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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 encourage a diversity of architectural styles and building typologies, 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.

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 and extension of one dwelling on a lot

Buildings and works of four or less storeys must meet the requirements of Clause 54 if it proposes to construct or extend one dwelling on a lot of less than 300 square metres.

Construction of more than one dwelling on a lot

Buildings and works of four or less storeys must meet the requirements of Clause 54 and 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.
- Construct or extend a residential building.

Building height

Buildings and works should not exceed the heights shown in Map 2 to this schedule, apart from where they are identified as “15.4 metres (mandatory)”.

Buildings and works in areas identified as “15.4 metres (mandatory)” on Map 2 to this Schedule cannot be varied by a permit.

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 metres in height.
- Building services setback at least 3 metres behind the façade.
- Rooftop landscaping or communal recreation facilities up to 4 metres.

All buildings and works should also 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.

Street wall height

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 metres in height and building services setback at least 3 metres behind the street wall.

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

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

On streets or laneways with a width of 12 metres or less, street wall heights must not exceed 15.4 metres. A permit cannot be granted to vary this requirement.

On streets with a width of greater than 12 metres, street wall heights must not exceed 23 metres. A permit cannot be granted to vary this requirement.

On streets with a width of greater than 22 metres and an overall building height of 38 metres or less street wall heights must not exceed 30 metres. A permit cannot be granted to vary this requirement.

In the instance where two different street wall heights intersect at a corner, the higher street wall height prevails.

All buildings should also satisfy the following built form outcomes:

- Create a street wall that does not overwhelm the street and allow for views to sky.
- Enable adequate daylight, sunlight and sky views in the street or laneway.
- Provides an appropriate transition to existing heritage buildings.

Building wall heights on a side or rear boundary

The following requirements apply to a building that is proposed to be built on a side or rear boundary.

Walls built on or within 200mm of a side or rear boundary must not exceed 23 metres. A permit cannot be granted to vary this requirement.

Where a 30 metres street wall height is proposed, a building may be built to 30 metres on a side or rear boundary. A permit cannot be granted to vary this requirement.

Setbacks above the street wall from new and existing streets and laneways

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.

Where a boundary adjoins a laneway, the setback is measured from the centreline of the laneway.

If overall building height is up to 30 metres, buildings should be setback 5 metres and no less than 3 metres above the street wall. A permit cannot be granted to vary this requirement.

If overall building height is between 30 metres and 68 metres, buildings should be setback 10 metres and no less than 5 metres above the street wall. A permit cannot be granted to vary this requirement.

If overall building height is above 68 metres, buildings must be setback 10 metres above the street wall. 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 and 96 tram corridors, in which case buildings must be setback at least 5 metres above the street wall.

All buildings and works should also satisfy the following built form outcomes:

- Create a distinct street wall effect and avoid dominating 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.

Side or rear setbacks

The following side or rear setbacks apply to a building not built on the boundary. A permit cannot be granted to vary these requirements.

- A building up to 23 metres must be setback at least 6 metres. Where walls do not include windows to habitable room and/or balcony, the setback must be at least 3 metres.
- A building above 23 metres and less than 30 metres must be setback at least 9 metres. Where walls do not include windows to habitable room and/or balcony, the setback must be at least 3 metres.

The following side or rear setbacks apply to any part of a building above 23 metres (built on the boundary or not). A permit cannot be granted to vary these requirements.

- A building above 30 metres and below 68 metres, must be setback a minimum of 10 metres. Where walls do not include windows to habitable room and/or balcony, the setback must be at least 5 metres.
- A building above 68 metres must be setback a minimum of 10 metres.

These requirements 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 96 and 109 tram corridors, in which case a minimum 5 metre setback applies.

Building separation within a site

If a development comprises two or more separate buildings or parts of buildings with an overall building height up to 23 metres in height buildings must be separated by a minimum of:

- 12 metres if there are habitable room windows/balconies in both buildings fronting onto the separation distance.
- 9 metres, if one of the buildings does not include any habitable room windows/balconies fronting onto the separation distance.
- 6 metres if both buildings do not include any habitable room windows/balconies fronting onto the separation distance.

A permit cannot be granted to vary this requirement.

If a development comprises two or more separate buildings or parts of buildings with an overall building height greater than 23 metres and up to 30 metres, buildings must be separated by a minimum of:

- 18 metres, if there are habitable room windows/balconies in both buildings fronting onto the separation distance.
- 12 metres, if one of the buildings does not include any habitable room windows/balconies fronting onto the separation distance.
- 6 metres if both buildings do not include any habitable room windows/balconies fronting onto the separation distance.

A permit cannot be granted to vary this requirement.

If a development comprises two or more separate buildings or parts of buildings with an overall building height greater than 30 metres, any part of a building up to 23 metres in height must be separated by a minimum of:

- 12 metres from another building, if there are habitable room windows/balconies in both buildings fronting onto the separation distance.
- 9 metres, if one of the buildings does not include any habitable room windows/balconies fronting onto the separation distance.
- 6 metres, if one of the buildings does not include any habitable room windows/balconies fronting onto the separation distance.

A permit cannot be granted to vary this requirement.

If a development comprises two or more separate buildings or parts of buildings with an overall building height of 68 metres or less, any part of a building above 23 metres in height must be separated by a minimum of:

- 20 metres from another building, if there are habitable room windows/balconies in both buildings fronting onto the separation distance.
- 15 metres, if one of the buildings does not include any habitable room windows/balconies fronting onto the separation distance.
- 10 metres, if one of the buildings does not include any habitable room windows/balconies fronting onto the separation distance.

A permit cannot be granted to vary this requirement.

If a development comprises two or more separate buildings or parts of buildings with an overall building height greater than 68 metres, any part of the building above 23 metres in height must be separated by a minimum of 20 metres.

A permit cannot be granted to vary this requirement.

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 1 and shown on Map 3 of this schedule, during the hours specified as listed in Table 1 of this schedule.

Table 1 Public open space hierarchy and overshadowing requirements

Category	Park/reserve	Hours and dates
Precinct parks	Lorimer Central (Ingles Street)	No additional shadows above the street wall height within the following dates and times: 1100am to 2:00pm 21 June to 22 September
Neighbourhood parks	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
	Turner Street (south side) shown as A in map 3 of this schedule	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 of this schedule.

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 of this schedule.

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.

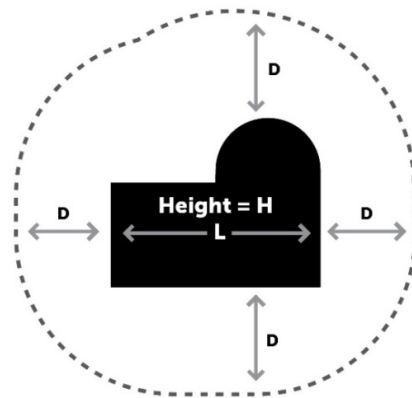
Comfortable wind conditions means a mean wind speed from any wind direction with probability of exceedance less than 20 per cent of the time, equal to or less than:

- 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).

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, buildings should provide:

- At least 80 per cent 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, buildings should provide:

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

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

Buildings on all streets should:

- Address and define, existing or proposed streets or open space and provide direct pedestrian access from the street to ground floor uses. On a corner, buildings should address both street frontages.
- Create activated building facades with windows, and doors.
- Include openable windows and balconies on the first six levels along streets and laneways.
- Consolidate services within sites and within buildings, and ensure any externally accessible services or substations are integrated into the façade design.
- Provide entrances that are no deeper than one third of the width of the entrance.
- Ensuring buildings that propose residential development at ground level:
 - Create a sense of address by providing direct individual street entries to dwellings and/or home offices.
 - Achieve a balance between privacy and activation using a mix of low height, solid and transparent balustrade, terrace or fence elements, and incorporating vegetation where possible.

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 metres and of 3.8 metres 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 with embedded flexibility to combine and adapt one and two bedroom dwellings into three or more bedroom dwellings
- parking areas of a size and dimension that they can adapt to other uses over time.

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.

Building finishes

Building materials and finishes for buildings along main roads should not exceed 15 per cent perpendicular reflectivity, measured at 90 degrees to the façade surface.

Buildings should not create blank facades.

Building faces on shared boundaries that are visible from the public realm should be finished or treated to provide visual interest.

Landscaping

Landscaping should be provided in all areas of open space including public open space, communal open space and private open space (where appropriate) 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 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.

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Subdivision

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.

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Advertising signs

None specified.

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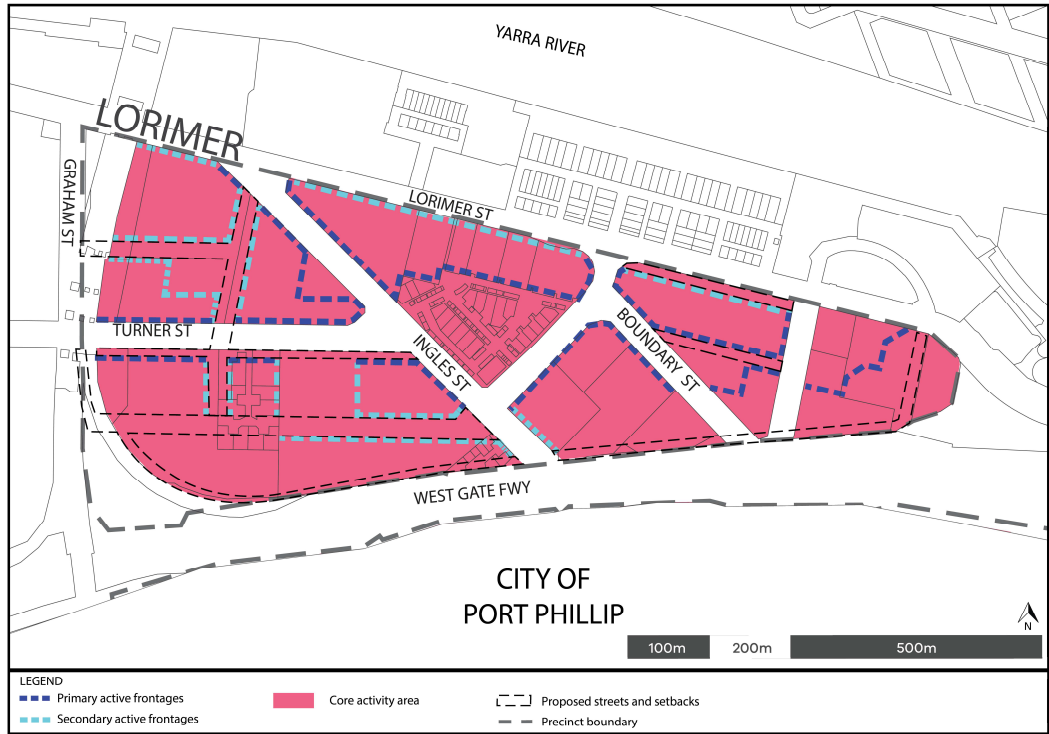
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Decision guidelines

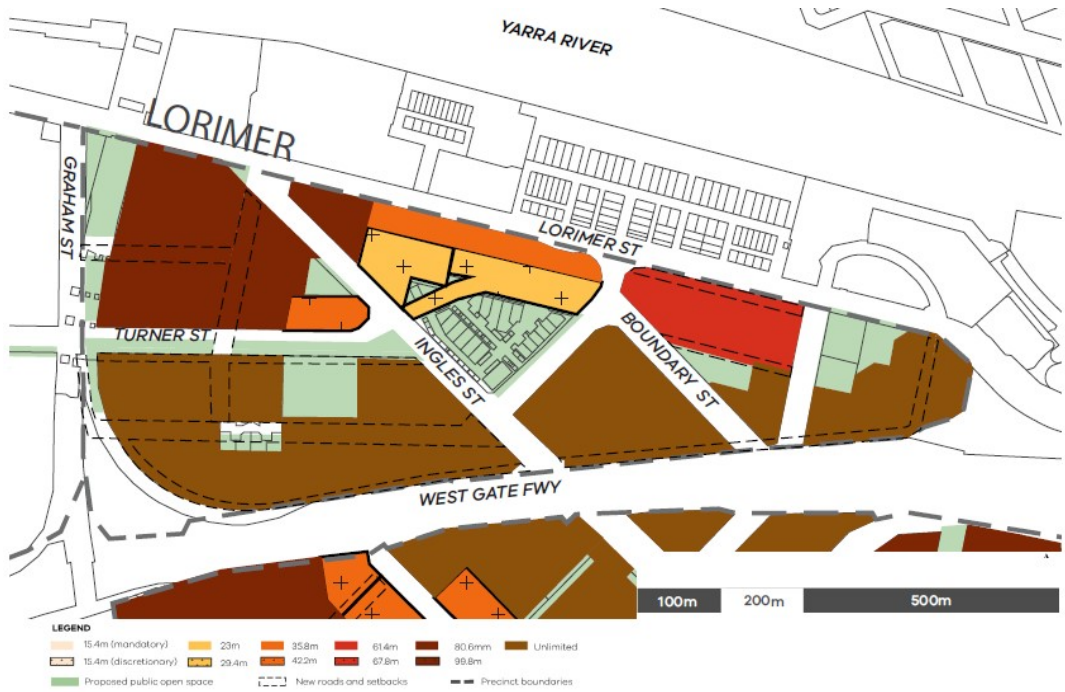
The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The 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.

Map 1 Core areas and active street frontages



Map 2 Building heights



Map 3 Overshadowing

