identified in clause 3 of the Melbourne Metro Rail Project Incorporated Document, May 2018</td>
<td>Melbourne Metro Rail Project Incorporated Document, May 2018</td>
</tr>
<tr>
<td>Victoria Police Precinct at 263-283 Spencer Street and 313 Spencer Street, Docklands</td>
<td>Victoria Police Precinct, Sky Bridges Incorporated Document – June 2018</td>
</tr>
<tr>
<td>Land at 1-29 Queens Bridge Street, Southbank and land adjacent to these sites described as follows:</td>
<td>One Queensbridge, 1-29 Queens Bridge Street, Southbank (Crown's Queensbridge Hotel Tower), February 2017</td>
</tr>
<tr>
<td>- 1-7 Queens Bridge Street, Southbank (Lot 1 on Title Plan 369606P and Lot 2 PS332539X )</td>
<td></td>
</tr>
<tr>
<td>- 9-15 Queens Bridge Street, Southbank (Lot 1 on Title Plan 873768Y)</td>
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</tr>
<tr>
<td>- 17-23 Queens Bridge Street, Southbank (Lot B on Plan of Subdivision 504017Y)</td>
<td></td>
</tr>
<tr>
<td>- 25-29 Queens Bridge Street, Southbank (Lot 1 of Plan of Subdivision 505293S)</td>
<td></td>
</tr>
<tr>
<td>- 1-8 Whiteman Street (Allot. 58e City of South Melbourne, Parish of Melbourne South) OP112471</td>
<td></td>
</tr>
<tr>
<td>Address of land</td>
<td>Title of incorporated document</td>
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</tr>
<tr>
<td>Queensbridge Square (Allot. 2170 City of South Melbourne, Parish of Melbourne South, Allot. (State) 2168 City of South Melbourne, Parish of Melbourne South (Council)) OP121921A</td>
<td>Tramway Infrastructure Upgrades Incorporated Document, May 2017</td>
</tr>
<tr>
<td>Queens Bridge Street – Government Road</td>
<td>Hospital Emergency Medical Services - Helicopter Flight Path Protection Areas Incorporated Document, June 2017</td>
</tr>
<tr>
<td>Southbank Boulevard – Government Road</td>
<td>Metro Tunnel: Over Site Development – CBD North Incorporated Document, October 2017</td>
</tr>
<tr>
<td>Southbank Promenade Allot 15B City of South Melbourne Parish of Melbourne South - Council</td>
<td>Project Core Building, Federation Square, December 2017</td>
</tr>
<tr>
<td>Land identified in Clause 3.0 of the Metro Tunnel: Over Site Development – CBD South Incorporated Document, October 2017</td>
<td>Land identified in Clause 3.0 of the Metro Tunnel: Over Site Development – CBD North Incorporated Document, October 2017</td>
</tr>
<tr>
<td>The land identified in the Project Core Building, Federation Square, November 2017 incorporated document which applies to two portions of land within Federation Square with a site address of Tenancy 24-28/2 Swanston Street, Melbourne, and identified as lot 2 on title plan 18290B; together with surrounding land required for public realm works.</td>
<td>The land identified in clause 3 of the West Gate Tunnel Project Incorporated Document, December 2017</td>
</tr>
<tr>
<td>700 Swanston Street and 114-152 Grattan Street, Carlton</td>
<td>West Gate Tunnel Project Incorporated Document, December 2017</td>
</tr>
<tr>
<td>87-127 Queens Bridge Street, Southbank</td>
<td>Carlton Connect Initiative Incorporated Document, March 2018</td>
</tr>
<tr>
<td>The Caulfield Dandenong Rail Upgrade Project land as shown on the maps in the incorporated document.</td>
<td>87-127 Queens Bridge Street, Southbank, July 2018</td>
</tr>
<tr>
<td></td>
<td>The Caulfield Dandenong Rail Upgrade Project, Incorporated Document, April 2016</td>
</tr>
</tbody>
</table>
PROVISIONS THAT REQUIRE, ENABLE OR EXEMPT A PERMIT
COMBUSTIBLE CLADDING RECTIFICATION EXEMPTIONS

Purpose
To facilitate the rectification of combustible cladding on buildings.

Permit exemption
Any requirement of this planning scheme to obtain a permit does not apply to the rectification of combustible cladding on a building in accordance with an emergency order, building notice or building order made under Part 8 of the Building Act 1993.

Exemption from notice and review
An application to amend a permit to allow the rectification of combustible cladding on a building in accordance with an emergency order, building notice or building order made under Part 8 of the Building Act 1993 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.
EASEMENTS, RESTRICTIONS AND RESERVES

Purpose
To enable the removal and variation of an easement or restriction to enable a use or development that complies with the planning scheme after the interests of affected people are considered.

Permit requirement
A permit is required before a person proceeds:

- Under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.
- Under Section 36 of the Subdivision Act 1988 to acquire or remove an easement or remove a right of way.

This does not apply:

- If the action is required or authorised by the schedule to this clause.
- In the circumstances set out in Section 6A(3) of the Planning and Environment Act 1987.
- If the person proceeds under Section 362A of the Land Act 1958.
- In the case of a person proceeding under Section 36 of the Subdivision Act 1988, if the council or a referral authority gives a written statement in accordance with Section 36(1)(a) or (b) of the Subdivision Act 1988.

In this clause, restriction has the same meaning as in the Subdivision Act 1988.

Decision guidelines
Before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider the interests of affected people.

Note: Section 23 of the Subdivision Act 1988 provides that either the council or the person benefiting from the direction must lodge a certified plan at the Titles Office for registration.
### SCHEDULE TO CLAUSE 52.02

#### 1.0

Under Section 23 of the Subdivision Act 1988

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<thead>
<tr>
<th>Land</th>
<th>Easement Or Restriction</th>
<th>Requirement</th>
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<tbody>
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#### 2.0

Under Section 24A of the Subdivision Act 1988

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<th>Action</th>
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#### 3.0

Under Section 36 of the Subdivision Act 1988

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<tr>
<th>Land</th>
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<th>Requirement</th>
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</thead>
<tbody>
<tr>
<td>None specified</td>
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</tbody>
</table>
LEVEL CROSSING REMOVAL PROJECT

Purpose
To facilitate the Level Crossing Removal Project.

Application
This clause applies to the use and development of land (other than the subdivision of land) for projects undertaken by the Level Crossing Removal Project and declared under section 10(1)(b) of the Major Transport Projects Facilitation Act 2009.

This clause does not apply to a project for which a document has been incorporated into this planning scheme expressly for that project.

Exemption from planning scheme requirements
Any requirement of this planning scheme to obtain a permit or any provision of this planning scheme that prohibits the use or development of land, requires the use or development of land to be carried out in a particular manner, or requires a specified thing to be done to the satisfaction of a specified person or body, does not apply to any use or development this Clause 52.03 applies to if the requirements of Clause 52.03 are met.

The provisions of this clause prevail over any inconsistent provision in this planning scheme.

Use and development requirements
The use and development of land must be undertaken in accordance with the plans and documents approved under this clause, to the satisfaction of the Minister for Planning.

The construction of a building or the construction or carrying out of works in a Floodway Overlay, Land Subject to Inundation Overlay, Special Building Overlay or Urban Floodway Zone must be undertaken to the satisfaction of the relevant floodplain management authority.

The creation or alteration of access to a road in a Road Zone, Category 1, or land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road, must be undertaken to the satisfaction of the Roads Corporation.

The use and development of land in a Public Acquisition Overlay must be undertaken to the satisfaction of the relevant acquiring authority.

Consultation requirement
Prior to the commencement of the use or development:

- Public consultation, and consultation with the relevant municipal council, must be undertaken to the satisfaction of the Minister for Planning.
- A report that summarises the feedback provided during consultation and explains how the feedback has been considered and responded to must be prepared to the satisfaction of the Minister for Planning.

Project boundary requirement
Prior to the commencement of the use or development, a plan that shows the boundary of the land on which the use or development will be undertaken must be prepared to the satisfaction of the Minister for Planning.
Other pre-commencement requirements

The following requirements may be satisfied for separate components or stages of a project but each requirement must be satisfied prior to the commencement of the use or development for that component or stage.

The following requirements may be varied or waived by the Minister for Planning.

Prior to the commencement of the use or development (other than a preparatory use or development), the following plans and documents must be prepared to the satisfaction of the Minister for Planning:

- An environmental management framework, prepared in consultation with each relevant municipal council, that includes:
  - A summary of key construction methodologies.
  - An overarching framework of measures to reduce and manage environmental and amenity effects during construction.
  - A summary of performance monitoring and reporting processes, including auditing, to ensure environmental and amenity effects are reduced and managed during construction.
  - A summary of how each relevant municipal council, the community and other stakeholders will be engaged during construction, including enquiries and complaints management.

The environmental management framework must be accompanied by a summary of the consultation with each relevant municipal council that informed the preparation of the environmental management framework.

- If the land is in the Heritage Overlay and the development would require a permit under the overlay were it not for the exemption in Clause 52.03-2:
  - A report that addresses the impact of that development on the heritage significance of the heritage place.
  - Site plans and elevations showing the extent of that development on the land.
  - Photographs of any buildings or works to be demolished or removed, including photographs of the exterior and interior of the building and contextual images of the building’s environs and setting.

- If the land is in an Environmental Significance Overlay, a Significant Landscape Overlay or a Vegetation Protection Overlay and the development would require a permit under the overlay were it not for the exemption in Clause 52.03-2, a report that addresses the impact of the development on any environmental, vegetation or landscape significance or objective specified in a schedule to the overlay.

- Any other information the Minister for Planning considers necessary to assist the Minister’s assessment of the plans and documents required to be submitted under this clause.

Prior to the commencement of the use of any new open space, an environmental assessment (or similar) that demonstrates that the environmental conditions of the land are suitable for that use must be undertaken to the satisfaction of the Minister for Planning.

Native vegetation requirements

The following requirements may be satisfied for separate components or stages of a project. However, each requirement must be satisfied prior to the removal, destruction or lopping of native vegetation for that component or stage.

Prior to the removal, destruction or lopping of native vegetation to enable a preparatory use or development, information about that native vegetation must be submitted to the Secretary to the Department of Environment, Land, Water and Planning. The information must include a description
of, and maps showing, the native vegetation to be removed, destroyed or lopped in accordance with application requirement 1 in Table 4 of the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017).

Prior to the removal, destruction or lopping of native vegetation (other than to enable a preparatory use or development):

- Information about that native vegetation in accordance with application requirements 1, 5 and 9 in Table 4 of the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) must be provided to the satisfaction of the Secretary to the Department Environment, Land, Water and Planning. The information provided to the Secretary must include information about any native vegetation that has been or is to be removed, destroyed or lopped to enable a preparatory use or development.

- The biodiversity impacts from the removal, destruction or lopping of that native vegetation must be offset in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017). The biodiversity impacts from the removal, destruction or lopping of native vegetation to enable a preparatory use or development must be included in the total biodiversity impacts when determining the offset.

- Evidence that the required offset has been secured must be provided to the satisfaction of the Secretary to the Department Environment, Land, Water and Planning.

The Secretary to the Department Environment, Land, Water and Planning may vary the timing of the above offset requirement if the Secretary considers there are exceptional circumstances to warrant the variation.

The secured offset for the project may be reconciled at the completion of a project in accordance with the *Assessor’s handbook – Applications to remove, destroy or lop native vegetation* (Department of Environment, Land, Water and Planning, October 2018).

### Preparatory use and development

For the purposes of Clause 52.03, a preparatory use or development is a use or development required to prepare for the construction of a project. It is limited to the following:

- Use and development that would not require a permit under a provision of this planning scheme were it not for the exemption in Clause 52.03-2.

- Works associated with investigating, testing and surveying land.

- Creation and use of construction access points, accessways and working platforms.

- Site establishment works including construction of temporary site fencing and hoarding, site offices, and hardstand and laydown areas.

- Construction and use of temporary car parking.

- Construction or installation of environment and traffic controls.

- Construction, protection, modification, removal or relocation of utility services, rail signalling, and overhead and associated infrastructure.

- Salvage and relocation of cultural heritage material and other management actions required to be undertaken in compliance with:
  - a cultural heritage management plan approved under the *Aboriginal Heritage Act 2006* or otherwise in compliance with that Act; or
  - the conditions of any permit or consent granted under the *Heritage Act 2017* or otherwise in compliance with that Act.
Demolition or removal of a building (other than a building in a Heritage Overlay) or works to the minimum extent necessary to enable another preparatory use or development.

Removal, destruction or lopping of vegetation (other than a tree in the Heritage Overlay specified below) to the minimum extent necessary to enable another preparatory use or development.

For the purposes of Clause 52.03, preparatory development does not include:

- Demolition or removal of a building in a Heritage Overlay.
- Removal, destruction or lopping of a tree in a Heritage Overlay if the schedule to the overlay specifies the heritage place as one where tree controls apply.
SATELLITE DISH

Purpose

To provide an opportunity to consider the impact of a satellite dish attached to a building or structure listed in a schedule to the Heritage Overlay.

To provide an opportunity to consider the effect of a satellite dish on the amenity of residential areas.

Application

This clause applies to:

- A building or structure listed in a schedule to the Heritage Overlay.
- Land in a Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Low Density Residential Zone, Mixed Use Zone or Township Zone.

Permit requirement

A permit is required to use land or to construct or install or carry out works for a satellite dish (whether or not it forms part of a network) even if it is ancillary to another use on the land.

This does not apply to a satellite dish with a diameter:

- Less than 1.2 metres.
- Between 1.2 metres and 2.4 metres provided:
  - The dish is not visible from the street (other than a lane) or a public park,
  - The dish is setback from the side or rear boundary 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, and
  - The dish is setback at least 3 metres from the boundary where it is opposite an existing habitable room window.

Decision guidelines

Before deciding on an application, in addition to Clause 15.01-2S and the decision guidelines in clause 65, the responsible authority must consider the effect of the satellite dish on the visual amenity of nearby land.
SIGNS

Purpose
To regulate the development of land for signs and associated structures.
To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
To ensure signs do not contribute to excessive visual clutter or visual disorder.
To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

Application
This clause applies to the development of land for signs.

Requirements

Sign categories
Clauses 52.05-11 to 52.05-14 specify categories of sign control. The zone provisions specify which category of sign control applies to the zone.
Each category is divided into three sections.
If a sign can be interpreted in more than one way, the most restrictive requirement must be met.

Section 1
A sign in Section 1 of the category may be constructed or put up for display without a permit, but all the conditions opposite the sign must be met. If the conditions are not met, the sign is in Section 2.
Some overlays require a permit for Section 1 signs.

Section 2
A permit is required to construct or put up for display a sign in Section 2.
This does not apply to a sign specified in Clause 52.05-10.
All the conditions opposite the sign must be met. If the conditions are not met, the sign is prohibited.

Section 3
A sign in Section 3 is prohibited and must not be constructed or put up for display.

VicSmart applications
Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<table>
<thead>
<tr>
<th>Class of application</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construct or put up for display a sign in an industrial zone, commercial zone, Special Use Zone, Comprehensive Development Zone, Docklands Zone, Priority Development Zone or Activity Centre Zone if:</td>
<td></td>
</tr>
<tr>
<td>The sign is not within 30 metres of land (not a road) which is in a residential zone.</td>
<td></td>
</tr>
</tbody>
</table>

Clause 59.09
Referral of applications

An application to construct or put up for display an animated or electronic sign within 60 metres of a freeway or arterial road declared under the Road Management Act 2004 must be referred in accordance with section 55 of the Act to the referral authority specified in Clause 66.03 or a schedule to that clause.

Expiry of permits

A permit for a sign other than a major promotion sign expires on the date specified in the permit. If no date is specified, the expiry date is 15 years from the date of issue of the permit.

Existing signs

A sign that was lawfully displayed on the approval date or that was being constructed or put up for display on that date may be displayed or continue to be displayed and may be repaired and maintained.

The content of a lawfully displayed sign may be renewed or replaced. However, a permit is required if:

- The display area is to be increased.
- The renewal or replacement would result in a different type of sign.

A major promotion sign displayed in accordance with a permit granted between 19 September 1995 and 18 September 1997 may continue to be displayed:

- until 31 December 2008; or
- where a permit application seeking permission to display the sign is lodged before 31 December 2008, until the permit application is finally determined.

Application requirements

An application must be accompanied by the following information, as appropriate:

Site context

- A site context report, using a site plan, photographs or other methods to accurately describe:
  - The location of the proposed sign on the site or building and distance from property boundaries.
  - The location and size of existing signage on the site including details of any signs to be retained or removed.
  - The location and form of existing signage on abutting properties and in the locality.
  - The location of closest traffic control signs.
  - Identification of any view lines or vistas that could be affected by the proposed sign.
Sign details

- The location, dimensions, height above ground level and extent of projection of the proposed sign.
- The height, width, depth of the total sign structure including method of support and any associated structures such as safety devices and service platforms.
- Details of associated on-site works.
- Details of any form of illumination, including details of baffles and the times at which the sign would be illuminated.
- The colour, lettering style and materials of the proposed sign.
- The size of the display (total display area, including all sides of a multi-sided sign).
- The location of any logo box and proportion of display area occupied by such a logo box.
- For animated or electronic signs, a report addressing the decision guidelines at Clause 52.05-8 relating to road safety.
- Any landscaping details.

Signs with a display area of 18 square metres or more

- For a sign with a display area of 18 square metres or more:
  - A description of the existing character of the area including built form and landscapes.
  - The location of any other signs over 18 square metres, or scrolling, electronic or animated signs within 200 metres of the site.
  - Any existing identifiable advertising theme in the area.
  - Photo montages or a streetscape perspective of the proposed sign.
  - Level of illumination including:
    - Lux levels for any sign on or within 60 metres of a Road Zone or a residential zone or public land zone.
    - The dwell and change time for any non-static images.
  - The relationship to any significant or prominent views and vistas.

Exemption from notice and review

An application for a sign 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 provided the sign:

- Is to be constructed or displayed on land specified in the schedule to this clause.
- Meets any condition specified in the schedule to this clause.

Decision guidelines

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

All signs

- The character of the area including:
  - The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.
- The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.
- The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.
- The consistency with any identifiable outdoor advertising theme in the area.

**Impacts on views and vistas:**
- The potential to obscure or compromise important views from the public realm.
- The potential to dominate the skyline.
- The potential to impact on the quality of significant public views.
- The potential to impede views to existing signs.

**The relationship to the streetscape, setting or landscape:**
- The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.
- The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.
- The ability to screen unsightly built or other elements.
- The ability to reduce the number of signs by rationalising or simplifying signs.
- The ability to include landscaping to reduce the visual impact of parts of the sign structure.

**The relationship to the site and building:**
- The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.
- The extent to which the sign displays innovation relative to the host site and host building.
- The extent to which the sign requires the removal of vegetation or includes new landscaping.

**The impact of structures associated with the sign:**
- The extent to which associated structures integrate with the sign.
- The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.

**The impact of any illumination:**
- The impact of glare and illumination on the safety of pedestrians and vehicles.
- The impact of illumination on the amenity of nearby residents and the amenity of the area.
- The potential to control illumination temporally or in terms of intensity.

**The impact of any logo box associated with the sign:**
- The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign.
- The suitability of the size of the logo box in relation to its identification purpose and the size of the sign.

**The need for identification and the opportunities for adequate identification on the site or locality.**

**The impact on road safety. A sign is a safety hazard if the sign:**
- Obstructs a driver’s line of sight at an intersection, curve or point of egress from an adjacent property.
- Obstructs a driver’s view of a traffic control device, or is likely to create a confusing or dominating background that may reduce the clarity or effectiveness of a traffic control device.
- Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.
- Is at a location where particular concentration is required, such as a high pedestrian volume intersection.
- Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.
- Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.
- Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.
- Is within 100 metres of a rural railway crossing.
- Has insufficient clearance from vehicles on the carriageway.
- Could mislead drivers or be mistaken as an instruction to drivers.

**Major promotion signs**

- The effect of the proposed major promotion sign on:
  - Significant streetscapes, buildings and skylines.
  - The visual appearance of a significant view corridor, viewline, gateway location or landmark site identified in a framework plan or local policy.
  - Residential areas and heritage places.
  - Open space and waterways.

- When determining the effect of a proposed major promotion sign, the following locational principles must be taken into account:
  - Major promotion signs are encouraged in commercial and industrial locations in a manner that complements or enhances the character of the area.
  - Major promotion signs are discouraged along forest and tourist roads, scenic routes or landscaped sections of freeways.
  - Major promotion signs are discouraged within open space reserves or corridors and around waterways.
  - Major promotion signs are discouraged where they will form a dominant visual element from residential areas, within a heritage place or where they will obstruct significant viewlines.
  - In areas with a strong built form character, major promotion signs are encouraged only where they are not a dominant element in the streetscape and except for transparent feature signs (such as neon signs), are discouraged from being erected on the roof of a building.
Mandatory conditions

All signs

A permit for a sign that includes an expiry date must include a condition that provides that on expiry of the permit the sign and structures built specifically to support and illuminate it must be removed.

Major promotion signs

A permit for a major promotion sign must include conditions that specify:

- That the sign must not:
  - Dazzle or distract drivers due to its colouring.
  - Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles.
  - Be able to be mistaken as an instruction to drivers.

- An expiry date that is 15 years from the date the permit is issued unless otherwise specified in this clause. This does not apply to a permit for major promotion sign for a special event or temporary building shrouding.

A permit for a major promotion sign may specify an expiry date other than 15 years, but the date must not be less than 10 years or more than 25 years from the date the permit is issued. Before deciding to alter the specified expiry date of 15 years, the responsible authority must consider, as appropriate:

- The purpose of the sign.
- The existing or desired character of the area.
- The Municipal Planning Strategy and the Planning Policy Framework in terms of the extent to which the proposed sign is consistent with any relevant policy direction and the extent to which the area may be expected to change over time.
- The extent to which the signage is physically and visually integrated into the architecture of the building.

Signs not requiring a permit

Despite any provision in a zone, overlay, or other particular provision of this scheme, a permit is not required to construct or put up for display any of the following signs:

- A sign identifying the functions or property of a government department, public authority or municipal council, but not a promotion sign displayed at the direction of any of these bodies.
- A sign controlling traffic on a public road, railway, tramway, water or in the air, provided it is displayed at the direction of a government department, public authority or municipal council.
- A sign at a hospital that gives direction to emergency facilities.
- A sign in a road reserve that gives direction or guidance about a tourist attraction, service or facility of interest to road users. The sign must be displayed to the satisfaction of the road authority.
- A sign required by statute or regulation, provided it is strictly in accordance with the requirement.
- A sign at a railway station or bus terminal that provides information or direction for people using the station or terminal.
- A sign on a showground, on a motor racing track or on a major sports and recreation facility, provided the sign’s display cannot be seen from nearby land.
- A sign with a display area not exceeding 1 square metre to each premises that provides information about a place of worship. It must not be an animated or internally illuminated sign.

- A sign inside a building that cannot generally be seen outside.

- A sign with a display area not exceeding 2 square metres concerning construction work on the land. Only one sign may be displayed, it must not be an animated or internally illuminated sign and it must be removed when the work is completed.

- A sign with a display area not exceeding 5 square metres publicising a local educational, cultural, political, religious, social or recreational event not held for commercial purposes. Only one sign may be displayed on the land, it must not be an animated or internally illuminated sign and it must not be displayed longer than 14 days after the event is held or 3 months, whichever is sooner. A sign publicising a local political event may include information about a candidate for an election.

- A sign publicising a special event on the land or in the building on which it is displayed, provided no more than 8 signs are displayed in a calendar year and the total number of days the signs are displayed does not exceed 28 in that calendar year. The sign must be removed when the event is finished.

- A sign with a display area not exceeding 2 square metres publicising the sale of goods or livestock on the land or in the building on which it is displayed, provided the land or building is not normally used for that purpose. Only one sign may be displayed, it must not be an animated or internally illuminated sign and it must not be displayed longer than 3 months without a permit.

- A sign with an display area not exceeding 10 square metres publicising the sale or letting of the property on which it is displayed. Only one sign may be displayed, it must not be an animated sign and it must not be displayed longer than 7 days after the sale date. A permit may be granted for:
  - The display area to exceed 10 square metres if the sign concerns more than 20 lots.
  - The sign to be displayed on land excised from the subdivision and transferred to the municipal council.
  - The sign to be displayed longer than 7 days after the sale date.

No permit is required to fly the Australian flag or to display the flag on a building, painted or otherwise represented, provided it is correctly dimensioned and coloured in accordance with the Flags Act 1953.

**Category 1 - Commercial areas**

Minimum limitation

**Purpose**

To provide for identification and promotion signs and signs that add vitality and colour to commercial areas.

**Section 1 - Permit not required**

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast sign</td>
<td>The total display area of all signs to each premises must not exceed 8 sqm. This does not include a sign with a display area not exceeding 1.5 sqm that is below a verandah or, if no verandah, that is less than 3.7 m above pavement level.</td>
</tr>
<tr>
<td>Business identification sign</td>
<td></td>
</tr>
<tr>
<td>Home based business sign</td>
<td></td>
</tr>
<tr>
<td>Promotion sign</td>
<td></td>
</tr>
</tbody>
</table>
### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any sign not in Section 1</td>
<td>None specified</td>
</tr>
</tbody>
</table>

### Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td>None specified</td>
</tr>
</tbody>
</table>

### Category 2 - Office and industrial

**Low limitation**

**Purpose**

To provide for adequate identification signs and signs that are appropriate to office and industrial areas.

### Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast sign</td>
<td>The total display area of all signs to each premises must not exceed 8 sqm. This does not include a direction sign.</td>
</tr>
<tr>
<td>Business identification sign</td>
<td></td>
</tr>
<tr>
<td>Home based business sign</td>
<td></td>
</tr>
<tr>
<td>Pole sign</td>
<td></td>
</tr>
<tr>
<td>Direction sign</td>
<td>Only one to each premises.</td>
</tr>
<tr>
<td>Internally illuminated sign</td>
<td>The display area must not exceed 1.5 sqm. The sign must be more than 30 m from a residential zone or pedestrian or traffic lights.</td>
</tr>
</tbody>
</table>

### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any sign not in Section 1</td>
<td>None specified</td>
</tr>
</tbody>
</table>
Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
<td>None specified</td>
</tr>
</tbody>
</table>

Category 3 - High amenity areas

Medium limitation

Purpose

To ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area.

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast sign</td>
<td>Only one to each premises.</td>
</tr>
<tr>
<td>Home based business sign</td>
<td>The display area must not exceed 0.2 sqm.</td>
</tr>
<tr>
<td>Direction sign</td>
<td>None specified</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Above-verandah sign</td>
<td>None specified</td>
</tr>
<tr>
<td>Business identification sign</td>
<td></td>
</tr>
<tr>
<td>Electronic sign</td>
<td>The display area must not exceed 3 sqm.</td>
</tr>
<tr>
<td>Floodlit sign</td>
<td>None specified</td>
</tr>
<tr>
<td>High-wall sign</td>
<td>Must be a business logo or street number.</td>
</tr>
<tr>
<td>Internally illuminated sign</td>
<td>None specified</td>
</tr>
<tr>
<td>Pole sign</td>
<td></td>
</tr>
<tr>
<td>Promotion sign</td>
<td>The display area must not exceed 3 sqm.</td>
</tr>
<tr>
<td>Reflective sign</td>
<td>None specified</td>
</tr>
</tbody>
</table>

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any sign not in Sections 1 or 2</td>
<td>None specified</td>
</tr>
</tbody>
</table>

Category 4 - Sensitive areas

Maximum limitation

Purpose

To provide for unobtrusive signs in areas requiring strong amenity control.
Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast sign</td>
<td>Only one to each premises.</td>
</tr>
<tr>
<td>Home based business sign</td>
<td>The display area must not exceed 0.2 sqm.</td>
</tr>
<tr>
<td>Direction sign</td>
<td>None specified</td>
</tr>
</tbody>
</table>

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business identification sign</td>
<td>The total display area to each premises must not exceed 3 sqm.</td>
</tr>
<tr>
<td>Floodlit sign</td>
<td>None specified</td>
</tr>
</tbody>
</table>

Section 3 - Prohibited

<table>
<thead>
<tr>
<th>Sign</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any sign not in Sections 1 or 2</td>
<td>None specified</td>
</tr>
</tbody>
</table>
## SCHEDULE TO CLAUSE 52.05 ADVERTISING SIGNS

<table>
<thead>
<tr>
<th>Land</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>
CAR PARKING

Purpose
To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
To support sustainable transport alternatives to the motor car.
To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
To ensure that car parking does not adversely affect the amenity of the locality.
To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Scope
Clause 52.06 applies to:

- a new use; or
- an increase in the floor area or site area of an existing use; or
- an increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.

Clause 52.06 does not apply to:

- the extension of one dwelling on a lot in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone; or
- the construction and use of one dwelling on a lot in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone unless the zone or a schedule to the zone specifies that a permit is required to construct or extend one dwelling on a lot.

Provision of car parking spaces
Before:

- a new use commences; or
- the floor area or site area of an existing use is increased; or
- an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use,

the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority in one or more of the following ways:

- on the land; or
- in accordance with a permit issued under Clause 52.06-3; or
- in accordance with a financial contribution requirement specified in a schedule to the Parking Overlay.

If a schedule to the Parking Overlay specifies a maximum parking provision, the maximum provision must not be exceeded except in accordance with a permit issued under Clause 52.06-3.

Permit requirement
A permit is required to:
- Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.

- Provide some or all of the car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay on another site.

- Provide more than the maximum parking provision specified in a schedule to the Parking Overlay.

A permit is not required if a schedule to the Parking Overlay specifies that a permit is not required under this clause.

A permit is not required to reduce the number of car parking spaces required for a new use of land if the following requirements are met:

- The number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the new use is less than or equal to the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the existing use of the land.

- The number of car parking spaces currently provided in connection with the existing use is not reduced after the new use commences.

A permit is not required to reduce the required number of car parking spaces for a new use of an existing building if the following requirements are met:

- The building is in the Commercial 1 Zone, Commercial 2 Zone, Commercial 3 Zone or Activity Centre Zone.

- The gross floor area of the building is not increased.

- The reduction does not exceed 10 car parking spaces.

- The building is not in a Parking Overlay with a schedule that allows a financial contribution to be paid in lieu of the provision of the required car parking spaces for the use.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause to reduce the required number of car parking spaces by no more than 10 car parking spaces is a class of VicSmart application and must be assessed against Clause 59.10.

**Exemption from notice and review**

An application under Clause 52.06-3 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 if:

- the application is only for a permit under Clause 52.06-3; or

- the application is also for a permit under another provision of the planning scheme and in respect of all other permissions sought, the application 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.

**Number of car parking spaces required under Table 1**

Table 1 of this clause sets out the car parking requirement that applies to a use listed in the Table. A car parking requirement in Table 1 may be calculated as either:

- a number of car parking spaces; or

- a percentage of the total site area that must be set aside for car parking.
A car parking requirement in Table 1 is calculated by multiplying the figure in Column A or Column B (whichever applies) by the measure (for example square metres, number of patrons or number of bedrooms) in Column C.

Column A applies unless Column B applies.

Column B applies if:

- any part of the land is identified as being within the Principal Public Transport Network Area as shown on the Principal Public Transport Network Area Maps (State Government of Victoria, August 2018); or
- a schedule to the Parking Overlay or another provision of the planning scheme specifies that Column B applies.

Where an existing use is increased by the measure specified in Column C of Table 1 for that use, the car parking requirement only applies to the increase, provided the existing number of car parking spaces currently being provided in connection with the existing use is not reduced.

If in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number.

Where the car parking requirement specified in Table 1 is calculated as a percentage of the total site area, the area to be provided for car parking includes an accessway that directly abuts any car parking spaces, but does not include any accessway or portion of an accessway that does not directly abut any car parking spaces.

The car parking requirement specified in Table 1 includes disabled car parking spaces. The proportion of spaces to be allocated as disabled spaces must be in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia.

The car parking requirement specified for a use listed in Table 1 does not apply if:

- a car parking requirement for the use is specified under another provision of the planning scheme; or
- a schedule to the Parking Overlay specifies the number of car parking spaces required for the use.

### Table 1: Car parking requirement

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate Column A</th>
<th>Rate Column B</th>
<th>Car Parking Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement parlour</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Art &amp; craft centre</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Bar</td>
<td>0.4</td>
<td></td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.5</td>
<td>Space to each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Betting agency</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Bowling green</td>
<td>6</td>
<td>6</td>
<td>To each rink plus 50 per cent of the relevant requirement of any ancillary use</td>
</tr>
<tr>
<td>Child care centre</td>
<td>0.22</td>
<td>0.22</td>
<td>To each child</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td>0.3</td>
<td>0.3</td>
<td>To each patron permitted</td>
</tr>
<tr>
<td>Convenience restaurant</td>
<td>0.3</td>
<td></td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Use</td>
<td>Rate Column A</td>
<td>Rate Column B</td>
<td>Car Parking Measure</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>---------------</td>
<td>---------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Convenience shop if the leasable floor area exceeds 80 sq m</td>
<td>10</td>
<td>3.5</td>
<td>To each premises</td>
</tr>
<tr>
<td>Display home centre</td>
<td>5</td>
<td></td>
<td>To each dwelling for five or fewer contiguous dwellings, plus</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td></td>
<td>To each additional contiguous dwelling</td>
</tr>
<tr>
<td>Dwelling</td>
<td>1</td>
<td>1</td>
<td>To each one or two bedroom dwelling, plus</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>2</td>
<td>To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms) plus</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>0</td>
<td>For visitors to every 5 dwellings for developments of 5 or more dwellings</td>
</tr>
<tr>
<td>Education centre other than listed in this table</td>
<td>0.4</td>
<td>0.3</td>
<td>To each student that is part of the maximum number of students on the site at any time</td>
</tr>
<tr>
<td>Food and drink premises other than listed in this table</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Freezing and cool storage, other than listed in this table</td>
<td>1.5</td>
<td>1</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Fuel depot</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Funeral Parlour</td>
<td>0.3</td>
<td>0.3</td>
<td>To each patron permitted</td>
</tr>
<tr>
<td>Gambling premises other than listed in this table</td>
<td>0.4</td>
<td></td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Golf course</td>
<td>4</td>
<td>4</td>
<td>To each hole plus 50 per cent of the relevant requirement of any ancillary uses</td>
</tr>
<tr>
<td>Home based business</td>
<td>1</td>
<td>0</td>
<td>To each employee not a resident of the dwelling</td>
</tr>
<tr>
<td>Hotel</td>
<td>0.4</td>
<td></td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Industry other than listed in this table</td>
<td>2.9</td>
<td>1</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Landscape gardening supplies</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Mail centre</td>
<td>3.5</td>
<td>3</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Manufacturing sales</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Market</td>
<td>8</td>
<td>3.5</td>
<td>To each 100 sq m of site area</td>
</tr>
<tr>
<td>Materials recycling</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Medical centre</td>
<td>5</td>
<td></td>
<td>To the first person providing health services plus</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td></td>
<td>To every other person providing health services</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Milk depot</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Use</td>
<td>Rate Column A</td>
<td>Rate Column B</td>
<td>Car Parking Measure</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>---------------</td>
<td>---------------</td>
<td>-------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Motel</td>
<td>1</td>
<td>1</td>
<td>To each unit, and one to each manager dwelling, plus 50 per cent of the relevant requirement of any ancillary use</td>
</tr>
<tr>
<td>Motor repairs</td>
<td>3</td>
<td>3</td>
<td>To each 100 sq m of net floor area plus</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>1</td>
<td>for each vehicle being serviced, repaired or fitted with accessories, including vehicles waiting to be serviced, repaired, fitted with accessories or collected by owners</td>
</tr>
<tr>
<td>Office other than listed in this table</td>
<td>3.5</td>
<td>3</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Place of assembly other than listed in this table</td>
<td>0.3</td>
<td>0.3</td>
<td>To each patron permitted</td>
</tr>
<tr>
<td>Postal agency</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Primary produce sales</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Primary school</td>
<td>1</td>
<td>1</td>
<td>To each employee that is part of the maximum number of employees on the site at any time</td>
</tr>
<tr>
<td>Research and development centre</td>
<td>3.5</td>
<td>3</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td>0.3</td>
<td>0.3</td>
<td>To each lodging room</td>
</tr>
<tr>
<td>Residential village</td>
<td>1</td>
<td>1</td>
<td>To each one or two bedroom dwelling plus</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>2</td>
<td>To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms) plus</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>0</td>
<td>For visitors to every five dwellings for developments of five or more dwellings</td>
</tr>
<tr>
<td>Retirement village</td>
<td>1</td>
<td>1</td>
<td>To each one or two bedroom dwelling plus</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>2</td>
<td>To each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms) plus</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>0</td>
<td>For visitors to every five dwellings for developments of five or more dwellings</td>
</tr>
<tr>
<td>Restaurant</td>
<td>0.4</td>
<td></td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td>3</td>
<td>2.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Rooming house</td>
<td>1</td>
<td>1</td>
<td>To each four bedrooms</td>
</tr>
<tr>
<td>Saleyard</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Secondary school</td>
<td>1.2</td>
<td>1.2</td>
<td>To each employee that is part of the maximum number of employees on the site at any time</td>
</tr>
<tr>
<td>Shop other than listed in this table</td>
<td>4</td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Squash court – other than in conjunction with a dwelling</td>
<td>3</td>
<td>3</td>
<td>To each court plus 50 per cent of the relevant requirement of any ancillary use</td>
</tr>
</tbody>
</table>
### Car Parking Measure

<table>
<thead>
<tr>
<th>Use</th>
<th>Rate Column A</th>
<th>Rate Column B</th>
<th>Car Parking Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Store other than listed in this table</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Supermarket</td>
<td>5</td>
<td>5</td>
<td>To each 100 sq m of leasable floor area</td>
</tr>
<tr>
<td>Swimming pool – other than in conjunction with a dwelling</td>
<td>5.6</td>
<td>5.6</td>
<td>To each 100 sq m of the site</td>
</tr>
<tr>
<td>Tennis court – other than in conjunction with a dwelling</td>
<td>4</td>
<td>4</td>
<td>To each court plus 50% of the requirement of any ancillary use</td>
</tr>
<tr>
<td>Trade supplies</td>
<td>10</td>
<td>10</td>
<td>Per cent of site area</td>
</tr>
<tr>
<td>Veterinary centre</td>
<td>5</td>
<td>To the first person providing animal health services plus</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>To every other person providing animal health services</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3.5</td>
<td>To each 100 sq m of leasable floor area</td>
<td></td>
</tr>
<tr>
<td>Warehouse other than listed in this table</td>
<td>2</td>
<td>2</td>
<td>To each premises plus</td>
</tr>
<tr>
<td></td>
<td>1.5</td>
<td>1</td>
<td>To each 100 sq m of net floor area</td>
</tr>
<tr>
<td>Winery</td>
<td>0.4</td>
<td>3.5</td>
<td>To each patron permitted</td>
</tr>
<tr>
<td></td>
<td></td>
<td>To each 100 sq m of leasable floor area</td>
<td></td>
</tr>
</tbody>
</table>

### Number of car parking spaces required for other uses

Where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority. This does not apply to the use of land for a temporary portable land sales office located on the land for sale.

### Application requirements and decision guidelines for permit applications

#### For applications to reduce the car parking requirement

An application to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.

The Car Parking Demand Assessment must assess the car parking demand likely to be generated by the proposed:

- new use; or
- increase in the floor areas or site area of the existing use; or
- increase to the existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.

The Car Parking Demand Assessment must address the following matters, to the satisfaction of the responsible authority:

- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.
- The variation of car parking demand likely to be generated by the proposed use over time.
• The short-stay and long-stay car parking demand likely to be generated by the proposed use.
• The availability of public transport in the locality of the land.
• The convenience of pedestrian and cyclist access to the land.
• The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.
• The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.
• Any empirical assessment or case study.

Before granting a permit to reduce the number of spaces, the responsible authority must consider the following, as appropriate:

• The Car Parking Demand Assessment.
• Any relevant local planning policy or incorporated plan.
• The availability of alternative car parking in the locality of the land, including:
  - Efficiencies gained from the consolidation of shared car parking spaces.
  - Public car parks intended to serve the land.
  - On street parking in non residential zones.
  - Streets in residential zones specifically managed for non-residential parking.
• On street parking in residential zones in the locality of the land that is intended to be for residential use.
• The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
• Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.
• The future growth and development of any nearby activity centre.
• Any car parking deficiency associated with the existing use of the land.
• Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.
• Local traffic management in the locality of the land.
• The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.
• The need to create safe, functional and attractive parking areas.
• Access to or provision of alternative transport modes to and from the land.
• The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.
• The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.
• Any other matter specified in a schedule to the Parking Overlay.
• Any other relevant consideration.
For applications to allow some or all of the required car parking spaces to be provided on another site

Before granting a permit to allow some or all of the car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay to be provided on another site, the responsible authority must consider the following, as appropriate:

- The proximity of the car parking on the alternate site to the subject site.
- The likelihood of the long term provision and availability of the car parking spaces.
- Whether the location of the car parking spaces is consistent with any relevant local policy or incorporated plan.
- Any other matter specified in a schedule to the Parking Overlay.

For applications to provide more than the maximum parking provision specified in a schedule to the Parking Overlay

An application to provide more than the maximum parking provision specified in a schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.

The Car Parking Demand Assessment must assess the car parking demand likely to be generated by the proposed use or increase to the existing use.

The Car Parking Demand Assessment must address the following matters, to the satisfaction of the responsible authority:

- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.
- The variation of car parking demand likely to be generated by the proposed use over time.
- The short-stay and long-stay car parking demand likely to be generated by the proposed use.
- The availability of public transport in the locality of the land.
- The convenience of pedestrian and cyclist access to the land.
- The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.
- The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.
- Any empirical assessment or case study.

Requirement for a car parking plan

Plans must be prepared to the satisfaction of the responsible authority before any of the following occurs:

- a new use commences; or
- the floor area or site area of an existing use is increased; or
- an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.

The plans must show, as appropriate:

- All car parking spaces that are proposed to be provided (whether on the land or on other land).
- Access lanes, driveways and associated works.
- Allocation of car parking spaces to different uses or tenancies, if applicable.
- Any landscaping and water sensitive urban design treatments.
- Finished levels, if required by the responsible authority.
- Any other matter specified in a schedule to the Parking Overlay.

Plans must be provided to the responsible authority under Clause 52.06-8 wherever Clause 52.06 applies, whether or not a permit application is being made under Clause 52.06-3 or any other provision of the planning scheme.

Where an application is being made for a permit under Clause 52.06-3 or another provision of the planning scheme, the information required under Clause 52.06-8 may be included in other plans submitted with the application.

Clause 52.06-8 does not apply where no car parking spaces are proposed to be provided.

**Design standards for car parking**

Plans prepared in accordance with Clause 52.06-8 must meet the design standards of Clause 52.06-9, unless the responsible authority agrees otherwise.

Design standards 1, 3, 6 and 7 do not apply to an application to construct one dwelling on a lot.

**Design standard 1 – Accessways**

Accessways must:

- Be at least 3 metres wide.
- Have an internal radius of at least 4 metres at changes of direction or intersection or be at least 4.2 metres wide.
- Allow vehicles parked in the last space of a dead-end accessway in public car parks to exit in a forward direction with one manoeuvre.
- Provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres.
- If the accessway serves four or more car spaces or connects to a road in a Road Zone, the accessway must be designed so that cars can exit the site in a forward direction.
- Provide a passing area at the entrance at least 6.1 metres wide and 7 metres long if the accessway serves ten or more car parking spaces and is either more than 50 metres long or connects to a road in a Road Zone.
- Have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.

If an accessway to four or more car parking spaces is from land in a Road Zone, the access to the car spaces must be at least 6 metres from the road carriageway.

If entry to the car space is from a road, the width of the accessway may include the road.

**Design standard 2 – Car parking spaces**

Car parking spaces and accessways must have the minimum dimensions as outlined in Table 2.

**Table 2: Minimum dimensions of car parking spaces and accessways**

<table>
<thead>
<tr>
<th>Angle of car parking spaces to access way</th>
<th>Accessway width</th>
<th>Car space width</th>
<th>Car space length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parallel</td>
<td>3.6 m</td>
<td>2.3 m</td>
<td>6.7 m</td>
</tr>
<tr>
<td>45°</td>
<td>3.5 m</td>
<td>2.6 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td>Angle of car parking spaces to access way</td>
<td>Accessway width</td>
<td>Car space width</td>
<td>Car space length</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>-----------------</td>
<td>-----------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>60°</td>
<td>4.9 m</td>
<td>2.6 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td>90°</td>
<td>6.4 m</td>
<td>2.6 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td></td>
<td>5.8 m</td>
<td>2.8 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td></td>
<td>5.2 m</td>
<td>3.0 m</td>
<td>4.9 m</td>
</tr>
<tr>
<td></td>
<td>4.8 m</td>
<td>3.2 m</td>
<td>4.9 m</td>
</tr>
</tbody>
</table>

Note to Table 2: Some dimensions in Table 2 vary from those shown in the Australian Standard AS2890.1-2004 (off street). The dimensions shown in Table 2 allocate more space to aisle widths and less to marked spaces to provide improved operation and access. The dimensions in Table 2 are to be used in preference to the Australian Standard AS2890.1-2004 (off street) except for disabled spaces which must achieve Australian Standard AS2890.6-2009 (disabled).

A wall, fence, column, tree, tree guard or any other structure that abuts a car space must not encroach into the area marked ‘clearance required’ on Diagram 1, other than:

- A column, tree or tree guard, which may project into a space if it is within the area marked ‘tree or column permitted’ on Diagram 1.
- A structure, which may project into the space if it is at least 2.1 metres above the space.

Diagram 1 Clearance to car parking spaces

Car spaces in garages or carports must be at least 6 metres long and 3.5 metres wide for a single space and 5.5 metres wide for a double space measured inside the garage or carport.

Where parking spaces are provided in tandem (one space behind the other) an additional 500 mm in length must be provided between each space.

Where two or more car parking spaces are provided for a dwelling, at least one space must be under cover.

Disabled car parking spaces must be designed in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia. Disabled car parking spaces may encroach into an accessway width specified in Table 2 by 500mm.
Design standard 3: Gradients

Accessway grades must not be steeper than 1:10 (10 per cent) within 5 metres of the frontage to ensure safety for pedestrians and vehicles. The design must have regard to the wheelbase of the vehicle being designed for; pedestrian and vehicular traffic volumes; the nature of the car park; and the slope and configuration of the vehicle crossover at the site frontage. This does not apply to accessways serving three dwellings or less.

Ramps (except within 5 metres of the frontage) must have the maximum grades as outlined in Table 3 and be designed for vehicles travelling in a forward direction.

Table 3: Ramp gradients

<table>
<thead>
<tr>
<th>Type of car park</th>
<th>Length of ramp</th>
<th>Maximum grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public car parks</td>
<td>20 metres or less</td>
<td>1:5 (20%)</td>
</tr>
<tr>
<td></td>
<td>longer than 20 metres</td>
<td>1:6 (16.7%)</td>
</tr>
<tr>
<td>Private or residential car parks</td>
<td>20 metres or less</td>
<td>1:4 (25%)</td>
</tr>
<tr>
<td></td>
<td>longer than 20 metres</td>
<td>1:5 (20%)</td>
</tr>
</tbody>
</table>

Where the difference in grade between two sections of ramp or floor is greater that 1:8 (12.5 per cent) for a summit grade change, or greater than 1:6.7 (15 per cent) for a sag grade change, the ramp must include a transition section of at least 2 metres to prevent vehicles scraping or bottoming.

Plans must include an assessment of grade changes of greater than 1:5.6 (18 per cent) or less than 3 metres apart for clearances, to the satisfaction of the responsible authority.

Design standard 4: Mechanical parking

Mechanical parking may be used to meet the car parking requirement provided:

- At least 25 per cent of the mechanical car parking spaces can accommodate a vehicle height of at least 1.8 metres.
- Car parking spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation.
- The design and operation is to the satisfaction of the responsible authority.

Design standard 5: Urban design

Ground level car parking, garage doors and accessways must not visually dominate public space. Car parking within buildings (including visible portions of partly submerged basements) must be screened or obscured where possible, including through the use of occupied tenancies, landscaping, architectural treatments and artworks.

Design of car parks must take into account their use as entry points to the site.

Design of new internal streets in developments must maximise on street parking opportunities.

Design standard 6: Safety

Car parking must be well lit and clearly signed.

The design of car parks must maximise natural surveillance and pedestrian visibility from adjacent buildings.

Pedestrian access to car parking areas from the street must be convenient.

Pedestrian routes through car parking areas and building entries and other destination points must be clearly marked and separated from traffic in high activity parking areas.
Design standard 7: Landscaping

The layout of car parking areas must provide for water sensitive urban design treatment and landscaping.

Landscaping and trees must be planted to provide shade and shelter, soften the appearance of ground level car parking and aid in the clear identification of pedestrian paths.

Ground level car parking spaces must include trees planted with flush grilles. Spacing of trees must be determined having regard to the expected size of the selected species at maturity.

Decision guidelines

Before deciding that a plan prepared under Clause 52.06-8 is satisfactory the responsible authority must consider, as appropriate:

- The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.
- The ease and safety with which vehicles access and circulate within the parking area.
- The provision for pedestrian movement within and around the parking area.
- The provision of parking facilities for cyclists and disabled people.
- The protection and enhancement of the streetscape.
- The provisions of landscaping for screening and shade.
- The measures proposed to enhance the security of people using the parking area particularly at night.
- The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.
- The workability and allocation of spaces of any mechanical parking arrangement.
- The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.
- The type and size of vehicle likely to use the parking area.
- Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.
- The need for the required car parking spaces to adjoin the premises used by the occupier/s, if the land is used by more than one occupier.
- Whether the layout of car spaces and accessways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).
- The relevant standards of Clauses 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 for residential developments with accessways longer than 60 metres or serving 16 or more dwellings.
- Any other matter specified in a schedule to the Parking Overlay.

Construction of car parking

Where a plan is required under Clause 52.06-8, the car parking spaces, access lanes, driveways and associated works and landscaping shown on the plan must be:

- constructed and available for use in accordance with the plan approved by the responsible authority; and
- formed to such levels and drained so that they can be used in accordance with the plan; and
- treated with an all-weather seal or some other durable surface; and
- line-marked or provided with some other adequate means of showing the car parking spaces, before any of the following occurs:
  - the new use commences; or
  - the floor area or site area of the existing use is increased; or
  - the existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.
EARTH AND ENERGY RESOURCES INDUSTRY

Purpose
To encourage land to be used and developed for exploration and extraction of earth and energy resources in accordance with acceptable environmental standards.

To ensure that geothermal energy extraction, greenhouse gas sequestration, mining and petroleum production are not prohibited land uses.

To ensure that planning controls for the use and development of land for the exploration and extraction of earth and energy resources are consistent with other legislation governing these land uses.

Permit requirement
A permit is required to use and develop land for earth and energy resources industry unless the table to this clause specifically states that a permit is not required.

Table of exemptions

<table>
<thead>
<tr>
<th>No permit is required to use or develop land for earth and energy resources industry if the following conditions are met:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extractive industry</td>
</tr>
<tr>
<td>Geothermal energy exploration</td>
</tr>
<tr>
<td>Geothermal energy extraction</td>
</tr>
<tr>
<td>Mineral exploration</td>
</tr>
<tr>
<td>Mining</td>
</tr>
<tr>
<td>Petroleum exploration</td>
</tr>
<tr>
<td>Petroleum production</td>
</tr>
<tr>
<td>Stone exploration</td>
</tr>
</tbody>
</table>

Application requirements for mining
An application to use and develop land for mining must be accompanied by:

- A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the Mineral Resources (Sustainable Development) Act 1990.

- The written notice of statutory endorsement under section 77TD(1) of the Mineral Resources (Sustainable Development) Act 1990.

- Any conditions specified under section 77TD(3) of the Mineral Resources (Sustainable Development) Act 1990.
Referral requirements for mining

An application to use or develop land for mining must be referred under section 55 of the Act to the person or body specified as the referral authority in Clause 66.

Unless the referral authority is the Roads Corporation, the referral requirement in Clause 66 does not apply if a copy of a work plan or variation to an approved work plan accompanying the application was given to the referral authority under section 77TE of the Mineral Resources (Sustainable Development) Act 1990.
EXTRACTIVE INDUSTRY AND EXTRACTIVE INDUSTRY INTEREST AREAS

Purpose
To ensure that use and development of land for extractive industry does not adversely affect the environment or amenity of the area during or after extraction.
To ensure that excavated areas can be appropriately rehabilitated.
To ensure that stone resources, which may be required by the community for future use, are protected from inappropriate use and development.

Application
This clause applies to an application to use or develop land:

- For extractive industry;
- Within an Extractive Industry Interest Area; or
- Within 500 metres of an existing or proposed extractive industry operation.

Application requirements
An application to use and develop land for extractive industry must be accompanied by:

- A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the *Mineral Resources (Sustainable Development) Act 1990*.
- The written notice of statutory endorsement under section 77TD(1) of the *Mineral Resources (Sustainable Development) Act 1990*.
- Any conditions specified under section 77TD(3) of the *Mineral Resources (Sustainable Development) Act 1990*.

These requirements do not apply if the proposed extractive industry is exempt from:

- The requirement to obtain a work plan under section 77G of the *Mineral Resources (Sustainable Development) Act 1990*; or
- The provisions of the *Mineral Resources (Sustainable Development) Act 1990* under section 5AA of that Act.

Referral of applications
An application to use or develop land for extractive industry must be referred under section 55 of the Act to the person or body specified as the referral authority in Clause 66.

Unless the referral authority is the Roads Corporation, the referral requirement in Clause 66 does not apply if a copy of a work plan or variation to an approved work plan accompanying the application was given to the referral authority under section 77TE of the *Mineral Resources (Sustainable Development) Act 1990*.

Decision guidelines
Before deciding on an application to use and develop land for extractive industry, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The effect of the proposed extractive industry on any native flora and fauna on and near the land.
- The impact of the proposed extractive industry on sites of cultural and historic significance, including any effects on Aboriginal places.
• The effect of the proposed extractive industry on the natural and cultural landscape of the surrounding land and the locality generally.

• The ability of the proposed extractive industry to contain any emissions within the boundaries of the land in accordance with relevant legislation.

• The effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area.

• The ability to rehabilitate the affected land to a form or for a use which is compatible with the natural systems or visual appearance of the surrounding area.

• The ability to rehabilitate the land so it can be used for a purpose or purposes beneficial to the community.

• The effect of the proposed extractive industry on groundwater quality and the impact on any affected water uses.

• The impact of the proposed extractive industry on surface drainage and surface water quality.

• Any proposed provisions, conditions or requirements in a work plan that has received statutory endorsement under the *Mineral Resources (Sustainable Development) Act 1990*.

### 52.09-5

**Permit conditions for extractive industry**

A permit to use and develop land for extractive industry must not include conditions which require the use to cease by a specified date unless either:

• The subject land is situated in or adjoins land which is being developed or is proposed to be developed for urban purposes.

• Such condition is suggested by the applicant.

A permit to use and develop land for extractive industry must include:

• A condition that allows for a period of not less than five years for the use and development to commence before the permit expires under section 68 of the Act.

• Conditions that are consistent with the requirements specified in Clause 52.09-6.

### 52.09-6

**Requirements for extractive industry**

The use and development of land for extractive industry must comply with the following requirements, to the satisfaction of the responsible authority:

• Except in accordance with a permit, no alteration may be made to the natural condition or topography of the land within 20 metres of the boundary of land. This does not apply to driveways, drains, bund walls or landscaping.

• Shrubs and trees must be planted and maintained to screen activity on the land.

• Parking areas must be provided for employees’ cars and all vehicles used on the land.

### 52.09-7

**Notice of an application**

Notice of the following kinds of applications must be given in accordance with section 52(1)(c) of the Act to the Secretary of the Department administering the *Mineral Resources (Sustainable Development) Act 1990*:

• An application to use or subdivide land or construct a building for accommodation, child care centre, education centre or hospital:
- Within an Extractive Industry Interest Area.
- On land which is within 500 metres of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

- An application to construct a building or construct or carry out works on land for which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

This requirement does not apply to an application to extend a building or works.
HOME BASED BUSINESS

Purpose
To ensure that the amenity of the neighbourhood is not adversely affected by a business conducted in or from a dwelling.

Requirements to be met
A home based business must meet the following requirements:

- The person conducting the home based business must use the dwelling as their principal place of residence.
- No more than two persons who does not live in the dwelling may work in the home based business at any one time.
- The net floor area used in conducting the business including the storage of any materials or goods must not exceed 100 square metres or one-third of the net floor area of the dwelling, whichever is the lesser. The net floor area includes out-buildings and works normal to a dwelling.
- The business must not impose a load on any utility greater than normally required for domestic use.
- The business must not adversely affect the amenity of the neighbourhood in any way including:
  - The appearance of any building, works or materials used.
  - The parking of motor vehicles.
  - The transporting of materials or goods to or from the dwelling.
  - The hours of operation.
  - Electrical interference.
  - The storage of chemicals, gasses or other hazardous materials.
  - Emissions from the site.
- No motor vehicle may be adjusted, modified, serviced or repaired for gain.
- Only one commercial vehicle (a commercial goods vehicle, commercial passenger vehicle or tow truck within the meaning of the Transport Act 1983), not exceeding 2 tonnes capacity and with or without a trailer registered to a resident of the dwelling may be present at any time. The vehicle must not be fuelled or repaired on the site.
- No goods other than goods manufactured or serviced in the home based business may be offered for sale. This requirement does not apply to goods offered for sale online.
- Materials used or goods manufactured, serviced or repaired in the home based business must be stored within a building.
- No goods manufactured, serviced or repaired may be displayed so that they are visible from outside the site.
- Any goods offered for sale online must not be collected from the dwelling.

Permit requirement
Despite the requirements of Clause 52.11-1, a permit may be granted for a home occupation:

- Which allows no more than three people who do not live in the dwelling to work in the occupation at any one time; or
- Which has a floor area not exceeding 200 square metres or one-third of the net floor area of the dwelling, whichever is the lesser.
Which allows no more than one additional commercial vehicle (a commercial goods vehicle, commercial passenger vehicle or tow truck within the meaning of the Transport Act 1983), not exceeding two tonnes capacity and with or without a trailer registered to a resident of the dwelling, to be present at any time.

**Decision guidelines**

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

- Whether there is a need for additional parking or loading facilities.
- The effect of any vehicle parking, storage or washing facilities on the amenity and character of the street.
- Whether the site is suitable for the particular home based business and is compatible with the surrounding use and development.
- Whether there is a need for landscaping to screen any outbuildings or car parking or loading areas or any other area relating to the home based business.
BUSHFIRE PROTECTION: EXEMPTIONS

Exemption to create defendable space around buildings used for accommodation

Any requirement of a planning permit, including any condition, which has the effect of prohibiting the removal, destruction or lopping of vegetation, or any requirement of this planning scheme to obtain a planning permit, or any provision of this planning scheme that prohibits the removal, destruction or lopping of vegetation or requires the removal, destruction or lopping of vegetation to be carried out in a particular manner, does not apply to:

- The removal, destruction or lopping of any vegetation within 10 metres of an existing building used for accommodation that was:
  - constructed before 10 September 2009; or
  - approved by a permit issued under this scheme before 10 September 2009; or
  - approved by a building permit issued under the Building Act 1993 before 10 September 2009; or
  - constructed to replace a dwelling or dependent persons unit that was damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009.

This does not apply to land covered by the Banyule, Bayside, Boroondara, Brimbank, Darebin, Glen Eira, Greater Dandenong, Hobsons Bay, Kingston, Knox, Maribyrnong, Maroondah, Melbourne, Monash, Moonee Valley, Moreland, Port of Melbourne, Port Phillip, Stonnington, Whitehorse and Yarra planning schemes unless the land is included in a Bushfire Management Overlay or is specified in a schedule to this clause.

- The removal, destruction or lopping of any vegetation, except trees, within 30 metres of an existing building used for accommodation that was:
  - constructed before 10 September 2009; or
  - approved by a permit issued under this scheme before 10 September 2009; or
  - approved by a building permit issued under the Building Act 1993 before 10 September 2009; or
  - constructed to replace a dwelling or dependent persons unit that was damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009.

This does not apply to land covered by the Banyule, Bayside, Boroondara, Brimbank, Darebin, Glen Eira, Greater Dandenong, Hobsons Bay, Kingston, Knox, Maribyrnong, Maroondah, Melbourne, Monash, Moonee Valley, Moreland, Port of Melbourne, Port Phillip, Stonnington, Whitehorse and Yarra planning schemes unless the land is specified in a schedule to this clause.

- The removal, destruction or lopping of any vegetation, except trees, within 50 metres of an existing building used for accommodation where land is within the Bushfire Management Overlay and where the existing building was:
  - constructed before 10 September 2009 or lawfully erected before 18 November 2011 without the need for a planning permit; or
  - approved by a permit issued under this scheme before 10 September 2009 and erected before 18 November 2011; or
  - approved by a building permit issued under the Building Act 1993 before 10 September 2009 and erected before 18 November 2011; or
  - constructed to replace a dwelling or dependent persons unit that was damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009.
Exemption for vegetation removal along a fenceline

Any requirement of a planning permit, including any condition, which has the effect of prohibiting the removal, destruction or lopping of vegetation, or any requirement of this planning scheme to obtain a planning permit, or any provision of this planning scheme that prohibits the removal, destruction or lopping of vegetation or requires the removal, destruction or lopping of vegetation to be carried out in a particular manner, does not apply to:

- The removal, destruction or lopping of any vegetation for a combined maximum width of 4 metres either side of an existing fence on a boundary between properties in different ownership that was constructed before 10 September 2009.

This does not apply to land covered by the Banyule, Bayside, Boroondara, Brimbank, Darebin, Glen Eira, Greater Dandenong, Hobsons Bay, Kingston, Knox, Maribyrnong, Maroondah, Melbourne, Monash, Moonee Valley, Moreland, Port of Melbourne, Port Phillip, Stonnington, Whitehorse and Yarra planning schemes unless the land is included in a Bushfire Management Overlay.

Exemption for buildings and works associated with a community fire refuge

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works does not apply to modifying an existing building to create a community fire refuge in accordance with Ministerial Direction No. 4, Construction Requirements for a Community Fire Refuge (1 August 2012).

Exemption for buildings and works associated with a private bushfire shelter

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works does not apply to buildings and works associated with a private bushfire shelter (a Class 10c building within the meaning of the Building Regulations 2006), provided the total area of all buildings and works does not exceed 30 square metres.

This clause does not apply to land in the Urban Floodway Zone, Erosion Management Overlay, Floodway Overlay, Land Subject to Inundation Overlay, Special Building Overlay or Heritage Overlay.

Exemption to create defendable space for a dwelling approved under Clause 44.06 of this planning scheme

Any requirement of a planning permit, including any condition, which has the effect of prohibiting the removal, destruction or lopping of vegetation, or any requirement of this planning scheme to obtain a planning permit, or any provision of this planning scheme that prohibits the removal, destruction or lopping of vegetation or requires the removal, destruction or lopping of vegetation to be carried out in a particular manner, does not apply to the removal, destruction or lopping of vegetation to construct a dwelling and create its defendable space if all of the following requirements are met:

- Land is in the Bushfire Management Overlay.

- Land is in the General Residential Zone, Residential Growth Zone, Neighbourhood Residential Zone, Urban Growth Zone, Low Density Residential Zone, Township Zone, Rural Living Zone, Farming Zone or Rural Activity Zone.

- The removal, destruction or lopping of vegetation:
  - Does not exceed the distance specified in Table 1 to Clause 53.02-3 of this planning scheme, based on the bushfire attack level determined by a relevant building surveyor in deciding an application for a building permit under the Building Act 1993 for a dwelling or alteration or extension to the dwelling; or
- Is required to be undertaken by a condition in a planning permit issued after 31 July 2014 under Clause 44.06 of this scheme for a dwelling or an alteration or extension to the dwelling.
SCHEDULE TO CLAUSE 52.12 BUSHFIRE PROTECTION: EXEMPTIONS

Exemptions for vegetation removal

<table>
<thead>
<tr>
<th>Land</th>
<th>None specified</th>
</tr>
</thead>
</table>

MELBOURNE PLANNING SCHEME
2009 BUSHFIRE - RECOVERY EXEMPTIONS

Purpose
To support recovery operations following the 2009 Victorian bushfires.

Scope
This clause applies to a use or development specified in Clause 52.13-3 carried out for the purposes of recovery from a bushfire that occurred after 1 January 2009.

Exemptions from planning scheme requirements
Any requirement of the scheme to obtain a permit or any provision in the scheme which prohibits the use or development of land or requires the use or development of land to be carried out in a particular manner does not apply to a use or development specified in Clause 52.13-3 provided the following requirements are met:

- Works must only be constructed or carried out for bushfire recovery or in association with the construction of a building under this provision to be used for temporary accommodation.
- A building constructed under this provision must only be used:
  - To provide temporary accommodation for a person or persons whose normal place of residence was damaged or destroyed by bushfire; or
  - For a use that is directly associated with bushfire recovery.
- A building constructed under this provision to be used for temporary accommodation must be located on the same lot as a building used for accommodation that was damaged or destroyed by bushfire unless the building is being constructed by or on behalf of a municipality, the Victorian Bushfire Reconstruction and Recovery Authority or other public authority.
- The construction of a building or the construction or carrying out of works must be completed prior to 31 March 2011.
- Native vegetation must only be removed, destroyed or lopped:
  - To provide access to, make safe or remove building and demolition rubble from a property; or
  - To enable emergency and bushfire recovery works undertaken by or on behalf of a municipality, the Victorian Bushfire Reconstruction and Recovery Authority, other public authority or a utility service provider in the exercise of any power conferred on them under any Act.
- Native vegetation must not be removed, destroyed or lopped after 31 March 2011.
- Any sign displayed must be directly associated with bushfire recovery.
- Any sign displayed must be removed prior to 31 March 2011.

Use and development
The requirements of Clause 52.13-2 apply to the following types of development:

- Demolition or removal of a building.
- Construction of a building.
- Construction or carrying out of works.
- Removal, destruction or lopping of vegetation.
- Display of a sign.
The requirements of Clause 52.13-2 apply to the following uses:

- Temporary accommodation.
- Any use directly associated with bushfire recovery.

### Land in a Heritage Overlay

For land within a Heritage Overlay, in addition to the requirements specified in Clause 52.13-2, the written authorisation of the responsible authority must be obtained prior to:

- Demolishing or removing a building;
- Externally altering a building by structural work;
- Internally altering a building if the schedule to the Heritage Overlay identifies the heritage place as one where internal alteration controls apply;
- Carrying out works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials; or
- Removing, destroying or lopping a tree if the schedule to the Heritage Overlay identifies the heritage place as one where tree controls apply.

### Land in a Land Management Overlay

For land within a Floodway Overlay, Land Subject to Inundation Overlay or Special Building Overlay, in addition to the requirements specified in Clause 52.13-2, the written authorisation of the responsible authority must be obtained prior to constructing a building or constructing and carrying out works.

For land within an Erosion Management Overlay, in addition to the requirements specified in Clause 52.13-2, the written authorisation of the responsible authority must be obtained prior to:

- Constructing a building or constructing and carrying out works; or
- Removing, destroying or lopping vegetation.

### Land in an Environmental Audit Overlay

For land within an Environmental Audit Overlay, in addition to the requirements specified in Clause 52.13-2, the written authorisation of the responsible authority must be obtained prior to commencing a sensitive use (residential use, child care centre, pre school centre or primary school).

### Cessation of use

A use must not continue after 31 March 2020 unless in accordance with the requirements of this scheme.

A building must not be used after 31 March 2020 unless in accordance with the requirements of this scheme.

### Decision guidelines

Before deciding on an application to allow the retention or continuing use of a building, in addition to the decision guidelines in Clause 65 and any other requirements of the Act, the responsible authority must consider the extent to which compliance can be reasonably achieved with all requirements of this scheme.
2009 BUSHFIRE - REPLACEMENT BUILDINGS

Purpose
To support the rebuilding of dwellings, dependent persons’ units and buildings used for agriculture damaged or destroyed by the 2009 Victorian bushfires.

Scope
This clause applies to:

- The construction of a building or the construction and carrying out of works, associated with rebuilding:
  - a dwelling or dependent person’s unit; or
  - a building used for agriculture,
    that was damaged or destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009.
- The use of land for:
  - a dwelling or dependent person’s unit that is rebuilt in accordance with this clause; or
  - agriculture to the extent that the use relates to a building that was destroyed by a bushfire that occurred between 1 January 2009 and 31 March 2009 and that use cannot continue unless that building is rebuilt.
- The removal, destruction or lopping of vegetation to enable the construction, use and maintenance of a building rebuilt in accordance with this Clause.

This clause does not apply to land in a Heritage Overlay.

For the avoidance of doubt, any planning permit exemption provided by the scheme continues to apply to the use and development specified in this Clause.

If any use or development is within the scope of both this Clause 52.14 and Clause 52.13, then this Clause 52.14 prevails over Clause 52.13 in the event of any inconsistency.

Exemption from planning scheme requirements
Any requirement of the scheme to obtain a permit or any provision in the scheme which prohibits the use or development of land or requires the use or development of land to be carried out in a particular manner does not apply to the use and development specified in Clause 52.14-1 provided the following requirements are met:

Site plan
Before the commencement of construction of a building or the construction or carrying out of works, a site plan must be provided to and approved by the responsible authority. The site plan must show:

- The boundaries of the property.
- The location of any damaged or destroyed dwelling, dependent person’s unit or building used for agriculture.
- The proposed location of the replacement dwelling, dependent person’s unit or building used for agriculture.
- The existing and proposed access to the lot.
Vegetation to be removed destroyed or lopped to enable rebuilding including construction of vehicle access, water storage and waste water treatment.

For replacement dwellings and dependent persons’ units on land in a Farming Zone, Rural Conservation Zone, Rural Activity Zone, Green Wedge Zone, Green Wedge A Zone or the Rural Living Zone:
- The location and dimensions of vehicle access.
- The location and storage of water for potable and firefighting purposes if the dwelling or dependent person’s unit cannot be connected to a reticulated potable water supply.
- The location of the waste water treatment system if waste water is to be retained and treated on site.

The site plan must be submitted to the responsible authority by 30 September 2017.

Commencement of development
- The development must commence within two years after the approval of a site plan by the responsible authority and must be completed within two years after the development commences. The responsible authority may allow an extension of time on the request of the owner or the occupier of the land to which the approved site plan applies, provided that request is made before the expiry of the applicable period or within three months of the expiry of the applicable period.

Compliance with site plan
- The development must comply with the approved site plan.

Use and development conditions
- The land must not be used for more than the number of dwellings or dependent persons’ units that were damaged or destroyed.
- The removal, destruction or lopping of vegetation to enable the maintenance of a building must not exceed 10 metres beyond the building.
- For land in the Farming Zone, Rural Conservation Zone, Rural Activity Zone, Green Wedge Zone, Green Wedge A Zone or the Rural Living Zone:
  - Access to the dwelling or dependent person’s unit must be provided via an all weather road with dimensions adequate to accommodate emergency vehicles.
  - The dwelling or dependent person’s unit must be connected to a reticulated sewerage system or if not available, the waste water must be managed to the satisfaction of the responsible authority.
  - The dwelling or dependent person’s unit must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
  - The dwelling or dependent person’s unit must be connected to a reticulated electricity supply or have an alternative energy source.
- A building must be constructed of materials that are non-reflective and of muted tones in the following locations:
  - Land in an Environmental Significance Overlay, Design and Development Overlay or Significant Landscape Overlay.
  - Land in a Green Wedge Zone, Green Wedge A Zone or Rural Conservation Zone in the municipal districts of the Shire of Yarra Ranges and the Shire of Nillumbik.
- For land in a Restructure Overlay, a building must be consistent with any Restructure Plan.
- For land adjacent to a Road Zone, Category 1, or Land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road, access must not be created or altered.

**52.14-3**
**Land in an Erosion Management Overlay**
For land in an Erosion Management Overlay in the municipal district of the Shire of Yarra Ranges, in addition to the requirements specified in Clause 52.14-2, the written authorisation of the responsible authority must be obtained prior to:
- Constructing a building or constructing and carrying out works; or
- Removing, destroying or lopping vegetation.

**52.14-4**
**Land in a Floodway Overlay, Land Subject to Inundation Overlay or Special Building Overlay**
For land in a Floodway Overlay, Land Subject to Inundation Overlay or Special Building Overlay, in addition to the requirements specified in Clause 52.14-2, the written authorisation of the relevant floodplain management authority must be obtained prior to the commencement of construction of a building or the construction or carrying out of works.

**52.14-5**
**Decision guidelines**
Before deciding on approval of the site plan, in addition to the decision guidelines in Clause 65 and any other requirements of the Act, the responsible authority must consider, as appropriate:
- The extent to which the siting of the building and associated development can reasonably achieve compliance with other relevant requirements of this scheme.
- The extent to which the replacement dwelling or dependent person’s unit can be located on the land to assist the minimisation of risk to life and property from bushfire.
HELIPORT AND HELICOPTER LANDING SITE

Purpose
To ensure the amenity impacts of a heliport and a helicopter landing site on surrounding areas is considered.

Permit requirement
A permit is required to use or develop any land for a heliport or a helicopter landing site even if it is ancillary to another use on the land, unless the table to this Clause specifically states that a permit is not required.

Table of exemptions for use

<table>
<thead>
<tr>
<th>No permit is required to use land for a helicopter landing site if any of the following apply:</th>
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<tbody>
<tr>
<td><strong>Emergency services</strong></td>
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<td><strong>Agriculture</strong></td>
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<td><strong>Public land management</strong></td>
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<td><strong>General</strong></td>
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Application requirements
An application to use or develop land for a heliport or a helicopter landing site must be accompanied by the following information, as appropriate:

- A site plan, including:
  - Site boundaries and dimensions.
  - The current land use.
  - The existing siting and layout of buildings and works.
  - The proposed siting and layout of buildings and works.
  - Existing vegetation and proposed vegetation removal.
- Vehicle and pedestrian access.

An application to use land for a heliport or a helicopter landing site must be accompanied by the following information:

- A location plan, including:
  - The siting and use of buildings on adjacent properties.
  - The direction and distance to any building used for a sensitive use (accommodation, child care centre, education centre and hospital) that is not associated with the helicopter operation and is located within 500 metres of the proposed heliport or helicopter landing site.

- A written report which:
  - Demonstrates a suitable separation distance between the landing point of a heliport or helicopter landing site and any building used for a sensitive use that is not associated with the helicopter operation by either:
    - Locating the proposed heliport or helicopter landing site at least 150 metres for helicopters of less than 2 tonnes all-up weight, or 250 metres for helicopters of less than 15 tonnes all-up weight, or
    - Providing an acoustic report by a suitably qualified consultant.
  - Includes details of the proposed frequency of flight movements.
  - Includes the proposed hours of operation.

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**Decision guidelines**

Before deciding on an application to use land for a heliport or a helicopter landing site, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Whether the proposal achieves a suitable separation distance from a nearby sensitive use, having regard to the Noise Control Guidelines (Environment Protection Authority, 2008).
- The effect of the proposal on nearby sensitive uses in terms of the proposed frequency of flight movements and hours of operation.
NATIVE VEGETATION PRECINCT PLAN

Purpose

To provide for the protection, management and removal of native vegetation through the use of a native vegetation precinct plan incorporated into this scheme.

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

Application

This clause applies to land if a native vegetation precinct plan corresponding to that land is incorporated into this scheme and listed in the schedule to this clause.

Native vegetation precinct plans

A native vegetation precinct plan is a plan relating to native vegetation within a defined area which is incorporated into this scheme and listed in the schedule to this clause.

A native vegetation precinct plan may form part of a more general strategic or precinct structure plan.

A native vegetation precinct plan must include the information and provide for the matters set out in section 10.1 of the Guidelines.

Permit requirement

A permit is required to remove, destroy or lop any native vegetation, including dead native vegetation. This does not apply:

- If the removal, destruction or lopping of native vegetation is in accordance with a native vegetation precinct plan incorporated into this scheme. Any conditions or requirements specified in the plan must be met.
- To the removal, destruction or lopping of native vegetation specified in the table to Clause 52.16-8, unless a native vegetation precinct plan specifies otherwise.

Application requirements

An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the Guidelines.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines at Clause 65, the responsible authority must consider the decision guidelines specified in the Guidelines as appropriate.
Offset requirements

If a permit is required to remove, destroy or lop native vegetation, the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset in accordance with the Guidelines. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and timing to secure the offset.

Transitional provisions

The requirements of this clause in force immediately before the commencement of Amendment VC138 continue to apply to an application for:

- A permit lodged before that date.
- An amendment to a permit if:
  - the original permit application was lodged before that date; or
  - the original permit application was one that benefited from the following transitional provision.
- A permit lodged within 12 months after that date, if the Secretary to the Department of Environment, Land Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987) has stated in writing that a report about the proposed removal, destruction or lopping of native vegetation has been generated by the Department of Environment, Land, Water and Planning’s native vegetation information systems within 12 months before that date.

Table of exemptions

<table>
<thead>
<tr>
<th>The requirement to obtain a permit does not apply to:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation work</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of conservation work:</td>
</tr>
<tr>
<td></td>
<td>- which provides an overall improvement for biodiversity; and</td>
</tr>
<tr>
<td></td>
<td>- with written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</td>
</tr>
<tr>
<td>Crown land</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to manage Crown land:</td>
</tr>
<tr>
<td></td>
<td>- by or on behalf of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987), or Parks Victoria, and in accordance with the Procedure for the removal, destruction or lopping of native vegetation on Crown land; or</td>
</tr>
<tr>
<td></td>
<td>- with written permission from the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</td>
</tr>
<tr>
<td>Emergency works</td>
<td>Native vegetation that is to be removed, destroyed or lopped:</td>
</tr>
<tr>
<td></td>
<td>- in an emergency by or on behalf of a public authority or municipal council to create an emergency access associated with emergency works; or</td>
</tr>
<tr>
<td></td>
<td>- where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.</td>
</tr>
<tr>
<td>Extractive industry</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the Mineral Resources (Sustainable Development) Act 1990 and authorised by a work authority under that Act.</td>
</tr>
<tr>
<td>Fire protection</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out any of the following fire protection activities:</td>
</tr>
</tbody>
</table>
The requirement to obtain a permit does not apply to:

- fire fighting;
- planned burning;
- making or maintenance of a fuelbreak or fire fighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;
- making a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987);
- in accordance with a fire prevention notice issued under either:
  - section 65 of the Forests Act 1958; or
- keeping native vegetation clear of, or minimising the risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the Electricity Safety Act 1998;
- minimising the risk to life and property from bushfire on a roadside of a public road managed by the relevant responsible road authority, and carried out by or on behalf of that authority, in accordance with written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forest and Lands Act 1987). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the Road Management Act 2004.

*Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.*

<table>
<thead>
<tr>
<th>Geothermal energy exploration and extraction</th>
<th>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Geothermal Energy Resources Act 2005.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greenhouse gas sequestration and exploration</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Greenhouse Gas Geological Sequestration Act 2008.</td>
</tr>
<tr>
<td>Land management or directions notice</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the Catchment and Land Protection Act 1994.</td>
</tr>
<tr>
<td>Land use conditions</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the Catchment and Land Protection Act 1994.</td>
</tr>
<tr>
<td>Mineral exploration and mining</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration mining, prospecting, or retention license issued under the Mineral Resources (Sustainable Development) Act 1990:</td>
</tr>
<tr>
<td></td>
<td>- that is low impact exploration within the meaning of Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990; or</td>
</tr>
<tr>
<td></td>
<td>- in accordance with a work plan approved under Part 3 of the Mineral Resources (Sustainable Development) Act 1990.</td>
</tr>
<tr>
<td></td>
<td><em>Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.</em></td>
</tr>
<tr>
<td>Pest animal burrows</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows in accordance with the written agreement of an officer of the department responsible for administering the Flora and Fauna Guarantee Act 1988.</td>
</tr>
<tr>
<td>Planted vegetation</td>
<td>Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding for Crop raising or Grazing animal production. This exemption does not apply to native vegetation planted or managed with public funding for the purpose of land protection or enhancing biodiversity unless the removal, destruction or lopping of the native vegetation is in accordance with written permission of the agency (or its successor) that provided the funding.</td>
</tr>
</tbody>
</table>
The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Railways</th>
<th>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regrowth</td>
<td>Native vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established native vegetation, and is:</td>
</tr>
<tr>
<td></td>
<td>• bracken (<em>Pteridium esculentum</em>); or</td>
</tr>
<tr>
<td></td>
<td>• within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation.</td>
</tr>
<tr>
<td></td>
<td>This exemption does not apply to land where native vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster.</td>
</tr>
<tr>
<td>Road safety</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by or on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</td>
</tr>
<tr>
<td>Stone exploration</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.</td>
</tr>
<tr>
<td></td>
<td>The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:</td>
</tr>
<tr>
<td></td>
<td>• 1 hectare of native vegetation which does not include a tree.</td>
</tr>
<tr>
<td></td>
<td>• 15 native trees with trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.</td>
</tr>
<tr>
<td></td>
<td>• 5 native trees with trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.</td>
</tr>
<tr>
<td></td>
<td>This exemption does not apply to costeasing and bulk sampling activities.</td>
</tr>
<tr>
<td>Surveying</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licensed surveyor (within the meaning of section 3 of the Surveying Act 2004) using hand-held tools to establish a sightline for the measurement of land.</td>
</tr>
<tr>
<td>Traditional owners</td>
<td>Native vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:</td>
</tr>
<tr>
<td></td>
<td>• a natural resource agreement under Part 6 of the Traditional Owner Settlement Act 2010; or</td>
</tr>
<tr>
<td></td>
<td>• an authorisation order made under sections 82 or 84 of the Traditional Owner Settlement Act 2010 as those sections were in force immediately before the commencement of section 24 of the Traditional Owner Settlement Amendment Act in 2016 (1 May 2017).</td>
</tr>
<tr>
<td>Utility installations</td>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary:</td>
</tr>
<tr>
<td></td>
<td>• to maintain the safe and efficient function of a Minor utility installation; or</td>
</tr>
<tr>
<td></td>
<td>• by or on behalf of a utility service provider to maintain or construct a utility installation in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</td>
</tr>
</tbody>
</table>
# SCHEDULE TO CLAUSE 52.16

## Native vegetation precinct plan

<table>
<thead>
<tr>
<th>Name of plan</th>
<th>None specified</th>
</tr>
</thead>
</table>
NATIVE VEGETATION

Purpose
To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):
1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

Permit requirement
A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:
- If the table to Clause 52.17-7 specifically states that a permit is not required.
- If a native vegetation precinct plan corresponding to the land is incorporated into this scheme and listed in the schedule to Clause 52.16.
- To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.

Application requirements
An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the Guidelines.

Property vegetation plans
A permit granted to remove, destroy or lop native vegetation in accordance with a property vegetation plan must include the following condition:
“This permit will expire if one of the following circumstances applies:
- The removal, destruction or lopping of native vegetation does not start within two years of the date of this permit.
- The removal, destruction or lopping of native vegetation is not completed within ten years of the date of this permit.”

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

Offset requirements
If a permit is required to remove, destroy or lop native vegetation, the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset, in accordance with the Guidelines. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and the timing to secure the offset.
Transitional provisions

The requirements of this clause in force immediately before the commencement of Amendment VC138 continue to apply to an application for:

- A permit lodged before that date.
- An amendment to a permit if:
  - the original permit application was lodged before that date; or
  - the original permit application was one that benefited from the following transitional provision.
- A permit lodged within 12 months after that date, if the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987) has stated in writing that a report about the proposed removal, destruction or lopping of native vegetation has been generated by the Department of Environment, Land, Water and Planning’s native vegetation information systems within 12 months before that date.

Table of exemptions

The requirement to obtain a permit does not apply to:

<table>
<thead>
<tr>
<th>Conservation work</th>
<th>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of conservation work:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- which provides an overall improvement for biodiversity; and</td>
</tr>
<tr>
<td></td>
<td>- with written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Crown land</th>
<th>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to manage Crown land:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- by or on behalf of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987), or Parks Victoria, and in accordance with the Procedure for the removal, destruction or lopping of native vegetation on Crown land; or</td>
</tr>
<tr>
<td></td>
<td>- with written permission from the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Dead native vegetation</th>
<th>Native vegetation that is dead.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This exemption does not apply to a standing dead tree with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Emergency works</th>
<th>Native vegetation that is to be removed, destroyed, or lopped:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- in an emergency by, or on behalf of, a public authority or municipal council to create an emergency access associated with emergency works; or</td>
</tr>
<tr>
<td></td>
<td>- where it presents an immediate risk of personal injury or damage to property. Only that part of the vegetation that presents the immediate risk may be removed, destroyed or lopped under this exemption.</td>
</tr>
<tr>
<td>The requirement to obtain a permit does not apply to:</td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Existing buildings</strong></td>
<td></td>
</tr>
<tr>
<td>Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable the use or maintenance of a building constructed in accordance with a planning or building permit issued before 15 September 2008.</td>
<td></td>
</tr>
<tr>
<td>This exemption does not apply to:</td>
<td></td>
</tr>
<tr>
<td>- the operation or maintenance of a fence; or</td>
<td></td>
</tr>
<tr>
<td>- native vegetation located more than 10 metres measured from the outermost point of the building.</td>
<td></td>
</tr>
<tr>
<td><strong>Existing buildings and works in the Farming Zone and Rural Activity Zone</strong></td>
<td></td>
</tr>
<tr>
<td>Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable the use or maintenance of an existing building or works used for Agricultural production, including a dam, utility service, bore, horticultural trellising and accessway in the Farming Zone or the Rural Activity Zone.</td>
<td></td>
</tr>
<tr>
<td>This exemption does not apply to:</td>
<td></td>
</tr>
<tr>
<td>- the use or maintenance of a Dwelling; or</td>
<td></td>
</tr>
<tr>
<td>- the operation or maintenance of a fence; or</td>
<td></td>
</tr>
<tr>
<td>- native vegetation located more than 10 metres measured from the outermost point of the building or works.</td>
<td></td>
</tr>
<tr>
<td><strong>Extractive industry</strong></td>
<td></td>
</tr>
<tr>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of extractive industry in accordance with a work plan approved under the <em>Mineral Resources (Sustainable Development) Act 1990</em> and authorised by a work authority under that Act.</td>
<td></td>
</tr>
<tr>
<td><strong>Fences</strong></td>
<td></td>
</tr>
<tr>
<td>Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable:</td>
<td></td>
</tr>
<tr>
<td>- the operation or maintenance of an existing fence; or</td>
<td></td>
</tr>
<tr>
<td>- the construction of a boundary fence between properties in different ownership.</td>
<td></td>
</tr>
<tr>
<td>The clearing along both sides of the fence when combined must not exceed 4 metres in width, except where land has already been cleared 4 metres or more along one side of the fence, then up to 1 metre can be cleared along the other side of the fence.</td>
<td></td>
</tr>
<tr>
<td><strong>Fire protection</strong></td>
<td></td>
</tr>
<tr>
<td>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to carry out any of the following fire protection activities:</td>
<td></td>
</tr>
<tr>
<td>- fire fighting;</td>
<td></td>
</tr>
<tr>
<td>- planned burning;</td>
<td></td>
</tr>
<tr>
<td>- making or maintenance of a fuelbreak or firefighting access track (or any combination thereof) that does not exceed a combined width of 6 metres;</td>
<td></td>
</tr>
<tr>
<td>- making a strategic fuelbreak up to 40 metres wide by, or on behalf of, a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <em>Conservation, Forests and Lands Act 1987</em>);</td>
<td></td>
</tr>
<tr>
<td>- in accordance with a fire prevention notice issued under either:</td>
<td></td>
</tr>
<tr>
<td>- Section 65 of the <em>Forests Act 1958</em>; or</td>
<td></td>
</tr>
<tr>
<td>- Section 41 of the <em>Country Fire Authority Act 1958</em>.</td>
<td></td>
</tr>
</tbody>
</table>
The requirement to obtain a permit does not apply to:

- keeping native vegetation clear of, or minimising the risk of bushfire ignition from, an electric line in accordance with a code of practice prepared under Part 8 of the Electricity Safety Act 1998;
- minimising the risk to life and property from bushfire on a roadside of a public road managed by the relevant responsible road authority, and carried out by or on behalf of that authority, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987). In this exemption, roadside, public road and responsible road authority have the same meanings as in section 3 of the Road Management Act 2004.

*Note: Additional permit exemptions for bushfire protection are provided at Clause 52.12.*

| Geothermal energy exploration and extraction | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Geothermal Energy Resources Act 2005. |
| Grasses | Native grass that is to be mowed or slashed for maintenance only, provided that the grass is: |
| | - located within a lawn, garden or other landscaped area; or |
| | - maintained at a height of at least 10 centimetres above ground level. |
| Grazing | Native vegetation that is to be removed, destroyed or lopped by domestic stock grazing on: |
| | - freehold land; or |
| | - Crown land in accordance with a license, permit or lease granted under applicable legislation. |
| Greenhouse gas sequestration and exploration | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary in accordance with an operation plan approved under the Greenhouse Gas Geological Sequestration Act 2008. |
| Harvesting for timber production – naturally established native vegetation | Naturally established native vegetation that is to be removed, destroyed or lopped to enable timber harvesting operations and associated activities that are in accordance with the Code of Practice for Timber Production 2014 and are: |
| | - undertaken on public land under a licence or permit issued under section 52 of the Forests Act 1958; or |
| Land management or directions notice | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land management notice or directions notice served under the Catchment and Land Protection Act 1994. |
| Land use conditions | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to comply with a land use condition served under the Catchment and Land Protection Act 1994. |
| Lopping and pruning for maintenance | Lopping or pruning native vegetation, for maintenance only, provided no more than 1/3 of the foliage of each individual plant is lopped or pruned. |

This exemption does not apply to:
The requirement to obtain a permit does not apply to:

- the pruning or lopping of the trunk of a native tree; or
- native vegetation on a roadside or railway reservation.

<table>
<thead>
<tr>
<th>Mineral exploration and extraction</th>
<th>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by the holder of an exploration, mining, prospecting, or retention license issued under the Mineral Resources (Sustainable Development) Act 1990:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- that is low impact exploration within the meaning of Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990; or</td>
</tr>
<tr>
<td></td>
<td>- in accordance with a work plan approved under Part 3 of the Mineral Resources (Sustainable Development) Act 1990.</td>
</tr>
<tr>
<td></td>
<td>Note: Schedule 4A of the Mineral Resources (Sustainable Development) Act 1990 specifies limits on the extent of native vegetation that may be removed as part of low impact exploration.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>New buildings and works in the Farming Zone and Rural Activity Zone</th>
<th>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the construction of a building or works used for Agricultural production, including a dam, utility service, bore and accessway, in the Farming Zone or the Rural Activity Zone.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:</td>
</tr>
<tr>
<td></td>
<td>- 1 hectare of native vegetation which does not include a tree.</td>
</tr>
<tr>
<td></td>
<td>- 15 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.</td>
</tr>
<tr>
<td></td>
<td>- 5 native trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.</td>
</tr>
<tr>
<td></td>
<td>This exemption does not apply to the construction or operation of a pivot irrigation system or horticultural trellising.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>New dwellings in the Farming Zone and Rural Activity Zone</th>
<th>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the construction of a dwelling in the Farming Zone or Rural Activity Zone.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The maximum extent of native vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:</td>
</tr>
<tr>
<td></td>
<td>- 300 square metres of native vegetation which does not include a tree.</td>
</tr>
<tr>
<td></td>
<td>- 5 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.</td>
</tr>
<tr>
<td></td>
<td>- 1 native tree with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.</td>
</tr>
<tr>
<td></td>
<td>This exemption does not apply native vegetation removed, destroyed or lopped to enable the construction of a swimming pool, tennis court or horse ménage.</td>
</tr>
</tbody>
</table>

| Personal use | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to obtain reasonable amounts of wood for personal use by the owner or lawful occupier of the land. |
The requirement to obtain a permit does not apply to:

For the purpose of this exemption personal use means uses such as heating and cooking, building and fence construction on land, and hobbies such as arts and craft.

This exemption does not apply to:

- contiguous land in one ownership that has an area of less than 10 hectares;
- the removal, destruction or lopping of native vegetation by means other than cutting or chopping; or
- a standing native tree (including a dead tree) with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

<table>
<thead>
<tr>
<th>Pest animal burrows</th>
<th>Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal of pest animal burrows in the Farming Zone or the Rural Activity Zone:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- in accordance with written agreement of an officer of the department responsible for administering the <em>Flora and Fauna Guarantee Act 1988</em>; or</td>
</tr>
<tr>
<td></td>
<td>- provided the maximum extent of native vegetation removed, destroyed or lopped on contiguous land in the same ownership in a five year period does not exceed any of the following:</td>
</tr>
<tr>
<td></td>
<td>- 1 hectare of native vegetation which does not include a tree; or</td>
</tr>
<tr>
<td></td>
<td>- 15 native trees with a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Planted vegetation</th>
<th>Native vegetation that is to be removed, destroyed or lopped that was either planted or grown as a result of direct seeding.</th>
</tr>
</thead>
<tbody>
<tr>
<td>This exemption does not apply to native vegetation planted or managed with public funding for the purpose of land protection or enhancing biodiversity unless the removal, destruction or lopping of the native vegetation is in accordance with written permission of the agency (or its successor) that provided the funding.</td>
<td></td>
</tr>
</tbody>
</table>

| Railways | Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to maintain the safe and efficient function of an existing railway, or railway access road, in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*). |

<table>
<thead>
<tr>
<th>Regrowth</th>
<th>Native vegetation that is to be removed, destroyed or lopped that has naturally established or regenerated on land lawfully cleared of naturally established native vegetation, and is:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- less than 10 years old; or</td>
</tr>
<tr>
<td></td>
<td>- bracken (<em>Pteridium esculentum</em>); or</td>
</tr>
<tr>
<td></td>
<td>- within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation; or</td>
</tr>
<tr>
<td></td>
<td>- less than ten years old at the time of a property vegetation plan being signed by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <em>Conservation, Forests and Lands Act 1987</em>), and is:</td>
</tr>
</tbody>
</table>
The requirement to obtain a permit does not apply to:

- shown on that plan as being ‘certified regrowth’; and
- on land that is to be used or maintained for cultivation or pasture during the term of that plan.

This exemption does not apply to land where native vegetation has been destroyed or otherwise damaged as a result of flood, fire or other natural disaster.

### Road safety
Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by and on behalf of a public authority or municipal council to maintain the safe and efficient function of an existing road in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*).

### Site area
Native vegetation that is to be removed, destroyed or lopped on land, together with all contiguous land in one ownership, which has an area of less than 0.4 hectares.

This exemption does not apply to native vegetation on a roadside or rail reservation.

### Stock movements on roads
Native vegetation that is to be removed, or destroyed by stock being moved along a road.

This exemption does not apply to grazing as a result of holding stock in a temporary fence (including an electric fence) on a roadside for the purpose of feeding.

### Stone exploration
Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the carrying out of Stone exploration.

The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:

- 1 hectare of native vegetation which does not include a tree.
- 15 native trees with a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level.
- 5 native trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.

This exemption does not apply to costeasing and bulk sampling activities.

### Surveying
Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary by, or on behalf of, a licensed surveyor (within the meaning of section 3 of the *Surveying Act 2004*) using hand-held tools to establish a sightline for the measurement of land.

### Traditional owners
Native vegetation that is to be removed, destroyed or lopped by a person acting under, and in accordance with:

- a natural resource agreement under Part 6 of the *Traditional Owner Settlement Act 2010*; or
- an authorisation order made under sections 82 or 84 of the *Traditional Owner Settlement Act 2010* as those sections were in force immediately before the commencement of section 24 of the *Traditional Owner Settlement Amendment Act* in 2016 (1 May 2017).

### Utility installations
Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary:
The requirement to obtain a permit does not apply to:

- to maintain the safe and efficient function a Minor utility installation; or
- by or on behalf of a utility service provider to maintain or construct a utility installation in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987).

Vehicle access from public roads

Native vegetation that is to be removed, destroyed, or lopped to the minimum extent necessary to enable the construction or maintenance of a vehicle access across a road reserve from a property boundary to a public road.

This exemption only applies to properties which share a common boundary with the road reserve, and the total width of clearing must not exceed 6 metres.

This exemption does not apply where there is a practical opportunity to site the accessway to avoid the removal, destruction or lopping of native vegetation.

In this exemption, roadside and public road have the same meanings as in section 3 of the Road Management Act 2004.

Note: Under the Road Management Act 2004 the written consent of the coordinating road authority is required to conduct any works, including removing a tree or other vegetation, in, on, under or over a road.

Weeds

Native vegetation that is to be removed, destroyed or lopped to the minimum extent necessary to enable the removal or destruction of a weed listed in the schedule to Clause 52.17.

The maximum extent of native vegetation that may be removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:

- 1 hectare of native vegetation which does not include a tree.
- 15 native trees with a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.
# SCHEDULE TO CLAUSE 52.17

## Scheduled area

<table>
<thead>
<tr>
<th>Area</th>
<th>Description of native vegetation for which no permit is required to remove, destroy or lop</th>
</tr>
</thead>
<tbody>
<tr>
<td>Willam Street to Gibson Avenue Link, Parkville – Designated Area shown on plan titled ‘Siting Map: BRL1’</td>
<td>All native vegetation including trees, shrubs, herbs and grasses for works undertaken by or on behalf of the Secretary to the Department of Infrastructure required for the construction of the Willam Street to Gibson Avenue Link, Parkville.</td>
</tr>
</tbody>
</table>

## Scheduled weed

<table>
<thead>
<tr>
<th>Area</th>
<th>Description of weed</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>

## Utility installation code of practice

<table>
<thead>
<tr>
<th>Name of code of practice</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>
TELECOMMUNICATIONS FACILITY

Purpose

To ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs.

To facilitate an effective statewide telecommunications network in a manner consistent with orderly and proper planning.

To encourage the provision of telecommunications facilities with minimal impact on the amenity of the area.

Permit requirement

A permit is required to construct a building or construct or carry out works for a Telecommunications facility. This does not apply to buildings and works for:

- A low-impact facility as described in the Telecommunications (Low-impact) Facilities Determination 1997 (Cth).

- The inspection and maintenance of a Telecommunications facility as defined in the Telecommunications Act 1997 (Cth).

- A facility authorised by a Facilities Installation Permit issued under the Telecommunications Act 1997 (Cth).

- A temporary defence facility.

- The connection of a building, structure, caravan or mobile home to a Telecommunications line forming part of a Telecommunications network.

- A Telecommunications facility that complies with the requirements of section 5 of A Code of Practice for Telecommunications Facilities in Victoria, July 2004.

- An activity authorised under clause 6(2) of Division 3 of Schedule 3 of the Telecommunications Act 1997 (Cth).

- An activity carried out by a body listed in sections 46 to 51 (inclusive) of the Telecommunications Act 1997 (Cth) pursuant to legislation applying to that body.

Land in public ownership

An application affecting land in a public land zone must be accompanied by written confirmation from the public land manager that the public land manager consents generally or conditionally:

- To the application being made; or

- To the application being made and to the proposed development.

This requirement does not apply if the applicant is the public land manager.

Exemption from notice and review

An application 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 unless:

- The Telecommunications facility is a radio communications dish greater than 1.2 metres in diameter; or

- The Telecommunications facility is a Telecommunications tower (other than a low-impact facility described in the Telecommunications (Low-impact Facilities) Determination 1997 (Cth)); or
- The land is located in an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, a Design and Development Overlay or an Erosion Management Overlay; or

- The land is public land not in a public land zone and the responsible authority is not the public land manager.

An application under any provision of this scheme to use or develop land for a Telecommunications facility 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 if the Telecommunications facility is funded, or partly funded, by:

- The Commonwealth through the Mobile Black Spot Program; or

- The State of Victoria.

### Application requirements

An application must be accompanied by the following information as appropriate to the proposal and the location:

- A site analysis and design response explaining how the proposed facility addresses the principles for the design, siting, construction and operation of telecommunications facilities and the requirements in *A Code of Practice for Telecommunications Facilities in Victoria, July 2004*.

- Site boundaries and dimensions.

- The purpose and location of all buildings and works required in the construction of the facility.

- The location of all existing buildings and works to be retained and demolished.

- The location of all proposed buildings and works including dimensions, elevations, materials, colours and finishes.

- The location and use of all buildings on adjoining properties.

- The location of all adjoining streets and access ways.

- Australian Height Datum levels.

- Natural drainage lines, watercourses, coastal dunes, beach systems and wetlands.

- Proposals for the rehabilitation of the land on which development is to occur.

- Roads and parking areas.

- Materials, landscaping, external lighting, colour and reflectivity.

### Decision guidelines

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

- The principles for the design, siting, construction and operation of a Telecommunications facility set out in *A Code of Practice for Telecommunications Facilities in Victoria, July 2004*.

- The effect of the proposal on adjacent land.

- If the Telecommunications facility is located in an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, a Design and Development Overlay or an Erosion Management Overlay, the decision guidelines in those overlays and the schedules to those overlays.
PRIVATE TENNIS COURT

Purpose

To ensure that tennis courts used in association with a dwelling are sited and constructed to minimise the effects of the development on nearby properties.

To ensure that the use of tennis courts in association with a dwelling does not cause unreasonable disturbance to adjoining residents or adversely affect the residential amenity of adjoining areas.

Application

This clause applies to any private tennis court which is used in association with a dwelling.

Permit requirement

A permit is not required under any provision of this scheme to construct, use or illuminate a private tennis court if the performance requirements specified in the Code of Practice - Private Tennis Court Development Revision 1 March 1999 are met.

A permit is required to construct, use or illuminate a private tennis court:

- If any of the performance requirements specified in the Code of Practice - Private Tennis Court Development Revision 1 March 1999 are not met.

- If the land is in an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, an Urban Floodway Zone, a Floodway Overlay or a Land Subject to Inundation Overlay and a permit is required for any of the following:
  - To construct a building or construct or carry out works.
  - To remove, destroy, prune or lop a tree or vegetation.

Application requirements

Unless the circumstances do not require, an application under this clause must be accompanied by the following information:

- A copy of title of the land.
- A layout plan to a scale of not less than 1:200.
- The location of dwellings on adjoining land within 10 metres of the court site showing habitable room windows.
- Existing and proposed site levels.
- Location of vegetation to be removed.
- Proposed landscaping.
- Illumination levels and the position and height of light poles and fencing.
- Description of fencing material.
- The location of easements.
- Volume of excavated material to be brought to or removed from the site.
- Means of access to the site.
- Construction method and timing.
Notice provisions

An application for a permit to construct, use or illuminate a private tennis court under any provision of this scheme is exempt from the notice requirements of section 52(1)(a), (b) and (d) of the Act. In accordance with section 52(1)(c) of the Act notice of an application to construct, use or illuminate a private tennis court under any provision of this scheme must be given by ordinary post to the owners and occupiers of adjoining and opposite properties.

Decision guidelines

Before deciding on an application under this Clause, in addition to the decision guidelines in Clause 65, the responsible authority must consider the relevant objectives and considerations specified in the Code of Practice - Private Tennis Court Development Revision 1 March 1999.
COMMUNITY CARE ACCOMMODATION

Purpose

To facilitate the establishment of community care accommodation.
To support the confidentiality of community care accommodation.

Application

This clause applies to the use and development of land for community care accommodation.

Use exemption

Any requirement in the Activity Centre Zone, Capital City Zone, Commercial 1 Zone, General Residential Zone, Low Density Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone, Rural Living Zone or Township Zone to obtain a permit to use land for community care accommodation does not apply if all of the following requirements are met:

- Any condition opposite the use ‘community care accommodation’ in the table of uses in the zone or schedule to the zone is met.
- The use is funded by, or conducted by or on behalf of, a government department or public authority, including a public authority established for a public purpose under a Commonwealth Act.
- No more than 20 clients are accommodated. This does not include staff.
- No more than 5 persons at any one time who are not residents may access support services provided on the land.

Buildings and works exemption

Any requirement in the General Residential Zone, Low Density Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone, Rural Living Zone or Township Zone to obtain a permit to construct a building or construct or carry out works for community care accommodation does not apply if all of the following requirements are met:

- The development is funded by, or carried out by or on behalf of, a government department or public authority, including a public authority established for a public purpose under a Commonwealth Act.
- If the development is in the General Residential Zone or Neighbourhood Residential Zone, a garden area is provided in accordance with the minimum garden area requirement specified in the zone.
- If the development is in the General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone, standards B6, B17, B18, B19, B20, B21 and B22 of Clause 55 are met.

Exemption from notice and review

An application under any provision of this planning scheme to use land or construct a building or construct or carry out works for community care accommodation 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 if the application is made by or on behalf of a government department or public authority, including a public authority established for a public purpose under a Commonwealth Act.
**ROOMING HOUSE**

*Purpose*

To facilitate the establishment of domestic-scale rooming houses.

*Application*

This clause applies to use and development of land for a rooming house.

*Use exemption*

Any requirement in the Activity Centre Zone, Capital City Zone, Commercial 1 Zone, General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone to obtain a permit to use land for a rooming house does not apply if all of the following requirements are met:

- Any condition opposite the use ‘rooming house’ in the table of uses in the zone or schedule to the zone is met.
- The total floor area of all buildings on the land, measured from the outside of external walls or the centre of party walls, does not exceed 300 square metres, excluding outbuildings.
- No more than 12 persons are accommodated.
- No more than 9 bedrooms are provided.

*Buildings and works exemption*

Any requirement in the General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone to obtain a permit to construct a building or construct or carry out works for a rooming house does not apply if all of the following requirements are met:

- No more than 9 bedrooms are developed on the land.
- Bedrooms can only be accessed from within the building.
- The total floor area of all buildings on the land, measured from the outside of external walls or the centre of party walls, does not exceed 300 square metres, excluding outbuildings.
- If the development is in the General Residential Zone or Neighbourhood Residential Zone, a garden area is provided in accordance with the minimum garden area requirement specified in the zone.
- Shared entry facilities and common areas, including a kitchen and living area, are provided.
CREMATORIUM

Purpose
To ensure that crematoria in cemeteries are developed and used in an appropriate manner.

Permit required
A permit is required to develop and use a crematorium on land that is used for cemetery purposes. This does not apply to land in the Springvale Crematorium.

Decision guidelines
Before deciding on an application to use and develop land for a crematorium, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The provision of landscaping and screen planting.
- The location and design of the buildings to be constructed.
- The effect on traffic movement generated by the use.
- The provision of parking facilities.
LICENCED PREMISES

Purpose
To ensure that licensed premises are situated in appropriate locations.
To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

Scope
These provisions apply to premises licensed, or to be licensed, under the Liquor Control Reform Act 1998.

Permit required
A permit is required to use land to sell or consume liquor if any of the following apply:
- A licence is required under the Liquor Control Reform Act 1998.
- A different licence or category of licence is required from that which is in force.
- The hours of trading allowed under a licence are to be extended.
- The number of patrons allowed under a licence is to be increased.
- The area that liquor is allowed to be consumed or supplied under a licence is to be increased.
This does not apply:
- To a limited licence.
- To a licence to manufacture liquor.
- If the schedule to this clause specifies that a permit is not required to use land to sell or consume liquor under a particular type of licence.
- To a variation that reduces the hours of trading allowed under a licence.
- To a variation that reduces the number of patrons allowed under a licence.
- To a variation that reduces the area within which liquor is allowed to be consumed or supplied under a licence.
- To a variation of licence at the initiative of the Victorian Commission for Gambling and Liquor Regulation, pursuant to Section 58 of the Liquor Control Reform Act 1998.
- To a variation of licence for a variation prescribed in Part 6, Regulation 31 of the Liquor Control Reform Regulations 2009.
- If a different licence or category of licence is required solely as a result of changes to licence categories.
- To a licence to sell only packaged liquor for consumption elsewhere issued before 8 April 2011.
The schedule to this clause may specify that a permit may not be granted to use land to sell or consume liquor under a particular type of licence.

Referral of applications
An application must be referred and notice of the application must be given in accordance with Clause 66 of this scheme.

Decision guidelines
Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.
## SCHEDULE TO CLAUSE 52.27

### Permit not required

<table>
<thead>
<tr>
<th>Land</th>
<th>Type Of Licence</th>
</tr>
</thead>
<tbody>
<tr>
<td>All land within the Capital City Zone</td>
<td>All licences required under the Liquor Control Reform Act 1998</td>
</tr>
<tr>
<td>All land within the Docklands Zone</td>
<td>All licences required under the Liquor Control Reform Act 1998</td>
</tr>
</tbody>
</table>

### Permit may not be granted

<table>
<thead>
<tr>
<th>Land</th>
<th>Type Of Licence</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>
**52.28**

**GAMING**

**Purpose**

To ensure that gaming machines are situated in appropriate locations and premises.

To ensure the social and economic impacts of the location of gaming machines are considered.

To prohibit gaming machines in specified shopping complexes and strip shopping centres.

**Gaming objectives**

A schedule to this clause may specify objectives to be achieved in relation to the installation or use of a gaming machine.

**Permit requirement**

A permit is required to install or use a gaming machine.

This does not apply in either of the following circumstances:

- Clause 52.28-4 or Clause 52.28-5 specifically prohibit a gaming machine.
- the gaming machine is in an approved venue under the *Gambling Regulation Act 2003* on 18 October 2006 and the maximum number of gaming machines for the approved venue on 18 October 2006 is not exceeded.

**Prohibition of a gaming machine in a shopping complex**

Installation or use of a gaming machine is prohibited on land specified in a schedule to this clause.

This does not apply to a gaming machine in an approved venue under the *Gambling Regulation Act 2003* on 18 October 2006; and the maximum number of gaming machines for the approved venue on 18 October 2006 is not exceeded.

**Prohibition of a gaming machine in a strip shopping centre**

Installation or use of a gaming machine is prohibited in a strip shopping centre if:

- the strip shopping centre is specified in the schedule to this clause.
- the schedule provides that a gaming machine is prohibited in all strip shopping centres on land covered by this planning scheme.

This does not apply to a gaming machine in an approved venue under the *Gambling Regulation Act 2003* on 18 October 2006; and the maximum number of gaming machines for the approved venue on 18 October 2006 is not exceeded.

A strip shopping centre is an area that meets all of the following requirements:

- it is zoned for commercial use;
- it consists of at least two separate buildings on at least two separate and adjoining lots;
- it is an area in which a significant proportion of the buildings are shops;
- it is an area in which a significant proportion of the lots abut a road accessible to the public generally;

but it does not include the Capital City Zone in the Melbourne Planning Scheme.

**Locations for gaming machines**

A schedule to this clause may specify guidelines relating to locations for gaming venues and machines.
Venues for gaming machines
A schedule to this clause may specify guidelines relating to venues for gaming machines.

Application requirements
An application must be accompanied by any information specified in a schedule to this overlay.

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

- The compatibility of the proposal with adjoining and nearby land uses.
- The capability of the site to accommodate the proposal.
- Whether the gaming premises provides a full range of hotel facilities or services to patrons or a full range of club facilities or services to members and patrons.
- Any other matters specified in the schedule to this clause.
SCHEDULE TO CLAUSE 52.28 GAMING

Prohibition of a gaming machine in a shopping complex

Installation or use of a gaming machine as specified in Clause 52.28-3 is prohibited on land described in Table 1 below.

Table 1

<table>
<thead>
<tr>
<th>Name of shopping complex and locality</th>
<th>Land description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia on Collins, Melbourne</td>
<td>258-274 Collins Street, Melbourne, also described in C/T Vol. 10117 Fol. 813</td>
</tr>
<tr>
<td>The Sportsgirl Centre, Melbourne</td>
<td>234-250 Collins Street, Melbourne, also described in C/T Vol. 9894 Fol. 335</td>
</tr>
<tr>
<td>The Southern Cross, Melbourne</td>
<td>113-149 Exhibition Street, Melbourne, being land on the west side of Exhibition Street, Melbourne between Bourke Street and Little Collins Street</td>
</tr>
<tr>
<td>Melbourne Central Shopping Centre</td>
<td>Land between La Trobe Street and Lonsdale Street, Melbourne, also described in C/T Vol. 10038 Fol. 995 and C/T Vol. 10070 Fol. 149</td>
</tr>
<tr>
<td>Southgate Plaza, Southbank</td>
<td>Part of the Southgate Complex, Southbank Promenade, Southbank</td>
</tr>
<tr>
<td>Lygon Court Shopping Centre, Carlton</td>
<td>368-386 Lygon Street, Carlton, approximately 30 metres north of Faraday Street</td>
</tr>
</tbody>
</table>

Prohibition of a gaming machine in a strip shopping centre

A gaming machine as specified in Clause 52.28-4 is prohibited in all strip shopping centres on land covered by this planning scheme.
LAN**D ADJACENT TO A ROAD ZONE, CATEGORY 1, OR A PUBLIC ACQUISITION OVERLAY FOR A CATEGORY 1 ROAD**

**Purpose**

To ensure appropriate access to identified roads.

To ensure appropriate subdivision of land adjacent to identified roads.

**Application**

This clause applies to land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road.

**Permit requirement**

A permit is required to:

- Create or alter access to:
  - A road in a Road Zone, Category 1.
  - Land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road.

- Subdivide land adjacent to:
  - A road in a Road Zone, Category 1.
  - Land in a Public Acquisition Overlay if the purpose of acquisition is for a Category 1 road.

**Permit not required**

A permit is not required to:

- Realign a boundary.

- Subdivide an existing building, provided the building is already connected to services and no new access is required.

- Subdivide land into two lots, provided no new access is required.

**Referral of applications**

An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or arterial road under the *Road Management Act 2004*, land owned by the Roads Corporation for the purpose of a road, or land in a Public Acquisition Overlay if the Roads Corporation is the acquiring authority for the land, must be referred to the Roads Corporation under section 55 of the Act.

Any other application must be referred to the owner of, or the acquiring authority for, the adjacent land in the Road Zone, Category 1, or the Public Acquisition Overlay.

**Exemption from notice and review**

An application 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.

**Decision guidelines**

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

- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
- Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.
WIND ENERGY FACILITY

Purpose
To facilitate the establishment and expansion of wind energy facilities, in appropriate locations, with minimal impact on the amenity of the area.

Application
This clause applies to land used and developed or proposed to be used and developed for a Wind energy facility.

Use and development of land
A permit is required to use and develop land for a Wind energy facility. The use and development of land for a Wind energy facility is prohibited at a location listed in the table to this clause unless the condition opposite the location specified in the table is met.

Table to Clause 52.32-2

<table>
<thead>
<tr>
<th>Location</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>On land where any turbine (measured from the centre of the tower at ground level) that forms part of the facility is located within one kilometre of an existing dwelling. This does not apply to a Wind energy facility that is located on land in a residential zone, an industrial zone, a commercial zone or a special purpose zone.</td>
<td>Must meet the requirements of clause 52.32-3.</td>
</tr>
<tr>
<td>Land described in a schedule to the National Parks Act 1975</td>
<td>Must be principally used to supply electricity to a facility used in conjunction with conservation, recreation, administration or accommodation use of the land.</td>
</tr>
<tr>
<td>Land declared a Ramsar wetland as defined under section 17 of the Environment Protection and Biodiversity Conservation Act 1999 (Cwth)</td>
<td></td>
</tr>
<tr>
<td>Land listed in a schedule to Clause 52.32-2</td>
<td>Must be on land in a residential zone, industrial zone, commercial zone or special purpose zone and must be integrated as part of the development of the land.</td>
</tr>
</tbody>
</table>

Turbine within one kilometre of a dwelling
An application that includes a proposed turbine within one kilometre of an existing dwelling must be accompanied by:

- A plan showing all dwellings within one kilometre of a proposed turbine (measured from the centre of the tower at ground level).
- Evidence of the written consent of any owner as at the date of that application of an existing dwelling located within one kilometre of a proposed turbine (measured from the centre of the tower at ground level) that forms part of a Wind energy facility. This does not apply to an application to amend such a permit under section 72 or section 97I of the Act unless the amendment of the permit would:
  - increase the number of turbines; or
- change the location of a turbine so that the centre of the tower (at ground level) is located closer to an existing dwelling (within one kilometre of a permitted turbine) than the centre of the tower (at ground level) of the closest permitted turbine to that dwelling.

This does not apply to a Wind energy facility that is located on land in a residential zone, an industrial zone, a commercial zone or a special purpose zone.

52.32-4

Application requirements

An application must be accompanied by the following information as appropriate:

Site and context analysis

A site and context analysis may use a site plan, photographs or other techniques to accurately describe the site and surrounding area and must include the following information:

- In relation to the site:
  - Site shape, dimensions and size
  - Orientation and contours
  - Current land use
  - The existing use and siting of buildings or works on the land
  - Existing vegetation types, condition and coverage
  - The landscape of the site
  - Sites of cultural heritage significance
  - Wind characteristics
  - Any other notable features, constraints or other characteristics of the site.

- In relation to the surrounding area:
  - Existing land uses
  - Above-ground utilities
  - Access to infrastructure
  - Direction and distances to nearby dwellings, townships, urban areas, significant conservation and recreation areas, water features, tourist routes and walking tracks, major roads, airports, aerodromes and existing and proposed wind energy facilities
  - The siting and use of buildings on adjacent properties
  - Views to and from the site, including views from existing dwellings and key vantage points including major roads, walking tracks, tourist routes and regional population growth corridors
  - Sites of flora and fauna listed under the Flora and Fauna Guarantee Act 1988 and Environment Protection and Biodiversity Conservation Act 1999 (Cwth), including significant habitat corridors, and movement corridors for these fauna
  - Sites of cultural heritage significance
  - National Parks, State Parks, Coastal Reserves and other land subject to the National Parks Act 1975
  - Land declared a Ramsar wetland as defined under section 17 of the Environment Protection and Biodiversity Conservation Act 1999 (Cwth)
- Location of any land included in the schedule to clause 52.32-2 of the planning scheme
- Any other notable features or characteristics of the area
- Bushfire risks.

**Design response**
- Detailed plans of the proposed development.
- Plans and elevations of transmission infrastructure and electricity utility works required to connect the facility to the electricity network, and access road options.
- Accurate visual simulations illustrating the development in the context of the surrounding area and from key public view points.
- A rehabilitation plan for the site.
- A written report(s), including:
  - A description of the proposal.
  - An explanation of how the proposed design derives from and responds to the site analysis.
  - A description of how the proposal responds to any significant landscape features for the area identified in the planning scheme.
  - An assessment of:
    - the visual impact of the proposal on the surrounding landscape.
    - the visual impact on abutting land that is described in a schedule to the *National Parks Act 1975* and Ramsar wetlands and coastal areas.
    - the impact of the proposal on any species (including birds and bats) listed under the *Flora and Fauna Guarantee Act 1988* or the *Environment Protection and Biodiversity Conservation Act 1999* (Cwth).
    - the noise impacts of the proposal prepared in accordance with the New Zealand Standard NZS6808:2010, Acoustics–Wind Farm Noise, including an assessment of whether a high amenity noise limit is applicable, as assessed under Section 5.3 of the Standard.
    - the impacts upon Aboriginal or non-Aboriginal cultural heritage.
  - A statement of why the site is suitable for the wind energy facility.
  - An environmental management plan including any rehabilitation and monitoring requirements.

If in the opinion of the responsible authority a requirement of the site and context analysis or design response is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

An application must be accompanied by the following information:

**Mandatory noise assessment**
- A pre-construction (predictive) noise assessment report demonstrating that the proposal can comply with the New Zealand Standard NZS6808:2010, Acoustics–Wind Farm Noise, including an assessment of whether a high amenity noise limit is applicable under Section 5.3 of the Standard.
- An environmental audit report of the pre-construction (predictive) noise assessment report prepared under Part IXD, Section 53V of the *Environment Protection Act 1970* by an environmental auditor appointed under Part IXD of the *Environment Protection Act 1970*. The environmental audit report must verify that the acoustic assessment undertaken for the purpose
of the pre-construction (predictive) noise assessment report has been conducted in accordance with the New Zealand Standard NZS6808:2010, Acoustics – Wind Farm Noise. This requirement does not apply to an application to amend a permit under section 72 or 97I of the Planning and Environment Act 1987, if the amendment to the permit sought by the application will not alter the noise assessment of the wind energy facility.

**Mandatory condition**

If a mandatory noise assessment must accompany an application under Clause 52.32-4, any permit or amended permit issued with respect to that application must include the following conditions:

- A post-construction noise assessment report prepared in accordance with the New Zealand Standard NZS6808:2010, Acoustics – Wind Farm Noise demonstrating whether the wind energy facility complies with the Standard, must be submitted to the Responsible Authority. If the wind energy facility is constructed in stages, additional post-construction noise assessment reports for each stage must be submitted to the Responsible Authority.

- Each post-construction noise assessment report must be accompanied by an environmental audit report prepared under Part IXD, Section 53V of the Environment Protection Act 1970 by an environmental auditor appointed under Part IXD of the Environment Protection Act 1970. The environmental audit report must verify that the acoustic assessment undertaken for the purpose of the post-construction noise assessment report has been conducted in accordance with the New Zealand Standard NZS6808:2010, Acoustics – Wind Farm Noise.

**Decision guidelines**

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


- The effect of the proposal on the surrounding area in terms of noise, blade glint, shadow flicker and electromagnetic interference.

- The impact of the development on significant views, including visual corridors and sightlines.

- The impact of the facility on the natural environment and natural systems.

- The impact of the facility on cultural heritage.

- The impact of the facility on aircraft safety.


**Anemometer**

Despite anything to the contrary in this scheme a permit may be granted to use and develop land for the purpose of wind measurement by an anemometer for a period of more than three years.

**Application to amend a permit under section 72 of the Act**

An application to amend a permit made under section 72 of the Act is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the amendment of the permit does not:
- increase the number of turbines; or
- change the location of a turbine so that the centre of the tower (at ground level) is located closer to an existing dwelling (within one kilometre of a permitted turbine) than the centre of the tower (at ground level) of the closest permitted turbine to that dwelling.

**Application to amend a permit under section 97I of the Act**

An application to amend a referred wind energy facility permit made under section 97I of the Act is wholly exempt from the requirements of section 97E(1) of the Act if the application does not seek to:

- increase the total number of turbines; or
- increase the maximum height of any turbine; or
- change the location of a turbine so that the centre of the tower (at ground level) is located closer to an existing dwelling (within one kilometre of a permitted turbine) than the centre of the tower (at ground level) of the closest permitted turbine to that dwelling.

The requirements of section 97E(1) of the Act are modified so as to require referral of objections and submissions to an advisory committee established under section 151 of the Act if an application to amend a referred wind energy facility permit made under section 97I of the Act does not seek to:

- increase the total number of turbines by more than 15%; or
- increase the maximum height of any turbine by more than 20%; or
- change the location of a turbine so that the centre of the tower (at ground level) is located closer to an existing dwelling (within one kilometre of a permitted turbine) than the centre of the tower (at ground level) of the closest permitted turbine to that dwelling.
SCHEDULE TO CLAUSE 52.32 WIND ENERGY FACILITY

Wind energy facility prohibition

<table>
<thead>
<tr>
<th>Land where a Wind energy facility is prohibited</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
</tr>
</tbody>
</table>
POST BOXES AND DRY STONE WALLS

Purpose

To conserve historic post boxes and dry stone walls.

Permit requirement

A permit is required to demolish or remove a post box constructed before 1930.

A permit is required to demolish, remove or alter a dry stone wall constructed before 1940 on land specified in the schedule to this provision. This does not apply to:

- Dry stone structures other than walls and fences.
- The demolition or removal of a section of a dry stone wall to install a gate.
- The reconstruction of damaged or collapsing walls which are undertaken to the same specifications and using the same materials as the existing walls.

Decision guidelines

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

- The significance of the post box or dry stone wall.
- Any applicable heritage study, statement of significance and conservation policy.
- Whether the proposal will adversely affect the significance of the post box or dry stone wall.
- Whether the proposal will adversely affect the significance, character or appearance of the area.
**SCHEDULE TO CLAUSE 52.33 POST BOXES AND DRY STONE WALLS**

**1.0 Permit requirement for dry stone walls**

<table>
<thead>
<tr>
<th>Land</th>
<th>None specified</th>
</tr>
</thead>
</table>

MELBOURNE PLANNING SCHEME
**BICYCLE FACILITIES**

**Purpose**
To encourage cycling as a mode of transport.
To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

**Provision of bicycle facilities**
A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.
Where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.

**Permit requirement**
A permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6.

**Exemption from notice and review**
An application 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.

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

- Whether the proposed number, location and design of bicycle facilities meets the purpose of this clause.
- The location of the proposed land use and the distance a cyclist would need to travel to reach the land.
- The users of the land and their opportunities for bicycle travel.
- Whether showers and change rooms provided on the land for users other than cyclists are available to cyclists.
- The opportunities for sharing of bicycle facilities by multiple uses, either because of variation of bicycle parking demand over time or because of efficiencies gained from the consolidation of shared bicycle facilities.
- Any relevant bicycle parking strategy or equivalent.

**Required bicycle facilities**
Tables 1, 2 and 3 to this clause set out the number and type of bicycle facilities required. Bicycle facilities are required if the use is listed in column 1 of the table. The number of bicycle facilities required for a use is the sum of columns 2 and 3 of the tables.
If in calculating the number of bicycle facilities the result is not a whole number, the required number of bicycle facilities is the nearest whole number. If the fraction is one-half, the requirement is the next whole number.
A bicycle space for an employee or resident must be provided either in a bicycle locker or at a bicycle rail in a lockable compound.
A bicycle space for a visitor, shopper or student must be provided at a bicycle rail.

Table 1 to Clause 52.34-5 Bicycle spaces

<table>
<thead>
<tr>
<th>Use</th>
<th>Employee/Resident</th>
<th>Visitor/Shopper/Student</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement parlour</td>
<td>None</td>
<td>2 plus 1 to each 50 sq m of net floor area</td>
</tr>
<tr>
<td>Convenience restaurant</td>
<td>1 to each 25 sq m of floor area available to the public</td>
<td>2</td>
</tr>
<tr>
<td>Dwelling</td>
<td>In developments of four or more storeys, 1 to each 5 dwellings</td>
<td>In developments of four or more storeys, 1 to each 10 dwellings</td>
</tr>
<tr>
<td>Education centre (excluding Child care centre) other than specified in this table</td>
<td>1 to each 20 employees</td>
<td>1 to each 20 full-time students</td>
</tr>
<tr>
<td>Hospital</td>
<td>1 to each 15 beds</td>
<td>1 to each 30 beds</td>
</tr>
<tr>
<td>Hotel</td>
<td>1 to each 25 sq m of bar floor area available to the public, plus 1 to each 100 sq m of lounge floor area available to the public</td>
<td>1 to each 25 sq m of bar floor area available to the public, plus 1 to each 100 sq m of lounge floor area available to the public</td>
</tr>
<tr>
<td>Industry other than specified in this table</td>
<td>1 to each 1000 sq m of net floor area</td>
<td>None</td>
</tr>
<tr>
<td>Library</td>
<td>1 to each 500 sq m of net floor area</td>
<td>4 plus 2 to each 200 sq m of net floor area</td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
<td>1 to each 1500 spectator places</td>
<td>1 to each 250 spectator places</td>
</tr>
<tr>
<td>Market</td>
<td>1 to each 50 stalls</td>
<td>1 to each 10 stalls</td>
</tr>
<tr>
<td>Medical centre</td>
<td>1 to each 8 practitioners</td>
<td>1 to each 4 practitioners</td>
</tr>
<tr>
<td>Minor sports and recreation facility</td>
<td>1 per 4 employees</td>
<td>1 to each 200 sq m of net floor area</td>
</tr>
<tr>
<td>Motel</td>
<td>1 to each 40 rooms</td>
<td>None</td>
</tr>
<tr>
<td>Office other than specified in this table</td>
<td>1 to each 300 sq m of net floor area if the net floor area exceeds 1000 sq m</td>
<td>1 to each 1000 sq m of net floor area if the net floor area exceeds 1000 sq m</td>
</tr>
<tr>
<td>Place of assembly other than specified in this table</td>
<td>1 to each 1500 sq m of net floor area</td>
<td>2 plus 1 to each 1500 sq m of net floor area</td>
</tr>
<tr>
<td>Primary school</td>
<td>1 to each 20 employees</td>
<td>1 to each 5 pupils over year 4</td>
</tr>
<tr>
<td>Residential building other than specified in this table</td>
<td>In developments of four or more storeys, 1 to each 10 lodging rooms</td>
<td>In developments of four or more storeys, 1 to each 10 lodging rooms</td>
</tr>
<tr>
<td>Restaurant</td>
<td>1 to each 100 sq m of floor area available to the public</td>
<td>2 plus 1 to each 200 sq m of floor area available to the public if the floor area available to the public exceeds 400 sq m.</td>
</tr>
<tr>
<td>Retail premises other than specified in this table</td>
<td>1 to each 300 sq m of leasable floor area</td>
<td>1 to each 500 sq m of leasable floor area</td>
</tr>
<tr>
<td>Secondary school</td>
<td>1 to each 20 employees</td>
<td>1 to each 5 pupils</td>
</tr>
<tr>
<td>Service industry</td>
<td>1 to each 800 sq m of net floor area</td>
<td>None</td>
</tr>
<tr>
<td>Shop</td>
<td>1 to each 600 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres</td>
<td>1 to each 500 sq m of leasable floor area if the leasable floor area exceeds 1000 sq metres</td>
</tr>
</tbody>
</table>
### Design of bicycle spaces

Bicycle spaces should:

- Provide a space for a bicycle of minimum dimensions of 1.7 metres in length, 1.2 metres in height and 0.7 metres in width at the handlebars.
- Be located to allow a bicycle to be ridden to within 30 metres of the bicycle parking space.
- Be located to provide convenient access from surrounding bicycle routes and main building entrances.
- Not interfere with reasonable access to doorways, loading areas, access covers, furniture, services and infrastructure.
- Not cause a hazard.
- Be adequately lit during periods of use.

### Bicycle rails

A bicycle rail must:

- Be securely fixed to a wall or to the floor or ground.
- Be in a highly visible location for bicycle security (when not in a compound).
- Be of a shape that allows a cyclist to easily lock the bicycle frame and wheels.
- Be located to allow easy access to park, lock and remove the bicycle.

### Bicycle compounds and lockers

A bicycle compound or a bicycle locker must:

- Be located to provide convenient access to other bicycle facilities including showers and change rooms.
- Be fully enclosed.
- Be able to be locked.
- If outside, provide weather protection for the bicycle.

A bicycle locker must provide a bicycle parking space for at least one bicycle.

A bicycle compound must:
- Include wall or floor rails for bicycle parking.
- Provide an internal access path of at least 1.5 metres in width.

**Bicycle signage**

If bicycle facilities are required by this clause, bicycle signage that directs the cyclists to the bicycle facilities must be provided to the satisfaction of the responsible authority.

Bicycle signage should:
- Be at least 0.3 metres wide and 0.45 metres high.
- Display a white bicycle on a blue background on the top half of the sign.
- Display information about the direction of facilities on the bottom half of the sign.
PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.

Exemption from public open space requirement specified in the scheme

A subdivision is exempt from a public open space requirement specified in this scheme if:

- It is one of the following classes of subdivision:
  - Class 1: The subdivision of a building used for residential purposes provided each lot contains part of the building. The building must have been constructed or used for residential purposes immediately before 30 October 1989 or a planning permit must have been issued for the building to be constructed or used for residential purposes immediately before that date.
  - Class 2: The subdivision of a commercial or industrial building provided each lot contains part of the building.

- It is for the purpose of excising land to be transferred to a public authority, council or a Minister for a utility installation.

- It subdivides land into two lots and the council considers it unlikely that each lot will be further subdivided.

Exemption from public open space requirement under section 18(8)(a) of the Subdivision Act 1988

For the purposes of section 18(8)(a) of the Subdivision Act 1988, the following classes of subdivision are exempt from the public open space requirement:

- Class 1: The subdivision of a building used for residential purposes provided each lot contains part of the building. The building must have been constructed or used for residential purposes immediately before 30 October 1989 or a planning permit must have been issued for the building to be constructed or used for residential purposes immediately before that date.

- Class 2: The subdivision of a commercial or industrial building provided each lot contains part of the building.

Note: Check section 18A of the Subdivision Act 1988 for other requirements that apply to a public open space requirement specified in the planning scheme.
Subdivision and public open space contribution

<table>
<thead>
<tr>
<th>Type or location of subdivision</th>
<th>Amount of contribution for public open Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fishermans Bend Urban Renewal Area</td>
<td>8%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type or location of subdivision</th>
<th>Amount of contribution for public open space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Areas as shown on Maps 1, 2, 3, 4 &amp; 5</td>
<td>7.06 per cent of land or land value</td>
</tr>
<tr>
<td>Areas as shown on Maps 1, 2, 3, 4 &amp; 5</td>
<td>5 per cent of land or land value</td>
</tr>
</tbody>
</table>

Open space contribution precincts overall diagram

Diagram Key
- A: 7.06 per cent contribution rate
- B: 5 per cent contribution rate
- C: 8 per cent contribution rate
- Areas exempt from Clause 53.01
- Port of Melbourne Planning Scheme
- Municipal boundary

Detailed map key diagram
Map 1 - Detailed view of open space contribution precincts

Diagram Key
- A 7.06 per cent contribution rate
- B 5 per cent contribution rate
- Municipal boundary
Map 2 - Detailed view of open space contribution precincts

Diagram Key
- **A**: 7.06 per cent contribution rate
- **B**: 5 per cent contribution rate
- Areas exempt from Clause 53.01
- Municipal boundary

Refer to Map 5 for details
Diagram Key
- A: 7.06 per cent contribution rate
- B: 5 per cent contribution rate
- C: 8 per cent contribution rate

Areas exempt from Clause 53.01
Port of Melbourne Planning Scheme
Municipal boundary

Map 3 - Detailed view of open space contribution precincts
Diagram Key

A  7.06 per cent contribution rate
B  5 per cent contribution rate

Map 4 - Detailed view of open space contribution precincts
Map 5 - Detailed view of open space contribution precincts
BUSHFIRE PLANNING

Purpose
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.
To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.
To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.

Application
This clause applies to an application under Clause 44.06 - Bushfire Management Overlay, unless the application meets all of the requirements specified in a schedule to Clause 44.06.
Clause 53.02-3 applies to an application to construct a single dwelling or construct or carry out works associated with a single dwelling if all of the following requirements are met:

- The land is zoned Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Urban Growth Zone, Low Density Residential Zone, Township Zone or Rural Living Zone.
- There is only one dwelling on the lot.
- The application meets all of the approved measures contained in Clause 53.02-3.
Clause 53.02-4 applies to all other applications.

Operation
The provisions of this clause contain:

- **Objectives.** An objective describes the outcome that must be achieved in a completed development.
- **Approved measures (AM).** An approved measure meets the objective.
- **Alternative measures (AltM).** An alternative measure may be considered where the responsible authority is satisfied that the objective can be met. The responsible authority may consider other unspecified alternative measures.
- **Decision guidelines.** The decision guidelines set out the matters that the responsible authority must consider before deciding on an application, including whether any proposed alternative measure is appropriate.

A schedule to Clause 44.06 may specify substitute approved measures, additional alternative measures and additional or substitute decision guidelines.
A substitute approved measure specified in a schedule to Clause 44.06 substitutes the applicable approved measure contained in this clause.

Dwellings in existing settlements – Bushfire protection objective
To specify bushfire design and construction measures for a single dwelling or alteration and extension to an existing dwelling that reduces the risk to life and property to an acceptable level.
Approved measures

<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AM 1.1</strong></td>
<td>A building is sited to ensure the site best achieves the following:</td>
</tr>
<tr>
<td></td>
<td>• The maximum separation distance between the building and the bushfire hazard.</td>
</tr>
<tr>
<td></td>
<td>• The building is in close proximity to a public road.</td>
</tr>
<tr>
<td></td>
<td>• Access can be provided to the building for emergency service vehicles.</td>
</tr>
<tr>
<td><strong>AM 1.2</strong></td>
<td>A building provides the defendable space in accordance with Table 1 Columns A, B, C, D or E and Table 6 to Clause 53.02-5. Adjoining land may be included as defendable space where there is a reasonable assurance that the land will remain or continue to be managed in that condition as part of the defendable space. A building is constructed to the bushfire attack level:</td>
</tr>
<tr>
<td></td>
<td>• That corresponds to the defendable space provided in accordance with Table 1 to Clause 53.02-5, or</td>
</tr>
<tr>
<td></td>
<td>• The next lower bushfire attack level that corresponds to the defendable space provided in accordance with Table 1 to Clause 53.02-5 where all of the following apply:</td>
</tr>
<tr>
<td></td>
<td>- A private bushfire shelter (a Class 10c building within the meaning of the Building Regulations 2006) is constructed on the same land as the dwelling.</td>
</tr>
<tr>
<td></td>
<td>- A minimum bushfire attack level of BAL12.5 is provided in all circumstances.</td>
</tr>
<tr>
<td><strong>AM 1.3</strong></td>
<td>A building is provided with:</td>
</tr>
<tr>
<td></td>
<td>• A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02-5. The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.</td>
</tr>
<tr>
<td></td>
<td>• Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.</td>
</tr>
</tbody>
</table>

53.02-3.1 Decision guidelines

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

- The bushfire hazard site assessment and the bushfire management statement submitted with the application.
- Whether all of the the approved measures have been incorporated into the application.

53.02-4 Bushfire protection objectives

53.02-4.1 Landscape, siting and design objectives

Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.

Development is sited to minimise the risk from bushfire.

Development is sited to provide safe access for vehicles, including emergency vehicles.

Building design minimises vulnerability to bushfire attack.
Approved measures

<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM 2.1</td>
<td>The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.</td>
</tr>
<tr>
<td>AM 2.2</td>
<td>A building is sited to ensure the site best achieves the following:</td>
</tr>
<tr>
<td></td>
<td>- The maximum separation distance between the building and the bushfire hazard.</td>
</tr>
<tr>
<td></td>
<td>- The building is in close proximity to a public road.</td>
</tr>
<tr>
<td></td>
<td>- Access can be provided to the building for emergency service vehicles.</td>
</tr>
<tr>
<td>AM 2.3</td>
<td>A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building.</td>
</tr>
</tbody>
</table>

53.02-4.2 Defendable space and construction objective

Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on buildings.

Approved measures

<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM 3.1</td>
<td>A building used for a dwelling (including an extension or alteration to a dwelling), a dependent person’s unit, industry, office or retail premises is provided with defendable space in accordance with:</td>
</tr>
<tr>
<td></td>
<td>- Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land; or</td>
</tr>
<tr>
<td></td>
<td>- If there are significant siting constraints, Table 2 Column D and Table 6 to Clause 53.02-5.</td>
</tr>
<tr>
<td></td>
<td>The building is constructed to the bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5.</td>
</tr>
<tr>
<td>AM 3.2</td>
<td>A building used for accommodation (other than a dwelling or dependent person’s unit), a child care centre, an education centre, a hospital, leisure and recreation or a place of assembly is:</td>
</tr>
<tr>
<td></td>
<td>- Provided with defendable space in accordance with Table 3 and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land.</td>
</tr>
<tr>
<td></td>
<td>- Constructed to a bushfire attack level of BAL 12.5.</td>
</tr>
</tbody>
</table>

Alternative measures

<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>AltM 3.3</td>
<td>Adjoining land may be included as defendable space where there is a reasonable assurance that the land will remain or continue to be managed in that condition as part of the defendable space.</td>
</tr>
<tr>
<td>AltM 3.4</td>
<td>Defendable space and the bushfire attack level is determined using Method 2 of AS3959:2009 <em>Construction of buildings in bushfire prone areas</em> (Standards Australia) subject to any guidance published by the relevant fire authority.</td>
</tr>
</tbody>
</table>
A building used for a dwelling (including an extension or alteration to a dwelling) may provide defendable space to the property boundary where it can be demonstrated that:

- The lot has access to urban, township or other areas where:
  - Protection can be provided from the impact of extreme bushfire behaviour.
  - Fuel is managed in a minimum fuel condition.
  - There is sufficient distance or shielding to protect people from direct flame contact or harmful levels of radiant heat.
- Less defendable space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment.
- The dwelling is constructed to a bushfire attack level of BAL FZ.

This alternative measure only applies where the requirements of AM 3.1 cannot be met.

A building used for accommodation (other than a dwelling or dependent person’s unit), child care centre, education centre, hospital, leisure and recreation or place of assembly may provide defendable space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 where it can be demonstrated that:

- An integrated approach to risk management has been adopted that considers:
  - The characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.
  - The intended frequency and nature of occupation.
  - The effectiveness of proposed emergency management arrangements, including a mechanism to secure implementation.
- Less defendable space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment.

53.02-4.3 Water supply and access objectives

A static water supply is provided to assist in protecting property.

Vehicle access is designed and constructed to enhance safety in the event of a bushfire.

Approved measures

<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM 4.1</td>
<td>A building used for a dwelling (including an extension or alteration to a dwelling), a dependent person’s unit, industry, office or retail premises is provided with:</td>
</tr>
<tr>
<td></td>
<td>· A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02-5.</td>
</tr>
<tr>
<td></td>
<td>· Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.</td>
</tr>
<tr>
<td></td>
<td>The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.</td>
</tr>
<tr>
<td>AM 4.2</td>
<td>A building used for accommodation (other than a dwelling or dependent person’s unit), child care centre, education centre, hospital, leisure and recreation or place of assembly is provided with:</td>
</tr>
</tbody>
</table>
### Measure | Requirement
--- | ---

- A static water supply for fire fighting and property protection purposes of 10,000 litres per 1,500 square metres of floor space up to 40,000 litres.
- Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.
- An integrated approach to risk management that ensures the water supply and access arrangements will be effective based on the characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.

The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.

---

### 53.02-4.4 Subdivision objectives

To provide lots that are capable of being developed in accordance with the objectives of Clause 53.02.

To specify at the subdivision stage bushfire protection measures to develop a lot with a single dwelling on land zoned for residential or rural residential purposes.

<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AM 5.1</strong></td>
<td>An application to subdivide land, other than where <strong>AM 5.2</strong> applies, demonstrates that each proposed lot is capable of meeting:</td>
</tr>
<tr>
<td></td>
<td>- The defendable space in accordance with Table 2 Columns A, B or C and Table 6 to Clause 53.02-5.</td>
</tr>
<tr>
<td></td>
<td>- The approved measures in Clause 53.02-4.1 and Clause 53.02-4.3.</td>
</tr>
<tr>
<td><strong>AM 5.2</strong></td>
<td>An application to subdivide land zoned for residential or rural residential purposes must be accompanied by a plan that shows:</td>
</tr>
<tr>
<td></td>
<td>- Each lot satisfies the approved measure in <strong>AM 2.1</strong>.</td>
</tr>
<tr>
<td></td>
<td>- A building envelope for a single dwelling on each lot that complies with <strong>AM 2.2</strong> and provides defendable space in accordance with:</td>
</tr>
<tr>
<td></td>
<td>-- Columns A or B of Table 2 to Clause 53.02-5 for a subdivision that creates 10 or more lots; or</td>
</tr>
<tr>
<td></td>
<td>-- Columns A, B or C of Table 2 to Clause 53.02-5 for a subdivision that creates less than 10 lots.</td>
</tr>
<tr>
<td></td>
<td>The bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5 must be noted on the building envelope.</td>
</tr>
<tr>
<td></td>
<td>- Defendable space wholly contained within the boundaries of the proposed subdivision.</td>
</tr>
<tr>
<td></td>
<td>- Defendable space may be shared between lots within the subdivision. Defendable space for a lot may utilise communal areas, such as roads, where that land can meet the requirements for defendable space.</td>
</tr>
<tr>
<td></td>
<td>- Vegetation management requirements in accordance with Table 6 to implement and maintain the defendable space required under this approved measure.</td>
</tr>
<tr>
<td></td>
<td>- Water supply and vehicle access that complies with <strong>AM 4.1</strong>.</td>
</tr>
<tr>
<td><strong>AM 5.3</strong></td>
<td>An application to subdivide land to create 10 or more lots provides a perimeter road adjoining the hazardous vegetation to support fire fighting.</td>
</tr>
</tbody>
</table>
### Measure | Requirement
---|---
**AM 5.4** | A subdivision manages the bushfire risk to future development from existing or proposed landscaping, public open space and communal areas.

### Alternative measure

<table>
<thead>
<tr>
<th>Measure</th>
<th>Requirement</th>
</tr>
</thead>
</table>
| **AltM 5.5** | A building envelope for a subdivision that creates 10 or more lots required under **AM 5.2** may show defendable space in accordance with Table 2 Column C and Table 6 to Clause 53.02-5 where it can be demonstrated that:  
  - All other requirements of **AM 5.2** have been met.  
  - Less defendable space and a higher construction standard is appropriate having regard to the bushfire hazard landscape assessment. |

### 53.02-4.5 Decision guidelines

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

- The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application.
- The impact of any State, regional or local bushfire management and prevention actions occurring around the site and in the wider area on the bushfire hazard and the level of risk to the proposed development.
- Whether the proposed development meets the objectives of Clause 53.02-4 regardless of other measures which may be available, including private bushfire shelters, community shelters and the presence of places of last resort.
- Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.
- Whether the use of an alternative measure meets the relevant objective having regard to the bushfire hazard and the nature of any constraint that prevents the applicable approved measure from being implemented.
- If one or more of the objectives in Clause 53.02-4 will not be achieved in the completed development, whether the development will, taking all relevant factors into account, reduce the bushfire risk to a level that warrants it proceeding.
- Whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding.
### Tables: Defendable space, construction, water supply, vehicle access, vegetation management and outbuilding construction requirements

#### Table 1: Defendable space and construction

<table>
<thead>
<tr>
<th>Slope</th>
<th>Vegetation Type</th>
<th>Defendable space distance from building facade (metres)</th>
<th>Column A</th>
<th>Column B</th>
<th>Column C</th>
<th>Column D</th>
<th>Column E</th>
</tr>
</thead>
<tbody>
<tr>
<td>All upslopes and flat land (0 degrees)</td>
<td>Forest</td>
<td>48</td>
<td>35</td>
<td>25</td>
<td>19</td>
<td>&lt; 19</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Woodland</td>
<td>33</td>
<td>24</td>
<td>16</td>
<td>12</td>
<td>&lt; 12</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Scrub</td>
<td>27</td>
<td>19</td>
<td>13</td>
<td>10</td>
<td>&lt; 10</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Shrubland</td>
<td>19</td>
<td>13</td>
<td>9</td>
<td>7</td>
<td>&lt; 7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mallee/ Mulga</td>
<td>17</td>
<td>12</td>
<td>8</td>
<td>6</td>
<td>&lt; 6</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rainforest</td>
<td>23</td>
<td>16</td>
<td>11</td>
<td>8</td>
<td>&lt; 8</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Grassland</td>
<td>19</td>
<td>13</td>
<td>9</td>
<td>6</td>
<td>&lt; 6</td>
<td></td>
</tr>
<tr>
<td>Downslope &gt;0 to 5 degrees</td>
<td>Forest</td>
<td>57</td>
<td>43</td>
<td>32</td>
<td>24</td>
<td>&lt; 24</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Woodland</td>
<td>41</td>
<td>29</td>
<td>21</td>
<td>15</td>
<td>&lt; 15</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Scrub</td>
<td>31</td>
<td>22</td>
<td>15</td>
<td>11</td>
<td>&lt; 11</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Shrubland</td>
<td>22</td>
<td>15</td>
<td>10</td>
<td>7</td>
<td>&lt; 7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mallee/ Mulga</td>
<td>20</td>
<td>13</td>
<td>9</td>
<td>7</td>
<td>&lt; 7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rainforest</td>
<td>29</td>
<td>20</td>
<td>14</td>
<td>10</td>
<td>&lt; 10</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Grassland</td>
<td>22</td>
<td>15</td>
<td>10</td>
<td>7</td>
<td>&lt; 7</td>
<td></td>
</tr>
<tr>
<td>Downslope &gt;5 to 10 degrees</td>
<td>Forest</td>
<td>69</td>
<td>53</td>
<td>39</td>
<td>31</td>
<td>&lt; 31</td>
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<tr>
<td></td>
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<td>50</td>
<td>37</td>
<td>26</td>
<td>20</td>
<td>&lt; 20</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Scrub</td>
<td>35</td>
<td>24</td>
<td>17</td>
<td>12</td>
<td>&lt; 12</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Shrubland</td>
<td>25</td>
<td>17</td>
<td>11</td>
<td>8</td>
<td>&lt; 8</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mallee/ Mulga</td>
<td>23</td>
<td>15</td>
<td>10</td>
<td>7</td>
<td>&lt; 7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rainforest</td>
<td>36</td>
<td>26</td>
<td>18</td>
<td>13</td>
<td>&lt; 13</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Grassland</td>
<td>25</td>
<td>17</td>
<td>11</td>
<td>8</td>
<td>&lt; 8</td>
<td></td>
</tr>
<tr>
<td>Downslope &gt;10 to 15 degrees</td>
<td>Forest</td>
<td>82</td>
<td>64</td>
<td>49</td>
<td>39</td>
<td>&lt; 39</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Woodland</td>
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<td>45</td>
<td>33</td>
<td>25</td>
<td>&lt; 25</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Scrub</td>
<td>39</td>
<td>28</td>
<td>19</td>
<td>14</td>
<td>&lt; 14</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Shrubland</td>
<td>28</td>
<td>19</td>
<td>13</td>
<td>9</td>
<td>&lt; 9</td>
<td></td>
</tr>
</tbody>
</table>
### Table 1 Defendable space and construction

<table>
<thead>
<tr>
<th>Slope Type</th>
<th>Vegetation Type</th>
<th>Defendable space distance from building facade (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Column A</td>
</tr>
<tr>
<td>Upslopes</td>
<td>Mallee/Mulga</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td>Rainforest</td>
<td>45</td>
</tr>
<tr>
<td></td>
<td>Grassland</td>
<td>28</td>
</tr>
<tr>
<td>Downslope</td>
<td>Forest</td>
<td>98</td>
</tr>
<tr>
<td>&gt;15 to 20</td>
<td>Woodland</td>
<td>73</td>
</tr>
<tr>
<td>degrees</td>
<td>Scrub</td>
<td>43</td>
</tr>
<tr>
<td></td>
<td>Shrubland</td>
<td>31</td>
</tr>
<tr>
<td>All slopes</td>
<td>Mallee/Mulga</td>
<td>29</td>
</tr>
<tr>
<td></td>
<td>Rainforest</td>
<td>56</td>
</tr>
<tr>
<td></td>
<td>Grassland</td>
<td>32</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BALFZ</th>
<th>BAL29</th>
<th>BAL29</th>
<th>BAL40</th>
<th>BAL50</th>
</tr>
</thead>
<tbody>
<tr>
<td>BAL12.5</td>
<td>BAL19</td>
<td>BAL29</td>
<td>BAL40</td>
<td>BALFZ</td>
</tr>
</tbody>
</table>

**Note 1:** Slope and vegetation type is determined through the bushfire hazard site assessment.

**Note 2:** Modified vegetation is vegetation that doesn’t fit into the vegetation classifications in AS3959:2009 Construction of buildings in bushfire prone areas (the standard) because it:
- has been modified, altered or is managed due to urban development, or gardening,
- has different fuel loads from those assumed in the standard,
- has limited or no understorey vegetation, or
- is not low-threat or low-risk vegetation as defined in the standard.

### Table 2 Defendable space and construction

<table>
<thead>
<tr>
<th>Slope Type</th>
<th>Vegetation</th>
<th>Defendable space distance from building facade (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Column A</td>
</tr>
<tr>
<td>All upslopes and flat land (0 degrees)</td>
<td>Forest</td>
<td>48</td>
</tr>
<tr>
<td></td>
<td>Woodland</td>
<td>33</td>
</tr>
<tr>
<td>Slope</td>
<td>Vegetation</td>
<td>Defendable space distance from building facade (metres)</td>
</tr>
<tr>
<td>---------------</td>
<td>-------------</td>
<td>--------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Scrub</td>
<td>27</td>
</tr>
<tr>
<td></td>
<td>Shrubland</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>Mallee/ Mulga</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>Rainforest</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>Grassland</td>
<td>19</td>
</tr>
<tr>
<td>&gt;0 to 5 degrees</td>
<td>Forest</td>
<td>57</td>
</tr>
<tr>
<td></td>
<td>Woodland</td>
<td>41</td>
</tr>
<tr>
<td></td>
<td>Scrub</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td>Shrubland</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td>Mallee/ Mulga</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>Rainforest</td>
<td>29</td>
</tr>
<tr>
<td></td>
<td>Grassland</td>
<td>22</td>
</tr>
<tr>
<td>&gt;5 to 10 degrees</td>
<td>Forest</td>
<td>69</td>
</tr>
<tr>
<td></td>
<td>Woodland</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Scrub</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td>Shrubland</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>Mallee/ Mulga</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>Rainforest</td>
<td>36</td>
</tr>
<tr>
<td></td>
<td>Grassland</td>
<td>25</td>
</tr>
<tr>
<td>&gt;10 to 15 degrees</td>
<td>Forest</td>
<td>82</td>
</tr>
<tr>
<td></td>
<td>Woodland</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>Scrub</td>
<td>39</td>
</tr>
<tr>
<td></td>
<td>Shrubland</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td>Mallee/ Mulga</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td>Rainforest</td>
<td>45</td>
</tr>
<tr>
<td></td>
<td>Grassland</td>
<td>28</td>
</tr>
<tr>
<td>&gt;15 to 20 degrees</td>
<td>Forest</td>
<td>98</td>
</tr>
<tr>
<td></td>
<td>Woodland</td>
<td>73</td>
</tr>
</tbody>
</table>
Defendable space distance from building facade (metres)

<table>
<thead>
<tr>
<th>Vegetation</th>
<th>Column A</th>
<th>Column B</th>
<th>Column C</th>
<th>Column D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scrub</td>
<td>43</td>
<td>31</td>
<td>21</td>
<td>15</td>
</tr>
<tr>
<td>Shrubland</td>
<td>31</td>
<td>22</td>
<td>15</td>
<td>10</td>
</tr>
<tr>
<td>Mallee/Mulga</td>
<td>29</td>
<td>20</td>
<td>13</td>
<td>9</td>
</tr>
<tr>
<td>Rainforest</td>
<td>56</td>
<td>42</td>
<td>29</td>
<td>22</td>
</tr>
<tr>
<td>Grassland</td>
<td>32</td>
<td>23</td>
<td>15</td>
<td>11</td>
</tr>
</tbody>
</table>

**Note 1:**
Slope and vegetation type is determined through the bushfire hazard site assessment.

**Note 2:**
Modified vegetation is vegetation that doesn’t fit into the vegetation classifications in AS3959:2009 Construction of buildings in bushfire prone areas (the standard) because it:
- has been modified, altered or is managed due to urban development, or gardening,
- has different fuel loads from those assumed in the standard,
- has limited or no understorey vegetation, or
- is not low-threat or low-risk vegetation as defined in the standard.

### Table 3 Defendable space

<table>
<thead>
<tr>
<th>Vegetation class</th>
<th>Upslope and flat land (0 degrees)</th>
<th>Downslope (degrees)</th>
<th>&gt;0-5</th>
<th>&gt;5-10</th>
<th>&gt;10-15</th>
<th>&gt;15-20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forest</td>
<td>60</td>
<td>70</td>
<td>85</td>
<td>105</td>
<td>125</td>
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<tr>
<td>Woodland</td>
<td>40</td>
<td>50</td>
<td>62</td>
<td>75</td>
<td>95</td>
<td></td>
</tr>
<tr>
<td>Shrubland</td>
<td>25</td>
<td>28</td>
<td>32</td>
<td>36</td>
<td>41</td>
<td></td>
</tr>
<tr>
<td>Scrub</td>
<td>35</td>
<td>40</td>
<td>45</td>
<td>50</td>
<td>55</td>
<td></td>
</tr>
<tr>
<td>Mallee/Mulga</td>
<td>23</td>
<td>26</td>
<td>30</td>
<td>35</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>Rainforest</td>
<td>30</td>
<td>36</td>
<td>46</td>
<td>60</td>
<td>70</td>
<td></td>
</tr>
<tr>
<td>Vegetation class</td>
<td>Defendable space distance from building facade (metres)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------</td>
<td>--------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Upslope and flat land (0 degrees)</td>
<td>Downslope (degrees)</td>
<td>&gt;0-5</td>
<td>&gt;5-10</td>
<td>&gt;10-15</td>
<td>&gt;15-20</td>
</tr>
<tr>
<td>Grassland</td>
<td>35</td>
<td>40</td>
<td>45</td>
<td>50</td>
<td>55</td>
<td></td>
</tr>
</tbody>
</table>

**Table 4 Water supply requirements**

**Capacity, fittings and access**

<table>
<thead>
<tr>
<th>Lot sizes (square meters)</th>
<th>Hydrant available</th>
<th>Capacity (litres)</th>
<th>Fire authority fittings and access required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 500</td>
<td>Not applicable</td>
<td>2,500</td>
<td>No</td>
</tr>
<tr>
<td>500-1,000</td>
<td>Yes</td>
<td>5,000</td>
<td>No</td>
</tr>
<tr>
<td>1,000-1,000</td>
<td>No</td>
<td>10,000</td>
<td>Yes</td>
</tr>
<tr>
<td>1,001 and above</td>
<td>Not applicable</td>
<td>10,000</td>
<td>Yes</td>
</tr>
</tbody>
</table>

*Note 1:* A hydrant is available if it is located within 120 metres of the rear of the building.

**Fire authority requirements**

Unless otherwise agreed in writing by the relevant fire authority, the water supply must:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.

Where a 10,000 litre water supply is required, fire authority fittings and access must be provided as follows:

- Be readily identifiable from the building or appropriate identification signs to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).

**Table 5 Vehicle access design and construction**

Vehicle access (or part thereof) of a length specified in Column A implements the design and construction requirements specified in Column B.

<table>
<thead>
<tr>
<th>Column A</th>
<th>Column B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Length of access is less</td>
<td>There are no design and construction requirements if fire</td>
</tr>
<tr>
<td>than 30 metres</td>
<td>authority access to the water supply is not required under</td>
</tr>
<tr>
<td></td>
<td><strong>AM4.1</strong></td>
</tr>
</tbody>
</table>
### Column A vs. Column B

| Length of access is less than 30 metres | Where fire authority access to the water supply is required under AM4.1
Where fire authority vehicles should be able to get within 4 metres of the water supply outlet. |
| Length of access is greater than 30 metres | The following design and construction requirements apply:
- All-weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle. |
| Length of access is greater than 100 metres | A turning area for fire fighting vehicles must be provided close to the building by one of the following:
- A turning circle with a minimum radius of eight metres.
- A driveway encircling the dwelling.
- The provision of other vehicle turning heads – such as a T or Y head – which meet the specification of Austroad Design for an 8.8 metre Service Vehicle. |
| Length of access is greater than 200 metres | - Passing bays must be provided at least every 200 metres.
- Passing bays must be a minimum of 20 metres long with a minimum trafficable width of 6 metres. |

#### Note 1:
The length of access should be measured from a public road to either the building or the water supply outlet, whichever is longer.

### Table 6 Vegetation management requirement

#### Vegetation management requirement

Defendable space is provided and is managed in accordance with the following requirements:
- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
Vegetation management requirement

- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Unless specified in a schedule or otherwise agreed in writing to the satisfaction of the relevant fire authority.

Table 7 Outbuilding construction requirement

<table>
<thead>
<tr>
<th>Building construction condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed outbuilding is separated from the adjacent building by a wall that extends to the underside of a non-combustible roof covering and:</td>
</tr>
<tr>
<td>- has a FRL of not less than 60/60/60 for loadbearing walls and -60/60 for non-load bearing walls when tested from the attached structure side, or</td>
</tr>
<tr>
<td>- is of masonry, earth wall or masonry-veneer construction with the masonry leaf of not less than 90 millimetres in thickness.</td>
</tr>
</tbody>
</table>

Any openings in the wall shall be protected in accordance with the following:

i. Doorways – by FLR -60/30 self-closing fire doors
ii. Windows – by FRL -60/- fire windows permanently fixed in the closed position
iii. Other openings – by construction with a FRL of not less than -60/-

Note: Control and construction joints, subfloor vents, weepholes and penetrations for pipes and conduits need not comply with item iii.

Note 1: These conditions are required for some non habitable outbuildings ancillary to a dwelling that do not require referral to the relevant fire authority. Applications for non habitable outbuildings can also use the bushfire protection measures in Clause 53.02 however referral to the relevant fire authority will be required.
BROTHELS

Purpose
To provide consistent planning controls for the establishment and expansion of brothels throughout Victoria coordinated with the provisions of the *Sex Work Act 1994*.

Permit requirement
A permit for a brothel must include a condition that specifies that the use or development must not commence until a licence is granted under the *Sex Work Act 1994*.

Decision guidelines
Responsible authorities should consider the matters set out in section 73 of the *Sex Work Act 1994* before deciding an application to use or develop land for a brothel.

Responsible authorities should refuse a permit to use or develop land for a brothel in accordance with the restrictions contained in section 74 of the *Sex Work Act 1994*, unless section 76(2) of *Sex Work Act 1994* applies.

If the effect of:

- A request to amend a permit in accordance with section 87 or section 87A of the *Planning and Environment Act 1987*, or
- An application to amend a permit in accordance with Part 4 Division 1A of the *Planning and Environment Act 1987*, or
- A request to amend plans, drawings or other documents under a permit in accordance with:
  - Section 216 of the *Planning and Environment Act 1987*, or
  - Any condition in a planning permit which allows such an amendment

is to expand or extend the use or development of a brothel, the application or request should be determined as if it were an application for a permit for use or development of land for the purposes of the operation of a brothel in accordance with Part 4 of the *Sex Work Act 1994*. 
CONVENIENCE RESTAURANT AND TAKE-AWAY FOOD PREMISES

Application

These requirements only apply to land in a residential zone.

Decision guidelines

Before deciding on an application to use land for a convenience restaurant or take-away food premises or to construct a building or construct or carry out works associated with a convenience restaurant or take-away food premises, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Any policy in this scheme relating to convenience restaurants or take-away food premises.

- Whether the location is appropriate for a convenience restaurant or take-away food premises having regard to:
  - Amenity of the neighbourhood.
  - Proximity of the land to non-residential uses and zones.
  - Effect of the use on heritage and environment features.
  - Capacity of the land to contain significant off-site effects.
  - Access to land in a Road Zone.
  - The suitability of the land for a residential use.

- The effect on the amenity or character of the street or neighbourhood having regard to:
  - Massing and proportions of any building.
  - Ground floor height above ground level.
  - Ceiling heights.
  - Roof form and pitch.
  - Facade articulation.
  - Window and door proportions.
  - Building features including verandas, towers, eaves, parapets and decorative elements.
  - Building materials, patterns textures and colours.

- Whether the site layout and the design of buildings, noise attenuation measures, landscaping, car parking, vehicle access lanes, loading bays, rubbish bins, plant and equipment, lights, signs, drive through facilities and playgrounds are designed to prevent significant loss of amenity to adjoining land due to noise, emission of noise, emission of light or glare, loss of privacy, litter or odour.

- Whether any special measure may be necessary to protect the amenity of adjoining land in residential use, including buffer planting, noise attenuation measures and litter collection arrangements.

- The adequacy of traffic measures to:
  - Provide safe pedestrian movement.
  - Achieve safe, efficient vehicle movement on site and access to and egress from the land.
  - Avoid disruption to traffic flow on land in a Road Zone.
  - Prevent inappropriate use of local residential streets.
- The adequacy of car parking, loading and drive through queuing spacing to accommodate customers at peak periods and employee requirements on the land.
53.05

FREEWAY SERVICE CENTRE

Purpose
To ensure that freeway service centres are appropriately designed and located.
To ensure that access to a freeway service centre from a freeway is designed to the requirements of the Roads Corporation.
To ensure that freeway service centres with access to a rural freeway provide only essential services and facilities which encourage drivers to stop and take an effective break at appropriate intervals in the interests of driver safety.
To ensure that any new freeway service centre meets an identifiable need to provide essential services and facilities along a freeway where those services and facilities are not readily available.
To ensure that the use of land for a freeway service centre does not adversely affect the amenity of surrounding land uses.

Requirements to be met

Facilities and services
A freeway service centre must provide only essential services and facilities. These essential services and facilities must be available at all times. Essential services and facilities that a freeway service centre must include are:

- Designated parking areas.
- Undercover fuel sales area for petrol, diesel and LPG.
- An area of not more than 240 square metres for the sale of food, drinks and other convenience goods.
- An indoor sit-down eating area.
- A safe play area for children.
- Public toilets.
- A public telephone.
A freeway service centre with access to a rural freeway must also provide local and regional tourist information.
A freeway service centre must not include:

- Mechanical repairs (other than the emergency repair of vehicles).
- Retail facilities of more than 240 square metres.
- Video hire.
- Post office services or facilities.
- Entertainment facilities, amusement machines or gaming machines.
- The sale, distribution or consumption of alcohol unless associated with a residential hotel/motel.
- Car or truck wash facilities.
A freeway service centre with access to a rural freeway must not include overnight accommodation (other than for a caretaker or site manager).

Access to freeway service centres
No vehicular access between a freeway service centre with access to a metropolitan freeway and the local road network may be permitted.
An application to use or develop land for a freeway service centre must be referred to the Roads Corporation in accordance with section 55 of the Act.

A permit must not be granted for a freeway service centre until approval for access to the freeway has been given by the Roads Corporation.

In accordance with section 62(1)(a) of the Act, a permit granted for a freeway service centre must include the condition:

“This permit will expire if one of the following circumstances applies:

- The development is not commenced within two years of the date of this permit.
- The development is not completed within four years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.”

**Metropolitan freeway service centre adjoining a residential zone**

If the site for a freeway service centre with access to a metropolitan freeway adjoins a residential zone:

- A landscape buffer at least 3 metres wide must be provided on the site along the common boundary and must be planted and maintained to the satisfaction of the responsible authority.
- Except for the landscape buffer strip, all of the site not occupied by buildings must be sealed to prevent dust.
- External lights must be directed away from the residential zone to prevent light spill and glare.

**Decision guidelines**

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

LIVE MUSIC AND ENTERTAINMENT NOISE

Purpose
To recognise that live music is an important part of the State’s culture and economy.
To protect live music entertainment venues from the encroachment of noise sensitive residential uses.
To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.
To ensure that the primary responsibility for noise attenuation rests with the agent of change.

Application
This clause applies to an application required under any zone of this scheme to use land for, or to construct a building or construct or carry out works associated with:
- a live music entertainment venue.
- a noise sensitive residential use that is within 50 metres of a live music entertainment venue.
This clause does not apply to:
- the extension of an existing dwelling.
- a noise sensitive residential use that is in an area specified in clause 1.0 of the schedule to this clause.

Meaning of terms
In this clause:
- **live music entertainment venue** means:
  - a food and drink premises, nightclub, function centre or residential hotel that includes live music entertainment
  - a rehearsal studio
  - any other venue used for the performance of music and specified in clause 2.0 of the schedule to this clause, subject to any specified condition or limitation.
- **noise sensitive residential use** means a community care accommodation, dependent person's unit, dwelling, residential aged care facility, residential village, retirement village or rooming house.

Requirements to be met
A live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.
A noise sensitive residential use must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any:
- indoor live music entertainment venue to below the noise limits specified in State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N2).
- outdoor live music entertainment venue to below 45dB(A), assessed as an L eq over 15 minutes.
For the purpose of assessing whether the above noise standards are met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (Schedule B1 of SEPP N2 does not apply).
A permit may be granted to reduce or waive these requirements if the responsible authority is satisfied that an alternative measure meets the purpose of this clause.

**Application requirements**

An application must be accompanied by the following information, as appropriate:

- A site analysis, including plans detailing:
  - the existing and proposed layout of the use, buildings or works, including all external windows and doors
  - the location of any doors, windows and open space areas of existing properties in close proximity to the site.
- If the application is associated with a noise sensitive residential use:
  - the location of any live music entertainment venues within 50 metres of the site
  - the days and hours of operation of identified venues.
- If the application is associated with a live music entertainment venue:
  - the location of any noise sensitive residential uses within 50 metres of the site
  - the days and hours of operation of that venue
  - the times during which live music will be performed.
- Details of existing and proposed acoustic attenuation measures.

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

**Decision guidelines**

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

- the extent to which the siting, layout, design and construction minimise the potential for noise impacts.
- whether existing or proposed noise sensitive residential uses will be satisfactorily protected from unreasonable live music and entertainment noise.
- whether the proposal adversely affects any existing uses.
## SCHEDULE TO CLAUSE 53.06 LIVE MUSIC AND ENTERTAINMENT NOISE

### Areas to which Clause 53.06 does not apply

<table>
<thead>
<tr>
<th>Name of area</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>

### Other venues to which Clause 53.06 applies

<table>
<thead>
<tr>
<th>Name of venue</th>
<th>Address</th>
<th>Condition or limitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SHIPPING CONTAINER STORAGE

Application

This clause applies to all land except land which is in a Special Use Zone established for the purpose of port and port-related activities, or is in a Port Zone.

Decision guidelines

Before deciding on an application to use land for shipping container storage, or construct a building or carry out works associated with shipping container storage, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Whether the location is appropriate for shipping container storage having regard to:
  - The zoning of the land.
  - Amenity of the neighbourhood.
  - Proximity of the land to residential uses and zones or other sensitive uses.
  - Access to a road in a Road Zone.
  - Access to rail facilities.
  - Capacity and suitability of the road network to accommodate the type and volume of vehicle traffic generated by the use.
  - Capacity of the site to accommodate the proposed use.

- The effect on the environment and the amenity and character of the neighbourhood having regard to:
  - Existing and planned use of land in the neighbourhood.
  - Location, height and setback of shipping container stacks, particularly near road boundaries.
  - Location of facilities for the cleaning, repair, servicing, painting or fumigation of shipping containers.
  - Hours of operation.
  - Design, construction and maintenance of external storage and vehicle movement areas.
  - Treatment and disposal of wastewater.

- Whether the site layout and the design of buildings, landscaping, vehicle access lanes, loading bays, wash bays, lighting and fencing are designed to avoid or minimise any significant off-site impacts due to the emission of noise, light, glare, dust, fumes or drainage.

- Whether any special measure may be necessary to protect the environment and the amenity of nearby sensitive uses, including noise attenuation measures, dust minimisation measures and waste storage arrangements.

- The need for landscaping and fencing to screen or soften the appearance of shipping container storage areas, particularly near road boundaries.

- The adequacy and effect of the landscaping on the appearance of the site, taking into account the streetscape character, the size of the site, and the height, mass and scale of shipping container stacks on the site.

- The adequacy of traffic measures to:
  - Achieve safe, efficient vehicle movement on site and access to and egress from the land.
  - Prevent inappropriate use of local residential streets.
The adequacy of truck parking, loading and truck queuing spacing to accommodate truck movements at peak periods and employee requirements on the land.
CATTLE FEEDLOT

Purpose
To facilitate the establishment and expansion of cattle feedlots in Victoria in a manner which is consistent with orderly and proper planning and the protection of the environment.

Requirements to be met
All use and development of cattle feedlots must comply with the Victorian Code for Cattle Feedlots - August 1995.
The Code must be complied with to the satisfaction of the responsible authority.
POULTRY FARM

Purpose
To facilitate the establishment and expansion of poultry farms, including broiler farms, in a manner that is consistent with orderly and proper planning and the protection of the environment.

Application
This clause applies to permit applications to use land or construct a building or construct or carry out works for a poultry farm, including to increase the farm capacity of an existing poultry farm.

Permit not required – Outdoor range area for existing broiler farm
Any requirement of this scheme relating to the use of land or to the construction of a building or the construction or carrying out of works does not apply to the use and development of land for an outdoor range area in association with an existing broiler farm provided the following requirements are met:

- There are no more than 150,000 chickens permitted on the land at any time.
- The number of chickens on the land is not increased.

This exemption does not apply to the requirements of any overlay that applies to the land.

Requirement – Broiler farm
An application to use land or construct a building or construct or carry out works for a broiler farm must comply with the Victorian Code for Broiler Farms 2009 (plus 2018 amendments).

This requirement does not apply if:

- There are no more than 10,000 chickens permitted on the land at any time; or
- The number of chickens on the land is not increased.

Exemption from notice and review
The following applications are 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:

- An application to use land or construct a building or construct or carry out works for a new broiler farm, or to increase the farm capacity of an existing broiler farm, if the application meets the requirements of a “Class A Broiler Farm”, as specified in the Victorian Code for Broiler Farms 2009 (plus 2018 amendments).

- An application to use land or construct a building or construct or carry out works for a poultry farm for the production of chicken meat or chicken eggs, if the application meets the following requirements:
  - The number of chickens does not exceed 5,000 for egg production or 10,000 for meat production.
  - The outdoor stocking density does not exceed 1,500 chickens per hectare.
  - A Nutrient Management Plan demonstrates chickens are kept outdoors on paddocks with:
    - A minimum of 50% ground cover; and
  - Mobile housing and feeding infrastructure that is relocated at least every two weeks.
  - An area used as a poultry range, including associated buildings and works, meets the setback requirements specified in Table 1.
Table 1 Minimum setbacks

<table>
<thead>
<tr>
<th>Chicken numbers</th>
<th>Minimum distance to a building used for a sensitive use (accommodation, child care centre, education centre and hospital)</th>
<th>Minimum distance to land in a residential zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,000 chickens or less</td>
<td>50 metres</td>
<td>200 metres</td>
</tr>
<tr>
<td>More than 1,000 chickens</td>
<td>100 metres</td>
<td>400 metres</td>
</tr>
</tbody>
</table>

53.09-5
21/09/2018
VC150

Notice of an application

Notice of an application to use or develop land to establish a new broiler farm, or to increase the farm capacity of an existing broiler farm, that meets the requirements of a Special Class Broiler Farm or Farm Cluster as specified in the *Victorian Code for Broiler Farms 2009 (plus 2018 amendments)*, must be given under Section 52(1)(c) of the Act to the person or body specified as a person or body to be notified in Clause 66.05.

53.09-6
21/09/2018
VC150

Decision guidelines

Before deciding on an application to use land or construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The purpose of the relevant zone.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The need to protect amenity of existing uses on adjoining land.
- The impact of the use of the land on the surrounding area, including from the emission of noise, light, vibration, odour, dust, or waste products.
- The impact of the proposal on any wetlands, waterways or water bodies.
- The likely environmental impact on the natural physical features and biodiversity of the land, including consideration of any Nutrient Management Plan submitted with the application.
- Whether the development will support and enhance agricultural production.
- The requirements of the *Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines* (June 2018).
USES WITH ADVERSE AMENITY POTENTIAL

Purpose

To define those types of industries and warehouses which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood.

Threshold Distance

The threshold distance referred to in the table to this clause is the minimum distance from any part of the land of the proposed use or buildings and works to land (not a road) in a residential zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

NOTE 1 of the table: The threshold distance is variable, dependent on the processes to be used and the materials to be processed or stored.

NOTE 2 of the table: An assessment of risk to the safety of people located off the land may be required.

Table to Clause 53.10-1

<table>
<thead>
<tr>
<th>Type of Production, Use Or Storage (Purpose)</th>
<th>Threshold Distance (metres)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Basic Metal Products</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Production of non-ferrous metals as:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- aluminium by electrolysis</td>
<td>2,000</td>
<td></td>
</tr>
<tr>
<td>- other non-ferrous metals in amounts:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- up to 100 tonnes a year</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>- between 100 &amp; 2,000 tonnes a year</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>- exceeding 2,000 tonnes a year</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Works producing iron or steel products in amounts:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- up to 1,000,000 tonnes a year</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>- exceeding 1,000,000 tonnes a year</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td><strong>Chemical, Petroleum &amp; Coal Products</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ammunition, explosives and fireworks production:</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Biocides production and storage:</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>Briquette production:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Chemical Fertiliser production:</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Chemical products other than those listed within this group:</td>
<td>300</td>
<td>Note 2</td>
</tr>
<tr>
<td>Cosmetics and toilet preparations production:</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Type of Production, Use Or Storage (Purpose)</td>
<td>Threshold Distance (metres)</td>
<td>Notes</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>Formaldehyde production:</td>
<td>300</td>
<td>Note 2</td>
</tr>
<tr>
<td>Industrial gases production:</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Inks production:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Inorganic industrial chemicals production other than those listed within this group:</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Organic industrial chemicals production other than those listed within this group:</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Other petroleum or coal production:</td>
<td>500</td>
<td>Note 2</td>
</tr>
<tr>
<td>Paints and inks:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• manufacture</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>• blending and mixing only</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Petroleum refinery:</td>
<td>2,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Pharmaceutical and veterinary production:</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>Polyester resins production</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>Soap and other detergents production:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Synthetic resins &amp; rubber production other than those listed within this group:</td>
<td>1,000</td>
<td>Note 2</td>
</tr>
</tbody>
</table>

**Fabricated Metal Products**

| Abrasive blast cleaning:                                                                                  |                              | Note 1  |
| Boiler makers                                                                                            | 100                          |         |
| Structural or sheet metal production:                                                                   | 500                          |         |
| Works producing iron or steel products in amounts:                                                       |                              |         |
| • up to 1,000,000 tonnes per year                                                                       | 100                          |         |
| • exceeding 1,000,000 tonnes per year                                                                   | 1,000                        |         |

**Food, Beverages & Tobacco**

<p>| Abattoir:                                                                                                   | 500                          |         |
| Bakery (other than one ancillary to a shop):                                                              | 100                          |         |</p>
<table>
<thead>
<tr>
<th>Type of Production, Use Or Storage (Purpose)</th>
<th>Threshold Distance (metres)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flour mill:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Food or beverage production other than those listed within this group:</td>
<td></td>
<td>Note 1</td>
</tr>
<tr>
<td>Freezing and cool storage</td>
<td>150</td>
<td></td>
</tr>
<tr>
<td>Maltworks:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Manufacture of milk products:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Milk depot</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Poultry processing works</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Production of vegetable oils and fats using solvents:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Seafood processor:</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Smallgoods production</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Tobacco and cigarette production:</td>
<td>500</td>
<td></td>
</tr>
</tbody>
</table>

**Miscellaneous Manufacturing**

| Fibreglass production:                    | 200                         |      |
| Leather and artificial leather goods production: | 300 |      |
| Leather tanning and dressing:             | 300                         |      |
| Printing and coating works with heated curing ovens: | 500 |      |
| Rendering and casings works:              | 1,000                       |      |
| Rubber production, using either organic solvents or carbon black: | 300 | Note 2 |

**Non-metallic Mineral Products**

<p>| Bitumen batching plant:                   | 500                         |      |
| Cement production in amounts:            |                             |      |
| - up to 5,000 tonnes a year               | 300                         |      |
| - between 5,000 &amp; 150,000 tonnes a year   | 500                         |      |
| - exceeding 150,000 tonnes a year         | 1,000                       |      |</p>
<table>
<thead>
<tr>
<th>Type of Production, Use Or Storage (Purpose)</th>
<th>Threshold Distance (metres)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clay bricks, tiles and pipe refractories, with a design production rate exceeding 10,000 tonnes a year:</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>Concrete article or stone article production:</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Concrete batching plant:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Glass and glass production including glass wool:</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td>Plaster or plaster articles production:</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Rock wool manufacture:</td>
<td>500</td>
<td></td>
</tr>
<tr>
<td><strong>Other Premises</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Panel beating:</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Rural industry handling, processing or packing agricultural produce:</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td><strong>Paper &amp; Paper Products:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paper or paper pulp production:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• involving combustion of sulphur or sulphur containing materials</td>
<td>5,000</td>
<td>Note 2</td>
</tr>
<tr>
<td>• from semi-processed materials</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>• from prepared cellulose &amp; rags</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>• by other methods than above</td>
<td></td>
<td>Note 1</td>
</tr>
<tr>
<td><strong>Recreation, Personal &amp; Other Services</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dry cleaning for commercial and institutional customers, or in bulk quantities:</td>
<td>100</td>
<td>Note 2</td>
</tr>
<tr>
<td>Laundry for commercial and institutional customers, or in bulk quantities:</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td><strong>Recycling and Resource Recovery</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advanced resource recovery technology facility</td>
<td>Note 1</td>
<td></td>
</tr>
<tr>
<td>Combustion, treatment or bio-reaction of waste to produce energy</td>
<td>Note 1</td>
<td></td>
</tr>
<tr>
<td>Commercial and Industrial materials recycling</td>
<td>Note 1</td>
<td></td>
</tr>
<tr>
<td>Type of Production, Use Or Storage (Purpose)</td>
<td>Threshold Distance (metres)</td>
<td>Notes</td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>-----------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Composting and other organic materials recycling.</td>
<td>Note 1</td>
<td></td>
</tr>
<tr>
<td>Construction and demolition materials recycling</td>
<td>Note 1</td>
<td></td>
</tr>
<tr>
<td>Other resource recovery or recycling operations</td>
<td>Note 1</td>
<td></td>
</tr>
<tr>
<td>Refuse and used material storage, sorting and recovery in a transfer station:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accepting organic wastes</td>
<td>Note 1</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Sanitary and garbage disposal in landfill</td>
<td>Note 1</td>
<td></td>
</tr>
<tr>
<td>Soil conditioning or blending</td>
<td>Note 1</td>
<td></td>
</tr>
<tr>
<td>Used metals treatment or processing</td>
<td>Note 1</td>
<td></td>
</tr>
<tr>
<td>Used paper and cardboard treatment or processing</td>
<td>Use distances in Paper &amp; Paper Products</td>
<td></td>
</tr>
<tr>
<td>Used plastics treatment or processing</td>
<td>Note 1</td>
<td></td>
</tr>
</tbody>
</table>

**Textiles**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Distance (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carpet backing with latex:</td>
<td>300</td>
</tr>
<tr>
<td>Dyeing or finishing of cotton, linen and woollen yarns and textiles:</td>
<td>300</td>
</tr>
<tr>
<td>Production of artificial fibres &amp; textiles:</td>
<td></td>
</tr>
<tr>
<td>cellulose nitrate or viscose fibre, cellophane or artificial rubber</td>
<td>1,000</td>
</tr>
<tr>
<td>other synthetic fibres and textiles</td>
<td>500</td>
</tr>
<tr>
<td>Rope, cordage and twine production:</td>
<td>100</td>
</tr>
<tr>
<td>Treatment or production of textiles:</td>
<td></td>
</tr>
<tr>
<td>using carbon disulphide</td>
<td>500</td>
</tr>
<tr>
<td>using other substances</td>
<td></td>
</tr>
<tr>
<td>Wool scouring:</td>
<td>200</td>
</tr>
</tbody>
</table>

**Transport and Storage**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Distance (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Depot for refuse collection vehicles</td>
<td>100</td>
</tr>
<tr>
<td>Type of Production, Use Or Storage (Purpose)</td>
<td>Threshold Distance (metres)</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Grain elevators:</td>
<td>300</td>
</tr>
<tr>
<td>Storage of bulk volatile organic compounds in quantities greater than 1,000 tonnes:</td>
<td>1,000</td>
</tr>
<tr>
<td>Storage of petroleum products and crude oil in tanks exceeding 2,000 tonnes capacity:</td>
<td></td>
</tr>
<tr>
<td>- with fixed roofs</td>
<td>300</td>
</tr>
<tr>
<td>- with floating roofs</td>
<td>100</td>
</tr>
<tr>
<td>Storage of wet-salted or unprocessed hides:</td>
<td>300</td>
</tr>
<tr>
<td>Temporary storage of industrial wastes:</td>
<td>300</td>
</tr>
<tr>
<td>Treatment of aqueous waste:</td>
<td>200</td>
</tr>
<tr>
<td>Waste incinerator for:</td>
<td></td>
</tr>
<tr>
<td>- Woodwaste</td>
<td>300</td>
</tr>
<tr>
<td>- Plastic or rubber waste</td>
<td>200</td>
</tr>
<tr>
<td>- Chemical, biomedical or organic waste</td>
<td></td>
</tr>
<tr>
<td>Wood, Wood Products &amp; Furniture</td>
<td></td>
</tr>
<tr>
<td>Charcoal production:</td>
<td></td>
</tr>
<tr>
<td>- by the retort process</td>
<td>500</td>
</tr>
<tr>
<td>- other than by the retort process</td>
<td>1,000</td>
</tr>
<tr>
<td>Joinery:</td>
<td>100</td>
</tr>
<tr>
<td>Sawmill:</td>
<td>500</td>
</tr>
<tr>
<td>Wood preservation plant:</td>
<td>100</td>
</tr>
<tr>
<td>Wood-fibre or wood-chip products:</td>
<td>1,500</td>
</tr>
</tbody>
</table>
TIMBER PRODUCTION

Timber production on Crown land

Any requirement of this scheme which:

- requires timber production to be conducted in a particular way
- requires that a permit be obtained to use or develop land for timber production or to carry out timber production in a particular way
- requires that some aspect of timber production be carried out to the satisfaction of the responsible authority

does not apply to timber production on unalienated land of the Crown managed and controlled by the Minister responsible for administering the Forests Act 1958 and the Sustainable Forests (Timber) Act 2004, or the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forest and Lands Act 1987), whether or not occupied under a licence or other right. All requirements of this scheme apply to Crown land which has been leased.

Timber production to comply with the Code of Practice for Timber Production

All timber production activities (except agroforestry (the simultaneous and substantial production of forest and other agricultural products from the same land unit), windbreaks and commercial plantations of 5 hectares or less) must comply with the Code of Practice for Timber Production (Department of Environment and Primary Industries, 2014). In accordance with Section 6(4A) of the Planning and Environment Act 1987, this applies whether the use of land for timber production is commenced before or after the coming into effect of this requirement.

The Code must be complied with to the satisfaction of the responsible authority.

A permit may require that matters required by the Code must be done to the satisfaction of the responsible authority or a Minister, public authority or referral authority, and may require the responsible authority to seek comments from any other person or authority before making a decision.

Road repairs

After a Timber Harvesting Plan is lodged with the responsible authority under the Code and before the commencement of harvesting operations, the responsible authority, in consultation with the forest owner or manager, must establish the condition of any roads which are proposed to be used as a cartage route.

The forest owner or manager must advise the responsible authority when harvesting operations are complete. After receiving this advice, the responsible authority, in consultation with the forest owner or manager, must establish the condition of any roads which were used as a cartage route.

It is the responsibility of the forest owner or manager to restore any roads which were used as a cartage route to the same condition that they were in before the commencement of harvesting operations to the extent of any damage caused as a result of the harvesting operations.

The cartage of timber associated with harvesting operations is extraordinary traffic for the purpose of Section 112 of the Road Management Act 2004.

Decision guidelines

Before deciding on an application to use or develop land for timber production, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The need to encourage plantation establishment and timber production in locations where it is of significance to national, state and regional economies, and in areas affected by salinity and other forms of land degradation.
The role of native forest and plantations in:

- Protecting water quality.
- Conserving flora and fauna.
- Preventing land degradation, including soil erosion, salinisation and water logging.
- Preventing adverse effects on groundwater recharge.

- The preservation of and impact on the natural environment, cultural heritage and visual amenity.
- Whether it is appropriate to require environmental protection standards greater than those in the Code.
53.12  
08/08/2019  
VC159  

RACING DOG HUSBANDRY  

Purpose  
To ensure the use and development of land for racing dog husbandry is consistent with orderly and proper planning.  

53.12-1  
08/08/2019  
VC159  

Requirement  
An application to use land, or construct a building or construct or carry out works, for racing dog husbandry under a provision of a rural zone must comply with Planning requirements for racing dog keeping and training (Department of Environment, Land, Water and Planning, August 2017). This requirement does not apply to an application to construct a building or construct or carry out works associated with a use that is a Section 1 use in the Table of uses of the zone.  

53.12-2  
31/07/2018  
VC148  

Exemption from notice and review  
An application to which the requirement in Clause 53.12-1 applies 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 if the approved measures specified in Planning requirements for racing dog keeping and training (Department of Environment, Land, Water and Planning, August 2017) are met.
RENEWABLE ENERGY FACILITY (OTHER THAN WIND ENERGY FACILITY)

Purpose
To facilitate the establishment and expansion of renewable energy facilities, in appropriate locations, with minimal impact on the amenity of the area.

Application
This clause applies to an application under any provision of this planning scheme to use or develop land for a renewable energy facility (other than a wind energy facility).

Application requirements
An application must be accompanied by the following information, as appropriate:

- A site and context analysis, including:
  - A site plan, photographs or other techniques to accurately describe the site and the surrounding area.
  - A location plan showing the full site area, local electricity grid, access roads to the site and direction and distance to nearby accommodation, hospital or education centre.

- A design response, including:
  - Detailed plans of the proposed development including, the layout and height of the facility and associated building and works, materials, reflectivity, colour, lighting, landscaping, the electricity distribution starting point (where the electricity will enter the distribution system), access roads and parking areas.
  - Accurate visual simulations illustrating the development in the context of the surrounding area and from key public view points.
  - The extent of vegetation removal and a rehabilitation plan for the site.
  - Written report and assessment, including:
    - An explanation of how the proposed design derives from and responds to the site analysis.
    - A description of the proposal, including the types of process to be utilised, materials to be stored and the treatment of waste.
    - Whether a Works Approval or Licence is required from the Environment Protection Authority.
    - The potential amenity impacts such as noise, glint, light spill, emissions to air, land or water, vibration, smell and electromagnetic interference.
    - The effect of traffic to be generated on roads.
    - The impact upon Aboriginal or non-Aboriginal cultural heritage.
    - A statement of why the site is suitable for a renewable energy facility including, a calculation of the greenhouse benefits.
    - An environmental management plan including, a construction management plan, any rehabilitation and monitoring.
**Decision guidelines**

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

- The effect of the proposal on the surrounding area in terms of noise, glint, light spill, vibration, smell and electromagnetic interference.
- The impact of the proposal on significant views, including visual corridors and sightlines.
- The impact of the proposal on strategically important agricultural land, particularly within declared irrigation districts.
- The impact of the proposal on the natural environment and natural systems.
- The impact of the proposal on the road network.

**Amendment VC161 transitional provisions**

Clauses 19.01-2S and 53.13 of this planning scheme, as in force immediately before the approval date of Amendment VC161, continue to apply to an application to use or develop land for a renewable energy facility (other than a wind energy facility) lodged before the approval date of Amendment VC161.

Clauses 14.02-3S and 66.02-12 of this planning scheme do not apply to an application to use or develop land for a renewable energy facility (other than a wind energy facility) lodged before the approval date of Amendment VC161.
RESOURCES RECOVERY

Purpose
To facilitate the establishment and expansion of a Transfer station and/or a Materials recycling facility in appropriate locations with minimal impact on the environment and amenity of the area.

Application
This clause applies to all land used and developed or proposed to be used and developed for:

- A Transfer station;
- A Materials recycling facility.

Application requirements
An application must be accompanied by the following information:

- A location plan showing the site and surrounding uses including distances to nearby sensitive uses such as residential, hospital or education uses.
- A detailed site plan showing the layout and height of buildings and works, materials, reflectivity, colour, lighting, landscaping, access roads and parking areas.
- Plans or other media showing anticipated views of the facility from sensitive use locations.
- A written report(s) including:
  - Identification of the purpose of the use.
  - A description of the proposal including the materials to be processed, the types of processes to be used and any materials to be stored and handled.
  - Proposed hours of operation.
  - Likely traffic generation including heavy vehicles.
  - Consideration of whether a works approval or licence is required from the Environment Protection Authority.
- An assessment of:
  - Potential amenity impacts such as noise, odour, emissions to air, land or water, vibration, dust, light spill, visual impact.
  - The impact of traffic generation on local roads.

Decision Guidelines
Before deciding on an application, in addition to the Decision Guidelines of Clause 65, the responsible authority must consider:

- The contribution of the proposal to achieving resource recovery targets established by the Victorian Government.
- The impact of the proposal on the amenity of the surrounding area.
- The Statewide Waste and Resource Recovery Infrastructure Plan (Sustainability Victoria, 2015).
- Relevant guidelines applicable to the application including the guideline for *Designing, Constructing and Operating Composting Facilities* (Environmental Protection Authority, 2015), the *Guide to Best Practice for Organics Recovery* (Sustainability Victoria, 2009) and the *Guide to Best Practice at Resource Recovery Centres* (Sustainability Victoria, 2009).
STATEMENT OF UNDERLYING PROVISIONS

Purpose

To specify the planning scheme provisions which would have applied to land reserved for a public purpose pursuant to section 6(2)(i) of the Planning and Environment Act 1987 if the land had not been reserved for that purpose.

Application

In relation to any land identified in the schedule to this clause, the provisions of the planning scheme which would have applied to that land if it had not been reserved for a public purpose are the provisions which are contained in the relevant incorporated document, also identified in the schedule to this clause.

The incorporated document may contain some or all of the provisions which would have applied to the relevant land under this scheme if the land had not been reserved for a public purpose.

The incorporated document may also contain a statement or explanation of the strategic basis for those provisions. Alternatively, the incorporated document may make reference to a separate document, not forming part of the incorporated document, which contains a statement or explanation of the strategic basis for those provisions.
SCHEDULE TO CLAUSE 53.15 STATEMENT OF UNDERLYING PROVISIONS

Incorporated statement

<table>
<thead>
<tr>
<th>Land</th>
<th>Incorporated Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td>None specified</td>
</tr>
</tbody>
</table>
**PIG FARM**

**Purpose**
To facilitate the establishment and expansion of pig farms in a manner that is consistent with orderly and proper planning and the protection of the environment.

**Application**
This clause applies to permit applications to use land or construct a building or construct or carry out works for a pig farm, including to increase the farm capacity of an existing pig farm.

**Exemption from notice and review**
An application to use land or construct a building or construct or carry out works for a pig farm 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 if the following requirements are met:

- The number of pigs does not exceed 150 sows or 1,000 Standard Pig Units as calculated in Table 1.
- The outdoor stocking density does not exceed 12 Standard Pig Units per hectare as calculated in Table 1.
- A Nutrient Management Plan demonstrates pigs are kept outdoors on paddocks with:
  - A minimum of 50% ground cover; and
  - Mobile housing and feeding infrastructure that is relocated at least every three months.
- Any area used as a pig range, including associated buildings and works, is setback a minimum distance of:
  - 100 metres from a building used for a sensitive use (accommodation, a child care centre, an education centre or a hospital), and
  - 400 metres from land in a residential zone.

**Table 1 Standard Pig Unit conversion factors**

<table>
<thead>
<tr>
<th>Pig Class</th>
<th>Mass Range (kg)</th>
<th>Age Range (weeks)</th>
<th>SPU Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gilt</td>
<td>100 – 160</td>
<td>24 - 30</td>
<td>1.8</td>
</tr>
<tr>
<td>Boar</td>
<td>100 – 300</td>
<td>24 – 128</td>
<td>1.6</td>
</tr>
<tr>
<td>Gestating sow</td>
<td>160 – 230</td>
<td>-</td>
<td>1.6</td>
</tr>
<tr>
<td>Lactating sow</td>
<td>160 – 230</td>
<td>-</td>
<td>2.5</td>
</tr>
<tr>
<td>Sucker</td>
<td>1.4 – 8</td>
<td>0 – 4</td>
<td>0.1</td>
</tr>
<tr>
<td>Weaner</td>
<td>8 – 25</td>
<td>4 – 10</td>
<td>0.5</td>
</tr>
<tr>
<td>Grower</td>
<td>24 – 55</td>
<td>10 – 16</td>
<td>1.0</td>
</tr>
<tr>
<td>Finisher</td>
<td>55 – 100</td>
<td>16 – 24</td>
<td>1.6</td>
</tr>
</tbody>
</table>
### Pig Class, Mass Range, Age Range and SPU Factor

<table>
<thead>
<tr>
<th>Pig Class</th>
<th>Mass Range (kg)</th>
<th>Age Range (weeks)</th>
<th>SPU Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heavy Finisher</td>
<td>100 – 130</td>
<td>24 -30</td>
<td>1.8</td>
</tr>
</tbody>
</table>

Note: Adapted from the National Environmental Guidelines for Piggeries 2010

### Decision guidelines

Before deciding on an application to use land or construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The purpose of the relevant zone.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The need to protect amenity of existing uses on adjoining land.
- The impact of the use of the land on the surrounding area, including from the emission of noise, light, vibration, odour, dust, or waste products.
- The impact of the proposal on any wetlands, waterways or water bodies.
- The likely environmental impact on the natural physical features and biodiversity of the land, including consideration of any Nutrient Management Plan submitted with the application.
- Whether the development will support and enhance agricultural production.
- The requirements of the *Victorian Low Density Mobile Outdoor Pig Farm Planning Permit Guidelines* (June 2018).
RESIDENTIAL AGED CARE FACILITY

**Purpose**

To facilitate the development of well-designed residential aged care facilities to meet existing and future needs.

To recognise that residential aged care facilities have a different scale and built form to the surrounding neighbourhood.

To ensure residential aged care facilities do not unreasonably impact on the amenity of adjoining dwellings.

**Application**

This clause applies to an application to construct a building or construct or carry out works for a residential aged care facility in the General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

**Application requirements**

An application must be accompanied by:

- A site and context description.
- A design response.
- A landscape plan.

**Site and context description**

The site and context description may use a site plan, photographs or other techniques and must include:

- Site shape, size, orientation and easements.
- Levels of the site and the difference in levels between the site and surrounding properties.
- The location of existing buildings on the site and on adjacent properties, including the location and height of walls built to the boundary of the site.
- The use of adjacent buildings and land.
- The location of secluded private open space and habitable room windows of adjacent properties which have an outlook to the site within 9 metres.
- Solar access to the site and to adjacent properties.
- Any contaminated soils and filled areas, where known.
- Location of significant trees existing on the site and any significant trees removed from the site in the 12 months prior to the application being made, where known.
- Street frontage features such as poles, street trees and kerb crossovers.
- Any other notable features or characteristics of the site.

If in the opinion of the responsible authority a requirement of the site and context description is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

**Design response**

The design response must explain how the proposed design:

- Responds to the site and context description.
- Meets the requirements of this clause.
Landscape plan

The landscape plan must include:

- Landscaping of communal open space for the enjoyment of residents and staff.
- Landscaping along the boundaries of the site.
- On-site management of run-off from paved areas.
- Retaining significant trees where possible.

Development requirements

Operation

If there is any inconsistency between a requirement in this clause and a requirement in another provision of this planning scheme, this clause prevails.

Building height

In the Neighbourhood Residential Zone, General Residential Zone and Township Zone the maximum building height must not exceed 16 metres.

In the Mixed Use Zone and Residential Growth Zone the maximum building height should not exceed 16 metres.

Street setback

Walls of buildings should be set back from streets the distance specified in the table:

<table>
<thead>
<tr>
<th>Development context</th>
<th>Minimum setback from front street (metres)</th>
<th>Minimum setback from a side street (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</td>
<td>The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser. This does not include a porte cochère.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.</td>
<td>The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. This does not include a porte cochère.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</td>
<td>6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>The site is on a corner.</td>
<td>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. This does not include a porte cochère.</td>
<td>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting...</td>
</tr>
</tbody>
</table>

MELBOURNE PLANNING SCHEME
### Development context

<table>
<thead>
<tr>
<th>Development context</th>
<th>Minimum setback from front street (metres)</th>
<th>Minimum setback from a side street (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td>
<td>allotment facing the side street or 4 metres, whichever is the lesser.</td>
</tr>
<tr>
<td></td>
<td>Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</td>
<td></td>
</tr>
</tbody>
</table>

### Side and rear setbacks

A new building not on or within 200mm of a boundary should be set back from side or rear boundaries by 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Screens, sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.
**Walls on boundaries**

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary for a length of more than:

- 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
- Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports; whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

**Daylight to existing windows**

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.
Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

North-facing windows

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.
**Overshadowing open space**

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

**Overshadowing solar energy systems**

Buildings should be sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

**Overlooking**

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.
- Have sill heights of at least 1.2 metres above floor level.
- Have fixed, obscure glazing in any part of the window below 1.2 metres above floor level.
- Have permanently fixed external screens to at least 1.2 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.2 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:
- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

Noise impacts
Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.

Daylight to new windows
A window in a habitable room should be located to face:
- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

Site coverage
The site area covered by buildings should not exceed 80 percent.

Access
Access ways should be designed to:
- Provide direct access to on-site designated areas for car and bicycle parking.
- Provide direct access to the building for emergency vehicles.
- Provide access for service and delivery vehicles to on-site loading bays and storage areas.
- Ensure vehicles can enter and exit a development in a forward direction.
• Provide a carriageway width of at least 5.5 metres and an internal radius of at least 4 metres at a change of direction.

• The number and location of access points from streets to the site and the design of crossovers must be to the requirements of the relevant road authority.

• Shared access ways or car parks should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced by 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the access way.

Building entry
The main pedestrian entry to a building should:

• Have convenient access from a street.

• Be sheltered from the weather.

• Have convenient access from on-site car parking.

• Have a designated vehicle standing area suitable for use by a community bus and a disabled parking area should be provided in an area that is convenient for the drop-off and pick-up of residents.

Communal open space
Accessible and useable communal open space should be provided for residents and staff.

Front fence
A front fence within 3 metres of a street should not exceed:

• 2 metres in height in streets in a Road Category 1; and

• 1.5 metres in height on all other streets.

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

• The Municipal Planning Strategy and the Planning Policy Framework.

• How the proposed development responds to the site and context description.

• Where the requirements of this clause are not met, the impact on the amenity of the adjoining dwellings.

• The proposed amenity for future residents of the residential aged care facility.

• The effect of overshadowing on an appropriately located existing rooftop solar energy system on an adjoining lot.
STORMWATER MANAGEMENT IN URBAN DEVELOPMENT

Purpose
To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

Application
This clause applies to an application under a provision of a zone to subdivide land, construct a building, or construct or carry out works, other than the following applications:

- An application under a provision of the Farming Zone, Green Wedge Zone, Green Wedge A Zone, Low Density Residential Zone, Public Conservation and Resource Zone, Road Zone, Rural Activity Zone, Rural Conservation Zone, Rural Living Zone, Urban Floodway Zone or Urban Growth Zone.
- A VicSmart application.
- An application to subdivide land in a residential zone for residential purposes.
- An application to construct or extend a dwelling, fence or residential building in a residential zone.
- An application for development associated with the use of land for agriculture or earth and energy resources industry.
- An application to construct a building or construct or carry out works associated with one dwelling on a lot.
- An application to alter, extend or make structural changes to an existing building provided the gross floor area of the building is not increased by more than 50 square metres.
- An application to construct a building with a gross floor area not exceeding 50 square metres.
- An application to construct or carry out works with an area not exceeding 50 square metres.
- An application to subdivide land into lots each containing an existing building or car parking space.
- An application to construct a building or to construct or carry out works on a lot if all of the following requirements are met:
  - The lot was created in accordance with a permit granted under this planning scheme.
  - The application for that permit was assessed against the requirements of this clause.
- An application for land affected by a development plan or incorporated plan that was approved or incorporated in this planning scheme before the approval date of Amendment VC154.
- An application lodged before the approval date of Amendment VC154.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC154.

Operation
The provisions of this clause contain:

- Objectives. An objective describes the desired outcome to be achieved in the completed development.
- Standards. A standard contains the requirements to meet the objective.
A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative solution meets the objective, the alternative solution may be considered.

**Requirements**

An application to subdivide land:

- Must meet all of the objectives of Clauses 53.18-4 and 53.18-6.
- Should meet all of the standards of Clauses 53.18-4 and 53.18-6.

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

- Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.
- Should meet all of the standards of Clauses 53.18-5 and 53.18-6.

An application must be accompanied by details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.

**Stormwater management objectives for subdivision**

To minimise damage to properties and inconvenience to the public from stormwater.

To ensure that the street operates adequately during major storm events and provides for public safety.

To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.

To encourage stormwater management that maximises the retention and reuse of stormwater.

To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.

**Standard W1**

The stormwater management system should be:

- Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.
- Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed.
- Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
- Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.
- Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.

For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:

- Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.
- Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.
For storm events greater than 20% AEP and up to and including 1% AEP standard:

- Provision must be made for the safe and effective passage of stormwater flows.
- All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.
- Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria \( da \cdot V_{ave} < 0.35 \text{ m}^2/\text{s} \) (where, \( da = \) average depth in metres and \( V_{ave} = \) average velocity in metres per second).

The design of the local drainage network should:

- Ensure stormwater is retarded to a standard required by the responsible drainage authority.
- Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.
- Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner.
- Include water sensitive urban design features to manage stormwater in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.

Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.

### Stormwater management objectives for buildings and works

**To encourage stormwater management that maximises the retention and reuse of stormwater.**

**To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.**

**To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.**

**To ensure that industrial and commercial chemical pollutants and other toxicants do not enter the stormwater system.**

### Standard W2

The stormwater management system should be designed to:

- Minimise the impact of chemical pollutants and other toxicants including by, but not limited to, bunding and covering or roofing of storage, loading and work areas.
- Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

### Site management objectives

**To protect drainage infrastructure and receiving waters from sedimentation and contamination.**

**To protect the site and surrounding area from environmental degradation prior to and during construction of subdivision works.**
Standard W3

An application should describe how the site will be managed prior to and during the construction period and may set out requirements for managing:

- Erosion and sediment.
- Stormwater.
- Litter, concrete and other construction wastes.
- Chemical contamination.

Decision guidelines

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

- Any relevant water and stormwater management objective, policy or statement set out in this planning scheme.
- The capacity of the site to incorporate stormwater retention and reuse and other water sensitive urban design features.
- Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.
- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater.
- Whether the stormwater treatment areas can be effectively maintained.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.
53.19  
03/12/2019  
VC165

NON-GOVERNMENT SCHOOLS

Purpose
To facilitate new non-government schools.
To facilitate upgrades and extensions to existing non-government schools.

53.19-1  
03/12/2019  
VC165

Application
This clause applies to an application under any provision of this scheme for any of the following provided that the proposed use or development is funded, or partly funded, by the Victorian Government's Non-Government Schools Capital Fund:

- Use or development of land for a new primary school or secondary school.
- Construction of a building on land used for a primary school or secondary school provided the combined gross floor area of all new buildings is 5,000 square metres or greater.
- Construction of additional classrooms on land used for a primary school or secondary school.
- An increase of the permitted number of students associated with additional classrooms on land used for a primary school or secondary school.
- Removal or replacement of non-conforming or non-compliant building products on land used for a primary school or secondary school.

This clause does not apply to an application lodged before the approval date of Amendment VC165.

53.19-2  
03/12/2019  
VC165

Exemption from notice and review
An application to which Clause 53.19 applies is exempt from the notice requirements of section 52(1)(a), (b), (c) and (d), the decision requirements of section 64(1), (2), and (3), and the review rights of section 82(1) of the Act.
ONE DWELLING ON A LOT

Purpose
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.
To encourage residential development that provides reasonable standards of amenity for existing and new residents.
To encourage residential development that is responsive to the site and the neighbourhood.

Application
These provisions apply to an application to construct a building or construct or carry out works associated with one dwelling on a lot under the provisions of:
- A Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone.
- A Neighbourhood Character Overlay if the land is in a Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone.

Operation
The provisions of this clause contain:

- **Objectives.** An objective describes the desired outcome to be achieved in the completed development.

- **Standards.** A standard contains the requirements to meet the objective.
  A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

- **Decision guidelines.** The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives.

Requirements
A development:
- Must meet all of the objectives of this clause.
- Should meet all of the standards of this clause.

If a zone or a schedule to a zone specifies a requirement of a standard different from a requirement set out in this clause, the requirement in the zone or a schedule to the zone applies.

If the land is included in a Neighbourhood Character Overlay and a schedule to the overlay specifies a requirement of a standard different from a requirement set out in this clause or a requirement in the zone or a schedule to the zone, the requirement in the schedule to the overlay applies.

If the land is included in an overlay, other than a Neighbourhood Character Overlay, and a schedule to the overlay specifies a requirement different from a requirement of a standard set out in this clause or a requirement of a standard set out in the zone or a schedule to the zone, the requirement in the overlay applies.
NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

An application must be accompanied by:

- A neighbourhood and site description.
- A design response.

Neighbourhood and site description

The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe:

- In relation to the neighbourhood:
  - The built form, scale and character of surrounding development including front fencing.
  - Architectural and roof styles.
  - Any other notable features or characteristics of the neighbourhood.

- In relation to the site:
  - Site shape, size, orientation and easements.
  - Levels of the site and the difference in levels between the site and surrounding properties.
  - Location of existing buildings on the site and on surrounding properties, including the location and height of walls built to the boundary of the site.
  - The use of surrounding buildings.
  - The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres.
  - Solar access to the site and to surrounding properties.
  - Location of significant trees existing on the site and any significant trees removed from the site in the 12 months prior to the application being made, where known.
  - Any contaminated soils and filled areas, where known.
  - Views to and from the site.
  - Street frontage features such as poles, street trees and kerb crossovers.
  - Any other notable features or characteristics of the site.

If in the opinion of the responsible authority a requirement of the neighbourhood and site description is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

Satisfactory neighbourhood and site description

If the responsible authority decides that the neighbourhood and site description is not satisfactory, it may require more information from the applicant under Section 54 of the Act.

The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 54.01-1 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.

Design response

The design response must explain how the proposed design:
- Derives from and responds to the neighbourhood and site description.
- Meets the objectives of Clause 54.
- Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood Character Overlay.

The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.
NEIGHBOURHOOD CHARACTER

Neighbourhood character objective

To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

To ensure that the design responds to the features of the site and the surrounding area.

Standard A1

The design response must be appropriate to the neighbourhood and the site.

The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The neighbourhood and site description.
- The design response.

Integration with the street objective

To integrate the layout of development with the street.

Standard A2

Dwellings should be oriented to front existing and proposed streets.

High fencing in front of dwellings should be avoided if practicable.

Dwellings should be designed to promote the observation of abutting streets and any abutting public open spaces.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
SITE LAYOUT AND BUILDING MASSING

Street setback objective

To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Standard A3

Walls of buildings should be set back from streets:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, the distance specified in Table A1.

Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

Table A1 Street setback

<table>
<thead>
<tr>
<th>Development context</th>
<th>Minimum setback from front street (Metres)</th>
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</thead>
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<td>The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.</td>
<td>The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</td>
<td>6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>The site is on a corner.</td>
<td>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td>
<td>The same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</td>
</tr>
</tbody>
</table>

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.
- The visual impact of the building when viewed from the street and from adjoining properties.
- The value of retaining vegetation within the front setback.
Building height objective
To ensure that the height of buildings respects the existing or preferred neighbourhood character.

Standard A4
The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.

If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.

Changes of building height between existing buildings and new buildings should be graduated.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land.
- The design response.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.

Site coverage objective
To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

Standard A5
The site area covered by buildings should not exceed:

- The maximum site coverage specified in a schedule to the zone, or
- If no maximum site coverage is specified in a schedule to the zone, 60 per cent.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The existing site coverage and any constraints imposed by existing development or the features of the site.
- The site coverage of adjacent properties.
- The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.

Permeability objectives
To reduce the impact of increased stormwater run-off on the drainage system.

To facilitate on-site stormwater infiltration.
Standard A6

The site area covered by pervious surfaces should be at least:

- The minimum area specified in a schedule to the zone; or
- If no minimum area is specified in a schedule to the zone, 20 per cent of the site.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The existing site coverage and any constraints imposed by existing development.
- The capacity of the drainage network to accommodate additional stormwater.
- The capacity of the site to absorb run-off.
- The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.

Energy efficiency protection objectives

To achieve and protect energy efficient dwellings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

Standard A7

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

Living areas and private open space should be located on the north side of the dwelling, if practicable.

Dwellings should be designed so that solar access to north-facing windows is maximised.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and slope of the lot.
- The existing amount of solar access to abutting properties.
- The extent to which an existing rooftop solar energy facility on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy facility on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy system on an adjoining lot.
- The availability of solar access to north-facing windows on the site.
Significant trees objectives

To encourage development that respects the landscape character of the neighbourhood.
To encourage the retention of significant trees on the site.

Standard A8

Development should provide for the retention or planting of trees, where these are part of the
neighbourhood character.

Development should provide for the replacement of any significant trees that have been removed
in the 12 months prior to the application being made.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The health of any trees that were removed or are proposed to be removed.
- Whether a tree was removed to gain a development advantage.
AMENITY IMPACTS

Side and rear setbacks objective

To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard A10

A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

Diagram A1 Side and rear setbacks

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.
- Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.
- Whether the wall abuts a side or rear lane.

### Walls on boundaries objective

To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

### Standard A11

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary:

- For a length more than the distance specified in a schedule to the zone; or
- If no distance is specified in a schedule to the zone, for a length of more than:
  - 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
  - Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The extent to which walls on boundaries are part of the neighbourhood character.
- The visual impact of the building when viewed from adjoining properties.
- The impact on the amenity of existing dwellings.
- The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property.
- The orientation of the boundary that the wall is being built on.
- The width of the lot.
- The extent to which the slope and retaining walls or fences reduce the effective height of the wall.
- Whether the wall abuts a side or rear lane.
- The need to increase the wall height to screen a box gutter.
Daylight to existing windows objective
To allow adequate daylight into existing habitable room windows.

Standard A12
Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

Diagram A2 Daylight to existing windows

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.
- The impact on the amenity of existing dwellings.

North-facing windows objective
To allow adequate solar access to existing north-facing habitable room windows.

Standard A13
If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.
Diagram A3 North-facing windows

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- Existing sunlight to the north-facing habitable room window of the existing dwelling.
- The impact on the amenity of existing dwellings.

Overshadowing open space objective
To ensure buildings do not unreasonably overshadow existing secluded private open space.

Standard A14
Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of existing dwellings.
- Existing sunlight penetration to the secluded private open space of the existing dwelling.
- The time of day that sunlight is available to the secluded private open space of the existing dwelling.
- The effect of a reduction in sunlight on the existing use of the secluded private open space.

**Overlooking objective**

To limit views into existing secluded private open space and habitable room windows.

**Standard A15**

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or
- Have sill heights of at least 1.7 metres above floor level, or
- Have obscure glazing in any part of the window below 1.7 metres above floor level, or
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

**Diagram A4 Overlooking open space**

![Diagram](image)

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of the secluded private open space or habitable room window.
- The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings.
- The internal daylight to and amenity of the proposed dwelling.
ON-SITE AMENITY AND FACILITIES

Daylight to new windows objective
To allow adequate daylight into new habitable room windows.

Standard A16
A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether there are other windows in the habitable room which have access to daylight.

Private open space objective
To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard A17
A dwelling should have private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimensions is specified in a schedule to the zone, a dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability of the private open space, including its size and accessibility.
- The availability of and access to public open space.
- The orientation of the lot to the street and the sun.

Solar access to open space objective
To allow solar access into the secluded private open space of a new dwelling.

Standard A18
The private open space should be located on the north side of the dwelling, if practicable.
The southern boundary of secluded private open space should be set back from any wall on the north of the space at least \((2 + 0.9h)\) metres, where ‘h’ is the height of the wall.
Diagram A5 Solar access to open space

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of the secluded private open space based on the sunlight it will receive.
DETAILED DESIGN

Design detail objective
To encourage design detail that respects the existing or preferred neighbourhood character.

Standard A19
The design of buildings, including:
- Facade articulation and detailing,
- Window and door proportions,
- Roof form, and
- Verandahs, eaves and parapets,
should respect the existing or preferred neighbourhood character.
Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting.
- Whether the design is innovative and of a high architectural standard.

Front fences objective
To encourage front fence design that respects the existing or preferred neighbourhood character.

Standard A20
The design of front fences should complement the design of the dwelling and any front fences on adjoining properties.
A front fence within 3 metres of a street should not exceed:
- The maximum height specified in a schedule to the zone, or
- If no maximum height is specified in a schedule to the zone, the maximum height specified in Table A2.

Table A2 Maximum front fence height

<table>
<thead>
<tr>
<th>Street context</th>
<th>Maximum front fence height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Streets in a Road Zone, Category 1</td>
<td>2 metres</td>
</tr>
<tr>
<td>Other streets</td>
<td>1.5 metres</td>
</tr>
</tbody>
</table>

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The setback, height and appearance of front fences on adjacent properties.
- The extent to which slope and retaining walls reduce the effective height of the front fence.
- Whether the fence is needed to minimise noise intrusion.
TWO OR MORE DWELLINGS ON A LOT AND RESIDENTIAL BUILDINGS

Purpose
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.
To encourage residential development that provides reasonable standards of amenity for existing and new residents.
To encourage residential development that is responsive to the site and the neighbourhood.

Application
Provisions in this clause apply to an application to:
- Construct a dwelling if there is at least one dwelling existing on the lot,
- Construct two or more dwellings on a lot,
- Extend a dwelling if there are two or more dwellings on the lot,
- Construct or extend a dwelling on common property, or
- Construct or extend a residential building,
in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone.

The provisions of this clause apply to an application specified above, in the manner set out in the following table.

<table>
<thead>
<tr>
<th>Application type</th>
<th>Applicable clauses</th>
</tr>
</thead>
<tbody>
<tr>
<td>To construct or extend a dwelling (other than a dwelling in or forming part of an apartment development), or construct or extend a residential building.</td>
<td>All of Clause 55 except Clause 55.07-1 to 55.07-15 (inclusive).</td>
</tr>
<tr>
<td>To construct or extend an apartment development, or construct or extend a dwelling in or forming part of an apartment development.</td>
<td>All of Clause 55 except Clause 55.03-5, Clause 55.03-6, Clause 55.04-8, Clause 55.05-1, Clause 55.05-2 and Clause 55.05-6.</td>
</tr>
</tbody>
</table>

These provisions do not apply to an application to construct or extend a development of five or more storeys, excluding a basement or to construct or extend a dwelling in a development of five or more storeys, excluding a basement.

Operation
The provisions of this clause contain:
- **Objectives.** An objective describes the desired outcome to be achieved in the completed development.
- **Standards.** A standard contains the requirements to meet the objective.
  A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.
- **Decision guidelines.** The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives.

Requirements
A development:
Must meet all of the objectives of this clause that apply to the application.

Should meet all of the standards of this clause that apply to the application.

For all of the provisions of Clause 55 other than Clause 55.07 (Apartment developments):

- If a zone or a schedule to a zone specifies a requirement of a standard different from a requirement set out in this clause, the requirement in the zone or a schedule to the zone applies.

- If the land is included in a Neighbourhood Character Overlay and a schedule to the overlay specifies a requirement of a standard different from a requirement set out in this clause or a requirement in the zone or a schedule to the zone, the requirement in the schedule to the overlay applies.

- If the land is included in an overlay, other than a Neighbourhood Character Overlay, and a schedule to the overlay specifies a requirement different from a requirement of a standard set out in this clause or a requirement of a standard set out in the zone or a schedule to the zone, the requirement in the overlay applies.

The requirements of a standard set out in Clause 55.07 (Apartment developments) apply to the exclusion of any different requirement specified in a zone, a schedule to a zone, or a schedule to an overlay.

**Transitional provisions**

Clause 55.03-4 of this planning scheme, as in force immediately before the approval date of Amendment VC154, continues to apply to:

- An application for a planning permit lodged before that date.

- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.
NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE

An application must be accompanied by:

- A neighbourhood and site description.
- A design response.

Neighbourhood and site description

The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe:

- In relation to the neighbourhood:
  - The pattern of development of the neighbourhood.
  - The built form, scale and character of surrounding development including front fencing.
  - Architectural and roof styles.
  - Any other notable features or characteristics of the neighbourhood.

- In relation to the site:
  - Site shape, size, orientation and easements.
  - Levels of the site and the difference in levels between the site and surrounding properties.
  - The location of existing buildings on the site and on surrounding properties, including the location and height of walls built to the boundary of the site.
  - The use of surrounding buildings.
  - The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres.
  - Solar access to the site and to surrounding properties.
  - Location of significant trees existing on the site and any significant trees removed from the site 12 months prior to the application being made, where known.
  - Any contaminated soils and filled areas, where known.
  - Views to and from the site.
  - Street frontage features such as poles, street trees and kerb crossovers.
  - The location of local shops, public transport services and public open spaces within walking distance.
  - Any other notable features or characteristics of the site.

If in the opinion of the responsible authority a requirement of the neighbourhood and site description is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

Satisfactory neighbourhood and site description

If the responsible authority decides that the neighbourhood and site description is not satisfactory, it may require more information from the applicant under Section 54 of the Act.

The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 55.01-1 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.
Design response

The design response must explain how the proposed design:

- Derives from and responds to the neighbourhood and site description.
- Meets the objectives of Clause 55.
- Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood Character Overlay.

The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.
**NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE**

**Neighbourhood character objectives**

To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

To ensure that development responds to the features of the site and the surrounding area.

**Standard B1**

The design response must be appropriate to the neighbourhood and the site.

The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The neighbourhood and site description.
- The design response.

**Residential policy objectives**

To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.

**Standard B2**

An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.

**Dwelling diversity objective**

To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

**Standard B3**

Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:

- Dwellings with a different number of bedrooms.
- At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.

**Infrastructure objectives**

To ensure development is provided with appropriate utility services and infrastructure.
To ensure development does not unreasonably overload the capacity of utility services and infrastructure.

**Standard B4**

Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.

Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The capacity of the existing infrastructure.

- In the absence of reticulated sewerage, the capacity of the development to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.

- If the drainage system has little or no spare capacity, the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.

**Integration with the street objective**

To integrate the layout of development with the street.

**Standard B5**

Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.

Development should be oriented to front existing and proposed streets.

High fencing in front of dwellings should be avoided if practicable.

Development next to existing public open space should be laid out to complement the open space.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.

- The design response.
SITE LAYOUT AND BUILDING MASSING

Street setback objective
To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

Standard B6
Walls of buildings should be set back from streets:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, the distance specified in Table B1.

Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.

Table B1 Street setback

<table>
<thead>
<tr>
<th>Development context</th>
<th>Minimum setback from front street (metres)</th>
<th>Minimum setback from a side street (metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.</td>
<td>The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.</td>
<td>The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>There is no existing building on either of the abutting allotments facing the same street, and the site is not on a corner.</td>
<td>6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td>
<td>Not applicable</td>
</tr>
<tr>
<td>The site is on a corner.</td>
<td>If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets.</td>
<td>Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser. Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser.</td>
</tr>
</tbody>
</table>

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots.

- The visual impact of the building when viewed from the street and from adjoining properties.
- The value of retaining vegetation within the front setback.

### Building height objective

To ensure that the height of buildings respects the existing or preferred neighbourhood character.

#### Standard B7

The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.

If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.

Changes of building height between existing buildings and new buildings should be graduated.

#### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land.
- The design response.
- The effect of the slope of the site on the height of the building.
- The relationship between the proposed building height and the height of existing adjacent buildings.
- The visual impact of the building when viewed from the street and from adjoining properties.

### Site coverage objective

To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

#### Standard B8

The site area covered by buildings should not exceed:

- The maximum site coverage specified in a schedule to the zone, or
- If no maximum site coverage is specified in a schedule to the zone, 60 per cent.

#### Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The existing site coverage and any constraints imposed by existing development or the features of the site.
- The site coverage of adjacent properties.
- The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.
Permeability and stormwater management objectives

To reduce the impact of increased stormwater run-off on the drainage system.

To facilitate on-site stormwater infiltration.

To encourage stormwater management that maximises the retention and reuse of stormwater.

Standard B9

The site area covered by the pervious surfaces should be at least:

- The minimum area specified in a schedule to the zone, or
- If no minimum is specified in a schedule to the zone, 20 percent of the site.

The stormwater management system should be designed to:

- Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The capacity of the site to incorporate stormwater retention and reuse.
- The existing site coverage and any constraints imposed by existing development.
- The capacity of the drainage network to accommodate additional stormwater.
- The capacity of the site to absorb run-off.
- The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

Energy efficiency objectives

To achieve and protect energy efficient dwellings and residential buildings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

Standard B10

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north-facing windows is maximised.
Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and slope of the lot.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.
- The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures.
- Whether the existing rooftop solar energy facility on an adjoining lot is appropriately located.
- The effect of overshadowing on an existing rooftop solar energy facility on an adjoining lot.

Open space objective
To integrate the layout of development with any public and communal open space provided in or adjacent to the development.

Standard B11
If any public or communal open space is provided on site, it should:

- Be substantially fronted by dwellings, where appropriate.
- Provide outlook for as many dwellings as practicable.
- Be designed to protect any natural features on the site.
- Be accessible and useable.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant plan or policy for open space in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.

Safety objective
To ensure the layout of development provides for the safety and security of residents and property.

Standard B12
Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.

Planting which creates unsafe spaces along streets and accessways should be avoided.

Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.

Decision guideline
Before deciding on an application, the responsible authority must consider the design response.

Landscaping objectives
To encourage development that respects the landscape character of the neighbourhood.
To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.

To provide appropriate landscaping.

To encourage the retention of mature vegetation on the site.

**Standard B13**

The landscape layout and design should:

- Protect any predominant landscape features of the neighbourhood.
- Take into account the soil type and drainage patterns of the site.
- Allow for intended vegetation growth and structural protection of buildings.
- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.
- Provide a safe, attractive and functional environment for residents.

Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.

Development should meet any additional landscape requirements specified in a schedule to the zone.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- Any relevant plan or policy for landscape design in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The location and size of gardens and the predominant plant types in the neighbourhood.
- The health of any trees to be removed.
- Whether a tree was removed to gain a development advantage.

**Access objective**

To ensure the number and design of vehicle crossovers respects the neighbourhood character.

**Standard B14**

The width of accessways or car spaces should not exceed:

- 33 per cent of the street frontage, or
- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.

No more than one single-width crossover should be provided for each dwelling fronting a street.

The location of crossovers should maximise the retention of on-street car parking spaces.

The number of access points to a road in a Road Zone should be minimised.

Developments must provide for access for service, emergency and delivery vehicles.
Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.
- The impact on the neighbourhood character.
- The reduction of on-street car parking spaces.
- The effect on any significant vegetation on the site and footpath.

Parking location objectives
To provide convenient parking for resident and visitor vehicles.
To protect residents from vehicular noise within developments.

Standard B15
Car parking facilities should:
- Be reasonably close and convenient to dwellings and residential buildings.
- Be secure.
- Be well ventilated if enclosed.

Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

Decision guideline
Before deciding on an application, the responsible authority must consider the design response.
AMENITY IMPACTS

Side and rear setbacks objective
To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

Standard B17
A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:

- At least the distance specified in a schedule to the zone, or
- If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.

Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.

Diagram B1 Side and rear setbacks

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.
- Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary.
- Whether the wall abuts a side or rear lane.

**Walls on boundaries objective**

To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

**Standard B18**

A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:

- For a length of more than the distance specified in a schedule to the zone; or
- If no distance is specified in a schedule to the zone, for a length of more than:
  - 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or
  - Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports whichever is the greater.

A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

A building on a boundary includes a building set back up to 200mm from a boundary.

The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The extent to which walls on boundaries are part of the neighbourhood character.
- The impact on the amenity of existing dwellings.
- The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property.
- The orientation of the boundary that the wall is being built on.
- The width of the lot.
- The extent to which the slope and retaining walls or fences reduce the effective height of the wall.
- Whether the wall abuts a side or rear lane.
- The need to increase the wall height to screen a box gutter.

**Daylight to existing windows objective**

To allow adequate daylight into existing habitable room windows.
Standard B19

Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.

Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.

Diagram B2 Daylight to existing windows

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows.
- The impact on the amenity of existing dwellings.

North-facing windows objective

To allow adequate solar access to existing north-facing habitable room windows.

Standard B20

If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.
Diagram B3 North-facing windows

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- Existing sunlight to the north-facing habitable room window of the existing dwelling.
- The impact on the amenity of existing dwellings.

Overshadowing open space objective
To ensure buildings do not significantly overshadow existing secluded private open space.

Standard B21
Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the amenity of existing dwellings.
- Existing sunlight penetration to the secluded private open space of the existing dwelling.
- The time of day that sunlight will be available to the secluded private open space of the existing dwelling.
- The effect of a reduction in sunlight on the existing use of the existing secluded private open space.

**Overlooking objective**
To limit views into existing secluded private open space and habitable room windows.

**Standard B22**
A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:
- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.
- Have sill heights of at least 1.7 metres above floor level.
- Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:
- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

**Diagram B4 Overlooking open space**

**Decision guidelines**
Before deciding on an application, the responsible authority must consider:
- The design response.
- The impact on the amenity of the secluded private open space or habitable room window.
- The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings.
- The internal daylight to and amenity of the proposed dwelling or residential building.

### Internal views objective

To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.

**Standard B23**

Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.

**Decision guideline**

Before deciding on an application, the responsible authority must consider the design response.

### Noise impacts objectives

To contain noise sources in developments that may affect existing dwellings.

To protect residents from external noise.

**Standard B24**

Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.

Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.

Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.

**Decision guideline**

Before deciding on an application, the responsible authority must consider the design response.
ON-SITE AMENITY AND FACILITIES

Accessibility objective
To encourage the consideration of the needs of people with limited mobility in the design of developments.

Standard B25
The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.

Dwelling entry objective
To provide each dwelling or residential building with its own sense of identity.

Standard B26
Entries to dwellings and residential buildings should:

- Be visible and easily identifiable from streets and other public areas.
- Provide shelter, a sense of personal address and a transitional space around the entry.

Daylight to new windows objective
To allow adequate daylight into new habitable room windows.

Standard B27
A window in a habitable room should be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether there are other windows in the habitable room which have access to daylight.

Private open space objective
To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard B28
A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:

- An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or
A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or

A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.

The balcony requirements in Clause 55.05-4 do not apply to an apartment development.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability of the private open space, including its size and accessibility.
- The availability of and access to public or communal open space.
- The orientation of the lot to the street and the sun.

**Solar access to open space objective**

To allow solar access into the secluded private open space of new dwellings and residential buildings.

**Standard B29**

The private open space should be located on the north side of the dwelling or residential building, if appropriate.

The southern boundary of secluded private open space should be set back from any wall on the north of the space at least \((2 + 0.9h)\) metres, where ‘h’ is the height of the wall.

**Diagram B5 Solar access to open space**

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of the secluded private open space based on the sunlight it will receive.

**Storage objective**

To provide adequate storage facilities for each dwelling.
Standard B30

Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.
DETAILED DESIGN

Design detail objective
To encourage design detail that respects the existing or preferred neighbourhood character.

Standard B31
The design of buildings, including:
- Facade articulation and detailing,
- Window and door proportions,
- Roof form, and
- Verandahs, eaves and parapets,
should respect the existing or preferred neighbourhood character.
Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting.
- Whether the design is innovative and of a high architectural standard.

Front fences objective
To encourage front fence design that respects the existing or preferred neighbourhood character.

Standard B32
The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.
A front fence within 3 metres of a street should not exceed:
- The maximum height specified in a schedule to the zone, or
- If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3.

Table B3 Maximum front fence height

<table>
<thead>
<tr>
<th>Street Context</th>
<th>Maximum front fence height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Streets in a Road Zone, Category 1</td>
<td>2 metres</td>
</tr>
<tr>
<td>Other streets</td>
<td>1.5 metres</td>
</tr>
</tbody>
</table>

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant neighbourhood character objective, policy or statement set out in this scheme.
- The design response.
- The setback, height and appearance of front fences on adjacent properties.
The extent to which slope and retaining walls reduce the effective height of the front fence.

Whether the fence is needed to minimise noise intrusion.

**Common property objectives**

To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.

To avoid future management difficulties in areas of common ownership.

**Standard B33**

Developments should clearly delineate public, communal and private areas.

Common property, where provided, should be functional and capable of efficient management.

**Site services objectives**

To ensure that site services can be installed and easily maintained.

To ensure that site facilities are accessible, adequate and attractive.

**Standard B34**

The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.

Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.

Bin and recycling enclosures should be located for convenient access by residents.

Mailboxes should be provided and located for convenient access as required by Australia Post.

**Decision guideline**

Before deciding on an application, the responsible authority must consider the design response.
APARTMENT DEVELOPMENTS

Purpose
Clause 55.07 sets out requirements for an apartment development.

Energy efficiency objectives
To achieve and protect energy efficient dwellings and buildings.
To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.
To ensure dwellings achieve adequate thermal efficiency.

Standard B35
Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.
- Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north-facing windows is optimised.

Dwellings located in a climate zone identified Table B4 in should not exceed the maximum NatHERS annual cooling load specified in the following table.

Table B4 Cooling load

<table>
<thead>
<tr>
<th>NatHERS climate zone</th>
<th>NatHERS maximum cooling load MJ/M² per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Climate zone 21 Melbourne</td>
<td>30</td>
</tr>
<tr>
<td>Climate zone 22 East Sale</td>
<td>22</td>
</tr>
<tr>
<td>Climate zone 27 Mildura</td>
<td>69</td>
</tr>
<tr>
<td>Climate zone 60 Tullamarine</td>
<td>22</td>
</tr>
<tr>
<td>Climate zone 62 Moorabbin</td>
<td>21</td>
</tr>
<tr>
<td>Climate zone 63 Warmambool</td>
<td>21</td>
</tr>
<tr>
<td>Climate zone 64 Cape Otway</td>
<td>19</td>
</tr>
<tr>
<td>Climate zone 66 Ballarat</td>
<td>23</td>
</tr>
</tbody>
</table>

Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
The size, orientation and layout of the site.

The existing amount of solar access to abutting properties.

The availability of solar access to north-facing windows on the site.

The annual cooling load for each dwelling.

The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures.

Whether the existing rooftop solar energy system on an adjoining lot is appropriately located.

The effect of overshadowing on an existing rooftop solar energy facility on an adjoining lot.

55.07-2
13/04/2017
VC136

Communal open space objective

To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.

Standard B36

Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser.

Communal open space should:

- Be located to:
  - Provide passive surveillance opportunities, where appropriate.
  - Provide outlook for as many dwellings as practicable.
  - Avoid overlooking into habitable rooms and private open space of new dwellings.
  - Minimise noise impacts to new and existing dwellings.

- Be designed to protect any natural features on the site.

- Maximise landscaping opportunities.

- Be accessible, useable and capable of efficient management.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.

- The design response.

- The useability and amenity of the communal open space based on its size, location, accessibility and reasonable recreation needs of residents.

- The availability of and access to public open space.

55.07-3
13/04/2017
VC136

Solar access to communal outdoor open space objective

To allow solar access into communal outdoor open space.

Standard B37

The communal outdoor open space should be located on the north side of a building, if appropriate.

At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.
Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of the primary communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight it will receive.

Deep soil areas and canopy trees objective

To promote climate responsive landscape design and water management in developments to support thermal comfort and reduce the urban heat island effect.

Standard B38

The landscape layout and design should:

- Be responsive to the site context.
- Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site storm water infiltration.
- Maximise deep soil areas for planting of canopy trees.
- Integrate planting and water management.

Developments should provide the deep soil areas and canopy trees specified in Table B5.

If the development cannot provide the deep soil areas and canopy trees specified in Table B5, an equivalent canopy cover should be achieved by providing either:

- Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.
- Vegetated planters, green roofs or green facades.

Table B5 Deep soil areas and canopy trees

<table>
<thead>
<tr>
<th>Site area</th>
<th>Deep soil areas</th>
<th>Minimum tree provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>750 - 1000 square metres</td>
<td>5% of site area (minimum dimension of 3 metres)</td>
<td>1 small tree (6-8 metres) per 30 square metres of deep soil</td>
</tr>
<tr>
<td>1001 - 1500 square metres</td>
<td>7.5% of site area (minimum dimension of 3 metres)</td>
<td>1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil</td>
</tr>
<tr>
<td>1501 - 2500 square metres</td>
<td>10% of site area (minimum dimension of 6 metres)</td>
<td>1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil</td>
</tr>
<tr>
<td>&gt;2500 square metres</td>
<td>15% of site area (minimum dimension of 6 metres)</td>
<td>1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil</td>
</tr>
</tbody>
</table>

Note: Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.
Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant plan or policy for environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The suitability of the proposed location and soil volume for canopy trees.
- The ongoing management of landscaping within a development.
- The soil type and drainage patterns of the site.

Integrated water and stormwater management objectives
To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.
To facilitate stormwater collection, utilisation and infiltration within the development.
To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

Standard B39
Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.
Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.
The stormwater management system should be:

- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant water and stormwater management objective, policy or statement set out in this scheme.
- The design response.
- Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.
- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater.
- Whether the stormwater treatment areas can be effectively maintained.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.

Noise impacts objectives
To contain noise sources in developments that may affect existing dwellings.
To protect residents from external and internal noise sources.
**Standard B40**

Noises sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.

The layout of new dwellings and buildings should minimise noise transmission within the site.

Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area specified in Table B6 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

**Table B6 Noise influence area**

<table>
<thead>
<tr>
<th>Noise source</th>
<th>Noise influence area</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zone interface</strong></td>
<td></td>
</tr>
<tr>
<td>Industry</td>
<td>300 metres from the Industrial 1, 2 and 3 zone boundary</td>
</tr>
<tr>
<td><strong>Roads</strong></td>
<td></td>
</tr>
<tr>
<td>Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume</td>
<td>300 metres from the nearest trafficable lane</td>
</tr>
<tr>
<td><strong>Railways</strong></td>
<td></td>
</tr>
<tr>
<td>Railway servicing passengers in Victoria</td>
<td>80 metres from the centre of the nearest track</td>
</tr>
<tr>
<td>Railway servicing freight outside Metropolitan Melbourne</td>
<td>80 metres from the centre of the nearest track</td>
</tr>
<tr>
<td>Railway servicing freight in Metropolitan Melbourne</td>
<td>135 metres from the centre of the nearest track</td>
</tr>
</tbody>
</table>

*Note: The noise influence area should be measured from the closest part of the building to the noise source.*

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether it can be demonstrated that the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified specialist submitted with the application.
- Whether the impact of potential noise sources within a development have been mitigated through design, location and siting.
- Whether the layout of rooms within a dwelling mitigates noise transfer within and between dwellings.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.
**Accessibility objective**

To ensure the design of dwellings meets the needs of people with limited mobility.

**Standard B41**

At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table B7.

**Table B7 Bathroom design**

<table>
<thead>
<tr>
<th>Design option A</th>
<th>Design option B</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Door opening</strong></td>
<td>A clear 850mm wide door opening.</td>
</tr>
<tr>
<td><strong>Door design</strong></td>
<td>Either:</td>
</tr>
<tr>
<td></td>
<td>A slide door, or</td>
</tr>
<tr>
<td></td>
<td>A door that opens outwards, or</td>
</tr>
<tr>
<td></td>
<td>A door that opens inwards that is clear of the circulation area and has readily removable hinges.</td>
</tr>
<tr>
<td><strong>Circulation area</strong></td>
<td>A clear circulation area that is:</td>
</tr>
<tr>
<td></td>
<td>A minimum area of 1.2 metres by 1.2 metres.</td>
</tr>
<tr>
<td></td>
<td>Located in front of the shower and the toilet.</td>
</tr>
<tr>
<td></td>
<td>Clear of the toilet, basin and the door swing.</td>
</tr>
<tr>
<td></td>
<td>The circulation area for the toilet and shower can overlap.</td>
</tr>
<tr>
<td><strong>Path to circulation area</strong></td>
<td>A clear path with a minimum width of 900mm from the door opening to the circulation area.</td>
</tr>
<tr>
<td><strong>Shower</strong></td>
<td>A hobless (step-free) shower.</td>
</tr>
<tr>
<td><strong>Toilet</strong></td>
<td>A toilet located in the corner of the room.</td>
</tr>
</tbody>
</table>

**Building entry and circulation objectives**

To provide each dwelling and building with its own sense of identity.

To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.

To ensure internal communal areas provide adequate access to daylight and natural ventilation.

**Standard B42**

Entries to dwellings and buildings should:
- Be visible and easily identifiable.
- Provide shelter, a sense of personal address and a transitional space around the entry.

The layout and design of buildings should:
- Clearly distinguish entrances to residential and non-residential areas.
- Provide windows to building entrances and lift areas.
- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:
  - Include at least one source of natural light and natural ventilation.
  - Avoid obstruction from building services.
  - Maintain clear sight lines.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:
- The design response.
- The useability and amenity of internal communal areas based on daylight access and the natural ventilation it will receive.

**Private open space above ground floor objective**

To provide adequate private open space for the reasonable recreation and service needs of residents.

**Standard B43**

A dwelling should have private open space consisting of:
- An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or
- A balcony with an area and dimensions specified in Table B8 and convenient access from a living room.

If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.

**Table B8 Balcony size**

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum area</th>
<th>Minimum dimension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio or 1 bedroom dwelling</td>
<td>8 square metres</td>
<td>1.8 metres</td>
</tr>
<tr>
<td>2 bedroom dwelling</td>
<td>8 square metres</td>
<td>2 metres</td>
</tr>
<tr>
<td>3 or more bedroom dwelling</td>
<td>12 square metres</td>
<td>2.4 metres</td>
</tr>
</tbody>
</table>

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:
- The design response.
- The useability and functionality of the private open space, including its size and accessibility.
- The amenity of the private open space based on the orientation of the lot, the wind conditions and the sunlight it will receive.
- The availability of and access to public or communal open space.
**Storage objective**

To provide adequate storage facilities for each dwelling.

**Standard B44**

Each dwelling should have convenient access to usable and secure storage space.

The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table B9.

### Table B9 Storage

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Total minimum storage volume</th>
<th>Minimum storage volume within the dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>8 cubic metres</td>
<td>5 cubic metres</td>
</tr>
<tr>
<td>1 bedroom dwelling</td>
<td>10 cubic metres</td>
<td>6 cubic metres</td>
</tr>
<tr>
<td>2 bedroom dwelling</td>
<td>14 cubic metres</td>
<td>9 cubic metres</td>
</tr>
<tr>
<td>3 or more bedroom dwelling</td>
<td>18 cubic metres</td>
<td>12 cubic metres</td>
</tr>
</tbody>
</table>

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and location of storage facilities provided for the dwelling.

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**Waste and recycling objectives**

To ensure dwellings are designed to encourage waste recycling.

To ensure that waste and recycling facilities are accessible, adequate and attractive.

To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.

**Standard B45**

Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
  - Adequate in size, durable, waterproof and blend in with the development.
  - Adequately ventilated.
  - Located and designed for convenient access by residents and made easily accessible to people with limited mobility.

- Adequate facilities for bin washing. These areas should be adequately ventilated.

- Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.

- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.

- Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.

- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.
Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:

- Be designed to meet the better practice design options specified in *Waste Management and Recycling in Multi-unit Developments* (Sustainability Victoria, 2019).
- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- Any relevant waste and recycling objective, policy or statement set out in this scheme.

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### Functional layout objective

To ensure dwellings provide functional areas that meet the needs of residents.

**Standard B46**

Bedrooms should:

- Meet the minimum internal room dimensions specified in Table B10.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

**Table B10 Bedroom dimensions**

<table>
<thead>
<tr>
<th>Bedroom type</th>
<th>Minimum width</th>
<th>Minimum depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main bedroom</td>
<td>3 metres</td>
<td>3.4 metres</td>
</tr>
<tr>
<td>All other bedrooms</td>
<td>3 metres</td>
<td>3 metres</td>
</tr>
</tbody>
</table>

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table B11.

**Table B11 Living area dimensions**

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum width</th>
<th>Minimum area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio and 1 bedroom dwelling</td>
<td>3.3 metres</td>
<td>10 sqm</td>
</tr>
<tr>
<td>2 or more bedroom dwelling</td>
<td>3.6 metres</td>
<td>12 sqm</td>
</tr>
</tbody>
</table>

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and amenity of habitable rooms.

---

### Room depth objective

To allow adequate daylight into single aspect habitable rooms.

**Standard B47**

Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.

The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:
The room combines the living area, dining area and kitchen.

The kitchen is located furthest from the window.

The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.

The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms.
- Any overhang above habitable room windows that limits daylight access.

### Windows objective

To allow adequate daylight into new habitable room windows.

**Standard B48**

Habitable rooms should have a window in an external wall of the building.

A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.

The secondary area should be:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability and amenity of the dwelling based on the layout, siting, size and orientation of habitable rooms.

### Natural ventilation objectives

To encourage natural ventilation of dwellings.

To allow occupants to effectively manage natural ventilation of dwellings.

**Standard B49**

The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.

At least 40 per cent of dwellings should provide effective cross ventilation that has:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation, slope and wind exposure of the site.
- The extent to which the orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.
RESIDENTIAL SUBDIVISION

Purpose
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To create liveable and sustainable neighbourhoods and urban places with character and identity.
To achieve residential subdivision outcomes that appropriately respond to the site and its context for:
- Metropolitan Melbourne growth areas.
- Infill sites within established residential areas.
- Regional cities and towns.

To ensure residential subdivision design appropriately provides for:
- Policy implementation.
- Liveable and sustainable communities.
- Residential lot design.
- Urban landscape.
- Access and mobility management.
- Integrated water management.
- Site management.
- Utilities.

Application
These provisions apply to an application to subdivide land in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone and any Comprehensive Development Zone or Priority Development Zone that provides for residential development.
These provisions do not apply to an application to subdivide land into lots each containing an existing dwelling or car parking space.

Operation
The provisions of this clause contain:
- Objectives. An objective describes the desired outcome to be achieved in the completed subdivision.
- Standards. A standard contains the requirements to meet the objective.
A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

Requirement
An application to subdivide land:
- Must be accompanied by a site and context description and a design response.
- Must meet all of the objectives included in the clauses specified in the zone.
- Should meet all of the standards included in the clauses specified in the zone.
Certification of standards

A subdivision may be certified by a person authorised by the Minister for Planning as meeting the requirements of a standard in this clause.

A standard that is certified as met is deemed to have met the objective of that standard.
Subdivision site and context description

The site and context description may use a site plan, photographs or other techniques and must accurately describe:

- In relation to the site:
  - Site shape, size, dimensions and orientation.
  - Levels and contours of the site.
  - Natural features including trees and other significant vegetation, drainage lines, water courses, wetlands, ridgelines and hill tops.
  - The siting and use of existing buildings and structures.
  - Street frontage features such as poles, street trees and kerb crossovers.
  - Access points.
  - Location of drainage and other utilities.
  - Easements.
  - Any identified natural or cultural features of the site.
  - Significant views to and from the site.
  - Noise and odour sources or other external influences.
  - Soil conditions, including any land affected by contamination, erosion, salinity, acid sulphate soils or fill.
  - Any other notable features or characteristics of the site.
  - Adjacent uses.
  - Any other factor affecting the capacity to develop the site including whether the site is affected by inundation.

- An application for subdivision of 3 or more lots must also describe in relation to the surrounding area:
  - The pattern of subdivision.
  - Existing land uses.
  - The location and use of existing buildings on adjacent land.
  - Abutting street and path widths, materials and detailing.
  - The location and type of significant vegetation.

- An application for subdivision of 60 or more lots must also describe in relation to the surrounding area:
  - Location, distance and type of any nearby public open space and recreational facilities.
  - Direction and distances to local shops and community facilities.
  - Directions and walking distances to public transport routes and stops.
  - Direction and walking distances to existing neighbourhood, major and principal activity centres and major employment areas.
- Existing transport routes, including freeways, arterial roads and streets connecting
  neighbourhoods.
- Local street network including potential connections to adjacent subdivisions.
- Traffic volumes and movements on adjacent roads and streets.
- Pedestrian, bicycle and shared paths identifying whether their primary role is neighbourhood
  or regional access.
- Any places of cultural significance.
- Natural features including trees and other significant vegetation, drainage lines, water
  courses, wetlands, ridgelines and hill tops.
- Proximity of any fire threats.
- Pattern of ownership of adjoining lots.

If in the opinion of the responsible authority a requirement of the site and context description is
not relevant to the assessment of an application, the responsible authority may waive or reduce
the requirement.

**Satisfactory subdivision site and context description**

If the responsible authority decides that the site and context description is not satisfactory, it may
require more information from the applicant under Section 54 of the Act.

The responsible authority must not require notice of an application to be given or decide an
application until it is satisfied that the site and context description meets the requirements of Clause
56.01-1 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of
the Act.

**Subdivision design response**

The design response must explain how the proposed design:

- Derives from and responds to the site and context description.
- Responds to any site and context features for the area identified in a local planning policy or
  a Neighbourhood Character Overlay.
- Responds to any relevant objective, policy, strategy or plan set out for the area in this scheme.
- Meets the relevant objectives of Clause 56.

The design response must include a dimensioned plan to scale showing the layout of the subdivision
in context with the surrounding area. If in the opinion of the responsible authority this requirement
is not relevant to the assessment of an application, it may waive or reduce the requirement.

An application for subdivision of 60 or more lots must also include a plan that meets the
requirements of Standard C2. The plan must also show the:

- Proposed uses of each part of the site.
- Natural features of the site and identify any features proposed to be altered.
- Proposed integrated water management system.
- Proposed staging of the subdivision.
POLICY IMPLEMENTATION

Strategic implementation objective

To ensure that the layout and design of a subdivision is consistent with and implements any objective, policy, strategy or plan for the area set out in this scheme.

Standard C1

An application must be accompanied by a written statement that describes how the subdivision is consistent with and implements any relevant growth area, activity centre, housing, access and mobility, community facilities, open space and recreation, landscape (including any native vegetation precinct plan) and urban design objective, policy, strategy or plan for the area set out in this scheme.
LIVEABLE AND SUSTAINABLE COMMUNITIES

Compact and walkable neighbourhoods objectives
To create compact neighbourhoods that are oriented around easy walking distances to activity centres, schools and community facilities, public open space and public transport.
To allow easy movement through and between neighbourhoods for all people.

Standard C2
A subdivision should implement any relevant growth area or any approved land-use and development strategy, plan or policy for the area set out in this scheme.
An application for subdivision must include a plan of the layout of the subdivision that:

- Meets the objectives (if relevant to the class of subdivision specified in the zone) of:
  - Clause 56.03-2 Activity centres
  - Clause 56.03-3 Planning for community facilities
  - Clause 56.04-1 Lot diversity and distribution
  - Clause 56.06-2 Walking and cycling network
  - Clause 56.06-3 Public transport network
  - Clause 56.06-4 Neighbourhood street network
- Shows the 400 metre street walking distance around each existing or proposed bus stop, 600 metres street walking distance around each existing or proposed tram stop and 800 metres street walking distance around each existing or proposed railway station and shows the estimated number of dwellings within those distances.
- Shows the layout of the subdivision in relation to the surrounding area.
- Is designed to be accessible for people with disabilities.

Activity centre objective
To provide for mixed-use activity centres, including neighbourhood activity centres, of appropriate area and location.

Standard C3
A subdivision should implement any relevant activity centre strategy, plan or policy for the area set out in this scheme.
Subdivision should be supported by activity centres that are:

- Accessible by neighbourhood and regional walking and cycling networks.
- Served by public transport that is connected to the regional public transport network.
- Located at public transport interchange points for the convenience of passengers and easy connections between public transport services.
- Located on arterial roads or connector streets.
- Of appropriate size to accommodate a mix of uses that meet local community needs.
- Oriented to support active street frontages, support street-based community interaction and pedestrian safety.
Planning for community facilities objective

To provide appropriately located sites for community facilities including schools, libraries, preschools and childcare, health services, police and fire stations, recreation and sports facilities.

Standard C4

A subdivision should:

- Implement any relevant regional and local community facility strategy, plan or policy for the area set out in this scheme.
- Locate community facilities on sites that are in or near activity centres and public transport.

School sites should:

- Be integrated with the neighbourhood and located near activity centres.
- Be located on walking and cycling networks.
- Have a bus stop located along the school site boundary.
- Have student drop-off zones, bus parking and on-street parking in addition to other street functions in abutting streets.
- Adjoin the public open space network and community sporting and other recreation facilities.
- Be integrated with community facilities.
- Be located on land that is not affected by physical, environmental or other constraints.

Schools should be accessible by the Principal Public Transport Network in Metropolitan Melbourne and on the regional public transport network outside Metropolitan Melbourne.

Primary schools should be located on connector streets and not on arterial roads.

New State Government school sites must meet the requirements of the Department of Education and Training and abut at least two streets with sufficient widths to provide student drop-off zones, bus parking and on-street parking in addition to other street functions.

Built environment objective

To create urban places with identity and character.

Standard C5

The built environment should:

- Implement any relevant urban design strategy, plan or policy for the area set out in this scheme.
- Provide living and working environments that are functional, safe and attractive.
- Provide an integrated layout, built form and urban landscape.
- Contribute to a sense of place and cultural identity.

An application should describe the identity and character to be achieved and the elements that contribute to that identity and character.

Neighbourhood character objective

To design subdivisions that respond to neighbourhood character.

Standard C6

Subdivision should:
- Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme.

- Respond to and integrate with the surrounding urban environment.

- Protect significant vegetation and site features.
LOT DESIGN

Lot diversity and distribution objectives

To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services.

To provide higher housing densities within walking distance of activity centres.

To achieve increased housing densities in designated growth areas.

To provide a range of lot sizes to suit a variety of dwelling and household types.

Standard C7

A subdivision should implement any relevant housing strategy, plan or policy for the area set out in this scheme.

Lot sizes and mix should achieve the average net residential density specified in any zone or overlay that applies to the land or in any relevant policy for the area set out in this scheme.

A range and mix of lot sizes should be provided including lots suitable for the development of:

- Single dwellings.
- Two dwellings or more.
- Higher density housing.
- Residential buildings and Retirement villages.

Unless the site is constrained by topography or other site conditions, lot distribution should provide for 95 per cent of dwellings to be located no more than 400 metre street walking distance from the nearest existing or proposed bus stop, 600 metres street walking distance from the nearest existing or proposed tram stop and 800 metres street walking distance from the nearest existing or proposed railway station.

Lots of 300 square metres or less in area, lots suitable for the development of two dwellings or more, lots suitable for higher density housing and lots suitable for Residential buildings and Retirement villages should be located in and within 400 metres street walking distance of an activity centre.

Lot area and building envelopes objective

To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.

Standard C8

An application to subdivide land that creates lots of less than 300 square metres should be accompanied by information that shows:

- That the lots are consistent or contain building envelope that is consistent with a development approved under this scheme, or
- That a dwelling may be constructed on each lot in accordance with the requirements of this scheme.

Lots of between 300 square metres and 500 square metres should:

- Contain a building envelope that is consistent with a development of the lot approved under this scheme, or
If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope.

If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.

Lots greater than 500 square metres should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope.

A building envelope may specify or incorporate any relevant siting and design requirement. Any requirement should meet the relevant standards of Clause 54, unless:

- The objectives of the relevant standards are met, and
- The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act.

Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope:

- The building envelope must meet Standards A10 and A11 of Clause 54 in relation to the adjoining lot, and
- The building envelope must not regulate siting matters covered by Standards A12 to A15 (inclusive) of Clause 54 in relation to the adjoining lot. This should be specified in the relevant plan of subdivision or agreement.

Lot dimensions and building envelopes should protect:

- Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations.
- Existing or proposed easements on lots.
- Significant vegetation and site features.

**Solar orientation of lots objective**

To provide good solar orientation of lots and solar access for future dwellings.

**Standard C9**

Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation.

Lots have appropriate solar orientation when:

- The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south.
- Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north.
- Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street.

**Street orientation objective**

To provide a lot layout that contributes to community social interaction, personal safety and property security.
Standard C10
Subdivision should increase visibility and surveillance by:

- Ensuring lots front all roads and streets and avoid the side or rear of lots being oriented to connector streets and arterial roads.
- Providing lots of 300 square metres or less in area and lots for 2 or more dwellings around activity centres and public open space.
- Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space boundaries.
- Providing roads and streets along public open space boundaries.

Common area objectives
To identify common areas and the purpose for which the area is commonly held.

To ensure the provision of common area is appropriate and that necessary management arrangements are in place.

To maintain direct public access throughout the neighbourhood street network.

Standard C11
An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:

- The common area to be owned by the body corporate, including any streets and open space.
- The reasons why the area should be commonly held.
- Lots participating in the body corporate.
- The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.
URBAN LANDSCAPE

Integrated urban landscape objectives
To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.

To incorporate natural and cultural features in the design of streets and public open space where appropriate.

To protect and enhance native habitat and discourage the planting and spread of noxious weeds.

To provide for integrated water management systems and contribute to drinking water conservation.

Standard C12
An application for subdivision that creates streets or public open space should be accompanied by a landscape design.

The landscape design should:

- Implement any relevant streetscape, landscape, urban design or native vegetation precinct plan, strategy or policy for the area set out in this scheme.
- Create attractive landscapes that visually emphasise streets and public open spaces.
- Respond to the site and context description for the site and surrounding area.
- Maintain significant vegetation where possible within an urban context.
- Take account of the physical features of the land including landform, soil and climate.
- Protect and enhance any significant natural and cultural features.
- Protect and link areas of significant local habitat where appropriate.
- Support integrated water management systems with appropriate landscape design techniques for managing urban run-off including wetlands and other water sensitive urban design features in streets and public open space.
- Promote the use of drought tolerant and low maintenance plants and avoid species that are likely to spread into the surrounding environment.
- Ensure landscaping supports surveillance and provides shade in streets, parks and public open space.
- Develop appropriate landscapes for the intended use of public open space including areas for passive and active recreation, the exercising of pets, playgrounds and shaded areas.
- Provide for walking and cycling networks that link with community facilities.
- Provide appropriate pathways, signage, fencing, public lighting and street furniture.
- Create low maintenance, durable landscapes that are capable of a long life.
- The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs.

Public open space provision objectives
To provide a network of quality, well-distributed, multi-functional and cost-effective public open space that includes local parks, active open space, linear parks and trails, and links to regional open space.

To provide a network of public open space that caters for a broad range of users.

To encourage healthy and active communities.
To provide adequate unencumbered land for public open space and integrate any encumbered land with the open space network.

To ensure land provided for public open space can be managed in an environmentally sustainable way and contributes to the development of sustainable neighbourhoods.

**Standard C13**

The provision of public open space should:

- Implement any relevant objective, policy, strategy or plan (including any growth area precinct structure plan) for open space set out in this scheme.
- Provide a network of well-distributed neighbourhood public open space that includes:
  - Local parks within 400 metres safe walking distance of at least 95 percent of all dwellings. Where not designed to include active open space, local parks should be generally 1 hectare in area and suitably dimensioned and designed to provide for their intended use and to allow easy adaptation in response to changing community preferences.
  - Additional small local parks or public squares in activity centres and higher density residential areas.
  - Active open space of a least 8 hectares in area within 1 kilometre of 95 percent of all dwellings that is:
    - Suitably dimensioned and designed to provide for the intended use, buffer areas around sporting fields and passive open space
    - Sufficient to incorporate two football/cricket ovals
    - Appropriate for the intended use in terms of quality and orientation
    - Located on flat land (which can be cost effectively graded)
    - Located with access to, or making provision for, a recycled or sustainable water supply
    - Adjoin schools and other community facilities where practical
    - Designed to achieve sharing of space between sports.
  - Linear parks and trails along waterways, vegetation corridors and road reserves within 1 kilometre of 95 percent of all dwellings.

Public open space should:

- Be provided along foreshores, streams and permanent water bodies.
- Be linked to existing or proposed future public open spaces where appropriate.
- Be integrated with floodways and encumbered land that is accessible for public recreation.
- Be suitable for the intended use.
- Be of an area and dimensions to allow easy adaptation to different uses in response to changing community active and passive recreational preferences.
- Maximise passive surveillance.
- Be integrated with urban water management systems, waterways and other water bodies.
- Incorporate natural and cultural features where appropriate.
ACCESS AND MOBILITY MANAGEMENT

Integrated mobility objectives
To achieve an urban structure where compact and walkable neighbourhoods are clustered to support larger activity centres on the Principal Public Transport Network in Metropolitan Melbourne and on the regional public transport network outside Metropolitan Melbourne.

To provide for walking (including persons with impaired mobility), cycling, public transport and other motor vehicles in an integrated manner.

To contribute to reduced car dependence, improved energy efficiency, improved transport efficiency, reduced greenhouse gas emissions and reduced air pollution.

Standard C14
An application for a subdivision must include a plan of the layout of the neighbourhood that meets the objectives of:

- Clause 56.06-2 Walking and cycling network.
- Clause 56.06-3 Public transport network.
- Clause 56.06-4 Neighbourhood street network.

Walking and cycling network objectives
To contribute to community health and well being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors.

To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.

To reduce car use, greenhouse gas emissions and air pollution.

Standard C15
The walking and cycling network should be designed to:

- Implement any relevant regional and local walking and cycling strategy, plan or policy for the area set out in this scheme.
- Link to any existing pedestrian and cycling networks.
- Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces.
- Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood streets and regional public open spaces.
- Provide direct cycling routes for regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling.
- Ensure safe street and road crossings including the provision of traffic controls where required.
- Provide an appropriate level of priority for pedestrians and cyclists.
- Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night.
- Be accessible to people with disabilities.

Public transport network objectives
To provide an arterial road and neighbourhood street network that supports a direct, efficient and safe public transport system.
To encourage maximum use of public transport.

**Standard C16**

The public transport network should be designed to:

- Implement any relevant public transport strategy, plan or policy for the area set out in this scheme.
- Connect new public transport routes to existing and proposed routes to the satisfaction of the relevant public transport authority.
- Provide for public transport links between activity centres and other locations that attract people using the Principal Public Transport Network in Metropolitan Melbourne and the regional public transport network outside Metropolitan Melbourne.
- Locate regional bus routes principally on arterial roads and locate local bus services principally on connector streets to provide:
  - Safe and direct movement between activity centres without complicated turning manoeuvres.
  - Direct travel between neighbourhoods and neighbourhood activity centres.
  - A short and safe walk to a public transport stop from most dwellings.

**Neighbourhood street network objective**

To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.

**Standard C17**

The neighbourhood street network must:

- Take account of the existing mobility network of arterial roads, neighbourhood streets, cycle paths, shared paths, footpaths and public transport routes.
- Provide clear physical distinctions between arterial roads and neighbourhood street types.
- Comply with the Roads Corporation’s arterial road access management policies.
- Provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport.
- Provide safe and efficient access to activity centres for commercial and freight vehicles.
- Provide safe and efficient access to all lots for service and emergency vehicles.
- Provide safe movement for all vehicles.
- Incorporate any necessary traffic control measures and traffic management infrastructure.

The neighbourhood street network should be designed to:

- Implement any relevant transport strategy, plan or policy for the area set out in this scheme.
- Include arterial roads at intervals of approximately 1.6 kilometres that have adequate reservation widths to accommodate long term movement demand.
- Include connector streets approximately halfway between arterial roads and provide adequate reservation widths to accommodate long term movement demand.
- Ensure connector streets align between neighbourhoods for direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles.
- Provide an interconnected and continuous network of streets within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles.
- Provide an appropriate level of local traffic dispersal.
- Indicate the appropriate street type.
- Provide a speed environment that is appropriate to the street type.
- Provide a street environment that appropriately manages movement demand (volume, type and mix of pedestrians, cyclists, public transport and other motor vehicles).
- Encourage appropriate and safe pedestrian, cyclist and driver behaviour.
- Provide safe sharing of access lanes and access places by pedestrians, cyclists and vehicles.
- Minimise the provision of culs-de-sac.
- Provide for service and emergency vehicles to safely turn at the end of a dead-end street.
- Facilitate solar orientation of lots.
- Facilitate the provision of the walking and cycling network, integrated water management systems, utilities and planting of trees.
- Contribute to the area’s character and identity.
- Take account of any identified significant features.

**Walking and cycling network detail objectives**

To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities.

To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.

**Standard C18**

Footpaths, shared paths, cycle paths and cycle lanes should be designed to:

- Be part of a comprehensive design of the road or street reservation.
- Be continuous and connect.
- Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossovers for access to lots.
- Accommodate projected user volumes and mix.
- Meet the requirements of Table C1.
- Provide pavement edge, kerb, channel and crossover details that support safe travel for pedestrians, footpath bound vehicles and cyclists, perform required drainage functions and are structurally sound.
- Provide appropriate signage.
- Be constructed to allow access to lots without damage to the footpath or shared path surfaces.
- Be constructed with a durable, non-skid surface.
- Be of a quality and durability to ensure:
  - Safe passage for pedestrians, cyclists, footpath bound vehicles and vehicles.
  - Discharge of urban run-off.
  - Preservation of all-weather access.
  - Maintenance of a reasonable, comfortable riding quality.
  - A minimum 20 year life span.
• Be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with disabilities.

**Public transport network detail objectives**

To provide for the safe, efficient operation of public transport and the comfort and convenience of public transport users.

To provide public transport stops that are accessible to people with disabilities.

**Standard C19**

Bus priority measures must be provided along arterial roads forming part of the existing or proposed Principal Public Transport Network in Metropolitan Melbourne and the regional public transport network outside Metropolitan Melbourne to the requirements of the relevant roads authority.

Road alignment and geometry along bus routes should provide for the efficient, unimpeded movement of buses and the safety and comfort of passengers.

The design of public transport stops should not impede the movement of pedestrians.

Bus and tram stops should have:

• Surveillance from streets and adjacent lots.
• Safe street crossing conditions for pedestrians and cyclists.
• Safe pedestrian crossings on arterial roads and at schools including the provision of traffic controls as required by the roads authority.
• Continuous hard pavement from the footpath to the kerb.
• Sufficient lighting and paved, sheltered waiting areas for forecast user volume at neighbourhood centres, schools and other locations with expected high patronage.
• Appropriate signage.

Public transport stops and associated waiting areas should be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with physical disabilities.

**Neighbourhood street network detail objective**

To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.

**Standard C20**

The design of streets and roads should:

• Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met.

• Provide street blocks that are generally between 120 metres and 240 metres in length and generally between 60 metres to 120 metres in width to facilitate pedestrian movement and control traffic speed.

• Have verges of sufficient width to accommodate footpaths, shared paths, cycle paths, integrated water management, street tree planting, lighting and utility needs.

• Have street geometry appropriate to the street type and function, the physical land characteristics and achieve a safe environment for all users.

• Provide a low-speed environment while allowing all road users to proceed without unreasonable inconvenience or delay.
• Provide a safe environment for all street users applying speed control measures where appropriate.

• Ensure intersection layouts clearly indicate the travel path and priority of movement for pedestrians, cyclists and vehicles.

• Provide a minimum 5 metre by 5 metre corner splay at junctions with arterial roads and a minimum 3 metre by 3 metre corner splay at other junctions unless site conditions justify a variation to achieve safe sight lines across corners.

• Ensure streets are of sufficient strength to:
  - Enable the carriage of vehicles.
  - Avoid damage by construction vehicles and equipment.

• Ensure street pavements are of sufficient quality and durability for the:
  - Safe passage of pedestrians, cyclists and vehicles.
  - Discharge of urban run-off.
  - Preservation of all-weather access and maintenance of a reasonable, comfortable riding quality.

• Ensure carriageways of planned arterial roads are designed to the requirements of the relevant road authority.

• Ensure carriageways of neighbourhood streets are designed for a minimum 20 year life span.

• Provide pavement edges, kerbs, channel and crossover details designed to:
  - Perform the required integrated water management functions.
  - Delineate the edge of the carriageway for all street users.
  - Provide efficient and comfortable access to abutting lots at appropriate locations.
  - Contribute to streetscape design.

• Provide for the safe and efficient collection of waste and recycling materials from lots.

• Be accessible to people with disabilities.

• Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met. Where the widths of connector streets do not comply with the requirements of Table C1, the requirements of the relevant public transport authority must be met.

A street detail plan should be prepared that shows, as appropriate:

• The street hierarchy and typical cross-sections for all street types.

• Location of carriageway pavement, parking, bus stops, kerbs, crossovers, footpaths, tactile surface indicators, cycle paths and speed control and traffic management devices.

• Water sensitive urban design features.

• Location and species of proposed street trees and other vegetation.

• Location of existing vegetation to be retained and proposed treatment to ensure its health.

• Any relevant details for the design and location of street furniture, lighting, seats, bus stops, telephone boxes and mailboxes.
Lot access objective
To provide for safe vehicle access between roads and lots.

Standard C21
Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.

Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets.

The design and construction of a crossover should meet the requirements of the relevant road authority.

Table C1 Design of roads and neighbourhood streets

Access Lane
A side or rear lane principally providing access to parking on lots with another street frontage.

<table>
<thead>
<tr>
<th>Traffic volume</th>
<th>300vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed</td>
<td>10kph</td>
</tr>
<tr>
<td>Carriageway width &amp; parking provision within street reservation</td>
<td>5.5m wide with no parking spaces to be provided. Appropriately signed.</td>
</tr>
<tr>
<td>Verge width</td>
<td>No verge required.</td>
</tr>
<tr>
<td>Kerbing</td>
<td>None</td>
</tr>
<tr>
<td>Footpath provision</td>
<td>None</td>
</tr>
<tr>
<td>Cycle path provision</td>
<td>None</td>
</tr>
</tbody>
</table>

Access Place
A minor street providing local residential access with shared traffic, pedestrian and recreation use, but with pedestrian priority.

<table>
<thead>
<tr>
<th>Traffic volume</th>
<th>300vpd to 1000vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed</td>
<td>15kph</td>
</tr>
<tr>
<td>Carriageway width &amp; parking provision within street reservation</td>
<td>5.5m wide with 1 hard standing verge parking space per 2 lots. or 5.5m wide with parking on carriageway - one side. Appropriately signed.</td>
</tr>
<tr>
<td>Verge width</td>
<td>7.5m minimum total width. For services provide a minimum of 3.5m on one side and a minimum of 2.5m on the other.</td>
</tr>
</tbody>
</table>
Kerbing
Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.

Footpath provision
Not required if serving 5 dwellings or less and the carriageway is designed as a shared zone and appropriately signed.

or
1.5m wide footpath offset a minimum distance of 1m from the kerb.

Cycle path provision
None

Access Street - Level 1
A street providing local residential access where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated.

Traffic volume
1000vpd to 2000vpd

Target speed
30kph

Carriageway width & parking provision within street reservation
5.5m wide with 1 hard standing verge parking space per 2 lots.

Verge width
4m minimum each side

Kerbing
Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.

Footpath provision
1.5m wide footpaths on both sides.

Footpaths should be widened to 2.0m in vicinity of a school, shop or other activity centre.

Be offset a minimum distance of 1m from the kerb.

Cycle path provision
Carriageway designed as a shared zone and appropriately signed.

Access Street - Level 2
A street providing local residential access where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated.

Traffic volume
2000vpd to 3000vpd

Target speed
40kph

Carriageway width & parking provision within street reservation
7m-7.5m wide with parking on both sides of carriageway

Verge width
4.5m minimum each side

Kerbing
Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.

Footpath provision
1.5m wide footpaths on both sides.

Footpaths should be widened to 2.0m in vicinity of a school, shop or other activity centre.
Be offset a minimum distance of 1m from the kerb.

| Cycle path provision | Carriageway designed as a shared zone and appropriately signed. |

**Connector Street - Level 1**
A street that carries higher volumes of traffic. It connects access places and access streets through and between neighbourhoods.

<table>
<thead>
<tr>
<th>Traffic volume$^1$</th>
<th>3000 vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed$^2$</td>
<td>50 kph$^3$ reduced to 40 kph at schools and 20 kph at pedestrian and cycle crossing points.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Carriageway width$^3$, cycle lane provision, parking provision and bus stops within street reservation</th>
<th>3.5m minimum lane width in each direction of travel.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4.0m minimum lane width at approaches to and departures from roundabouts and T-intersections.</td>
</tr>
<tr>
<td></td>
<td>For on-street cycling, increase the minimum clear carriageway in each direction by:</td>
</tr>
<tr>
<td></td>
<td>- 0.7m where the trafficable carriageway is shared by cyclists but no dedicated bicycle lane is marked on the carriageway; or</td>
</tr>
<tr>
<td></td>
<td>- 1.5m where a trafficable carriageway is shared by cyclists but no dedicated bicycle lane is marked on the carriageway and there is a single lane in each direction separated by a raised trafficable median of at least 2.0m in width with mountable kerbs; or</td>
</tr>
<tr>
<td></td>
<td>- 1.7m where a dedicated 1.7m wide bicycle lane is marked on the carriageway.</td>
</tr>
<tr>
<td></td>
<td>An additional dedicated parking lane or indented parking within the verge must be provided where street parking is required. A parking lane width of 2.3m is required where parallel parking is provided.</td>
</tr>
<tr>
<td></td>
<td>Bus stops at the kerbside, not indented within the verge.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Verge width$^4$</th>
<th>4.5m minimum each side.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kerbing$^5$</td>
<td>Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.</td>
</tr>
</tbody>
</table>

**Footpath provision**
- 1.5m wide footpaths on both sides.
- Footpath widened to a minimum 2.0m in the vicinity of a school, shop, public transport stop or other activity centre.
- Footpaths offset a minimum distance of 1m from the kerb.

**Connector Street - Level 2**
A street that carries higher volumes of traffic. It connects access places and access streets through and between neighbourhoods.

<table>
<thead>
<tr>
<th>Traffic volume$^1$</th>
<th>3,000 vpd to 7,000 vpd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target speed$^2$</td>
<td>60 kph$^6$ or 50km/h reduced to 40kph at schools.</td>
</tr>
</tbody>
</table>
Carriageway width\(^3\), cycle lane provision, parking provision and bus stops within street reservation
- 3.5m minimum lane width in each direction of travel.
- 4.0m minimum lane width at approaches to and departures from roundabouts and T-intersections.
- 7.0m minimum carriageway width in each direction of travel where there are two lanes in each direction separated by a non-trafficable central medium.
- 8.0m minimum carriageway width at approaches to and departures from roundabouts and T-intersections where there are two lanes in each direction separated by an non-trafficable central medium.
- For on-street cycling, increase the minimum clear carriageway in each direction by:
  - 0.7m where the trafficable carriageway is shared by cyclists but no dedicated bicycle lane is marked on the carriageway; or
  - 1.7m where a dedicated 1.7m wide dedicated bicycle lane is marked on the carriageway
  - 0.3m where there are two trafficable lanes in each direction separated by a non-trafficable central median and the carriageways are shared by cyclists but no dedicated bicycle lane is marked on the carriageway; or
  - 0.5m where there are two trafficable lanes in each direction separated by a non-trafficable central median and a 1.7m wide dedicated bicycle lane is marked on the carriageway.
- An additional dedicated parking lane or indented parking within the verge must be provided where street parking is required. A parking lane width of 2.3m is required where parallel parking is provided.
- Bus stops located at the kerbside, not indented within the verge.

Verge width\(^4\)
- 6m minimum each side (plus central median).

Kerbing\(^5\)
- Semi-mountable rollover or flush and swale or other water sensitive urban design treatment area.

Footpath and cycle path provision
- 1.5m wide footpath on each side and 1.7m bicycle lanes on the carriageway; or
- 2.5m wide shared foot and cycle path on both sides and no dedicate bicycle lanes marked on the carriageway.
- Footpaths widened to a minimum of 2.0m in the vicinity of a school, shop, public transport stop or other activity centre.
- Footpaths or shared foot and cycle paths offset a minimum distance of 1m from the kerb.

Arterial Road

Traffic volume\(^1\)
- Greater than 7000vpd

Target speed\(^2\)
- Arterial road design as required by the relevant roads authority.

Carriageway width\(^3\) & parking provision within street reservation
- Arterial road design as required by the relevant roads authority.
Key to Table C1

1. Indicative maximum traffic volume for 24-hour period. These volumes depend upon location. Generation rates may vary between existing and newly developing areas.

2. Target speed is the desired speed at which motorists should travel. This is not necessarily the design speed and is not greater than the marked legal speed limit.

3. Width is measured from kerb invert to kerb invert. Widening may be required at bends to allow for wider vehicle paths using appropriate Australian Standards for on street and off-street parking but should not negate the function of bends serving as slow points.

4. Verge width includes footpaths. Additional width may be required to accommodate a bicycle path.

5. Where drainage is not required a flush pavement edge treatment can be used. Layback kerbs are preferred for safety reasons. Upright kerbs may be considered for drainage purposes or in locations where on-street parking should be clearly defined and parking within the verge is not desired.

6. Turning requirements to access and egress parking on abutting lots may require additional carriageway width. The recommended carriageway width of 5.5m will provide adequate access to a standard 3.5m wide single garage built to the property line.

7. 50kph is the default urban speed limit in Victoria.

8. Target speed must not exceed the legal speed limit.
INTEGRATED WATER MANAGEMENT

Drinking water supply objectives
To reduce the use of drinking water.
To provide an adequate, cost-effective supply of drinking water.

Standard C22
The supply of drinking water must be:
- Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.
- Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority.

Reused and recycled water objective
To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.

Standard C23
Reused and recycled water supply systems must be:
- Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Health and Human Services.
- Provided to the boundary of all lots in the subdivision where required by the relevant water authority.

Waste water management objective
To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.

Standard C24
Waste water systems must be:
- Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority.
- Consistent with any relevant approved domestic waste water management plan.

Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.

Stormwater management objectives
To minimise damage to properties and inconvenience to residents from stormwater.
To ensure that the street operates adequately during major storm events and provides for public safety.
To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.
To encourage stormwater management that maximises the retention and reuse of stormwater.
To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.
Standard C25

The stormwater management system must be:

- Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.
- Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed.
- Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
- Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.
- Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.

The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.

For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:

- Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.
- Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.

For storm events greater than 20% AEP and up to and including 1% AEP standard:

- Provision must be made for the safe and effective passage of stormwater flows.
- All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.
- Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria $d_a V_{ave} < 0.35 \text{ m}^2/\text{s}$ (where, $d_a =$ average depth in metres and $V_{ave} =$ average velocity in metres per second).

The design of the local drainage network should:

- Ensure stormwater is retarded to a standard required by the responsible drainage authority.
- Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.
- Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner.
- Include water sensitive urban design features to manage stormwater in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.

Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.
SITE MANAGEMENT

Site management objectives

To protect drainage infrastructure and receiving waters from sedimentation and contamination.

To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.

To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.

Standard C26

A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:

- Erosion and sediment.
- Dust.
- Run-off.
- Litter, concrete and other construction wastes.
- Chemical contamination.
- Vegetation and natural features planned for retention.

Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.
Shared trenching objectives
To maximise the opportunities for shared trenching.
To minimise constraints on landscaping within street reserves.

Standard C27
Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.

Electricity, telecommunications and gas objectives
To provide public utilities to each lot in a timely, efficient and cost effective manner.
To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.

Standard C28
The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.

Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.

The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.

Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.

Fire hydrants objective
To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.

Standard C29
Fire hydrants should be provided:

- A maximum distance of 120 metres from the rear of the each lot.
- No more than 200 metres apart.

Hydrants and fire plugs must be compatible with the relevant fire service equipment. Where the provision of fire hydrants and fire plugs does not comply with the requirements of standard C29, fire hydrants must be provided to the satisfaction of the relevant fire authority.

Public lighting objective
To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles.
To provide pedestrians with a sense of personal safety at night.
To contribute to reducing greenhouse gas emissions and to saving energy.
Standard C30

Public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to be well used at night to assist in providing safe passage for pedestrians, cyclists and vehicles.

Public lighting should be designed in accordance with the relevant Australian Standards.

Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings.
APARTMENT DEVELOPMENTS

Purpose
To implement the Municipal Planning Strategy and the Planning Policy Framework.
To encourage apartment development that provides reasonable standards of amenity for existing and new residents.
To encourage apartment development that is responsive to the site and the surrounding area.

Application
Provisions in this clause apply to an application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, if:

- The apartment development is five or more storeys, excluding a basement, and is in the General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone, or
- The apartment development is in the Commercial 1 Zone, Commercial 3 Zone, Special Use Zone, Comprehensive Development Zone, Capital City Zone, Docklands Zone, Priority Development Zone or Activity Centre Zone.

Operation
The provisions of this clause contain:

- Objectives. An objective describes the desired outcome to be achieved in the completed development.

- Standards. A standard contains the requirements to meet the objective.
  A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

- Decision guidelines. The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives.

Requirements
A development:

- Must meet all of the objectives of this clause.
- Should meet all of the standards of this clause.

If a zone or a schedule to a zone, or a schedule to an overlay specifies a requirement different from a requirement of a standard set out in Clause 58 (excluding Clause 58.04-1), the requirement in Clause 58 applies.

For Clause 58.04-1 (Building setback):

- If a zone or a schedule to a zone specifies a building setback requirement different from a requirement set out in Clause 58.04-1, the building setback requirement in the zone or a schedule to the zone applies.
- If the land is included in an overlay and a schedule to the overlay specifies a building setback requirement different from the requirement set out Clause 58.04-1 or a requirement set out in the zone or a schedule to the zone, the requirement for building setback in the overlay applies.
Application requirements

An application must be accompanied by:

- An urban context report.
- A design response.

Urban context report

The urban context report may use a site plan, photographs or other techniques and must include:

An accurate description of:

- Site shape, size, orientation and easements.
- Levels and contours of the site and the difference in levels between the site and surrounding properties.
- The location and height of existing buildings on the site and surrounding properties.
- The use of surrounding buildings.
- The location of private open space of surrounding properties and the location of trees, fences and other landscape elements.
- Solar access to the site and to surrounding properties.
- Views to and from the site.
- Street frontage features such as poles, street trees and kerb crossovers.
- The location of local shops, public transport services and public open spaces within walking distance.
- Movement systems through and around the site.
- Any other notable feature or characteristic of the site.

An assessment of the characteristics of the area including:

- Any environmental features such as vegetation, topography and significant views.
- The pattern of subdivision.
- Street design and landscape.
- The pattern of development.
- Building form, scale and rhythm.
- Connection to the public realm.
- Architectural style, building details and materials.
- Off-site noise sources.
- The relevant NatHERS climate zones (as identified in Clause 58.03-1).
- Social and economic activity.
- Any other notable or cultural characteristics of the area.

Satisfactory urban context report

If the responsible authority decides that the urban context report is not satisfactory, it may require more information from the applicant under Section 54 of the Act.
The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the urban context report meets the requirements of Clause 58.01-2 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.

Design response

The design response must explain how the proposed design:

- Responds to any relevant planning provision that applies to the land.
- Meets the objectives of Clause 58.
- Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme.
- Derives from and responds to the urban context report.

The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.
URBAN CONTEXT

Urban context objectives
To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.
To ensure that development responds to the features of the site and the surrounding area.

Standard D1
The design response must be appropriate to the urban context and the site.
The proposed design must respect the existing or preferred urban context and respond to the features of the site.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.

Residential policy objectives
To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.
To support higher density residential development where development can take advantage of public and community infrastructure and services.

Standard D2
An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.

Dwelling diversity objective
To encourage a range of dwelling sizes and types in developments of ten or more dwellings.

Standard D3
Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.

Infrastructure objectives
To ensure development is provided with appropriate utility services and infrastructure.
To ensure development does not unreasonably overload the capacity of utility services and infrastructure.
Standard D4
Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.

Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.

In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The capacity of the existing infrastructure.

- In the absence of reticulated sewerage, the capacity of the development to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

- If the drainage system has little or no spare capacity, the capacity of the development to provide for stormwater drainage mitigation or upgrading of the local drainage system.

Integration with the street objective
To integrate the layout of development with the street.

Standard D5
Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.

Development should be oriented to front existing and proposed streets.

High fencing in front of dwellings should be avoided if practicable.

Development next to existing public open space should be laid out to complement the open space.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.

- The design response.
SITE LAYOUT

Energy efficiency objectives

To achieve and protect energy efficient dwellings and buildings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

To ensure dwellings achieve adequate thermal efficiency.

Standard D6

Buildings should be:

- Oriented to make appropriate use of solar energy.
- Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north-facing windows is optimised.

Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the following table.

Table D1 Cooling load

<table>
<thead>
<tr>
<th>NatHERS climate zone</th>
<th>NatHERS maximum cooling load MJ/M² per annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Climate zone 21 Melbourne</td>
<td>30</td>
</tr>
<tr>
<td>Climate zone 22 East Sale</td>
<td>22</td>
</tr>
<tr>
<td>Climate zone 27 Mildura</td>
<td>69</td>
</tr>
<tr>
<td>Climate zone 60 Tullamarine</td>
<td>22</td>
</tr>
<tr>
<td>Climate zone 62 Moorabbin</td>
<td>21</td>
</tr>
<tr>
<td>Climate zone 63 Warrnambool</td>
<td>21</td>
</tr>
<tr>
<td>Climate zone 64 Cape Otway</td>
<td>19</td>
</tr>
<tr>
<td>Climate zone 66 Ballarat</td>
<td>23</td>
</tr>
</tbody>
</table>

Note: Refer to NatHERS zone map, Nationwide House Energy Rating Scheme (Commonwealth Department of Environment and Energy).

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation and layout of the site.
- The existing amount of solar access to abutting properties.
- The availability of solar access to north-facing windows on the site.
- The annual cooling load for each dwelling.
Communal open space objective
To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.

Standard D7
Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser.

Communal open space should:
- Be located to:
  - Provide passive surveillance opportunities, where appropriate.
  - Provide outlook for as many dwellings as practicable.
  - Avoid overlooking into habitable rooms and private open space of new dwellings.
  - Minimise noise impacts to new and existing dwellings.
- Be designed to protect any natural features on the site.
- Maximise landscaping opportunities.
- Be accessible, useable and capable of efficient management.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response.
- The useability and amenity of the communal open space based on its size, location, accessibility and reasonable recreation needs of residents.
- The availability of and access to public open space.

Solar access to communal outdoor open space objective
To allow solar access into communal outdoor open space.

Standard D8
The communal outdoor open space should be located on the north side of a building, if appropriate. At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.
- The useability and amenity of the primary communal outdoor open space areas based on the urban context, the orientation of the building, the layout of dwellings and the sunlight it will receive.

Safety objective
To ensure the layout of development provides for the safety and security of residents and property.

Standard D9
Entrances to dwellings should not be obscured or isolated from the street and internal accessways.
Planting which creates unsafe spaces along streets and accessways should be avoided. Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.

Private spaces within developments should be protected from inappropriate use as public thoroughfares.

**Decision guideline**

Before deciding on an application, the responsible authority must consider the design response.

**Landscaping objectives**

To encourage development that respects the landscape character of the area.

To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.

To provide appropriate landscaping.

To encourage the retention of mature vegetation on the site.

To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect.

**Standard D10**

The landscape layout and design should:

- Be responsive to the site context.
- Protect any predominant landscape features of the area.
- Take into account the soil type and drainage patterns of the site and integrate planting and water management.
- Allow for intended vegetation growth and structural protection of buildings.
- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.
- Provide a safe, attractive and functional environment for residents.
- Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site stormwater infiltration.
- Maximise deep soil areas for planting of canopy trees.

Development should provide for the retention or planting of trees, where these are part of the urban context.

Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.

The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.

Development should provide the deep soil areas and canopy trees specified in Table D2.

If the development cannot provide the deep soil areas and canopy trees specified in Table D2, an equivalent canopy cover should be achieved by providing either:

- Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements.
- Vegetated planters, green roofs or green facades.
Table D2 Deep soil areas and canopy trees

<table>
<thead>
<tr>
<th>Site area</th>
<th>Deep soil areas</th>
<th>Minimum tree provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>750 - 1000</td>
<td>5% of site area (minimum dimension of 3 metres)</td>
<td>1 small tree (6-8 metres) per 30 square metres of deep soil</td>
</tr>
<tr>
<td>square metres</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1001 - 1500</td>
<td>7.5% of site area (minimum dimension of 3 metres)</td>
<td>1 medium tree (8-12 metres) per 50 square metres of deep soil or 1 large tree per 90 square metres of deep soil</td>
</tr>
<tr>
<td>square metres</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1501 - 2500</td>
<td>10% of site area (minimum dimension of 6 metres)</td>
<td>1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil</td>
</tr>
<tr>
<td>square metres</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&gt;2500</td>
<td>15% of site area (minimum dimension of 6 metres)</td>
<td>1 large tree (at least 12 metres) per 90 square metres of deep soil or 2 medium trees per 90 square metres of deep soil</td>
</tr>
<tr>
<td>square metres</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: Where an existing canopy tree over 8 metres can be retained on a lot greater than 1000 square metres without damage during the construction period, the minimum deep soil requirement is 7% of the site area.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant plan or policy for landscape character and environmental sustainability in the Municipal Planning Strategy and the Planning Policy Framework.
- The design response.
- The location and size of gardens and the predominant plant types in the area.
- The health of any trees to be removed.
- The suitability of the proposed location and soil volume for canopy trees.
- The ongoing management of landscaping within the development.
- The soil type and drainage patterns of the site.

Access objective

To ensure the number and design of vehicle crossovers respects the urban context.

Standard D11

The width of accessways or car spaces should not exceed:

- 33 per cent of the street frontage, or
- if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.

No more than one single-width crossover should be provided for each dwelling fronting a street.

The location of crossovers should maximise the retention of on-street car parking spaces.

The number of access points to a road in a Road Zone should be minimised.

Developments must provide for access for service, emergency and delivery vehicles.
Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- The impact on the streetscape.
- The reduction of on-street car parking spaces.
- The effect on any significant vegetation on the site and footpath.

Parking location objectives

To provide convenient parking for resident and visitor vehicles.
To protect residents from vehicular noise within developments.

Standard D12

Car parking facilities should:

- Be reasonably close and convenient to dwellings.
- Be secure.
- Be well ventilated if enclosed.

Shared accessways or car parks of other dwellings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.

Decision guideline

Before deciding on an application, the responsible authority must consider the design response.

Integrated water and stormwater management objectives

To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.
To facilitate stormwater collection, utilisation and infiltration within the development.
To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.

Standard D13

Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.
Buildings should be connected to a non-potable dual pipe reticulated water supply, where available from the water authority.

The stormwater management system should be:

- Designed to meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
- Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- Any relevant water and stormwater management objective, policy or statement set out in this scheme.
- The design response.
- Whether the development has utilised alternative water sources and/or incorporated water sensitive urban design.
- Whether stormwater discharge from the site will adversely affect water quality entering the drainage system.
- The capacity of the drainage network to accommodate additional stormwater.
- Whether the stormwater treatment areas can be effectively maintained.
- Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system.
AMENITY IMPACTS

Building setback objectives
To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.
To allow adequate daylight into new dwellings.
To limit views into habitable room windows and private open space of new and existing dwellings.
To provide a reasonable outlook from new dwellings.
To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.

Standard D14
The built form of the development must respect the existing or preferred urban context and respond to the features of the site.
Buildings should be set back from side and rear boundaries, and other buildings within the site to:
- Ensure adequate daylight into new habitable room windows.
- Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.
- Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.
- Ensure the dwellings are designed to meet the objectives of Clause 58.

Decision Guidelines
Before deciding on an application, the responsible authority must consider:
- The purpose of the zone and/or overlay that applies to the land.
- Any relevant urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.
- The relationship between the proposed building setback and the building setbacks of existing adjacent buildings, including the interface with laneways.
- The extent to which the proposed dwellings are provided with reasonable daylight access through the layout of rooms and the number, size, location and orientation of windows.
- The impact of overlooking on the amenity of existing and proposed dwellings.
- The existing extent of overlooking into existing dwellings and private open space.
- Whether the development meets the objectives of Clause 58.

Internal views objective
To limit views into the private open space and habitable room windows of dwellings within a development.

Standard D15
Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.

Decision guideline
Before deciding on an application, the responsible authority must consider the design response.
Noise impacts objectives

To contain noise sources in developments that may affect existing dwellings.
To protect residents from external and internal noise sources.

Standard D16

Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.

The layout of new dwellings and buildings should minimise noise transmission within the site.
Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.

New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources.

Buildings within a noise influence area specified in Table D3 should be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Buildings, or part of a building screened from a noise source by an existing solid structure, or the natural topography of the land, do not need to meet the specified noise level requirements.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

Table D3 Noise influence area

<table>
<thead>
<tr>
<th>Noise source</th>
<th>Noise influence area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone interface</td>
<td></td>
</tr>
<tr>
<td>Industry</td>
<td>300 metres from the Industrial 1, 2 and 3 zone boundary</td>
</tr>
<tr>
<td>Roads</td>
<td></td>
</tr>
<tr>
<td>Freeways, tollways and other roads carrying 40,000 Annual Average Daily Traffic Volume</td>
<td>300 metres from the nearest trafficable lane</td>
</tr>
<tr>
<td>Railways</td>
<td></td>
</tr>
<tr>
<td>Railway servicing passengers in Victoria</td>
<td>80 metres from the centre of the nearest track</td>
</tr>
<tr>
<td>Railway servicing freight outside Metropolitan Melbourne</td>
<td>80 metres from the centre of the nearest track</td>
</tr>
<tr>
<td>Railway servicing freight in Metropolitan Melbourne</td>
<td>135 metres from the centre of the nearest track</td>
</tr>
</tbody>
</table>

Note: The noise influence area should be measured from the closest part of the building to the noise source.

Decision guidelines

Before deciding on an application, the responsible authority must consider:

- The design response.
- Whether it can be demonstrated that the design treatment incorporated into the development meets the specified noise levels or an acoustic report by a suitably qualified consultant submitted with the application.
- Whether the impact of potential noise sources within a development have been mitigated through design, location and siting.
- Whether the layout of rooms within a dwelling mitigates noise transfer within and between dwellings.

- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.
ON-SITE AMENITY AND FACILITIES

Accessibility objective

To ensure the design of dwellings meets the needs of people with limited mobility.

Standard D17

At least 50 per cent of dwellings should have:

- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.
- A main bedroom with access to an adaptable bathroom.
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.

Table D4 Bathroom design

<table>
<thead>
<tr>
<th></th>
<th>Design option A</th>
<th>Design option B</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Door opening</strong></td>
<td>A clear 850mm wide door opening.</td>
<td>A clear 820mm wide door opening located opposite the shower.</td>
</tr>
<tr>
<td><strong>Door design</strong></td>
<td>Either:</td>
<td>Either:</td>
</tr>
<tr>
<td></td>
<td>- A slide door, or</td>
<td>- A slide door, or</td>
</tr>
<tr>
<td></td>
<td>- A door that opens outwards, or</td>
<td>- A door that opens outwards, or</td>
</tr>
<tr>
<td></td>
<td>- A door that opens inwards that is clear of the circulation area and has readily removable hinges.</td>
<td>- A door that opens inwards and has readily removable hinges.</td>
</tr>
<tr>
<td><strong>Circulation area</strong></td>
<td>A clear circulation area that is:</td>
<td>A clear circulation area that is:</td>
</tr>
<tr>
<td></td>
<td>- A minimum area of 1.2 metres by 1.2 metres.</td>
<td>- A minimum width of 1 metre.</td>
</tr>
<tr>
<td></td>
<td>- Located in front of the shower and the toilet.</td>
<td>- The full length of the bathroom and a minimum length of 2.7 metres.</td>
</tr>
<tr>
<td></td>
<td>- Clear of the toilet, basin and the door swing.</td>
<td>- Clear of the toilet and basin.</td>
</tr>
<tr>
<td></td>
<td>The circulation area for the toilet and shower can overlap.</td>
<td>The circulation area can include a shower area.</td>
</tr>
<tr>
<td><strong>Path to circulation area</strong></td>
<td>A clear path with a minimum width of 900mm from the door opening to the circulation area.</td>
<td>Not applicable.</td>
</tr>
<tr>
<td><strong>Shower</strong></td>
<td>A hobless (step-free) shower.</td>
<td>A hobless (step-free) shower that has a removable shower screen and is located on the furthest wall from the door opening.</td>
</tr>
<tr>
<td><strong>Toilet</strong></td>
<td>A toilet located in the corner of the room.</td>
<td>A toilet located closest to the door opening and clear of the circulation area.</td>
</tr>
</tbody>
</table>

Building entry and circulation objectives

To provide each dwelling and building with its own sense of identity.

To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.

To ensure internal communal areas provide adequate access to daylight and natural ventilation.
Standard D18
Entries to dwellings and buildings should:

- Be visible and easily identifiable.
- Provide shelter, a sense of personal address and a transitional space around the entry.

The layout and design of buildings should:

- Clearly distinguish entrances to residential and non-residential areas.
- Provide windows to building entrances and lift areas.
- Provide visible, safe and attractive stairs from the entry level to encourage use by residents.
- Provide common areas and corridors that:
  - Include at least one source of natural light and natural ventilation.
  - Avoid obstruction from building services.
  - Maintain clear sight lines.

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability and amenity of internal communal areas based on daylight access and the natural ventilation it will receive.

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Private open space objective
To provide adequate private open space for the reasonable recreation and service needs of residents.

Standard D19
A dwelling should have private open space consisting of:

- An area of 25 square metres, with a minimum dimension of 3 metres at natural ground floor level and convenient access from a living room, or
- An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or
- A balcony with an area and dimensions specified in Table D5 and convenient access from a living room, or
- A roof-top area of 10 square metres with a minimum dimension of 2 metres and convenient access from a living room.

If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.

Table D5 Balcony size

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum area</th>
<th>Minimum dimension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio or 1 bedroom dwelling</td>
<td>8 square metres</td>
<td>1.8 metres</td>
</tr>
<tr>
<td>2 bedroom dwelling</td>
<td>8 square metres</td>
<td>2 metres</td>
</tr>
<tr>
<td>3 or more bedroom dwelling</td>
<td>12 square metres</td>
<td>2.4 metres</td>
</tr>
</tbody>
</table>

Decision guidelines
Before deciding on an application, the responsible authority must consider:
The design response.

The useability and functionality of the private open space, including its size and accessibility.

The amenity of the private open space based on the orientation of the lot, the wind conditions and the sunlight it will receive.

The availability of and access to public or communal open space.

Storage objective
To provide adequate storage facilities for each dwelling.

Standard D20
Each dwelling should have convenient access to usable and secure storage space.

The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D6.

Table D6 Storage

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Total minimum storage volume</th>
<th>Minimum storage volume within the dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>8 cubic metres</td>
<td>5 cubic metres</td>
</tr>
<tr>
<td>1 bedroom dwelling</td>
<td>10 cubic metres</td>
<td>6 cubic metres</td>
</tr>
<tr>
<td>2 bedroom dwelling</td>
<td>14 cubic metres</td>
<td>9 cubic metres</td>
</tr>
<tr>
<td>3 or more bedroom dwelling</td>
<td>18 cubic metres</td>
<td>12 cubic metres</td>
</tr>
</tbody>
</table>

Decision guidelines
Before deciding on an application, the responsible authority must consider:

- The design response.
- The useability, functionality and location of storage facilities provided for the dwelling.
DETAILED DESIGN

Common property objectives
To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.
To avoid future management difficulties in areas of common ownership.

Standard D21
Developments should clearly delineate public, communal and private areas.
Common property, where provided, should be functional and capable of efficient management.

Site services objectives
To ensure that site services can be installed and easily maintained.
To ensure that site facilities are accessible, adequate and attractive.

Standard D22
The design and layout of dwellings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.
Mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.
Mailboxes should be provided and located for convenient access as required by Australia Post.

Decision guideline
Before deciding on an application, the responsible authority must consider the design response.

Waste and recycling objectives
To ensure dwellings are designed to encourage waste recycling.
To ensure that waste and recycling facilities are accessible, adequate and attractive.
To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.

Standard D23
Developments should include dedicated areas for:

- Waste and recycling enclosures which are:
  - Adequate in size, durable, waterproof and blend in with the development.
  - Adequately ventilated.
  - Located and designed for convenient access by residents and made easily accessible to people with limited mobility.

- Adequate facilities for bin washing. These areas should be adequately ventilated.

- Collection, separation and storage of waste and recyclables, including where appropriate opportunities for on-site management of food waste through composting or other waste recovery as appropriate.

- Collection, storage and reuse of garden waste, including opportunities for on-site treatment, where appropriate, or off-site removal for reprocessing.
- Adequate circulation to allow waste and recycling collection vehicles to enter and leave the site without reversing.
- Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.

Waste and recycling management facilities should be designed and managed in accordance with a Waste Management Plan approved by the responsible authority and:
- Be designed to meet the better practice design options specified in *Waste Management and Recycling in Multi-unit Developments* (Sustainability Victoria, 2019).
- Protect public health and amenity of residents and adjoining premises from the impacts of odour, noise and hazards associated with waste collection vehicle movements.

**Decision guidelines**
Before deciding on an application, the responsible authority must consider:
- The design response.
- Any relevant waste and recycling objective, policy or statement set out in this scheme.
INTERNAL AMENITY

Functional layout objective
To ensure dwellings provide functional areas that meet the needs of residents.

Standard D24
Bedrooms should:
- Meet the minimum internal room dimensions specified in Table D7.
- Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.

Table D7 Bedroom dimensions

<table>
<thead>
<tr>
<th>Bedroom type</th>
<th>Minimum width</th>
<th>Minimum depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main bedroom</td>
<td>3 metres</td>
<td>3.4 metres</td>
</tr>
<tr>
<td>All other bedrooms</td>
<td>3 metres</td>
<td>3 metres</td>
</tr>
</tbody>
</table>

Living areas (excluding dining and kitchen areas) should meet the minimum internal room dimensions specified in Table D8.

Table D8 Living area dimensions

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum width</th>
<th>Minimum area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio and 1 bedroom dwelling</td>
<td>3.3 metres</td>
<td>10 sqm</td>
</tr>
<tr>
<td>2 or more bedroom dwelling</td>
<td>3.6 metres</td>
<td>12 sqm</td>
</tr>
</tbody>
</table>

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.
- The useability, functionality and amenity of habitable rooms.

Room depth objective
To allow adequate daylight into single aspect habitable rooms.

Standard D25
Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.
The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:
- The room combines the living area, dining area and kitchen.
- The kitchen is located furthest from the window.
- The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.
The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.

Decision guidelines
Before deciding on an application, the responsible authority must consider:
- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability, functionality and amenity of the dwelling based on layout, siting, size and orientation of habitable rooms.
- Any overhang above habitable room windows that limits daylight access.

**Windows objective**

To allow adequate daylight into new habitable room windows.

**Standard D26**

Habitable rooms should have a window in an external wall of the building.

A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.

The secondary area should be:

- A minimum width of 1.2 metres.
- A maximum depth of 1.5 times the width, measured from the external surface of the window.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The extent to which the habitable room is provided with reasonable daylight access through the number, size, location and orientation of windows.
- The useability and amenity of the dwelling based on the layout, siting, size and orientation of habitable rooms.

**Natural ventilation objectives**

To encourage natural ventilation of dwellings.

To allow occupants to effectively manage natural ventilation of dwellings.

**Standard D27**

The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.

At least 40 per cent of dwellings should provide effective cross ventilation that has:

- A maximum breeze path through the dwelling of 18 metres.
- A minimum breeze path through the dwelling of 5 metres.
- Ventilation openings with approximately the same area.

The breeze path is measured between the ventilation openings on different orientations of the dwelling.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider:

- The design response.
- The size, orientation, slope and wind exposure of the site.
- The extent to which the orientation of the building and the layout of dwellings maximises opportunities for cross ventilation.
- Whether an alternative design meets the relevant objectives having regard to the amenity of the dwelling and the site context.
REALIGN THE COMMON BOUNDARY BETWEEN TWO LOTS

Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings, car parking area, driveways, storage areas, loading areas and private open space.
  - The location of any easements on the subject land.
  - The location of the approved stormwater discharge point.
  - The location and details of any significant vegetation.
  - The location of any street trees, poles, pits or other street furniture.
  - Existing and proposed vehicle access to the lots.
  - Any abutting roads.
  - The location of the existing and proposed common boundary between the lots and the proposed size and shape of the realigned lots.
  - Any proposed common property to be owned by a body corporate and the lots participating in the body corporate.
- If the land is in more than one ownership, the consent of the owners of the land.
- If common property is proposed, an explanation of why the common property is required.
- A written statement that describes:
  - The existing use of the land and its possible future development.
  - The reason for the realignment of the common boundary.
  - For land in an overlay, how the proposal responds to any statement of significance, objectives or requirements specified in the schedule to the overlay.
- If the land is in an area where reticulated sewerage is not provided, a plan which shows the location of any existing effluent disposal area for each lot or a land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- If the land is in a residential zone and the realignment of the common boundary will result in a vacant lot, information that shows that the vacant lot meets the requirements of Standard C8 of Clause 56.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The suitability of the subdivision including how the layout and dimensions of the subdivision:
  - Respond to and integrate with the surrounding urban or rural environment.
  - Protect significant vegetation.
  - Appropriately accommodate any existing or proposed easements on the lots.
- Protect solar access for existing and any future dwellings on the lots.
- Appropriately accommodate any existing waste storage areas, loading bays and vehicle standing areas on the site.
- Appropriately accommodate private open space.
- Appropriately accommodate the provision of utility services to each lot.
- If the land is in an area where reticulated sewerage is not provided to each lot, whether the layout of the subdivision accommodates the effluent disposal area for each lot.
- Appropriately accommodate the siting of buildings having regard to the risk of spread of fire.
- Appropriately accommodate the existing use and possible future development of the land.

- Whether the provision of common property is appropriate for the purpose for which the land is to be commonly held.
- If the land is in a residential zone and the realignment of the common boundary will result in a vacant lot, the objective and standard of Clause 56.04-2.
- The statement of significance and the objectives contained in the schedule to the overlay and whether the subdivision will adversely affect that significance or the objectives.
- Whether the proposal meets any requirements specified in the overlay or the schedule to the overlay.
SUBDIVISION OF BUILDINGS AND CAR PARKING SPACES

Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A copy of the relevant planning permit and approved plans for the development.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings, car parking areas and private open space.
  - The location, shape and size of the proposed lots to be created.
  - The location of any easements on the subject land.
  - The location and details of any significant vegetation.
  - The location of the approved stormwater discharge point.
  - Any abutting roads.
  - The location of any street trees, poles, pits and other street furniture.
  - Existing and proposed vehicle access to the lots.
  - Any loading bays and vehicle standing areas.
  - Any waste storage areas.
  - Any proposed common property to be owned by a body corporate and the lots participating in the body corporate.
- For the subdivision of existing buildings and car parking spaces, a copy of the occupancy permit or a certificate of final inspection for the development.
- For the subdivision of land into two lots with an approved development currently under construction, evidence that the construction has commenced.
- If common property is proposed, an explanation of why the common property is required.
- If the land is in an area where reticulated sewerage is not provided, a plan which shows the location of any existing effluent disposal area for each lot or a land assessment which demonstrates that each lot is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- For land in an overlay, a written statement that describes how the proposal responds to any statement of significance, objectives or requirements specified in the schedule to the overlay.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The suitability of the subdivision including how the layout and dimensions of the subdivision:
  - Are consistent with the approved plans and conditions of any relevant planning permit for the development.
  - Are consistent with the layout of existing buildings and car parking spaces on the land.
  - Appropriately accommodate any existing waste storage areas.
  - Appropriately accommodate any existing loading bay and vehicle storage area.
- Appropriately accommodate significant vegetation.
- Appropriately accommodate existing or proposed easements on the lots.
- Appropriately accommodate the provision of utility services to each lot.
- Appropriately accommodate the siting of buildings having regard to safety and the risk of spread of fire.

- If the land is in an area where reticulated sewerage is not provided to each lot, whether the layout of the subdivision accommodates the effluent disposal area for each lot.
- For the subdivision of existing buildings and car parking spaces, whether each new lot, other than common property, contains an existing building, part of an existing building or a car parking space.
- Whether the provision and location of common property is appropriate for the purpose for which the land is to be commonly held.
- Whether any public open space contribution is required under Clause 53.01 of this scheme or under Section 18 of the Subdivision Act 1988.
- The statement of significance and the objectives contained in the schedule to the overlay and whether the subdivision will adversely affect that significance or the objectives.
- Whether the proposal meets any requirements specified in the overlay or the schedule to the overlay.
FRONT FENCE IN A RESIDENTIAL ZONE

Information requirements
An application must be accompanied by the following information as appropriate:

- A copy of the title for the subject land and a copy of any registered restrictive covenant.
- A plan drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location, length, height and design of the proposed fence including details of materials.
  - The location, height and design of any existing front fence on adjoining and nearby properties including details of materials.
- A photograph of the site and adjoining and nearby properties along the street frontage.
- The reason for the proposed height.

Decision guidelines
In assessing an application the responsible authority must consider as appropriate:

- Whether the setback, height and design of the proposed fence are:
  - Appropriate to the neighbourhood character and the site.
  - Consistent with any relevant neighbourhood character objective or policy set out in the scheme.
  - Appropriate with the setback, height and appearance of front fences on adjoining and nearby properties.
  - Complement the design of the dwelling.
- The extent to which slope and retaining walls reduce the effective height of the proposed fence.
- Whether the proposed fence is needed to minimise noise intrusion.
- The reason for the proposed height.
BUILDINGS AND WORKS IN A ZONE (EXCEPT A RURAL ZONE)

Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A description of the use of the land and the proposed buildings and works.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and use of buildings and works on adjoining land.
  - Relevant ground levels.
  - Any contaminated soils and filled areas, where known.
  - The layout of existing and proposed buildings and works.
  - All existing and proposed driveways, car parking, bicycle parking and loading areas.
  - Existing and proposed landscape areas.
  - All external storage and waste treatment areas.
  - The location of easements and services.
- Elevation drawings to scale showing the height, colour and materials of all proposed buildings and works.
- A photograph of the building or area affected by the proposal.
- A written statement describing the proposal and if relevant:
  - The built form and character of adjoining and nearby buildings.
  - The heritage character of any adjoining heritage places.
  - Ground floor street frontages, including visual impacts and pedestrian safety.
- A written statement describing whether the proposed buildings and works meet:
  - The number of car parking spaces required under Clause 52.06 or in the schedule to Clause 45.09.
  - Any development requirement specified in the zone or the schedule to the zone.
- Any relevant requirement in an approved development plan or incorporated plan for the land.
- Any other information specified in the schedule to the zone.
- For land in a residential zone, a written statement, plan or diagram showing how the proposal meets:
  - The requirements in the following standards of Clause 54:
    - A10 Side and rear setbacks.
    - A11 Walls on boundaries.
    - A12 Daylight to existing windows.
    - A13 North-facing windows.
    - A14 Overshadowing open space.
- A15 Overlooking.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard the schedule to the zone applies.

### Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- Whether the proposal is consistent with any relevant urban design and built form policy set out in the scheme.
- Whether the movement of pedestrians and cyclists, and vehicles providing for supplies and waste removal are appropriately accommodated.
- Whether the design complements the built form of the surrounding properties and the streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- Whether the land and building have availability of and connection to services.
- Whether the proposed development adversely impacts the amenity of the land and the locality including existing dwellings on adjoining sites.
- Whether the proposed development appropriately provides for landscaping.
- Whether the proposed development adversely affects solar access to existing open spaces and public places.
- Whether the proposal meets the car parking requirements specified in Clause 52.06 or in the schedule to the Parking Overlay.
- Whether the proposal meets the maximum building height specified in the schedule to the zone.
- Whether the proposal meets any relevant requirements specified in the zone or the schedule to the zone.
- Whether the proposal is consistent with any relevant approved development plan or incorporated plan.
- The objectives set out in the schedule to the zone.
- Whether the proposal provides adequate vehicle loading and unloading facilities.

For land in a residential zone:
- Whether the proposed development is consistent with any neighbourhood character objectives set out in the schedule to the zone.
- Whether the development is compatible with residential use.
- The scale and intensity of the development.
- The design, height, setback and appearance of the proposed buildings and works.
BUILDINGS AND WORKS IN AN OVERLAY

Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.

- A plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location, height and design of the proposed buildings and works including details of materials.
  - The location of any existing buildings, including fences and trees.
  - For land in a Neighbourhood Character Overlay, any buildings proposed to be demolished.

- For land in a Neighbourhood Character Overlay, a written description of the proposal including:
  - The built form and character of adjoining and nearby buildings.
  - How the proposal responds to the key features and objectives specified in the schedule to the overlay.
  - If demolition is proposed, the reason for the demolition.
  - How the proposal meets the requirements of Clause 54.02-1, 54.02-2, 54.03-1, 54.03-2, 54.03-3, 54.03-4, 54.04-1, 54.04-2, 54.04-3, 54.04-4, 54.06-1, 54.06-2, including any Clause 54 modification specified in the schedule to the overlay.

- For land in a Design and Development Overlay, a written description of the proposal including:
  - How the proposal responds to the design objectives specified in a schedule to the overlay.
  - How the proposal meets the requirements specified in a schedule to the overlay.
  - The built form and character of adjoining and nearby buildings.

- A photograph of the building or area affected by the proposal.

- For land in an Erosion Management Overlay, information showing:
  - The extent of any proposed earthworks.
  - The means proposed to stabilise disturbed areas.

- For an application under the Salinity Management Overlay, written advice including plan references and any conditions from the referral authority demonstrating that the referral authority has considered the proposal for which the application is made within the past three months and does not object to the granting of the permit for the proposal.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The statement of significance and the objectives contained in the schedule to the overlay and whether the buildings and works will adversely affect that significance or the objectives.

- Whether the proposal meets any requirements specified in the overlay or the schedule to the overlay.

- For an application in a Salinity Management Overlay, any comments from the relevant referral authority.
- For an application in a Neighbourhood Character Overlay, the relevant objectives, standards and decision guidelines of Clause 54.

- Any relevant decision guideline specified in the overlay and the schedule to the overlay.
**REMOVE, DESTROY OR LOP A TREE**

**Information requirements**

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- If the tree to be removed, destroyed or lopped is identified as a significant tree in a schedule to the overlay, a report prepared by an arborist.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape, size and slope of the site.
  - The location of the tree to be removed, destroyed or lopped.
  - The location and type of other significant vegetation on the site.
  - The location, species and height of any significant trees on the site that have been removed or approved to be removed in the past 3 years.
- A written statement that describes:
  - The species, height and trunk girth of the tree to be removed, destroyed or lopped.
  - The reason the tree is to be removed, destroyed or lopped.
  - If provision is to be made to replace the tree elsewhere on the land.
  - If the tree is to be lopped, the extent of lopping proposed.
  - Any impacts on the significance of the area.
- A photograph of the tree to be removed, destroyed or lopped.

**Decision guidelines**

In assessing an application the responsible authority must consider as appropriate:

- The statement of significance and the objectives contained in the schedule to the overlay and whether the proposal will adversely affect that significance or the objectives.
- Whether the tree proposed to be removed, destroyed or lopped contributes to the significance of the area and whether the proposal will adversely affect that significance.
- Whether the removal or lopping of the tree is needed because of the health of the tree.
- Whether the lopping of the tree will adversely affect the health, appearance or significance of the tree.
- Whether the removal of the tree will contribute to soil erosion, slippage or salinisation.
- Whether the removal or lopping of the tree is needed to create a defendable space to reduce the risk of bushfire to life and property.
- If the tree is a native tree, its role in conserving flora and fauna and whether the proposal will adversely affect the conservation of flora and fauna of the area.
- Whether provision is made to plant a new tree elsewhere on the land.
- The reasons for removing the tree including the health of the tree to be removed.
- The cumulative impact of the number of trees that have been removed or been approved for removal in the past 3 years.
- Any relevant decision guideline specified in the overlay or the schedule to the overlay.
APPLICATIONS UNDER A HERITAGE OVERLAY

Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings, including fences and trees.
  - The location, height and design of the proposed building or works including details of proposed materials.
  - Any buildings to be demolished.
  - An elevation of the proposed building.
  - The size and design of any proposed sign, including details of the supporting structure and any proposed illumination.
  - The location, style, size, colour and materials of any proposed solar energy facility (that is visible from the street frontage or any nearby public park), including details of the supporting structure.
- A written description of the proposal including:
  - Any impacts on the significance of the heritage place.
  - How the proposal responds to any relevant local heritage policy set out in the scheme.
  - If lopping of a tree is proposed, the reason for the lopping, the extent of lopping and an arborist report.
- The proposed colour schedule and nature of any materials and finishes.
- A photograph of the area affected by the proposal including any building, outbuilding, fence or tree which may be affected by the proposal.
- A photograph of the subject site and adjoining properties along the street frontage.
- If subdivision is proposed, the location, shape and size of the proposed lots to be created.
- If a sign is proposed:
  - The location, size and design of the proposed sign on the site or building.
  - The location and size of existing signage on the site including details of any signs to be retained or removed.
- If a solar energy system is proposed that is visible from the street frontage or any nearby public park:
  - Measures proposed to minimise the visibility of the facility and protect the structural integrity of heritage features.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

General

- The significance of the heritage place and whether the proposal will adversely affect that significance.
- Any applicable statement of significance, heritage study and any applicable conservation policy.
- Whether the proposal will adversely affect the character or appearance of the building or heritage place.
- Whether the proposal meets any relevant local heritage policy set out in the scheme.

Demolition
- Whether the outbuilding to be demolished contributes to the significance, character or appearance of the building or heritage place.

Buildings and works
- Whether the location, bulk, form and appearance of the proposed building or works will adversely affect the significance of the building or heritage place.
- Whether the proposed building or works will affect the health or appearance of a tree which is the subject of a Heritage Overlay.

Alterations
- Whether the proposed alterations will restore or reconstruct original fabric which has been removed or damaged.
- Whether the proposed alterations will adversely affect the significance, character and appearance of the heritage place.

Fences
- Whether the fence proposed to be demolished contributes to the significance, character and appearance of the building or heritage place.
- Whether the proposed fence, including its style, height and materials, is appropriate to the building or heritage place.

Trees
- Whether the proposed lopping will adversely affect the health, appearance or significance of the tree.

Subdivision
- Whether the proposed subdivision retains the significant setting (landscapes, landscape features and views) of the heritage place.
- Whether the proposed subdivision respects the rhythm and spacing of buildings in the streetscape.
- Whether the proposed subdivision will result in a new boundary fence, wall or structure that adversely affects the setting of the heritage place.

Signage
- Whether the proposed sign will adversely affect the significance, character or appearance of the heritage place.
APPLIEDS UNDER A SPECIAL BUILDING OVERLAY

Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A plan, drawn to scale and fully dimensioned showing:
  - The boundaries and dimensions of the site.
  - The layout, size and use of existing and proposed buildings and works, including floor plan layout and vehicle parking areas.
  - Setbacks between existing and proposed buildings and site boundaries.
  - Natural surface levels of the site to Australian Height Datum.
  - Floor and surface levels of any existing and proposed buildings and works to Australian Height Datum.
  - Cross sectional details of any basement entry ramps and other basement entries to Australian Height Datum, showing floor levels of entry and exit areas and drainage details.
  - If subdivision is proposed, the location, shape and size of the proposed lots to be created.
- If a referral to the floodplain management authority is required, written advice, including endorsed plans of the proposal and any conditions, from the relevant floodplain management authority demonstrating that the floodplain management authority has considered the proposal for which the application is made within the past three months and does not object to the granting of the permit for the proposal.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- Clauses 13.01 and 13.03 of the Planning Policy Framework.
- Whether the proposal is consistent with any local floodplain development plan for the area incorporated into this scheme.
- If a referral to the floodplain management authority is required, any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- The flood risk including:
  - The frequency, duration, extent, depth and velocity of flooding of the site and accessways.
  - The flood warning time available.
  - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
**SIGNS**

**Information requirements**

An application must be accompanied by the following information, as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A site context report, using a site plan, photographs or other methods to accurately describe:
  - The location of the proposed sign on the site or building and distance from property boundaries.
  - The location and size of existing signs on the site including details of any signs to be retained or removed.
  - The location and form of existing signs on adjoining properties and in the locality.
  - The location of closest traffic control signs.
  - Identification of any view lines or vistas that could be affected by the proposed sign.
- The dimensions, height above ground level and extent of projection of the proposed sign.
- The height, width and depth of the total sign structure including the method of support and any associated structures such as safety devices and service platforms.
- The colour, lettering style and materials of the proposed sign.
- The size of the proposed display (total display area including all sides of a multi-sided sign).

**Decision guidelines**

In assessing an application the responsible authority must consider as appropriate:

- Whether the proposal is consistent with any relevant local advertising policy set out in the scheme.
- Whether the proposal will impact the character of the area including:
  - Natural environment, heritage, waterway, open space and rural landscape values.
  - The desired future character of the area.
  - The cumulative impact of signs on the character of an area.
  - The need to avoid visual disorder or clutter of signs.
- Whether the proposal will impact views and vistas including:
  - Important views from the public realm.
  - Significant public views.
  - Views to existing signs.
- Whether the proportion, scale and form of the proposed sign relates to the site, building, streetscape, setting or landscape including:
  - The position of the proposed sign, including if it protrudes above existing buildings or landscape and natural elements.
  - Screening of unsightly elements.
  - The number, scale and location of existing signs.
  - The ability to rationalise or simplify the number of signs.
  - The ability to include landscaping to reduce the visual impact of the proposed sign structure.
- The extent to which the proposed sign requires the removal of vegetation.
  - Whether the proposed sign is consistent with any outdoor advertising theme.
  - Whether there is a need for identification and the opportunities for adequate identification on the site or locality.
  - Whether the proposed sign will adversely impact road safety.
CAR PARKING

Information requirements
An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A plan, drawn to scale and fully dimensioned showing:
  - The boundaries and dimensions of the site.
  - The location of existing buildings.
  - All car parking spaces and access lanes.
  - Allocation of car parking spaces to different uses or tenancies, if applicable.
  - Landscaping and sensitive water design treatments.
- A written statement that describes:
  - The proposed use of the site, number of employees and patrons and hours of operation.
  - The previous use of the site.
  - The site and floor area to be occupied.
  - The number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.
  - The total number of car parking spaces provided.
  - The likely impact of a reduction in car parking on the amenity of the area and on the area’s existing car parking.

Decision guidelines
In assessing an application the responsible authority must consider as appropriate:

- Whether the reduction of the car parking requirement is consistent with any relevant local planning policy or incorporated plan.
- The objectives contained in the schedule to the Parking Overlay.
- Whether there is availability of alternative car parking in the locality including:
  - Efficiencies gained from the consolidation of shared car parking spaces.
  - Public car parks intended to serve the land.
  - On street parking in non-residential zones.
  - Streets in residential zones specifically managed for non-residential parking.
- The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
- Whether there is any car parking deficiency associated with the existing use of the land.
- Whether there is any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.
- Whether fewer car parking spaces will impact local amenity, including pedestrian amenity and the amenity of nearby residential areas.
- Whether there is a need to create safe, functional and attractive parking areas.
- The availability of public transport in the locality of the land.
• The convenience of pedestrian and cyclist access to the land.
• The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the use.
• The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.
• On street parking in residential zones in the locality of the land that is intended to be for residential use.
• The future growth and development of any nearby activity centre.
• Local traffic management in the locality of the land.
• Access to or provision of alternative transport modes to and from the land.
• Whether any car parking spaces to be provided meet the design standards of Clause 52.06.
• Any relevant decision guideline specified in a schedule to the Parking Overlay.
TWO LOT SUBDIVISION IN A RURAL ZONE

Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings and associated works.
  - The location, shape and size of the proposed lots to be created.
  - The location of any easements on the subject land.
  - The location of any significant vegetation, waterways and wetlands.
  - The location of the approved stormwater discharge point and effluent disposal areas.
  - Any abutting roads.
  - Existing and proposed vehicle access to the lots.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The suitability of the subdivision including how the layout and dimensions of the subdivision:
  - Are consistent with the layout of existing buildings and associated works on the land.
  - Appropriately accommodate significant vegetation.
  - Appropriately accommodate existing or proposed easements on the lots.
  - Appropriately accommodate the provision of utility services to each lot.
  - Appropriately accommodate existing and proposed vehicle access to the lots.

- If the land is in an area where reticulated sewerage is not provided to each lot, whether the layout of the subdivision accommodates the effluent disposal area for each lot.

- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

- Any Regional Catchment Strategy applying to the land.

- If the land is in an overlay, statement of significance and the objectives contained in the schedule to the overlay and whether the subdivision will adversely affect that significance or the objectives.

- Whether any public open space contribution is required under Clause 53.01 of this scheme or under Section 18 of the Subdivision Act 1988.
BUILDINGS AND WORKS IN A RURAL ZONE

Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A description of the use of the land and the proposed buildings and works.
- A layout plan, drawn to scale and fully dimensioned showing:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location of any waterway or wetlands.
  - The location and use of buildings and works on adjoining land.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - All existing and proposed driveways, car parking and loading areas.
  - Existing and proposed landscape areas.
  - All external storage and waste treatment areas.
- Elevation drawings to scale showing the height, colour and materials of all proposed buildings and works.
- A photograph of the building or area affected by the proposal.

Decision guidelines

In assessing an application the responsible authority must consider as appropriate:

- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, character and appearance of the area, landscape features, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- Whether the proposal will have an adverse impact on adjoining and nearby land uses.
- The need to protect amenity of existing residents.
- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses.
- The likely environmental impact on the natural physical features and biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas.
- The capability of the land to accommodate the proposed development.
- Whether the development will support and enhance agricultural production.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The impact of the proposal on any wetlands or waterways.
- Any integrated land management plan prepared for the site.
- Whether the development will require traffic management measures.
- For buildings and works associated with a dwelling:
  - Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
  - Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, nose, odour, use of chemicals and farm machinery, traffic and hours of operation.
  - Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
  - The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.
EXTENSION TO ONE DWELLING ON A LOT IN A RESIDENTIAL ZONE

Information requirements

An application must be accompanied by the following information as appropriate:

- A copy of title for the subject land and a copy of any registered restrictive covenant.
- A site plan, drawn to scale and fully dimensioned showing:
  - Site shape, size, orientation and easements.
  - Levels of the site and the difference in levels between the site and surrounding properties.
  - Location of existing buildings on the site and on surrounding properties, including the location and height of walls built to the boundary of the site.
  - The use of surrounding buildings.
  - The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres.
  - Solar access to the site and surrounding properties.
  - Location of significant trees existing on the site and any significant trees removed from the site in the 12 months prior to the application being made, where known.
  - Any contaminated soils and filled areas, where known.
  - Views to and from the site.
  - Street frontage features such as poles, street trees and kerb crossovers.
  - Any other notable features of the site.
  - In relation to the neighbourhood:
    - The built form, scale and character of surrounding development.
    - Architectural and roof styles.
    - Any other notable features or characteristics of the neighbourhood.
- A site and layout plan, drawn to scale and fully dimensioned showing:
  - Site shape, size, orientation, easements and site levels.
  - Adjoining roads.
  - The location and use of buildings and works on adjoining land.
  - The layout and use of existing buildings being retained and all proposed buildings, including finished floor levels.
  - All existing and proposed driveways and crossovers.
  - Existing and proposed landscape and open space areas.
  - All external storage, waste areas and services.
- An elevation plan, drawn to scale showing the height, colour and materials of the proposed extension.
- Photographs of the building or area affected by the proposal.
- A written statement, plan or diagram demonstrating how the proposal meets:
  - The garden area requirement specified in the zone.
  - The requirements in the following standards of Clause 54:
The objectives and requirements in the following standards of Clause 54:
- Clause 54.02-1 Neighbourhood character objective and standard A1.
- Clause 54.03-3 Site coverage objective and standard A5.
- Clause 54.03-4 Permeability objectives and standard A6.
- Clause 54.03-5 Energy efficiency protection objectives and standard A7.
- Clause 54.03-6 Significant trees objectives and standard A8.
- Clause 54.05-1 Daylight to new windows objective and standard A16.
- Clause 54.05-2 Private open space objective and standard A17.
- Clause 54.05-3 Solar access to open space objective and Standard A18.
- Clause 54.06-1 Design detail objective and Standard A19.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies.

**Decision guidelines**

In assessing an application the responsible authority must consider as appropriate:
- The following objectives, standards and decision guidelines of Clause 54:
  - Clause 54.02-1 Neighbourhood character objective and standard A1.
  - Clause 54.03-3 Site coverage objective and standard A5.
  - Clause 54.03-4 Permeability objective and standard A6.
  - Clause 54.03-5 Energy efficiency protection objective and standard A7.
  - Clause 54.03-6 Significant trees objective and standard A8.
  - Clause 54.05-1 Daylight to new windows objective and standard A16.
  - Clause 54.05-2 Private open space objective and standard A17.
  - Clause 54.05-3 Solar access to open space objective and Standard A18.
  - Clause 54.06-1 Design detail objective and Standard A19.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies.
LOCAL VICSMART APPLICATIONS

The schedule to this clause may specify classes of application that are VicSmart applications to which Clause 71.06 applies. A class of application specified must not be a class of VicSmart application specified in another provision of this planning scheme.

The classes of VicSmart application are specified in three tables:

- Table 1 specifies classes VicSmart application under a zone.
- Table 2 specifies classes VicSmart application under an overlay.
- Table 3 specifies classes VicSmart application under a particular provision.

Each table in the schedule is divided into four columns:

- Column 1 specifies the name or class of zone or overlay or name of particular provision.
- Column 2 specifies the development.
- Column 3 specifies the provision of the planning scheme that contains the permit requirement applicable to the development.
- Column 4 specifies the information requirements and decision guidelines in Clauses 59.01 to 59.14 or the schedule to Clause 59.16 applicable to the class of VicSmart application.

Subject to Clause 71.06, an application under a provision specified in Column 3 for a use or development specified in Column 2 is a class of VicSmart application and must be assessed against the provision specified in Column 4.
Table 1 Classes of local VicSmart application under zone provisions

<table>
<thead>
<tr>
<th>Name of zone or class of zone</th>
<th>Class of application</th>
<th>Permit requirement provision</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 2 Classes of local VicSmart application under overlay provisions

<table>
<thead>
<tr>
<th>Name of overlay or class of overlay</th>
<th>Class of application</th>
<th>Permit requirement provision</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 3 Classes of local VicSmart application under Particular Provisions

<table>
<thead>
<tr>
<th>Name of particular provision</th>
<th>Class of application</th>
<th>Permit requirement provision</th>
<th>Information requirements and decision guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
INFORMATION REQUIREMENTS AND DECISION GUIDELINES FOR LOCAL VICSMART APPLICATIONS

A schedule to this clause may set out information requirements and decision guidelines for a class of VicSmart application specified in the Schedule to Clause 59.15.
SCHEDULE TO CLAUSE 59.16 INFORMATION REQUIREMENTS AND DECISION GUIDELINES FOR LOCAL VICSMART APPLICATIONS

1.0 Information requirements
None specified

2.0 Decision guidelines
None specified
GENERAL PROVISIONS

This section sets out provisions about existing uses, decision guidelines, referral of applications and other matters.
USES NOT REQUIRING A PERMIT

Any requirement in this scheme relating to the use of land, other than a requirement in the Public Conservation and Resource Zone, does not apply to:

- The use of land for a Road except within the Urban Floodway Zone and a Public Conservation and Resource Zone.
- The use of land for Natural systems.
- The use of land in a road if the use is associated with the use of adjoining land and is authorised by the Council under a local law.
- The use of land in a road to trade from a stall, stand, motor vehicle, trailer, barrow or other similar device.
- The use of land for wind measurement by an anemometer for three years or less.
- The use of land for earth and energy resources industry if the conditions of Clause 52.08 are met.
- The use of land for a carnival or circus if the requirements of A ‘Good Neighbour’ Code of Practice for a Circus or Carnival, October 1997 are met.
- The use of land for apiculture if the requirements of the Apiary Code of Practice, May 2011 are met.
- The use of land for temporary portable land sales office located on the land for sale.
- The use of land for a Telecommunications facility if the associated buildings and works meet the requirements of Clause 52.19.
- The use of land for a helicopter landing site if the use meets the requirements of Clause 52.15-1.
- The use of land for a minor utility installation.
- The use of land to display a sign.
- The use of land for power lines and electrical sub-stations associated with an energy generation facility or geothermal energy extraction if a permit was issued for such use or development prior to the approval date of Amendment VC157.
BUILDINGS AND WORKS

Clauses 62.02-1 and 62.02-2 set out exemptions from permit requirements in this scheme relating to the construction of a building or the construction or carrying out of works. These exemptions do not apply to the removal, destruction or lopping of trees and the removal of vegetation. Exemptions for vegetation removal are set out in Clause 62.02-3.

Buildings and works not requiring a permit

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone, does not apply to:

- Buildings or works which provide for fire protection under relevant legislation.
- Emergency works undertaken by, or on behalf of, a municipality, public authority or utility service provider in the exercise of any power conferred on them under any Act.
- Buildings or works with an estimated cost of $1,000,000 or less carried out by or on behalf of a municipality.
- Maintenance works carried out by a municipality or public authority to prevent or alleviate flood damage.
- An anemometer located on a site for three years or less.
- Buildings and works associated with a use on adjoining land or street trading if authorised under a local law.
- Gardening.
- Buildings and works associated with a minor utility installation.
- Power lines and electrical sub-stations associated with an Energy generation facility or Geothermal energy extraction if a permit was issued for such use or development prior to the approval date of Amendment VC157.
- Buildings or works which are a modification necessary to comply with a direction under the Dangerous Goods Act 1985 or the Occupational Health and Safety Act 2004 or a Waste Discharge Licence, Works Approval or Pollution Abatement Notice under the Environment Protection Act 1970.
- Buildings and works associated with a telecommunications facility if the requirements of Clause 52.19 are met.
- Buildings and works associated with a dam if a licence is required to construct the dam or to take and use water from the dam under the Water Act 1989.
- Buildings and works associated with a carnival or circus if the requirements of A ‘Good Neighbour’ Code of Practice for a Circus or Carnival, October 1997 are met.
- Buildings and works associated with apiculture if the requirements of the Apiary Code of Practice, May 2011 are met.
- A temporary portable classroom associated with an education centre located on a site for three years or less.
- A temporary shed or temporary structure for construction purposes, or a temporary portable land sales office located on the land for sale.
- A children’s cubbyhouse.
- External lighting normal to a dwelling.
- The construction, alteration, removal or demolition of an observational bore where a licence has been issued for those works under Part 5 of the Water Act 1989.
Any works associated with the use of land for earth and energy resources industry if the conditions of Clause 52.08 are met.

A crop support or protection structure associated with horticulture, including a trellis, cloche, net and shadecloth. It does not include a structure with a solid roof or solid wall such as a glass house or igloo.

An annexe attached to a movable caravan located on land used for a camping and caravan park.

Works associated with geotechnical testing or service proving.

Buildings and works associated with the use of land in a road to trade from a stall, stand, motor vehicle, trailer, barrow or other similar device.

The construction of or putting up for display a sign consistent with the requirements of Clause 52.05-10.

Buildings and works not requiring a permit unless specifically required by the planning scheme

Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone, does not apply to:

- A fence.

- The construction of or putting up for display a sign (except for a sign consistent with the requirements of Clause 52.05-10 which is provided for in Clause 62.02-1).

- Roadworks.

- Street furniture including post boxes, telephone booths, fire hydrants, bus shelters, shade sails, traffic control devices and public toilets.

- Park furniture including seating, tables, shelters, rubbish bins, playground equipment, barbeques, shade sails, drinking fountains and public toilets.

- Furniture and works normally associated with an education centre including, but not limited to, outdoor furniture, playground equipment, art works, drinking fountains, rubbish bins and landscaping.

- Disability access and disability facilities associated with an education centre (not including a lift external to a building).

- Art work that is carried out by or on behalf of a public land manager.

- Oil pipelines.

- Buildings and works associated with a dependent person’s unit.

- The internal rearrangement of a building or works provided the gross floor area of the building, or the size of the works, is not increased and the number of dwellings is not increased.

- Repairs and routine maintenance to an existing building or works.

- Domestic services normal to a dwelling.

- A rainwater tank with a capacity of not more than 10,000 litres.

- Bicycle pathways and trails.

- A television antenna.

- A flagpole.

- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- An open-sided pergola or verandah to a dwelling with a finished floor level not more than 800 mm above ground level and a maximum building height of three metres above ground level.

- A deck to a dwelling with a finished floor level not more than 800 mm above ground level.

- A disabled access ramp.

- Any works necessary to prevent soil erosion, or to ensure soil conservation or reclamation.

- A solar energy facility attached to a building that primarily services the land on which it is situated.

- Buildings and works associated with cat cages and runs, bird cages, dog houses, and other domestic animal enclosures associated with the use of the land as a dwelling.

- Services normal to a building other than a dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar.

- An electric vehicle charging station.

This does not apply if a permit is specifically required for any of these matters.

### Vegetation removal

Any requirement in this scheme relating to the construction or carrying out of works does not apply to the removal, destruction or lopping of trees and the removal of vegetation.

This does not apply if a permit is specifically required to remove, destroy or lop trees or to remove vegetation.
EVENTS ON PUBLIC LAND

Any requirement in this scheme relating to the use of land or the construction of a building or the construction or carrying out of works does not apply to:

- an event on public land; or
- temporary buildings or works required for the event;

where that event has been authorised by the public land manager or by the council under a local law.

An event includes land used to provide temporary cultural or community activities and entertainment such as a concert, festival or exhibition.

This does not apply to public land where a local provision of this scheme specifically regulates an event for a particular site.
SUBDIVISIONS NOT REQUIRING A PERMIT

Any requirement in this scheme relating to the subdivision of land does not apply to:

- A subdivision by an authority acquiring the land which does not create an additional lot.

- A subdivision by a public authority or utility service provider which does not create an additional lot other than for the sole purpose of a minor utility installation. This does not apply if a permit is required to subdivide land under any overlay.

- A subdivision by an authority acquiring the land which creates additional lots if the additional lots are severed parcels of land without legal access to an existing road and the additional lots are retained by the acquiring authority or sold to an abutting land owner on the condition that the lot be consolidated with abutting land.

- A subdivision which realigns the common boundary between two lots if all the land is in one urban zone and any of the following apply:
  - Any lot that is reduced in area meets the minimum lot area and minimum dimensions (if any) specified for the zone. This does not apply if the area of the smaller lot is limited by a provision of this scheme, or by a condition of a planning permit.
  - There is no minimum lot area specified for the zone, the area of the smaller lot is more than 230 square metres, and the area of either lot is reduced by less than 30 square metres.
  - There is no minimum lot area specified for the zone, the area of the smaller lot is 230 square metres or less, and the area of either lot is reduced by less than 5 percent or by less than 30 square metres, which ever is lesser.
  - The new boundary coincides with a boundary fence that is more than five years old. This does not apply if all the land is in one ownership.

- A subdivision which realigns the common boundary between two lots if all the land is in one non-urban zone, the re-subdivision does not allow the number of dwellings the whole of the land could be used for under this scheme to increase, and any of the following apply:
  - Any lot that is reduced in area meets the minimum lot area and minimum dimensions (if any) specified for the zone. This does not apply if the area of the smaller lot is limited by a provision of this scheme, or by a condition of a planning permit.
  - There is no minimum lot area specified for the zone, and no part of the boundary is moved more than 1 metre. This does not apply if the area of the smaller lot would be less than the area specified by a condition of a planning permit.
  - There is no minimum lot area specified for the zone, the new boundary coincides with the location of a fence that is more than 5 years old, and no part of the boundary is moved more than three metres.
DEMOLITION

A permit is not required for the demolition or removal of a building or works unless a permit is specifically required for demolition or removal.
EXTENT OF EXISTING USE RIGHTS

An existing use right is established in relation to use of land under this scheme if any of the following apply:

- The use was lawfully carried out immediately before the approval date.
- A permit for the use had been granted immediately before the approval date and the use commences before the permit expires.
- A permit for the use has been granted under Clause 63.08 and the use commences before the permit expires.
- Proof of continuous use for 15 years is established under Clause 63.11.
- The use is a lawful continuation by a utility service provider or other private body of a use previously carried on by a Minister, government department or public authority, even where the continuation of the use is no longer for a public purpose.
63.02
31/07/2018
VC148

CHARACTERISATION OF USE

If a use of land is being characterised to assess the extent of any existing use right, the use is to be characterised by the purpose of the actual use at the relevant date, subject to any conditions or restrictions applying to the use at that date, and not by the classification in the table to Clause 73.03 or in Section 1, 2 or 3 of any zone.
EFFECT OF DEFINITIONS ON EXISTING USE RIGHTS

The definition of a term in this scheme, or the amendment of any definition, does not increase or restrict the extent of any existing use right established prior to the inclusion of the definition or amendment.
SECTION 1 USES

A use in Section 1 of a zone for which an existing use right is established may continue provided any condition or restriction to which the use was subject and which applies to the use in Section 1 of the zone continues to be met.
SECTIONS 2 AND 3 USES

A use in Section 2 or 3 of a zone for which an existing use right is established may continue provided:

- No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.

- Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use.

- The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.
EXPIRATION OF EXISTING USE RIGHTS

An existing use right expires if either:

- The use has stopped for a continuous period of 2 years, or has stopped for two or more periods which together total 2 years in any period of 3 years.
- In the case of a use which is seasonal in nature, the use does not take place for 2 years in succession.
COMPLIANCE WITH CODES OF PRACTICE

A use for which an existing use right is established must comply with any relevant code of practice incorporated in this scheme if either:

- The code of practice has been incorporated or adopted in accordance with Section 39 of the Conservation Forests and Lands Act 1987.

- The code of practice is approved or ratified by Parliament under an Act.
ALTERNATIVE USE

If land is used for a use in Section 3 of a zone for which an existing use right is established, a permit may be granted to use the land for an alternative use which does not comply with this scheme. The responsible authority must be satisfied that the use of the land for the alternative use will be less detrimental to the amenity of the locality.
SHOP CONDITIONS

A permit must not be granted to:

- Construct or carry out a building or works under Clause 63.05 for a shop with a leasable floor area exceeding 500 square metres.
- Use land under Clause 63.08 for a shop with a leasable floor area exceeding 500 square metres.
63.10
28/03/2018
VC145

DAMAGED OR DESTROYED BUILDINGS OR WORKS

If at least 50 percent of the gross floor area of a building or at least 50 percent of the area of any works is damaged or destroyed so that the use cannot continue without the building or works being reconstructed, the land must be used in conformity with this scheme, unless a permit is granted to continue the use, and to construct or carry out buildings or works.
PROOF OF CONTINUOUS USE

If, in relation to an application or proceeding under the Act or this scheme, including an application for a certificate of compliance under Section 97N of the Act, the extent of any existing use right for a period in excess of 15 years is in question, it is sufficient proof of the establishment of the existing use right if the use has been carried out continuously for 15 years prior to the date of the application or proceeding.

An existing use right may be established under this clause even if the use did not comply with the scheme immediately prior to or during the 15 year period, unless either:

- At any time before or after commencement of the 15 year period the use has been held to be unlawful by a decision of a court or tribunal.
- During the 15 year period, the responsible authority has clearly and unambiguously given a written direction for the use to cease by reason of its non-compliance with the scheme.
DECISION GUIDELINES

Before deciding on an application under Clause 63.05, 63.08 or 63.10, in addition to the decision guidelines in Clause 65 and any other requirements of the Act, the responsible authority must consider the extent to which compliance can be achieved with all scheme requirements that can reasonably be met.
LAND USED FOR MORE THAN ONE USE

If land is used for more than one use and one is not ancillary to the other, each use must comply with this scheme.
LAND USED IN CONJUNCTION WITH ANOTHER USE

If a provision of this scheme provides that a use of land must be used ‘in conjunction with’ another use of the land:

- there must be an essential association between the two uses; and
- the use must have a genuine, close and continuing functional relationship in its operation with the other use.
SUBDIVISION OF LAND IN MORE THAN ONE ZONE

If a provision of this scheme provides that a permit is required to subdivide land and the land is in more than one zone a permit may be granted even if one of the lots does not comply with the minimum lot size requirements of a zone.

Permit Requirement

A permit may be granted to create one lot smaller than specified in the scheme if all of the following are met:

- The lot to be subdivided is in more than one zone and cannot comply with the minimum lot area specified in the scheme.

- The proposed subdivision does not create lots where any lot extends into more than one zone. This does not apply to any lots created for the following purposes:
  - To comply with the requirements of the Urban Floodway Zone.
  - To provide access to a road.

- The remainder of the proposed lots must comply with the minimum lot area specified in the scheme.
DECISION GUIDELINES

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.
APPROVAL OF AN APPLICATION OR PLAN

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in section 60 of the Act.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

This clause does not apply to a VicSmart application.
APPROVAL OF AN APPLICATION TO SUBDIVIDE LAND

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

This clause does not apply to a VicSmart application.
REFERRAL AND NOTICE PROVISIONS

Scope

These provisions set out the kinds of applications which must be referred under section 55 of the Act or for which notice must be given under section 52(1)(c) of the Act. The provisions do not apply to the seeking of advice about an application or where a responsible authority may choose to give notice under another sub-section of section 52(1) of the Act.

These provisions also specify when a plan must be referred under section 8(1)(a) of the Subdivision Act 1988.

Referrals

Applications of the kind listed in Clauses 66.01, 66.02, 66.03 and 66.04 must be referred to the person or body specified as a referral authority in accordance with section 55 of the Act.

Any requirement for referral under this or another clause does not apply if:

- In the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the referral authority, or the referral authority has considered the proposal for which the application is made within the past three months and has stated in writing that it does not object to the granting of the permit for the proposal; or

- The application is for the use or development of land for extractive industry or mining and a copy of a work plan or variation to an approved work plan accompanying the application was given to the referral authority (other than the Roads Corporation) under section 77TE of the Mineral Resources (Sustainable Development) Act 1990.

Notice

Notice of an application of the kind listed in Clauses 66.05 and 66.06 must be given in accordance with section 52(1)(c) of the Act to the person or body specified as a person or body to be notified.

Any requirement for notice under this or another clause does not apply if, in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the person or body to be notified.
SUBDIVISION REFERRALS

An application of the kind listed in the table below must be referred to the person or body specified as the referral authority. The table below specifies whether the referral authority is a determining referral authority or a recommending referral authority.

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To subdivide land other than:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. A boundary realignment.</td>
<td>The relevant water, drainage or sewerage authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>2. The subdivision of an existing building already connected to services.</td>
<td>The relevant electricity supply or distribution authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>3. A two lot subdivision.</td>
<td>The relevant gas supply authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>4. The subdivision of land into lots each containing an existing dwelling or car parking space.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To subdivide land outside the metropolitan fire district which creates a road, where the requirements of Clause 56.09-3 are not met.</td>
<td>Country Fire Authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To subdivide land if the only access to a lot is over Crown land which has not been reserved or proclaimed as a road.</td>
<td>Minister administering the Land Act 1958</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To subdivide land crossed by a gas transmission pipeline or a gas transmission pipeline easement.</td>
<td>The relevant gas supply authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To subdivide land within 60 metres of a major electricity transmission line (220 Kilovolts or more) or an electricity transmission easement.</td>
<td>The relevant electricity transmission authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To subdivide a heritage place of which all or part is included in the Victorian Heritage Register.</td>
<td>The Executive Director specified in the Heritage Act 2017</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

Note: A subdivision which does not require referral under Clause 66.01 must be referred if it is listed as a requirement under any other provision of Clause 66.

Mandatory conditions for subdivision permits

A permit for subdivision must contain the following conditions:

The owner of the land must enter into an agreement with:

- a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider’s requirements and relevant legislation at the time; and

- a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider’s requirements and relevant legislation at the time; and
• a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

This requirement does not apply to a permit granted to:

• Subdivide land in a rural zone, public land zone, Urban Floodway Zone or Special Use Zone if the responsible authority is satisfied that connection to telecommunication services is not warranted.

• Realign the common boundary between two lots (boundary realignment).

• Subdivide an existing building already connected to telecommunication services.

A permit granted to subdivide land in a manner that does not require referral under Clause 66.01 must contain the following conditions:

• The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority’s requirements and relevant legislation at the time.

• All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

• The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

This requirement does not apply to a permit granted to subdivide land into lots each containing an existing dwelling or car parking space.

Referrals under the Subdivision Act – certification of plans

For the purpose of Section 8(1)(a) of the Subdivision Act 1988 referral of a plan is required if:

• A referral is required by a permit issued under this scheme. The plan must be referred to the relevant referral authority.

• A plan creates, varies or removes an easement or restriction likely to be of interest to a referral authority. The plan must be referred to the relevant referral authority.

• The only access to a lot on a plan is over Crown land and the Minister administering the Land Act 1958 has not consented or provision has not been made for a road to be reserved or proclaimed. The plan must be referred to that Minister.

• In the opinion of the Council the plan may affect existing sewerage, water, drainage or other works. The plan must be referred to the referral authority responsible for those works.
**USE AND DEVELOPMENT REFERRALS**

An application of the kind listed in the tables below must be referred to the person or body specified as the referral authority. The tables below specify whether the referral authority is a determining referral authority or a recommending referral authority.

### Works approval or licence

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>For a use or development requiring any of the following:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Works approval in accordance with Section 19A of the Environment Protection Act 1970.</td>
<td>Environment Protection Authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- A licence to discharge or emit waste in accordance with Section 20 of the Environment Protection Act 1970.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Amendment of a licence under Section 20A of the Environment Protection Act 1970.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Native vegetation

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>- To remove, destroy or lop native vegetation in the Detailed Assessment Pathway as defined in the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017).</td>
<td>Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987)</td>
<td>Recommending referral authority</td>
</tr>
<tr>
<td>- To remove, destroy or lop native vegetation if a property vegetation plan applies to the site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- To remove, destroy or lop native vegetation on Crown land which is occupied or managed by the responsible authority.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Cattle feedlot

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use or develop land for a cattle feedlot.</td>
<td>Minister for Agriculture</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>If the site is located within a special water supply catchment area under the Catchment and Land Protection Act 1994, the relevant water authority under the Water Act 1989 and the Secretary to the Department administering the Catchment and Land Protection Act 1994</td>
<td></td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>If the number of cattle is 5000 or more, the Environment Protection Authority</td>
<td></td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>
### Major electricity line or easement

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To construct a building or construct or carry out works on land within 60 metres of a major electricity transmission line (220 Kilovolts or more) or an electricity transmission easement.</td>
<td>The relevant electricity transmission authority</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

### Special water supply catchment area

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use, subdivide or consolidate land, to construct a building or construct or carry out works, or to demolish a building or works that are within a Special Water Supply Catchment Area listed in Schedule 5 of the <em>Catchment and Land Protection Act 1994</em> and which provides water to a domestic supply.</td>
<td>The relevant water board or water supply authority</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

This does not apply to an application for a sign, fence, roadworks or unenclosed building or works ancillary to a dwelling.

### Timber production

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use or develop land for timber production by establishing a plantation.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <em>Conservation, Forests and Lands Act 1987</em>)</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To use or develop land for timber production by harvesting timber from native forest, including thinning, if the area of native forest to be subjected to timber production operations is 10 hectares or greater.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <em>Conservation, Forests and Lands Act 1987</em>)</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

### Industry or warehouse

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use land for an industry or warehouse for a purpose listed in the table to Clause 53.10 shown with a Note 1 or if the threshold distance is not to be met.</td>
<td>Environment Protection Authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>To use land for an industry or warehouse for a purpose listed in the table to Clause 53.10 shown with a Note 2 and if any of the following apply: A fire protection quantity is exceeded under the Dangerous Goods (Storage and Handling) Regulations 2012.</td>
<td>The Victorian WorkCover Authority</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>
Type of referral authority

Referral authority

Kind of application

A notification is required under the Occupational Health and Safety Regulations 2007.

A licence is required under the Dangerous Goods (Explosives) Regulations 2011.

A licence is required under Dangerous Goods (HCDG) Regulations 2016 and the use is not associated with agriculture.

To construct a building or construct or carry out works on land used for an industry or warehouse for a purpose listed in the table to Clause 53.10 and shown with a Note 2 if the area of the buildings and works will increase by more than 25 per cent and any of the following apply:

A fire protection quantity is exceeded under the Dangerous Goods (Storage and Handling) Regulations 2012.

A notification is required under the Occupational Health and Safety Regulations 2007.

A licence is required under the Dangerous Goods (Explosives) Regulations 2011.

A licence is required under the Dangerous Goods (HCDG) Regulations 2016 and the use is not associated with agriculture.

To use or develop land for stone extraction.

To use or develop land for stone extraction on Crown land or land abutting Crown land, other than a government road.

To use or develop land for stone extraction:

In Special Areas declared under Section 27 of the Catchment and Land Protection Act 1994.
<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
</table>
| - On land where the use or development involves the removal or destruction of native vegetation if the total area to be cleared is 10 hectares or greater.  
- On land which has been identified in this scheme as being subject to high erosion risk or areas identified as being subject to salinity management. | Secretary to the Department administering the Flora and Fauna Guarantee Act 1988 | Determining referral authority |
| **To use or develop land for stone extraction:**                                    | Secretary to the Department administering Section 201 of the Water Act 1989       | Determining referral authority |
| - In areas with communities or taxa listed or critical habitat determined under the Flora and Fauna Guarantee Act 1988.  
- On land which has been identified in this scheme as containing sites of flora or fauna significance. | Environment Protection Authority                                                   | Determining referral authority |
| **To use or develop land for stone extraction on land which has been identified in this scheme as flood prone.** | Roads Corporation                                                               | Determining referral authority |
| **To use or develop land for stone extraction if the land is intended to be used for land fill at a future date.** | Roads Corporation                                                               | Determining referral authority |
| - On land which abuts a local road which intersects with a road declared as a freeway or an arterial road under the Road Management Act 2004 and if the development is expected to increase traffic movement at the intersection of the local road and the declared road by ten percent or more.  
- On land which abuts a road declared as a freeway or an arterial road under the Road Management Act 2004. This does not apply to a development which generates less than one hundred commercial trips per day, with roadworks at the entrance to the site built in accordance with the requirements of the Roads Corporation and the declared road is not a freeway. | Environment Protection Authority                                                   | Determining referral authority |
### Geothermal energy extraction

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use or develop land for geothermal energy extraction.</td>
<td>Secretary to the Department administering the <em>Geothermal Energy Resources Act 2005</em></td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

### Greenhouse gas sequestration

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>To use or develop land for greenhouse gas sequestration.</td>
<td>Secretary to the Department administering the <em>Greenhouse Gas Geological Sequestration Act 2008</em></td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>

### Integrated Public Transport Planning

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>An application to subdivide land, to construct a building or to construct or carry out works for any of the following:</td>
<td>Head, Transport for Victoria</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>- A residential development comprising 60 or more dwellings or lots.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A residential building comprising 60 or more lodging rooms.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A residential village comprising 60 or more dwellings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A retirement village comprising 60 or more dwellings or lots.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A new retail premises of 4000 or more square metres of leasable floor area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- An increase of more than 1000 square metres to the leasable floor area of an existing retail premises which is 4000 or more square metres leasable floor area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- An office development of 10,000 or more square metres of leasable floor area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A place of assembly comprising 400 or more seats or 600 or more square metres of gross floor area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- An education centre.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- A major sports and recreation facility.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Any alteration or development of public transport infrastructure or stops, unless undertaken for the Head, Transport for Victoria.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This does not apply to:

- Buildings and works associated with an existing place of assembly, education centre, major sports and recreation facility or retirement village.
- A development consistent with an adopted Structure Plan that has been prepared in consultation with and endorsed by the Head, Transport for Victoria.
### Declared irrigation districts

<table>
<thead>
<tr>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>An application to use or develop land for a renewable energy facility located within an irrigation district declared under Part 6A of the Water Act 1989.</td>
<td>Secretary to the Department administering the <em>Water Act 1989.</em></td>
<td>Recommending referral authority</td>
</tr>
</tbody>
</table>
REFERRAL OF PERMIT APPLICATIONS UNDER OTHER STATE STANDARD PROVISIONS

An application of the kind listed in the table below, where the planning scheme includes the specified clause, must be referred to the person or body specified as the referral authority. The table below specifies whether the referral authority is a determining referral authority or a recommending referral authority.

<table>
<thead>
<tr>
<th>Clause</th>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 36.03-5 (PCRZ)</td>
<td>An application for the use or development of an Emergency services facility.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 37.03-5 (UFZ)</td>
<td>An application under the zone within the waterway management district of Melbourne Water Corporation.</td>
<td>Melbourne Water Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td></td>
<td>An application under the zone outside the waterway management district of Melbourne Water Corporation.</td>
<td>Relevant floodplain management authority</td>
</tr>
<tr>
<td>Clause 37.07-5 (UGZ)</td>
<td>An application under the zone within Metropolitan Melbourne.</td>
<td>Victorian Planning Authority</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td></td>
<td>An application under the zone outside Metropolitan Melbourne.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning</td>
</tr>
<tr>
<td>Clause 44.02-8 (SMO)</td>
<td>An application under the overlay and any site capability report.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 44.03-6 (FO)</td>
<td>An application under the overlay within the waterway management district of Melbourne Water Corporation.</td>
<td>Melbourne Water Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td></td>
<td>An application under the overlay outside the waterway management district of Melbourne Water Corporation.</td>
<td>Relevant floodplain management authority</td>
</tr>
<tr>
<td>Clause 44.04-7 (LSIO)</td>
<td>An application under the overlay within the waterway management district of Melbourne Water Corporation.</td>
<td>Melbourne Water Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td></td>
<td>An application under the overlay outside the waterway management district of Melbourne Water Corporation.</td>
<td>Relevant floodplain management authority</td>
</tr>
<tr>
<td>Clause 44.05-6 (SBO)</td>
<td>An application under the overlay within the waterway management district of Melbourne Water Corporation.</td>
<td>Melbourne Water Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause</td>
<td>Kind of application</td>
<td>Referral authority</td>
<td>Type of referral authority</td>
</tr>
<tr>
<td>--------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>------------------------------------------------</td>
<td>------------------------------------------</td>
</tr>
</tbody>
</table>
| Clause 44.06-6 (BMO) | An application to construct a building or carry out works associated with a dwelling. This does not apply to a non habitable outbuilding that meets the following requirements:  
- The outbuilding is ancillary to a dwelling,  
- 10 metres of defendable space is provided around the outbuilding in accordance with the vegetation management requirements at Table 6 of Clause 53.02,  
- The canopy of each tree within the defendable space is separated by at least 2 metres, and  
- Where the outbuilding is located less than 10 metres from a dwelling the outbuilding construction requirements at Table 7 of Clause 53.02 are met. | Relevant fire authority | Recommending referral authority |
<p>| Clause 44.07-4 (SRO) | An application of the kind specified in a schedule to the overlay. | Referral authority specified in a schedule to the overlay | Determining referral authority |
| Clause 45.01-3 (PAO) | An application under the overlay. | Acquiring authority specified in the schedule to the overlay | Determining referral authority |
| Clause 45.07-6 (CLPO) | An application under the overlay. | Roads Corporation | Determining referral authority |
| Clause 52.05 | An application to display an animated or electronic sign within 60 metres of a freeway or arterial road declared under the Road Management Act 2004. | Roads Corporation | Determining referral authority |
| Clause 52.27 | An application under the Clause in association with a bar, hotel or nightclub that is to operate after 1am. | Victorian Commission for Gambling and Liquor Regulation | Determining referral authority |</p>
<table>
<thead>
<tr>
<th>Clause</th>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 52.29</td>
<td>An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or an arterial road under the <em>Road Management Act 2004</em>, land owned by the Roads Corporation for the purpose of a road, or land in a PAO if the Roads Corporation is the acquiring authority for the land, subject to exemptions specified in the clause.</td>
<td>Roads Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td></td>
<td>Any other application under the Clause.</td>
<td>Owner of, or the acquiring authority for, the adjacent land in the Road Zone, Category 1 or the PAO</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 53.05-1</td>
<td>An application to use or develop land for a Freeway service centre.</td>
<td>Roads Corporation</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>
REFERRAL OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS

In addition to the referral requirements of Clause 66.01, 66.02 and 66.03, an application of the kind listed in the schedule to this clause must be referred to the referral authority specified in the schedule. The table below specifies whether the referral authority is a determining referral authority or a recommending referral authority.

If a local provision of the scheme specifies a person or body as a referral authority for a kind of application or contains a referral requirement, and that specification or requirement is not included in the schedule to this clause, it is not a referral requirement under section 55 of the Act.
## SCHEDULE TO CLAUSE 66.04 REFERRAL OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS

### Referral of permit applications under local provisions

<table>
<thead>
<tr>
<th>Clause</th>
<th>Kind of application</th>
<th>Referral authority</th>
<th>Type of referral authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 5.0 of Schedules 1-6 and Clause 4.0 of Schedule 7 to Clause 37.05</td>
<td>Any permit application for use or development within the Docklands Zone.</td>
<td>Development Victoria</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 3.0 of Schedule 7 to Clause 37.05</td>
<td>Any permit application for jetties, moorings or other works in the Schedule 7 to the Docklands Zone - Waterways.</td>
<td>Parks Victoria</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 2.0 of Schedule 55 to Clause 43.02</td>
<td>Any permit application for use or development within the area defined by the plan to the schedule.</td>
<td>Energy Safe Victoria</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 5.0 of Schedule 3 to Clause 37.05</td>
<td>Any permit application that involves the creation or alteration of access, subdivision adjacent or building over the arterial road – Wurundjeri Way.</td>
<td>Roads Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 6.0 of Schedule 1 to Clause 37.04</td>
<td>Any permit application that involves the creation or alteration of access to the arterial road – Wurundjeri Way.</td>
<td>Roads Corporation</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 4.0 of Schedule 4 to Clause 37.04</td>
<td>Any permit application to construct a building or to construct or carry out works.</td>
<td>Melbourne Water</td>
<td>Recommending referral authority</td>
</tr>
<tr>
<td>Clause 6.0 of Schedule 1 and 2, Clause 3.0 of Schedule 3 and Clause 4.0 of Schedule 4 to Clause 37.04</td>
<td>Any permit application for development with a gross floor area exceeding 25,000 square metres within the Capital City Zone.</td>
<td>Melbourne City Council</td>
<td>Recommending referral authority</td>
</tr>
<tr>
<td>Clause 2.0 of Schedule 65 to Clause 43.02 (DDO)</td>
<td>Any application to construct a building or to construct or carry out works.</td>
<td>Department of Health and Human Services</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 2.0 of Schedule 66 to Clause 43.02 (DDO)</td>
<td>Any application to construct a building or to construct or carry out works.</td>
<td>Department of Health and Human Services</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause</td>
<td>Kind of application</td>
<td>Referral authority</td>
<td>Type of referral authority</td>
</tr>
<tr>
<td>--------</td>
<td>---------------------</td>
<td>--------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>Schedule to Clause 52.03 – Hospital Emergency Medical Services – Helicopter Flight Path Protection Areas Incorporated Document, June 2017</td>
<td>Any application to construct a building or to construct or carry out works.</td>
<td>Department of Health and Human Services</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Clause 2.0 of Schedule 70 to Clause 43.02 (DDO)</td>
<td>An application for buildings and works.</td>
<td>Secretary to the Department of Economic Development, Jobs, Transport and Resources until 31 December 2026, and thereafter VicTrack</td>
<td>Determining referral authority</td>
</tr>
<tr>
<td>Schedule to Clause 52.03 – Melbourne Metro Rail Project – Infrastructure Protection Areas Incorporated Document, December 2016</td>
<td>All applications.</td>
<td>Secretary to the Department of Economic Development, Jobs, Transport and Resources until 31 December 2026, and thereafter VicTrack</td>
<td>Determining referral authority</td>
</tr>
</tbody>
</table>
**NOTICE OF PERMIT APPLICATIONS UNDER STATE STANDARD PROVISIONS**

Notice of an application of the kind listed in the table below must be given to the person or body specified as a person or body to be notified.

<table>
<thead>
<tr>
<th>Clause</th>
<th>Kind of application</th>
<th>Person or body to be notified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 45.08-6</td>
<td>An application to use or subdivide land, or to construct a building or construct or carry out works.</td>
<td>The airport lessee company of Melbourne Airport in accordance with the Commonwealth Airports Act 1996</td>
</tr>
<tr>
<td>Clause 52.09-8</td>
<td>An application to use or subdivide land or construct a building for accommodation, education centre or hospital:</td>
<td>The Secretary of the Department administering the Mineral Resources (Sustainable Development) Act 1990</td>
</tr>
<tr>
<td></td>
<td>• Within an Extractive Industry Interest Area.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• On land which is within 500 metres of land on which a work plan has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>An application to construct a building or construct or carry out works on land for which a work plan has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>These requirements do not apply to an application to extend a building or works.</td>
<td></td>
</tr>
<tr>
<td>Clause 52.21</td>
<td>An application to construct, use or illuminate a private tennis court under any provision of this scheme.</td>
<td>The owners and occupiers of adjoining and opposite properties</td>
</tr>
<tr>
<td>Clause 52.27</td>
<td>An application in association with a bar, hotel or nightclub that is to operate after 1am.</td>
<td>Chief Commissioner of Victoria Police</td>
</tr>
<tr>
<td>Clause 53.09</td>
<td>An application to use or develop land to establish a new broiler farm, or to increase the farm capacity of an existing broiler farm, that meets the requirements of a Special Class Broiler Farm or Farm Cluster as specified in the Victorian Code for Broiler Farms 2009.</td>
<td>Environment Protection Authority</td>
</tr>
<tr>
<td>Clause 67.02</td>
<td>An application for a permit which, except for the provisions of Clause 67, would be made to the Minister in accordance with section 96 of the Act. This does not apply to an application for a sign or advertisement, or to remove, destroy or lop native vegetation under Clause 52.17 of this scheme.</td>
<td>The owners and occupiers of adjoining land</td>
</tr>
<tr>
<td></td>
<td>The National Trust of Australia (Victoria), if the application relates to land on which there is a building classified by the Trust</td>
<td>The National Trust of Australia (Victoria), if the application relates to land on which there is a building classified by the Trust</td>
</tr>
<tr>
<td>Clause 67.03</td>
<td>An application for a permit to remove, destroy or lop native vegetation under Clause 52.17, which, except for the provisions of Clause 67, would be made to the Minister in accordance with section 96 of the Act. This does not apply if the application is of a kind which must be referred to the Secretary under section 55 of the Act.</td>
<td>The Secretary to the Department administering the Flora and Fauna Guarantee Act 1988</td>
</tr>
</tbody>
</table>
NOTICE OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS

In addition to the notice requirements of Clause 66.05, notice of an application of the kind specified in the schedule to this clause must be given to the person or body specified in the schedule. If a local provision of the scheme specifies a notice requirement and that requirement is not included in the schedule to this clause, it is not a notice requirement under Section 52(1)(c) of the Act.
## SCHEDULE TO CLAUSE 66.06 NOTICE OF PERMIT APPLICATIONS UNDER LOCAL PROVISIONS

### Notice of permit applications under local provisions

<table>
<thead>
<tr>
<th>Clause</th>
<th>Kind of application</th>
<th>Person or body to be notified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 4.0 of Schedule 4 to Clause 37.04 (CCZ4)</td>
<td>Where a permit is required for the construction of a building or the construction and carrying out of works under another provision in this scheme.</td>
<td>Secretary to the Department of Environment, Land, Water and Planning</td>
</tr>
<tr>
<td>Clause 4.0 of Schedule 4 to 37.04 (CCZ4)</td>
<td>Where a permit is required within 50 metres of the proposed Metro alignment, possible tram routes, proposed bus routes and possible elevated freight routes.</td>
<td>Transport for Victoria</td>
</tr>
<tr>
<td>Clause 4.0 of Schedule 27 to DDO (Clause 43.02) City link exhaust stack and environs</td>
<td>All applications for use, buildings and works under another provision.</td>
<td>Environment Protection Authority Transurban City Link Ltd Roads Corporation</td>
</tr>
<tr>
<td>Clause 3.0 of Schedule 55 to Clause 43.02</td>
<td>Any permit application for use or development within the area defined by the plan to the schedule.</td>
<td>The relevant gas supply, transmission and distribution companies.</td>
</tr>
<tr>
<td>Clause 3.0 of Schedule 6 to 43.02 (DDO)</td>
<td>Permit application required under Schedule 6 for buildings and works at 83-95 Rathdowne Street, 80 Drummond Street and the Queensberry Street road reserve.</td>
<td>Executive Director, Heritage Victoria</td>
</tr>
<tr>
<td>Clause 3.0 of Schedule 13 to 43.02 (DDO)</td>
<td>Permit application required under Schedule 13 for buildings and works at 250-290 Spring Street.</td>
<td>Executive Director, Heritage Victoria</td>
</tr>
<tr>
<td>Clause 3.0 of Schedule 58 to 43.02 (DDO)</td>
<td>Permit application to display a sign under Clause 52.05 of this scheme and the sign is located above 23 metres to Australian Height Datum.</td>
<td>Shrine of Remembrance Trustees</td>
</tr>
<tr>
<td>Clause 3.0 of Schedule 60 to 43.02 (DDO)</td>
<td>Permit application to display a sign under Clause 52.05 of this scheme and the sign is located above 23 metres to Australian Height Datum.</td>
<td>Shrine of Remembrance Trustees</td>
</tr>
</tbody>
</table>
APPLICATIONS UNDER SECTION 96 OF THE ACT

This clause applies to an application for a permit which, except for the provisions of this clause, would be made to the Minister in accordance with Section 96 of the Act.
EXCEPTIONS FROM SECTION 96(1) AND 96(2) OF THE ACT

In accordance with section 6(2)(ka) of the Act, the following classes of use and development are exempted from section 96(1) and 96(2) of the Act:

Class 1
Use of land for:
Car park, camping and caravan park, community facility (including child care centre, maternal and infant welfare centre, neighbourhood house, place of assembly and toilet block), dwelling, extractive industry, hospital, industry, leisure and recreation, office, residential village, retail premises or service station.

Class 2
Development of land for:
A Class 1 use, demolition of a building or works, lighting and floodlighting of a recreation facility or building, sign or advertisement or subdivision.

Class 3
Any other use or development.
NOTICE REQUIREMENTS

In accordance with Section 52(1)(c) of the Act, notice must be given to:

- The owners and occupiers of adjoining land.
- The National Trust of Australia (Victoria), if the application relates to land on which there is a building classified by the Trust.

This does not apply to an application:

- For a sign or advertisement.
- To remove, destroy or lop native vegetation under Clause 52.17 of this scheme.
- If a permit is only required under any of the following overlays:
  - Salinity Management Overlay
  - Floodway Overlay
  - Land Subject to Inundation Overlay
  - Special Building Overlay
  - Bushfire Management Overlay
NOTICE REQUIREMENTS - NATIVE VEGETATION

In accordance with Section 52(1)(c) of the Act, notice of an application to remove, destroy or lop native vegetation under Clause 52.17 of this scheme must be given to the Secretary to the Department administering the *Flora and Fauna Guarantee Act 1988*.

This does not apply if the application is of a kind which must be referred to the Secretary under Section 55 of the Act.
NOTICE EXEMPTION

In accordance with Section 52(4) of the Act, an application for a sign or advertisement on land managed, occupied or owned by the responsible authority is exempt from the notice requirement of Clause 52(1)(a) of the Act.
OPERATIONAL PROVISIONS

This section sets out provisions about the operation, administration and enforcement of this planning scheme, the meaning of terms used in this planning scheme, and other matters.
OPERATION OF THIS PLANNING SCHEME
OPERATION OF THE MUNICIPAL PLANNING STRATEGY

Municipal Planning Strategy
The Municipal Planning Strategy at Clause 02 provides an overview of important local planning issues in an introductory context, sets out the vision for future use and development in the municipality and establishes strategic directions about how the municipality is expected to change through the implementation of planning policy and the planning scheme.

A planning authority must take into account the Municipal Planning Strategy when it prepares an amendment to this planning scheme.

A responsible authority must take into account and give effect to the Municipal Planning Strategy when it makes a decision under this planning scheme.

Relationship to the Municipal Strategic Statement
For the purposes of section 12A(3) of the Act, the Municipal Strategic Statement is:

- A Municipal Strategic Statement at Clause 21.
- Where Clause 21 is not included in this scheme:
  - The Municipal Planning Strategy at Clause 02.
  - Local provisions in the Planning Policy Framework at Clauses 10 to 19.
  - A schedule to Clause 74.01.

Transitional
If this planning scheme includes a Municipal Strategic Statement at Clause 21, the provisions of Clauses 23.01 and 23.02 apply.
OPERATION OF THE PLANNING POLICY FRAMEWORK

Purpose of the Planning Policy Framework

The Planning Policy Framework provides a context for spatial planning and decision making by planning and responsible authorities. The Planning Policy Framework is dynamic and will be built upon as planning policy is developed and refined, and changed as the needs of the community change.

The Planning Policy Framework seeks to ensure that the objectives of planning in Victoria (as set out in section 4 of the Act) are fostered through appropriate land use and development planning policies and practices that integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

Operation

The Planning Policy Framework sets out the planning policies that form part of this planning scheme. It comprises Clauses 10 to 19.

A planning policy applies to all land subject to this planning scheme unless the policy specifies otherwise.

A planning policy provides guidance for decision making and can help the community to understand how the responsible authority will consider a proposal.

The consistent application of planning policy over time should achieve a desired outcome.

A planning authority must take into account the Planning Policy Framework when it prepares an amendment to this planning scheme.

A responsible authority must take into account and give effect to the Planning Policy Framework when it makes a decision under this planning scheme. This does not apply to policy guidelines and policy documents.

Policy guidelines

A planning policy may include policy guidelines. Policy guidelines indicate how objectives can be met and how strategies can be implemented.

A responsible authority must take a relevant policy guideline into account when it makes a decision under this planning scheme, but is not required to give effect to it. If the responsible authority is satisfied that an alternative approach meets the objective, the alternative may be considered.

Policy documents

A planning policy may include reference to a policy document. A policy document may be an incorporated, background and other document.

A background document listed in the table or the schedule to Clause 72.08 that applies to Clauses 10 to 19 is a policy document for applicable planning policies.

Integrated decision making

Society has various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.
Planning authorities should identify the potential for regional impacts in their decision making and coordinate strategic planning with their neighbours and other public bodies to achieve sustainable development and effective and efficient use of resources.

**Transitional**

If this planning scheme includes a Municipal Strategic Statement at Clause 21 and local planning policies at Clause 22, the provisions of Clauses 23.01, 23.02 and 23.03 apply. To the extent of any inconsistency, Clauses 23.02 and 23.03 prevail over this clause.
OPERATION OF ZONES

In each zone and schedule to a zone which contains a table of uses, the controls over the use of land are divided into three sections.

Section 1 uses
A use in Section 1 does not require a permit. Any condition opposite the use must be met. If the condition is not met, the use is in Section 2 and requires a permit unless the use is specifically included in Section 3 as a use that does not meet the Section 1 condition.

Section 2 uses
A use in Section 2 requires a permit. Any condition opposite the use must be met. If the condition is not met, the use is prohibited.

Making decisions about Section 2 uses
Because a use is in Section 2 does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the Municipal Planning Strategy, the Planning Policy Framework, the purpose and decision guidelines of the zone and any of the other decision guidelines in Clause 65.

Section 3 uses
A use in Section 3 is prohibited.
OPERATION OF OVERLAYS

If an overlay is shown on the planning scheme map, the provisions of the overlay apply in addition to the provisions of the zone and any other provision of this scheme.

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the Municipal Planning Strategy, the Planning Policy Framework, the purpose and decision guidelines of the overlay and any of the other decision guidelines in Clause 65.
OPERATION OF PARTICULAR PROVISIONS

The requirements of particular provisions apply to the specified categories of use and development and other matters in addition to any provisions which apply due to any other provision of this planning scheme.
OPERATION OF VICSMART APPLICATIONS AND PROCESS

VicSmart applications

Any provision of this planning scheme may specify:

- Classes of application that are VicSmart applications to which Clause 71.06 applies.
- Information requirements for each class of VicSmart application.
- Decision guidelines for each class of VicSmart application.

An application is a VicSmart application if all of the following requirements are met:

- The application is in a class or classes specified in a provision of this planning scheme.
- A permit is required only under the provisions of this planning scheme that are specified as a VicSmart application, and not under any other provision of this planning scheme.
- Nothing authorised by the grant of a permit would result in a breach of a registered restrictive covenant.
- If the application requires referral to a referral authority under Clause 66, the referral requirements in Clause 71.06-2 are met.

VicSmart process

Despite any other provision of this planning scheme:

- A VicSmart application is exempt from the requirements of the Act and planning scheme specified in this clause.
- The responsible authority must assess a VicSmart application in accordance with the requirements of this clause.

If there is any inconsistency between the requirements of this clause and another provision of this planning scheme, this clause prevails.

Referral requirements

If an application requires referral to a referral authority under Clause 66:

- The application must have been considered by the referral authority within the past 3 months of the application being made to the responsible authority.
- The referral authority must have stated in writing that it does not object to the granting of the permit for the proposal.

Information requirements

A VicSmart application must be accompanied by the information requirements specified for the relevant class of application. The information requirements of the relevant zone, overlay or particular provision, other than those specified for VicSmart applications, do not apply unless the information requirements for the relevant class of application specify otherwise.

If in the opinion of the responsible authority an information requirement is not relevant to the evaluation of a VicSmart application, the responsible authority may waive or reduce the information requirement.

Exemption from notice and review

A VicSmart application is exempt from:

- The notice requirements of section 52(1)(a), (b), (c) and (d) of the Act.
- The decision requirements of section 64(1), (2) and (3) of the Act.
- The review rights of section 82(1) of the Act.
Matters to be considered

In deciding a VicSmart application, the responsible authority:

- Must only consider the decision guidelines specified for the relevant class of application.
- Is exempt from considering the following matters:
  - The requirements of section 60(1)(b), (c), (e) and (f) and (1A) (b) to (h) and (j) of the Act.
  - The Municipal Planning Strategy and Planning Policy Framework unless the decision guidelines for the relevant class of application specify otherwise.
  - The decision guidelines of the relevant zone, overlay or particular provision, other than those specified for VicSmart applications, unless the decision guidelines for the relevant class of application specify otherwise.
  - The decision guidelines in Clause 65.
- In deciding an application for review in relation to a VicSmart application, the Tribunal is exempt from the matters specified in section 84B(2)(b) to (g) and (i) to (ja) of the Act.

Decision guidelines

Before deciding a VicSmart application, the responsible authority must consider the decision guidelines specified for the relevant class of application unless in the opinion of the responsible authority a decision guideline is not relevant to the evaluation of the application.
RESPONSIBLE AUTHORITY FOR THIS PLANNING SCHEME

The responsible authority for the administration and enforcement of this planning scheme or a provision of this planning scheme is specified in this clause and the schedule to this clause.

The person nominated under section 198(1)(a) of the Act or the responsible authority under section 198(1)(b) of the Act, to whom a person may apply for a planning certificate, is specified in the schedule to this clause.

Minister is responsible authority

The Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority, in relation to the use and development of land for a:

- Renewable energy facility with an installed capacity of 1 megawatt or greater.
- Utility installation used to store, transmit or distribute electricity generated by a renewable energy facility with an installed capacity of 1 megawatt or greater.
- Primary school or secondary school to which Clause 53.19 applies.

with the exception of the following:

- in relation to permits for the use and development of land for a wind energy facility issued prior to 2 April 2015 under Division 1 of Part 4 of the Act, the Council is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and for matters required by the permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority.

- in relation to permits for the use and development of land for a wind energy facility issued prior to 2 April 2015 under Division 6 of Part 4 of the Act, the Council is the responsible authority for matters required by the permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority, subject to the operation of section 97H of the Act.

- in relation to applications lodged, or permits issued, for the use and development of land for a renewable energy facility (other than a wind energy facility) under Division 1 of Part 4 of the Act prior to the approval date of Amendment VC161, the Council is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and for matters required by the permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority.

- in relation to applications lodged, or permits issued, for the use and development of land for a utility installation used to store, transmit or distribute electricity generated by a renewable energy facility, under Division 1 of Part 4 of the Act prior to the approval date of Amendment VC161, the Council is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and for matters required by the permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority.
Responsible authority for administering and enforcing this planning scheme:
The Council of the City of Melbourne is the responsible authority for administering and enforcing the scheme, except for matters specified in Clause 72.01-1 and matters listed in this schedule.

Responsible authority for administering and enforcing a provision of this planning scheme:
The Minister for Planning is the responsible authority for administering and enforcing the scheme for:

- The Comprehensive Development Zone – Schedule 3 Flemington Green
- The Comprehensive Development Zone – Schedule 4 550 Epsom Road
- The Melbourne Casino Area as delineated in Schedule 1 of the Casino Control Act 1991 as amended.
- The Special Use Zone - Schedule 1 Flemington Racecourse.
- The Special Use Zone - Schedule 2 Royal Melbourne Showgrounds
- Land at 235-249 A’Beckett Street, Melbourne, described in Title Vol. 5809 Fol. 796.
- Bio21 project area: land bounded by Flemington Road, Park Drive, Story Street, Parkville and abutting University High School and Royal Melbourne Hospital to the east, Title Vol.10565 Fol.172.
- Spencer Street Station redevelopment precinct generally bounded by Spencer Street, Collins Street, Wurundjeri Way and La Trobe Street Melbourne (excluding the Melbourne City Mail Centre).
- Land comprising public lands and sports and entertainment facilities within the area bounded generally by Swan Street, Punt Road, Batman Avenue and Boulton Parade, Melbourne.
- Land comprising the Melbourne Convention Centre Development Southbank and associated Northbank redevelopment Docklands, Precinct Plan area generally bounded by Wurundjeri Way, the north-south alignment of Siddeley Street and its prolongation south to the Yarra River, Charles Grimes Bridge, Montague Street, the southern alignment of the West Gate Freeway, Normanby Road and Clarendon Street, the Yarra River southbank including south wharf and Dukes Dock and Orrs Dock, and parts of the northbank of the Yarra River in the vicinity of the western end of Siddeley Street, and part of the intervening Yarra River.
- Land included in the Games Village project as shown in plan 18698/GV Version A, generally bounded by Oak Street to the east, Park Street to the north, the City Link Freeway to the west and Royal Park to the south-east, excluding the Mental Health Research Institute, in Parkville. This includes applications for subdivision or consolidation of land including buildings and airspace and other applications made under the Subdivision Act 1988.
- Land included in the ‘The New Royal Children’s Hospital Project Area’, Flemington Road Parkville, generally bounded by Royal Park, Flemington Road, the tramway and the existing Royal Children’s Hospital on the corner of Gatehouse Street and Flemington Road, Parkville.
- Land included in the Development Plan Overlay, Schedule 8 – Carlton Housing Precincts, comprising the following three areas:
  - Lygon/Rathdowne Precinct comprising the area generally bounded by Lygon Street, Princes Street, Drummond Street, Rathdowne Street and Neill Street, Carlton;
- Elgin/Nicholson Precinct comprising the area bounded by Elgin Street, Nicholson Street, Canning Street and Palmerston Street, Carlton;
- Keppel/Cardigan Precinct comprising the area bounded by Keppel Street, Cardigan Street, Cemetery Road East and Swanston Street, Carlton.

- Land included in the Development Plan Overlay, Schedule 11 – Queen Victoria Market Precinct Framework Plan Area (Figure 4 of this Schedule)

- Land included in the Melbourne Park Redevelopment Area - All land bounded generally by Olympic Boulevard between Batman Avenue and Punt Road to the south, Punt Road to the east, the rail corridor and William Barak Bridge to the north and Batman Avenue between William Barak Bridge and Olympic Boulevard to the west. The Area includes the proposed pedestrian bridge alignment and landings over Batman Avenue linking Birrarung Marr and Melbourne Park and the constructed pedestrian bridge over Olympic Boulevard linking Melbourne Park and AAMI Park.

- Hamer Hall Redevelopment Area comprising Hamer Hall and land bound by Princes Bridge, St Kilda Road, Yarra River and Southgate Avenue and the Arts Centre lawn.

- Land included in the Yarra Park Master Plan Area (Precinct 1 & Precinct 2) as hatched in Figure 1.

- Land comprising the northern bank of the Yarra River to the east and west of the Charles Grimes Bridge, and above the Yarra River under the Charles Grimes Bridge, as shown in Figure 2.

- Land and water within the Port Zone.

- Land comprising the northern bank of the Yarra River to the east and west of the Charles Grimes Bridge, and above the Yarra River under the Charles Grimes Bridge, as shown in Figure 2.

- Land comprising Abbotsford Street, North Melbourne, as shown in Figure 5.

The Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2, and 3 of Part 4 and Part 4AA of the Act and matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority in relation to:

- Developments with a gross floor area exceeding 25,000 square metres.

- Development and use of land for or on behalf of a Minister of the Crown.

- Comprehensive Development Zone; Schedule 2 – Carlton Brewery.

- Use and Development within Development Plan Overlay: Schedule 11 – Queen Victoria Market Precinct Framework Plan Area (Figure 4 of this Schedule)

- The approval and amendment of any development plan, pursuant to clause 43.04-3, in relation to Schedule 8 to the Development Plan Overlay (Carlton Housing Precincts).

The Growth Areas Authority, now known as the Metropolitan Planning Authority, is the responsible authority for matters under Division 2 of Part 9 of the Act in relation to any agreement that makes provision for development contributions for land in the Fishermans Bend Urban Renewal Area as identified in Figure 3.

Despite anything to the contrary in this schedule, the Minister for Planning is the responsible authority for the purposes of clause 43.04 (schedules 2 to 7) where the total gross floor area of the buildings in the development plan exceeds 25,000 square metres.

Despite anything to the contrary stated in this schedule, the Council of the City of Melbourne is the responsible authority for administering and enforcing the scheme for applications for subdivision or consolidation of land including buildings or airspace and other applications made under the Subdivision Act 1988 within the municipal district of the City of Melbourne, except for the 20.11 hectares of land included in the Games Village project as shown in plan 18698/GV Version A, generally bounded by Oak Street to the east, Park Street to the north, the City Link Freeway to the west and Royal Park to the south-east, excluding the Mental Health Research Institute, in Parkville.
Despite anything to the contrary in this schedule, the Council of the City of Melbourne is the responsible authority for administering and enforcing the scheme for land included in Development Plan Overlay, Schedule 13 – West Melbourne Waterfront – 156-232 Kensington Road, West Melbourne.

The Minister for Planning is the responsible authority for administering and enforcing:

- Clause 52.03 of the scheme in respect of the “Regional Rail Link Project Section 1 Incorporated Document, March 2015”.
- Any other provision of the scheme as it applies to the use or development of land authorised by the Victorian Government for the Regional Rail Link Project.
- Clause 52.03 of the scheme with respect of the “Melbourne Metro Rail Project Incorporated Document, May 2018”.
- Any other provision of the scheme as it applies to the use or development of land for the purposes of the Melbourne Metro Rail Project.
- Clause 52.03 of the scheme with respect of the “West Gate Tunnel Project Incorporated Document, December 2017”.
- Any other provision of the scheme as it applies to the use or development of land for the West Gate Tunnel Project.

**Person or responsible authority for issuing planning certificates:**

Minister for Planning.

**Responsible authority for VicSmart applications:**

The Chief Executive Officer of the City of Melbourne Council is the responsible authority for considering and determining VicSmart applications to which Clause 91 applies, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.

**Figure 1 – Yarra Park Master Plan Area**
Figure 2 – Charles Grimes Bridge Underpass

Figure 3 – Fishermans Bend Urban Renewal Area
Figure 4 – Queen Victoria Market Precinct Framework Plan Area (DPO11)

Figure 5 – Public Housing Renewal – Abbotsford Street, North Melbourne
WHAT AREA IS COVERED BY THIS PLANNING SCHEME?

This planning scheme applies to the municipal district or other area specified in the schedule to this clause.
SCHEDULE TO CLAUSE 72.02 WHAT AREA IS COVERED BY THIS PLANNING SCHEME?

1.0

Area covered by this planning scheme:

This planning scheme applies to that part of the municipal district of the City of Melbourne and the ‘docklands area’ as defined in the Docklands Authority Act 1991 as amended, not in the Port of Melbourne Planning Scheme.
WHAT DOES THIS PLANNING SCHEME CONSIST OF?
This planning scheme consists of this document, any maps specified in the schedule to this clause, and any document incorporated in the scheme in accordance with the Act. A document is not incorporated in this scheme by reason only that it is referred to in the scheme.

This document consists of State standard provisions and local provisions. Local provisions are:

- If included in this planning scheme:
  - Clause 02 (Municipal Planning Strategy).
  - Clause 21 (Municipal Strategic Statement).
  - Clause 22 (Local Planning Policies).
- All clauses in the Planning Policy Framework that include the letter ‘L’ in the clause number.
- All schedules to zones, overlays, particular provisions, general provisions and operational provisions.

All other provisions are State standard provisions.

Maps specified in the schedule to this clause show how land is zoned and whether land is affected by an overlay. This information is indicated by a letter and/or number code that is explained on each map.

Note: A clause numbered ‘11.01-1L’ would be an example of a local provision in the Planning Policy Framework. ‘C1Z’ is an example of a code on a map that may be specified in the schedule to this clause. It stands for ‘Commercial 1 Zone’.
SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?

Maps comprising part of this planning scheme:

- 1, 1HO, 1SBO, 1PO.
- 2, 2CLPO, 2DDOPT3, 2ESO, 2HO, 2SBO, 2PAO, 2SCO
- 3, 3HO, 3LSIO, 3PAO, 3PO
- 4, 4CLPO, 4DCPO, 4DDOPT1, 4DDOPT3, 4DPO, 4EAO, 4ESO, 4HO, 4IPO, 4LSIO, 4PAO, 4SBO, 4PO.
- 5, 5DDOPT1, 5DDOPT3, 5ESO, 5HO, 5IPO, 5PAO, 5RXO, 5SBO, 5SCO, 5DPO, 5PO.
- 6, 6ESO, 6LSIO.
- 7, 7CLPO, 7DDOPT1, 7DDOPT3, 7DPO, 7EAO, 7ESO, 7HO, 7ICO, 7LSIO, 7PAO, 7SBO, 7PO.
- 8, 8CLPO, 8DDO1, 8DDO2_14_62, 8DDO3, 8DDO4, 8DDO5, 8DDO6, 8DDOPT1, 8DDOPT2, 8DDOPT3, 8DDOPT7, 8DDOPT8, 8DDO10, 8DPO, 8EAO, 8ESO, 8HO, 8HO1, 8HO2, 8IPO, 8LSIO, 8PAO, 8RXO, 8SBO, 8SCO, 8PO
- 9, 9CLPO, 9DDOPT1, 9ESO, 9HO, 9LSIO, 9PAO, 9SBO, 9PO, 9SCO
- 10, 10ESO.
- 11, 11DDOPT1, 11DDOPT2, 11DDOPT3, 11DDOPT7, 11EAO, 11ESO, 11HO, 11LSIO, 11RXO, 11PO.
DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME

The documents listed in the table and the schedule to this clause are incorporated documents under section 6(2)(j) of the Planning and Environment Act 1987.

An incorporated document forms part of this planning scheme.

If a document is not listed in the table or the schedule, it is not an incorporated document.

A document is not incorporated in this planning scheme by reason only that it is referred to in the scheme.

Note: Clause 72.08 contains a list of background documents relevant to this planning scheme. A background document does not form part of the planning scheme.

Table to Clause 72.04

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<td>Australian Standard AS2890.2-2002 Parking facilities: Off-street commercial vehicle facilities, Standards Australia 2002</td>
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<td>Australian/New Zealand Standard AS/NZS1158.3.1:1999, Road lighting, Part 3.1: Pedestrian Area (Category P) lighting – Performance and installation design requirements. Standards Australia/Standards New Zealand 1999</td>
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<td>Building in bushfire-prone areas - CSIRO &amp; Standards Australia (SAA HB36-1993), May 1993</td>
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<td>Construction Techniques for Sediment Pollution Control, Environment Protection Authority May 1991</td>
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<td>Growth Area Framework Plans, Department of Sustainability and Environment, September 2006</td>
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<td>Local Government Planning Guide for Dry Land Salinity - Department Conservation and Natural Resources, 1995</td>
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<td>Pavement Design - A Guide to the Structural Design of Road Pavements, Austroads, (AP-17/92)</td>
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## Incorporated documents

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WHEN DID THIS PLANNING SCHEME BEGIN?

This planning scheme began on the date specified in the schedule to this clause.
SCHEDULE TO CLAUSE 72.05 WHEN DID THIS PLANNING SCHEME BEGIN?

1.0

Date this planning scheme began:

4 March 1999
EFFECT OF THIS PLANNING SCHEME

Land may be used or developed only in accordance with this planning scheme.
Land must not be developed unless the land as developed can be used in accordance with this planning scheme.
If this planning scheme allows a particular use of land, it may be developed for that use provided all requirements of the scheme are met.
DETERMINATION OF BOUNDARIES

If a boundary in this planning scheme is not precisely shown on a planning scheme map or is not otherwise defined, the certificate issuing authority must determine the boundary if asked to do so and must notify the applicant within 60 days.
BACKGROUND DOCUMENTS

The documents listed in the table and the schedule to this clause are background documents. The table and the schedule to this clause must specify the amendment that listed the background document and may specify the clause of this planning scheme that the background document relates to.

A background document may:

- Have informed the preparation of, or an amendment to, this planning scheme.
- Provide information to explain the context within which a provision has been framed.
- Assist the understanding of this planning scheme.

A background document does not form part of this planning scheme.

A background document may be referenced elsewhere in this planning scheme without being listed in the table or schedule to this clause.

Table to Clause 72.08

<table>
<thead>
<tr>
<th>Name of background document</th>
<th>Amendment number - clause reference</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Central Highlands Regional Growth Plan</em> (Victorian Government, 2014).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td><em>G21 Regional Growth Plan</em> (Geelong Region Alliance, 2013).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
<tr>
<td><em>Great South Coast Regional Growth Plan</em> (Victorian Government, 2014).</td>
<td>VC106 Clauses 10 to 19</td>
</tr>
</tbody>
</table>
## SCHEDULE TO CLAUSE 72.08 BACKGROUND DOCUMENTS

### Background documents

<table>
<thead>
<tr>
<th>Name of background document</th>
<th>Amendment number - clause reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>None specified</td>
<td></td>
</tr>
</tbody>
</table>

---

31/07/2018
VC148

MELBOURNE PLANNING SCHEME
MEANING OF TERMS

A term used in this planning scheme has its ordinary meaning unless that term is defined:

- In this planning scheme; or
- In the *Planning and Environment Act 1987* or the *Interpretation of Legislation Act 1984*, in which case the term has the meaning given to it in those Acts unless it is defined differently in this scheme.
The following table lists general terms which may be used in this planning scheme. A term listed in the first column, under the heading "General term", has the meaning set out beside that term in the second column, under the heading "Definition".

<table>
<thead>
<tr>
<th>General term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural production</td>
<td>Any form of primary production of renewable commodities. It does not include Stone extraction, Mineral extraction, or timber production from native forest.</td>
</tr>
<tr>
<td>Anemometer</td>
<td>A wind measuring device.</td>
</tr>
<tr>
<td>Apartment</td>
<td>A dwelling located above the ceiling level or below the floor level of another dwelling and is part of a building containing two or more dwellings.</td>
</tr>
<tr>
<td>Approval date</td>
<td>The date this scheme began, or the date of notice in the Victoria Government Gazette of approval of an amendment to this scheme.</td>
</tr>
<tr>
<td>Basement</td>
<td>A storey below ground level, or that projects no more than 1.2 metres above ground level.</td>
</tr>
<tr>
<td>Building height</td>
<td>The vertical distance from natural ground level to the roof or parapet at any point.</td>
</tr>
<tr>
<td>Carriageway</td>
<td>The area of a street reserve which is provided for the movement or parking of vehicles. It is determined by the invert of a kerb and channel and the point adjacent to the pavement edge for kerb (only) and edge strips.</td>
</tr>
<tr>
<td>Central Highlands region</td>
<td>The area covered by the Ararat, Ballarat, Golden Plains, Hepburn, Moorabool and Pyrenees planning schemes.</td>
</tr>
<tr>
<td>Clear to the sky</td>
<td>An unroofed area or area roofed with material that transmits 90 per cent of light.</td>
</tr>
<tr>
<td>Defendable space</td>
<td>An area of land around a building where vegetation is modified and managed to reduce the effects of flame contact and radiant heat associated with bushfire.</td>
</tr>
<tr>
<td>Deflection angle</td>
<td>The angle between two tangent sections of a carriageway.</td>
</tr>
<tr>
<td>Design speed</td>
<td>The speed fixed for the design and correlation of the geometric features of a carriageway that influence vehicle operation. It is the speed which is not exceeded by 85 per cent of vehicles.</td>
</tr>
<tr>
<td>Domestic services normal to a dwelling</td>
<td>A domestic appliance or apparatus that is normal to and services a dwelling. It includes disabled access ramps and handrails, an air conditioner, cooling or heating system, a hot water service, security systems and cameras, shade sails, a barbeque, downpipes and flues, a skylight, security screens, and the like.</td>
</tr>
<tr>
<td>Earthworks</td>
<td>Land forming, laser grading, levee banks, raised access roads and tracks, building pads, storage embankments, channel banks and drain banks and associated structures.</td>
</tr>
<tr>
<td>Frontage</td>
<td>The road alignment at the front of a lot. If a lot abuts two or more roads, the one to which the building, or proposed building, faces.</td>
</tr>
<tr>
<td>Gaming</td>
<td>The playing of a gaming machine.</td>
</tr>
<tr>
<td>General term</td>
<td>Definition</td>
</tr>
<tr>
<td>------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Gaming machine</td>
<td>Has the same meaning as it has in the Gambling Regulation Act 2003.</td>
</tr>
</tbody>
</table>
| Garden area                  | Any area on a lot with a minimum dimension of 1 metre that does not include: a) a dwelling or residential building, except for:  
  - an eave, fascia or gutter that does not exceed a total width of 600mm;  
  - a pergola;  
  - unroofed terraces, patios, decks, steps or landings less than 800mm in height;  
  - a basement that does not project above ground level;  
  - any outbuilding that does not exceed a gross floor area of 10 square metres; and  
  - domestic services normal to a dwelling or residential building;  
  b) a driveway; or  
  c) an area set aside for car parking. |
| Geelong G21 region           | The area covered by the Colac Otway, Golden Plains, Greater Geelong, Queenscliffe and Surf Coast planning schemes.                                                                                       |
| Gippsland region             | The area covered by the Bass Coast, Baw Baw, East Gippsland, Latrobe, South Gippsland and Wellington planning schemes.                                                                                   |
| Great South Coast region     | The area covered by the Corangamite, Glenelg, Moyne, Southern Grampians and Warrnambool planning schemes.                                                                                                  |
| Gross floor area             | The total floor area of a building, measured from the outside of external walls or the centre of party walls, and includes all roofed areas.                                                                |
| Ground level                 | The natural level of a site at any point.                                                                                                                                                    |
| Habitable room               | Any room of a dwelling or residential building other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, lobby, photographic darkroom, clothes drying room and other space of a specialised nature occupied neither frequently nor for extended periods. |
| High quality productive      | Land which is used for animal husbandry or crop raising, and is capable of continuing to sustain agricultural production, and:  
  a) is of prime, or very good, agricultural quality, having regard to soil type, growing season, and availability of infrastructure, and is of sufficient extent to support agricultural activities on an economically viable scale; or  
  b) has been identified through a regional, sub-regional, or local study as being of particularly good quality and strategic significance for agriculture in the regional or local context. |
<p>| agricultural land            |                                                                                                                                                                                                          |
| Hume region                  | The area covered by the Alpine, Benalla, Greater Shepparton, Indigo, Mansfield, Mitchell, Moira, Murrindindi, Strathbogie, Towong, Wangaratta and Wodonga planning schemes. |
| Land capability assessment   | The assessment of the physical ability of the land to sustain specific uses having regard to its management, and without long term on-site detriment to the environment. |</p>
<table>
<thead>
<tr>
<th>General term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leasable floor area</td>
<td>That part of the net floor area able to be leased. It does not include public or common tenancy areas, such as malls, verandahs, or public conveniences.</td>
</tr>
<tr>
<td>Loddon Mallee North region</td>
<td>The area covered by the Buloke, Campaspe, Gannawarra, Mildura and Swan Hill planning schemes.</td>
</tr>
<tr>
<td>Loddon Mallee South region</td>
<td>The area covered by the Central Goldfields, Greater Bendigo, Loddon, Macedon Ranges and Mount Alexander planning schemes.</td>
</tr>
<tr>
<td>Lot</td>
<td>A part (consisting of one or more pieces) of any land (except a road, a reserve, or common property) shown on a plan, which can be disposed of separately and includes a unit or accessory unit on a registered plan of strata subdivision and a lot or accessory lot on a registered cluster plan.</td>
</tr>
<tr>
<td>Mean building height</td>
<td>The vertical distance between the mean ground level and the finished roof height at its highest point.</td>
</tr>
<tr>
<td>Mean ground level</td>
<td>One half the sum of the highest and lowest levels along ground level of the outer surface of all external building walls.</td>
</tr>
<tr>
<td>Metropolitan Melbourne</td>
<td>The area covered by the Banyule, Bayside, Boroondara, Brimbank, Cardinia, Casey, Darebin, Frankston, Glen Eira, Greater Dandenong, Hobsons Bay, Hume, Kingston, Knox, Manningham, Maribyrnong, Maroondah, Melbourne, Melton, Monash, Moonee Valley, Moreland, Mornington Peninsula, Nillumbik, Port of Melbourne, Port Phillip, Stonnington, Whitehorse, Whittlesea, Wyndham, Yarra and Yarra Ranges Planning Schemes and the area within the urban growth boundary in the Mitchell Planning Scheme.</td>
</tr>
<tr>
<td>Mineral</td>
<td>Any substance which occurs naturally as part of the earth's crust, including: a) oil shale and coal; and b) hydrocarbons and mineral oils contained in oil shale or coal, or extracted from oil shale or coal by chemical or industrial processes. It does not include water, stone, or petroleum.</td>
</tr>
<tr>
<td>Movable building</td>
<td>A structure, other than a tent, caravan, or vehicle, which is designed to be moved from place to place on more than one occasion.</td>
</tr>
<tr>
<td>Native vegetation</td>
<td>Plants that are indigenous to Victoria, including trees, shrubs, herbs, and grasses.</td>
</tr>
<tr>
<td>Net floor area</td>
<td>The total floor area of all floors of all buildings on a site. It includes half the width of any party wall and the full width of all other walls. It does not include the area of stairs, loading bays, accessways, or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply, or lifts.</td>
</tr>
<tr>
<td>Plot ratio</td>
<td>The gross floor area of all buildings on a site, divided by the area of the site.</td>
</tr>
<tr>
<td>Private open space</td>
<td>An outdoor area of a dwelling or residential building or land for the exclusive use of the occupants.</td>
</tr>
<tr>
<td>Property vegetation plan</td>
<td>A plan which relates to the management of native vegetation within a property, and which is contained within an agreement made pursuant to section 69 of the Conservation, Forests and Lands Act 1987.</td>
</tr>
<tr>
<td>General term</td>
<td>Definition</td>
</tr>
<tr>
<td>---------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Prostitution</td>
<td>The provision by one person to or for another person (whether or not of a different sex) of sexual services in return for payment or reward.</td>
</tr>
<tr>
<td>Public land manager</td>
<td>The Minister, government department, public authority or municipal council having responsibility for the care or management of public land. In relation to Crown land reserved under an Act and managed or controlled by a committee of management, other than Parks Victoria or a municipal council, it means the Minister administering that Act and does not include the committee of management.</td>
</tr>
<tr>
<td>Radio mast</td>
<td>A mast, for radio transmission or reception in a dwelling, that is:</td>
</tr>
<tr>
<td></td>
<td>a) with antenna, more than 14 metres above the ground;</td>
</tr>
<tr>
<td></td>
<td>b) if attached to a building, with antenna, more than 5 metres above the roof line;</td>
</tr>
<tr>
<td></td>
<td>c) including antenna, wider than 6 metres; or</td>
</tr>
<tr>
<td></td>
<td>d) excluding antenna, wider than 50 centimetres at any point exceeding 3 metres above the ground.</td>
</tr>
<tr>
<td>Retail</td>
<td>The sale of goods or materials, in any quantity or manner, other than by wholesale.</td>
</tr>
<tr>
<td>Secluded private open space</td>
<td>That part of private open space primarily intended for outdoor living activities which enjoys a reasonable amount of privacy.</td>
</tr>
<tr>
<td>Setback</td>
<td>The minimum distance from any allotment boundary to a building.</td>
</tr>
<tr>
<td>Sexual services</td>
<td>Has the same meaning as it has in the Sex Work Act 1994.</td>
</tr>
<tr>
<td>Site coverage</td>
<td>The proportion of a site covered by buildings.</td>
</tr>
<tr>
<td>Stone</td>
<td>Basalt, freestone, granite, limestone, sandstone, or other building stone, or rock, ordinarily used for building, manufacturing, road making, or construction; or clay (not fine clay, bentonite, or kaolin), earth, gravel, quartz (not quartz crystals), sand, soil, slate, or other similar material.</td>
</tr>
<tr>
<td>Storey</td>
<td>That part of a building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car parking area, and mezzanine.</td>
</tr>
<tr>
<td>Stormwater</td>
<td>The net increase in run-off from urban development due to water not being able to seep into the ground because of impervious surfaces, such as roofs and roads.</td>
</tr>
<tr>
<td>Street leg length</td>
<td>The distance between street intersections or junctions, or points and locations where vehicles must slow down, usually to a maximum speed of 20 kilometres per hour.</td>
</tr>
<tr>
<td>Street reserve</td>
<td>Land set aside for a street pavement and verge.</td>
</tr>
<tr>
<td>Sustainable agriculture</td>
<td>The use of farming practices and systems which maintain or enhance:</td>
</tr>
<tr>
<td></td>
<td>a) the economic viability of agricultural production;</td>
</tr>
<tr>
<td></td>
<td>b) the natural resource base; and</td>
</tr>
<tr>
<td></td>
<td>c) other ecosystems which are influenced by agricultural activities.</td>
</tr>
<tr>
<td>General term</td>
<td>Definition</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Telecommunications line</strong></td>
<td>A wire, cable, optic fibre, tube, conduit, waveguide or other physical medium used, or to be used, as a continuous artificial guide for or in connection with carrying communications by means of guided electromagnetic energy.</td>
</tr>
<tr>
<td><strong>Telecommunications network</strong></td>
<td>A system or series of systems that carries, or is capable of carrying, communications by means of guided and unguided electromagnetic energy.</td>
</tr>
<tr>
<td><strong>Telecommunications tower</strong></td>
<td>A tower, pole or mast used as part of a Telecommunications network.</td>
</tr>
<tr>
<td><strong>Tenement</strong></td>
<td>Land comprised in:</td>
</tr>
<tr>
<td></td>
<td>a) a lot which does not adjoin another lot in the same ownership; or</td>
</tr>
<tr>
<td></td>
<td>b) lots in the same ownership and which adjoin each other.</td>
</tr>
<tr>
<td></td>
<td>Lots are considered to adjoin each other if they are separated only by a stream, stream reserve, or unmade or unused government road or rail reserve.</td>
</tr>
<tr>
<td><strong>Utility service provider</strong></td>
<td>A person, other than a public authority or municipal council, having responsibility under an Act for the generation, transmission, distribution or supply of electricity, gas, power, telecommunications, water supply, drainage or sewerage services.</td>
</tr>
<tr>
<td><strong>Verge</strong></td>
<td>The part of the street reserve between the carriageway and the boundary of adjacent lots or other limit to the street reserve. It may accommodate public utilities, a footpath, indented parking, stormwater flows, street lighting poles and planting.</td>
</tr>
<tr>
<td><strong>Wall height</strong></td>
<td>The vertical distance between the top of the eaves at the wall line, parapet or flat roof (not including a chimney), whichever is the highest, and the natural ground level.</td>
</tr>
<tr>
<td><strong>Wholesale</strong></td>
<td>The sale of goods or materials, to be sold by others.</td>
</tr>
<tr>
<td><strong>Wimmera Southern Mallee region</strong></td>
<td>The area covered by the Hindmarsh, Horsham, Northern Grampians, West Wimmera and Yarriambiack planning schemes.</td>
</tr>
</tbody>
</table>
### SIGN TERMS

The following table lists terms which may be used in this planning scheme in relation to signs. A term listed in the first column, under the heading "Sign term", has the meaning set out beside that term in the second column, under the heading "Definition".

<table>
<thead>
<tr>
<th>Sign term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Above-verandah sign</td>
<td>A sign above a verandah or, if no verandah, that is more than 3.7 metres above pavement level, and which projects more than 0.3 metre outside the site.</td>
</tr>
<tr>
<td>Display area</td>
<td>The area of that part of a sign used to display its content, including borders, surrounds and logo boxes.</td>
</tr>
<tr>
<td></td>
<td>It does not include safety devices, platforms and lighting structures.</td>
</tr>
<tr>
<td></td>
<td>If the sign does not move or rotate, the area is one side only.</td>
</tr>
<tr>
<td>Animated sign</td>
<td>A sign that can move, contains moving or scrolling parts, changes its message, flashes, or has a moving or flashing border.</td>
</tr>
<tr>
<td>Bed and breakfast sign</td>
<td>A sign at a dwelling that advertises bed and breakfast accommodation in the dwelling.</td>
</tr>
<tr>
<td>Bunting sign</td>
<td>An advertisement that consists of bunting, streamers, flags, windvanes, or the like.</td>
</tr>
<tr>
<td>Business identification sign</td>
<td>A sign that provides business identification information about a business or industry on the land where it is displayed. The information may include the name of the business or building, the street number of the business premises, the nature of the business, a business logo or other business identification information.</td>
</tr>
<tr>
<td>Direction sign</td>
<td>A sign not exceeding 0.3 square metre that directs vehicles or pedestrians. It does not include a sign that contains commercial information.</td>
</tr>
<tr>
<td>Electronic sign</td>
<td>A sign that can be updated electronically. It includes screens broadcasting still or moving images.</td>
</tr>
<tr>
<td>Floodlit sign</td>
<td>A sign illuminated by external lighting provided for that purpose.</td>
</tr>
<tr>
<td>High-wall sign</td>
<td>A sign on the wall of a building so that part of it is more than 10 metres above the ground.</td>
</tr>
<tr>
<td>Home based business sign</td>
<td>A sign at a dwelling that advertises a home based business carried on in the dwelling, or on the land around the dwelling.</td>
</tr>
<tr>
<td>Internally illuminated sign</td>
<td>A sign illuminated by internal lighting or which contains lights or illuminated tubes arranged as an advertisement.</td>
</tr>
<tr>
<td>Major promotion sign</td>
<td>A sign which is 18 square metres or greater that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.</td>
</tr>
<tr>
<td>Panel sign</td>
<td>A sign with an advertisement area exceeding 10 square metres.</td>
</tr>
<tr>
<td>Pole sign</td>
<td>A sign:</td>
</tr>
<tr>
<td></td>
<td>a) on a pole or pylon that is not part of a building or another structure;</td>
</tr>
<tr>
<td></td>
<td>b) that is no more than 7 metres above the ground;</td>
</tr>
<tr>
<td>Sign term</td>
<td>Definition</td>
</tr>
<tr>
<td>------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>c) with an advertisement area not exceeding 6 square metres; and d) that has a clearance under it of at least 2.7 metres.</td>
<td></td>
</tr>
<tr>
<td>Promotion sign</td>
<td>A sign of less than 18 square metres that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited.</td>
</tr>
<tr>
<td>Reflective sign</td>
<td>A sign finished with material specifically made to reflect external light.</td>
</tr>
<tr>
<td>Sign</td>
<td>Includes a structure specifically built to support or illuminate a sign.</td>
</tr>
<tr>
<td>Sky sign</td>
<td>A sign: a) on or above the roof of a building, but not a verandah; b) fixed to the wall of a building and which projects above the wall; or c) fixed to a structure (not a building) so that part of it is more than 7 metres above the ground.</td>
</tr>
</tbody>
</table>
**LAND USE TERMS**

The table to this clause lists terms which may be used in this planning scheme in relation to the use of land. A term describing a use or activity in relation to land which is not listed in the table must not be characterised as a separate use of land if the term is obviously or commonly included within one or more of the terms listed in the table.

**Meaning of terms**

A term listed in the first column, under the heading "Land use term", has the meaning set out beside that term in the second column, under the heading "Definition".

**No definition of listed term indicates ordinary meaning**

A term listed in the first column, under the heading "Land use term", which does not have a meaning set out beside that term in the second column, under the heading "Definition", has its ordinary meaning.

**Terms which specifically include other listed terms**

A term listed in the first column, under the heading "Land use term", which has other terms listed beside it in the third column, under the heading "Includes", includes any term so listed in the third column and any term included within that term in the third column, but does not include any other term listed in the first column.

A term listed in the first column which has other terms listed beside it in the third column may also include other terms which are not listed in the first column.

All terms listed in the third column are also listed in the first column.

**Terms which do not specifically include other listed terms**

If a term listed in the first column, under the heading "Land use term", does not have any term listed beside it in the third column, under the heading "Includes", that term does not include any term listed in the first column.

However, a term listed in the first column which does not have any term listed beside it in the third column may include other terms which are not listed in the first column.

**Terms which are included within other listed terms**

A term listed in the first column, under the heading "Land use term", which has a term listed beside it in the fourth column, under the heading "Included in", is included within the term so listed in the fourth column and any term which includes that term in the fourth column.

All terms listed in the fourth column are also listed in the first column.

**Terms which are not included within other listed terms**

If a term listed in the first column, under the heading "Land use term", does not have a term listed beside it in the fourth column, under the heading "Included in", that term is not included within any other term listed in the first column.

**Table to Clause 73.03**

<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abattoir</td>
<td>Land used to slaughter animals, including birds. It may include the processing of animal products.</td>
<td>Rural industry</td>
<td></td>
</tr>
<tr>
<td>Accommodation</td>
<td>Land used to accommodate persons.</td>
<td>Camping and caravan park</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>---------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td>Adult sex product</td>
<td>Land used to sell or hire sexually explicit material, including:</td>
<td></td>
<td>Shop</td>
</tr>
<tr>
<td>shop</td>
<td>a) publications classified as restricted under the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) materials and devices (other than contraceptives and medical treatments) used in conjunction with sexual behaviour.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td>Land used to:</td>
<td></td>
<td>Animal husbandry</td>
</tr>
<tr>
<td></td>
<td>a) propagate, cultivate or harvest plants, including cereals, flowers, fruit, seeds, trees, turf, and vegetables;</td>
<td></td>
<td>Aquaculture</td>
</tr>
<tr>
<td></td>
<td>b) keep, breed, board, or train animals, including livestock, and birds; or</td>
<td></td>
<td>Crop raising</td>
</tr>
<tr>
<td></td>
<td>c) propagate, cultivate, rear, or harvest living resources of the sea or inland waters.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Airport</td>
<td></td>
<td></td>
<td>Transport terminal</td>
</tr>
<tr>
<td>Amusement park</td>
<td></td>
<td></td>
<td>Outdoor recreation facility</td>
</tr>
<tr>
<td>Amusement parlour</td>
<td>A building that contains:</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td></td>
<td>a) three or more coin, card, or token operated amusement machines;</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
b) one or more coin, card, or token operated amusement machines with more than one screen or console that can be played by three or more people simultaneously; or

c) two or more coin, card, or token operated billiard, snooker, or pool tables.

It does not include coin, card, or token operated children’s rides, amusement machines if there is the ability to receive a monetary reward, or premises used for a Bar or Hotel.

<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal husbandry</td>
<td>Land used to keep, breed, board, or train animals, including birds.</td>
<td>Animal production</td>
<td>Agriculture</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Animal training</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Apiculture</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Domestic animal husbandry</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Horse husbandry</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Racing dog husbandry</td>
<td></td>
</tr>
<tr>
<td>Animal production</td>
<td>Land used to keep or breed farm animals for the production of livestock, eggs, fibre, meat, milk or other animal products.</td>
<td>Grazing animal production</td>
<td>Animal husbandry</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Intensive animal production</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pig farm</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Poultry farm</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Poultry hatchery</td>
<td></td>
</tr>
<tr>
<td>Animal training</td>
<td>Land used to train animals, other than domestic animals, horses, or racing dogs.</td>
<td></td>
<td>Animal husbandry</td>
</tr>
<tr>
<td>Apiculture</td>
<td>Land used to keep honeybee hives and to extract honey or other bee hive products.</td>
<td></td>
<td>Animal husbandry</td>
</tr>
<tr>
<td>Aquaculture</td>
<td>Land used to keep or breed aquatic animals, or cultivate or propagate aquatic plants.</td>
<td></td>
<td>Agriculture</td>
</tr>
<tr>
<td>Art and craft centre</td>
<td>Land used to manufacture, display, and sell, works of art or craft, such as handicrafts, paintings, and sculptures.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
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</tr>
<tr>
<td>Art gallery</td>
<td>Land used to display works of art, including ceramics, furniture, glass, paintings, screen based art, sculptures, and textiles.</td>
<td></td>
<td>Exhibition centre</td>
</tr>
<tr>
<td>Bank</td>
<td></td>
<td></td>
<td>Office</td>
</tr>
<tr>
<td>Bar</td>
<td>Land used to sell liquor for consumption on the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling.</td>
<td></td>
<td>Food and drink premises</td>
</tr>
<tr>
<td>Beauty salon</td>
<td></td>
<td></td>
<td>Shop</td>
</tr>
<tr>
<td>Bed and breakfast</td>
<td>A dwelling used, by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence.</td>
<td></td>
<td>Dwelling</td>
</tr>
<tr>
<td>Betting agency</td>
<td>Land used for gambling by wagering, and where there is the ability to receive a monetary reward.</td>
<td></td>
<td>Gambling premises</td>
</tr>
<tr>
<td>Boat and caravan storage</td>
<td>Land used to store boats, caravans, or vehicle-towed boat trailers.</td>
<td></td>
<td>Store</td>
</tr>
<tr>
<td>Boat launching facility</td>
<td>Land used to launch boats into the water and to retrieve boats from the water.</td>
<td>Boat ramp slipway</td>
<td>Recreational boat facility</td>
</tr>
<tr>
<td>Boat ramp</td>
<td></td>
<td></td>
<td>Boat launching facility</td>
</tr>
<tr>
<td>Bottle shop</td>
<td>Land used to sell packaged liquor for consumption off the premises.</td>
<td></td>
<td>Shop</td>
</tr>
<tr>
<td>Broiler farm</td>
<td>Land used to keep broiler chickens for the production of meat.</td>
<td></td>
<td>Poultry farm</td>
</tr>
<tr>
<td>Brothel</td>
<td>Land made available for prostitution by a person carrying on the business of providing prostitution services at the business's premises.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bus terminal</td>
<td></td>
<td></td>
<td>Transport terminal</td>
</tr>
<tr>
<td>Camping and caravan park</td>
<td>Land used to allow accommodation in caravans, cabins, tents, or the like.</td>
<td></td>
<td>Accommodation</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
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</tr>
<tr>
<td>Caretaker's house</td>
<td>A dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation, or plant.</td>
<td></td>
<td>Dwelling</td>
</tr>
<tr>
<td>Carnival</td>
<td>Land, other than an Exhibition centre or trade fair, used for a temporary fair or amusements which provide entertainment such as side shows, merry-go-rounds, and stalls for games or snacks.</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Car park</td>
<td>Land used to park motor vehicles. It may include charging of electric vehicles.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car sales</td>
<td></td>
<td>Motor vehicle, boat, or caravan sales</td>
<td></td>
</tr>
<tr>
<td>Car wash</td>
<td></td>
<td>Service industry</td>
<td></td>
</tr>
<tr>
<td>Cattle feedlot</td>
<td>Land used for a cattle feedlot as defined by the Victorian Code for Cattle Feedlots 1995.</td>
<td>Intensive animal production</td>
<td></td>
</tr>
<tr>
<td>Cemetery</td>
<td>Land used to dispose of human remains by burial. It may include funeral chapels or the like.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child care centre</td>
<td>Land used to care for five or more children who are not permanently resident on the land.</td>
<td>Kindergarten</td>
<td>Education centre</td>
</tr>
<tr>
<td>Cinema</td>
<td>Land used to provide screen based entertainment or information to the public.</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Cinema based entertainment facility</td>
<td>Land used to provide screen based entertainment or information to the public, in association with the provision of meals or sporting, amusement, entertainment, leisure or retail facilities.</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Circus</td>
<td>Land used, by performers, to provide entertainment such as acrobatic feats, tricks of skill, and exhibiting animals.</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Commercial display area</td>
<td>Land used only to display goods.</td>
<td></td>
<td>Warehouse</td>
</tr>
<tr>
<td>Community care accommodation</td>
<td>Land used to provide accommodation and care services. It includes permanent, temporary</td>
<td></td>
<td>Residential building</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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</tr>
<tr>
<td>Conference centre</td>
<td>Land used to prepare and sell food and drink for immediate consumption, where substantial provision is made for consumption both on and off the premises.</td>
<td>Function centre</td>
<td></td>
</tr>
<tr>
<td>Convenience restaurant</td>
<td>Land used to prepare and sell food and drink for immediate consumption, where substantial provision is made for consumption both on and off the premises.</td>
<td>Food and drink</td>
<td>premises</td>
</tr>
<tr>
<td>Convenience shop</td>
<td>A building with a leasable floor area of no more than 240 square metres, used to sell food, drinks, and other convenience goods. It may also be used to hire convenience goods.</td>
<td>Shop</td>
<td></td>
</tr>
<tr>
<td>Corrective institution</td>
<td>Land used to hold and reform persons committed to it by the courts, such as a prison, remand centre, and other type of detention facility.</td>
<td>Accommodation</td>
<td></td>
</tr>
<tr>
<td>Crematorium</td>
<td>Land used to cremate human remains. It may include funeral chapels or the like.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crop raising</td>
<td>Land used to propagate, cultivate or harvest plants, including cereals, flowers, fruit, seeds, trees, turf, and vegetables.</td>
<td>Horticulture</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rice growing</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Timber production</td>
<td></td>
</tr>
<tr>
<td>Dance studio</td>
<td></td>
<td>Indoor recreation</td>
<td>facility</td>
</tr>
<tr>
<td>Data centre</td>
<td></td>
<td>Utility</td>
<td>installation</td>
</tr>
<tr>
<td>Department store</td>
<td></td>
<td>Shop</td>
<td></td>
</tr>
<tr>
<td>Dependent person's unit</td>
<td>A movable building on the same lot as an existing dwelling and used to provide accommodation for a person dependent on a resident of the existing dwelling.</td>
<td>Accommodation</td>
<td></td>
</tr>
<tr>
<td>Display home centre</td>
<td>One or more buildings constructed as a dwelling, but used for display, to encourage people to buy or construct similar dwellings. It may include a sales office.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dog breeding</td>
<td></td>
<td>Domestic animal</td>
<td>husbandry</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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</tr>
<tr>
<td>Domestic animal boarding</td>
<td>Land used to board domestic animals, such as boarding kennels and a cattery. It includes domestic animal day care.</td>
<td>Dog breeding Domestic animal boarding</td>
<td>Domestic animal husbandry</td>
</tr>
<tr>
<td>Domestic animal husbandry</td>
<td>Land used to keep, breed, board or train domestic animals.</td>
<td></td>
<td>Animal husbandry</td>
</tr>
<tr>
<td>Drive-in theatre</td>
<td>Land used to professionally clean or launder clothing or household articles. It may include the use of dry cleaning processes.</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Dry cleaner</td>
<td>Land used to arrange for professional cleaning or laundering of clothing or household articles predominantly at another location. It does not include the use of dry cleaning processes on the land.</td>
<td></td>
<td>Service industry</td>
</tr>
<tr>
<td>Dry cleaning agent</td>
<td>Land used to arrange for professional cleaning or laundering of clothing or household articles predominantly at another location. It does not include the use of dry cleaning processes on the land.</td>
<td></td>
<td>Shop</td>
</tr>
<tr>
<td>Dwelling</td>
<td>A building used as a self-contained residence which must include:</td>
<td>Bed and breakfast Caretaker's house</td>
<td>Accommodation</td>
</tr>
<tr>
<td></td>
<td>a) a kitchen sink;</td>
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<td></td>
<td>b) food preparation facilities;</td>
<td></td>
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<tr>
<td></td>
<td>c) a bath or shower; and</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>d) a toilet and wash basin.</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>It includes outbuildings and works normal to a dwelling.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education centre</td>
<td>Land used for education.</td>
<td>Child care centre</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Employment training centre</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Primary school</td>
<td></td>
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<td></td>
<td></td>
<td>Secondary school</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tertiary institution</td>
<td></td>
</tr>
<tr>
<td>Earth and energy resources industry</td>
<td>Land used for the exploration, removal or processing of natural earth or energy resources. It includes any activity incidental to this purpose including the construction and use of temporary accommodation.</td>
<td>Extractive industry</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Greenhouse gas sequestration</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Greenhouse gas sequestration exploration</td>
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<tr>
<td></td>
<td></td>
<td>Geothermal energy exploration</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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<td>---------------------------</td>
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</tr>
<tr>
<td>Electoral office</td>
<td>An office used for electioneering by a candidate in a local, State, or Federal Government election.</td>
<td></td>
<td>Office</td>
</tr>
<tr>
<td>Emergency services facility</td>
<td>Land used to provide facilities for emergency services, such as fire prevention and ambulance services. It may include administrative, operational or storage facilities associated with the provision of emergency services.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employment training centre</td>
<td>Land used to generate energy for use off site other than geothermal energy extraction. It includes any building or other structure or thing used in or in connection with the generation of energy.</td>
<td>Renewable energy facility, Waste-to-energy facility</td>
<td>Education centre</td>
</tr>
<tr>
<td>Equestrian supplies</td>
<td>Land used to display works of art, artefacts, or historical, cultural, or other like works or artefacts.</td>
<td></td>
<td>Restricted retail premises</td>
</tr>
<tr>
<td>Exhibition centre</td>
<td>Land used to display works of art, artefacts, or historical, cultural, or other like works or artefacts.</td>
<td>Art gallery, Museum</td>
<td>Place of assembly</td>
</tr>
</tbody>
</table>
| Extractive industry       | Land used for the extraction or removal of stone from land for commercial use, or to use the stone for building, construction, road or manufacturing works. It includes:  
  - the rehabilitation of the land; and  
  - the treatment of stone (such as crushing and processing) or the manufacture of bricks, tiles, pottery, or cement or asphalt products on, or adjacent to, the | Earth and energy resources industry                        |                              |
<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Food and drink premises</strong></td>
<td>Land used to prepare and sell food and drink for immediate consumption on, or off, the premises.</td>
<td>Bar</td>
<td>Retail premises</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Convenience restaurant</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Hotel</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Restaurant</td>
<td></td>
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<td></td>
<td></td>
<td>Take away food premises</td>
<td></td>
</tr>
<tr>
<td><strong>Freeway service centre</strong></td>
<td>Land which has direct access to a freeway and is used to provide essential services and facilities which encourage drivers to stop and take an effective break in the interests of driver safety.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Freezing and cool storage</strong></td>
<td>Land used to store, sell, and distribute fuel.</td>
<td>Liquid fuel depot</td>
<td>Store</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Solid fuel depot</td>
<td></td>
</tr>
<tr>
<td><strong>Fuel depot</strong></td>
<td>Land used to store, sell, and distribute fuel.</td>
<td>Liquid fuel depot</td>
<td>Warehouse</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Solid fuel depot</td>
<td></td>
</tr>
<tr>
<td><strong>Function centre</strong></td>
<td>Land used, by arrangement, to cater for conferences, private functions, and in which food and drink may be served. It may include entertainment and dancing.</td>
<td>Conference centre</td>
<td>Place of assembly</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Reception centre</td>
<td></td>
</tr>
<tr>
<td><strong>Funeral parlour</strong></td>
<td>Land used to organise and conduct funerals, memorial services, or the like. It includes the storage and preparation of bodies for burial or cremation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Gambling premises</strong></td>
<td>Land used for gambling by gaming or wagering, and where there is the ability to receive a monetary reward.</td>
<td>Betting agency</td>
<td>Retail premises</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Gaming premises</td>
<td></td>
</tr>
<tr>
<td><strong>Gaming premises</strong></td>
<td>Land used for gambling by gaming, and where there is the ability to receive a monetary reward.</td>
<td></td>
<td>Gambling premises</td>
</tr>
<tr>
<td><strong>Garden supplies</strong></td>
<td>Land used to sell and distribute garden supplies such as sand, soil, railway sleepers, screenings, rock, and the like.</td>
<td></td>
<td>Landscape gardening supplies</td>
</tr>
<tr>
<td><strong>Geothermal energy exploration</strong></td>
<td>Land used for geothermal energy exploration as defined in the Geothermal Energy Resources Act 2005.</td>
<td></td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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</tr>
<tr>
<td>Geothermal energy extraction</td>
<td>Land used for geothermal energy extraction as defined in the Geothermal Energy Resources Act 2005.</td>
<td>Earth and energy resources industry</td>
<td></td>
</tr>
<tr>
<td>Golf course</td>
<td></td>
<td>Outdoor recreation facility</td>
<td></td>
</tr>
<tr>
<td>Golf driving range</td>
<td></td>
<td>Outdoor recreation facility</td>
<td></td>
</tr>
<tr>
<td>Grazing animal production</td>
<td>Land used for animal production where the animals’ food is obtained by directly grazing, browsing or foraging plants growing on the land. It includes:</td>
<td>Animal production</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• emergency, seasonal and supplementary feeding;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• the incidental penning, feeding and housing of animals for weaning or other husbandry purposes.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>In this definition:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Emergency feeding means providing feed to animals when an emergency event such as a flood, bushfire or biosecurity event, restricts or prevents the animals from grazing, browsing or foraging plants growing on the land;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Seasonal feeding means providing feed to animals when seasonal conditions, including drought, restrict or prevent the animals from grazing, browsing or foraging plants growing on the land;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Supplementary feeding means providing feed to animals to supplement the food the animals obtain by directly grazing, browsing or foraging plants growing on the land.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Greenhouse gas sequestration</td>
<td>Land used for greenhouse gas substance injection and monitoring as defined in the Greenhouse Gas Geological Sequestration Act 2008.</td>
<td>Earth and energy resources industry</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
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<td>---------------------------------------------------------------------------</td>
<td>-----------------------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>Greenhouse gas sequestration</td>
<td>Land used for greenhouse gas sequestration formation exploration as defined in the Greenhouse Gas Geological Sequestration Act 2008.</td>
<td></td>
<td>Earth and energy resources</td>
</tr>
<tr>
<td>exploration</td>
<td></td>
<td></td>
<td>industry</td>
</tr>
<tr>
<td>Group accommodation</td>
<td>Land, in one ownership, containing a number of dwellings used to accommodate persons away from their normal place of residence.</td>
<td></td>
<td>Accommodation</td>
</tr>
<tr>
<td>Hairdresser</td>
<td></td>
<td></td>
<td>Shop</td>
</tr>
<tr>
<td>Hall</td>
<td></td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Helicopter landing site</td>
<td>Land used for the take-off and landing of a helicopter, with or without a permanent landing pad, but without permanent facilities for the assembly and distribution of goods or passengers.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heliport</td>
<td></td>
<td></td>
<td>Transport terminal</td>
</tr>
<tr>
<td>Home based business</td>
<td>An occupation carried on in a dwelling, or on the land around a dwelling, by a resident of the dwelling. It may include a use defined elsewhere, but not a Brothel.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Horse husbandry</td>
<td>Land used to keep, breed, board or train horses.</td>
<td>Horse riding school</td>
<td>Animal husbandry</td>
</tr>
<tr>
<td>Horse riding school</td>
<td></td>
<td>Horse stables</td>
<td></td>
</tr>
<tr>
<td>Horse stables</td>
<td></td>
<td></td>
<td>Horse husbandry</td>
</tr>
<tr>
<td>Horticulture</td>
<td>Land used to propagate, cultivate, or harvest flowers, fruit, vegetables, vines, or the like.</td>
<td>Market garden</td>
<td>Crop raising</td>
</tr>
<tr>
<td>Hospital</td>
<td>Land used to provide health services (including preventative care, diagnosis, medical and surgical treatment, and counselling) to persons admitted as in-patients. It may include the care or treatment of out-patients.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Host farm</td>
<td>An agricultural property used to provide accommodation for persons, away from their normal place of residence, to experience living on land used for agricultural purposes.</td>
<td></td>
<td>Accommodation</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
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</tr>
<tr>
<td><strong>Hotel</strong></td>
<td>Land used to sell liquor for consumption on and off the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling.</td>
<td></td>
<td>Food and drink premises</td>
</tr>
<tr>
<td><strong>Indoor recreation facility</strong></td>
<td>A building used for indoor leisure, recreation, or sport.</td>
<td>Dancing studio</td>
<td>Minor sports and recreation facility</td>
</tr>
<tr>
<td><strong>Industry</strong></td>
<td>Land used for any of the following operations:</td>
<td>Materials recycling</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) any process of manufacture;</td>
<td>Refuse disposal</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) dismantling or breaking up of any article;</td>
<td>Transfer station</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) treating waste materials;</td>
<td>Research and development centre</td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) winning clay, gravel, rock, sand, soil, stone, or other materials (other than Mineral, stone, or soil extraction);</td>
<td>Rural industry</td>
<td></td>
</tr>
<tr>
<td></td>
<td>e) laundering, repairing, servicing or washing any article, machinery, or vehicle, other than on-site work on a building, works, or land; or</td>
<td>Service industry</td>
<td></td>
</tr>
<tr>
<td></td>
<td>f) any process of testing or analysis.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>If on the same land as any of these operations, it also includes:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) storing goods used in the operation or resulting from it;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) providing amenities for people engaged in the operation;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) selling by wholesale, goods resulting from the operation; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) accounting or administration in connection with the operation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>If Materials recycling, goods resulting from the operation may be sold by retail.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Informal outdoor recreation</strong></td>
<td>Land open to the public and used by non-paying persons for leisure or recreation, such as a cycle track, park, picnic or barbecue area, playground, plaza, and walking or jogging track.</td>
<td></td>
<td>Minor sports and recreation facility</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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</tr>
<tr>
<td>Intensive animal production</td>
<td>Land used for animal production where the animals' food is imported from outside the immediate building, enclosure, paddock or pen. It does not include: an abattoir or sale yard; or grazing animal production, pig farm, poultry farm or poultry hatchery.</td>
<td>Cattle feedlot, Intensive dairy farm</td>
<td>Animal production</td>
</tr>
<tr>
<td>Intensive dairy farm</td>
<td>Land used for intensive animal production where cattle are kept or bred for the production of milk.</td>
<td>Intensive animal production</td>
<td></td>
</tr>
<tr>
<td>Jetty</td>
<td></td>
<td>Marina</td>
<td></td>
</tr>
<tr>
<td>Kindergarten</td>
<td></td>
<td>Child care centre</td>
<td></td>
</tr>
<tr>
<td>Landscape gardening supplies</td>
<td>Land used to propagate, grow, and sell plants, or sell and distribute garden supplies.</td>
<td>Garden supplies, Plant nursery</td>
<td>Retail premises</td>
</tr>
<tr>
<td>Laundromat</td>
<td>Land used to clean or launder clothing or household items using self-service machines.</td>
<td>Shop</td>
<td></td>
</tr>
<tr>
<td>Leisure and recreation</td>
<td>Land used for leisure, recreation, or sport.</td>
<td>Major sports and recreation facility, Minor sports and recreation facility, Motor racing track</td>
<td></td>
</tr>
<tr>
<td>Library</td>
<td></td>
<td>Place of assembly</td>
<td></td>
</tr>
<tr>
<td>Liquid fuel depot</td>
<td>Land used to store, sell by wholesale, and distribute fuel.</td>
<td>Fuel depot</td>
<td></td>
</tr>
<tr>
<td>Mail centre</td>
<td>Land used to sort mail for distribution.</td>
<td>Warehouse</td>
<td></td>
</tr>
<tr>
<td>Major sports and recreation facility</td>
<td>Land used for leisure, recreation or sport, and where there is substantial provision made for spectators, such as a grandstand, and to which spectators are usually charged admission.</td>
<td>Race course</td>
<td>Leisure and recreation</td>
</tr>
<tr>
<td>Manufacturing sales</td>
<td>Land used, as an incidental part of an industry, to retail goods made materially different on the land by that industry.</td>
<td>Retail premises</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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</tr>
<tr>
<td>Marina</td>
<td>Land used to moor boats, or store boats above or adjacent to the water. It may include boat recovery facilities, and facilities to repair, fuel, and maintain boats and boat accessories.</td>
<td>Jetty, Mooring pole, Pier, Pontoon</td>
<td>Recreational boat facility</td>
</tr>
<tr>
<td>Market</td>
<td>Land used to sell goods, including foodstuffs, from stalls.</td>
<td></td>
<td>Retail premises</td>
</tr>
<tr>
<td>Market garden</td>
<td></td>
<td>Horticulture</td>
<td></td>
</tr>
<tr>
<td>Materials recycling</td>
<td>Land used to dismantle, treat, process, store, recycle, or sell refuse, used or surplus materials.</td>
<td></td>
<td>Industry</td>
</tr>
<tr>
<td>Medical centre</td>
<td>Land used to provide health or surgical services (including preventative care, diagnosis, medical and surgical treatment, pathology services, and counselling) to out-patients only.</td>
<td></td>
<td>Office</td>
</tr>
<tr>
<td>Milk depot</td>
<td>Land used to receive milk and milk products for distribution to consumers, but where milk is not processed or pasteurised.</td>
<td></td>
<td>Warehouse</td>
</tr>
<tr>
<td>Mineral exploration</td>
<td>Land used for exploration as defined in the <em>Mineral Resources (Sustainable Development) Act 1990</em>.</td>
<td></td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Mining</td>
<td>Land used for mining as defined in the <em>Mineral Resources (Sustainable Development) Act 1990</em>.</td>
<td></td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Minor sports and recreation facility</td>
<td>Land used for leisure, recreation, or sport, without substantial provision for spectators, and which is usually open to non-paying spectators.</td>
<td>Indoor recreation facility, Informal outdoor recreation, Open sports ground, Outdoor recreation facility, Restricted recreation facility</td>
<td>Leisure and recreation</td>
</tr>
<tr>
<td>Minor utility installation</td>
<td>Land used for a utility installation comprising any of the following: a) sewerage or water mains; b) storm or flood water drains or retarding basins;</td>
<td>Water retarding basin</td>
<td>Utility installation</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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</tr>
<tr>
<td>c)</td>
<td>flow measurement device or a structure to gauge waterway flow;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d)</td>
<td>siphons, water storage tanks, disinfection booster stations and channels;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e)</td>
<td>gas mains providing gas directly to consumers;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f)</td>
<td>a sewerage treatment plant, and any associated disposal works, required to serve a neighbourhood;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g)</td>
<td>a pumping station required to serve a neighbourhood;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>h)</td>
<td>power lines designed to operate at less than 220,000 volts but excluding any power lines directly associated with an Energy generation facility or Geothermal energy extraction; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i)</td>
<td>an electrical sub-station designed to operate at no more than 66,000 volts but excluding any sub-station directly associated with an Energy generation facility or Geothermal energy extraction.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mooring pole</td>
<td>Land used to provide accommodation in serviced rooms for persons away from their normal place of residence, and where provision is made for parking guests’ vehicles convenient to the rooms.</td>
<td>Marina</td>
<td>Residential hotel</td>
</tr>
<tr>
<td>Motel</td>
<td>Land used to race, rally, scramble, or test, vehicles, including go-karts, motor boats, and motorcycles, and includes other competitive motor sports. It may include training.</td>
<td>Leisure and recreation</td>
<td></td>
</tr>
<tr>
<td>Motor racing track</td>
<td>Land used to repair or service motor vehicles, and includes the fitting of accessories.</td>
<td>Panel beating</td>
<td>Service industry</td>
</tr>
<tr>
<td>Motor vehicle, boat, or caravan sales</td>
<td>Land used to sell or hire motor vehicles, boats, or caravans. It may include the minor repair or servicing of motor vehicles, boats, or caravans, and the sale or fitting of accessories.</td>
<td>Car sales</td>
<td>Retail premises</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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<tr>
<td>---------------------</td>
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</tr>
<tr>
<td>Museum</td>
<td>Land used to display archaeological, biological, cultural, geographical, geological, historical, scientific, or other like works or artefacts.</td>
<td></td>
<td>Exhibition centre</td>
</tr>
<tr>
<td>Natural systems</td>
<td>Land in substantially its natural state which is used to maintain ecological systems, or to preserve an area of historic, scientific, aesthetic, or cultural significance.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nightclub</td>
<td>A building used to provide entertainment and dancing. It may include the provision of food and drink for consumption on the premises. It does not include the sale of packaged liquor, or gaming.</td>
<td></td>
<td>Place of assembly</td>
</tr>
<tr>
<td>Office</td>
<td>Land used for administration, or clerical, technical, professional or other like business activity. No goods or materials intended for manufacture, sale, or hire may be stored on the land. Other than electoral office and medical centre, it does not include any other defined use.</td>
<td>Bank</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Electoral office</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Medical centre</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Real estate agency</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Travel agency</td>
<td></td>
</tr>
<tr>
<td>Open sports ground</td>
<td>Land used for organised games of sport, but which is available for informal outdoor leisure or recreation when not being used or prepared for an organised game. It may include lights, change rooms, pavilions, and shelters.</td>
<td>Amusement park</td>
<td>Minor sports and recreation facility</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Golf course</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Golf driving range</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Paintball games facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Zoo</td>
<td></td>
</tr>
<tr>
<td>Outdoor recreation</td>
<td>Land used for outdoor leisure, recreation, or sport. It does not include an Open sports ground or Informal outdoor recreation.</td>
<td>Outdoor recreation facility</td>
<td></td>
</tr>
<tr>
<td>facility</td>
<td></td>
<td>Amusement park</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Golf course</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Golf driving range</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Paintball games facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Zoo</td>
<td></td>
</tr>
<tr>
<td>Paintball games</td>
<td>Land used to repair or replace damaged motor vehicle bodies and panels, and carry out any associated mechanical work or spray painting.</td>
<td>Outdoor recreation facility</td>
<td></td>
</tr>
<tr>
<td>facility</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Panel beating</td>
<td>Land used to repair or replace damaged motor vehicle bodies and panels, and carry out any associated mechanical work or spray painting.</td>
<td>Motor repairs</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
</tr>
<tr>
<td>----------------------</td>
<td>---------------------------------------------------------------------------</td>
<td>---------------------------------------</td>
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</tr>
<tr>
<td>Party supplies</td>
<td>Land used for petroleum exploration as defined in the <em>Petroleum Act 1998.</em></td>
<td></td>
<td>Restricted retail premises</td>
</tr>
<tr>
<td>Petroleum exploration</td>
<td>Land used for petroleum exploration as defined in the <em>Petroleum Act 1998.</em></td>
<td></td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Petroleum production</td>
<td>Land used for petroleum production as defined in the <em>Petroleum Act 1998.</em></td>
<td></td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td>Pier</td>
<td></td>
<td></td>
<td>Marina</td>
</tr>
<tr>
<td>Pig farm</td>
<td>Land used to keep or breed pigs.</td>
<td></td>
<td>Animal production</td>
</tr>
</tbody>
</table>
| Place of assembly    | Land where people congregate for religious, spiritual or cultural activities, entertainment, or meetings. | Amusement parlour
Carnival
Cinema
Cinema-based entertainment facility
Circus
Drive-in theatre
Exhibition centre
Function centre
Hall
Library
Nightclub
Place of worship
Restricted place of assembly |
<p>| Place of worship     | Land used for religious activities, such as a church, chapel, mosque, synagogue, and temple. |                                       | Place of assembly                  |
| Plant nursery        | Land used to propagate, grow, and sell plants. It may include the sale of gardening equipment and horticultural products. |                                       | Landscape gardening supplies        |
| Pontoon              |                                                                          |                                       | Marina                             |
| Postal agency        |                                                                          |                                       | Retail premises                    |
| Poultry farm         | Land used to keep or breed poultry.                                       | Broiler farm                          | Animal production                  |
| Poultry hatchery     | Land used to incubate and hatch poultry eggs.                             |                                       | Animal production                  |</p>
<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary produce sales</td>
<td>Land used to display and sell primary produce, grown on the land or adjacent land. It may include processed goods made substantially from the primary produce.</td>
<td>INCLUDES</td>
<td>Included in Retail premises</td>
</tr>
<tr>
<td>Primary school</td>
<td></td>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Race course</td>
<td></td>
<td>Major sports and recreation facility</td>
<td></td>
</tr>
<tr>
<td>Racing dog husbandry</td>
<td>Land used to keep, breed, board or train racing dogs.</td>
<td>Racing dog training</td>
<td>Animal husbandry</td>
</tr>
<tr>
<td>Racing dog training</td>
<td></td>
<td>Racecourse</td>
<td></td>
</tr>
<tr>
<td>Railway station</td>
<td>Land used to assemble and distribute goods and passengers and includes facilities to park and manoeuvre vehicles. It may include the selling of food, drinks and other convenience goods and services.</td>
<td>Transport terminal</td>
<td></td>
</tr>
<tr>
<td>Real estate agency</td>
<td></td>
<td>Office</td>
<td></td>
</tr>
<tr>
<td>Reception centre</td>
<td></td>
<td>Function centre</td>
<td></td>
</tr>
<tr>
<td>Recreational boat facility</td>
<td>Land used to provide facilities for boats operated primarily for pleasure or recreation, including boats operated commercially for pleasure or recreation.</td>
<td>Boat launching facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Marina</td>
<td></td>
</tr>
<tr>
<td>Refuse disposal</td>
<td>Land used to dispose of refuse, by landfill, incineration, or other means.</td>
<td>.Refuse disposal</td>
<td></td>
</tr>
<tr>
<td>Renewable energy facility</td>
<td>Land used to generate energy using resources that can be rapidly replaced by an ongoing natural process. Renewable energy resources include the sun, wind, the ocean, water flows, organic matter and the earth’s heat. It includes any building or other structure or thing used in or in connection with the generation of energy by a renewable resource. It does not include a renewable energy facility principally used to supply energy for an existing use of the land.</td>
<td>Wind energy facility</td>
<td>Energy generation facility</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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<td>----------------------------------------</td>
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</tr>
<tr>
<td>Research and development centre</td>
<td>Land used to develop or test electronic technology, biotechnology, or any other scientific discipline. It may include administration, promotion, conference, display, laboratory, assembly, and manufacturing areas.</td>
<td></td>
<td>Industry</td>
</tr>
<tr>
<td>Research centre</td>
<td>Land used only for scientific research.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reservoir</td>
<td>A natural or artificial lake used as a source of water supply that is owned or managed by a public authority.</td>
<td></td>
<td>Utility installation</td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td>Land used to provide accommodation and personal or nursing care for the aged. It may include recreational, health or laundry facilities and services for residents of the facility.</td>
<td></td>
<td>Accommodation</td>
</tr>
<tr>
<td>Residential building</td>
<td>Land used to accommodate persons, but does not include camping and caravan park, corrective institution, dependent person's unit, dwelling, group accommodation, host farm, residential village or retirement village.</td>
<td>Community care accommodation Residential hotel Rooming house</td>
<td>Accommodation</td>
</tr>
<tr>
<td>Residential hotel</td>
<td>Land used to provide accommodation in serviced rooms for persons away from their normal place of residence. If it has at least 20 bedrooms, it may include the sale of liquor for consumption on, or off, the premises, function or conference rooms, entertainment, dancing, amusement machines, and gambling.</td>
<td>Motel</td>
<td>Residential building</td>
</tr>
<tr>
<td>Residential village</td>
<td>Land, in one ownership, containing a number of dwellings, used to provide permanent accommodation and which includes communal, recreation, or medical facilities for residents of the village.</td>
<td></td>
<td>Accommodation</td>
</tr>
<tr>
<td>Restaurant</td>
<td>Land used to prepare and sell food and drink, for consumption on the premises. It may include:</td>
<td></td>
<td>Food and drink premises</td>
</tr>
<tr>
<td></td>
<td>a) entertainment and dancing; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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</tr>
<tr>
<td>b) the supply of liquor other than in association with the serving of meals, provided that tables and chairs are set out for at least 75% of patrons present on the premises at any one time. It does not include the sale of packaged liquor.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restricted place of assembly</td>
<td>Land used by members of a club or group, or by members’ guests, for religious or cultural activities, entertainment, or meetings. It may include food and drink for consumption on the premises, and gaming.</td>
<td>Place of assembly</td>
<td></td>
</tr>
<tr>
<td>Restricted recreation facility</td>
<td>Land used by members of a club or group for leisure, recreation, or sport, such as a bowling or tennis club, gymnasium and fitness centre. It may include food and drink for consumption on the premises, and gaming. It may also include use by members’ guests, or by the public on payment of a fee.</td>
<td>Minor sports and recreation facility</td>
<td></td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td>Land used to sell or hire: a) automotive parts and accessories; b) camping, outdoor and recreation goods c) electric light fittings; d) animal supplies including equestrian and pet goods; e) floor and window coverings; f) furniture, bedding, furnishings, fabric and manchester and homewares; g) household appliances, household electrical goods and home entertainment goods; h) party supplies; i) swimming pools; j) office equipment and supplies; k) baby and children’s goods, children’s play equipment and accessories;</td>
<td>Equestrian supplies Party supplies</td>
<td>Shop</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td></td>
<td></td>
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</tbody>
</table>
|                   | l) sporting, cycling, leisure, fitness goods and accessories; or m) goods and accessories which:  
|                   |   - Require a large area for handling, display and storage of goods; or  
|                   |   - Require direct vehicle access to the building by customers for the purpose of loading or unloading goods into or from their vehicles after purchase or hire.  
|                   | It does not include the sale of food, clothing and footwear unless ancillary to the primary use.                                                                                                          |
| Retail premises  | Land used to:  
|                   | a) sell goods by retail, or by retail and wholesale;  
|                   | b) sell services; or  
|                   | c) hire goods.                                                                                                                                            |
|                   | Food and drink premises  
|                   | Gambling premises  
|                   | Landscape gardening supplies  
|                   | Manufacturing sales  
|                   | Market  
|                   | Motor vehicle, boat, or caravan sales  
|                   | Postal agency  
|                   | Primary produce sales  
|                   | Shop  
|                   | Trade supplies                                                                                                                                          |
| Retirement village| Land used to provide permanent accommodation for retired people or the aged and may include communal recreational or medical facilities for residents of the village.                                             |
| Rice growing      |                                                                                                                                                                                                           |
| Road freight terminal |                                                                                                                                                                                                        |
| Rooming house     | Land used for a rooming house as defined in the *Residential Tenancies Act 1997*.                                                                                                                      |
| Rural industry    | Land used to:  
|                   | a) handle, treat, process, or pack agricultural produce;  
|                   | Abattoir  
|                   | Sawmill  
<p>| Industry          |                                                                                                                                                                                                           |</p>
<table>
<thead>
<tr>
<th>Land use term</th>
<th>Definition</th>
<th>Includes</th>
<th>Included in</th>
</tr>
</thead>
<tbody>
<tr>
<td>Included in</td>
<td>Definition for land use term</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) service or repair plant, or equipment, used in agriculture; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) manufacture mud bricks.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rural store</td>
<td>Land used to store unprocessed agricultural produce, or products used in</td>
<td></td>
<td>Store</td>
</tr>
<tr>
<td></td>
<td>agriculture.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Saleyard</td>
<td>Land used to hold, sell, and buy farm animals.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sawmill</td>
<td>Land used to handle, cut, and process timber from logs.</td>
<td></td>
<td>Rural industry</td>
</tr>
<tr>
<td>Secondary school</td>
<td>Land used to sell motor vehicle fuel from bowsers, and lubricants. It</td>
<td></td>
<td>Education centre</td>
</tr>
<tr>
<td></td>
<td>may include the:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) selling of motor vehicle accessories or parts;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) selling of food, drinks and other convenience goods;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) hiring of trailers;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) servicing or washing of motor vehicles; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>e) installing of motor vehicle accessories or parts.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Service industry</td>
<td>Land used to launder, repair, service or wash articles, machinery, or</td>
<td>Car wash</td>
<td>Industry</td>
</tr>
<tr>
<td></td>
<td>vehicles.</td>
<td>Dry cleaner</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Motor repairs</td>
<td></td>
</tr>
<tr>
<td>Service station</td>
<td>Land used to sell motor vehicle fuel from bowsers, and lubricants. It</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>may include the:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) selling of motor vehicle accessories or parts;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) selling of food, drinks and other convenience goods;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) hiring of trailers;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) servicing or washing of motor vehicles; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>e) installing of motor vehicle accessories or parts.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shipping container</td>
<td>Land used to store shipping containers. It may include the cleaning,</td>
<td>Store</td>
<td></td>
</tr>
<tr>
<td>storage</td>
<td>repair, servicing, painting or fumigation of the shipping containers.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shop</td>
<td>Land used to sell goods or services, or to hire goods. It includes:</td>
<td>Adult sex product</td>
<td>Retail premises</td>
</tr>
<tr>
<td></td>
<td>the selling of bread, pastries, cakes or other products baked on the</td>
<td>shop</td>
<td></td>
</tr>
<tr>
<td></td>
<td>premises;</td>
<td>Beauty salon</td>
<td></td>
</tr>
<tr>
<td></td>
<td>demonstrations of products including music performances in shops selling</td>
<td>Convenience shop</td>
<td></td>
</tr>
<tr>
<td></td>
<td>recorded music.</td>
<td>Dry cleaning agent</td>
<td></td>
</tr>
<tr>
<td></td>
<td>It does not include:</td>
<td>Department store</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) food and drink premises;</td>
<td>Hairdresser</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Laundromat</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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<td>---------------------</td>
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<td>---------------------------------------</td>
</tr>
<tr>
<td></td>
<td>gambling premises;</td>
<td>Restricted retail premises</td>
<td></td>
</tr>
<tr>
<td></td>
<td>landscape gardening supplies;</td>
<td></td>
<td>Supermarket</td>
</tr>
<tr>
<td></td>
<td>manufacturing sales;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>market;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>motor vehicle, boat, or caravan sales;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>postal agency;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>primary produce sales; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>trade supplies.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sign</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slipway</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solar energy facility</td>
<td>Land used to generate electricity from solar energy using ground-mounted photovoltaic and thermal technology, where the primary role is to export power to the electricity network. It does not include the generation of electricity principally used for an existing use of land.</td>
<td>Renewable energy facility</td>
<td></td>
</tr>
<tr>
<td>Solid fuel depot</td>
<td>Land used to sell solid fuel, such as briquettes, coal, and fire wood.</td>
<td></td>
<td>Fuel depot</td>
</tr>
<tr>
<td>Stone exploration</td>
<td>Land used to search for stone, including:</td>
<td></td>
<td>Earth and energy resources industry</td>
</tr>
<tr>
<td></td>
<td>a) conducting geological, geophysical, and geochemical surveys;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) costeasing and bulk sampling;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) drilling; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) taking samples for chemical, physical, or other testing.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Store</td>
<td>Land used to store goods, machinery, or vehicles.</td>
<td>Boat and caravan storage</td>
<td>Warehouse</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Freezing and cool storage</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rural store</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Shipping container storage</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Vehicle store</td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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</tr>
<tr>
<td>Supermarket</td>
<td>Land used to prepare and sell food and drink for immediate consumption off the premises. It may include up to 10 seats available for consumption on the premises.</td>
<td>Food and drink premises</td>
<td>Shop</td>
</tr>
<tr>
<td>Take away food premises</td>
<td>Land used to prepare and sell food and drink for immediate consumption off the premises. It may include up to 10 seats available for consumption on the premises.</td>
<td>Food and drink premises</td>
<td>Shop</td>
</tr>
<tr>
<td>Telecommunications facility</td>
<td>Land used to accommodate any part of the infrastructure of a Telecommunications network. It includes any telecommunications line, equipment, apparatus, telecommunications tower, mast, antenna, tunnel, duct, hole, pit, pole, or other structure or thing used, or for use in or in connection with a Telecommunications network.</td>
<td>Utility installation</td>
<td></td>
</tr>
<tr>
<td>Tertiary institution</td>
<td>Land used to propagate, cultivate, manage and harvest timber.</td>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Timber production</td>
<td>Land used to propagate, cultivate, manage and harvest timber.</td>
<td>Crop raising</td>
<td></td>
</tr>
<tr>
<td>Timber yard</td>
<td>Land used to sell sawn, dressed, and treated timber, wood fibre boards, and the like. It includes cutting the timber and boards to order, and selling hardware, paints, tools, and materials used in conjunction with the use and treatment of timber.</td>
<td>Trade supplies</td>
<td></td>
</tr>
<tr>
<td>Trade supplies</td>
<td>Land used to sell by both retail and wholesale, or to hire, materials, tools, equipment, machinery or other goods for use in: a) automotive repairs and servicing; b) building; c) commerce; d) industry; e) landscape gardening; f) the medical profession; g) primary production; or h) local government, government departments or public institutions.</td>
<td>Timber yard</td>
<td>Retail premises</td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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</tr>
<tr>
<td>Tramway</td>
<td>Land used to provide a system of transport in vehicles connected to a network of tracks, and includes tram stops, shunting areas and associated passenger facilities.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transfer station</td>
<td>Land used to collect, consolidate, temporarily store, sort or recover refuse, used or surplus materials before transfer for disposal, recycling or use elsewhere.</td>
<td></td>
<td>Industry</td>
</tr>
<tr>
<td>Transport terminal</td>
<td>Land used to assemble and distribute goods or passengers. It includes facilities to park and manoeuvre vehicles. It does not include a Tramway.</td>
<td>Airport</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bus terminal</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Heliport</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Railway station</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Road freight terminal</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Wharf</td>
<td></td>
</tr>
<tr>
<td>Travel agency</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utility installation</td>
<td>Land used:</td>
<td>Data centre</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) for telecommunications;</td>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) to transmit or distribute gas or oil;</td>
<td>Reservoir</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) to transmit, distribute or store power, including battery storage;</td>
<td>Telecommunications facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td>d) to collect, transmit, store, or distribute water; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>e) to collect, treat, or dispose of storm or floodwater, sewage, or sullage.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>It includes any associated flow measurement device or a structure to gauge waterway flow.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle store</td>
<td>Land used to park or store vehicles in connection with a goods or passenger transport business.</td>
<td></td>
<td>Store</td>
</tr>
<tr>
<td>Veterinary centre</td>
<td>Land used to:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) diagnose animal diseases or disorders;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) surgically or medically treat animals; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) prevent animal diseases or disorders.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>It may include keeping the animals on the premises for treatment.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land use term</td>
<td>Definition</td>
<td>Includes</td>
<td>Included in</td>
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</tr>
<tr>
<td>Warehouse</td>
<td>Land used to store or display goods. It may include the storage and distribution of goods for wholesale and the storage and distribution of goods for online retail. It does not include premises allowing in-person retail or display of goods for retail, or allowing persons to collect goods that have been purchased online.</td>
<td>Commercial display area, Fuel depot, Mail centre, Milk depot, Store</td>
<td></td>
</tr>
<tr>
<td>Waste-to-energy facility</td>
<td>Land used for the combustion, treatment or bio-reaction of waste to produce energy for use off site. It includes the activities to collect, temporarily store, process, or transfer waste materials for energy production.</td>
<td>Energy generation facility</td>
<td></td>
</tr>
<tr>
<td>Water retarding basin</td>
<td>Land used to store storm or flood water on a temporary basis.</td>
<td>Minor utility installation</td>
<td></td>
</tr>
<tr>
<td>Wharf</td>
<td>Land used to provide facilities for ships, such as bulk and container ships, passenger ships, and defence force marine craft.</td>
<td>Transport terminal</td>
<td></td>
</tr>
</tbody>
</table>
| Wind energy facility  | Land used to generate electricity by wind force. It includes land used for:  
  a) any turbine, building or other structure or thing used in or in connection with the generation of electricity by wind force  
  b) an anemometer.  
  It does not include turbines principally used to supply electricity for domestic or rural use of the land.                                      | Renewable energy facility |                                        |
| Winery                | Land used to display, and sell by retail, vineyard products, in association with the growing of grape vines and the manufacture of the vineyard products. It may include the preparation and sale of food and drink for consumption on the premises. |                                                                         |                                        |
| Zoo                   |                                                                                                                                                                                                     | Outdoor recreation facility |                                        |
NESTING DIAGRAMS

The information in the table to Clause 73.03 is set out in the following diagrams as a means of indicating the nesting of land use terms.

The table to Clause 73.03 prevails if there is any inconsistency between the table and the diagrams or list.

Land use terms that are not nested are listed at Clause 73.04-17.

Land use terms in bold font are defined in Clause 73.03.

Accommodation group
Agriculture group

- Animal production
  - Animal training
    - Apiculture
      - Domestic animal husbandry
        - Domestic animal boarding
          - Dog breeding
      - Horse husbandry
        - Horse riding school
          - Horse stables
      - Racing dog husbandry
        - Racing dog training
      - Aquaculture
        - Horticulture
          - Market garden
        - Crop raising
          - Rice growing
          - Timber production
Agriculture group (sub-group of Animal production)

- Agriculture
- Animal husbandry
- Animal production
- Intensive animal production
  - Grazing animal production
  - Cattle feedlot
    - Intensive dairy farm
    - Pig farm
    - Poultry farm
    - Broiler farm
    - Poultry hatchery

Education centre group

- Education centre
  - Child care centre
  - Employment training centre
  - Primary school
  - Secondary school
  - Tertiary institution
  - Kindergarten
Earth and energy resources group

- Extractive industry
  - Geothermal energy exploration
  - Geothermal energy extraction
  - Greenhouse gas sequestration
    - Greenhouse gas sequestration exploration
  - Mining
  - Mineral exploration
  - Petroleum exploration
  - Petroleum production
  - Stone exploration

Earth and energy resources industry
73.04-8 Office group

- Bank
- Electoral office
  - Office
  - Medical centre
- Real estate agency
- Travel agency
Place of assembly group

- Amusement parlour
- Carnival
- Cinema
- Cinema-based entertainment facility
- Circus
- Drive-in theatre
- Art gallery
- Place of assembly
- Exhibition centre
- Museum
- Function centre
- Conference centre
- Hall
- Reception centre
- Library
- Nightclub
- Place of worship
- Restricted place of assembly
Retail premises group

- Bar
- Convenience restaurant
- Hotel
- Restaurant
- Take away food premises
- Betting agency
- Gaming premises
- Garden supplies
- Plant nursery
- Manufacturing sales
- Market
- Motor vehicle, boat, or caravan sales
- Car sales
- Postal agency
- Primary produce sales
- Shop
  - See separate diagram for the sub-group of Shop
- Trade supplies
- Timber yard
73.04-12 Retail premises group (sub-group of Shop)

- Adult sex product shop
- Beauty salon
- Bottle shop
- Convenience shop
- Dry cleaning agent
- Department store
- Hairdresser
- Laundromat
- Restricted retail premises
  - Equestrian supplies
  - Party supplies
- Supermarket
Transport terminal group

- Airport
- Bus terminal
- Heliport
- Railway station
- Road freight terminal
- Wharf

Utility installation group

- Data centre
- Minor utility installation
- Water retarding basin
- Reservoir
- Telecommunications facility
Land use terms that are not nested

Art and craft centre
Brothel
Car park
Cemetery
Crematorium
Display home centre
Emergency services facility
Freeway service centre
Funeral parlour
Helicopter landing site
Home based business
Hospital
Natural systems
Research centre
Saleyard
Service station
Sign
Tramway
Veterinary centre
Winery
APPLICATION OF ZONES, OVERLAYS AND PROVISIONS

The schedule to this clause must include a general explanation of the relationship between the Municipal Planning Strategy, the objectives and strategies in Clauses 10 to 19 and the controls on the use and development of land in this planning scheme.

A planning authority must take into account the schedule to this clause when it prepares an amendment to this planning scheme.

A responsible authority must not take into account the schedule to this clause when it makes a decision under this planning scheme.
FURTHER STRATEGIC WORK

The schedule to this clause may specify the planning authority’s approach to further strategic work.

A planning authority may take into account the schedule to this clause when it prepares an amendment to this planning scheme.

The responsible authority must not take into account the schedule to this clause when it makes a decision under this planning scheme.