

## **MELBOURNE PLANNING SCHEME**

### **AMENDMENT C308**

#### **EXPLANATORY REPORT**

##### **Who is the planning authority?**

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

##### **Land affected by the Amendment**

The Amendment applies to land generally within the Hoddle Grid and Southbank (the Central City), as shown on the map below:



The land affected by this amendment is within the Capital City Zone Schedules 1, 2 and 3, Public Use Zone 1, 2 4 and 7, Road Zone, Public Park and Recreation Zone, Mixed Use Zone, General Residential Zone and is also within the Design and Development Overlay Schedules 1, 2, 3, 4, 10, 14, 27, 40, 56, 58, 60 62 and 70 of the Melbourne Planning Scheme.

### **What the amendment does**

The amendment proposes to introduce new urban design provisions into the Melbourne Planning Scheme by:

- Deleting Clause 22.01 Urban Design in the Capital City Zone policy;
- Replacing Schedule 1 to the Design and Development Overlay *Active Street Frontages* with a new Schedule 1 to the Design and Development Overlay *Urban Design in the Central City and Southbank*. The proposed DDO1 includes development requirements to ensure a high standard of urban design, architecture and landscape architecture in all new development;
- Deleting Schedule 4 to the Design and Development Overlay (Weather Protection – Capital City Zone) and incorporating the provisions of this schedule into the proposed DDO1;
- Replacing the schedule to Clause 61.03 with a new schedule to Clause 61.03;
- Deleting Map No 8DDO1 and Map 8DDO4 and replacing with a new Map No 8DDO1.

### **Strategic assessment of the Amendment**

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

The Central City and Southbank has long been viewed as the cultural and economic heart of Melbourne. Our buildings, streets and open spaces are the elements of our City that make it appealing. Individually, the careful design and execution of these elements in our urban environment is very important however it is also the cumulative effect of these elements which has a significant impact on the experience of the City. The City of Melbourne has invested significantly over the past 20 years to improve the quality of our streets and public spaces.

In response to the dramatic increase in the density, quality and scale of development within the Central City and Southbank the Department of Environment, Land, Water and Planning (DELWP) introduced interim planning controls in September 2015 under Amendment C262; becoming permanent controls in November 2016 under Amendment C270. Prior to this important planning policy shift, there had been no significant update of the planning controls guiding urban design in the Central City since 1999.

Amendment C270 made a number of significant changes to the Melbourne Planning Scheme, most notably it established two types of precincts in the Central City and Southbank – the Special Character Areas and the General Development Area, with minimum setbacks from streets and laneways, building separation requirements and revised overshadowing and wind requirements. Amendment C270 also introduced floor area ratio and uplift requirements and a number of mandatory and discretionary height controls.

*Clause 22.01 Urban Design in the Capital City Zone* is currently the policy used to assess and negotiate good design outcomes. It is widely acknowledged that a review of clause 22.01 is timely and necessary in order to strengthen the focus on the qualitative experience of the city, in particular the interface of buildings with the street, architectural quality and the impact on the public realm. The policy guidance resulting from Amendment C308 will not focus on yield, massing and built form and most importantly be complementary to the policies introduced through Amendment C270.

The need to review clause 22.01 was included in the last two planning scheme reviews, with recommendations to focus on producing:

- A new planning tool and content based on best practice to improve the design quality of private development
- Determination of the preferred approach with regard to Local Policy, Design Development Overlays and other planning tools
- Streamlined controls that complement Amendment C270 and focus on the qualitative experience of the city
- Rationalisation of urban design provisions in the Melbourne Planning Scheme
- Investigation of other supporting measures such as Guidelines and Design Review processes which can support stronger urban design culture to complement the provisions in the Melbourne Planning Scheme.

Amendment C308 seeks to consolidate many of the urban design policies that currently apply to the Central City and Southbank within the Melbourne Planning Scheme into one DDO. A table is included in the proposed DDO 1 which includes policy guidance around urban design elements of:

- Urban Structure
- Site Layout
- Building Program
- Massing
- Public Interfaces.

Each of these elements includes specific design objectives and design requirements, expressed with a mix of discretionary and mandatory provisions. The mandatory requirements are included within Building Program and Public Interfaces and relate to the location of vehicle parking in buildings within the Central City; floor to floor heights for parking structures to allow for future adaptability; limits on the area within the ground floor of a building occupied by building services and elements of active frontages at ground level within the Special Character Areas.

Amendment C308 is supported by a Synthesis Report: *Promoting high quality urban design outcomes in the Central City and Southbank* and the *Central Melbourne Design Guide* which will provide developers, consultants and planners with an illustrated guide showing how the proposed DDO1 provisions can be achieved.

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

The amendment implements the objectives in section 4 (1) and 12(1)a 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 secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
- To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value
- To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community
- To balance the present and future interests of all Victorians.

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

It is expected that the amendment will have positive environmental, social and economic outcomes for Melbourne. The design buildings that contribute to a high quality public realm are a key foundation of urban liveability and public life.

##### *Environmental Effects*

The Amendment encourages investment in high quality design and materials that will ensure longevity and will not deteriorate over time reducing building material waste through replacement.

##### *Social Effects*

The Amendment aims to enhance the urban fabric to ensure our city provides for a high quality human scaled environment, ensuring new built form positively contributes to the public realm and create inviting, vibrant and interesting places for people.

##### *Economic Effects*

The Amendment will have positive economic effects through providing clear policy guidance to facilitate timely decision making and minimise delays in processing planning permit applications.

**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 State Planning Policy Framework and any adopted State policy?**

The Amendment supports the following objectives of the **State Planning Policy Framework**:

Clause 11.06 Metropolitan Melbourne

- 11.06-4 Place and identity - *To create a distinctive and liveable city with quality design and amenity.*

Clause 15 - Built Environment and Heritage

- 15.01-1 Urban design - *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*
- 15.01-2 Urban design principles - *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*
- 15.01-4 Design for safety - *To improve community safety and encourage neighbourhood design that makes people feel safe.*

Clause 17 – Economic Development

- 17.03-1 Facilitating tourism – *To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of development the State as a competitive domestic and international tourist destination.*
- Tourism in Metropolitan Melbourne – *To maintain and develop Metropolitan Melbourne as a desirable tourist destination.*

The Amendment supports the following objectives of **Plan Melbourne: Metropolitan Planning Strategy 2017-2050**

Outcome 4 - Melbourne is a distinctive and liveable city with quality design and amenity.

- Direction 4.1 Create more great public places across Melbourne
- Direction 4.3 Achieve and promote design excellence
- Direction 4.4 Respect Melbourne's heritage as we build for the future.

The Amendment supports the **Urban Design Guidelines for Victoria**; these are policy guidelines within the State Planning Policy Framework of the Victoria Planning Provisions. The guidelines focus on the design of the public realm, its public spaces, streets, parks and paths whilst acknowledging the way in which buildings and infrastructure influence the design of the public realm.

The purpose of the guidelines correlates to the drivers underpinning the policy changes of Amendment C308 and states: *“High quality places support the social, cultural, economic and environmental wellbeing of our communities, and are critical to the development of competitive and efficient cities and towns. New development and changes in land uses should respond to their context and enhance places of value to the community.”*

## **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 following provisions are relevant:

### *Clause 21.04-1.1: The original city centre – the Hoddle Grid*

*Central City functions will be located in the Hoddle Grid. This area will be managed to facilitate continued growth where appropriate and limit change or the scale of development in identified locations to preserve valued characteristics. A strong emphasis will be placed on a quality public realm and good pedestrian amenity and connectivity.*

The amendment strongly supports this provision, the fundamental basis of this amendment is to ensure new built form in the Central City and Southbank respects, improves and adds value to the public realm through good design, placement of services and waste, pedestrian amenity and connectivity.

The amendment generally supports the following provisions in clause **21.06-1 Urban Design**:

### Objective 1: To reinforce the City's overall urban structure

Strategy 1.1 *Protect Melbourne's distinctive physical character and in particular, maintain the importance of:*

- *identified places and precincts of heritage significance*
- *the World Heritage Listed Royal Exhibition Building and Carlton Gardens*
- *The Shrine of Remembrance*
- *the Hoddle Grid*
- *the Yarra River Corridor, Victoria Harbour and waterways*
- *the network of parks and gardens*
- *the Hoddle Grid's retail core*
- *the network of lanes and arcades*
- *Boulevards.*
- *the sense of place and identity in different areas of Melbourne.*

Strategy 1.2 *Ensure a strong distinction between the built form scale of the Central City with that of development in surrounding areas.*

### Objective 5: To increase the vitality, amenity, comfort, safety and distinctive City experience of the public realm.

Strategy 5.2 *Ensure that the scale, bulk and quality of new development supports a high quality public realm.*

Strategy 5.4 *Encourage public art in new developments.*

Strategy 5.6 *Create diverse public spaces to serve the needs of the City's diverse communities, including children, youth, residents, workers and visitors.*

Strategy 5.7 *Ensure advertising signs avoid visual pollution and intrusive light spill and respect the architecture of their host buildings, the surrounding streetscape character and skyline.*

Strategy 5.8 *Ensure development minimises the adverse effects of wind down drafts and provides wind protection to public open spaces suitable for their role and function.*

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

### Objective 6: To improve public realm permeability, legibility and flexibility

Strategy 6.1 *Protect and enhance the character and function of laneways.*

Strategy 6.2 *Ensure the design of buildings and public spaces enhances the public realm and the pedestrian environment.*

Strategy 6.3 *Ensure that new developments in the Capital City, Docklands, Business and Mixed Use zoned areas provide active street frontages and minimise pedestrian disruption from car access.*

### Objective 7: To create a safe and comfortable public realm

- Strategy 7.1 Ensure built form and land uses promote surveillance of the public realm at all times of the day and night.*
- Strategy 7.2 Support the use of materials resistant to vandalism and graffiti, subject to their being respectful of the preferred built form character.*
- Strategy 7.3 Ensure that public and private safety design principles of are incorporated in the development of buildings and public open spaces.*

The amendment supports these objective and strategies by providing detailed policy guidance to ensure development integrates with the surrounding context.

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

The amendment relies on the appropriate VPP tools to implement policy provisions by applying a schedule to the Design and Development Overlay to influence built form outcomes. The amendment also supports the purpose of the Capital City Zone which is:

- To enhance the role of Melbourne’s central city as the capital of Victoria and as an area of national and international importance
- To recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone
- To create through good urban design an attractive, pleasurable, safe and stimulating environment.

The amendment seeks to consolidate and streamline the policies contained within clause 22.01 Urban Design in the Capital City Zone, Design and Development Overlays 1 and 4. The Design and Development Overlay is the appropriate and most effective planning scheme tool to provide the necessary urban design policy guidance for assessing planning applications. The policies included in the draft DDO1 is supported by the evidence based report, [Synthesis Report: Promoting high quality urban design outcomes in the Central City and Southbank Towards an Integrated Urban Design Approach for the City of Melbourne, 2017](#). In addition, the [Central Melbourne Design Guide Melbourne Design Manual, 2017](#) is an illustrative document to be used in support of the Design and development Overlay.

**Comment [A1]:** Correction of an error. Updates the titles of the supporting documents.

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

A number of workshops were conducted to seek the views of relevant agencies. The views of various State Government departments, utility providers and the Metropolitan Fire Brigade were sought and have been included in the supporting documentation.

The amendment will follow the formal planning scheme amendment process and be placed on exhibition where stakeholders and agencies will have an 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 urban design guidance that will streamline and assist in the assessment of planning applications in the Central City and Southbank.

**Where you may inspect this Amendment**

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Melbourne City Council

Melbourne Town Hall, Administration Building,  
120 Swanston Street  
MELBOURNE VIC 3000

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 Friday 10 August 2018.

### 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: week commencing ~~29 October 2018~~ [28 January 2019](#)
- panel hearing: week commencing ~~26 November 2018~~ [25 February 2019](#)

**Comment [A2]:** Change of dates for the Directions & Panel hearing.