

13/07/2017
C311**SCHEDULE 40 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**Shown on the planning scheme map as **DDO40**.**SPECIAL CHARACTER AREAS- BUILT FORM (RIVER ENVIRONS)****1.0****Design objectives**23/11/2016
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- To ensure development supports high levels of pedestrian amenity related to access to sunlight and sky views and a pedestrian friendly scale.
- To maintain the existing low-scale river edge urban form along the river corridor.
- To maintain sunlight access to the river to provide reflections for visual enjoyment and solar access to promote healthy water conditions.

2.0**Buildings and works**13/07/2017
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For the purpose of this schedule:

- **total building height** means the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building, with the exception of non-habitable architectural features not more than 3.0 metres in height and building services setback at least 3.0 metres behind the façade.
- **floor area ratio** means the gross floor area above ground of all buildings on a site, including all enclosed areas, services, lifts, car stackers and covered balconies, divided by the area of the site. Voids associated with lifts, car stackers and similar service elements should be considered as multiple floors of the same height as adjacent floors or 3.0 metres if there is no adjacent floor.
- **unsafe wind conditions** means the hourly maximum 3 second gust which exceeds 20 metres/second from any wind direction considering at least 16 wind directions with the corresponding probability of exceedance percentage.
- **comfortable wind conditions** means a mean wind speed from any wind direction with probability of exceedance less than 20% of the time, equal to or less than:
 - 3 metres/second for sitting areas
 - 4 metres/second for standing areas
 - 5 metres/second for walking areas.
- **mean wind speed** means the maximum of:
 - Hourly mean wind speed, or
 - Gust equivalent mean speed (3 second gust wind speed divided by 1.85).
- **additional shadow** means any shadow cast outside any existing shadow from buildings or works, but not a shadow cast by incidental elements such as canopies, kiosks, artworks, screens or trees.

2.2**Buildings and works for which no permit is required**23/11/2016
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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 an existing building or result in any additional habitable or occupiable floor area.
- Buildings and works which would cast a shadow across the south bank of the Yarra River between 11.00 am and 2.00 pm on 22 June caused by unenclosed structures associated with the construction of gangways, mooring poles and pontoons which are constructed by or on behalf of Melbourne Parks and Waterways or Parks Victoria under the *Water Industry Act 1994*, the *Water Act 1989*, the *Marine Act 1988*, the *Port of Melbourne Authority Act 1958*, the *Parks Victoria Act 1998*, or the *Crown Land (Reserves) Act 1978*.

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Requirements

Built form

Buildings and works:

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

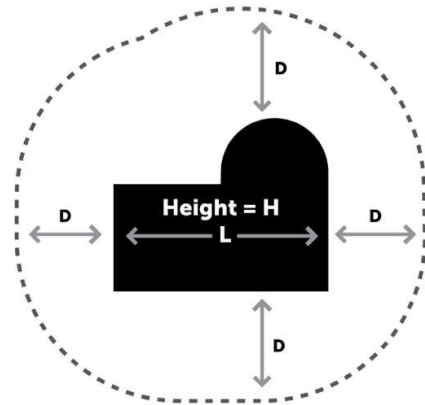
An application to exceed the Preferred Building Height or Modified Requirement must document how the development will achieve the specific Design Objectives and Built Form Outcomes of this schedule.

Wind Effects

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

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

Figure 1



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

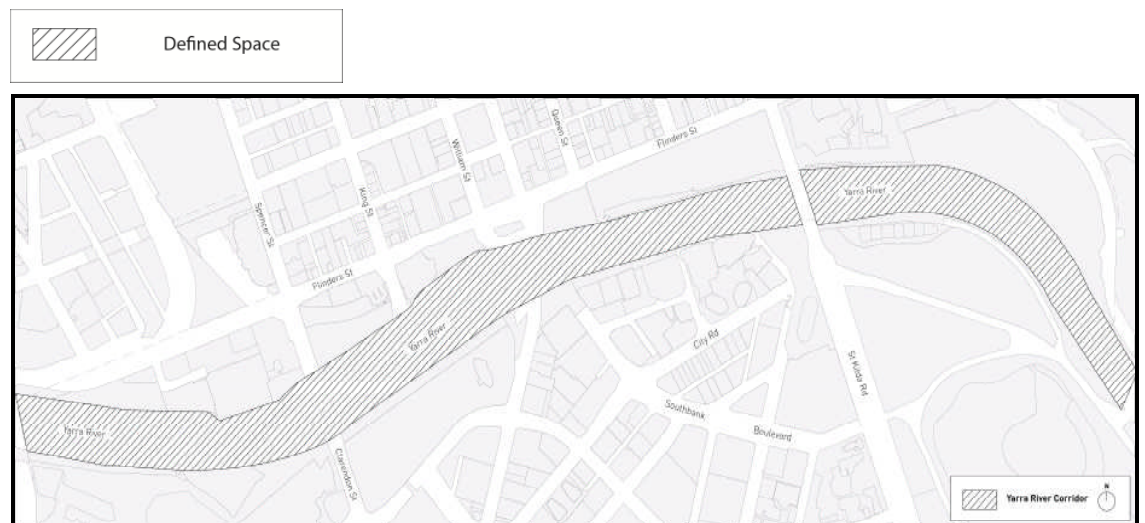
Overshadowing

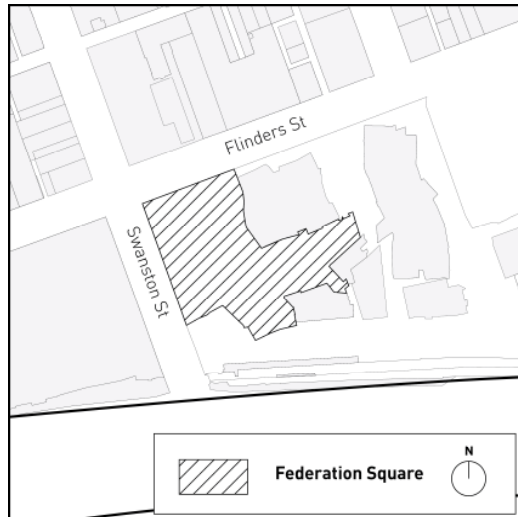
With the exception of minor works or minor changes to existing buildings within that defined space, a permit must not be granted for buildings and works which would cast any additional shadow across a space listed within Table 1 to this schedule and shown in Figure 2 of this schedule during the hours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

Table 1 to Schedule 40

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	11.00am and 3.00pm	22 April to 22 September

Figure 2





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

Table 2 to Schedule 40

Space	Hours between	Date(s)
Flinders Street Railway Station Steps	11.00am and 3.00pm	22 April to 22 September
Batman Park	11.00am and 2.00pm	22 April to 22 September
Swanston Street between south bank of the Yarra River and Latrobe Street	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 40

Area	Preferred Building Height	Modified Requirement	Built form outcomes
DDO 40 River Environs	24 metres	6:1 Floor Area Ratio	<p>Development that protects and enhances the Yarra River (including views to and from it), as an important natural, recreational and tourism asset of Melbourne.</p> <p>Low scale development that enhances the sense of openness, maintains access to sky views and maximises solar access.</p> <p>A consistent building scale that strengthens the pedestrian focus of the area.</p>

2.4 Exemption from notice and review

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An application to construct a building or construct or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

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

Urban context report

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

The urban context report must:

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

Wind analysis report

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

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

3D digital model of buildings and works

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

3.0 Subdivision

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A permit is not required to subdivide land.

4.0 Advertising signs

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None specified.

5.0 Decision Guidelines

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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 to this schedule.
- Whether the development respects the built form scale and urban structure of the precinct.
- Whether the development provides a high quality architectural response.
- Whether the cumulative effect of the proposed- development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm, in relation to human scale and microclimate conditions including overshadowing and wind impacts.
- Securing the floor area ratio across a site where a site is developed in part to ensure:
 - that an agreement be entered into to acknowledge that the remaining site cannot be later developed;
 - that a heritage building being retained that an agreement be entered into to conserve the heritage building in perpetuity;
 - that the proposed building is sited so that adequate setbacks are maintained in the event that the land is subdivided or separate land holdings are administratively effected to create a future development site.
- The effect of the proposed buildings and works on solar access to existing and proposed open spaces and public places as well as the river waters.
- The potential for increased ground-level wind gust speeds and the effect on pedestrian comfort and the amenity of public places, with allowance to exceed uncomfortable conditions only if the wind effects of the proposed development do not exceed the existing wind condition(s).

6.0 Reference documents

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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

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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.