

Planning Panels Victoria

Port Phillip Planning Scheme Amendment C219port South Melbourne Structure Plan

Panel Report

Planning and Environment Act 1987

2 July 2026

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether to adopt the Amendment.

[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31(1) of the PE Act and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the Traditional Custodians of the land on which our office is located. We pay our respects to their Elders past and present.

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

South Melbourne Structure Plan

2 July 2026



Michael Ballock, Chair



Dan Biggs, Member



Simon Shiel, Member

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Glossary and abbreviations

ARR Guidelines	Australian Rainfall and Runoff Guidelines
Autumnfield	Autumnfield Pty Ltd
Background Report	South Melbourne Structure Plan Background Report, City of Port Phillip August 2024
Boundary Report	South Melbourne Activity Centre Boundary Report, City of Port Phillip June 2024
Built Form Review	South Melbourne Built Form Review, Hodyl & Co August 2024
Council	Port Phillip City Council
CPG	Clarendon Property Group and St Lukes Shopping Centre Pty Ltd
CRIT	City Road Industrial Triangle
DDO	Design and Development Overlay
DEECA	Department of Energy, Environment and Climate Action
DELWP Guidelines	Guidelines for Development in Flood Affected Areas
DTP	Department of Transport and Planning
EAO	Environmental Audit Overlay
ELT Group	Extraordinary Life Trust as Trustee for Gratitude Capital Pty Ltd, 6/113 York Street Pty Ltd and Melbah Property Pty Ltd
FAR	Floor Area Ratio
Gaps Analysis	South Melbourne Heritage Gaps Analysis, Trethowan May 2023 (Gaps Analysis)
GLG	GLG Management Pty Ltd

HCV	Housing Commission of Victoria
Heritage Review	South Melbourne Heritage Built Form Analysis & Recommendations, GJM Heritage October 2023
Housing Strategy	Port Phillip Housing Strategy August 2024
INZ	Industrial Zone
KWMUC	Kings Way Mixed Use Corridor
MAC	Major Activity Centre
MICLUP	The Melbourne Industrial and Commercial Land Use Plan 2020
PE Act	Planning and Environment Act 1987
Planning Scheme	Port Phillip Planning Scheme
PPF	Planning Policy Framework
PPN01	Planning Practice Note 01: Applying the Heritage Overlay
PPN58	Planning Practice Note 58: Structure planning for activity centres
PPN59	Planning Practice Note 59: The role of mandatory provisions in planning schemes
PPN60	Planning Practice Note 60: Height and Setback Controls for Activity Centres
PPP Group	Briven Holdings Pty Ltd, I&D Group Pty Ltd, 49-55 York Street Pty Ltd, Creelman Land (South Melbourne) Pty Ltd & Samny Pty Ltd, JML Property Clarendon Street Pty Ltd, Pivot Capital Group Pty Ltd, Federation of Education Unions Pty Ltd, Carpe Group Investments Pty Ltd, Petela Nominees Pty Ltd and Kervale
Public Realm Framework	South Melbourne Public Realm Framework 2024–2044, City of Port Phillip July 2024
Riverlee	Riverlee Sian Group Pty Ltd
SEEF	Port Phillip Spatial Economic and Employment Framework March 2024
SMAC	South Melbourne Activity Centre
SMAW	SMAW Pty Ltd
SMEELUS	South Melbourne Employment, Economic and Land Use Study, Urban Enterprise with Echelon Planning 2023, addendum 2024
SMEP	South Melbourne Enterprise Precinct

SMSP	South Melbourne Structure Plan
Spotlight Group	Cafprint Pty Ltd and SPG Investments Pty Ltd
Transport Study	South Melbourne Transport and Movement Study, Ratio November 2023
Urbis Report	Economic and Market Considerations 2025 (
VCAT	Victorian Civil and Administrative Tribunal

Overview

Amendment summary

The Amendment	Port Phillip Planning Scheme Amendment C219port
Common name	South Melbourne Structure Plan
Brief description	The Amendment seeks to: - implement the recommendations set out in the South Melbourne Structure Plan to provide a long-term strategic vision for South Melbourne - introduce new place-based policies for the South Melbourne Structure Plan Area in the Municipal Planning Strategy and Planning Policy Framework - replace Design and Development Overlay (DDO) Schedules 8 and 16 with four new DDO schedules. Together, they will provide a contemporary planning framework to guide land use, built form, movement and transport and public realm matters in South Melbourne.
Subject land	All land within the South Melbourne Structure Plan Area
Planning Authority	City of Port Phillip
Authorisation	20 June 2025, with conditions
Exhibition	14 August to 28 September 2025
Submissions	Number of Submissions: 91 Opposed: 84 Refer to Appendix A.

Panel process

The Panel	Michael Ballock (Chair), Dan Biggs, Simon Shiel
Supported by	Georgia Thomas Rendevski
Directions Hearing	By video, 19 January 2026
Panel Hearing	Planning Panels Victoria 10, 11, 12, 13, 16, 18, 19, 20, 23, 24, 25, 26, 30 and 31 March and 1 April 2026
Site inspections	Unaccompanied, 4 March 2026
Parties to the Hearing	Refer to Appendix B
Citation	Port Phillip PSA C219port [2026] PPV
Date of this report	2 July 2026

Executive summary

Port Phillip Planning Scheme Amendment C219port (the Amendment) seeks to introduce new place-based policies for the South Melbourne Structure Plan Area in the Municipal Planning Strategy and Planning Policy Framework. It replaces Design and Development Overlay (DDO) Schedules 8 and 16 with four new Design and Development Overlay schedules to guide land use, built form, movement and transport and public realm matters in South Melbourne.

City of Port Phillip exhibited the Amendment from 14 August to 28 September 2025 and received 91 submissions, of which 84 objected.

Key issues raised in submissions included:

- application of mandatory controls
- building heights
- floor area ratios
- overshadowing
- accommodating growth
- proposed rezoning of the City Road Industrial Triangle
- Emerald Hill and Park towers housing estates
- approach to flooding
- proposed application of the Heritage Overlay
- drafting of the DDO schedules
- transitional provisions
- rezoning requests.

The Amendment is supported by a comprehensive and robust body of strategic work, consistent with Planning Practice Note 46 and Ministerial Direction 11. It responds to issues identified within the South Melbourne Structure Plan area, aligns with State and local policy and provides an appropriate statutory mechanism to implement the South Melbourne Structure Plan's vision. The Panel is satisfied that the Amendment is strategically justified.

Most submissions opposing the Amendment focused on the mandatory controls and in particular the floor area ratios, while others opposed mandatory building heights, street wall heights and upper level setbacks. The Panel found that mandatory controls are appropriate, as are the floor area ratios, which are an appropriate means of achieving built form outcomes. However, the Panel also recommends some modifications to the mandatory floor area ratios to deal with situations where there have been material changes in circumstances such as lot consolidation.

The Panel concludes:

Built form

The application of mandatory floor area ratios and other built form controls and their calibration to the preferred building heights is appropriate subject to including a mechanism to deal with changed circumstances.

The following changes to the FAR recommended by Council are appropriate:

- in Plan 1 of DDO40, change the FAR on 216–220 York Street from 5.0:1 to 5.5:1
- in Plan 1 of DDO37, remove the FAR for the Clarendon Centre at 245–271 Clarendon Street, South Melbourne, excluding the Coles site and replace it with Envelope control
- in Plan 1 of DDO39, amend the FAR to 5.5:1 and in Plan 2 amend the building height to 28.2 metres/7 storeys of DDO39 for 24 Eastern Road, South Melbourne.

The preferred building heights in DDO37, DDO38, DDO39 and DDO40 are appropriate and the mandatory building heights in DDO37 are appropriate and justified by the heritage character of the Clarendon Street Heritage Precinct.

The street wall height controls proposed in the final versions of DDO37, DDO38, DDO39 and DDO40 (which incorporate the drafting improvements proposed by PPP Group and accepted by Council) are appropriate and should be supported.

The 6-metre preferred upper-level setback is well-founded for Victorian-era heritage streetscapes. However, the upper-level setback's application to industrial heritage buildings requires site-specific justification, which is appropriately dealt with through the permit process under the preferred (discretionary) status of the control.

The building separation and setback controls in the DDO schedules are appropriate in structure, subject to the simplification of the separation table and light well requirements. Nevertheless, the building separation table in DDO37, DDO38, DDO39 and DDO40 should be simplified to a two-step structure (up to 25 metres; above 25 metres).

The DDO schedules should provide a simpler definition for the outlook from a window and the light well requirements should be replaced with performance-based criteria.

The mandatory overshadowing controls for the southern footpaths of key east–west streets in DDO37, DDO38, DDO39 and DDO40 are appropriate.

Heritage

City Edge, 89 and 99 Eastern Road and 36A and 58A Napier Street, South Melbourne has sufficient heritage significance to justify the Heritage Overlay (HO561). However, the historical outline should be amended to clarify that the development was a private project rather than a Housing Commission of Victoria project and Criteria D and E should be separated to differentiate the place's representative significance.

167–173 Coventry Street, South Melbourne has sufficient heritage significance to justify the Heritage Overlay (HO566) but the heritage citation should be revised to reference the Albert Road Clinic and Offices at 31–33 Albert Road as another known Lumsden design within Port Phillip.

In addition, the following places have sufficient heritage significance to justify the Heritage Overlay:

- 82–86 Clarke Street (HO567)
- 49–55 York Street (HO568)
- Corner Shop, 108 Bank Street (HO565).

Amend Plan 3 of DDO37 to indicate by dark grey shading that the 'VHR properties' designation applies to the terraces at 189, 191 and 193 Bank Street and 24A and 24B Emerald Hill Place.

Amend Plan 3 of DDO38 to introduce a fifth street wall treatment category, 'Full or partial retention of street wall, as per citation guidelines (preferred)', to apply to 100 Market Street and to the former Victoria Hotel frontage at 111 Cecil Street.

Add to DDO38, under the heading "2.4-7 Upper level setbacks behind a street wall" Built Form Requirements:

Amend the decision guidelines for the upper-level 6-metre setback above retained heritage street walls to direct attention to heritage character, parapet line and the typology of the heritage frontage, so that an alternative setback may be supported on industrial heritage frontages where it produces a better heritage outcome.

Development Capacity

The Amendment's approach to housing provision is appropriate and it provides for enough supply of commercial land to meet demand until 2040.

Flood Management

The flood and climate change provisions in DDO39 are appropriate and the flood-affected areas of DDO39 should not be removed from the Amendment.

DDO schedules

Council's final versions of Design and Development Overlay schedules are appropriate subject to the changes recommended in this report and as shown in the Panel recommended versions.

Council's modified version of the DDO39 (Document 89) which allows a permit to be granted where there is a material change in circumstance of the site is appropriate and the discretionary provisions should be included in the DDO schedules.

Rezoning requests

Residential uses in the CRIT are appropriate and the land should be rezoned from IN1Z to C1Z.

Clauses 11.03-6L-08, 17.01-1L and 17.01-2L should be updated to outline the economic role of the CRIT and give decision makers guidance on the appropriate mix of commercial, residential and other uses of the land.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Council adopt Port Phillip Planning Scheme Amendment C219port as exhibited with the following changes recommended in this report:

- 1. Amend Design and Development Overlay Schedule 37, as shown in Appendix D and:**
 - a. remove all reference to 'mandatory' from Plan 1**
 - b. add all street names to Plans 1, 2 and 3**
 - c. in the legend of Plan 3, change 'retain existing street wall (mandatory)' to 'Pre-existing street wall height (mandatory) or see clause 2.4-6'**

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apply to 100 Market Street and to the former Victoria Hotel frontage at 111 Cecil Street.

- 5. Amend Design and Development Overlay Schedules 37, 38, 39 and 40:**
 - a) decision guidelines for the upper-level 6-metre setback above retained heritage street walls to direct attention to heritage character, parapet line and frontage typology, so that an alternative setback may be supported on industrial heritage frontages where it produces a better heritage outcome**
 - b) replace the light well requirements in Table 3 with performance-based outcome requirements directed at natural light and ventilation, consistent with but not duplicating the standards in Clause 57 and Clause 58**
 - c) remove the reference to specific room types in the definitions of primary and secondary outlook DDO schedules.**
- 6. Amend the statement of significance for City Edge, 89 and 99 Eastern Road and 36A and 58A Napier Street, South Melbourne (HO561)**
 - a. to separate the discussion of Criteria D and E to differentiate the place's representative significance**
 - b. amend the historical outline to clarify that the development was a private project rather than a Housing Commission of Victoria project**
- 7. Correct the addresses and mapping for City Edge to include the whole of the complex as mapped on VicPlan.**
- 8. Amend the citation for 167-173 Coventry Street, South Melbourne (HO566) to reference the Albert Road Clinic and Offices at 31-33 Albert Road as another known Lumsden design within Port Phillip.**
- 9. Rezone the land in the City Road Industrial Triangle from Industrial 1 Zone to Commercial 1 Zone.**
- 10. Amend the following clauses of the Port Phillip Planning Scheme as shown in the Panel recommended version in Appendices H and I:**
 - a. Clause 11.03-6L-08 (South Melbourne)**
 - b. Clause 17.01-1L (Diversified economy – South Melbourne Enterprise Precinct)**
 - c. Clause 17.01-2L (Innovation and research – South Melbourne Enterprise Precinct).**

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of Amendment C219port (the Amendment) is to introduce new place-based policies for the South Melbourne Structure Plan Area (SMSP) in the Municipal Planning Strategy and Planning Policy Framework. In addition, the Amendment replaces Design and Development Overlay (DDO) Schedules 8 and 16 with four new DDO schedules to guide land use, built form, movement and transport and public realm matters in South Melbourne.

In addition, the Amendment rezones the 'City Road Industrial Triangle' (CRIT) bound by City Road, Ferrars Street and York Street from the Industrial 1 Zone (IN1Z) to the Commercial 2 Zone (C2Z) and applies the Environmental Audit Overlay (EAO) to the land. A further seven properties are also rezoned to ensure they are appropriately zoned within their local context. It also applies the Heritage Overlay to nine individual heritage places assessed to be of local significance and four places assessed to be of contributory significance to be included as an extension to HO440 (Emerald Hill Residential Precinct).

Specifically, the Amendment proposes to:

- update Clause 02 (Municipal Planning Strategy) to reflect the strategic vision set out by the South Melbourne Structure Plan.
- delete Clause 11.03-1L-05 (South Melbourne Central) and introduce new place-based policies to the Planning Policy Framework at:
 - Clause 11.03-6L-08 (South Melbourne)
 - Clause 17.01-1L (Diversified economy – South Melbourne Enterprise Precinct)
 - Clause 17.01-2L (Innovation and research – South Melbourne Enterprise Precinct).
- amend the following clauses in the Planning Policy Framework to update policy references and make consequential changes:
 - Clause 11.03-1L-01 Activity centres
 - Clause 15.01-1L-02 Urban design
 - Clause 15.01-5L Neighbourhood character
 - Clause 15.03-1L Heritage policy
 - Clause 17.02-1L Mixed use and office areas
 - Clause 17.03-2L Sustainable industry
 - Clause 18.01-3L-01 Sustainable and safe transport in Port Phillip
 - Clause 19.02-4L Community facilities.
- delete Design and Development Overlay Schedule 8 (South Melbourne Central) and Design and Development Overlay Schedule 16 (corner York, Cecil & Market Streets, South Melbourne)
- introduce four new Design and Development Overlay schedules:
 - Design and Development Overlay Schedule 37 (Clarendon Street Precinct)

- Design and Development Overlay Schedule 38 (South Melbourne Market Precinct)
- Design and Development Overlay Schedule 39 (South Melbourne Enterprise Precinct East and Kings Way Mixed Use Corridor)
- Design and Development Overlay Schedule 40 (South Melbourne Enterprise Precinct West).
- rezone the CRIT from the IN1Z to the C2Z and apply the EAO to this land.
- correct identified errors in the zoning of seven sites including:
 - 127 and 80-94 Market Street, 78 and 80-94 Cecil Street, 146-164, 166, 168 and 170 York Street and 3-5 Northumberland Street, South Melbourne
 - 176-188 Bank Street, South Melbourne
 - 383-385 Clarendon Street, South Melbourne
 - 68-72 York Street, 191-199 Clarendon Street and 31 Ross Street, South Melbourne
 - 120-142 Clarendon Street, Southbank
 - 102-106 Park Street, South Melbourne
 - 77 Park Street and 286-294 Kings Way, South Melbourne.
- apply the Heritage Overlay to and insert new Statements of Significance for nine individual heritage places, including:
 - HO561: 89 and 99 Eastern Road and 36A and 58A Napier Street, South Melbourne
 - HO563: 110 Bank Street, South Melbourne
 - HO564: 151, 153 and 155 Dorcas Street, South Melbourne
 - HO565: 108 Bank Street, South Melbourne
 - HO566: 167-173 Coventry, South Melbourne
 - HO567: 82-86 Clarke Street, South Melbourne
 - HO568: 49-55 York Street, South Melbourne
 - HO569: 152 Clarendon Street, Southbank
 - HO570: 68 and 70 Market Street, Southbank.
- extend the boundary of HO440 (Emerald Hill Residential Precinct) to apply to an additional four heritage places:
 - Alfred Place, South Melbourne
 - 214-216 and 220 Clarendon Street, South Melbourne
 - 31 Ross Street, South Melbourne
 - 221 Moray Street, South Melbourne.
- make consequential changes to the following:
 - Port Phillip Heritage Review, Volumes 1-6 (City of Port Phillip, August 2024)
 - City of Port Phillip Heritage Policy Map (City of Port Phillip, August 2024)
 - City of Port Phillip Neighbourhood Character Map (City of Port Phillip, August 2024).
- amend the Operational Provisions in the schedules to:
 - Clause 72.04 (Incorporated Documents) to update references to the Heritage Review, Heritage Policy Map and Neighbourhood Character Map
 - Clause 72.08 (Background Documents) to include the South Melbourne Structure Plan (Port Phillip City Council, August 2024)
 - Clause 74.01 (Application of Zones, Overlays and Provisions) to amend existing references to the application of the Commercial 2 Zone in South Melbourne and

use of the Design and Development Overlay to facilitate increased employment densities

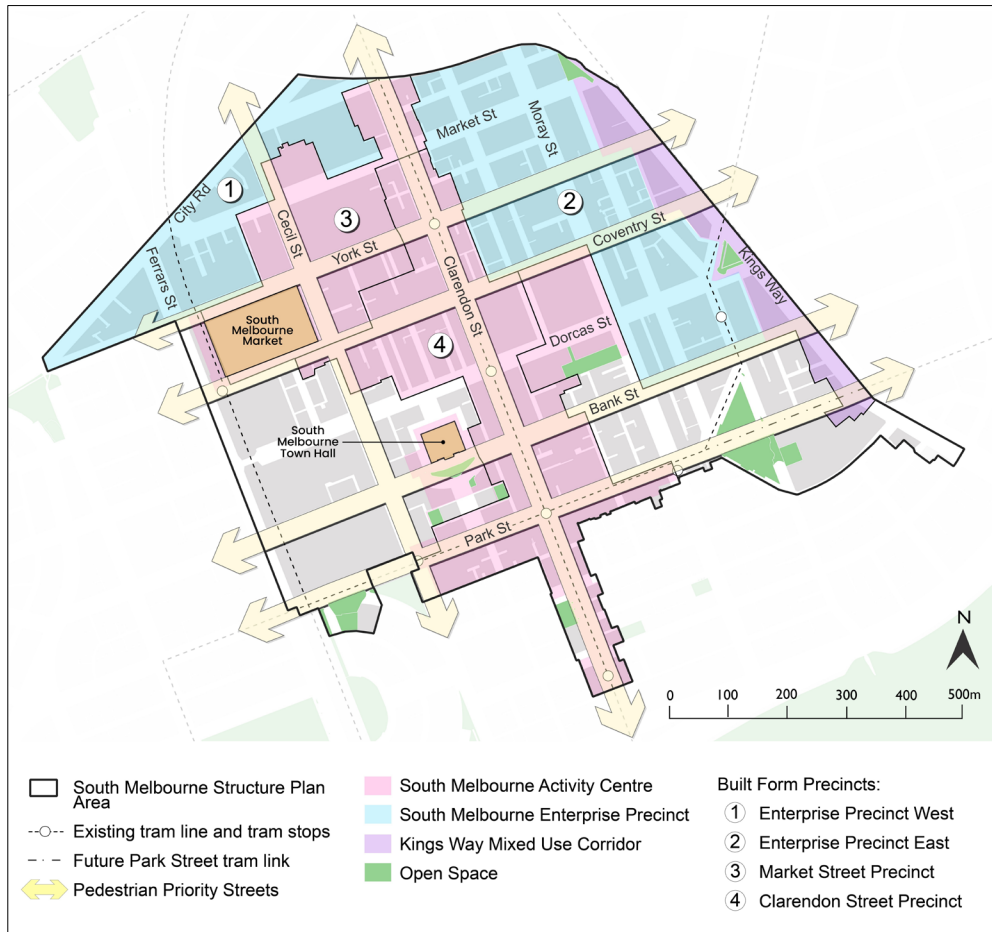
- Clause 72.04 (Further Strategic Work) to remove reference to the need to develop a vision and strategic framework to guide the role and function of South Melbourne Central.

(ii) The subject land

The Amendment applies to all land within the SMSP as shown in Figure 1. The SMSP area is generally based within key roads, including Kings Way, Park Street, York Street, City Road and the West Gate Freeway, with Clarendon Street being the 'main street' which runs generally through the middle of the area. The SMSP is made up of the South Melbourne Activity Centre (SMAC), the South Melbourne Enterprise Precinct (SMEP) and the Kings Way Mixed Use Corridor (KWMUC). In addition, there are four built form precincts that cover most of the structure plan area (Figure 2).

Figure 1 South Melbourne Structure Plan area



Figure 2 SMSP precincts

1.2 Background

Council advised that the SMSP was developed through a staged and extensive program of community engagement, technical analysis and independent review, consistent with the requirements of Planning Practice Note 58.

Early community engagement was undertaken between 11 March and 24 April 2021 (Phase 1) to establish baseline community values and priorities. Over 500 participants contributed through online and hard copy surveys, pop-up engagement sessions, targeted stakeholder workshops and meetings with public housing residents. This engagement sought to identify what the community valued most about South Melbourne and what aspects they wished to retain or change. Key findings indicated strong appreciation for proximity to the CBD and Port Phillip Bay, access to green and open spaces, a strong sense of community, the South Melbourne Market and the area's character and heritage. Areas identified for improvement included increasing urban greenery and open space, improving perceptions of safety, enhancing pedestrian and cycling infrastructure, managing development to maintain liveability and responding to climate change and sustainability concerns.

A second phase of engagement was undertaken between September and October 2022 (Phase 2) to seek feedback on the South Melbourne Structure Plan Discussion Paper. This paper presented a draft vision and three key directions, Quality Places, Quality

Buildings and Quality Experiences, intended to form the basis of the Structure Plan. More than 400 participants engaged through surveys, community conversations, workshops and advisory committee meetings.

Drawing on the community engagement undertaken to date and supporting technical work, Council prepared a draft Structure Plan in 2023. The technical work included the following:

South Melbourne Built Form Review, Hodyl & Co August 2024 (Built Form Review)

Council commissioned the Built Form Review to assess the existing built form controls applying across the SMSP area, in response to concerns about the performance of DDO8. The review identified recurring issues such as inefficient 'wedding cake' built form outcomes, poor floorplate efficiency, limited responsiveness to neighbourhood character and suboptimal environmental sustainability outcomes. The Built Form Review was prepared to establish clearer, more effective statutory controls capable of delivering higher-quality urban design outcomes.

The review establishes tailored built form objectives and controls for the following four key precincts:

- Clarendon Street
- Market
- Enterprise Precinct East
- Enterprise Precinct West.

Low-rise residential areas were deliberately excluded, with no proposed changes to their existing controls. For the remaining precincts, the Built Form Review provided precinct-specific character statements and recommended a combination of envelope controls (including building heights, street wall heights and upper-level setbacks) together with Floor Area Ratios (FARs). These controls were guided by four design objectives:

- responding to local context
- contributing to walkable engaging precincts
- delivering high-amenity housing and workplaces
- integrating climate-responsive design.

The Built Form Review recommended two complementary approaches to managing built form: envelope controls to guide building scale and FARs to manage development intensity within those envelopes. The calibration of mandatory and discretionary controls varies by precinct, reflecting differing heritage sensitivity, lot patterns and street conditions.

South Melbourne Heritage Built Form Analysis & Recommendations, GJM Heritage October 2023 (Heritage Review)

The Heritage Review was intended to provide a heritage specific built form analysis to complement the Built Form Review, recognising the extensive and varied heritage fabric within the SMSP area. It recommended a mix of mandatory and discretionary controls, particularly for street wall heights, upper-level setbacks and building heights, in heritage-sensitive locations. Guidance was also provided for development above or adjacent to heritage places to maintain the visual prominence of heritage buildings and

streetscapes and to protect views to key municipal and local landmarks such as the Shrine of Remembrance, South Melbourne Town Hall and Clarendon Street.

South Melbourne Heritage Gaps Analysis, Trethowan May 2023 (Gaps Analysis)

The Gaps Analysis responded to Council's identification of heritage places within the SMSP area that had not been previously assessed or included in the Heritage Overlay. While much of the area was already covered by existing heritage overlays or precincts, a preliminary review identified at least 22 places of potential heritage significance that required further investigation.

The Heritage Review recommended applying the Heritage Overlay to nine individual places and extending HO440 to include four additional contributory properties.

South Melbourne Employment, Economic and Land Use Study, Urban Enterprise with Echelon Planning 2023, addendum 2024 (SMEELUS)

The SMEELUS examined South Melbourne's role as both a Major Activity Centre (MAC) and a regionally significant employment precinct. It assessed existing land use patterns, business composition, employment specialisations and development activity, identifying a strong concentration of professional services, creative industries and hospitality enterprises, largely consisting of small and medium-sized businesses.

The study supported retention of the C2Z for the Enterprise Precinct and recommended rezoning the CRIT from IN1Z to C2Z to reinforce employment outcomes. The findings underpinned key zoning decisions and economic policy settings within the Amendment.

South Melbourne Transport and Movement Study, Ratio November 2023 (Transport Study)

The Transport Study provided an assessment of transport, access and public realm conditions within the SMSP area. It analysed road and freight networks, public transport, cycling and pedestrian infrastructure, parking supply and demand and safety performance, applying the Movement and Place Framework to recognise streets as both transport corridors and places.

South Melbourne Public Realm Framework 2024–2044, City of Port Phillip July 2024 (Public Realm Framework)

The Public Realm Framework developed a long-term vision for the enhancement of public spaces in South Melbourne over a 20-year horizon, in response to anticipated growth and intensification. It outlined Council's aspirations to deliver a greener, more accessible, water sensitive and people focused public realm that supported community life and local identity.

South Melbourne Activity Centre Boundary Report, City of Port Phillip June 2024 (Boundary Report)

The Boundary Report provided strategic justification for refining the SMAC boundary, distinguishing it from the broader SMSP area.

South Melbourne Zoning Anomalies Report, City of Port Phillip June 2024 (Zoning Anomalies Report)

The Zoning Anomalies Report identified inconsistencies between existing zoning and desired planning outcomes within the SMSP area. It recommended targeted rezonings to correct anomalies and better align zoning controls with the Structure Plan's strategic vision.

South Melbourne Structure Plan Background Report, City of Port Phillip August 2024 (Background Report)

The Background Report provided a consolidated strategic foundation for the SMSP and the Amendment. It drew together findings from technical studies, census data and multiple phases of community engagement undertaken between 2021 and 2022.

The report assessed the SMSP area's urban context, housing, economy, transport, infrastructure, built form, heritage and open space. It identified key challenges and opportunities, including growth pressures, limited public open space, transport capacity and the need to balance housing and employment functions.

The findings of the Background Report informed the Structure Plan's vision, objectives and strategic directions and underpin the policies and controls proposed through the Amendment.

Port Phillip Housing Strategy August 2024 (Housing Strategy)

The Housing Strategy established a municipal framework for housing growth over the next 15 years, guiding where residential development should be encouraged or constrained to meet community needs. It identified capacity for up to 58,000 new dwellings, excluding employment-only zones such as the C2Z to protect critical employment land.

Port Phillip Spatial Economic and Employment Framework March 2024 (SEEF)

The SEEF developed a long-term economic strategy to support employment growth and competitiveness across the municipality. It identified South Melbourne as a key employment precinct and the MAC which accounts for a significant proportion of local jobs.

On 7 February 2024, Council resolved to endorse the draft Structure Plan and associated background documents for public consultation.

Phase 3 consultation was undertaken from 19 February to 28 March 2024 on the draft Structure Plan and its associated actions and recommendations. Engagement activities included an online survey, a mail-out survey to approximately 5,700 owners and occupiers, in-person and online meetings, written submissions and advisory committee meetings. A total of 240 participants engaged during this phase, with 156 providing written submissions.

In parallel with public consultation, Council commissioned an independent peer review of the draft Structure Plan and associated draft planning scheme amendment documentation in 2024. This review, undertaken by Echelon Planning, assessed the strategic justification, statutory implementation and consistency with State and local

policy and relevant Planning Practice Notes, including Planning Practice Note 58: Structure planning for activity centres (PPN58), Planning Practice Note 59: The role of mandatory provisions in planning schemes (PPN59) and Planning Practice Note 60: Height and Setback Controls for Activity Centres (PPN60).

Following consultation and peer review, Council made a range of refinements to the Structure Plan, including strengthening the vision and objectives to more clearly articulate South Melbourne's role as a MAC and Enterprise Precinct, refinements to built form provisions (including floor area ratios and flood risk), updates to access and movement initiatives, corrections to errors and targeted changes to zoning, built form and heritage recommendations for specific sites.

The South Melbourne Structure Plan was adopted by Council on 21 August 2024. It replaced the South Melbourne Central Structure Plan (2007) and established a 20-year strategic framework to guide land use, development and public realm outcomes across the Structure Plan area.

The Structure Plan included the following vision for South Melbourne:

Uniquely South Melbourne, a flourishing, welcoming and creative community Recognised as a meeting place on the traditional lands of the Kulin Nation in Naarm / Melbourne, South Melbourne continues to be one of Melbourne's great social hubs and dynamic economies. People from all backgrounds are welcome to live, work and visit this vibrant, liveable and diverse community, located in between Melbourne's CBD and the beaches of Port Phillip.

South Melbourne has a crucial role in providing access to jobs, services and amenities for adjoining higher-growth neighbourhoods such as Montague and Domain. South Melbourne's renowned Enterprise Precinct will continue to be an anchor for business growth, innovation and specialisation, especially in the creative industries.

The network of walkable, green streets and comfortable public spaces, combined with valued heritage places and attractive buildings, which are predominately mid-rise in scale, provide a variety of memorable destinations, productive businesses, creative industries and local services.

South Melbourne is a unique blend of the past and present and is always looking to the future.

The Plan is structured around four themes:

- activities and uses
- built form and building design
- access and movement
- public spaces and places.

It identifies four precincts to deliver place-specific outcomes:

- Clarendon Street
- Market Precinct
- Enterprise Precinct East
- Enterprise Precinct West.

The Amendment proposes to reference the Structure Plan in relevant clauses of the Planning Policy Framework (PPF) and include it as a background document in the Planning Scheme.

Table 1 **Chronology of events**

Date	Event/description
2020–2024	South Melbourne Structure Plan (and associated technical reports) undertaken
21 August 2024	South Melbourne Structure Plan adopted
21 August 2024	Council resolved to request the Minister for Planning give authorisation to prepare the Amendment
20 June 2025	Council received authorisation to prepare the Amendment
14 August 2025	Exhibition period commenced
28 September 2025	Exhibition period concluded
14 October 2025	Exhibition period concluded for approximately 300 owners and occupiers within the City Edge apartment complex affected by a clerical issue
3 December 2025	Council resolved to request the Minister for Planning appoint a Planning Panel to consider submissions received in relation to the Amendment
17 December 2025	Planning Panel appointed
19 January 2026	Directions Hearing held
10 March 2026	Panel Hearing commenced

1.3 The Panel's approach

Key issues raised in submissions were:

- application of mandatory controls
- building heights
- floor area ratios
- overshadowing
- accommodating growth
- proposed rezoning of the CRIT
- Emerald Hill and Park towers housing estates
- approach to flooding
- proposed application of the Heritage Overlay
- drafting of the DDO schedules
- transitional provisions
- rezoning requests.

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits and submissions, evidence and other material presented to it during the Hearing. All submissions and materials have been considered

by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Strategic issues
- Built form
- Heritage matters
- Capacity for development
- Flood management
- The Design and Development Overlays
- Rezoning proposals
- Other matters.

1.4 Versions of the Amendment

The Panel directed Council to circulate a 'Day 1' version of the Amendment documentation before the commencement of the Hearing and a final version with its closing submissions. Council circulated:

- Day 1 Amendment documents (Documents 32a to 32g)
- Day 2 version Amendment documents (Documents 80 to 85) provided with Council's Part C submission which incorporated further changes in response to matters raised during the Hearing.

During its closing submissions on 1 April 2026, Council acknowledged that it needed to make further changes to its Day 2 Amendment documents. The Panel directed that Council provide all parties with its final (Day 3) version of the Amendment documents (Documents 86 to 90) by Friday 10 April 2026. All parties were directed to provide any comment on the final version by Friday 27 April 2026.

Except where stated otherwise, the Panel supports the changes in the final versions, which provide greater clarity and improve the operation of the controls.

Parties were given the opportunity to provide written comments on the final versions following the close of the Hearing. Seven parties elected to do so:

- Spotlight (Document 91)
- SMAW (Document 92)
- Autumnfield (Document 93)
- Saade (Document 94)
- ELT Group (Document 95)
- Clarendon Property Group (Document 96)
- Riverlee (Document 97).

The Panel has had regard to all comments on the final version in developing its recommended version. The Panel's recommended DDO37, DDO38, DDO39 and DDO40 in Appendices D to G use Council's final version as the starting point.

2 Strategic issues

2.1 Planning context

This chapter identifies planning context relevant to the Amendment. Appendix C highlights key imperatives of relevant provisions and policies.

Table 2 Planning context

	Relevant references
Victorian planning objectives	- section 4 of the PE Act
Municipal Planning Strategy	- Clause 2
Planning Policy Framework	- Clauses 11 (Settlement), 11.02-1S (Development capacity), 11.02-2S (Structure Planning), 11.02-3S (Sequencing of development), 11.03-1S (Activity centres and precincts), 11.03-1L-01 (Activity centres) - Clause 13 (Environmental Risks and Amenity) - Clause 11.03-6L-08 (South Melbourne), Clause 13.01-1S (Natural hazards and climate change) - Clause 15 (Built Environment and Heritage), Clause 15.01-1S (Urban design), Clause 15.01-2L-02 (Environmentally sustainable development), Clause 15.01-5S (Neighbourhood character), Clause 15.01-5L (Neighbourhood character), Clause 15.01-4S (Healthy neighbourhoods), Clause 15.03-1S (Heritage Conservation) - Clause 16 (Housing) - Clause 17.01-1S (Diversified economy), Clause 17.01-R (Diversified economy – Metropolitan Melbourne – Inner Metro Region); Clause 17.02-1S (Business), Clause 17.02-1L (Mixed Use and office areas) - Clause 18 (Transport), Clause 18.01-3L-01 (Sustainable and safe transport in Port Phillip), Clause 18.02-3L (Public transport) - Clause 19 (Infrastructure), Clause 19.02-6L (Public open space and foreshore)
Other planning strategies and policies	- Plan for Victoria - Pillar 1: Housing for all Victorians - Pillar 2: Accessible jobs and services - Pillar 3: Great places, suburbs and towns - Pillar 4: Sustainable environments - Pillar 5: Self-determination and caring for Country
Planning scheme provisions	- Commercial 1 Zone - Commercial 2 Zone

	- Industrial 1 Zone - Mixed Use Zone - Design and Development Overlay - Heritage Overlay - Special Building Overlay
Planning scheme amendments	- Amendment VC277 - Amendment GC243 - Amendment VC283 - Amendment VC286 - Amendment C224port - Amendment C266port - Amendment VC267 - Amendment VC274 - Amendment VC257 - Amendment C220port - Amendment C214port - Amendment C215port - Amendment C208port
Ministerial directions	- Ministerial Direction No. 1: Potentially Contaminated Land - Ministerial Direction No. 9: Metropolitan Planning Strategy - Ministerial Direction No. 11: Strategic Assessment of Planning Scheme Amendments - Ministerial Direction No. 15: The Planning Scheme Amendment Process - Ministerial Direction No. 19: Amendments that May Result in Impacts on the Environment, Amenity and Human Health.
Planning practice notes	- Planning Practice Note 1: Applying the Heritage Overlay - Planning Practice Note 30: Potentially contaminated land - Planning Practice Note 46: Strategic Assessment Guidelines - Planning Practice Note 57: Parking Overlay - Planning Practice Note 58: Structure planning for activity centres - Planning Practice Note 59: The role of mandatory provisions in planning schemes - Planning Practice Note 60: Height and Setback Controls for Activity Centres, September 2018 - Planning Practice Note 74: Making planning documents available to the public - Planning Practice Note 94: Land Use and Transport Integration, December 2021 - Urban Design Guidelines for Victoria, 2023

2.2 Strategic justification

(i) The issue

The issue is whether the Amendment is strategically justified.

(ii) Evidence and submissions

Council submitted that the preparation of the Structure Plan and the Amendment has been informed by a substantial and coherent body of strategic work prepared by Council and its consultants over several years. This work forms the strategic support for the Amendment and addresses the nature, location and form of growth, recognising South Melbourne's distinctive role as:

- a MAC
- a regionally significant employment precinct
- an area of significant heritage, fine-grain urban form and limited public open space.

Council noted that the SMSP and the Amendment were developed by research, assessment, testing and review (including peer review) over time. The extensive technical analysis and consultation included the:

- Built Form Review
- Heritage Review
- Gaps Analysis
- SMEELUS
- Transport Study
- Public Realm Framework
- Boundary Report
- Zoning Anomalies Report
- Background Report.

Council submitted that the Amendment:

...gives statutory effect to the SMSP, which establishes a long-term, place-based framework to guide land use, built form and development outcomes across the MAC, the SMEPs and the KWMUC.

SMAW Pty Ltd (SMAW), Autumnfield Pty Ltd (Autumnfield) and the Spotlight Group submitted:

- the SMSP and consequently the Amendment is deficient in terms of its economic analysis, housing provision analysis and alignment with State policies
- the SMSP underpinning the Amendment is flawed because, while there is reference to the State's housing targets, there is an over-reliance on the housing contribution by Fishermans Bend
- the SMSP understates the area's capacity for residential and commercial growth
- they welcomed a long-term strategic plan for the South Melbourne area and the need to introduce new built form controls.

Similar submissions were also made by the Clarendon Property Group and St Lukes Shopping Centre Pty Ltd (CPG) which stated that in light of State policy emphasising the provision of additional housing, given the concern that Port Phillip may not meet its

housing targets and the role a MAC should play in housing the SMSP and the Amendment could and should do more to provide for residential development. In addition, Council's approach to meeting its targets was over-reliant on the development on the Fishermans Bend redevelopment which is not proceeding as expected.

Mr Twite gave evidence for Briven Holdings Pty Ltd, I&D Group Pty Ltd, 49-55 York Street Pty Ltd, Creelman Land (South Melbourne) Pty Ltd & Samny Pty Ltd, JML Property Clarendon Street Pty Ltd, Pivot Capital Group Pty Ltd, Federation of Education Unions Pty Ltd, Carpe Group Investments Pty Ltd, Petela Nominees Pty Ltd and Kervale (PPP Group) that he supported:

... Council's ongoing work to prepare a new South Melbourne Structure Plan, including the redefined Activity Centre and Structure Plan boundaries. I also generally support the concept of updating planning controls through this Amendment with the intent of providing greater clarity and certainty for landowners, the community and Council.

Homes Victoria submitted its interest was focused on the Emerald Hill Estate and Park Towers which are included in the High-rise Redevelopment Program and are fundamentally, by virtue of their attributes and strategic underpinnings, State-recognised strategic redevelopment sites. It acknowledged that the Housing Strategy treats both sites as special State Government assets that will be subject to future processes, *"while signalling Council's in principle support for their redevelopment as part of the broader social and affordable housing agenda."*

Homes Victoria's concern was that the Amendment proposed to include the SMSP as a Background Document in Clause 72.08 and as such:

it shapes the strategic context that any future master planning process must overcome or respond to, empowers parties to resist departures from it and fills the policy vacuum for two sites that have no other specific operative controls applying to them and that are acknowledged elsewhere as being subject to future work which has not yet been done.

Homes Victoria requested rewording and deletion of the SMSP text that relates to the Emerald Hill Estate and Park Towers.

Melbourne Water submitted that the Structure Plan requires:

...more detailed representation of appropriate flood related planning controls which better correlates with the distribution and types of flooding identified within the Precinct/s.

Melbourne Water stated that it does not support development where flood depths will exceed acceptable limits for safe ingress and egress. It added that the flood concerns should be addressed through the Structure Plan, including consideration of land use zone and ensuring there is not an increase in density that may result in increased risk to life and property.

Other submissions welcomed the proposed increases in development density but opposed elements of the proposed controls.

Council acknowledged that, since the South Melbourne Structure Plan was prepared, State planning policy has significantly evolved with the release of Victoria's Housing Statement and the implementation of Plan for Victoria into the Victoria Planning Provisions. It acknowledged that these reforms place a strong emphasis on increasing the capacity for the supply of housing, setting municipal housing capacity targets and directing growth to well-located and well-serviced areas such as activity centres.

Council added:

- nevertheless, the Amendment is supported by a comprehensive and proportionate body of strategic work, consistent with Planning Practice Note 46 and Ministerial Direction 11
- the Amendment responds to issues identified within the Structure Plan area, aligns with State and local policy and provides an appropriate statutory mechanism to implement the SMSP's vision
- it acknowledged submissions regarding housing capacity targets, introduced through Plan for Victoria, but these matters are addressed appropriately in the Amendment's broader strategic framework.

Council submitted:

- the SMSP was prepared in accordance with Planning Practice Note 58, which establishes structure planning as the preferred approach for managing growth and change in Metropolitan and MACs
- the process included a clearly defined study area, extensive background research across multiple disciplines, identification of precincts and character areas, testing of development capacity and built form outcomes and multiple phases of community and stakeholder engagement
- the SMSP positions South Melbourne within the wider activity centre network and recognises its important role as both an activity centre and a significant employment precinct.

Council added that the Built Form Review provides the primary evidentiary basis for the Amendment's approach to built form controls. The Built Form Review involved detailed, fine-grain analysis of South Melbourne's physical and urban conditions, supported by site inspections, mapping and extensive 3D modelling. It demonstrated that generic, activity-centre-wide controls in DDO8 are inappropriate in this context, given the area's diverse street hierarchies, lot patterns, heritage conditions and interface sensitivities. As a result, the Built Form Review recommended tailored controls calibrated to four distinct precincts.

Council concluded that this work provides a robust evidentiary and consultative foundation for the Amendment and demonstrates a clear line of sight between strategic objectives for the Structure Plan area and the planning controls proposed.

(iii) Discussion

The Panel agrees with Council's submission that the SMSP, supported by a considerable body of work, provides the strategic justification for the Amendment.

While some submissions welcomed the overall direction of the SMSP, they opposed elements of the proposed controls and sought changes. These matters are discussed in more detail in the following chapters.

Other submissions and evidence questioned the strategic justification of some of the details of the proposed controls, such as the mandatory FARs particularly in relation to PPN59 and PPN60. The Panel considers that these submissions did not challenge the strategic justification of the Amendment but rather the justification for specific controls and consequently, these matters are discussed in detail in the following chapters.

Nevertheless, the submissions by SMAW, Autumnfield and the Spotlight Group challenged the strategic justification of the Amendment because the SMSP failed to consider recent changes to State policy encouraging housing provision. Other submissions made similar observations about housing provision but did not challenge the Amendment's strategic justification and rather sought changes to the proposed controls.

None of these submissions effectively challenged the strategic justification of the Amendment and were an argument against the proposed controls and an argument for increasing development potential generally on specific sites. The SMEELUS, the Housing Strategy and the Background Report all provide a robust consideration of the economic and housing issues identified in the SMSP area. The Panel acknowledges that these reports were finalised prior to recent changes in State policy and consequently housing policy is discussed in detail in a following chapter.

The Panel is satisfied that the Amendment is strategically justified.

(iv) Conclusions and recommendations

For the reasons set out in this report, the Panel concludes that the Amendment:

- is supported by and implements the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions and Practice Notes
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

The Panel recommends Council:

Adopt Port Phillip Planning Scheme Amendment C219port as exhibited with the changes recommended in this report.

3 Built form

3.1 Mandatory controls

(i) The issue

The issue is whether mandatory controls are appropriate.

(ii) Background

PPN59 includes the following guidance when applying mandatory controls:

Strategically supported

Is the mandatory provision strategically supported?

- Does the proposed mandatory provision have a solid strategic objective while having regard to the planning objective?
- Does the proposed mandatory provision implement planning policy (state, regional or local)?

Appropriateness of departing from performance-based approach

Is the mandatory provision an appropriate substitute for a performance-based provision?

- Will most proposals that contravene the proposed mandatory provision lead to unacceptable planning outcomes?
- Has the proposed mandatory provision been drafted to limit any unnecessary loss of the flexibility and opportunity available through a performance-based approach?
- Have all other relevant performance-based provision options been explored?
- Would policy or performance-based measures lead to the outcome prescribed by the proposed measure in most cases?
- Is there evidence of adverse existing or proposed use or development that justifies the proposed control?

PPN60 includes the following guidance:

Mandatory height or setback controls should only be applied where:

- exceptional circumstances exist; or
- council has undertaken comprehensive strategic work and is able to demonstrate that mandatory controls are appropriate in the context and
- they are absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.

(iii) Evidence and submissions

Council submitted that the DDO schedules propose a deliberate mix of mandatory and discretionary controls rather than a blanket approach of mandatory controls, reflecting two complementary built form strategies. In the Clarendon Street Precinct, mandatory envelope based controls apply along consistent heritage streetscapes to protect heritage values and maintain a human scaled public realm, with greater flexibility on secondary streets. In other precincts, the Built Form Review supports mandatory FARs combined with largely discretionary envelope controls to improve design quality, efficiency and amenity while avoiding overly prescriptive outcomes. This replaces DDO8, which the Built Form Review found was no longer fit for purpose and responsible for poor, repetitive 'wedding cake' outcomes.

Council acknowledged that some submissions raised:

...concerns about the extent to which the Amendment relies on mandatory planning controls, particularly mandatory FARs, mandatory building heights, mandatory street wall requirements and mandatory upper-level setbacks. They question whether the use of mandatory controls is appropriate in a Major Activity Centre context, or sufficiently supported by analysis and/or the particular features of the Structure Plan area.

Council submitted that mandatory controls are directed to achieving clearly identified outcomes where predictability and the protection of heritage and amenity are necessary and are now a common and accepted tool in activity centres with complex heritage constraints. In South Melbourne, discretionary controls alone had proven insufficient, producing repetitive and poorly performing built forms under DDO8. Council maintained that each mandatory element (FARs, heights, setbacks and overshadowing) must be assessed on its merits as part of a suite of controls and that mandatory FARs prevent formulaic envelope maximisation, discourage speculative overdevelopment and provide certainty about yield. Council considered this approach consistent with PPN59 and PPN60, noting that 'exceptional circumstances' are not always required where robust analysis exists. In addition, Panel decisions across comparable inner city activity centres consistently support mandatory height, street wall and setback controls in intact heritage streetscapes.

Council called urban design and heritage evidence from Ms Hodyl, Mr Barnes and Mr Gard'ner, who supported mandatory FARs combined with discretionary envelope controls. Ms Hodyl gave evidence that mandatory FARs reflect global best practice and are already applied beyond the Melbourne CBD in activity centres such as Moonee Ponds, West Melbourne, Preston and Arden; in her view the benefits of FARs, including design flexibility, amenity and land value stability, are lost if they are discretionary. Mr Barnes considered that, if FARs are used, mandatory operation is appropriate and consistent with PPN59, as applied in Arden, West Melbourne and the proposed SRL station precincts and is justified by the Built Form Review. Mr Gard'ner gave evidence that the high heritage value of the Clarendon Street Precinct and other locations justified mandatory controls under PPN59 and PPN60 and is supported by numerous Panel and Standing Advisory Committee decisions. He added that Council had applied mandatory height and setback controls judiciously and only in areas of high heritage significance.

Council concluded that the built form controls must be assessed as a coordinated suite rather than element by element and that a proper application of PPN59 requires first

defining the desired planning outcome. Council submitted that the existence of approved permits under DDO8 does not demonstrate that discretionary controls are sufficient, particularly where cumulative effects are considered, and discretionary controls are too easily exceeded under strong development pressure. Properly calibrated mandatory FARs, it submitted, complement rather than replace discretionary controls and enhance the performance-based system. Council stated that the real concern of the PPP Group was opposition to building heights rather than the mandatory nature of FARs and that its preferred approach would produce significantly taller discretionary envelopes inconsistent with the Built Form Review and the SMSP.

Submitters did not generally oppose the FAR plus envelope mechanism. Rather, they disputed the mandatory operation of the control and, in some instances, the particular FAR nominated for their land.

Riverlee Sian Group Pty Ltd (Riverlee) submitted that, whether or not mandatory controls are appropriate, they warrant particular care to ensure the fit is right. Mr Sheppard, called by Riverlee, stated:

I support mandatory maximum FAR limits, in principle, because discretionary provisions weaken the benefits of the controls by implying the potential for greater floor area, which reduces both design flexibility and yield certainty. Mandatory maximum FAR provisions have been introduced in the Moonee Ponds Activity Centre ACZ1, West Melbourne DDO schedules (DDO schedules 28, 29 and 72) and the Activity Centre Program (e.g. Darebin BFO1).

The PPP Group was the principal opponent of mandatory controls. It submitted that Council had not demonstrated any real problem requiring mandatory FARs: the 'wedding cake' built form relied upon by Council arose from the misapplication of DDO8 provisions as mandatory prior to the Victorian Civil and Administrative Tribunal (VCAT) decision in 134 Moray St Pty Ltd v Port Phillip CC (Corrected) [2018] VCAT 1831 and is no longer prevalent. Its central criticism was that Council had not assessed mandatory FARs against PPN59, which requires evidence that discretionary controls are insufficient and that most departures would lead to unacceptable outcomes and it considered that none of the PPN59 criteria were satisfied.

Mr Twite, called by the PPP Group, gave evidence that the Amendment relies heavily on mandatory FARs and building heights contrary to PPN59, that the extensive application of the Heritage Overlay does not of itself justify widespread mandatory controls. In addition, there was no exceptional circumstance under PPN59 or PPN60, nor any demonstrated failure of discretionary controls, to justify the proposed limits.

A number of submitters adopted or echoed the PPP Group's position that the PPN59 criteria had not been met:

- Spotlight opposed the application of FARs and, if unsuccessful, their mandatory operation, adding that discouraging speculation or suppressing land values are not legitimate planning considerations.
- GLG Management Pty Ltd (GLG) submitted that no adequate strategic justification for mandatory FARs appeared in the Built Form Review, SMSP, Background Report or expert evidence.

- Autumnfield and the Saade Group submitted that mandatory controls are overly rigid, preventing site-specific assessment and limiting contributions to housing and employment in a MAC.
- SMAW submitted that the Amendment had not assessed the impact of mandatory controls on housing growth, as required to align with Plan for Victoria, and had not satisfied PPN59 or PPN60.
- CPG submitted that the mandatory height and FAR controls in DDO37 are not grounded in the Heritage Analysis and that there was no proper basis to restrict its Clarendon Street land, and Mr McBride-Burgess, called by CPG, gave evidence that the strategic work did not demonstrate that mandatory controls are necessary or that discretionary controls would be incapable of achieving appropriate outcomes.
- The ELT Group (Extraordinary Life Trust as trustee for Gratitude Capital Pty Ltd, 6/113 York Street Pty Ltd and Melbah Property Pty Ltd) submitted that the mandatory nature of the FARs is the central problem and that FARs should instead be discretionary preferred controls supported by decision guidelines. Mr Fetterplace and Mr McPherson, called by the ELT Group, gave evidence that PPN59 allows mandatory provisions only in exceptional circumstances; Mr McPherson accepted that mandatory density controls can prevent substantial envelope exceedances but considered FARs unnecessary to achieve contextually responsive design.

(iv) Discussion

Most submissions opposing mandatory controls focused on the FARs, while others opposed mandatory building heights, street wall heights and upper level setbacks. The Panel acknowledges that three urban design experts, in one form or another, supported mandatory FARs although Mr Sheppard's support was on the basis that each FAR was correctly calibrated. Mr McPherson recognised the potential value of FARs while he opposed the use of FARs in this instance and believed design quality should be determined through planning policy.

However, all the opposing submissions referred to PPN59 and some to PPN60. In arriving at its conclusion, the Panel has considered both practice notes.

PPN59 indicates that mandatory provisions may be considered only where a detailed assessment and evidence base demonstrate that discretionary provisions are insufficient to achieve the desired outcome. The Panel has assessed the proposed controls against the three PPN59 questions, which it addresses in turn below.

Strategic support

The Amendment is underpinned by a comprehensive body of strategic work, including the SMSP, the Built Form Review, the Heritage Review and 3D modelling, which establishes a clear, place-specific vision and the built form parameters needed to achieve it. South Melbourne is a highly urbanised activity centre under sustained development pressure, with areas of consistent heritage character, fine-grain subdivision and sensitive residential interfaces where poor built form outcomes can arise incrementally. The Panel is satisfied that this work provides a sound basis for identifying where reliance on discretionary controls alone is unlikely to achieve the preferred outcomes.

The Panel is persuaded by Council's submission that the mandatory operation of the controls proposed by the Amendment is therefore strategically supported, as they directly implement the objectives and directions articulated in the Structure Plan and its supporting studies.

Appropriateness of departing from a performance-based approach

Mandatory controls are not applied uniformly across the Structure Plan area. The Amendment applies mandatory provisions only where the acceptable outcome is narrow and where exceedance would be likely to result in unacceptable impacts. These locations include heritage-sensitive streets, intact streetscapes, key interfaces with lower-scale residential areas and critical public spaces. The Panel considers this approach proportionate: in areas of consistent character or high sensitivity the capacity for discretion to resolve competing outcomes at the permit stage is limited and the experience under the existing controls demonstrates that cumulative impacts can occur even where individual developments may appear acceptable in isolation.

Conversely, where a broader range of acceptable outcomes exists, the controls retain discretion. This ensures that the Amendment retains predominantly performance-based provisions mixed with mandatory controls only where justified by context and evidence. The Panel therefore considers that, in the identified locations, the proposed mandatory controls are appropriate.

Facilitation of the preferred outcomes

The Panel recognises that certain controls, particularly FARs, operate differently from traditional envelope controls. While FARs place a clear limit on overall development yield, they afford flexibility in how that yield is distributed within a 'larger' building envelope. When used in combination with predominantly discretionary envelope controls, mandatory FARs can support a variety of design responses while avoiding progressive maximisation of building bulk.

In the Panel's view, the mandatory FAR controls proposed by the Amendment are directed to facilitating a range of preferred outcomes, rather than predetermining building form. They provide certainty in relation to key parameters that have been resolved through strategic work, while allowing flexibility in matters of architectural expression, massing and detailed design. They also reduce reliance on ad-hoc negotiation at the permit stage for issues that are better settled at the precinct level. The mandatory height and setback controls are reserved for the Clarendon Street area where the amount and nature of heritage matters make these appropriate as 'exceptional circumstances' exist.

The Panel is mindful that mandatory controls reduce the scope for site-specific variation. However, in this instance, site diversity has largely been addressed through the delineation of precincts, mapping and differential control application. Where flexibility is required to achieve acceptable outcomes, discretionary provisions remain available.

Mandatory controls are applied as an exception rather than the norm, but they are applied where the evidence demonstrates that discretionary controls alone are unlikely to deliver orderly, equitable and high-quality built form outcomes. In these circumstances, the use of mandatory controls is consistent with PPN59.

PPN60

PPN60, which governs mandatory height and setback controls, is satisfied for the same reasons. The strategic work establishes a preferred built form framework and identifies the

heritage-sensitive precincts and key streets where, given strong development interest and the risk of cumulative impacts, reliance on permit-by-permit discretion is unlikely to achieve the preferred outcome. The mandatory height and setback controls are accordingly consistent with the intent and requirements of PPN60.

An additional consideration is certainty. While certainty alone does not justify mandatory controls, it is a relevant planning benefit where the preferred outcome has been carefully defined through the strategic work. The mandatory provisions make explicit where variation would be inconsistent with the agreed vision, reducing reliance on case-by-case negotiation to resolve issues that were intended to be settled strategically.

Having regard to the strategic context, the appropriateness of departing from a performance-based approach and the capacity of the controls to facilitate the preferred outcomes, the Panel considers that the targeted use of mandatory controls in this Amendment is justified and consistent with the principles set out in PPN59 and PPN60.

However, the Panel acknowledges that a mandatory control can only be changed by a planning scheme amendment and there may be changes in circumstances, such as a consolidation of sites or the approved partial or full demolition of a heritage building where it is appropriate to review a mandatory control. For this reason, the Panel supports Council's modified version of the DDO39 (Document 89) which allows a permit to be granted where there is a material change in circumstance of the site. This provision should be included in DDO37, DDO38, DDO39 and DDO40. The DDO schedules are discussed in more detail in Chapter 7.

(v) Conclusions

The Panel concludes:

- The exhibited mandatory controls are appropriate.
- Council's modified version of the DDO39 (Document 89) which allows a permit to be granted where there is a material change in circumstance of the site is appropriate and should be included in DDO37, DDO38, DDO39 and DDO40 as shown in the Panel recommended versions in Appendices D, E, F and G.

3.2 Floor Area Ratios

(i) The issues

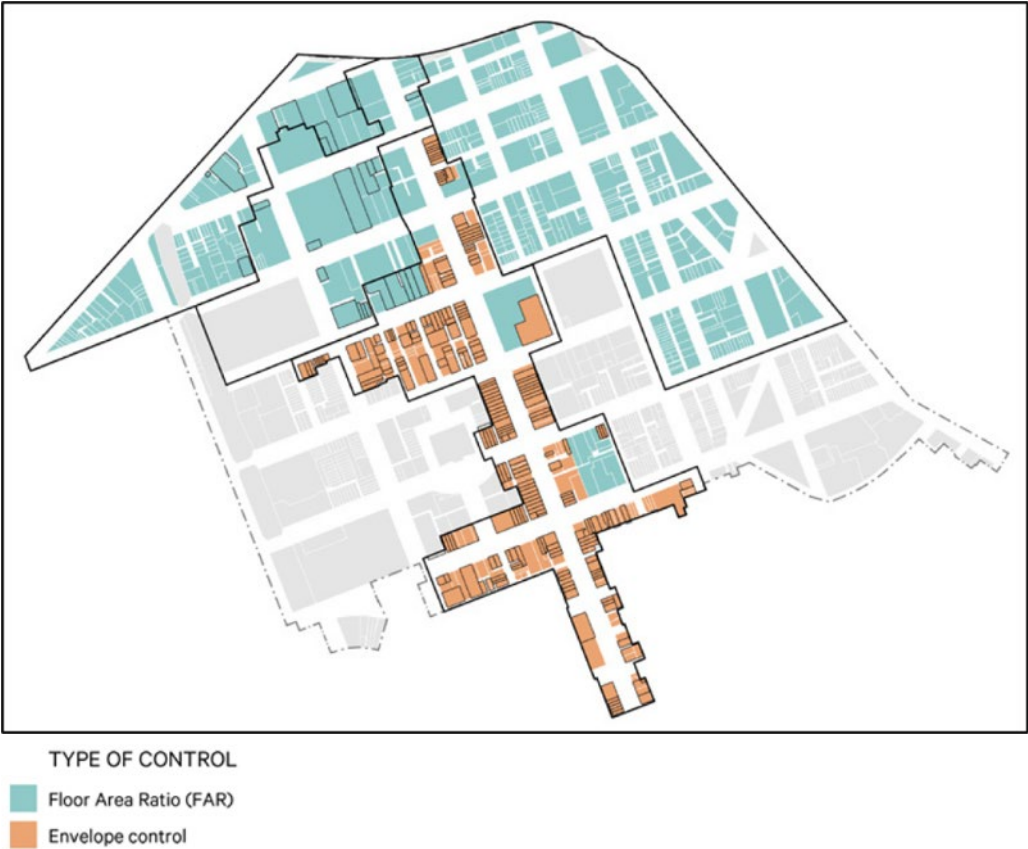
The issues are whether:

- the application of the FARs is appropriate
- the numerical value of the FARs and its relationship to the building height is appropriate.

(ii) Background

The following diagrams show where the FARs are proposed (Figure 3), the fine-grained detail of the FARs (Figure 4) and the areas identified for growth (Figure 5).

Figure 3 **Location of the FARs and envelope controls SMSP area**



Source: Map 2 Built Form Review

Figure 4 **Location of FARs and street wall heights SMSP area**



Source: Map 54 Built Form Review

Figure 5 Location of areas identified for growth, SMSP area

Source: Map 16 Built Form Review

(iii) Evidence and submissions

Council acknowledged that submitters opposed the FARs as a material shift from the existing built form framework and as inappropriate in a MAC. Others considered them too conservative, particularly for larger or strategically located sites, operating as a hard cap on yield that could unnecessarily constrain residential and employment floorspace.

Council submitted that FARs attract no different policy test from other built form controls and that, properly calibrated to the envelope, a FAR is facilitative, allowing varied massing within an overall yield limit while discouraging 'envelope filling'. Relaxing or removing the FARs would require recalibrating the envelope settings and risk higher intensity development inconsistent with the desired character and heritage values.

Council added the FARs were developed through the Built Form Review and refined through iterative testing and consultation, moving from a looser to a tighter relationship with the envelope, with increases generally of 0.5:1 to 1:1 (up to 1.5:1 on some sites). It relied

on Ms Hodyl's evidence that the FARs were calibrated on a precinct and site-specific basis using three-dimensional modelling and interface testing and that FARs need to be mandatory to function optimally.

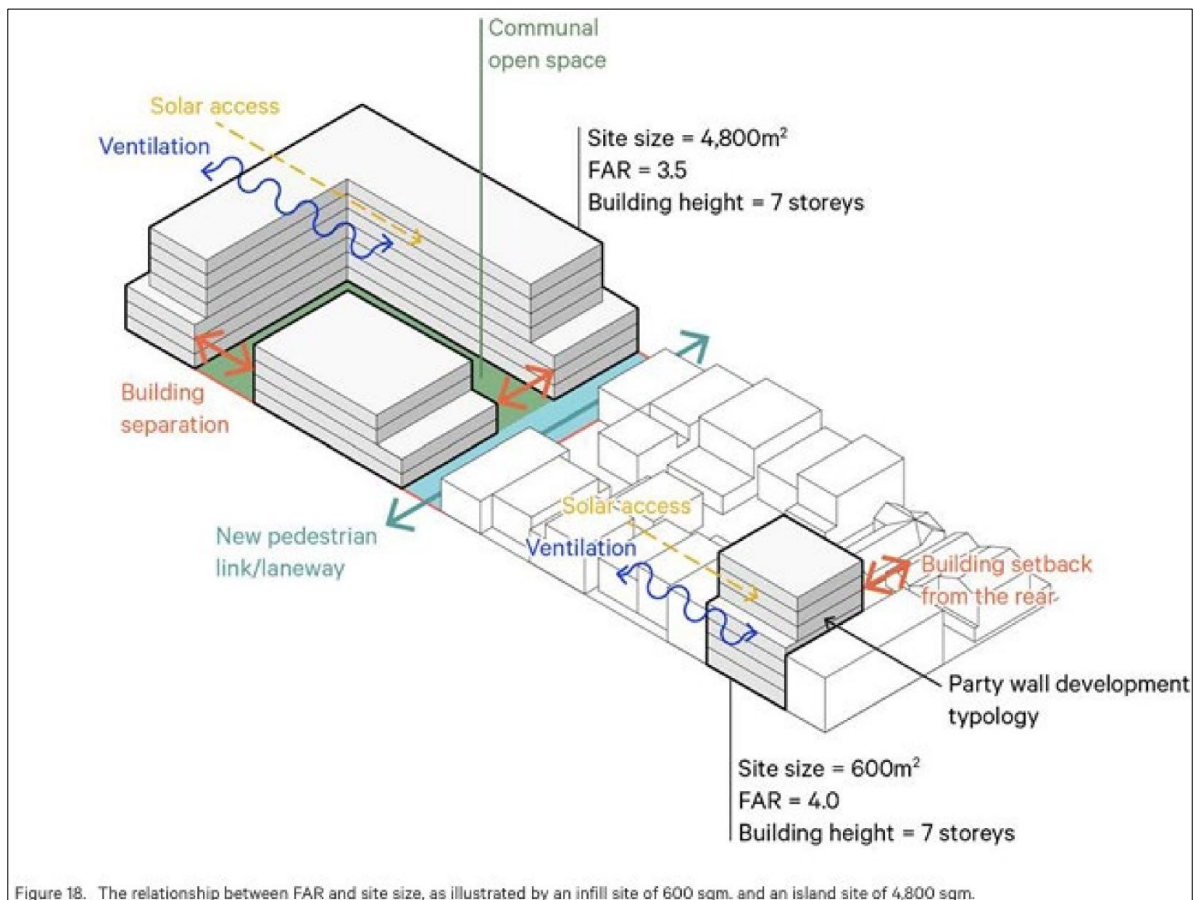
In terms of her work on the Built Form Review, Council explained that:

Ms Hodyl is an independent expert who is widely recognised as one of, if not the leading, urban design expert in Victoria and perhaps the foremost expert in the use of the FARs providing advice to State Government, developers and local government. Her opinions were based on copious amounts of modelling that measured FARs across many sites until she "stopped learning". Together with her extensive experience and practical approach to ensuring "buildable" buildings with appropriate levels of amenity, the Panel should have a level of confidence in the material before it and should not form the view that her calibration of FARs was unsatisfactory.

Council concluded that good design outcomes require FARs to be calibrated to site size, as illustrated in Figure 7 (Figure 18 from the Built Form Review):

While infill sites can often rely on spaces outside of the site to deliver high amenity (e.g. outlook to surrounding streets), developments on larger sites must also deliver amenity within sites. This means that FARs on larger sites can often be lower than the FARs that apply to smaller sites. This recognises that as site size increases, more space within sites must be dedicated to creating sufficient separation between buildings, with some sites also accommodating additional communal open space or pedestrian connections. Figure 18 illustrates the different design outcomes sought on larger sites in comparison to smaller infill sites.

Figure 6 Figure 18 from the Built Form Review



Ms Hodyl gave evidence that FARs are widely used in Australia and internationally to manage yield and address overdevelopment, a principal cause of poor built form.

Without an enforceable yield limit, developments fill and exceed envelopes, producing excessive bulk, overshadowing, loss of daylight, reduced privacy and diminished amenity.

She outlined the FARs' evolution from a 'looser fit' (November 2023) to a 'tighter fit' following submissions (July 2024), with most increased by about 0.5:1 to 1:1 and lower FARs retained in parts of York Street for winter sunlight. Because setbacks and separation are already near minimums, increasing FARs would generally add height and her verification confirmed the FARs were appropriately set.

Mr Barnes supported FARs across the SMSP area as an urban design tool that can limit floorspace, enable public benefit uplift and provide yield certainty, particularly where development is unconstrained by heritage. He considered the height to FAR relationship critical, deferring to the Built Form Review on the values and suggested any concern about constraint be met by reviewing the FAR values rather than the mandatory nature of the control.

Submissions opposing the FARs varied, most seeking removal, discretionary operation or upward recalibration in the alternative. The PPP Group, CPG, GLG, Spotlight and the ELT Group each sought removal. The PPP Group submitted the FARs lacked strategic justification and undertook massing studies of the eight sites it represented, concluding the FARs should be removed or, if retained, made discretionary and further calibrated.

Mr Twite, called by the PPP Group, did not support FARs, submitting that a density control needs capacity testing absent from the Amendment and that his review of the eight sites showed additional height could be accommodated:

The exploration of these Sites has revealed that additional building heights could reasonably be accommodated while achieving the design objectives of each DDO. So while I take no issue with the discretionary nature of the building height requirements, I would support increases in height in the order of: Site 1 to 10 storeys, Site 2 to 11 storeys, Site 3 to 11 storeys, Site 4 to 8-9 storeys, Site 5 to 10 storeys, Site 6 to 18 storeys, Site 7 to 20 storeys and Site 8 to 9 storeys.

CPG submitted the FARs are too conservative and should be deleted or made discretionary, the 5.0:1 for the Coles land being too low. Mr McBride-Burgess, called by CPG, gave evidence that the Coles controls operate as a hard 'blanket' cap without adequate site-specific testing and that the FAR should be deleted or increased and made discretionary and the height increased to 12 to 15 storeys.

GLG supported removal of the FARs, submitting that there is no evidence before the Panel that discretionary controls would not work.

Spotlight submitted that the proposed FARs for its two sites are inappropriate and should be reconsidered, proposing three alternative positions:

- no FAR should be designated for either 100 Market Street or 111 Cecil Street
- if a FAR is specified, it should be discretionary and recalibrated to 6:1 for both sites
- if mandatory FARs are accepted, they should likewise be recalibrated to 6:1.

Spotlight's primary position, relying on the evidence of Mr Raworth and Mr Sheppard, was that a FAR is unnecessary for its land. Mr Raworth's heritage evidence was that 100 Market Street has limited aesthetic significance and that 111 Cecil Street, reconstructed in

2006 to 2007, is now only contributory, so mandatory street wall retention under DDO38 is not justified and heritage is adequately managed through the Heritage Overlay.

Mr Sheppard's evidence was that applying a lower FAR to 100 Market Street based on its smaller lot size is overly simplistic, that JCB Architects' modelling showed a compliant form could achieve about 5.85:1 and that 4.5:1 unnecessarily constrains capacity; given the existing controls he considered the FAR should be deleted or increased to 6:1 and made discretionary.

The ELT Group submitted:

- the 4.5:1 FAR for 113-127 York Street is one of the poorest fitting in the Activity Centre, with testing showing about 7:1 was possible, so the control removes over half the accommodatable floor area, an arbitrary constraint inconsistent with State housing policy
- the Hodyl & Co testing (Figure 7) was critically flawed, relying on a single siting strategy with incorrect assumptions about 288 Coventry Street, no heritage advice and, as Mr McPherson observed, massing 'not commercially informed'
- modelling of 113-127 York prepared by Bates Smart Architects which it argued provided a superior urban design outcome with a higher FAR (Figure 8).

Figure 7 Modelling for 113-127 York Street provided by Council

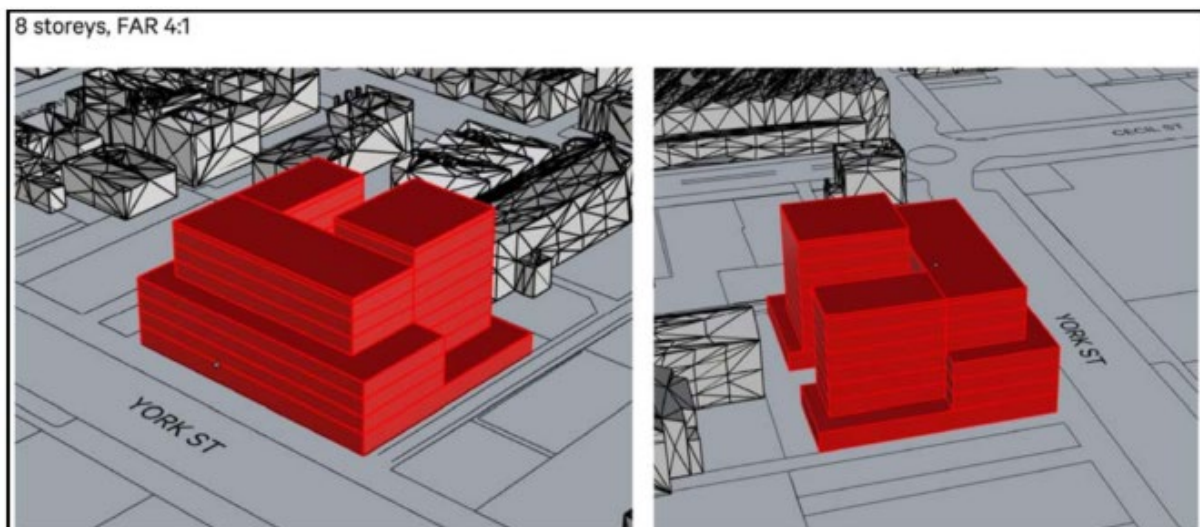
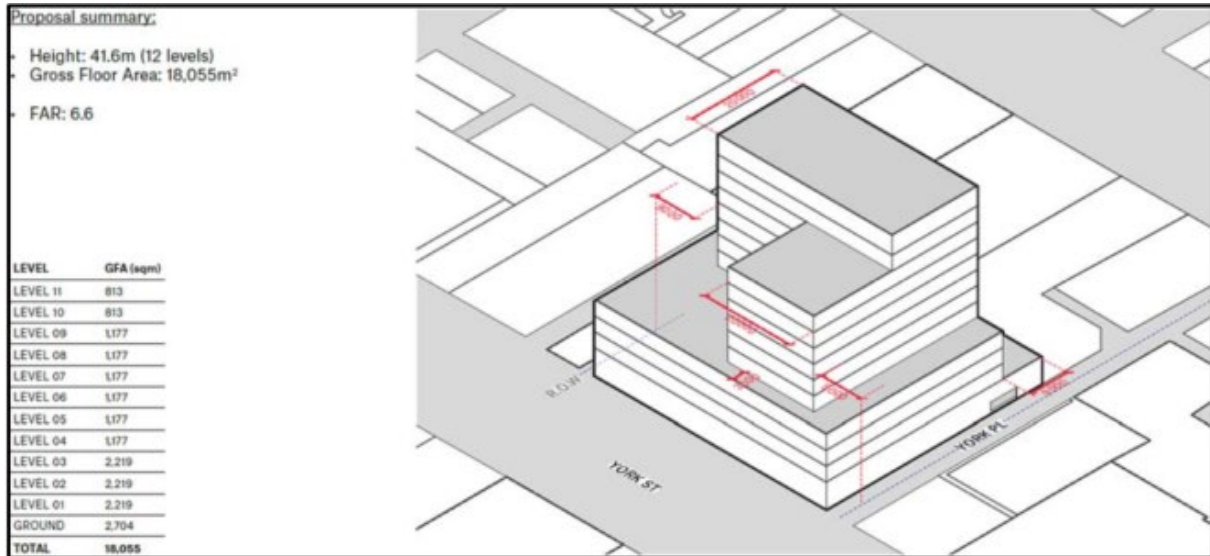


Figure 8: Bates Smart modelling for 113-127 York Street**Figure 14: Testing undertaken by Bates Smart resulting in an FAR of 6.6:1.**

Mr McPherson's evidence was that FARs are not an effective or necessary mechanism for design quality and can undermine it by constraining commercial viability and that internal amenity and streetscape are better managed through the Amendment's envelope controls supported by clear design objectives and a potential design guide:

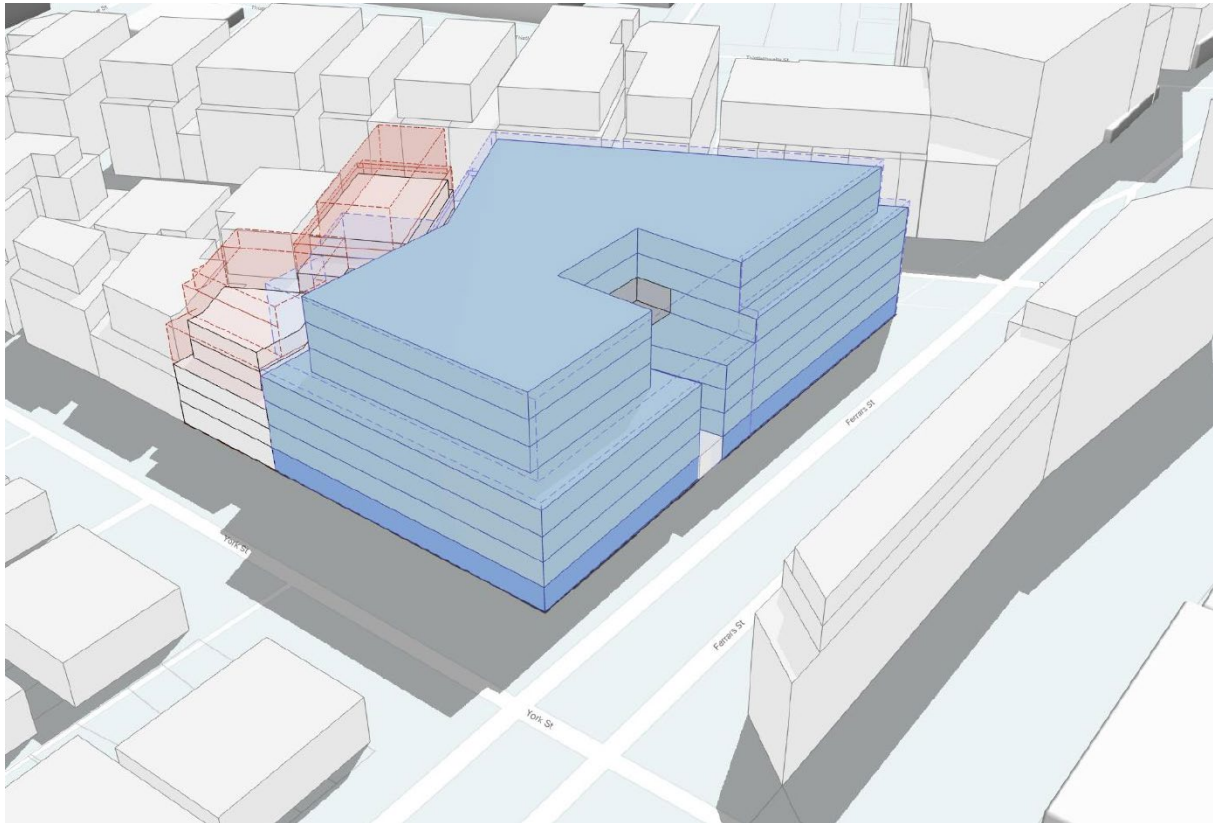
I consider that the proposed building envelope controls (subject to refinement), associated performance criteria and a potential Design Guide document, can adequately guide development towards good design outcomes in South Melbourne.

Mr Fetterplace's evidence was that the mandatory FARs do not align with PPN59 because South Melbourne is a diverse existing urban area rather than a renewal precinct such as the CBD or Arden and that 113-127 York Street, a highest potential growth site, is given an arbitrary ceiling undermining housing policy. He considered 4.5:1 too low and concluded the FARs should be deleted or set at least 5.5:1 to 6:1.

Autumnfield sought an increase from 5.0:1 to 5.5:1 and Saade submitted that 4.5:1 was too low for its properties to reach their intended potential.

Riverlee raised concerns about mandatory FARs on unconstrained sites such as the CRIT and the Riverlee Land. Accepting mandatory FARs in principle, it submitted (relying on Mr Sheppard) that they need careful, transparent calibration and that the Riverlee FARs showed inconsistent testing, with scenarios such as 6.0:1 not modelled. It preferred discretionary FARs, citing Arden, Central Geelong and Epping and recommended its FAR should be increased to 6.0:1.

Mr Sheppard's evidence was that the exhibited DDO40 applies a mandatory FAR of 5.5:1 across most of the property, stepping to 5.0:1 for 216 to 220 York Street and that his testing showed about 6.0:1 can be accommodated within the preferred envelope with acceptable amenity (Figure 9), the proposed FARs being an overly 'loose fit' that underutilises the site.

Figure 9 Riverlee testing for its properties in the CRIT

This testing confirmed higher FARs are feasible within the preferred controls without exceeding envelope limits or compromising design quality and Mr Sheppard recommended a mandatory 6.0:1, the higher 6.5:1 considered earlier having relied on exceeding discretionary height controls. He concluded:

However, when mandatory provisions are proposed in precincts where growth is sought, such as the SMSP area, it is particularly important that the 'fit' of an FAR control within the building envelope strikes the right balance between the design benefits outlined above and providing for growth. Too tight a fit will reduce the design benefits; too loose a fit will fail to optimise use of the land. In other words, FARs need to be calibrated carefully.

Several submitters sought higher site-specific FARs. Rosanove Way submitted the FAR for 24 Eastern Road had been inconsistently applied and should rise to 5.5:1, with height to seven storeys and a four storey street wall. Russell Goldman and Family submitted a minimum 5:1 was needed so upper level floor area would not limit development below the preferred height. Baenziger Coles submitted a higher 6.5:1 was needed for viable redevelopment in the CRIT.

In response to site-specific submissions, Council, with Ms Hodyl's advice, recommended the following changes:

- In relation to the Baenziger Coles and Riverlee properties that should be increased to 5.5:1 unless the properties were used exclusively for employment (that is the C2Z) then the FAR could be increased to 6.0:1.
- In relation to Rosanove Way submission 24 Eastern Road, Ms Hodyl advised that the FAR as exhibited was a good fit to the building envelope. However, if the building envelope is increased to 7 storeys as submitted by the submitter, then

the FAR could also increase to 5.5:1. Council advised that it was “content with that position and the adjustment”, which should be made to the DDO39 maps.

- Given the mandatory street wall height and setback that is proposed for the Clarendon Street strip the mandatory FAR should be deleted for the entire site but not the Coles site.

(iv) Discussion

The introduction of FARs is not novel in the Victorian planning system and is increasingly employed in activity centres and renewal areas to encourage a built form outcome, manage development yield and other reasons. Submissions supporting and opposing the introduction of the FARs referenced implemented examples of FARs and Panel reports that considered their implementation. Often the same examples and Panel reports were referred to by those supporting or opposing the FARs. Because these references were largely different from the SMSP area and intended to achieve a different outcome the Panel was not assisted by those submissions.

Nevertheless, the Panel does not accept the proposition that FARs require a fundamentally different policy justification from other built form parameters such as height, setbacks or site coverage. Rather, the appropriate question is whether, in this context, FARs add clarity, coherence and predictability to the overall built form framework.

A consistent theme in opposing submissions was the concern that FARs represent an unnecessary or blunt constraint, effectively duplicating envelope controls and risking underdevelopment of strategically located land. The Panel acknowledges that poorly calibrated FARs can operate as a hard cap that could undermine preferred built form outcomes, particularly where there is misalignment with height or setback controls. However, the Panel is not persuaded that this risk justifies the removal of FARs. Instead, it underscores the importance of careful calibration and integration with the broader envelope.

In this regard, the Panel is satisfied that the FARs were developed through a structured and iterative process that included precinct-based modelling, site-specific interface testing and refinement in response to consultation. The evidence of Ms Hodyl demonstrates a considered evolution from an initial looser fit toward a closer alignment between FAR and envelope, with adjustments made to optimise capacity while maintaining acceptable amenity and urban design outcomes. While opposing experts presented alternative massing scenarios capable of achieving higher yields, the Panel observes that many of these scenarios prioritise theoretical capacity over the long-term cumulative effects on daylight access, building separation, internal amenity and streetscape quality.

As discussed above, the Panel notes the evidence of the urban design experts and in this instance the Panel prefers the evidence of Ms Hodyl and Mr Sheppard.

The Panel accepts that FARs can play a constructive role in shifting design effort away from maximising bulk and toward resolving massing, articulation and amenity within a known yield envelope. This is particularly relevant in areas where envelope controls are

discretionary and where there is a risk of incremental overdevelopment across multiple sites over time.

The calibration of FARs is important but inherently complex, particularly in precincts with varied lot sizes, interface conditions and desired built form character. The fact that modelling can demonstrate hypothetical outcomes with higher FARs does not, in the Panel's view, necessarily mean that the exhibited controls are inappropriate. The Panel is satisfied that the adopted FARs reflect a precautionary but not unreasonable judgment as to the level of development that can be accommodated while maintaining acceptable urban design and amenity outcomes across the precincts.

Importantly, the Panel notes that concerns raised about specific sites or anomalies in the height-FAR relationship are more appropriately addressed through targeted refinement of numerical values, rather than by removing the FAR framework entirely. The Panel accepts that at the time the FARs were developed, a probabilistic or sampling rather than comprehensive deterministic approach was pragmatic and reasonable.

The Panel observes some anomalies were identified where circumstances had changed, or underlying assumptions were incorrect. Some case-by-case changes have been made during the Hearing and in amendments to correct these. For example:

- Ms Hodyl was not aware that the Riverlee sites were in one ownership and consequently she and Council agreed to increase the FAR to 5.5:1 to all the Riverlee land. The Panel notes that the exhibited DDO40 proposed a FAR of 5.5:1 for the Riverlee land except for 216-220 York Street. This highlights some of the practical issues with considering the land holding when determining the FAR control rather than as a factor to be considered when the permit application is assessed.
- The assumptions that informed the FAR for 100 Market Street appear to be based on a misconception of the heritage significance of the components of the building. Consequently, removal of the non-significant elements of the building may allow for a higher FAR.
- The FAR of the GLG land at Cecil Street is lower than the FAR of the approved development.

The Panel notes the different outcomes for 113-127 York Street and agrees that Ms Hodyl's version appears to accommodate the adjoining building on the southern boundary of the land. This leads to an outcome which includes a significant gap in the centre of the model that runs from north to south. This is a poor urban design and amenity outcome. Comparing the Hodyl modelling with the Bates Smart modelling was illuminating and the Panel prefers the Bates Smart methodology for its testing of different arrangements and the better urban design form and amenity. However, the Panel cannot nominate a specific FAR for the site and consequently Council should review the FAR for 113-127 York Street before finalising the Amendment.

While supporting the mandatory FAR and envelope mechanism, there is a need to provide a mechanism to adjust the FAR, where development circumstances have changed. While the Panel accepts the changes recommended by Council in its closing submissions, the Panel supports the need, in limited circumstances, to adjust the FARs. In

this respect the Panel supports the changes proposed in the discretionary version of DDO39 (Document 89), applied across the four DDO schedules.

Removing the FARs or translating them into discretionary controls would require a fundamental recalibration of the envelope regime to accommodate additional yield. Without a clearly articulated alternative yield-and-envelope framework, such an approach would introduce uncertainty and increase the risk of outcomes that diverge from the strategic intent of the Structure Plan, particularly over the long term as multiple developments come forward.

Accordingly, the Panel considers the use of FARs is appropriate in the SMSP context. While careful attention must continue to be given to calibration and internal consistency with other built form controls, the Panel is satisfied that FARs provide a necessary and effective mechanism to manage development yield, support design quality and deliver greater certainty in achieving the desired built form outcomes.

The Panel also accepts Council's proposed changes to the Riverlee site and 24 Eastern Road and the removal of the FAR from the Clarendon Street strip.

(v) Conclusions and recommendations

The Panel concludes:

- The application of the FARs is appropriate.
- The calibration of the FARs is appropriate subject to including a mechanism to deal with changed circumstances.
- The following changes to the FAR recommended by Council are appropriate:
 - In Plan 1 of DDO40, change the FAR on 216-220 York Street from 5.0:1 to 5.5:1.
 - In Plan 1 of DDO37, remove the FAR for the Clarendon Centre at 245-271 Clarendon Street, South Melbourne, excluding the Coles site and replace it with Envelope control.
 - In Plan 1 of DDO39, amend the FAR to 5.5:1 and in Plan 2 amend the building height to 28.2 metres/7 storeys of DDO39 for 24 Eastern Road, South Melbourne.

The Panel recommends:

In Plan 1 of Design and Development Overlay 37, replace the Floor Area Ratio for the Clarendon Centre at 245-271 Clarendon Street, South Melbourne, excluding the Coles site with envelope control.

In Plan 1 of the Design and Development Overlay Schedule 39 amend the Floor Area Ratio from 4.5:1 to 5.5:1 and in Plan 2 amend the building height to 28.2 metres/7 storeys for 24 Eastern Road, South Melbourne.

In Plan 1 of the Design and Development Overlay Schedule 40 change the Floor Area Ratio on 216-220 York Street from 5.0:1 to 5.5:1.

3.3 Building height

(i) The issues

The issues are:

- whether the proposed preferred (discretionary) building heights in DDO37, DDO38, DDO39 and DDO40 are appropriate in scale and distribution across each precinct
- whether the proposed mandatory maximum building height in DDO37 (Clarendon/Heritage Precinct) is appropriate and, in particular, whether it reduces development potential compared with the existing DDO8 discretionary controls in a way that cannot be justified
- whether any drafting improvements are required to the building height provisions.

(ii) Background

Building height controls are proposed in all four DDO schedules.

In DDO37, DDO38, DDO39 and DDO40, the proposed heights are preferred (discretionary) – expressed as “should not exceed” the heights shown on the relevant plan. In summary, the preferred heights range from:

- in DDO38 (Market Precinct) 14.8 metres /4 storeys to 40.4 metres/12 storeys
- in DDO39 (Enterprise Precinct) 21.2 metres /5 storeys to 49.2 metres/12 storeys
- in DDO40 (Market Site) 21.2 metres /5 storeys to 41.2 metres /7–10 storeys.

In DDO37 (Clarendon/Heritage Precinct) some building heights are proposed as mandatory. Heights in DDO37 range from 6 metres to 40.4 metres depending on location and heritage interface. Separate upper-level setback provisions create a graduated height envelope. DDO37 also effectively implements FAR controls on some frontages (3.5:1–5.5:1) through envelope controls.

(iii) Submissions

A number of submissions contested specific preferred building heights as too low to accommodate reasonable development outcomes already demonstrated on or available to the subject sites.

PPP Group made submissions in relation to eight sites within the SMSP area and on each site sought a preferred height higher than that proposed in the exhibited DDO:

- Site 1, 68-72 York Street (DDO37): DDO proposed preferred height of 6 storeys; relied on Rothe Lowman massing to seek 10 storeys without overshadowing of the southern footpath of York Street at the equinox.
- Site 2, 100-102 York Street: DDO38 proposed 8 storeys and relied on massing of up to 11 storeys that would not exceed the overshadowing controls and would sit comfortably within the existing 9-10 storey context.
- Site 3, 49-55 York Street: DDO39 proposed 7 storeys; relied on Carr Architects scenarios of 10-11 storeys within the proposed envelope, with FARs of 6.2-7.7:1, in a context of approved adjoining commercial developments at 9-10 storeys.

- Site 4, 77 Park Street and 286 Kings Way: DDO39 proposed 6 storeys against an existing approved 6-storey permit; relied on Cera Stribley massing of 9 storeys with FAR of 4.6:1 to demonstrate minimal shadow impact on the City Edge complex.
- Site 5, 163-171 Clarendon Street: DDO38 proposed 6 storeys; an existing application before Council is at 9 storeys with a FAR of 6.2:1, in a context where the immediate diagonal neighbour was approved at 9 storeys (FAR 6.2:1).
- Site 6, 282-284 Sturt Street: DDO39 proposed 7 storeys against an existing 15-storey neighbour and the existing DDO8 preferred height of 10 storeys; Kennon indicative plans demonstrated a taller form is feasible despite the small site area (635 square metres).
- Site 7, 120-142 Clarendon Street: DDO39 proposed 8 storeys; relied on Rothe Lowman massing to argue that a substantially taller form could be accommodated without character or heritage issue, at the transition between South Melbourne and Southbank where 40+ storey forms exist immediately to the north.
- Site 8, 168-174 Dorcas Street: DDO39 proposed 7 storeys; Ewert Leaf scenarios demonstrated 7-9 storeys with FARs of 6.28:1 to 7.42:1.

Mr Twite gave evidence that supported the height increases sought on each site and recommended generally taller preferred heights that (with some slight differences) aligned with the heights preferred by PPP Group.

CPG contested the proposed heights for the Clarendon Centre / Coles site at 245-271 Clarendon Street (DDO37). The exhibited DDO37 proposed a mandatory 5-storey height for parts of the site and a discretionary 8-storey height. Mr McBride-Burgess gave evidence that:

- the mandatory 5-storey component should be made discretionary
- a preferred height of 12-15 storeys would be appropriate for the Coles site, having regard to the site's strategic location, its separation from sensitive interfaces, including St Lukes Church
- massing and shadow testing demonstrated taller forms could be accommodated without unacceptable streetscape or amenity impacts, including to the Clarendon Street and Dorcas Street footpaths.

ELT Group contested the proposed controls for 113-127 York Street (DDO38), which set a preferred height of 12 storeys and a mandatory FAR of 4.5:1. Mr Fetterplace's evidence was that the FAR is the binding constraint on the site and that the proposed FAR of 4.5:1 would foreclose upper storeys and result in clear underdevelopment of a site expressly earmarked for growth. Mr McPherson gave evidence that did not separately oppose the preferred 12-storey height but concluded that the FAR should be removed in favour of envelope, heritage and overshadowing controls or alternatively recalibrated upwards.

SMAW submitted that the DDO37 mandatory maximum height of 6 storeys / 21.2 metres would reduce the permissible height limit from the existing DDO8 discretionary 6 storey / 23.5-metre control. Mr Gard'ner's heritage evidence for Council supported the mandatory heights in DDO37 as appropriate to the character, appearance and significance of identified heritage places.

Rosanove Way sought a preferred height of 7 storeys (with the street wall maintained at 4 storeys) on the basis that the site's context, in particular development on Tope Street, supported a taller form. Council in its closing, on Ms Hodyl's advice, accepted that the preferred height could be increased to 7 storeys / 28.2 metres and the FAR to 5.5:1.

Saade Group, Russell Goldman and Family, and Baenziger Coles contested the proposed heights and FARs on their respective sites as too restrictive of reasonable development outcomes. Submitter 34 contested the DDO37 controls and sought a preferred 8-storey building height.

PPP Group also proposed drafting amendments to the height provisions across all DDO schedules, principally to improve consistency of language, clarify how setbacks interact with heights and simplify the adaptability table. Council in its closing, accepted substantially all of these changes and the Panel is satisfied that the final versions of the DDO schedules implement those drafting amendments.

Council relied on the evidence of Ms Hodyl, Mr Gard'ner and Mr Barnes in response to proposals for increases in building height.

Ms Hodyl's evidence was that the building heights proposed across the study area are informed by an overarching strategy that delivers a mid-rise scale of 5 to 12 storeys, with the tallest mid-rise height for each site set by reference to its local context. In general this produces taller buildings on large sites and along the Kings Way interface, 7 to 8 storeys along the 30-metre wide streets, 4 to 6 storeys on narrower streets and small sites and 3 to 5 storeys on properties within the Victorian Heritage Register and in heritage precincts with cohesive shop residence streetscapes, with all limits aligned to the proposed overshadowing controls. A fine-grain analysis of site conditions, including lot sizes, the number of frontages and interface conditions such as heritage buildings or residentially zoned land, was undertaken to calibrate these heights, recognising that setback distances increase as buildings get taller to protect daylight to lower levels and that on smaller sites this can reduce upper floorplates below a feasible dimension.

In response to submissions on the draft Structure Plan, Council made discrete refinements to specific sites following a further round of testing, including:

- a uniform 7 storeys at 182-200 Clarendon Street
- an increase to 8 to 12 storeys at 113-117 York Street
- an increase to 7 storeys at 33-53 Tope Street and 16-18 Tichborne Place
- a uniform 7 storeys for the Riverlee site on City Road.

Ms Hodyl added where building heights are discretionary, additional commercial floors above ground can be accommodated through the development application process, while in mandatory height areas the limits are driven by significant heritage attributes and taller buildings are not supported (for example, a 14.8-metre control yields a 3 storey commercial building, assuming 4-metre floor-to-floor heights). The proposed limits have been refined through multiple rounds of design testing and review, and no further changes are recommended.

Mr Gard'ner's evidence was:

It is my view that the maximum building height controls appropriately respond to the identified heritage values of the various areas and balance these values with the anticipated future growth by directing more intensive development away from the Clarendon Street

Precinct and highly consistent heritage streetscapes. In my opinion, the majority of development that exceeds the identified heights would likely result in unacceptable heritage outcomes. The fact that a broadly equal number of submitters sought both lower and increased heights suggests that a reasonable balance has been struck through the amendment.

Mr Barnes' evidence was that he was generally supportive of the pattern of building heights which was consistent with his criteria that should inform the pattern of building heights.

(iv) Discussion

The Panel accepts the evidence of Ms Hodyl and Mr Gard'ner and agrees with Mr Barnes that preferred (discretionary) building heights are an appropriate mechanism for managing building scale in the South Melbourne Major Activity Centre context. The preferred heights in DDO37, DDO38, DDO39 and DDO40 reflect a reasonable interpretation of the precinct character objectives and are consistent with the SMSP. Generally, the submissions proposed greater heights. Whilst these demonstrated in many cases that the increased heights could satisfy criteria such as overshadowing or congruence with neighbouring heights, these were not detailed or 'serious' development proposals. An increased height at this stage risks allowing greater height for an altogether different proposal. The Panel notes that the DDO heights are generally expressed as preferred, rather than mandatory, in the DDO schedules. The combination of discretionary controls and guidelines allows for consideration of the merits and impacts of comprehensive permit application proposals that exceed the preferred heights.

In relation to DDO37, the Panel notes that the mandatory character of the height controls represents a departure from the current DDO8 regime. The SMAW submissions identified a specific reduction in permissible height from 23.5 metres to 21.2 metres (approximately 2.3 metres, or less than one storey). The Panel considers this a modest and justified reduction in the context of the Clarendon/Heritage Precinct character objectives, which emphasise low-to-mid-rise form consistent with the historic Emerald Hill character. No evidence was called to suggest the reduction would produce an unacceptable outcome for the SMAW site-specifically; the submission identified a reduction in development potential but did not demonstrate that the height controls are unnecessary or unjustified. The Panel finds the DDO37 mandatory height controls appropriate.

(v) Conclusions

The Panel concludes:

- The preferred building heights in DDO37, DDO38, DDO39 and DDO40 are appropriate and should be supported.
- The mandatory building heights in DDO37 are appropriate and justified by the heritage character of the Clarendon/Heritage Precinct.

3.4 Street wall height and upper level setback

(i) The issues

The issues are:

- whether the proposed street wall heights (preferred/discretionary in most locations; mandatory for retention of existing street walls in heritage contexts) are appropriate
- whether the rationale for the mandatory 6 metre upper-level setback above street wall applies equally to industrial heritage buildings
- whether any drafting improvements are required.

(ii) Background

Street wall height controls are proposed in all four DDO schedules.

New street wall heights are expressed as preferred (discretionary) in all DDO schedules:

- in DDO37, generally 2–4 storeys, matching adjoining heritage parapet lines along Clarendon Street and other key heritage frontages
- in DDO38, 11.6 metres/3 storeys, 14.8 metres/4 storeys and 18 metres/5 storeys
- in DDO39 and DDO40, 13.2 metres/3 storeys, 17.2 metres/4 storeys, 21.2 metres/5 storeys.

The only mandatory street wall element is the retention of existing street walls on heritage-adjacent frontages, where a physical street wall already exists. Above the street wall, an upper-level setback of 6 metres is required by all DDO schedules as a preferred control.

The 6-metre upper-level setback is based on the typical depth of a Victorian residential shopfront/front room and the location of the chimney stack at the rear of the front room, approximately 6 metres from the street wall face, as described in the Built Form Review. The intention is that upper levels recede behind the parapet line of the existing heritage streetscape.

(iii) Evidence and submissions

Spotlight, submitted that the 6-metre upper-level setback rationale is specific to the continuous Victorian-era residential shopfront streetscape of Clarendon Street and surrounding heritage precincts. It does not translate to the industrial heritage context of 100 Market Street, which is a former factory building without a contiguous residential shopfront streetscape.

Mr Gard'ner agreed that the Built Form Review's analysis of the 6-metre setback had not been applied with reference to the specific heritage citation for 100 Market Street and that there was insufficient analysis to apply the same 6-metre setback rationale to industrial buildings.

PPP Group proposed drafting improvements to the street wall provisions, including:

- adoption of a common syntax across all DDO schedules
- clarification of the reference cross-section for the street wall height measurement

- a revised clause for the slope exception
- clearer language for the mandatory/preferred distinction.

Council largely accepted these changes and they are reflected in the final versions of the DDO schedules.

(iv) Discussion

The Panel is satisfied that the preferred street wall heights proposed in all four DDO schedules are appropriate and well-grounded in the character objectives of the precincts. The transition from lower street wall heights near heritage precincts to taller heights in the commercial core of the Enterprise and Market Precincts reflects the precinct structure as described in the SMSP. The Panel notes the distinction between preferred new street wall heights (which allow for site-specific consideration) and mandatory retention of existing heritage street walls (which protects the physical fabric of the heritage streetscape).

On the 6-metre upper-level setback, the Panel accepts the Spotlight and Gard'ner view that the rationale for the 6-metre setback is well-grounded for the Victorian-era residential shopfront streetscape but requires specific justification when applied to industrial heritage buildings. The Panel does not recommend any change to the 6 metre setback as a general control, it is a preferred (not mandatory) control and can be varied at permit stage. However, the decision guidelines for departures from the preferred upper-level setback should make explicit reference to the heritage character and existing building heights on the subject site and its immediate context.

The Panel accepts the drafting improvements proposed by PPP Group and accepted by Council, which are substantially reflected in the final versions of the DDO schedules.

(v) Conclusions

The Panel concludes:

- The street wall height controls proposed in the final versions of DDO37, DDO38, DDO39 and DDO40 (which incorporate the drafting improvements proposed by PPP Group and accepted by Council) are appropriate and should be supported.
- The 6-metre preferred upper-level setback is well-founded for Victorian-era heritage streetscapes.
- The upper-level setback's application to industrial heritage buildings requires site-specific justification, which is appropriately dealt with through the permit process under the preferred (discretionary) status of the control.

3.5 Setbacks

(i) The issues

The issues are:

- whether the upper-level setback controls and building separation requirements in the DDO schedules are appropriate

- whether the light well requirements in Table 3 of the DDO schedules are appropriate or whether they should be replaced by performance-based standards aligned with Clause 57 and Clause 58 of the Planning Scheme
- whether residential setback requirements should differentiate between bedroom and living room uses in a way that could constrain building adaptability.

(ii) Background

Building setback requirements in the DDO schedules operate at multiple levels. Above the street wall, a preferred 6-metre upper-level setback applies (addressed in Section 3.4). Above certain heights, mandatory building separation requirements apply: 4.5 metres side and rear setback above 22 metres and 9 metres above 27 metres. Building separation between multiple buildings on the same site scales from 9 metres (up to 22 metres height) to 18 metres (above 27 metres).

Table 3 of each DDO schedule sets minimum light well dimensions for residential development, scaled by building height:

- 18 square metres with 3-metre minimum dimension for buildings up to 22 metres
- 36 square metres with 4.5 metre minimum dimension for buildings between 22 and 27 metres
- 54 square metres with 6-metre minimum dimension above 27 metres.

(iii) Evidence and submissions

Light well (or light courts)

The DDO schedules use the term 'light well'. These requirements are substantially more demanding than the equivalent performance standard in Clause 57 and 58 (Standard D31), or the Better Apartment Design Standards which requires a 'light court' of at least 3 square metres with a minimum dimension of 1 metre.

The Built Form Review is the origin for the light well dimensions and Ms Hodyl's evidence referred to apartment standards for Merri-bek which were not tabled. She stated:

Guidance for adequate daylight levels for buildings is provided in the Victorian Built Environment Sustainability Scorecard (BESS) standards. These standards align with daylight requirements in the New South Wales Apartment Design Code, and the apartment standards in Merri-bek, which were considered through a panel hearing and included daylight testing evidence.

Mr Twite's evidence noted that light well dimensions were not supported by daylight modelling and he recommended that the light well requirements should be deleted.

Mr Sheppard did not express a view on the light well dimensions.

PPP Group submitted that the light well requirements in Table 3 are over-prescriptive and inconsistent with the performance-based approach of Clause 57 and Clause 58. PPP Group proposed that Table 3 be replaced with a performance-based outcome requirement directed at natural light and ventilation, consistent with those clauses.

PPP Group also proposed a simplified building separation for Table 2 in all of the DDO schedules:

- replacing the current three-step structure (up to 22 metres; 22–27 metres; above 27 metres) with a two-step structure (up to 25 metres; above 25 metres),
- removing the “primary outlook / secondary outlook” distinction in Table 2 (which effectively differentiates setbacks by room type).

Outlook and room distinction

Mr Sheppard gave evidence that the DDO schedules should not differentiate setback requirements based on room type (bedroom vs living) because such differentiation constrains future building adaptability without clear planning justification. He referred to the VCAT Wills Street decision in support of this position.

Ms Hodyl's response relied on the BESS standards and its distinction between room types and outlook.

Council indicated in closing that it accepted these proposals in principle; however, the final versions of the DDO schedules retained the existing three-step Table 2 structure, the ‘primary/secondary outlook’ terminology and the prescriptive Table 3 light well dimensions.

(iv) Discussion

The Panel is satisfied with the general framework of building separation and setback requirements in the DDO schedules. The Panel supports the simplification of the building separation table as proposed by PPP Group and accepted by Council in closing and notes that this simplification has not yet been reflected in the final versions of the DDO schedules.

Light wells

The Panel notes the significant differential between the DDO requirements and the Clause 57/58 standards. While Ms Hodyl's evidence referred to apartment standards for Merri-bek when examined by the Panel, it found that the proposed light well requirement is materially greater than the Merri-bek standard. The difference was not noted or explained by Ms Hodyl. It is useful to compare the various standards (Table 3).

Table 3 Comparison of light well standards

Building Height	Clause 57 and 58	Merri-bek Standard	Proposed DDO schedules
Up to 22 metres	3 square metres, min. 1 metre	9 square metres, min. 3 metres	18 square metres, min. 3 metres
Above 22 metres up to 27 metres	3 square metres, min. 1 metre	29 square metres, min. 4.5 metres	36 square metres, min. 4.5 metres
Above 27 metres	3 square metres, min. 1 metre	51 square metres, min. 6 metres	54 square metres, min. 6 metres

It is unclear whether the proposed light well standard is intended to discourage light wells altogether or to set an appropriate amenity standard.

The Panel does not consider the light well requirement well justified because:

- light well dimensions are already governed by Clause 57 and 58, and the National Construction Code
- a number of standards and methodologies, such as BESS and GreenStar, exist to guide internal daylight
- the requirement was challenged by Mr Twite
- no reasons were given for a specific South Melbourne standard or for dimensions greater than the Merri-bek standard
- no daylight analysis or benchmark was provided by Ms Hodyl or Council.

The Panel supports PPP Group's proposal to replace the prescriptive Table 3 with performance-based language, noting that the performance requirement must be sufficient to ensure that light wells actually deliver natural light and ventilation rather than being nominal voids.

Outlook and room distinction

The Panel agrees with Mr Sheppard and PPP Group that setback requirements should not be contingent on the designated use of a room, as this constrains adaptability without clear planning justification. The Panel considers that the BESS provides a degree of protection of internal daylight amenity, and notes:

- BESS includes daylight criteria rather than a specific dimension
- any relevant development effectively requires a BESS assessment at the planning permit stage
- the BESS criteria consider room type and outlook
- BESS daylight requirement applies to a proportion of apartments but not all.

Council's amended final version of Table 2 deletes the reference to room types and uses the distinction between Primary and Secondary outlook. However, the DDO schedule definitions retain the room type in the definition of primary and secondary outlook.

In its closing, Council noted the change to the Table 2 headings was agreed at the officer level and no further submission was made regarding room types. The Panel assumes that the retained definitions in the DDO schedules are a drafting error.

The Panel finds it appropriate to allow a smaller setback for a second elevation, where one exists and this distinction is appropriately made in the headings of Table 2 of the DDO schedules. However, the definition of primary and secondary outlook should be amended to a simple distinction between an elevation (or outlook) with an apartment and a secondary elevation (or outlook) and being a second elevation in addition to the primary elevation (or outlook) of an apartment. A simpler definition would enable simpler operation of the control.

(v) Conclusions and recommendations

The Panel concludes:

- The building separation and setback controls in the DDO schedules are appropriate in structure, subject to the simplification of the separation table and light well requirements.
- The building separation table in DDO37, DDO38, DDO39 and DDO40 should be simplified to a two-step structure (up to 25 metres; above 25 metres).
- Provide a simpler definition for the outlook from a window.
- The light well requirements should be replaced with performance-based criteria.

The Panel recommends:

Replace the light well requirements in Table 3 of all Design and Development Overlay schedules with performance-based outcome requirements directed at natural light and ventilation, consistent with but not duplicating the standards in Clause 57 and Clause 58.

Remove the reference to specific room types in the definitions of primary and secondary outlook in all Design and Development Overlay schedules.

3.6 Overshadowing

(i) The issues

The issues are:

- whether the mandatory overshadowing controls (protecting southern footpaths of key east–west streets) are appropriate in their scope, reference times and reference dates
- whether the absence of an overshadowing control for the Dorcas Street reserve is an omission that should be corrected.

(ii) Background

Overshadowing controls are proposed in all four DDO schedules. In DDO37, DDO38 and DDO40 the Spring equinox (22 September, 10am–2pm) overshadowing controls are mandatory in specified key streets. DDO38 and DDO40 also include a mandatory winter solstice (22 June, 10am–2pm) control over the southern footpath of York Street from Cecil Street to the western boundary of the South Melbourne Market, protecting sunlight to the potential future open space on the Market site. In DDO39 the equinox overshadowing controls are expressed as preferred. In each DDO schedule, the protection of Market Street is also expressed as preferred.

The controls address additional shadows cast on the southern footpaths of specified east–west streets between 10am and 2pm on 22 September. The streets protected vary by precinct and collectively include:

- Market Street
- York Street
- Coventry Street
- Dorcas Street

- Bank Street
- Park Street.

The mandatory expression of these controls is consistent with the approach in the existing DDO8 and standard practice for overshadowing controls in Victorian activity centre planning provisions.

(iii) Evidence and submissions

No evidence challenged the scope, reference times or reference dates of the overshadowing controls.

PPP Group submitted:

- the Dorcas Street Reserve had been omitted from the overshadowing controls and had not been exhibited as a proposed change
- because no exhibition of an additional mandatory control had occurred, it was not open to the Panel to recommend the addition of a new mandatory overshadowing control for the Dorcas Street Reserve at this stage.

Council acknowledged during the Hearing that the omission of the Dorcas Street Reserve from the overshadowing controls was an error. It confirmed in closing that it would not seek to add a Dorcas Street Reserve overshadowing control through the Amendment and would instead consider it in a future amendment.

(iv) Discussion

The Panel notes that the reference time window (10am–2pm) is somewhat wider than the Built Form Review’s recommendation of 11am–1pm (Recommendation 6 of the Built Form Review). This is appropriate given the mandatory character of the controls and the importance of solar access to the public realm in a fine-grained urban environment.

This will better protect the southern footpaths of key east–west streets. The controls implement a long-standing principle of the South Melbourne planning controls, protect the amenity of pedestrian environments and are consistent with the SMSP objectives.

On the Dorcas Street Reserve omission, the Panel notes PPP Group’s submission and Council’s advice that this control will not be added to the DDO schedules at this stage.

(v) Conclusions

The Panel concludes:

- The mandatory overshadowing controls for the southern footpaths of key east–west streets in DDO37, DDO38, DDO39 and DDO40 are appropriate and should be supported.
- An overshadowing control should not be applied to the Dorcas Street reserve through the Amendment.

4 Heritage matters

4.1 The issues

The issues in relation to heritage matters are:

- whether the proposed individual heritage additions and the addition to HO440 are supported by the heritage assessment work and whether the supporting Statements of Significance are robust
- whether the heritage interface controls in the DDO schedules (in particular, the mandatory retention of street walls and the 6-metre upper-level setback above retained street walls) are appropriately calibrated and consistent with the operation of the Heritage Overlay
- whether the changes to local heritage policy and to the Schedule to the Heritage Overlay are supported.

4.2 Background

Heritage controls in the SMSP area derive from a combination of State and local instruments. There are four places in the Victorian Heritage Register within the South Melbourne Major Activity Centre, including part of the Emerald Hill Estate (VHR H1136) and a substantial proportion of land within the MAC is already subject to the Heritage Overlay (Figure 10), principally as part of the Emerald Hill Residential Precinct (HO440), Emerald Hill Estate (HO30) and the City Road Industrial Area (HO4).

The Amendment proposes three sets of changes that are heritage-related:

- the addition of nine individual places to the Heritage Overlay (Figure 11):
 - HO561 City Edge
 - HO563 110 Bank Street
 - HO564 151-155 Dorcas Street
 - HO565 108 Bank Street
 - HO566 167-173 Coventry Street
 - HO567 82-86 Clarke Street
 - HO568 49-55 York Street (former J.E. Searls Engineers and Coppersmiths)
 - HO569 152-160 Clarendon Street (former Star Hotel)
 - HO570 68-70 Market Street (Alma & Tasma Terraces)
- the addition of four contributory places to HO440 (Emerald Hill Residential Precinct), being:
 - Alfred Place, South Melbourne
 - 214-216 and 220 Clarendon Street, South Melbourne
 - 31 Ross Street, South Melbourne
 - 221 Moray Street, South Melbourne
- changes to the local heritage policy at Clause 15.03-1L
- heritage interface controls embedded in DDO37, DDO38, DDO39 and DDO40 include:
 - the mandatory retention of identified street walls
 - an upper-level setback above retained street walls

- decision guidelines that direct attention to heritage character at edges and corners.

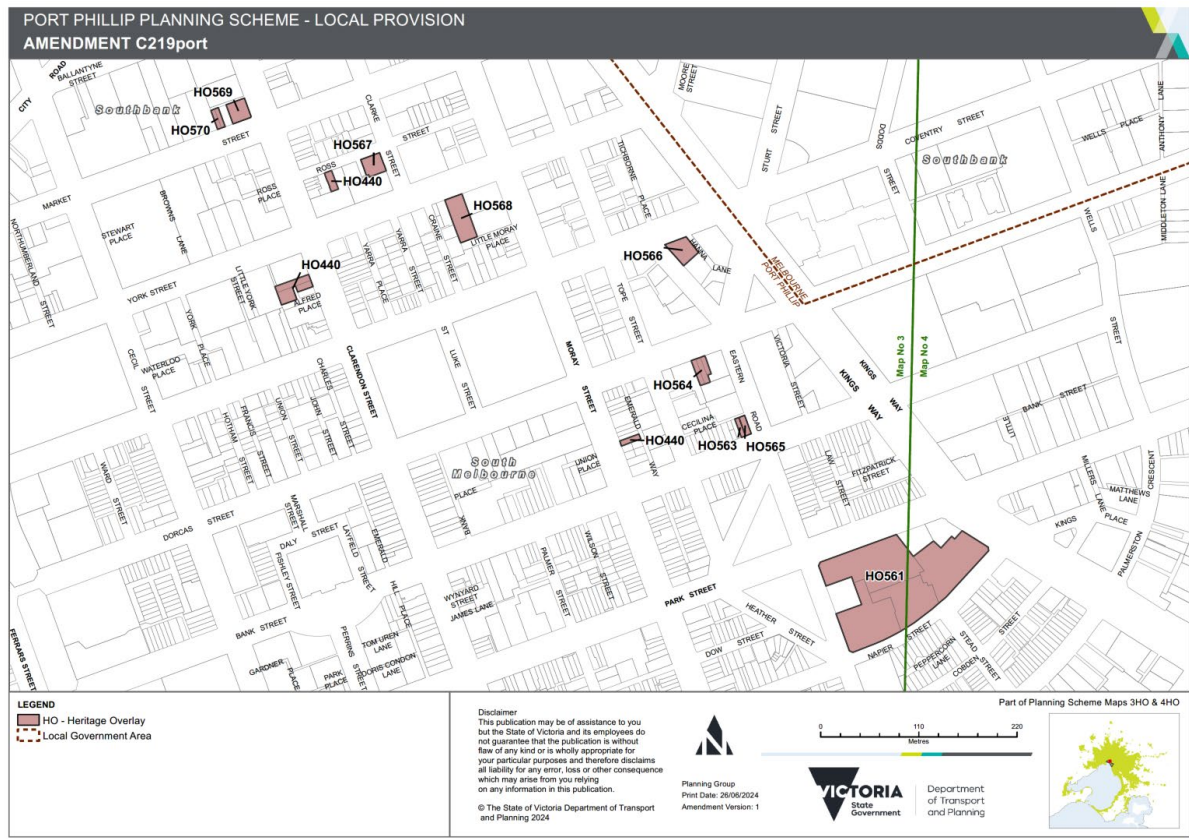
The heritage assessment work supporting the new Heritage Overlay additions was undertaken by Trethowan Architecture in the Gaps Analysis. The built form analysis underlying the heritage interface controls in the DDO schedules was prepared by GJM Heritage in Heritage Review. These reports are background documents to the Amendment.

Figure 10 Location of existing Victorian Heritage Register and Heritage Overlay



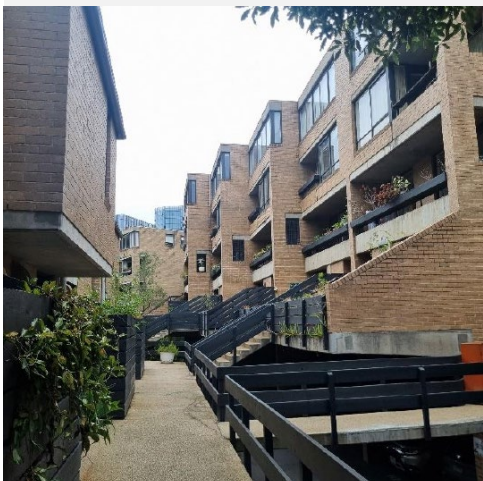
Source: Evidence statement of Mr Gard'ner p. 25 (Document 20)

Figure 11 Proposed additions to the Heritage Overlay



4.3 City Edge, 89 and 99 Eastern Road and 36A and 58A Napier Street South Melbourne (HO561)

Exhibited Statement of significance



What is significant?

The apartment complex City Edge in its garden setting including mature Australian native trees, designed by Daryl Jackson and Evan Walker and constructed in stages

from 1971 to 1975, at 89 & 99 Eastern Road and 36A and 58A Napier Street, South Melbourne is significant.

Alterations and additions made after 1975 are not significant.

How is it significant?

City Edge is of local historical, representative, aesthetic and associative significance to the City of Port Phillip.

Why is it significant?

City Edge is historically significant for its association with the theme of later twentieth century higher density development in the municipality, particularly as a reaction to the earlier slum clearances initiated by the Housing Commission of Victoria in the post-war period. The complex is an outstanding example of a mixed housing development that sought a more contextually and architecturally sensitive local response to the demand for new and higher density modern housing in the municipality in the mid to late twentieth century. City Edge's success helped turn the Housing Commission away from building more high-rise flats and pointed the way towards new forms of housing in the municipality in the 1970s-80s. (Criterion A)

City Edge is significant as an outstanding local example of the work of architects Daryl Jackson and Evan Walker. The development was awarded an RIAA medal for its innovative resolution of social and physical problems. The complex integrates a variety of housing into a large high-density development for the time, integrating diverse sized residences into the landscape and so creating a more sensitive response to the traditional urban scale of South Melbourne. Architecturally, the complex is notable for the way building mass is stacked to optimise the site limitations and orientations towards views and sunlight, balancing the competing demands for privacy and sociability. It incorporates the traditional functions of front gardens, balconies and footpaths into a brutalist/functionalist styled modern complex of interconnected internal landscapes, causeways and terraces in order to create its own 'neighbourhood' over and above the parking below. The complex is a significant and pioneering representative of the higher density mixed housing type in the municipality. (Criterion D & E)

City Edge is significant for its association with Daryl Jackson and Evan Walker. The development was a highlight and defining project of the professional pairing of Jackson and Walker. Daryl Jackson went on to become a renowned and influential Australian architect and an associate professor at the University of Melbourne. Evan Walker took his ideas in a more political direction, entering Victorian parliament and becoming minister for planning in the 1980s. In City Edge, the combination of their political and architectural influences is demonstrated by the dedication to mixed development and modern design ideas as the pair translated their overseas experiences and influences into the local Victorian context. (Criterion H)

(i) The issue

The issue is whether City Edge, 89 and 99 Eastern Road and 36A and 58A Napier Street, South Melbourne has sufficient heritage significance to justify the Heritage Overlay (HO561).

(ii) Evidence and submissions

Fourteen submissions opposed the application of the Heritage Overlay to City Edge.

One submission considered:

- the heritage amendment process was fundamentally flawed because the Practice Note obligation to consult owners corporations was not followed
- proper consultation would have revealed comprehensive structural reports documenting serious defects such as concrete cancer, tilted slabs and cracked beams and an existing arborist report
- the assessment is insufficiently researched, lacks a coherent vision and does not meet the standard of such a document
- the tree and vegetation controls should be deleted because the original plantings no longer exist in documented form, that many large eucalypts have proven dangerous and that Council's 2020 Biodiversity Study confirmed no indigenous or heritage-significant plants remain, with existing local laws providing adequate protection
- the original colour schemes are appropriate but there should be no solar restrictions.

Another two submissions stated:

- they opposed extending the Heritage Overlay (HO440) as disproportionate and unnecessary for a complex that has changed substantially
- the church has burned down, the commercial hub sold to a developer and the kindergarten is being redeveloped by Council
- Stage 2 faces about \$2.9 million in capital works and inherent engineering deficiencies that must be carried out to modern standards without the cost and delay of heritage permits.
- there should be no restrictions on sustainability and safety upgrades such as solar panels, EV charging, security and accessibility
- the central garden is already constrained by existing controls and that several large eucalypts will need removal for safety regardless of the overlay
- the Heritage Overlay does not meet the tests of proportionality, necessity and net community benefit
- There is a parallel with the State's demolition of similarly aged public housing towers in Port Melbourne
- If the Heritage Overlay is not removed, it should be revised to include exemptions for safety, sustainability and accessibility works.

Council submitted that the Heritage Overlay is justified because the buildings and sites were rigorously assessed against the HERCON criteria through the Heritage Review, with expert evidence showing City Edge meets multiple criteria (historical, representative, aesthetic and associative significance) as a notable example of post-war higher density

housing associated with prominent architects. Council maintained that applying the overlay to all stages is appropriate and consistent with the assessment work, accepting minor amendments for documentation inconsistencies but no change to the mapped extent.

Council rejected the proposition that the physical condition of the buildings, such as deterioration or concrete cancer, should influence heritage listing, arguing that condition is separate from significance and is addressed at the permit stage when works are proposed. Only where demolition is unavoidable and heritage value irreparably lost would condition be relevant and here Council and its expert concluded the complex remains fundamentally intact.

Council contended that the tree and landscape controls are integral to the heritage value, the mature native planting and internal garden being part of the original design intent and that no separate arboriculture assessment is required at this stage. It dismissed concerns about financial burden, property values and redevelopment as irrelevant under Planning Practice Note 01: Applying the Heritage Overlay (PPN01) and consistent panel precedent, those being matters for the permit process, while framing the overlay as necessary for long-term conservation with flexibility for adaptive reuse and upgrade works.

Mr Stephenson gave evidence for Council and supported each of the nine individual and four contributory additions to HO440 as meeting the threshold for local significance under the HERCON criteria in PPN01. He stated that City Edge:

- has strong associative significance (Criterion H) through its connection to architects Daryl Jackson and Evan Walker
- although not their most famous project, is an important early work that helped establish their reputations and reflects Jackson's emerging regionalist approach.

His evidence was that the heritage controls, including paint, tree and solar controls, are appropriate and proportionate and do not preclude ongoing use, adaptation, maintenance or sustainability measures undertaken sensitively and that cost, condition and redevelopment potential are not relevant to determining significance though they can be managed through future permits.

Mr Stephenson noted that the slum clearance at the site was undertaken by the Housing Commission of Victoria (HCV) but that City Edge was a privately developed project by Silverton Ltd, an important distinction. He added:

By being strongly associated with the theme of post-war development as a pioneering example of higher density housing in the municipality and critically acclaimed at the time, it is my opinion that the City Edge complex clearly meets the threshold of historical significance.

Mr Stephenson considered that City Edge clearly meets the threshold for local heritage significance across the historical, representative, aesthetic and associative criteria, is well documented and aligns with local themes of post-war housing and that its comparative performance and integrity make it 'better than typical' and warrant inclusion in the Heritage Overlay.

To clarify the location of City Edge he recommended adding the entirety of the City Edge complex to the title boundaries to the Heritage Overlay, in accordance with PPN01. He

observed that there are many properties on the site given that each unit was given its own distinctive street address as part of the scheme. Therefore, the citation should be updated to include specifically the Park Street properties, as well as amended to include the range of street addresses on Napier Street as shown in Figure 12.

Figure 12 Location of the City Edge complex



He noted that:

Criterion D and E have been combined in the citation but should be separated out to align with more recent practice of avoiding combination of criteria. The current Statement of Significance under the combined heading currently talks to both Criterion D, representative significance as a higher density development and to Criterion E, aesthetic significance, as an architectural design by Walker and Jackson incorporating Brutalist design elements.

Mr Stephenson provided a revised assessment of Criteria D and E and recommended the following changes to the statements of significance:

- The historical outline should be amended to clarify that the development was a private project (rather than a Housing Commission of Victoria project) on land previously cleared by the HCV.
- Criteria D and E should be separated to differentiate the place's representative significance (an outstanding example of higher-density mixed development of the period) from its aesthetic significance (a Brutalist architectural design).
- The addresses and mapping should be corrected to include the whole of the City Edge complex as mapped on VicPlan.

On tree controls, Mr Stephenson stated that native tree planting was integral to the original conception of City Edge, as set out in the McCaughey commentary and that the mature trees contribute to its significance. The control allows succession planning and case-by-case replacement with a compatible species, the objective being to retain an appropriate native garden setting rather than any individual specimen.

(iii) Discussion

The Panel finds the heritage assessment work and the evidence given by Mr Stephenson to be sound and unchallenged. The methodology applied is consistent with PPN01. Mr Stephenson's comparative analysis and his treatment of the HERCON criteria are persuasive and the place's award-winning status and identification in the Thematic Environmental History reinforce his conclusions on the threshold question.

The Panel recognises the genuine concerns raised about the cost and complexity of maintenance, future-proofing and structural renewal of an ageing complex. However, these matters do not bear on whether the place meets the threshold of local heritage significance, which is the only question for the Panel at this stage. The Heritage Overlay does not prevent maintenance, like-for-like repair, sensitive renewal, accessibility upgrades or the replacement of components such as balustrades; nor does it preclude appropriately scaled additions or the installation of solar arrays in suitable locations. Where future works require a permit, the heritage values of the place will be balanced against the other relevant considerations of the planning scheme on a case-by-case basis.

The Panel accepts Mr Stephenson's recommended refinements to the City Edge Statement of Significance, which clarify the private (rather than HCV) nature of the development, separate Criteria D and E to better articulate the representative and aesthetic significance and correct the addresses and mapping to align with VicPlan.

The Panel accepts Mr Stephenson's evidence on the tree controls at City Edge. PPN01 contemplates tree controls where the trees contribute to the significance of a heritage place and the citation here documents the integral role of the native garden setting in the original design. The fact that some trees have been replaced over the life of the complex does not displace the heritage relevance of the native garden setting, which remains evident on inspection.

Concerns about tree succession planning and the possible impact of tree roots on building structures can be addressed at the permit stage rather than at the application of the control.

The Panel similarly accepts the proposed changes to the citation for 167-173 Coventry Street.

(iv) Conclusions and recommendations

The Panel concludes:

- City Edge, 89 and 99 Eastern Road and 36A and 58A Napier Street, South Melbourne has sufficient heritage significance to justify the Heritage Overlay (HO561).
- The historical outline should be amended to clarify that the development was a private project rather than a Housing Commission of Victoria project.
- Criteria D and E should be separated to differentiate the place's representative significance.

- The addresses and mapping should be corrected to include the whole of the City Edge complex as mapped on VicPlan.

The Panel recommends:

Amend the statement of significance for City Edge, 89 and 99 Eastern Road and 36A and 58A Napier Street, South Melbourne (HO561):

- a) to separate the discussion of Criteria D and E to differentiate the place's representative significance**
- b) amend the historical outline to clarify that the development was a private project rather than a Housing Commission of Victoria project**

Correct the addresses and mapping for City Edge to include the whole of the complex as mapped on VicPlan.

4.4 167-173 Coventry, South Melbourne (HO566)

Exhibited Statement of significance



What is significant?

The single-storey post-war Patons Brakes Replacements workshop and showroom (former) designed by D. Graeme Lumsden and constructed c.1958 at 167-173 Coventry Street, South Melbourne is significant.

How is it significant?

The Patons Brakes Replacements workshop and showroom (former) at 167-173 Coventry Street, South Melbourne is of local historical and aesthetic significance to the City of Port Phillip.

Why is it significant?

The Patons Brakes Replacements workshop and showroom (former) is historically significant as it demonstrates the development of local-enterprise industrial / commercial development in South Melbourne in the post-war period. In contrast to the larger industrial complexes set up for national businesses, the Patons Brakes Replacement building demonstrates smaller-scale industry for the local community. The function for automotive parts and repair demonstrates the post-war rise in private motor vehicle ownership. (Criterion A)

The Patons Brakes Replacements workshop and showroom (former) is aesthetically significant as a good example of a post-war modernist industrial/commercial building in a functionalist mode with a restrained material palette and zoned façade. The

building features a simple form with expressed structure and horizontal emphasis offset by delicate vertical elements. Ornamentation is achieved through material placement and form, rather than application. It is a relatively rare example of a post-war industrial building at a small scale in the municipality. (Criterion E)

(i) The issue

The issue is whether 167-173 Coventry Street, South Melbourne has sufficient heritage significance to justify the Heritage Overlay (HO566).

(ii) Evidence and submissions

Fountain Products Pty Ltd, the landowner of 167-173 Coventry Street opposed the proposed site-specific Heritage Overlay, arguing that the statement of significance overstates the building's significance. It submitted:

- describing a small brake repair shop as indicative of broader post-war manufacturing and automotive industry growth is an unjustified leap
- the site never involved any manufacturing or production and a single modest repair shop among a variety of other uses cannot reasonably be said to represent an era of industrial expansion
- the three comparable buildings cited in St Kilda rather than South Melbourne, differ in appearance and function and no local examples of the original architect Lumsden's work were identified within the municipality
- the absence of meaningful local comparison is evidence that the building is unremarkable rather than representative of post-war industrial design in Port Phillip
- the building lacks the distinctive features typically associated with industrial heritage, such as a sawtooth roof and presents as a plain and undistinguished streetscape element.

Fountain Products Pty Ltd added:

- the building's physical integrity has been significantly compromised by alterations over time, including changes to the frontage, glazing, infill panels, entrances and what appears to be the removal of the original inset corner entrance
- these changes have diminished whatever heritage value the building may once have possessed, making a site-specific overlay, the most stringent form of heritage protection, particularly difficult to justify.

While Fountain Products Pty Ltd supported the broader built form increases proposed in the draft structure plan, the Heritage Overlay would largely negate those benefits for this site. Retention requirements would produce taller, thinner and more costly built forms, complicate basement car parking and render adaptive reuse commercially unviable. Consequently, the Heritage Overlay directly conflicts with the structure plan's own objective of encouraging commercial growth in South Melbourne.

Council maintained that 167-173 Coventry Street satisfies both Criterion A and Criterion E. On Criterion A, the building is valued not as a large-scale manufacturing site but specifically as an example of smaller-scale local enterprise serving the community in the

post-war period and as part of a chain of sites connected to the rise of private motor vehicle ownership around Melbourne. On Criterion E, it was assessed as a relatively rare surviving example of post-war modernist industrial design at a small scale in the municipality, notable for its functionalist restraint, expressed structure and zoned façade.

With respect to the comparative analysis, Council stated:

- the scarcity of comparable surviving buildings by architect Lumsden within the municipality actually reinforces rather than undermines the site's significance, since Lumsden was prolific in Melbourne during the period and this is among the few remaining local examples of his work
- the comparison to other post-war industrial buildings in the Heritage Overlay is maintained as relevant, even acknowledging typological differences between the subject building and the Albert Road Clinic reference.

Council acknowledged the alterations that have occurred, including removal of the corner entrance, overpainting, covered glazing and obscured brickwork, but stated these do not compromise heritage significance. Council concluded that the building retains sufficient integrity to warrant the Heritage Overlay.

Mr Stephenson supported the Heritage Overlay for 167-173 Coventry Street on both historical and aesthetic grounds. On Criterion A, the 1958 building lies within the broader story of Patons Brakes Replacements, a company with deep roots in the post-war Australian automotive industry. Established in Carlton in 1927, Patons grew rapidly through the 1950s and 1960s as part of the Repco group, developing brake components for local vehicle models, launching an innovative aluminium power brake system and eventually exporting to international automotive aftermarkets. The South Melbourne building, described at the time as the company's "new modern brake service division," was assessed as one of a chain of sites around Melbourne connected to this significant industrial development and representative of the growth of smaller-scale local workshops and showrooms serving the community in the post-war period.

On aesthetic significance (Criterion E), Mr Stephenson found the building to be a noteworthy surviving example of post-war Modernist commercial and industrial design by architect D Graeme Lumsden. Its clean orthogonal lines, simple abstracted forms, restrained material palette and minimal ornamentation are characteristic of the functionalist Modernist style and the combination of commercial and industrial features adds further interest. He noted that few extant examples of Lumsden's work appear on the Heritage Overlay within Port Phillip, which reinforces rather than undermines the building's significance as a rare surviving local example of a prolific Melbourne architect.

On the question of physical intactness, Mr Stephenson acknowledged that alterations have occurred but concluded they have not substantially diminished the building's ability to demonstrate its historical associations or aesthetic character. The key design elements, particularly the vertical façade divisions expressed through precast concrete panels and glazing, remain distinguishable and he considers the visual impact of alterations to be somewhat overstated by the effect of overpainting, with some elements potentially reversible. He dismissed development potential as irrelevant to the assessment of cultural significance.

Mr Stephenson recommended that the heritage citation be revised to reference the Albert Road Clinic and Offices at 31-33 Albert Road as another known Lumsden design within Port Phillip, providing additional comparative context to better articulate the building's significance within the architect's local body of work.

(iii) Discussion

The Panel accepts Mr Stephenson's evidence. The former Patons Brakes workshop and showroom at 167-173 Coventry Street satisfies both Criterion A and Criterion E and retains sufficient integrity to warrant inclusion in an individual heritage overlay. The citation should be revised as recommended to reference the Albert Road Clinic and Offices at 31-33 Albert Road.

The Panel agrees that the building's value lies in its smaller scale, as a local service branch within a nationally significant automotive supply chain, rather than in any claim to large-scale industrial production. The Panel agrees with Mr Stephenson's observation that the scarcity of surviving Lumsden buildings within Port Phillip reinforces rather than undermines significance, given how prolific the architect was across Melbourne during the period. The updated citation referencing the Albert Road Clinic at 31-33 Albert Road provides a further point of local comparison that addresses the submission's concern about the absence of municipal context.

The building has been altered but the essential design elements, the vertical façade divisions, precast concrete panels and glazing, remain legible. Development impact is not relevant when considering the site has sufficient cultural significance to justify the Heritage Overlay.

(iv) Conclusions and recommendations

The Panel concludes:

- 167-173 Coventry Street, South Melbourne has sufficient heritage significance to justify the Heritage Overlay (HO566).
- The heritage citation should be revised to reference the Albert Road Clinic and Offices at 31-33 Albert Road as another known Lumsden design within Port Phillip.

The Panel recommends:

Amend the citation for 167-173 Coventry Street, South Melbourne (HO566) to reference the Albert Road Clinic and Offices at 31-33 Albert Road as another known Lumsden design within Port Phillip.

4.5 82-86 Clarke Street South Melbourne (HO567)

Exhibited Statement of significance



What is significant?

The inter-war period Coca-Cola factory / bottling plant (former) at 82-86 Clarke Street, South Melbourne, built c1938–41 is significant.

How is it significant?

The Coca-Cola factory / bottling plant (former) at 82-86 Clarke Street, South Melbourne is of local historical, representative and aesthetic significance to the City of Port Phillip.

Why is it significant?

The Coca-Cola factory / bottling plant is historically significant for its association with the inter-war phase of industrial development in South Melbourne. It demonstrates smaller-scale industries that emerged prior to large national and international industrial complexes that developed north of City Road and at Fishermans Bend. (Criterion A)

The Coca-Cola factory / bottling plant is of representative significance as a fine and externally intact example of a functional modernist industrial building. The building fabric demonstrates the characteristics of a concrete structural grid frame, cuboid form, limited material palette, lack of ornamentation, use of clinker brick and expansive areas of steel-framed glazing. The building is notable as an early example of the style and for demonstrating modernist characteristics more typically associated with the post-war period. (Criterion D)

The Coca-Cola factory / bottling plant is of aesthetic significance as a fine example of early functional, industrial modernist design. The building demonstrates a stylistic purity across all elevations and is rigorous in the application of functionalist principles. The Coca-Cola factory / bottling plant is important in exhibiting these aesthetic characteristics because it is an early and intact example. (Criterion E)

(i) The issue

The issue is whether 82-86 Clarke Street, South Melbourne has sufficient heritage significance to justify the Heritage Overlay (HO567).

(ii) Evidence and submissions

Morgan Lane Investments Pty Ltd submitted:

- while the facades of the building are amazing it is not economically viable to retain the building
- Council should be consistent in dealing with the retention of heritage buildings.

Mr Stephenson stated:

- economic viability is not a heritage consideration although it may be weighed when assessing future permit applications
- individual significance does not require a building to be part of a heritage precinct or streetscape
- the submission makes no substantive challenge to the heritage assessment and consequently he recommended that the statement of significance remain unchanged.

(iii) Discussion

The Panel accepts Mr Stephenson's evidence and agrees that 82-86 Clarke Street, South Melbourne has sufficient heritage significance to justify the Heritage Overlay.

(iv) Conclusion

The Panel concludes 82-86 Clarke Street, South Melbourne has sufficient heritage significance to justify the Heritage Overlay (HO567).

4.6 J.E. Searls Factory, 49-55 York Street (HO568) and Corner Shop, 108 Bank Street, South Melbourne (HO565)

(i) The issue

The issue is whether 49-55 York Street (HO568) and Corner Shop, 108 Bank Street (HO565) have sufficient heritage significance to justify the Heritage Overlay.

(ii) Evidence and submissions

One submission believed the buildings at 49-55 York Street and 108 Bank Street were 'ugly' and wasted development land.

Mr Stephenson dismissed both grounds because aesthetic taste is subjective and irrelevant to heritage assessment and development potential is not a heritage consideration. No substantive heritage arguments were raised, so he recommended both Statements of Significance be adopted unchanged.

(iii) Discussion

The Panel accepts Mr Stephenson's evidence, noting that none of the reasons raised in the submission are relevant when assessing whether there is sufficient heritage significance to justify the Heritage Overlay.

(iv) Conclusion

The Panel concludes 49-55 York Street (HO568) and Corner Shop, 108 Bank Street (HO565) have sufficient heritage significance to justify the Heritage Overlay.

4.7 Heritage interface controls in the DDO schedules

(i) Evidence and submissions

Mr Gard'ner supported the heritage interface provisions of the proposed DDO schedules. He stated:

- the exhibited DDO schedules (with the changes set out in the Council resolution of 3 December 2025) appropriately address the character, appearance and significance of identified heritage places within the South Melbourne MAC, the Enterprise Precinct and the KWMUC
- the use of mandatory controls in response to identified heritage places is informed by thorough strategic work, including built form analysis and 3D modelling and is consistent with the guidance in PPN59, PPN60 and PPN90
- the principal heritage purpose of the upper-level setback above retained street walls is to preserve the perception of the heritage street wall when viewed from the opposite footpath, and to avoid 'facadism'.

Mr Gard'ner recommended two minor changes:

- Amend Plan 3 (street wall height) within DDO37 to indicate, by dark grey shading, that the 'VHR properties' designation applies to the terraces at 189, 191 and 193 Bank Street and adjacent 24A and 24B Emerald Hill Place.
- Add a new built form outcome to DDO38 under the heading 'Street wall and setbacks' in the form: 'Respect adjacent heritage buildings'.

Mr Raworth gave evidence on behalf of Spotlight and took issue with the proposed mandatory retention of the street walls of 100 Market Street and 111 Cecil Street. He stated:

- The citation for 100 Market Street identifies the place as being of historic and aesthetic significance, but the publicly visible street facades are highly altered, of low integrity and lack architectural, stylistic or period coherence; the southern roof bay was reconstructed after a fire in 2009; and the citation itself specifically contemplates partial retention.
- For 111 Cecil Street, the facades to the former Victoria Hotel were reconstructed in 2006/7 and do not comprise significant heritage fabric; the Statement of Significance acknowledges the place no longer meets the threshold as a locally significant building and identifies it instead as contributory or "an interpretation".

- At both sites, the existing Heritage Overlay already provides an appropriate mechanism to manage heritage values, including the consideration of full or partial demolition; mandatory street wall retention in the DDO schedule unnecessarily pre-empts that consideration and is at odds with the discretionary character of the Heritage Overlay and the relevant Statements of Significance.

Mr Raworth recommended that Plan 3 of DDO38 include a fifth category of street wall treatment at the subject sites, expressed as: 'Full or partial retention of street wall, as per citation guidelines (preferred)'.

Spotlight submitted:

- it supported Mr Raworth's analysis
- the mandatory street wall retention as proposed in DDO38 is not found in the various DDO schedules and Panel reports cited within the GJM Built Form Analysis
- the rationale for the upper-level 6-metre setback (drawn from the chimney depth and front-room dimensions of the typical Victorian shopfront/residence) is not directly applicable to industrial heritage buildings, which generally do not have that frontage typology.

PPP Group stated that, while the avoidance of 'facadism' is a legitimate heritage objective, the mandatory expression 'must' in the DDO schedules will not, on its own, achieve mandatory operation unless it is also stated that no permit can be issued varying the requirement. The wording of the DDO schedules should be reviewed accordingly. PPP Group also raised the use of the term 'facade' in the DDO schedules heritage interface provisions, suggesting it should be defined to clarify whether it includes side or shared-boundary walls.

In closing, Council accepted that the upper-level 6-metre setback above retained heritage street walls is principally derived from the typical Victorian residential/shopfront typology and that its application to industrial heritage frontages requires site-specific justification. Council's position was that the rationale is sufficiently demonstrated within the GJM Built Form Analysis and that the controls should otherwise be retained.

(ii) Discussion

The Panel accepts that the heritage interface controls in the DDO schedules are informed by thorough strategic and heritage built form work and that the use of mandatory controls for the protection of identified heritage places can, in principle, be justified consistently with PPN59, PPN60 and PPN90.

On the mandatory retention of street walls, the Panel agrees with Mr Raworth on the substance of his concern in relation to 100 Market Street and 111 Cecil Street. The Heritage Overlay is the principal heritage management tool in Victorian planning practice and Clause 43.01 is expressly discretionary in its decision guidelines. The Statements of Significance for both sites already identify the appropriate level of street wall retention, partial retention at 100 Market Street, given the altered and non-original character of the visible fabric; and acknowledged contributory (rather than

significant) status at the reconstructed former Victoria Hotel facade at 111 Cecil Street.

Mandatory street wall retention in the DDO schedules, as currently expressed, sits awkwardly with those Statements of Significance. It pre-empts the more nuanced judgements that the Heritage Overlay is designed to permit and it does so without site-specific heritage justification additional to that already provided in the citations. The DDO schedules and the Heritage Overlay should be complementary rather than duplicate, with the Heritage Overlay carrying the principal weight on demolition and street wall retention questions and the DDO schedules providing built form direction for what occurs above and behind the retained heritage fabric.

The Panel accepts Mr Raworth's recommended fifth street wall category for DDO38 Plan 3 in relation to 100 Market Street and the former Victoria Hotel frontage at 111 Cecil Street: 'Full or partial retention of street wall, as per citation guidelines (preferred)'. This wording maintains the heritage objective, retains the encouragement of street wall retention and aligns the DDO with the Heritage Overlay's discretionary character and the relevant Statements of Significance.

On the upper-level 6-metre setback above retained street walls, the Panel accepts that the rationale (preserving the perception of the heritage street wall when viewed from the opposite footpath and avoiding facadism) is sound for typical residential and shopfront heritage frontages. The Panel agrees with Spotlight and with Council's closing position, that the rationale does not transfer directly to industrial heritage frontages, which have larger floor-to-floor heights, deeper internal spaces and a different relationship between street wall and adjoining built form. The 6-metre setback should be retained as drafted, but that the decision guidelines should explicitly direct attention to heritage character and parapet line, so that an alternative setback may be permitted where it produces a better heritage outcome on a particular industrial frontage. This refinement is consistent with the avoidance of facadism while providing flexibility for industrial heritage typologies.

The Panel accepts Mr Gard'ner's two specific recommendations: the shading correction to Plan 3 of DDO37 to indicate VHR properties at 189, 191 and 193 Bank Street and 24A and 24B Emerald Hill Place; and the addition of 'Respect adjacent heritage buildings' as a built form outcome under 'Street wall and setbacks' in DDO38.

The parent DDO provisions are drafted to enable a permit to vary a requirement in a DDO schedule. While confusing, this enables a requirement with 'must' to be varied unless there is a specific reference that 'a permit cannot be granted to vary this requirement'. The final versions of the DDO schedules apply this mandatory drafting and the Panel is satisfied that the controls intended to be mandatory operate as such.

(iii) Conclusions and recommendations

The Panel concludes:

- The heritage interface controls in DDO37, DDO38, DDO39 and DDO40 are appropriate and should be retained.

- Amend Plan 3 of DDO37 to indicate by dark grey shading that the 'VHR properties' designation applies to the terraces at 189, 191 and 193 Bank Street and 24A and 24B Emerald Hill Place.
- Amend Plan 3 of DDO38 to introduce a fifth street wall treatment category, 'Full or partial retention of street wall, as per citation guidelines (preferred)', to apply to 100 Market Street and to the former Victoria Hotel frontage at 111 Cecil Street.
- Add to DDO38, under the heading "2.4-7 Upper level setbacks behind a street wall" under Built Form Requirements add the following:
Alternative upper level setback may be supported in proximity to industrial heritage frontage where consideration of character, parapet line, and existing building modulation and alignment produces a better heritage outcome.
- Amend the decision guidelines for the upper-level 6-metre setback above retained heritage street walls to direct attention to heritage character, parapet line and the typology of the heritage frontage, so that an alternative setback may be supported on industrial heritage frontages where it produces a better heritage outcome.

The Panel Recommends:

Amend Plan 3 of Design and Development Overlay Schedule 37 to indicate, by dark grey shading, that the 'VHR properties' designation applies to the terraces at 189, 191 and 193 Bank Street and 24A and 24B Emerald Hill Place.

Amend Plan 3 of Design and Development Overlay Schedule 38 to introduce a fifth street wall treatment category, 'Full or partial retention of street wall, as per citation guidelines (preferred)', to apply to 100 Market Street and to the former Victoria Hotel frontage at 111 Cecil Street.

Amend the decision guidelines for the upper-level 6-metre setback above retained heritage street walls in Design and Development Overlay Schedule 37, Design and Development Overlay Schedule 38, Design and Development Overlay Schedule 39 and Design and Development Overlay Schedule 40 to direct attention to heritage character, parapet line and frontage typology, so that an alternative setback may be supported on industrial heritage frontages where it produces a better heritage outcome.

4.8 Heritage policy and the Heritage Overlay Schedule

(i) Evidence and submissions

The Amendment makes consequential changes to the local heritage policy at Clause 15.03-1L and to the Heritage Overlay Schedule. The changes to Clause 15.03-1L are mainly coordinating changed references: replacing references to the gazetted Amendment C213port with references to the proposed Amendment C219port. The substantive content of the policy, covering conservation, demolition and relocation, repair, alterations and additions, fencing, signage and the relationship with the Burra Charter, remains as adopted under Amendment C213port.

The changes to the Schedule to Clause 43.01 are: (i) the addition of nine new individual entries (HO561 and HO563 to HO570); (ii) the amendment of HO440 (Emerald Hill Residential Precinct) to incorporate the four new contributory places; and (iii) consequential corrections to addresses and mapping. Council's proposed final corrections to the addresses and mapping for City Edge respond to Mr Stephenson's recommended changes.

These provisions were not the subject of substantive contest in submissions, except for the queries about the new individual additions and the heritage interface controls in the DDO schedules both of which are addressed above.

(ii) Discussion

The Panel finds the changes to the local heritage policy at Clause 15.03-1L to be straightforward and supported. The changes to the Heritage Overlay Schedule are consistent with the heritage assessment work and the findings on the first sub-issue and reflect the citation refinements recommended by Mr Stephenson.

(iii) Conclusion

The Panel concludes the proposed changes to local heritage policy at Clause 15.03-1L and to the Heritage Overlay Schedule are appropriate.

5 Development capacity

5.1 Housing

(i) The issue

The issue is whether the Amendment's approach to housing provision is appropriate.

(ii) Evidence and submissions

PPP Group submitted that the Amendment is fundamentally misaligned with Plan for Victoria, which reflects a State-recognised housing crisis and places far greater emphasis on enabling housing growth in well-located activity centres, including South Melbourne (designated an 'Activity Centre – Housing Choice and Stations'). It submitted this paradigm shift requires councils to actively facilitate housing to meet mandatory 2051 targets, yet the Amendment's background work predates the shift and fails to recalibrate the balance between growth facilitation and built-form control.

PPP Group said Council relies inappropriately on Fishermans Bend (particularly the Montague Precinct) to absorb most of Port Phillip's housing growth, when South Melbourne is better placed, more attractive to residents and capable of delivering housing immediately. It submitted that applying mandatory FARs across most of the SMSP area risks suppressing yield and discouraging residential proposals and imposes a permanent cap on development capacity.

PPP Group disagreed that the proposed DDO schedules increase floorspace capacity relative to existing controls, particularly DDO8, contending the capacity modelling is unreliable and conservative, assumed strict DDO8 compliance (when many approved developments exceed those discretionary controls) and failed to account for lot consolidation. It submitted that mandatory FARs would, for the first time, impose a permanent floorspace limit amounting to a net reduction, not an increase, in development capacity.

This position was supported by several other submitters and experts:

- Mr Twite said Council adopted an unduly conservative methodology by relying on existing DDO8 controls rather than exploring the Activity Centre's full potential, resulting in an under-allocation of housing capacity to South Melbourne relative to its location, infrastructure and zoning. He challenged reliance on Fishermans Bend, citing infrastructure delivery uncertainties, and emphasised that State targets are minimums, not maximums.
- CPG submitted that Council had not revised the Amendment in light of the Housing Statement and Plan for Victoria, relying on the evidence of Mr McBride-Burgess and PPP Group's submission.
- Mr McBride-Burgess said Plan for Victoria identifies South Melbourne as an 'Other activity centre' within a high-growth area and an 'Employment and innovation area', so significant change is expected, yet housing growth in the SMSP is framed as steady and sustainable despite State policy directing major growth to well-served activity centres. He said the activity centre is a logical

place to contribute housing supply that the Amendment does not fully capitalise on.

- GLG submitted that activity centres, including South Melbourne, are now expected to carry a substantial share of growth, and that the mandatory FARs are counter-productive because they impose explicit limits where none previously existed, prioritising constraint over facilitation without sufficient strategic justification.
- Autumnfield submitted that Plan for Victoria sets a target of 55,000 new dwellings by 2051 and identifies South Melbourne as an 'Activity Centre – Housing Choice and Stations', creating tension with the Housing Strategy's assumption that more than half of growth will occur in Fishermans Bend despite ongoing uncertainty there. It said South Melbourne may be under-utilised in strategic housing planning.
- SMAW and Saade Group made similar submissions.

Council acknowledged the importance of policies promoting housing in activity centres but stressed they are not new and cautioned against a "panic-driven" response to the housing crisis. It supported the State's municipal-wide capacity targets, noting it had already commenced planning to meet them through its Housing Strategy. Council submitted that South Melbourne warrants a tailored response rather than the standardised approach applied to other activity centres, is not among the 60 centres being planned by the Department of Transport and Planning, and must be assessed as a whole rather than by maximising individual sites, striking a balance between housing, employment, heritage, built form, sunlight, amenity, flood risk and net community benefit.

Council submitted that housing targets apply at the municipal level, with no specific target for South Melbourne (only Fishermans Bend has a defined target) and rejected the claim that it is over-reliant on Fishermans Bend. Relying on advice from the Department of Precincts (Document 82), it pointed to a pipeline of over 15,900 new homes in Fishermans Bend (about 43 per cent of the dwelling growth target), approximately 4,400 already delivered or under construction and activity tracking ahead of projections, contradicting claims that the area is stalled. Council explained this evidence is used not to justify reducing South Melbourne's growth, but to avoid panic-driven planning that would increase heights and density beyond what is appropriate.

Council pointed to the Built Form Review as evidence of planning for substantial growth, identifying almost a doubling of floorspace and more than a doubling of housing capacity compared to existing controls, and rejected attempts to inflate the baseline by treating discretionary DDO8 controls as development rights. It concluded that widespread high-rise development is unnecessary and would come at an unacceptable cost to South Melbourne's character, and that the Amendment strikes an appropriate balance between growth and protection of valued urban qualities.

Mr Barnes's evidence considered whether the proposed intensity is appropriate given the municipal target of 55,000 dwellings by 2051. He said Council's Housing Strategy indicated a potential capacity of 52,000 to 58,000 dwellings, suggesting the target was achievable and that if it is met there is no strategic justification to increase the capacity enabled by the Structure Plan. While more recent Department of Transport and Planning advice indicates a possible shortfall, he said any reconsideration is a municipal-wide

issue, not one to be resolved by altering South Melbourne in isolation and would require a structured, municipality-wide review. He cautioned against reacting to capacity uncertainty by either abandoning the Structure Plan or significantly increasing intensity, characterising Plan for Victoria as a living framework requiring iterative, adaptive planning rather than one-off recalibration.

(iii) Discussion

The Panel agrees with Council that the Amendment facilitates a substantial uplift in both floorspace and housing capacity relative to existing controls, with the Built Form Review demonstrating significant change across the Activity Centre. The contested issue for the Panel is therefore not whether growth is enabled, but how it is managed. As discussed earlier, the mandatory FARs have been applied as coordinating mechanisms to ensure that increased development occurs in a manner that is design-led, equitable across sites and consistent with the intended mid-rise character of South Melbourne. The Amendment reflects a conscious policy choice to prioritise good design, certainty and long-term place outcomes over short-term yield maximisation.

The Panel agrees with Mr Barnes who placed importance on the timing of the housing task where capacity targets extend to 2051 and are framed in Plan for Victoria as part of, what he considered, a living, adaptive policy framework. The Panel accepts Council's submission that capacity assessments will evolve, that strategies will require review and that further opportunities for growth may emerge over time. The Panel disagrees with the proposition that uncertainty about long-term capacity, or evolving State policy emphasis, justifies abandoning or substantially re-casting a carefully calibrated Structure Plan immediately upon its introduction.

The email from the Acting Executive Director of Precincts provides a vastly different picture from the stilted progress painted by some submissions and evidence.

Council's approach represents a measured and policy-consistent response to the challenges posed by Plan for Victoria and the housing crisis more broadly. It acknowledges the imperative for activity centres to contribute to housing supply, provides for significant growth in South Melbourne and does so within a framework that remains attentive to employment, heritage, amenity and urban character. The Amendment does not foreclose future adjustment should municipal capacity prove insufficient, but it avoids reactionary planning responses that would undermine established place values. In this context, the Council's position is strategic, justified and appropriate.

(iv) Conclusion

The Panel concludes the Amendment's approach to housing provision is appropriate.

5.2 Employment

(i) The issue

The issue is whether the Amendment provides enough supply of commercial land to meet demand until 2040.

(ii) Evidence and submissions

Council advised that the Enterprise Precinct comprises two areas of C2Z-zoned land along the Clarendon Street corridor, the Enterprise Precinct West and East, managed under DDO39 and DDO40 respectively. It submitted that the Melbourne Industrial and Commercial Land Use Plan 2020 (MICLUP) identified the precinct as regionally significant industrial land and warns that inner-Melbourne employment land is shrinking under residential pressure, while Planning Scheme Clauses 11.02-1S, 17.02-1S and 17.03-3S reinforce the need to retain employment land and protect significant industrial precincts.

Council added that the precinct is one of only three enterprise precincts in inner Melbourne (alongside Cremorne and Gipps Street, Collingwood), comprises 11.8 hectares, accounts for 17 per cent of Port Phillip's employment and generates gross revenue of about \$88 million per hectare against a municipal average of \$14 million. Both the SMEELUS and the SEEF recommend retaining the C2Z, the SMEELUS finding that even if 75 per cent of available C1Z and MUZ floorspace were used for housing and retail, those zones could accommodate only about 7 per cent of forecast commercial floorspace demand. Council agreed with the evidence of Mr Shipp and Mr Barnes that strategic planning should not be driven by short-term market conditions and that office demand is recovering post-pandemic. It concluded that rezoning to permit residential uses would undermine policy protecting regionally significant employment land and that no change to the Amendment is required.

Ms Hodyl's evidence was that the proposed built form controls achieve both improved urban quality and a significant uplift in development capacity and would facilitate growth of the Enterprise Precincts through controls aligned to commercial floorplates, significant additional commercial floorspace and support for a range of tenancy sizes from large businesses to start-ups. She compared the total net additional floorspace possible under the revised controls, revising her estimate from 527,500 square metres (2023 draft Built Form Review) to 646,000 square metres (final 2024 Built Form Review), as detailed in Table 4.

Table 4 Built Form Review net additional floorspace by precinct

Precinct	Additional GFA 2024	Additional GFA 2023
Clarendon Precinct	137,500	132,530
Market Precinct	53,400	44,480
Enterprise East Precinct	312,700	116,820
Enterprise West Precinct	142,400	116,820
Total	646,000	527,500

Source: Evidence statement of Ms Hodyl

Mr Barnes supported retaining the C2Z over the Enterprise Precinct East and West, noting that MICLUP classifies these precincts as regionally significant industrial land (and the CRIT as locally significant), that State and regional policy strongly supports retaining the current zoning for diverse employment-generating uses including offices, creative industries and innovation and that the area falls within an Employment and Innovation Area under Plan for Victoria. He agreed with the SMEELUS that the C2Z remained the

most appropriate zone and that there was no strategic need to introduce residential uses.

Mr Shipp gave evidence for Council that addressed the SMEELUS projections of commercial and retail floorspace demand to 2041. He explained that the projections were based on recent and planned commercial development and on employment projections prepared for the SEEF at the SA2 level, scaled down to the smaller Structure Plan footprint. The SMEELUS Addendum, using updated 2021 Census data, projected commercial floorspace demand of 126,000 to 137,000 square metres from 2023 to 2041, with a higher scenario of 187,000 square metres reflecting the office pipeline at the time and potential additional retail floorspace of 16,000 to 21,000 square metres against a base of about 85,000 square metres. He considered the projections robust and a suitable basis for the Structure Plan. On capacity, he explained that estimates were based on 2023 planning controls (including DDO8 heights and setbacks), applied to all privately owned, developable sites after excluding recently built, high-value, small, State-significant heritage and public sites, with net additional floorspace calculated as the difference between existing and maximum permissible floorspace.

Riverlee submitted that the loss of Enterprise Precinct commercial floorspace from rezoning the CRIT to a diversified land use would be inconsequential, since anticipated office demand to 2040 was only 31.9 per cent of the additional supply facilitated by the Amendment at its highest, and using 90 per cent of CRIT floorspace for residential would reduce total C2Z capacity by only 7.7 per cent. It relied on the evidence of Mr Quick and Mr McNeill and on Mr Shipp's acceptance that there was sufficient land overall to accommodate projected employment uses and that he saw merit in an alternative zoning to the C2Z provided the land's ongoing economic and employment use was maintained.

Mr Quick gave evidence for Riverlee and considered the SMEELUS methodology broadly appropriate but said several assumptions (the workspace ratio, the use of pre-COVID office completion rates for the high-demand scenario and the exclusion of many small lots) could have been set differently, which would have reduced estimated demand and increased capacity. Applying the SMEELUS methodology to the materially increased FARs in the revised Built Form Review, he estimated the existing C2Z could accommodate about 264,000 square metres of additional commercial floorspace, substantially exceeding projected demand, and noted the SMEELUS had not considered uses beyond employment. He described South Melbourne as a secondary office precinct in a highly competitive market where post-COVID shifts had subdued demand and elevated vacancies, considered zoning permissibility alone insufficient given the lack of direct train access and employment critical mass and expected demand near the lower end of the SMEELUS range.

Mr McNeill gave evidence for Riverlee and reviewed projected demand and supply drawing on the SMEELUS and the Urbis Economic and Market Considerations 2025 report (Urbis Report). He noted the SMEELUS employment-projections approach gave 142,000 to 153,000 square metres (revised down to 126,000 to 137,000 square metres with 2021 Census data), while the recent-and-proposed-development approach gave 73,000 to 187,000 square metres, the 187,000 upper figure being adopted by the Structure Plan, which he considered may overstate demand. He compared demand against three

capacity assessments, the SMEELUS (about 233,100 square metres), the Urbis Report (284,000 to 355,000 square metres) and the Hodyl & Co Built Form Review (about 350,490 square metres), finding that even at 187,000 square metres of demand only about 53 per cent of C2Z and MUZ capacity would be required, with some office demand likely met in C1Z land. Citing the Property Council of Australia Office Market Report (January 2026) showing Melbourne CBD vacancy of 19.0 per cent (against 3.2 per cent in January 2020), Southbank 15.0 per cent and St Kilda Road 31.6 per cent, he concluded that significant uncertainty attaches to the projections and that demand may well not be fully realised over 2023 to 2040.

(iii) Discussion

The central question before the Panel in relation to the Enterprise Precinct zoning is whether sufficient employment land capacity exists within the South Melbourne Structure Plan area to meet projected commercial floorspace demand over the period to 2040. The proposed rezoning of CRIT to the C2Z is discussed later in this report.

The Panel acknowledges the strong strategic and policy foundation underpinning Council's position. MICLUP identifies the Enterprise Precinct as regionally significant industrial land and expressly warns against the erosion of inner Melbourne's employment land base through residential encroachment. Multiple clauses of the Planning Scheme reinforce that message. The C2Z has played a material role in anchoring South Melbourne's identity as a creative and professional services cluster and that this role warrants genuine protection.

The Panel accepts the broader principle, advanced by Mr Barnes and Mr Shipp and endorsed by Council, that strategic planning should not be unduly reactive to short-term market conditions. The post-pandemic softening of office demand is a real phenomenon, as the vacancy data presented by Mr McNeill and Mr Quick makes plain, but it does not follow that the long-term employment function of the Enterprise Precinct should be abandoned or substantially diluted. However, this principle cuts both ways: it equally cautions against using a temporarily elevated pipeline of permitted office development as the basis for the upper-end demand scenario, as the SMEELUS does in arriving at the 187,000 square metre figure.

On the demand side, the Panel agrees with the evidence of Mr McNeill and Mr Quick. Both experts identified methodological choices in the SMEELUS, including the workspace ratio, the reliance on pre-pandemic completion rates to calibrate the high scenario and the exclusion of small lots from the capacity estimate. Taken together, these choices tend to produce a more conservative supply estimate and a more generous demand estimate than alternative reasonable assumptions would support. The Panel does not suggest that the SMEELUS methodology is flawed. Mr Shipp provided a clear and credible account of its basis and the Panel accepts that the projections were prepared with appropriate care. But the Panel agrees with Mr McNeill that the upper-end figure of 187,000 square metres warrants caution as a planning benchmark, particularly given the acknowledged uncertainty in long-term commercial floorspace forecasting and the structural changes to working patterns that have emerged since the SMEELUS was commissioned.

On the supply side, the picture that emerges from the evidence is one of substantial and growing capacity. The three capacity assessments, by Urban Enterprise, Urbis and Hodyl & Co, differ in methodology and assumptions, but all point to a very significant development potential within the proposed C2Z and adjacent MUZ land. Critically, Ms Hodyl's updated Built Form Review evidence, which post-dates the SMEELUS, increases estimated net additional floorspace capacity across the Structure Plan area to approximately 646,000 square metres, a figure substantially higher than the 527,500 square metres assessed in the earlier 2023 draft. The Enterprise Precinct East and West areas alone account for some 455,100 square metres of that capacity. When even the upper-end demand projection of 187,000 square metres is tested against that revised supply figure, it represents less than 32 per cent of total additional capacity facilitated by the Amendment, a ratio that Mr McNeill characterised as representing a very comfortable buffer.

The SMEELUS itself acknowledged that a meaningful proportion of future commercial floorspace demand is likely to be accommodated within the C1Z and MUZ areas, rather than solely within the C2Z. This is not a peripheral observation: it materially reduces the net demand that must be absorbed by the C2Z alone and correspondingly increases the degree of surplus capacity available within that zone. Mr Shipp accepted in his evidence that there was sufficient land within the Structure Plan area overall to accommodate projected employment uses.

The Panel is satisfied that there is enough employment land capacity within the South Melbourne Structure Plan area to accommodate projected commercial floorspace demand to 2040.

(iv) Conclusion

The Panel concludes that the Amendment provides for enough supply of commercial land to meet demand until 2040.

6 Flood management

(i) The issues

The issues are:

- whether the flood and climate change provisions in DDO39 are appropriate
- whether the flood-affected areas of DDO39 should be removed from the Amendment.

(ii) Background

Melbourne Water submitted the following two maps, Figure 13 and Figure 14, detailing the extent and depth of a 1% AEP event in the SMSP area.

Figure 13 Melbourne Water climate change 1% AEP flood depth

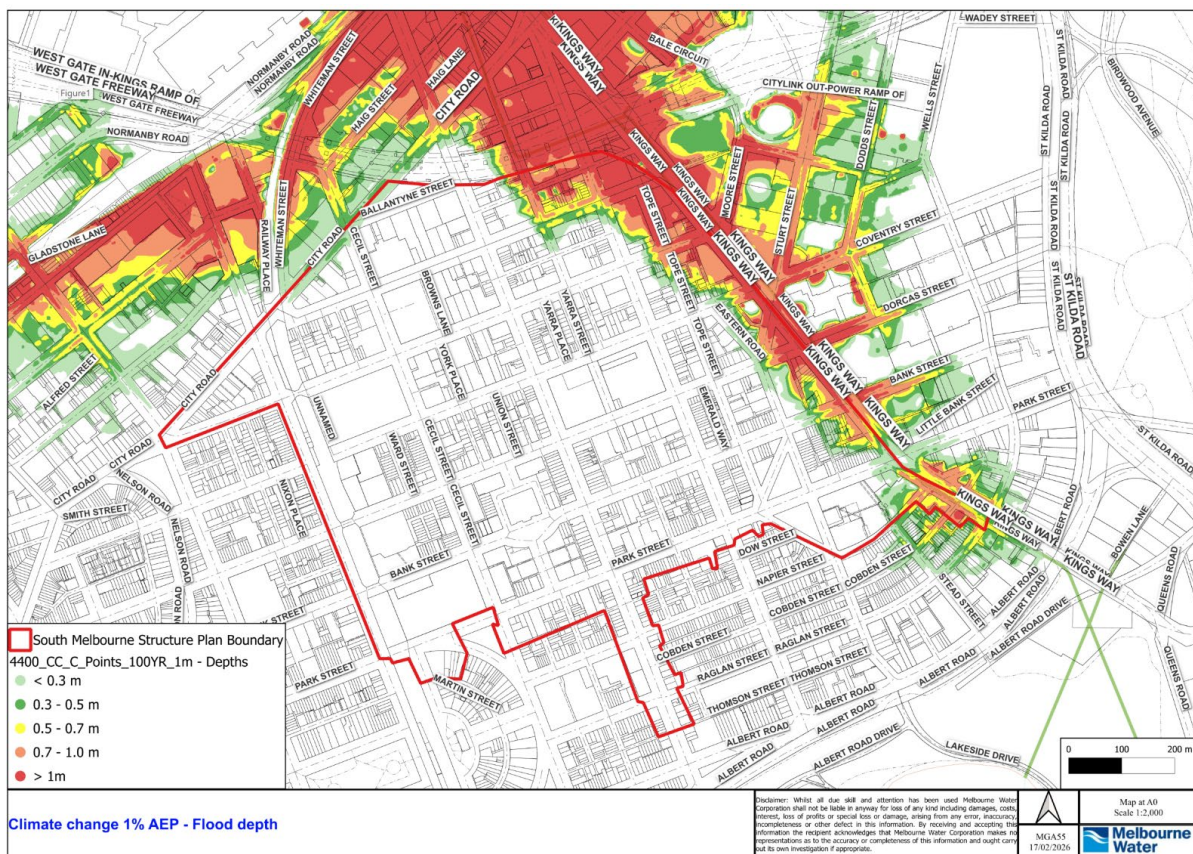
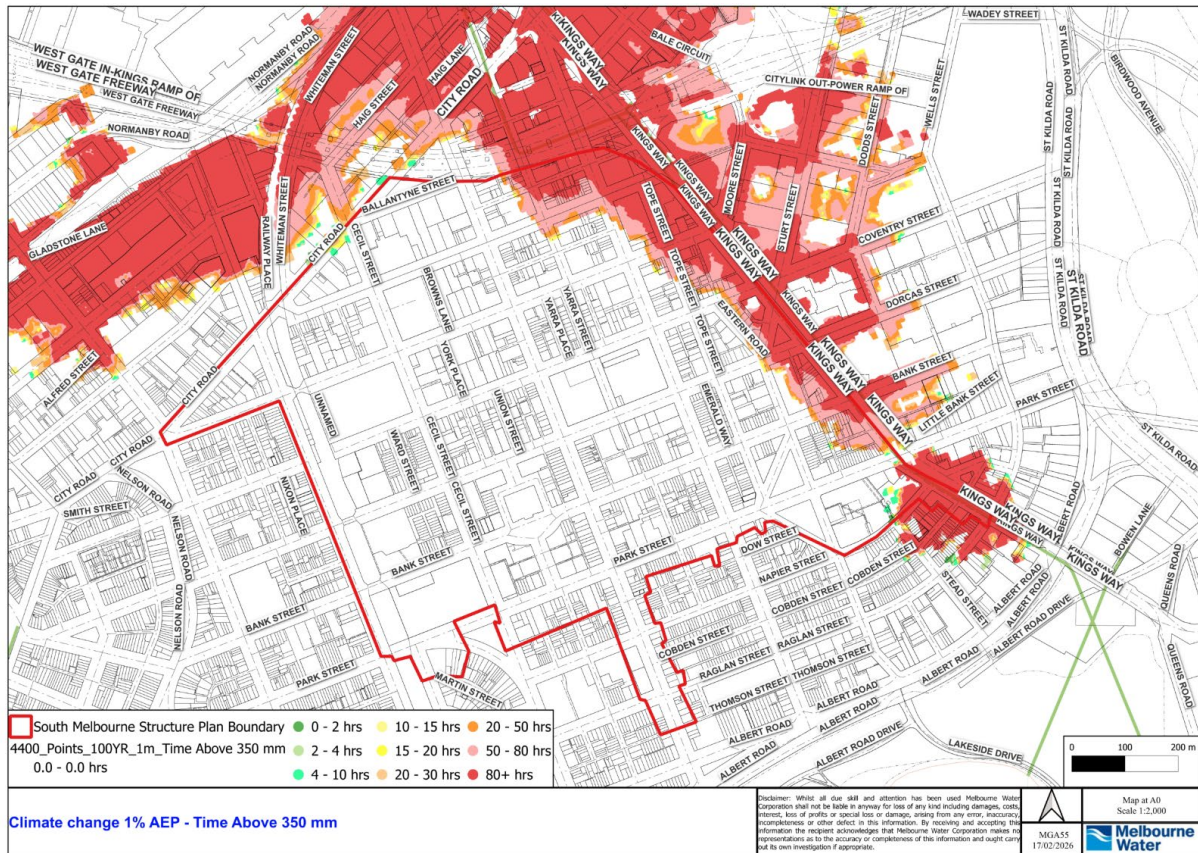


Figure 14 Flood depths above 350 millimetres in a climate change 1% AEP event

(iii) Evidence and submissions

Melbourne Water submitted that the PE Act requires planning to be orderly, safe, environmentally sustainable and responsive to climate change and that section 12 obliges planning authorities preparing amendments to consider the environmental, social and economic effects of an amendment, including significant climate-change risks, throughout the process and during Panel consideration. It submitted that Ministerial Direction 22 (Climate Change Consideration), which commenced in September 2025, requires explicit consideration of climate-change risks where an amendment enables intensification of development exposed to natural hazards such as flooding. The Amendment clearly enables such intensification in flood-prone land, yet the Explanatory Report does not reference the Direction, is not supported by the required climate change consideration report and was not informed by consultation with emergency management agencies, so the Direction's requirements have not been met.

Melbourne Water explained that, as the region's floodplain manager under the Water Act 1989, it maps flood extents and advises councils on development controls, a role reinforced by the climate adaptation framework under the Climate Action Act 2017 that is referenced in the planning scheme. It submitted that the Planning Policy Framework gives strong direction to minimise exposure to natural hazards, plan climate-resilient settlements and direct growth away from high-risk locations, with the settlement, environmental-risk, natural-hazard and floodplain-management clauses prioritising risk-based planning, protection of life and infrastructure, avoidance of intensification in flood-affected areas and reliance on the best-available flood data.

It relied on the Victorian Floodplain Management Strategy, which treats flooding as predictable, confirms the 1% AEP event as the appropriate planning benchmark, calls for consistent flood advice across local governments and requires flooding to be given due weight in strategic decisions. In addition the Guidelines for Development in Flood Affected Areas (DELWP Guidelines), which set safety thresholds for people, vehicles and buildings, warn against rezoning to higher densities without assessing cumulative impacts and the “island effect” of isolation during floods, and caution against development where depths and velocities are unsafe or safe access cannot be maintained. Furthermore, the Australian Rainfall and Runoff Guidelines (ARR Guidelines) require flood risk to be addressed at the strategic stage accounting for climate-change uncertainty. Melbourne Water submitted these documents represent current best practice but have not been adequately applied, and that VCAT decisions support its position that flood-affected land should not be included in the Amendment until a more strategic flood response is developed.

Melbourne Water submitted that replacing DDO8 with DDO39 enables taller buildings and higher densities across the SMEP East and the KWMUC, increasing the population exposed to flood risk. It rejected Council’s reliance on mandatory FARs, maintaining that any increase in density within flood-affected areas is unacceptable regardless of FAR limits. The 2100 climate-change mapping (Figures 13 and 14) shows extensive deep flooding and prolonged inundation, particularly along Kings Way, with depths often exceeding 0.7 to 1.0 metres and isolation lasting more than 80 hours, exceeding the DELWP safety thresholds for both residential and office development under current and climate-change scenarios. In its view the Amendment is poor strategic planning because development likely to be refused at permit stage under the DELWP Guidelines is being encouraged at the scheme level. It stated that flood risk should be resolved during strategic planning, at a precinct scale, rather than deferred to individual permit applications.

Melbourne Water concluded:

- built-form solutions cannot ensure safety where flood depths exceed hazard thresholds or where surrounding streets are inundated, making safe access impossible
- in many locations, the flood-resilience objectives of DDO39 are not achievable in practice and risk exposing future occupants to prolonged and unsafe flood conditions
- the area east of the blue line in Figure 15 should be removed from the proposed DDO39 as shown in Figure 15.

Figure 15 Melbourne Water proposed changes to DDO39

The PPP Group submitted that the proposed DDO schedules include flood-resilience requirements and a decision guideline without an adequate strategic basis, since no flood modelling or comparable analysis accompanies the Amendment and the Built Form Review refers to flood risk only in general terms. It did not, however, support Melbourne Water's position that DDO39 should not apply to flood-risk land along Kings Way. It noted that the DDO39 area is already covered by the SBO1 and SBO2, which trigger a permit requirement and referral to the determining authority (Melbourne Water for SBO1 and Council for SBO2), and whose purposes are to identify land liable to inundation and ensure development maintains flood conveyance and storage, minimises flood damage, is compatible with the flood hazard and protects water quality and waterways.

The PPP Group submitted that the SBO schedules detailed application requirements (surveyed ground and finished floor levels to AHD, layout of buildings and works and basement cross-sections and drainage) and the decision guidelines (susceptibility to flooding by frequency, duration, extent, depth, velocity, warning time and safe egress, and effects on flood conveyance, storage, levels and velocities) already make flood-responsive design enforceable, including through referral powers to impose conditions or refuse, so adding DDO39 does not change Melbourne Water's level of control. It contended the DDO flood-resilience provisions lack demonstrated need; that any future extension of flood mapping should be addressed by extending the SBO through a proper assessment process rather than excluding DDO39 now; and that if the provisions remain, the schedules should at least be qualified, consistent with the Built Form Review, to allow preferred maximum heights to increase to accommodate the minimum flood protection levels set by the floodplain management authority.

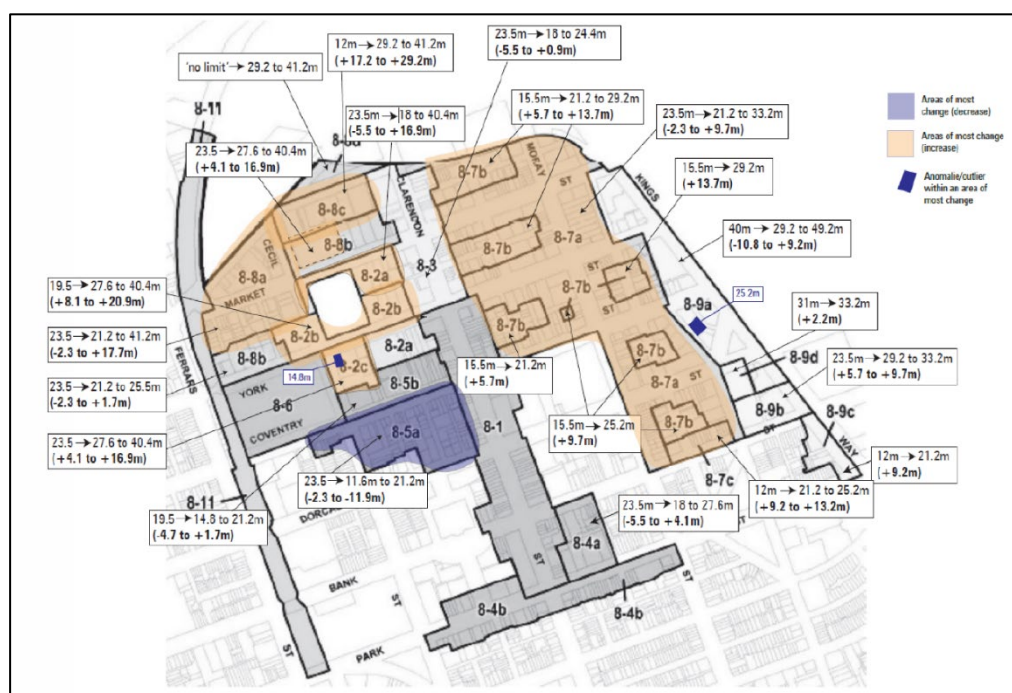
Council accepted Melbourne Water's assessment of flooding and inundation risks, including projected flood depths, but submitted that managing development in already-urbanised, flood-affected areas requires a consistent, State-led policy position rather than piecemeal determination through individual amendments. It added that the

Amendment does not materially increase flooding risk or complexity beyond the existing zoning and overlay framework. In addition, the land is already intensively developed and flood-affected, flood considerations are already embedded in the planning and referral system, parts of the area are subject to the SBO with all relevant applications referred to Melbourne Water and earlier consultation with Melbourne Water during preparation of the SMSP did not result in a formal objection.

Council noted that the SMSP expressly acknowledges climate change, sea-level rise and increased storm intensity and contains objectives and actions on climate adaptation and flood risk. The SMSP includes water-sensitive urban design, updated flood mapping and collaboration with Melbourne Water and South East Water on infrastructure upgrades. It submitted that South Melbourne has long been designated a MAC with flood exposure, that the Amendment does not newly enable high-density development where it is currently prohibited and that the proposed Kings Way height increases are modest relative to existing controls. Council emphasised that the Amendment improves guidance for flood-affected development through clearer built form and design requirements, including flood-resilient design, protected basements and safe access and egress, appropriately assessed at the permit stage under the DEECA Guidelines and the risk-based approach in Clause 13 of the Planning Policy Framework.

Council rejected Melbourne Water's suggestion to remove flood-affected land along Kings Way from the Structure Plan, since that land is already zoned for intensive redevelopment (primarily MUZ), subject to the SBO and existing DDO controls and already capable of higher-density development, so that inclusion allows flood risk to be managed explicitly rather than ignored. In support of that proposition Council provided a reviewed version (Document 81) of Mr Barnes's comparison of the building heights in DDO8 and the proposed DDO schedules (Figure 16).

Figure 16 Comparison of building heights in DDO8 and the Amendment DDO schedules



Source: Evidence statement of Mr Barnes and reviewed by Council (Document 81)

Facing Melbourne Water's opposition to any further intensification on one side and submitters arguing that flooding should be dealt with solely through the SBO on the other, Council rejected both positions, noted flood depths ranging from about 0.3 to 1.5 metres, and maintained that there is a legitimate and necessary role for DDO schedules in responding to flooding as part of an integrated built-form framework.

Drawing an analogy with heritage controls, Council submitted that just as a Heritage Overlay identifies significance without prescribing how development should respond, the SBO identifies flood risk but does not adequately guide the built-form response. Council stated that it relied on the Brunswick Activity Centre precedent (Amendment C134), where the Panel accepted that a DDO can appropriately address heritage matters alongside a Heritage Overlay. On that basis and given that the head clause of the DDO expressly allows schedules to deal with specific design and built-form issues, Council concluded that explicitly addressing flooding within the DDO schedules is appropriate and justified given the known flood characteristics of the land.

(iv) Discussion

Melbourne Water's submissions strongly emphasised statutory obligations under the PE Act, Ministerial Direction 22 and the broader climate-adaptation framework, arguing that flood risk and climate change must be resolved at the strategic planning stage. Even though it referenced a number of instances at the permit stage where Melbourne Water successfully defended its position it advocated removing part of the SMSP area from the DDO schedules. The Panel does not support that approach for several reasons.

Removing the area sought by Melbourne Water would mean it would remain in the DDO8 which does not contain a reference to climate change and the only consideration of a 1% AEP event deals with floor levels and increases in street wall height. The proposed DDO39 includes the following provisions in relation to flooding:

In Design objectives:

To ensure development is well spaced and sited to provide appropriate internal and external amenity, minimise visual bulk and provide equitable access to an outlook and good daylight and responds to the potential impacts of climate change and inundation.

In 2.5 Design requirements:

2.5-10 Flood resilience

Built Form Outcome

Development that provides design solutions for buildings in flood affected areas, particularly in the transition from the building to the public realm to ensure that building entries and frontages are accessible and active.

Built Form Requirements

Development in flood prone areas should:

- Ensure that the internal area of buildings including any basements are designed to be protected from inundation.
- Provide safe access and egress to that part of the land where there is no anticipated overland flow from floodwaters.

In Decision guidelines:

Whether the proposed development is an acceptable outcome having regard to any risk of inundation, a design objective that references responding to the potential impacts of climate change and inundation

It is difficult for the Panel to assess whether DDO39 increases the potential density of development in the eastern edge of the SMSP area. The closest analysis of DDO8 and the proposed DDO schedules was provided by Mr Barnes in his evidence and the version checked by Council which compares building heights. The Panel acknowledges this comparison has limitations not only because the Amendment DDO schedules include FARs as a built form control. The Panel notes that in the southern part of the area identified for exclusion by Melbourne Water, the change in building height is from a DDO8 preferred 40 metres to a DDO39 preferred between 29.2 and 49.2 metres (Figure 16). In the northern part of the Melbourne Water identified area the difference is 23.5 metres (DDO8) to between 21.2 and 33.2 metres (DDO39).

In the Panel's view, there is a potential increase in the intensity although it does not appear to be significant and while any development in either SBO would require a referral to Melbourne Water that is currently the case under DDO8. From this the Panel concludes that there is considerable benefit in flood risk management in the provisions of DDO39 compared to DDO8. In addition, a permit is required for any development and a referral to Melbourne Water in the SBO areas.

The affected land is already zoned for intensive redevelopment, already subject to referral to Melbourne Water and already capable of accommodating significant density under existing controls. The Amendment refines and clarifies how development is to occur, rather than encouraging a fundamentally new pattern of exposure. While Melbourne Water is correct that any increase in population in flood-prone land increases risk, planning policy does not adopt a zero-risk standard; it requires informed, proportionate and adaptive management of risk.

The Panel notes that Amendment C219port commenced exhibition on 14 August 2025 almost a month before Ministerial Direction 22 came into effect. It would be unreasonable to expect the Amendment documents to have considered Ministerial Direction 22 as submitted by Melbourne Water. However, the Panel agrees with Melbourne Water that the Explanatory Report should include consideration of the Direction.

The Panel does not support the PPP Group submission because, as Melbourne Water advised, there is a statutory obligation for planning schemes to consider flood management and climate change which provides the strategic justification. In addition, as the flood plain manager Melbourne Water is the best placed authority to provide flood modelling and the Planning Authority is the best placed authority for the consideration of that information.

There is a difference between the extent of flooding shown in the maps provided by Melbourne Water and the coverage of the SBO. Melbourne Water was not able to provide maps with the same base and Figure 14, the duration of flooding was set at a depth of 350 millimetres and Figure 13, the flood extent set with a depth category of 0-300 millimetres which resulted in the Panel having some difficulty in assessing the outcomes.

(v) Conclusions

The Panel concludes:

- The flood and climate change provisions in DDO39 are appropriate.
- The flood-affected areas of DDO39 should not be removed from the Amendment.

7 Design and Development Overlay schedules

7.1 Background

Council submitted that the four precincts within the SMSP area had their own DDO schedules as follows:

- DDO37 – Clarendon Street Precinct
- DDO38 – South Melbourne Market Precinct
- DDO39 – SMEP East and KWMUC
- DDO40 – SMEP West.

Riverlee requested to exclude the CRIT from SMEP West.

The DDO schedules are relatively similar in form, style and content and so many of the submissions have referred to DDO37 as an example or 'master version' with the changes proposed to DDO37 also applicable to the other DDO schedules, where appropriate. In its final version of the DDO schedules and at the request of the Panel, Council provided an alternative version of DDO39 that provided some limited discretion to the FARs. Council submitted that a number of the changes proposed in submissions have been incorporated into its final versions. The Panel has based its assessment and the Panel recommended versions on Council's final version of the DDO schedules.

For discussion purposes, the Panel will continue to use DDO37 as an example 'master version' and the relevant part of DDO39 for discretion in relation to FARs. Below, the issues of the DDO schedules are discussed further. The Panel will not repeat the comments common to each DDO schedule in its discussion.

The following changes to the maps in all DDO schedules were proposed by Council and agreed:

- In Plan 1, in the legend under "Floor Area Ratio (FAR):" remove all references to 'mandatory'
- add all street names to Plans 1, 2 and 3
- in the legend of Plan 3, change "retain existing street wall (mandatory)" to "Pre-existing street wall height (mandatory) or see clause 2.5-6".

7.2 Design and Development Overlay Schedules 37

7.3 The issue

The issue is whether Council's final versions of the DDO schedules are appropriate.

7.4 Evidence and submissions

(i) DDO37

PPP Group submitted that the Council Day 1 DDO versions were unworkable and that considerable redrafting would be required to make them consistent with the background work, to avoid confusion and for the schedules to work as controls. It submitted a marked-up version of DDO37 with edits and more substantial changes (document 52e). One of these changes related to the building separation requirements, with PPP Group stating there is no justification for requiring the same setbacks for residential buildings (secondary outlook) and non-residential buildings. Transitional provisions were also raised as a concern by PPP Group, stating that any amendment to an existing permit that already exceeded a mandatory FAR should be able to continue to exceed the FAR in the manner of the approved permit.

CPG considered the final version changed the intent of the control by changing the wording of Clause 1.0 from *“to retain a low-rise historic built form character along Clarendon Street”* to *“to retain a low-rise historic built form character in the Clarendon Street Precinct”*. It submitted:

- this change effectively tries to make the low-rise character apply to the whole precinct, even in the north where there are larger lots and substantially taller buildings
- this is not the intent of the exhibited amendment and not supported by the strategic work
- the phrase *“while encouraging taller (6-8 storey) buildings on larger sites”* would be better amended to *“while encouraging taller, mid-rise buildings on larger sites elsewhere in the precinct”*
- this would not pre-suppose the acceptable building height on larger sites, leaving that work to the building height section, but set an appropriate ‘mid-rise’ expectation
- Council’s note regarding Plan 1 stated *“remove FAR from 45-271 Clarendon Street and designate the site as ‘Envelope control’”* was the wrong address and the correct address was 245-271 Clarendon Street
- it supported the discretionary FAR option proposed by Council, in the DDO39 final version and added that this should apply to DDO37 as well.

In terms of building heights, CPG submitted:

- the mandatory 5 storeys should be changed to discretionary
- the 8 storey discretionary height should be amended in line with Mr McBride-Burgess’ evidence, which stated that a preferred building height of 12-15 storeys would be appropriate for the Coles site.

Saade Group submitted that Section 2.4-7 of the final version should be changed from *“Respond to street widths and interfaces around the site and enable the protection of sunlight to footpaths”* to *“Respond to street widths and interfaces around the site and enable the protection of sunlight to footpaths in Key Streets”*. It was also submitted that *“For heritage buildings, are set back to ensure the visual primacy and legibility of the*

street wall and the retention of heritage building features such as chimneys and roof forms” should be changed to *“For heritage buildings, are set back to ensure the visual primacy and legibility of the significant heritage fabric”*. Saade Group considered that sections 2.4-10 (Flood resilience), 2.4-11 (Building separation and building setbacks) and 2.4-12 (Light wells) should all be deleted.

Another submission requested an 8-storey building height and transitional provisions in DDO37.

Council proposed to remove the FAR 245-271 Clarendon Street on Plan 1 and change it to Envelope control.

(ii) DDO38

Spotlight submitted that it was mainly concerned with two aspects of the Amendment, namely the proposed FARs and the built form controls. Spotlight relied on evidence from Mr Sheppard as an urban design expert witness. In terms of changes and edits to the DDO38, there was general support for the Council final version. Mr Sheppard’s evidence was:

- adaptive buildings provision for upper podium levels should be deleted
- building separation requirements should be revised to align with more typical requirements
- the sleeve parking provision should remove the reference to ‘adjoining sites’.

Spotlight supported the final version in relation to the updates to the street wall height provisions for heritage buildings.

ELT supported the PPP Group comments and edits of the final version of DDO38. ELT considers the inclusion of Section 2.4-7 (mandatory 6 metre setbacks for upper levels) to be included in error, possibly a drafting error, as this requirement was originally contemplated for DDO37 in the Clarendon Street heritage area, but should not be included in the other DDO schedules. Mr McPherson provided evidence for ELT and said that the upper-level setback requirements in DDO38 should be clarified. Mr McPherson also questioned the side setbacks at lower levels and considered they should be changed to be ‘at least 4.5 metres’. He also suggested increasing the minimum setback for bedrooms to 4.5 metres from 3 metres and recommended the preparation of an illustrated design guide for the SMSP area.

GLG supported the changes proposed by PPP Group and largely adopted by Council in the final version. GLG supported discretionary FARs and wanted the Amendment split to allow the rezoning part of the Amendment to proceed through the adoption and approval stages quickly, as the zoning anomalies are affecting the development outcome for the site that have already been approved.

Other submissions:

- supported discretionary FARs in DDO38 and requested the FAR for 113 York Street be increased

- supported the overshadowing controls in DDO38 as they would protect the market and northern footpath from overdevelopment
- requested greater building setbacks to ensure the visual connection to the market.

(iii) DDO39

In relation to DDO39, PPP made a detailed submission on Council's 'Discretionary FARs' final version. Specifically, PPP submitted:

- The third dot point regarding a material change in the circumstances of the site should be changed from *"the conditions of a site directly adjacent to the land have substantially changed"* to *"the context of the site changed such that an increase to the FAR is warranted as a result of that change"*.
- The fourth dot point should be changed to make it clear that it only relates to residential building and that Clauses 57 and 58 are the appropriate clauses to satisfy.
- The fifth dot point regarding satisfying the relevant built form objectives, outcomes and requirements, is the only requirement that needs to be included and if this is satisfied then the other dot points become redundant. The wording of this requirement should be changed from 'must' to 'appropriately met'.
- The sixth dot point regarding deviating from the building envelope, should be deleted.

Autumnfield submitted that matters such as climate change, inundation, urban design and internal amenity are all appropriately covered elsewhere in the Planning Scheme and should not be included in DDO39. Other suggested changes were: the 'Adaptable buildings' design requirement should be changed from 3.8 metres to 3.2 metres; street wall height and setback provisions should provide for 'equitable access to an outlook and daylight'; 'where possible' should be added to the provision for sleeved car parking.

Another submission:

- supported the intent of the Amendment but questioned the need for a FAR and wanted a discretionary FAR and higher building height
- highlighted that the current DDO08 provided for a 40-metre/10 storey built-form on the site, however DDO39 would allow 29.2 metres/7 storeys
- supported transitional provisions for existing approval and live applications.

Other submissions objected to rezoning 77 Park St/286-294 Kings Way and applying DDO39. They explained:

- this would result in an overdevelopment of that land and impact their amenity at the City Edge complex where they live
- future development may negatively impact the amenity of neighbouring residents.

(iv) DDO40

Riverlee submitted that CRIT should be removed from the SMEP West and have its own sub-precinct and policy guidance. Riverlee added:

- no floor-to-floor height should be nominated for floors above ground level
- delete the fifth dot point under 2.5-5 Street wall height, relating to greater setbacks to protect sunlight
- in first dot point of Section 2.5-7 Upper level setbacks behind a street wall, delete the text “...and enable the protection of sunlight to footpaths”
- also in Section 2.5-7, clarify that the mandatory 6 metre upper level setback only applies to heritage buildings
- add a further built form requirement under 2.5-10 Flood resilience, to address public realm interface issues
- in Section 2.5-11 Building separation, delete the requirement that buildings on the boundary of a laneway should not exceed 3 storeys; in Table 2, change the title to be “Building separation and setback distances above the podium”
- in Section 2.5-11 Light wells, delete the requirement light wells should “provide daylight access to bedrooms only”
- retain the requirement “the light well dimensions in Table 3 may be varied for buildings containing multiple levels of non-residential uses”.

Other submissions sought to ensure that DDO40:

- protected the south side of York Street from overshadowing.
- addressed issues such as wind tunnels, traffic, reflective building materials and overshadowing.

In the final version of DDO40, Council agreed to:

- increase the FAR for 222 York Street from 5.0:1 to 5.5:1 on Plan 1
- reduce the FAR for 19 Ballantyne Street from 5.5:1 to 5.0:1 to correct an error.

7.5 Discussion

The Panel is generally satisfied with Council’s redrafting of the DDO schedules in the final versions, including the addition of provisions for some limited discretion to the FARs as shown in Council’s alternate final version of DDO39 (Document 89). It is clear many of the concerns raised by submissions during the Hearing about the function and clarity of the controls, have been addressed by these changes. The Panel has already discussed the issue of mandatory versus discretionary FARs and will not repeat it here. For all DDO schedules the agreed changes to the maps should be included. The Panel makes the following comments on the DDO schedules:

(i) DDO37

- Clause 1.0: The change from “to retain a low-rise historic built form character along Clarendon Street...” to “to retain a low-rise historic built form character in the Clarendon Street Precinct...” would change the intent of the objective and is not in-line with background documents and varied character of the Clarendon Street Precinct. The wording in the exhibited version should be retained.
- Clause 1.0 – final version “...while encouraging taller (6-8 storey) buildings on larger sites” should be revised to “...while encouraging taller, mid-rise buildings on larger sites and elsewhere in the precinct”.

- Definition of 'Street wall': It is not correct to say that any wall facing a street is a street wall, as this would include walls that are set back off the street. The wording *"...within 0.3 metres of an existing or proposed street"* should remain.
- Upper level setbacks to heritage buildings: Mr Gard'ner's drafting is accepted. The addition of *"other significant heritage elements"* should be included.
- Sections 2.4-10 (Flood resilience), 2.4-11 (Building separation and building setbacks) and 2.4-12 (Light wells) should not be deleted.

(ii) DDO38

- Adaptive building requirement: Adaptive building requirements are a positive building design feature and the requirement should be included in DDO38. The appropriate floor-to-floor height should be 3.8 metres. Where parking is sleeved, the floor-to-floor height of the carpark should be the same floor-to-floor height as the sleeving.
- Above ground parking to be sleeved: appropriate to be sleeved from the street but not adjoining buildings.
- Section 2.4-7 mandatory 6 metre setbacks for upper levels on Key streets: The Panel agrees with Council that the correct minimum should be 6 metres for Key streets and 3 to 5 metres for other streets.
- Splitting the Amendment to allow the rezoning to be expedited: This is not justified or necessary.

(iii) DDO39

- PPP Group's suggested changes to the discretionary FAR provisions, including:
 - Changing the third dot point so it relates to changes to the context of the subject land, rather than adjacent land: this change would encapsulate changes to the site and adjacent sites and would allow a recalibration of the FAR in these circumstances. It is considered this goes beyond what is intended in terms of discretion for the FAR and this change is not supported by the Panel.
 - Changing the wording of the seventh dot point to "satisfy ResCode" and delete the reference to "ESD requirements": ensuring development meets the requirements of Clauses 57 and 58 is appropriate in this context. In relation to ESD requirements, it would be more appropriate to say "ESD provisions in the Scheme" as Port Phillip does have an ESD local policy at Clause 15.01-2L-02.
 - Deleting the last dot point relating to deviating from the building envelope. The Panel is not persuaded that deviating substantially from the building envelope would be appropriate. Regardless of if this requirement was included or not, the building envelope controls would still apply and so it is reasonable to include this requirement.
- Autumnfield's suggested changes including:
 - Removing requirements relating to climate change, inundation, urban design and internal amenity. The Panel does not consider these to be 'double up'

within the planning scheme. There are other examples of additional guidance on these matters being provided in DDO schedules, resulting in better design outcomes. The City of Melbourne's DDO schedules in Southbank were discussed during the Panel hearing as an example of where inundation matters were addressed in a DDO schedule.

- Adaptable building requirement should use 3.2-metre floor-to-floor height, not 3.8 metres. Given that parking is generally in the lower levels of a building, the floor-to-floor height of 3.8 metres is considered more appropriate for adaptable buildings as this would allow for more commercial uses as well as residential uses, in the future.
- Car parking should be sleeved from the public realm and the term 'where appropriate' included in the requirement. It is considered that the addition of this term is appropriate as sleeving car parking well is a complex urban design issue and not always possible, depending on the site.

(iv) DDO40

- Riverlee's submission regarding:
 - the CRIT needs to be in a separate sub-precinct: The Panel does not consider a sub-precinct is needed for the CRIT, however the Panel does consider that the addition of policy guidance in Clauses 11.03-6L-08, 17.01-1L and 17.01-2L would be helpful to decision makers
 - Delete the third dot point under 2.5-5 Street wall height, relating to greater setbacks to protect sunlight: it is appropriate to delete this as sunlight protection is addressed in a different section
 - in Section 2.5-7, clarify that the mandatory 6-metre upper level setback only applies to heritage buildings: this requirement is for the protection of sunlight to Key streets, not just heritage buildings. It should be retained.
 - add a further built form requirement under 2.5-10 Flood resilience, to address public realm interface issues: as the majority of the flooding/inundation issues are in the east of the SMSP area, it is not considered necessary to add this requirement in DDO40.
 - in Table 2, change the title to be "Building separation and setback distances above the podium": this is an appropriate addition as lower floors can be built to the boundary and are subject to other requirements where built to the boundary. This change should be made to all DDO schedules.
 - in Section 2.5-11 Light wells, delete the requirement light wells should "provide daylight access to bedrooms only" and retain the requirement "the light well dimensions in Table 3 may be varied for buildings containing multiple levels of non-residential uses": these changes are supported as light wells could provide light to rooms other than bedrooms, even though that is not the requirement. The alternative requirement for non-residential buildings should also be acknowledged, that light wells are not required.

7.6 Conclusions and recommendations

The Panel concludes:

- Council's final version of Design and Development Overlay Schedule 37 (Document 86) is appropriate subject to the changes recommended in this report as shown in the Panel recommended version (Appendix D).
- Council's final version of Design and Development Overlay Schedule 38 (Document 87) is appropriate subject to the changes recommended in this report as shown in the Panel recommended version (Appendix E).
- Council's final version of Design and Development Overlay Schedule 39 (Document 88) is appropriate subject to the changes recommended in this report as shown in the Panel recommended version (Appendix F).
- Council's final version of Design and Development Overlay Schedule 40 (Document 90) is appropriate subject to the changes recommended in this report as shown in the Panel recommended version (Appendix G).

The Panel recommends:

Amend Design and Development Overlay Schedule 37, as shown in Appendix D and:

- a) remove all reference to 'mandatory' from Plan 1
- b) add all street names to Plans 1, 2 and 3
- c) in the legend of Plan 3, change 'retain existing street wall (mandatory)' to 'Pre-existing street wall height (mandatory) or see clause 2.4-6'.

Amend Design and Development Overlay 38, as shown in Appendix E and:

- a) remove all reference to 'mandatory' from Plan 1
- b) add all street names to Plans 1, 2 and 3
- c) in the legend of Plan 3, change 'retain existing street wall (mandatory)' to 'Pre-existing street wall height (mandatory) or see clause 2.5-6'.

Amend Design and Development Overlay Schedule 39, as shown in Appendix F and:

- a) remove all reference to 'mandatory' from Plan 1
- b) add all street names to Plans 1, 2 and 3
- c) in the legend of Plan 3, change 'retain existing street wall (mandatory)' to 'Pre-existing street wall height (mandatory) or see clause 2.5-6'

Amend Design and Development Overlay Schedule 40, as shown in Appendix G and:

- a) remove all reference to 'mandatory' from Plan 1
- b) on Plan 1 increase the floor area ratio for 222 York Street from 5.0:1 to 5.5:1. Reduce floor area ratio for 19 Ballantyne Street from 5.5:1 to 5.0:1 to correct an error
- c) add all street names to Plans 1, 2 and 3
- d) in the legend of Plan 3, change 'retain existing street wall (mandatory)' to 'Pre-existing street wall height (mandatory) or see clause 2.5-6'

8 Rezoning requests

8.1 City Road Industrial Triangle

(i) The issues

The issues are:

- whether residential uses in the CRIT are appropriate
- the appropriate zone to apply to the land in the CRIT
- whether changes to Clauses 11.03-6L-08, 17.01-1L and 17.01-2L are necessary.

(ii) Background

The CRIT is currently zoned IN1Z, is separated from the rest of the Activity Centre by elevated light rail tracks and has residential land across York Street to the south, across Ferrars Street to the east and Capital City Zone land across City Road to the north that also permits residential uses.

In 2010, Council drafted the Montague Precinct Structure Plan which identified a large portion of land south of the West Gate Freeway, west of the St Kilda light rail and generally north of City Road, as surplus industrial land. The Montague Precinct was identified as being appropriate to rezone to the MUZ and on 12 June 2012 Council endorsed the Montague Precinct Structure Plan. Before Council could proceed with the amendment, on 5 July 2012, the Minister for Planning rezoned the Montague Precinct to Capital City Zone. The CRIT land was excluded from this Ministerial amendment and remained zoned IN1Z, making it an isolated area of industrial zoned land.

Council did not proceed with the amendment to rezone the CRIT. In 2016, a group of landowners proposed, but did not progress, a proponent-led amendment to rezone the CRIT to MUZ.

In the SMSP, the CRIT is proposed to be rezoned to C2Z and included in the Enterprise Precinct West, with DDO40 applied to the land (noting that currently no DDO schedule applies to the CRIT). The proposed rezoning to C2Z would continue to prohibit residential uses on the land and the appropriateness of the zone became a central issue for this area.

(iii) Evidence and submissions

Issues of built form, FAR and the DDO schedule provisions for this land are discussed earlier in this report, however there were various submissions and evidence that related to the appropriate zone for the CRIT. Council submitted that there was strong local and State policy support for rezoning the CRIT to C2Z and including it in the Enterprise Precinct West, prohibiting residential uses. Council noted that the designation of the CRIT in the MICLUP was as locally significant employment land and that Council was best placed to determine the appropriate zone.

Mr Barnes explained the CRIT is identified in State policy, including the MICLUP as a local industrial precinct in which case Council is best placed to determine how these industrial

areas are to be planned for. He stated that from a planning perspective, he was less concerned with an element of residential uses being permitted in the Enterprise Precinct West, than in the East and for the CRIT specifically did not see any issues with the land being rezoned to allow some residential uses.

Mr Shipp stated there would be demand for approximately 126,000 square metres of commercial floorspace across the study area from 2023 to 2041. For this same period, the capacity through the proposed controls of the Amendment would allow for 360,700 square metres of commercial floorspace. In relation to housing, the demand over the same time would be for an additional 1,159 dwellings and capacity of 1,259 dwellings.

Under cross-examination Mr Shipp stated:

- the CRIT land would be attractive to the residential market because it was near public transport and other services
- he did not oppose residential uses in the CRIT.

Most of the eight submissions regarding the CRIT sought to allow residential uses through the application of a different zone. Riverlee, the largest landowner in the CRIT, submitted that the proposed C2Z misses a critical opportunity to allow provision of housing supply in a distinct location in the South Melbourne area and that the CRIT ought to be rezoned to a C1Z. It was also argued that adjustments to local policy could also be made to facilitate mixed use outcomes that support both economic aspirations and housing targets.

Ms Jordan gave evidence on behalf of Riverlee that historically the CRIT was outside the South Melbourne Structure Plan area as it was not included in the South Melbourne Central Structure Plan (2007), on which the current DDO8 is based. Ms Jordan noted that CRIT was included in the Montague Precinct Structure Plan (2012) and identified as being suitable for townhouses and residential apartments with some commercial and retail uses fronting City Road. She stated:

- including the CRIT in the Enterprise Precinct West and rezoning it to C2Z would unnecessarily constrain the land
- given the site's location and characteristics, removal of the IN1Z is appropriate, however a more appropriate zone to apply to the land would be a zone that provided for both commercial and residential uses
- having assessed the C1Z, C3Z and the MUZ, the C1Z would be most appropriate for the CRIT, given site context, surrounding land uses and State and local policy
- including a reference to the CRIT in the proposed local policies at Clauses 11.03-6L-08 (South Melbourne), 17.01-1L (Diversified economy – South Melbourne Enterprise Precinct) and 17.02-1L (Mixed use and office areas) would give appropriate policy direction to Council when considering planning permit applications in the CRIT.

Mr Quick considered there was enough commercial land capacity to meet demand until 2040 and beyond. He added:

- rezoning to C1Z would result in a greater level of redevelopment of the CRIT and a higher community benefit
- allowing some residential development would help provide some much-needed housing in the area while allowing employment uses.

Mr McNeill considered the CRIT appeared inconsistent with the economic function of the Enterprise Precinct but has more in common with the Montague Precinct. He noted that the Council's Housing Strategy measured a capacity across the municipality of 52,000 to 58,000 dwellings by 2051, where the Housing Target set by the State Government is 55,000 additional dwellings in that same time period.

Mr McNeill stated:

- the capacity for commercial floorspace within the SMAC will greatly exceed the demand that would be delivered through the Amendment
- regarding housing demand, South Melbourne is a desirable location for housing
- there is not a justified rationale for excluding housing in the CRIT
- from an economic and strategic land use perspective, the most appropriate zone is one that allows for a mix of uses, including residential
- between the MUZ, C3Z and C1Z, the C1Z provides the flexibility required for mixed use outcomes in the CRIT.

Other submissions:

- supported rezoning the CRIT from the IN1Z
- considered the C1Z or MUZ to be more appropriate for the land
- stated that restricting residential uses was not warranted.

One submission provided a detailed account of the history of the strategic planning of the CRIT.

(iv) Discussion

The Panel agrees with all parties that the current Industrial 1 Zone is no longer appropriate and the land should be rezoned. There is good State and local planning policy support to retain employment uses in the CRIT and to support and foster creative industries. The Panel agrees with Council that a commercial zone would be appropriate for this location.

The main point of contention was whether to exclude residential uses by applying the C2Z or to allow residential uses by applying the C1Z, C3Z or MUZ. The evidence showed there was a much greater excess of capacity for commercial floorspace in the SMSP area, compared to the capacity for residential floorspace to meet the projected demand. Like several submissions, Council's and Riverlee's planning and economic experts did not oppose residential uses. The case for allowing residential uses in the CRIT is well founded and builds on previous work by Council which also proposed to allow residential uses in this location.

Of the three proposed alternative zones, the C1Z has the most support and backing by expert evidence. The MUZ falls under the suite of residential zones and would likely prioritise residential uses ahead of commercial uses, and undermine the commercial aspirations for the CRIT. The designation of the land as locally significant employment land in the SMEELUS is significant here and the appropriate zone should be a commercial zone. The C3Z could suit this land, as the Department of Transport and Planning (DTP) website states:

- Providing for a range of industrial, commercial, office and other employment-generating uses that support the mixed-use employment function of the area.

- Promoting collaborative and high-quality working environments that support the area through good urban design and accessible, well-connected places with high amenity.
- Providing opportunities for limited retail uses that are complementary to the area's role and scale.
- Providing the option for limited residential uses that do not undermine the primary employment and economic development focus of the zone.
- Facilitating the use, development and redevelopment of land in accordance with the objectives specified in a schedule to the zone.

The C3Z is not considered appropriate in this instance as there was not enough evidence to determine the appropriate split between residential and commercial floorspace, as is required by the C3Z. Without that detailed work, it is considered more appropriate to apply the C1Z to the land and let each landowner and the market decide the appropriate mix of uses.

(v) Conclusions and recommendations

The Panel concludes:

- Residential uses in the CRIT are appropriate.
- The land in the CRIT should be rezoned from IN1Z to C1Z.
- Clauses 11.03-6L-08, 17.01-1L and 17.01-2L should be updated to outline the economic role of the CRIT and give decision makers guidance on the appropriate mix of commercial, residential and other uses of the land.

The Panel recommends:

Rezone the land in the City Road Industrial Triangle from Industrial 1 Zone to Commercial 1 Zone.

Amend the following clauses of the Port Phillip Planning Scheme as shown in the Panel recommended version in Appendices H and I:

- Clause 11.03-6L-08 (South Melbourne)**
- Clause 17.01-1L (Diversified economy – South Melbourne Enterprise Precinct)**
- Clause 17.01-2L (Innovation and research – South Melbourne Enterprise Precinct).**

8.2 Other rezonings

(i) The issues

The issues are whether:

- the proposed rezonings identified as 'zoning anomalies' are appropriate
- 108-110 Park Street, South Melbourne should be rezoned from NRZ to MUZ.

(ii) Evidence and submissions

Council submitted that the Amendment is supported by a substantial body of strategic work prepared by Council, including the Zoning Anomalies Report, which outlines:

- The approach and methodology: Identifying potential anomalies through drafting the structure plan; assessing sites through the Practitioners Guide to Victorian

Planning Schemes; assessment against the principles of the 20-minute neighbourhood; assessment against State and local policy frameworks.

- Policy Framework: State policy including Clauses 02.03, 02.03-6, 02.04-1 and local policy including Clauses 11.03-1L-05, 15.01-1L-02, 15.01-5L, 17.02-1L, 18.01-3L-01, 18.02-3L, 19.02-4L, 19.02-6L.

The Zoning Anomalies Report recommended seven sites be rezoned, as described in Table 5.

Table 5 Rezoning proposed in the Amendment

Site	Address	Current Zone	Recommended Zone
1	176-188 Bank Street, South Melbourne (former South Melbourne Butter Factory)	Neighbourhood Residential Zone Schedule 2	Commercial 1 Zone
2	127 and 80-94 Market Street, 78 and 80-94 Cecil Street, 146-164, 166, 168 and 170 York Street and 3-5 Northumberland Street, South Melbourne	Part Commercial 1 Zone, part Commercial 2 Zone	Commercial 1 Zone
3	383-385 Clarendon Street, South Melbourne	Part Commercial 1 Zone, part Neighbourhood Residential Zone Schedule 2	Commercial 1 Zone
4	68-72 York Street, 191-199 Clarendon Street and 31 Ross Street, South Melbourne	Part Commercial 1 Zone, part Commercial 2 Zone	Commercial 1 Zone
5	120-142 Clarendon Street, Southbank	Part Commercial 1 Zone, part Commercial 2 Zone	Commercial 1 Zone
6	102-106 Park Street, South Melbourne	Part Mixed Use Zone, part Neighbourhood Residential Zone Schedule 1	Mixed Use Zone
7	77 Park Street and 286-294 Kings Way, South Melbourne	General Residential Zone Schedule 1	Mixed Use Zone

The sites are shown in the images below:

Figure 17 Maps of locations and details of proposed rezonings





Two sites investigated with no rezoning proposed:

- 308-310, 312-318 and 322 Kings Way, South Melbourne
- 260 and 262 Moray Street, South Melbourne.

One submission requested the MUZ be extended to include 108-110 Park Street, South Melbourne because several sites along that strip of Park Street were already more of a commercial use than residential.

(iii) Discussion

The Panel considers that the proposed rezonings are appropriate and will allow for the proper and orderly planning of the area in future. The request to rezone 108-110 Park Street, South Melbourne has not been considered by the Panel because it was not exhibited as part of the Amendment.

(iv) Conclusion

The Panel concludes that the proposed seven rezonings are appropriate.

9 Other matters

9.1 Traffic

(i) The issue

The issue is whether the Transport Study adequately addresses movement issues in the SMSP.

(ii) Evidence and submissions

Several submissions raised transport, access and movement issues, which generally questioned whether the Amendment appropriately manages the cumulative transport impacts associated with the scale of change contemplated for South Melbourne. They considered that existing traffic congestion, parking pressure and constrained access conditions will be exacerbated by further development and that the planning framework relies too heavily on assumptions about future travel behaviour and infrastructure delivery.

Submissions stated:

- the consultants' reports appeared to be desk-top analyses without adequate field and local assessment and observation
- the purpose and reliability of the strategic transport material underpinning the SMSP is questioned because some matters raised are the kind of issues Council should ordinarily address directly, rather than leaving them to a broad strategic document
- it is unclear whether the strategy is intended to be a practical framework for Council action, a means of identifying and quantifying community needs or simply a forum for untested ideas
- references in transport material to proposed pedestrian improvements at locations such as Clarendon Street / York Street, Clarendon Street / Market Street and Park Street / Perrins Street, are not supported by clear criteria or proper assessment
- pedestrian safety should be addressed at the Eastern Road / Park Street intersection and along Eastern Road more generally
- this location provides access to tram stops, local open space and community facilities, including the Lilian Cannam Kindergarten and the Eastern Road Reserve
- pedestrians must navigate bicycle lanes, parked vehicles and fast-moving traffic with limited sightlines, creating what is a significant safety risk.

One submission disagreed with Council's reliance on the proposed Park Street Tram Link as a reason to defer action because there is no realistic delivery timeline for that project and that it should not be used to postpone an immediate safety response at Eastern Road / Park Street.

Council submitted that the Amendment is supported by a sound strategic transport foundation and the SMSP and the supporting Transport Study appropriately identify the

principal transport actions and network interventions required to support South Melbourne as a well-connected and accessible activity centre. In addition, the Amendment's transport-related provisions appropriately reinforce the strategic objective of prioritising sustainable transport while improving network functionality, safety and connectivity.

Council stated that the Transport Study provides a robust and appropriate assessment of the likely transport impacts associated with the Amendment. It adopted conservative trip generation assumptions, realistic and achievable mode share outcomes and an appropriate future-conditions traffic modelling methodology. Council relied on the evidence of Mr Young.

Mr Young gave evidence for Council that the SMSP and its Transport Study properly identify the main transport actions needed to support South Melbourne as a well-connected, accessible area, with a focus on sustainable transport, safety and improved network connectivity. In addition, the transport-related provisions in the Amendment are considered to align appropriately with those broader strategic objectives.

Mr Young considered the Transport Study provides a robust assessment of the likely impacts arising from the proposed planning controls and future growth. He stated:

- the study uses conservative trip generation assumptions, realistic mode share expectations and appropriate future traffic modelling and that it identifies suitable targeted recommendations
- the updated dwelling and employment estimates do not materially change the transport conclusions, particularly because reduced parking allowances under Amendment VC277 are expected to limit traffic generation.

Mr Young recommended that a precinct parking plan should be treated as a high priority and formally recognised through the Amendment's further strategic work provisions. He stated:

- parking supply and management should be regularly monitored and reviewed over time as development occurs and travel behaviour changes
- overall, despite transport-related submissions raising a range of local infrastructure and design concerns, his conclusion was that no further changes to the SMSP or the Amendment are needed from a transport perspective.

(iii) Discussion

Submissions raise legitimate questions about how cumulative impacts, local safety concerns and the lived experience of movement within South Melbourne are addressed through a strategic planning amendment. In doing so, they highlight a tension that commonly arises in strategic planning processes: the distinction between the role of a high-level framework in setting direction and priorities and the role of subsequent programs, projects and statutory processes in resolving site-specific design and operational matters. Concerns expressed about congestion, parking pressure and constrained access reflect existing conditions in a mature inner-urban area rather than impacts arising solely from the Amendment. While these issues understandably heighten community sensitivity to further change, they do not, in themselves, demonstrate that the strategic approach is unsound or that the anticipated scale of growth cannot be

accommodated within the transport network when supported by appropriate policy settings.

The Panel acknowledges criticism that the transport material relies on strategic assumptions about travel behaviour, infrastructure delivery and modal shift. However, these assumptions are not speculative or unique to the SMSP; they reflect established metropolitan and State planning directions that prioritise sustainable transport and seek to manage car dependency through land use planning, parking policy and improved active and public transport networks. Importantly, the Transport Study applies conservative methodologies and does not assume unconstrained infrastructure delivery. Its conclusions are reinforced by recent reductions in car parking rates through Amendment VC277, which provide a tangible mechanism to limit traffic generation and encourage alternative modes. In this context, concerns that the Amendment defers too much to future behaviour change or future projects do not outweigh the evidence that the transport impacts of the proposed controls have been appropriately assessed at the appropriate strategic scale.

Submissions also raise the absence of specific solutions to particular intersections and pedestrian safety issues, most notably along Eastern Road. These matters sit more comfortably within detailed transport planning, capital works prioritisation and road authority decision-making rather than in the Amendment. The Transport Study does not preclude early or interim safety treatments, nor does the Amendment prevent Council from responding to demonstrated risks in advance of larger projects. The recommendation to prioritise and formalise further work on precinct-wide parking management appropriately recognises that conditions will evolve over time and that monitoring and adjustment will be necessary as development proceeds.

Having regard to the submissions and the evidence of Mr Young, the Panel is satisfied that the Transport Study provides an appropriate and robust strategic foundation for the Amendment. It reasonably identifies network challenges, applies sound methodologies and aligns with broader policy objectives for South Melbourne as a highly accessible, well-connected activity centre. While local transport and safety concerns must continue to be addressed through ongoing planning and investment, they do not justify changes to the SMSP or the Amendment on transport grounds.

(iv) Conclusion

The Panel concludes the Transport Study adequately addresses movement issues in the SMSP.

9.2 Transitional provisions

(i) The issue

The issue is whether the Amendment should contain transitional provisions.

(ii) Evidence and submissions

Several submissions requested the Amendment include transitional provisions. The PPP Group submitted:

- if the Amendment proceeds, particularly with mandatory FARs, the DDO schedules should include transitional provisions
- these provisions would protect sites that already benefit from existing development permits which exceed the proposed mandatory FARs, including applications to amend those permits
- such protection should extend to applications that are currently with Council before the Amendment is gazetted, to ensure certainty and safeguard investments already made, given the significant implications of introducing mandatory limits on development capacity.

Mr Twite supported transitional provisions for existing applications and permits because:

- ...the Amendment should not compromise the accrued right of any permit issued prior to the gazettal of this amendment and a transitional provision should be included accordingly.

He recommended a transitional provision at the end of each DDO schedule stating:

- This Schedule does not apply to an application lodged (including a section 50, 57A or 72 amendment) or permit issued prior to Amendment C219port coming into operation. In these cases, the Schedule applying the day prior remains in effect.

He explained the effect of this addition would be that DDO8 and DDO16 would continue to apply to current applications, permits and amendments to existing permits.

CPG submitted that it generally supports the PPP Group's submissions on transitional provisions but submits that the Amendment introduces new constraints on its land, particularly height limits, that do not currently apply. Accordingly, CPG considered that transitional provisions should apply more broadly to the operation of DDO37. It proposes that the planning scheme in force immediately before the approval of the Amendment should continue to apply to planning permit applications and to applications to amend permits.

At the Hearing, Council relied on its response in the consideration of and response to submissions in the report to the Council meeting of 3 December 2025. Council's response was the Amendment had:

been exhibited subject to the statutory requirements set out in the *Planning and Environment Act 1987*, where notice of the proposal to residents and landowners was provided. In addition, consultation was undertaken on the draft *South Melbourne Structure Plan* in 2024, which underpins Amendment C219port. Again, residents and landowners were directly notified. Further, there is a need to update the planning controls and policy contained in DDO8 with a contemporary planning framework. In light of this, transitional provisions are not required.

(iii) Discussion

The Panel notes that submissions on transitional provision were put to the Panel in the context of a recommendation to protect existing permits and applications. However, other than Mr Twite's view that he supported transitional provisions, there were no examples or explanation why transitional provisions were required.

In the Panel's experience, transitional provisions are rarely applied through a planning scheme amendment and the Panel is not persuaded that transitional provisions should be included for current applications. The development of the SMSP has been underway

for some years and was subject to extensive community consultation. The Amendment reflects the Structure Plan and potentially affected parties have had considerable notice of the likely changes.

(iv) Conclusion

The Panel concludes there is no need for transitional provisions in the Amendment.

9.3 Public safety

Several submissions expressed concerns about anti-social behaviour increasing damage to property and other personal safety with increasing development density. However, public safety is not regulated through the PE Act. Planning can achieve built form and design objectives that seek to improve public safety through where it directs activity and through passive surveillance. The Panel considers the Amendment achieves these objectives.

(i) Discussion

The Panel does not underplay the concerns of submitters but acknowledges that higher densities generally result in increased activity and passive surveillance which makes a contribution to improving public safety but beyond that is not a matter that a planning scheme can regulate.

(ii) Conclusions

The Panel concludes that the Amendment has a limited role in improving public safety.

Appendix A Parties to the Panel Hearing

Submitter	Represented by
City of Port Phillip	Terry Montebello and Kristin Richardson of Maddocks, who called expert evidence on: - Urban design from Leanne Hodyl of Hodyl + Co - Heritage (built form) from Jim Gard'ner of GJM Heritage - Heritage (heritage overlays) from Mark Stephenson of Trethowan - Traffic from Brett Young of Ratio - Economics from Paul Shipp of Urban Enterprise - Planning from David Barnes of Hansen
Riverlee Sian Group Pty Ltd	Susan Brennan SC and Stephanie Mann of Counsel instructed by Nick Sutton of Norton Rose Fulbright, who called the following expert evidence: - Planning from Sophie Jordan of Contour - Economics from Rhys Quick of Urbis - Urban Design from Mark Sheppard of Urbis - Economics from Chris McNeill of Colliers
PPP Group consisting of: • Briven Holdings Pty Ltd, I&D Group Pty Ltd, 49-55 York Street Pty Ltd • Creelman Land (South Melbourne) Pty Ltd & Samny Pty Ltd, • JML Property Clarendon Street Pty Ltd, Pivot Capital Group Pty Ltd, • Federation of Education Unions Pty Ltd, Carpe Group Investments Pty Ltd, • Petela Nominees Pty Ltd and Kervale	Chris Taylor of Planning and Property Partners who called the following expert evidence: - Town Planning from Kel Twite of UpCo
Clarendon Property Group and St Lukes Shopping Centre Pty Ltd	Alex Gelber of counsel, instructed by Rhodie Anderson of Rigby Cooke calling the following expert evidence: - Planning from Tim McBride-Burgess of Contour Planning & Advisory
Spotlight consisting of SPG Investments Pty Ltd and Cafprint Pty Ltd	Tamara Brezzi of Norton Rose Fulbright Australia who called expert evidence on: - Urban design from Mark Sheppard of Urbis - Heritage from Bryce Raworth of Bryce Raworth Heritage and Conservation

ELT Group consisting of: Extraordinary Life Trust as Trustee for Gratitude Capital Pty Ltd, 6/113 York Street Pty Ltd and Melbah Property Pty Ltd	Jarryd Gray of Minter Ellison who called expert evidence on: - Urban Design from Simon McPherson of McP Studio - Town Planning from Jonathon Fetterplace of A Different City
Homes Victoria	Kyle O'Brien and Ben Hall
GLG Management Pty Ltd	Amanda Ring of Urban Planning Collective
MAW Pty Ltd	Kellie Burns of Urban Planning Collective
Autumnfield Pty Ltd	Kellie Burns of Urban Planning Collective
Saade Group	Kellie Burns of Urban Planning Collective
Melbourne Water	David Bergin and Sarah Davison of Eighth Street Planning
City Edge Stage 2 Owners Corporation	Tony Maddock
Rosanove Way – 52 Eastern Road	Neil de la Coeur
Baenziger Coles Pty Ltd	Tony Baenziger
Russell Goldman & Family	Mark Chester of PAD Urban
Mark Nott	
Peter Anscombe	
Suhail Ahuja	

Appendix B Document list

No.	Date	Description	Provided by
1	20 Jan 2026	Panel Directions	Planning Panels Victoria (PPV)
2	27 Jan 2026	Panel Directions (version 2)	Planning Panels Victoria (PPV)
3	28 Jan 2026	Hearing Timetable (version 1)	Planning Panels Victoria (PPV)
4	2 Feb 2026	Letter of Authorisation dated 20 June 2025	City of Port Phillip (Council)
5	2 Feb 2026	Exhibited amendment documents: a) Clause 17.02 Industrial land supply b) Context plan c) Clause 02.03 Strategic Directions d) Strategic Framework Plans e) Clause 11.03 Planning for Places f) Clause 15.01 Built Environment g) Clause 15.03 Heritage Conservation h) Clause 17.01 Employment i) Clause 17.02 Commercial j) Clause 18.01 Land Use and Transport k) Clause 18.02 Movement Networks l) Clause 19.02 Community Infrastructure m) Heritage Overlay Schedule n) Design and Development Overlay Schedule 8 o) Design and Development Overlay Schedule 16 p) Schedule to clause 72.04 Incorporated Documents q) Schedule to Clause 72.08 Background Documents r) Schedule to Clause 74.01 Application of Zones, Overlays and Provisions s) Schedule to Clause 74.02 Schedule Further Strategic Work	Council
6	4 Feb 2026	Hearing Timetable (version 2)	PPV
7	9 Feb 2026	Hearing Timetable (version 3)	PPV
8	13 Feb 2026	Submitter map	Council
9	16 Feb 2026	Hearing Timetable (version 4)	PPV

No.	Date	Description	Provided by
10	16 Feb 2026	Part A Submission with attachments: a) Chronology of events b) Council Meeting Agenda and Minutes (21 August 2024) c) Council Meeting Agenda and Minutes 3 December 2025 d) Development Analysis Booklet	Council
11	18 Feb 2026	Echelon Peer Review Memo with Appendices: a) Initial Review Findings b) Planning Provisions c) Response to Submissions	Council
12	23 Feb 2026	Hearing submission	Rosanove Way – 52 Eastern Road
13	27 Feb 2026	Expert Statement of Simon McPherson (Urban design)	Extraordinary Life Trust as Trustee for Gratitude Capital Pty Ltd 6/113 York Street Pty Ltd and Melbah Property Pty Ltd (ELT Group)
14	27 Feb 2026	Expert Statement of Jonathon Fetterplace (Planning)	ELT Group
15	27 Feb 2026	Expert Statement of Tim McBride-Burgess (Planning)	St Lukes Shopping Centre Pty Ltd and Clarendon Property Group
16	27 Feb 2026	Expert Statement of Kel Twite (Planning), enclosing attachments	Briven Holdings Pty Ltd, I&D Group Pty Ltd, 49-55 York Street Pty Ltd, Creelman Land (South Melbourne) Pty Ltd & Samny Pty Ltd, JML Property Clarendon Street Pty Ltd,

No.	Date	Description	Provided by
			Pivot Capital Group Pty Ltd, Federation of Education Unions Pty Ltd, Carpe Group Investments Pty Ltd, Petela Nominees Pty Ltd and Kervale (PPP Group)
17	27 Feb 2026	Expert Statement of Bryce Raworth (Heritage), enclosing: a) Reference Design Report	Spotlight
18	27 Feb 2026	Expert Statement of Mark Sheppard (Urban Design)	Spotlight
19	27 Feb 2026	Expert Statement of Brett Young (Traffic)	Council
20	27 Feb 2026	Expert Statement of Jim Gard'ner (Heritage)	Council
21	27 Feb 2026	Expert Statement of Leanne Hodyl (Urban Design)	Council
22	27 Feb 2026	Expert Statement of Paul Shipp (Economics)	Council
23	27 Feb 2026	Expert Statement of David Barnes (Planning)	Council
24	27 Feb 2026	Expert Statement of Sophie Jordan (Planning)	Riverlee Sian Group Pty Ltd (Riverlee)
25	27 Feb 2026	Expert Statement of Mark Sheppard (Urban Design)	Riverlee
26	27 Feb 2026	Expert Statement of Rhys Quick (Economics)	Riverlee
27	27 Feb 2026	Expert Statement of Chris McNeill (Economics)	Riverlee
28	27 Feb 2026	Expert Statement of Mark Stephenson (Heritage)	Council
29	27 Feb 2026	Letter to Council – Request for Hodyl & Co materials	Spotlight
30	6 Mar 2026	Presentation of Jim Gard'ner	Council
31	6 Mar 2026	Part B submission	Council
32	6 Mar 2026	Day 1 version of draft Amendment C219port documents: a) Structure Plan b) Clause 11.03 c) Clause 17.01 d) Design and Development Overlay Schedule 37 (with track changes) e) Design and Development Overlay Schedule 38 f) Design and Development Overlay Schedule 39 g) Design and Development Overlay Schedule 40	Council

No.	Date	Description	Provided by
33	10 Mar 2026	Modelling requests	Council
34	10 Mar 2026	Presentation of David Barnes	Council
35	10 Mar 2026	Presentation of Leanne Hodyl	Council
36	10 Mar 2026	Memorandum of Chris McNeill	Riverlee
37	11 Mar 2026	Corrected View D Diagram (page 65, document 25 of Mark Sheppard's Expert Evidence)	Riverlee
38	11 Mar 2026	Draft changes to the Amendment documentation relating to City Road Industrial Triangle (referred to in cross-examination of Mr Barnes)	Riverlee
39	12 Mar 2026	Proposal summary for 113-127 York Street, South Melbourne (referred to in cross-examination of Ms Hodyl)	ELT Group
40	12 Mar 2026	South Melbourne Built Form Review Appendix C (marked up version) (referred to in cross-examination of Ms Hodyl)	PPP Group
41	12 Mar 2026	Review of Submissions to the Draft Structure Plan prepared by Hodyl & Co July 2024	Council
42	13 Mar 2026	134 Moray Street Pty Ltd v Port Phillip City Council [2018] VCAT 1831 (referred to in cross-examination)	PPP Group
43	13 Mar 2026	Corrected page 63 in Mark Sheppard's Expert Witness Statement	Riverlee
44	13 Mar 2026	Analysis by Rhys Quick in response to the evidence of Paul Shipp	Riverlee
45	16 Mar 2026	Memorandum on Housing Targets and Projections by Paul Shipp	Council
46	16 Mar 2026	Map – South Melbourne Structure Plan 1 PCT AEP CC Time Above 350mm	Melbourne Water
47	16 Mar 2026	Map – South Melbourne Structure Plan 1 PCT AEP CC Depths	Melbourne Water
48	17 Mar 2026	Hearing submission, enclosing attachments: a) Use table referenced at paragraph 43 b) Drafting changes referenced at paragraph 84 c) Additional commercial scheme testing by Mark Sheppard referenced at paragraph 110 d) Additional mixed-use scheme testing by Mark Sheppard referenced at paragraph 110	Riverlee
49	18 Mar 2026	SRL East Land Use Scenario and Capacity Assessment	Council
50	20 Mar 2026	Melbourne Water Flood Maps and Explanatory Notes	Council
51	20 Mar 2026	Further modelling requests by Riverlee – Hodyl & Co	Council

No.	Date	Description	Provided by
52	20 Mar 2026	Hearing submission, enclosing attachments: a) Amendment C207moon – Panel Report b) Amendment C309melb – Panel Report c) Greater Geelong Planning Scheme ACZ1 (cl 37.08 – schedule 1) d) Melbourne Planning Scheme DDO80 (cl 43.02 – schedule 80) e) DDO37 mark up (Day 1) f) DDO38 mark up (Day 1) g) DDO39 mark up (Day 1) h) Site 3 – Title Particulars Crown Allotment 12 i) Site 3 – Title Particulars Lot 1 j) West Melbourne Built Form Strategy (Feb 2018) k) Whittlesea Planning Scheme BFO (cl 43.06) l) Whittlesea Planning Scheme BFO1 (cl 43.06 – schedule 1)	PPP Group
53	20 Mar 2026	Hearing Timetable (version 5)	PPV
54	23 Mar 2026	Memorandum of Ms Hodyl re modelling testing	Council
55	23 Mar 2026	Analysis of the proposed FAR applied to Site 2 (100-102 York Street)	PPP Group
56	24 Mar 2026	Submission	Homes Victoria
57	24 Mar 2026	Mark up of South Melbourne Structure Plan Report	Homes Victoria
58	24 Mar 2026	Submission	City Edge Stage 2
59	24 Mar 2026	Expert Statement of Neil de la Couer	Rosanove Way – 52 Eastern Road
60	24 Mar 2026	Submission	St Lukes Shopping Centre Pty Ltd and Clarendon Property Group
61	24 Mar 2026	Submission	GLG Management Pty Ltd
62	24 Mar 2026	Submission	Autumnfield Pty Ltd
63	24 Mar 2026	Submission	SMAW Pty Ltd
64	24 Mar 2026	Submission	Saade Group

No.	Date	Description	Provided by
65	24 Mar 2026	Submission (updated 25 March)	Baenziger Coles Pty Ltd
66	24 Mar 2026	Submission	Peter Anscombe
67	25 Mar 2026	Submission	Russell Goldman and Family
68	25 Mar 2026	Submission with attachments: a) 6C Raz Pty Ltd v Frankston CC [2024] VCAT 892 b) Ministerial Direction 22 Climate Change Consideration c) 51 Hardiman Pty Ltd v Melbourne CC & Ors [2025] VCAT 222 d) Australian Rainfall & Runoff Book 1 Version 4.2 e) Australian Rainfall & Runoff Book 6 Version 4.1 f) AVC Operations Pty Ltd v Maribyrnong City Council [2024] VSC 683 g) AVC Operations v Maribyrnong (Red Dot) [2023] VCAT 925 h) Doyle v Bass Coast SC [2024] VCAT 895 i) Figure 20 – Properties for exclusion j) Guidelines for Development in Flood Affected Areas k) Laneway Developments Pty Ltd v Melbourne CC [2024] VCAT 501 l) Ministerial Direction 22 m) Port Phillip Map 03SBO n) Port Phillip Map 04SBO o) SMSP 1 PCT AEP CC Depths p) SMSP 1 PCT AEP CC Time Above 350mm q) Victorian Floodplain Management Strategy Part 1 to 5	Melbourne Water
69	25 Mar 2026	Documents referenced in submissions a) ICO b) CCZ1 c) Fishermans Bend SCOs d) Precincts SAC Referral 1 Committee Report Volume 1 e) South Melbourne Aerial f) West Melbourne Aerial	PPP Group
70	27 Mar 2026	Submission	Spotlight

No.	Date	Description	Provided by
71	30 Mar 2026	Letter – procedural matters	PPP Group
72	30 Mar 2026	Submission with attachments: a) Presentation of Simon McPherson b) Bates Smart testing c) Leasing brochure for 101 Moray Street	ELT Group
73	30 Mar 2026	Memorandum prepared by Mark Sheppard	Riverlee
74	30 Mar 2026	Email regarding pumping stations	Melbourne Water
75	30 Mar 2026	Response to Structure Plan	Melbourne Water
76	30 Mar 2026	Day 1 DDO38 (proposed changes)	Spotlight
77	31 Mar 2026	Heritage Policy Map July 2024	Council
78	31 Mar 2026	Further details of C219 Dorcas Street developments approvals history referenced in submission	SMAH Pty Ltd
79	31 Mar 2026	Submission	Suhail Ahuja
80	31 Mar 2026	Closing submission with attachments a) Day 2 version_DDO37 b) Day 2 version_DDO38 c) Day 2 version_DDO38 DISC FAR d) Council Day 2 version_DDO39 e) Council Day 2 version_DDO40	Council
81	31 Mar 2026	Height map review by David Barnes	Council
82	1 Apr 2026	Email correspondence between Terry Montebello and Aidan O'Neill of DTP regarding Fishermans Bend DCP	Council
83	1 Apr 2026	Architectural Plans for the development at 80 Cecil Street, South Melbourne	Council
84	2 Apr 2026	Panel directions	PPV
85	9 Apr 2026	Memorandum from Mark Sheppard in response to the Panel's modelling query	Riverlee
86	12 Apr 2026	Final version – DDO37	Council
87	12 Apr 2026	Final version – DDO38	Council
88	12 Apr 2026	Final version – DDO39	Council
89	12 Apr 2026	Final version – DDO39 (with Discretionary FARs)	Council
90	12 Apr 2026	Final version – DDO40	Council
91	17 Apr 2026	Comments on final amendment documents with attachment: a) DDO38 (Spotlight changes)	Spotlight

No.	Date	Description	Provided by
92	17 Apr 2026	Comments on final DDO37 with attachment: a) DDO37 (SMAW changes)	SMAW Pty Ltd
93	17 Apr 2026	Comments on final DDO39 with attachment: a) Letter outlining comments to DDO39 (updated version)	Autumnfield Pty Ltd
94	17 Apr 2026	Comments on Day DDO37 with attachment: a) DDO37 (Saade changes)	Saade Group Pty Ltd
95	17 Apr 2026	Comments on Council final documents	ELT Group
96	17 Apr 2026	Comments on Council final documents	St Lukes Shopping Centre Pty Ltd and Clarendon Property Group
97	17 Apr 2026	Comments on Council final DDO40 and: a) Comments on Council final DDO39 (with discretionary FARS)	Riverlee Pty Ltd
98	17 Apr 2026	Panel Directions	PPV

Appendix C Planning context

C:1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the Planning Policy Framework, which the Panel has summarised below.

Victorian planning objectives

The State policy objectives are set out in section 4 of the PE Act. They include to:

- provide for the fair, orderly, economic and sustainable use and development of land
- secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
- conserve and enhance buildings, areas or places which are of scientific, aesthetic, architectural or historical interest or special cultural value
- facilitate development in accordance with the above objectives
- facilitate the provision of affordable housing in Victoria
- balance the present and future interests of all Victorians.

Clause 2 (Municipal Planning Strategy)

The MPS includes the following key directions relevant to the Amendment:

Clause 11 (Settlement)

Clause 11 seeks to implement the key pillars of Plan for Victoria including increasing the capacity to accommodate new housing and making that housing more affordable. It also provides for reduced ongoing living costs by increasing housing supply near public transport and services and encourages consolidation of residential activities within existing urban areas. In particular:

Relevant subclauses include:

- **Clause 11.02-1S (Development capacity).** Strategies include:
 - to ensure sufficient development opportunities are available to meet the needs of current and future Victorians, as well as the following strategies:
 - ensure that sufficient land is available to meet forecast demand and the needs of current and future Victorians for commercial, retail, recreational, institutional and other community needs
 - ensure that at least a 15 year supply of land and development capacity is available to meet housing targets
 - plan to accommodate housing targets and provide clear direction on the locations where growth should occur and ensure sufficient realisable capacity in planning schemes
 - ensure ongoing development opportunities and supporting infrastructure are available to support sustainable urban development
 - planning for urban growth should consider:
 - opportunities to consolidate, redevelop and intensify existing urban areas with good access to jobs and services
 - the liveability of neighbourhoods and delivery of quality urban landscapes

- the limits of land capability and natural hazards and environmental quality
- service limitations and the costs of providing infrastructure.
- **Clause 11.02-2S (Structure Planning).** Strategies include:
 - to facilitate the fair, orderly, economic and sustainable use and development of urban areas.
- **Clause 11.02-3S (Sequencing of development).** Strategies include:
 - to manage the sequence of development in areas of growth so that services are available from early in the life of new communities.
- **Clause 11.03-1S (Activity centres and precincts).** Strategies include:
 - build up the central activity areas of Major regional cities, Metropolitan activity centres, Priority Precincts, Suburban Rail Loop Precincts and Activity Centres – Housing Choice and Stations as a focus for high-quality development, activity and living that:
 - are a focus for business, shopping, working, leisure and community facilities
 - provide different types of housing, including forms of higher density housing
 - are connected by transport
 - maximise choices in services, employment and social interaction
 - undertake strategic planning for the use and development of land in and around Major regional cities, Metropolitan activity centres, Priority Precincts, Suburban Rail Loop Precincts and Activity Centres – Housing Choice and Stations and their residential catchments
 - encourage a diversity of housing types at higher densities in and around Major regional cities, Metropolitan activity centres, Priority Precincts, Suburban Rail Loop Precincts and Activity Centres – Housing Choice and Stations and their residential catchments
 - 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
 - Improve the social, economic and environmental performance and amenity of activity centres.
- **Clause 11.03-1L-01 (Activity centres).** Strategies include:
 - to maintain and strengthen a network of distinct, diverse and viable activity centres that facilitate appropriate housing and economic growth
 - the Amendment does so by proposing new planning requirements that will increase residential and retail yields.

Clause 13 (Environmental Risks and Amenity)

Clause 13 provides that planning should enhance community resilience and safety by applying best practice environmental and risk management approaches that prevent or

minimise harm to the environment, human health and amenity through compatible land use and effective impact mitigation. It should also manage environmental changes, avoid interference with natural processes and ensure development prepares for and responds to the impacts of climate change. The Amendment supports this clause by generally retaining South Melbourne's existing zoning framework, applying appropriate zones where rezoning is proposed, applying the EAO to the 'City Road Industrial Triangle' and ensuring that land uses are compatible with one another and appropriately address their context.

- **Clause 13.01-1S (Natural hazards and climate change)**

- Built form guidance contained in the new Clause 11.03-6L-08 (South Melbourne) and DDO schedules considers policy in Clause 13.01-1S (Natural hazards and climate change). It also includes environmental and risk management approaches that prevent or minimise harm to the environment, human health and amenity through compatible land use and effective impact mitigation. The Amendment considers policy seeking to manage environmental changes, avoid interference with natural processes and ensure development prepares for and responds to the impacts of climate change.

Clause 15 (Built Environment and Heritage)

Clause 15 seeks to 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. The Amendment supports this clause by introducing planning controls which seek to ensure development of a high quality, which responds appropriately to the valued social and physical character of the SMSP Area (in particular, the SMAC), including its heritage values. The proposed controls also seek to protect views to key heritage landmarks and the integrity of historical streetscapes.

Relevant subclauses include:

- **Clause 15.01-1S (Urban design).** Strategies include:
 - require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate
 - ensure the interface between the private and public realm protects and enhances personal safety
 - 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.
- **Clause 15.01-1L-02 (Urban design).** Strategies include:
 - addressing landmarks, views and vistas.
- **Clause 15.01-2L-02 (Environmentally sustainable development).** Strategies include:
 - to achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

- **Clause 15.01-5S (Neighbourhood character).** Strategies include:
 - require development to respond to its context in terms of character, cultural identity and heritage, 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.
- **Clause 15.01-5L (Neighbourhood character).** Strategies include:
 - address how development should respond to specific character elements
- **Clause 15.01-4S (Healthy neighbourhoods).** Strategies include:
 - 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.
- **Clause 15.03-1S (Heritage Conservation).** Strategies include:
 - 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.

Clause 16 (Housing)

Clause 16 seeks to emphasise the importance of providing quality housing that meets the growing and diverse needs of Victorians in locations that ensure the long-term sustainability of new housing. South Melbourne is an activity centre in the City of Port

Phillip, contains a broad range of amenities and has excellent access to transport. The Amendment seeks to accommodate future housing growth at a scale appropriate to the SMAC and the KWMUC.

Clause 17 (Economic Development)

Clause 17 seeks to provide for a strong and innovative economy, where all sectors are critical to economic prosperity.

Relevant subclauses include:

- **Clause 17.01-1S (Diversified economy).** Strategies include:
 - 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.
- **Clause 17.01-R (Diversified economy – Metropolitan Melbourne – Inner Metro Region).** Strategies include:
 - to 'retain and encourage the development of areas in and around Collingwood, Cremorne and South Melbourne for creative industries.
- **Clause 17.02-1S (Business).** Strategies include:
 - to encourage development that meets the community's needs for retail, entertainment, office and other commercial services'. The Amendment supports this clause by facilitating opportunities for a mix of office, retail and residential uses throughout the SMSP area at appropriate densities.
- **Clause 17.02-1L (Mixed Use and office areas).** Strategies include:
 - addressing uses in the South Melbourne office and mixed-use precincts.

Clause 18 (Transport)

Clause 18 encourages the creation of a safe, integrated and sustainable transport system and promotes the use of sustainable personal transport. The Amendment implements the objectives of this clause by facilitating development outcomes underpinned by a comprehensive transport assessment, in areas well serviced by public transport.

Relevant subclauses include:

- **18.01-3L-01 (Sustainable and safe transport in Port Phillip).** Strategies include:
 - addressing the provision of high-quality walking and bicycle infrastructure and facilities to and between key destinations including South Melbourne.
- **Clause 18.02-3L (Public transport).** Strategies include:
 - support for various new route connections and extensions to and through South Melbourne.

Clause 19 (Infrastructure)

Clause 19 seeks to provide that 'development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely'.

- **Clause 19.02-4L (Community facilities).** Strategies include:
 - to encourage new community facilities within South Melbourne.
- **Clause 19.02-6L (Public open space and foreshore).** Strategies include:
 - to strengthen existing or create new open space in South Melbourne.

C:2 Other relevant planning strategies and policies

i) Plan for Victoria

Pillar 1: Housing for all Victorians

The proposed DDO schedules will increase the capacity of South Melbourne to accommodate new housing, which is well designed and provides for good internal amenity. Containing a Major Activity Centre and Enterprise Precinct, new housing in South Melbourne will enable residents to leverage opportunities to be close to daily needs and diverse employment opportunities. The DDO schedules will facilitate the delivery of housing targets for councils set out in Plan for Victoria.

Pillar 2: Accessible jobs and services

The Amendment elevates the importance of the SMEP by:

- spatially defining its boundaries
- containing new policy in the PPF at Clause 17.01-1L (Diversified economy – SMEP) and Clause 17.01-2L (Innovation and research – SMEP) to improve the diversity of employment opportunities, along with facilitating innovation, enterprise and creativity
- retaining the C2Z and rezoning the City Road Industrial Triangle to C2Z to reinforce its employment focus.

Supporting this is new policy at Clause 11.03-6L-08 (South Melbourne) that seeks to enhance the South Melbourne Major Activity Centre's provision of retail, employment, housing, entertainment opportunities and community uses within a well-connected, accessible, well-designed and sustainable community.

Pillar 3: Great places, suburbs and towns

The Amendment contains policy both in the PPF and in the new DDO schedules that will enhance South Melbourne's vibrancy, resilience and liveability. New DDO schedules contain a mix of mandatory and discretionary heights, mandatory Floor Ratios and direction on other design matters that will respond to and enhance South Melbourne's celebrated heritage and culture. The new DDO schedules will supersede DDO8, which has seen newer developments in South Melbourne take on a stepped 'wedding cake' form. This is supported by policy to ensure development contributes to engaging and walkable precincts.

Importantly, the Amendment focuses on reinforcing civic pride and sense of place by acknowledging the need to develop the South Melbourne Town Hall and Emerald Hill Precinct as the major focus of cultural activity in the area.

Pillar 4: Sustainable environments

New policy at Clause 11.03-6L-08 (South Melbourne) seeks to encourage development to integrate climate responsive design and the creation of public spaces that are attractive, vibrant, climate-resilient and people-friendly. This will support direction in the new DDO schedules addressing development in flood-affected areas, wind effects on the public realm and building separation. Together, new development and public realm upgrades

will support South Melbourne's response to climate change in a way that builds community resilience.

Pillar 5: Self-determination and caring for country

Self-determination and caring for country underpin and inform the other four pillars in Plan for Victoria. Importantly, the Amendment reinforces the need to protect and interpret Aboriginal cultural values and heritage in the design of the public realm of South Melbourne. Doing so will provide opportunities to draw upon the unique knowledge and wisdom of Traditional Owners.

ii) Victoria's Housing Statement: The decade ahead 2024–2034

While the Housing Statement is primarily focused on housing rather than employment and housing, the Amendment supports initiatives in Victoria's Housing Statement by introducing DDO schedules that increase South Melbourne's capacity to provide additional housing while also maintaining and increasing the capacity to provide for additional employment.

iii) State policy

The Amendment supports the implementation of State policies and strategies as follows.

Melbourne Industrial and Commercial Land Use Plan 2020

The Amendment provides land use and built form guidance for parts of the South Melbourne Structure Plan Area that are identified in this document as both 'Regionally Significant Industrial Land' and as a 'Regionally Significant Commercial Area'.

Unlocking Enterprise in a Changing Economy Strategy 2018

The Amendment provides land use and built form guidance for the SMEP, one of three key areas outside Melbourne's CBD to attract new businesses and investment.

Urban Design Guidelines 2023

The Amendment contains policy consistent with the aim to create 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.

Victoria's Climate Change Strategy 2021

The Amendment contains policy to contribute to minimising emissions and achieving a climate resilient Victoria by 2050, as articulated by this strategy.

C:3 Planning scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

i) Zones

Part of the land is in the Commercial 1 Zone. The purposes of the Zone are:

- 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.

Part of the land is in the Commercial 2 Zone. The purposes of the Zone are:

- 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.

Part of the land is in the Commercial 1 Zone. The purposes of the Zone are:

- 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.

Part of the land is in the Industrial 1 Zone. The purpose of the Zone is:

- 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.

Part of the land is in the Mixed Use Zone. The purpose of the Zone is:

- 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.

ii) Overlays

Part of the land is subject to the Design and Development Overlay Schedule 8. The purposes of the Overlay are:

- to identify areas which are affected by specific requirements relating to the design and built form of new development.

Part of the land is subject to the Heritage Overlay. The purposes of the Overlay are:

- 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

Part of the land is subject to the Special Building Overlay. The purposes of the Overlay are:

- 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 and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.

C:4 Amendments

Amendment and date gazetted	Short description	Implication for C219port
VC277 18/12/2025	Amendment VC277 amends car parking requirements to align car parking rates with demand and reduce the number of car parks required in locations well-served by public transport.	No implication. Amendment C219port does not conflict with Amendment VC277. The Amendment does not include proposed changes to car parking rates.
GC243 1/12/2025	Amendment GC243 introduces Clause 45.12 Specific Controls Overlay and an incorporated document to land to protect the emergency Helicopter Landing Site and associated flight paths of the Victoria Police Centre at 263-283 Spencer Street, Docklands from future inappropriate or uncontrolled development that may impact on the function, capacity and effectiveness of emergency operations.	No implication. Amendment C219port does not introduce height controls that would trigger a referral under the incorporated document.
VC283 2/9/2025	Amendment VC283 changes the Victoria Planning Provisions (VPP) and all planning schemes in Victoria to implement Plan for Victoria (Department of Transport and Planning, 2025), update and introduce policy, remove reference to Plan Melbourne 2017–2050: Metropolitan Planning Strategy and make general drafting improvements and clarifications.	Amendment C219port implements the five pillars that underpin Plan for Victoria.
VC286 1/7/2025	Amendment VC286 changes the VPP and all planning schemes in Victoria by removing the requirement for a planning permit for licensed premises.	No implication. Amendment C219port does not conflict with Amendment VC286.
C224port 6/6/2025	Amendment C224port corrects errors and anomalies and removes redundant provisions from the Port Phillip Planning Scheme.	No implication. Amendment C224port removes the redundant Specific Controls Overlay 15 from 278-282 Kings Way, South Melbourne. This does not conflict with Amendment C219port.
C226port 5/6/2025	Amendment C226port implements s 56 of the Heritage Act 2017 to ensure that places in the Planning Scheme are consistently identified with places in the Victorian Heritage Register.	No implication. Does not include sites affected by Amendment C219port.

Amendment and date gazetted	Short description	Implication for C219port
VC267 31/3/2025	Amendment VC267 implements new residential development planning assessment provisions to boost housing construction to meet the housing needs of Victorians.	No implication. Amendment C219port does not conflict with Amendment VC267.
VC274 28/2/2025	Amendment VC274 introduces the Precinct Zone (PRZ) at Clause 37.10 to support housing and economic growth in priority precincts across Victoria in line with Victoria's Housing Statement, The Decade Ahead 2024–2034 and the Victorian Government's vision for priority precincts, including Suburban Rail Loop precincts.	No implication. Amendment C219port applies other zones and overlays to implement strategic work, consistent with State policy.
VC257 25/2/2025	Amendment VC257 makes changes to the VPP and all planning schemes to introduce Clause 32.10 Housing Choice and Transport Zone (HCTZ) and Clause 43.06 Built Form Overlay (BFO) to support housing growth in and around activity centres and other well-served locations in line with Victoria's Housing Statement, The Decade Ahead 2024–2034.	
C220port authorisation sought 15/5/2024	Amendment C220port proposes to introduce the St Kilda Live Music Precinct into the Port Phillip Planning Scheme by giving statutory effect to the findings of the St Kilda Live Music Precinct Planning Study, Stage 2: detailed investigations & recommendations (Hansen Partnership, 2024).	No implication. Amendment C219port does not conflict with proposed Amendment C220port.

C:5 Ministerial Directions, Planning Practice Notes and guides

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). That discussion is not repeated here.

Ministerial Direction No. 1: Potentially contaminated land

- The Amendment complies with Ministerial Direction No. 1 (Potentially contaminated land) by applying an EAO over land that is being rezoned from IN1Z to C2Z as the change in zoning will allow for a child care centre, which is defined as a sensitive use.

Ministerial Direction No. 11: Strategic assessment of amendments

- The Amendment complies with Ministerial Direction No. 11 (Strategic Assessment of Amendments) under section 12 of the Planning and Environment Act 1987. The Amendment is consistent with this direction which ensures a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces has been undertaken.

Ministerial Direction No. 15: The planning scheme amendment process

- The Amendment complies with the requirements set out in Ministerial Direction No. 15 (The planning scheme amendment process).

Ministerial Direction No. 19: (Amendments that may result in impacts on the environment, amenity and human health)

- The Amendment complies with Ministerial Direction No. 19 (Amendments that may result in impacts on the environment, amenity and human health) by applying an EAO over potentially contaminated land in respect of the rezoning of land from IN1Z to C2Z which will enable new land uses which require this assessment.
- The City of Port Phillip in its capacity as a Planning Authority sought the written views of the EPA as part of the preparation of this amendment and consultation on the Draft South Melbourne Structure Plan in 2024. How the Amendment responds to the views of the EPA is addressed in this Explanatory Report under the question 'How does the amendment address the views of any relevant agency?'

Planning Practice Notes

The Structure Plan has been prepared in a manner consistent with the following Planning Practice Notes (PPN) and guidance material published by the Victorian Government:

- Planning Practice Note 1: Applying the Heritage Overlay (PPN1)
- Planning Practice Note 30: Potentially contaminated land (PPN30)
- Planning Practice Note 46: Strategic Assessment Guidelines (PPN46)
- Planning Practice Note 57: Parking Overlay (PPN57)
- Planning Practice Note 58: Structure planning for activity centres (PPN58)
- Planning Practice Note 59: The role of mandatory provisions in planning schemes (PPN59)

- Planning Practice Note 60: Height and Setback Controls for Activity Centres, September 2018 (PPN60)
- Planning Practice Note 74: Making planning documents available to the public (PPN74)
- Planning Practice Note 94: Land Use and Transport Integration, December 2021 (PPN94).

Practitioner's Guide

A Practitioner's Guide to Victorian Planning Schemes Version 7, June 2024 (Practitioner's Guide) sets out key guidance to assist practitioners when preparing planning scheme provisions. The guidance seeks to ensure:

- the intended outcome is within scope of the objectives and power of the PE Act and has a sound basis in strategic planning policy
- a provision is necessary and proportional to the intended outcome and applies the VPP in a proper manner
- a provision is clear, unambiguous and effective in achieving the intended outcome.

Appendix D Panel recommended version of the Design and Development Overlay Schedule 37

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Proposed C219port

SCHEDULE 37 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO37**.

CLARENDON STREET PRECINCT – SOUTH MELBOURNE MAJOR ACTIVITY CENTRE**1.0**

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Proposed C219port

Design objectives

To retain a low-rise historic built form character along Clarendon Street, while encouraging taller (6-8 storeys) buildings on larger sites and elsewhere in the precinct. ~~and in the northern part of the precinct.~~

To ensure development is well spaced and sited to provide high appropriate internal and external amenity, ~~avoid~~ minimise visual bulk and provide equitable access to an outlook and good daylight and, ~~anticipates and is resilient~~ responds to the potential impacts of climate change and inundation.

To support residential use above the ground floor of buildings that further enhance the vibrancy and vitality of the South Melbourne Major Activity Centre's retail, commercial and entertainment offering.

To ensure development respects and complements the existing heritage character.

To ensure that development is of high architectural quality and contributes to the creation of a public realm that ~~preserves~~ provides appropriate levels of sunlight, ~~to key parks and streets~~, is attractive, vibrant, safe, engaging and supports active transport, including walking and cycling.

2.0

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Proposed C219port

Buildings and works**2.1****Definitions**

Additional shadows means any shadow cast beyond that which is cast by existing buildings or works, but does not include a shadow cast by incidental elements such as canopies, kiosks, artworks, screens or trees.

Floor Area Ratio means the gross floor area above ground of all buildings on a site divided by the area of the site. For the purposes of this calculation:

- Gross floor area includes all enclosed areas, services, lifts, car stackers and covered balconies. It also includes any floor area on a level that projects 1.2 metres above ground level.

The area of the site includes all contiguous titles in the same ownership that form part of the proposed development.

Heritage building means any building subject to a Heritage Overlay, graded as either Contributory or Individually Significant or any building on the Victorian Heritage Register.

Key streets ~~include~~ means Clarendon Street, Cecil Street, York Street, Coventry Street, Dorcas Street, Bank Street, Park Street, Napier Street and Raglan Street.

Laneway means a road reserve of a public highway with a width of 9 metres or less.

~~Narrow street means a road reserve of a public highway less than 12 metres wide.~~

Primary outlook refers to views from living spaces, including from associated ~~and~~ balconies for residential development and any outlook from a non-residential development.

Public realm means all streets and spaces open to the public but does not include laneways.

Secondary outlook refers to views from bedrooms, including from associated balconies, in residential development.

Southern footpath refers to the space from the property line of buildings to the vehicle roadway on the southern side of the street.

Street means a road reserve of a public highway more than ~~9~~¹² metres wide.

Street wall means the facade of a building ~~at~~^{facing the a} street ~~or laneway~~ boundary ~~within 0.3m of the boundary.~~, ~~or, if the existing heritage building is set back from the street boundary, the front of the existing building within 0.3 metres of an existing or proposed street, laneway or public open space.~~

Upper level means development above the height of the street wall.

2.2

Buildings and works for which no permit is required

A permit is not required to:

- Construct a building ~~or~~ construct or carry out works at ground level to provide universal access.
- Construct a building or construct or carry out works associated with:
 - 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.

2.3

General requirements

~~A permit to construct a building or construct or carry out works cannot be granted to vary a requirement in clause 2.4 expressed with the term ‘must’.~~

~~A permit to construct a building or construct or carry out works may be granted to vary a built form requirement in clause 2.4 expressed with the term ‘should’.~~

~~Regardless of whether the built form requirements are met, A~~an application for buildings and works must meet the relevant Design Objectives in ~~e~~^CClause 1.0 and Built Form Outcomes in ~~e~~^CClause 2.4.

~~Service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, plant screening, lift overruns, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the mandatory or discretionary building heights in Plan 2 provided that each of the following criteria are met for the equipment or structure:~~

- ~~— less than 50 per cent of the roof area is occupied by the equipment /structures (other than solar panels and green roofs);~~
- ~~— the equipment and/or structures do not cause additional shadows of any secluded private open space areas associated with a residential use; opposite footpaths, kerb outstands or planting areas in the public realm; and~~
- ~~— the equipment/structures do es not extend higher than 3.60 metres above the maximum building height and any overshadowing complies with any other overshadowing control in this schedule.~~

2.4

Design Requirements

2.4-1 Floor Area Ratio

Built Form Outcomes

Promote built form which is shaped to respond to sensitive interfaces, ensure good internal amenity and deliver a high-quality architectural outcome.

On larger sites,, built form should be broken up into a series of smaller building forms where appropriate. ~~and with variable heights.~~

Built Form Requirements

An application to construct a building or carry out works must not exceed the Floor Area Ratio specified in Plan 1 of this schedule. ~~Where a site is marked 'Envelope control', no Floor Area Ratio applies.~~

A permit cannot be granted or amended to vary this requirement, unless:

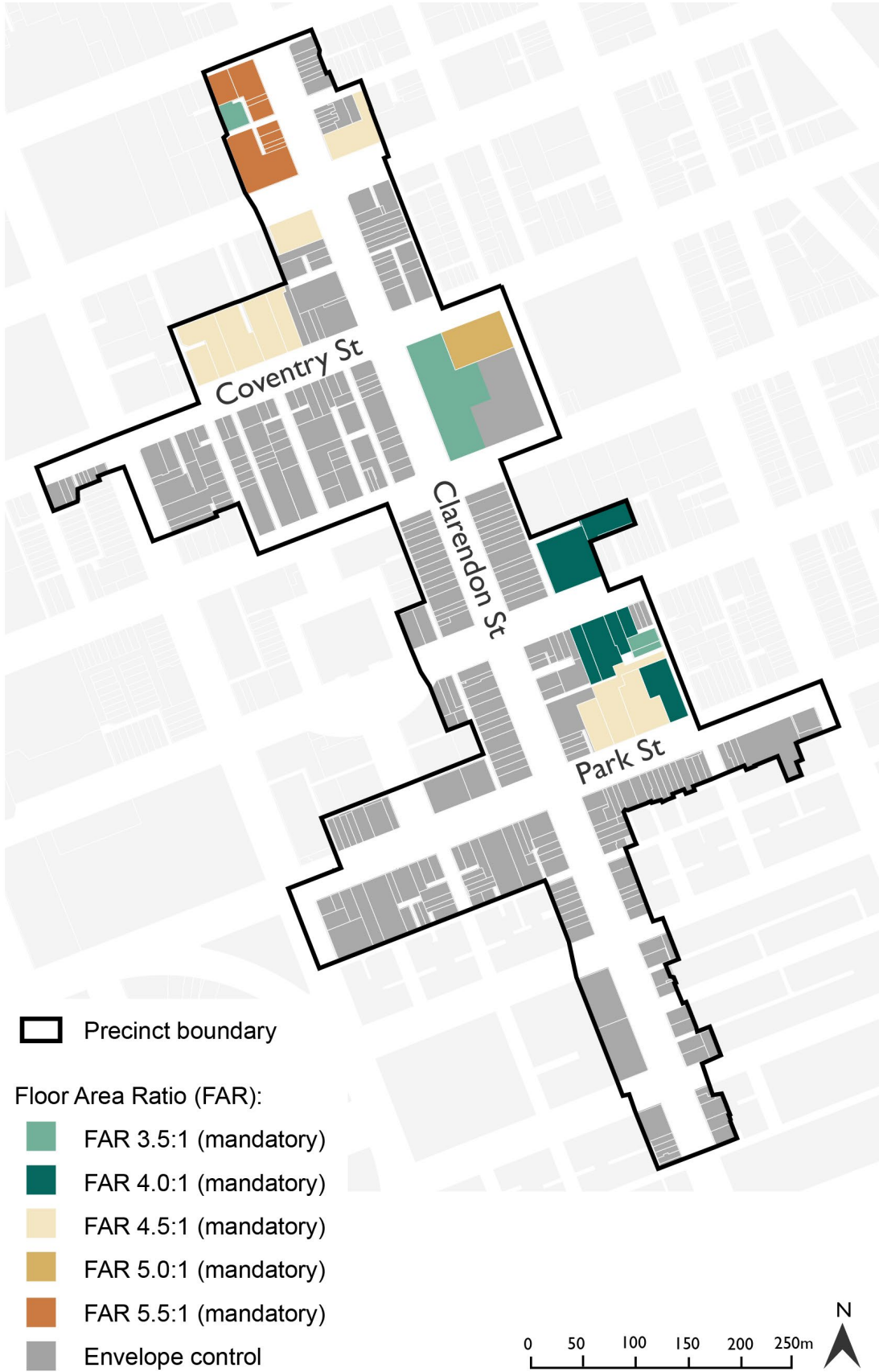
- in the case of an amendment to a permit issued prior to the approval date of Amendment C219port, the amendment does not increase the extent of non-compliance with this requirement; or
- in the case of an application for a permit, the following requirements are each met:
 - There has been a material change in the circumstances of the site comprising any one or more of the following:
 - the site has been amalgamated with another site/s and an increase to the FAR is warranted as a result of that change;
 - a heritage building or part of a heritage building on the site is permitted to be ~~lawfully~~ demolished and an increase to the FAR is warranted as a result of that change; or
 - the conditions of a site directly adjacent to the land have substantially changed and an increase to the FAR is warranted as a result of that change.
 - The development meets or exceeds all the requirements in clause 57 and clause 58 as relevant, and any ESD provisions in the Scheme;
 - All Built Form Objectives, and Built Form Outcomes must be appropriately satisfied and Built Form Requirements of this schedule are met; and.
 - The change to the FAR does not result in a substantial deviation from the building envelope determined by the height and setback requirements of this schedule.

Where the site includes contiguous titles in the same ownership, a section 173 agreement must be entered into and registered on each title which records the amount of Floor Area Ratio developed across the entire site, and the amount (if any) of remaining Floor Area Ratio able to be developed on each title should it be individually redeveloped in future. The owner of the land must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

A permit cannot be granted to vary this requirements.

~~A permit cannot be granted or amended to vary this requirement, unless in the case of an amendment to a permit, the amendment does not increase the extent of non-compliance.~~

Plan 1: Floor Area Ratio to Schedule 37 of Clause 43.02



2.4-2

Interface with residential properties in NRZ or GRZ

Built Form Outcomes

Development that:

- **Protects** Does not unreasonably affect the amenity of existing residential uses in terms of visual bulk, overshadowing of secluded private open space, overlooking and vehicle access.
- Responds to the low scale form of existing residential development through an appropriate transition in building height and setbacks.
- On the former Melbourne Butter Supply site at 176-188 Bank Street, South Melbourne;
 - Ensures nearby residential properties continue to receive appropriate solar access and privacy by limiting additional built form above the existing warehouse buildings abutting the northern side of Claremont Place.
 - Provides a transition from lower built form above the existing warehouse buildings abutting the northern side of Claremont Place to taller built form above the existing primary buildings fronting Bank Street.

2.4-3

Building height

Built Form Outcomes

Building heights that:

- Do not overwhelm the St Luke's Anglican Church complex on Dorcas Street.
- ~~On larger sites, are broken up into a series of smaller building forms where appropriate and with variable heights.~~
- Provide a transition in building height to existing low-rise residential properties.
- ~~Limit~~ **Do not unreasonably** impacts ~~on~~ the amenity of adjoining residential properties as a result of overshadowing of secluded private open space.
- ~~Limit~~ **Minimise the** impact of visual bulk and mass on neighbouring residential properties and the public realm.

Built Form Requirement

A building must not ~~A permit may be granted to~~ exceed the building height ~~mandatory requirement~~ specified in Plan 2 to this schedule as mandatory, except:

- service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, plant screening, lift overruns, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the mandatory building heights in Plan 2 provided that each of the following criteria are met:
 - less than 50 per cent of the roof area is occupied by the equipment /structures (other than solar panels and green roofs);
 - the equipment and/or structures do not cause additional shadows of any secluded private open space areas associated with a residential use; and
 - the equipment/structures do not extend higher than 3.6 metres above the maximum building height and any overshadowing complies with any other overshadowing control in this schedule.
- the building height specified in Plan 2 to this schedule may be exceeded 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 permit cannot be granted to vary this requirement.

A building should not exceed the building height specified in Plan 2 to this schedule as preferred, except service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, plant screening, lift overruns, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the preferred building heights in Plan 2 to this schedule provided that each of the following criteria are met:

- less than 50 per cent of the roof area is occupied by the equipment /structures (other than solar panels and green roofs);
- the equipment and/or structures do not cause additional shadows of any secluded private open space areas associated with a residential use; and
- the equipment/structures do not extend higher than 3.6 metres above the maximum building height and any overshadowing complies with any other overshadowing control in this schedule.

Plan 2: Building height to Schedule 37 of Clause 43.02



2.4-4**Adaptable Buildings****Built Form Outcome**

~~Buildings and works~~ Development that:

- Provides s for the future conversion of those parts of the building accommodating non-employment uses to employment uses including the ability to adapt car parking to other uses over time.
- Minimises the impact of car parking on the public realm.

Built Form Requirements

The building elements in Table 1 should incorporate the adaptability opportunities identified in the table.

Where car parking is sleeved by other development, the floor-to-floor height of the car parking should be the same as that of sleeving.

Table 1: Adaptable buildings

Building ~~Height~~ <u>elements</u>	Adaptability Opportunities <u>y</u>
Lower levels up to the height of the street wall	At least 4.0m floor to floor height at ground level. At least 3.2m 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 3.8m. ▪ 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

2.4-5**Street wall ~~height and setbacks~~****Built Form Outcomes**

Street wall heights ~~and setbacks~~ that:

- Respond to street widths and interfaces around the site ~~and enable the protection of sunlight to footpaths~~
- ~~Avoid~~ Minimise visual bulk.
- ~~—Support the provision of high amenity, equitable access to an outlook and good daylight.~~

Respect adjacent heritage buildings.

Built Form Requirements

A street wall must ~~permit may be granted to not~~ exceed the ~~mandatory street wall height~~ requirement specified as mandatory in Plan 3 to this schedule, except by the minimum extent required to deal with the slope of the land, if the slope of the natural ground level, measured at any cross section of the site is greater than 2.5 degrees. ~~if the building is on a corner where in Plan 3 and, a different street wall heights apply more than one street wall height applies, in which case, the development should ‘turn the corner’ and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.~~

A permit cannot be granted to vary this requirement

A street wall of a development should not exceed the street wall height specified in Plan 3 to this schedule as preferred; and

- ~~Infill~~ where the street wall of the development ~~adjoining~~ adjoins a heritage building with a frontage to the same street or laneway, the street wall height of that development should match the street wall height of the adjoining heritage building for a minimum distance equivalent to a typical structural or façade bay (approximately 6 metres in the case of a typical nineteenth century shop-/residence).
- ~~Where~~where the proposed development is separated by a laneway from a heritage building ~~by a laneway~~with a frontage to the same street, the street wall height of the proposed development should not be greater than two storeys taller than the street wall of the neighbouring heritage building, for a minimum distance ~~of that~~ equivalent to a typical structural or façade bay (approximately 6 metres in the case of a typical nineteenth century shop/residence).

2.4-6

Existing street wall height requirement

If a street wall or part of a street wall of a heritage building is demolished the height of the new street wall should be guided by the immediately adjacent street wall height shown on Plan 3 to this schedule or the immediately adjacent street wall height shown in the equivalent plan of an adjoining Design and Development Overlay schedule, as appropriate.

Plan 3: Street wall height to Schedule 37 of Clause 43.02



2.4-7**Upper level setbacks behind a street wall****Built Form Outcomes**

Upper levels that:

- Respond to street widths and interfaces around the site and enable the protection of sunlight to footpaths.
- ~~Provide equitable development opportunities and adequate internal amenity outcomes in terms of daylight, privacy and outlook.~~
- Reinforce the fine grain, vertical rhythm and visual interest of streetscapes.
- For heritage buildings, are set back to ensure the visual primacy and legibility of the street wall and the retention of heritage building features such as chimneys and roof forms or other significant heritage elements.
- Retain the visual prominence of the return facades of heritage buildings.

Built Form Requirements

~~For areas of the precinct covered by an envelope control as specified on Plan 1 to this schedule, to retain the visual prominence of the return facades of heritage buildings, upper level development must be set back at a minimum of 6 metres from Key Streets, including to both frontages of heritage buildings located at the following intersections:~~

- ~~Clarendon Street with Market, York, Coventry, Dorcas, Bank and Park streets~~
- ~~Cecil Street with Coventry Street Moray Street with Park Street~~
- ~~Park Street with Perrins Street (on the key north-south axis to South Melbourne Town Hall)~~

Upper level development for a development on a ~~Key~~ street, on a site covered by an envelope control as specified on Plan 1 to this schedule, must be set back at a minimum of 6 metres.

A permit cannot be granted to vary this requirement.

On a site subject to an envelope control as specified on Plan 1 to this schedule, upper level development of heritage buildings at the following intersections:

- Clarendon Street with Market, York, Coventry, Dorcas, Bank and Park streets
- Cecil Street with Coventry Street Moray Street with Park Street; and
- Park Street with Perrins Street (on the key north-south axis to South Melbourne Town Hall) -

must be set back at a minimum of 6 metres on both frontages.

A permit cannot be granted to vary this requirement.

For all other sites ~~areas of the precinct~~ covered by an envelope control as specified on Plan 1 to this schedule, upper level development should be set back a minimum of 3 metres above the street wall for from laneways and streets below less than 30 metres in width.

For sites ~~areas of the precinct~~ covered by a Floor Area Ratio control as specified on Plan 1 to this schedule, upper level development should be set back a minimum of between 3 and 5 metres ~~above the street wall.~~

~~Upper level development should provide appropriate building separation and be setback from side and rear boundaries to provide internal spaces with adequate levels of daylight, privacy and a primary outlook to the street, laneway or open spaces.~~

Development should match the upper level setback requirement of any adjoining heritage building with a frontage to the same street or laneway for a minimum ~~of 6 metres in length~~ distance equivalent to a typical structural or façade bay (approximately 6 metres in the case of a typical nineteenth century shop/-residence). ~~minimum of 6 metres in length.~~ Projections such as building services and architectural features (other than shading devices, mouldings etc.), balconies, and balustrades should not protrude into a setback.

2.4-8

Overshadowing

Built Form Outcome

Development that provides appropriate ~~preserves~~ sunlight to the public realm ~~and street network, and provides for high amenity, especially along Key Streets.~~

Built Form Requirements

~~A permit must not be granted to construct a~~ A building must not ~~building or construct or carry out works that would~~ overshadow or cast additional shadows over the southern footpath of the following streets between 10am and 2pm on 22nd September:

~~• — Market Street~~

- York Street
- Coventry Street
- Dorcas Street
- Bank Street
- Park Street.

A permit cannot be granted to vary this requirement.

A building should not overshadow or cast additional shadows over the southern footpath of the following street between 10am and 2pm on 22nd September:

• Market Street.

2.4-9

Active street frontages

Built Form Outcome

Development that:

- Provides high-quality, active frontages to key streets and laneways.
- Provides car parking areas, structures and accessways that do not detract from the public realm.

Built Form Requirements

Development should ~~P~~provide for natural surveillance and a visual connection into the building through transparent windows and balconies.

Development should ~~A~~avoid blank walls, large areas of reflective surfaces, high fences and service areas to key streets and laneways.

Car parking should be sleeved with active uses along their street frontages. ~~so that it is not visible from the public realm or adjoining sites.~~

2.4-10**Flood resilience****Built Form Outcome**

Development that provides design solutions for buildings in flood affected areas, particularly in the transition from the building to the public realm to ensure that building entries and frontages are accessible and active.

Built Form Requirements

Development in flood prone areas should:

- Ensure that the internal area of buildings including any basements proposed on land susceptible to flooding are designed to be protected from inundation.
- ~~Ensure~~ Provide safe access and egress ~~is provided~~ to that part of the land where there is no anticipated overland flow from floodwaters.

2.4-11**Building separation and building setbacks****Built Form Outcomes**

Development that:

- ~~Ensures~~ Provides good levels of daylight ~~and sunlight enter buildings to windows~~.
- Provides adequate cross ventilation.
- Provides an appropriate outlook from within buildings.
- Manages privacy between neighbouring buildings, maintains equitable development between sites and avoids the need for visual screening.

Built Form Requirements

Where a proposed development directly abuts a side boundary and the wall of the development is a party wall, the height of the party wall

- should not exceed 27 metres or the preferred height limit, whichever is lower; and
- any development above the height of the party wall should be set back by the distance specified in the relevant row of Table 2.

Where a proposed development directly abuts a rear boundary, ~~the wall of the development on the rear boundary~~:

- should not exceed 3 storeys in height ~~on the rear boundary~~; and
- ~~development~~ above 3 storeys should be set back by the distance specified in columns 2 and 3 (as appropriate) of Table 2.

Where a proposed development abuts a laneway, the development:

- should not exceed 3 storeys in height on the laneway (except that within 20 metres of a corner with a street the height of the development abutting the laneway may match the street wall height for the street for a distance of 20 metres along the laneway); and
- above the permissible wall height on the laneway should be set back by the distance specified in columns 2 and 3 (as appropriate) of Table 2.

If a development is not built to the side or rear boundary, the development should be set back by the distance specified in columns 2 and 3 (as appropriate) of Table 2.

Where there is more than one buildings on a site, the buildings should be separated from each other by the minimum distance specified in column 4 of Table 2.

~~Where two sites share a rear boundary, development abutting the boundary should be no higher than 3 storeys.~~

~~Where development shares a common boundary, a new building should be setback by the distance specified in Table 2.~~

~~For sites with a side boundary to narrow laneways of equal to or less than 3 metres in width, development abutting the laneway should be no higher than:~~

- ~~— 22 metres; or~~
- ~~— the maximum building height specified in this schedule, whichever is lesser, provided that:~~
 - ~~— the development does not result in unreasonable amenity impacts on the public realm or the rear of the subject property; and~~
 - ~~— the façade to the laneway is of a slender form that creates fast moving shadows.~~

For non-residential development, these requirements in Table 2 may be varied for sites with a depth of 16 metres or less that share a rear boundary where appropriate amenity outcomes can be achieved through a single outlook to the street.

For development abutting a laneways, the setback in Table 2 should be measured from the centreline of the laneway.

Table 2: Building separation and building setbacks above the podium distances

Building height	~~Between a living room window, balcony or non-residential window and the site boundary~~ <u>Setback for primary outlook</u>	~~Bedroom outlook - site boundary separation~~ <u>Setback for secondary outlook</u>	Separation between multiple buildings on ~~an individual~~ site
Less than 25 metres	5 metres	3 metres	9 metres
25 metres or above	9 metres	4.5 metres	18 metres

2.4-12

Light wells

Built Form Outcomes

Development that:

- ~~Ensures~~ Provides good levels of daylight ~~and sunlight enter buildings~~ to bedrooms
- Provides adequate cross ventilation.

Built Form Requirements

Light wells, if provided, should:

- ~~— provide daylight access to bedrooms only;~~
- be consolidated into a larger courtyard space;
- meet the dimensions for minimum width and overall area specified in Table 3 from the first level of residential use;
- be painted in a light reflective colour; and
- be provided with ground level access via a door.

The light well dimensions in Table 3 may be varied for buildings containing multiple levels of non-residential uses.

Table 3: Light well dimensions

Building height	Light well overall area	Light well minimum width
Up to 22 metres	18 square metres	3 metres
Above 22 metres and up to 27 metres	36 square metres	4.5 metres
Above 27 metres	54 square metres	6 metres

3.0

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Proposed C219port

Subdivision

None specified.

4.0

--/--/----

Proposed C219port

Signs

None specified.

5.0

--/--/----

Proposed C219port

Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site analysis and urban design context report which demonstrates how the proposal ~~achieves~~ addresses the Design ~~O~~bjectives, Built Form Outcomes and Built Form Requirements in Clause 2.4 to this schedule.
- A plan showing overshadowing of the public realm cast by the proposal, including any shadows and a ~~Additional shadows, as defined by Clause 2.1 of this schedule, cast by the proposal.~~

Where a Floor Area Ratio applies to land, a development summary specifying floor-by-floor area, summary of proposed use and total Floor Area Ratio.

6.0

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Proposed C219port

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 extent to which the development addresses the Built Form Outcomes and Built Form Requirements in this schedule.
- Whether the development achieves high architectural quality (including but not limited to contextual responsiveness, building siting, scale, massing, articulation and materials)
- Whether the development supports a high quality public realm, high levels of pedestrian amenity and ~~supports~~ active transport.
- Whether buildings on larger sites are designed and sited to relate and contribute positively to their context and ~~their~~ any relevant historic urban grain such as through variation of building height and building form.
- Whether new development is sited and designed with an active frontage to ~~the~~ key streets or laneways.
- Whether the proposed development is an acceptable outcome having regard to the risk of flooding.
- For an application to exceed the preferred building height shown in Plan 2 of this schedule, whether the built form outcome that results from the proposed variation satisfies the

relevant Built Form Outcomes and Built Form Requirements specified in Clause 2.4 of this schedule.

- For an application to exceed the street wall height shown in Plan 3 of this schedule:
 - Whether the built form outcome that results from the proposed variation satisfies the Built Form Outcomes and Built Form Requirements specified in Clause 2.4 of this schedule; and
 - Whether the street wall at ground floor level is designed to allow floor to floor ceiling heights suitable to accommodate commercial activity.
- For an application to ~~reduce~~ vary the preferred ~~minimum~~-setback requirements specified in this schedule, whether the built form outcome that results from the proposed variation appropriately satisfies the Built Form Outcomes ~~and Built Form Requirements~~ specified in Clause 2.4 of this schedule.

Appendix E Panel recommended version of the Design and Development Overlay Schedule 38

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Proposed C219port

SCHEDULE 38 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO38**.

SOUTH MELBOURNE MARKET PRECINCT – SOUTH MELBOURNE MAJOR ACTIVITY CENTRE**1.0**

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Proposed C219port

Design objectives

To ensure that development transitions from taller (8-12 storey) buildings to medium rise (4-5 storey) buildings adjacent to the historic Clarendon Street Precinct.

To ensure development in the South Melbourne Major Activity Centre contains floorplates and design features that support a diverse range of housing options and employment activities, including retail, professional services and creative industries.

To ensure development is well spaced and sited to provide appropriate internal and external ~~high~~ amenity, minimise ~~avoid~~ visual bulk and provide equitable access to an outlook and good daylight and ~~anticipates and is resilient~~ responds to the potential impacts of climate change and inundation.

To enhance the commercial character of this precinct by encouraging the contemporary use of high quality materials.

To ensure that development is of high architectural quality and contributes to the creation of a public realm that provides appropriate levels of ~~preserves~~ sunlight ~~to key parks, streets,~~ supports pedestrian activity around ~~the South Melbourne Market and~~, is attractive, vibrant, safe, engaging and supports active transport, including walking and cycling.

2.0

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Proposed C219port

Buildings and works**2.1****Definitions**

Additional shadows means any shadow cast beyond that which is cast by existing buildings or works, but does not include a shadow cast by incidental elements such as canopies, kiosks, artworks, screens or trees.

Floor Area Ratio means the gross floor area above ground of all buildings on a site divided by the area of the site. For the purposes of this calculation:

- Gross floor area includes all enclosed areas, services, lifts, car stackers and covered balconies. It also includes any floor area on a level that projects 1.2 metres above ground level.
- The area of the site includes all contiguous titles in the same ownership that form part of the proposed development.

Heritage building means any building subject to a Heritage Overlay, graded as either Contributory or Individually Significant or any building on the Victorian Heritage Register.

Key streets ~~include~~ means Clarendon Street, Cecil Street, York Street, Coventry Street, Dorcas Street, Bank Street, Park Street, Napier Street and Raglan Street.

Laneway means a road reserve of a public highway with a width of 9 metres or less.

Primary outlook refers to views from living spaces, including from associated ~~and~~ balconies for residential development and any outlook of a non-residential development.

Public realm means all streets and spaces open to the public but does not include laneways. **Secondary outlook** refers to views from bedrooms, including associated balconies, in residential development.

Southern footpath refers to the space from the property line of buildings to the vehicle roadway on the southern side of the street.

Street means a road reserve of a public highway more than ~~129~~ metres wide.

Street wall means the facade of a building facing a ~~at the~~ street or laneway boundary within 0.3m of the boundary., ~~or, if the existing heritage building is set back from the street boundary, the front of the existing building within 0.3 metres of an existing or proposed street, laneway or public open space.~~

Upper level means development above the height of the street wall.

Western footpath refers to the space from the property line of buildings to the vehicle roadway on the western side of the street.

2.2

Buildings and works for which no permit is required

A permit is not required to:

- Construct a building ~~or~~ construct or carry out works at ground level to provide universal access.
- Construct a building or construct or carry out works associated with:
 - 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.

2.3

General Requirements

~~A permit to construct a building or construct or carry out works cannot be granted to vary a requirement in clause 2.4 expressed with the term ‘must’.~~

~~A permit to construct a building or construct or carry out works may be granted to vary a built form requirement in clause 2.4 expressed with the term ‘should’.~~

~~Regardless of whether the built form requirements are met, a~~ An application for buildings and works must meet the relevant Design Objectives in clause 1.0 and Built Form Outcomes in clause 2.4.

2.4

Design Requirements

2.4-1 Floor Area Ratio

Built Form Outcome

Promote built form which is shaped to respond to sensitive interfaces, ensure good internal amenity and deliver a high-quality architectural outcome.

On larger sites built form should be broken up into a series of smaller building forms where appropriate. ~~and with variable building heights.~~

Built Form Requirement

An application to construct a building ~~and works or construct~~ or carry out works must not exceed the Floor Area Ratio specified in Plan 1 of this schedule.

A permit cannot be granted or amended to vary this requirement, unless:

- in the case of an amendment to a permit issued prior to the approval date of Amendment C219port, the amendment does not increase the extent of non-compliance with this requirement; or
- in the case of an application for a permit, the following requirements are each met:
 - o There has been a material change in the circumstances of the site comprising

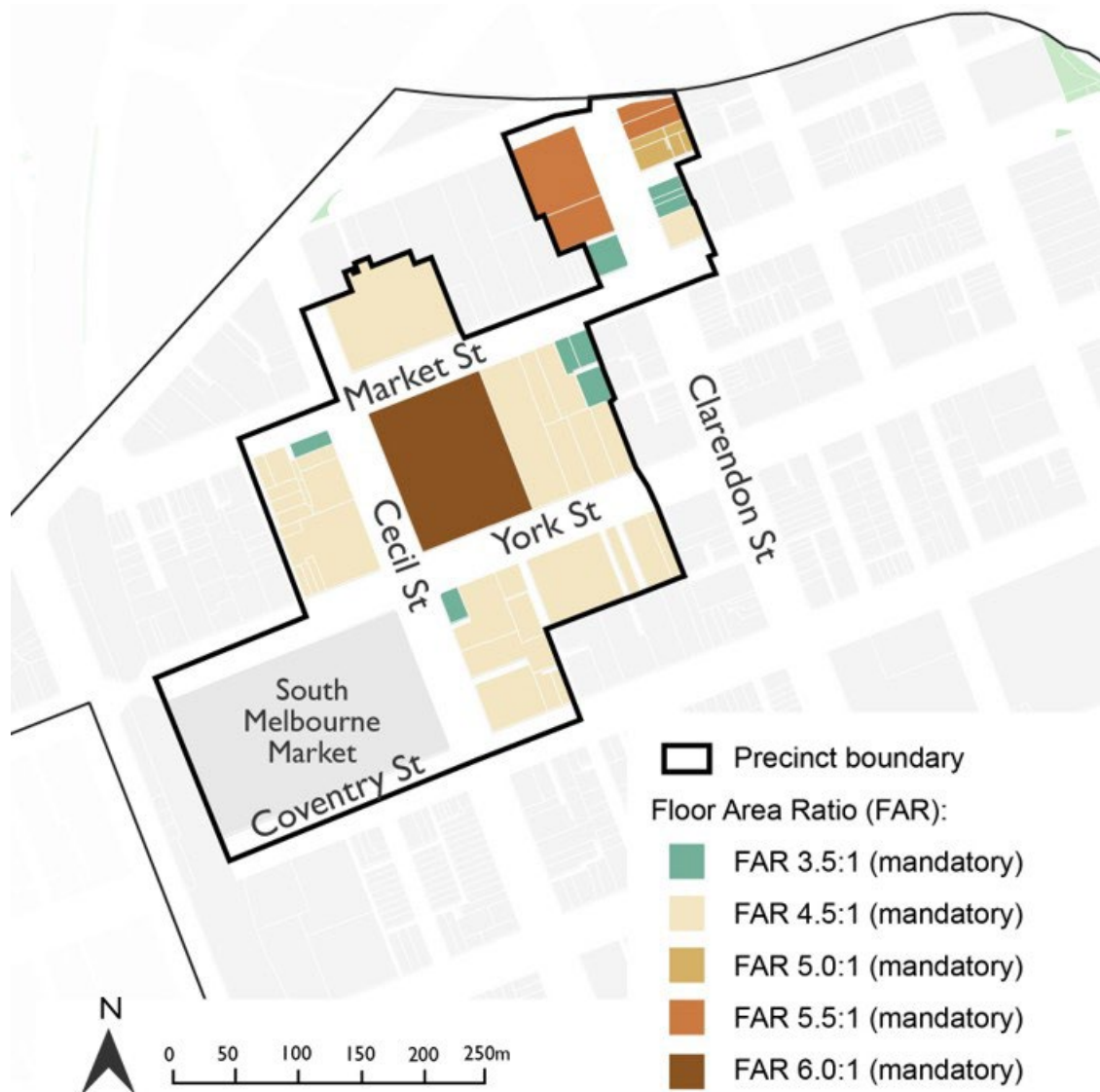
any one or more of the following:

- the site has been amalgamated with another site/s and an increase to the FAR is warranted as a result of that change;
 - a heritage building or part of a heritage building on the site is permitted to be ~~lawfully~~ demolished and an increase to the FAR is warranted as a result of that change; or
 - the conditions of a site directly adjacent to the land have substantially changed and an increase to the FAR is warranted as a result of that change.
- o The development meets or exceeds all the requirements in clause 57 and clause 58 as relevant, and any ESD provisions in the Scheme;
 - o All Built Form Objectives, and Built Form Outcomes must be appropriately satisfied and Built Form Requirements of this schedule are met; and.
 - o The change to the FAR does not result in a substantial deviation from the building envelope determined by the height and setback requirements of this schedule.

Where the site includes contiguous titles in the same ownership, a section 173 agreement must be entered into and registered on each title which records the amount of Floor Area Ratio developed across the entire site, and the amount (if any) of remaining Floor Area Ratio able to be developed on each title should it be individually redeveloped in future. The owner of the land must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

A permit cannot be granted to vary this requirement.

~~A permit cannot be granted or amended to vary this requirement, unless in the case of an amendment to a permit, the amendment does not increase the extent of non-compliance.~~

Plan 1: Floor Area Ratio to Schedule 38 of Clause 43.02**2.4-2 Interface with residential properties in NRZ or GRZ****Built Form Outcome**

Development that:

- ~~Protects~~ Does not unreasonably affect the amenity of existing residential properties in terms of visual bulk, overshadowing of secluded private open space, overlooking and vehicle access.

2.4.3 Building height**Built Form Outcomes**

Building heights that:

- ~~On larger sites, are broken up into a series of smaller building forms where appropriate and with variable heights to ensure they relate and contribute positively to their context and their historic urban grain.~~
- Provide an appropriate scale of development and reflect the transition in scale from taller (~~8-12 storey~~) buildings to medium rise buildings (~~4-5 storey buildings~~) adjacent to the historic Clarendon Street Precinct.
- Limits ~~impacts~~ on the amenity of York Street and potential future open space on or abutting the South Melbourne Market site as a result of overshadowing.

Built Form Requirements

~~Buildings and works~~ A building should not exceed the ~~preferred~~ building height ~~requirement~~ specified in Plan 2 to this schedule as preferred, except service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, plant screening, lift overruns, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the preferred building heights in Plan 2 to this schedule provided that each of the following criteria are met:

- less than 50 per cent of the roof area is occupied by the equipment /structures (other than solar panels and green roofs);
- the equipment and/or structures do not cause additional shadows of any secluded private open space areas associated with a residential use; and
- the equipment/structures do not extend higher than 3.6 metres above the maximum building height and any overshadowing complies with any other overshadowing control in this schedule.

Plan 2: Building height to Schedule 38 of Clause 43.02**2.4-4 Adaptable Buildings****Built Form Outcome**

~~Buildings and works~~ [Development](#) that:

- Provides for the future conversion of those parts of the building accommodating non-employment uses to employment uses including the ability to adapt car parking to other uses over time.
- Minimise the impact of car parking on the public realm.

Built Form Requirements

The building elements in Table 1 should incorporate the adaptability opportunities identified in the table.

[Where car parking is sleeved by other development, the floor-to-floor height of the car parking should be the same as that of sleeving.](#)

Table 1: Adaptable buildings

Building ~~Height~~ elements	Adaptability Opportunitiesy
Lower levels up to the height of the street wall	At least 4.0m floor to floor height at ground level. At least 3.2m 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 3.8m. - 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

2.4-5 Street wall ~~height~~ and setbacks

Built Form Outcomes

Street wall heights ~~and setbacks~~ that:

- Respond to street widths ~~and~~; interfaces around the site ~~and enable the protection of sunlight to footpaths.~~
- ~~Avoid~~ Minimise visual bulk.
- ~~Support the provision of high amenity, equitable access to an outlook and good daylight.~~
- On the north side of York Street between Cecil Street and the western boundary of South Melbourne Market, provides greater setbacks to protect sunlight to the southern footpath adjacent to the South Melbourne Market site.

Built Form Requirements

A street wall must not exceed the street wall height requirement specified as mandatory in Plan 3 to this schedule except by the minimum extent required to deal with the slope of the land, if the slope of the natural ground level, measured at any cross section of the site is greater than 2.5 degrees.

A permit cannot be granted to vary this requirement.

A street wall of a development ~~Buildings and works~~ should not exceed preferred street wall height requirement specified as preferred in Plan 3 to this schedule.

~~Heritage buildings should maintain the existing street wall height.~~

For corner sites where two different street wall heights are nominated, development should ‘turn the corner’ and continue the taller street wall height along the side street, with a transition to the lower street wall height ~~along the side street towards the rear interface.~~

~~Projections such as building services and architectural features (other than shading devices, mouldings etc.), balconies, terraces and balustrades should not protrude into a setback.~~

~~A street wall of a development should not exceed street wall height requirement specified as preferred in Plan 3 to this schedule.~~

A street wall of a development ~~Buildings and works~~ should not exceed preferred street wall height requirement specified as preferred in Plan 3 to this schedule; and.

- Where ~~Infill~~ the street wall of a development adjoining a heritage building with a frontage to the same street or laneway, the street wall of that development should match the street wall height of the adjoining heritage building for a minimum distance

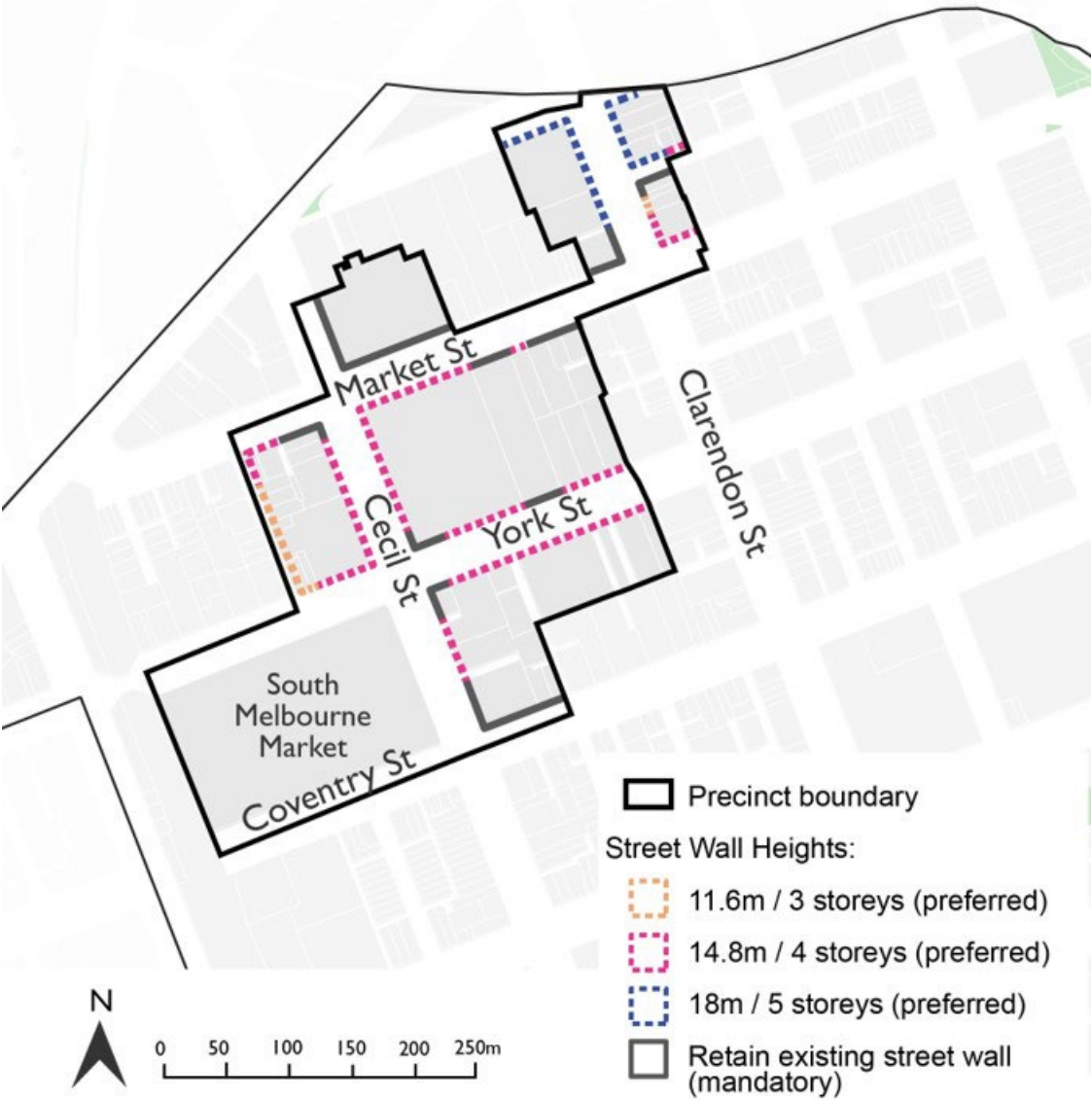
equivalent to a typical structural or façade bay (approximately 6 metres in the case of a typical nineteenth century shop/-residence).

- where proposed development is separated by a laneway from a heritage building ~~by a laneway with a frontage to the same street~~, the street wall height of the proposed development should not be greater than two storeys taller than the street wall of ~~neighbouring~~ heritage building, for a minimum distance ~~of that~~ equivalent to a typical structural or façade bay (approximately 6 metres in the case of a typical nineteenth century shop/-residence).

2.4-6 Existing street wall height requirement

If a street wall or part of a street wall of a heritage building is demolished the height of the new street wall should be guided by the immediately adjacent street wall height shown on Plan 3 to this schedule or the immediately adjacent street wall height shown in the equivalent plan of an adjoining Design and Development Overlay schedule, as appropriate.

Plan 3: Street wall height to Schedule 38 of Clause 43.02



2.4-7 Upper levels setbacks behind a street wall

Built Form Outcomes

Upper levels that:

- Respond to street widths and interfaces around the site and enable the protection of sunlight to footpaths.
- ~~Provide equitable development opportunities and adequate internal amenity outcomes in terms of daylight, privacy and outlook.~~
- Reinforce the fine grain, vertical rhythm and visual interest of streetscapes.
- For heritage buildings, are set back to ensure the visual primary and legibility of the street wall and the retention of heritage building features such as chimneys and roof forms.
- Retain the visual prominence of the return facades of heritage buildings.

Built Form Requirements

~~To retain the visual prominence of the return facades of heritage buildings, upper level development must be set back at a minimum of 6 metres from Key Streets; including to both frontages of heritage buildings located at the following intersections:~~

- ~~Clarendon Street with Market Street.~~
- ~~Cecil Street with Market, York and Coventry streets.~~

Upper level development for a development on a Key street must be set back at a minimum of 6 metres.

A permit cannot be granted to vary this requirement.

Upper level development of heritage buildings ~~on both frontages~~ at the following intersections:

- Clarendon Street with Market Street.
- Cecil Street with Market, York and Coventry streets

must be set back at a minimum of 6 metres on both frontages.

A permit cannot be granted to vary this requirement. Upper level development for all other ~~areas~~ sites should be set back a minimum of between 3 metres and 5 metres from the street wall.

~~Upper level development should provide appropriate building separation and setback from side and rear boundaries to provide internal spaces with adequate levels of daylight, privacy and a primary outlook to the street, laneway or open spaces.~~

Development should match the upper level setback requirement of an adjoining heritage building with a frontage to the same street or laneway for a minimum distance of that equivalent to a typical structural or façade bay (approximately 6 metres in the case of a typical nineteenth century shop/-residence). ~~for a minimum of 6 metres in length.~~

Alternative upper level setback may be supported in proximity to industrial heritage frontage where consideration of character, parapet line, and existing building modulation and alignment produces a better heritage outcome.

Projections such as building services and architectural features (other than shading devices, mouldings etc.), balconies, and balustrades should not protrude into a setback.

2.4-8 Overshadowing

Built Form Outcomes

Development that:

- ~~Preserves~~ Provides appropriate sunlight to the public realm. ~~and street network~~

~~and provides for high amenity, especially along key streets.~~

- On the north side of York Street between Cecil Street and the western boundary of South Melbourne Market, provides greater setbacks to ~~protect~~ provide appropriate sunlight to the southern footpath and enable potential future open space on the South Melbourne Market site.

Built Form Requirements

~~Buildings and works~~ A building must not overshadow or cast additional shadows over the southern footpaths of the following streets between 10am and 2pm on 22nd September:

- ~~Market Street~~
- York Street to the east of Cecil Street
- Coventry Street.

A permit cannot be granted to vary this requirement.

~~Buildings and works~~ A building must not overshadow or cast additional shadows over the southern footpaths of the following streets between 10am and 2pm on 22nd June:

- York Street from Cecil Street to the western boundary of South Melbourne Market.

A permit cannot be granted to vary this requirement.

A building should not overshadow or cast additional shadows over the:

- southern footpath of Market Street between 10am and 2pm on 22nd September
- western footpath of Cecil Street between 11am and 2pm on 22nd September.

2.4-9 Active street frontages

Built Form Outcome

Development that:

- Provides high-quality, active frontages to key streets and laneways.
- Provides car parking areas, structures and accessways that do not detract from the public realm.

Built Form Requirements

Development should ~~P~~provide for natural surveillance and a visual connection into the building through transparent windows and balconies.

Development should ~~A~~avoid blank walls, large areas of reflective surfaces, high fences and service areas to key streets, laneways and the South Melbourne Market.

Car parking should be sleeved with active uses along their street frontages. ~~so that it is not visible from the public realm or adjoining sites~~

2.4-10 Flood resilience

Built Form Outcome

Development that provides design solutions for buildings in flood affected areas, particularly in the transition from the building to the public realm to ensure that building entries and frontages are accessible and active.

Built Form Requirements

Development in flood prone areas ~~that~~ should:

- Ensure that the internal area of buildings including any basements proposed on land susceptible to flooding are designed to be protected from inundation.
- ~~Ensure that~~ Provide safe access and egress ~~is provided~~ to that part of the land where there is

no anticipated overland flow from floodwaters.

2.4-11 Building separation and building setbacks

Built Form Outcomes

Development that:

- ~~Ensures~~ Provides good levels of daylight ~~and sunlight enter buildings to windows.~~
- Provides adequate cross ventilation.
- Provides an appropriate outlook from within buildings.
- Manages privacy between neighbouring buildings, maintains equitable development between sites and avoids the need for visual screening.

Built Form Requirements

Where a proposed development directly abuts a side boundary and the proposed wall of the development is a party wall:

- the height of the party wall should not exceed 27 metres or the preferred height limit, whichever is lower; and
- any development above the height of the party wall should be set back by the distance specified in the relevant row of Table 2.

Where a proposed development directly abuts a rear boundary, the wall of the development on the rear boundary:

- should not exceed 3 storeys in height; and
- development above 3 storeys should be set back by the distance specified in columns 2 and 3 (as appropriate) of Table 2.

Where a proposed development abuts a laneway, the development:

- should not exceed 3 storeys in height on the laneway (except that within 20 metres of a corner with a street the height of the development abutting the laneway may match the street wall height for a distance of 20 metres along the laneway); and
- above the permissible wall height on the laneway should be set back by the distance specified in columns 2 and 3 (as appropriate) of Table 2.

If a development is not built to the side or rear boundary, the development should be set back by the distance specified in columns 2 and 3 (as appropriate) of Table 2.

Where there is more than one building on a site, the buildings should be separated from each other by the distance specified in column 4 of Table 2.

~~Where development shares a common boundary, a new building should be setback by the distance specified in Table 2.~~

~~Where two sites share a rear boundary, development abutting the boundary should be no higher than 3 storeys.~~

~~For sites with a side boundary to narrow laneways of equal to or less than 3 metres in width, development abutting the laneway should be no higher than:~~

- ~~22 metres; or~~
- ~~the maximum building height specified in this schedule, whichever is lesser, provided that:~~
- ~~the development does not result in unreasonable amenity impacts on the public realm or the rear of the subject property; and~~
- ~~the façade to the laneway is of a slender form that creates fast moving shadows.~~

For non-residential development, the requirements in Table 2 may be varied for sites with

a depth of 16 metres or less that share a rear boundary where appropriate amenity outcomes can be achieved through a single outlook to the street.

For development abutting a laneway, the setback in Table 2 should be measured from the centreline of the laneway.

Table 2: Building separation and building setbacks above the podium ~~distances~~

Building height	~~Between a living room window, balcony or non-residential window and the site boundary~~ <u>Setback for primary outlook</u>	~~Bedroom outlook—site boundary—separation~~ <u>Setback for secondary outlook</u>	~~Separation between multiple buildings on an individual site~~
Less than 25 metres	5 metres	3 metres	9 metres
25 metres or above	9 metres	4.5 metres	18 metres

2.4-102 Light wells

Built Form Outcomes

Development that:

- ~~Ensures~~ Provides good levels of daylight ~~and sunlight enter buildings~~ to bedrooms.
- Provides adequate cross ventilation.

Built Form Requirements

Light wells, if provided, should:

- provide daylight access to bedrooms only;
- be consolidated into a larger courtyard space;
- meet the dimensions for minimum width and overall area specified in Table 3 from the first level of residential use;
- ~~provide daylight access to bedrooms only;~~
- be painted in a light reflective colour; and
- be provided with ground level access via a door.

The light well dimensions in Table 3 may be varied for buildings containing multiple levels of non-residential uses.

Table 3: Light well dimensions

Building height	Light well overall area	Light well minimum width
Up to 22 metres	18 square metres	3 metres
Above 22 metres and up to 27 metres	36 square metres	4.5 metres
Above 27 metres	54 metres	6 metres

2.4-134 Wind effects on the public realm

Built Form Outcome

Development that impacts local wind conditions to:

- Maintain a safe and pleasant pedestrian environment on footpaths and other public spaces for walking, sitting or standing.

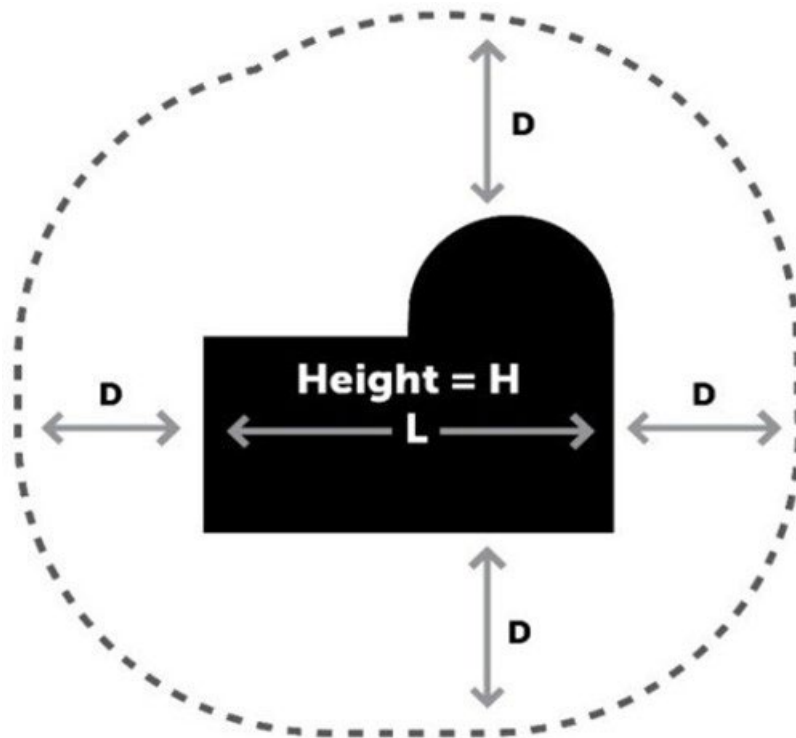
Built Form Requirements

Buildings and works higher than 40 metres:

- Must not cause unsafe wind conditions as specified in Table 4 in publicly accessible areas within the assessment distance from all façades. [A permit cannot be granted to vary this requirement.](#)
- Should achieve comfortable wind conditions as specified in Table 4 in publicly accessible areas within the assessment distance from all façades.
- The assessment distance is shown in ~~the figure below~~ [Figure 1](#) and is the greater of:
 - Half the longest width of the building.
 - Half the total height of the building.

Table 4: Wind effects on the public realm

Wind condition	Specification
Comfortable wind conditions	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: ■ 3m/second for sitting areas. ■ 4m/second for standing areas. ■ 5m/second for walking areas. Hourly mean wind speed is the maximum of: ■ The hourly mean wind speed. The gust equivalent mean speed (3 second gust wind speed divided by 1.85).
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 20m per second

Figure 1: Wind effects assessment

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

3.0

--/--/----

Proposed C219port

Subdivision

None specified.

4.0

--/--/----

Proposed C219port

Signs

None specified.

5.0

--/--/----

Proposed C219port

Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site analysis and urban design context report which demonstrates how the proposal ~~achieves~~ [addresses](#) the Design Objectives, Built Form Outcomes, and Built Form Requirements in Clause 2.4 to this schedule.
- A plan showing [overshadowing of the public realm cast by the proposal, including any shadows](#) and ~~A~~[Additional shadows, as defined by Clause 2.1 of this schedule, east by the proposal.](#)
- Where a Floor Area Ratio applies to land, a development summary specifying floor-by-floor area, summary of proposed use and total Floor Area Ratio.
- For buildings and works higher than 40 metres, a wind assessment prepared by a suitably qualified person that:
 - Models the wind effects of the proposed development and its surrounding buildings.
 - Demonstrates the proposed development will not cause unsafe wind conditions.
 - Explains the effect of the proposed development on the wind conditions in

publicly accessible areas.

- Shows the development will allow for comfortable sitting in any public open space, standing in any pedestrian entrance and walking in any pedestrian walkway.

6.0

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Proposed C219port

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 extent to which the development addresses the Built Form Outcomes and Built Form Requirements in this schedule.
- Whether the development achieves high architectural quality (including but not limited to contextual responsiveness, building siting, scale, massing, articulation and materials).
- Whether the development supports a high quality public realm, high levels of pedestrian amenity and ~~supports~~ active transport.
- Whether buildings on larger sites are designed and sited to relate and contribute positively to their context and ~~their~~ any relevant historic urban grain such as through variation of building height and building form.
- Whether new development is sited and designed with an active frontage to ~~the~~ key streets and laneways.
- Whether the proposed development is an acceptable outcome having regard to any ~~the~~ risk of inundation ~~flooding~~.
- Whether new development supports local wind conditions that maintain a safe and pleasant pedestrian environment on footpaths and other public spaces for walking, sitting or standing.
- ~~Whether the built form outcome that results from the proposed variation satisfies the relevant Built Form Outcomes and Built Form Requirements specified in Clause 2.4 of this schedule for an application to exceed the preferred building height shown in Plan 2 of this schedule~~
- For an application to exceed the preferred building height shown in Plan 2 of this schedule, whether the built form outcome that results from the proposed variation appropriately satisfies the relevant Built Form Outcomes specified in Clause 2.4 of this schedule.
- For an application to exceed the street wall height shown in Plan 3 of this schedule:
 - Whether the built form outcome that results from the proposed variation appropriately satisfies the Built Form Outcomes ~~and Built Form Requirements~~ specified in Clause 2.4 of this schedule; and
 - Whether the street wall at ground floor level is designed to allow floor to floor ceiling heights suitable to accommodate commercial activity.
- For an application to ~~reduce~~ vary the preferred ~~minimum~~ setback requirements specified in this schedule, whether the built form outcome that results from the proposed variation appropriately satisfies the Built Form Outcomes specified in Clause 2.4 of this schedule

Appendix F Panel recommended version of the Design and Development Overlay Schedule 39

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Proposed C219port

SCHEDULE 39 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAYShown on the planning scheme map as **DDO39****SOUTH MELBOURNE ENTERPRISE PRECINCT EAST AND KINGS WAY MIXED USE CORRIDOR****1.0**

--/--/----

Proposed C219port

Design objectives

To ensure that development transitions from taller (8-12 storey) buildings along Kings Way to medium rise (5-6 storey) buildings in locations with a historic industrial and mixed use character.

To ensure development in the South Melbourne Enterprise Precinct contains floorplates and design features that support a diverse range of employment activities, including creative industries and professional services.

To ensure development is well spaced and sited to provide ~~high~~appropriate internal and external amenity, ~~avoid~~minimise visual bulk and provide equitable access to an outlook and good daylight and ~~anticipates and is resilient~~ responds to the potential impacts of climate change and inundation.

To reference the industrial history of the precinct by supporting the adaptive reuse of existing buildings and encouraging the contemporary use of common industrial materials.

To ensure that development is of high architectural quality and contributes to the creation of a public realm that ~~preserves~~ provides appropriate levels of sunlight, ~~including to to key parks, and streets~~ is attractive, vibrant, safe, engaging and supports active transport, including walking and cycling.

2.0

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Proposed C219port

Buildings and works**2.1****Definitions**

Additional shadows means any shadow cast beyond that which is cast by existing buildings or works, but does not include a shadow cast by incidental elements such as canopies, kiosks, artworks, screens or trees.

Floor Area Ratio means the gross floor area above ground of all buildings on a site divided by the area of the site. For the purposes of this calculation:

- Gross floor area includes all enclosed areas, services, lifts, car stackers and covered balconies. It also includes any floor area on a level that projects 1.2 metres above ground level.
- The area of the site includes all contiguous titles in the same ownership that form part of the proposed development.

Heritage building means any building subject to a Heritage Overlay, graded as either Contributory or Individually Significant or any building on the Victorian Heritage Register.

Key streets ~~include~~ means Moray Street, Market Street, York Street, Coventry Street, Bank Street and Eastern Road between Kings Way and Dorcas Street.

Laneway means a road reserve of a public highway with a width of 9 metres or less.

~~Narrow street means a road reserve of a public highway less than 12 metres wide.~~

Primary outlook refers to views from living spaces, including any from associated ~~and~~ balconies for residential development and any outlook of a non-residential development.

Public realm means all streets and spaces open to the public but does not include laneways.

Southern footpath refers to the space from the property line of buildings to the vehicle roadway on the southern side of the street.

Secondary outlook refers to views from bedrooms, including any associated balconies in residential development.

Street means a road reserve of a public highway more than ~~12.9~~ metres wide.

Street wall means the facade of a building ~~at facing the a~~ street or laneway boundary within 0.3m of the boundary, ~~or, if the existing heritage building is set back from the street boundary, the front of the existing building within 0.3 metres of an existing or proposed street, laneway or public open space.~~

Upper level means development above the street wall.

2.2

Buildings and works for which no permit is required

A permit is not required to:

- Construct a building ~~or~~ construct or carry out works at ground level to provide universal access.
- Construct a building or construct or carry out works associated with:
 - 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.

2.3

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 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.

2.4

General ~~Design~~ Requirements

~~A permit to construct a building or construct or carry out works cannot be granted to vary a requirement in Clause 2.5 expressed with the term ‘must’.~~

~~A permit to construct a building or construct or carry out works may be granted to vary a built form requirement in Clause 2.5 expressed with the term ‘should’.~~

~~Regardless of whether the built form requirements are met, a~~ An application for buildings and works must meet the relevant Design Objectives in Clause 1.0 and Built Form Outcomes in Clause 2.5.

2.5

Design Requirements

2.5-1 Floor Area Ratio

Built Form Outcomes

Promote built form which is shaped to respond to sensitive interfaces, ensure good internal amenity and deliver a high-quality architectural outcome.

On larger sites, built form should be broken up into a series of smaller building forms where appropriate ~~and with variable heights.~~

Built Form ~~Design~~ Requirements

An application to construct a building ~~or and works or construct or~~ carry out works must not exceed the Floor Area Ratio specified in Plan 1 of this schedule.

A permit cannot be granted or amended to vary these requirements, unless:

- in the case of an amendment to a permit issued prior to the approval date of Amendment

C219port, the amendment does not increase the extent of non-compliance with this requirement; or

- in the case of an application for a permit, the following requirements are each met:
 - There has been a material change in the circumstances of the site comprising any one or more of the following:
 - the site has been amalgamated with another site and an increase to the FAR is warranted as a result of that change;
 - a heritage building or part of a heritage building on the site is permitted to be ~~lawfully~~ demolished and an increase to the FAR is warranted as a result of that change; or
 - the conditions of a site directly adjacent to the land have substantially changed and an increase to the FAR is warranted as a result of that change.
 - The development meets or exceeds all the requirements in clause 57 and clause 58 as relevant, and any ESD requirements in the Scheme;
 - All Built Form Objectives and Built Form Outcomes must be appropriately satisfied and Built Form Requirements of this schedule are met; and.
 - The change to the FAR does not result in a substantial deviation from the building envelope determined by the height and setback requirements of this schedule.

Where the site includes contiguous titles in the same ownership, a section 173 agreement must be entered into and registered on each title which records the amount of Floor Area Ratio developed across the entire site, and the amount (if any) of remaining Floor Area Ratio able to be developed on each title should it be individually redeveloped in future.

A permit cannot be granted to vary this requirement.

~~A permit cannot be granted or amended to vary this requirement, unless in the case of an amendment to a permit, the amendment does not increase the extent of non-compliance.~~

Plan 1: Floor Area Ratio to Schedule 39 of Clause 43.02**2.5-2 Interface with residential properties in NRZ or GRZ****Built Form Outcome**Development that:

- ~~Protect~~ Does not unreasonably affect the amenity of existing residential properties in terms of visual bulk, overshadowing of secluded private open space, overlooking and vehicle access.

2.5-3 Building height**Built Form Outcomes**Building heights that:

- Along Kings Way are integrated into the precinct with frontages and building entries oriented towards the precinct or addressing key east-west streets that provide connections from South Melbourne to the eastern side of Kings Way.
- ~~On larger sites are broken up into a series of smaller building forms where appropriate and with variable heights.~~
- Provide an appropriate scale of development and transition from taller (8-12 storey) buildings along Kings Way to medium rise buildings adjacent to established residential areas.

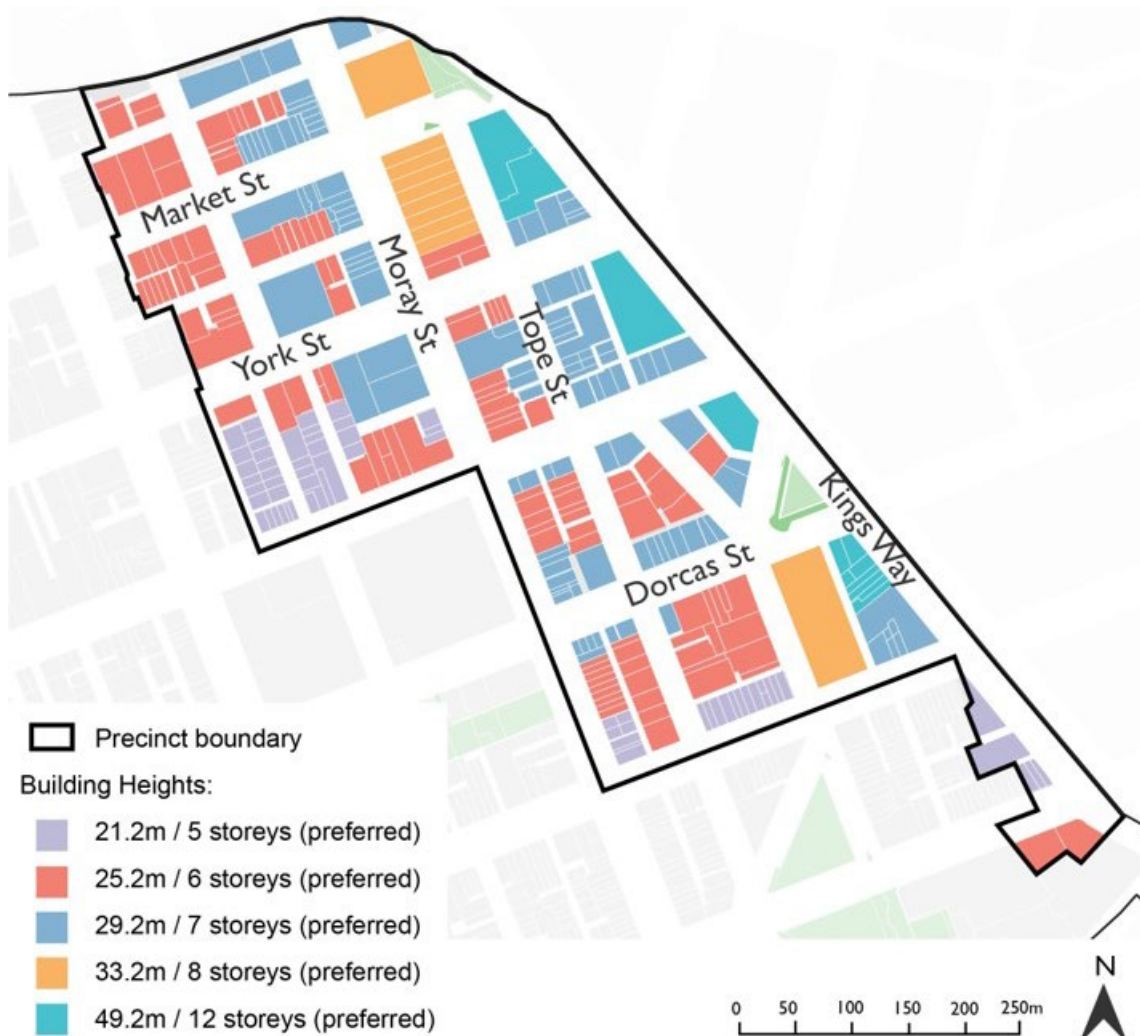
Taller buildings are massed to enable greater retention of the front elements of industrial heritage buildings.

Built Form Requirements

~~Buildings and works~~ A building should not exceed the ~~preferred~~ building height requirement specified in Plan 2 to this schedule. ~~as preferred, except service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, plant screening, lift overruns, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the preferred building heights in Plan 2 to this schedule provided that each of the following criteria are met:~~

- ~~less than 50 per cent of the roof area is occupied by the equipment /structures (other than solar panels and green roofs);~~
- ~~the equipment and/or structures do not cause additional shadows of any secluded private open space areas associated with a residential use; and~~
- ~~the equipment/structures do not extend higher than 3.6 metres above the maximum building height and any overshadowing complies with any other overshadowing control in this schedule~~

Plan 2: Building height to Schedule 39 of Clause 43.02



2.5-4 Adaptable Buildings

Built Form Outcome

~~Buildings and works~~ Development that:

- Provides for the future conversion of those parts of the building accommodating non-employment uses to employment uses including the ability to adapt car parking to

other uses over time.

- Minimises the impact of car parking on the public realm.

Built Form Requirements

The building elements in Table 1 should incorporate the adaptability opportunities identified in the table.

Where car parking is sleeved by other development, the floor-to-floor height of the car parking should be the same as that of sleeving.

Table 1: Adaptable buildings

Building ~~Height~~ elements	Adaptability Opportunities
Lower levels up to the height of the street wall	At least 4.0m floor to floor height at ground level. At least 3.2m 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 3.8m. ▪ 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.

2.5-5 Street wall ~~height and setbacks~~

Built Form Outcomes

Street wall heights ~~and setbacks~~ that:

- Respond to street widths and, interfaces around the site, ~~and enable the protection of sunlight to footpaths.~~
- ~~Avoid~~ Minimise visual bulk.
- ~~Support the provision of high amenity, equitable access to an outlook and good daylight.~~
- Provide lower street wall heights as a transition to the low-rise residential properties on the south side of Bank Street.
- Respect adjacent heritage buildings.

Built Form Requirements

A street wall must not exceed the street wall height requirement specified as mandatory in Plan 3 to this schedule except by the minimum extent required to deal with the slope of the land, if the slope of the natural ground level, measured at any cross section of the site is greater than 2.5 degrees.

A permit cannot be granted to vary this requirement.

~~Heritage buildings should must maintain the existing street wall height.~~

For corner sites where two different street wall heights are nominated, development should ‘turn the corner’ and continue the taller street wall height along the side street, with a transition to the lower street wall height ~~along the side street towards the rear interface.~~

~~Projections such as building services and architectural features (other than shading devices, mouldings etc.), balconies, terraces and balustrades should not protrude into a setback.~~

~~Buildings and works~~ The street wall of a development should not exceed the street wall height

requirement specified as preferred in Plan 3 to this schedule; and.

- ~~Infill~~ where the street wall of a development adjoining a heritage building with a frontage to the same street or laneway, the street wall of that development should match the street wall height of the adjoining heritage building for a minimum distance equivalent to a typical structural or façade bay (approximately 6 metres in the case of a typical nineteenth century shop/residence).
- ~~Where~~ where the proposed development is separated by a laneway from a heritage building by a laneway with a frontage to the same street, the street wall height of the proposed development ~~on adjacent land~~ should not be greater than two storeys taller than the street wall of the neighbouring heritage building, for a minimum distance of that equivalent to a typical structural or façade bay (approximately 6 metres in the case of a typical nineteenth century shop/residence).

2.5-6 Existing street wall height requirement

If a street wall or part of a street wall of a heritage building is demolished the height of the new street wall should be guided by the immediately adjacent street wall height shown on Plan 3 to this schedule or the immediately adjacent street wall height shown in the equivalent plan of an adjoining Design and Development Overlay schedule, as appropriate.

Plan 3: Street wall height to Schedule 39 of Clause 43.02



2.5-7 Upper levels setbacks behind a street wall

Built Form Outcomes

Upper levels that:

- Respond to street widths, and interfaces around the site and enable the protection of sunlight to footpaths.
- ~~Provide equitable development opportunities and adequate internal amenity outcomes in terms of daylight, privacy and outlook.~~
- Reinforce the fine grain, vertical rhythm and visual interest of streetscapes.
- For heritage buildings, are set back to ensure the visual primary and legibility of the street wall and the retention of heritage building features such as chimneys and roof forms.
- Retain the visual prominence of the return facades of heritage buildings.

Built Form Requirements

~~To retain the visual prominence of the return facades of heritage buildings, upper level development must be set back a minimum of 6 metres from Key Streets including to both frontages of heritage buildings located at the following intersections:~~

- ~~Moray Street with York, Coventry, Bank and Park streets.~~
- ~~Eastern Road and Bank Street.~~

Upper level development for a development on a key street must be set back a minimum of 6 metres above the street wall.

A permit cannot be granted to vary this requirement.

Upper level development must be set back a minimum of 6 metres above the street wall of a heritage building on both frontages at the following intersections:

- Moray Street with York, Coventry, Bank and Park streets.
- Eastern Road and Bank Street.

A permit cannot be granted to vary this requirement.

Upper level development for all other ~~areas/sites~~ should be set back a minimum of between 3 metres and 5 metres from the street wall.

~~Upper level development should provide appropriate building separation and be setback from side and rear boundaries to provide internal spaces with adequate levels of daylight, privacy and a primary outlook to the street, laneway or open spaces.~~

Development should match the upper level setback requirement of an adjoining heritage building with a frontage to the same street or laneway for a minimum distance of that equivalent to a typical structural or façade bay (approximately 6 metres in the case of a typical nineteenth century shop/residence). ~~for a minimum of 6 metres in length.~~

Projections such as building services and architectural features (other than shading devices, mouldings etc.), balconies, and balustrades should not protrude into a setback.

2.5-8 Overshadowing

Built Form Outcome

Development that provides ~~Preserves~~ appropriate sunlight to the public realm, ~~and street network and provides for high amenity, especially along Key Streets.~~

Built Form Requirements

A B~~buildings and works must~~ should not overshadow or cast additional shadows over the southern footpaths of the following streets between 10am and 2pm on 22nd September:

- Market Street

- York Street
- Coventry Street
- Dorcas Street
- Bank Street.

2.5-9 Active street frontages

Built Form Outcome

Development that:

- Provides high-quality, active frontages to key streets and laneways.
- Provides car parking areas, structures and accessways that do not detract from the public realm.

Built Form Requirements

Development should provide for natural surveillance and a visual connection into the building through transparent windows and balconies.

Development should avoid blank walls, large areas of reflective surfaces, high fences and service areas to key streets, and laneways and the South Melbourne Market.

Car parking should be sleeved with active uses along their street frontages. ~~so that it is not visible from the public realm or adjoining sites.~~

2.5-10 Flood resilience

Built Form Outcome

Development that provides design solutions for buildings in flood affected areas, particularly in the transition from the building to the public realm to ensure that building entries and frontages are accessible and active.

Built Form Requirements

Development in flood prone areas ~~that~~ should:

- Ensure that the internal area of buildings including any basements are designed to be protected from inundation.
- ~~Ensure that~~ Provide safe access and egress ~~is provided~~ to that part of the land where there is no anticipated overland flow from floodwaters.

2.5-11 Building separation and building setbacks

Built Form Outcomes

Development that:

- ~~Ensures~~ Provides good levels of daylight ~~and sunlight enter buildings~~ to windows.
- Provides adequate cross ventilation.
- Provides an appropriate outlook from within buildings.
- Manages privacy between neighbouring buildings, maintains equitable development between sites and avoids the need for visual screening.

Built Form Requirements

Where a proposed development directly abuts a side boundary and the proposed wall of the development is a party wall:

- the height of the party wall should not exceed 27 metres or the preferred height limit, whichever is lower; and

- any development above the height of the party wall should be set back by the distance specified in the relevant row of Table 2.

Where a proposed development directly abuts a rear boundary, the development:

- should not exceed 3 storeys in height; and
- above 3 storeys should be set back by the distance specified in columns 2 and 3 (as appropriate) of Table 2.

Where a proposed development abuts a laneway, the development:

- should not exceed 3 storeys in height on the laneway (except that within 20 metres of a corner with a street the height may match the street wall height for a distance of 20 metres along the laneway); and
- above the permissible wall height on the laneway should be set back by the distance specified in columns 2 and 3 (as appropriate) of Table 2.

If a development is not built to the side or rear boundary, the development should be set back by the distance specified in columns 2 and 3 (as appropriate) of Table 2.

Where there is more than one building on a site, the buildings should be separated from each other by the minimum distance specified in column 4 of Table 2.

~~Where development shares a common boundary, a new building should be setback by the distance specified in Table 2. Where two sites share a rear boundary, development abutting the boundary should be no higher than 3 storeys.~~

~~For sites with a side boundary to narrow laneways of equal to or less than 3 metres in width, development abutting the laneway should be no higher than:~~

- ~~22 metres; or~~
- ~~the maximum building height specified in this schedule, whichever is lesser, provided that:~~
- ~~the development does not result in unreasonable amenity impacts on the public realm or the rear of the subject property; and~~
- ~~the façade to the laneway is of a slender form that creates fast moving shadows.~~

For non-residential development, the requirements in Table 2 may be varied for sites with a depth of 16 metres or less that share a rear boundary where appropriate amenity outcomes can be achieved through a single outlook to the street.

For development abutting a laneway, the setback in Table 2 should be measured from the centreline of the laneway.

Table 2: Building separation and building setback distances

Building height	~~Between a living room window, balcony or non-residential window and the site boundary~~ <u>Setback for primary outlook</u>	~~Bedroom outlook – site boundary – separation~~ <u>Setback for secondary outlook</u>	Separation between multiple buildings on a site
Less than 25 metres	5 metres	3 metres	9 metres
25 metres or above	9 metres	4.5 metres	18 metres

2.5-12 Light wells

Built Form Outcomes

Development that:

- ~~Ensures~~ Provides good levels of daylight ~~and sunlight enter buildings~~ to bedrooms.
- Provides adequate cross ventilation.

Built Form Requirements

Light wells, if provided, should:

- ~~provide daylight access to bedrooms only;~~
- be consolidated into a larger courtyard space;
- meet the dimensions for minimum width and overall area specified in Table 3 from the first level of residential use;
- ~~provide daylight access to bedrooms only;~~
- be painted in a light reflective colour; and
- be provided with ground level access via a door.

~~The light well dimensions in Table 3 may be varied for buildings containing multiple levels of non-residential uses.~~

Table 3: Light well dimensions

Building height	Light well overall area	Light well minimum width
Up to 22 metres	18 square metres	3 metres
Above 22 metres and up to 27 metres	36 square metres	4.5 metres
Above 27 metres	54 metres	6 metres

2.5-13 Wind effects on the public realm

Built Form Outcome

Development that impacts local wind conditions to:

- Maintain a safe and pleasant pedestrian environment on footpaths and other public spaces for walking, sitting or standing.

Built Form Requirement

Buildings and works higher than 40 metres:

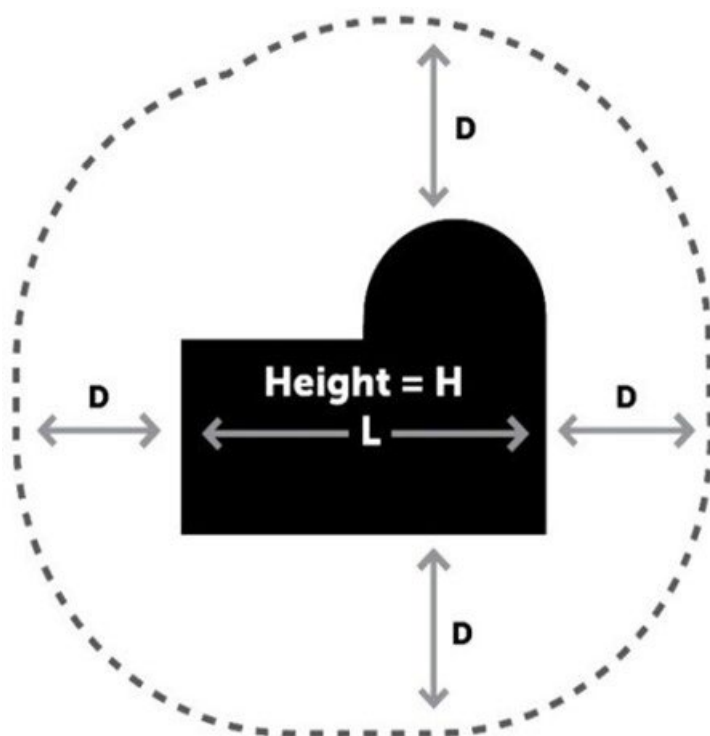
- Must not cause unsafe wind conditions as specified in Table 4 in publicly accessible areas within the assessment distance from all façades. [A permit cannot be granted to vary this requirement.](#)
- Should achieve comfortable wind conditions as specified in Table 4 in publicly accessible areas within the assessment distance from all façades.

The assessment distance is shown in ~~the figure~~[Figure 1](#) below and is the greater of:

- Half the longest width of the building.
- Half the total height of the building.

Table 4: Wind effects on the public realm

Wind condition	Specification
Comfortable wind conditions	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: ■ 3m/second for sitting areas. ■ 4m/second for standing areas. ■ 5m/second for walking areas. Hourly mean wind speed is the maximum of: ■ The hourly mean wind speed. ■ The gust equivalent mean speed (3 second gust wind speed divided by 1.85).
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 20m per second.

Figure 1: Wind effects measurement

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

3.0

--/--/----

Proposed C219port

Subdivision

None specified.

4.0

--/--/----

Proposed C219port

Signs

None specified.

5.0

--/--/----

Proposed C219port

Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site analysis and urban design context report which demonstrates how the proposal ~~achieves~~ addresses the Design objectives, Built form outcomes and Built form requirements in Clause 2.5 of this schedule.
- A plan showing overshadowing of the public realm cast by the proposal, including any shadows and ~~A~~ additional shadows, as defined by Clause 2.1 of this schedule, cast by the proposal.
- Where a Floor Area Ratio applies to land, a development summary specifying floor-by-floor area, summary of proposed use and total Floor Area Ratio.
- For buildings and works higher than 40 metres, a wind assessment prepared by a suitably qualified person that:
 - Models the wind effects of the proposed development and its surrounding buildings.
 - Demonstrates the proposed development will not cause unsafe wind conditions.
 - Explains the effect of the proposed development on the wind conditions in publicly accessible areas.
 - Shows the development will allow for comfortable sitting in any public open space, standing in any pedestrian entrance and walking in any pedestrian walkway.

6.0

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Proposed C219port

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 extent to which the development addresses Built Form Outcomes and Built Form Requirements in this schedule.
- Whether the development achieves high architectural quality (including but not limited to contextual responsiveness, building siting, scale, massing, articulation and materials).
- Whether the development supports a high quality public realm, high levels of pedestrian amenity and ~~supports~~ active transport.
- Whether buildings on larger sites are designed and sited to relate and contribute positively to their context and ~~their~~ any relevant historic urban grain such as through variation of building height and building form.
- Whether new development is sited and designed with an active frontage to ~~key the~~ streets and laneways.
- Whether new development supports local wind conditions that maintain a safe and pleasant pedestrian environment on footpaths and other public spaces for walking, sitting or standing.

- Whether the proposed development is an acceptable outcome having regard to the ~~any~~ risk of ~~flooding~~inundation.
- For an application to exceed the preferred building height shown in Plan 2 of this schedule, whether the built form outcome that results from the proposed variation appropriately satisfies the relevant Built Form Outcomes ~~and Built Form Requirements~~ specified in Clause 2.5 of this schedule.
- For an application to exceed the street wall height shown in Plan 3 of this schedule:
 - Whether the built form outcome that results from the proposed variation appropriately satisfies the ~~relevant~~—Built Form Outcomes ~~and Built Form Requirements~~—specified in Clause 2.5 of this schedule; and
 - Whether the street wall at ground floor level is designed to allow floor to floor ceiling heights suitable to accommodate commercial activity.

For an application to ~~reduce~~ vary the preferred ~~minimum~~ setback requirements specified in this schedule, whether the proposed variation appropriately satisfies the Built Form Outcomes ~~built form outcome that results from the proposed variation satisfies the~~ specified in Clause 2.5 of this schedule.

Appendix G Panel recommended version of the Design and Development Overlay Schedule 40

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Proposed C219port

SCHEDULE 40 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO40**.

SOUTH MELBOURNE ENTERPRISE PRECINCT WEST**1.0**

--/--/----

Proposed C219port

Design objectives

To ensure that development transitions from taller (7-10 8-storey) buildings behind City Road to medium rise (5-7 storey) buildings adjacent to established residential areas.

To ensure development in the South Melbourne Enterprise Precinct contains floorplates and design features that support a diverse range of employment activities, including creative industries and professional services.

To ensure development is well spaced and sited to provide ~~high~~ appropriate internal and external amenity, ~~avoid~~ minimise visual bulk and provide equitable access to an outlook and good daylight, ~~and anticipates and is resilient~~ responds to the potential impacts of climate change and inundation.

To reference the industrial history of the precinct by supporting the adaptive reuse of existing buildings and encouraging the contemporary use of common industrial materials.

To ensure that development is of high architectural quality and contributes to the creation of a public realm that ~~preserves~~ provides appropriate levels of sunlight ~~to key parks and streets~~, is attractive, vibrant, safe, engaging and supports active transport, including walking and cycling.

2.0

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Proposed C219port

Buildings and works**2.1****Definitions**

Additional shadows means any shadow cast beyond that which is cast by existing buildings or works, but does not include a shadow cast by incidental elements such as canopies, kiosks, artworks, screens or trees.

Floor Area Ratio means the gross floor area above ground of all buildings on a site divided by the area of the site. For the purposes of this calculation:

- Gross floor area includes all enclosed areas, services, lifts, car stackers and covered balconies. It also includes any floor area on a level that projects 1.2 metres above ground level.
- The area of the site includes all contiguous titles in the same ownership that form part of the proposed development.

Heritage building means any building subject to a Heritage Overlay, graded as either Contributory or Individually Significant or any building on the Victorian Heritage Register.

Key streets ~~include~~ means Moray Street, Market Street, York Street, Coventry Street, Bank Street and Eastern Road between Kings Way and Dorcas Street.

Laneway means a road reserve of a public highway with a width of 9 metres or less.

~~Narrow street means a road reserve of a public highway less than 12 metres wide.~~

Primary outlook refers to views from living spaces, including any from associated and balconies for residential development and any outlook of a non-residential development.

Public realm means all streets and spaces open to the public but does not include laneways.

Southern footpath refers to the space from the property line of buildings to the vehicle roadway on the southern side of the street.

Secondary outlook refers to views from bedrooms in residential development.

Street means a road reserve of a public highway more than ~~9~~ 12 metres wide.

Street wall means the facade of a building ~~at facing a~~ the street or laneway boundary within 0.3m of the boundary, ~~or, if the existing heritage building is set back from the street boundary, the front of the existing building within 0.3 metres of an existing or proposed street, laneway or public open space.~~

Upper level means development above the street wall.

Western footpath refers to the space from the property line of buildings to the vehicle roadway on the western side of the street.

2.2

Buildings and works for which no permit is required A permit is not required to:

- Construct a building ~~or~~ construct or carry out works at ground level to provide universal access.
- Construct a building or construct or carry out works associated with:
 - 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.

2.3

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

2.4

General ~~Design~~ Requirements

~~A permit to construct a building or construct or carry out works cannot be granted to vary a requirement in clause 2.5 expressed with the term ‘must’.~~

~~A permit to construct a building or construct or carry out works may be granted to vary a built form requirement in clause 2.5 expressed with the term ‘should’.~~

~~Regardless of whether the built form requirements are met, a~~ An application for buildings and works must meet the relevant Design Objectives in ~~e~~Clause 1.0 and Built Form Outcomes in ~~e~~Clause 2.5.

2.5

Design Requirements

2.5-1 Floor Area Ratio

Built Form Outcome

Promote built form which is shaped to respond to sensitive interfaces, ensure good internal amenity and to deliver a high-quality architectural outcome.

On larger sites, built form should be broken up into a series of smaller building forms where appropriate, and with variable building heights.

Built Form Requirement

An application to construct a building ~~or construct~~ or carry out works must not exceed the Floor Area Ratio specified in Plan 1 of this schedule.

A permit cannot be granted or amended to vary this requirement, unless:

- in the case of an amendment to a permit issued prior to the approval date of

Amendment C219port, the amendment does not increase the extent of non-compliance with this requirement; or

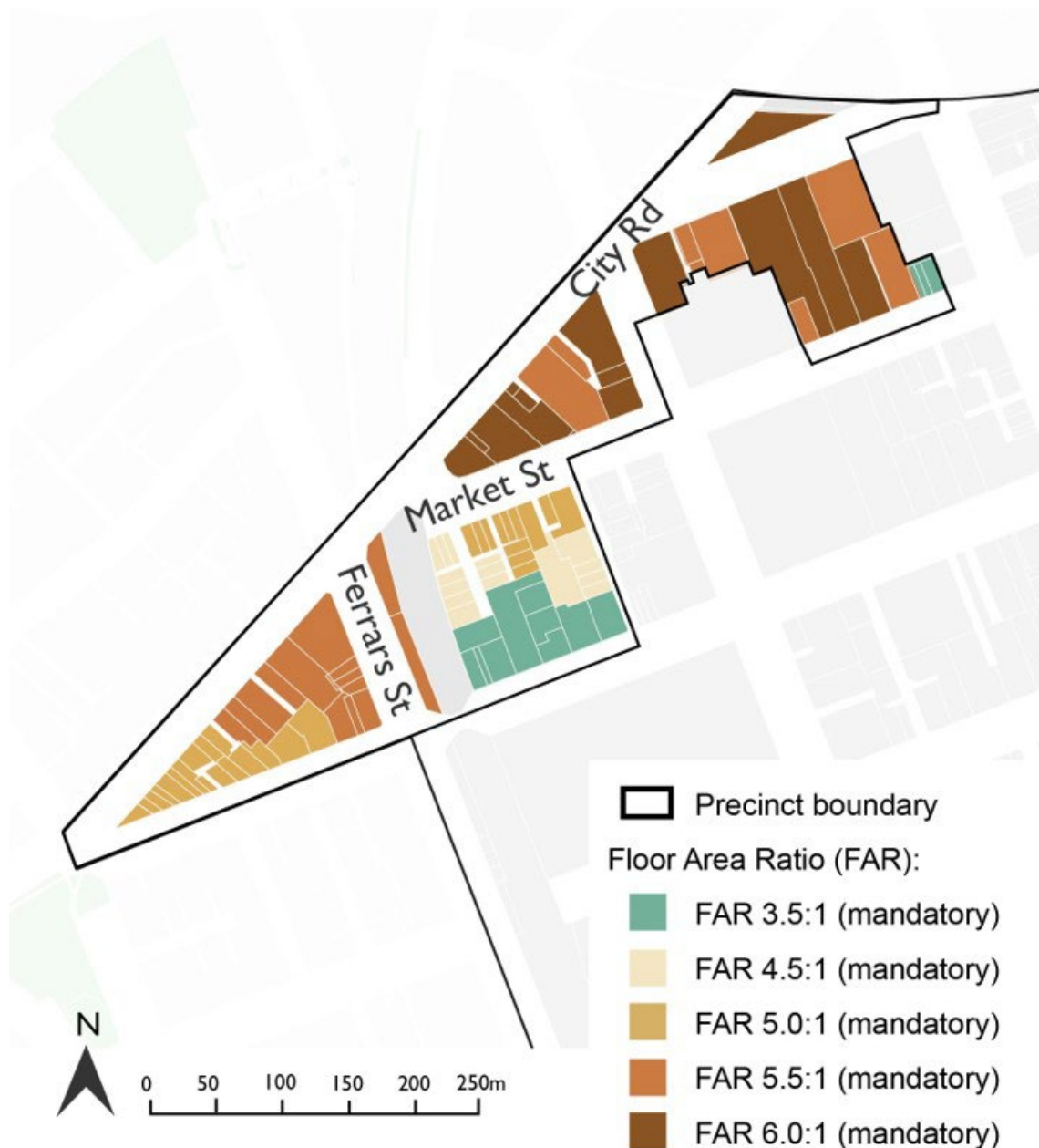
- in the case of an application for a permit, the following requirements are each met:
 - o There has been a material change in the circumstances of the site comprising any one or more of the following:
 - the site has been amalgamated with another site/s and an increase to the FAR is warranted as a result of that change;
 - a heritage building or part of a heritage building on the site is permitted to be ~~lawfully~~ demolished and an increase to the FAR is warranted as a result of that change; or
 - the conditions of a site directly adjacent to the land have substantially changed and an increase to the FAR is warranted as a result of that change.
 - o The development meets or exceeds all the requirements in clause 57 and clause 58 as relevant, and any ESD provisions in the Scheme;
 - o All Built Form Objectives, and Built Form Outcomes must be appropriately satisfied and Built Form Requirements of this schedule are met; and.
 - o The change to the FAR does not result in a substantial deviation from the building envelope determined by the height and setback requirements of this schedule.

~~A permit cannot be granted to vary this requirement, unless in the case of an amendment to a permit issued prior to the approval date of Amendment C219port, the amendment does not increase the extent of non-compliance with this requirement.~~

Where the site includes contiguous titles in the same ownership, a section 173 agreement must be entered into and registered on each title which records the amount of Floor Area Ratio developed across the entire site, and the amount (if any) of remaining Floor Area Ratio able to be developed on each title should it be individually redeveloped in future. The owner of the land must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

A permit cannot be granted to vary this requirement.

~~A permit cannot be granted or amended to vary this requirement, unless in the case of an amendment to a permit, the amendment does not increase the extent of non-compliance.~~

Plan 1: Floor Area Ratio to Schedule 40 of Clause 43.02**2.5-2 Interface with residential properties in NRZ or GRZ****Built Form Outcome**

Development that:

- ~~Protects~~ Does not unreasonably affect the amenity of existing residential properties in terms of visual bulk, overshadowing of secluded private open space, overlooking and vehicle access.

2.5-3 Building height**Built Form Outcomes**

Building heights that:

- ~~On larger sites, are broken up into a series of smaller building forms where appropriate and with variable heights.~~
- Provide an appropriate scale of development and transition from taller (8 storey) buildings behind City Road to medium rise (5-7 storey) buildings adjacent to established residential areas south of York Street (west of Ferrars Street).

- Limits impacts on the amenity of York Street and potential future open space on or abutting the South Melbourne Market site as a result of overshadowing.
- Taller buildings are massed to enable greater retention of the front elements of industrial heritage buildings.

Built Form Requirements

A building ~~Buildings and works~~ should not exceed the ~~preferred maximum~~ building height requirement specified in Plan 2 to this schedule as preferred, except service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, plant screening, lift overruns, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the preferred building heights in Plan 2 of this schedule provided that each of the following criteria are met:

- less than 50 per cent of the roof area is occupied by the equipment /structures (other than solar panels and green roofs);
- the equipment and/or structures do not cause additional shadows of any secluded private open space areas associated with a residential use; and
- the equipment/structures do not extend higher than 3.6 metres above the maximum building height and any overshadowing complies with any other overshadowing control in this schedule.

Plan 2: Building height to Schedule 40 of Clause 43.02**2.5-34 Adaptable Buildings****Built Form Outcome**

~~Buildings and works~~ Development that:

- Provides s for the future conversion of those parts of the building accommodating non-employment uses to employment uses including the ability to adapt car parking to other uses over time.
- Minimises ~~s~~ the impact of car parking on the public realm.

Built Form Requirements

The building elements in Table 1 should incorporate the adaptability opportunities identified in the table.

Where car parking is sleeved by other development, the floor-to-floor height of the car parking should be the same as that of sleeving.

Table 1: Adaptable buildings

Building ~~Height~~elements	Adaptability Opportunities
Lower levels up to the height of the street wall	At least 4.0m floor to floor height at ground level. At least 3.2m 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 3.8m. ■ 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

2.5-5 Street wall height ~~and setbacks~~

Built Form Outcomes

Street wall heights ~~and setbacks~~ that:

- Respond to street widths and, interfaces around the site ~~and enable the protection of sunlight to footpaths.~~
- ~~Avoid~~ Minimise visual bulk.
- ~~Support the provision of high amenity, equitable access to an outlook and good daylight.~~
- ~~Street wall heights and setbacks~~ respect adjacent heritage buildings.
- On the north side of York Street, provides greater setbacks to protect sunlight to the southern footpath and enable potential future open space on the South Melbourne Market site.

Built Form Requirements

A street wall must not exceed the street wall height requirement specified as mandatory in Plan 3 to this schedule except by the minimum extent required to deal with the slope of the land, if the slope of the natural ground level, measured at any cross section of the site is greater than 2.5 degrees.

A permit cannot be granted to vary this requirement.

For corner sites where two different street wall heights are nominated, development should ‘turn the corner’ and continue the taller street wall height along the side street, with a transition to the lower street wall height along the side street towards the rear interface.

~~Heritage buildings should maintain the existing street wall height.~~

~~Projections such as building services and architectural features (other than shading devices, mouldings etc.), balconies, terraces and balustrades should not protrude into a setback.~~

The street wall of a building ~~Buildings and works~~ should not exceed the preferred maximum street wall height requirement specified as preferred in Plan 3 to this schedule; and:

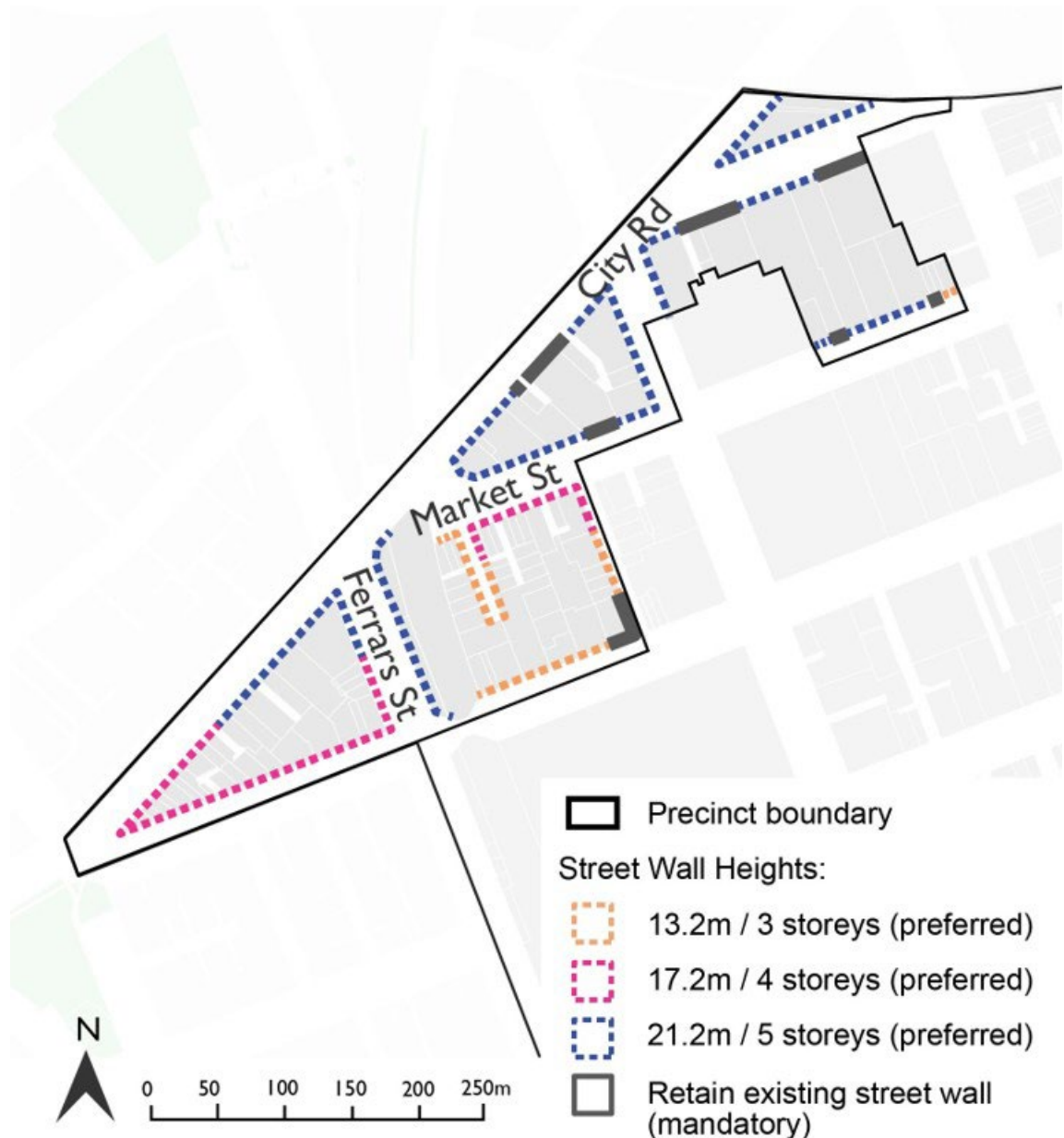
- ~~Infill~~ where the street wall of a development adjoining a heritage building with a frontage to the same street or laneway should match the street wall height of the adjoining building for a minimum distance equivalent to a typical structural or façade

bay (approximately 6 metres in the case of a typical nineteenth century shop/residence).

- ~~Where~~ where the proposed development is separated by a laneway from a heritage building ~~by a laneway with a frontage to the same street~~, the street wall height of the proposed development ~~on adjacent land~~ should not be greater than two storeys taller than the street wall of the ~~neighbouring~~ heritage building, for a minimum distance of that equivalent to a typical structural or façade bay (approximately 6 metres in the case of a typical nineteenth century shop/residence).

2.5-6 Existing street wall height requirement

If a street wall or part of a street wall of a heritage building is demolished the height of the new street wall should be guided by the immediately adjacent street wall height shown on Plan 3 to this schedule or the immediately adjacent street wall height shown in the equivalent plan of an adjoining Design and Development Overlay schedule, as appropriate.

Plan 3: Street wall height to Schedule 40 of Clause 43.02**2.5-7 Upper levels setbacks behind a street wall****Built Form Outcomes**

Upper levels that:

- Respond to street widths [and](#) interfaces around the site and enable the protection of sunlight to footpaths.
- ~~Provide equitable development opportunities and adequate internal amenity outcomes in terms of daylight, privacy and outlook.~~
- Reinforce the fine grain, vertical rhythm and visual interest of streetscapes.
- For heritage buildings, are set back to ensure the visual primary and legibility of the street wall and the retention of heritage building features such as chimneys and roof forms.
- [Retain the visual prominence of the return facades of heritage buildings.](#)

Built Form Requirements

~~To retain the visual prominence of the return facades of heritage buildings, upper level~~

~~development must be set back a minimum of 6 metres from 30 metre wide streets.~~

Upper level development for a development on a key street must be set back at a minimum of 6 metres.

A permit cannot be granted to vary this requirement.

Upper level development for all other ~~areas~~ sites should be set back a minimum of between 3 metres and 5 metres from the street wall.

~~Upper level development should provide appropriate building separation and be setback from side and rear boundaries to provide internal spaces with adequate levels of daylight, privacy and a primary outlook to the street, laneway or open spaces.~~

Development should match the upper level setback of an adjoining heritage building with a frontage to the same street or laneway for a minimum distance of that equivalent to a typical structural or façade bay (approximately 6 metres in the case of a typical nineteenth century shop/residence).~~for a minimum of 6 metres in length.~~

2.5-8 Overshadowing

Built Form Outcomes

Development that:

- ~~Preserves~~ Provides appropriate sunlight to the public realm~~and street network and provides for high amenity, especially along 30 metre wide streets.~~
- On the north side of York Street, provides greater setbacks to protect sunlight to the southern footpath and enable potential future open space on the South Melbourne Market site.

Built Form Requirements

~~Buildings and works~~A building must not overshadow or cast additional shadows over the southern footpaths of the following streets between 10am and 2pm on 22nd June:

- York Street from Cecil Street to the western boundary of South Melbourne Market.

~~Buildings and works must~~A building should not overshadow or cast additional shadows over the southern footpaths of the following streets between 10am and 2pm on 22nd September:

- Market Street
- York Street from City Road to the western boundary of South Melbourne Market.

2.5-9 Active street frontages

Built Form Outcome

Development that:

- Provides high-quality, active frontages to key streets and laneways.
- Provides car parking areas, structures and accessways that do not detract from the public realm.

Built Form Requirements

Development should ~~P~~provide for natural surveillance and a visual connection into the building through transparent windows and balconies.

Development should ~~A~~avoid blank walls, large areas of reflective surfaces, high fences and service areas to key streets and laneways.

Car parking should be sleeved with active uses along their street frontages~~so that it is not visible from the public realm or adjoining sites.~~

2.5-10 Flood resilience

Built Form Outcome

Development that: ~~P~~rovides carefully considered design solutions for buildings in flood affected areas, particularly in the transition from the building to the public realm to ensure that building entries and frontages are accessible and active.

Built Form Requirements

Development in flood prone areas should:

- Ensure that the internal area of buildings including any basements proposed on land susceptible to flooding are designed to be protected from inundation.
- ~~Provide~~ ~~Ensure that~~ safe access and egress ~~is provided~~ to that part of the land where there is no anticipated overland flow from floodwaters.

2.5-11 Building separation and building setbacks

Built Form Outcomes

Development that:

- ~~Ensures~~ Provides good levels of daylight ~~and sunlight enter buildings to windows~~.
- Provides adequate cross ventilation.
- Provides an appropriate outlook from within buildings.
- Manages privacy between neighbouring buildings, maintains equitable development between sites and avoids the need for visual screening.

Built Form Requirements

Where a proposed development directly abuts a side boundary and the wall is a party wall, the height of the party wall:

- should not exceed 27 metres or the preferred height limit, whichever is lower; and
- any development above the height of the party wall should be set back by the distance specified in the relevant row of Table 2.

Where a proposed development directly abuts a rear boundary, the development:

- should not exceed 3 storeys in height; and
- above 3 storeys should be set back by the distance specified in columns 2 and 3 (as appropriate) of Table 2.

Where a proposed development abuts a laneway, the development:

- should not exceed 3 storeys in height on the laneway (except that within 20 metres of a corner with a street the height may match the street wall height for a distance of 20 metres along the laneway); and
- above the permissible wall height on the laneway should be set back by the distance specified in columns 2 and 3 (as appropriate) of Table 2.

If a development is not built to the side or rear boundary, the development should be set back by the distance specified in columns 2 and 3 (as appropriate) of Table 2.

Where there is more than one building on a site, the buildings should be separated from each other by the minimum distance specified in column 4 of Table 2.

~~Where development shares a common boundary, a new building should be setback by the distance specified in Table 2.~~

~~Where two sites share a rear boundary, development abutting the boundary should be no~~

~~higher than 3 storeys.~~

~~For sites with a side boundary to narrow laneways of equal to or less than 3 metres in width, development abutting the laneway should be no higher than:~~

- ~~■ 22 metres; or~~
- ~~■ the maximum building height specified in this schedule, whichever is lesser, provided that:~~
 - ~~■ the development does not result in unreasonable amenity impacts on the public realm or the rear of the subject property; and~~
 - ~~■ the façade to the laneway is of a slender form that creates fast moving shadows.~~

For non-residential development, these requirements in Table 2 may be varied for sites with a depth of 16 metres or less that share a rear boundary where appropriate amenity outcomes can be achieved through a single outlook to the street.

For development abutting a laneway, the setback in Table 2 should be measured from the centreline of the laneway

Table 2: Building separation and building setbacks above the podium distances

Building height	~~Living room, balcony and non-residential outlook—minimum site boundary—separation~~ <u>Setback for primary outlook</u>	~~Bedroom—outlook—minimum site boundary separation~~ <u>Setback for secondary outlook*</u>	Separation between multiple buildings on an individual site
Less than 25 metres	5 metres	3 metres	9 metres
25 metres or above	9 metres	4.5 metres	18 metres

2.5-142 Light wells

Built Form Outcomes

Development that:

- ~~Ensures~~ Provides good levels of daylight ~~and sunlight enter buildings~~ to bedrooms.
- Provides adequate cross ventilation.

Built Form Requirements

Light wells, if provided, should:

- ~~provide daylight access to bedrooms only~~
- be consolidated into a larger courtyard space;
- meet the dimensions for minimum width and overall area specified in Table 3 from the first level of residential use;
- ~~provide daylight access to bedrooms only;~~
- be painted in a light reflective colour; and
- be provided with ground level access via a door.

~~The light well dimensions in Table 3 may be varied for buildings containing multiple levels of non-residential uses.~~

Table 3: Light well dimensions

Building height	Light well overall area	Light well minimum width
Up to 22 metres	18 square metres	3 metres
Above 22 metres and up to 27 metres	36 square metres	4.5 metres
Above 27 metres	54 metres	6 metres

2.5-13 Wind effects on the public realm**Built Form Outcome**

Local wind conditions that:

- Maintain a safe and pleasant pedestrian environment on footpaths and other public spaces for walking, sitting or standing.

Built Form Requirement

Buildings and works higher than 40 metres:

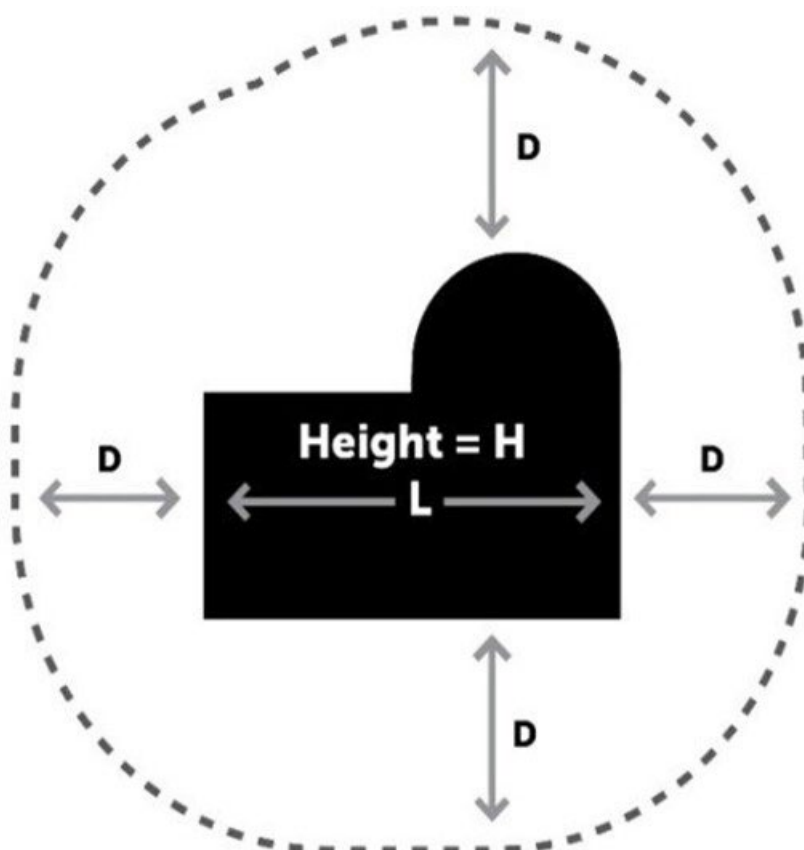
- Must not cause unsafe wind conditions as specified in Table 4 in publicly accessible areas within the assessment distance from all façades. [A permit cannot be granted to vary this requirement.](#)
- Should achieve comfortable wind conditions as specified in Table 4 in publicly accessible areas within the assessment distance from all façades.

The assessment distance is shown in ~~the figure below~~ [Figure 1](#) and is the greater of:

- Half the longest width of the building.
- Half the total height of the building.

Table 4: Wind effects on the public realm

Wind condition	Specification
Comfortable wind conditions	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: ▪ 3m/second for sitting areas. ▪ 4m/second for standing areas. ▪ 5m/second for walking areas. Hourly mean wind speed is the maximum of: ▪ The hourly mean wind speed. The gust equivalent mean speed (3 second gust wind speed divided by 1.85)
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 20m per second

Figure 1: Wind effects assessment

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

3.0

--/--/---

Proposed C219port

Subdivision

None specified.

4.0

--/--/---

Proposed C219port

Signs

None specified.

5.0

--/--/---

Proposed C219port

Application requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site analysis and urban design context report which demonstrates how the proposal ~~achieves~~ addresses the Design ~~Objectives~~, Built form Outcomes and Built Form Requirements ~~and Design requirements~~ in this schedule.
- A plan showing overshadowing of the public realm cast by the proposal, including any additional shadows.
- Where a Floor Area Ratio applies to land, a development summary specifying floor-by-floor area, summary of proposed use and total Floor Area Ratio.
- For buildings and works higher than 40 metres, a wind assessment prepared by a suitably

qualified person that:

- Models the wind effects of the proposed development and its surrounding buildings.
- Demonstrates the proposed development will not cause unsafe wind conditions.
- Explains the effect of the proposed development on the wind conditions in publicly accessible areas.
- Shows the development will allow for comfortable sitting in any public open space, standing in any pedestrian entrance and walking in any pedestrian walkway.

6.0

--/--/----

Proposed C219port

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 extent to which the development addresses the Built Form Outcomes and Built Form Requirements in this schedule.
- Whether the development achieves high architectural quality (including but not limited to contextual responsiveness, building siting, scale, massing, articulation and materials).
- Whether the development supports a high quality public realm, high levels of pedestrian amenity and ~~supports~~ active transport.
- Whether buildings on a larger sites are designed and sited to relate and contribute positively to their context and ~~their~~ any relevant historic urban grain such as through variation of building height and building form.
- Whether new development is sited and designed with an active frontage to ~~the~~ key streets or laneways.
- Whether new development supports local wind conditions that maintain a safe and pleasant pedestrian environment on footpaths and other public spaces for walking, sitting or standing.
- Whether the proposed development is an acceptable outcome having regard to ~~the~~ any risk of ~~flooding~~ inundation.
- For an application to exceed the preferred building height shown in Plan 2 of this schedule, whether the built form outcome that results from the proposed variation satisfies the relevant Built Form Outcomes and Built Form Requirements specified in Clause 2.5 of this schedule.
- For an application to exceed the street wall height shown in Plan 3 of this schedule:
 - Whether the built form outcome that results from the proposed variation appropriately satisfies the Built Form Outcomes ~~and Built Form Requirements~~ specified in Clause 2.5 of this schedule; and
 - Whether the street wall at ground floor level is designed to allow floor to floor ceiling heights suitable to accommodate commercial activity.

For an application to ~~reduce~~ vary the preferred ~~minimum~~ setback requirements specified in this schedule, whether the built form outcome that results from the proposed variation appropriately satisfies the Built Form Outcomes ~~the built form outcome that results from the proposed variation satisfies the relevant Built Form Outcomes and Built Form Requirements~~ specified in Clause 2.5 of this schedule

Appendix H Panel recommended version of Clause 11.03-6L-08

11.03

31/07/2018-

VC148

11.03-1S

03/02/2022

VC199

PLANNING FOR PLACES**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:

- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017)
- *Apartment Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2021)
- *Precinct Structure Planning Guidelines* (Victorian Planning Authority, 2021)

11.03-1R

31/07/2018

VC148

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

11.03-1L-01 Activity centres07/08/2023 ~~---/---~~~~C213port~~ Proposed
C219port**Objective**

To maintain and strengthen a network of distinct, diverse, and viable activity centres that facilitate appropriate housing and economic growth. -

Strategies

Ensure land use supports the strategic role and function of the activity centre.

Support land uses that contribute to the provision of goods and services for the local community in Major Activity Centres and Neighbourhood Activity Centres.

Intensify retail development within existing retail strips (Commercial 1 Zone), subject to heritage and character considerations.

Support commercial land uses beyond retail strips (Commercial 1 Zone) provided the use would:

- Improve the integration of the activity centre with the surrounding area.
- Respond to known retail gaps or shortfalls.
- Provide for additional or improved public space.

Support development within activity centres that positively contributes to the built form character of the centre whilst conserving heritage buildings, and streetscapes, and the distinctive and valued character of the traditional retail strips.

Encourage greater consistency in land use and built form intensity at the interface of activity centres and surrounding residential areas, including a transition in building scale to adjoining low-rise development.

Create continuous active frontages within core retail areas of Major Activity Centres and Neighbourhood Activity Centres with non-core retail uses located above or behind ground floor frontages.

Support residential development within Major Activity Centres and on key sites and precincts, as defined by Structure Plans.

Ensure residential development within activity centres does not diminish future opportunities for retail expansion, particularly within core retail areas.

Encourage retail development (including reformatting of retail space) that integrates with the established retail strip in response to a demonstrated increase in consumer demand.

Ensure that the heritage scale and form of buildings in the Bridport Street / Victoria Avenue, Albert Park; Armstrong Street, Middle Park; and Glen Eira Road, Ripponlea Neighbourhood Activity Centres, is respected.

Encourage residential use and development above or behind ground floor premises in Major Activity Centres and the Ormond Road / Glen Huntly Road Neighbourhood Activity Centre.

Limit residential development in the Neighbourhood Activity Centres of Tennyson Street, Elwood and Centre Avenue, Port Melbourne, being locations that do not offer direct access to the Principal Public Transport Network.

Policy guideline

Consider as relevant:

- Supporting new retail floor space exceeding 2000 square metres (Gross Leasable Floor Area) where there would be no adverse economic impacts.

Objective

To support in-centre cultural tourism that reflects each individual centre whilst minimising adverse amenity impacts.

Strategies

Direct larger scale regional entertainment uses to the Bay Street Major Activity Centre, Port Melbourne and the St Kilda Major Activity Centre.

Support smaller scale local entertainment uses in Major Activity Centres and Neighbourhood Activity Centres provided there are no adverse impacts on residential amenity.

Allow bar uses in association with existing ground floor restaurants and cafes. Support entertainment uses located outside designated activity centres, provided:

- There are no adverse amenity impacts on adjoining properties, including noise, hours of operation, traffic and car parking.
- There is convenient access to public transport or other transport means (for example taxi ranks).

Policy documents

Consider as relevant:

- *Bay Street Activity Centre Structure Plan Parts 1 and 2* (City of Port Phillip, May 2014)
- *Carlisle Street Activity Centre Structure Plan* (City of Port Phillip, 2009)
- *Carlisle Street Activity Centre Urban Design Framework* (City of Port Phillip, 2009)
- *City of Port Phillip Activity Centres Strategy* (City of Port Phillip, 2006)
- *City of Port Phillip Activity Centres Strategy Implementation Plan* (City of Port Phillip, 2007)
- *Ormond Road Urban Design Guidelines* (City of Port Phillip, 2007)
- ~~*South Melbourne Central Structure Plan* (City of Port Phillip, August 2007)~~

11.03-1L-02 Bay Street Major Activity Centre

14/04/2023

C203port

Policy application

This applies to the Bay Street Major Activity Centre, and environs, as shown on the map to this clause.

General**Objective**

To ensure the continued development of the Bay Street Major Activity Centre as a multi-functional and sustainable bayside activity centre, a local civic and community hub with a strong sense of identity and community, and a wide range of goods and services, for locals and visitors.

Strategies

Reinforce the distinct and contrasting urban character of the different precincts of the Bay Street Major Activity Centre as shown on the map to this clause.

Encourage complementary land use clusters around key anchors including:

- The foreshore (for visitation).
- The supermarket (for grocery needs).
- The Library and Town Hall (for complementary retail, business and personal services).

Encourage use and development that leverage off the Port Melbourne waterfront as a visitor destination, particularly hospitality uses that support visitation to the activity centre, including after hours and at weekends.

Create a cultural, tourism, leisure and retail gateway and pedestrian environment in the Bay Street Southern Gateway (Precinct 4 on the map to this clause).

Support the provision of school facilities for primary and secondary school aged children and early childhood education and child-care services.

Support the redevelopment or reuse of larger sites south of Bridge Street that include retail anchors at ground level.

Facilitate the renewal of under-utilised sites and precincts across the centre including the desired future outcomes for the key strategic sites listed in Table 1 and shown on the map to this clause.

Table 1 – Strategic renewal sites

Key strategic site		Desired future outcome
A	Corner Bay Street and Liardet Street (Coles supermarket)	- Residential, community and / or commercial uses above the existing retail anchor at ground level. - Existing car parking is to be retained with additional car parking for any new land use.
B	7-33 Bay Street (Mitchell Crescent Public Housing Estate)	- Redevelopment should include social housing on upper levels and to the rear of the site, with no net loss of social housing. - Potential for a future retail anchor with active land uses along the Bay Street frontage.
C	160 and 162 Bay Street (church and manse)	Office or residential uses to the rear of the existing place of worship and manse.
D	420 Bay Street (service station site)	Residential development (dwellings).
E	86 Crockford Street (service station site)	Residential development (dwellings) and office based commercial activity.

Housing

Objective

To concentrate new housing growth opportunities in identified strategic precincts within the activity centre.

Strategies

Concentrate housing growth (with some at higher densities) in the following listed areas:

- The mixed use area (south of Graham Street).
- Land on the north-western side of Crockford Street.
- The under-utilised residential sites on the south-eastern side of Crockford Street and Bay Street, north of Spring Street.

Facilitate remaining opportunities for housing growth within the activity centre that responds to the heritage, low-rise character and amenity of the surrounding established residential

areas.

Support development designed to either:

- Protect and reinforce the existing character in areas with an identified highly consistent neighbourhood character.
- Respond to the preferred neighbourhood character in areas identified as having a mixed character.

Facilitate a new contemporary higher-rise character in the mixed use area south of Graham Street while respecting remaining significant heritage places.

Protect residential amenity and character at the interface between the mixed use ‘growth’ area and established ‘sensitive’ residential areas south of Graham Street (generally between Dow Street and Stokes Street) through a transition down in building scale as indicated on the *Built Form Framework Plan* in the *Bay Street Activity Centre Structure Plan* (City of Port Phillip, 2014).

Encourage medium scale infill residential development on the southern side of Crockford Street.

Policy guideline

Consider as relevant:

- Designing development in residential areas to respond to neighbourhood character as identified in the *Bay Street Activity Centre Structure Plan* (City of Port Phillip, 2014) and the neighbourhood character statements for the Bay Street Major Activity Environs in the *Port Phillip Design Manual* (City of Port Phillip, 2000).

Urban structure and built form

Objective

To reinforce the identity of Bay Street including its ‘village’ feel, urban structure and unique built form elements.

Strategies

Reinforce the low scale, heritage character of the traditional retail strip north of Graham Street.

Encourage street wall heights consistent with the prevailing streetscape context.

Maintain public view lines as identified on the *Built Form Framework Plan* in the *Bay Street Activity Centre Structure Plan* (City of Port Phillip, 2014), by limiting the height of development fronting Bay, Heath and Lalor Streets.

Create well articulated development (through variations in form and materials, openings and the inclusion of vertical design elements) on larger or consolidated sites (with a frontage over 10 metres).

Encourage development along Bay Street, north of Graham Street, to respect the scale of heritage buildings and continue the consistent street wall parapet height.

Design buildings to limit overshadowing and preserve core hours of sunlight access to public paths and foreshore areas.

Policy guideline

Consider as relevant:

- Designing development so that it avoids diminishing sunlight access on 21 June (winter solstice) to:
 - The eastern footpath of Bay Street – between 10.00am and 3.00pm.
 - The south-western side of Rouse Street – between 11.00am and 2.00pm.

- The foreshore area including bicycle and pedestrian paths.

Sustainable transport

Objective

To facilitate an integrated and sustainable transport network that supports Bay Street's primary role as a shopping street.

Strategies

Enhance Bay Street and Beach Street as the primary spines of pedestrian activity.

Support improved walking and cycling links within Port Melbourne, particularly between Station Pier, Bay Street and the foreshore.

Reduce the impact of traffic along Bay Street to support a primary shopping street and pedestrian priority area.

Public realm

Objective

To strengthen the identity, connectivity and cohesion of the activity centre through enhancements to the public realm.

Strategies

Reinforce the spatial definition, safety, convenience, and pedestrian accessibility and activation of streets, lanes and public spaces within the activity centre through development that:

- Provides cantilevered verandas over footpaths along the length of Bay Street and along 30 metre wide streets in the mixed use area.
- Creates a sense of street enclosure.
- Creates well-articulated, attractive and detailed facades on all visible elevations, including exposed boundary walls.
- Limits posted verandahs or other fixed structures at ground level unless strongly respectful of heritage conservation objectives.
- Minimises vehicle crossovers along Bay Street or Beach Street and along 'priority pedestrian' routes as identified on the *Pedestrian Network Framework Plan* in the *Bay Street Activity Centre Structure Plan* (City of Port Phillip, 2014).
- Encourages the provision and extension of canopies to offer weather protection and preserve footpath space for pedestrians throughout the retail core.
- Ensures that the floor levels of commercial premises development along Bay Street are level with the street.

Activate existing laneways through active land use edges and use the footpaths for street trading activities in main streets south of Graham Street.

Provide 'Active Retail Edges':

- Through the design of ground level premises:
 - Along both sides of Bay Street south of Bridge Street.
 - On the north-western side of Bay Street between Bridge and Raglan Streets.
- In locations identified on the *Pedestrian Network Framework Plan* in the *Bay Street Activity Centre Structure Plan* (City of Port Phillip, 2014) including:
 - At the north-west corner of Bay Street and Pool Street.

- At the corners of Bay Street and Beach Street.
- Along both sides of Bay Street between Beach Street and Rouse Street.

Enable visual connections between building occupants and persons in the public realm through the creation of other 'Active Edges' along all other identified priority pedestrian spines or streets.

Crockford Street Precinct (DDO25)

Objective

To facilitate the renewal of the Crockford Street precinct with commercial and residential land use.

Strategies

Ensure new use provides a sensitive interface, which is of a scale and nature that will not significantly impact the amenity of adjacent residential areas including development stepped down to the adjoining low scale residential context.

Support a vertical mix of uses to achieve active commercial frontages at ground level through office-based commercial activity with and residential uses at upper levels.

Lalor and Heath Street Precinct

Objective

To create 'infill' residential development along the eastern side of Heath and Lalor Streets (Precinct 2 on the map to this clause).

Strategies

Maintain the residential character and amenity of Heath Street and limit commercial encroachment.

Support development that reinstates a residential edge in Heath, Lalor and Garton Streets with development at the rear of properties on Bay Street creating improved interfaces with existing residential properties.

Avoid commercial or industrial use development forms that may detrimentally impact the amenity of established residential areas.

Ensure that development on the Bay Street retail strip:

- Maintains the visual integrity of the street wall parapet along Bay Street.
- Is recessed from the Bay Street frontage so that it is not visible from the opposite side (property line) of Bay Street.
- Achieves a transition down in height to the established residential area opposite.

Reflect the fine grain building character of the precinct through vertical design elements in development.

Limit vehicle access and parking entrances in ground floor level façades.

Policy guidelines

Consider as relevant:

- Maintaining a 7 metre (equivalent to a two storey street wall) street-wall parapet to Heath and Lalor Streets.
- Maintaining a maximum overall building height of 14 metres (four storey four storey equivalent).
- Setting back upper levels from the Heath / Lalor Street front property boundary as

follows:

- Any third level by a minimum of 3 metres.
- Any fourth level so that it is not visible from the opposite side of Heath / Lalor Streets, or from Bay Street when viewed from the opposite side of the street at standing eye level (1.6 metres).
- A building form for development on corner sites with a principal frontage to Bridge, Spring, or Raglan streets that is:
 - Setback behind the principal frontage so it is not visible when viewed from the opposite street frontage at standing eye level (1.6 metres) above the footpath level.
 - A maximum overall height of two storeys / 7 metres.
 - Designed to address all street frontages.

Town Hall Business Precinct

Objective

To support use and development of a broad range of commercial uses that respect existing environs in the Town Hall Business Precinct (Precinct 3 on the map to this clause).

Strategies

Support office-based business and residential uses north of Bridge Street.

Create a business services node along Bay Street, between Bridge Street and Raglan Street.

Encourage street level and upper level residential and office uses in existing residential properties between Bridge Street and Spring Street East.

Encourage development of Bay Street, north of Spring Street East, to act as a transitional precinct providing for a mix of office and residential uses.

Ensure development on sites outside the Heritage Overlay:

- Respects the scale of heritage properties opposite and further south along Bay Street.
- Achieves a transition in scale to a site located directly adjacent to a heritage place and to the established residential area to the rear.
- Creates a strong built form connection across underutilised sites.

Ensure that development to the rear of the Bay Street retail strip:

- Maintains the visual integrity of the street wall parapet along Bay Street.
- Achieves a transition down in height to the established residential area opposite.

Policy guidelines

Consider as relevant:

- A street wall height of 2 storeys in Bay Street and 3 storeys in Lyons Street, with a maximum overall height of 4 storeys.
- An 8 metre minimum parapet height with a 9.5 metre maximum street wall height along Bay Street.
- Limiting development at the rear of 'significant' and 'contributory' heritage places that is visible within a view line taken from the opposite side of Bay Street (at 1.6 metres from street level).
- Designing development on sites outside the Heritage Overlay to have a height no more than one storey above the prevailing heritage streetscape of Bay Street.

Policy documents

Consider as relevant:

- *Bay Street Activity Centre Structure Plan - Parts 1 and 2* (City of Port Phillip, May 2014)
- *Port Phillip Design Manual – Chapter 8: Neighbourhood Character Statements – Bay Street Activity Centre Environs* (City of Port Phillip, 2000)
- *Sustainable Transport Policy and Parking Rates Report* (Ratio, March 2007)

Bay Street Major Activity Centre study area plan



11.03-1L-03 Carlisle Street Major Activity Centre

14/04/2023

C203port

Policy application

This policy applies to all land in the Carlisle Street Major Activity Centre area, and environs, as shown on the map to this clause.

General**Objective**

To enhance the Carlisle Street Major Activity Centre as a focus for the local community, with a diverse mix of retail, commercial, civic and community services (west of Chapel Street) and leisure and living opportunities.

Strategies

Encourage significant new residential and mixed use development at increased densities within the activity centre to meet growth objectives, whilst ensuring that the heritage and neighbourhood character of established residential areas is retained.

Facilitate significant land use change and development on identified strategic sites and precincts in the Carlisle Street Activity Centre Structure Plan.

Discourage the under-development of strategic sites and precincts within the activity centre that are identified for substantial change.

Reinforce Carlisle Street Activity Centre's primary convenience retailing (daily and weekly goods and services), and personal and business services roles, and eclectic, bohemian and distinctly local character.

Facilitate the centre to retain its metropolitan role in the provision of specialist continental and kosher goods.

Increase night-time presence within the centre through a mix of activities, including residential, that contributes to the ongoing passive surveillance of streets and public spaces.

Ensure entertainment uses and restaurants and bars are of a smaller scale and limited concentration to provide for local needs whilst discouraging the centre's development as a regional entertainment destination.

Encourage uses that reinforce the civic and community services role of the centre, particularly west of Chapel Street.

Support and retain a range of community services and spaces (including smaller scale cafes and restaurants outside the retail core) that meet local community needs, including higher needs groups.

Ensure community spaces are provided within larger-scale mixed use developments.

Ensure development on sites included in a Heritage Overlay maintains the two storey scale along Carlisle Street, with recessed upper level development.

Incorporate culturally relevant public art in new development that contributes to place making in the activity centre.

Design development to respect the following elements:

- The predominant two storey heritage streetscape, human scale, and fine grain streetscape pattern of Carlisle Street.
- The zero frontage setbacks of buildings.
- The civic precinct west of Chapel Street, characterised by public buildings in a landscape setting including the Town Hall, library and state school.
- The established network of streets and laneways, to improve legibility, permeability and connections between activities.

Provide for incremental change, including well-designed medium density development, in remaining areas outside of the heritage overlay, surrounding the activity centre.

Facilitate land use change and new development within Alfred and Marlborough Streets that improves the interface of the activity centre with adjacent residential areas.

Ensure a pedestrian focussed public realm through the design of streets and adjoining development, and management of car parking.

Reinforce and support the role of the activity centre as a sustainable transport hub focused on Balaclava Station, with increased usage, improved integration with other sustainable transport modes (including trams) and as part of a safe, convenient and connected pedestrian environment.

Policy guidelines

Consider as relevant:

- Consolidating sites and supporting three storey residential development in Alfred Street, Nelson Street (eastern side) and Camden Street (south of Edward Street) to improve the interface with the activity centre.
- Encouraging the progressive development of large 'at grade' car parks (through their underground relocation) as key opportunities to consolidate growth within the activity centre.
- Designing development to be self-sufficient in on-site car parking and providing on-site car parking based on the 'empirical rate' specified below.

Use	Empirical rate
Supermarket	4 spaces per 100m2 net floor area
Restaurant	0.3 per seat
Office	3.5 spaces per 100m2 net floor area (unshared)
	3.0 spaces per 100m2 net floor area (shared)

- A reduction (or waiver) of car parking from the empirical rate, where conditions that would result in a lower demand for car parking can be demonstrated.
- Encouraging at least 10 per cent of new dwellings within the activity centre to be affordable (private and community) housing.

Precinct strategies

Precinct 1 - Carlisle Street Retail Precinct (DDO21)

Consolidate a legible, compact and walkable retail core between Chapel Street and the Rail Bridge.

Concentrate retail activity within the retail core through the retention and integrated renewal of the existing supermarket sites and adjacent at grade car parks.

Ensure larger-scale retail premises maintain and reinstate the fine grain retail frontages along Carlisle, Nelson and Camden Streets.

Ensure new use and development contributes to continuous retail activity at street level, with new retail floor space to enhance and integrate with the existing retail strip, and residential and/or commercial uses located above or behind retail premises.

Precinct 2 - St Kilda Road Commercial Precinct (DDO21)

Support commercial (office) as the primary use.

Encourage land uses that benefit from main road exposure.

Discourage shop uses, except restricted retail premises, unless the activity is secondary to another commercial use on the site.

Encourage a continuous active commercial edge along the St Kilda Road frontage.

Discourage bar, restaurant and nightclub uses that do not provide daytime activity from occupying street level premises where these may adversely impact on residential uses.

Precinct 3 - Civic and Community Precinct

Encourage ongoing community support services at the St Kilda Parish Mission site (corner Carlisle Street and Chapel Street).

Develop the St Kilda Library as a key cultural hub and learning centre.

Support the development of a contemporary 'Family and Children's Services Hub' at 171 Chapel Street.

Precinct 4 - William Street Industrial Precinct

Retain the William Street industrial precinct as a vibrant industrial / service industrial and specialist business cluster in the short term (1 – 5 years).

Support office uses only in association with an industrial, warehouse or specialist business activity.

Ensure new use and development contributes to the creation of new pedestrian links along Stuart and Charles Streets, to connect William Street to Balaclava Station.

Precinct 5 - Inkerman / Pakington Streets Mixed Use Precinct (DDO21)

Encourage the establishment of home-based businesses.

Discourage shop uses, except where ancillary to another business use on the site.

Facilitate the renewal of the Inkerman / Pakington Street precinct as a preferred location for housing growth within the activity centre.

Support the transition of this precinct to a mixed residential and commercial (office) area, to provide new housing and employment opportunities.

Discourage licensed premises (bars, restaurants and nightclubs).

Precinct 6 - Chapel Street Mixed Use and Residential Precinct (DDO21)

Encourage high-quality redevelopment of the Australia Post site (corner of Chapel Street and Brighton Road) that contributes to the site's role as a key 'entry' to the activity centre, with significant new housing with potential for commercial use or display-based retailing at ground level.

Support the transition of the Chapel Street precinct to predominantly residential use, with active commercial frontages to Chapel Street.

Limit shop uses south of Marlborough Street, except where ancillary to another business use on the site.

Discourage licensed premises (bars/taverns, restaurant and nightclubs).

Precinct 7 - Marlborough Street Interface Precinct (DDO21)

Ensure that redevelopment of the station car park (44-60 Marlborough Street) respects the heritage values and low-rise, fine-grain built form on the south-side of Marlborough Street.

Facilitate redevelopment of the station car park (44-60 Marlborough Street) for affordable (social) housing, with a range of dwelling types suitable for older persons, singles and family households, and a component of private housing addressing Marlborough Street.

Ensure any future use and development of the site at 4-20 Marlborough Street reinstates residential use (or entries) on the north side of the street.

Precinct 8 – Established Residential Areas

Ensure any new residential development in established residential areas proximate to the

Carlisle Street Major Activity Centre is consistent with the level of change and the preferred neighbourhood character, as identified in the *Carlisle Street Activity Centre Structure Plan* (City of Port Phillip, 2009).

Ensure established residential areas retain their generally mixed architectural character and diverse housing stock, while heritage buildings and streetscapes are conserved and enhanced.

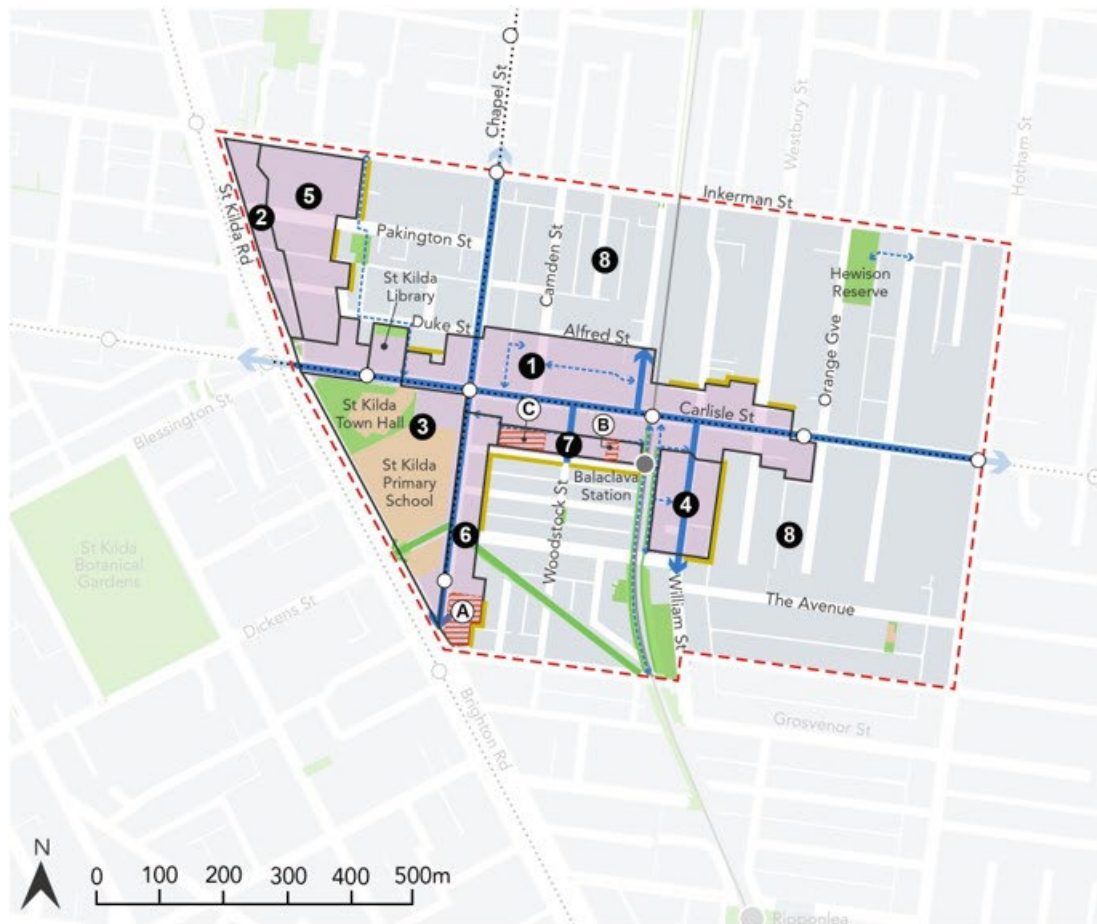
Ensure development within Balston Street, Carlisle Avenue, Marlborough Street, Rosamond Street, Nightingale Street and Bothwell Street maintains the highly consistent neighbourhood character.

Policy documents

Consider as relevant:

- *Carlisle Street Activity Centre Structure Plan* (City of Port Phillip, 2009)
- *Carlisle Street Urban Design Framework* (City of Port Phillip and David Lock Associates, 2009)
- *Port Phillip Design Manual* (City of Port Phillip, 2000)
- *Sustainable Transport Policy and Parking Rates Report* (Ratio, 2007)

Carlisle Street Major Activity Centre and study area



Study area boundary

Activity Centre

Open space

Principle Activity Centre streets

Laneway connections

Existing green link

Residential interface

Existing tram line / tram stop

Existing train line / station

Precinct/Character Areas

- 1** Carlisle Street Retail Precinct
- 2** St Kilda Road Commercial Precinct
- 3** Civic & Community Precinct
- 4** William Industrial Street Precinct
- 5** Inkerman/Pakington Mixed Use Precinct
- 6** Chapel Street Mixed Use & Residential Precinct
- 7** Marlborough Street Interface Precinct
- 8** Established Residential Areas

Key Strategic Sites

- A** Australia Post site
- B** 44-60 Marlborough Street, Balacava
- C** 4-20 Marlborough Street, Balacava

11.03-1L-04 Local and neighbourhood activity centres

14/04/2023
C203port

Policy application

This policy applies to the local and neighbourhood activity centres, as shown on the map to this clause.

Objective

To reinforce the role and character of local and neighbourhood centres to provide goods, services and employment opportunities that serve the needs of the surrounding community.

Strategies

Centre Avenue Neighbourhood Activity Centre, Port Melbourne

Support the development of the centre by encouraging:

- A convenience goods and services role.
- Community facilities and services.

Build upon the centre's role as public transport terminus.

Maintain an attractive, streetscape with a high level of amenity for users of the centre.

Bridport Street / Victoria Avenue Neighbourhood Activity Centre, Albert Park

Support new licenced and entertainment premises provided there is on site car parking adequate to meet the needs of patrons and staff, and the use will complement the primary retail role of the centre.

Encourage community uses to establish in the centre.

Design development to respect the following elements:

- The predominant one and two storey scale of Victorian buildings, with higher development setback from the principle street to minimise its visibility.
- The prominence of landmark buildings including the 'Biltmore' (152 Bridport Street), the Windsor Hotel (107 Victoria Avenue), the Albert Park Hotel (85 Dundas Place) and the former ES&A Bank (95 Dundas Place).
- The consistent streetscape frontage widths to buildings.
- Views to Albert Park toward the Bay from Victoria Avenue.
- The island open space reserve (Broadway Tree Reserve) in Albert Park Village.

Support the reinstatement of original verandah forms to the commercial buildings on Bridport Street and Victoria Avenue.

Armstrong Street Neighbourhood Activity Centre, Middle Park

Support the daily and weekly retail goods and services role, and local entertainment role of the centre.

Design development to respect the following elements:

- The predominant 1 and 2 storey scale of Victorian buildings, with higher development setback from the principal street to minimise its visibility.
- The regular streetscape pattern created by consistent frontage widths to buildings.
- Views to Albert Park.

Ormond / Glen Huntly Road Neighbourhood Activity Centre, Elwood

Reinforce the primary daily / weekly retail goods and services role of Elwood Junction and Elwood Village.

Support new local entertainment premises in Elwood Junction and Elwood Village, provided there is on site car parking adequate to meet the needs of patrons and staff, and the use will complement the primary retail role of the centre.

Encourage moderate intensification of housing.

Tennyson Street Neighbourhood Activity Centre, Elwood

Support the daily and weekly retail goods and services role of the centre.

Design development to respect the following elements:

- The two storey scale of buildings.
- The zero frontage setbacks.

- The mature street trees.

Glen Eira Road Neighbourhood Activity Centre, Ripponlea

Support the daily and weekly retail goods and services role of the centre.

Support new local entertainment uses provided there is adequate on site car parking, and the use will complement the primary retail role of this centre.

Design development to respect the following elements:

- The consistent two storey scale of the centre, architectural style and streetscape pattern of Federation and Inter-war buildings.
- The zero frontage setbacks of buildings.
- The Ripponlea Railway Station and surrounding reserve that defines the western end of the centre.

Brighton Road Local Activity Centre, St Kilda (Elwood)

Support a convenience retail goods and services role for the centre, that maximises opportunities to improve the economic viability of the centre and strengthen its appeal to passing trade.

Design development to respect the predominant two storey scale of development in Brighton Road, and the consistent streetscape pattern and grain created by the inter-war shop fronts.

Inkerman Street / Grey Street Local Activity Centre, St Kilda

Encourage a convenience retail goods and services role for the centre.

Encourage a zero street setback from front boundaries in Barkly, Vale and Inkerman Streets.

Inkerman Street Local Activity Centre, St Kilda East

Encourage a convenience retailing, and personal / business services role for the centre.

Design development to respect the following elements:

- The predominant two storey building scale of the centre.
- The zero frontage setbacks of buildings.
- The park at the corner of Orange Grove and Inkerman Street.

Local and neighbourhood activity centres



11.03-1L-05 South Melbourne Central Major Activity Centre14/04/2023
C203port

This policy applies to all land in the South Melbourne Central Major Activity Centre and environs, as shown on the map to this clause.

Activity and business mix**Objective**

To develop a sustainable mixed-use precinct focused on the South Melbourne Central Major Activity Centre, that includes local and specialised retailing, while retaining the unique urban village character and street life.

Strategies

Promote activity, diversity and vitality by:

- Ensuring that the centre retains its vital local convenience retail and service role which serves the surrounding residential community and workforce.

Support the local economy by:

- Protecting and enhancing the core sub-regional retail role of the centre.
- Promoting the centre as a sub-regional retail destination with a business services and light industry focus.
- Exploiting the centre's strategic location, adjacent to the Central City, as an expanding location for knowledge-based and creative industries.
- Protecting the core industrial role of the centre's industrial precincts from pressure for alternative land uses.

Create a great place to live by:

- Encouraging a moderate intensification of housing, with a consistently high design quality to enhance the visual and streetscape amenity of the area.
- Balancing increased mixed use and residential development pressure in the northern precincts of the centre, given their proximity to Southbank and the Central City.
- Encouraging the provision of additional open space opportunities, particularly north of Park Street within the centre's wide footpaths.

Ensuring that new development respects:

- The views of the South Melbourne Town Hall clock tower in Clarendon and Park Street.
- The view of the Shrine of Remembrance along Bank Street.
- Views to the City and Albert Park.

South Melbourne Central Precincts**Objective**

To provide for high quality, well designed use and development in the precincts of South Melbourne Central, as shown in the map to this policy.

Strategies**Clarendon Street Core Retail Strip**

Retain the daily / weekly retail goods and services role as the retail focus of the wider South Melbourne Central precinct with upper level residential or small office uses.

Strengthen Clarendon Street as a key pedestrian connection between the centre and the Central City.

Encourage activities that complement the core retail function of Clarendon Street.

Coventry Street Specialty Shopping Centre (within South Melbourne Central)

Reinforce the precinct as a regionally significant specialty retailing area and as a vital pedestrian link between Clarendon Street and the South Melbourne Market.

South Melbourne Market Precinct

Reinforce South Melbourne Market as a principal retail and community focus for the local and wider area.

Encourage residential, community or commercial uses on the western edge of the market, provided the operation of the market is ongoing.

Emerging Activity Precinct

Encourage activities that complement the core retail function of Clarendon Street.

Diversify land uses through mixed use development with ground level retail or commercial frontages and upper level office and residential.

Northern Mixed Activity Edge

Support conference or function centres on larger sized lots, subject to parking considerations.

Support upper level office and residential development.

Southern Mixed Activity Edge

Support retail, service business, small medium or home offices, and residential uses in the precinct.

Eastern Business District

Support the substantial light industrial / service business and expanding high technology / knowledge based industries in the precinct.

Support small scale office use and development for start up and emerging business, and the creative arts, including small studio spaces.

Western Business District

Support new office development and the precinct's substantial light industrial / service business and showroom role and expanding high technology / knowledge based industry business roles.

Maintain an attractive and vibrant interface between the precinct and South Melbourne Central along Market Street.

Kings Way Mixed Use Corridor

Create a regionally significant mixed use area.

Provide quality, higher density residential use and development (including above larger scale commercial development).

Create an attractive boulevard between the City of Port Phillip and the Central City by ensuring excellence in the design of new buildings and the public realm.

Ferrars Street Light Rail Corridor

Support 'out of centre' and restricted retail premises where they will not detrimentally impact on the core retailing role of the activity centre.

Encourage transit-based development through mixed use retail (including small scale convenience retail clustered around transport stops) and increased residential density.

Emerald Hill Civic, Cultural and Community Hub

Develop the South Melbourne Town Hall and Emerald Hill as the major focus of cultural activity and an integrated network of civic, cultural and community facilities for the local and wider community.

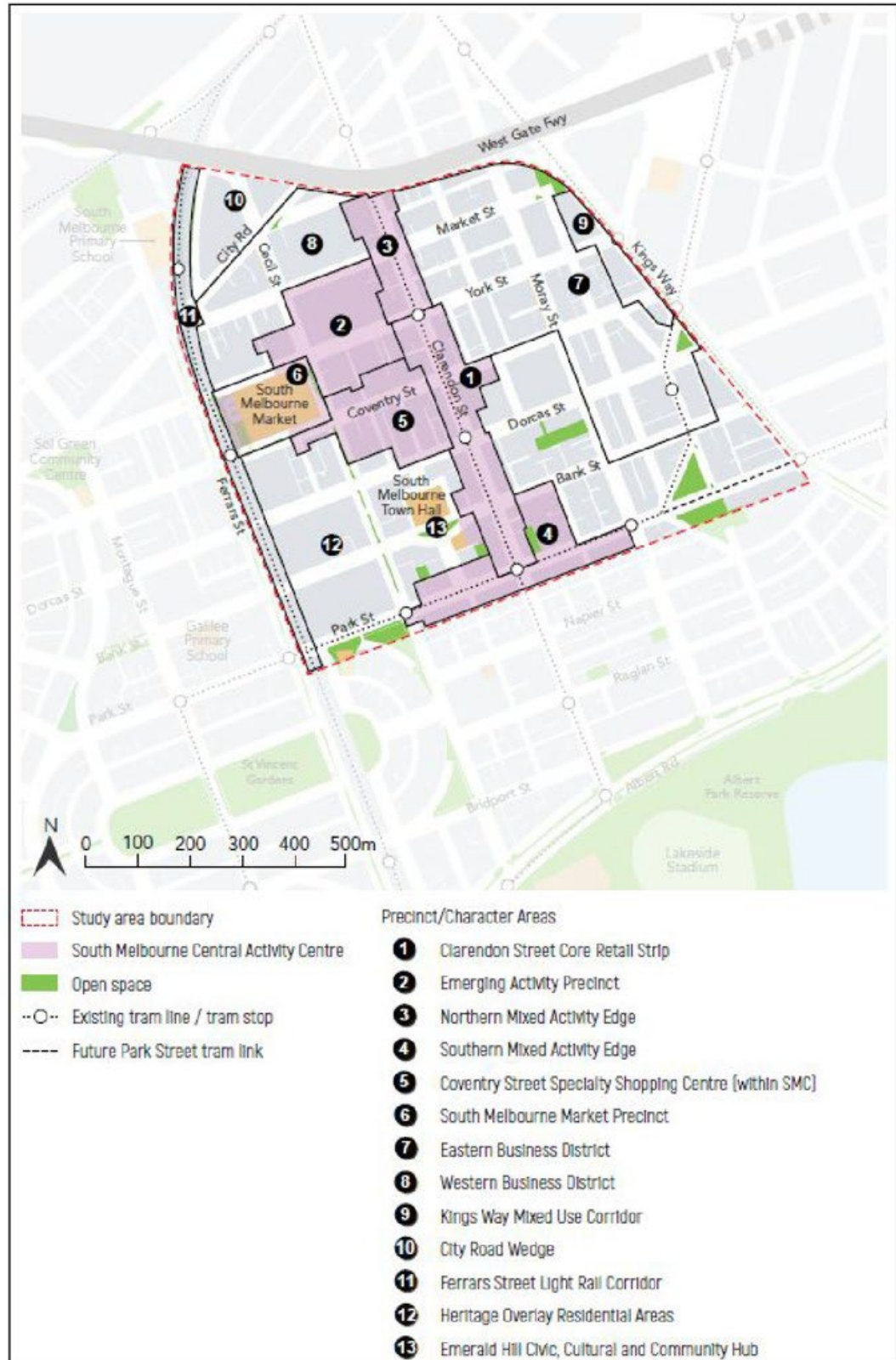
Encourage cultural, community and educational facilities to establish in and adjacent to this precinct. Support the establishment of an Urban History Centre in the Emerald Hill precinct.

Policy documents

~~Consider as relevant:~~

- ~~■ *South Melbourne Central Structure Plan* (City of Port Phillip, August 2007)~~
- ~~■ *South Melbourne Central Urban Design Framework* (David Lock Associates and City of Port Phillip, August 2007)~~

South Melbourne Central Major Activity Centre and Study Area



11.03-1L-06 St Kilda Major Activity Centre

07/08/2023

C213porT

Policy application

This policy applies to all land in the St Kilda Major Activity Centre as defined by the boundaries of the Commercial 1 Zone along Fitzroy and Acland Streets, St Kilda.

Objective

To reinforce the St Kilda Major Activity Centre as a significant retail, recreational, tourism, entertainment and leisure destination, whilst managing the cumulative impacts on local amenity and community safety.

Fitzroy Street**Strategies**

Retain the spacious boulevard atmosphere of Fitzroy Street.

Promote the tourism and entertainment role of Fitzroy Street, while maintaining the local retail servicing role, including core retail along Fitzroy Street between Princes and Acland Streets.

Encourage office and non-retail commercial uses north of Princes Street and facilitate a transition to St Kilda Junction.

Encourage non-retail commercial uses and residential development on the north-west side of Fitzroy Street, between Beaconsfield Parade and Canterbury Road.

Ensure the design of new development respects:

- The slope of the street toward the sea.
- The wide pavements and spacious character of Fitzroy Street.

Acland Street**Strategies**

Promote the tourism and entertainment role of Acland Street, while retaining the distinctive village atmosphere and local retailing services role.

Ensure new development respects the strong seaside location and the low scale, fine grain built form at the street edge.

St Kilda Major Activity Centre



11.03-2S

04/05/2022
VC210

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* (Victorian Planning Authority, 2021) 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* (Victorian Planning Authority, 2021)
- *Ministerial Direction No. 12 – Urban Growth Areas*

11.03-3S31/07/2018
VC148**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.

11.03-4S20/03/2023
VC229**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.

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.

Minimise linear urban sprawl along the coastal edge and ribbon development in rural landscapes. Protect areas between settlements for non-urban use.

Limit development in identified coastal hazard areas, on ridgelines, primary coastal dune systems, shorelines of estuaries, wetlands and low-lying coastal areas, or where coastal processes may be detrimentally impacted.

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

Ensure a sustainable water supply, stormwater management 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.

Prevent the development of new residential canal estates.

Policy documents

Consider as relevant:

- *G21 Regional Growth Plan* (Geelong Region Alliance, 2013)
- *Gippsland Regional Growth Plan* (Victorian Government, 2014)
- *Great South Coast Regional Growth Plan* (Victorian Government, 2014)
- *Marine and Coastal Policy* (Department of Environment, Land, Water and Planning, 2020)
- *Marine and Coastal Strategy* (Department of Environment, Land, Water and Planning, 2022)
- *Siting and Design Guidelines for Structures on the Victorian Coast* (Department of Environment, Land, Water and Planning, 2020)

11.03-5S30/04/2021
VC185**Distinctive areas and landscapes****Objective**

To recognise the importance of distinctive areas and landscapes to the people of Victoria and protect and enhance the valued attributes of identified or declared distinctive areas and landscapes.

Strategies

Recognise the unique features and special characteristics of these areas and landscapes.

Implement the strategic directions of approved Localised Planning Statements and Statements of Planning Policy.

Integrate policy development, implementation and decision-making for declared areas under Statements of Planning policy.

Recognise the important role these areas play in the state as tourist destinations.

Protect the identified key values and activities of these areas.

Enhance conservation of the environment, including the unique habitats, ecosystems and biodiversity 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.

Policy documents

Consider as relevant:

- *Bellarine Peninsula Localised Planning Statement* (Victorian Government, 2015)
- *Macedon Ranges Statement of Planning Policy* (Victorian Government, 2019)
- *Mornington Peninsula Localised Planning Statement* (Victorian Government, 2014)
- *Yarra Ranges Localised Planning Statement* (Victorian Government, 2017)

11.03-6S

31/07/2018
VC148

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.

11.03-6L-01 St Kilda Foreshore07/08/2023
C213port**Policy application**

This policy applies to the St Kilda Foreshore area, as shown on the map to this clause.

General**Objectives**

To create an equitable balance between the needs of the local community, the Foreshore's important regional tourism role and the ecological future of the Bay.

To ensure an integrated approach to the revitalisation of the St Kilda Foreshore area, including any development of the Triangle site through the activity mix, built form and improvements to the public realm.

Cultural heritage and activity mix**Objective**

To maintain and reinforce the unique cultural heritage and recreational importance of the St Kilda Foreshore area.

Strategies

Support land use and development that contributes to the diverse character and reinforces the St Kilda Foreshore area as a key leisure and entertainment precinct.

Encourage uses and facilities that reinforce the role of key activity destinations including St Kilda Pier, St Kilda Harbour, West Beach area and the Triangle site.

Encourage the co-location of uses within defined activity nodes, including:

- New public space at the Palais Theatre.
- St Kilda Pier entry area.
- West Beach Pavilion.

Encourage development to incorporate urban art to enhance the layering of cultural elements along the St Kilda Foreshore area, and support legibility.

Retain the residential role of existing residential properties fronting the St Kilda foreshore.

Enhance the function of specific sites by:

- Consolidating yacht support services at the Royal Melbourne Yacht Squadron.
- Encouraging the development of new public facilities at the St Kilda Pier entry area.
- Encouraging the refurbishment of the West Beach Pavilion for community use with some complementary commercial use(s).
- Encouraging the use of the Veg Out site at the Peanut Farm Reserve as a community open space site.
- Encouraging the retention of community gardens as a vital community activity.

Built form**Objective**

To ensure development does not dominate the Foreshore.

Strategies

Maintain the low-rise, (one and two storey) character of the Foreshore Reserve.

Support future building heights and forms that maintain and enhance the views from:

- The Upper Esplanade to the horizon, Williamstown, Marine lighthouse, the Stokehouse and Catani Arch.
- South Beach to the entrance of Luna Park.

Public space network and connections

Strategies

Improve cross connectivity between the built urban area and the Foreshore Reserve by:

- Establishing Shakespeare Grove and the Cowderoy Street – Pier Road link as safe and attractive pedestrian routes.
- Facilitating additional pedestrian crossings of Beach Road at locations identified in the map to this clause.

Encourage visual integration of the Foreshore Reserve by:

- Restoring and reinforcing established landscape themes.
- Co-ordinating street furniture and street design details.

Transport networks

Strategy

Manage adverse impacts of through traffic, particularly on Jacka Boulevard, Marine Parade, The Upper Esplanade and residential streets.

St Kilda Triangle site

Objective

To encourage the integrated renewal of the site for a variety of public spaces, and entertainment and cultural venues.

Strategies

Ensure that future use and development on the St Kilda Triangle site:

- Enhances local liveability.
- Creates a hub focused on the arts, entertainment and leisure.
- Provides a multipurpose community space.
- Includes limited commercial and retail land uses.
- Creates large areas of open space.
- Links Acland Street, Fitzroy Street and the foreshore through a highly pedestrianised environment.
- Establishes a key activity node within the St Kilda Foreshore area.
- Links new and existing buildings.

Maintain the traditional cultural use of the site and allow for new contemporary leisure activities.

Minimise noise transference through high quality facility design, landscaping and buffer zones.

Jacka Boulevard

Objective

To encourage the development of Jacka Boulevard as an attractive seaside boulevard with a multi-functional role.

Strategies

Support provision of safe and accessible pedestrian crossings.

Minimise impacts from vehicular traffic by planning for shared use of street spaces, where appropriate.

Improve direct pedestrian connection to the beach at the intersection with Fitzroy Street.

Encourage new pedestrian links to the Foreshore Reserve:

- From the Triangle Site.
- Between the Esplanade Hotel and St Kilda Pier.

St Kilda Harbour**Objective**

To enable the sustainable use and development of the St Kilda Harbour.

Strategy

Facilitate sustainable boat usage of the Harbour by:

- Protecting significant natural coastal values.
- Protecting the water quality of the Harbour from adverse impacts of boating.
- Ensuring access to habitat areas are protected and managed.

Policy documents

Consider as relevant:

- *St Kilda Foreshore Urban Design Framework* (City of Port Phillip, 2002)
- *Port Phillip Urban Art Strategy* (City of Port Phillip, 2002)
- *Port Phillip Urban Iconography Study* (City of Port Phillip, 2004)
- *Recreational Boating Facilities Framework* (Central Coastal Board, 2014)

St Kilda Foreshore



11.03-6L-02 St Kilda Road North Precinct

14/04/2023
C203port

Policy application

This policy applies to the St Kilda Road North Precinct, as shown on the map to this clause.

Objectives

To reinforce the St Kilda Road North Precinct as a dynamic, connected, integrated, safe and inclusive place to live, work and visit.

To maintain the role of St Kilda Road as a preferred location for premier office accommodation and well-designed, higher density residential development.

Strategies

General

Encourage development of a vibrant area, providing for residential, commercial and community uses.

Encourage community spaces (such as meeting rooms) to be incorporated into new development.

Sub-Precinct 2: Northwest Corner (DDO26-2)

Ensure that use and development create a residential and mixed use environment, through an increased scale and density of development.

Sub-Precinct 3: Albert Road South (DDO26-3) and Sub-Precinct 4: Albert Road North and Bowen Crescent (DDO26-4)

- Encourage uses that support and enhance the strategic role of the Albert Road Mixed Activity Precinct as a key location for:
 - Office and related commercial development.
 - Residential development at higher density and larger scale than in the established residential area.

Sub-Precinct 5: St Kilda Road South of Kings Way (DDO26-5)

Ensure that the Sub-Precinct continues to develop as a premier office location outside of the Melbourne Central Activity District and a highly desirable residential location.

Encourage the development of a mixed use area on Raleigh and Union Streets.

Policy document

Consider as relevant:

- *St Kilda Road North Precinct Plan 2013* (City of Port Phillip, updated 2015)

St Kilda Road North Precinct and Sub-Precincts



11.03-6L-03 St Kilda Road South Precinct

07/08/2023
C213port

Policy application

This policy applies to the St Kilda Road South Precinct, as shown on the map to this clause.

General

Objective

To strengthen the St Kilda Road South Precinct's image, liveability and sense of place as it transitions to increased residential uses.

Strategies

Create a diverse series of neighbourhoods with a strong sense of place, community and local identity.

Encourage land uses that create activity nodes and community focal points for local residents and workers.

Provide additional opportunities for housing growth throughout the Precinct due to its proximity to public transport and activity centres.

Improve the amenity and function of St Kilda Road as a key pedestrian spine by providing active land use ‘edges’ at street level throughout commercial and mixed use areas.

Maintain solar access to key pedestrian streets and green links, including St Kilda Road, Wellington Street, Alma Road and Carlisle Street.

Ensure the interface between commercial and residential uses is well designed and non-residential uses are managed to protect residential amenity.

Discourage larger-scale licensed premises, bars and nightclubs that may impact on the amenity of the surrounding area.

Policy guidelines

Consider as relevant:

- Designing development to be self-sufficient in onsite car parking and providing onsite parking as follows:
 - Residential development:
 - One car space to each one and two bedroom dwelling.
 - Two car spaces to each three or more bedroom dwelling.
 - Secure bicycle parking at a rate of one space per dwelling.
 - Publicly accessible bicycle parking for visitors at a rate of one space per five dwellings.
 - Office: Three car spaces per 100 square metres.
 - Motorcycle parking at a minimum rate of one motorcycle parking space for every 100 car parking spaces to be provided onsite within new development.
 - Residential development of six or more storeys: Off-street loading facilities and allocated spaces for service vehicles.
- Limiting the hours of operation of licensed premises to 10pm.

Wellington Street Neighbourhood

Objective

To enhance the Wellington Street Neighbourhood as a local and mixed use ‘village’, and a green link between Chapel Street and Albert Park.

Strategies

Ensure development makes a positive contribution to the creation of a landscaped (green) pedestrian link along Wellington Street.

Along the north side of Wellington Street (DDO35):

- Facilitate a transition from a commercial to a mixed use with increasing residential uses.
- Facilitate clustering of cafes, convenience retailing and spaces for community use at the western end of Wellington Street and immediately east of Upton Road.

- Encourage commercial activities and residential frontages that activate the balance of Wellington Street, with upper level residential use.
- Limit land uses with the potential for adverse residential amenity impacts.

Along the south side of Wellington Street in a residential zone:

- Maintain the established residential role, with some additional medium density residential development consistent with the scale, neighbourhood character and heritage of the street.
- Reinforce the established low scale (1-2 storey) and fine grain of the heritage area, generally east of Upton Road.
- Reinforce the established 2-3 storey scale generally west of Upton Road, with well-designed 'infill' development on larger sites consistent with the established neighbourhood character.
- Maintain the established street rhythm of space between buildings and landscaping in the frontage setback.

Along the south side of Wellington Street at the western end in the Commercial 1 and Mixed Use zones (DDO35) facilitate an emerging activity hub by ensuring active, small scale ground level retail uses that contribute to street-life, such as cafes and shops.

St Kilda Road Neighbourhood

Objective

To reinforce the St Kilda Road Neighbourhood as a niche retail and business area, a growing residential community and a safe and friendly pedestrian environment.

Strategies

Support residential redevelopment in Alma Road (east of St Kilda Road).

Along the eastern side of St Kilda Road (DDO34):

- Create a continuous activated edge to the street through a diverse range of ground level retail and complementary commercial uses.
- Support upper level office and residential, and residential to the rear of commercial premises.

Along the western side of St Kilda Road (DDO27 and DDO36):

- Support residential development at the intersection of and north of Alma Road, and in Barkly Street, and Alma Road.
- Establish a ground level residential edge within residential side streets, south of Alma Road.

Carlisle Street Neighbourhood

Objective

To retain the established residential role and neighbourhood character of the Carlisle Street Neighbourhood with a mix of dwelling types, set along a 'green link' between East St Kilda and St Kilda.

Strategies

Facilitate medium density 'infill' residential development, consistent with the scale and neighbourhood character of the area.

Reinforce the prevailing low to mid-rise scale (2 to 4 storeys) of residential development.

Ensure new development respects and responds to the height and scale of existing residential buildings, through a comparable street-wall height and recessed upper level.

Ensure new development utilises articulation and building form to create the sense of a fine-grain subdivision pattern.

Maintain the street rhythm of space between buildings and landscaping in the frontage setback.

Create a sense of a fine-grain subdivision pattern through the articulation and building form of new development.

Policy guideline

Consider as relevant:

- Designing development to respect Carlisle Street as a landscaped (green) pedestrian link by maintaining solar access to the southern footpath of Carlisle Street between 10am and 3pm at the equinox (21 September).

Policy document

Consider as relevant:

- *St Kilda Road South Urban Design and Land Use Framework* (Planisphere and City of Port Phillip, 2015)

St Kilda Road North Precinct and Sub-Precincts



11.03-6L-03 St Kilda Road South Precinct

07/08/2023

C213port

Policy application

This policy applies to the St Kilda Road South Precinct, as shown on the map to this clause.

General

Objective

To strengthen the St Kilda Road South Precinct's image, liveability and sense of place as it transitions to increased residential uses.

Strategies

Create a diverse series of neighbourhoods with a strong sense of place, community and local identity.

Encourage land uses that create activity nodes and community focal points for local residents and workers.

Provide additional opportunities for housing growth throughout the Precinct due to its proximity to public transport and activity centres.

Improve the amenity and function of St Kilda Road as a key pedestrian spine by providing active land use ‘edges’ at street level throughout commercial and mixed use areas.

Maintain solar access to key pedestrian streets and green links, including St Kilda Road, Wellington Street, Alma Road and Carlisle Street.

Ensure the interface between commercial and residential uses is well designed and non-residential uses are managed to protect residential amenity.

Discourage larger-scale licensed premises, bars and nightclubs that may impact on the amenity of the surrounding area.

Policy guidelines

Consider as relevant:

- Designing development to be self-sufficient in onsite car parking and providing onsite parking as follows:
 - Residential development:
 - One car space to each one and two bedroom dwelling.
 - Two car spaces to each three or more bedroom dwelling.
 - Secure bicycle parking at a rate of one space per dwelling.
 - Publicly accessible bicycle parking for visitors at a rate of one space per five dwellings.
 - Office: Three car spaces per 100 square metres.
 - Motorcycle parking at a minimum rate of one motorcycle parking space for every 100 car parking spaces to be provided onsite within new development.
 - Residential development of six or more storeys: Off-street loading facilities and allocated spaces for service vehicles.
- Limiting the hours of operation of licensed premises to 10pm.

Wellington Street Neighbourhood

Objective

To enhance the Wellington Street Neighbourhood as a local and mixed use ‘village’, and a green link between Chapel Street and Albert Park.

Strategies

Ensure development makes a positive contribution to the creation of a landscaped (green) pedestrian link along Wellington Street.

Along the north side of Wellington Street (DDO35):

- Facilitate a transition from a commercial to a mixed use with increasing residential uses.
- Facilitate clustering of cafes, convenience retailing and spaces for community use at the western end of Wellington Street and immediately east of Upton Road.

- Encourage commercial activities and residential frontages that activate the balance of Wellington Street, with upper level residential use.
- Limit land uses with the potential for adverse residential amenity impacts.

Along the south side of Wellington Street in a residential zone:

- Maintain the established residential role, with some additional medium density residential development consistent with the scale, neighbourhood character and heritage of the street.
- Reinforce the established low scale (1-2 storey) and fine grain of the heritage area, generally east of Upton Road.
- Reinforce the established 2-3 storey scale generally west of Upton Road, with well-designed 'infill' development on larger sites consistent with the established neighbourhood character.
- Maintain the established street rhythm of space between buildings and landscaping in the frontage setback.

Along the south side of Wellington Street at the western end in the Commercial 1 and Mixed Use zones (DDO35) facilitate an emerging activity hub by ensuring active, small scale ground level retail uses that contribute to street-life, such as cafes and shops.

St Kilda Road Neighbourhood

Objective

To reinforce the St Kilda Road Neighbourhood as a niche retail and business area, a growing residential community and a safe and friendly pedestrian environment.

Strategies

Support residential redevelopment in Alma Road (east of St Kilda Road).

Along the eastern side of St Kilda Road (DDO34):

- Create a continuous activated edge to the street through a diverse range of ground level retail and complementary commercial uses.
- Support upper level office and residential, and residential to the rear of commercial premises.

Along the western side of St Kilda Road (DDO27 and DDO36):

- Support residential development at the intersection of and north of Alma Road, and in Barkly Street, and Alma Road.
- Establish a ground level residential edge within residential side streets, south of Alma Road.

Carlisle Street Neighbourhood

Objective

To retain the established residential role and neighbourhood character of the Carlisle Street Neighbourhood with a mix of dwelling types, set along a 'green link' between East St Kilda and St Kilda.

Strategies

Facilitate medium density 'infill' residential development, consistent with the scale and neighbourhood character of the area.

Reinforce the prevailing low to mid-rise scale (2 to 4 storeys) of residential development.

Ensure new development respects and responds to the height and scale of existing residential buildings, through a comparable street-wall height and recessed upper level.

Ensure new development utilises articulation and building form to create the sense of a fine-grain subdivision pattern.

Maintain the street rhythm of space between buildings and landscaping in the frontage setback.

Create a sense of a fine-grain subdivision pattern through the articulation and building form of new development.

Policy guideline

Consider as relevant:

- Designing development to respect Carlisle Street as a landscaped (green) pedestrian link by maintaining solar access to the southern footpath of Carlisle Street between 10am and 3pm at the equinox (21 September).

Policy document

Consider as relevant:

- *St Kilda Road South Urban Design and Land Use Framework* (Planisphere and City of Port Phillip, 2015)

St Kilda Road South Precinct and Neighbourhoods



— Municipal boundary

- - - Precinct boundary

■ Open space

- - ○ - - Existing tram line / tram stop

■ ■ ■ Key pedestrian links

Neighbourhoods

① Wellington Street neighbourhood

② St Kilda Road neighbourhood

③ Carlisle Street neighbourhood

11.03-6L-04 Fishermans Bend Urban Renewal Area14/04/2023
C203port**Policy application**

This policy applies to use and development of all land within Fishermans Bend affected by Schedule 1 to the Capital City Zone in the Port Phillip Planning Scheme.

Employment floor area objective

To support diverse employment opportunities across all precincts that build on proximity to the Central City and Port of Melbourne.

Employment floor area strategies

Promote employment generating floor space that supports jobs growth including, but not limited to, the knowledge, creative, design, innovation, engineering, and service sectors.

Employment floor area policy guidelines

Consider as relevant:

- Providing floor area for employment generating uses as part of development in a Core area, as identified on the relevant Map in Schedule 1 to the Capital City Zone, consistent with the preferred minimum plot ratio set out in Table 1, unless any of the following apply:
 - The built form envelope available on the site makes it impractical to provide the minimum plot ratios.
 - The application is associated with the continued operation or expansion of an existing employment or residential use on site.
 - The buildings floor to floor heights, layout and design of the development will facilitate future conversion from residential to employment generating uses or from car parking areas to other employment generating uses.
 - The development contributes to the employment objectives and strategies of this policy while providing less than the minimum plot ratio.

Table 1: Minimum plot ratio not used for Dwelling

Precinct	Minimum plot ratio not used for Dwelling (Core Areas)
Montague	1.6:1
Sandridge	3.7:1
Wirraway	1.9:1

Community and diversity objective

To ensure housing diversity, and the provision of community infrastructure and an open space network that supports a diverse and inclusive community.

Community and diversity strategies

Encourage a diversity of dwelling typologies and sizes within each precinct and within development sites.

Facilitate Affordable Housing within a range of built form typologies.

Support development 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 open green space including children's play spaces on ground level, podium levels or roof tops and locating some dwellings to achieve direct visual connection 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.

Support the delivery of adaptable floor plates including the opportunity to combine one and two-bedroom units to form larger apartments.

Encourage the early delivery of community infrastructure hubs.

Community and diversity policy guidelines

Consider as relevant:

- Providing the following percentage of three-bedroom dwellings for developments of more than 100 dwellings:
 - Montague: 25 per cent
 - Sandridge: 20 per cent
 - Wirraway: 30 per cent

Affordable Housing including Social Housing objective

To encourage the provision of Affordable Housing including Social Housing.

Affordable housing strategies

Design Affordable Housing so that it:

- Is a mix of one, two and three bedrooms that reflects the overall dwelling composition of the building.
- Provides internal layouts identical to other comparable dwellings in the building.
- Is externally indistinguishable from other dwellings.

Affordable housing policy guideline

Consider as relevant:

- Providing 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.
 - The development will contribute to the Affordable Housing objective of this policy while providing less than the minimum amount.
 - The Affordable housing objective of this policy would render the proposed development economically unviable.

Social housing strategies

Encourage development to provide a Social Housing uplift equivalent to eight additional private dwellings of equivalent size for each Social Housing dwelling, in addition to the provision of six per cent Affordable housing.

Social housing policy guidelines

Consider as relevant:

- Providing a Social Housing uplift, where:
 - The proposed Social Housing can be realistically delivered and secured by suitable legal agreement.
 - The proposed Social Housing is agreed to be received and managed by a registered Social Housing provider in perpetuity.

- 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.

Design excellence objective

To create a place of design excellence, with a distinct identity and character.

Design excellence strategies

Encourage varied built form typologies that align with the preferred precinct character specified in the relevant Schedule to the Design and Development Overlay.

Encourage fine grain, pedestrian scale environments.

Ensure buildings contribute to a high quality public realm.

Encourage developments to deliver spaces, including open spaces, for people to meet, gather, socialise, exercise and relax.

Ensure developments to deliver variation in massing, building height, and roof forms and the staggering or offsetting of tower footprints.

Achieving a climate adept, water sensitive, low carbon, low waste community objectives

To achieve a climate adept, water sensitive, low carbon, low waste community.

To ensure ecologically sustainable development.

To build resilience against the impacts of sea level rise and flooding from storm events without compromising the urban form at the ground level.

To create a low waste community that is designed to provide best practice waste and resource recovery management.

Achieving a climate adept, water sensitive, low carbon, low waste community strategies

Design development to incorporate renewable energy generation, on-site energy storage, and opportunities to connect to a future precinct-wide or locally distributed low-carbon energy supply.

Raise 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.

Where internal floor levels are raised, maintain a strong physical and visual connection between the street and internal floor levels through building design.

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.

Achieving a climate adept, water sensitive, low carbon, low waste community policy guidelines

Consider as relevant:

- Applying a 20 per cent improvement on current National Construction Code energy efficiency standards, including energy efficiency standards for building envelopes and for lighting and building services.
- Applying an average 7 star Nationwide House Energy Rating Scheme (NatHERS) rating for residential development.
- At least 70 per cent of the total site area to 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 that have a low solar absorptance.
- Applying design elements and materials that are resilient to flooding, including water proof doors and windows, elevated power outlets and the like.
- Encouraging land uses at ground floor level that can easily recover from the impacts of temporary flooding.
- Integrating changes in floor levels between the street and internal ground floor into the design of the development.
- Locating essential services, such as power connections, switchboards and other critical services to avoid disruption in potential flooding events.
- Development and public realm layout and design should integrate best practice Water Sensitive Urban Design.

Communal spaces objective

To encourage residential development that includes private and communal spaces that cater for a range of users.

Communal spaces strategies

Create private and communal spaces within developments with a range of facilities, garden and recreation areas to supplement the public open space network.

Ensure development with an interface to existing or proposed open space avoids unreasonable impacts, including through vehicle movement to or from the development on the:

- Amenity or microclimate impacts to the open space.
- Function or useability of the open space.

Support internal and external communal spaces within the same development to connect to one another and be designed as multifunctional, adaptable spaces.

Support 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.

Ensure communal open space is designed to meet the needs of a range of potential users.

Ensure the location, design and layout of publicly accessible open space areas at ground level is integrated with adjoining areas of open space.

Landscaping objective

To ensure developments provide landscaping in all areas of open space including public open space, communal open space and private open space.

Landscaping strategies

Ensure landscape areas:

- 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.
- Interpret and celebrate heritage and culture, including Aboriginal cultural heritage in

public open space design.

Encourage plant selection to:

- Support the creation of complex and biodiverse habitat that includes indigenous flora and fauna.
- Balance the provision of native plants with exotic climate resilient plants that provide for biodiversity.
- Support the creation of vegetation links within Fishermans Bend to surrounding areas of biodiversity through plant selection and landscape design.
- Incorporate food plants.

Incorporate green facades, rooftop, podium or terrace planting into development that is water efficient, responds to micro-climate conditions and is located and designed to be sustainable and resilient.

Landscaping policy guidelines

Consider as relevant:

- Minimum deep soil areas with a minimum depth of 1.5 metres for canopy trees.

New streets, laneways and pedestrian connections objective

To create a network of new streets and laneways that provide permeability and accessibility through all precincts.

New streets, laneways and pedestrian connections strategies

Facilitate streets, laneways and pedestrian connections that:

- Provide direct access to existing or proposed public transport stations and routes, and existing or proposed public open space.
- Prioritise pedestrian movement and safety in shared streets or shared laneways.

Design streets and laneways to:

- Enable views through the street block.
- Have active frontages in a Core area.
- Be open to the sky.
- Allow for canopy tree planting.

Provide new streets, laneways or paths to create mid-block through links and define and separate buildings on sites of more than 3000 square metres.

New streets, laneways and pedestrian connections policy guidelines

Consider as relevant:

- Spacing streets, laneways and pedestrian connections:
 - In Core areas, not more than 50 to 70 metres apart in a north-south direction and 100 metres apart in the other direction in a block.
 - In Non-core areas, not more than 100 metres apart and be oriented in a north-south direction.

Sustainable transport objective

To create a connected, permeable and accessible community that prioritises walking, cycling, and public transport use.

Sustainable transport strategies

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 pedestrian and bicycle movements. Provide 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.

Land use transition objectives

To facilitate the transition from a primarily industrial area to a high-density mixed use area.

To support the continued operation of existing uses which are of strategic importance to the urban renewal of Fishermans Bend.

Land use transition strategies

Ensure new uses and the expansion of existing uses with potential adverse amenity impacts do not prejudice the urban renewal of Fishermans Bend.

Ensure new development addresses the amenity impacts of nearby existing uses.

Policy documents

Consider as relevant:

- *Fishermans Bend Vision* (Department of Environment, Land, Water and Planning, September 2016)
- *Fishermans Bend Framework* (Department of Environment, Land, Water and Planning, September 2018)

11.03-6L-05 Fishermans Bend Urban Renewal Area - Montague Precinct

14/04/2023
C203port

Policy application

This policy applies to the use and development of all land within the Montague Precinct of the Fishermans Bend Urban Renewal Area, as defined by the DDO30.

Objective

To establish Montague as a diverse and well-connected mixed use neighbourhood with its own distinct character and identity celebrating its significant cultural and built heritage, and network of gritty streets and laneways.

Strategies

Support mixed use development that provides active street edges and establishes a high quality public realm.

Encourage the highest concentration and mix of uses in the defined core areas, located on public transport nodes and routes.

Support big box retail development that compliments existing and planned retail uses in its catchment.

Ensure the social impacts of developments accommodating more than 100 dwellings are considered and addressed through the preparation of a Social Impact Assessment.

Enhance the existing network of laneways with new laneways and through block links that provide permeability and connectivity through street blocks.

Montague North (M1)

Strategies

Support the establishment of Montague North as a gateway to Fishermans Bend from the Central City, Southbank and Docklands.

Support development that allows for sunlight access to the southern side of Normanby Road at September equinox.

Support buildings where parts of the street wall are setback from the street boundary at ground level to create forecourts, courtyards and landscaping at building entrances.

Support the transformation of Normanby Road into a landscaped, pedestrian friendly boulevard and civic spine defined by active edges that provides a key cycling connection through the precinct.

Support the delivery of a Sports and Recreation Hub (or part of cluster) as part of mixed use development within the 'investigation area' shown on Map 2.

Support the provision of walking and cycling links that enhance connections to the eastern part of Sandridge and Montague South (M2-6).

Support the provision of commercial and some retail and community uses to be located within podium and upper levels of mixed use buildings.

Encourage businesses to locate in proximity to nearby cultural uses, and high quality, high amenity public realm.

Encourage development to provide active frontages to the new 'Montague North Park' open space located at the intersection of Montague Street and Munro Street.

Montague South (M2-6)

Strategies

Support the establishment of Buckhurst Street as the heart of the neighbourhood and the primary focus of commercial and civic amenity within Montague South anchored by community hubs.

Encourage new laneways to complete 'missing links' between primary and secondary active frontages/retail streets.

Encourage smaller building footprints to add to existing the fine grain character.

Support the establishment of a high amenity, linear green spine along Buckhurst Street that accommodates the 'Bay to City' cycling connection.

Support the establishment of Buckhurst Street as a primary anchor for the precinct.

Support the creation of parks and community hubs, and high amenity streets that provide high quality social spaces to gather, relax and connect.

Encourage the establishment of a diverse range of small-medium sized businesses, co-working spaces, small creative businesses and studios that contribute to the identity of the area.

Map 1: Sub-precincts within the Montague precinct**Map 2: Community infrastructure investigation areas within the Montague precinct****11.03-6L-06 Fishermans Bend Urban Renewal Area - Sandridge Precinct**14/04/2023
C203port**Policy application**

This policy applies to the use and development of all land within Sandridge Precinct of the Fishermans Bend Urban Renewal Area, as defined by DDO32.

Objective

To establish Sandridge as a premium office and commercial neighbourhood with diverse housing and retail opportunities, and its own distinct character and identity.

Strategies

Encourage development that integrates community facilities, larger format commercial offices and retail uses such as supermarkets and department stores within core areas.

Encourage the highest concentration and mix of uses in the defined core areas, located on public transport nodes and routes.

Support big box retail development that compliments existing and planned retail uses in its catchment.

Ensure the social impacts of developments accommodating more than 100 dwellings are considered and addressed through the preparation of a Social Impact Assessment.

Support tower development within core areas that produce a strong vertical form or landmarks.

Support low rise buildings with defined, active frontages around the perimeter of the North Port Oval.

Support the delivery of a centrally located underground metro rail station with transport interchange and public square, connecting directly to the Central City and to Melbourne's western region.

Support the delivery of a tram route along the future Fennell Street and Plummer Street civic spine that provides a direct, high frequency public transport connection to Docklands and the Central City and services the core area.

Support the delivery of a new and upgraded bridges over the Westgate Freeway at Ingles Street and Graham Street, and Hartley Street and Fennell Street, to provide public transport, cycling infrastructure and pedestrian access.

Enhance the planned network of public open spaces and plazas through strategic road closures to create new plazas and linear parks.

Support the delivery of an Arts and Cultural Hub as an integrated part of mixed use development, located within the 'investigation area' shown on Map 2 generally surrounding the tram route.

Support the delivery of a Sports and Recreation Hub as part of mixed use development within the 'investigation area' shown on Map 2 at the eastern part of the precinct.

Integrate the North Port Oval and grandstand with expanded open space, creating a key anchor for community, civic and recreational uses.

Support the delivery of an Education and Community Hub (primary) as part of mixed use development near the expanded North Port Oval parkland.

Map 1: Sub-precincts within the Sandridge precinct**Map 2: Community infrastructure investigation areas within the Sandridge precinct****11.03-6L-07**14/04/2023
C203port**Fishermans Bend Urban Renewal Area - Wirraway Precinct****Policy application**

This policy applies to the use and development of all land within the Wirraway Precinct of the Fishermans Bend Urban Renewal Area, as defined by the DDO33.

Objective

To establish Wirraway as a family-friendly inner city neighbourhood and place for innovation and creativity with its own distinct character and identity.

Strategies

Encourage the establishment of a neighbourhood centre that supports local cafes, restaurants, shops and businesses and a high degree of housing choice, including apartment buildings with a focus on family friendly housing.

Support the development of the precinct as a thriving arts scene and a place for innovation and creativity with small galleries, art and design centres and cultural facilities attract visitors from across Melbourne and beyond.

Support the development of industrial uses, including high technology uses including research and development, that are employment intensive, clean and sustainable and that limit amenity impacts.

Encourage the highest concentration and mix of uses in the defined core areas, located on public transport nodes and routes.

Support big box retail development that compliments existing and planned retail uses in its catchment.

Ensure the social impacts of developments accommodating more than 100 dwellings are considered and addressed through the preparation of a Social Impact Assessment.

Support mid-rise buildings with landscaped frontage around the perimeter of Wirraway North open space.

Support the provision of tree lined streets, small parks, plazas and playgrounds, with easy walking and cycling access to Westgate Park and Sandridge Beach.

Support the development of the intersection of Plummer Street and Salmon Street as the heart of Wirraway and focus of activity with an engaging pedestrian experience along Plummer Street Boulevard.

Facilitate a key public transport spine and interchange node along Plummer Street to provide direct connections to Sandridge, the CBD, Docklands and the Fishermans Bend National Employment and Innovation Cluster with:

- The extension of the Southern Tram Route.
- Bus routes.
- The potential for an underground metro rail station at the junction with Salmon Street.

Support JL Murphy Reserve as a focus for active recreation with organised sports during the day and night.

Support the creation of new open space at Prohasky Reserve, and in Wirraway North (W1) and Wirraway East (W4), linked by green linear parkway and a network of smaller open spaces.

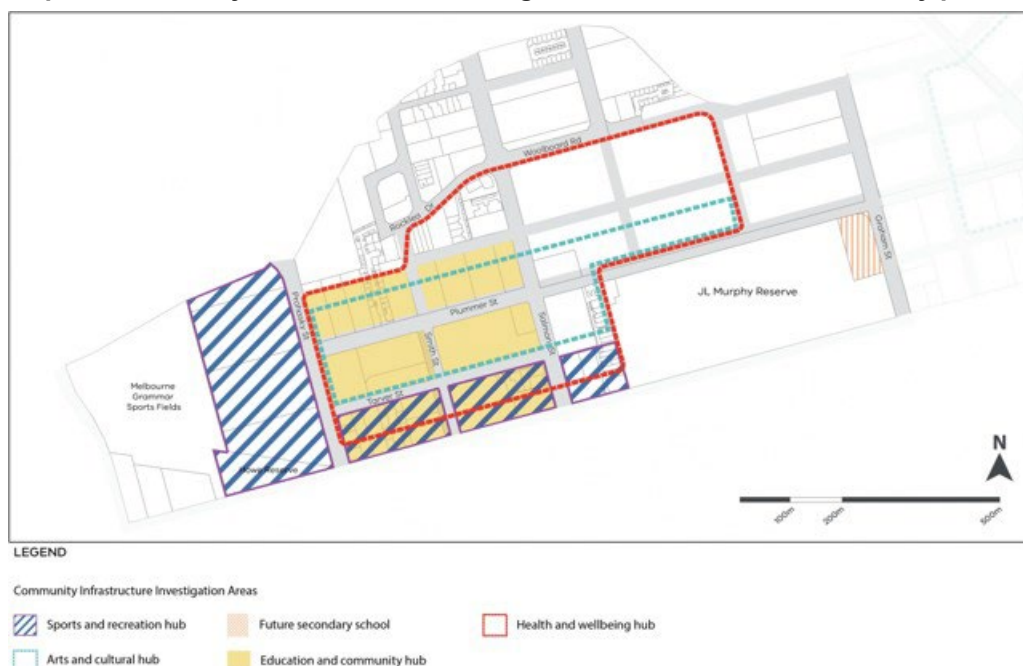
Support the delivery of new and upgraded bridges over the Westgate Freeway at Rocklea Drive, Salmon Street, Thackray Road and Graham Street that provide public transport, bike and pedestrian access to the Fishermans Bend Employment Precinct.

Support the delivery of the largest Arts and Cultural Hub in Fishermans Bend near the Southern Tram Route along Plummer Street in the 'investigation areas' shown on Map 2.

Support the delivery of an Education and Community Hub (secondary) and an Education and Community Hub (primary) in the 'investigation areas' shown on Map 2, close to open space and the tram route.

Support the delivery of a centrally located Health and Well-Being Hub within the 'investigation area' shown on Map 2.

Support the delivery of a Sports and Recreation Hub within the 'investigation area' adjoining Williamstown Road shown on Map 2.

Map 1: Sub-precincts within the Wirraway precinct**Map 2: Community infrastructure investigation areas within the Wirraway precinct****11.03-6L-08**

Proposed C219port

South Melbourne**Policy application**

This policy applies to all land in the South Melbourne Major Activity Centre, South Melbourne Enterprise Precinct and Kings Way Mixed Use Corridor as shown on Plan 1 to this clause.

Activities and uses**South Melbourne Major Activity Centre****Objective**

To enhance the South Melbourne Major Activity Centre's provision of retail, employment, housing and entertainment opportunities within a well-connected, accessible, well-designed and sustainable community.

Strategies

Support the provision of retail, employment, housing and community uses, anchored by retail strips along Clarendon Street, Coventry Street and Park Street.

Support activities and uses that strengthen retail strips along Clarendon Street, Coventry Street and Park Street.

Provide opportunities for ongoing reinvestment, mixed use development and new employment floorspace in areas close to public transport.

Encourage housing that:

- Enhances the South Melbourne Major Activity Centre's viability and vibrancy.
- Provides diverse dwelling typologies and tenures.
- Provides adequate floor-to-floor heights that are adaptable to changes in future land use.
- Demonstrates high quality building design, promotes sustainable building design and internal amenity.
- Provides affordable housing for rent and purchase.

Support and grow South Melbourne's economic specialisations and retail opportunities, and accommodate ongoing demand for office space in South Melbourne by:

- Protecting and advancing South Melbourne as a creative industries cluster.
- Encouraging the South Melbourne Major Activity Centre grow and improve its hospitality and specialty food offering.
- Accommodating projected employment growth and ongoing demand for office space, especially in small and medium premises.
- Enhancing the amenity of streets.
- Preserving valued aspects of South Melbourne's heritage and physical character.
- Maintaining a distinction between the generally low to medium rise character of South Melbourne and high rise buildings in the Central City, Southbank, Montague (Fishermans Bend) and along Kings Way.
- Maintaining the South Melbourne Market's role as a retail anchor and capitalise on its popularity to create a thriving street-based retail precinct that encourages people to linger throughout the broader South Melbourne area.

Provide a range of affordable business spaces which suit micro, small and medium businesses by:

- Encouraging the retention and creation of affordable workspaces.
- Supporting the growing role and utilisation of coworking spaces.
- Support the renewal of the South Melbourne Market and its interface with the public realm.

South Melbourne Enterprise Precinct

Objective

To enhance the South Melbourne Enterprise Precinct's role in providing diverse employment opportunities, facilitating innovation, enterprise and creativity, and providing a complementary function to the South Melbourne Major Activity Centre.

For the City Road Triangle (the land bound by City Road, Ferrars Street and York Street) to support the City Road Triangle's integration and relationship with the South Melbourne Enterprise Precinct and to integrate with established residential areas, along with reinforcing its primary functions to accommodate additional employment floorspace and, increased residential densities mainly above ground level.

Strategies

Support the provision of a mix of employment uses.

Support activities and uses that strengthen the South Melbourne Enterprise Precinct's employment focus, including restricted retail premises, specialty shops and convenience shops.

Support supermarkets within the South Melbourne Enterprise Precinct where it is located adjacent to the South Melbourne Major Activity Centre and is well connected to the South Melbourne Market and retail shopping strips on Clarendon Street, Coventry Street or York Street.

Encourage uses and development that enhances heritage places.

Provide opportunities for ongoing reinvestment, mixed use development and new employment floorspace in areas close to public transport.

Support and grow South Melbourne's economic specialisations and retail opportunities, and accommodate ongoing demand for office space in South Melbourne by:

- Protecting and advancing South Melbourne as a creative industries cluster.
- Encouraging the South Melbourne Enterprise Precinct grow and improve its hospitality and specialty food offering.
- Accommodating projected employment growth and ongoing demand for office space, especially in small and medium premises.
- Preserving and enhancing the amenity of streets.
- Preserving valued aspects of South Melbourne's heritage and physical character.
- Maintaining a distinction between the low to medium rise character of South Melbourne and high rise buildings in the Central City, Southbank and along Kings Way.

Provide a range of affordable business spaces which suit micro, small and medium businesses by:

- Encouraging the retention and creation of affordable workspaces.
- Supporting the growing role and utilisation of coworking spaces.

For the City Road Triangle (land bound by City Road, Ferrars Street and York Street):

- Provide opportunities for ongoing reinvestment, mixed use development and new employment floorspace close to public transport.
- Promote the creation of an active frontage along City Road that responds to the mixed use Montague Precinct to the north, the Enterprise Precinct to the east and residential area to the south.
- Support and grow South Melbourne's economic specialisations and retail opportunities, and accommodate ongoing demand for office space in South Melbourne.
- Encourage housing at the upper levels of any new development, that enhances the City Road Triangle's function in accommodating greater residential densities and diversity, close to employment opportunities and the South Melbourne Major Activity Centre.

Kings Way Mixed Use Corridor

Objective

To support the Kings Way Mixed Use Corridor's integration and relationship with the South Melbourne Enterprise Precinct and interface with residential areas, along with reinforcing its primary function to accommodate greater residential densities.

Strategies

Encourage housing that:

- Enhances the Kings Way Mixed Use Corridor's function to accommodate greater residential densities.
- Provides diverse dwelling typologies and tenures, accommodates changing work patterns, is sustainable and durable, and demonstrates high quality design and amenity.
- Provides affordable housing for rent and purchase.

Support the retention of, upgrade of and provision of social and public housing.

Built form in South Melbourne

Contextually responsive design:

Objective

To ensure development incorporates quality design that enhances South Melbourne's distinct characteristics.

Element 1 - Quality Design:

Strategies

Encourage human scaled and diverse building types that are mainly mid-rise with some higher built form in specified areas.

Design buildings to:

- Ensure development responds to the valued attributes of South Melbourne and contributes positively to the existing and future character within each precinct.
- Reinforce the fine grain, vertical rhythm and visual interest of streetscapes.

Protect the following landmark views:

- The clock tower of South Melbourne Town Hall when viewed from the footpath on the south-eastern corner at the intersection of Clarendon and Bank streets.
- The Shrine of Remembrance when viewed along Bank Street from Clarendon Street.
- Looking north along Clarendon Street towards Melbourne's CBD and Southbank.
- Looking south along Clarendon Street towards Albert Park.

Policy guidelines

Consider as relevant:

- Development reinforces the fine grain, vertical rhythm and visual interest of streetscapes.
- Development provides depth and detail to all visible facades using high quality materials and visually rich details in lower levels.
- Development incorporates awnings or verandahs that are responsive to the form and scale of adjoining verandahs.
- Development includes splayed corners which are a prominent urban and architectural feature of the area, where appropriate.

Element 2 – Upper Level Design

Strategies

- Incorporate an architectural expression at upper levels that is distinct from but complementary to the street wall.
- Enable simple and legible building forms and efficient floor plates by avoiding more than one upper level setback above the street wall.

Policy guidelines

Consider as relevant:

Containing upper level setbacks above the street wall within a maximum of one step.

Element 3 – Upper level development behind heritage buildings

Strategies

Encourage upper level development that provide a sensitive distinction between the heritage

fabric of lower building levels and the new upper building levels through changes in form, details and materials.

Encourage upper level development that is complementary of heritage fabric in terms of articulation, materiality and colour.

Policy guidelines

Consider as relevant:

- Utilising visually lightweight, but high quality, materials that create a juxtaposition with the heavier masonry typical of the heritage buildings.
- Incorporating simple architectural detailing so it does not detract from significant elements of the existing building or streetscape.
- Incorporating upper level setbacks above secondary street frontages to retain the visual prominence of return façades or end terrace side elevations that address a secondary street.
- Incorporating a further setback from the primary street frontage at the uppermost level, where appropriate.
- Incorporating materials and finishes that are recessive in texture and colour.

Engaging and walkable precincts:

Objective

To ensure development contributes to engaging and walkable precincts.

Element 1 – Frontages

Strategies

Provide high-quality frontages to streets and laneways.

Encourage a mix of small and medium tenancies along key pedestrian streets and laneways.

Avoid signage treatments that reduce activation and passive surveillance of the public realm by obstructing windows and doors.

Policy guidelines

Consider as relevant:

- Locating multiple entrances for larger tenancies and active frontages at the ground floor along the primary pedestrian streets , as shown in Plan 1.
- Incorporating vertical articulation in the street wall and upper levels that reflects and aligns with the prevailing pattern of subdivision and buildings.
- Providing continuous weather protection along main street frontages and other key pedestrian routes that allows for exposure to winter sun and shelter from summer sun.
- Carefully integrating signage into the design of the ground floor and surrounding public realm.

Element 2 - Pedestrian and bicycle access

Strategy

Provide pedestrian entrances that are clearly visible, safe, secure and have an identifiable sense of address.

Policy guidelines

Consider as relevant:

- Locating the primary pedestrian entrance to buildings, including upper level apartments from a street or lane.

Element 3 - Building services**Strategy**

Avoid locating servicing and back of house areas on street frontages and other key pedestrian routes.

Policy guidelines

Consider as relevant:

- Minimising the extent of servicing located on main street frontages and other key pedestrian routes.
- Whether the design of building servicing is carefully integrated into the overall design, including of the ground floor and rooftop, to mitigate visual bulk impact when viewed from the public realm, adjoining properties and long distance views.
- Co-locating service cabinets internal to loading, waste or parking areas where possible to avoid impact on the public realm.

Element 4 - Vehicular access**Strategies**

Design vehicle ingress and egress, including loading facilities and building servicing, to ensure a high quality pedestrian amenity and limit potential conflict between vehicle movements and pedestrian activity.

Enhance the amenity and safety of laneways that provide pedestrian and vehicular access to buildings.

Policy guidelines

Consider as relevant:

- Providing vehicular access from rear lanes or from side streets.
- Locating car parking within a basement or concealed from the public realm.

High amenity and flexible housing and workplaces**Objective**

To provide high-amenity and flexible housing and workplaces.

Strategies

- Support equitable development by ensuring that primary outlook is secured to the street or within the development site.
- Avoid reliance on screening to manage privacy issues at the ground floor and at upper levels.

Policy guideline

Consider as relevant:

Whether development provides high levels of internal amenity.

Climate responsive design**Objective**

To encourage development to integrate climate responsive design.

Strategies

Support best practice environmentally sensitive design outcomes.

Support increased urban greening through green walls and green roofs.

Policy guidelines

Consider as relevant:

- Providing deep soil zones to support in ground planting and canopy trees in the private realm, where appropriate.
- Providing on site flood mitigation and Water Sensitive Urban Design (WSUD).

Access and movement

Objective

To support South Melbourne as a place that is connected and easy to move around for all.

Strategies

Enhance South Melbourne's movement network to prioritise sustainable and active travel, while improving capacity and circulation.

Provide an attractive and safe local pedestrian and cycling network that connects key destinations and strategic corridors from South Melbourne to Montague (Fishermans Bend), Southbank and Domain, as well as Anzac Station.

Encourage car parking and loading approaches that support more sustainable modes of transport and reduce the impacts of vehicle congestion, including car share.

Public realm

Objective

To create public spaces that are attractive, vibrant, climate-resilient and people-friendly.

Strategies

Reinforce civic pride and sense of place by:

- Developing the South Melbourne Town Hall and Emerald Hill Precinct as the major focus of cultural activity and an integrated network of civic, cultural and community facilities for the local and wider community.
- Protecting and interpreting Aboriginal cultural values and heritage in the design of the public realm of South Melbourne.

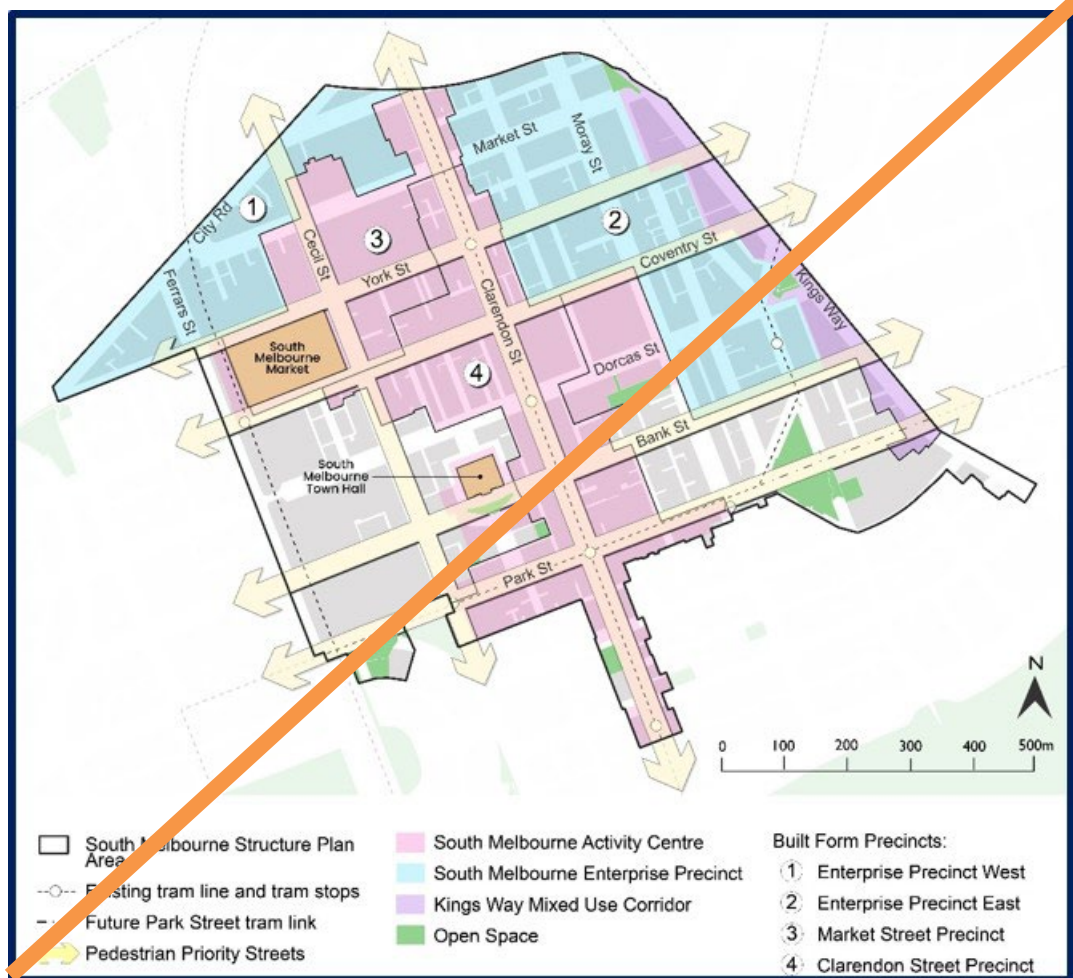
Development supports the provision of public spaces to accommodate a variety of uses and enterprises.

Policy documents

Consider as relevant:

- South Melbourne Structure Plan (City of Port Phillip, August 2024).

Plan 1: South Melbourne Structure Plan Area



Appendix I Panel recommended version of Clause 17.01

17.01

31/07/2018
VC148

EMPLOYMENT

17.01-1S

31/07/2018
VC148

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.

17.01-1R03/03/2023
VC215**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.

Support diverse employment generating uses, including offices, innovation and creative industries in identified areas within regionally significant industrial precincts, where compatible with adjacent uses and well connected to transport networks.

Consider how land use change proposals can respond to local and regional employment demand or identify how it can be accommodated elsewhere.

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.

17.01-1R

03/03/2023

VC215

Diversified economy - Metropolitan Melbourne - Inner Metro Region

Retain and encourage the development of areas in and around Collingwood, Cremorne and South Melbourne for creative industries

17.01-1L

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Proposed C219port

Diversified economy - South Melbourne Enterprise Precinct

Policy Application

This policy applies to all land in the South Melbourne Enterprise Precinct as shown on Map 1 to this clause.

Objective

To reinforce and expand the South Melbourne Enterprise Precinct's provision of diverse employment opportunities.

Strategies

Support the development of the South Melbourne Enterprise Precinct for employment uses, including in creative industries and professional services.

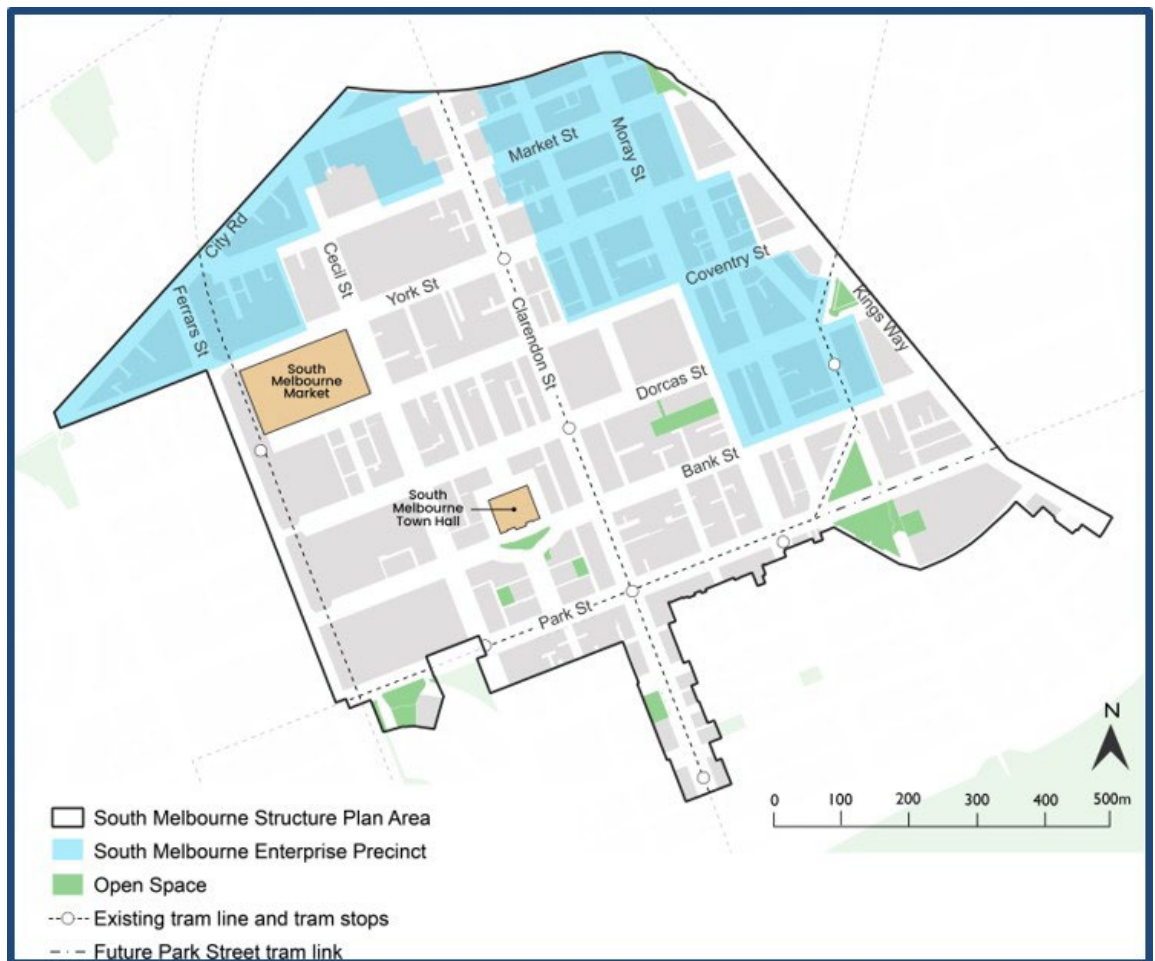
Maintain the existing Commercial 2 Zone to the South Melbourne Enterprise Precinct to strengthen its economic specialisations in creative industries, professional and financial services, retail, hospitality, and personal services. For the City Road Triangle (land bound by City Road, Ferrars Street and York Street), maintain the Commercial 1 Zone, to allow a mix of commercial and residential uses.

Policy documents

Consider as relevant:

 South Melbourne Structure Plan (City of Port Phillip, August 2024).





Map 1: South Melbourne Structure Plan Area

17.01-2S

04/10/2018
VC149

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.

17.01-2L

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Proposed C219port

Innovation and research - South Melbourne Enterprise Precinct

Policy Application

This policy applies to all land in the South Melbourne Enterprise Precinct as shown on Map 1 to this clause.

Activities and uses

Objective

To enhance the South Melbourne Enterprise Precinct's role in providing diverse employment opportunities, facilitating innovation, enterprise and creativity, and providing a complementary function to the South Melbourne Major Activity Centre.

Strategies

Support the development of the South Melbourne Enterprise Precinct for employment uses, including in creative industries and professional services.

Support the provision of diverse employment uses, including employment opportunities in emerging industries.

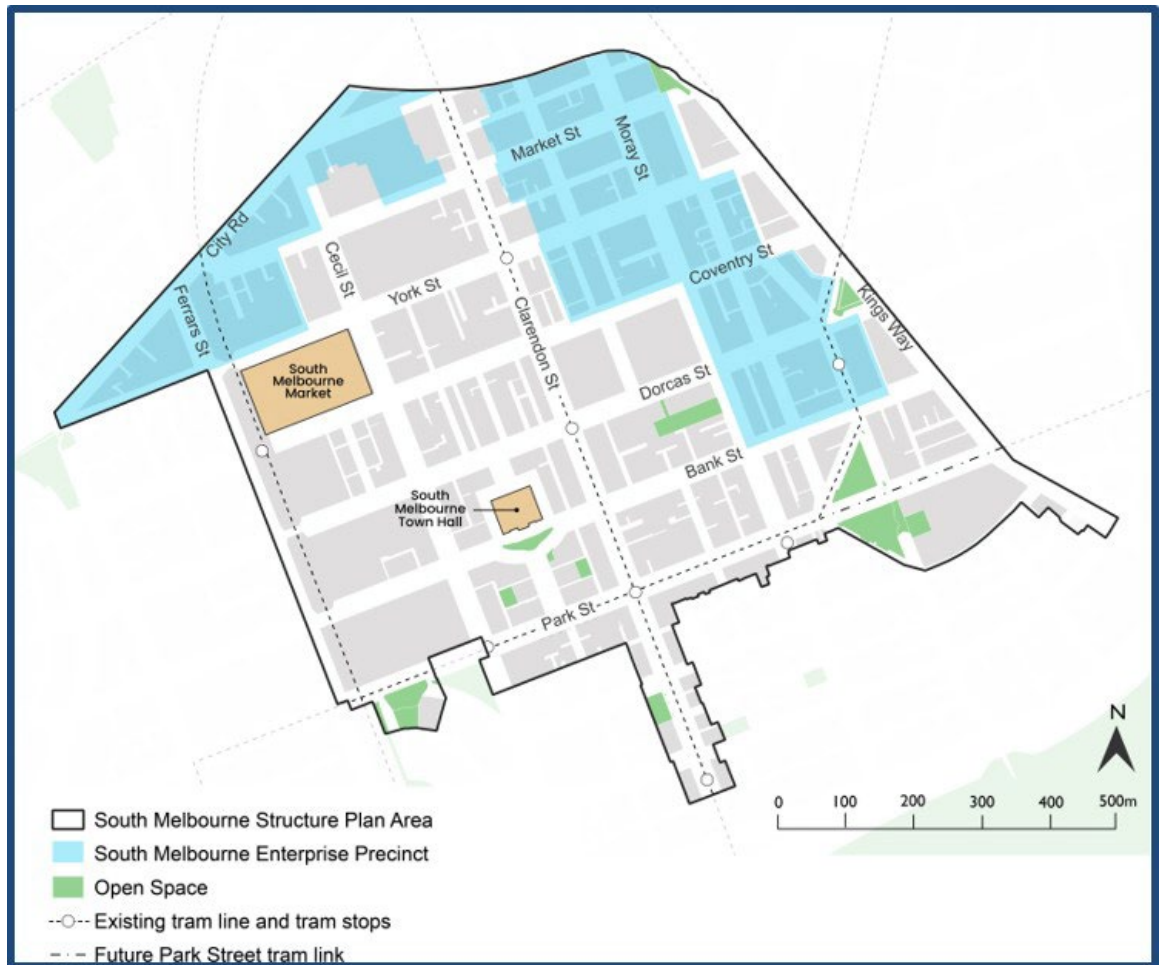
Maintain the existing Commercial 2 Zone to the South Melbourne Enterprise Precinct to strengthen its economic specialisations. For the City Road Triangle (land bound by City Road, Ferrars Street and York Street), maintain the Commercial 1 Zone, to allow a mix of commercial and residential uses.

Policy documents

Consider as relevant:

■ *South Melbourne Structure Plan* (City of Port Phillip, August 2024).





[Map 1: South Melbourne Structure Plan Area](#)