SCHEDULE [NUMBER] 67 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Fishermans Bend – Lorimer Precinct

1.0 Design Objectives

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

To encourage a diversity of mid and high-rise scale courtyard, perimeter and open block apartments and tower developments, incorporating communal open spaces, with taller buildings located along the interface to the West Gate Freeway. [DDO L 1.0p2]

To ensure the scale, height and setbacks of development protect sunlight penetration to the Lorimer Parkway and other identified public open spaces, streets and laneways, and facilitate comfortable wind conditions, to deliver a high quality public realm. [DDO L 1.0p3]

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

To encourage buildings to be designed so that they are capable of being adapted to facilitate a reduction in car dependence, and an increase in commercial floor space, and to ensure that flood protection measures do not detract from the public realm. [DDO L 1.0p5]

2.0 Buildings and works

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 a new or modified verandah, awning, sunblind or canopy to an existing building. [DDO L 2.0p1]

Requirements

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

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

• An application for buildings and works associated with an existing industrial use which facilitates the urban renewal of Fishermans Bend. [DDO L 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 of this schedule. [DDO L 2.0p5]

A built form requirement expressed with the term ‘must’ is a mandatory requirement. A permit cannot be granted to vary a mandatory built form requirement. [DDO L 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 L 2.0p7]

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

Definitions

For the purpose of this schedule: [DDO L 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 L 2.0p10]
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- Non-habitable architectural features not more than 3.0 metres in height. [DDO L.2 (p.13)]
- Building services and communal recreation facilities setback at least 3.0 metres behind the building façade. [DDO L.2 (p.12)]

**Building separation** 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 L.2 (p.13)]
- 3 metres/second for sitting areas. [DDO L.2 (p.14)]
- 4 metres/second for standing areas. [DDO L.2 (p.15)]
- 5 metres/second for walking areas. [DDO L.2 (p.16)]

**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 L.2 (p.17)]

**Laneway** means a road reserve of 9 metres or less in width. [DDO L.2 (p.18)]

**Mean wind speed** means the maximum of: [DDO L.2 (p.19)]
- Hourly mean wind speed, or [DDO L.2 (p.20)]
- Gust equivalent mean speed (3 second gust wind speed divided by 1.85). [DDO L.2 (p.21)]

**Publicly accessible private plaza** means a privately owned space provided and maintained by the property owner for public use.

**Street** means a road reserve of greater than 9 metres in width. [DDO L.2 (p.22)]

**Street wall** means any part of the building constructed within 0.3 metres of a lot boundary, the boundary of any proposed new street or laneway (including a tram reserve) within a site; or the boundary of any proposed public open space within a site (this does not include a publicly accessible private plaza).

**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 L.2 (p.24)]

**Building typologies**

**Table 1: Building typologies**

<table>
<thead>
<tr>
<th>PRECINCT</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>All areas on Map 1</td>
<td>Where a podium and tower building typology is proposed, a fine grain and permeable public realm is achieved through small block sizes (using streets and laneways), multiple ground floor tenancies and multiple building entrances and public access points.</td>
</tr>
<tr>
<td>In Area L1 on Map 1</td>
<td>Predominantly mid-rise buildings. On larger sites, a hybrid of mid-rise perimeter or open blocks (with communal open space) and slender towers to minimize overshadowing of the Lorimer Parkway.</td>
</tr>
</tbody>
</table>

Commented [A1]: The purpose of this requirement is to facilitate a diverse range of building typologies within Lorimer, in accordance with the identified built form outcomes for each sub-precinct on Map 1.

The revised requirements set out by the Minister appear to represent a series of ‘preferred character’ statements, and dilute the purpose of the control by introducing references to built form outcomes wholly unrelated to desired building typologies (e.g. street wall heights, building height, streetscape activation & overshadowing).

It would be more appropriate to set out these ‘preferred character statements’ in the MSS in accordance with CoM’s revised version of this document, building typology requirements in this table, requirements relating to street walls in the street wall height table and so on.

Furthermore, it is noted that the built form outcomes do not tally with Map 1 to the DDO.

CoM has proposed a map that delineate’s the Lorimer Parkway as the Turner St spine. CoM understands this is how the Minister has interpreted the Lorimer Parkway in its version of the DDO (by use of the words (Turner St) in brackets). Given that is the case, the Minister’s table does not make sense because area L3 does not interface with Turner St.

CoM’s proposed table picks up on the Minister’s wording in Table 1 to the extent that it refers to building typologies (except where to do so would be inconsistent with the maps and preferred character).
In Area L2 on Map 1

A diversity of building typologies, including hybrid developments of mid-rise perimeter or open blocks (with communal open space), and excluding podium and tower building typologies.

In Area L3 on Map 1

A diversity of building typologies, including hybrid developments of mid-rise perimeter and open blocks (with communal open space) and lower developments.

In Area L4 on Map 1

Predominantly podium and tower building typology developments interspersed with mid-rise perimeter or open blocks (with communal open space).

Area 1.1 on Map 1

Predominantly mid-rise buildings. On larger sites, a hybrid of mid-rise perimeter blocks (with communal open space) and slender towers that create fast moving shadows to minimise overshadowing of the Lorimer Parkway (Turner Street).

Lower street wall heights along Lorimer Parkway (Turner Street) to minimise overshadowing impacts.

Developments that incorporate north-south laneways that provide activated pedestrian connections towards the Yarra River.

Area 1.2 on Map 1

Mid-rise developments with opportunities for some additional upper levels that are visually recessive from the street and within Lorimer Central and do not result in lower-podium building types.

Developments that incorporate north-south laneways that provide activated pedestrian connections towards the Yarra River.

Lower scale development to interface with Lorimer Central.

Area 1.3 on Map 1

Predominantly mid-rise developments that incorporate slender towers to minimise overshadowing of the Lorimer Parkway (Turner Street).

Upper levels of mid-rise buildings are visually recessive from the street and Lorimer Parkway (Turner Street).

Developments that incorporate north-south laneways that provide activated pedestrian connections towards the Yarra River.

Area 1.4 on Map 1

Predominantly lower developments interspersed with some mid-rise perimeter blocks and courtyard buildings.
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<table>
<thead>
<tr>
<th>PRECINCT</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A variety of street wall heights between 4 and 8 storeys to contribute to architectural diversity within the street. Well-spaced, slender towers that avoid a wall-of-towers effect through appropriate massing, differentiation of materials and architectural detailing when viewed from the Yarra River, Lorimer Parkway (Turner Street), streets in Lorimer and the West Gate Freeway. Well-spaced slender towers that minimise overshadowing of the Sandridge precinct.</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 Area L2 shown in Map 1 to this schedule contribute to the delivery of lower scale development adjacent to Lorimer Central and leading to Lorimer Street and the Yarra River. The height of new buildings in Areas L1, L2 and L3 shown in Map 1 to this schedule step built form from the predominately low scale built form along the Yarra river to higher built form along the freeway interface. The height of new buildings in Area L4 on Map 1 to this schedule contribute to the creation of a visual landmark to the West Gate Freeway, providing a backdrop of taller development to Lorimer. The height of new buildings in all areas on Map 1 to this schedule must:</td>
</tr>
<tr>
<td></td>
<td>• Respond to any preferred future character statement for the Lorimer Precinct provided in the Municipal Strategic Statement. • Contribute to a diversity of building typologies and avoid repetitive built form outcomes for the precinct, in accordance with Table 1 to this schedule. • Contribute to a varied and architecturally interesting skyline. • Limit impacts on the amenity of the public realm as a result of overshadowing and wind. • Consider outlook to the north towards the Yarra River and access to sunlight and views by locating lower buildings north of Lorimer Parkway and taller buildings south of the Parkway along the West Gate Freeway.</td>
</tr>
</tbody>
</table>

Commented [A2]: By expressing the height requirement in storeys and metres in Map 2, compliance with this built form requirement is made ambiguous – refer to comments regarding Map 2 below.

Commented [A3]: The desired built form outcomes sought by this building requirement are more readily ascertainable when referable to the sub-precincts and are combined with the building typology requirements set out in Table 1 of this Schedule. The Minister’s built form outcomes have largely been incorporated in the CoM’s changes.
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BUILT FORM REQUIREMENTS

- Respond to the preferred future precinct character and building typologies in Table 1 and Map 1.
- Contribute to a varied and architecturally interesting skyline.
- Contribute to a diversity of building typologies and avoid repetitive built form outcomes for the precinct.
- Limit impacts on the amenity of the public realm and Lorimer Central open space as a result of overshadowing and wind effects.
- Consider outlook to the north towards the Yarra River and access to sunlight and views by locating lower buildings north of Lorimer Parkway (Turner Street) and taller buildings south of the Parkway along the West Gate Freeway.

<table>
<thead>
<tr>
<th>STREET WALL HEIGHT</th>
<th>Preferred Street wall height</th>
<th>Maximum Street wall height</th>
</tr>
</thead>
<tbody>
<tr>
<td>A new street wall should not exceed the preferred street wall height specified in Map 1 to this schedule. For all other streets and laneways, the maximum street wall height requirement applies.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The street wall height must:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Not exceed 23 metres for the street walls shown as ‘mandatory 23 metre’ on Map 1 to this schedule.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- For all other properties, exceed 10 storeys. A permit cannot be granted to vary this requirement, with the exception of street walls shown as ‘exempt from requirement’ on Map 1 to this schedule.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

BUILT FORM OUTCOMES

Where the street wall exceeds the preferred street wall height requirement, whether the increased height is necessary to deliver a building typology in accordance with Table 1 to this Schedule.

With the exception of street walls to the West Gate Freeway interface (including the service road adjacent to the freeway) the street wall is scaled to ensure:

- A human scale.
- An appropriate level of street enclosure having regard to the width of the street with lower street wall heights to narrower streets.
- A finer grain of built form presenting to the street.
- The parapet height of adjoining approved or existing buildings.
- Adequate opportunity for daylight, sunlight and sky views in the street.

Commented [A4]:
The draft version of this control prepared by the Minister does not:
- Include any exemptions for street walls facing the westgate fwy interface (which means that a mandatory street wall height of 6 storeys will apply to this interface by default – due to the unlimited height controls in sub-precinct L4 and preference for podium/tower typologies).
- Specify a prescriptive mandatory requirement for Lorimer Central (a maximum 6 storey requirement applies – which is not appropriate for the purpose giving force and effect to an overshadowing requirement).

In addition to the above key issues, the individual requirements of this control have been critiqued separately below.

CoM’s draft version of Table 3 has been reinserted, in addition to the corresponding Map, to alleviate the identified issues.
### BUILT FORM REQUIREMENTS

<table>
<thead>
<tr>
<th>Preferred Street wall height</th>
<th>Maximum Street wall height</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Buildings: Fronting the Lorimer Parkway (Turner Street)</strong> in Sub-precinct L1 should include a 4 storey street wall (built to the boundary).</td>
<td>A new street wall must not exceed a height of:</td>
</tr>
<tr>
<td><strong>Buildings: Fronting the Lorimer Parkway (Turner Street)</strong> in Sub-precinct L4 should include a 6 storey street wall (built to the boundary).</td>
<td><strong>3 storeys:</strong></td>
</tr>
<tr>
<td>In all other locations, new buildings should include a street wall (built to the boundary) of at least 4 storeys.</td>
<td><strong>On a street or laneway ≥20m wide as shown in Diagram 1, except on the new east-west street in Sub-precinct L1:</strong></td>
</tr>
<tr>
<td><strong>On a street or laneway ≤20m wide as shown in Diagram 2:</strong></td>
<td><strong>A new street wall must not exceed a height of:</strong></td>
</tr>
<tr>
<td><strong>On a street or laneway ≤20m wide as shown in Diagram 3:</strong></td>
<td><strong>5 storeys:</strong></td>
</tr>
<tr>
<td><strong>A new street wall must not exceed a height of:</strong></td>
<td><strong>6 storeys:</strong></td>
</tr>
</tbody>
</table>

### BUILT FORM OUTCOMES

Where two different street walls meet on a corner site, the higher street wall is to turn the corner and appropriately transition back to the preferred street wall height for that street except for the mandatory 23 m street wall in which case the case the 23 m is to prevail.

New street walls that abut, or are separated from proposed public open space by a street or lane must be appropriately limited in height to maximise sunlight penetration to the proposed public open space and provide a human scale interface to the public realm.

New street walls along the interface with the West Gate Freeway are raised in height to assist with mitigating noise from the freeway into the Lorimer Precinct.

### Commented [A6]:
This mandatory requirement would apply to the Westgate Fwy interface on Harlays St, even where the street was demonstrably service-oriented, or next to an elevated roadway. The proposal to drop the street wall back down if the building is over a certain height is not accepted by the CoM for the reasons set out in its closing submissions. CoM considers it’s proposed controls are more likely to encourage diverse building typologies.

### Commented [A7]:
If the application of a built form requirement is drafted to relate to a specific urban feature within a precinct, it would be preferable for a corresponding map to be prepared to communicate this information.

This is even more desirable where the urban feature does not yet exist.

Use of a map (per CoM’s draft version of Table 3) in directing street wall height controls provides greater clarity to practitioners for this reason.

Specifically, the east west street in sub-precinct L4 and Lorimer Parkway are not defined in any map to this Schedule.

### Commented [A5]:
This is an over simplification of the preferred street wall height requirements for the Lorimer Precinct.

Missing from the preferred street wall height requirements in the draft version of this control prepared by the Minister is:

- Any direction on street walls facing public open space other than Lorimer Parkway (which is not defined in any map to this Schedule);
- Recognition of the role played by street wall orientation, with respect to the impact posed by street wall height to sunlight penetration to the public realm;
- Any direction on street walls facing the Westgate Fwy interface.

The proposal by the Minister to add 1 laneways adjacent to open spaces does not fix this issue as it creates a ‘one size fits all’ approach to street walls on parks. It may be appropriate for a street wall to the south of a park, for example, to be higher than a street wall to the north as per the CoM’s proposed map of street wall heights.

Diagram 3

*Skyviews from the street or laneway and do not overwhelm the public realm.*

Diagram 2, east-west street in which case the street wall height must not exceed 6 storeys as shown in Diagram 3.

Diagram 1, east-west street in which case the street wall height must not exceed 5 storeys.

[Diagram 1](#)

[Diagram 2](#)

[Diagram 3](#)
# Built Form Requirements

<table>
<thead>
<tr>
<th>Preferred Street wall height</th>
<th>Maximum Street wall height</th>
</tr>
</thead>
</table>

- On the new east-west street in Sub-Precinct LA, where a new building is on a corner, the taller maximum street wall height applies to both frontages, except on the northern edge of Lorimer Central where the maximum 6 storeys applies.
- 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.
- Higher street walls along the interface with the West Gate Freeway and City Link overpass, designed to assist with mitigating noise impacts from the freeway into the Lorimer Precinct.
- Street wall heights along the northern side of the Lorimer Parkway (Turner Street) enable a high degree of sunlight access to the Parkway.

- Commented [A8]: See comment CC8 above.
- Commented [A9]: The simple manner in which this exemption has been drafted (without imposing any kind of limitation on the proportion of the frontage “gifted” the taller maximum street wall height requirement), in conjunction with the prescriptive manner in which this control has been drafted, could facilitate unplanned outcomes.
Diagram 1

Diagram 2

Diagram 3

Setbacks above the street wall from new and existing streets and laneways

Table 4: Setbacks above the street wall

Commented [A10]: If a mandatory built form requirement makes specific reference to a diagram for the purpose of interpreting the control, the more specific unit of measurement will always be preferred for the purpose of applying the requirement. The (23m) requirement in the diagram will become the de facto rule for applying this requirement if not satisfactorily qualified. CoPP’s proposed diagrams are preferred for this reason.

Commented [A11]: The draft version of this control prepared by the Minister has not satisfactorily addressed the issue that arises from measuring the minimum setback requirement from the centre-line of a laneway. CoM’s draft version of Table 4 has been reinserted, in addition to the corresponding Map, to alleviate the identified issues. Other than the laneway issue, the controls are very similar to the Minister’s version.
**BUILT FORM REQUIREMENTS**

<table>
<thead>
<tr>
<th>Preferred Setback</th>
<th>Minimum Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Streets: Any part of the building above a street wall fronting a street should be setback the following distance from a street boundary:</td>
<td>Streets: Any part of the building above a street wall fronting a street must be setback the following distance from a street boundary:</td>
</tr>
<tr>
<td>- A minimum of 5m if the building height is ≤ 8 storeys.</td>
<td>- A minimum of 3m if the building height is ≤ 8 storeys (Diagram 4).</td>
</tr>
<tr>
<td>- A minimum of 10m if the building height is &gt; 8 storeys.</td>
<td>- A minimum of 5m if the building height is &gt; 8 storeys and ≤ 20 storeys (Diagram 5).</td>
</tr>
<tr>
<td>Laneways: Any part of the building above a street wall fronting a laneway should be setback the following distance from a laneway boundary:</td>
<td>Laneways: Any part of the building above a street wall fronting a laneway must be setback the following distance from a laneway boundary:</td>
</tr>
<tr>
<td>- A minimum of 3m if the building height is ≤ 8 storeys.</td>
<td>- A minimum of 1m if the building height is ≤ 8 storeys.</td>
</tr>
<tr>
<td>- A minimum of 5m if the building height is &gt; 8 storeys.</td>
<td>- A minimum of 3m if the building height is &gt; 8 storeys.</td>
</tr>
</tbody>
</table>

**BUILT FORM OUTCOMES**

Setbacks to new building facades ensure:
- Upper levels of buildings do not dominate the view from streets and laneways.
- Comfortable wind conditions in the public realm are achieved where appropriate.
- Adequate daylight and sunlight into streets and laneways is achieved where appropriate.
- Views to the sky from streets and laneways.
- Taller buildings transition down in height to adjacent areas that have a lower height limit, so as not to visually dominate or compromise the character of adjacent existing low-scale development areas.
### BUILT FORM REQUIREMENTS

<table>
<thead>
<tr>
<th>Storeys and ≤ 20 storeys as shown in Diagram 5.</th>
<th>Minimum Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>A minimum of 10m if the overall building height is &gt; 20 storeys as shown in Diagram 5, except where the building has direct interface with:</td>
<td>do not overwhelm the public realm.</td>
</tr>
<tr>
<td>Westgate Freeway;</td>
<td>Upper floors are visually recessive to minimize visual bulk when viewed from streets and laneways.</td>
</tr>
<tr>
<td>City Link overpass;</td>
<td></td>
</tr>
<tr>
<td>in which case a minimum of 5m applies as shown in Diagram 7.</td>
<td></td>
</tr>
</tbody>
</table>

**Note:** For the purpose of Table 4, [DDO L 2.0p25](#)

The setback of a building above a street wall from a laneway is the shortest horizontal distance from the building facade to the centreline of the laneway. [DDO L 2.0p26](#)

The setback of a building above a street wall from a street is the shortest horizontal distance from the building facade to the street boundary. [DDO L 2.0p27](#)

**Diagram 4**
Diagram 7

Side and rear setbacks

Table 5: Side and rear setbacks

<table>
<thead>
<tr>
<th>BUILT FORM REQUIREMENTS</th>
<th>Minimum Backset</th>
<th>BUILT FORM OUTCOMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preferred Backset</td>
<td>Minimum Backset</td>
<td>To create a continuous street wall along all site frontages.</td>
</tr>
<tr>
<td>Below the street wall:</td>
<td></td>
<td>New buildings (above and below the street wall) are setback to ensure:</td>
</tr>
<tr>
<td>• Any part of a new building below the street wall height should be built on or within 300mm of a side boundary.</td>
<td>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.</td>
<td>• Adequate daylight and sunlight into streets and laneways.</td>
</tr>
<tr>
<td>• 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>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);</td>
<td>• Sunlight, daylight and privacy to and outlook from habitable rooms, for both existing and potential developments on adjoining sites.</td>
</tr>
<tr>
<td>Above the street wall:</td>
<td></td>
<td>• Wind effects on the public realm are mitigated.</td>
</tr>
<tr>
<td>• Any part of a new building above the street wall height should be setback at least 10 metres from the side or rear boundary.</td>
<td>A new building above 20 storeys in overall height must be setback at least 10 metres from a side or rear boundary, except where the building has direct interface with:</td>
<td>• Tall buildings do not appear as a continuous wall when viewed from street level and on the northern side of the Yarra River.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Westgate Freeway;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• City Link overpass; in which case a minimum of 5m applies.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Visual bulk is minimised. Internal amenity is achieved by setbacks rather than privacy screening.</td>
</tr>
</tbody>
</table>
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BUILT FORM REQUIREMENTS

<table>
<thead>
<tr>
<th>Preferred Setback</th>
<th>Minimum Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>To provide opportunities for buildings in the south of Lorimer to have views to the water through building separation that is created by setbacks.</td>
<td></td>
</tr>
</tbody>
</table>

Building separation within a site

Table 6: Minimum building separation within a site

<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>Below the street wall:  • Buildings within the same site should be separated from each other by at least 12m.</td>
<td>Below the street wall:  • Buildings within the same site must be separated from each other by at least 6m. Above the street wall:  • 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 any other building on the same site by at least 20m as shown in Diagram 9.</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 1.2 Pp58]

Commented [A12]: Building separation should be separately defined (see suggested changes to definitions) in Clause 2.0.
**Diagram 8**

**Diagram 9**

**Overshadowing**

**Built Form Requirement**

Buildings and works must not cast additional shadow:

- above that cast by the preferred street wall heights across the proposed public open identified with a A in Map 4 of this schedule;
- above above that cast by the mandatory maximum street wall height across the proposed public open identified with an B in Map 4 of this schedule;
- between the specified hours, except in accordance with any modification detailed on this map.

A permit cannot be granted to vary this requirement.

**Commented [A13]:** The proposed version of this control prepared by the Minister:

- Is not expressed as a built form requirement
- May result in unplanned overshadowing as a result of the undefined parameters surrounding the exemption from the maximum street wall height requirement in the Minister’s version of the street wall height control (see comment CC10).

CoM’s draft version of this requirement has been reinserted to address this issue and ensure internal consistency with CoM’s draft version of the street wall height requirement.
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Buildings and works must not cast any additional shadow above the maximum street wall height over 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 L 2.0p2]

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 showing assessment distance and height](image)

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>Buildings fronting the Primary and Secondary active streets on Map 3 to this schedule, should be designed to achieve a diversity of fine-grain frontages.</td>
<td>Activated streets and laneways leading to Lorimer Street, connecting with the north-south connections through the Yarra’s Edge development to provide access to the Yarra River.</td>
</tr>
<tr>
<td>On streets marked as Primary active frontages on the relevant maps to this schedule:</td>
<td>Activation of the street abutting the tramway through Lorimer Central to create the heart of Lorimer.</td>
</tr>
<tr>
<td>Buildings should provide:</td>
<td>Activation of new north-south laneways and streets.</td>
</tr>
<tr>
<td>- At least 80 per cent visual permeability along the ground level of the building to a height of 2.5m, allowing for a solid plinth or base.</td>
<td>Service access only on the new service road along the West Gate boundary. Development designed to enhance access to the Yarra River through the provision of north-south...</td>
</tr>
</tbody>
</table>

Commented [A14]: Including reference to ‘streets’ in the preamble to this requirement appears to imply that the streets depicted in the corresponding map to this Schedule are afforded some protection by this control – however this isn’t correct.

Commented [A15]: Subject to suggested changes the Minister’s proposed drafting of this requirement is appropriate.

CoM’s draft version of Map 3 has been reinserted to ensure that the layout of primary and secondary active streets reflects the desired built form outcomes.

CoM is still considering the proposed activate street frontages, and is currently awaiting further information from the Minister on this topic.
COM EDITS TO THE MINISTER FOR PLANNING PART C SUBMISSION
MELBOURNE PLANNING SCHEME

BUILT FORM REQUIREMENTS

- 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 2.5m, 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.

Adaptable buildings

Table 9: Adaptable buildings

BUILT FORM REQUIREMENTS

Buildings should be designed with minimum floor to floor heights of:

- At least 4.0 metres at ground level;
- At least 3.6 metres for other lower levels up to the height of the street wall.

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.

Car parking is designed:

- Activated streets and laneways that maximise connectivity into and through the Yarra’s Edge development.

Buildings designed to:

- Address and define existing or proposed streets or open space and provide direct pedestrian access from the street to ground floor uses.
- Address both street frontages if the building is on a corner.
- Create activated building facades with 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.

Commented [A16]: Lorimer doesn’t have any Type 2 Secondary active frontages.
COM EDITS TO THE MINISTER FOR PLANNING PART C SUBMISSION

MELBOURNE PLANNING SCHEME

BUILT FORM REQUIREMENTS
Car parking areas not within a basement should have level floors and a floor-to-
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.

BUILT FORM OUTCOMES

- So that it can be adapted to other 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>
<tbody>
<tr>
<td>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.</td>
<td>Buildings are not designed in a manner that creates blank façades above the street wall. Where a blank façade forming part of a boundary wall below the maximum street wall height is visible from the public realm it must be designed in a manner that creates visual interest (i.e. through artwork, articulated materials and exterior finishes or other suitable architectural solutions). Internal uses of the buildings are expressed within the external building design creating a relationship between the private and public realm.</td>
</tr>
</tbody>
</table>

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 L 2.0p3]

3.0 Subdivision

None specified. [DDO L 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 L 3.0p2]

4.0 Advertising signs

None specified. [DDO L 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 L 5.0p1]

- The preferred built form outcomes identified in this schedule. [DDO L 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. [DDOL L 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. [DDOL L 5.0p4]
- The effect of the proposed buildings and works on solar access to existing and proposed public spaces having regard to: [DDO L 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; [DDOL L 5.0p6]
  - any adverse impact on soft landscaping in public space; and [DDOL L 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. [DDOL L 5.0p8]
- Whether the proposal delivers design excellence, and contributes to creating a range of built form typologies. [DDO L 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 L 5.0p10]
- The internal amenity of the development and the amenity and equitable development opportunities of adjoining properties. [DDOL L 5.0p11]
- The impacts of wind on the amenity and useability of nearby public open spaces, streetscapes or the public realm. [DDOL L 5.0p12]
Map 1: Building typologies

MAP 1 - BUILDING TYPOLOGIES
Commented [A18]:
This map is consistent with the Framework.

Even though the heights expressed on this map are discretionary, expressing both the height in storeys and metres should only occur where the ratio underpinning this calculation is made clear.

The ratio used in the calculation of storeys:metres height in this map is not 3.8:1 (which would be the sensible ratio to adopt given the built form requirements of Table 9 and the encouragement to facilitate adaptive floorplates capable of being converted to commercial floor space).
Map 3: Active street frontages

Commented [A19]: The revised map prepared by the Minister narrows the scope of this building requirement. This includes:

- Nominating the active street frontages along Lorimer Parkway as 'Secondary Active Frontages' as opposed to 'Primary Active Frontages';
- Completely excluding the buildings fronting the north perimeter of Lorimer Central from the control.

The CoM is currently considering its position on this aspect of the amendment and is awaiting further information from the Minister.
Map 4: Overshadowing