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SCHEDULE 33 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO33**

WEST MELBOURNE – FLAGSTAFF PRECINCT

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Design Objectives

- To create a precinct with variable building heights (generally between six and sixteen storeys), with a lower scale of development to laneways and activated laneway interfaces, and a clear differentiation from the Hoddle Grid.
- To ensure development does not impact on the amenity of, and outlook from, Flagstaff Gardens and St James Old Cathedral.
- To ensure new development is adaptable and can accommodate different uses over time.
- To reference the industrial history of the precinct by supporting the adaptive reuse of special character buildings and encourage contemporary use of common industrial materials.
- To increase permeability and connectivity for pedestrians and cyclists, , and ensuring that development supports the provision of laneways and frames them as positive additions to the public realm.

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Buildings and works

A permit is not required to construct a building or carry out work at ground level to provide access for persons with disabilities that comply with all legislative requirements.

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

- An application to construct a building or carry out works must not exceed a floor area ratio of 6:1. The calculation of the floor area ratio excludes any bonus floor area the development qualifies for, where the special character building has been successfully retained. A permit cannot be granted or amended to vary this requirement, unless the amendment does not increase the extent of non-compliance.
- An application to construct a building or carry out works must meet the Design Objectives specified in this schedule.
- An application to construct a building or carry out works must achieve the Built Form Outcomes in Table 1 to this schedule.
- An application to construct a building or carry out works should meet the Built Form Requirements specified in Table 1 to this schedule.
- An application which does not meet the Built Form Requirements specified in Table 1 to this schedule must demonstrate how the development will meet the relevant Design Objectives, and achieve the relevant Built Form Outcomes.

Table 1

BUILT FORM OUTCOMES	BUILT FORM REQUIREMENTS
<p>Building/Street Wall Height & Setbacks</p> <p>A mix of building typologies and building heights, including street wall heights are variable to ensure a positive contribution to the specific character of the street.</p> <p>The tallest buildings will be around 16 storeys with smaller sites and mid-block sites accommodating a lower built form, to ensure that the Flagstaff precinct remains part of West Melbourne and distinct from the central city.</p> <p>Development respects and does not dominate St James Old Cathedral, allowing the Cathedral to continue to be a landmark and focus in the skyline, particularly when viewed from Flagstaff Gardens and from Batman Street and King Street.</p> <p>Development respects the scale of adjoining residential and heritage buildings.</p> <p>Development does not unreasonably reduce solar access to adjacent solar panels.</p>	<p>Preferred maximum building height of 16 storeys.</p> <p>Street wall heights between 3 and 10 storeys.</p> <p>Minimum setback above the podium from all laneways and all side and rear boundaries 6 metres.</p> <p>Minimum setback above the podium from the front title boundary 3 metres</p>
<p>Floor to Ceiling Heights</p> <p>Adequate floor-to-ceiling heights to ensure developments can be adapted to different uses.</p> <p>Fine grain adaptable tenancies within the lower levels of buildings.</p>	<p>Minimum floor-to-ceiling heights:</p> <ul style="list-style-type: none"> ▪ 4 metres for the ground floor. ▪ 3.3 metres for all non-residential uses on other floors.
<p>Melbourne Assessment Prison</p> <p>Development to recognise the sensitivity of the Melbourne Assessment Prison.</p>	<p>Development adjacent to the Melbourne Assessment Prison must consider any potential lines of sight, privacy and security issues.</p>
<p>Flagstaff Gardens and Open Space</p> <p>Development is designed to limit overshadowing over Flagstaff Gardens.</p> <p>Ensure an open, broad outlook to the open sky is retained from Flagstaff Gardens, particularly from the eastern edge.</p> <p>The historic vista from Flagstaff Gardens to the west towards Swanston Dock is retained.</p> <p>Development positively frames the open space and significant views and vistas in the precinct.</p> <p>Development on the north side of Batman Street allows for solar access to new open spaces</p>	<p>Development does not overshadow Flagstaff Gardens between 11am and 2pm on 22 September and 22 June.</p>

BUILT FORM OUTCOMES	BUILT FORM REQUIREMENTS
<p>Active Street/Laneway Frontages</p> <p>Maximise activation of the public realm within main streets, streets and laneways.</p> <p>Minimise the impact of building services on the public realm.</p>	<p>Development should incorporate active frontages at the ground floor particularly along Spencer, King, Dudley and La Trobe Streets.</p> <p>Development with more than one street frontage positions entries, circulation and services to respond to the function of adjoining main streets, streets and laneways.</p> <p>Locate service areas away from main streets, local streets and public spaces, or within basement or upper levels.</p> <p>Co-locate service cabinets internal to loading, waste or parking areas where possible to avoid impact on the public realm.</p>
<p>Laneways, pedestrian and cycling connections</p> <p>Development to provide new, direct and convenient pedestrian and cycling connections where appropriate, that are aligned with other lanes or pedestrian and cycling connections on nearby sites.</p> <p>New laneways are provided through large sites where appropriate.</p>	<p>Provide new pedestrian connections where the average length of a street block exceeds 100 metres, except within 200 metres of a rail station where more frequent connections are desirable to manage high pedestrian volumes.</p> <p>For street blocks exceeding 200 metres in length, at least two pedestrian connections are provided.</p> <p>Pedestrian connections are located centrally within the street block and where possible, less than 70 metres from the next intersection or pedestrian connection.</p> <p>New laneways, pedestrian and cycling connections are:</p> <ul style="list-style-type: none"> ▪ Safe, direct, attractive, well-lit and provide a line of sight from one end of the connection to the other. ▪ Publicly accessible and appropriately secured with a legal agreement. ▪ At least six metres wide. ▪ Open to the sky. ▪ Lined by active frontages.

- **Special character building** means any of the buildings listed below (and identified in the *West Melbourne Structure Plan 2018*):
 - 97-99 Dudley Street, West Melbourne (single storey brick building)
 - 91-95 Dudley Street, West Melbourne (single-storey brick building)
 - 419-421 Spencer Street, West Melbourne (single-storey brick building)

- 405-407 Spencer Street, West Melbourne (single-storey brick buildings)
- 60 Batman Street, West Melbourne (three-storey brick building)
- 50 Batman Street, West Melbourne (single-storey brick building)
- 42-48 Batman Street, West Melbourne (two-storey brick building)
- 2-24 Batman Street, West Melbourne (three-storey concrete building)
- 66-68 Jeffcott Street, West Melbourne (three-storey brick building)
- 510-516 La Trobe Street, West Melbourne (two-storey brick building)
- 488-494 La Trobe Street, West Melbourne (two-storey rendered brick building)
- 460-462 La Trobe Street, West Melbourne (two-storey rendered brick building)
- 456 La Trobe Street, West Melbourne (two-storey bluestone building)
- 33-35 Dudley Street, West Melbourne (single & two-storey brick building)
- **Successfully retained** means that the three dimensional form and details of a special character building, as viewed from the street, have been preserved and incorporated into the development, and the existing interior finished floor and ceiling levels have been adopted to maintain the functional appearance of the building.
- **Bonus floor area** means 50% of the gross floor area of a special character building, where the special character building has been successfully retained.
- **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, minus any bonus floor area the development qualifies for, 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.

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Subdivision

None specified.

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Advertising signs

None specified

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Application Requirements

The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A site analysis and urban context report documenting the key contextual influences on the development and how the development addresses the Design Objectives, Built Form Outcomes and Built Form Requirements of this schedule.
- Diagrammatic demonstration of how the development addresses the Design Objectives, Built Form Requirements and Built Form Outcomes of this Schedule.
- Photographic and or diagrammatic study of prevailing materiality and architectural elements in the surrounding streetscape including any heritage elements.
- Photomontage studies of the proposal within its streetscape context from pedestrian eye level from street level. (Including relevant proposals and approvals for development).

- Analysis of the relationship between the proposal and adjacent buildings (including likely adjacent development envelopes) and open space in order to maximise the amenity of the public and private realm.
- Street elevations of the block showing how the development proposal sits and contributes to its context.
- Plan, elevation and section drawings (1:50 or 1:20) and written statement, showing and describing, the design of the lower levels of the building including entries, shop front design, service areas, weather protection canopies and integrated signage elements.
- Where a special character building is proposed to be successfully retained, a retention and refurbishment plan, detailing all the building fabric to be retained and/or refurbished as part of a development. Diagrams, photomontages or three-dimensional renders should be used to demonstrate that any element of the development visible from a height of 1.7 metres above street level (including the roof) measured within a 45° viewing angle of the plane of the street alignment will be preserved.
- Where buildings and works above 20 metres in height are proposed, a three-dimensional model of the proposed development in accordance with relevant City of Melbourne guidelines.
- Where publicly accessible podium and rooftop spaces are proposed, landscape plans detailing hard and soft landscape elements and detail of any deep soil planting areas.
- Where on-site car parking is proposed plans and section drawings demonstrating the capacity to adapt to alternate uses.
- Where student housing, hotel or serviced apartments are proposed, layout plans demonstrating the potential for conversion to alternative uses with an acceptable level of amenity.

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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 extent to which the development addresses the Design Objectives, Built Form Outcomes and Built Form Requirements of this schedule.
- The effect of the development on solar access to existing solar panels on other sites.
- Whether the development enables sunlight to reach into parks, streets and lower levels of buildings.
- Whether the development is responsive to the local context, varied subdivision patterns and site sizes and other characteristics of the Flagstaff precinct.
- Whether the development supports a high quality of pedestrian amenity in the public realm
- Whether the development allows for the adaptive re-use of existing buildings.