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Proposed C219port

SCHEDULE 39 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO39**.

SOUTH MELBOURNE ENTERPRISE PRECINCT EAST AND KINGS WAY MIXED USE CORRIDOR

1.0

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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 amenity, avoid visual bulk and provide equitable access to an outlook and good daylight and anticipates and is resilient 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 sunlight to key parks and streets, is attractive, vibrant, safe, engaging and supports active transport, including walking and cycling.

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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 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 Moray Street, Market Street, York Street, Coventry Street, Bank Street and Eastern Road between Kings Way and Dorcas Street.

Laneway means a road reserve 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 and balconies for 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 12 metres wide.

Street wall means the facade of a building at the street 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, 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

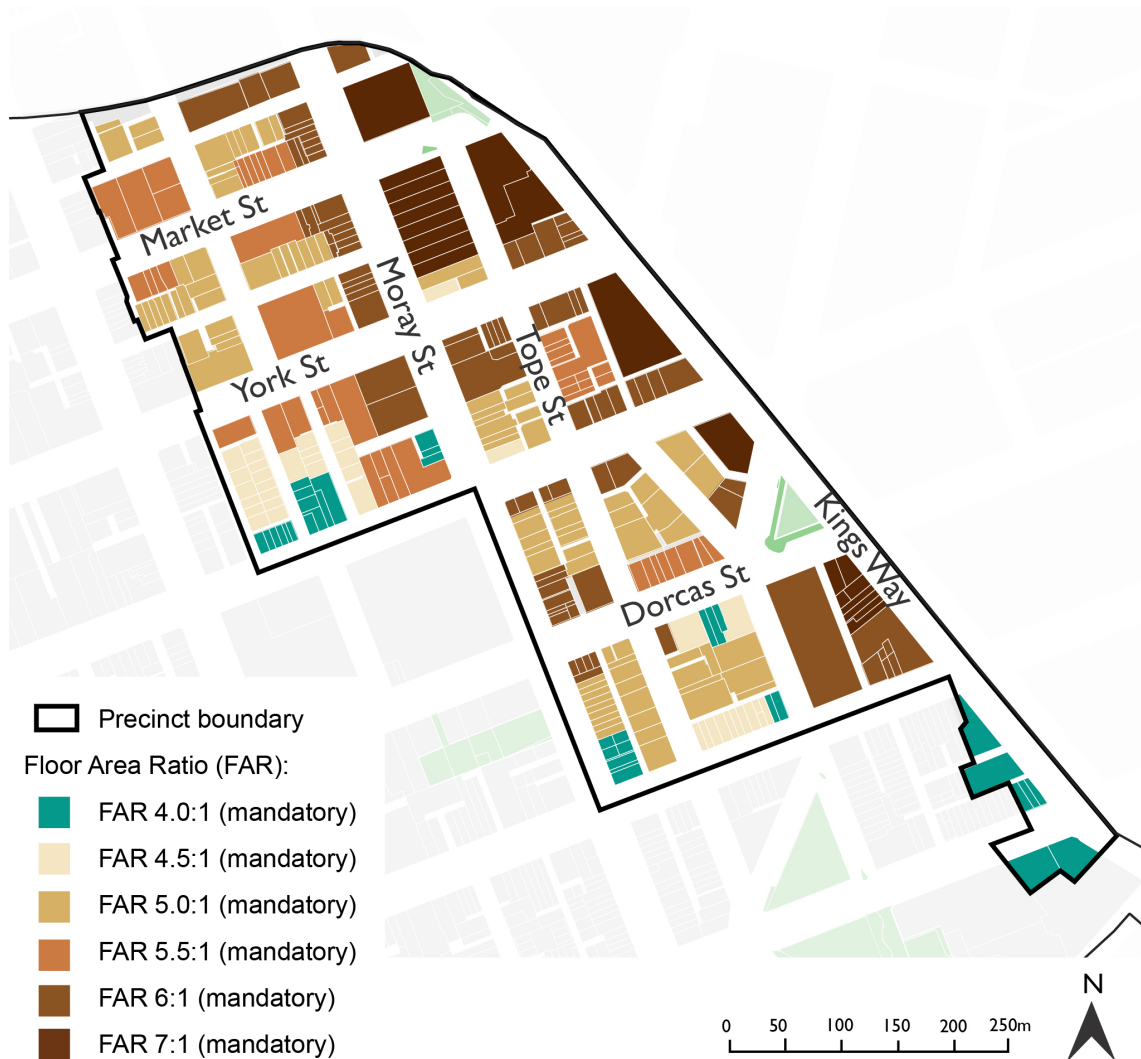
Floor Area Ratio

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 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 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



Interface with residential properties in NRZ or GRZ

Built Form Outcome

Protect the amenity of existing residential properties in terms of visual bulk, overshadowing of private open space, overlooking and vehicle access.

Building height

Built Form Outcomes

- 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 (5-6 storey) 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 should not exceed the preferred building height requirement specified in Plan 2 to this schedule.

Plan 2: Building height to Schedule 39 of Clause 43.02



Adaptable Buildings

Built Form Outcome

Buildings and works that:

- Provide 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.

Table 1: Adaptable buildings

Building Height	Adaptability Opportunity
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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

Street wall and setbacks

Built Form Outcomes

Street wall heights and setbacks that:

- Respond to street widths, interfaces around the site and enable the protection of sunlight to footpaths.
- Avoid 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

Buildings and works should not exceed the preferred street wall height requirement specified 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.

Infill development adjoining a heritage building should match the street wall height for a distance equivalent to a typical structural or façade bay (approximately 6 metres in the case of a typical nineteenth century shop residence).

Where development is separated from a heritage building by a laneway, the street wall height of the proposed development on adjacent land should not be greater than two storeys taller than the neighbouring heritage building, for a minimum distance of that equivalent to a typical structural or façade bay.

Plan 3: Street wall height to Schedule 39 of Clause 43.02



Upper levels

Built Form Outcomes

Upper levels that:

- Respond to street widths, 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.

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 all other areas should be set back 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 for a minimum of 6 meters in length.

Overshadowing

Built Form Outcome

Development that:

- Preserves sunlight to the public realm and street network and provides for high amenity, especially along Key Streets.

Built Form Requirements

Buildings and works 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
- Coventry Street
- Dorcas Street
- Bank Street.

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

Provide for natural surveillance and a visual connection into the building through transparent windows and balconies.

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 so that it is not visible from the public realm or adjoining sites.

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:

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

Building separation within a site

Built Form Outcomes

Development that:

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

Table 2: Building separation distances

Building height	Between a living room window, balcony or non-residential window and the site boundary	Bedroom outlook - site boundary separation	Separation between multiple buildings on a site
Up to 22 metres	4.4 metres	3 metres	9 metres
Above 22 metres and up to 27 metres	6 metres	3 metres	12 metres
Above 27 metres	9 metres	4.5 metres	18 metres

Light wells

Built Form Outcomes

Development that:

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

Built Form Requirements

Light wells, if provided, should:

- 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

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.
- 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 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
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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.

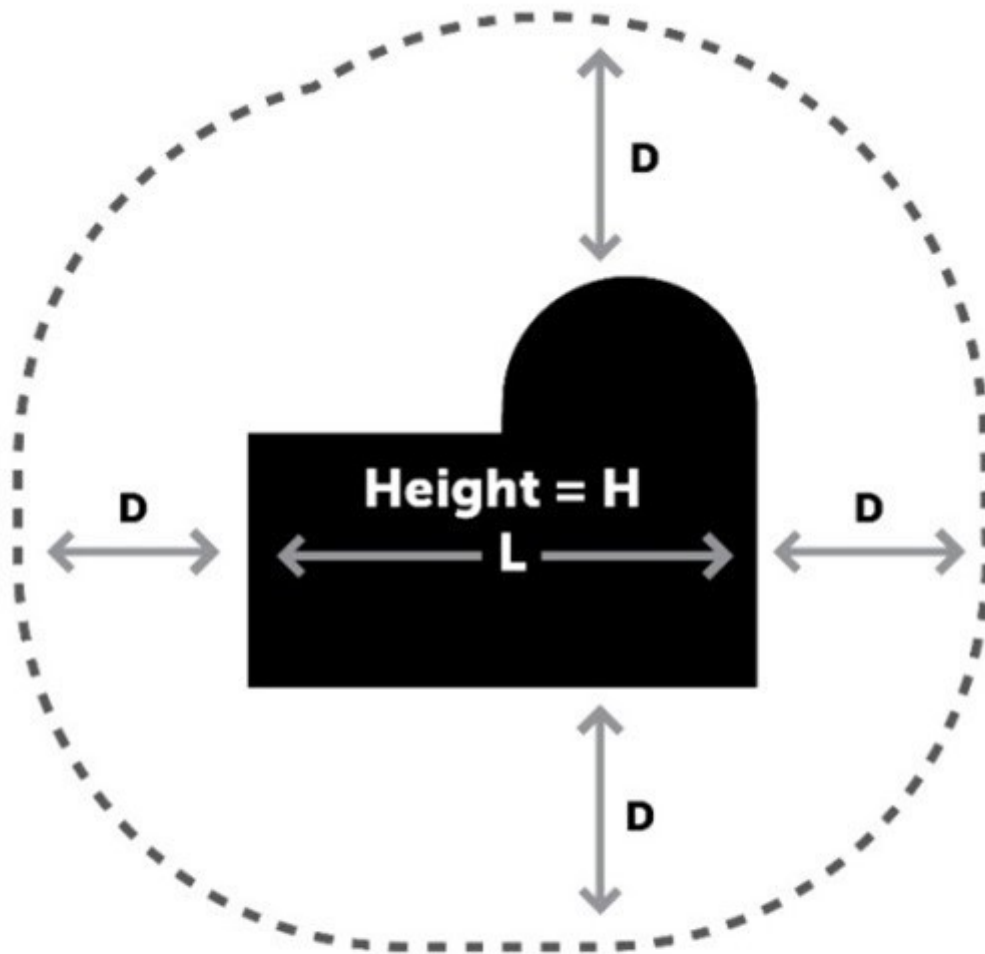
Hourly mean wind speed is the maximum of:

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

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Subdivision

None specified.

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Signs

None specified.

5.0

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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 the Design objectives, Built form outcomes and Built form requirements in Clause 2.5 of this schedule.
- A plan showing shadows and 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.

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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 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 street.
- 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 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 2.5 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 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 the preferred minimum setback requirements specified in 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.