

13/07/2017  
C311**SCHEDULE 2 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT  
OVERLAY**Shown on the planning scheme map as **DDO2**.**SPECIAL CHARACTER AREAS- BUILT FORM (HODDLE GRID)****1.0**23/11/2016  
C270**Design objectives**

- To protect sunlight access to key public places and open space areas so as to provide a comfortable, pedestrian-friendly urban environment.
- To ensure that the height of new buildings reinforces the built form character of unique areas.
- To maintain the visual dominance of prominent landmarks.
- To protect the unique built form and public realm amenity.

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C311**Buildings and works****2.1**13/07/2017  
C311**Definitions****For the purpose of this schedule:**

- **street** means a road reserve of a public highway more than 9 metres wide.
- **laneway** means a road reserve of a public highway 9 metres or less wide.
- **street wall** means any part of the building constructed within 0.3 metres of a lot boundary fronting the street.
- **street wall height** means the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the street wall, with the exception of non-habitable architectural features not more than 3.0 metres in height and building services setback at least 3.0 metres behind the street wall.
- **total building height** means the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building, with the exception of non-habitable architectural features not more than 3.0 metres in height and building services setback at least 3.0 metres behind the façade.
- **setback** is the shortest horizontal distance from a building façade, including projections such as balconies, building services and architectural features greater than 300mm, to the boundary.
- **floor area ratio** means the gross floor area above ground of all buildings on a site, including all enclosed areas, services, lifts, car stackers and covered balconies, divided by the area of the site. Voids associated with lifts, car stackers and similar service elements should be considered as multiple floors of the same height as adjacent floors or 3.0 metres if there is no adjacent floor.
- **unsafe wind conditions** means the hourly maximum 3 second gust which exceeds 20 metres/second from any wind direction considering at least 16 wind directions with the corresponding probability of exceedance percentage.
- **comfortable wind conditions** means a mean wind speed from any wind direction with probability of exceedance less than 20% of the time, equal to or less than:
  - 3 metres/second for sitting areas

- 4 metres/second for standing areas
- 5 metres/second for walking areas.
- **mean wind speed** means the maximum of:
  - Hourly mean wind speed, or
  - Gust equivalent mean speed (3 second gust wind speed divided by 1.85).
- **additional shadow** means any shadow cast outside any existing shadow from buildings or works, but not a shadow cast by incidental elements such as canopies, kiosks, artworks, screens or trees.

## 2.2 Buildings and works for which no permit is required

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A permit is not required for:

- Buildings and works at ground level, including external works to provide access for persons with disabilities that comply with all legislative requirements.
- Buildings and works to install or modify plant and service fixtures to an existing building.
- Buildings and works to an existing building(s) which do not alter the height or setback of any part of the existing building or result in any additional habitable or occupiable floor area.
- Buildings and works which would cast a shadow across the Yarra River Corridor between 11.00am and 2.00pm on 22 June caused by unenclosed structures associated with the construction of gangways, mooring poles and pontoons which are constructed by or on behalf of Melbourne Parks and Waterways or Parks Victoria under the *Water Industry Act 1994*, the *Water Act 1989*, the *Marine Act 1988*, the *Port of Melbourne Authority Act 1958*, the *Parks Victoria Act 1998*, or the *Crown Land (Reserves) Act 1978*.

## 2.3 Requirements

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### Built Form

Buildings and works:

- must meet the Design Objectives in this schedule;
- must satisfy the Built Form Outcomes specified for each relevant Area in Table 3 and Table 4 to this schedule and for each relevant Design Element in Table 5 to this schedule;
- should meet the Preferred Building Height or Modified Requirement specified for each relevant Area in Table 4 to this schedule; and
- should meet the relevant Requirement specified for each relevant Design Element specified in Table 5 to this schedule.

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

A permit must not be granted for buildings and works, including the replacement of the existing building, which exceed the Maximum Building Height specified in Table 3 to this schedule, with the exception of:

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

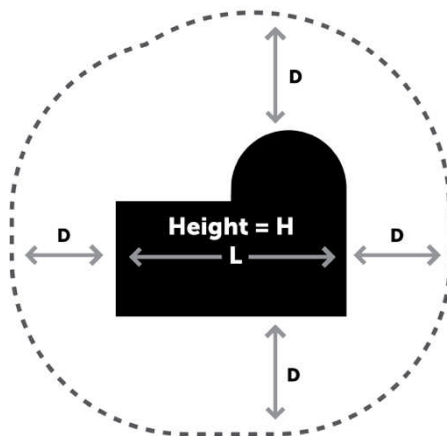
(excluding an open balcony).

**Wind Effects**

A permit must not be granted for buildings and works with a total building height in excess of 40 metres that would cause unsafe wind conditions in publicly accessible areas within a distance equal to half the longest width of the building above 40 metres in height measured from all facades, or half the total height of the building, whichever is greater as shown in Figure 1.

A permit should not be granted for buildings and works with a total building height in excess of 40 metres that do not achieve comfortable wind conditions in publicly accessible areas within a distance equal to half the longest width of the building above 40 metres in height measured from all facades, or half the total height of the building, whichever is greater as shown in Figure 1.

**Figure 1**



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

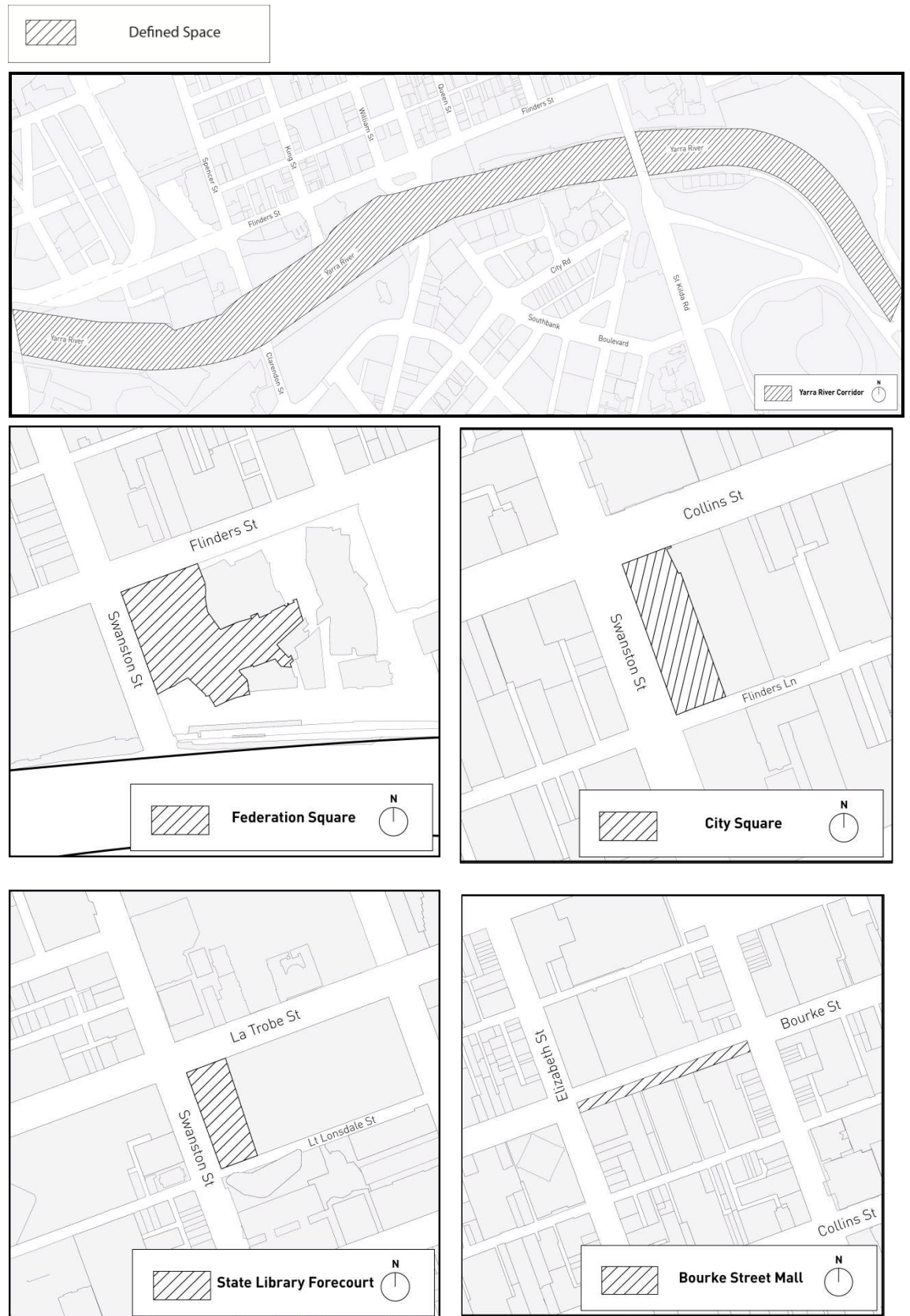
**Overshadowing**

With the exception of minor works or minor changes to existing buildings within that defined space, a permit must not be granted for buildings and works which would cast any additional shadow across a space within Table 1 to this schedule and shown in Figure 2 of this schedule during the hours and dates specified as follows:

**Table 1 to Schedule 2**

Space	Hours between	Date(s)
The Yarra River corridor, including 15 metres from the edge of the north bank of the river to the south bank of the river	11.00am and 2.00pm	22 June
Federation Square City Square State Library Forecourt	11.00am and 3.00pm	22 April to 22 September
Bourke Street Mall south of tram tracks	12.00pm and 2.00pm	22 April and 22 September

**Figure 2**



A permit must not be granted for buildings and works which would cast any additional shadow across the spaces within Table 2 to this schedule during the hours and date(s) specified for that space, unless the overshadowing will not unreasonably prejudice the

amenity of the space:

**Table 2 to Schedule 2**

Space	Hours between	Date(s)
Flinders Street Railway Station Steps	11.00am and 3.00pm	22 April to 22 September
Batman Park Birrarung Marr	11.00am and 2.00pm	22 April to 22 September
Swanston Street between south bank of the Yarra River and La Trobe Street Elizabeth Street between Flinders Street and Flinders Lane Hardware Lane and McKillop Street	12.00pm and 2.00pm	22 April to 22 September
The southern building line of Little Bourke Street between Spring and Swanston Streets and Cohen Place/ Chinatown Plaza	12.00pm and 2.00pm	22 April to 22 September
Any public space, public parks and gardens, public squares, open spaces associated with a place of worship and privately owned public spaces accessible to the public	11.00am and 2.00pm	22 September

**Table 3 to Schedule 2**

Area	Maximum Building Height	Built Form Outcomes
A1 Core Height Control	40 metres	A feeling of openness and intimate scale for pedestrians is maintained. Reasonable solar access is maintained to the streets between 11.00 am and 2.00 pm on 22 September.

Table 4 to Schedule 2

Area	Preferred Building Height	Modified Requirement	Built Form Outcomes
A2	15 metres	4:1 Floor Area Ratio	<p>The low-rise, high-density and pedestrian oriented built form of the Chinatown and McKillop/ Hardware/ Guilford Lane precincts is maintained.</p> <p>Upper levels are visually recessive from streets and laneways.</p> <p>To provide a comfortable scale transition between the precinct and the broader area.</p>
A3	20 metres	6:1 Floor Area Ratio	<p>Pedestrian gateways to the Chinatown and Hardware Lane precincts are developed to provide a comfortable scale transition between the precinct and the broader area.</p> <p>Upper levels are visually recessive from streets and laneways.</p>
A5	40 metres	10:1 Floor Area Ratio	<p>The scale of development complements and is compatible with the nearby retail core.</p> <p>St Paul's Cathedral remains the dominant building on the Flinders Street skyline between Swanston and Russell Streets.</p> <p>The Parliamentary buildings remain dominant in vistas along Bourke Street.</p> <p>Upper levels are visually recessive from streets and laneways.</p>
A6	30 metres	8:1 Floor Area Ratio	<p>The scale of development on these gateway sites takes advantage of the opportunities of consolidated sites, but maintains a comfortable relationship with the surrounding low-scale and pedestrian oriented built form character of the Chinatown precinct and does not unreasonably overshadow streets in the precinct.</p> <p>Upper levels are visually recessive from streets and laneways.</p>
A7	80 metres	12:1 Floor Area Ratio	<p>The scale of development takes advantage of the opportunities of large sites but provides a comfortable scale transition between precinct A5 and the broader area, and does not intrude upon the long vistas to Parliament House along Bourke Street.</p> <p>The visual impact of taller buildings, above the preferred building height, is alleviated through increased upper level setbacks.</p>
A8	60 metres	13:1 Floor Area Ratio	<p>The scale of development takes advantage of the opportunities of sites in the Chinatown precinct, which are set back from important pedestrian laneways, but also maintains a comfortable relationship with the surrounding low-scale precincts.</p> <p>The visual impact of taller buildings, above the preferred building height, is alleviated through increased upper level setbacks.</p>

Area	Preferred Building Height	Modified Requirement	Built Form Outcomes
A9	30 metres	7:1 Floor Area Ratio	The Town Hall and the historic buildings in the block remain visually dominant.

Table 5 to Schedule 2

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

## 2.4

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### Exemption from notice and appeal

An application to construct a building or construct or carry out works is exempt from the

notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## 2.5

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### Application Requirements

If in the opinion of the responsible authority an application requirement listed below is not relevant to the assessment of the application, the responsible authority may waive or reduce the requirement.

#### Urban context report

An application for permit must be accompanied by a written and illustrated urban context report.

The urban context report must:

- explain the key planning, design and contextual considerations and influences on the proposed buildings and works.
- describe the existing urban context of the area in which the proposed buildings and works are to be located.
- explain how the proposed buildings and works relate to and respond to their urban context including:
  - Built form character of adjacent and nearby buildings.
  - Heritage character of adjacent and nearby heritage places.
- identify the key opportunities and constraints supporting the design response.
- explain the effect of the proposed buildings and works, including on:
  - microclimate, including sunlight, daylight and wind impacts on streets and other public spaces.
  - vistas.
- Explain how the proposed buildings and works respond to each of the Design Objectives and the Built Form Outcomes in Table 3, Table 4 and Table 5 of this schedule, as appropriate.

#### Wind analysis report

An application for a permit for a building with a total building height in excess of 40 metres must be accompanied by a wind analysis report prepared by a suitably qualified person. The wind analysis report must:

- explain the effect of the proposed development on the wind conditions in publicly accessible areas within a distance equal to half the longest width of the building, measured from all facades, or half the total height of the building, whichever is greater.
- at a minimum, model the wind effects of the proposed development and surrounding buildings (existing and proposed) using wind tunnel testing.
- identify the principal role of each portion of the publicly accessible areas for sitting, standing or walking purposes.
- not rely on street trees or any other element such as screens, within public areas for wind mitigation.

#### 3D digital model of buildings and works

An application for a permit must be accompanied by a 3D digital model of the proposed buildings and works in a format to the satisfaction of the responsible authority. The model may be used for assessing overshadowing and visual impacts caused by the proposal and for general archive, research and public information purposes.



**3.0 Subdivision**23/11/2016  
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A permit is not required to subdivide land.

**4.0 Advertising signs**23/11/2016  
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None specified.

**5.0 Decision guidelines**13/07/2017  
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- Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:
- The Design Objectives.
- The Built Form Outcomes of Table 3, Table 4 and Table 5 to this schedule.
- Whether the development respects the built form scale and urban structure of the precinct where it is located.
- Whether the development provides a high quality architectural response.
- Whether the cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale and microclimate conditions including overshadowing and wind impacts. The effect of the proposed buildings and works on solar access to existing and proposed open spaces and public places.
- The potential for increased ground-level wind gust speeds and the effect on pedestrian comfort and the amenity of public places, with allowance to exceed uncomfortable conditions only if the wind effects of the proposed development do not exceed the existing wind condition(s).
- Securing the floor area ratio across a site where a site is developed in part to ensure:
  - that an agreement be entered into to acknowledge that the remaining site cannot be later developed;
  - that a heritage building being retained that an agreement be entered into to conserve the heritage building in perpetuity;
  - that the proposed building is sited so that adequate setbacks are maintained in the event that the land is subdivided or separate land holdings are administratively effected to create a future development site.

**6.0 Reference documents**23/11/2016  
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- Central City Built Form Review Overshadowing Technical Report, Department of Environment, Land, Water and Planning, April 2016

**7.0 Transitional arrangements**23/11/2016  
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The requirements of this schedule do not apply to:

- an application (including an application to amend the permit) made before the commencement of Amendment C262 to this planning scheme. For such applications, the requirements of this schedule, as they were in force immediately before the commencement of Amendment C262, continue to apply.
- an application (including an application to amend the permit) made after the commencement of Amendment C262 but before the commencement of Amendment C270 to this planning scheme. For such applications, the

requirements of this schedule, as they were in force immediately before the commencement of Amendment C270, continue to apply.