SCHEDULE [NUMBER] TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as DDO [Number].

FISHERMANS BEND – MONTAGUE PRECINCT

1.0 Design objectives

To implement the Fishermans Bend Vision, September 2016 and the Fishermans Bend Framework, # [2018]. [DDO M 1.0p1] To encourage development that optimises the strategic location of Fishermans Bend as an urban renewal precinct of State significance.

To ensure a mix of mid and high rise scales with hybrid and podium tower typologies in Montague North and to ensure a mid rise scale encouraging predominantly infill row, terrace and shop top developments with some hybrid typologies that preserve identified character buildings and sensitively respond to heritage fabric in Montague South. [DDO M 1.0p2]

To ensure the scale, height and setbacks of development maintain sunlight in identified public open space, streets and laneways, and facilitate comfortable wind conditions, to deliver a high quality public realm. [DDO M 1.0p3]

To ensure building separation and setbacks achieve high levels of internal amenity for all development. [DDO M 1.0p4]

To encourage buildings to be designed so that they are capable of being adapted to facilitate to reduce car dependence and increase of commercial floor space. [DDO M 1.0p5]

2.0 Buildings and works

Buildings and works for which no permit is required

A permit is not required to construct or carry out works for a new or modified verandah, awning, sunblind or canopy to an existing building. [DDO M 2.0p1]

Requirements

The following requirements apply to an application to construct a building or construct or carry out works. [DDO M 2.0p2]

The following requirements do not apply to: [DDO M 2.0p3]

- An application for buildings and works associated with an existing industrial use which facilitates the urban renewal of Fishermans Bend. [DDO M 2.0p4]
- An application to amend an existing permit granted before the approval date which does not increase the extent of non compliance with the requirements. [DDO M 2.0p5]

A built form requirement expressed with the term ‘must’ is mandatory requirement. A permit cannot be granted to vary a mandatory built form requirement. [DDO M 2.0p6]

A built form requirement expressed with the term ‘should’ is a discretionary requirement. A permit may be granted to vary a discretionary built form requirement. [DDO M 2.0p7]

An application for buildings and works must achieve the relevant built form outcomes. [DDO M 2.0p8]

Definitions

For the purpose of this schedule: [DDO M 2.0p9]

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 excluding: [DDO M 2.0p10]
Non-habitable architectural features not more than 3.0 metres in height. [DDO M 2.0p11]

Building services and communal recreation facilities setback at least 3.0 metres behind the building façade. [DDO M 2.0p12]

Comfortable wind conditions means a mean wind speed from any wind direction (minimum 16 wind direction sectors) with probability of exceedance less than 20 per cent of the time, equal to or less than: [DDO M 2.0p13]

- $3.5$ metres/second for sitting areas. [DDO M 2.0p14]
- $4.7$ metres/second for standing areas. [DDO M 2.0p15]
- $5.9$ metres/second for walking areas. [DDO M 2.0p16]

Unsafe wind conditions means the hourly maximum 3 second wind gust which exceeds $20.23$ metres/second from any wind direction considering at least (minimum 16 wind direction sectors) with the corresponding probability of exceedance percentage $0.1\%$. [DDO M 2.0p17]

Laneway means a road reserve of 9 metres or less in width. [DDO M 2.0p18]

Mean wind speed means the maximum of: [DDO M 2.0p19]

- Hourly mean wind speed, or [DDO M 2.0p20]
- Gust equivalent mean speed (3 second gust wind speed divided by 1.85). [DDO M 2.0p21]

Street means a road reserve of greater than 9 metres in width. [DDO M 2.0p22]

Street wall means any part of the building constructed within 0.3 metres of a lot boundary fronting the street or laneway. [DDO M 2.0p23]

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 excluding non-habitable architectural features not more than 3 metres in height. [DDO M 2.0p24]

### Building typologies

**Table 1: Building typologies**

<table>
<thead>
<tr>
<th>PRECINCT</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area M1 on Map 1</td>
<td>Mid to high rise developments. On larger sites, a hybrid of perimeter blocks with slender towers that create fast moving shadows and minimise the perception of visual bulk when viewed from streets.</td>
</tr>
<tr>
<td>Area M2 on Map 1</td>
<td>Predominantly mid-rise developments with some opportunities for additional upper levels that are visually recessed from the street and protect solar access to the existing school forecourt.</td>
</tr>
<tr>
<td>Area M3 on Map 1</td>
<td>Mid to high rise developments. On larger sites, a hybrid of perimeter blocks with some slender towers that avoid overshadowing the proposed park and retain, and sensitively respond to heritage and character elements.</td>
</tr>
<tr>
<td>Area M4 on Map 1</td>
<td>Mid-rise developments with opportunities for some additional upper levels that are visually recessive from the street and do not result in tower-podium building types and retain, and sensitively respond to heritage and character elements.</td>
</tr>
<tr>
<td>Area M5 on Map 1</td>
<td>Predominantly mid rise developments with some high rise forms on larger sites where well-spaced, slender towers can be demonstrated to provide sunlight access to</td>
</tr>
</tbody>
</table>

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OVERLAYS - CLAUSE 43.02 - SCHEDULE [NUMBER]
Precinct Built Form Outcomes

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Streets with a particular focus on Buckhurst Street.</td>
<td></td>
</tr>
<tr>
<td>Area M6 on Map 1</td>
<td>Low-rise development that responds to the context and character of the adjacent low-rise neighbourhoods.</td>
</tr>
</tbody>
</table>

Building height

Table 2: Building height

<table>
<thead>
<tr>
<th>Built Form Requirements</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>A new building or works should not exceed the building heights shown in Map 2 to this schedule.</td>
<td>The height of new buildings in all areas must:</td>
</tr>
<tr>
<td>A new building or works must not exceed the building height of “4 storeys mandatory” shown in Map 2 to this schedule.</td>
<td>- Respond to the preferred future precinct character and building typologies in Table 1.</td>
</tr>
<tr>
<td>A new building or works must not exceed the building height of “6 storeys mandatory” shown in Map 2 to this schedule.</td>
<td>- Contribute to a varied and architecturally interesting skyline.</td>
</tr>
<tr>
<td></td>
<td>- Limit impacts on the amenity of the public realm as a result of overshadowing and wind.</td>
</tr>
<tr>
<td></td>
<td>- Provide an appropriate transition and relationship to heritage buildings and existing lower-scale neighbourhoods of South Melbourne and Port Melbourne.</td>
</tr>
<tr>
<td></td>
<td>- Minimise overshadowing of the footpaths around the South Melbourne Market.</td>
</tr>
</tbody>
</table>

Street wall height

ADD – Minimum street wall heights ranging from 2 storeys in 12m wide streets up to 5 storeys in 40m wide streets.

Table 3: Street wall height

<table>
<thead>
<tr>
<th>Built Form Requirements</th>
<th>Maximum Street Wall Height</th>
<th>Built Form Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preferred Street wall height</td>
<td>A new street wall must not exceed a height of 4 storeys on City Road.</td>
<td>Street walls that ensure:</td>
</tr>
<tr>
<td></td>
<td>A new street wall must not exceed a height of:</td>
<td>- An appropriately scaled and distinct street wall effect.</td>
</tr>
<tr>
<td></td>
<td>- 6 storeys (23m):</td>
<td>- A human scale.</td>
</tr>
<tr>
<td></td>
<td>- On a street or laneway ≤ 22m wide as shown in Diagram 1.</td>
<td>- An appropriate level of street enclosure having regard to the width of the street with lower street wall heights to narrower streets.</td>
</tr>
<tr>
<td></td>
<td>- At 30-38 Thistlethwaite Street, Port Melbourne.</td>
<td>- Skyviews from the street or laneway and do not overwhelm the public realm.</td>
</tr>
<tr>
<td></td>
<td>- 8 storeys (30m) on a street &gt; 22m wide as shown in Diagram 2, except where the building height is &gt;10 storeys in which case the street wall height must not exceed 6</td>
<td>- An appropriate transition to adjoining heritage places when</td>
</tr>
</tbody>
</table>

Any new building should include a street wall (built to the boundary) at least 4 storeys in height, except where a lower height is necessary to respond to adjoining heritage places. For new buildings on laneways or Normanby Road or Buckhurst Street, the street wall should be 4 storeys.
### Built Form Requirements

<table>
<thead>
<tr>
<th>Preferred Street wall height</th>
<th>Maximum Street wall height</th>
</tr>
</thead>
<tbody>
<tr>
<td>For streets 18m or less in width</td>
<td>7.5m – 23m (approx 2-6 storeys)</td>
</tr>
<tr>
<td>For streets between 18m and 30m in width</td>
<td>11m - 23m (approx 3-6 storeys)</td>
</tr>
<tr>
<td>For streets 30m or greater in width</td>
<td>15m – 30m (approx 4-8 storeys)</td>
</tr>
<tr>
<td>Where a site lies on the corner of two principal streets of 30m in width</td>
<td>60m (approx 17 – 18 storeys) for a distance of 30m along each street frontage</td>
</tr>
</tbody>
</table>

### Built Form Outcomes

- Viewed from the street.
  - Adequate daylight and sunlight in the street or laneway.
- Street walls on a corner site to make an appropriate transition back to the preferred street wall height.
- New street walls on Normanby Road and Buckhurst Street are designed to maximise the amount of sunlight penetration on the southern side of the street for Normanby Road, and to the proposed green spine for Buckhurst Street.
Diagram 1 (amend diagrams in accordance with above)

Maximum street wall height 6 storeys

Diagram 2

Overall building height ≤10 storeys (38m)

Diagram 3

Overall building height >10 storeys (38m)
Setbacks above the street wall from new and existing streets and laneways

Table 4: Setbacks above the street wall

<table>
<thead>
<tr>
<th>BUILT FORM REQUIREMENTS</th>
<th>Minimum Setback</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preferred Setback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Any part of the building above the street wall should be setback:</td>
<td></td>
<td>Setbacks above street walls that ensure:</td>
</tr>
<tr>
<td>• A minimum of 5m if the building height is ≤8 storeys, except on City Road.</td>
<td></td>
<td>• Comfortable wind conditions in the public realm.</td>
</tr>
<tr>
<td>• A minimum of 10m if the building height is &gt; 8 storeys.</td>
<td></td>
<td>• Adequate daylight and sunlight into streets and laneways.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Skyviews from the street or laneway and do not overwhelm the public realm.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• An appropriate setback to significant elements of any heritage place on, or adjoining the site.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Upper floors are visually recessive to minimise visual bulk.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Overshadowing of the footpaths around the South Melbourne Market is minimised.</td>
</tr>
</tbody>
</table>

Note: For the purpose of Table 4, [DDO M 2.0p25]
The setback of a building above a street wall from a laneway is the shortest horizontal distance from the building façade to the centreline of the laneway. [DDO M 2.0p26]
The setback of a building above a street wall from a street is the shortest horizontal distance from the building façade to the street boundary. [DDO M 2.0p27]
Diagram 4

Building height ≤8 Storeys

Diagram 5

Building height >8 Storeys and ≤20 Storeys

Diagram 6

Building height >20 Storeys

minimum 10m

Street/Lane
Side and rear setbacks

Side and rear setbacks should be a minimum of 6m up to a height of 36m and a formula above that which gradually increases the setbacks as the building rises to 10m at a height of 100m with preformance outcomes.

Table 5: Side and rear setbacks

<table>
<thead>
<tr>
<th>BUILT FORM REQUIREMENTS</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preferred Setbacks</td>
<td>Minimum Setbacks</td>
</tr>
</tbody>
</table>
### BUILT FORM REQUIREMENTS

<table>
<thead>
<tr>
<th>Preferred Setbacks</th>
<th>Minimum Setbacks</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Below the street wall:</strong> Any part of a new building below the street wall height should be built on or within 300mm of a side boundary. However, if any part of a new building below the street wall height is setback from a side or rear boundary it should be setback at least 9 metres.</td>
<td><strong>Below the street wall:</strong> If a new building is setback from a side or rear boundary below the street wall height, it must be setback at least 6 metres from a side or rear boundary. <strong>Above the street wall height:</strong> - A new building up to 20 storeys in overall height must be setback at least 5 metres from a side or rear boundary (except if the building below the street wall is not built on the boundary in which case it must be setback 10 from a side or rear boundary); - A new building above 20 storeys in overall height must be setback at least 10 metres from a side or rear boundary.</td>
<td>To create a continuous street wall along all site frontages. New buildings (above and below the street wall) are setback to ensure:  - Adequate daylight and sunlight into streets and laneways.  - Sunlight, daylight and privacy to and outlook from habitable rooms, for both existing and potential developments on adjoining sites.  - Wind effects on the public realm are mitigated.  - Tall buildings do not appear as a continuous wall when viewed from street level.  - Skyviews between buildings.  - Visual bulk is minimised. Internal amenity is achieved by setbacks rather than privacy screening.</td>
</tr>
</tbody>
</table>

### Building separation within a site

#### Table 6: Minimum building separation within a site

<table>
<thead>
<tr>
<th>Preferred building separation</th>
<th>Minimum building separation</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Below the street wall:</strong>  - Buildings within the same site should be separated from each other by at least 12m.</td>
<td><strong>Below the street wall:</strong>  - Buildings within the same site must be separated from each other by at least 6m.</td>
<td>To ensure high quality internal amenity outcomes within buildings having regard to outlook, daylight, overlooking, and offsetting direct views between buildings within the same site. Internal amenity is achieved by building separation rather than screening.</td>
</tr>
<tr>
<td><strong>Above the street wall:</strong>  - Buildings within the same site should be separated from each other by at least 20m.</td>
<td><strong>Above the street wall:</strong>  - A new building up to 20 storeys in height must be separated from any other building on the same site by at least 10m as shown in Diagram 8.  - A new building over 20 storeys in height must be separated from</td>
<td>To ensure tall buildings do not appear as a continuous wall when viewed from street level.</td>
</tr>
</tbody>
</table>

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Overlays - Clause 43.02 - Schedule [Number]  
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<table>
<thead>
<tr>
<th>BUILT FORM REQUIREMENTS</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preferred building separation</td>
<td>Minimum building separation</td>
</tr>
<tr>
<td>any other building on the same site by at least 20m as shown in Diagram 9.</td>
<td></td>
</tr>
</tbody>
</table>

Note: For the purpose of Table 6 building separation distance within a site is to be measured from the face of each building. [DDO M 2.0p28]
Diagram 8

Minimum building separation ≤20 Storeys

Diagram 9

Minimum building separation ≥20 Storeys
Overshadowing

Buildings and works must not cast any additional shadow above the maximum street wall height over: [DDO M 2.0p29]
- The existing residential zoned land south of City Road and east of Montague Street between the hours of 11.00am and 2.00pm on 22 September. [DDO M 2.0p30]
- The existing or proposed public open spaces or streets shown in the relevant maps of this schedule for the hours specified on the same map. [DDO M 2.0p31]

Wind effects on the public realm

Table 7: Wind effects on the public realm

<table>
<thead>
<tr>
<th>BUILT FORM REQUIREMENTS</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings and works higher than 40 metres:</td>
<td>To ensure that the ground-level wind gust speeds do not cause unsafe wind conditions to pedestrians adjacent to the development or to pedestrians adjacent to public spaces.</td>
</tr>
<tr>
<td>- Must not cause unsafe wind conditions.</td>
<td></td>
</tr>
<tr>
<td>- Should achieve comfortable wind conditions;</td>
<td></td>
</tr>
<tr>
<td>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 the figure below.</td>
<td></td>
</tr>
</tbody>
</table>

![Diagram](image)

Assessment distance \( D \) = greater of:
- \( L/2 \) (Half longest width of building)
- \( H/2 \) (Half overall height of building)

Active street frontages

Table 8: Active street frontages

<table>
<thead>
<tr>
<th>BUILT FORM REQUIREMENTS</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>On streets marked as Primary active frontages on the relevant maps to this schedule:</td>
<td>Buildings designed to:</td>
</tr>
<tr>
<td>- Buildings should provide:</td>
<td>- Address and define existing or proposed streets or open space and provide direct pedestrian access from the street to ground floor uses.</td>
</tr>
<tr>
<td>- At least 80 per cent visual permeability along the ground level of the building to a height of</td>
<td>- Address both street frontages if the building is on a corner.</td>
</tr>
<tr>
<td></td>
<td>- Create activated building facades with</td>
</tr>
</tbody>
</table>
### BUILT FORM REQUIREMENTS

- 2.5m, allowing for a solid plinth or base.
  - Pedestrian entries at least every 10m.
  - The frontage to a residential lobby at ground level should not exceed 4m.

On streets marked as Secondary active frontages (Type 1) on the relevant maps to this schedule, buildings should provide:

- At least 60 per cent visual permeability along the ground level of the building to a height of 2.5m, allowing for a solid plinth or base.
- Pedestrian entries at least every 15m.

On streets marked as Secondary active frontages (Type 2) on the relevant maps to this schedule, buildings should provide:

- At least 20 per cent visual permeability along the ground level of the building to a height of 2.5 m, allowing for a solid plinth or base.

All buildings should provide:

- Openable windows and balconies within the street wall along streets and laneways.
- Entrances that are no deeper than one third of the width of the entrance.
- Canopies over footpaths on primary or secondary active streets where retail uses are proposed.

Car parking should:

- Be sleeved with active uses so that it is not visible from the public realm or adjoining sites.
- Not be located at ground floor level.
- Not be visible from the street.
- Be contained within a building.

The area of any ground floor of a building occupied by building services, including waste, loading and parking should be less than 40% of the total site area.

### BUILT FORM OUTCOMES

- windows and regularly spaced and legible entries.
- Consolidate services within sites and within buildings, and ensure any externally accessible services or substations are integrated into the façade design.

Buildings with residential development at ground level designed to:

- Create a sense of address by providing direct individual street entries to dwellings or home offices.
- Achieve a degree of privacy through permeable screening and level changes.

Buildings are designed to avoid unsafe indents with limited visibility.

Car parking and building services that do not detract from the public realm.

Service areas are consolidated and located to maximise activation of the public realm.

Any externally accessible services or substations are integrated into the façade design.

A safe and high quality interface between the public and private realm through the arrangement of uses internal to a building.

### Adaptable buildings

#### Table 9: Adaptable buildings

<table>
<thead>
<tr>
<th>BUILT FORM REQUIREMENTS</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings should be designed with minimum floor to floor heights of:</td>
<td>Buildings are designed to accommodate employment uses and provide for future adaptation or conversion of parts of a building accommodating non-employment generating uses (including car parking) to employment generating uses over time.</td>
</tr>
<tr>
<td>- at least 4.0 metres at ground level;</td>
<td>Car parking is designed:</td>
</tr>
<tr>
<td>- at least 3.8 metres for other lower levels up to the height of the street wall.</td>
<td>- So that it can be adapted to other uses over time.</td>
</tr>
<tr>
<td>Car parking areas not within a basement should have level floors and a floor-to-</td>
<td></td>
</tr>
</tbody>
</table>
BUILT FORM REQUIREMENTS | BUILT FORM OUTCOMES
--- | ---
Floor height not less than 3.8 metres. Mechanical systems should be utilised to reduce the footprint of car parking areas. Internal layouts should be designed and arranged to enable adaptable floorplates to accommodate change of uses over time. | • To minimise its footprint within a building. Dwellings are designed to enable the consolidation or reconfiguration over time to alter the number of bedrooms. Internal layouts and floor plates should be flexible and adaptable with minimal load bearing walls that maximise flexibility for retail or commercial refits. Floorplate layout designed to enable one and two bedroom dwellings to be combined or adapted into three or more bedroom dwellings.

Building finishes

Table 10: Building finishes

<table>
<thead>
<tr>
<th>BUILT FORM REQUIREMENTS</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
</table>
| Building materials and finishes for buildings fronting main roads should not exceed 15 per cent perpendicular reflectivity, measured at 90 degrees to the façade surface. Buildings should provide different façade treatments every 10m along: - City Road; - Normanby Road; and - New north-south laneways connecting Normanby Road to Munro Street and Watergate Street. | Buildings are not designed in a manner that creates blank facades. Buildings are designed to achieve a fine grain on City Road, Normanby Road and on new north-south laneways connecting Normanby Road to Munro Street and Woodgate Street.

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. [DDO M 2.0p32]

3.0 Subdivision

None specified. [DDO M 3.0p1]

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. [DDO M 3.0p2]

4.0 Advertising signs

None specified. [DDO M 4.0p1]

5.0 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: [DDO M 5.0p1]
The preferred built form outcomes identified in this schedule. [DDO M 5.0p2]

Whether the cumulative impact of the proposed development and any existing adjoining development supports achievement of a high quality pedestrian amenity in the public realm, in relation to scale, visual bulk, overshadowing and wind effects. [DDO M 5.0p3]

Whether the proposed building setbacks and separation distances allow equitable access to privacy, sunlight, daylight and outlook. Consideration of this issue should have regard to the proposed internal use/s within a new building and the height of any existing or proposed adjoining built form. [DDO M 5.0p4]

The effect of the proposed buildings and works on solar access to existing and proposed public spaces having regard to: [DDO M 5.0p5]

- the area of additional shadow cast over the public space relative to the total area of public space and the area which will remain sunlit; [DDO M 5.0p6]
- any adverse impact on soft landscaping in public space; and [DDO M 5.0p7]
- whether allowing additional shadows to be cast on public spaces other than open space, is reasonable having regard to the function and orientation of the space and shadows cast by adjacent buildings. [DDO M 5.0p8]

Whether the proposal delivers design excellence, and contributes to creating a range of built form typologies. [DDO M 5.0p9]

The impacts of built form and visual bulk on daylight, sunlight and sky views from within public spaces or on adjoining heritage places. [DDO M 5.0p10]

The internal amenity of the development and the amenity and equitable development opportunities of adjoining properties. [DDO M 5.0p11]

The impacts of wind on the amenity and useability of nearby public open spaces, streetscapes or the public realm. [DDO M 5.0p12]
Land Subject to the Development Plan Overlay

The provisions of this policy do not apply to an application to use, develop or subdivide land (or any part of that land) that is subject to:

- the Development Plan Overlay; and
- a development plan that has been approved under that Overlay, provided the proposed use, development or subdivision is generally in accordance with that approved development plan to the satisfaction of the responsible authority.

Transitional Provisions

The provisions of this policy do not apply to:

- any application for a planning permit that was lodged before the approval of Amendment GC 81; or
- any application or request for the amendment of a planning permit issued before the approval of Amendment GC81; or
- the use or development of land that was either permitted by or was able to be lawfully undertaken in accordance with a planning permit issued before the approval of Amendment GC81 (including any as of right use that able to be accommodated within any development approved by such a permit.

The provisions of the planning scheme that applied at the time of the grant of the relevant permit, or (in this case of an application for a permit) immediately prior to the approval of Amendment GC81 are to be taken to apply to the relevant application for permit, or to the application or request for amendment of permit respectively.

Map 1: Building typologies

Locations for landmark and civic buildings should be included

Map 2: Building heights
Maximum street wall height of 4 storeys and minimum 10 metre setback above the street wall.

**Should be discretionary**

**Building height in Montague North should be 40 storeys**

**Building height between Buckhurst Street and Gladstone Street from 134-150 Buckhurst Street to Kerr Street should be 30 storeys**

**Buildings heights north of Montague North Park and the Thistlethwaite Street park should be the same as surrounding land**

**Height along Gladstone Street within Core (as revised) should be the same as surrounding land**

**Mandatory 4 storey height limit on City Road replaced with a discretionary 4 storey street wall and a discretionary 10m setback**

**Building heights should be revised following an assessment of the desired future character balanced against amenity outcomes and population growth**
Map 3: Active street frontages

LEGEND
Active frontages

- Primary (80% permeability)
- Secondary Type 1 (50% permeability)
- Secondary Type 2 (20% permeability)

New laneway
(Location indicative)
Map 4: Overshadowing

Legend

- **A** Public open space
  Overshadowing control from 11:00am to 2:00pm, 21 June to 22 September

- **B** Public open space
  Overshadowing control from 11:00am to 2:00pm, 22 September

- **Green** New and existing public open space
  No overshadowing controls

**Shadow should be assessed at 22 September and controls should be discretionary**