

# MELBOURNE PLANNING SCHEME

## AMENDMENT C278

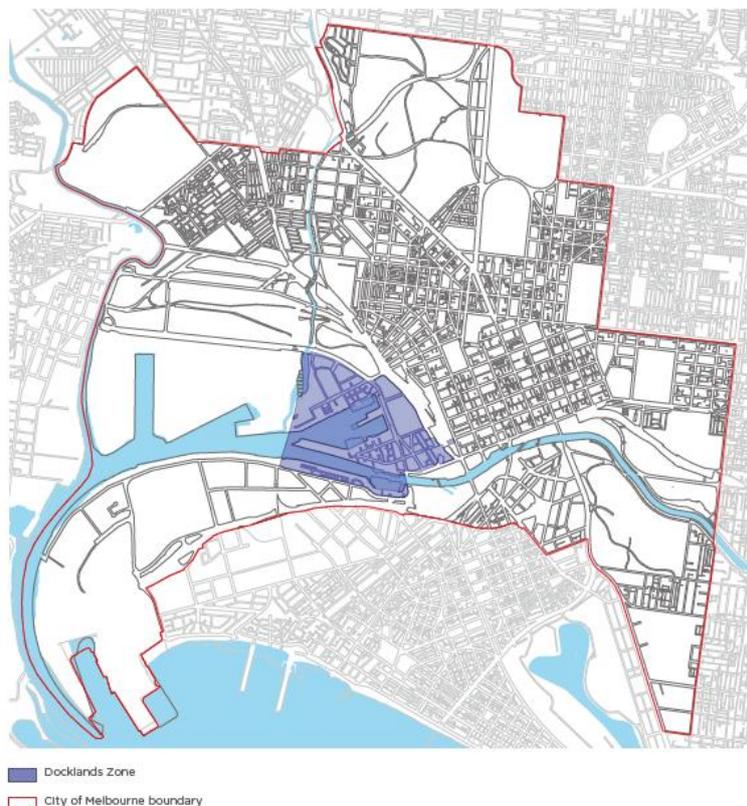
### EXPLANATORY REPORT

#### Who is the planning authority?

This amendment has been prepared by the City of Melbourne which is the planning authority for this amendment.

#### Land affected by the Amendment

The amendment applies to all land within the municipality, excluding Docklands.



#### What the amendment does

The amendment is underpinned by the findings of the “*Sunlight Access to Public Parks Modelling Analysis Report, February 2018*” and introduces new planning scheme controls into the Melbourne Planning Scheme to protect winter sunlight access to public parks by:

- amending Clause 21.17 Reference Documents to include the “*Sunlight Access to Public Parks Modelling Analysis Report, February 2018, Hodyl + Co*”.
- amending Clause 22.02 (Sunlight to Public Spaces Policy) to distinguish between policy objectives which relate to parks within and outside the Hoddle Grid and Southbank, and to protect winter sunlight access across the day to all public parks outside of the Hoddle Grid and Southbank. This policy does not apply to Docklands.

- introducing a new Schedule 8 to the Design and Development Overlay (DDO8). The proposed DDO8 introduces new planning scheme requirements for the protection of winter sunlight access to all public parks across the municipality, excluding the Hoddle Grid, Southbank, Spring Street South and Docklands.
- Inserting a new planning scheme overlay DDO8 to Maps 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11.
- Updates Clause 72.03 to reference the new DDO8 maps 1-11.

## **Strategic assessment of the Amendment**

### **Why is the Amendment required?**

The City is experiencing a significant increase in its population and in the number, density and heights of new developments across the municipality. This impacts our parks which are being used more and more intensively. Unfortunately it's not often possible to create new parks as land values are high, so it's important that public parks continue to support the growing population and remain pleasant places to be.

Recent studies and research show that access to sunlight throughout the year is important for good physical and mental health. City of Melbourne workers and residents should be able to access sunlight within close proximity to their home or workplace throughout the year, so winter sunlight protection for all parks is important.

Winter sunlight access planning controls are already in place in the Central City and Southbank. In the areas outside the Central City and Southbank, sunlight protection in parks generally continues to be provided in the spring and summer months through planning policy and a limited number Design and Development Overlays for specific areas.

Amendment C278 proposes to introduce an updated Sunlight to Public Spaces Local Policy to protect winter sunlight across the day to all public spaces outside the Hoddle Grid and Southbank. Whilst this policy applies to all public spaces including parks and gardens, squares, streets and lanes, the focus of Amendment C278 is only on public parks. Additionally, a new Schedule 8 to the Design and Development Overlay (DDO8) will protect winter sunlight access to all public parks across the municipality (excluding the Hoddle Grid, Southbank, Spring Street South and Docklands).

Underpinning the Amendment is an analysis of digital modelling undertaken by Hodyl + Co. The analysis, documented in the *"Sunlight Access to Public Parks Modelling Analysis Report, February 2018"* found that for the majority of the municipality's local parks winter sunlight is generally good due to the current low height limits of surrounding development. However the modelling and testing showed those parks in growth areas (above 4 storeys) are vulnerable to winter overshadowing due to current height controls. The modelling also demonstrated that in the urban renewal areas protecting an entire park in winter would often have an unreasonable impact on development. In these areas a balanced approach between protecting winter sunlight and the need to support development was recommended.

Based on the above, the proposed new DDO8 identifies three (3) park type categories which specify the level of overshadowing protection as follows:

- Apply a mandatory "no additional overshadowing control" to protect all public parks across the municipality (excluding the Hoddle Grid, Southbank Spring Street South and Docklands), from additional overshadowing between 10am and 3pm in winter on June 21.
- Moderate the impact of the "no additional overshadowing protection" for public parks within and adjacent to urban renewal areas to allow limited overshadowing to balance sunlight protection to parks with development intensification.
- Modify the hours of protection for large parks east of St Kilda Road to apply between 10 am and 2pm in winter on June 21. This acknowledges that after 2pm, winter shadows from the Hoddle Grid and Southbank, where the highest scale of development is supported, will fall across these parks.

## **How does the Amendment implement the objectives of planning in Victoria?**

The amendment implements the objectives in section 4 of the Planning and Environment Act 1987 (the Act), in particular:

- to provide for the fair, orderly, economic and sustainable use, and development of land;
- to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- to balance the present and future interests of all Victorians.

## **How does the Amendment address any environmental, social and economic effects?**

The amendment is considered to have a positive social impact as it will facilitate the protection of valued attributes of public parks through the protection of sun access protection. The proposed provisions will ensure that new built form positively responds to the outcome of good sunlight access and in doing so provides sunlight access which is essential for the health and wellbeing of residents and the ecological health of the ecosystem.

It is expected that the amendment will have positive economic outcomes for Melbourne. The proposed sun protection provisions for all public parks across the municipality, excluding the Hoddle Grid, Southbank, Spring Street South and Docklands balances sunlight access protection with the need to support development intensification. The amendment will restrict additional overshadowing to parks with a limited number of exceptions.

The amendment will have a positive impact on the natural environment by protecting sunlight necessary for the growth of trees and other vegetation in our parks.

## **Does the Amendment address relevant bushfire risk?**

The amendment affects land within inner metropolitan Melbourne which is not a bushfire prone area.

## **Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act, Direction No.9 – Metropolitan Strategy and Direction 11-Strategic Assessment under Section 12(2) of the Act.

## **How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?**

The provisions implemented by this amendment are consistent with the relevant objectives of the Planning Policy Framework and Plan Melbourne: Metropolitan Planning Strategy (Plan Melbourne) specifically *Direction 4.1 To create more great public places across Melbourne* by strengthening the design quality of public spaces and the interfaces between private development and the public domain and support of Melbourne's distinctiveness and liveability through well designed spaces (Policy 4.1.1) , *Direction 5.2 To create neighbourhoods that support safe and healthy lifestyles* by providing the opportunity for physical activity (Policy 5.2.1) and *Direction 5.4 To deliver local parks and green neighbourhoods in collaboration with communities* by developing a network of accessible, high quality, local open spaces (Policy 5.4.1)

The amendment further supports specific provisions in the Planning Policy Framework at *Clause 15 Built Environment and Heritage* to ensure that there is development equity and that key attributes of the public realm and open spaces which underpin Melbourne's liveability are protected, *Clause 15.01-4s Healthy Neighbourhoods* by delivering neighbourhoods that foster healthy and active living and community wellbeing, and *Clause 19.02-6R Open Space-Metropolitan Melbourne* through the protection of river parklands.

## **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The provisions provided by this amendment generally support the Local Planning Policy Framework and Municipal Strategic Statement of the Melbourne Planning Scheme.

The amendment supports the following specific provisions:

*Clause 21.05 Environment and Landscape Values* states that land use and development activities in the municipality can undermine the health and biodiversity of its flora and fauna ecologies. Protection of the open spaces and the waterways that support those systems is important.

*Clause 21.06 Built Environment and Heritage* states that buildings in the private realm should be coordinated with the development of the streets, paths, parks and places in the public realm. Development must add positively to Melbourne's public realm and contribute to making it safe and engaging for users. Public and private open spaces should be able to support a range of uses including physical movement, communal exercising, social interaction, quiet enjoyment and connections to the natural environment.

*Clause 21.06-1 Urban Design:*

Strategy 1.5: Promotes development that is compatible with the scale, character and amenity of public open spaces, and the environs of the Yarra River.

Strategy 5.9: Ensures that development maximises solar access in public open spaces, and creates microclimatic conditions for a high level of pedestrian comfort.

*Clause 21.10 Infrastructure-*

*Clause 21.10-2 Open Space*

Objective 1 To maintain, enhance and increase Melbourne's public open space network and promote greening of the City.

Strategy 1.2 Ensure parks, gardens, waterways and open spaces remain a prominent element of the City's structure and character.

Strategy 1.4 Support the maintenance and creation of a variety of public open space to meet the needs of the growing population for formal and informal outdoor recreation.

Strategy 1.5 Ensure that development in and surrounding the City's parks and gardens does not adversely impact on the solar access, recreational, cultural heritage, environmental and aesthetic values, or amenity, of the open space.

Strategy 2.2 Protect and enhance the biodiversity and habitat value of the City's parks, gardens, open space and waterways.

*Clause 22.02 Sunlight to Public Spaces Policy*

The policy provides guidance for the consideration of the impact of additional overshadowing on the amenity, quality and usability of the public space.

Objectives

- To achieve a comfortable and enjoyable public realm.
- To ensure new buildings and works allow good sunlight access to public spaces.
- To ensure that overshadowing from new buildings or works does not result in significant loss of sunlight and diminish the enjoyment of public spaces for pedestrians.
- To protect, and where possible increase the level of sunlight to public spaces during the times of the year when the intensity of use is at its highest.
- To create and enhance public spaces to provide sanctuary, visual pleasure and a range of recreation and leisure opportunities.

### **Does the Amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victoria Planning Provisions by applying a new schedule to the Design and Development Overlay (DDO8) to guide appropriate built form outcomes to achieve sunlight access protection to all public parks within the municipality (excluding the Hoddle Grid, Southbank, Spring Street South and Docklands).

The Design and Development Overlay is the appropriate and most effective tool to provide the necessary guidance for sunlight protection for assessing planning scheme applications.

### **How does the Amendment address the views of any relevant agency?**

The amendment will follow the formal planning scheme amendment process and be placed on exhibition where owners and occupiers, stakeholders and development agencies will have the opportunity to comment on the amendment.

### **Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment does not have any direct impact on the transport system.

### **Resource and administrative costs**

#### **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment is unlikely to have an adverse impact on resource and administrative costs to the responsible authority, however there may be a positive impact on resources of the responsible authority as the policy includes clear guidance that will streamline and assist in the assessment of planning applications.

### **Where you may inspect this Amendment**

The amendment is available for public inspection, free of charge, during office hours at the City of Melbourne Customer Service Desk, Town Hall Ground Floor, 90-130 Swanston Street, Level 3, 240 Little Collins Street, Melbourne or

- at Participate Melbourne, the City of Melbourne's online engagement hub  
<https://participate.melbourne.vic.gov.au/amendmentc278>

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

### **Submissions**

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by **5 September 2019**.

A submission must be sent to the Robyn Hellman, Team Leader – Planning Policy, City of Melbourne and lodged either

- online at: <https://participate.melbourne.vic.gov.au/amendmentc278>
- email to: [planningpolicy@melbourne.vic.gov.au](mailto:planningpolicy@melbourne.vic.gov.au), or
- by post to: Robyn Hellman, Team Leader – Planning Policy, City of Melbourne, GPO Box 1603, MELBOURNE VIC 3001

## **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15, the following panel hearing dates have been set for this amendment:

- directions hearing: In the week commencing **4 February 2020**
- panel hearing: **In the week commencing 10 March 2020**