

22.0231/08/2017
C245**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

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