

PORT PHILLIP [PPPS] MELBOURNE [MPS] PLANNING SCHEME
 COMBINED DDO – REVIEW PANEL CONSOLIDATED DAY 1 VERSION
 BASED ON MINISTER’S PART A VERSIONS WITH PARAGRAPH NUMBERS ADDED

--/20--
 Proposed
 GC81

SCHEDULE 30 [PPFS] 67 [MPS] TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO30** [PPPS] **DDO67** [MPS].

FISHERMANS BEND URBAN RENEWAL AREA

1.0

Design objectives

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 Proposed
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To implement the Fishermans Bend Vision, September 2016 and the Fishermans Bend Framework, XX 2018. [DDO 1.0p1]

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. [DDO 1.0p2]

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. [DDO 1.0p3]

To encourage developments to create publicly accessible, private and communal open spaces. [DDO 1.0p4]

To encourage buildings to be designed to be adaptable over time. [DDO 1.0p5]

2.0

Buildings and works

--/20--
 Proposed
 GC81

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 an addition or modification to a verandah, awning, sunblind or canopy of a building. [DDO 2.0p1]

Requirements

The following buildings and works requirements apply to an application to construct a building or construct or carry out works. [DDO 2.0p7]

Definitions

For the purpose of this schedule:

Amenity wall means a wall that includes a window to a habitable room, or opening to a terrace or balcony.

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 2.0p18]

- Non-habitable architectural features not more than 3.0 metres in height. [DDO 2.0p19]
- Building services and communal recreation facilities setback at least 3.0 metres behind the building façade. [DDO 2.0p20]

Building separation distance means the shortest horizontal distance between two separate buildings or towers, including projections such as balconies, building services and architectural features on the same site.

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: [DDO 2.0p92]

- 3 metres/second for sitting areas. [DDO 2.0p93]
- 4 metres/second for standing areas. [DDO 2.0p94]

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- 5 metres/second for walking areas. [DDO 2.0p95]

Gross developable area means the total site area, including any proposed road, laneway, public open space or community infrastructure hub.

Laneway means a road reserve of 9 metres or less in width. [DDO 2.0p29]

Mean wind speed means the maximum of: [DDO 2.0p96]

- Hourly mean wind speed, or [DDO 2.0p97]
- Gust equivalent mean speed (3 second gust wind speed divided by 1.85). [DDO 2.0p98]

Non-amenity wall means a wall that does not include a window to a habitable room, or an opening to a terrace or balcony.

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. [DDO 2.0p127]

Street means a road reserve of greater than 9 metres in width. [DDO 2.0p30]

Street wall means any part of the building constructed within 0.3 metres of a lot boundary fronting the street or laneway. [DDO 2.0p27]

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 **and building services setback at least 3.0 metres behind the street wall.** [DDO 2.0p28]

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. [DDO 2.0p91]

Comment [A1]: This is the same exemption as the DDO10 – Melbourne Planning Scheme

Building height

An application for buildings and works:

- Must meet the built form requirements in Table 1.
- Should achieve the built form outcomes in Table 1.

Table 1: Building height

BUILT FORM REQUIREMENTS	BUILT FORM OUTCOMES
<p>A new building or works must not exceed the building heights shown in the relevant maps to this schedule.</p> <p>Where a building height is shown as “15.4 metres (mandatory)” a permit cannot be granted to vary this requirement.</p>	<p>The height of an new building should:</p> <ul style="list-style-type: none"> ▪ Respond to the preferred future precinct character and facilitate 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.

Comment [A2]: No maps shown in this version of the DDO30. Refer to submission regarding inconsistencies in height maps and the correction/clarification which needs to be made.

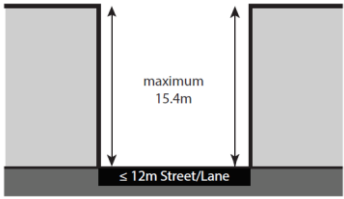
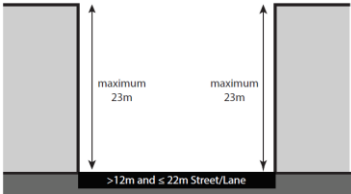

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Street wall height

An application for buildings and works:

- Must meet the built form requirements in Table 2.
- Should achieve the built form outcomes in Table 2.

Table 2: Street wall height

BUILT FORM REQUIREMENTS	BUILT FORM OUTCOMES
<p>A new street wall must not exceed a height of:</p> <ul style="list-style-type: none"> ▪ 15.4m on a street or laneway $\leq 12\text{m}$ wide.  <ul style="list-style-type: none"> ▪ 23m on a street $>12\text{m}$ and $\leq 22\text{m}$ wide.  <ul style="list-style-type: none"> ▪ 30m on a street $>22\text{m}$ wide except where the building height is $>38\text{m}$ in which case the street wall height must not exceed 23m.  <p>Where a new building is on the corner of two streets or a street and a laneway the higher maximum street wall prevails.</p> <p>A permit cannot be granted to vary these requirements.</p>	<p>New street walls should:</p> <ul style="list-style-type: none"> ▪ Not overwhelm the street or laneway. ▪ Allow for views to the sky from the street or laneway. ▪ Enable adequate daylight and sunlight in the street or laneway. ▪ Provide an appropriate transition to existing heritage buildings.

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**Setbacks above the street wall from new and existing streets and laneways
 (or from the centre line of an adjoining laneway)**

An application for buildings and works:

- Must meet the mandatory requirements in Table 3.
- Should meet the discretionary requirements in Table 3.
- Should achieve the built form outcomes in Table 3.

For the purpose of these built form requirements:

- The setback of a street wall from a laneway is the shortest horizontal distance from the building façade to the centreline of the laneway
- The setback of a street wall from a street is the shortest horizontal distance from the building façade to the street boundary.

Table 3: Setbacks above the street wall

BUILT FORM REQUIREMENTS	BUILT FORM OUTCOMES
<p>Discretionary requirements:</p> <p>Above the street wall, a new building façade should be setback:</p> <ul style="list-style-type: none"> ▪ A minimum of 5m if the building height is <40m<u>≤30m</u>. ▪ A minimum of 10m if the building height is >30m<u>>40m</u> and ≤68m. <p>Mandatory requirements:</p> <p>Above the street wall, a new building façade must<u>should</u> be setback:</p> <ul style="list-style-type: none"> ▪ A minimum of 3m if the building height is ≤30<u>≤40m</u>. <div data-bbox="419 1312 715 1599" data-label="Diagram"> </div> <p>Above the street wall, a new building must be setback:</p> <ul style="list-style-type: none"> ▪ A minimum of 5m if the building height is >30m<u>>40m</u> and ≤68m. 	<p>A new building façade setback should:</p> <ul style="list-style-type: none"> ▪ Facilitate a distinct street wall effect. ▪ Not dominate the view from the street or laneway. ▪ Mitigate wind effects on the public realm. ▪ Enable adequate daylight and sunlight into the street or laneway. ▪ Allow for views to the sky from the street or laneway. ▪ 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.

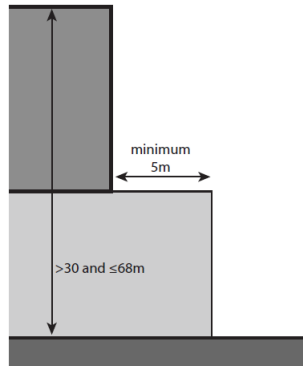
Comment [A3]: Height increased to meet upper limit of “mid-rise” buildings as per CoPPs Stage 2 submission discussed within the submission.

Comment [A4]: Responds to request for discretionary street wall setback controls as discussed within the submission

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Comment [A5]: Responds to request for discretionary street wall setback controls as discussed within the submission. Should mandatory controls be adopted for high rise buildings (buildings over 40m) this can be dealt with through the inclusion of this requirement.

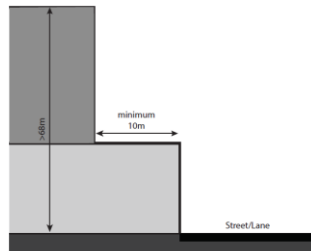
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A permit cannot be granted to vary these requirements.

Above the street wall, a new building façade must be setback:

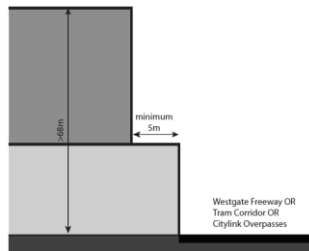
- A minimum of 10m if the overall building height is >68m.



A permit cannot be granted to vary this requirement except for a new building façade which interfaces with any of the following:

- Westgate Freeway;
- City Link overpass;
- Route 96 tram corridor; or
- Route 109 tram corridor;

in which case the building façade must be setback a minimum of 5m above the street wall.



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Wall heights on a side or rear boundary

An application for buildings and works:

- Must meet the built form requirements in Table 4.
- Should achieve the built form outcomes in Table 4.

Table 4: Wall height on a side or rear boundary

BUILT FORM REQUIREMENTS	BUILT FORM OUTCOMES
<p>A new wall built on or within 200mm of a side or rear boundary must not exceed a height of 23m unless:</p> <ul style="list-style-type: none"> ▪ The building height is ≤38m in which case, it must not exceed 30m. ▪ A 12 storey and <40 metre wall is built on or within 200mm of a side boundary if an existing, approved, proposed or potential building on an adjoining site is built to that boundary and if the minimum building setbacks required by the Built Form Requirement to side and rear boundaries (excluding a street or laneway) above the street wall is met to all other side and rear boundaries. Buildings of no more than 12 storeys and <40m metres in height, may be constructed to a second side or rear boundary if an adjoining site cannot, by legal restriction benefitting the application site, be developed above the street wall height. <p>A permit cannot be granted to vary this requirement.</p>	<p>None specified.</p>

Comment [A6]: This is supported. The allowance of boundary abutments for lower scale “mid-rise” buildings to side and rear boundaries is sensible and responds to the requests of the submission.

We provide a second exemption here for larger “mid-rise” buildings up to 12 storeys. See comment below for further details.

Should the exemption below be accepted the interplay between the <38m and <40m height threshold may need to be revisited.

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Side and [PPPS] or [MPS] rear setbacks, (excluding a lane or street)

An application for buildings and works:

- Must meet the built form requirements in Table 5.
- Should achieve the built form outcomes in Table 5.

The built form requirements in Table 5 do not apply to a street wall.

Table 5: Side or rear setbacks

BUILT FORM REQUIREMENTS	BUILT FORM OUTCOMES
<p>A new building with an Amenity wall not on or within 200mm of a boundary must be setback from side or rear boundaries at least:</p> <ul style="list-style-type: none"> ▪ 6m if the building height is ≤23m, except for a non-amenity wall which must be setback at least 3m. 	<p>None specified.</p>

Comment [A7]: The wording for this abuttal allowance is taken from the DDO10 of the Melbourne Planning Scheme. See top of page 8/12, “Modified Requirement (Figure 3)” of design element “Building setbacks from side boundaries and rear boundaries (or from the centre line of an adjoining laneway) and tower separation within a site”.

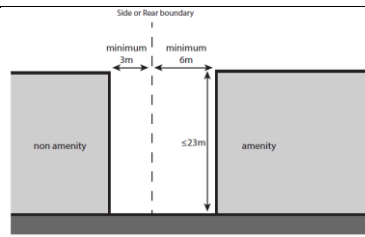
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Comment [A8]: There are serious issues raised in the submission regarding the side and rear setback (see Page 15 – 16). This Table needs to be completely redrafted to address:

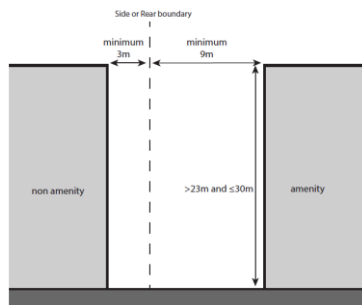
- Appropriate setbacks; and
- Allowance of habitable vs non habitable space

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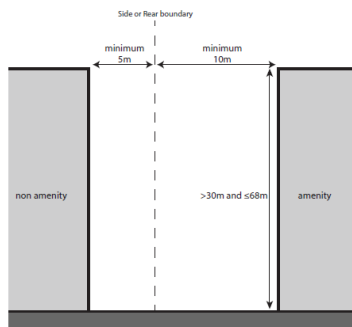


- 9m if the building height is >23m and $\leq 30m < 40m$, except for a non-amenity wall which must be setback at least 3m.



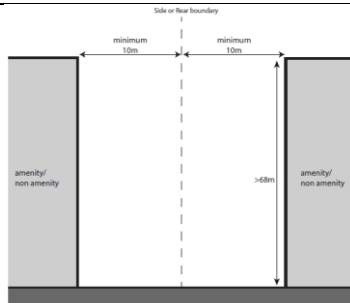
A permit cannot be granted to vary these requirements.

Any part of a new building with an amenity wall above $30m-40m$ (measured from the footpath and or surface level at the centre of the site frontage) must be setback from side or rear boundaries at least 10m except for a non-amenity wall above 30m and <68m in height which must be setback at least 5m.



Any part of a new building above with an Amenity wall 68m (measured from the footpath and or surface level at the centre of the site frontage) must be setback at least 10m from side or rear boundaries.

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A permit cannot be granted to vary these requirements except where the side or rear boundary interfaces with any of the:

- Westgate Freeway;
- City Link overpass;
- Route 96 tram corridor; or
- Route 109 tram corridor;

in which case a new building ~~must~~ **should** be setback from that side or rear boundary at least 5m.

Comment [A9]: Desctionary requirements for nonsensitive interfaces such as these should be considered.

Building separation within a site

An application for buildings and works:

- Must meet the built form requirements in Table 6.
- Should achieve the built form outcomes in Table 6.

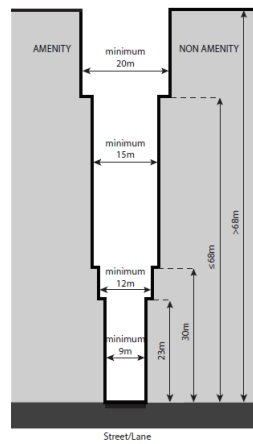
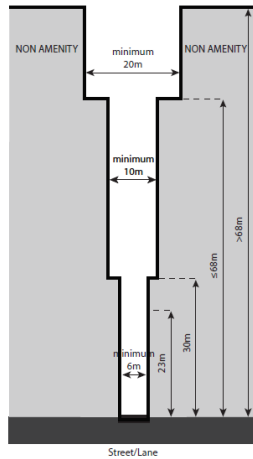
Table 6: Minimum building separation

BUILT FORM REQUIREMENTS	BUILT FORM OUTCOMES
<p>The minimum building separation distance for:</p> <ul style="list-style-type: none"> ▪ A new building ≤23m in height is: <ul style="list-style-type: none"> - 6m between non-amenity walls. - 9m between a non-amenity wall and an amenity wall. - 12m between amenity walls. ▪ A new building or tower >23m and ≤30m in height is: <ul style="list-style-type: none"> - 6m between non-amenity walls. - 12m between a non-amenity wall and an amenity wall. - 18m between amenity walls. ▪ For any part of a new building >30m and ≤68m in height is: <ul style="list-style-type: none"> - 10m between non-amenity walls. - 15m between a non-amenity wall and an amenity wall. 	<p>None specified.</p>

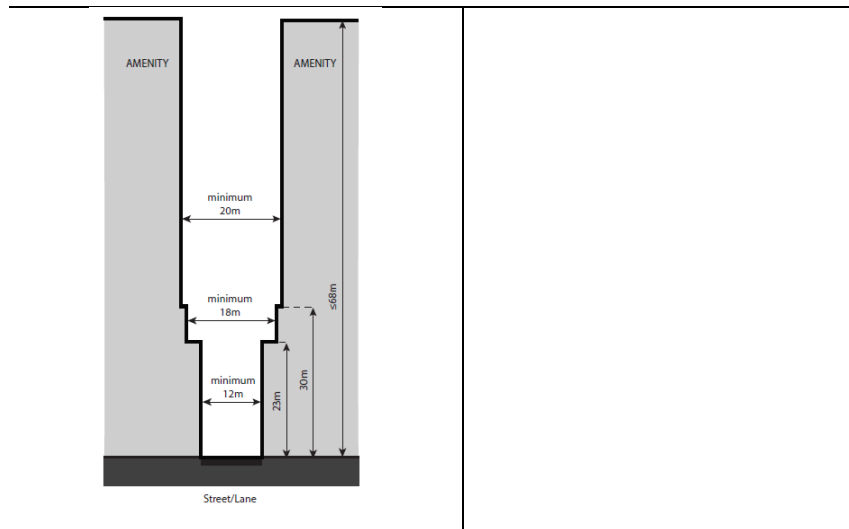
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- 20m between amenity walls.
- For any part of a building >68m in height, 20m between any two walls.

A permit cannot be granted to vary these requirements.



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Overshadowing

Buildings and works must be designed to:

- Avoid casting any additional shadow across any of the existing or proposed public open spaces, streets or residential zoned land shown in the relevant maps of this schedule (except for Lorimer Central, Montague North and Montague Park), during the hours specified in Table 7 of this schedule.
- Avoid casting any additional shadow above the street wall height over the existing or proposed public open spaces shown in the relevant maps of this schedule as Lorimer Central, Montague North and Montague Park, during the hours specified in Table 7 of this schedule.

A permit cannot be granted to vary these requirements. [DDO 2.0p86]

Table 7: Overshadowing

As shown on map	Public Open Space/Street/Residential Zoned land	Hours and dates
A	JL Murphy Reserve (Wirraway), Wirraway East (Prohasky Street, Wirraway) North Port Oval (Williamstown Road, Sandridge)	11:00am to 2:00pm 21 June to 22 September
A	Lorimer Central (Ingles Street)	11.00am to 2:00pm 21 June to 22 September
A	Wirraway North (Woolboard Road, Wirraway)	11:00am to 2:00pm 21 June to 22 September
C	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
B	Turner Street (south side).	10.30am to 1.30pm 22 September
D	Parks with frontage to: Buckhurst Street, Gladstone Street, Whiteman Street and Thistlethwaite Street	11:00am to 2:00pm 22 September

As shown on map	Public Open Space/Street/Residential Zoned land	Hours and dates
	(Montague) Fennell/Bertie Streets, Plummer Street (Southside), Boundary Street / Woodruff Street (extension), and new streets between Graham Street and Bertie Street, excluding Bridge St/Plummer (Northside) (Sandridge) Plummer Street (South side), new streets between Salmon and Smith Streets (Wirraway)	
D	Montague North (Montague Street, Montague)	11:00am to 2:00pm 22 September
B	Woolboard Street (South side) (existing section of the street), Wirraway	10:00am to 1:00pm 22 September
C	Woolboard Street South side (proposed extension) to Plummer Street, Wirraway	12:30pm to 3:30pm 22 September
A	Montague Park (Ferrars Street, Montague)	11:00am to 2:00pm 22 June to 22 September
D	Plummer Street (South side) first 6 metres north of property boundary	11:00am to 2:00pm 22 September
D	South of Williamstown Road, and City Road and East of Montague Street	11:00am to 2:00pm 22 September

Wind effects on the public realm

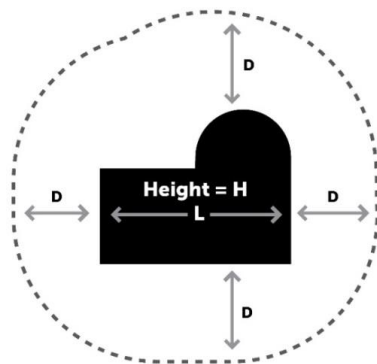
An application for buildings and works:

- Must meet the mandatory built form requirements in Table 8.
- Must meet the discretionary built form requirements in Table 8.
- Should achieve the built form outcomes in Table 8.

Table 8: Wind effects on the public realm

BUILT FORM REQUIREMENTS	BUILT FORM OUTCOMES
<p>Buildings and works with a total building height in excess of 40 metres:</p> <ul style="list-style-type: none"> ▪ Must not cause unsafe wind conditions. A permit cannot be granted to vary this requirement; ▪ Should 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 the figure below. [DDO 2.0p89] 	None specified.

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

[Site coverage [PPPS]

These built form requirements apply only to land outside of the Core Areas in the Sandridge and Wirraway precincts.

An application for buildings and works:

- Should meet the built form requirements in Table 9.
- Should achieve the built form outcomes in Table 9.

Table 9: Site coverage

BUILT FORM REQUIREMENTS	BUILT FORM OUTCOMES
Site coverage should not exceed 70 per cent except where: <ul style="list-style-type: none"> ▪ An existing building is being retained and accounts for >70 per cent of the site coverage; ▪ The site has a gross developable area of less than 1200 sq m; or ▪ The responsible authority is satisfied that other site constraints warrant an increased site coverage. 	None specified.

Active street frontages

An application for buildings and works:

- Should meet the built form requirements in Table 10.
- Should achieve the built form outcomes in Table 10.

Table 10: Active street frontages

BUILT FORM REQUIREMENTS	BUILT FORM OUTCOMES
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<p>On streets marked as primary active street on the relevant maps to this schedule, buildings should provide:</p> <ul style="list-style-type: none"> ▪ At least 80 per cent visual permeability along the ground level of the building to a height of 2 m. ▪ Pedestrian entries at least every 15 m. <p>On streets marked as secondary active streets on the relevant maps to this schedule, buildings should provide:</p> <ul style="list-style-type: none"> ▪ At least 60 per cent visual permeability along the ground level of the building to a height of 2 m. <p>Buildings fronting primary or secondary active streets should provide footpath canopies where retail uses are proposed.</p> <p>Buildings should provide openable windows and balconies on the first six levels along streets and laneways.</p> <p>Buildings are to provide entrances that are no deeper than one third of the width of the entrance.</p>	<p>Buildings are designed to address and define existing or proposed streets or open space and provide direct pedestrian access from the street to ground floor uses.</p> <p>On a corner, buildings are designed to address both street frontages.</p> <p>Buildings are designed to create activated building facades with windows, and doors.</p> <p>Buildings are designed to consolidate services within sites and within buildings, and ensure any externally accessible services or substations are integrated into the façade design.</p> <p>Buildings that propose residential development at ground level are designed to:</p> <ul style="list-style-type: none"> ▪ 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.
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Adaptable buildings

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. [DDO 2.0p127]

An application for buildings and works:

- Should meet the built form requirements in Table 11.
- Should achieve the built form outcomes in Table 11.

Table 11: Adaptable buildings

BUILT FORM REQUIREMENTS

BUILT FORM OUTCOMES

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<p>Buildings should be designed with:</p> <ul style="list-style-type: none"> ▪ Car parking areas not within a basement to have level floors and a floor-to-floor height not less than 3.8m (except for ramp). ▪ Minimum floor to floor heights at ground level of 4.0m and of 3.8m 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 can adapt to other uses over time. 	None specified.
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Building finishes

An application for buildings and works:

- Should meet the built form requirements in Table 12.
- Should achieve the built form outcomes in Table 12.

Table 12: Building finishes

BUILT FORM REQUIREMENTS	BUILT FORM OUTCOMES
Building materials and finishes for buildings fronting main roads are not to exceed 15 per cent perpendicular reflectivity, measured at 90 degrees to the façade surface.	Buildings are not designed in a manner that creates blank facades. Building faces on shared boundaries that are visible from the public realm are finished or treated to provide visual interest.

Landscaping

An application for buildings and works:

- Should meet the built form requirements in Table 13.
- Should achieve the built form outcomes in Table 13.

Table 13: Landscaping

BUILT FORM REQUIREMENTS	BUILT FORM OUTCOMES
On sites outside of the Core Areas in the Sandridge and Wirraway precincts 30 per cent of the site area should be occupied by ground level outdoor or communal open space or	None specified.

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<p>landscaping.</p> <p>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:</p> <ul style="list-style-type: none"> ▪ 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. 	
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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. [\[DDO 2.0p143\]](#)

3.0

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Subdivision

None specified. [\[DDO 3.0p1\]](#)

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. [\[DDO 3.0p3\]](#)

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4.0 Advertising signs

–/–f20–
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None specified. [DDO 4.0p1]

3.0

Decision guidelines

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Proposed
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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 5.0p1]

- The key elements of the future urban structure of Fishermans Bend. [DDO 5.0p2]
- The preferred future character and building typologies defined in the Municipal Strategic Statement. [DDO 5.0p3]
- Whether the proposal delivers design excellence, and contributes to creating a range of built form typologies. [DDO 5.0p4]
- 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. [DDO 5.0p5]
- [The[PPPS]] internal amenity of the development and the amenity and equitable development opportunities of adjoining properties. [DDO 5.0p6]
- The impacts of wind on the amenity and useability of nearby public open spaces, streetscapes or the public realm. [DDO 5.0p7]