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## SCHEDULE 67 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO67**.

### FISHERMANS BEND URBAN RENEWAL AREA

#### 1.0 Design objectives

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To implement the *Fishermans Bend Vision, September 2016* and the *Fishermans Bend Framework, XX 2018*.

To create distinct places that respond to the local conditions and context and which deliver the preferred character for each precinct.

To encourage a diversity of architectural styles, to create a place of architectural excellence, and an engaging and varied built form in response to the desired/preferred place and character.

To ensure the scale, height and setbacks of development protects internal amenity and delivers a high quality public realm with good access to daylight and sunlight and appropriate levels of street enclosure.

To encourage developments to create publicly accessible, private and communal open spaces for people to meet, gather, socialise, exercise, and relax.

To support family-friendly living through housing design that supports family needs.

To encourage buildings to be designed to be adaptable over time.

#### 2.0 Buildings and works

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

A permit is not required to construct a building or construct or carry out works for:

- The construction, or modification, of a waste pipe, flue, vent, duct, exhaust fan, air conditioning plant, lift motor room, skylight, security camera, street heater or similar minor works.
- An addition or modification to a verandah, awning, sunblind or canopy of a building.
- External works to provide disabled access to a building or works to comply with legislative requirements.
- Building or works which rearrange, alter or renew a plant area if the area or height of the plant equipment is not increased.
- Bus and tram shelters required for public purposes by or on behalf of the Crown or a public authority.

##### Requirements

The following buildings and works requirements apply to an application to construct a building or construct or carry out works.

##### Construction of more than one dwelling on a lot

A development of four or less storeys must meet the provisions of Clause 55 if it proposes to:

- Construct a dwelling if there is at least one dwelling existing on the lot,
- Construct two or more dwellings on a lot,
- Extend a dwelling if there are two or more dwellings on the lot,
- Construct or extend a dwelling on common property, or

- Construct or extend a residential building

Where a requirement of this schedule varies a requirement of Clause 55, the provisions of this schedule apply.

### **Building height**

#### *Built Form Outcomes*

All development must satisfy the following built form outcomes:

- Respond to the preferred future precinct character and deliver built form diversity.
- Contribute to a varied and architecturally interesting skyline.
- Provide an appropriate transition and relationship to heritage buildings and existing lower-scale neighbourhoods of South Melbourne, Port Melbourne and Garden City.
- Limit impacts on the amenity of the public realm as a result of overshadowing.

#### *Requirements*

Development should not exceed the heights shown in Map 2 to this schedule, apart from where they are identified as '4 storeys (mandatory)', with the exception of:

- Architectural features, building services, plant equipment
- Rooftop landscaping or communal recreation facilities up to 4 metres.

Development in areas identified as '4 storeys (mandatory)' on Map 2 to this Schedule, must not exceed 4 storeys and 15.4 metres. A permit cannot be issued to vary this requirement.

### **Building setbacks from new and existing streets and laneways**

#### *Built Form Outcomes*

All development must satisfy the following built form outcomes:

- Create a distinct street wall effect and avoid overwhelming the view from the street.
- Mitigate wind effects on the public realm.
- Enable adequate daylight, sunlight and sky views in the street, laneway, or lower levels of development.
- Ensure buildings do not compromise the heritage character of a heritage building on the site or adjoining site.
- Ensure upper levels of mid-rise buildings are visually recessive.

#### *Requirements*

All development must provide the following setbacks:

- If overall building height is 8 storeys (30 metres) or less, buildings:
  - Should be setback 5 metres
  - Must be setback 3 metres. A permit cannot be granted to vary this requirement.
- If overall building height is greater than 8 storeys (30 metres) and up to, or less than, 20 storeys (68 metres), buildings:
  - Should be setback 10 metres
  - Must be setback 5 metres. A permit cannot be granted to vary this requirement
- If overall building height is greater than 20 storeys (68 metres), buildings must be setback 10 metres. A permit cannot be granted to vary this requirement except where:

- The side or rear boundary interfaces with the Westgate Freeway, Citylink overpasses, or existing Route 109 tram corridors, in which case buildings must be setback at least 5 metres.

### Built form requirements table

All development must:

- Satisfy the Built Form Outcomes in Table 1.
- Achieve all Built Form Requirements in Table 1. A permit cannot be granted to vary these requirements, unless in circumstances explicitly stated within Table 1. A permit cannot be granted to further reduce an explicitly stated variation to a Built Form Requirement.

**Table 1 Built Form Requirements**

Built Form Requirement		Built Form Outcomes
<b>Street wall heights</b>	<p><b>On streets or laneways with a width of 12 metres or less</b></p> <ul style="list-style-type: none"> <li>▪ Street wall heights must not exceed 4 storeys and 15.4 metres.</li> </ul> <p><b>On streets with a width of greater than 12 metres and less than 22 metres:</b></p> <ul style="list-style-type: none"> <li>▪ Street wall heights must not exceed 6 storeys and 23 metres.</li> </ul> <p><b>On streets with a width of greater than 22 metres and an overall building height of 10 storeys and 38 metres or less:</b></p> <ul style="list-style-type: none"> <li>▪ Street wall heights must not exceed 8 storeys and 30 metres.</li> </ul>	<p>Street wall height must:</p> <ul style="list-style-type: none"> <li>▪ Create a street wall that does not overwhelm the street and allow for views to sky.</li> <li>▪ Enable adequate daylight, sunlight and sky views in the street or laneway.</li> <li>▪ Provides an appropriate transition to existing heritage buildings.</li> </ul>
<b>Walls on side or rear boundaries</b>	<p><b>Walls built on or within 200mm of a side or rear boundary</b> must not exceed 6 storeys and 23 metres. A permit cannot be granted to vary this requirement, except where:</p> <ul style="list-style-type: none"> <li>▪ An 8 storey street wall height is proposed in which case the building may be built to 8 storeys and 30 metres on side boundaries only.</li> </ul>	<p>Walls on a side or rear boundary must:</p> <ul style="list-style-type: none"> <li>▪ Provide for equitable development of adjacent development sites.</li> <li>▪ Not overshadow or overlook private or communal open space of neighbouring developments.</li> </ul>
<b>Building setbacks to side and rear boundaries (excluding a street or laneway)</b>	<p><b>Where a building is not built on a boundary, and:</b></p> <p><b>the overall building height is up to 6 storeys and 23 metres:</b></p> <ul style="list-style-type: none"> <li>▪ Buildings must be set back at least 6 metres, except where: <ul style="list-style-type: none"> <li>· Walls do not include windows to a habitable room and/or balcony in which case the setback must be at least 3 metres</li> </ul> </li> </ul> <p><b>the overall building height is 7-8 storeys and greater than 23 metres and less than 30 metres:</b></p> <ul style="list-style-type: none"> <li>▪ Buildings must be set back at least 9 metres, except where: <ul style="list-style-type: none"> <li>· Walls do not include windows to habitable room and/or balcony, in which case the setback must be at least 3 metres.</li> </ul> </li> </ul> <p><b>the overall building height is greater than</b></p>	<p>Setbacks from side or rear boundaries must:</p> <ul style="list-style-type: none"> <li>▪ Provide access to privacy, sunlight, daylight, and outlook from habitable rooms.</li> <li>▪ Ensure tall buildings do not appear as a continuous wall when viewed from street level or from nearby vantage points.</li> <li>▪ Provide equitable development outcomes between adjoining sites.</li> </ul>

	<p><b>8 storeys and 30 metres:</b></p> <ul style="list-style-type: none"> <li>▪ Any part of the building 6 storeys in height or less must be setback a minimum of 6 metres from the boundary, except where: <ul style="list-style-type: none"> <li>• The building does not include habitable room window and/or balcony, in which case the setback must be at least 3 metres.</li> </ul> </li> </ul> <p><b>the overall height is 20 storeys and 68 metres or less:</b></p> <ul style="list-style-type: none"> <li>▪ Any part of a building that exceeds 6 storeys and 23 metres in height, must be setback a minimum of 10 metres from all site boundaries, except where: <ul style="list-style-type: none"> <li>• The building does not include habitable room window and/or balcony, in which case the setback must be at least 5 metres.</li> </ul> </li> </ul> <p><b>If the overall height is greater than 20 storeys and 68 metres:</b></p> <ul style="list-style-type: none"> <li>▪ Any part of a building that exceeds 6 storeys in height, must be setback a minimum of 10 metres from all site boundaries.</li> </ul> <p>This requirement can be varied if the side or rear boundary of the building, above the street wall, interfaces with the Westgate Freeway, Citylink overpasses, or existing Route 109 tram corridors, in which case a minimum 5 metre setback applies.</p>	
<p><b>Building separation within a site</b></p>	<p><b>Any part of a building which is up to 6 storeys and 23 metres in height must be separated by:</b></p> <ul style="list-style-type: none"> <li>▪ 12 metres, if there are habitable room windows/balconies in both buildings fronting onto the separation distance.</li> <li>▪ 9 metres, if one of the buildings does not include any habitable room windows/balconies fronting onto the separation distance.</li> <li>▪ 6 metres if both buildings do not include any habitable room windows/balconies fronting onto the separation distance.</li> </ul> <p><b>If overall building height is greater than 7 23 metres and less than 8 storeys and 30 metres, buildings must be separated by:</b></p> <ul style="list-style-type: none"> <li>▪ 18 metres, if there are habitable room windows/balconies in both buildings fronting onto the separation distance.</li> <li>▪ 12 metres, if one of the buildings does not include any habitable room windows/balconies fronting onto the separation distance.</li> <li>▪ 6 metres if both buildings do not include any habitable room windows/balconies fronting onto the separation distance.</li> </ul> <p><b>If overall building height is greater than 8 storeys and 30 metres and any part of a</b></p>	<p>Building separation must ensure:</p> <ul style="list-style-type: none"> <li>▪ Sun penetration and mitigation of wind impacts at street level.</li> <li>▪ Sunlight, daylight, privacy and outlook from habitable rooms for both existing and proposed development.</li> <li>▪ Tall buildings do not appear as a continuous wall when viewed from street level or from nearby vantage points.</li> <li>▪ Variation in built form is provided while achieving the setback requirements.</li> <li>▪ Location of windows and use within the adjacent building.</li> <li>▪ Orientation and outlook of adjacent buildings and whether the buildings are offset.</li> </ul>

	<p><b>building up to 6 storeys and 23 metres in height must be separated by a minimum of:</b></p> <ul style="list-style-type: none"> <li>▪ 12 metres from another building, if there are habitable room windows/balconies in both buildings fronting onto the separation distance.</li> <li>▪ 9 metres, if one of the buildings does not include any habitable room windows/balconies fronting onto the separation distance.</li> <li>▪ 6 metres, if one of the buildings does not include any habitable room windows/balconies fronting onto the separation distance.</li> </ul> <p>If overall building height is 20 storeys and 68 metres or less, and any part of a building exceeds 6 storeys and 23 metres in height, it must be separated by a minimum of:</p> <ul style="list-style-type: none"> <li>▪ 20 metres from another building, if there are habitable room windows/balconies in both buildings fronting onto the separation distance.</li> <li>▪ 15 metres, if one of the buildings does not include any habitable room windows/balconies fronting onto the separation distance.</li> <li>▪ 10 metres, if one of the buildings does not include any habitable room windows/balconies fronting onto the separation distance.</li> </ul> <p>If the overall height is greater than 20 storeys and 68 metres in height, and any part of the building exceeds 6 storeys and 23 metres in height, it must be separated by a minimum of 20 metres.</p>	
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### Overshadowing of public open space requirements

With the exception of minor works or minor changes to existing buildings within that defined space, a permit must not be granted to construct a building or construct or carry out works which would cast any additional shadow across existing and proposed parks/reserves listed in Table 2 and shown on Map 3, during the hours specified as listed in Table 2.

**Table 2 Public Open Space hierarchy and overshadowing requirements**

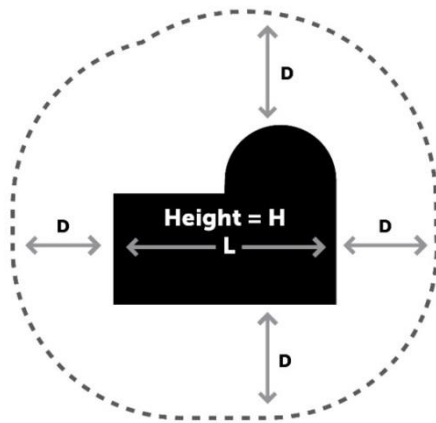
Category	Park/Reserve	Hours and Dates
<b>Precinct parks (street wall)</b>	Lorimer Central (Ingles Street)	No additional shadows above the street wall height within the following dates and times: 11:00am to 2:00pm 21 June to 22 September
<b>Neighbourhood parks (equinox)</b>	Parks with frontage to: Boundary Street, Ingles Street, Lorimer Street and new street North-West of Ingles and Turner Streets.	11:00am to 2:00pm 22 September
<b>Neighbourhood parks (with variations)</b>	Turner Street (South side)	10:30am to 1:30pm 22 September

### Wind effects on the public realm requirements

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 façades, 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 façades, 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)

### Active Street Frontages

On streets marked as primary active street on Map 1 to this Schedule, development should provide:

- At least 80% visual permeability along the ground level of the building to a height of 2 metres.
- Pedestrian entries at least every 15 metres.

On streets marked as secondary active streets on Map 1 to this Schedule, development should provide:

- At least 60% visual permeability along the ground level of the building to a height of 2 metres.

Development of primary and secondary active streets should provide footpath canopies where retail uses are proposed to provide weather protection and define the streetscape.

Development on all other streets should address and define streets or opens spaces through building design.

### Adaptable buildings

Car parking areas not within a basement should have level floors and a floor-to-floor height not less than 3.8 metres (except for ramps) and should make provision for future conversion of car parking areas to alternative uses over time.

Buildings should be designed with:

- Minimum floor to floor heights at ground level of 4.0m and of 3.8m for lower levels up to the height of the street wall, that accommodate employment uses and provide for future adaptation or conversion of use over time.

- Flexible and adaptable internal layouts and floor plates with minimal load bearing walls that maximise flexibility for retail or commercial refits.
- Floorplate layout for Residential Floor Area should be designed with embedded flexibility to combine and adapt one and two bedroom dwellings into three or more bedroom dwellings
- Whether parking areas are of a size and dimension that they can adapt to other uses over time.

### **Building finishes**

Building materials should be selected with regard to potential impacts of reflectivity of development along main roads and should not exceed 15% perpendicular reflectivity, measured at 90 degrees to the façade surface.

Buildings should not create blank facades.

Building faces on shared boundaries should be finished or treated to provide visual interest until the abutting site is developed.

### **Landscaping**

Landscaping should be provided in all areas of open space including public open space, communal open space, and private open space and should:

- Contribute to the creation of a sense of place and identity and the preferred character sought for the precinct.
- Support the creation of complex and biodiverse habitat which include native and indigenous flora and fauna.
- Balance the provision of native and indigenous plants with exotic climate resilient plants that provide resources for biodiversity.
- Through plant selection and design, support the creation of vegetation links within Fishermans Bend to surrounding areas of biodiversity.
- Encourage vertical and roof top greening to contribute to biodiversity outcomes
- Include deep soil zones of at least 1.5 metres or planter pits to accommodate canopy trees.
- Incorporate green facades, rooftop, podium or terrace planting that is located and designed to be sustainable, viable and resilient and appropriate to micro-climate conditions.
- Incorporate opportunities for productive landscaping or community gardens
- Interpret and celebrate both non-aboriginal and Aboriginal heritage and culture.
- Incorporate innovative approaches to flood mitigation and stormwater runoff, and at least best practice water sensitive urban design.

### **Exemption from notice and review**

An application for construction of a building or to 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.

## **3.0**

### **Subdivision**

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None specified.

### **Exemption from notice and review**

An application to subdivide land 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.

#### 4.0 Advertising signs

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None specified.

#### 5.0 Decision guidelines

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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:

- How the proposal responds to the Fishermans Bend Urban Renewal Area local policy.
- The urban context report, design response and other supporting information.
- The key elements of the future urban structure of Fishermans Bend.
- The preferred future character and building typologies defined in the Municipal Strategic Statement.
- Whether the proposal delivers design excellence, and contributes to creating a range of built form typologies.
- The impacts of built form and visual bulk on daylight, sunlight, and sky views from within public open spaces, streets, laneways or on adjoining heritage places.
- Internal amenity of the development and the amenity and equitable development opportunities of adjoining properties
- The impacts of wind on the amenity and useability of nearby public open spaces, streetscapes or the public realm.
- The impacts of overshadowing on the existing and future amenity, function and useability of public open spaces and ability for vegetation to thrive.
- The siting, location, orientation and design of public, private and communal open space.
- Provision for enhanced permeability and connectivity for pedestrian and cyclist prioritisation and safety in the street, and ease of access to public transport.
- The interface of the building with the street, including the creation of an activated, fine grain streetscape with connection and direct surveillance and the public environment.
- How the proposal will adapt and transition over time.
- The visual impact of car parking on the public realm.
- How any on-site parking integrates into the design of buildings, limiting the urban design impacts of private car parking on the streetscape and public realm.

#### Definitions

The following definitions apply for the purposes of interpreting this schedule:

**Family-friendly housing** Housing that supports the living arrangements of families, particularly with children. A visual relationship between the internal apartment areas and communal spaces provided for recreation and play are critical.

**Gross Developable Area** means the area of the proposal land, including any proposed roads or laneways, new public open space and land for community infrastructure (public benefit).

**Laneway** means a road reserve of 9 metres or less in width.

**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).

**Residential Floor Area** means the gross floor area used for or associated with any accommodation use except for residential aged care facility (including nursing home), residential hotel and motel, or floor area used for Affordable Housing which are excluded from the residential floor area calculations. Floor areas of common areas shared by Affordable Housing and other accommodation uses should be calculated based on the proportion of accommodation use to affordable housing within the building.

**Setback to boundaries** (excluding a street) is measured from the site boundary. Where a boundary adjoins a laneway, the setback is measured from the centreline of the laneway

**Street** means a road reserve of greater than 9 metres in width.

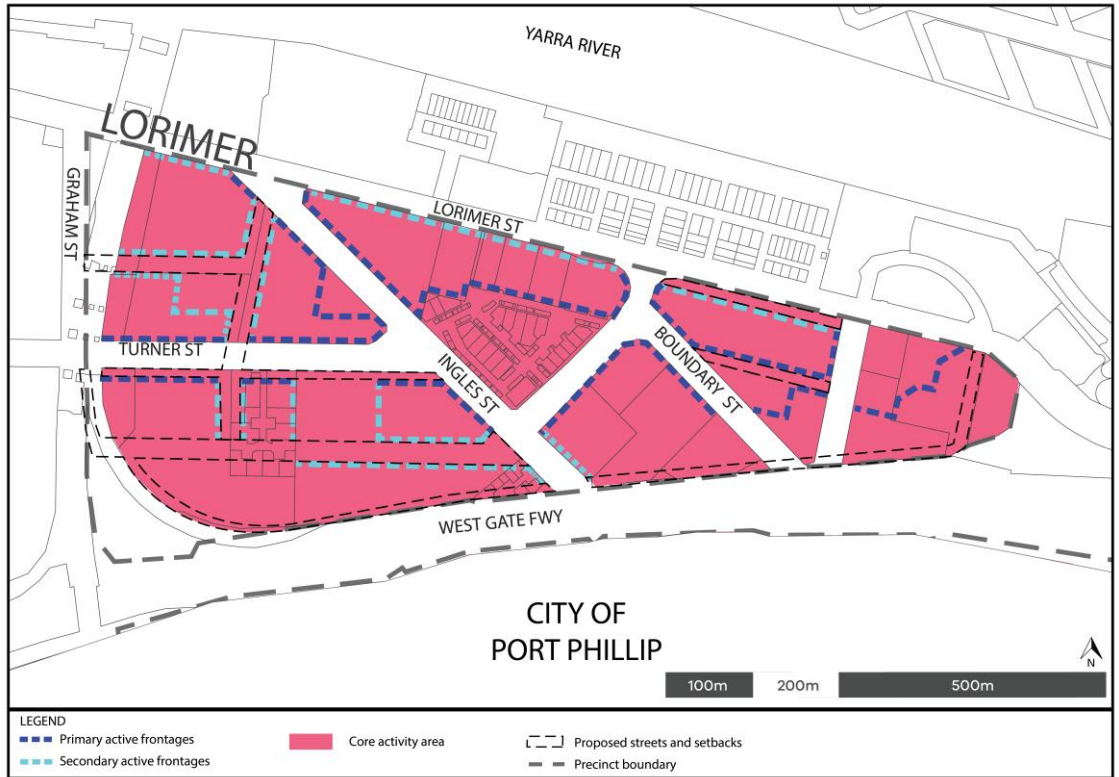
**Street wall** means any part of the building constructed within 0.3 metres of a lot boundary fronting the street.

**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.

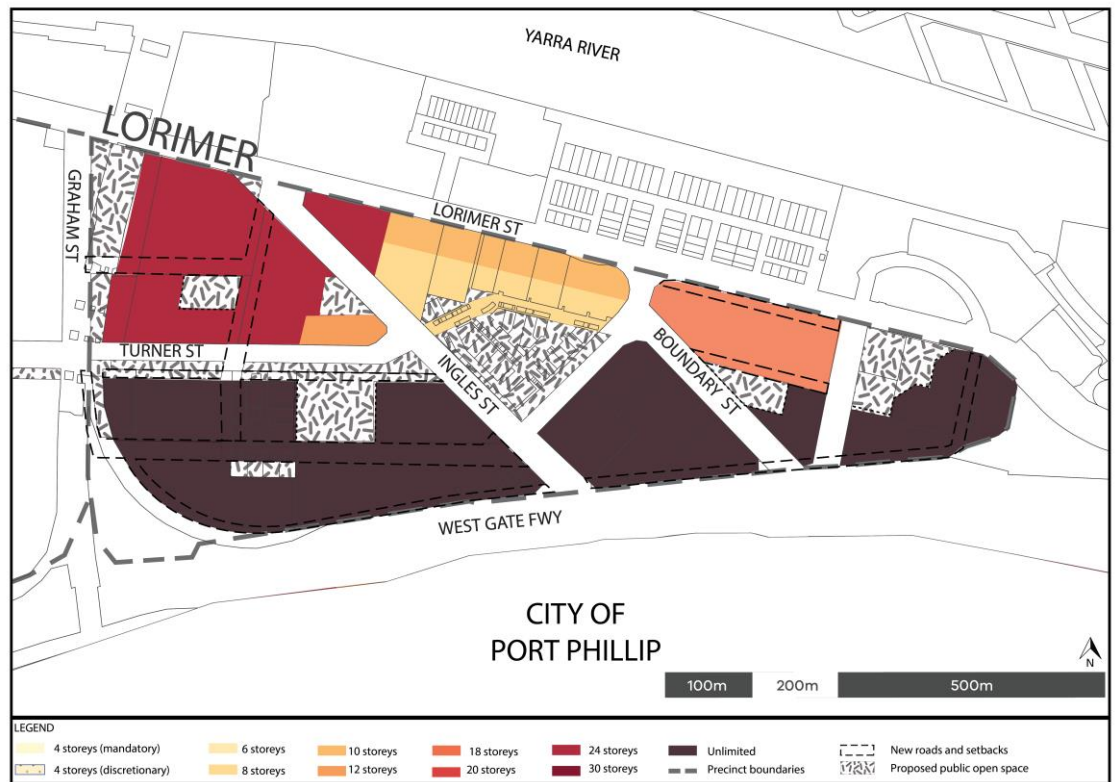
**Street wall setback** is the shortest horizontal distance from a building façade, including projections such as balconies, building services and architectural features greater than 300mm, to the boundary.

**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.

**Map 1 Core areas and active street frontages**



**Map 2 Building Heights**



Map 3 Overshadowing

