Report to the Future Melbourne (Planning) Committee

Agenda item 6.1

Amendment C308 Central City and Southbank Urban Design

20 February 2018

Presenter: Emma Appleton, Manager Urban Strategy

Purpose and background

1. The purpose of this report is to present a new Central City and Southbank Urban Design policy package (Amendment C308), as a significant step to improve the quality of urban design of private developments. An improved and streamlined regulatory framework, alongside advocacy and supporting processes such as structured, expert design reviews, aim to support a culture of design excellence in Melbourne.
2. Management seeks the Future Melbourne Committee's endorsement to request the authorisation of the Minister for Planning to prepare and exhibit Amendment C308 to the Melbourne Planning Scheme (MPS), which applies to land generally within the Hoddle Grid and Southbank (see Attachment 2). Amendment C308 implements the 2016–17 Council Plan Action 1.1.3 to '*engage with the Victorian Government's Central City Built Form Review, consider its outcomes and determine any further necessary work to continue to improve urban design outcomes*.'
3. Amendment C270, gazetted on 23 November 2016, implemented the Victorian Government's Central City Built Form Review. Amendment C270 specifies minimum setbacks from streets and laneways, building separation requirements and overshadowing and wind requirements in two types of precincts, defined as Special Character Areas and the General Development Area. It also introduced density controls, comprising a floor area ratio threshold with public benefits. It did not consider the interface of buildings with the street, public realm and architectural quality, which is the focus of Amendment C308.
4. This is the first comprehensive review of urban design policies in the Planning Scheme since 1999. Currently clause 22.01 Urban Design in the Capital City Zone and various Design and Development Overlays (DDOs) in the MPS are used to guide decisions on development applications.

Key issues

5. Council has invested significantly to improve the quality of our streets and public spaces. A review of recent permit applications and built projects on privately owned land demonstrated that planning policy needs to be updated to respond to current development practices, to support the delivery of well-designed buildings that contribute positively to the public realm. The research underpinning Amendment C308 identified street frontages were dominated by services, podium parking and the lack of design detail and poor material selection detracted from the quality of streets and laneways.
6. Amendment C308 proposes to replace the existing Design and Development Schedule 1 (DDO1) with a new Schedule 1. This will consolidate into one DDO, the policies of clause 22.01 Urban Design in the Capital City Zone, Schedule 1 (Active Street Frontages) and Schedule 4 (Weather Protection – Capital City Zone). The new DDO1 is structured to reflect the different scales which are considered in a design process from site context, through to details of the building materials.
7. The new DDO1 contains mandatory requirements including:
   - 7.1 car parking in buildings within the Hoddle Grid to be underground (in line with current practice)
   - 7.2 car parking in buildings within Southbank must be sleeved with active uses and configured to be adaptable to future uses (including floor to ceiling heights)
   - 7.3 less than 40 per cent of the ground floor of a building to be occupied by building services to reduce blank facades along streets
   - 7.4 the existing Retail Core requirement for 80 per cent active frontages to main streets and streets is to be expanded to encompass the Special Character Area boundaries to contribute to the activation, appearance and function of the area.
8. To provide increased certainty and clarity for applicants, the new DDO also lists outcomes that should be avoided. These statements describe building examples which are not desirable as they cumulatively detract from a high quality public realm.
9. The new DDO1 is supported by a synthesis report: *Promoting high quality Urban Design outcomes in the Central City and Southbank* (see Attachment 3) and the Central Melbourne Design Guide (see Attachment 4), which will provide developers, consultants and planners with an illustrated guide showing how the proposed DDO1 requirements can be achieved.

Recommendation from management

10. That the Future Melbourne Committee:

    10.1. Seeks authorisation from the Minister for Planning to prepare and exhibit Melbourne Planning Scheme Amendment C308 (Attachment 2).

    10.2. Notes the synthesis report '*Promoting high quality Urban Design outcomes in the Central City and Southbank'* which outlines the rationale and evidence which underpins the proposed policy changes (Attachment 3).

    10.3. Endorses the *Central Melbourne Design Guide* as a reference document listed in DDO1 (Attachment 4).

    10.4. Notes the stakeholder engagement that has occurred to date, which has informed the development of Amendment C308 and the *Central Melbourne Design Guide* (see Attachment 1).

    10.5. Notes that management will continue to engage proactively with the design and development industry and the community, in addition to the investigation of design quality processes, to drive a culture change and support the implementation of the policy to deliver high quality urban design.

    10.6. Authorises the Acting Director, City Strategy and Place to make any further minor editorial changes to the amendment documentation, synthesis report and reference document if required.

Attachments:

Supporting Attachment

Legal

1. Divisions 1 and 2 of Part 3 of the *Planning and Environment Act 1987* address planning scheme amendments.

2. Legal advice has been obtained in request to the drafting of the planning policy and to inform the synthesis report.

Finance

3. The costs for preparing and processing Melbourne Planning Scheme Amendment C308 are provided for within the 2017–18 budget.

Conflict of interest

4. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

Stakeholder consultation

5. The formal exhibition of Amendment C308 will be undertaken in early 2018 subject to authorisation being granted by the Minister for Planning. A full program of consultation will be undertaken including a series of workshops to be held to inform key stakeholders of the amendment. The outcomes of the public exhibition will be reported to Future Melbourne Committee (FMC) in mid 2018.

6. Detailed stakeholder consultation has been undertaken through the development of the draft planning scheme policy, synthesis report and guideline document. External stakeholder consultation has included workshops and individual meetings with representatives of the Department of Environment, Land, Water and Planning (DELWP), Office of the Victorian Government Architect (OVGA), CitiPower, Metropolitan Fire Brigade (MFB), Melbourne Water, and a number of experts in development, planning, architecture and urban design.

Relation to Council policy

7. The following Council plans and policies are relevant:

    7.1 Council Plan 2017–21 Goal 8 – A City Planning for Growth specifically; *'Champions high quality design in buildings, streets and public spaces, as the basis of a healthy, safe and people-friendly environment.'*
    7.2 Melbourne Planning Scheme's Municipal Strategic Statement (MSS), specifically clause 21.06-1 Urban Design:
    Objective 1: To reinforce the City's overall urban structure.
    Objective 5: To increase the vitality, amenity, comfort, safety and distinctive City experience of the public realm.
    Objective 6: To improve public realm permeability, legibility and flexibility.
    Objective 7: To create a safe and comfortable public realm.

Environmental sustainability

8. The proposed amendment will have positive environmental effects by encouraging high quality design that can individually and cumulatively contribute to the public realm. The proposed amendment also has an emphasis on the use of high quality building materials to ensure the built form has longevity with minimal deterioration over time in order to reduce building material waste through replacement.

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SCHEDULE 1 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO1**

Urban Design in the Central City and Southbank

1.0 Design objectives

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- To achieve a high standard of urban design, architecture and landscape architecture in all development proposals, befitting the profile of the Central City and Southbank as the social, cultural and economic heart of metropolitan Melbourne.
- To ensure that development integrates with and makes a positive contribution to the immediate surrounding context through a demonstrated response to Urban Structure, Site Layout, Building Program, Massing, Public Interfaces and achievement of Design Quality.
- To ensure that development responds to the positive attributes of the Central City and Southbank and provides a high quality human scaled environment through the maintenance of the City's distinctive vertical rhythm and the design of building interfaces which ensure a safe, high quality, and comfortable edge to the public realm.
- To ensure that development responds to the characteristic hierarchy of main streets, streets and laneways through the arrangement of fronts and backs, and promotes a walkable, attractive pedestrian environment through the introduction of additional pedestrian connections.
- To ensure that the internal configuration and layout of a building promotes interaction with the public realm, supports the wellbeing of occupants and is adaptable for alternaltive uses.

2.0 Definitions

For the purpose of this schedule:

- **street** means a road reserve of a public highway more than 9 metres wide.
- **main street** means a road reserve of a public highway more than 20 metres wide.
- **laneway** means a road reserve of a public highway 9 metres or less wide.
- **public accessible private plazas** means a privately owned space provided and maintained by the property owner for public use.
- **fine grain** means a network of small parcel sizes or detailed buildings and/or streetscapes.
- **vertical rhythm** means the division of a broad building mass into smaller scale parts with vertical proportions and variations of parapet heights along the length of a building or several adjoining buildings.
- **building services** includes areas used for the purposes of loading, waste management, in addition to electrical, communications, gas, water and fire prevention infrastructure.
- **stationary activity** means activities by pedestrians that involve extended stays within a space, such as sitting and eating, rather that simply walking through.
- **sleeving** a carpark or building services area means surrounding it in spaces for other, more active uses (or smaller buildigns) in order to screen it from the public realm.

3.0 Buildings and works for which no permit is required

A permit is not required for:

- Buildings and works to provide access for persons with disabilities that comply with all legislative requirements to the satisfaction of the responsible authority.
- To develop a heritage place which is included on the Victorian Heritage Register if either:

  ☐A permit for the development has been granted under the Heritage Act 1995.

  ☐The development is exempt under Section 66 of the Heritage Act 1995.

- Buildings or works carried out by or on behalf of Melbourne Parks and Waterways or Parks Victoria under the Water Industry Act 1994, the Water Act 1989, the Marine Act, the Port of Melbourne Authority Act 1958, the Parks Victoria Act 1998 or the Crown Land (Reserves) Act 1978.
- Buildings or works for Railway purposes.
- Bus and tram shelters required for public purposes by or for the Crown or a public authority in accordance with plans and siting to the satisfaction of the responsible authority.
- Decorations, gardens and planting required for public purposes by or for the Crown, a public authority or the City of Melbourne.
- Street furniture.
- A work of art, statue, fountain or similar civic works required for public purposes by or for the Crown, a public authority or the City of Melbourne.
- Buildings or works on public land for which a current permit exists under a City of Melbourne local law.
- The erection of information booths and kiosks required for public purposes by or for the Crown, a public authority or the City of Melbourne.
- Traffic control works required by or for the Crown, a public authority or the City of Melbourne.
- A flagpole.
- Changes to glazing of existing windows to not more than 15% reflectivity.

4.0 Requirements

A permit cannot be granted to vary the Mandatory Requirements in Table 1 to this Schedule.

5.0 Subdivision

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A permit is not required to subdivide land.

6.0 Application Requirements

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If in the opinion of the responsible authority an application requirement listed below is not relevant to the assessment of the application, the responsible authority may waive or reduce the requirement.

An application for permit, other than an application for minor buildings or works as determined by the responsible authority, must be accompanied by:

- A comprehensive site analysis and urban context report documenting the key contextual influences on the development.

- Written and diagrammatic demonstration of how the development addresses the objectives, design requirements and outcomes of this Schedule.
- A 3D model of the proposed development in accordance with relevant City of Melbourne guidelines for buildings and works above 20 metres in height.
- Photographic and or diagrammatic study of prevailing materiality and architectural elements in the surrounding streetscape including any heritage elements.
- Photomontage studies of the proposal within its streetscape context from pedestrian eye level from street level. (Including relevant proposals and approvals).
- Analysis of relationship between the proposal and adjacent buildings (including likely adjacent development envelopes) and open space in order to maximise the amenity of public and private realm.
- Street elevations of the block showing how the development proposal sits and contributes to its context.
- Detailed plan, elevation and section drawings (1:50 or 1:20) and written statement describing the design of the lower levels of the building including entries, shop front design, service doors or cabinets, weather protection canopies and integrated signage elements.
- Concept landscape plan for any publicly accessible podium and rooftop spaces detailing hard and soft landscape elements and evidence of the structural depth required to accommodate any deep soil planting.
- For development within Southbank, provide a statement by a suitably qualified professional demonstrating that any above ground parking can be easily adapted for alternative uses.
- Where car parking is proposed at or above ground level, provide appropriately annotated plan and section drawings for relevant levels to demonstrate the capacity to adapt to alternate uses.
- Layout plans demonstrating the potential for conversion to alternative uses with an acceptable level of amenity where student housing, hotel or serviced apartments are proposed.

7.0 Decision Guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- Demonstrated high quality response to the Design Objectives and Design Requirements.

Where a proposal does not respond to the preferred Design Requirement, the proposal should demonstrate how it has responded to the Design Objectives in addition to the following considerations:

- Whether the retention of a heritage structure necessitates a site specific alternate siting and massing outcome.
- Whether innovative sustainable infrastructure is proposed which necessitates an alternate design response.

8.0 Exemption from notice and appeal

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An application to construct a building or carry out works on 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) the review rights of Section 82(1) of the Act.

9.0 Reference Documents

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Towards an Integrated Urban Design Approach for the Central City & Southbank (City of Melbourne, 2017)

Melbourne Design Guide (City of Melbourne, 2017)

Table 1 to Schedule 1

Urban Structure

Urban Structure relates to the network of main streets, streets and lanes and open space which define the size and shape of urban blocks. The urban structure of the Hoddle Grid is enhanced by the fine network of public and private lanes and arcades that provide choice and ease of pedestrian movement, and support the diversity of social and economic activity in the Central City. The urban structure of Southbank is characterised by larger block sizes which provide opportunity for improved walkability.

Design Objective	Design Requirement
• Development should provide new, direct and convenient pedestrian connections that are aligned with other lanes or pedestrian connections on nearby sites. • Development should maintain and reinforce existing pedestrian connections and arcades where they complement the street network of the City. • In Southbank, development should contribute to a reduction in urban block size and improve walking distances through new shared streets and pedestrian connections.	• Provide new pedestrian connections where the average length of a street block exceeds 100 metres, except within 200 metres of a rail station where more frequent connections are desirable to manage high pedestrian volumes. • For street blocks exceeding 200 metres in length, at least two pedestrian connections should be provided. • Pedestrian connections should be located centrally within the street block and where possible, less than 70 metres from the next intersection or pedestrian connection. • Development is to provide new pedestrian connections which are: ▪ Safe, direct, attractive, well lit and which provide a line of sight from one end of the connection to the other ▪ Publicly accessible and appropriately secured with a legal agreement ▪ At least six metres wide ▪ Open to the sky ▪ Lined by active frontages. • Redevelopment of an existing pedestrian connection or arcade is to maintain and or achieve the following: ▪ Safe, direct, attractive, well lit and which provide a line of sight from one end of the connection to the other ▪ Publicly accessible and appropriately secured with a legal agreement ▪ At least six metres wide ▪ Lined by active frontages. • New high quality arcades should be incorporated in the Central City only where open to sky pedestrian connections are not possible. • Development with a frontage to two or more streets or lanes should provide for

	pedestrian connections where this improves walkability through the block. • Development should provide direct and convenient pedestrian connections that align with other lanes or pedestrian connections on nearby sites through the following: ▪ Partial pedestrian connections which can be completed when adjacent site development occurs. ▪ Connect or extend existing or proposed adjacent pedestrian connections on an adjoining site.

Avoid

- Covered pedestrian connections in Southbank.
- The creation of pedestrian connections with entrapment space or limited passive surveillance.

Site Layout

Site layout refers to the arrangement of buildings and spaces including the position of entries, servicing, and circulation cores and how these elements reinforce the hierarchy of streets and laneways within the urban structure. The configuration of the ground level establishes relationships that inform building mass and floorplate depth. These factors impact on the quality of the public realm and internal amenity.

Design Objective	Design Requirement
• Ensure that the site layout of development responds to the function and character of surrounding main streets, streets and lanes. • Provide streetscape continuity through the alignment of built form frontages to adjoining streets. • Provide opportunities for stationary activity in well designed and oriented publicly accessible exterior spaces. • Retain existing exterior spaces on ground level where these provide for stationary activity or alleviate congestion within the public realm.	• Development with more than one street frontage, should position entries, circulation and services to respond to the function of adjoining main streets, streets and laneways. • New buildings should align to the street at ground level without setback, unless the design response includes a purposeful, open-to-sky setback to provide a publicly accessible space with a high level of amenity including good solar access, comfortable wind conditions and seating and landscape elements. • Retain a minimum of 50% of existing publicly accessible private plazas oriented to a main street or street which contribute to reducing pedestrian congestion or where there is good potential through retrofit and repurposing to achieve a high quality space with opportunities for stationary activity. • Internal spaces and building entries should be positioned away from corners

	or points of congestion in order to manage anticipated pedestrian volumes within the adjacent public realm.

Avoid

- Low height colonades or deeply recessed ground floor facades adjacent to the public realm.
- Small narrow publicly accessible spaces, alcoves and recesses that lack a clear public purpose.
- The positioning of vehicle access, loading and services on main street frontages.
- The removal or significant reduction in the area of existing publicly accessible private plazas that contribute to the pedestrian amenity of the central city.

Building Mass

Building mass comprises the three dimensional form of a building, including its scale, height, proportions and composition.. The shape of a building has an impact on how it fits within and contributes to its broader context, including adjacent buildings, the street interface and key public vantage points.

Design Objective	Design Requirement
• Built form should respect the height, scale, and proportions of adjoining heritage places or buildings within the Special Character Area. • Encourage a variety of street wall heights which reinforce the traditional fine grain, vertical rhythm and visual interest of streetscapes. • Where taller built form above the street wall is appropriate, promote slender, well spaced towers to maximise solar access to the adjacent public realm. • Ensure the design of built form above 40 metres addresses views from public vantage points.	• Buildings with a wide street frontage to be broken into smaller vertical sections, with a range of parapet heights and rebates. • The massing of built form within streets and lanes should adopt lower street wall heights to respond to their characteristic narrow profile and reduced daylight conditions. • Built form should adopt streetwall heights, front and side setbacks that respond to the scale of adjacent heritage buildings. • Ensure that the massing of tall buildings adjacent to Special Character Areas provides an appropriate step down in both streetwall and overall building height. • Within the Special Character Area, ensure that any upper level built form is visually recessive to reinforce the streetwall as the dominant component. • Encourage the spacing and shape of new towers to maximise sunlight and daylight penetration at street level. • Floorplates in new tall buildings should be shaped and oriented to maximise views toward the public realm and away from adjacent development sites.

Avoid

- Streetwalls or podiums on wide street frontages which present a continuous facade to the street without articulation.
- Reliance on surface effects with limited depth to provide articulation and modulation of broad building frontages.
- The use of flat facades with reliance on surface or decorative effects where a setback is required to achieve a transition in height and mass to an adjacent heritage place or precinct.
- Built form that fails to provide appropriate building separation or setbacks in response to adjacent heritage buildings.
- Abrupt transitions in scale between tower and adjacent low or mid-rise built form at the edge of the Special Character Areas.
- Towers which present as a wall of built form when viewed from key public vantage points.

Building Program

Building program comprises the position and configuration of uses internal to a building. This is a key urban design consideration due to the direct relationship of internal areas on the public realm. For example, foyers, reception areas and active uses can contribute to the safety and vitality of the public realm, whilst the placement of building services, storage and car parking can have negative impacts on the public realm at the ground and upper levels. The internal design of buildings should be able to adapt to other uses over time to extend the useful life of a building and avoid the creation of spaces that cannot be retrofitted over time.

Design Objective	Design Requirement	Mandatory Requirement
• Ensure the arrangement of uses internal to a building promote a safe and high quality interface between the public and private realm. • Minimise the impact of car parking and building services on the public realm. • The internal configuration of development should secure a high level of wellbeing for building occupants, through natural light, ventilation, outlook and thermal comfort. • Ensure the structural and spatial design of buildings allow for adaptation to other uses over time. • Ensure the lower levels of the building are	• Position active uses to address main streets, streets and laneway frontages. • Locate service areas away from main streets, streets and public spaces, or within basement or upper levels to maximise activation of the public realm within main streets, streets and laneways. • Co-locate service cabinets internal to loading, waste or parking areas where possible to avoid impact on the public realm. • Ensure the location and width of vehicle entries minimises impacts on the pedestrian network. • Locate new publicly accessible areas in the lower levels of a building	• Vehicle parking in the Central City **must** be located within the basement levels of a building. • Where podium parking is proposed within Southbank, the carpark **must** be: ▪ located on the first floor or above; ▪ sleeved by active uses to main streets and streets. • Parking structures **must** be designed with floor to floor heights of at least 3.5 metres to enable future adaptation. • The area of any ground floor of a building occupied by building services, including waste, loading and parking **must** be less than 40% of the total site

designed to accommodate a range of tenancy sizes including smaller tenancies. • Ensure the parts of the building accessible to the public are designed to promote a strong physical and visual relationship with the street. • Internal common areas or podium-rooftop spaces should be positioned and designed to maximise surveillance and interaction with the public realm.	so that they have a direct visual and physical connection to the public realm. • Parts of the building accessible to the public should be co-located with public space or a pedestrian connection to activate the public realm. • Maximise the number of pedestrian building entries along main street, street and laneway frontages, to provide for public interaction and long term flexibility of tenancies. • The arrangement of spaces within a building should maximise privacy, daylight and outlook. • Provide ceiling heights of at least 3.5 metres floor to floor within the lower 20 metres of a building.	area.

Avoid

- Car parking on small sites where it impacts on the activation and safety of the public realm.
- Ramped parking structures which preclude adaptation for other uses.
- Large floorplate tenancies directly at a boundary to a street, lane or pedestrian connection unless sleeved by fine grain uses at ground level.
- Long expanses of frontage with limited building entries at ground level.
- Tenancy configuration which relies upon queuing within the public realm unless on a pedestrian only laneway where this is the established character.

Public Interfaces

Public interfaces comprise the boundary between the internal program of a building and the public realm within main streets, streets, laneways and open spaces. The detailed design of the interface at the ground level and the lower 20 metres of a building have a significant impact upon activation, surveillance, safety and quality of the public realm.

Design Objective	Design Requirement	Mandatory Requirement
Active frontages • To ensure building frontages contribute to the use, activity, safety and interest of the public	*Active frontages* • Within the General Development Area, buildings with ground level main street, street	*Active frontages* • Within the Special Character Areas buildings with ground-level main street and

realm. • To provide continuity of ground floor activity along streets and lanes within the Special Character Areas. • To allow unobstructed views into the ground floor of buildings.	and laneway frontages should present an active and attractive pedestrian-oriented frontage to the satisfaction of the Responsible Authority, by providing: ▪ At least 5 metres or 80% (whichever is the greater) of the frontage as an entry or window to an entry or display window to a shop and/or a food and drink premises: or as other uses, customer service areas and activities, which provide pedestrian interest and interaction. This measurement excludes stall-risers to a maximum height of 700mm in addition to window and door frames. ▪ Clear glazing (security grilles or mesh should be transparent and mounted internal to the shop front). ▪ Any signage or product display should maintain views to and from the tenancy interior to the public realm. • Within the Special Character Areas buildings with ground-level laneway frontages should contribute to the appearance and function of the area, by providing: ▪ At least 5 metres or 80% (whichever is the greater) of the frontage as an entry or window to an entry or display window to	street frontages **must** contribute to the appearance and function of the area, by providing: ▪ At least 5 metres or 80% (whichever is the greater) of the frontage as an entry or display window to a shop and/or a food and drink premises: or as other uses, customer service areas and activities, which provide pedestrian interest and interaction This measurement excludes stall-risers to a maximum height of 700mm in addition to window and door frames. ▪ Clear glazing (security grilles or mesh) must be transparent and mounted internal to the shop front. ▪ Any signage or product display should maintain views to and from the tenancy interior to the public realm.

	a shop and/or a food and drink premises: or as other uses, customer service areas and activities, which provide pedestrian interest and interaction. This excludes stall-risers to a maximum height of 700mm in addition to window and door frames. ▪ Clear glazing (security grilles or mesh should be transparent and mounted internal to the shop front). ▪ Positioning of signage or product display should maintain views to and from the tenancy interior to the public realm. • In flood prone areas, ensure a direct connection on grade to ground level tenancies, with level transitions contained within the building envelope. • Integrate seating or perches into street facades, where narrow footpaths preclude on-street dining.	
Services, Waste and Loading • Encourage innovation in the design of building services to maximise the quality and activation of the public realm. • Where services must be located on a street, ensure these do not dominate the pedestrian experience and are designed as an integrated	*Services, Waste and Loading* • Ensure that access doors to any waste, parking or loading area are positioned at or within 500mm of the street edge and an integrated component of the design. • Ensure the location and access for waste complies with the	

component of the façade. • Ensure the design of waste collection facilities are considered as an integral component of the building design.	requirements specified in the relevant City of Melbourne Waste Management Guidelines. • Sleeve internal waste collection areas with active uses that interface with the public realm.	
Public Realm Projections and Weather Protection • Provide protection from rain, wind and summer sun to provide for pedestrian comfort • Ensure weather protection canopies are functional, of high design quality, and contribute to the human scale of the street. • Ensure the width of weather protection canopies provide for choice of exposure to winter sun and shelter from summer sun within the public realm. • Ensure that minor building projections above ground level contribute to the depth and visual interest of building facades. • Where projections are considered appropriate, they should be discrete rather than prevailing elements of the design. • Projections should balance addition and subtraction in the facade to provide streetscape interest and facade depth. • Projections should maintain the service functions of a main street, street or laneway through adequate clearance heights.	*Public Realm Projections and Weather Protection* • Provide continuous weather protection along main streets within the Central City and Southbank except where a heritage place warrants an alternative approach. • Encourage the use of canopies which allow upward views to podium levels of a building through the use of transparent materiality. • Weather protection canopies should be between 3.5m and 5m in height to provide enclosure to the public realm. • Ensure canopies are of a high design quality including the design and materiality of soffits. • Ensure that weather protection canopies provide for rhythm to reflect the fine grain of ground floor shop fronts. • Projections and weather protection canopies should allow for future growth of street trees, including planned street trees as specified in any adopted City of Melbourne plan • Building projections shall maintain the levels of daylight within a street or laneway.	

	• Balcony projections, where appropriate should provide a vertical clearance of at least 5m from any public space. • Main streets: ▪ Unenclosed first floor balconies may project to 1.6m in depth or 800mm from the back of kerb, whichever is the lesser if in association with an active commercial or communal use. ▪ Lightweight, Juliette balconies, adjustable screens or windows, cornices or other architectural features may project to 600mm from the title boundary from the first floor to the top of the street wall. • Streets and laneways: ▪ Lightweight Juliette balconies, adjustable shading devices, windows, cornices or other architectural features may project to 300mm from the title boundary from the first floor to the top of the street wall.	

Avoid

- Long expanses of floor to ceiling glass without frequent well-defined entries.
- The use of tinted, opaque or high reflectivity glass which obscures views between the public realm and building interior within the lower levels of a building.
- Opaque or translucent security installations which obscure views into tenancies at night.
- External stairs or ramps in flood prone areas where a transition in floor levels between exterior and interior spaces is required.
- Service cabinets with low quality materiality which dominate street frontages.
- Large setback undercroft spaces for waste or loading which impact on the safety and continuity of the pedestrian realm.
- Alcoves and spaces related to service doors which result in entrapment space.
- Weather protection canopies on laneways which enclose more than one third of the width of the laneway.
- Enclosed balconies or habitable floor space projecting over main streets, streets,

laneways or open space.

- Facade elements which rely on public realm projections as the primary design feature.
- Projecting balconies which extend the full width of a frontage and increase the visual bulk of a streetwall.

Design Quality

Design quality is the resolution of contextually responsive buildings and open spaces through a clear concept that expresses a distinct identity and contributes to the quality of the public and private realm. Design quality as realised through the execution of design detail secures the long term value and durability of buildings and spaces in the city.

Design Objective	Design Requirement
• Development should establish a strong design narrative to establish a clear relationship with the valued characteristics of its context. • Ensure that tall buildings are designed to maintain a diverse and interesting skyline which carefully considers relationships to adjacent tall buildings. • Ensure that the selection, scale and quality of design elements reflect the distance at which the building is viewed and experienced from the public realm. • To ensure that the lower levels of a building incorporate sufficient design detail to ensure a high quality City at eye level.	• Encourage the use of Competitive Design Processes for the development of large sites with multiple buildings or sites of strategic significance. • Encourage the use of multiple practices where a development comprises multiple buildings to achieve building diversity and distinction between components of a development. • Encourage the visual expression and sensitive integration of innovative sustainable building technologies to provide legibility and public education. • Design all visible sides of a building to a high standard. • Provide for depth and a balance of light and shadow in upper level facade design through the use of balconies, integrated shading, rebates and expression of structural elements. • Where blank walls are proposed to be visible from the public realm, ensure these are designed as an integrated three dimensional component of the building • Employ robust, low maintenance materials in the higher parts of a building, and natural, tactile and visually interesting materials at the lower levels near the public interface to reinforce a human scale.

Avoid

- Building materials and finishes such as painted concrete or ventilation louvres which undermine the visually rich, tactile quality of laneway environments.
- Development of multiple buildings on large sites which adopt the same form, typology and architectural language.
- Visually prominient buildings which do not have adequate regard to vistas on arrival to the Central City and Southbank.
- The use of finishes and surfaces which will deteriorate over time.
- Materials that lack tactility and appropriate sense of scale at the public realm interface.
- High reflectivity building materials which result in unacceptable levels of glare or have

reduced visibility between the interior and public realm.

Planning and Environment Act 1987

MELBOURNE PLANNING SCHEME

AMENDMENT C308

EXPLANATORY REPORT

Who is the planning authority?

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

Land affected by the Amendment

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

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

What the amendment does

The Amendment will implement the findings of the Synthesis Report: *Towards an Integrated Urban Design Approach in the Central City and Southbank* and introduce new built form provisions into the Melbourne Planning Scheme by:

- Replacing Design and Development Overlay Schedule 1 (DDO 1) with a new DDO1 schedule *Central City and Southbank Urban Design*. The proposed DDO1 will provide detailed policy guidance specifically around the elements of urban design, including Urban Structure, Site layout, Building Program, Massing, Public Interfaces and Design Quality;
- Deleting clause 22.01 Urban Design in the Capital City Zone;
- Deleting Schedule 1 to the Design and Development Overlay (Active Street Frontages) and Schedule 4 to the Design and Development Overlay (Weather Protection – Capital City Zone);
- Deleting Map No 8DDO1 and Map 8DDO4 and replace with a new Map No 8DDO1.

Strategic assessment of the Amendment

Why is the Amendment required?

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

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

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

Clause 22.01 Urban Design in the Capital City Zone is currently the policy used to assess and negotiate good design outcomes. It is widely acknowledged that a review of clause 22.01 is timely and necessary in order to strengthen the focus on the qualitative experience of the city, in particular the interface of buildings with the street, architectural quality and the impact on the public realm. The policy guidance resulting from Amendment C308 will focus on yield, massing and built form and most importantly be complementary to the policies introduced through Amendment C270.

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

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

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

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

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

In addition to the design objectives and requirements, the table also includes 'avoid' statements under each urban design element. The purpose of these is to identify particular design outcomes that are to be avoided in order to achieve the design objectives and support the design requirement.

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

The amendment implements the objectives in section 4 (1) and 12(1)a of the Planning and Environment Act 1987 (the Act) in particular:

- To provide for the fair, orderly, economic and sustainable use, and development of land
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
- To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value
- To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community
- To balance the present and future interests of all Victorians.

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

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

Environmental Effects

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

Social Effects

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

Economic Effects

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

Does the Amendment address relevant bushfire risk?

The amendment affects land within inner metropolitan Melbourne which is not a bushfire prone area.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act, Direction No. 9 – Metropolitan Strategy and Direction 11 – Strategic Assessment under Section 12(2) of the Act.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

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

Clause 11.06 Metropolitan Melbourne

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

Clause 15 - Built Environment and Heritage

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

Clause 17 – Economic Development

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

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

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

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

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

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

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The provisions provided by this amendment generally support the Local Planning Policy Framework and Municipal Strategic Statement of the Melbourne Planning Scheme. The following provisions are relevant:

Clause 21.04-1.1: The original city centre – the Hoddle Grid
Central City functions will be located in the Hoddle Grid. This area will be managed to facilitate continued growth where appropriate and limit change or the scale of development in identified locations to preserve valued characteristics. A strong emphasis will be placed on a quality public realm and good pedestrian amenity and connectivity.

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

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

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

Strategy 1.1 *Protect Melbourne's distinctive physical character and in particular, maintain the importance of:*
- *identified places and precincts of heritage significance*
- *the World Heritage Listed Royal Exhibition Building and Carlton Gardens*
- *The Shrine of Remembrance*
- *the Hoddle Grid*
- *the Yarra River Corridor, Victoria Harbour and waterways*
- *the network of parks and gardens*
- *the Hoddle Grid's retail core*
- *the network of lanes and arcades*
- *Boulevards.*
- *the sense of place and identity in different areas of Melbourne.*

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

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

Strategy 5.2 *Ensure that the scale, bulk and quality of new development supports a high quality public realm.*
Strategy 5.4 *Encourage public art in new developments.*
Strategy 5.6 *Create diverse public spaces to serve the needs of the City's diverse communities, including children, youth, residents, workers and visitors.*
Strategy 5.7 *Ensure advertising signs avoid visual pollution and intrusive light spill and respect the architecture of their host buildings, the surrounding streetscape character and skyline.*
Strategy 5.8 *Ensure development minimises the adverse effects of wind down drafts and provides wind protection to public open spaces suitable for their role and function.*
Strategy 5.9 *Ensure that development maximises solar access in public open spaces, and creates microclimatic conditions for a high level of pedestrian comfort.*

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

Strategy 6.1 *Protect and enhance the character and function of laneways.*
Strategy 6.2 *Ensure the design of buildings and public spaces enhances the public realm and the pedestrian environment.*
Strategy 6.3 *Ensure that new developments in the Capital City, Docklands, Business and Mixed Use zoned areas provide active street frontages and minimise pedestrian disruption from car access.*

Objective 7: To create a safe and comfortable public realm

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

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

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

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

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

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

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

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

The amendment will follow the formal planning scheme amendment process and be placed on exhibition where stakeholders and agencies will have an opportunity to comment on the amendment.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The amendment does not have any direct impact on the transport system.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The amendment is unlikely to have an adverse impact on resource and administrative costs to the responsible authority, however there may be a positive impact on resources of the responsible authority as the policy includes clear urban design guidance that will streamline and assist in the assessment of planning applications in the Central City and Southbank.

Where you may inspect this Amendment

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

Melbourne City Council

Level 3, 240 Little Collins Street

MELBOURNE VIC 3000

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by *TBA*

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: TBA
- panel hearing: TBA

CITY OF MELBOURNE

Towards an Integrated Urban Design Approach in the Central City and Southbank

Synthesis Report

January 2018

Contents

Executive summary

As a custodian for the quality of our environment in the Central City and as a land owner, advocate, Responsible Authority, and Recommending Referral Authority, the City of Melbourne has a critical role in investing in and advocating for good design. While the City has developed a strong reputation for urban quality on the national and international stage, it is imperative that we continue to invest in good design through our procurement of capital works projects as well as our influence through the planning framework on the development of private property.

The Central City and Southbank have undergone rapid growth in recent years. The resultant influx of new residents, workers and visitors that has coincided with new development has had positive effects on the vitality of the City; however there is evidence to suggest that the urban design outcomes which have resulted have not met the expectations of design quality of the City of Melbourne. Excluding matters addressed by the recently adopted Amendment C270, the key areas where poor outcomes have been noted include:

- The impact of parking including access and podium parking on the quality of the public realm
- The impact of building services on the public realm through location, integration and design detail
- The lack of design investment in the lower 20m of building facades and in particular in shop front design to provide a high quality public realm interface

Based on a review of recent completed development, engagement with industry experts and government agencies through workshops as well as benchmarking of comparable city strategies, it is clear that there is an excellent opportunity to address these issues through a co-ordinated approach comprising **regulatory**, **advocacy** and **process** improvements. The proposed actions to optimise urban design outcomes in the Central City and Southbank include the following:

- **Amendments to the Melbourne Planning Scheme** to consolidate existing fragmented policy and overlays into a consolidated Design and Development Overlay Schedule 1 with a focus on urban design in order to provide clarity and certainty to applicants, development planners and the community.
- **Introduction of a Central Melbourne Design Guide** document which provides a visual aid to assist in the interpretation of the Design and Development Overlay and increase the understanding of the City of Melbourne's expectations regarding design quality.

In addition to this primary strategy a series of additional processes are identified for further exploration:

- **Introduction of a revised City of Melbourne Design Review Process** for major projects in order to provide timely, and high quality advice on major projects.
- **Investigation of the opportunities for a Competitive Design Policy** which requires the undertaking of Design Competitions to achieve design excellence in major projects.

The following report outlines these matters in more detail.

Urban Design in the City of Melbourne – an appraisal

Urban design is the collaborative and multi-disciplinary process of shaping the physical setting for life in cities. Urban design involves the design of buildings, groups of buildings, spaces and landscapes, and the establishment of frameworks and processes that facilitate successful development (Urban Design Group, UK 2011).

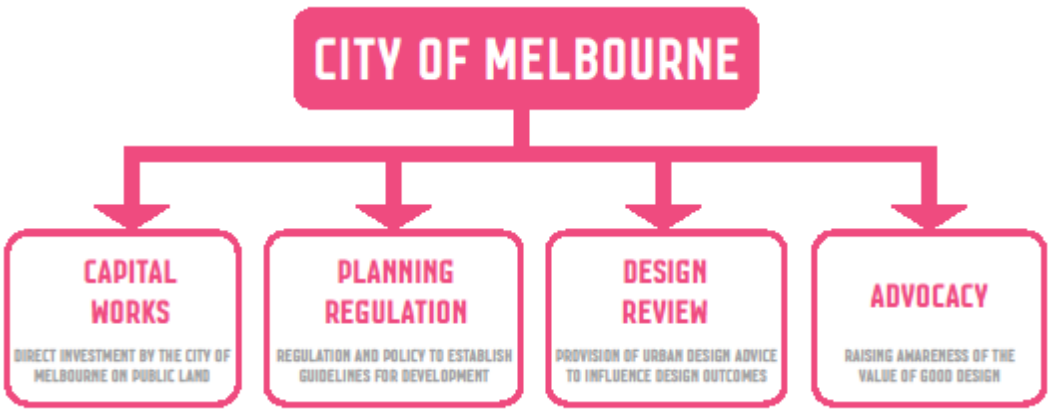
The purpose of this report is to review the current Urban Design in the Capital City Zone policy and other mechanisms and processes that influence urban design outcomes in private development within the Central City and Southbank, and propose a way forward to ensure a positive legacy for the city. The proposal intends to amend the Melbourne Planning Scheme (Amendment C308) with a new Design and Development Overlay Schedule 1 (DDO1) which incorporates and consolidates the policies of clause 22.01 Urban Design in the Capital City Zone, Schedule 1 (Active Street Frontages) and Schedule 4 (Weather Protection – Capital City Zone) into a streamlined format. This amendment to the Planning Scheme is intended to provide greater certainty to planners, developers and the community about the City of Melbourne's expectations of design quality in private development.

A key component of the proposed DDO1 will be the incorporation of the Central Melbourne Design Guide (Design Guide) which provides a visual aid to assist the interpretation of the overlay control. This Design Guide will provide a clear articulation of the intent of the policy through diagrams and images of benchmark design outcomes.

In addition to this Planning Scheme Amendment, the proposal aims to address opportunities to improve the quality of urban design outcomes in the city through recommendations about advocacy and design review processes, which are intended to complement and extend the influence of the policy.

Currently, the City of Melbourne (CoM) promotes and realises high quality urban design outcomes through a range of approaches (diagram below) including:

- Capital Works
- Planning Regulation
- Design Review
- Advocacy



Why is it needed?

A changing urban environment

The Central City and Southbank has changed dramatically over the past 30 years, with a significant proportion of the Central City and the majority of Southbank being redeveloped in this time. Since 1999 a rapid increase in tower numbers has occurred, with a particular focus on residential apartments. Through research and analysis of development completed during this period it has become clear that there has been a recent proliferation of low quality design and, as a result, there is a need for revised design policy to promote and help achieve high quality design outcomes.

Rapid tower change between 2013 (left), 2017 (right) including commencements, completions & approvals (right)

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

Amendment C270 made a number of important changes to the Melbourne Planning Scheme, most notably it established two types of precincts in the Central City and Southbank – a General Development Area designation for the majority of the Hoddle Grid and Southbank, and a Special Character Area for the traditional Retail Core Area between Elizabeth and Russell Street to the south of La Trobe Street, between Little Collins Street and Lonsdale Street to the east of Elizabeth Street, the length of the Yarra River edge, Sturt Street Arts Precinct, and select heritage precincts along Guilford and Hardware Lane. The new Design and Development Overlay controls introduced minimum setbacks from streets and laneways, building separation requirements and revised overshadowing and wind requirements. Amendment C270 also re-introduced floor area ratio and uplift requirements (which were removed in 1999) and a number of mandatory and discretionary height controls.

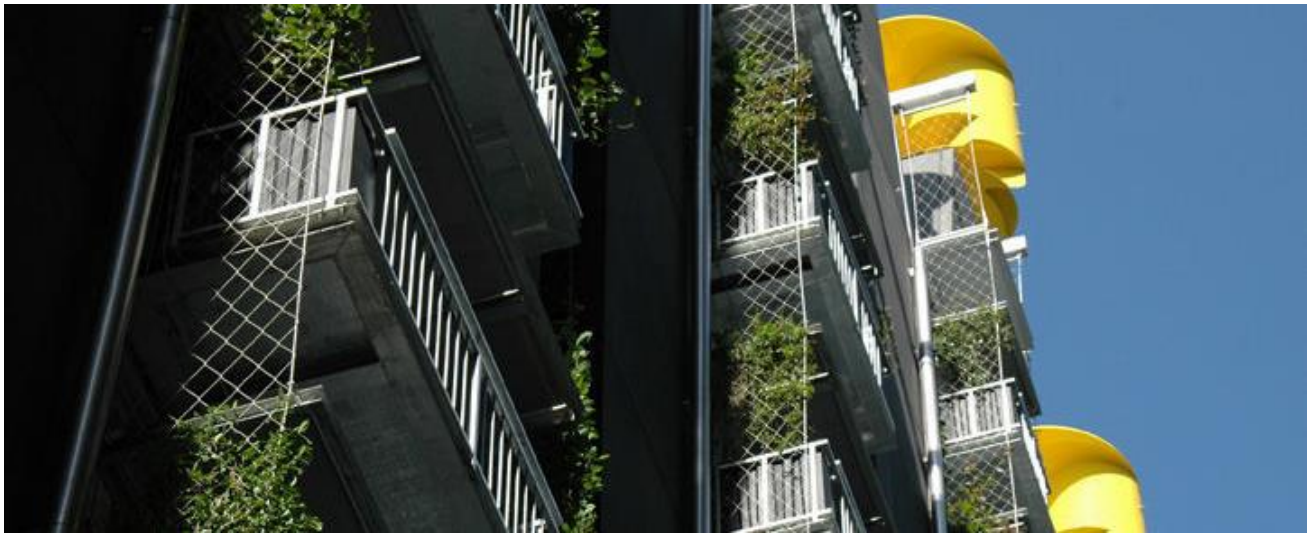
The Melbourne Planning Scheme is the statutory framework that is used to assess planning permit applications. Clause 22.01 Urban Design in the Capital City Zone is the policy used to assess and negotiate good design outcomes. It is widely acknowledged that a review of clause 22.01 is timely and necessary in order to strengthen the focus on the qualitative experience of the city, in particular the interface of buildings with the street, architectural quality and the impact on the public realm. The policy guidance resulting from this review will be complementary to the policies introduced through Amendment C270.

The City of Melbourne commenced a review of Clause 22.01 Urban Design in the Capital City Zone in August 2016. This preliminary review articulated a series of recommendations as follows:

- The need for a new planning tool with content based on best practice to improve the design quality of private development
- Determination of the preferred approach to Local Policy, Design and Development Overlays and or other available planning tools
- Streamlined controls that complement Amendment C270 and focus on the quality of design outcomes.
- Rationalisation of urban design provisions in the Melbourne Planning Scheme to increase clarity and reduce duplication.
- Investigation of other supporting measures such as Guidelines, Advocacy Documents and Design Review processes which promote a stronger focus on urban design in the Melbourne Planning Scheme.

Good design matters

The design of our built environment shapes the places where we live, work and meet. The quality of design affects how spaces and places function, how they integrate, what they contribute to the broader environment, and the users, inhabitants and audiences they support or attract (Better Placed, Government Architect NSW 2017).



Investment in good design at Council House 2 has had a direct impact on employee wellbeing and productivity

Melbourne's attractiveness to businesses, residents and visitors is in large part derived from the design of its buildings, streets, and open spaces which entices people, investment and subsequent economic prosperity. Within the Central City, the urban structure and laneway network provides the organising framework for a rich diversity of buildings and public spaces from the Victorian era through to today, and fosters a dynamic range of economic activity. The high quality of these public and private spaces is paramount to the City's distinctiveness, vitality and renowned liveability. The City's reputation as a design and cultural capital is indebted to the creativity of the contemporary architecture, urban design and landscape architecture which has complemented and integrated with the city's historic fabric since its urban revitalisation from the early 1990s.

Empirical research undertaken across the fields of health care, education, public realm design and housing by the UK's Commission for Architecture and Built Environment (2002), and by the Property Council of Australia (1999) has successfully demonstrated the sound business case and social benefits for investing in good design. Further, the value of good design in promoting environmentally sustainable outcomes is well documented by the Office of the Victorian Government Architect ('Good Design and Ecological Sustainability', 2011), with benefits as diverse as reduced resource consumption, durability, adaptability and the health and wellbeing of occupants.

'*To succeed in the 21st Century economy our cities need to be liveable, accessible and productive. Great cities attract, retain and develop increasingly mobile talent and organisations, encouraging them to innovate, create jobs and support growth*' (Department of Prime Minister and Cabinet, 2016).

Good design is paramount to Central Melbourne's ongoing success and international competitiveness during our current period of sustained growth. As we continue to densify and grow taller, the City will require increasingly well considered and innovative design solutions to maintain our high quality public environment. Good design promotes holistic, lateral and iterative thinking which is essential for innovation. As a custodian for the quality of the Central City environment, the City of Melbourne has a key role in promoting a strong design culture.

Effective processes & tools

A revised suite of tools and processes is required to achieve quality urban design outcomes and to align to current global practices. Advocacy and a strong culture of design are of utmost importance in addition to an effective urban design policy (Appendix B – benchmarking) Most comparable global cities have guidelines, independent design review panels and competitive design processes, all of which support regulation and foster a culture of good design to help achieve design excellence.

The qualitative components of private development require effective regulation to complement the more quantitative aspects of development established in C270. In order to achieve regulation of the qualitative aspects of design, these need to be sufficiently detailed and communicated through policy and guidelines.

The practice of assessing the qualitative contribution of development to the city through design review, is undertaken by suitably qualified urban designers within the City of Melbourne. Any revised process, including the revised policy, should support the current process of design review, which has evolved to address the current impacts and challenges of new development.

Policy context

An effective urban design policy is underpinned by an acceptance that a shaping of private development through regulation is essential to safeguard and promote a high quality public environment within the City and secure long term value for future generations. Within the Victorian context, the Planning Scheme represents the primary tool to achieve these outcomes.

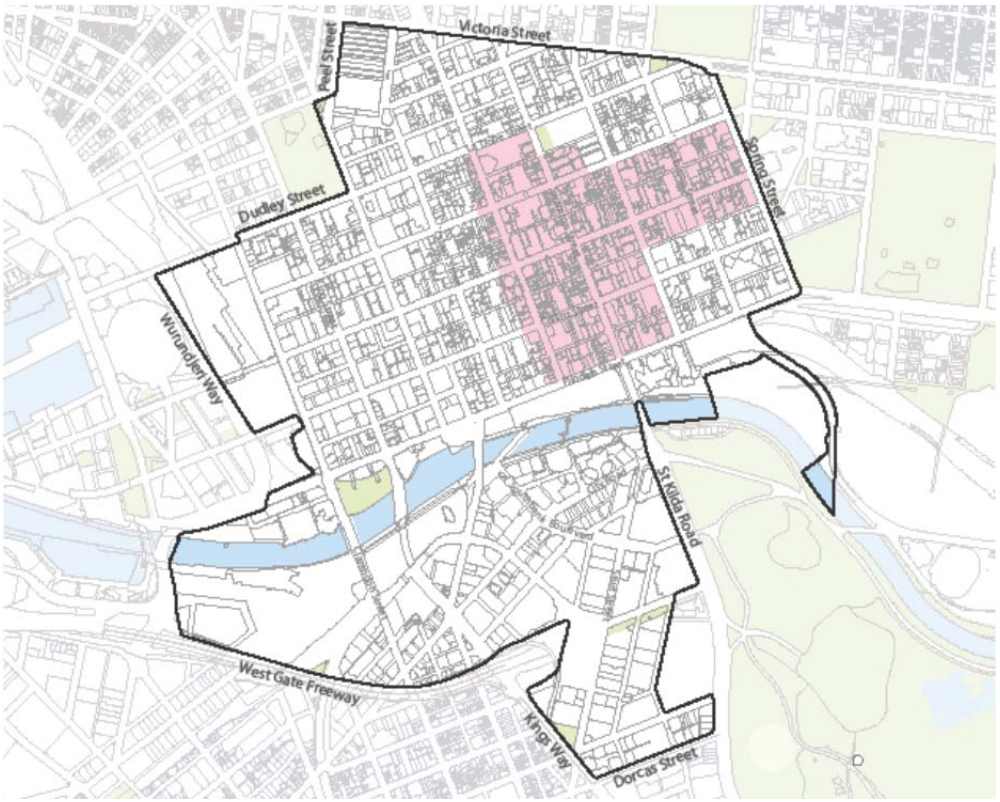
While updates were made to Clause 22.01, Urban Design in the Capital City Zone, to ensure consistency with Amendment C270 in November 2017, the policy has not undergone comprehensive review since 1999. In an expert witness statement tabled as part of the Panel Hearing for Amendment C270, Sophie Jordan Consulting (July 2016) highlighted this gap effectively as follows:

“the (urban design) policy framework has not been comprehensively reviewed for a significant period of time and …is based on reference documents that are at least 16 years old. (Clause 22.01)...has limited clarity as to how or when departure from these objectives may be appropriate, and importantly to what extent and what outcome must still be achieved. Evidently this approach has been inadequate to properly manage the multitude of changes to the development industry, particularly in the last few years as land values have risen sharply.

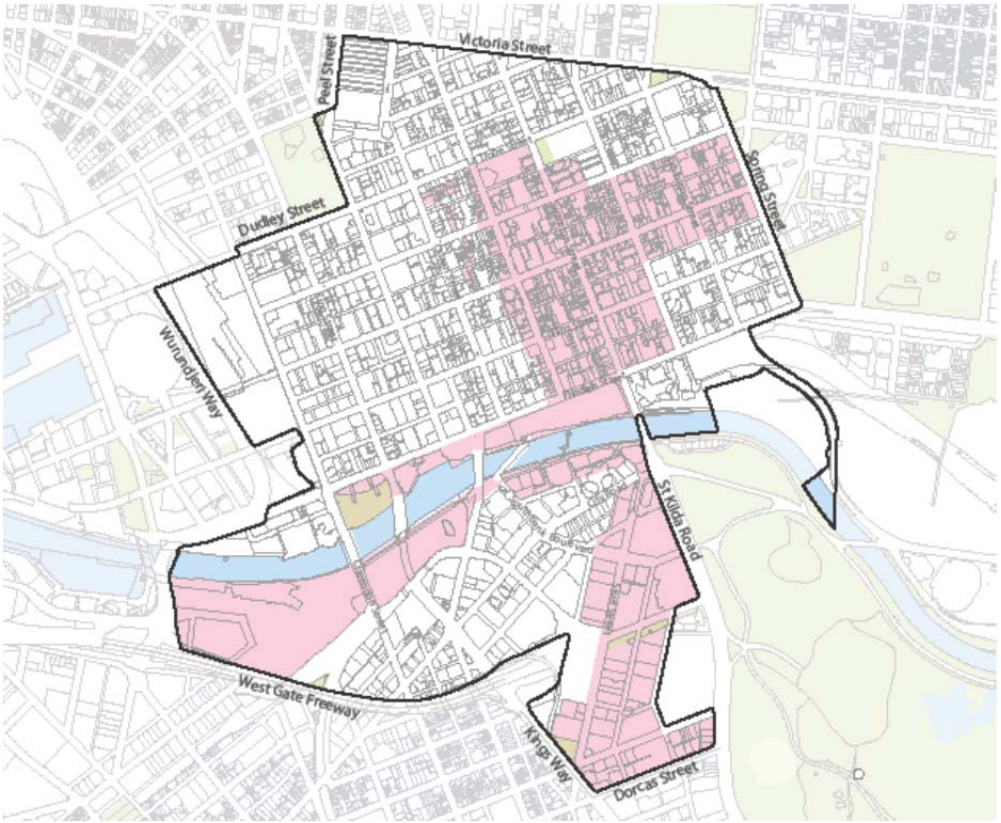
What was evident to Sophie Jordan, was that urban design policy had not kept track with the changes in the City’s built form since 1999 when it was last reviewed, and was not providing the required guidance to aid decision making.

Subsequent reviews of Clause 22.01 supporting this report through the Policy Audit and Legal Audit (Appendix D and E) have identified numerous gaps, fragmentation, and a lack of effectiveness of the current policy when referred to at VCAT. The revised policy approach aims to provide a cohesive and streamlined policy with mandatory and discretionary provisions that include greater detail in order to meet the objectives. The proposed provisions are also written to align with the current practice and scope of advice given to development applications seeking planning approval.

Amendment C270 established a revised regime of built form controls across the Central City and Southbank, allocating precincts either to a Special Character Area (mid-rise and character oriented) or General Development Area (podium-tower). This new suite of controls established a hybrid performance based and mandatory approach, oriented towards minimum dimensions around podium heights, setbacks, tower separation, wind effects and sunlight to key public spaces (refer following page for mapping of the new Special Character Area extent).



Map of the study area with the former extent of the Retail Core prior to Amendment C270 (pink)



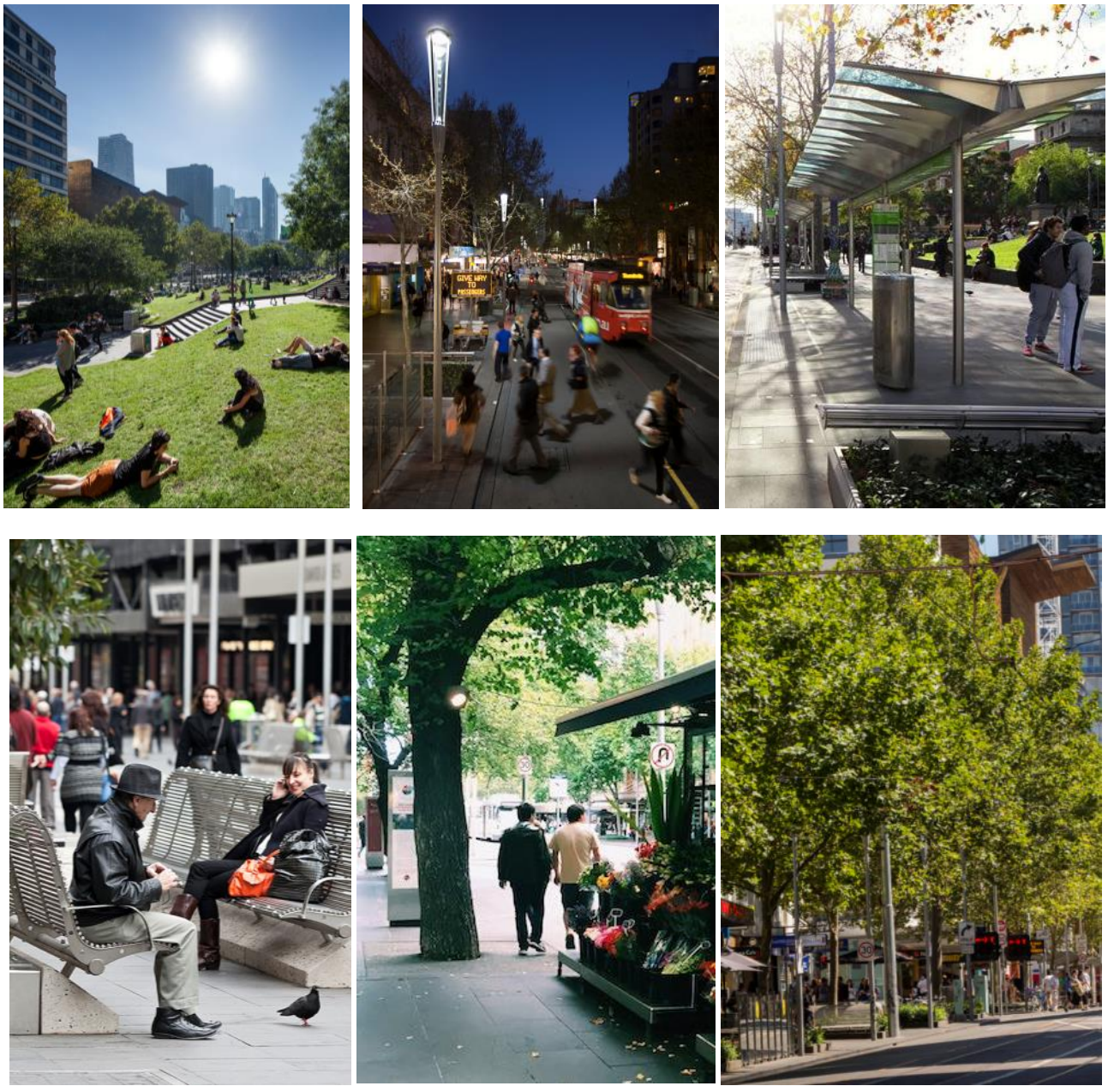
Map of the study area with the new Special Character Area introduced through Amendment C270 (pink)

The background reports and recommendations by key experts as part of the Central City Built Form Review highlighted the ongoing importance of a well-crafted urban design Local Policy as well as the need to review and overhaul the current outdated Clause 22.01. This was seen as an important complement to the new built form controls. Together, C270 and a recast Clause 22.01 Urban Design in the Capital City Zone will enable better outcomes to be realised in the Central City.

Achieving a high quality public realm

Since the mid-1980s, the City of Melbourne has made significant investments in the public realm, including the delivery of bluestone paving, quality street furniture, widening footpaths by reallocating vehicle space to pedestrians and extensive street tree planting. The City of Melbourne has set high standards for investment in our own urban design, landscape architecture, architecture and industrial design projects which are globally renowned for their emphasis on the ‘human scale’. The human scale can be understood as the size, texture and articulation of physical elements within our urban environment that respond to the size and proportions of human senses including site and touch, as well as the speed of walking.

While much of the Central City’s success has been derived from the strategic and proactive investment in public spaces to turn a Central Business District into a mixed use ‘City for People ’, the level of private development in the past decade has raised question about the cumulative effect on the public realm. As the primary agency responsible for the promotion of design quality in private development in the Central City and Southbank, City of Melbourne is required to undertake regular review of the success of its streets and spaces, and updates are made to the planning framework to respond to the challenges of the ever changing city.



Examples of capital works investment in the Central City by the City of Melbourne

Scope

Geographical extent of scope

The physical boundary of the project has been expanded from that of the original Clause 22.01, which was limited to the Capital City Zone Schedules 1, 2 and 3 in the Central City and Southbank in addition to the Mixed Use Zone within Southbank. The study area has been expanded to match the extent of Amendment C270 with minor additions to the small area of Mixed Use Zone to the north of La Trobe Street, between Swanston Street, Spring Street and Victoria Street which is for all intents and purposes experienced as a Central City environment with a high intensity of tower development.

Geographical scope of the study area

Scope of Policy Themes

The scope of any proposed amendment to the Melbourne Planning Scheme must take into account a number of recent projects and policies produced at both Local and State Government level that influence urban design in the City. The following list identifies urban design considerations that have been excluded from the scope of this project due to the coverage of recently implemented changes to the Melbourne Planning Scheme or concurrent projects within the City of Melbourne.

- Building heights, minimum setbacks, tower separation, density, wind impacts and sunlight protection (Reviewed through Amendment C270 in November 2016)
- Residential amenity (Reviewed through The Better Apartments Design Standards in April, 2017)
- Commercial amenity (Addressed via industry standards and at Building Permit stage)
- ESD (Currently addressed by Clause 22.19, Clause 22.23, however is to be refreshed by the City of Melbourne through the Greening our City Action Plan)

The policy scope includes the review of a number of existing provisions within the Melbourne Planning Scheme, as well as gaps which have been identified through Design Review as well as a Policy Audit.

Amendment C308 is intended to establish a qualitative complement to the provisions of Amendment C270, ensuring that these recently implemented quantitative envelope controls are accompanied by an enhanced emphasis on the quality of how buildings interface with the public realm. The elements included within the policy scope include:

- Permeability and through-block connections
- Privately owned publicly accessible plazas and laneways
- Building alignment
- Building massing and composition including rhythm and grain
- Building adaptability
- Vehicle parking, loading and waste facilities
- Building Services where they impact on the public realm
- Public realm projections
- Weather protection
- Active Frontages and ground level design
- Design detail and building façade materials

Research and Analysis

Development application review process

The City of Melbourne provides in-house urban design review on a range of project types, from individual development applications, precinct masterplans through to public realm projects and strategic planning frameworks. Urban design 'referrals' are sought by Development Planners on a wide range of projects, which take the form of a written or verbal design review concerned primarily with a development proposal's fit within and contribution to a given context. As a result the urban design review undertaken through the referral process is often a key component in assisting the decision making of Development Planners.

The format of written design review is structured around a series of tests, which build upon the provisions of the planning scheme to influence design outcomes. Written reviews adopt a clear structure from the largest urban contextual matters down to the detail of the building design including interfaces and internal amenity (big to small). The key themes vary depending on project scale, but are typically structured around the Planning Scheme as follows:

- Sufficiency of documentation
- Response to context
- Building alignment, height & scale
- Building / tower setbacks and spacing
- Building program
- Building elevations / design
- Public space / landscape architecture.

These themes have emerged as a way to organise design advice through the collective experience and knowledge of the city held by the urban designers, architects and landscape architects preparing the review.

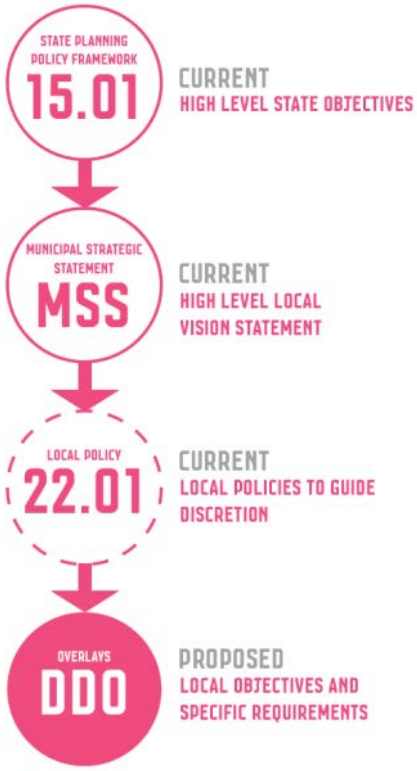
The operation of the Victorian Planning System and by extension the Victorian Civil and Administrative Tribunal is underpinned by the notion that development assessment can only consider matters contained within the policy framework of the Melbourne Planning Scheme. This principle has frequently revealed a gap between the matters considered within the scope of urban design review at the City of Melbourne, and the supporting policy framework within the Melbourne Planning Scheme. In the context of negotiation, urban design review is often used to aid discretion, where limited performance tests are available to assist decision making. A proposed new policy structure, with content to match the focus of current urban design review enables an opportunity to address this gap between policy and practice. It can also provide better clarity and certainty to the development industry regarding the City of Melbourne's planning and design expectations.

Planning Policy Audit

One of the challenges in implementing an effective urban design policy is the 'performance based' approach unique to the Victorian Planning Provisions. This comprises many layers of indirect policy statements which are required to be balanced against one another, including high level state provisions and more specific local requirements.

A policy audit was undertaken to understand the breadth of policies within the Melbourne Planning Scheme that encompass matters of urban design within the Central City and Southbank. Beyond an understanding of the components of urban design, further analysis of gaps, overlaps and opportunities for improvement were investigated. The intent was to inform a streamlined and simplified policy framework which is better able to realise the objectives of high quality urban design in a capital city context.

The audit was conducted by assessing all provisions within the Melbourne Planning Scheme that relate directly or indirectly to the assessment of urban design in development applications. This encompasses the State Planning Policy Framework (SPPF), the Municipal Strategic Statement (MSS), Local Policies and relevant zones, overlays and Reference Documents. A complete list of these policies can be found in the table on page 18 of this report.



The tiers of urban design guidance within the Melbourne Planning Scheme

The relevant policies have been listed by clause number and name, in conjunction with a summary of their objectives, applicable urban design themes and policy instrument type (for instance mandatory or discretionary, standards, objectives, guidelines). This detailed audit is appended to this report at Appendix D. In addition, research was undertaken by an independent Legal Counsel in order to document the performance and impact in particular of Clause 22.01 Urban Design in the Capital City Zone, when challenged within the Victorian Civil and Administrative Tribunal (VCAT). This subsequent research is appended to this report at Appendix E.

The policy audit was undertaken utilising the following elements of urban design:

1. **Urban structure**

- Urban Structure relates to the network of main streets, streets and lanes and open space which define the size and shape of urban blocks.

2. **Site Layout**

- Site layout refers to the arrangement of buildings and spaces including the position of entries, servicing, and circulation cores and how these elements reinforce the hierarchy of streets and laneways within the urban structure

3. **Building program**

- Building program comprises the position and configuration of uses internal to a building and how they relate to the public realm.

4. **Massing**

- Building mass comprises the three dimensional form of a building, including its scale, height, proportions and composition and how it relates to its context.

5. **Public interfaces**

- Public interfaces comprise the boundary between the internal program of a building and the public realm within main streets, streets, laneways and open spaces

6. **Design Quality**

- Design quality is the resolution of contextually responsive buildings and open spaces through a clear concept that expresses a distinct identity and contributes to the quality of the public and private realm

The key findings from the policy audit included the following components, which are explored further in the following section:

- gaps in policy coverage
- areas of overlap between content in various provisions
- policy provisions which are no longer required
- effectiveness of controls
- relative strength of a policy (as derived from the Legal Review)
- observations from interviews with Development Planners

Gaps in policy

In order to optimise urban design outcomes it is important that the Melbourne Planning Scheme provides coverage of the full spectrum of urban design considerations. Analysis of the current provisions of the Planning Scheme reveals a number of gaps between best practice and the current suite of policies. The key areas which require address through Amendment C308 are discussed below.

Urban structure

Urban structure is discussed in several policies at a State and local level. This discussion is generally quite broad however and there is a gap in terms of specific policy guidance for the following elements:

Elements:	Gap:
Division of sites into smaller parts	Not addressed in existing policy
Pedestrian connections	Discussed in Clause 22.01 as an objective to incorporate through-block links to enhance pedestrian movement and permeability, but lacks specific guidance such as location, extent and design.

Site Layout

Site layout is insufficiently discussed in existing policy with gaps identified in the following elements:

Elements:	Gap:
Position of entries	Existing DDO1 discusses entries as active frontages, but no policy guides entries in relation to their location and design with regard to context, for example the relationship to street hierarchy or areas of high pedestrian congestion at street corners.
Publicly accessible private plazas	Not addressed in existing policy

Building program

Building program is currently not thoroughly addressed in the planning scheme. Little consideration is given to how activities that occur within a building affect the public realm. This should be addressed to ensure that the internal building plan can be better correlated with the impacts on the exterior, such as location of building services or contributions to active frontages.

Although aspects are touched on currently (Clause 21.12 and 21.13 in relation to specific precincts) this is limited to high level MSS ambitions, and represents a gap for further work, as outlined below:

Elements:	Gap:
Building services	Clause 22.01 notes that access service areas should minimise impact on street frontages, and that visible service areas should be treated as part of the overall design and be fully screened, which remains relevant. However, specific guidance (including requirements) is not provided about location, integration and design.
Vehicle entries and parking	Clause 22.01 notes that access to car parking should minimise impact on street frontages. However, specific requirements are not provided about location, integration and design.
Building adaptability	Adaptability is not discussed in existing policy in a general sense (such as encouraging buildings that can be adapted to accommodate a range of uses), or in a specific sense (such as internal design of buildings to adapt to uses over time).

Active frontages	While addressed in local policy, in addition to the current DDO1 which emphasises the importance of high quality materials, insufficient detail is provided to articulate the expectations of ground level / shop front design quality.
Application requirements	Existing policy does not require applicants to submit information such as detailed (large scale) drawings of the ground floor to allow for assessment of design quality. No application requirements currently exist to assist planners in assessing adaptability.

Building massing

While maximum podium heights and minimum setbacks are established in DDO10 there is insufficient guidance to aid the exercise of discretion within these maximums, including the following areas:

Elements:	Gap:
Interface with Special Character Areas	No specific guidance in terms of scale or typology where there is an interface with a Special Character Area. There is a need for more detailed guidance about an appropriate transition of scale and typology at the edge of these precincts to avoid jarring, sheer built form.

Public interfaces

Although public interfaces are discussed in the existing DDO1 policy, gaps have been identified in the following areas:

Elements:	Gap:
Signage and product displays	Existing policy does not provide guidance about the use of product displays that may affect views to and from the public realm.
Design detail	Existing policy such as in DDO1 emphasises clear glazing, but does not acknowledge the importance of the design of window frames in terms of materiality and detail in addition to the use of plinths or stall risers, all of which can contribute greatly to the public realm.
Projections	Clause 22.01 discusses projections, but lacks detail in terms of requirements of how projections are integrated as part of overall building design

Design Quality

Design Quality is mentioned through policy seeking high quality architecture, however, there are gaps in existing policy, particularly in terms of how design quality is interpreted.

Elements:	Gap:
Application requirements	Existing policy does not include application requirements to allow assessment of design quality, such as drawings of sufficient detail to describe architectural and landscape architectural detail, and accurate photomontages of built form in context,
Definitions	Design Quality, Excellence, and ‘High Standard’ are all used interchangeably, however are not adequately defined. Excellence should not be used lightly, unless supported by an independent peer reviewed or competitive design process.

Overlaps

A key challenge that was identified through Amendment C308 is the need to remove duplication and streamline the policy in order to provide a consolidated location for urban design provisions in the Central City. At present a number of policies touch on or address urban design, in a manner which makes the Planning Scheme more difficult to use for applicants, planners and the community.

The table below highlights the numerous overlaps in policy.

Topic	Policy/DDO
Walkability and walking networks	21.09
Provision of new pedestrian links	22.01, 22.17 DDO 61
Protection of existing lanes	21.09, 22.20
Frontage activation	22.01, 22.17, 22.18, 22.20 DDO 1
Sunlight to public spaces	22.02 DDO 2, 10, 40, 60, 61
Wind effects in public spaces	22.01 DDO 2, 10, 40, 60, 61, 62
Weather protection to footpaths	22.01, 22.17 DDO 4, 61, 63
Traffic conflict frontages	DDO 3
Density / Floor Area Ratio (FAR)	22.03 DDO 2, 40, 60
Building envelope/heights and setbacks	22.01, 22.17, 22.21 DDO 2, 6, 9, 10, 13, 14, 15, 19, 20, 21, 22, 28, 29, 31
Vista protection	22.18, 22.21 DDO 17
Building projections into the public realm	22.01, 22.17
Architectural form, materials, articulation	22.01, 22.05, 22.17, 22.18, 22.20
Advertising signs	22.07 52.05
Noise attenuation (defensive)	DDO 12, 23, 26
Provision of landscaped setbacks	DDO 19, 35, 36, 37, 58
Provision of new public open space	22.26, 22.18 DDO 50, 54, 59, 61
Public space design	22.01, 22.18
Infrastructure protection/avoidance	DDO 5, 27, 55, 70
Protection of helicopter flight paths	DDO 66

Effectiveness of controls

The effectiveness of current urban design provisions within the Melbourne Planning Scheme has been weakened by a lack of clear, direct requirements, and the use of vague language which makes interpretation difficult. This has been revealed both through assessment at VCAT as well as during the permit application process in the negotiation of outcomes (See Appendix E – VCAT summary).

Objectives tend to discuss desired outcomes in general terms but do not offer sufficient guidance to assist or provide leverage for planners. Many objectives are not paired with adequate tests, suggested resolutions or alternate outcomes that could be considered. Further, the risks or low quality outcomes that should be avoided are not specified. Within a performance based planning context, it is imperative that adequate tests or design requirements are paired with objectives in order to aid decision making. The two should be clearly linked, and adopt appropriate language and specificity befitting their role.

All themes addressed within the policy audit presently lack clear guidance within the Planning Scheme. For example, Clause 21.12 'Hoddle Grid' seeks to "*Ensure that the design of tall buildings in the Hoddle Grid promote a human scale at street level especially in narrow lanes, respects the street pattern and provides a context for heritage buildings"*. This relates to urban structure, massing and public interfaces, however, no guidance is provided here or elsewhere about what this might look like (or what to avoid). This provision is not sufficiently direct to provide adequate guidance to decision makers when assessing individual buildings.

Relative strength of policy when tested at VCAT

A 'Legal review' was undertaken of a series of 9 key VCAT cases from 2011-2016 to ascertain where VCAT have identified weakness, strengths and/or deficiencies of urban design policy in the Melbourne Planning Scheme.

The review revealed a broader problem with the use of a Local Policy to control preferred building envelopes, and to direct specific outcomes. The Local Policy was described by Members as full of 'overly vague and uncertain' statements which did not provide clear guidance for the exercise of discretion. It was noted that numerous cases acknowledged the limitations of applying the provisions of Clause 22.01 to the development of small sites, corner development and development which abutted existing conditions (such as high boundary walls) which differ from the condition sought by policy. Whilst this would not be a problem in the case of a mandatory provision, it was ineffective within a discretionary framework. This finding suggests that the policy did not adequately consider all potential site specific circumstances, for example on different street types. It is important to directly address the risk of poor outcomes, when preparing a requirement for a preferred outcome.

Where the tribunal was required to make a decision between an acceptable urban design outcome or project viability (such as the ability to achieve a viable tower envelope), viability and consolidation objectives prevailed on balance. This reduced the ability to refuse tower applications on small sites which exhibited insufficient street setbacks, inadequate spatial separation or activation at ground level.

Broadly, the audit found that Clause 22.01 had not delivered the urban design and built form outcomes sought by Council due to a range of factors including the limitations of Local Policy as a planning tool. The weight of a Local Policy was not considered sufficient to support the City of Melbourne's grounds for refusal at the Tribunal. It was recommended that Council observe applications submitted under Amendment C270 to understand what outcomes result from this new regulatory regime. The legal review recommended that more specific requirements belong within a Design and Development Overlay, to ensure adequate weight was given to the City of Melbourne's urban design expectations and requirements.

Observations from interviews with Development Planners

A series of interviews was undertaken with Development Planners, who deal with the full range of applications including multiple tower complexes through to signage and shop front alteration applications in the Central City and Southbank. These interviews focused on the mechanics of day-to-day implementation of the planning scheme and confirmed the workshop findings around how Clause 22.01 should be updated and strengthened. Specifically, gaps in the planning scheme around design quality of the lower levels of buildings, and the lack of policy support to push back against excessive building services on frontages, as well as above ground parking were cited as issues. The lack of guidance around building projections was also noted, with concerns around enclosed floorspace, canopies extending over laneways, and balcony projections at upper levels over the street. There was full agreement that while Amendment C270 achieved a lot in terms of mitigating some of the worst public outcomes from building envelopes, more specific design policy or an Overlay was still required within the Melbourne Planning Scheme.

Benchmarking Study

A benchmarking study of best practice approaches to achieving design quality was undertaken, with a focus on policy, advocacy and culture in Australia and internationally. This study can be found at Appendix B. The benchmarking comprised a desktop review of design reference documents that inform design review processes and built form outcomes. The focus areas can be understood as follows:

- Policy comprises objectives that aim for design excellence set an agenda for achieving good design outcomes through statutes or regulation.
- Advocacy comprises the use of non-regulatory measures such as design guidelines illustrating how to achieve good urban outcomes, communication or promotional material in order to expand the understanding of design quality for a wide variety of audiences including developers, planners, designers, community members, & industry professionals.
- ‘Culture’ in this instance refers to the way in which urban design outcomes are facilitated and negotiated including design review processes such as expert design review panels, and how readily good design outcomes are integrated into new developments as a result of design industry and market expectations.

From a review of local and international policy and guideline case studies (Appendix - B), there is the opportunity to align more closely to a widely accepted set of urban design principles which include an emphasis on cultural, social, land use and programmatic components of urban design. While care must be taken to avoid conflict with other parts of the Melbourne Planning Scheme, particularly land use, the opportunity to integrate aspects such as ‘program’ that impact on the public realm through the design of the building interface is apparent. Local case studies show that it is necessary that guidelines or checklists are integrated within the planning framework in order to have any impact on development outcomes.

Independent, expert design review panels are important tools employed by other cities such as London, Sydney, Adelaide and Auckland on large or complex projects that contribute to elevating the importance of good design and have led to projects of design excellence. The key difference with processes in other surveyed cities to the Victorian Design Review Panel process is a binding relationship in decision making through statutory processes.

Competitive design processes stood alone in terms of their ability to impact architect selection, elevating high quality small practices into commercial work, and encouraging innovation through the merit based jury assessment process. Considerable empirical research has been undertaken into the successes of this process in the City of Sydney (Appendix – B).

Educating the broad range of players within the building and development industry through the use of design manuals or checklists is necessary to aid the negotiation process and also contribute to a cultural shift towards foregrounding good design. In order to elevate the expectation of design quality in a city, in addition to regulatory measures, it is important that authorities engage with design institutes, professional bodies and universities.

From a policy perspective, additional detail is required within planning frameworks to assess the qualitative design components of a building interface with the public realm. It is necessary to expand application requirements to require more information about the ground and first floor through, for instance, more detailed drawings. This will assist in building a culture of expectation both around the detail of drawings required, but also the design investment required in this critical area of the building. This will enable planners to assess proposals better, while requiring applicants to investigate the immediate pedestrian interface in the preparation of their designs.

A survey of effective governance systems in comparative local and international cities positioned urban design as a key component of city quality, with commitment to its realisation at all levels of urban politics, supported by strong professional and political champions. The more successful cities surveyed combined a range of regulatory and advocacy methods such as independent design review panels and competitive design processes, as a complement to robust policy and guidelines, in order to raise the bar in urban design quality. It is clear that a single approach is not an appropriate or desired path as it will not have a sufficient impact on design outcomes. A multi-faceted approach, which encompasses policy, advocacy and culture, is required.

Sample of documents reviewed as part of the benchmarking study (refer Appendix B)

Built Form Analysis

Site Analysis

Desktop study, interviews, mapping and field work have revealed a number of existing issues with developments within the Central City and Southbank, which have been summarised below into the following categories:

- Urban Structure
- Site Layout
- Building program
- Building massing
- Public interface
- Design quality

The method used for this analysis is detailed in Appendix A.

Urban Structure

Urban Structure relates to the network of main streets, streets and lanes and open space which define the size and shape of urban blocks. The urban structure of the Hoddle Grid is enhanced by the fine network of public and private lanes and arcades that provide choice and ease of pedestrian movement, and support the diversity of social and economic activity in the Central City. The urban structure of Southbank is characterised by larger block sizes which provide opportunity for improved walkability.

Observed issues with urban structure include:

- Limited new opportunities have been created within single site development for open-to-sky through-block pedestrian connections.
- The walkability of blocks in Southbank has not improved as new development has occurred in the area. Block lengths remain notably longer than the Central City, and low levels of pedestrian activity were observed in the public realm during business hours or later in the evening.
- Large boundary to boundary podiums with efficient parking layouts are dominant in Southbank, limiting the potential to break up multiple tower development with through block connections. This was most notable along City Road.
- Where through-block links have been provided these are typically occurring in the form of arcades of poor design quality and which are not perceived as part of the public movement network. While more successful examples are noted in predominantly office or mixed use development including CBW, QVM, Southern Cross Lane and Madame Brussels Lane, this is less common in more recent residential development where limited new connections have occurred in the form of arcades, with blank walls to lane edges, limited activation and limited investment in material quality.

Site Layout

Site layout refers to the arrangement of buildings and spaces including the position of entries, servicing, and circulation cores and how these elements reinforce the hierarchy of streets and laneways within the urban structure. The configuration of the ground level establishes relationships that inform building mass and floorplate depth. These factors impact on the quality of the public realm and internal amenity.

Observed issues with site layout include:

- A number of developments have not responded to the established street and lane hierarchy of the Hoddle Grid, with large car parking entrances and service areas opening directly onto streets with high levels of pedestrian activity rather than onto rear lanes.
- The configuration of loading and waste facilities onto street frontages often reduced the ability for street activation along important pedestrian connections.
- Building entries to large developments were generally well defined and positioned to front main streets. However newer buildings tended to have fewer building entry points, and it was not uncommon for sites with multiple street frontages to have building entries to one frontage only.
- The provision of 100% activation to a single preferenced street frontage often resulted in an entirely inactive or service elevation to a secondary street or lane. This creation of a clear sense of a ‘back’ elevation often conflicted with the pedestrian use of a lane.
- Good examples were observed, where servicing and active frontage have been distributed ‘hit and miss’ around street frontages, providing a balance of activation and servicing, and thus contributing to the improvement of secondary streets and laneways.

Building program

Building program comprises the position and configuration of uses internal to a building. This is a key urban design consideration due to the direct relationship of internal areas on the public realm. For example, foyers, reception areas and active uses can contribute to the safety and vitality of the public realm, while the placement of building services, storage and car parking can have negative impacts on the public realm at the ground and upper levels. The internal design of buildings should be able to adapt to other uses over time to extend the useful life of a building and avoid the creation of spaces that cannot be retrofitted over time.

Observed issues with building program include:

- Many recent residential developments on smaller sites adopt podium parking without a sleeve of active uses to the frontage that would provide surveillance over and interaction with the street while concealing views into the carpark. These typically consumed the most important lower 5-6 levels of the building where the greatest connection to and from the building to the public realm exists.
- The extent of podium parking exposed to the street in Southbank was highly notable, particularly along City Road, but also on Spencer Street in the Central City, cumulatively impacting on the quality of streets.
- The impact of un-sleeved podium parking structures was most evident in night-time site visits when ground level businesses were closed. The lack of street surveillance was immediately apparent due to the visibility of fluorescent lighting behind screens to car parking. This contrasted with buildings where upper level lights and visibility of movement within a building contributed to a sense of vitality and safety.
- Where both podium and below ground parking occurred in a single project, multiple vehicle entries and broadened crossovers resulted, increasing the disruption to footpaths, street trees and public furniture.
- Outside the retail core, very few upper level uses were observed to contribute strongly to the activation of the street environment due to the presence of tinted glass to offices, or the design of floor plans of upper level dwellings in which recessed living areas and projecting bedrooms were common. Such plans limit visual connection between the interior and the street and reduce the sense of upper level activity observable from the street.

Building massing

Building mass comprises the three dimensional form of a building, including its scale, height, proportions and composition. The shape of a building has an impact on how it fits within and contributes to its broader context, including adjacent buildings, the street interface and key public vantage points.

Observed issues with building massing include:

- Very few contemporary mid-rise infill buildings were noted in the General Development Areas of the Central City and Southbank, in which the infill tower or podium tower had become the new dominant form of development. This was most notable in City Road to the east of Clarendon Street where relatively uniform towers repeat along the streetscape creating a canyon effect with only a small number of pre 1990s low-rise commercial and industrial buildings.
- Areas within the General Development Area of the Central City that had experienced substantial redevelopment since 1999 had a similar character to Southbank, with limited low-rise buildings interspersed between substantial tower forms. The key difference between the areas was the slenderness of towers in the Central City, an outcome produced by smaller site areas and length to width proportions within the Hoddle Grid.
- Podium heights and massing tended to have limited regard to adjacent or nearby heritage buildings, with the exception of the Rialto Podium redevelopment and the Welsh Church where heritage built form was integrated as part of the development.
- In buildings with limited or zero setbacks from a podium, the design of lower levels has continued the tower expression and detail down to the ground level. This created a poor and uncomfortable relationship with the characteristic low to mid-rise built form within the Central City streets (for example, street frontages resulting in reflective glass facades, or limited detail or façade depth). This was most evident in the northern end of Elizabeth Street.
- Limited efforts had been made to align podium heights and façade configuration to adjacent built form, creating a clear departure from existing character.
- Podiums generally covered 100% of the site area, extruded as a simple block. Facades tended to be clad in patterns of surface treatment with limited depth or relief. Podiums with a street frontage width greater than 20 m with a single design treatment of limited rhythm and grain were detrimental to the quality of streetscapes.
- The creation of desirable rhythm and grain to ground levels was ineffective where simple columns or pilasters were applied to a continuous glass facade. Conversely, some ground levels had recesses that extended too deep, leaving under croft spaces where rubbish gathered in the public realm and where entrapment could result.

Public interface

The public interface comprises the boundary between the internal program of a building and the public realm within main streets, streets, laneways and open spaces. The detailed design of the interface at the ground level and the lower 20 m of a building has a significant impact upon activation, surveillance, safety and quality of the public realm.

Observed issues with public interface include:

- In recent development it was noted that building services cabinets, roller doors and vehicle entries take up a significant length of the street frontage.
- Service areas were typically characterised by limited or no integration with the facade design. The individual service elements were rarely coordinated with the lower level design, with finishes at the street edge lacking sufficient visual interest or tactility when viewed at close range. A small number of high quality examples were observed, but primarily within or at the edges of the retail core.
- The active frontages policy continues to be effective in the retail core. However in areas outside the retail core in the Hoddle Grid and Southbank, the extent of ground level activation was, on balance, poor. The primary driver of this loss of activation was the poor location of services and access to parking, as noted above.
- Tower built form was characterised by a higher proportion of parking, services and waste facilities at ground level when compared with low or mid-rise built form.
- Buildings that provided zero parking resulted in better quality street environments with a higher level of activation at ground and upper level street frontages.
- Within areas of sloping ground planes or where elevated floor levels are required to address flooding impacts, poor management of levels with external ramps and deep undercrofts often resulted in limited activation to the street. This was particularly notable in Southbank.
- Canopies appeared in most recent developments, however the design of these structures did not use high quality materials and detailing. The most dominant canopy type was a solid, deep, aluminium-clad awning which did not sit well alongside late 19th or early 20th century canopies and built form with more elemental structures and finer detailing.
- Low height and deep canopy structures resulted in compressed and dark spaces to the footpaths which felt uncomfortable to walk through and lacked continuity with the broader experience of the surrounding public realm.
- Higher canopy structures failed to balance scale, appearance and functionality by not providing adequate shelter from wind and rain, as well as sun in the warmer months.
- Building projections over the public realm were prevalent in recent tower development in order to provide some pattern and depth to otherwise sheer curtain wall clad facades. These were particularly notable within narrow street environments such as Little Lonsdale Street.
- Heavy balcony projections over narrow streets at upper levels limited daylight levels into the street and reduced the sense of openness within the street.Some examples of first floor balconies for commercial uses had been highly successful in contributing a sense of liveliness to the street, including the examples arranged around the State Library Lawn. Where these balconies were open with low balustrades the noise spill, light and visibility of activity were positive.
- Contemporary lightweight projections for balconies on older buildings within the retail core contributed positively to the street providing a sense of activity and surveillance, where more solid and enclosed projections did not contribute positively to the street environment.
- Podium facades that made use of well-considered projections and details that modelled the façade surface and gave it character, were positive in reinforcing a sense of pedestrian scale to the street.

Design Detail (or quality):

Design quality is the resolution of contextually responsive buildings and open spaces through a clear concept that expresses a distinct identity and contributes to the quality of the public and private realm. Design quality as realised through the execution of design detail secures the long term value and durability of buildings and spaces in the city.

Observed issues with design quality include:

- The sense of depth and material quality in tall buildings on small sites is constrained when construction is taken to the boundaries. This can limit the three dimensional shaping of the building, and provision of façade depth.
- While many of Melbourne's new towers provide variation in upper level façade treatment, these are often limited to applied decoration or two dimensional graphic effects, which become effective only from distant vantage points, as opposed to depth, segmentation and modulation of the form.
- Due to the characteristic depth of narrow plots within the Mixed Use Zone to the north of La Trobe Street, and along Little Lonsdale Street to the west of Elizabeth Street, elongated towers have resulted, with their most visible elevations given limited design attention due to boundary construction or minimal side setbacks. These long side elevations dominate in oblique views from nearby street intersections.
- Tinted or highly reflective glass was observed in ground floors and podium design where active uses were present, eliminating any visibility of activity and sense of life within the building. Further, posters, stickers and shelving were often placed on or against glazing to convenience stores and small line supermarkets, obscuring visual connection into the interior.
- The design of screens or 'art' elements over parking structures resulted in 2 dimensional streetwall facades, with repetitive treatment in the form of grills or screens. No examples were observed where the design outcome adequately compensated for the alternative of clearly defined windows to internal uses. The low design quality of parking screening was most obvious in views from the public realm where there was a clear shift in massing and built form between parking podium and active tower façade.
- Insufficient human scaled design detail and material quality was incorporated into the lower levels of towers, in particular within ground level and podium facades. Floor to ceiling glass facades, aluminium or precast concrete paneling, and render and paint finishes, were often noted at the ground level.
- Limited effort has been made with the design of podiums to establish a strong urban street wall which responds and contributes to the rhythm, grain and characteristic material palette of Melbourne's highly valued late 19th century and early 20th century built form.
- Boundary construction in narrow allotment towers has left a legacy of substantially scaled elevations with limited design treatment apart from applied paint effects or a small number of Section 173 Agreement windows (temporary windows under agreement for future removal when built out).
- Developments with multiple towers by a single design practice have created the appearance of private enclaves, rather than an extension of the public city. This can also create the perception from many vantage points of large conjoined towers, as opposed to distinct skyline elements.
- A small number of developments within the retail core have demonstrated alternate approaches to integrating building services at the street interface, with high quality glass or material finishes to service cabinets incorporated into the design of the shop front. The most effective examples were integrated as 'feature boxes' within a glass facade, or concealed with high quality cladding. Well designed service elements contributed positive rhythm and interest to the pedestrian realm.
- The recent turnover of tenancies within the retail core has tended to result in higher quality, more customised shop front designs, with adequate depth, interesting operable elements such as tilt doors, bi-fold and awning openings and a higher standard of material quality including steel, stone, tiles and timber. In particular, food and drink tenancies were observed to employ shop front design techniques where the interior design extends to the exterior treatment.

Stakeholder workshops

A number of workshops were undertaken with built form professionals across architecture, landscape architecture, urban design, planning and engineering in order to develop the scope and subsequent content within the proposed policy. Out of these workshops, a series of gaps in understanding of the forces which are influencing urban design outcomes evolved which were addressed through further targeted interviews with service authorities and design practitioners. These workshops included:

- Internal City of Melbourne Workshop #1
- External Workshop #2 – Built Form Professionals & Government Design Agencies
- Internal City of Melbourne Workshop #2
- Targeted Interview – Melbourne Water
- Targeted Interview – Metropolitan Fire Brigade (MFB)
- Targeted Interview – Citipower
- Targeted Interview – Foolscap & Relative Studio
- Workshop with Peak Professional Bodies (AILA, AIA, PIA, EmAGN, AILA Fresh, VYP, RMIT, MSD)
- Workshop with Government Agencies (DELWP, OVGA, VPA, Development Victoria)
- Peer Review with Industry Experts

Detailed findings from these workshops and interviews are found at Appendix H.

Detailed investigation

From the evidence of the fieldwork, workshops and interviews, a number of key aspects require additional detailed investigation to determine the role policy might play in improving urban design outcomes. These aspects include:

- Public plazas and private permeability
- Management of above ground parking
- Building services
- Ground level design quality

These aspects are explored below in more detail, with additional historic information contained within Appendix C, F and G.

Public Plazas and Private Permeability

In response to the direction from the late 1980s onward to redefine a traditional, human-scale streetwall through infill development, and subsequent removal of the 12:1 plot ratio in 1999, a range of new infill podium developments occurred in the place of plazas. These included new tower construction within publicly accessible private plazas (for example 80 Collins Street redevelopment within the Nauru House plaza). These plazas were not legally protected or gifted to Council, but rather remained privately owned and managed. When the 12:1 limitation was removed, these plazas became available as development sites.

A number of these post 1999 infill projects have retained a small area of plaza or publicly accessible space, including 500 Bourke Street, the spaces wrapping around the St James complex (although gated outside business hours), the Rialto plaza infill, 360 Collins Street and the under construction Collins Arch. However these projects can be seen as anomalies, with the majority of examples observed being infilled with new shop fronts and contemporary foyer expansions. This trend is most notable on Bourke Street and Collins Street to the west of Elizabeth Street.

The recent growth in the residential, visitor and worker populations in the city has given rise to a range of challenges with congestion on Melbourne's streets, where pedestrians compete for space on narrow footpaths within road reserves which need to balance tram, motor vehicle and bicycle movement. Data captured from the city's sensors reveals considerable congestion and a trajectory for this to continue in certain areas of the city. This is particularly concentrated around major transport nodes, including tram superstops, smart bus stops and train station entry points as well as areas with a high diversity of land uses.

This trend is predicted to accelerate with the construction of CBD South and North metro stations. The congestion is also considerable in areas undergoing intensive residential development, with individual buildings in Elizabeth Street north, for example, discharging upwards of 600 residents per building on a daily basis onto the footpath in an area proximate to RMIT, Melbourne Central Station and QVM. While Places for People (2015) revealed that residential land use alone is no guarantee of pedestrian intensity, the specific combination of land uses, public transport, universities and exceptionally high residential density combine here to create considerable congestion.

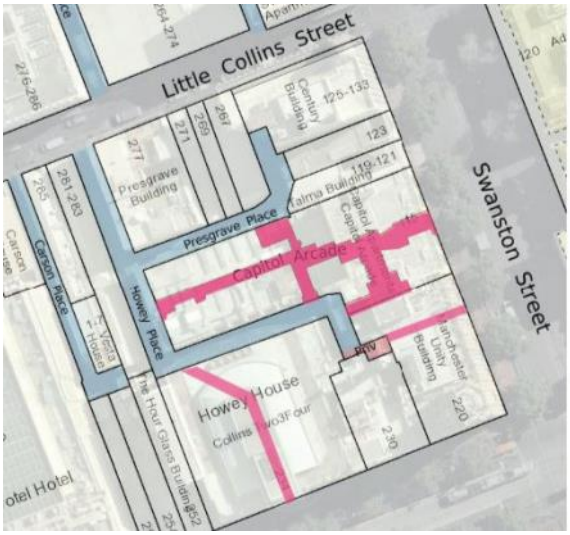
As the city intensifies and greater pressure is placed on the footpath, the opportunity for stationary activity is diminished, with movement dominating available space. Given the predominantly private land holding of plots within the Central City, the opportunities for new public spaces or pedestrian refuges is severely constrained. The type of allotment purchase and demolition that facilitated a Central City public space such as City Square in the 1950s and 1960s would not be feasible today from both a heritage and economic perspective. Accordingly the opportunities for new public spaces provided by the City are limited to pedestrianisation efforts in Central City streets, through sidewalk widening and partial street closures.

In light of the increased intensity of use of the city's footpaths, there is a question regarding the appropriateness of infilling remaining plazas on private land that were initially provided as a public benefit in order to access bonus plot ratio and subsequently higher development yield. It is imperative in the contemporary Central City context that these publicly accessible spaces are preserved and enhanced where opportunities arise. These spaces enable stationary activity and connections that contribute to the network of movement in the City. Recent investigations undertaken by the City of Melbourne into small public spaces in the city has highlighted the importance of these spaces for public use, as well as the wellbeing, psychological and ecological benefits. The protection and enhancement of these spaces is an important shift in strategic direction for the City toward enhancement as opposed to development and there is a consequent need for a new Urban Design Policy that sets out the processes for doing so.

It is acknowledged that a number of these spaces may be of a low quality in their current condition. Accordingly it is important that spaces with a clear public role be redeveloped partially, in order to provide an enhanced interface to an improved publicly accessible outdoor space with a direct connection to a street or lane. This small amount of private development in the form of new retail frontages or lobbies can provide the catalyst for the renovation and enhancement of publicly accessible areas.

Private through-links represent another relatively unprotected asset of Melbourne's Urban Structure. From arcades, to shopping mall links and corporate lobby connections, these spaces augment the public laneway network with a diversity of additional cross-block connections which provide thermal comfort in periods of inclement weather or heat. These connections contribute significantly to the walkability of the Central City and can support a diverse range of retail outlets as a complement to what is offered on the main streets. Within Chinatown these through-links contribute to the authenticity of an intense cultural experience, while in complexes such as 101 Collins Street or 120 Collins Street they help to disperse pedestrian intensity to multiple street frontages, as well as allowing a visually engaging experience for workers, residents and visitors who use them as a convenient cut through. Such spaces add to the spatial depth and richness of the City, beyond the hierarchy of main street, street and lane.

While private connections were provided for commercial reasons (to maximise area for retail) as much as through Site Plot Ratio bonuses, there is a risk that they can be lost through the replacement of smaller tenancies with larger department store format premises within the Retail Core. Further, while there is a legacy of office foyers providing informal links between streets, development for residential, student accommodation or hotel uses are more likely to restrict informal public movement through secure private lobbies. Accordingly, replacement of ageing office buildings could potentially result in the loss of these links.



Private arcades (pink) augment the discontinuous public laneway network (blue) within this city block

Within the former Retail Core (now Special Character Area) context, private links play a critical role in facilitating north-south connectivity and in extending dead end or restricted public laneways. Where Howey Place and Presgrave Place terminate at dead ends, Capitol Arcade, Collins Two3Four and Manchester Unity Arcade all provide valuable connections back to Collins Street and Swanston Street, completing the network.

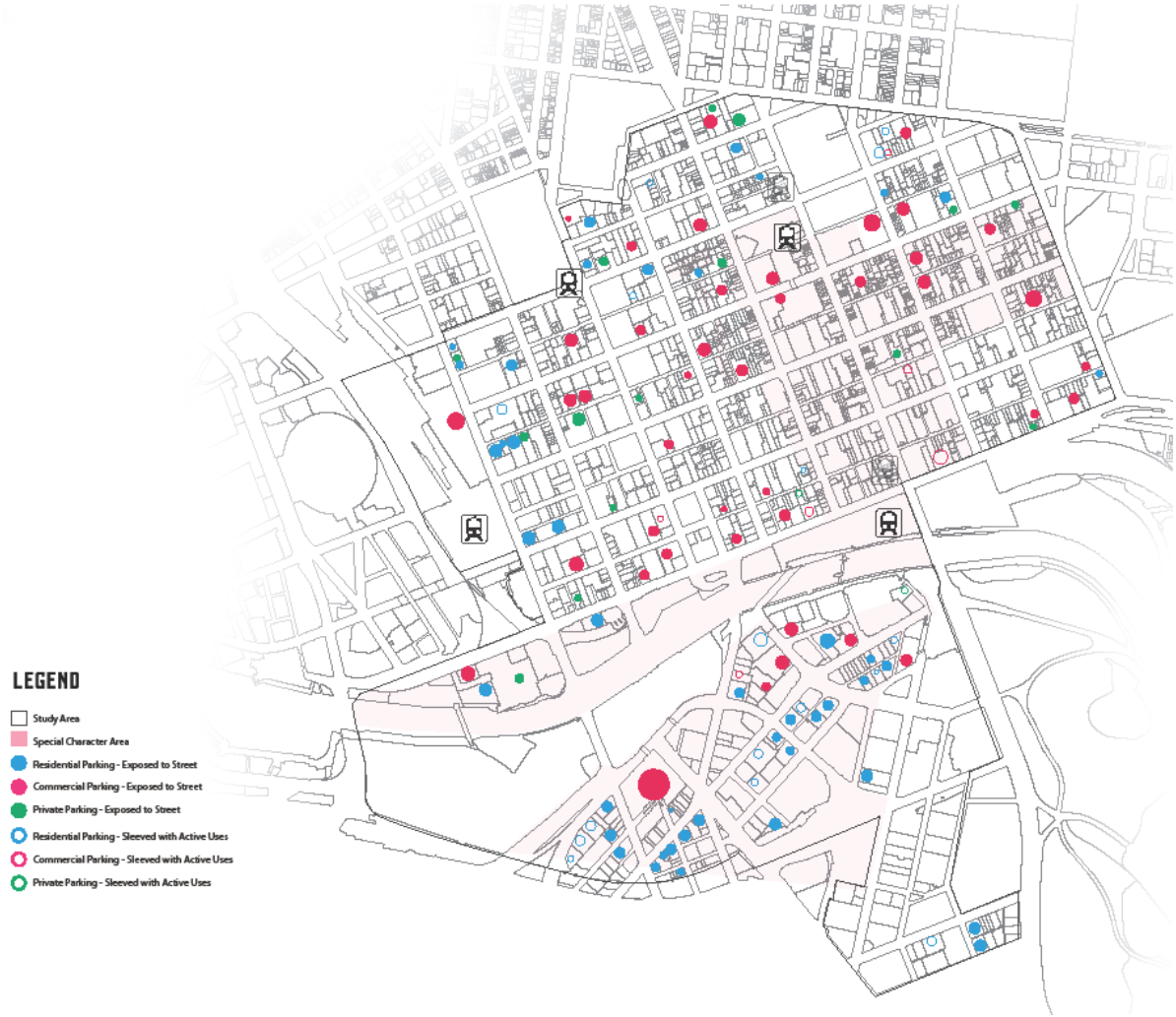
While restrictions in opening hours were employed within historic planning permits (or granted within bonuses), there is a need to reconsider the way in which these private connections are retained in potential redevelopment should they be near the end of their economic life. The Walk Arcade is one such example of a low quality 1980s Shopping Arcade which provides highly valuable weather protected connections and liberates Union Lane (east) and The Causeway (west) for distinct functions in an area of high pedestrian intensity. The Walk Arcade represents a natural candidate for redevelopment; however there is limited policy guidance to preserve the valuable internal connection for future generations. Consistent with the consideration of publicly accessible private plazas, there is the need for a contemporary urban design policy to allow these spaces to redevelop while preserving the enduring public benefit of connections and alternatives that they provide to an increasingly dense City Centre.

Laneway Structure Daytime vs Night time (Places for People, 2015) reveal the private malls (pink) which contribute to public permeability within private spaces, particularly within the Retail Core

Management of Above Ground Parking

A recurring topic which emerged in all workshops, interviews and fieldwork was the management of parking in the Central City and Southbank and the impacts on urban design outcomes. While discussion of parking in the Central City is typically focused on mode share and volumes within the public realm, the design of parking structures within private development also has a direct impact on street level safety, activity and quality.

City of Melbourne's Census of Land Use and Employment (CLUE) Data from 2016 revealed that 14.59% of floor space in Central Melbourne and 24.07% of Southbank is consumed by car parking. In order to further understand the quantitative and qualitative impacts of parking on the public realm, mapping of parking structures was undertaken using CLUE data, COMPASS maps and fieldwork to correlate the occurrence of parking structures with above ground, below ground, sleeved or un-sleeved configurations (see below)



Parking structures and their characteristics within the Central City and Southbank

The mapping analysis resulted in the following findings:

- 126 above ground parking structures exist in the study area, with 46 comprising un-sleeved podium parking in residential development. The rate of un-sleeved parking to sleeved parking in residential development is 3:1.
- Limited above ground parking structures are noted within the Special Character Areas of the Central City and Southbank. This correlates with the highest quality street environments within the analysis of Places for People (2015).
- A strong correlation is noted between residential towers built since 1999 and the presence of exposed above ground parking.
- The rate of 'sleeving' of podium carparks is notably low, particularly within Southbank.
- A high concentration of above ground parking structures is noted in Southbank as well as the northern half of the Central City beyond Bourke Street. A particular concentration is noted between Bourke and Lonsdale, in addition to post 1990 residential construction along Spencer Street.
- The mapping has underrepresented parking within the CBD North due to the number of towers completed or nearing completion after the CLUE data.

In addition to this analysis of spatial distribution, a range of physical observations were made within the fieldwork which revealed concerns with the façade design of screened parking structures, which presented poorly to the public realm. The presence of above ground parking displaced contributory (active, income generating) land uses, resulting in a predominance of residential only construction with a lobby and small retail tenancies at the ground floor. This reduced the range of types of activation of the public realm which is evident in the mixed use buildings within the retail core. This also results in an 'opportunity cost' in the loss of productive program in the city, when compared to car parking. This displacement of contributory uses from the podium levels within the lower 20 m undermines the quality of streets and lanes as a result of the lack of surveillance and visual connection between the building program and public realm.

While the analysis of this report is focused on the urban design impacts of private car parking internal to buildings, any discussion of private car parking falls within a broader set of strategic considerations around mobility in the City. It is important to note the City of Melbourne's long established position on prioritising efficient and sustainable transport modes through public transport, cycling and walking over increased vehicle use. The City emphasises that the increase in transport and mobility required to support visitors, workers and residents in a densifying city, should be serviced largely through efficient and sustainable modes. The impact of this policy has been a reduction in on street parking of at least 150 vehicles per year, which will continue as parking space is re-allocated for productive uses such as pedestrian realm and public space.

The removal of Plot Ratios in 1999 removed the calculation of above ground floor area (volume) from planning assessment in favour of discretionary external envelope measures. As building heights increased through the precedent of VCAT and Ministerial decisions after 1999, it became relatively easy to achieve approval for a high Plot Ratio building with above ground parking, as no trade off in saleable or parking floor area was required.

With the re-introduction of Floor Area Ratio limits through Amendment C262 and C270, parking became a factor which needed to be considered as a trade off against saleable floor space where it occurred above ground. The impact of this measure on recent development applications in the Central City has been the removal of parking in hotel development and some residential development, or the placement of parking within basement levels where it is exempt from the Floor Area Ratio calculation. Within Southbank a number of new proposals have continued to incorporate parking structures above ground. While there have been attempts through design review to negotiate sleeving of above ground parking in Southbank with active uses, these negotiations have not been consistently successful, due to insufficient policy strength to deter un-sleeved podium car parking.

The Central City and Southbank comprise some of the most public transport rich areas in Metropolitan Melbourne, with 5 major metropolitan stations, and a plethora of tram and bus options providing access for residents, visitors and workers. The Central City rates in the highest category of walkability and cycling infrastructure in metropolitan Melbourne. In 2016 the Melbourne 'CBD' (Central City) ranked 100 out of 100 for walkability in the Walk Score tool, while Southbank achieved 97.25. In the 2016 Census, just 10.2% of residents in Central Melbourne (statistical area Level 2) travelled to work by car, with 36.2% walking, and 39.1% catching public transport. In Southbank, 20.6% of residents travelled by car to work, with 32.7% walking and 29.8% travelling by public transport.

With the release of the 2016 Census data, the longitudinal data between 2001, 2006, 2011 and 2016 confirms the findings of the Transport Strategy 2012 that vehicle usage as a mode share has declined for trips into the Central City, consistent with many developed world cities undergoing densification after an extended period of suburbanisation. The data records a 61% increase in total trips to the Central City, with a decline of 12.4% proportion share of vehicle trips. A range of market and policy factors are leading to a decline in the provision and uptake of private parking within development in the Central City. Further analysis of the trend away from private vehicle usage can be found within Appendix F.

Building Services and Inactive Ground Level Uses

A key focus topic which emerged through research was the location, integration and design of building services at the ground level in the Central City and Southbank, and the impact on the pedestrian environment. This is a topic which is frequently raised in development negotiation around ground level design, and is evident as a recurring theme in an examination of design review provided by the City of Melbourne in recent years. However, the current policy does not provide sufficient guidance to assist design negotiation to improve outcomes. Further, there has been a lack of understanding of the requirements of service authorities, limiting the ability of officers to negotiate with applicants to optimise design outcomes.

Building service areas are defined as follows:

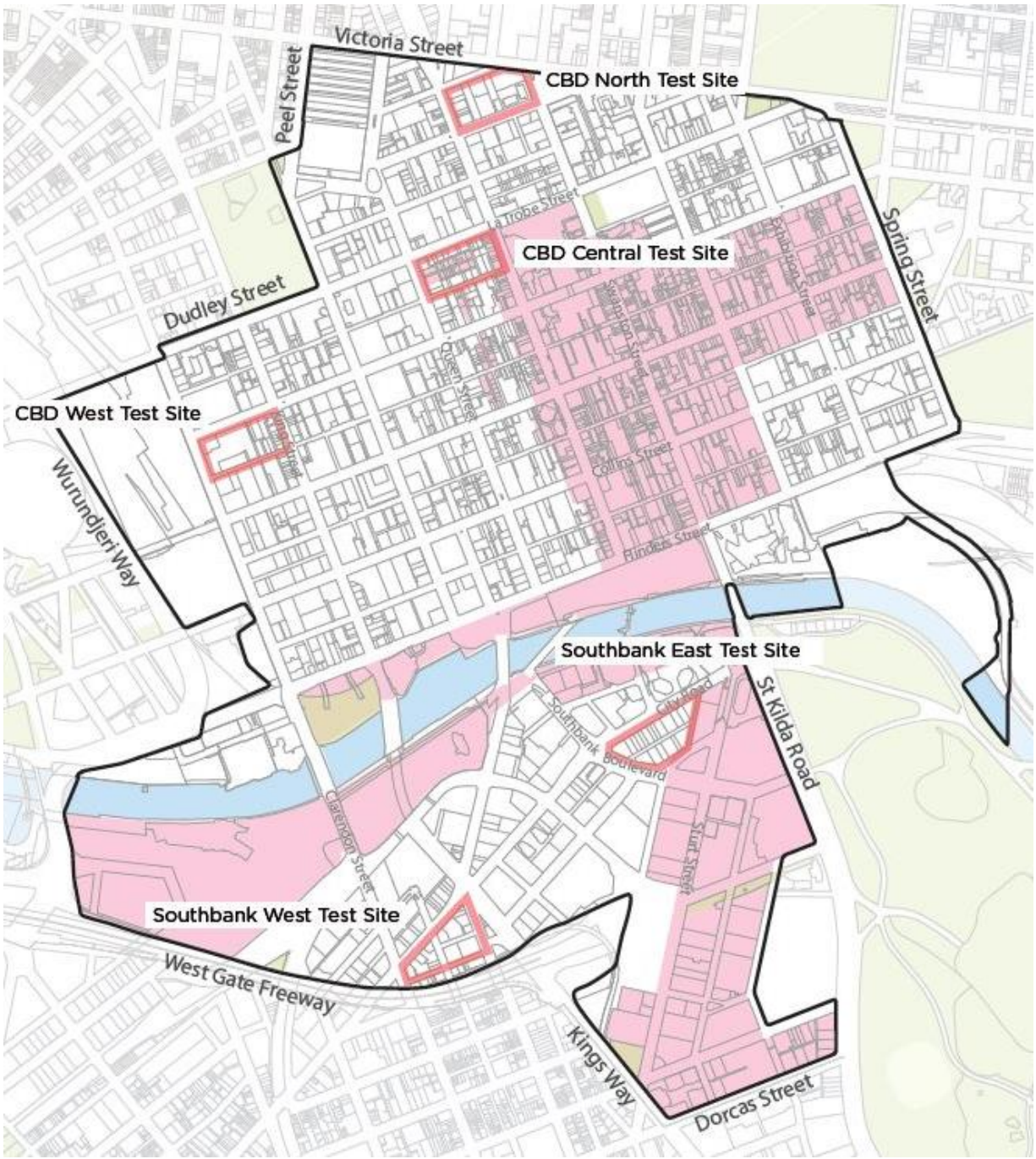
- Areas used for the purposes of loading and waste management, in addition to electrical, communications, gas, water and fire prevention infrastructure.

Service areas which have been specifically excluded from the definition include:

- Lift cores and stairs which provide for vertical circulation
- Lobby areas including mail rooms (where active and connected to the lobby or public realm)
- Amenities provided in association with a commercial use such as toilet or change facilities
- Bicycle storage areas (where active and connected to the public realm)

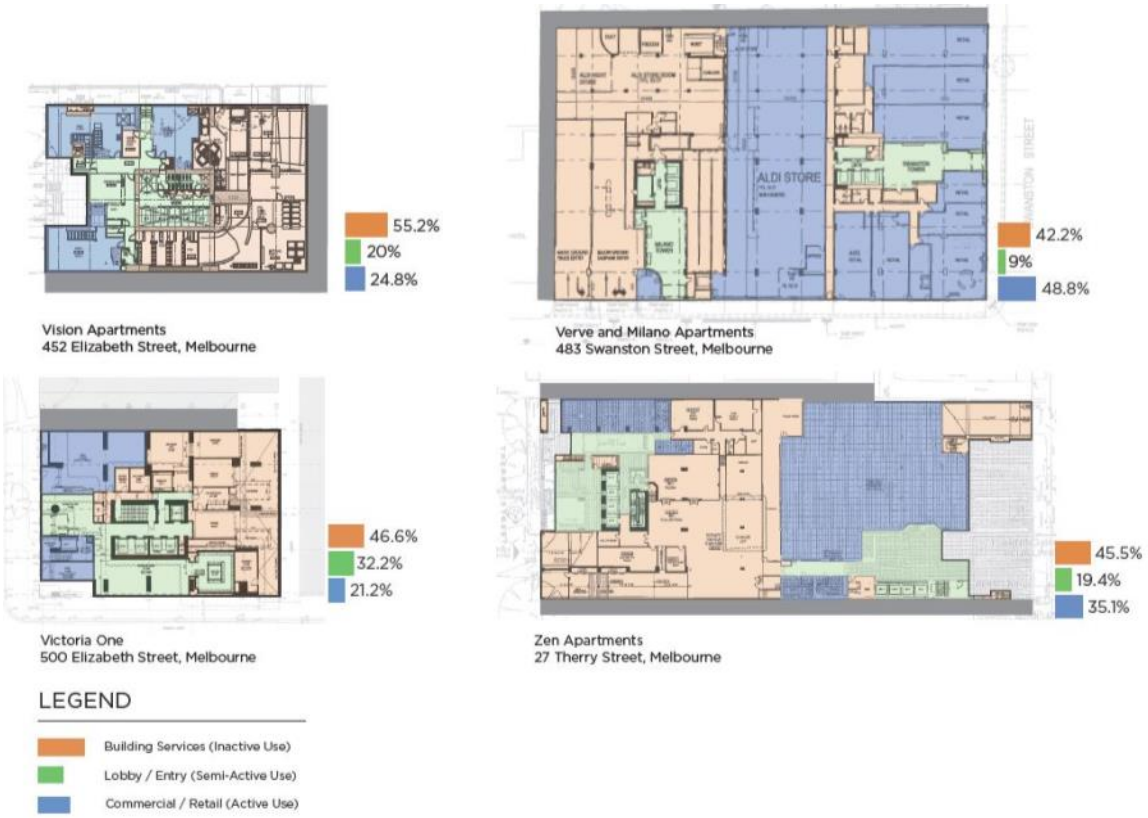
The intent is to capture elements of the ground floor of a building which do not contribute to the activation of the public realm. Rather than address only the ground level facade of the building, it is necessary to understand the internal program within the building and how this affects the public interface.

As a complement to the fieldwork and workshop findings, mapping was undertaken of 5 key urban blocks where redevelopment has occurred since 1999 (Refer Appendix C) The selection of the 5 blocks was based on the density of approvals and completions identified in the mapping of tower construction, with a mix of 3 urban blocks taken from the Central City, and a further 2 from Southbank. Frontages of the entire block perimeter (excluding heritage) were analysed. Available plans for approved development were also analysed (and compared to built outcomes) in order to measure the proportion of the full street frontages taken up by building services. A sample of the study undertaken is demonstrated below for the CBD North block:



Study area map depicting the 5 case study urban blocks

Case study block – CBD North depicting the proportion of active and inactive frontages



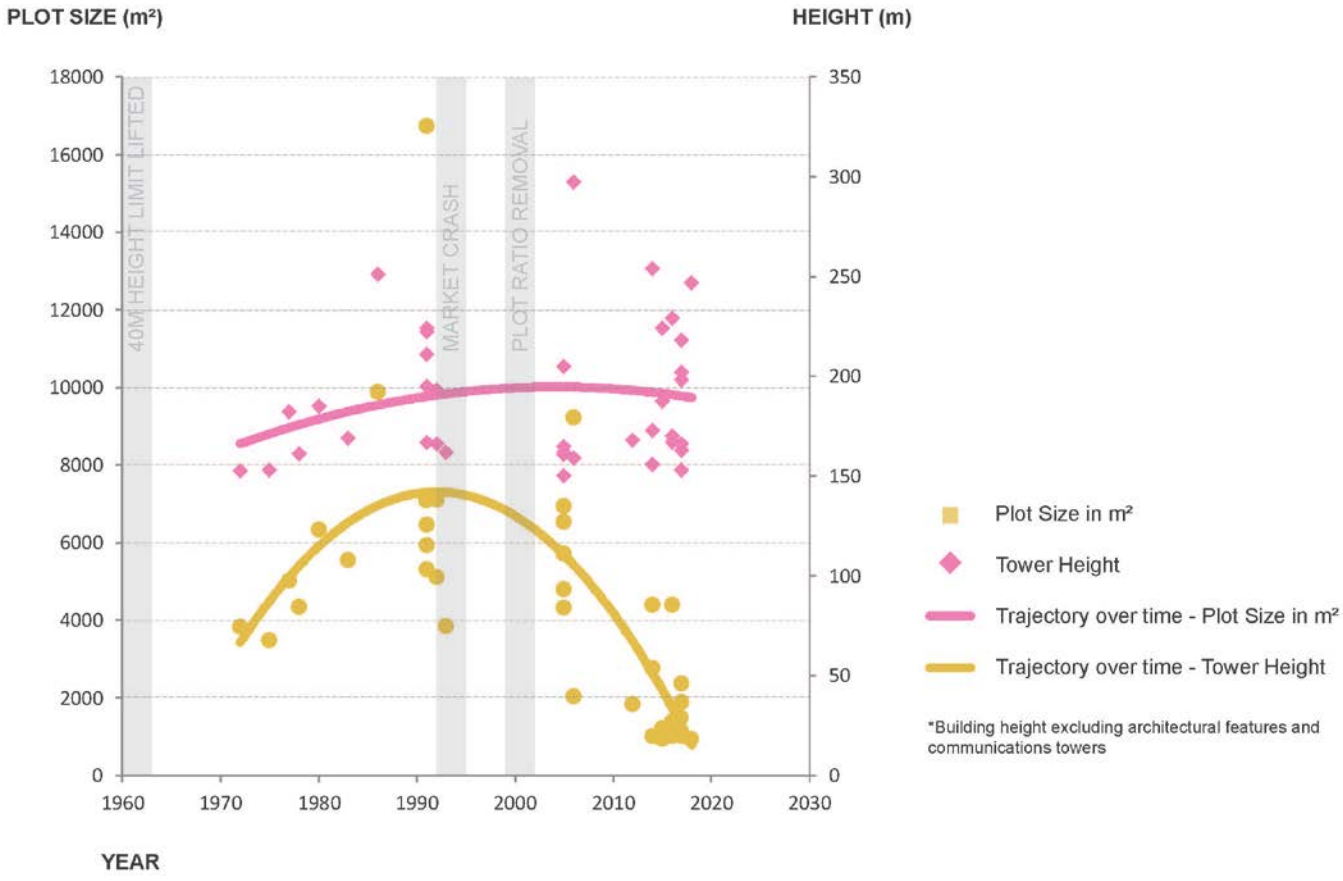
Case study plans – CBD North depicting the proportion share of active, lobby / entry and services

The analysis of case study blocks concluded the following:

- Buildings without parking uniformly achieved a higher proportion of active frontage, even on smaller allotments.
- Larger allotments offered greater opportunity to ‘bury’ or conceal services away from street frontages, with limited service elements appearing as a proportion of frontage width.
- Allotments with smaller footprints tended to have a reduced proportion of active street frontage when compared to larger site development.
- Where blocks faced multiple streets and lanes, the simple hierarchy of front street and back street had created broad areas of service frontage to the back streets and lanes, with limited opportunity for later change that would enable adaptation and improvement.
- The extent and type of services precluded future adaptation of laneway interfaces into active uses, in the manner that has occurred in the pre-war buidings.
- Substations had the greatest impact on active frontages due to their size and position facing the public realm.
- Limited numbers of buildings provided on-site waste collection which, as a contemporary requirement, will increase the extent of ground level lost to services.
- A tendency existed to co-locate services in one portion of the frontage, resulting in broad inactive areas.
- Development with above and below ground or separate parking and loading / waste areas resulted in duplicated crossovers and loss of active frontage.
- Mail rooms and bicycle parking entries / facilities were often treated as service elements despite their potential for active ground level usage
- Where services were accommodated as well designed smaller elements within an active frontage, and distributed more evenly, the balance of activation and service was improved. .

The analysis of case study plans revealed the broader picture behind the urban block studies and gaps in any analysis which excluded the interior floorplate relationship to active and service frontages. The study concluded that there is a strong correlation between poor street activation opportunities and a high proportion of the ground floor given over to building services. A few anomalies were noted to this trend, where display cases or small areas of narrow (often unusable) floorspace were utilised to conceal the presence of services, while not enabling activity which could contribute to street life.

Building service site coverage of greater than 40% consistently resulted in unacceptable public realm activation outcomes. Proportions that exceeded this percentage resulted in limited usable ground level floorspace for non-residential (lobby) purposes, thus inhibiting contribution to the activation of the surrounding precinct. A trend toward all-residential development with a single ground floor micro tenancy for food and drink was noted.



Development of 150m+ buildings plotted over time, revealing a trajectory towards taller towers on smaller allotments, which increases the servicing requirements within a small footprint.

The 40% figure provides a useful maximum for building service site coverage at ground level for small lots below 1500 m². 40%, however, is excessive for lots above 1500sqm. This is particularly relevant within Southbank where lots are larger compared with, for example, the small lots along Little Lonsdale or La Trobe Street. It is important that any stipulated metric is understood, not as a preferred outcome, but as an absolute limit, with figures of below 30% strongly encouraged. It will be important to engage a Services Engineer to understand further the potential to achieve preferred outcomes on a range of case study sites.

Ground Level Design Quality

A key focus of the fieldwork was on ground floor and podium level design quality, encompassing the design shop fronts, canopies and service cabinets in particular. This was complemented by discussions with design industry experts, in addition to a review of benchmark literature.

The following common positive elements are noted in the design of ground level facades:

- Internally managed level transitions that maintain direct street level access into the building provided continuity within the public realm and avoided external stairs or deeply recessed entries (Niagara Lane, QV Development).
- Buildings that connected with ‘legs’ or a strong vertical connection between the podium design and the ground level facade were successful in providing a comfortable pedestrian environment when compared to built form which appeared to float with hidden or internal columns and a continuous glass facade.
- Changes in materials and canopy heights were key to clearly delineating building entries, and the use of more solid entry doors of high material quality enhanced the pedestrian experience (QT, Little Bourke Street example).

- Steel frame or timber framed shop fronts were most successful in providing fine detail, tactility, warmth and visual interest. These were particularly effective when positioned within deeper pilasters which provided rhythm and definition to a store front (e.g. workshop brothers, self preservation)


Timber and steel frame windows with fine detailing respond well to the human scale

- Operable, low reflectivity clear glazed windows that provide a sense of continuity between inside and outside can help bring the life of the building into the street (567 Collins St. arcade and Sutherland Lane).
- Shop front treatments with inbuilt seating provided opportunities for stationary activity in narrow streetscapes, as well as depth and interest (for example within Little Collins Street, Crossley Street and Sutherland Lane.

Built in seating and operable windows can contribute to the activation of the public realm

- Integration between interior function and shop front design contributed positively to activation and visual interest, for example the arrangement of operable glazing above table height within a bar or café, or to the elevated display of merchandise in a retail store front.
- Varying proportions and sizes of window frame and mullions were strongly preferred to frameless plate glass, to provide a sense of grain, rhythm and tactility.
- Depth in window frames and mullions (the vertical bar between the panes of glass in a window) are important in establishing a scale which relates positively to the proportions of the human body.

- Solid and tactile materials for stall-risers (e.g. bluestone, brick, tile or timber) as opposed to precast concrete, paint, rendered, metal cladding or fibre cement sheet.

Some of the common low quality design elements observed in shop front design include the following:

- Poor management of levels on sloping sites or in areas subject to flooding requirements, particularly with external stairs or platform lifts.
- External stairs and alcoves resulting from the management of floorplate levels internal to the building.
- Extensive use of floor to ceiling glazing with limited expression of mullions, joints or operable elements.
- Repetitious frame and mullions that do not clearly distinguish entry door and windows.
- Use of flat finishes such as paint or render at the ground floor which lack texture and tactility.
- Mirrored or reflective metal panel finishes on columns, visually eroding their role as a structural element that helps define a human scale.
- Reflective and/or tinted glass which obscured views to and from tenancies to the public realm.
- Flatness and lack of depth in shop front and podium treatment.

In the design of canopies, the following positive elements were noted:

- A height to depth relationship which provides choice of light and shade, with protection from inclement weather and wind (typically, below 5m).
- Tactile materiality that relates to and complements other design elements of the shop front.
- A level of visual permeability with transparent materiality and frit patterns with opportunities for interesting shadow patterns whilst obscuring visibility of dust or debris.
- Rhythmic division of canopies across long lengths of elevation to reinforce the traditional grain of shop fronts (6-10m in width) as opposed to a single continuous canopy plane across the whole length.
- Adjustable canvas awnings which contribute visual interest and softness, while allowing for climatic responsiveness throughout the seasons.

The following lower quality outcomes were noted in canopy design

- Thick ‘framed and clad’ canopies in materials such as silicone jointed aluminium which appear bulky and incongruous with the design of the buildings’ facades
- Excessively high canopies which fail to provide enclosure and weather protection to the public realm.
- Low height canopies or projections of excessive distance which are prone to impact from service vehicles
- Canopies which do not consider upward views from the public realm in the design of the soffit.
- Long lengths of continuous transparent canopy which erode the legibility of the grain of built form.
- Poor-quality finishing or render that is prone to weather damage or staining.

In general terms it was noted that the calibre of shop front and ground level design has declined in recent developments, with the use of floor to ceiling and tinted glass increasingly common. Tower development tended to employ similar design treatment at ground level as in levels which are in the tower form, without a strong response to the street and its human scale. It appeared that good examples of shop fronts were often limited to retrofits led by tenants, or within older buildings in the Special Character Area.

While Melbourne has a strong history of high quality shop fronts from the art deco and early post-war era, this appears not to be reflected in commercial and residential tower development from 1970 up until today where larger lobbies and corporate foyers replaced retail shop fronts and other street oriented businesses. Conversely, the turnover and retrofit of tenancies within the Special Character Area were consistently of higher quality, and provided more useful configurations for customers, with built in bench seating, bifold or tilt panel glazing elements and a number of other design innovations. The best examples employed fine steel detailing, or timber elements, with a combination of tiles, bricks and other tactile materials which consider the sensory elements of sight and touch.

The lessons from this study of ground floors revealed the limitations of a policy. While policy can recommend certain materials, finishes and approaches, it is not desirable to codify a series of shop front types, given the considerable innovation which is possible. Instead it is important for a policy to set the minimum expectations of materiality, tactility and scale, along with images of exemplar outcomes within an accompanying guideline document.

The design of canopies appears to be overlooked both in town planning drawings and in completed projects, with heavy, panelised aluminium clad canopies the dominant form through the city. While it appeared that new buildings were uniformly providing for weather protection canopies in the Central City (less common in Southbank), they had clearly become a check list item rather than a carefully designed element.

Similar to shop front design, the better examples of canopies were noted in retrofits within the Special Character Area, such as along Bourke Street Mall with steel and frit glass examples which engage with the heritage of the host building (for example Myer and Zara with their Art Deco references). It is important that the qualities of the successful examples are reinforced in policy as well as a guideline. Further, it may be necessary to explicitly discourage heavy, poorly detailed boxed canopy elements through images of what to ‘avoid’ within a guideline document.

Key findings

Issues Summary

The following summary of issues with process, planning policy and built form outcomes has arisen from the fieldwork, workshops, desktop analysis and benchmarking of best practice which can be addressed through this project.

Policy

- The planning scheme is fragmented and repetitive in regard to urban design.
- The present Clause 22.01 does not provide sufficient coverage of urban design elements typically considered within design review.
- The structure of the current Clause 22.01 does not clearly articulate in a logical sequence the objectives and requirements for good urban design
- A lack of direct and clear policy guidance regarding the interface of private development with laneways in the Central City and Southbank
- Policy does not presently require a high level of detail to be submitted with applications, making it difficult to secure high quality outcomes.
- Current policy does not require the consideration of long term adaptability of structures including carparking above ground
- Evidence suggests that a Local Policy alone will be insufficient to aid effective design negotiation and improve urban design outcomes in the Central City and Southbank due to the limitations within the Victorian Planning Provisions.

Process

- There is no requirement for a Competitive Design Process as part of development applications and assessment.
- There are presently limited abilities to influence the selection of quality design teams through assistance with the framing of Expressions of Interest and Request for Proposals from private developers.
- There lacks a structure to provide high level, timely and pointed advice on major projects within the City of Melbourne, outside of regular Referrals or the OVGA Design Review Panel process.

Urban Design Outcomes

- There is a disconnect between the high quality and high level of investment in the public realm by the City of Melbourne over the last 20 year period and the lesser quality of much contemporaneous and interfacing private development.
- New development was not contributing to the extension of the fine grain pedestrian oriented environments which are so valued within the Retail Core.
- High intensity development by global standards on small allotments is resulting in poor urban design outcomes at street level through the way access to parking, loading and waste facilities are managed.
- Above ground parking has proliferated since 1999, resulting in inactive and street frontages with inadequate surveillance in the critical lower 20m of a building, while sloped floorplates and low ceiling heights in carparks preclude adaptation.
- The management of building services, through their location and integration in the design of the street façade is resulting in poor quality outcomes at the public interface: they are consuming frontage and floor

space that could otherwise be used for commercial or retail purposes, thus creating active street frontages.

- The level of design and detailing invested in the ground floor of buildings has been inadequate, including shop fronts, service cabinets and building entries.
- Building massing and in particular podium heights and facades have not adequately responded to context with appropriate steps in scale to adjacent built form, establishment of rhythm and grain, use of depth, and materialist which respond to a prevailing street character (for example within Little Lonsdale Street to the west of Elizabeth Street.
- Contemporary development had resulted in a monoculture of building use, with dominant residential or office and limited supporting ground level uses.
- Through links are not being provided in development in order to reduce block lengths and increase walkability within Southbank. The impermeable post-industrial urban structure in Southbank was observed to restrict the benefits of proximity and connectivity, with less public life as a result.
- While a number of through links have been provided in Central City developments, they often take the form of low quality arcades with low ceiling heights, indirect routes and inadequate widths to feel 'public'
- Private arcades are an important contributor to the city's permeability, but a majority of the existing arcades have little or no protection or requirement for retention, and are at risk of loss in redevelopment.
- Privately owned public spaces (plazas) provided as historic public benefit schemes are being lost to infill development. These are an increasingly important amenity for respite / repose and with potential for refurbishment
- In areas where there exist clusters of recent curtain wall glass facades, the identity of individual buildings has eroded through lack of differentiation.

Opportunities summary

There is strong evidence to suggest that a contemporary, clear and specific urban design policy or provision remains a necessary component of the Melbourne Planning Scheme in the attempt to secure high quality design outcomes. The following summary of opportunities that can influence the quality of urban design outcomes through policy structure, process improvements and requirements for specific outcomes has been developed through fieldwork, workshops, desktop analysis and benchmarking of best practice:

Policy

- The existing fragmented urban design provisions within Overlays and Local Policy within the Melbourne Planning Scheme could be integrated within a streamlined provision for urban design in the Central City and Southbank
- A Design and Development Overlay can integrate more specific requirements including mandatory provisions, consistent with the recommendations of the Legal Review.
- Clearer guidance as to the role of urban design within the Central City and Southbank context could greatly assist in framing the context of design negotiation and any design review or competitive design process.
- A clear and accessible graphic guideline document which is integrated within the Melbourne Planning Scheme could greatly aid interpretation of the policy for planners and applicants with a combination of diagrams and benchmark images.
- A new policy structure based on best practice could increase the ease of use by development planners and applicants. This structure should adopt a clear hierarchy of large scale – to detail in order to step through the full spectrum of urban design objectives and requirements in a logical, easy to understand sequence.

- Gaps within the existing policy in areas typically covered by best practice urban design review including building program could be introduced into any new policy in order to address the relationship between interior spaces and public realm impact.
- The content of any new policy could be drafted in a manner that learns from the findings of the policy audit. Objectives and requirements should provide more directive guidance and performance tests for planners and applicants. Requirements should be framed in such a way that is direct, free from design or architectural jargon and less susceptible to erosion through legal interpretation.
- Incorporation of definitions for any urban design terms which are not common English could greatly assist in ensuring a broad understanding of the intended outcomes of policy.
- Specific articulation within policy and any guideline as to what outcomes should be avoided could assist in eliminating the worst urban design outcomes, while allowing flexibility in how the design objectives and requirements may be achieved
- Application requirements can be utilised to require more information about the design of the ground and first floor through more detailed drawings. This will enable planners to assess proposals better, while requiring applicants to investigate the immediate pedestrian interface in the preparation of their designs.
- Design Guide documents that incorporate diagrams and benchmark imagery can encourage the innovative placement and design of building services.

Process

- Design Review Panels have been demonstrated to be effective in elevating the standards of design outcomes, whilst providing cross organizational upskilling around urban design quality.
- Sydney's Competitive Design Process has been proven to be highly successful in improving design outcomes as well as the process of selection of the design team. There exists opportunity to learn from Sydney and explore how a tailored model could be implemented within the Melbourne context.
- Design review can achieve higher quality ground plane outcomes through continued emphasis on the design detail of the lower level and ground level facades of buildings
- Planning permit conditions can be used in a strategic way to secure sufficiently detailed design drawings to secure design quality, as well as to protect high quality design outcomes against value management processes after the issue of a permit.
- Planning permit conditions can be used to allow for flexibility in shop front design at the time a permit is issued, pending tenant selection in order to ensure fit for purpose shop fronts and high quality public realm interfaces. This can take the form of a 'prior to completion' or 'prior to occupancy' permit condition.
- Planning permit conditions can be used to enable well designed temporary hoardings to be installed within shop fronts in order to allow tenants to fit out high quality, custom shop fronts to their specification, avoiding the waste of premature demolition of unsuitable shop fronts.
- An advocacy tool which complements DELWP's Advisory Note on Building Services could assist in the assessment and negotiation of ground level building service outcomes for applicants, planners and designers. This tool could compiles typical servicing requirements, as well as allowing for the input of height, density and allotment size in order to clearly communicate the impact on ground level spatial design (and activation as a result).
- Education can have a key role in influencing design outcomes. Training sessions with Development Planners, Urban Designers and applicants could provide education on the importance of design quality, as well as the specific elements to focus on within the development assessment process.

Urban Design Outcomes

- Specific requirements including mandatory provisions around building services can address the potential for low quality outcomes, whilst promoting innovation in the location, arrangement and design of service elements
- The prohibition of above ground parking in the Central City through a specific control could significantly improve streetscape outcomes and use of above ground floorspace for active uses in order to provide surveillance and interaction within podium levels.
- A mandatory requirement to sleeve above ground parking in Southbank with residential or commercial use could secure improved streetscape activation, surveillance and safety outcomes where above ground parking is inevitable due to sub soil geological constraints.
- Specific policy guidance can be incorporated in order to encourage the future adaptability of buildings, particularly within the podium levels.
- Greater focus on the detail on the design requirements for the public interface of private development in the lower 20m of a building can greatly enhance design outcomes through a refocusing of attention.
- Publicly accessible private space and private through links could restored , renovated or where appropriate redevelopment through specific policy guidance which seeks to promote the ongoing importance of these spaces in the Central City.

Conclusion and recommendations

Research and analysis of existing issues has created a clear picture of the current issues and opportunities regarding the delivery of high quality design outcomes within the Victorian Planning System. It is clear that there are a range of opportunities to elevate the quality of urban design outcomes within the Central City and Southbank, and that the City of Melbourne has a pivotal role as champion for design quality within both the public realm as well as flanking private development.

A combined approach comprising regulatory, advocacy and process improvements is required in order to achieve the desired increase in the quality of urban design outcomes in the Central City and in Southbank. Based on these findings we recommend the following actions:

Amendments to the Melbourne Planning Scheme

- Deletion of Clause 22.01 Urban Design in the Capital City Zone
- Deletion of the current DDO1 and DDO4
- Drafting of a revised Design and Development Overlay Schedule 1 which consolidates the current DDO1 – Active Frontages, DDO4 – Weather Protection and provisions from the current Clause 22.01 Urban Design in the Capital City Zone. The policy will comprise predominantly performance based provisions in addition to a series of mandatory provisions regarding:
    - Prohibition of above ground parking in the Central City
    - Requirement for sleeving of active uses to adaptable parking structures within Southbank
    - Integrate the existing DDO1 Active Frontage requirements with expanded application to the Special Character Areas as defined through Amendment C270
    - The limitation of the area of building services within a ground floor plan to an absolute maximum percentage of 40%
- Re-structure the DDO1 into a clear hierarchical format from big to small, consistent with best practice, and arranged around the following, clearly defined themes:
    - Urban Structure
    - Site Layout
    - Building Massing
    - Building Program
    - Public Interface
    - Design Quality
- Introduction of additional Application Requirements within the proposed DDO1 in order to ensure a more detailed level of design drawings for the lower levels of buildings including podiums, shop fronts, services and building entries.

Implementation of a design guide

- Implement a Central Melbourne Design Guide which provides further clarity for Planners, Applicants and the Community to understand the elements of the policy. The Guideline will be as follows:
    - Guideline to be integrated as a Reference Document within the Melbourne Planning Scheme to ensure sufficient weight and usability
    - Guideline to repeat the wording from the proposed DDO1 with clear graphic explanation of intent, with no additional text aside from captions for images.

- Use of a combination of sketches and precedent images to clearly articulate preferred outcomes as a guide for design negotiation
- Guideline to include preferred outcomes as well as some guidance about low quality outcomes which should be avoided using images sufficiently abstracted to avoid immediate identification of the offending project

Design review and competitive design

- Implement a proposed City Design Review process to provide early and integrated guidance in decision making and a consistent voice on major projects. This process would be advisory in order to assist the decision making of the Development Planning Team and would comprise the following components:
  - a chair to be instated who is impartial and manages proceedings
  - minutes will be taken to document the discussions of the panel
  - discussion to be summarised by an urban designer for issue as urban design advice
- Undertake further investigation into the merits of a systematic, mandatory Competitive Design Policy within the City of Melbourne's Central City, Southbank and flanking renewal areas in order to elevate the design quality of projects which meet a threshold criteria of significance or scale.
  - Engage a consultant to undertake research on available opportunities and limitations within the Victorian Planning Scheme to introduce a mandatory Competitive Design Policy.

Future initiatives and implementation of a working group

Further to the actions to be delivered as a result of this review, It is recommended that the following be investigated, through the establishment of a Design Quality Working Group across Council to identify opportunities to improve the quality of private development through a range of additions measures. These include:

- The Municipal Strategic Statement (MSS) must identify different character areas of the City of Melbourne, including areas of substantial change, to complement the urban design policy.
- The MSS must have carefully constructed aspirational statements that complement the more detailed structure and principles proposed for the revised urban design provision for the central city.
- The Central City urban design policies should create a framework which can be extended and contextualised in areas of growth outside of the Hoddle Grid and Southbank. Work with the Development Planning Team in order to devise appropriate permit conditions to secure design quality through to completion of construction. This will include adoption of a standardized façade strategy condition to ensure further development of design detail which can be secured through the approval of planning drawings, and thus secured from a potential value management process.
- Work with the Development Planning Team in order to develop a suite of permit conditions which allow flexibility for the delivery of high quality shop fronts where tenants are not known at the time of application. Consistent with lessons from consultants, this may comprise an allowance for temporary hoarding, or alternatively a condition which allows for a shop front 'palette' which can be finalised prior to the commencement of works once a tenant is secured. This allows further time for design teams to develop a human scale, high quality design response.
- Application requirements to ensure sufficient information and evidence of design input, particularly with regard to street level design.
- Investigate the specific protection of privately owned publicly accessible spaces identified in Places for People (2015) and findings from the Improving the Amenity of Small Public Spaces report. Spaces strategically located or high quality spaces should be identified for retention through any refurbishment or redevelopment.

CITY OF MELBOURNE

Towards an Integrated Urban Design Approach in the Central City and Southbank

Appendices

January 2018

Appendix A – Methodology

Methodology

The background work undertaken to inform a new approach to Urban Design in the Central City and Southbank comprised plan analysis, field reviews, workshops, interviews and consultant peer reviews. Through this comprehensive approach, the project has sought to understand both the symptoms and causes of good and poor urban design outcomes in the Central City, beyond traditional notions of design quality at the surface of a building. At all times the project has been focused on outcomes in understanding the relationship between design regulation and the concrete examples of completed development which provide a significant evidence base to draw upon.

The key components of the project include:

- Benchmarking local, national and international best practice
- Workshops and targeted interviews with key internal and external stakeholders
- Audit of existing urban design policy, design review advice
- Audit of relevant VCAT cases
- Fieldwork analysis of completed development (post 1999), and mapping studies

The project method comprised the following steps:

- Undertaking fieldwork to understand patterns of change in the City
- Development of a hypothesis as to the cause of any identified issues
- Understanding the spatial distribution and frequency of identified issues
- Utilising test cases and sample projects to understand identified issues in detail
- Documentation of findings and develop recommendations
- Determining the optimal way to respond to the issues through policy and other mechanisms (policy, advocacy, culture).

This method was used where specific issues were identified through fieldwork and the workshops. The specific issues which were subject to further research and testing included a focus on podium design, privately owned publicly accessible space, management of parking and the integration and design of building services.

Further, any proposed response, in the form of regulation was tested to understand the impact of any mandatory provisions on the viability of a given development under the provisions of Amendment C270. A conclusion was then made as to the acceptability of impact of mandatory, performance based or discretionary measures.

Fieldwork and photographic analysis

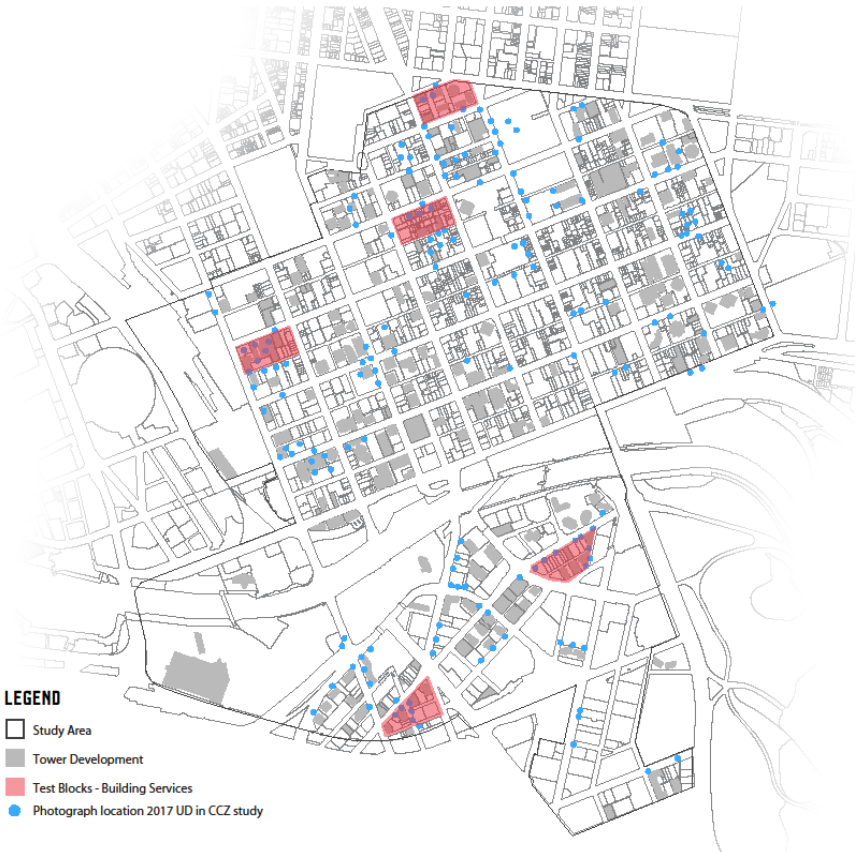
In order to understand the outcomes of recent development, structured visual analysis of development completed since 1999 was undertaken. Field research and photography occurred during March and April 2017 in order to develop an understanding of patterns of successful and unsuccessful outcomes in recent development. Completed projects were evaluated with regard to the 6 urban design elements as outlined above.

It is noted that a building approved under the Amendment C262 and C270 regime has not yet been completed. Accordingly all buildings observed are from the former policy regime, comprising Clause 22.01 in the Central City and Southbank, Retail Core and Bourke Hill DDOs in the Central City, and DDO60 in Southbank.

The areas targeted were selected based on clustering of recent construction of buildings taller than 18 storeys (excluding basement levels) in height which was informed by the tower mapping from Places for People (2015) and included:

- Collins Street West & Spencer Street
- Lonsdale Street West & Spencer Street
- CBD North / QVM
- La Trobe Street West & Elizabeth Street
- La Trobe Street East
- Flinders Street and Exhibition Street
- City Road
- Queensbridge Street
- Kavanagh Street
- Clarendon Street
- Coventry Street

Further to these areas, infill development throughout the Special Character Area was investigated to observe various states of retrofit, refurbishment and small scale infill development including shop fronts.



Map demonstrating photography location and 5 test cases of blocks where significant development activity has occurred.

A second more targeted series of field trips were undertaken in August and September 2017 to a series of case study precincts identified above in order to review the following 3 focus areas which had emerged as of particular importance:

- The design of the lower levels of podium tower built form including shop fronts and entries
- The position and design of building services, loading and waste facilities
- The management of parking structures above ground including vehicle entries

From the fieldwork, observations were collated regarding the consistent themes in built outcomes, both with respect to successful and unsuccessful outcomes. These findings were later cross referenced against the Policy Audit, VCAT Review and Analysis of Applications in establishing the policy direction.

Appendix B – Benchmarking Study

Benchmarking Study Urban Design in the Capital City Zone – 02.05.2017

1.0 Purpose

To document the range of approaches to design review with regards to policy, advocacy and culture in Australia and internationally.

2.0 Methodology

The methodology employed a desktop review of urban design reference documents that inform design review processes and built form outcomes.

3.0 Overview of Design Review Processes & Tools

Policy

Objectives that aim for design excellence set an agenda for achieving good design outcomes.

Advocacy

Design guidelines illustrating how to achieve good urban outcomes are important communication tools to enable the various urban design elements and qualities to be understood by a wide variety of audiences including developers, planners, designers, community members, & industry professionals.

Urban design checklists are quick self-assessment tools that can be effective in gaging whether the underlying principles of urban design are integrated into a new development and whether the development responds appropriately to its context.

Culture

'Culture' in this instance refers to the way in which urban design outcomes are facilitated and negotiated, and how readily good design outcomes are integrated into new developments.

Design review processes such as design review panels and building platforms for dialogue on design are effective at building a strong design culture and influencing quality urban outcomes.

Strong design cultures are typically championed by political or professional leaders with an agenda that focuses on achieving good design outcomes.

Design review process that include pre-application meetings with designers can enable design issues and opportunities are raised at an early stage. Professional advice on how to approach design challenges can be invaluable early on in the process.

4.0 Key Findings

From a review of local and international policy and guideline case studies (Appendix - B), there is the opportunity to align more closely to a widely accepted set of urban design principles which include an emphasis on cultural, social, land use and programmatic components of urban design. While care must be taken to avoid conflict with other parts of the Melbourne Planning Scheme, particularly land use, the opportunity to integrate aspects such as 'program' that impact on the public realm through the design of the building interface is apparent. Local case studies show that it is necessary that guidelines or checklists are integrated within the planning framework in order to have any impact on development outcomes.

Independent, expert design review panels are important tools employed by other cities such as London, Sydney, Adelaide and Auckland on large or complex projects that contribute to elevating

the importance of good design and have led to projects of design excellence. The key difference with processes in other surveyed cities to the Victorian Design Review Panel process is a binding relationship in decision making through statutory processes.

Competitive design processes stood alone in terms of their ability to impact architect selection, elevating high quality small practices into commercial work, and encouraging innovation through the merit based jury assessment process. Considerable empirical research has been undertaken into the successes of this process in the City of Sydney (Appendix – B).

Educating the broad range of players within the building and development industry through the use of design manuals or checklists is necessary to aid the negotiation process and also contribute to a cultural shift towards foregrounding good design. In order to elevate the expectation of design quality in a city, in addition to regulatory measures, it is important that authorities engage with design institutes, professional bodies and universities.

From a policy perspective, additional detail is required within planning frameworks to assess the qualitative design components of a building interface with the public realm. It is necessary to expand application requirements to require more information about the ground and first floor through, for instance, more detailed drawings. This will assist in building a culture of expectation both around the detail of drawings required, but also the design investment required in this critical area of the building. This will enable planners to assess proposals better, while requiring applicants to investigate the immediate pedestrian interface in the preparation of their designs.

A survey of effective governance systems in comparative local and international cities positioned urban design as a key component of city quality, with commitment to its realisation at all levels of urban politics, supported by strong professional and political champions. The more successful cities surveyed combined a range of regulatory and advocacy methods such as independent design review panels and competitive design processes, as a complement to robust policy and guidelines, in order to raise the bar in urban design quality. It is clear that a single approach is not an appropriate or desired path as it will not have a sufficient impact on design outcomes. A multi-faceted approach, which encompasses aspects of policy, advocacy and culture, is required.

A) Approach to Policy

Better Placed – A design led approach: developing an Architecture and Design Policy for New South Wales, Government Architect, NSW, 2017

http://www.planning.nsw.gov.au/~/media/Files/DPE/Plans-and-policies/draft-nsw-architecture-and-urban-design-policy-2016-09.ashx

The draft policy sets out the NSW Government's position on design in the urban environment. It establishes 1) the objectives and expectations 2) principles and direction to achieve these and 3) provides a framework for examining places from a design perspective.

The document presents a political agenda for inspiring change through a movement towards design excellence as a way of ensuring public benefits for the future. It identifies poor quality or 'business as usual' design outcomes as having detrimental social, environmental and economic effects, and in worst case scenarios turns aspects of new development into public liabilities. (Refer to executive summary, p.18)

B) Approach to Advocacy

The Value of Urban Design, Ministry for the Environment (NZ), 2005

http://www.mfe.govt.nz/sites/default/files/value-of-urban-design-full-report-jun05_0.pdf

The purpose is to document the value gained through good urban design and how New Zealand towns and cities can benefit from good urban design outcomes.

Based on the extensive evidence consulted, The Value of Urban Design reaches the following broad conclusions about the benefits urban design might offer in the New Zealand context:

- Good urban design can offer significant benefits to the community; conversely, poor design can have significant adverse effects on the urban environment, society and economy.
- While good urban design sometimes costs more upfront, this is not necessarily the case; moreover, long-term costs can be avoided.
- Communities value the better quality of life that good urban design can deliver.
- Urban design can affect people's ability and willingness to undertake physical exercise: good design can offer health benefits.
- Urban design can help make towns and cities safer and more secure.
- Urban design elements are interconnected: urban design is most effective when a number of elements come together (eg, mixed use, density and connectivity).

The value of specific urban design elements In reaching these broad conclusions, The Value of Urban Design examined evidence relating to eight core elements of urban design. These elements – and the key economic, social and environmental findings for each – are summarised in the executive summary (p.2-5)

New Zealand Urban Design Protocol, Ministry for the Environment, 2005

http://www.mfe.govt.nz/sites/default/files/urban-design-protocol-colour.pdf

The Urban Design Protocol is a voluntary commitment by central and local government, property developers and investors, design professionals, educational institutes and other groups to undertake specific urban design initiatives. The actions that individual signatories take will, together, make a significant difference to the quality of our towns and cities.

The Urban Design Protocol identifies seven essential design qualities that together create quality urban design:

- Context: seeing buildings, places and spaces as part of whole towns and cities
- Character: reflecting and enhancing the distinctive character, heritage and identity of our urban environment
- Choice: ensuring diversity and choice for people
- Connections: enhancing how different networks link together for people
- Creativity: encouraging innovative and imaginative solutions
- Custodianship: ensuring design is environmentally sustainable, safe and healthy
- Collaboration: communicating and sharing knowledge across sectors, professions and with communities.

The Value of Good Design, CABE, 2002

http://www.designcouncil.org.uk/sites/default/files/asset/document/the-value-of-good-design.pdf

The document pulls together research to show that investment in good design generates economic and social investment. Evidence relates to healthcare, educational environments, housing, Civic

pride and cultural activity, business, and crime prevention. The evidence presents data sets on how users value specific aspects of design, the economic costs to society of not achieving good design (particularly in housing), and higher rental yields, market values and desirability for following principles of good urban design.

The three key principles required to achieve good design are:

- Good design does not cost more when measured across the lifetime of the building or place
- Good design flows from the employment of skilled and multidisciplinary teams
- The starting point of good design is client commitment

Good Design Standard, Better Neighbourhoods, Streetscapes and Homes, The City of Maribyrnong, 2014

https://www.maribyrnong.vic.gov.au/files/assets/public/forms/mcc_good_design_standard_august_2014.pdf

The Maribyrnong Good Design Standard was prepared in 2014 by the City of Maribyrnong in conjunction with Collie and Baumgart Clarke Architects. The Guide was heavily influenced by the Building for Life document created by CABE some years earlier. The project was endorsed by Council in August 2014, but was never integrated into the Planning Scheme. Further, a Local Policy or Design control was also not implemented to integrate the provisions from the document. The document was intended to have an advocacy role and comprises the following elements:

- A self-assess check list to be utilised by applicants in the design process
- An accessible, high quality graphic document which is legible to a range of users
- Multi-scalar principles from the scale of the precinct, street and individual building quality
- The guideline is primarily focused on residential development and has some overlap with the Better Apartments Design Standard

From discussions with the City of Maribyrnong, the document is no longer utilised in development assessment, as the self-assess checklist was not utilised with integrity by designers and developers. Accordingly the Development Planners lost trust in the checklist and process because it was not reflecting the outcomes in development proposals, which had not modified as a result of the document.

Further, any reliance on the Standard, which sits outside of the Planning Scheme, was criticised heavily in decisions by the Victorian Civil and Administrative Tribunal, who are only able to consider matters which are adequately grounded in the planning framework.

The Urban Design Team continue to encourage the planners to use the Standard at pre application meetings, however this has been occurring sporadically at best.

This document can be considered to have failed in advocating or regulating higher quality design outcomes due to its lack of integration in the planning system.

Auckland Design Manual

http://www.aucklanddesignmanual.co.nz

The Auckland Design Manuals is a guide for designing, building and developing in Auckland. Its purpose is adding value through offering free guidance on design (‘Value By Design’).. It supports better design through the following 5 steps: compiling legacy examples, filling in the gaps on

existing guidance, building a platform for dialogue on design, developing education and training and developing tools and resources. Rather than being one unified document on design, it includes three separate sections that focus on three main audiences (designers, planners and developers) with corresponding tools and guidance tailored for each group. Additional resources include good design case studies and guidance to planning processes.

The Design Manual contains a vast number of tools, case studies and guidance elements, yet remains quite broad in its content on design. The Auckland Urban Design Panel is employed for the majority of large or complex projects.

Auckland Urban Design Panel – Terms of Reference

http://www.aucklandcouncil.govt.nz/EN/ratesbuildingproperty/PreapplicationAdvice/urbandesignpanel/Documents/audptermsreference2017.pdf

Whilst setting up a panel of external experts to review applications will not be a component of the policy framework, the Auckland City Council has resourced the panel do to the overall benefits accrued though promoting good design. The scope of advice, as it relates to the Auckland Design Manual. The Review Panel always follows a pre-application meeting, as it is this early phase of design where urban design is critical.

1.Overview

1.1 Purpose

"To provide independent design review and subsequent design advice that promotes sustainable development and the creation of well-designed buildings and places that contribute to safe, healthy and attractive urban environments." The advice of the Panel are in addition to the in-depth urban design assessment that takes place as part of the processing of planning consents, and is addressed in the Urban Designer's reports to the delegated decision-makers. Whilst design review at CoM would not be independent, the majority of the benefits accrued remain.

1.2 Benefits to the Applicants:

- Add economic value to proposals, in terms of both capital and operating expenditure over the lifetime of the building and positive spinoffs of successful neighbourhoods and activity centres.
- Potential to minimise time delays by resolving design issues prior to applying for planning permit.
- Identify weak and inappropriate schemes at an early stage, to reduce time and costs to Applicants, to have greater influence for change and ultimately better design outcomes.
- Questioning the design brief or site assumptions and thus opening up new opportunities for improved development.
- Lifting the profile of design, by supporting council and the development sector in requiring more from applicants, or their design team, in terms of design quality. (Changing the culture of design)

2. Scope of Advice

- The proposed mix of activities (land use) as well as building program ('activities is mentioned in three separate points)
- Best practice urban design principles including sustainability and universal access
- Building type and density

- Bulk, scale, layout
- Interfaces and façade articulation
- Landscaping
- Impacts on public realm
- Green infrastructure
- Internal amenity

3. Issues & Opportunities

- Consider actively promoting the review of applications (pre-apps) at an early design phase for large, complex or locally significant development proposals.
- Presentation and the pre-application process is voluntary, however strongly recommended.
- It may require greater resourcing.

Draft Central Sydney Planning Strategy (City of Sydney, 2016)

http://www.sydneyyoursay.com.au/central-sydney-planning-strategy

As a key comparison within the Australian context, the Draft Central Sydney Planning Strategy 2016-36 was recently endorsed by the City of Sydney. This document is a useful benchmark reference for the City of Melbourne to understand the strategies and mechanisms employed by a city facing comparable development pressure. The Strategy outlines 10 key gestures, with a number explicitly relating to urban design. These include:

- Consolidate and simplify planning controls by integrating disconnected precincts back into the city, unifying planning functions and streamlining administrative processes
- Move towards a more sustainable city with planning controls that require best practice energy and water standards and for growth sites to drive zero-net energy outcomes
- Reaffirm commitment to design excellence by continuing to work in partnership with community and industry to deliver collaborative, iterative and tailored solutions.

Specific urban design moves within the Strategy include the establishment of a minimum allotment size for tower construction, the strengthening of Special Character Area setback controls, and specific designation of a series of 'Tower Clusters' comprising well-spaced, slender office buildings up to 300m in height, which are positioned so as to avoid overshadowing to public space.

The City of Sydney's Design Excellence (Competitive Design) Policy

http://www.cityofsydney.nsw.gov.au/__data/assets/pdf_file/0004/128065/Compe titivedesign-policy-adopted-09-December-2013.pdf

https://www.be.unsw.edu.au/sites/default/files/upload/REVISED%20V2%20sml%20161026%20Primer_%20UNSW%20Design%20Excellence%20Symposium.pdf

https://urbandesignaustralia.wordpress.com/2017/09/12/design-competitions-and-the-design-dividend-in-central-sydney/

https://journals.library.tudelft.nl/index.php/iphs/article/view/1344

The City of Sydney implemented its first Competitive Design Process in the late 1990s, in anticipation of the International attention associated with the hosting of the 2000 Olympics. The process was developed through close co-operation between the Lord Mayor and Premier of the time with the support of senior Planning and Design staff at the City of Sydney. The process was intended to achieve the following:

- Break a cycle of repeat commission of a small number of architects (3-4 practices) for all major buildings in the Central City and promote a greater diversity of commissioned architects including emerging practices.
- To prevent the practice of 'templating' through analysis and plagiarism of precedent by developers, leading to repetitive, low quality outcomes in the Central City.
- To improve the international image and global competitiveness of the city through the design of major buildings in the Central City.

Whilst the policy includes a systematic and mandatory requirement for a competitive design process for private development above a threshold height or site area. It has taken 20 years to refine the process to a point where it is now consistently delivering exemplary outcomes. The City of Melbourne is positioned to benefit from the lessons from Sydney and to avoid their teething problems should a context specific model of the policy be developed for Melbourne.

Learning from Sydney, the key parts of an effective Design Excellence and Competitive Design policy include:

- Establishing certainty through the pre-approval of a 'base case' envelope and maximum yield (Gross Floor Area or Floor Area Ratio). This will secure an environment of 'control', within which architects can test and explore a range of design options, with the comfort of having Council support for the 'base case' envelope and maximum yield. It is important to note that in Central Sydney, the Floor Area Ratios begin at 8:1, with a range of public benefit mechanisms in place to enable any uplift above this FAR. The highest FAR in Sydney is 15.9:1.
- Successful processes are underpinned by clearly defined regulations, paired with bonuses. The impacts of bonuses are pre-tested in the base case phase to ensure a contextually responsive envelope and management of off-site impacts.
- Certainty through the planning process is key to establishing trust and a strong relationship between the public and private sector. Greater certainty can prevent developers tactically withholding key project drivers for fear of a negative impact on decision making.
- The Competition Brief is fundamental to good outcomes. The competition outcome will only be as good as the brief which informs the work.
- The Jury selection process is key, and requires a range of independent experts at the peak of the architecture, landscape architecture, urban design and art fields. The release of control of the approval process by both Council and developers in favour of a jury (with a clearly defined terms of reference) is key to this process.
- Political risk and VCAT processes are barriers to the success of a Victorian competitive design model and requires further consideration. Sydney's Land and Environment Court does not pose a substantial threat to design quality as it is rarely seen as advantageous by designers and developers. This underpins the strength of effective design negotiation at a Local Government level in Central Sydney.
- The multiple responsible authority (RA) status of the City of Melbourne, the Department of Environment, Land Water and Planning (DELWP) and Development Victoria of Docklands and Central City sites over 25,000sqm, presents a significant hurdle in terms of developing a

unilateral agreement on process, and provision of certainty to applicants. Multiple RA's also creates an environment where applicants can play off public agencies in the process.

Design Competitions have been explored as a method to improve design quality in Victoria, particularly following the inclusion of an option within the Floor Area Uplift (FAU) Schedule of Amendment C270 to secure bonus floor area for a Competitive Design Process. Following the implementation of C270 in November 2016, developers may request FAU from a base case of 18:1 if they commit to undertaking a design competition in line with the Australian Institute of Architects endorsed competitions process. To date, this option has not been taken up by the development industry.

It is recommended that further investigation be undertaken into the required modifications to the Melbourne Planning Scheme to enable a well framed Competitive Design Process with appropriate triggers for projects of scale, and remuneration for applicants and architects commensurate to the investment and time committed to the competitive process.

Adelaide Design Manual (Building Interface Design Guidelines)

http://www.adelaidedesignmanual.com.au/resources/resources

From discussions with Urban Design and Planning Staff at the City of Adelaide, in addition to a discussion with the author Craig Alchin of Six Degrees Urban, the Adelaide Design Manual was an attempt by the City of Adelaide, with funding from the State Government sought to improve the quality of design outcomes in the Central City. However, Adelaide has a process (Schedule 10) where projects over $10 million in value go to the State Government for review. In these larger projects where the Manual is most valuable it is not being utilised.

Whilst the Manual is highly detailed and comprises both text and graphic aids, it is not legislated or integrated with the planning framework, and can only be used for 'advisory' purposes by planners within the City of Adelaide. It does not appear to be used by Planners within State Government assessing Schedule 10 proposals.

Adelaide also has a process of formal Design Review through the Office of Design and Architecture South Australia (ODASA). This process has been integrated since 2008 through a Development Plan Amendment which provides statutory teeth to Design Review. Incentives are offered in the form of expedited planning assessment if a pre-planning Design Review is undertaken. However Design Review has taken the place of defendable, direct planning controls regarding setbacks, height and overshadowing to public spaces, and appears to be resulting in an escalation in form and bulk, consistent with the City of Melbourne during the early 2000s. Since the adoption of the Schedule 10 and ODASA Design Review process, very few new developments have adhered with the performance standards within the planning framework resulting in a lack of consistency or clarity for planners, applicants and the community.

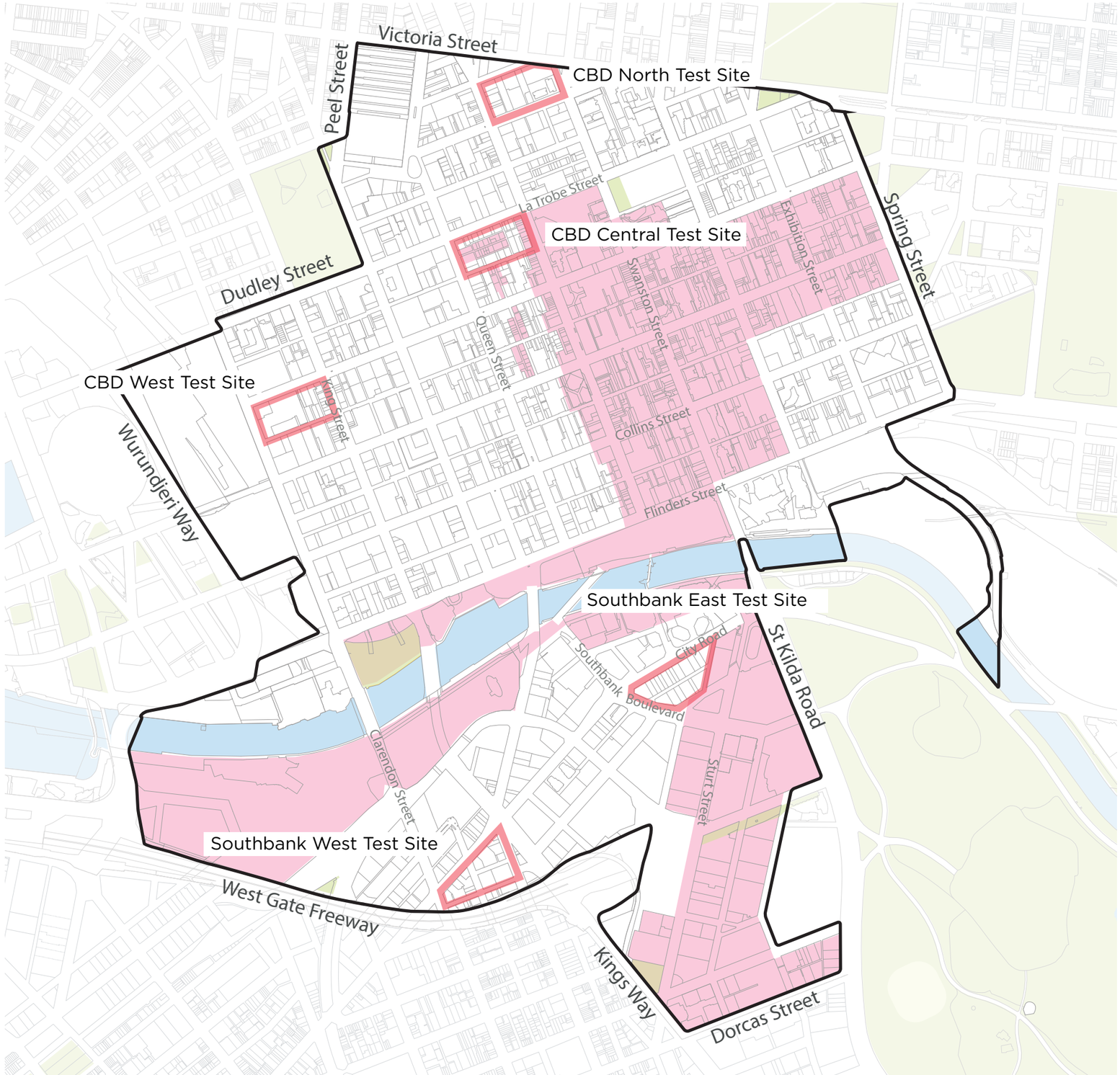
Appendix C – Urban Design Analysis – Active Frontages and Building Services

APPENDIX C

AMENDMENT C308
URBAN DESIGN ANALYSIS
ACTIVE FRONTAGES & BUILDING SERVICES

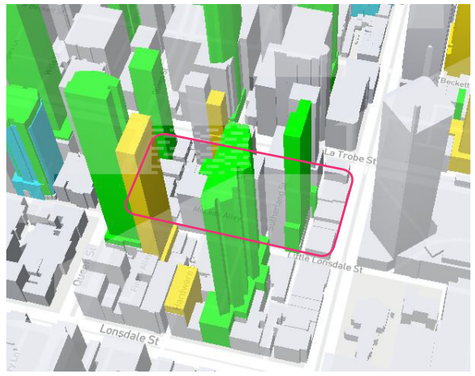
CITY OF MELBOURNE

KEY PLAN FOR 5 X TEST SITES



DEVELOPMENT ACTIVITY MODEL OVERVIEW FOR 5 X TEST SITES

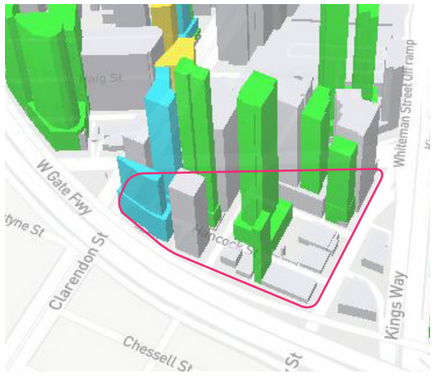
CBD North Test Site



CBD Central Test Site

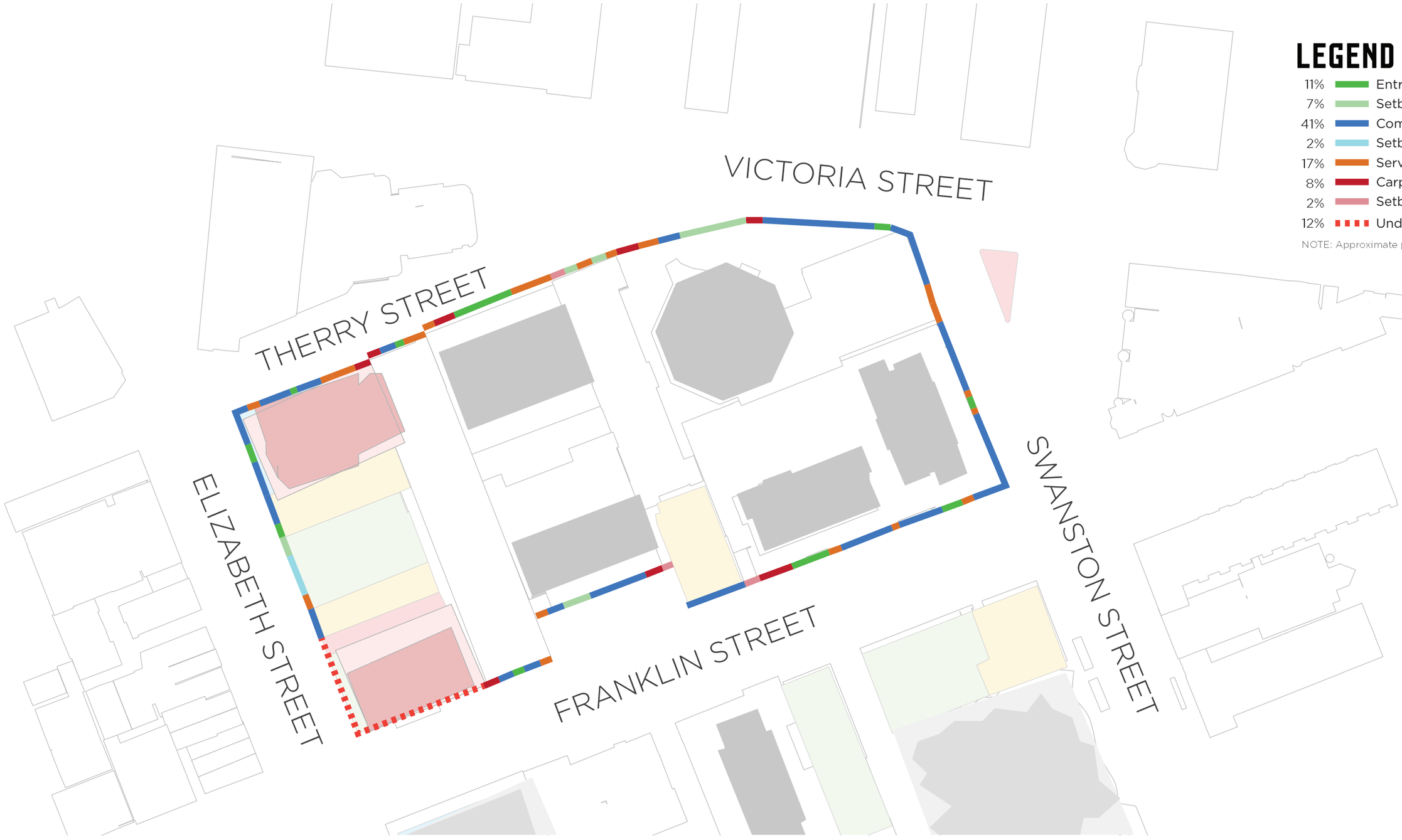
CBD West Test Site

Southbank East Test Site



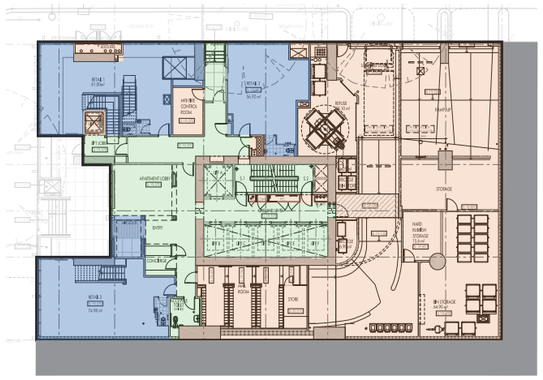
Southbank West Test Site

CBD NORTH ACTIVE FRONTAGES ANALYSIS



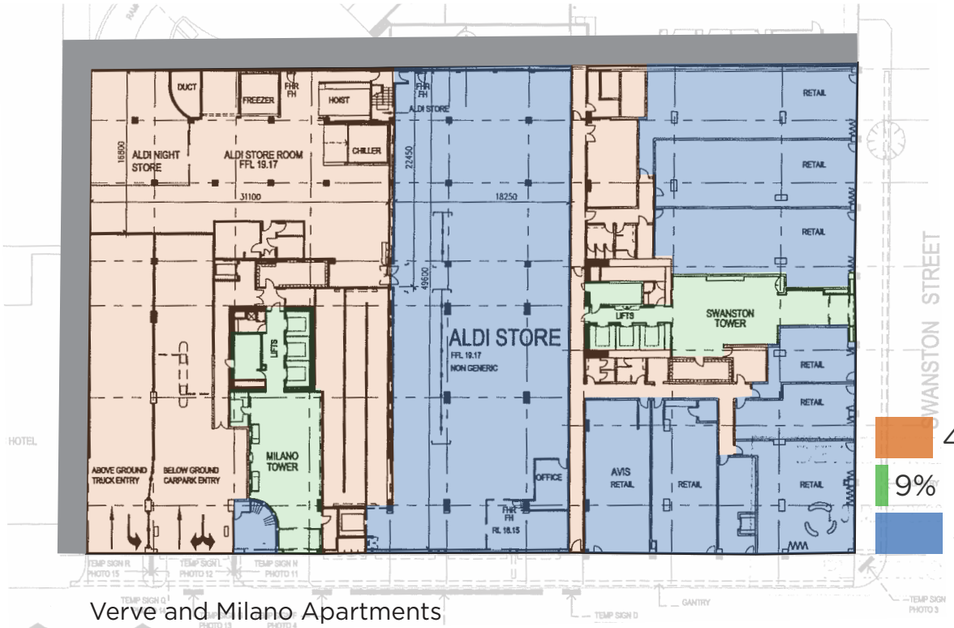
This diagram demonstrates the proportion and type of frontages to a main street, street or lane in an attempt to understand the public realm interface outcomes for private development completed since 1999. This is then compared with a study of the ground floor plan on the follow spread to understand the relationship between building services and active frontages.

CBD NORTH BUILDING SERVICES ANALYSIS



55.2%
20%
24.8%

Vision Apartments
452 Elizabeth Street, Melbourne

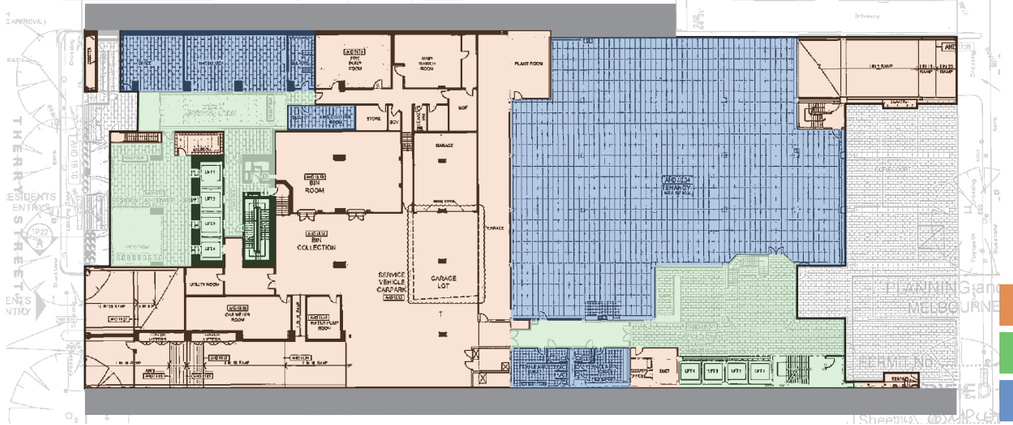


42.2%
9%
48.8%

Verve and Milano Apartments
483 Swanston Street, Melbourne

46.6%
32.2%
21.2%

Victoria One
500 Elizabeth Street, Melbourne



45.5%
19.4%
35.1%

Zen Apartments
27 Therry Street, Melbourne

LEGEND

- Building Services (Inactive Use)
- Lobby / Entry (Semi-Active Use)
- Commercial / Retail (Active Use)

*study based on available recent drawings

CBD CENTRAL FRONTAGE ANALYSIS

LEGEND

1%	Entry/Lobby
2%	Setback Entry
34%	Commercial
1%	Open Air Commercial
4%	Setback Commercial
44%	Services
2%	Carparking
12%	Under Construction

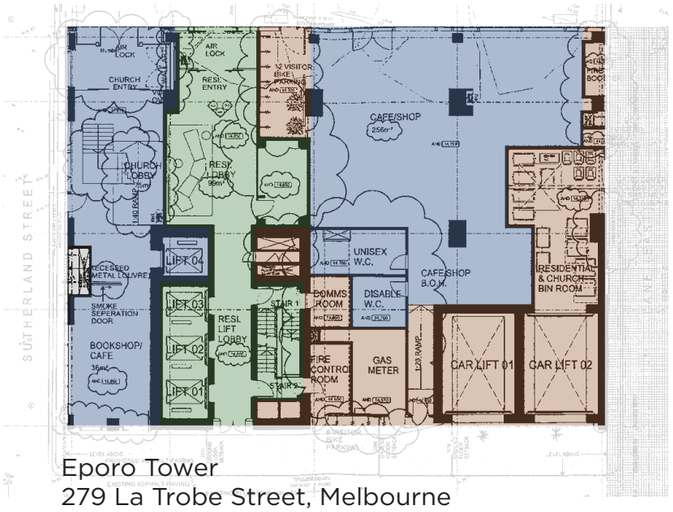
NOTE: Approximate percentages only

This diagram demonstrates the proportion and type of frontages to a main street, street or lane in an attempt to understand the public realm interface outcomes for private development completed since 1999. This is then compared with a study of the ground floor plan on the follow spread to understand the relationship between building services and active frontages.

CBD CENTRAL BUILDING SERVICES ANALYSIS

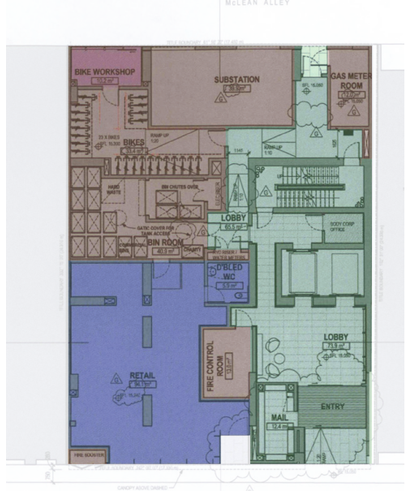
46.3%
27.3%
26.4%

La Trobe Tower
323 La Trobe Street, Melbourne



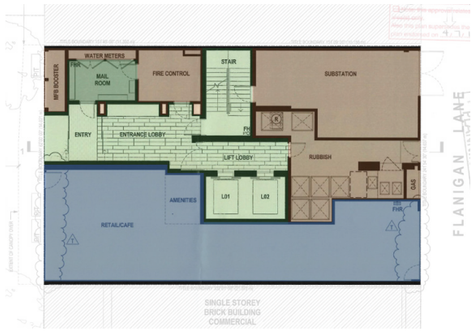
29.8%
20.7%
49.5%

Eporo Tower
279 La Trobe Street, Melbourne



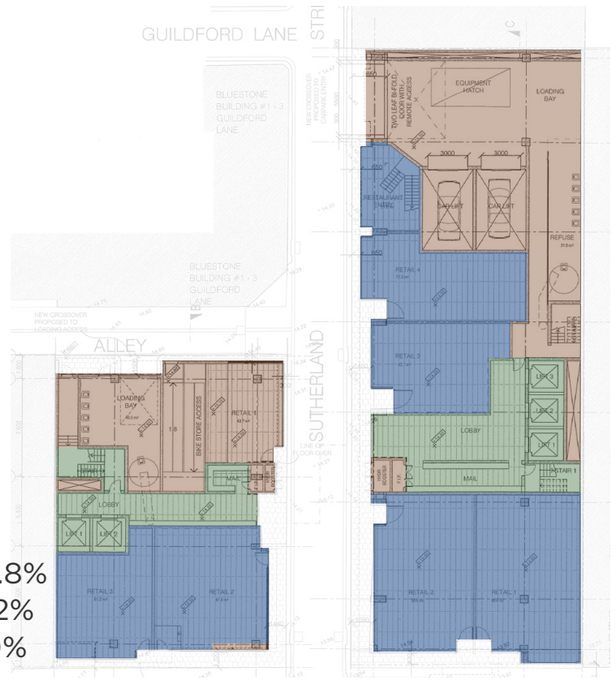
37.7%
37.2%
25.1%

Union Tower
296 Little Lonsdale Street, Melbourne



34.5%
27.8%
37.7%

Carlson Tower
315 La Trobe Street, Melbourne



39.8%
20.2%
40%

37.1%
14.8%
48.1%

Melbourne Sky Apartments & Melbourne Star Apartments
5 & 8 Sutherland Street, Melbourne

LEGEND

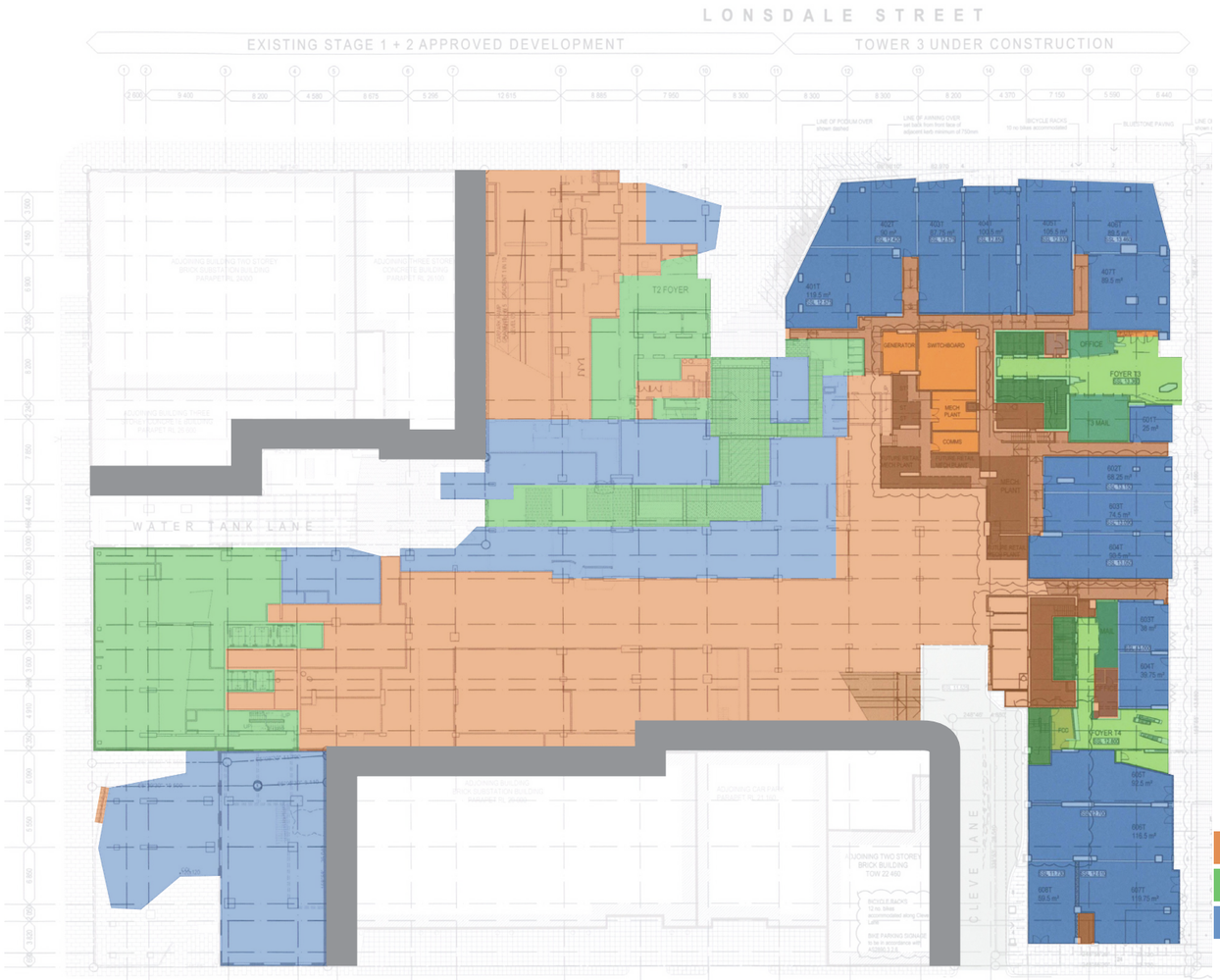
- Building Services (Inactive Use)
- Lobby / Entry (Semi-Active Use)
- Commercial / Retail (Active Use)

*study based on available recent drawings

CBD WEST FRONTAGE ANALYSIS

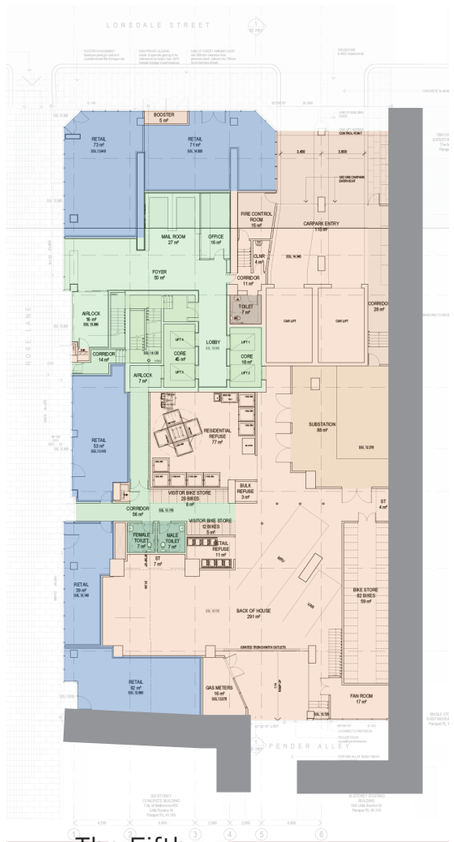
This diagram demonstrates the proportion and type of frontages to a main street, street or lane in an attempt to understand the public realm interface outcomes for private development completed since 1999. This is then compared with a study of the ground floor plan on the follow spread to understand the relationship between building services and active frontages.

CBD WEST BUILDING SERVICES ANALYSIS



42.3%
20%
37.7%

Upper West Side Towers
220 Spencer Street, Melbourne



60.3%
18.9%
20.8%

The Fifth,
605 Lonsdale Street, Melbourne

LEGEND

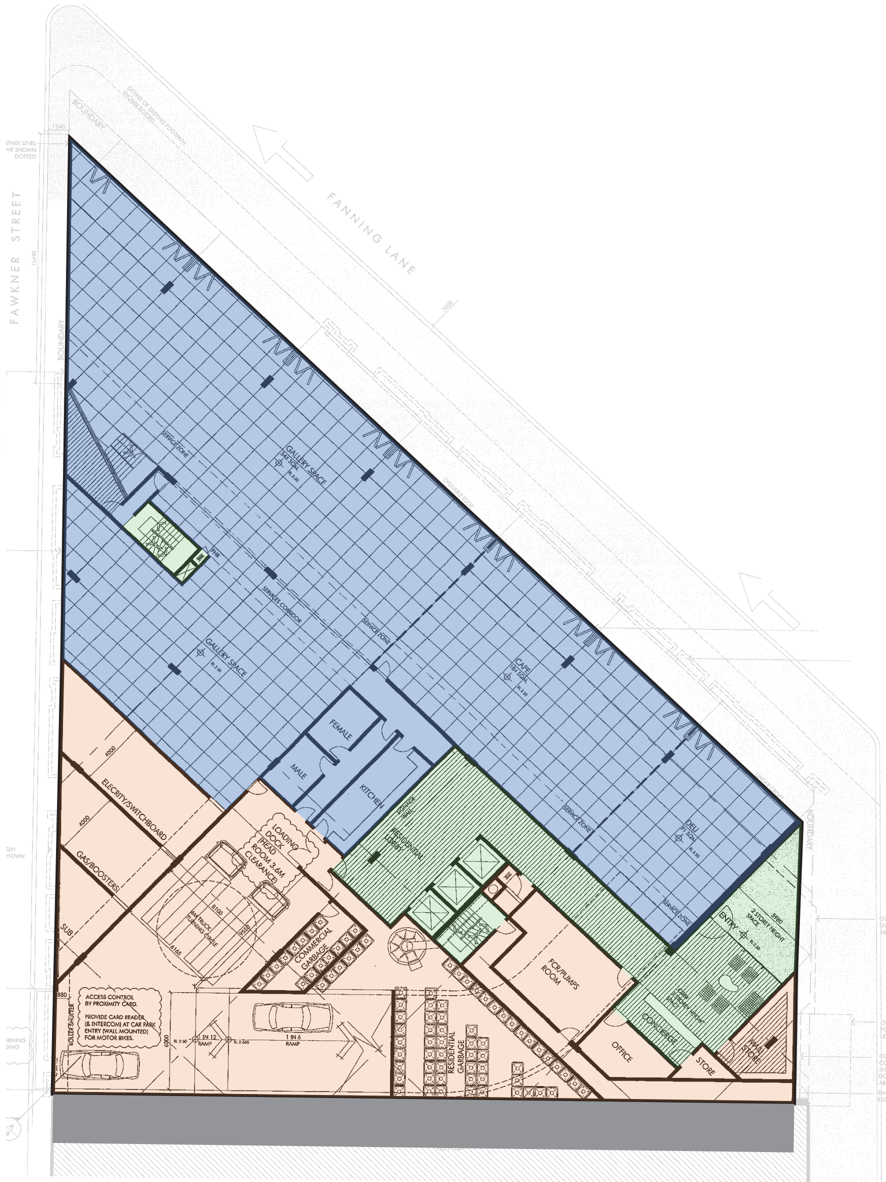
- Building Services (Inactive Use)
- Lobby / Entry (Semi-Active Use)
- Commercial / Retail (Active Use)

*study based on available recent drawings

SOUTHBANK EAST FRONTAGE ANALYSIS

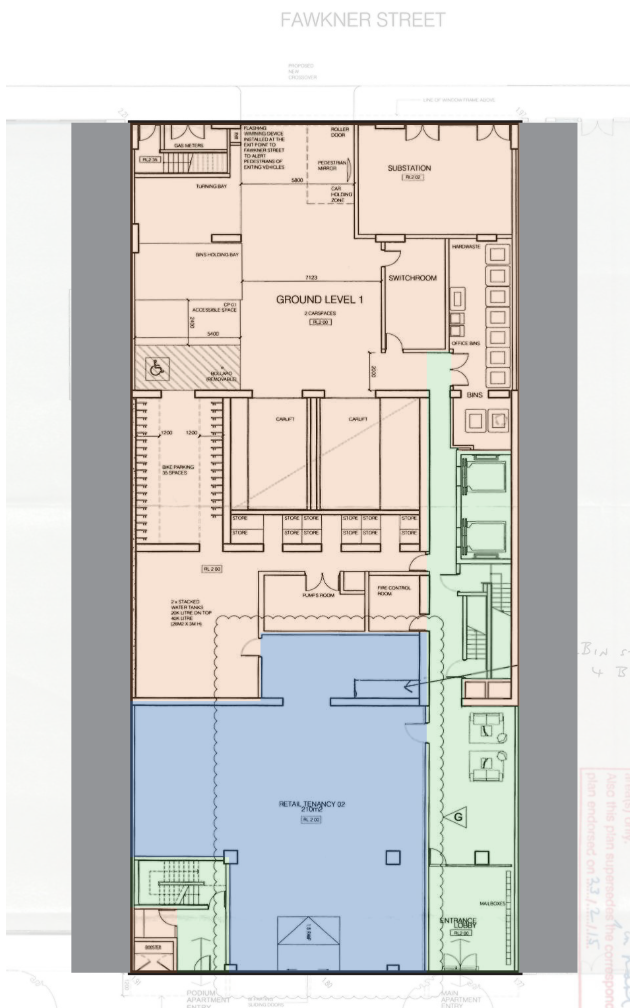
This diagram demonstrates the proportion and type of frontages to a main street, street or lane in an attempt to understand the public realm interface outcomes for private development completed since 1999. This is then compared with a study of the ground floor plan on the follow spread to understand the relationship between building services and active frontages.

SOUTHBANK EAST SERVICES ANALYSIS



33.9%
12.1%
54%

Triptych Apartments
8 Kavanagh Street, Southbank



Opus Tower
57-61 City Road, Southbank

58.9%
16.8%
24.3%

LEGEND

Building Services (Inactive Use)

Lobby / Entry (Semi-Active Use)

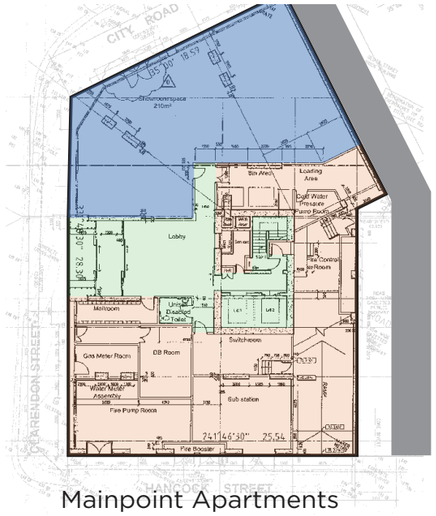
Commercial / Retail (Active Use)

*study based on available recent drawings

SOUTHBANK WEST FRONTAGE ANALYSIS

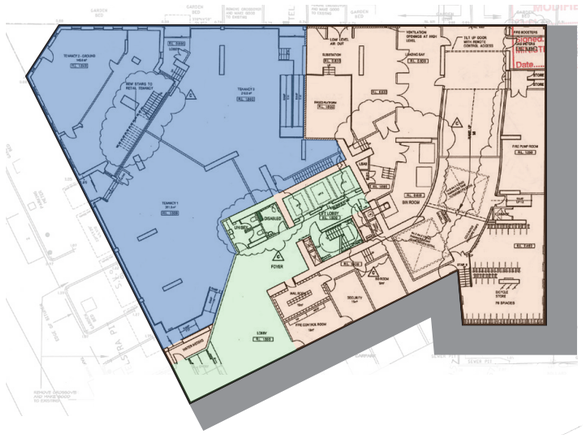
This diagram demonstrates the proportion and type of frontages to a main street, street or lane in an attempt to understand the public realm interface outcomes for private development completed since 1999. This is then compared with a study of the ground floor plan on the follow spread to understand the relationship between building services and active frontages.

SOUTHBANK WEST SERVICES ANALYSIS



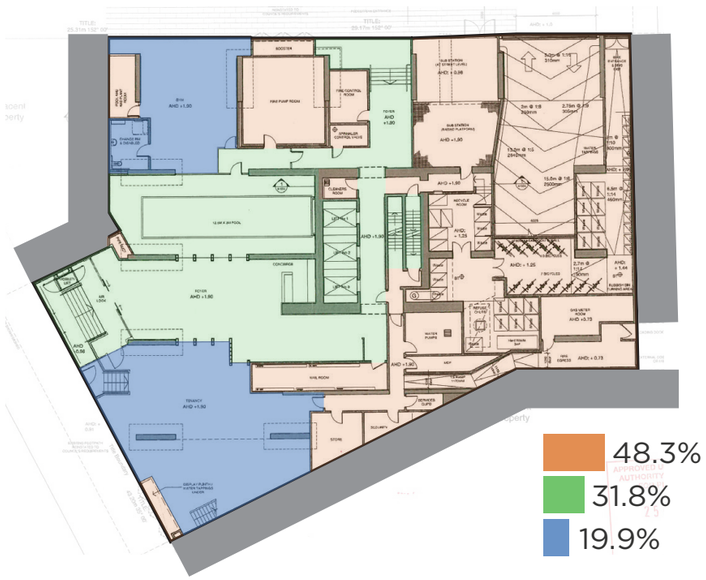
49.5%
17.4%
33.1%

Mainpoint Apartments
241 City Road, Southbank



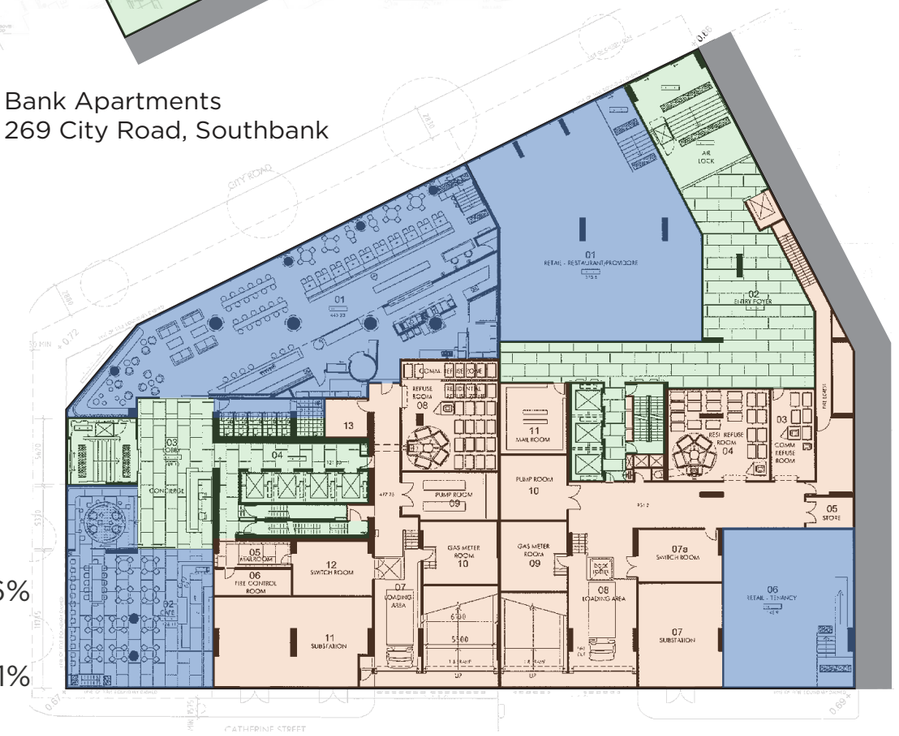
46.8%
12.1%
41.1%

Bank Apartments
269 City Road, Southbank



48.3%
31.8%
19.9%

109 Clarendon
109 Clarendon Street, Southbank



36.6%
18.3%
45.1%

NOTE: Currently Under Construction

42.7%
24.2%
33.1%

Platinum Apartments
245 City Road, Southbank

LEGEND

- Building Services (Inactive Use)
- Lobby / Entry (Semi-Active Use)
- Commercial / Retail (Active Use)

*study based on available recent drawings

Appendix D – Policy Audit of the Melbourne Planning Scheme

AUDIT

CITY OF MELBOURNE

SUBJECT: Urban Design in the Capital City
Urban Design Policy Audit

DATE: 5/5/2017

DM: 10779520

URBAN DESIGN IN THE CAPITAL CITY ZONE POLICY AUDIT

1. PURPOSE

The purpose of this audit is to understand the breadth of policies within the Melbourne Planning Scheme that encompass matters of urban design within the Central City and Southbank. This extent is consistent with the geographic scope of Amendment C270 and incudes the Capital City Zones 1, 2 and 3. Beyond an understanding of the component of urban design, further analysis of gaps, overlaps and opportunities for improvement are investigated. The intent is to inform a streamlined and simplified policy framework which is better able to realise the objectives of urban design in a capital city environment.

2. METHODOLOGY

The audit was conducted by assessing all provisions within the Melbourne Planning Scheme that relate directly or indirectly to the assessment of urban design in development applications. This encompasses the State Planning Policy Framework (SPPF), the Municipal Strategic Statement (MSS), Local Policies and relevant zones, overlays and Reference Documents. A complete list of these policies can be found in Table 1.

The relevant policies have been listed by clause number and name, in conjunction with a summary of their objectives, applicable urban design themes and policy instrument type (for instance mandatory or discretionary, standards, objectives, guidelines). This detailed audit is appended to this report at Appendix A. In addition, research was undertaken by an independent Legal Counsel in order to

document the performance and impact in particular of Clause 22.01 Urban Design in the Capital City Zone, when challenged within the Victorian Civil and Administrative Tribunal (VCAT). This subsequent research is appended to this report at Appendix B.

For the purpose of consistency, a set of key themes were identified where they occurred within each analysed policy. These have emerged in parallel to the benchmarking and observational analysis to frame a discussion of the key components of urban design. Further, were the core six themes did not neatly encompass a relative provision, this has been highlighted as an anomaly and listed. The intent was to iterate and evolve the themes to determine whether offer sufficient coverage of relevant matters for inclusion in the subsequent revised policy framework.

The core themes identified throughout the audit include:

- Urban structure
- Site Layout
- Building program
- Massing
- Public interfaces
- Design Quality

A range of matters which arose within the policy review extend beyond the scope of urban design and have been excluded as a result. These include housing diversity, housing affordability, tower separation and ESD. These matters are best addressed through land use zoning and thematic policy more focused on the target area.

3. OVERVIEW OF POLICY FRAMEWORK

The Melbourne Planning Scheme structure comprises State and Local policies, in addition to Zones, Overlays (with schedules), General Provisions, Particular Provisions and Incorporated Documents. Each of these elements apply spatially or thematically with specific guidance that can be applied through decision making to influence urban design outcomes.

Although this project focuses on local policy, guidance must be understood in the context of State government policies which also apply. See Attachment 1 for a full policy audit of the Melbourne Planning Scheme. A summary of the State level guidance and it's intended impact on urban design is listed below.

Plan Melbourne (2017) released in 2017 articulates high level strategic directions for Victoria, and includes visions, objectives and actions for the Central City as the dominant cultural and economic heart of the Metropolitan Melbourne. Plan

Melbourne sits outside the Planning Scheme at present; however it is intended to be integrated throughout the Victorian Planning Provisions to achieve its strategic ambition. Further, the State Planning Policy Framework triggers consideration of the document as a relevant strategic basis for both future local policy and decision making in development applications.

The State Planning Policy Framework (SPPF) includes high level guidance in the form of big picture objectives and general strategies, whilst introducing the key themes which underpin spatial planning in Victoria.

The Municipal Strategic Statement (MSS) comprises the municipal vision, including broad objectives and strategies that apply across the City as well as high level visions for local areas, including the Central City and Southbank.

Local Planning Policy Framework (LPPF) and Local provisions outline in further detail how the strategies of the MSS are implemented, and includes guidance for decision making on land use and development.

Policies considered include the following:

- Plan Melbourne (2017)
- State Planning Policy Framework
    - Clause 11.04-2 Settlement – Metropolitan Melbourne – housing choice and affordability
    - Clause 11.04-4 Settlement – Metropolitan Melbourne –Liveable communities and neighbourhoods
    - Clause 12.05 Environmental Landscape values - Rivers
    - Clause 15.01-1 Built Environment and Heritage – Urban environment – Urban design
    - Clause 15.01-2 Built Environment and Heritage – Urban environment – Urban design principles
    - Clause 15.01-3 Built Environment and Heritage – Urban environment – Neighbourhood and subdivision design
    - Clause 15.01-4 Built Environment and Heritage – Urban environment – Design for safety
    - Clause 15.01-5 Built Environment and Heritage – Urban environment – Cultural identity and neighbourhood character
    - Clause 15.02 Energy and resource efficiency
    - Clause 15.03 Heritage
    - Clause 16.01 Housing – Residential development
- Local Planning Policy Framework (MSS)
    - Clause 21.03 Vision
    - Clause 21.04-1.2 Urban renewal areas
    - Clause 21.04-2 Growth
    - Clause 21.06-1 Urban Design
    - Clause 21.06-2 Heritage
    - Clause 21.06-3 Sustainable development
    - Clause 21.07 Housing – Residential development
    - Clause 21.12 Hoddle Grid
    - Clause 21.13 Urban renewal areas
    - Clause 21.17 Reference documents
- Local Planning Policy Framework (Local Policies)
    - Clause 22.01 Urban design within the CCZ
    - Clause 22.02 Sunlight to public spaces
    - Clause 22.04 Heritage places within the Capital City Zone

- Zones
    - Clause 37.04 Capital City Zone
    - Clause 37.04-1 Schedule 1 to the Capital City Zone
    - Clause 37.04-2 Schedule 2 to the Capital City Zone
    - Clause 37.04-3 Schedule 3 to the Capital City Zone
- Overlays
    - DDO1 - Active frontages
    - DDO2 - Special character – Hoddle Grid
    - DDO4 - Weather protection
    - DDO10 - General development area – Built form
    - DDO14 – Queen Victoria Market Area
    - DDO17 – Shrine Vista
    - DDO40 – Special character – River environs
    - DDO51 – Batman's Hill Precinct
    - DDO56 – CBD lanes
    - DDO59 – North Wharf precinct Docklands
    - DDO60 – Special character – Southbank
    - DDO62 – Special character – Bourke Hill
- Reference Documents within the SPPF
    - Better Apartments Design Standards (2017)
    - Guidelines for Higher Density Development (2004)
    - Safer Design Guidelines (2005)

4. KEY FINDINGS

The provisions listed above were summarised and their content considered in the context of the frames of reference identified earlier (site layout, urban structure, building program, massing, public interfaces and Design Quality). Key findings have been arranged into a series of categories, including:

- gaps in policy coverage
- areas of overlap between content in various provisions
- policy provisions which are no longer required
- relative strength of a policy (as derived from the Legal Review)
- observations from interviews with Development Planners

4.1 Gaps in policy

Urban structure

Urban structure is discussed in several policies at a State and local level. This is generally quite broad and there is a gap in terms of policies for the following elements:

Elements:	Gap:
Division of sites into smaller parts	Not addressed in existing policy
Pedestrian connections	Discussed in Clause 22.01 as an objective to incorporate through-block links to enhance pedestrian movement and permeability, but lacks specific guidance such as location, extent and design.

Site Layout

Site layout is generally not sufficiently discussed in existing policy with gaps identified in the following elements:

Elements:	Gap:
Position of entries	Existing DDO1 discusses entries as active frontages, but no policy guides entries in relation to their location and design with regard to context
Publicly accessible private plazas	Not addressed in existing policy

Building program

Building program is currently not thoroughly addressed in the planning scheme. Little consideration is given as to how activities that occur within a building affect built form. This should be addressed to provide a more human-centred approach to design.

Although aspects are touched on currently (Clause 21.12 and 21.13 in relation to specific spatial areas) this is not in depth, and represents a gap for further work, as shown below:

Elements:	Gap:
Building services	Clause 22.01 notes that access service areas should minimise impact on street frontages, and that visible service areas should be treated as part of the overall design and be fully screened. However, specific guidance (including requirements) are not provided regarding location and design.
Vehicle entries and parking	Clause 22.01 notes that access to car parking should minimise impact on street frontages. However, specific guidance (including) requirements are not provided regarding location and design.
Building adaptability	Adaptability is not discussed in existing policy in a general sense (such as encouraging buildings that can be adapted to accommodate a range of uses), or in a specific sense (such as internal design of buildings to adapt to uses over time).
Active frontages	Whilst addressed in local policy, in particular through DDO1 which emphasises materials, activation is not discussed in terms of active uses and where they should be located.
Application requirements	Existing policy does not require applicants to submit information such as detailed (close scaled) plans and elevations of the ground floor. There are also currently no application requirements that would assist planners assess adaptability.

Building massing

Elements:	Gap:
Interface with Special Character Areas	No specific guidance in terms of scale or typology where there is an interface with a Special Character Area
	More appropriate scale and typology for

	context

Public interfaces

Although public interfaces are discussed in the existing DDO1 policy, gaps have been identified regarding the following areas:

Elements:	Gap:
Signage and product displays	Existing policy does not provide guidance regarding the use of product displays that may affect views to and from the public realm.
Design detail	Existing policy such as in DDO1 emphasises clear glazing, but does not acknowledge the role of frames and stall risers and their contribution to the public realm.
Projections	Clause 22.01 discusses projections, but lacks detail in terms of requirements relating to how projections are integrated as part of overall building design

<u>Design Quality</u>

Design Quality is mentioned through policy seeking high quality architecture, however, there are gaps in existing policy, particularly in terms of how design quality is interpreted.

Elements:	Gap:
Application requirements	Existing policy does not include sufficient application requirements in order to assess design quality, such as photomontages

4.2 Effectiveness of controls

Vagueness of a variety of urban design controls has detracted from their effectiveness both at VCAT and as a tool during the permit application process to negotiate development. (See attachment B – VCAT summary)

Objectives discuss desired outcomes in general terms but do not offer sufficient guidance. For example they do not include tests, resolutions or alternate outcomes that need to be considered, or risks and outcomes that should be avoided are also not specified.

All themes mentioned above (urban structure, site layout, building program, building massing, public interfaces and design quality) lack clear guidance.

For example, Clause 21.12 'Hoddle Grid' seeks to "*Ensure that the design of tall buildings in the Hoddle Grid promote a human scale at street level especially in narrow lanes, respects the street pattern and provides a context for heritage buildings"*. This relates to urban structure, massing and public interfaces, however, no guidance is provided here or elsewhere about what this looks like (or what to avoid).

4.3 Overlaps and obsolescence

- Weather protection in DDO4 and also active frontages DDO1 overlap with schedules to the zone. Given the shift in the city to the standardisation of weather protection, there is no longer a need to require this in a DDO and this can be absorbed within the Clause 22.01

- Envelope objectives are outdated or obsolete due to the C270. There is a need to tailor the objectives to reflect the likely envelopes permissible under DDO10 and DDO2 and DDO60)

5. RECOMMENDATIONS

Expand tangible standards and performance criteria to support objectives. This would ensure that where discretionary controls are not met, that they achieve desired outcomes. Includes guidance on what to avoid will also help prevent poor outcomes from being permitted. Part of this could also address cleaning up overly vague statements.

Use the frames of reference (or scales of development) to fill gaps identified such as building program (and tighten the connection between the layout of the interior spaces, and the impact on the resultant street edge condition including activation), urban structure

Tighten discretionary controls so that where they are not met, there is adherence to standards, and/ or consideration of alternative resolutions

Expand application requirements to require applicants to provide more information, for instance more detailed drawings of the ground and first floor. This will enable planners to better assess proposals, whilst requiring applicants to investigate the human scale in the preparation of designs for the immediate pedestrian interface.

Height guidance focuses on existing character, within SCA, however 22.01 and C270 promote a condition whereby anything is acceptable, with the only limitation is sunlight or size of the site.

Develop an aspirational vision to achieve a more purposeful skyline, marked by clusters of taller buildings, and flanking areas that transition. This should be supported by design requirements.

Consolidate height guidance (DDO2, DDO60, DDO62)

6. FURTHER WORK

Through undertaking this policy audit, directions for future work have emerged, including the a review of the MSS and other provisions of the Planning Scheme, such as DDOs. The development of comprehensive urban design guidelines for the Capital City Zone is also required to expand on the revised urban design policy.

- Further investigation of CBD lanes policy to provide more adequate protection of lanes, particularly outside the retail core where only individual heritage overlays are relied upon
- Further investigation of aspiration policy for building height concentration in the central city, including key vistas and public view sheds for instance

Table 1: Urban design policy audit

Policy	Objectives	Theme	Planning Instrument Type
Clause 11.04-2 Settlement – Metropolitan Melbourne – housing choice and affordability	• To provide a diversity of housing in defined locations that cater for different households and are close to jobs and services	• Housing diversity • Program • Connectivity	• Includes objectives and strategies, as well as guideline requiring planning to consider Plan Melbourne
Clause 11.04-4 Settlement – Metropolitan Melbourne –Liveable communities and neighbourhoods	• To create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities – a strategy is to create more great public spaces, respect heritage and achieve and promote Design Quality	• Context – heritage • Public space • Design quality • Design Quality • Massing • Site Layout •	• Includes objectives and strategies, as well as guideline requiring planning to consider Plan Melbourne
Clause 12.05 Environmental Landscape values - Rivers	• To protect and enhance significant river corridors of metropolitan Melbourne – strategies include ensuring development is sensitively designed and sites to maintain environmental assets, avoid overshadowing of the river	• Context – river • WSUD • Overshadowing of public space • Site layout • Massing	• Includes objectives and strategies as well as policy guidelines to refer to (must refer to Controls for the Yarra River Corridor)
Clause 15.01-1 Built Environment and Heritage – Urban environment – Urban design	• To create urban environments that are safe, functional and provide good quality environments with a sense of place	• Design quality • Context – general • Diversity (housing and land use) • Design Quality • Public interfaces	• Includes objectives and strategies • Strategies include promote good urban design to make the environment more liveable and attractive and ensure new development or redevelopment contributes to…diversity and choice, the quality of living and working environments, accessibility, inclusiveness and sustainability. • No guidelines or other requirements
Clause 15.01-2 Built Environment and Heritage – Urban environment – Urban design principles	• To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties	• Context – general • Thermal comfort (sunlight) • ESD • Design Quality • Public interfaces • Massing	• Includes objectives and strategies. Strategies are based on the themes (general in nature). • Policy guidelines include consideration of GDHDRD, ACDG, SDG, UDC

Clause 15.01-3 Built Environment and Heritage – Urban environment – Neighbourhood and subdivision design	• To ensure the design of new subdivision achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods	• Urban structure • Housing diversity • Networks (open space, walking, cycling) • Design quality • ESD • Mixed use • Context – character	• Includes objectives and broad strategies • Strategies relate to the themes listed, for instance creating a strong sense of place, developing integrated mixed use activity centres
Clause 15.01-4 Built Environment and Heritage – Urban environment – Design for safety	• To improve community safety and encourage neighbourhood design that makes people feel safe	• CPTED • Connectivity • Urban structure • Site layout	• Includes objectives and broad strategies • Links to Safer design guidelines for Victoria (must consider)
Clause 15.01-5 Built Environment and Heritage – Urban environment – Cultural identity and neighbourhood character	• To recognise and protect cultural identity, neighbourhood character and sense of place	• Context – general • Site Layout • Massing	Includes objectives and broad strategies • Ensure development responds and contributes to existing sense of place and cultural identity • Ensure development recognises distinctive urban forms and layout and their relationship to landscape vegetation. • Ensure development responds to its context and reinforces special characteristics of local environment and place by emphasising natural landscape, heritage values and built form that reflect community design and the values, needs and aspirations of the community
Clause 15.02 Energy and resource efficiency	• To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.	• Site Layout • Program • ESD • Connectivity • Urban Structure	Includes objectives and broad strategies • Subdivision design improves efficiency in energy use • Greater renewable energy
Clause 15.03 – Heritage	• To ensure the conservation of places of heritage significance and cultural heritage significance	• Context – heritage • Views • Program • Massing	Includes objectives and broad strategies • Conserve places with value • Encourage appropriate development • Conserve or restore elements • Support adaptive reuse

			• CHMP required
Clause 16.01 Housing – Residential development	• To provide for a range of housing types to meet increasingly diverse needs • To deliver more affordable housing closer to jobs	• Housing diversity • Program • ESD • Design Quality	• Encourages medium density housing which improves housing choice, improves energy efficiency, supports opportunities for range of income groups
Clause 21.03 Vision	• A city for people, creative city, prosperous city, knowledge city, eco-city, connected city	• Urban renewal • Context – general • Urban Structure • Program • Site layout • Massing	Describes key issues: • Accommodate growth in urban renewal areas • Protect exiting built form and heritage • Housing diversity
Clause 21.04-1.2 Urban renewal areas	• Southbank, Docklands, Fishermans bend • Future: City North, Arden-Macaulay, E-Gate • Potential: Dynon, Racecourse Road, Jolimont • Stable: residential areas	• Program • Density	High-level vision • Southbank: high-density residential and commercial, human scale, fine grain, permeability • Docklands: Diversity of activities • Fishermans Bend: housing and jobs
Clause 21.04-2 Growth	• Provides for the anticipated growth in the municipality over the next 20 years • Directs growth to identified areas	• Program • Density • Context – strategic	Includes objectives and broad strategies
Clause 21.06-1 Urban Design	• To reinforce the City's urban structure • To maintain the designated Yarra River Corridor • To protect views in the City • To ensure the height and scale of development is appropriate to the identified preferred built form character of an area • To increase the vitality, amenity, comfort, safety and distinctive City experience of the public realm • To improve public realm permeability, legibility and flexibility •	• Views • Amenity • Context • ESD • Site layout • Urban structure • Design Quality • Public Interface • Program	Includes objectives and strategies. Varies in terms of levels of specificity (some specific some general). • Ensure the design of buildings and public spaces enhances the public realm and the pedestrian environment • Ensure built form and land uses promote surveillance of the public realm at all times • Support the use of materials resistant to graffiti • Ensure the design, height and bulk of development in the Urban Renewal Areas creates a high quality built form
Clause 21.06-2	• To conserve and enhance places and precincts of identified cultural significance	• Context – heritage • Views	Includes objectives and strategies, slightly less broad than State

Heritage		• Site layout • Public Interface • Massing	level • Conserve and enhance the fabric of identified heritage places and precincts • Support the restoration of heritage buildings and places • Maintain visual prominence
Clause 21.06-3 Sustainable development	• Create an sustainable urban environment • To make the built environment resilient to weather events • To encourage efficient resource use and waste reduction in the city • To encourage ESD and innovation	• ESD • Design Quality	Includes objectives and broad strategies • Design all new development to maximise the use of passive systems to achieve comfortable indoor conditions
Clause 21.07 Housing – Residential development	• To provide for new housing while preserving character • To ensure new dwellings are located and designed to protect residents from current and future off-site amenity impacts • Support a range of housing tenures, types and options to meet diverse housing needs	• Program • Diversity • Site layout • Massing	Includes objectives and strategies, slightly less broad than State level • Ensure new residential development achieves high standards of amenity including access to sunlight •
Clause 21.12 Hoddle Grid	• Support permanent and short term residential development in the Hoddle Grid that accommodates a diverse population • Encouraged complementary precincts • Retail core: compact, high density retail • Protect the regular grid layout, laneways and tree-lined boulevards • Ensure the Northbank of the Yarra has increased open space opportunities • Ensure tower buildings are well spaced and sited to provide equitable access to sunlight and outlook • Ensure contrast in scale of development along Elizabeth Street • Ensure humans scale at street level, especially in lanes • Ensure pedestrian use is given priority • Design of buildings enhances safety • Visual links to waterfront	• Context – general • Diversity • Density • Design Quality • Solar access – tower spacing • Scale and siting • Active transport • CPTED • Weather protection • Design Quality • Program • Urban structure • Public interface • Site Layout	• Includes statements, but not framed as objectives or strategies. Still provides guidance for development in a broad sense
Clause 21.13	• Support mix of uses with ground floor retail and small scale business	• Density • Land use	• Includes statements, but not framed as objectives or strategies. Still provide guidance for development in a

Urban renewal areas	• High rise tower development to the north of City Link • Medium scale development in Southbank village	• Views • Urban Structure • Program • Public interfaces	broad sense
Clause 22.01 Urban design within the CCZ	• To ensure that development responds to characteristics of CCZ • To enhance the physical character of streets, lanes and CCZ through sensitive and innovative design • To retain views into and out of Hoddle Grid and Southbank • To ensure developments contribute to a high quality public realm and passive surveillance of the public domain • To incorporate laneways and links to enhance permeability • To improve the experience of the city for pedestrians by providing a human scale street wall, weather protection, sunlight, shade, wind • To address the cumulative impact of the scale, setbacks and height of developments where multiple towers provide the precinct built form context or proposals • To provide adequate separation between towers to achieve sunlight to streets, internal amenity • To maintain identified special character areas where lower scale of development is appropriate • To encourage the early consideration and integration of public art into building design • To encourage the redevelopment of Southbank into a vibrant, mixed use area that includes smaller premises and establishes fine grain character	• Context – general • Design quality • Views • Public realm • Thermal comfort (Sunlight & Wind) • Tower separation • Southbank – land use mix • Siting, massing, heights • Site layout • Urban structure • Public interfaces • Massing	Includes objectives and policies. Medium specificity, but soft words (encourage, should). Includes design standards. • Encourage a street wall height which responds to the prevalent street wall context • Requires a setback to the street frontage for development above the street wall to maintain a pedestrian scale at street level. Higher street walls may be permitted if defining a main street corner • Encourage the lower portion of buildings to align to the street pattern and to respect the continuity of the street wall • Encourage buildings to be built to the street at ground level • Encourage the architectural treatment to distinguish the tower from the street wall through the use of a tower setback • Encourage a distinction between the street wall and towers through the use of tower setbacks. If an alternative design response is pursued it should include a complementary design approach. • Maintain the traditional and characteristic vertical rhythm of streetscapes • Respect the height, scale and proportions of adjoining buildings • Encourage buildings with a wide street frontage to be broken into smaller vertical sections • Encourage towers to be well spaced, to equitably distribute access to outlook, light • Tower separation should demonstrate that towers are offset and habitable room windows do not directly face one another and that consideration is given to development potential • Encourage development for new and refurbished residential and other sensitive uses to incorporate

			noise attenuation • Pedestrian through block connections should be provided where the average length of a street block exceeds 100m
Clause 22.02 Sunlight to public spaces	• To achieve a comfortable and enjoyable public realm • To ensure new buildings and works allow good sunlight access to public spaces • To ensure that overshadowing from new buildings or works does not result in significant loss of sunlight for pedestrians/public realm	• Thermal comfort (Solar access) • Public space • Public interface	Includes policies to assess proposals against. 'Must' for identified key places. 'Should' for others. • Development should not unreasonably reduce amenity of public spaces by casting shadows between 11:00-2:00 on 22 September
Clause 22.04 Heritage places within the capital city zone	• To conserve and enhance all heritage places, and ensure that any alterations or extensions are in accordance with conservations standards • To consider the impact of development on buildings listed in the Central Activities District Conservation Study • To promote identification, protection and management of aboriginal cultural heritage values • To conserve and enhance the character and appearance of precincts identified as heritage places and ensure new development compliments their character, scale, form and appearance	• Context – heritage • Building siting and Scale • Massing • Views	Includes policies with matters to consider, as well as statements of significance. Lists clear key attributes.
Clause 37.04 Capital City Zone	• Implements the SPPF and LPPF • To enhance the role of the Central City as the capital of Victoria and as an area of national and international importance • To recognise and provide for the use and development of land for specific purposes • To create through good urban design an attractive, pleasurable, safe and stimulating	• Land use • Program • Amenity	• Directs applications to schedule
Clause 37.04-1 Schedule 1 to the Capital City Zone	• To provide for a range of financial, legal, administrative, cultural recreational, tourist, entertainment and other uses that complement the capital city function of the locality	• Land use • Program • Amenity	Includes permit triggers
DDO 1	• To ensure ground floor frontages are pedestrian oriented and add interest and vitality to city streets. • To provide continuity of ground floor shops along	• Program • Public interfaces	Includes mandatory and discretionary requirements to manage building frontages along streets and lanes, for instance buildings must provide at least 5m of 8% of the street frontage as entry or

Active frontages	streets and lanes within the retail core. • To ensure ground floor frontages contribute to city safety by providing lighting and • activity.		window.
DDO2 Special character – Hoddle Grid	• To protect sunlight access to key public places and open space areas so as to provide a comfortable, pedestrian-friendly urban environment • To ensure that the height of new buildings reinforces the built form character of unique areas • To maintain the visual dominance of prominent landmarks • To protect the unique built form and public realm amenity	• Public realm amenity • Heritage • Building siting and scale • Massing	Includes design elements, requirements and built form outcomes that relate to the form of the building.
DDO4 Weather protection	• To promote pedestrian amenity on major pedestrian routes and areas. • To provide protection from rain, wind and sub, without causing detriment to building or streetscape integrity	• Public interface	Includes a requirement for a verandah for weather protection
DDO10 General development area – Built form	• To ensure development achieves a high quality of pedestrian amenity in the public realm in relation to human scale and microclimate conditions such as acceptable levels of sunlight access and wind • To ensure that development respects and responds to the built form outcomes sought\ • To ensure a level of development that maintains and contributes to the values public realm attributes of the central City Of Melbourne To ensure that new buildings provide equitable development rights for adjoining sites and allow reasonable access to privacy, sunlight, and outlook for habitable rooms	• Building scale • Massing • Public interfaces • Design Quality	Includes objectives, mandatory requirements and discretionary requirements
DDO14 – Queen Victoria Market Area (A6)	• Seeks to ensure that development in this area is consistent with Victorian low-scale character. Seeks a transition in scale from the market to the central city. Seeks to ensure that development is compatible with the scale and character of the Market and adjacent precincts. A16 is max 7m height limit.	• Site layout • Building massing	Includes objectives, requirements for a site analysis and urban context report. Includes specific maximum height controls and built form outcomes (discretionary).

DDO17 – Shrine Vista	• To ensure that the Shrine of Remembrance and its outline as viewed from Swanston Street is not obscured – vista control guides height.	• Site layout • Building massing	Includes mandatory height requirements
DDO40 – Special character areas – Built form (river environs)	• Seeks to ensure development supports high levels of pedestrian amenity related to access to sunlight and sky views and pedestrian friendly scale. Maintain low-scale river edge and sunlight access to the river. Includes overshadowing guidance. Triggers urban context report with context considerations, wind analysis 3D model.	• Site layout • Building massing • Public interfaces	Includes objectives, specific discretionary height controls and mandatory built form outcomes
DDO56 – CBD Lanes	• Seeks to maintain and enhance pedestrian amenity of lanes and to manage development along lanes to reinforce the human scale. Includes guidance on building heights and setbacks	• Site layout • Building massing • Public interfaces	Includes design objectives, maximum and preferred lane wall building height and mandatory setbacks.
DDO59 – North wharf precinct - Docklands	• Seeks to ensure new development responds to heritage, a balanced spatial relationship between built forms and the riverfront, recognise the site's location adjoining public open spaces, provide safe paths for pedestrians and cyclists through the precinct. States buildings must orient towards public space and the river, active edges are encouraged, building design	• Site layout • Building massing • Public interfaces • Design detail	Includes design objectives, mandatory built form outcomes, and some discretionary objectives.
DDO60 Special Character Areas – built form (Southbank)	• Seeks to ensure that the suitability of each building to context takes precedence over individual merits of the building, ensure development supports high levels of pedestrian amenity, maintain visual dominance of the spire, shrine.	• Site layout • Building massing	Includes objectives, preferred building heights and mandatory design objectives.
DDO51 – Batman's Hill Precinct	• Provides for a built form transition from the CBD towards Victoria Harbour and the Yarra River Corridor, and seeks to ensure that any new development is compatible with the scale and character of adjoining buildings	• Site layout • Building massing	Includes maximum building heights.

Appendix E – Legal Audit of Relevant VCAT Cases

Decision name and subject site	The facts	How the Tribunal applied Clause 22.01 (as it stood at the time of the hearing) [Footnotes deleted from quotes]
Peddlethorp Architects v Melbourne CC **[2010] VCAT 1694** **Subject land** **113-115 Little Lonsdale Street, Melbourne** **Land Description** The site is located on the south side of Little Lonsdale Street, about 60m west of the intersection with Exhibition Street. The site abuts Jones Land which runs along the western side of the site. The site has frontage of 8.67m and a depth of 21.34m. The site has an area of 185m². A two storey brick warehouse (currently used as an office) occupies the site.	**Proposal** Demolish a building to construct a 21 storey mixed use building (retail, café/restaurant, 92 serviced apartments). **Section 77 application (to review decision to refuse a permit).** The Responsible Authority did not support the application. Decision of Responsible Authority set aside (based on substituted plans) and permit granted. **Relevant controls, policies and provisions** Clause 22.01 Urban Design within the Capital City Zone Clause 37.04 Capital City Zone Schedule 1 Outside the Retail Core Clause 43.02 Design & Development Overlay Schedule 1 (Active Street Frontage Capital City Zone) Schedule 56 (CBD Lanes Class 1 & Class 2) It was common ground between the parties that the building height, setbacks and interface requirements could not be achieved on the review site because of the sites area and dimensions. **Reasons why the Responsible Authority, Melbourne City Council, did not support the proposal** The proposed height and lack of setbacks: - Detract from Jones Lane and Corporation Lane 0106 and would be contrary to Clause 22.01, Clause 22.20 (CBD Lanes) and	*Version of clause 22.01 [11/12/2008 – C105]* *This policy applies to land within the Capital City Zone.* *The policy has eight sections addressing: Building Design; Facades; City and Roof Profiles; Projections; Wind & Weather Protection; Public Spaces; Access & Safety in public spaces; Policy Implementation; Map 1 [existing plot ratio].* *Building Design: 'It is policy that the design of buildings is assessed against the following standards, as appropriate:'* *Maximum plot ratio for any city block within the Capital City Zone [with specified exceptions] should generally not exceed 12:1]* *Podium heights for towers [should generally be 35-40 metres]* *Towers above podiums [should be setback 10 metres from street frontages]* *Towers should be well spaced to equitably distribute access to outlook and sunlight between towers:* *- Development above 45 metres to be set back 24 metres from any surrounding podium- tower* *- Circumstances hen tower separation may be reduced* *- Design measures are required to attenuate against noise* **Does the proposal achieve an acceptable outcome having regard to the built form context of the locality and the policy context?**

Clause 43.02 Schedule 56 (CBD Lanes — Class 1 and 2).

- Detract from Little Lonsdale Street and surrounding properties and would be contrary to Clause 22.01 and Clause 37.04— Schedule 1 (Capital City Zone — Outside the Retail Core).

The proposed proximity and lack of setbacks:

- Detract from the amenity of the residential properties at 265 Exhibition Street Melbourne and would be contrary to Clause 37.04 — Schedule 1 (Capital City Zone — Outside the Retail Core) of the Melbourne Planning Scheme.

Determinative issues

- Does the proposal achieve an acceptable built form outcome having regard to the context of the locality and the policy context?
- Does the proposal contribute to unreasonable amenity impacts?

The Tribunal determined to grant a permit

[Paragraph 7]

The proposal will make a positive contribution to the character and amenity of Little Lonsdale Street and of the abutting laneways. We are also satisfied that the proposed building responds appropriately to the mixed character of this locality. A strict adherence to policies which encourage a podium - tower typology is neither achievable nor warranted in this case. Similarly we are satisfied that the design of this proposal has successfully met the specified tests which are required to be applied when a reduction to the tower separation policy is sought. Consequently the proposal will not give rise to unacceptable amenity impacts having regard to the planning scheme provisions which encourage this form of development in this locality. The amenity expectations of residents living within a

[Paragraph 14]

We acknowledge the policy support for the podium – tower building typology contained within the planning scheme. This building typology however is not the only typology which can be contemplated for every site within the central city. The objective of creating or maintaining pedestrian amenity and mitigating unwanted wind effects are capable of being achieved without relying on the use of podiums. The discretion available under the planning scheme to vary the provisions of the DDO56 and the policy framework reflects the reality that not all towers require a podium treatment. Objective 2.2 of the Guidelines for High Density Residential Development5 does advocate the use of setbacks and podium treatments, but it also states that *taller buildings without a podium level create a dramatic urban form and this may be appropriate on some sites where the local context can support this approach*. The context of this site allows such an approach to be taken.

Amenity impacts to residents of the abutting Regency Towers resulting from failure of the proposal to adopt a podium – tower building typology

[Paragraph 23]

As we have discussed previously, the policy at Clause 22.01 also provides for tower separations to be reduced where it can be demonstrated that towers are offset and habitable room windows do not directly face one another and where consideration is given to the development potential of adjoining lots.

The location and orientation of the balconies and habitable room windows of the proposed apartments

	central city context must be informed by those planning scheme provisions.	**were determined to be reasonable** [Paragraph 26-29] In terms of assessing the extent of the impact and whether it is unreasonable or not, it is necessary for us to say something about the assessment of amenity impacts in a central activity centre context. This is an issue which the Tribunal has commented upon many times. Mr Pitt referred us to the decision of the Tribunal in *Staged Developments Australia v Minister for Planning, Heritage Victoria & ors* which contained a detailed discussion about what constitutes reasonable amenity expectations for residents in a central city context. Ms Hansen referred to a decision of the Tribunal in *Calabro Pty Ltd v Melbourne CC* which reached the same conclusions about amenity expectations in a central city context. In that decision the Tribunal said; 'We agree with Mr Borelli's summation of the amenity issues raised by resident objectors that residents in the Capital city Zone cannot expect the same type of amenity standards that exist if the development was located in a Residential 1 Zone in the suburbs of Melbourne.' We note that the Council's Municipal Strategic Statement (MSS) also recognises that the types of amenity to be enjoyed by residents are different in different parts of the city. We acknowledge that some north facing apartments in Regency Towers will experience a loss of views as a consequence of the construction of a 21 storey building at 113-115 Little Lonsdale Street Melbourne. The views will not however be obliterated due partly to the dual

		orientation of the directly affected apartments. We must balance this impact against the raft of planning scheme provisions and policies applicable to this locality and which influence the development of land in the Capital City Zone. [Footnote 12 from this paragraph says: This is a principle which has been adopted, applied and reinforced consistently by the Tribunal over many years. See for example *Juliano, Furletti and Scott and Ors v Melbourne CC* (1999/19285), VCAT reference No. P2719/2006 *Investa Properties Pty Ltd v City of Yarra* (May 2007), *139 Chetwynd St Pty Ltd v Melbourne CC* [2004] VCAT 44 and *Stanley Street PL v Melbourne CC* [2004] VCAT 928. The Tribunal in the aforementioned *Staged Developments Australia v Minister for Planning, Heritage Victoria & ors*, also considers the specific issue of loss of views in a central city context].
CK Designworks v Melbourne CC [2011] VCAT 584 **Subject land** **276 – 284 Russell Street, Melbourne** **Land Description** The review site is located on the south eastern corner of Russell and Little Lonsdale Streets. Its shape is almost square; it has an area of	**Proposal** Demolition of existing building, construction of a 35 storey mixed use building (for shops, offices, and 154 dwellings). **Section 77 application (to review decision to refuse a permit).** The Responsible Authority did not support the application. Decision of Responsible Authority set aside and permit granted. **Reasons why the Responsible Authority (Melbourne City Council) did not support the proposal** The proposed built form: The combination of the proposal's height and lack of podium with upper level setbacks failed to comply with policy and would overwhelm the pedestrian experience.	*Version of clause 22.01 [11/12/2008 – C105]* *This policy applies to land within the Capital City Zone.* *The policy has eight sections addressing: Building Design; Facades; City and Roof Profiles; Projections; Wind & Weather Protection; Public Spaces; Access & Safety in public spaces; Policy Implementation; Map 1 [existing plot ratio].* *Building Design: 'It is policy that the design of buildings is assessed against the following standards, as appropriate:'* *Maximum plot ratio for any city block within the Capital City Zone [with specified exceptions] should generally not exceed 12:1]* *Podium heights for towers [should generally be 35-40 metres]*

383.3m2 and has frontages to Russell Street to the west, Little Lonsdale Street to the north and Hayward Lane to the east. To the south it abuts a row of two-storey commercial buildings. 'The immediate locality is perhaps typical of inner city Melbourne with a great variety of building styles, building heights and land uses, with the older built form being replaced by much more intensive newer development.'	Council considered the proposed development should be limited to 15-16 storeys. **Relevant controls, policies and provisions** Capital City Zone – Schedule 1 (CCZ1) Clause 21.05 – Table 4 – which identified the site's locality by default as one where 'substantial built form change is envisaged'. Clause 22.01 Urban Design within the Capital City Zone **Determinative issues** • Is the building too high for a site that is too small to provide upper-level setbacks above a lower-level podium? • Are the projecting balconies detrimental to the public space? • Would the building unfairly restrict the development potential of nearby sites or lead to an inevitable wall of towers along Russell Street? • Is the relatively blank southern wall acceptable? • Would the building cause unreasonable wind gusts at ground level? • Should the building include loading bays? • How to ensure that the constructed building achieves a high quality outcome? **The Tribunal determined to grant a permit** The Tribunal concluded that the building would provide an innovative architectural contribution to the City, that its height is acceptable and that in the circumstances of its design and location, it is acceptable that it not include upper-level setbacks; also, that other contested aspects of its design are reasonable. **The Tribunal decision summary**	*Towers above podiums [should be setback 10 metres from street frontages]* *Towers should be well spaced to equitably distribute access to outlook and sunlight between towers:* *- Development above 45 metres to be set back 24 metres from any surrounding podium- tower* *- Circumstances when tower separation may be reduced* *- Design measures are required to attenuate against noise* **The proposed building height and bulk** [Paragraph 24] Moreover, the relevant policies in Clause 22.01 are quite neutral on building height in the site's locality. The Planning Scheme provides neither encouragement for nor discouragement of taller buildings in this location. Strategies of Clause 21.08-1 merely seek to ensure that there is a strong distinction between the height of buildings in the CCZ1 and those in surrounding areas…. [Paragraph 27] Relevant objectives are set out in Clause 22.01 and, as is usually the case, are understandably but unhelpfully vague, referring only to a building "establishing its own identity", having "sensitive and innovative design", taking account of "the experience ... for pedestrians" and reflecting "appropriate design standards" for public spaces, buildings and circulation spaces. In order to

	We concluded that, because of other equally or taller buildings that are or will be built in the site's locality, that the height is acceptable and that for a number of reasons we considered that the lack of tower-podium typology was acceptable. Our reasons for this conclusion were that the site's development opportunity should not be sterilised by the adjoining small site, the lack of tower above a podium would not prejudice the amenity of pedestrians and any adverse wind conditions could be appropriately managed.	achieve these objectives, Council has framed many policies, many of which seem to us to be self-evident or uncontentious, e.g. buildings are to emphasise street corners, are to repeat the existing vertical rhythm of streetscapes, are to address both street frontages (if relevant), are to maintain important views. However, of particular relevance is Council's adoption of a 'tower-podium' typology that applies to <u>all</u> taller buildings on <u>all</u> street frontages.
	Appropriate permit conditions [Paragraph 79] In light of the importance to our acceptance of this building, we have added two additional conditions: one relating to the design of the southern wall's mural, the other requiring engagement, to the satisfaction of the responsible authority, of a suitably qualified architect and landscape architect to oversee relevant aspects of the development.	The Tribunal referred *Peddlethorp Architects v Melbourne* CC [2010] VCAT 1694, paragraph 14, in regard to the question of policy requiring a tower podium typology for all taller buildings. [Paragraph 29] We conclude that the same circumstances apply in this case and endorse the above opinion for the following reasons: • The lower four levels of the building are to be treated in ways that differentiate them clearly from the upper levels and provide a more visually interesting elevation closer to the pedestrians' level. • The building, with its innovative concept of the five hanging gardens, will create a dramatic element on this corner and, although it is not a corner of the same significance as the major City intersections, it will nevertheless provide good views of the building from close to middle distance along Russell Street and the hanging gardens will introduce a striking visual element that would potentially lift this building's contribution to the streetscape well above those around it.

- The lack of podium setback above 40 metres would, we believe, have no effect on nearby pedestrians and, in the context of a number of nearby tall buildings with little on no podium setbacks (existing or approved), provision of a podium or truncation of this building at 48 metres height would be, in our opinion, of little benefit.
- There are a notable number of nearby tall buildings that do not (or approved buildings that will not) have a podium on one or other street frontage, so that there is no clearly emerging building form of the podium-tower typology in this locality.
- Hayward Lane presently has no desirable pedestrian qualities and the Celsius building, to the south, is a tall building with no podium to the lane; in any case, we do not believe that a pedestrian nearby in this lane would be able to differentiate between the proposed building and the 48-metre alternative.

Policy allowing podiums to 35-40 metres

[Paragraph 30]

We have great difficulty relating the policy allowing podiums to 35-40 metres, or Mr Pryor's concession of 48 metres height, with anything approaching a human scale. As we were advised during the hearing, this podium level was a continuation of the historic 132 ft building height that applied prior to the planning schemes. It seems to us that such a podium height may create an attractive urban form if applied consistently in wide boulevards but we find it difficult to understand why it is considered to have any relationship with the human scale.

The Tribunal said at Footnote 6 they believed the podium level was a continuation of the historic 132 ft building height that was originally dictated by the maximum height of fire ladders. In regard to such a podium height in relation to the human scale, the Tribunal said at footnote 7 they suspected that this is one of those universal truths that is perpetuated because it has never been seriously questioned or tested, draws no basis from evidence and relies on acceptance on unquestioning repetition.

The weight given to policy that sought to limit the plot ratio of individual City Blocks

[Paragraphs 33 – 35]

For several reasons we also place no weight on the policy seeking to limit the plot ratio of individual City blocks to 12:1, in part because of its clear lack of current enforceability and in part because of a lack of any apparent nexus between the height of buildings on any site and overall urban form outcomes. In some respects, this policy is similar to the control that planning schemes apply to retail floor space in business zones, where a schedule to the zone can limit the total retail floor space in a retail centre to a specified total. This leads to a first-come-first-served situation as early-mover owners can increase their floor space towards the cap at the expense of others who might delay action. Any such control or policy requires the Council to monitor the growing retail floor space. That action is missing in this case, as

Council was not able to specify what the current development plot ratio for this block is, let alone how this proposal would affect it.

		Furthermore, if the desired plot ratio is an average that is applied across the whole block, then one would expect some sites to exceed the desired ratio while the development of others would be less. The fact of this proposal exceeding the 12:1 ratio is therefore, of itself, irrelevant. Finally, as noted above, we cannot see any clear nexus between this plot-ratio policy and any of the objectives of Clause 22.01. **The reasonableness of projecting balconies:** [Paragraph 42] We had difficulty in applying the four tests for projecting balconies in Clause 22.01. Clearly, the proposed balconies do not fit a prevailing pattern, but then there are no examples, to our knowledge, of a prevailing balcony pattern in high rise buildings and this is to be expected, given the individuality of architectural treatments of such buildings. The balconies are too high to contribute to public safety and, in our view, would rarely if ever be occupied. We had great difficulty understanding how to apply the concepts of ‘discrete’ and ‘prevailing’ to any balconies. They would certainly indicate the residential

		nature of the occupancy of the upper levels.
Australian Hotel Developments Pty Ltd v Melbourne CC [2013] VCAT 852 **Subject land** **33-35 King Street, Melbourne** **Land description** The review site is located on the southwest corner of King Street and Flinders Lane, Melbourne. The site is rectangular, with a frontage to King Street of 14.8 metres, a depth to Flinders Lane of 23.34 metres and an area of 346.4 square metres. The site is occupied by a two storey commercial building. The land is flat and is not constrained by any special features or encumbrances. The site is located at the western end of Melbourne's Central Activities District. Adjoining buildings are used for commercial and residential purposes and are up to six storeys. Nearby buildings	**Proposal** Demolish the existing building and develop a 36 storey building to be used for shops, offices and 137 dwellings. The building would have a height of 115.14 metres and be built to all boundaries. Parking for 24 bicycles would be available in a basement. No car parking would be provided. **Section 77 application (to review decision to refuse a permit).** **The Responsible Authority, Melbourne City Council, refused to grant a permit to demolish the existing building and construct a 43-storey building.** **The Tribunal affirmed council's decision, based on amended plans for a 36- storey (115 metre) building.** **Relevant controls, policies and provisions** Capital City Zone Schedule 1 Design & Development Overlay: Schedules 1, 3, & 4 **Reasons why the Council did not support the proposal** The development would have an overbearing impact on the public realm and would overshadow the Yarra River corridor between 11am and 2pm at the winter solstice.	*Version of clause 22.01 [05/07/2012 – C170]* *This policy applies to land within the Capital City Zone excluding Schedule 4 to the Capital City Zone (Fishermans Bend Urban Renewal Area).* *The policy has eight sections addressing: Building Design; Facades; City and Roof Profiles; Projections; Wind & Weather Protection; Public Spaces; Access & Safety in public spaces; Policy Implementation; Map 1 [existing plot ratio].* *Building Design: 'It is policy that the design of buildings is assessed against the following standards, as appropriate:'* *Maximum plot ratio for any city block within the Capital City Zone [with specified exceptions] should generally not exceed 12:1]* *Podium heights for towers [should generally be 35-40 metres]* *Towers above podiums [should be setback 10 metres from street frontages]* *Towers should be well spaced to equitably distribute access to outlook and sunlight between towers:* *- Development above 45 metres to be set back 24 metres from any surrounding podium- tower* *- Circumstances when tower separation may be reduced* *- Design measures are required to attenuate against noise* Aside from noting that clause 22.01 and clause 22.20

are up to sixty-three storeys (Rialto). The Yarra River and its parklands are within 200 metres to the south. New development is underway in the vicinity of the review site. This includes buildings of 30 storeys at 559-587 Collins Street, 29 storeys at 534 Flinders Street, 69 storeys at 568 Collins Street and 32 storeys at 556 Flinders Street.	The development would not provide a well designed façade to the south that would be suitable for a prominent site on the city skyline and at a gateway location. The proposal would be an overdevelopment of the site. **Determinative issues** • Would the height of the building be acceptable with regard to off site impacts? • Would the development be an acceptable design given its prominence in the skyline? • Would the development provide equitable development opportunities? **The Tribunal determined to refuse a permit** [Paragraph 51-52] We have carefully weighed these arguments. We believe that this is generally a well conceived building. It is a tall slender building that is well articulated. Whilst it does not have a tower set back from a podium, it has active glazed frontages at street level and then a podium like more solid lower section. The upper facade is lighter, broken down into two sections that do not compromise its slenderness but simply articulate it. The randomness of the box like window projections is subtly playful and adds interest. It is finished off with a recessive golden cap. The subject of architectural quality is discussed at the Tribunal repeatedly. It is subjective and it is our role to listen to the arguments put to us and to determine what is acceptable. In this	encourage improvements through good design to the quality and character of Melbourne's streets and lanes, specific references to clause 22.01 are limited in this decision. **Planning Policy Framework direction** [Paragraph 23] We conclude from our overview of policy that the policy framework supports a more intensive development on the site as the CBD is identified as the preferred location for the greatest variety of uses, its excellent proximity to services, public transport, employment and recreation facilities. [Paragraphs 24 -25] However, we think that the policy framework proposes that development within the Hoddle grid is to be constrained by, and be responsive to valued features nearby. Achieving the above outcomes should not be at the expense of the amenity of the river, its environs and other public spaces, given they are a fundamental part of Melbourne and make a significant contribution to the city's amenity. Policy also places a high benchmark on the design quality of buildings that face the Yarra River. Whilst intensive residential and mixed use development is supported, the amenity of existing and future residents is also a determinative matter, recognising they will be living in a bustling and robust central city.

	instance, we are persuaded that this design is more than merely acceptable. It is a logical solution to the opportunities and constraints that would have been presented to the designer. The Tribunal was concerned with views of the building within the cityscape from Kingsway because any substantial building would play a prominent role in this gateway view. The Tribunal agreed with Council that this south elevation demanded a high quality response to contribute to the Melbourne skyline. It was also concerned the proposal would not provide equitable development opportunities [Paragraph 66] Whilst this development achieves many of the outcomes sought by planning policy, we have concluded that further design improvements are needed to eliminate the shadows onto the Yarra River corridor, the resolution of the south façade and the natural light and ventilation to the southern bedrooms. We consider these improvements cannot be addressed through permit conditions.	**Acceptability of the proposed design given it's prominence in the skyline** Policy (decision says clause 21.08) encourages new development to add architectural interest to the City's skyline. [Paragraph 46 - 47] Clause 21.08 encourages new development to add architectural interest to the City's skyline. Tall buildings should promote a human scale at street level, especially in narrow lanes and provide a context for heritage buildings. Local polices encourage: • All visible sides of a building to be fully designed. • Blank walls visible from the street and public streets to be avoided. Generally these policy outcomes are to be achieved by a podium and tower form, with a podium street wall of 35 to 40 metres and the tower component setback 10 metres to deflect wind from the street below. Mr Kelly's evidence was that the building should meet these policy objectives and Ms Collingwood suggested that the Tribunal should not give this application special treatment because it cannot be achieved on this small site.

		Equitable development opportunities [Paragraph 59] However, if development occurs to the south, we think it inappropriate that the small second bedrooms lose their natural light and ventilation. Firstly the Tribunal has dealt with this issue in many matters and it is now a well established principle that two bedroom dwellings require direct access to natural light and ventilation to both bedrooms to provide acceptable internal amenity. Secondly we are also not persuaded that sealing windows to rooms used for bedrooms would be readily accepted by the owners or residents of those dwellings, particularly if they have enjoyed natural light ventilation and views for some time. Hence the inclusion of second bedrooms that rely on windows to the south needs review.
Branson Group Pty Ltd v Melbourne CC [2014] VCAT 1034 **Subject land:** **11-13 Hancock Street Southbank** **Land description** The review site is a rectangular shaped lot with a frontage of 8.13 metres, a depth of 20.73 metres and an area of 168m^2. The site also abuts laneways along the southern and eastern boundaries.	**Proposal** Demolition of the existing building, and construct a 33 storey building for 56 dwellings, 4 car spaces and 56 bike spaces. **Section 79 application (failure to grant within the prescribed time).** **The Responsible Authority, Melbourne City Council, opposed the application for these reasons** Absence of tower-podium form and inadequate setbacks The overall height Projections over the title boundary Not maintaining development opportunities on adjoining sites Failing to achieve a 5 star green energy rating	*Version of clause 22.01 [20/06/2013 – C171]* *This policy applies to land within the Capital City Zone excluding Schedule 4 to the Capital City Zone (Fishermans Bend Urban Renewal Area).* *The policy has eight sections addressing: Building Design; Facades; City and Roof Profiles; Projections; Wind & Weather Protection; Public Spaces; Access & Safety in public spaces; Policy Implementation; Map 1 [existing plot ratio].* *Where Schedules 1 or Schedule 2 of the Capital City Zone apply, it is policy that design of buildings is assessed against the following standards, as appropriate:'* *Maximum plot ratio for any city block within the Capital city Zone [with specified exceptions] should generally not*

Determinative issues

- Whether a 103 metre high tower that does not adopt a podium tower form is an acceptable design for this site.

The Tribunal determined to grant a permit

[Paragraph 43]

Despite Council being concerned about the lack of a podium/tower building, we consider that the proposal is an acceptable response to the unusual site context and that it will further the broader policy outcomes for this urban renewal area which has been recognised as a *dynamic extension of the central city*. As such we consider that the proposal does achieve a net community benefit.

The Tribunal was prepared to accept the projecting architectural elements on the south and west sides of the building, but not the extension of balconies into airspace above Hancock Street.

Zones, overlays, policies and provisions

Capital City Zone Schedule 3 (CCZ3)

Design Development Overlay DO5

Design Development Overlay DDO60

Land Subject to Inundation Overlay (LSIO)

Parking Overlay (POI)

Clause 22.01 Urban Design within the Capital City Zone

[Schedule 3]

exceed 12:1]

Podium heights for towers [should generally be 35-40 metres]

Towers above podiums [should be setback 10 metres from street frontages]

Towers should be well spaced to equitably distribute access to outlook and sunlight between towers:

- Development above 45 metres to be set back 24 metres from any surrounding podium- tower

- Circumstances when tower separation may be reduced

- Design measures are required to attenuate against noise

Separate objectives and building design policy for Schedule 3 of the Capital City Zone.

Relevant Planning controls and policies

[Paragraph 11]

Clause 22.01 is policy for urban design within the Capital City Zone. It includes both general objectives and others specific to the Schedule 3 area. The section on building design makes a distinction between Schedules 1 and 2, and Schedule 3. Importantly there are references to podiums, towers, plot ratios and tower separation for Schedules 1 and 2 but not for Schedule 3. We consider that this difference across Schedules is not accidental, and that they acknowledge the much greater diversity in lot sizes and street orientation in Southbank which is in contrast to the Hoddle Grid in the original city centre. However those differences are not then carried through to the discretionary controls in DDO60 which do include references to podiums and tower separation. Clause 22.01 also includes policy for a number of other design elements including relevantly to this proposal, facades,

		projections and wind protection. *DDO60, which followed DDO39* [Paragraphs 12-13] …Whilst we accept that DDO39 has clearly influenced the buildings that have and are being constructed in this area, it is also correct that the discretionary nature of the controls have allowed buildings to be approved which did not meet the discretionary height and setbacks included in the Table to Schedule 39. On our inspection we were able to observe some of those examples which have been constructed. …DDO60 is a longer and more complex control than DDO39. We found it a poorly written provision and difficult to interpret. We suspect this is because of the way in which it has been modified at different stages prior to gazettal. Changing from a mandatory to a discretionary control is not just as simple as changing the word 'must' to 'should'. For example, the reference to both 20 and 10 metres for tower separation in Table 2 is difficult to interpret in a sensible way. **Should there be a podium with a tower set back** The Tribunal referred to the above 2 decisions (*Peddlethorp Architects* and *CK Designs*) and agreed with the general principles expressed in paragraph 14 of *Peddlethorp Architects,* that despite the policy support for

		the podium-tower typology in the planning scheme it is not the only typology which can be contemplated for every site within the central city. [Paragraph 21] Aside from the discretionary nature of the DDO60, in the present case, we think a departure from the podium-tower typology is the preferable response in the circumstances for the following reasons: • Firstly, we are reminded of the sentiments expressed by the panel in supporting the application of discretionary rather than mandatory DDO provisions, observing that this area is characterised by its irregular street pattern and lot sizes, as distinct from the regular CBD grid. A one size fits all approach is inconsistent with the imperative to achieve a design response that is contextually appropriate. • Secondly, if the design objectives can either be met by the application of an alternative building typology or at the very least, the effects of doing so are neutral, then we think discounting the alternative would be an unfortunate outcome that has the potential to stifle diversity and creative design that is such an intrinsic part of Melbourne's rich architectural history. • Thirdly, given the varied lot sizes and street pattern in this area, there is little consistency in the newly emerging built form that might otherwise justify a consistent application of this

typology. We note that there is no specific encouragement for site consolidation, unlike other parts of the municipality.

- Fourthly, the site's modest proportions with a width and depth of 8.13 metres and 20.73 metres do not readily lend itself to the preferred tower setbacks of 10 metres above a 30 metre podium. To do otherwise would severely curtail the reasonable development potential of the site in a policy and strategic framework where there is considerable support for substantial change in an area earmarked as an extension of the CBD.

- Fifthly, there would be no unreasonable off-site amenity impacts arising from the adoption of the built form as proposed.

- Sixthly, the introduction of the winter garden levels with different coloured glazing throughout several levels of the building together with the proposed decorative elements, particularly to its more exposed west side, provides visual interest and a breaking up of the building form that we think will achieve a dynamic feel. Notwithstanding, we also agree with Mr Smyth's suggestion of creating a stronger tonal contrast between the lower 30 metre podium and the levels above as a means of anchoring and giving the building base a more solid feel.

- Finally, there would be no unreasonable impact on equitable development opportunities for surrounding land – equitable does not mean equal and we accept that there will remain many

		development options for land to the east and west involving some separation between this building and future buildings. Thus, we are unable to conclude that the absence of a podium-tower typology will undermine the broader strategic and urban design objectives sought for this precinct.
338 Queen Street Pty Ltd v Melbourne CC [2014] VCAT 1384 **Subject land** **338 Queen Street Melbourne** **Land description** The subject land is a small lot at the north-east corner of LaTrobe and Queen Streets. It has street frontages of 21.7 metres by 13.4 metres, with an area of 288m^2. It contains a four storey office building. To its north-east, at No. 360 LaTrobe Street, is a two storey building. A lane is to the north-west and then an office complex with a distinctive octagonal tower. The topography generally falls along LaTrobe Street to the east to the west.	**Proposal** Demolish a building graded 'D' in the Council's heritage study, and construct a 37 storey building for office and retail use. **Section 79 application – failure to grant within the prescribed time.** **Substituted plans** **Relevant controls, policies and provisions** Capital City zone (Schedule 1) Design and Development Overlay (DDO1 Area 2) Parking Overlay (PO1) Clause 22.01 Urban Design within the Capital City Zone **Reasons why the Responsible Authority (MCC) did not support the application.** The proposed built form: The design of the proposed building, including the singular form rising to 141 metres; the two storey 'gusset; and that the built form was proposed to all of its boundaries. The height of the building: It was considered to be too high because it would dominate the street corner and intersection, did not relate to the podium or podium character on the other three corners of this	*Version of clause 22.01 [20/06/2013 – C171]* *This policy applies to land within the Capital City Zone excluding Schedule 4 to the Capital City Zone (Fishermans Bend Urban Renewal Area).* *The policy has eight sections addressing: Building Design; Facades; City and Roof Profiles; Projections; Wind & Weather Protection; Public Spaces; Access & Safety in public spaces; Policy Implementation; Map 1 [existing plot ratio].* *Where Schedules 1 or Schedule 2 of the Capital City Zone apply, it is policy that design of buildings is assessed against the following standards, as appropriate:'* *Maximum plot ratio for any city block within the Capital city Zone [with specified exceptions] should generally not exceed 12:1]* *Podium heights for towers [should generally be 35-40 metres]* *Towers above podiums [should be setback 10 metres from street frontages]* *Towers should be well spaced to equitably distribute access to outlook and sunlight between towers:* *- Development above 45 metres to be set back 24 metres from any surrounding podium- tower* *- Circumstance when tower separation may be reduced*

	intersection, and would disrupt the emerging character of this part of the central city. Council considered a building 80 metres in height to be more appropriate if there is no podium setback **Determinative issues** • How much and what form of development can be accommodated on a small site in the heart of Melbourne? **The Tribunal determined to refuse to grant a permit** The tribunal was not concerned in principle with the proposed height of the building. [Paragraph 44] We have no concern, in principle, with a tall building to the height proposed. There is an existing and emerging character of 100+metre buildings. The Tribunal was concerned with the scale and presentation of the eastern boundary wall as see in the cityscape as well as views along Latrobe Street and in the wider scale. The Tribunal was concerned with the proposed design, namely the scale and presentation of the eastern boundary wall as seen in the cityscape as well as views along LaTrobe Street and in the wider locale. The Tribunal was also concerned about the manner in which the external materials of the proposed tower visually blended in with the podium and added to the perception of building mass close to the	*- Design measures are required to attenuate against noise* ***Separate objectives and building design policy for Schedule 3 of the Capital City Zone.*** **How should the planning context be applied?** [Paragraph 13] The "norm" cited in Clause 22.01 is focussed on a podium-tower format for tall buildings. The objectives being pursued by this design approach are expressed in the Clause and focus on the urban form, identity and quality of the public realm experience. The urban design rationale or philosophy is woven through Clauses 21 and 22.01. [Paragraph 17] Consistency in the application of policy such as Clause 22.01 is a means by which the strategic outcome is pursued and achieved over time. However: • It is well understood that the policy is not mandatory and not to be applied blindly. • The policy offers circumstances where the identified "norm" may be departed from including emphasising a street corner. • Similarly, the *Guidelines for Higher Design Residential Development* identify contextual considerations as relevant. Taller buildings without a podium level create a dramatic urban form and this may be appropriate on some sites where the local context can support this approach. • As is the case before us, there are sites where the podium-tower format referred to in the policy cannot be achieved because of the lot configuration and/or physical size.

	street frontages. [Paragraph 51] Overall, it is self-evident that the proposal does not adopt the typology preferred in policy and has no scope to do so. Having assessed the design response and the physical context, as well as approved and likely development outcomes, we are not persuaded that the site's circumstances on a main street corner in the Hoddle Grid, or the merits of the architectural response, would enhance the public realm. Rather, we find that approval of this permit application would result in an outcome that would detract from the pedestrian experience. This may be in an incremental manner, but each permit application is, in its own way, required to contribute to the outcomes described in the Scheme to achieve a net community benefit. On our assessment, other positive elements of the permit application are not outweighed by the disproportionate physical impact of the proposed design and form in the site's physical and planning settings.	[Paragraphs 18 –19] Our observation of the city and its evolution over the last two to three decades leads us to conclude that there has been a fairly consistent application and approach in the implementation of podium/towers that incrementally contribute to the achievement of the quality of street environment for which Melbourne is recognised. That is not, however, to suggest that this is the only form of development or that the podia are uniform in their height and depth. There are recent examples of tall buildings on small sites and/or without the podia "norm" such as the Australian Institute of Architects Phoenix and CK Designworks. The latter was considered by another division of the Tribunal There have been numerous other Tribunal decisions dealing with tall buildings in the heart of Melbourne. We agree with some key points made in those decisions notably: • The podium-tower form is preferred in policy and some controls. • The distinguishability of a podium will depend on its architectural treatment as well as its/any setback. • Buildings without a podium level can be supported in certain local contexts. Relevant contextual considerations can include o The manner in which the architectural treatment differentiates from the upper levels, achieves a podium appearance, and provides a visually interesting elevation for pedestrians. o Where on a corner, the manner in which the

corner itself is treated.
- The presence or absence of podia associated with nearby buildings.
- The consistency of podia heights/forms.
- The likelihood of future development having podia.
- The nature of the pedestrian environment and vantage/viewing points[16].
- Other influences such as the presence of heritage fabric.

The design response

[Paragraphs 31- 34]

Before explaining our detailed findings, it is necessary for us to comment on several points that underpin our assessment.

First, our role is to assess the proposal having regard to what the Scheme is seeking to achieve and what it is seeking to avoid. We make this point given questions asked rhetorically at the hearing such as “what does it matter?”, “what is the harm?” and “why not?”. It was also said that decisions such as the one we are required to make in this proceeding are not ones of “life and death”. That may be true. However, our decision must be founded on the outcomes sought by the Scheme. It is not founded on personal or individual preferences. Nor is it appropriate to override outcomes sought by the Scheme unless balancing competing objectives to achieve a net community benefit.

Second, planning is about managing change. A single

development application may not, alone, appear to have a substantial consequence but the cumulative impact of decisions can work to undermine the desired objectives.

Third, it is common ground that the proposed building cannot be modified, such as by permit conditions, to provide setbacks or a podium by setbacks. That would “kill” the project because it would leave too little net lettable floorspace on each level when also taking into account the need for three lifts as referred to by the project architect in describing the plans at the hearing.

[Paragraph 40 – 41]

We find the site’s immediate setting, its relationship with other buildings at the intersection, and its appreciation when seen in the streetscapes as most relevant to our assessment. These are all part of the pedestrian experience. There are close views adjacent to and near to the site, views from other corners at the LaTrobe and Queen Street intersection, and views from the west looking downhill as well as from the east looking uphill from both sides of LaTrobe Street. We have assessed viewlines along Queen Street looking to and from the subject land from both sides of the road. We have considered existing and approved development and likely future development in close proximity to this proposal as discussed in submissions and expert planning and urban design evidence.

		The broader cityscape and the manner in which the Hoddle Grid is developing are relevant but of lesser influence or weight in this case. We believe that our approach is consistent with the local contextual considerations to which the Scheme directs. However, we have had regard to the common ambitions for the Hoddle Grid and city more broadly.
Creative Wealth (Aust) Pty Ltd v Melbourne CC [2015] VCAT 1522 **Subject site** **1-5 Queen Street, Melbourne** The subject land is located on the south west corner of the intersection of Queen Street and Flinders Street in central Melbourne. The land has frontages of 19.2 m and 37.7 m to Queen and Flinders streets respectively. The land has an area of 740 m². To the north in Queen Street is a B grade building (Bennalong House) and further north is an A grade building (Lombard House) which is also on the Victorian Heritage register.	**Proposal** Demolish interior of the (existing) Fletcher Jones building and reinstate the three street façades of the building (including rebuilding the Queen Street façade in its entirety), and construct a 23 storey tower over 3 basement levels within the facades. The new building would have retail, restaurant, a gymnasium and 72 dwellings. **Section 77 application to review decision to refuse a permit** **Respondent** Bennelong Foundation Section 77 application: refusal to grant a permit. **Relevant controls, policies and provisions** Capital city zone (CCZ1) Heritage Overlay (HOxx) Design & Development Overlay (DDO1 & DDO 10) **Reasons why the Responsible Authority (Melbourne City Council) did not support the application.**	*Version of clause 22.01 [29/01/2015 – C225]]* *This policy applies to land within the Capital city Zone excluding Schedule 4 to the Capital City Zone (Fishermans Bend Urban Renewal Area).* *The policy has eight sections addressing: Building Design; Facades; City and Roof Profiles; Projections; Wind & Weather Protection; Public Spaces; Access & Safety in public spaces; Policy Implementation; Map 1 [existing plot ratio].* *Where Schedules 1 or Schedule 2 of the Capital City Zone apply, it is policy that design of buildings is assessed against the following standards, as appropriate:'* *Maximum plot ratio for any city block within the Capital city Zone [with specified exceptions] should generally not exceed 12:1]* *Podium heights for towers [should generally be 35-40 metres]* *Towers above podiums [should be setback 10 metres from street frontages]* *Towers should be well spaced to equitably distribute*

The existing building on the land is a C grade early Victorian building that has undergone various phases of alteration. Alterations done in 1955 and in the 1970's resulted in the substantial removal or concealment of heritage fabric on the building façade.	Heritage building concerns, including that the proposal was contrary to the Heritage Overlay and Clause 15.03 & 22.04, and that the proposed levels of demolition to the existing heritage building were unacceptable and that what was proposed would result in dominance over the heritage place and diminish the importance of adjoining heritage properties to the north. Also, the proposal failed to respond to the immediate surrounds or adequately consider the possibility of potential development of adjoining or nearby sites. It is contrary to Clause 22.01 Urban Design within the Capital City Zone **Determinative issues** • The nature of the proposed restoration of the existing facades [Council argued that restoration should be back to the condition of the facades immediately after alterations made by Mercantile Mutual in 1912.The applicant proposed restoration to the condition of facades immediately after alterations made by Fletcher Jones in 1955]. • The visual relationship between the existing facades ad the visible parts of the new building • The four level transition and the tower above. **The Tribunal determined to grant a permit, reliant on substituted plans that reduced the proposed height to 23 levels (thereby addressing council's concerns re unreasonable shadow impacts to the Yarra River environs).** [Paragraph 4] For the reasons set out below we have decided to direct the grant of a permit having concluded that: i.the proposal to reinstate and alter the facades of the	*access to outlook and sunlight between towers:* *- Development above 45 metres to be set back 24 metres from any surrounding podium- tower* *- Circumstances when tower separation may be reduced* *- Design measures are required to attenuate against noise* ***Separate objectives and building design policy for Schedule 3 of the Capital City Zone.*** **Amendment C262** [Paragraph 44] …the primary purpose of which is to introduce interim development controls for a 12 month period to enable development of permanent provisions. The new controls are largely mandatory but transitional provisions apply to permit applications made prior to the amendment date. - [Paragraph 50 -54] <u>Planning policy</u> exists to guide the exercise of discretion. Most planning issues involve a consideration of a wide number of policies, individual policies must be applied as appropriate, balancing competing considerations found in the policy framework. For this reason it is unusual for policies to use language which would imply some form of mandatory requirement, because such language gives a false impression which may be inconsistent with the ultimately preferable outcome in any particular case. The mandatory nature of the amended policy in respect of Street setbacks above podium level is perhaps understandable in this case because the policy is part of a

existing building in accordance with Façade Conservation and Rebuilding Plans by Lovell Chen Architects & Heritage Consultants would result in an enhancement of the heritage place;

ii. the transitional element of the building, levels 2 to 5, is not unacceptably overbearing, by the character of its architecture and proposed materials positively distinguishes itself from the heritage building, and provides a useful separation between the heritage building, and the tower above;

iii. the proposal to incorporate a reverse taper in the facade to Flinders Street is unsatisfactory from a heritage perspective because of the risk of the tower being perceived as overwhelming or distracting from the heritage building and that therefore a simpler, straight, building is to be preferred.

In regard to the period of restoration

[Paragraph 16]

We are not convinced that there is any sound basis to pick between any of the three important phases of this building's life on the basis of architecture. If the 1870 to building remained intact it would probably be of greater heritage significance than either of the other two phases primarily because of its age, and therefore its rarity. However, no one advocates an attempt to restore the building to this phase. The remaining phases are representative of the adaptation of the building for differing commercial purposes over time. In our mind this leaves us with a simple proposition, the restoration of the building to the 1955 state is to be preferred because it reduces the extent to which extant fabric need to be altered and reduces the extent to which restoration must be based on educated assumptions about the actual state of the building at the preferred period.

broader amendment to the planning scheme which includes the introduction of a planning control, DDO10, which imposes a mandatory Street setback consistent with the policy. However, this mandatory provision is subject to the transitional provisions.

Council is correct that clause 22.10, as amended, is a relevant consideration in the determination of this application. However, it is desirable that we adopt a purposeful approach to the interpretation of the amended policy. Taken literally, the approach recommended to us by Council would subvert the clear intention of amendment C262 in respect of pre-existing planning permit applications.

When the application was originally made, street setbacks above podium level were to be assessed in a context where planning policy expressed a preference for 10 m setbacks. The amendment C262 changes will, in the interim at least, remove the need for any contextual consideration of this issue, a lesser mandatory provision will apply. We consider that for transitional cases the decision maker is still required to adopt a contextual approach balancing considerations in respect of heritage, urban design, amenity, economic development, equitable development, et cetera. Therefore, amendment C262 has made little difference to the approach we must adopt in relation to street setbacks above podium levels in this transitional case.

		For similar reasons we do not consider that in the context of this transitional application, the changes which have resulted from amendment C262 make any significant difference to the decision makers approach to setbacks to Bennelong House. Equitable development was, and remains an important consideration. In this case, we consider that the absence of north facing habitable room windows, the generous and setback to Queen Street and the overall depth of the tower, east to west, ensures that the proposed building does not unreasonably compromise the development potential of the land occupied by Bennelong House.
141 Latrobe Street Development Pty Ltd v Melbourne CC [2015] VCAT 1524 **Subject land** **141 La Trobe Street and 25-27 Bennetts Lane Melbourne** The land is on the south side of La Trobe Street, between Russell Street and Exhibition Street. It comprises three parcels. It has a frontage of 14.12 m to La Trobe Street. It is irregular with a maximum depth of 29.5 m and an area of 437 sq m. It has an effective frontage of about 11 m to Bennetts Lane. There is a two-storey building at both 141 La Trobe Street and 25	**Proposal** Mixed use building of 44 storeys (plus one basement and roof top plant) containing 177 apartments (comprising 22 studios, 60 one-bedroom apartments and 95 two-bedroom apartments) and two shops. The proposed building has a podium and tower typology and has an overall height of about 136 m. **Section 79 application to review Council's failure to grant a permit within the prescribed time.** **Relevant controls, policies and provisions** Capital City Zone, Schedule 1 Design & Development Overlay (DDO10) – does not apply to this application (Interim Controls apply).	*Version of clause 22.01 [04/09/2015 – C262]* *This policy applies to land within the Capital City Zone excluding Schedule 4 to the Capital City Zone (Fishermans Bend Urban Renewal Area).* *The policy has eight sections addressing: Building Design; Facades; City and Roof Profiles; Projections; Wind & Weather Protection; Public Spaces; Access & Safety in public spaces; Policy Implementation; Map 1 [existing plot ratio].* *Where Schedules 1 or Schedule 2 of the Capital City Zone apply, it is policy that design of buildings is assessed against the following standards, as appropriate:'* ***Maximum site plot ratio should not exceed 24:1 and the maximum plot ratio for any city block within the Capital City Zone should generally not exceed 12:1*** *Podium heights for towers [should generally be 35-40*

Bennetts Lane but 27 Bennetts Lane is vacant.	**Reasons why the Responsible Authority, Melbourne City Council, did not support the proposal** It considered it was too tall for a relatively small mid-block location at the edge of the Hoddle Grid and that its tower setback and architectural treatment were insufficient to distinguish it from the podium. It considered the side setbacks were insufficient and unreasonably shifted the load to adjoining lots for achieving adequate tower separation. This, it maintained, created inequity with respect to opportunities for adjoining land to be equitably developed in the future. Unsatisfactory internal amenity and unreasonable external amenity impacts. **Determinative issues** It was not in dispute that there is a compelling strategic policy context for redevelopment of this land because it is located in the *Central City Zone*. The main issues were how the proposal responds to other policies in the scheme, particularly urban design/built form policies. Those issues were: • Podium and tower height,	*metres]* *Towers above podiums [should be setback* **5 metres** *from street frontages]* *Towers should be well spaced to equitably distribute access to outlook and sunlight between towers:* *-* ***Addition of further detail*** ***-*** *Design measures are required to attenuate against noise* *(Removed - Circumstances when tower separation may be reduced, and* *Development above 45metres to be setback 24 metres from any surrounding podium development).* ***Separate objectives and building design policy for Schedule 3 of the Capital City Zone- now include the addition of maximum site plot ratio within DDO10.*** **Amendment C262** (which introduces DDO10 into the planning scheme – but which does not apply to this application) **Referring to 22.01 'Building Design' and 43.02** [Paragraphs 8 -10] The main relevant features of the Amendment as they affect the land in the proceeding are revised urban design policy and new built form controls. The revised urban design policy, in relation to building design, includes amended design standards. These standards are policy and apply in the CCZ1 'as appropriate'. They include that a maximum site plot ratio 'should not exceed 24:1', that towers above podium 'must be setback a minimum of 5 metres from street frontages'

	• Tower setbacks and separation, • Equitable development opportunities for adjoining land • The design of walls on boundaries. The Tribunal was concerned about the internal amenity of some apartments and required design changes by way of permit conditions. Generally, the Tribunal considered the internal amenity, including useable space and that 20% of the 171 apartments relied on borrow light, and the lack of private open space (balconies) for tower apartment to be acceptable. The Tribunal was concerned about dominant, oblique views of the proposed building from the east and west in La Trobe Street; and the minimum tower setbacks from La Trobe Street insufficient. The Tribunal had various other concerns, including: [Paragraph 39-41] Even though we support the tower on the west boundary in this proposal, we are troubled by the unsatisfactory appearance of the podium and tower wall. It will, of course, remain in view from the west until an abutting tower is approved and constructed on land to the west. We are also troubled by the unsatisfactory appearance of the east-facing podium wall where it projects above the abutting five-storey building. In the plans, the podium walls have a monochromatic medium-tone applied finish and the tower has a dual colour (light and medium tone) in a geometric arrangement in a series of triangles. The tower wall has two other features. The first is a triangle of	(replacing a standard that they 'should be setback 10 metres'), and that there should be tower separation when considering potential of adjoining lots. As well, the standard that development above 45 metres in height being setback 24 metres from any surrounding podium-tower development was removed. The new built form controls have specified design objectives. These include, in general terms, pedestrian amenity, sunlight access, respect for CBD urban structure, consistency with infrastructure (including footpath) capacity, maintaining public realm attributes and equitable development opportunities and high levels of internal amenity. **Built form - maximum site plot ratio** [Paragraph 21] The revised policy for a maximum site plot ratio of 24:1 should not be applied as a control. It would apply as a control under DDO10, however this is not the case because of the transitional arrangements. Even if it did, the control is discretionary because if the built form outcome of preventing inequitable development opportunities or compromised infrastructure is met and if there are public amenity improvements, the site plot ratio could be exceeded. As we state shortly, the proposal provides equitable opportunities and public amenity improvements (the latter being the pedestrian/arcade connection from La Trobe Street to Bennetts Lane) and so we would have allowed the site plot ratio to be exceeded

	mirrored glazing (over solid wall) on alternate levels at the south end of the wall. The second is, as shown on plans in Mr Biles' statement, a sacrificial mirror-glazed window of about 1.8 m by 1.8 m on alternate floors at the north and south ends of the wall under which is a small section of matching mirror-glazing over solid wall. The treatment of these podium and tower walls lacks interest. We were impressed by the optical illusionary three-dimensional effect and movement in the applied geometric pattern on the north-facing side wall of the building on the northeast corner of Russell Street and Lonsdale Street. This effect is superior to what is proposed and would add interest in oblique views of the west elevations of the podium and tower and east elevation of the podium of the proposal. While the small triangles of mirror-glazing assists, the evening effect of a vertical line of internal lighting is diminished by the alternative level arrangement. It is unclear what the design intent is behind the alternate level approach. We will require fresh consideration of the best way to improve the appearance of these walls and are content to let skilled designers and assessors to realise a satisfactory outcome. **The Tribunal determined to grant a permit subject to conditions.** The Tribunal said the built form did not warrant refusal of a permit, even having regard to the revised policy. Permit conditions could address the relevant built form issues where some change to the proposal is needed.	even if DDO10 had applied. **Built form - height** [Paragraph 22] We consider the main issue is not overall building height because, if there is adequate tower spacing, equitable development opportunities would be available and, if the tower does not dominate at street level, then the overall impact of the additional 11 storeys is minimal. [Paragraph 23] Our view about height is also reinforced by the role that La Trobe Street, as one of the wide thoroughfares of the Hoddle Grid, provides as the boundary interface between the CCZ1 on the south side of the road and the Mixed Use Zone (**MUZ**) area to the north. The combination of these differences in zoning and locational context supports variation of building heights and does not act as a disincentive for higher built form on the south side of La Trobe Street. [Paragraph 25] We are satisfied that while the proposal will be a narrow building and prominent from Lonsdale Street over the Wesleyan Church, it will merge into the broader Central City landscape of taller buildings with further development in the street block, and be acceptable. Sensitive views

		from the northwest (Carlton Gardens) are reasonable because the building will be largely blocked by intervening development and will be against a backdrop of the broader city skyline and multiple tall towers. From directly opposite on the north side of La Trobe Street, the strong and differentiated podium expression means the height of the proposal will be recessive. **Built form – setbacks** [Paragraph 28] We find the minimum tower setback of 3 m from La Trobe is insufficient. The revised policy strengthens the language about preferring a minimum of 5 m. Given the oblique views, the street corners and the west facing wall, a setback of no less than 5 m is required. This will require internal reconfiguration of the apartments and must go further than simply making the two La Trobe Street facing apartments smaller by a corresponding amount of floor area. **Equitable development opportunities** [Paragraph 30] We do not support any of these additional setbacks. Equitable development opportunities for adjoining land to the site do not mean equal opportunities. We agree with Mr Biles and Mr Smyth and find the proposed spacing to the east and south and the wall on boundary format to the west is satisfactory on equitable development opportunity

		and tower spacing grounds.
Brady Jones Pty Ltd Melbourne City Council [2016] VCAT 525 **Subject site** **109 – 111 Little Lonsdale Street Melbourne** **Land Description** The site has an 8.8 metre frontage to Little Lonsdale Street and depth of 25.1 metres creating a 224 sqm site. It currently contains a two storey Edwardian building constructed to all boundaries and has rear access to its western side via Jones Lane and a right of way to the rear of the adjoining property to the west. The adjoining property to the west is a similar sized site and contains a two storey period building. It had a 20 storey building approved in 2010. **[This land has the same owner as 113-155 Lonsdale Street. The**	**Proposal** Construction of a 21 storey mixed use (café, reception, communal areas and hotel accommodation) building. **Section 77 application: refusal to grant a permit.** Decision of the Responsible Authority, Melbourne City Council, affirmed – based on substituted plans. **Relevant controls, policies and provisions** Capital City Zone - Schedule 1 (CCZ1) Design Development Overlay – Schedule 10 (DDO10) – Did not apply, and provisions of clause 22.01 need to be read as they existed prior to Amendment C262 Parking Overlay – Schedule 1 (PO1) Clause 22.01 Urban Design within the Capital City Zone **Reasons why the Responsible Authority, Melbourne City Council, did not support the proposal** The presentation of the building to Little Lonsdale Street. The presentation of the building to the east, which will be seen across a heritage building from Exhibition Street. The interface of the building to the south and the impacts of this on	*Version of clause 22.01 [15/10/2015 - C196]* *This policy applies to land within the Capital city Zone excluding Schedule 4 to the Capital City Zone (Fishermans Bend Urban Renewal Area) and Schedule 5 to the Capital City zones (City North).* *The policy has eight sections addressing: Building Design; Facades; City and Roof Profiles; Projections; Wind & Weather Protection; Public Spaces; Access & Safety in public spaces; Policy Implementation; Map 1 [existing plot ratio].* *Where Schedules 1 or Schedule 2 of the Capital City Zone apply, it is policy that design of buildings is assessed against the following standards, as appropriate:'* ***Maximum plot ratio for should not exceed 24:1 and the maximum plot ratio for any city block within the Capital City Zone should generally not exceed 12:1*** *Podium heights for towers [should generally be 35-40 metres]* *Towers above podiums [should be setback **5 metres** from street frontages]* *Towers should be well spaced to equitably distribute a outlook and sunlight between towers:* *– **Addition of further detail*** *- Design measures are required to attenuate against noise* *(Removed - Circumstances when tower separation may be reduced, and*

Tribunal said that this proposal appear to impede the implementation design of that site. **Council asserted that a better response would be achieved if the two sites were combined].**	the amenity of adjoining dwellings in Regency Towers. The potential wind effects resulting from the development. **Presentation of the building to Little Lonsdale Street** [Paragraph 17-18] Mr Biles evidence is that, given Little Lonsdale Street was made up of a number of building forms and facades, there is no specific design to which the building needs to respond. However, he acknowledged through questioning that the proposal does not integrate with the proposed design of the adjoining site at 113-115 Little Lonsdale Street. We accept that, in principle, an erosion of form of the lower levels at the north-east corner could provide a suitable response for street presentation of this site to Little Lonsdale Street. However, we are not satisfied that the response is sufficiently resolved or well executed for it to be acceptable. This is because: a. A characteristic of good design is that a building addresses its immediate context. While there is a variety of building designs in the immediate area, the most direct and proportional interface is to the approved building to the west. The design of the proposal fails to integrate in any way with this adjoining building façade. Indeed it appears to compete rather than complement its neighbour, a building designed by the same architects for the same client. This is demonstrated, for example, in the placement of windows and the treatment of street interface.	*Development above 45metres to be setback 24 metres from any surrounding podium development).* ***Separate objectives and building design policy for Schedule 3 of the Capital City Zone, include the addition of maximum site plot ratio.*** ***Where schedule 6 of the Capital City zone applies, it is policy that the design of buildings is assessed against the provisions of Schedule 6 to the Capital city zone and any relevant approved development plan.*** **Decision making context and amendment C262** [Paragraph 11] While Amendment C262 does not apply, both Mr Czarny and Mr Biles acknowledged that the changes that occurred through this amendment provide context and background to the current issues and concerns of the State Government about building design in the central city. We agree. This is highlighted in the explanatory report to Amendment C262 which comments: 'In recent years there has been a dramatic increase in the quantity and scale of development proposed, and approved, within the Central City. Cumulatively this increase in density has created infrastructure capacity pressures and poor amenity outcomes which have the potential to damage investment attraction to Central City and irreversibly damage the liveability of Melbourne. .... The current planning scheme provisions are clearly not responding to the emerging changes in development density. As a result development is starting to have

b. Mr Biles endeavoured to explain inconsistencies in the plans for the lower levels. However, we remain unconvinced that the plans depict a resolved design response. …

c. In any reading of the elevations and floor plans, we agree with Mr Czarny that the lower recessed levels will result in sections of blank wall that do not provide an engaging experience between podium and pedestrian, where views should be engaging.

d. The ground floor parapet that extends to the north-west corner of the site, masks the view of the adjoining heritage site from street view looking across the north-west corner of the site from the north side of Little Lonsdale Street due to its height and alignment. It was put to us that part of the purpose of the lower building form erosion was to open up the view of the heritage form from this aspect. The erosion therefore does not appear to achieve one of its key purposes. Nor does the ground level parapet align with the ground floor parapet of the adjoining form at 113 – 115 Little Lonsdale Street. We therefore cannot reconcile that the ground floor parapet height and form responds directly to either its east or west neighbour, or indeed to any other identifiable element in the area.

e. Council was also critical of the amount of the front façade devoted to services. We accept that this issue can be partly addressed through amendments to plans to reduce the extent of glass bricks and confine the area of fire hydrants, but again it highlights the fact that the plans are insufficiently resolved to be an

adverse impacts on the amenity of residents, workers and visitors to the Central City, including,

- poor building amenity due to closeness to neighbours (affecting light and privacy),
- impaired development opportunities on neighbouring sites (inequity),
- negative visual domination of historic and pedestrian scale streetscapes by new development,
- increased overshadowing of public space,
- uncomfortable wind effects in public space, and
- pressure on the capacity of footpaths, plazas and public facilities.'

[Paragraphs 12 – 13]

This extract reinforces to us that while the Amendment C262 provisions do not apply, the background to the Amendment highlights the adverse impacts which result from ignoring the importance of good design and architectural excellence. Whilst we do not rely on the provisions of Amendment C262, our consideration of the pre-C262 performance based provisions of the Melbourne Planning Scheme needs to be made in light of the community and its elected representatives' increasing concern about the impact of building design on adjoining public and private spaces'.

Our reasons are derived from our assessment of the planning scheme as it existed prior to Amendment C262. This includes the policy as it existed prior to Amendment C262 to achieve and promote design excellence.

	acceptable design solution. **The Tribunal determined to refuse a permit** The Tribunal considered amenity impacts to the existing dwellings in the neighbouring (Regency Towers) building were acceptable. It also accepted that the proposed built form should not cause unreasonable impacts to the public realm or to general amenity as a result of wind impacts generated by it. However, the Tribunal said [Paragraph 4] We have determined to affirm the decision of Council. We find the presentation of the building to Little Lonsdale Street and its eastern façade are insufficiently resolved and an inadequate response to the review site's physical and policy context. We are also not satisfied that the setback to the rear of the site is sufficient to address the urban design directions of Clause 22.01 (as underpinned by Clause 15.01) to provide space between taller buildings. No permit is granted.	**Presentation of the building to Little Lonsdale Street** [Paragraphs 16] Clause 22.01of the planning scheme seeks buildings, including towers, to align to the street pattern and to respect the continuity of street facades. It also seeks to encourage new facades to respect the rhythm, scale, architectural features, fenestration, finishes and colour of the existing streetscape. While the policy does not seek replication of adjoining building forms, it does seek detail that engages the eye of the pedestrian and to avoid blank building walls that are visible from streets and public spaces. **Presentation of the building to the east, across a heritage building.** [Paragraph 38-39] Clause 22.01 directs that where a site adjoins a heritage building in a heritage overlay new buildings should be designed to have regard to the height, scale, rhythm and proportions of the heritage building. General design directions of Clause 22.01 and Clause 15.01 also direct that all exposed facades should be fully designed and that the public realm should be enhanced. [Paragraphs 42-44] Mr Raworth supports the proposed façade treatment. His evidence is that the *'fracturing of the otherwise large cubic volume of the podium into smaller component parts*

		creates a considered transition in terms of scale and space'. He considers that the *'pale warm toned materials and varied architectural treatments will present a handsome backdrop to the site'*. The material presented to the Tribunal does not support this view. The discontinuity between plans and elevations as they relate to the podium levels demonstrates to us that the design is not fully resolved. We are not persuaded that the design intent would be successfully implemented into built form. For example, if the erosion of levels 1 to 6 is to allow for the heritage building to be more easily read from the north-west, then the ground floor parapet masks much of this view from street level due to its height and width. We do not see it as critical that the view line from the north-west is opened up, as the existing view from that direction does not allow such a view. We simply comment that if this is the purpose of the erosion then it will not be achieved, as the ground floor view prevents a view of the heritage form
Tierney Properties Pty Ltd v Melbourne CC [2016] VCAT 1008 **Subject land** **18-24 Moray Street, Southbank**	**Proposal** Construction of a 38 storey building comprising ground floor retail (87 square metres) and 116 dwellings. The building has a podium height of approximately 31 metres and a total height of 125.3 metres.	*Version of clause 22.01 [15/10/2015 - C196]* *This policy applies to land within the Capital city Zone excluding Schedule 4 to the Capital City Zone (Fishermans Bend Urban Renewal Area) and Schedule 5 to the Capital City zones (City North).*

The subject land is a small corner lot in an area bounded by City Road, Kings Way and the West Gate Freeway. There is a mix in lot sizes within this locality. The physical context is influenced by main roads including the elevated Kings Way ramp and West Gate Freeway. The Freeway abuts the southern edge of this locality. Existing residential tower buildings are juxtaposed with lower built forms. Some of these lower structures are older buildings although some are quite new, such as the two storey Metropolitan Fire Brigade [MFB] building opposite the subject land in Catherine Street. New tower buildings have typically included active uses at ground floor level.	**Section 79 application, failure to grant within the prescribed time.** **Relevant controls, policies and provisions** Capital City Zone (Schedule 3) Design development overlay Lodged prior to Amendment C262 & C286 – benefits from transitional arrangements. DDO60 (not DDO10) **Reasons why the Responsible Authority, Melbourne City Council, did not support the proposal** The proposal failed to achieve an acceptable built form outcome and asked too much from the land. The building was too tall Insufficient tower setbacks from both street frontages Insufficient tower separation between it and the apartment tower to the north (known as the Mainpoint apartments). **The Tribunal determined to grant a permit, reliant in substituted plans, and subject to conditions consistent with the 'without prejudice' draft provided on behalf of Council (slightly varied by the Tribunal).**	*The policy has eight sections addressing: Building Design; Facades; City and Roof Profiles; Projections; Wind & Weather Protection; Public Spaces; Access & Safety in public spaces; Policy Implementation; Map 1 [existing plot ratio].* *Where Schedules 1 or Schedule 2 of the Capital City Zone apply, it is policy that design of buildings is assessed against the following standards, as appropriate:'* ***Maximum plot ratio for should not exceed 24:1 and the maximum plot ratio for any city block within the Capital City Zone should generally not exceed 12:1*** *Podium heights for towers [should generally be 35-40 metres]* *Towers above podiums [should be setback **5 metres** from street frontages]* *Towers should be well spaced to equitably distribute a outlook and sunlight between towers:* *– **Addition of further detail*** *- Design measures are required to attenuate against noise* *(Removed - Circumstances when tower separation may be reduced, and* *Development above 45metres to be setback 24 metres from any surrounding podium development).* ***Separate objectives and building design policy for Schedule 3 of the Capital City Zone, include the addition of maximum site plot ratio.*** ***Where schedule 6 of the Capital City zone applies, it is policy that the design of buildings is assessed against the provisions of Schedule 6 to the Capital city zone and any relevant approved development***

		plan. Referred to *Brady Jones & Branson Group* **Vision for Southbank** [Paragraph 13] Planning for Southbank has its genesis several decades ago. The development of the wider Southbank area is guided through a suite of DDOs that applied prior to the gazettal of Amendment C262. They have varying requirements and discretions such as with respect to a maximum building height, setbacks and built form outcomes. Together, they work to implement the policy for Southbank described in Clause 21. … [Paragraph 17] Clause 22.01 Urban Design within the Capital City Zone contains eight sections addressing matters such as building design, wind and weather protection, and façades. We do not recite these but have considered them as relevant to the matters before us. In addition, this Clause includes objectives for CCZ3 which again we have considered but do not recite.

Appendix F – Private Vehicles in the Central City

Specific Investigation – Private Vehicles in the Central City

A recurring topic which emerged in all workshops, interviews and fieldwork was the management of parking in the Central City and Southbank and the impacts on urban design outcomes. Whilst discussion of parking in the Central City is typically focused on mode share and volumes within the public realm, the design of parking structures within private allotments also has a direct impact on street level safety, activity and quality.

Clue Data from 2016 revealed that 14.59% of floor space in Central Melbourne and 24.07% of Southbank is consumed by vehicle storage. In order to further understand the quantitative and qualitative impacts of parking on the public realm, mapping was undertaken of parking structures using CLUE data, COMPASS maps and fieldwork to correlate the occurrence of parking structures with above ground, below ground, sleeved or exposed configurations. This mapping is demonstrated below.

Parking structures and their characteristics within the Central City and Southbank

The mapping analysis concluded the following findings:

- The mapping has underrepresented parking within the CBD North due to the number of towers completed or nearing completion after the CLUE data.
- 126 above ground parking structures exist in the study area, with 46 comprising exposed podium parking in residential development. The rate of exposed parking to sleeved parking in residential development is 3 to 1.
- The rate of ‘sleeving’ of podium carparks is notably low, particularly within Southbank.
- A strong correlation is noted between residential towers built since 1999 and the presence of exposed above ground parking.
- Limited above ground parking structures are noted within the Special Character Areas of the Central City and Southbank. This correlates with the highest quality street environments within the analysis of Places for People (2015).
- A high concentration of above ground parking structures are noted in Southbank, as well as the northern half of the Central City beyond Bourke Street. A particular concentration is noted between Bourke and Lonsdale, in addition to post 1990 residential construction along Spencer Street.

In addition to this analysis of spatial distribution, the following effects were noted in the design of exposed podium parking:

- Contributory land uses were being displaced in the levels above the ground floor, resulting in a predominance of residential only construction with a lobby and small retail tenancies at the ground floor. This reduced the range of types of activation of the public realm which is observed from mixed use buildings within the retail core. This also results in an 'opportunity cost' in the loss of productive program in the city, when compared to vehicle storage.
- The displacement of contributory uses from the podium degrades the quality of streets and lanes, both through the limited design of upper level facades, and lack of surveillance and visual connection between the building program and public realm.
- The height of podium parking structures frequently resulted in the first level of active program above ground floor occurring at a height of 20m or more, where limited opportunity exists for interaction between occupants and the street.
- The design of screens or 'art' elements over parking structures resulted in jarring 2 dimensional streetwall elements, with repetitive treatment in the form of grills or screens. No examples were observed where the design outcome adequately compensated for clearly defined windows to internal uses.
- This low design quality of parking screening was most obvious in views from the public realm where there was a clear massing shift between parking podium and active tower façade. Examples which were disguised within the tower form were less obvious (MY80).
- The presence of podium parking is most apparent at night, where fluoro lighting and cars are visible within the screening treatment. This visibility makes clear that there is a lack of upper level activity reinforcing and surveilling street level activity.
- Where both podium and below ground parking occurred, multiple entries and broadened crossovers resulted, exaggerating the disruption to the pedestrian environment.

Whilst the analysis of this report is focused on the urban design impacts of private car parking internal to buildings, any discussion of private car parking falls within a broader set of strategic considerations around mobility in the City. It is important to note the City of Melbourne's long established position on prioritising efficient and sustainable transport modes through public transport, cycling and walking over increased vehicle use. The City emphasises that the increase in transport and mobility required to support visitors, workers and residents in a densifying city, should be serviced largely through efficient and sustainable modes. The impact of this policy has been a reduction in on street parking of at least 150 vehicles per year, which will continue as parking space is re-allocated for productive uses such as pedestrian realm and public space.

Strategies which specifically reinforce this proposed pattern and seek to emphasise the primary role of the pedestrian in the city include:

- Municipal Strategic Statement
- Southbank Structure Plan (2010)
- Transport Strategy (2012)
- Walking Plan (2014)
- Bike Plan (2016)
- CBD & Docklands Parking Plan (2008)

Analysis of these documents reveals a gap in analysis of the effect of private off-street parking, which has the greatest impact on any proposed urban design policy. Off-street parking was addressed separately through Amendment C133 in 2009. Amendment C133 introduced maximum parking rates in private residential development in the Central City and peripheral renewal areas, seeking to encourage developers to provide

low or zero parking in new development, whilst also arming development planners with a tool to restrict excessive parking provision.

A background evaluation of the effectiveness of C133 was undertaken by Phillip Boyle & Associates in 2016 as part of a larger piece of work underpinning the West Melbourne Structure Plan (where new Parking Overlays were being investigated). The research undertaken revealed:

- Excess parking provision relative to demand
- High levels of vacancy in completed parking structures in mixed use development
- A strong need was identified to better manage the total body of private and public parking to avoid duplication of excess parking in new structures were take-up in older structures or streets was low.

More broadly, any approach to the regulation of the relationship between parking and urban design must consider the many effects including:

- Public realm design, including how space is allocated between private vehicle storage (inflexible) and active pedestrian use (flexible)
- Speed of vehicles and impact on public realm quality and permeability in the city (higher vehicle speeds reduces casual crossing opportunities)
- The balance and utilisation of on street parking and private parking within a city. These are currently separately managed, but form part of a larger reflexive body of parking (current occupancy rate of 52% in paid spaces in the City of Melbourne)
- The impact of high volume parking structures on 10m wide streets, where this precludes opportunity for footpath or public realm expansion (as seen for example in Flinders Lane to the east of Russell Street)
- The impact of crossovers to provide vehicle access to buildings from streets on the quality, continuity and safety of the pedestrian realm and bicycle lanes.

<u>The impact of Amendment C270</u>

The removal of Site Plot Ratios in 1999 removed the calculation of above ground floor area (volume) from planning assessment in favour of discretionary external envelope measures. As building heights increased through the precedent of VCAT and Ministerial decisions after 1999, it became relatively easy to achieve approval for a high floor area ratio building with above ground parking, as no trade off in saleable or parking floor area was required.

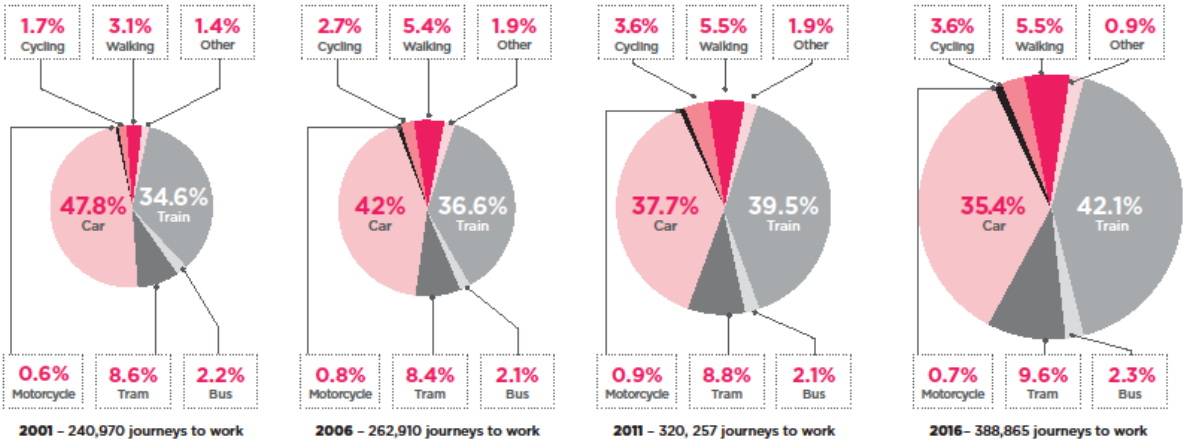
With the re-introduction (albeit notably higher) of Floor Area Ratios through Amendment C262 and C270, again parking became an element which needed be considered as a trade off against saleable floor space where it occurred above ground. The impact of this measure on recent development applications in the Central City has been the removal of parking altogether in hotel development and some residential development, or the placement of parking within basement levels. Within Southbank some parking structures have still been incorporated, however these have been required to be sleeved with active uses through design negotiation. At present however these negotiations have been consistently unsuccessful without sufficient policy strength to prevent exposed podium car parking.

<u>The emerging trajectory away from private vehicles</u>

The Central City and Southbank comprise some of the most public transport rich areas in Metropolitan Melbourne, with 5 major metropolitan stations, and a plethora of tram and bus options providing access for residents, visitors and workers. The Central City rates in the highest category of walkability and cycling infrastructure in metropolitan Melbourne. In 2016 the Melbourne ‘CBD’ (Central City) ranked 100 out of 100 for walkability in the Walk Score tool, whilst Southbank achieved 97.25. In the 2016 Census, just 10.2% of

residents in Central Melbourne (statistical area Level 2) travelled to work by car, with 36.2% walking, and 39.1% catching public transport. In Southbank, 20.6% of residents travelled by car to work, with 32.7% walking and 29.8% travelling by public transport.

With the release of the 2016 Census data, the longitudinal data between 2001, 2006, 2011 and 2016 confirms the findings of the Transport Strategy 2012 that vehicle usage as a mode share has declined for trips into the Central City, consistent with many developed world cities undergoing densification after an extended period of suburbanisation. The data records a 61% increase in total trips to the Central City, with a decline of 12.4% proportion share of vehicle trips. Whilst the increases across other modes are marginal, the proportionate dip in vehicle usage is telling.



Method of travel to work in the City of Melbourne (source ABS, 2001, 2006, 2011a, 2016)

A further factor affecting the need and design of parking structures is the impact of the sharing economy and pending introduction of autonomous cars in inner urban areas. Since its introduction in October 2012 Uber has had an impact on vehicle movements in the inner city. Uber creates a parallel, privatised transport system in competition with public transport, but can also reduce the need for private vehicle use and storage in space poor city centres. Since its introduction, further ride-share platforms including Shebah and GoCatch have followed suit, demonstrating continued demand for this new form of mobility. In addition, centralised and peer to peer vehicle hire services have increased in volume with GoGet, FlexiCar, RACV Car Share, GreenShareCar and Car Next Door. Teamed with the Melbourne Bike Share and private bike share organisations, the number of private transport options is rapidly growing.

Whilst the urban design impacts of autonomous vehicles are still being debated, trials are slated for the end of 2017 through a partnership between Tesla, Mercedes, BMW, Volvo, RACV, VicRoads and Transurban. The widespread adoption of autonomous vehicles is predicted to impact the uptake of private vehicles, which will have flow on effects for the utilisation of Central City parking structures as vehicles remain in circulation on roads.

With the availability of these and other more affordable transport modes, the rate of young people under 25 in Victoria obtaining a drivers licence has dropped from 77 to 66 percent between 2001 and 2015 signifying a major disruption to the perceived cultural norm of driving more broadly.

Recommendations

In acknowledging the City of Melbourne's strategic direction to limit the impacts of parking and traffic in the city, in addition to emerging trajectories in mode share through the sharing economy and autonomous vehicles, it is critical that a contemporary Urban Design Policy seeks to constrain the impact of vehicle storage in development, whilst ensuring that any parking structures still provided are adaptable for future uses in order to avoid obsolence. It is necessary that policy provides sufficient strength through strength, through mandatory

and performance based controls, to avoid the further proliferation of the negative impacts of above ground parking. Accordingly, the following measures are proposed:

- Prohibiting podium parking in the Central City where it is possible to accommodate parking volumes below ground or seek a waiver to zero as a result of Parking Overlays.
- Prohibiting unsleeved podium parking in Southbank (mandating active sleeves) where geological constraints often limit the ability to provide parking below ground level.
- Mandating adaptable floor to ceiling heights in parking structures in Southbank in order to secure future adaptability and avoid obsolescence as the reliance on private vehicles declines in favour or car share, autonomous vehicles, and sustainable transport modes.

Appendix G – Public Plazas and Private Permeability within the Central City

Specific Investigation – Public Plazas and Private Permeability within the Central City

Public Plazas and Private Permeability within the Central City

In 1916 The City of Melbourne introduced a modification to the building regulation to limit buildings within its territory to 132 feet or 40m. Until the breaking of the height limited with the approval in 1956 and completion in 1958 of ICI House, Melbourne's urban form was limited to this metric with low to mid-rise built form generally built to boundary. The adoption of Site Plot Ratio from the 1960s onwards promoted a system of bonuses which credited items including, but not limited to Public Plazas, Pedestrian Arcades, International Style Hotels, Atriums and Shopping Malls. Other specific elements were added over time, including heritage preservation in the 1980s through the effect of Interim Development Orders.

The conversion of a 'flat cap' building height control to a Site Plot Ratio system successfully facilitated a new generation of taller office towers in the spirit of the rapidly modernising post-war City. However, the 12:1 Site Plot Ratio limitation required the assembly of large allotments in order to achieve efficient floorplates (typically 1500sqm) in a tall building format. Indeed, the City of Melbourne's 1974 Strategy Plan recommended site consolidation in order to facilitate 'comprehensive development'. The impact of this land assembly resulted in demolition of heritage structures, loss of permeability through construction over laneways and the creation of poorly designed and oriented publicly accessible private spaces or large atrium spaces.

Evolution of urban structure in the Central City (City of Melbourne, 1987, Grids and Greenery)

Toward the end of the 1970s and early 1980s, the regulatory regime that promoted allotment consolidation in return for often limited public benefits was increasingly critiqued for the disfiguring of the City's traditional fine grain urban structure and built form. The City of Melbourne 1985 Strategy Plan, and a number of Interim Development Orders in the 1980s sought to address these concerns and promote built form with a strong alignment to the street as opposed to forecourts, colonnades or plazas. Further, following the outcomes of the Whitlam Government Inquiry into the National Estate in 1972, organisations like the National Trust gained additional traction and legislative basis for conservation pursuits. The National Trust's 1978 Collins Street report (a report by the Urban Conservation Committee of the National Trust of Australia (Victoria) on suggested planning policies and guidelines for Collins Street) introduced the notion of street walls and setbacks as a method to balance the demand for new high scale office forms with retention of valued heritage assets, as well as the characteristic height of pre-war streetscapes.

This critique of the 'tower in the plaza' approach to office development in favour of street-oriented development coincided with Norman Day's famed critique of 'an empty useless City Centre' in 1978. The City had become mono-functional through the proliferation of office development, with vacant expanses of office lobbies in setback forecourts, and a resultant lack of weather protection to the pedestrian realm. These poorly defined edges to Central City streets were perceived to be robbing the public environment of definition and activation.

The Commonwealth Block development between Lonsdale Street, Exhibition Street, Spring Street and Little Lonsdale Street facilitated in the late 1980s was a benchmark in this balanced approach to heritage retention, infill low-rise street walls, and higher form centrally within the block. This was achievable through a combination of bonuses for heritage retention (up to 3:1 granted), as well as the maintenance of fine grain street frontages and maintenance and extension of through-block links. This 'masterplan' model facilitated by an Interim Development Order on a consolidated Government land holding secured the commercial interests of tall, efficient tower floorplates, whilst preserving the characteristic fine grain, low-scale and permeable street experience of Melbourne.

In response to this new direction to redefine a traditional, human-scale streetwall through infill development, and subsequent removal of the 12:1 plot ratio in 1999, a range of new podium additions occurred, in extreme cases even including new tower construction within previous public plaza dedications such as 80 Collins Street (Nauru House). These spaces were not legally protected or gifted to Council, but rather remained privately owned and managed. When the 12:1 limitation was removed, it liberated 'free space' to be capitalised upon by site owners without any ongoing requirement for public benefit.

A number of these post 1999 infill projects have sought to retain some form of plaza or public space, including the highly successful 500 Bourke Street by John Wardle Architects, the Metier 3 designed spaces wrapping around the St James complex (regrettably gated outside of business hours), the Woods Bagot Rialto plaza infill, the SHOP / Woods Bagot Collins Arch project and the Bates Smart designed 360 Collins Street. However these projects which retain some public generosity could be seen as anomalies, with the majority of examples observed being infilled with new shop fronts and contemporary foyer expansions. This trend is most notable on Bourke Street and Collins Street in the western end of the city.

Fast forward some 30 years, and with a growth in the residential, visitor and worker populations in the city, there are a range of challenges with congestion on Melbourne's streets, where pedestrians compete for space on narrow footpaths within road reserves which seek to balance tram, motor vehicle and bicycle movement.

Data captured from the city's sensors reveals considerable congestion and a trajectory for this to continue in certain areas of the city. This is particularly concentrated around major transport nodes, including tram superstops, smart bus stops and train station entry points as well as areas with a high diversity of land uses. This is predicted to accelerate with the construction of CBD South and North metro stations. The congestion is also considerable in areas undergoing intensive residential development, with individual buildings in Elizabeth Street north, for example, discharging upwards of 600 residents per building on a daily basis onto the footpath in an area proximate to RMIT, Melbourne Central Station and QVM. Whilst Places for People (2015) revealed that residential land use alone is no guarantee of pedestrian intensity, the specific combination of land uses, public transport, universities and exceptionally high residential density combine here to create considerable congestion.

Further, as the city intensifies, and greater pressure is placed on the footpath, the opportunity for stationary activity is diminished, with movement dominating available space. Given the predominantly private land holding of plots within the Central City, the opportunities for new pause points or public spaces is severely constrained. The type of allotment purchase and demolition that facilitated City Square in the 1950s and 1960s would simply not be feasible economically. Accordingly the opportunities for new public spaces provided by the City are very much limited to pedestrianisation efforts in Central City streets, through sidewalk widening and partial street closures.

In light of this change in the intensity of use of the city's footpaths, there is a question regarding the validity of infilling remaining plazas, and a contemporary threat to the many bonuses provided in an unsecured way through the legacy plot ratio era. Contemporary threats include The Walk Arcade in Little Collins Street in the heart of the retail core, as well as the important corner plaza with public seating at the congested north-west corner of the intersection of Elizabeth Street and Collins Street. These spaces will have heightened importance with the completion of the CBD South Station which will funnel northerly movement through the laneway network off Scott Place and Flinders Lane through the Retail Core to the north.

It is imperative in the contemporary Central City context that these important pause points, spaces for stationary activity off the sidewalk and private connections which contribute to the network of movement in the City are preserved and enhanced where opportunities arise. The Improving the Amenity of Small Public Spaces report (City of Melbourne, 2017) highlights the importance of these spaces for public use, as well as environmental benefits through reduced heat stress, wellbeing and psychological benefits as well as ecologic benefits. In light of this important shift in strategic direction for our growing city, there is a need for any revised Urban Design Policy to specifically address this change in need in the City, and protect these public benefits to secure their enduring role in the City.

It is acknowledged that a number of these spaces may be limited to small, dimly lit colonnades, stepped forecourts, or low quality through-foyer connections. It is important that where appropriate they can redevelop, and a small amount of floor area and improved building presence will be an important incentive for this to occur. Accordingly a balance must be struck through incentivising refurbishment to contemporary spaces of high design quality, with a clear public role, providing the financial motivation for building owners to invest.

Further to a focus on public plazas, private through-links represent another relatively unprotected asset to Melbourne's Urban Structure. From arcades, to shopping mall links or corporate lobby connections, these spaces augment the public laneway network with a diversity of connections, which can provide thermal comfort in periods of inclement weather or heat. These connections contribute significantly to the walkability of the Central City and support a diverse range of retail outlets as a complement to the main street offer. Within China Town these spaces contribute to the authenticity of an intense cultural experience, whilst in complexes such as 101 Collins Street or 120 Collins Street they help to disperse pedestrian intensity to multiple street frontages, as well as allowing a visually engaging experience for workers, residents and visitors who use them as a convenient cut through. Such spaces at to the spatial 'depth' and richness of the City, beyond the hierarchy of public main street, street and laneway.

Whilst private connections were provided for commercial reasons (to maximise surface area exposure for lease) as much as through Site Plot Ratio bonuses, there is a risk that they can be lost through the replacement of smaller tenancies with larger department store format premises within the Retail Core. Further, with the redevelopment of older office stock with informal links, there is a risk that high scale residential or hotel uses may restrict this informal route of public movement which represents less of a perceived security threat in an office context.

Within the former Retail Core (now Special Character Area) context, private links have a critical role in facilitating north-south connectivity, in augmenting dead end or restricted public laneways. Where Howey Place and Presgrave Place terminate at dead ends, the Capitol Arcade, Collins Two3Four and Manchester Unity Arcade all provide for valuable connections back to Collins Street and Swanston Street, completing the network.

Private arcades (pink) augment the discontinuous public laneway network (blue) within this city block

Laneway Structure Daytime vs Night time (Places for People, 2015) reveal the private malls (pink) which contribute to public permeability within private spaces, particularly within the Retail Core

Whilst restrictions in Opening Hours were employed within historic planning permits (or granted within bonuses), there is a need to reconsider the way in which these spaces are secured in potential redevelopment should they be near the end of their economic life. The Walk Arcade is one such example of a low quality, 1980s Shopping Arcade which provides highly valuable weather protected connections, which liberates Union Lane (east) and The Causeway (west) for distinct functions in an area of high pedestrian intensity. This laneway is presently proposed for substantial and much needed redevelopment, however limited policy guidance exists to preserve the valuable internal connection for future generations. Consistent with the consideration of publicly accessible private plazas, there is a need for a contemporary urban design policy to consider both the need for these spaces to redevelop, whilst preserving the enduring public benefit they provide to an increasingly dense City Centre.

Recommended Action

Using the privately owned publicly accessible spaces mapping from Places for People (2015) and findings from the Improving the Amenity of Small Public Spaces report , it is recommended that strategically located or high quality spaces are identified as sites for retention through any refurbishment of redevelopment. The revised urban design policy should clearly identify the need to protect publicly accessible private space, as well as private through links, whilst encouraging their restoration, renovation or where appropriate redevelopment.

Mapping of external spaces not owned or managed by City of Melbourne (Places for People, 2015)

Appendix H – Findings from Workshops and Interviews

Findings from Workshops and Interviews

A number of workshops were undertaken with built form professionals across architecture, landscape architecture, urban design, planning and engineering in order to develop the scope and subsequent content within the proposed policy. Out of these workshops, a series of gaps in understanding of service and referral authority requirements evolved which were addressed through further targeted interviews.

Internal City of Melbourne Workshop #1

The purpose of this initial workshop was to present the findings from the background review of Clause 22.01 to internal stakeholders who provide technical referral advice during the development application process, and to seek input on the challenges and opportunities for a new urban design policy. The workshop clearly articulated the scope and focus of the project. Attendees represented a range of internal departments who provide advice on development applications.

The discussion was consolidated into the following recurring themes:

- Relationship to other buildings
- Wellbeing and quality of life
- Building Type
- Green Infrastructure
- Waste
- Access
- Services
- Plinth detail
- Design Quality and Detail
- Projections, Entrapments and Alcoves
- Advocacy and Lobbying

Of these themes, it is understood that the urban design policy cannot address land use per se, but that there is a strong relationship between the functional configuration of a building (the program) and the building exterior which is not acknowledged within the current policy. This highlights a policy gap which needs to be addressed, in a way that does not conflict with provisions typically contained within zones.

Attendees spoke of how the arrangement of parking, loading and waste collection has a direct impact on street activation and ground floor use and can conflict with good urban design outcomes.

While the project scope is limited to complement rather than challenge Amendment C270, it was acknowledged that there is still a need for some guiding principles around how buildings respond to the specific conditions of their context, and siting and massing of neighbouring buildings to ensure a holistic urban design policy. While much of the workshop focused on larger scale, podium-tower development, other issues need to be considered, such as the cumulative effect of small works like roller shutters, ATM's, Shop Fronts, projections and canopies within the Retail Core (now Special Character Area). An effective policy will need to work across all project scales, both big and small.

Out of the Workshop it was strongly recommended that the project team undertake the following tasks:

- Investigate the need for a design guideline that uses graphics, and determine the best format based on benchmarking of comparable documents
- Engage further with external service authorities in an attempt to understand the 'origin' of issues relating to servicing, through research into the specific requirements of each service that impacts on the quality of street level frontages.
- Follow up meetings with Traffic Engineering, Green Infrastructure and Transport Strategy Team.
- Undertake field visits and other research in order to feedback findings to the internal group in Workshop 3.

Following this workshop, Green Infrastructure was removed from the scope of the Urban Design Policy as it was concluded that it should not be absorbed into an Urban Design policy as an 'add on' which lengthens the policy, but rather be integrated within a more comprehensive Environmentally Sustainable Development policy which is being addressed through the Greening our City Action Plan.

Further, a series of test projects were discussed with the Traffic Engineers in order to understand the opportunities for better resolved parking access arrangements adjacent to the public realm. Through discussion of case studies, preferred policy focus areas and potential permit conditions were agreed upon to ensure high quality outcomes which balance traffic safety with urban design imperatives.

External Workshop #2 – Built Form Professionals & Government Design Agencies

The purpose of this external workshop was to seek the feedback of a group of architecture, urban design, planning and landscape architecture practitioners who are at the coal face of design and assessing private development in Melbourne including representatives from DELWP and OVGA. The focus of the workshop was broadly based around how to use the planning scheme to elevate the quality of urban design outcomes in terms of contemporary challenges as well as best practice.

The findings were consolidated into the following recurring themes:

- Consistency or diversity between sub precincts
- Policy effectiveness
- The role of service authorities and waste collection requirements in poor urban design outcomes
- Car parking impacts on the public realm through crossovers, entries and exposure at upper levels
- Preserving architectural detail through to completion
- Design quality in shop fronts, ground levels and laneways
- Integrating building program into policy
- Linking wellbeing and community infrastructure with urban design policy
- Perceived conflicts with heritage policy

The discussion was not limited in scope to allow for sharing of best practice ideas, resulting in a high level discussion on urban design in the broadest sense. The practitioners unanimously acknowledged the limitations of local policy or regulation in elevating design beyond 'acceptable' to 'high' quality design outcomes, and the need to employ different methods of elevating design quality including policy, guidelines, advocacy documents and the use of visual aids. It was agreed that the City of Melbourne had an important role to play in advocating for good design more broadly, beyond a revised urban design policy which extended to the role of design review and lobbying on major projects. Discussion focused on the importance of ensuring that any planning tool was targeted and framed so as to best aid decision makers and designers.

Internal City of Melbourne Workshop #2

The purpose of this workshop was to present the findings from Workshop 1 and Workshop 2, in addition to further research regarding service authorities and benchmarking back to representatives from Waste, Engineering, Statutory Planning, Architecture and Urban Sustainability. The meeting sought to discuss and confirm findings to date, and outline the proposed policy content and preliminary structure.

The findings were consolidated into the following recurring themes:

- The need to address the impacts of high intensity development on small footprint allotments
- The need to specifically guide the siting, and design of loading, waste, parking and building services within the policy
- The need for stronger guidance around managing the impacts of parking, and dissuading above ground parking where these impacts are most acute.
- The importance of complementary qualitative guidance to the provisions of Amendment C270
- Agreement around the need to introduce program into the urban design policy, to cover the building interior and relationship to the exterior.
- Stronger application requirements are needed to both elevate response to context but also enable planners and designers to review the design quality of proposals in adequate detail in the lower levels of the building.

The workshop confirmed the direction of the project as focused primarily on the human scale experience of the city at eye level, and the importance of parking, building services and design attention in the lower levels of buildings. A number of areas for further empirical analysis were highlighted as gaps, in order to understand the quantitative impact of building services on ground floor footprints, as well as on street level activation. Further research was also required to understand the extent of podium parking construction in the Central City and Southbank in order to find an appropriately targeted measure to limit this problematic outcome both from an immediate street level surveillance and interaction perspective as well as long term adaptability.

Targeted Interview – Melbourne Water

The purpose of this targeted interview was to understand the impact of any proposed guidelines relating to Sea Level Rise or flooding which would impact urban design outcomes. Attendees included Officers engaged with engineering, development referrals and policy development in order to discuss common challenges and opportunities for urban design in the management of climate risk as it relates to floodwaters.

A number of case study outcomes were discussed, both good and bad in understanding what design outcomes are possible. Individual developments will continue to have to elevate floors to manage flood risk in areas affected by overland flow paths and flooding from sea level rise, which requires a careful balance of urban design objectives.

The impact of external ramps, platform lifts and other DDA measures within the public realm was discussed, and it was agreed that internal level management solutions can be considered. The notion of a glass façade flush to the street, with an internal transition in levels to any habitable floorspace was supported. This enables a balance between safety and acceptable street interface outcomes in the event of flood. There is a need for a policy or guideline document to clearly articulate and visualize this preferred outcome which meets the requirements of both Melbourne Water and the City of Melbourne.

Targeted Interview – Metropolitan Fire Brigade (MFB)

The purpose of this interview was to better understand the MFB's technical requirements in regard to the placement, size and design of fire booster cabinets, control and pump rooms. This meeting sought to

understand MFB requirements outside of the specific context of any one application, with a focus more on a strategic view of fire management in the city over time.

The findings from the meeting can be summarised as follows:

- The primary purpose of fire requirements is about speed of fire brigade intervention in event of a call out. It isn't possible to have a systematic approach to requirements on all sites given the complexity of site access in different streets, lanes.
- Key thresholds in building elevation (25m, 45m and 150m) were discussed where the infrastructure requirements within a building shift in scale and type to aid the MFB in addressing a fire threat at height.
- While hydrants on-street can provide protection in low-rise development, Central City and Southbank type built form require infrastructure integrated within the building to pump water at height. Above 150m is a key threshold, where larger tanks and pumps are required which begin to impact on the ground level.
- More complex smoke systems are being used in 150m plus buildings, with highly engineered tubes and mechanisms which are costly to maintain to a safe standard. The MFB has concerns with supertalls relying on mechanical systems. Stairs can be blocked by people with limited mobility and mechanical systems could fail if not adequately maintained by people with the right skills.
- Fire pump rooms do not require street access directly, but boosters need direct access from a truck on a sufficiently wide street frontage. The truck needs to park parallel and cause the minimum disturbance to street safety, making lanes and small streets difficult. The booster can be shifted in consultation with MFB if it's considered safe to do so in a specific circumstance.
- While many alternate solutions can be considered in site specific scenarios, the MFB must consider how their team would respond to an event at the building. Boosters can be sited within glass if appropriately 'drenched' with sprinklers, allowing them to work well as kiosks within a façade. Examples including QT hotel, Sheraton on Little Collins and The Commons and Nightingale in Florence Street Brunswick where locks or a low cabinet are used on equipment instead of a sealed, full height cabinet, reducing street impact.

The interview provided a valuable background in fire prevention in a high-rise context, and highlighted concerns with tall towers over 150m on small plots due to stair access, pumping water at height and managing smoke. As per loading, waste and other building services, the MFB find it more difficult to service high intensity towers on small footprint allotments due to a lack of available space.

A range of options exist around ground level interface design, however there is a lack of guidance and examples of good precedents which leads to low quality design outcomes. There is a need for a guideline or policy to clearly document good examples that balance MFB requirements with high quality, active street edges, while the policy should acknowledge the balance that needs to be struck between fire safety and active frontages.

Targeted Interview – Citipower

The purpose of the meeting with Citipower was to discuss the siting and design requirements where a substation is required internal to a building. A mechanical engineer, project manager and representatives from DELWP were present at the meeting, as part of a parallel process to prepare a Practice Note for the design and assessment of building services in development applications.

The findings can be summarised as follows

- The effect of integrating substations internal to buildings (instead of 'pole mounted') transformed the size of enclosure and increased the potential impact on street edges since a policy change in the late 1980s.
- Substations used to be provided in strategic locations for precincts, however through privatization and the funding dependence on site by site development, these are now provided internal to buildings, duplicating

the number of substations within a precinct. Where possible, precinct management of substations to service multiple buildings can greatly improve streetscape outcomes and free up more ground level space for other uses.

- Substation size is directly proportionate to the number of residents and anticipated power load, rather than the height of a building.
- On-site power generation can reduce the size of substation required, through increasing capacity within the network and decreasing peak requirements within a building.
- Substations can vary based on localised network capacity, with some buildings compensating for lack of capacity in the system. Generally however, high intensity tower development requires on-site substation provision.
- The design of substation doors fronting the public realm is limited by safety requirements, however Citi-power is open to consider higher quality materials to wrap the exterior and improve the pedestrian interface.
- Substations can be placed in upper levels and basement levels with 'Gatic' access through a hatch at ground level (as seen in 141 Bourke Street and 423 Little Collins Street) in order to free up the ground level for high quality frontages to active uses.

Citipower is acutely aware of the challenges of operating in high density environment, particularly with increasing tower heights and challenging access requirements. It was reiterated that a major issue in the Central City and Southbank is the combination of a high volume of residents (power consumers) within a small footprint development where space competition occurs between the substation size and active uses at the ground level.

Citipower are in the practice of negotiating alternate resolutions for heritage buildings and contexts where a substation directly on the footpath is undesirable for specific planning purposes, with a range of design and siting opportunities. It appears that applicants are often unwilling to bear the additional cost to elevate or sink substations with a Gatic access, instead electing to position substations where they have a minimum cost but often maximum impact on the pedestrian realm.

It is clear that a well framed policy could be used to drive innovation in service provision, but that this must clearly correlate active frontage provisions with the function of the ground level floorplate. This creates a clear relationship between content (interior) and surface (exterior) in order to address the issue of service cabinet dominance in the Central City and Southbank where activation and high quality street edges are fairly uniformly sought. Substations, as a utility which must face the street, are a key component of this equation, and further guidance is required to minimise their impact.

Subsequent to the meetings with the MFB and Citipower, a Practice Note was released by DELWP regarding standards for the location, integration and decoration of service elements within the ground level of buildings. This Practice Note will be a positive complement to any future policy which provides performance tests and requirements for building services in the Central City and Southbank.

Targeted Interview – Foolscap & Relative Studio

The purpose of this discussion was to understand from a client and design side perspective what barriers and opportunities exist to high quality shop fronts, building entries and services at the ground floor public realm interface. The scope of the meeting was limited to the measures which could assist design practices to achieve tactile and human scale outcomes at the ground level of high intensity development in the General Development Areas or smaller retrofit projects within the Special Character Areas.

The following findings were noted:

- Concerns were raised that active frontage policy has led to standardized ‘all glass’ shop fronts which are not designed to respond to tenant needs. Thickness in a building base and some materiality are key components of good shop front design.
- Shop fronts in newly delivered development often have to be demolished and removed when they are poorly designed and inappropriate for a wide range of tenants. This results from the use of standard curtain wall systems at the ground level which have limited use for most retail and commercial tenant types.
- Designers of large projects in the Central City and Southbank are typically employing comparable standards of specification and materiality in the ground level as in the tower. This results in a lack of design attention which reflects the human scale experience of the building below canopy height.
- The cost of replacing a low quality shop front can be prohibitive to a high proportion of tenants. The cost could comprise between 10-15% of the cost of the tenancy fit out.
- ‘Stall risers’ or ‘upstands’ are the section of a shop front below the glass which elevate merchandise to a height which is appropriate for viewing from the street, and typically creates an opportunity for tiles, bricks or some high quality material to contribute to the thickness of the shop front and tactility of the ground level interface. These are often forgotten in contemporary development. Their use improves street edge quality and responds to the needs of a range of retail and food and drink tenants when positioned at an appropriate height (450, 700 or 900mm high) These elements can also double as seating when well designed and thus contribute to public amenity.
- On small sites it is often possible to activate broader elevations including services and lobbies through the design of an often small corner tenancy. Seating can be employed along the remainder of the façade to augment a small space where food production occurs. This is not however appropriate in all streets as it can cause a queuing impact on the public realm.
- It is important to consider the operable components of the facade. Too much operability can be a problem such as broad sliding or concertina doors, which can be climatically inappropriate or simply closed where not required by tenants. Smaller sections of operability can be better to allow flexibility.
- It is important to design specifically to encourage the type of tenant you want in the building, create cues or use a range of operable window types for example.
- The ability to view into the tenancy is critical, tinting can have really negative outcomes. Cheaper glass uses tint to manage heat gain whereas better glass uses Low E or Low Iron.
- Canopy height needs to respond to the scale of the store front, building typology and orientation. More elemental (simple expressed structure) and high quality material finishes in canopies are preferred, including steel, battens, frit glass etc as opposed to heavy aluminium boxed awnings which have become commonplace in recent development where less design attention is invested in the lower levels.

As a way of addressing these findings it was discussed that the use of an application requirement for 1:50 or 1:20 drawings of the ground level can really help designers with leverage to focus attention on the street frontage and human scale. It is important to show people in drawings for scale in order to ensure that this drives the approach to materiality, detailing, arrangement of windows, doors and services.

Further, it was highlighted that it is really important to reinforce pedestrian detail and comfort through diagrams which show the hierarchy from ground plane, to podium, to tower, which warrant very different outcomes in terms of materiality and detailing. This needs to move beyond the simple notion of activation as a ‘glass façade’. A guideline document could assist with this.

FEBRUARY 2018

Attachment 4
Agenda Item 6.1
Future Melbourne Committee
20 February 2018

CENTRAL MELBOURNE DESIGN GUIDE

CITY OF MELBOURNE

FOREWORD

(To be added upon endorsement by FMC)

Councillor Reece

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CONTENTS

INTRODUCTION

The Central Melbourne Design Guide has been prepared by the City of Melbourne to support the use and interpretation of the Urban Design in the Central City and Southbank Design and Development Overlay Schedule 1 (DDO1) within the Melbourne Planning Scheme.

The Guide uses illustrations and photos to visually communicate the desired outcomes of the objectives and design requirements of the DDO1 with additional images of outcomes we are seeking to avoid. The intent of the graphic format of this document is to make the policy clearer and more accessible to a diverse audience, including the community, designers, planners, and developers.

Both the policy and the guide aim to shape the development of private land within the Central City and Southbank by focusing on the key components of design that contribute to inspiring and lively streets and places, with a particular emphasis on the interface of buildings within the City's public realm.

Responding to context, whether it be the streets and laneways, buildings, or activities is key to achieving good design outcomes. Each of the six chapters is designed to assist new development in responding appropriately to what we value in the city and to contribute to the city's vibrancy and economy for decades to come.

HOW TO USE THIS GUIDE

The Central Melbourne Design Guide provides a resource for pre-application discussions between applicants and assessment planners. The guide is the tool that assists in the interpretation of the urban design policy (DDO1) when preparing development applications. It also aims to assist planning professionals with the assessment of development proposals.

The Guide mirrors the DDO1 structure, with objectives and design requirements ordered into a series of six themes. The themes are structured in order of scale from the neighbourhood or precinct, down to the scale of building interfaces and design detail. The structure is as follows:

- Urban structure
- Site Layout
- Building Mass
- Building Program
- Public Interface
- Design Quality

In addition to design requirements, each of the six themes contain an 'avoid' section at the conclusion of the chapter. The images are intended to complement rather than duplicate the design requirements, and provide specific guidance of outcomes that we are seeking to avoid.

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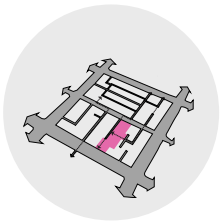
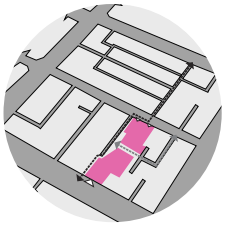
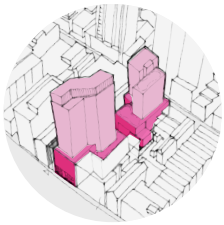


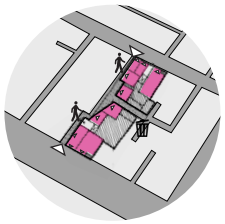
Urban Structure



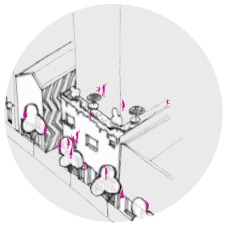
Site Layout



Massing



Building Program



Public Interface

The size of urban blocks and distance between connections has a strong impact on the walkability of Melbourne.

Aerial view of Southbank and Central City

URBAN STRUCTURE

Introduction

Urban Structure relates to the network of main streets, streets, lanes, and open spaces which define the size and shape of urban blocks. The urban structure of the Hoddle Grid is enhanced by the fine network of public and private lanes and arcades that provide choice and ease of pedestrian movement, and support the diversity of social and economic activity in the Central City. The urban structure of Southbank is characterised by larger block sizes which provide opportunity for improved walkability.

Objectives

- Development should provide new, direct and convenient pedestrian connections that are aligned with other lanes or pedestrian connections on nearby sites.
- Development should maintain and reinforce existing pedestrian connections and arcades where they complement the street network of the City.
- In Southbank, development should contribute to a reduction in urban block size and improve walking distances through new shared streets and pedestrian connections.

Does the development promote walkable precincts?

1.
Retain existing connections

Redevelopment of an existing pedestrian connection or arcade is to maintain and or achieve the following:

- Safe, direct, attractive, well lit and provide a line of sight from one end to the other.
- Publicly accessible and appropriately secured with a legal agreement.
- At least six metres wide.
- Lined by active frontages.

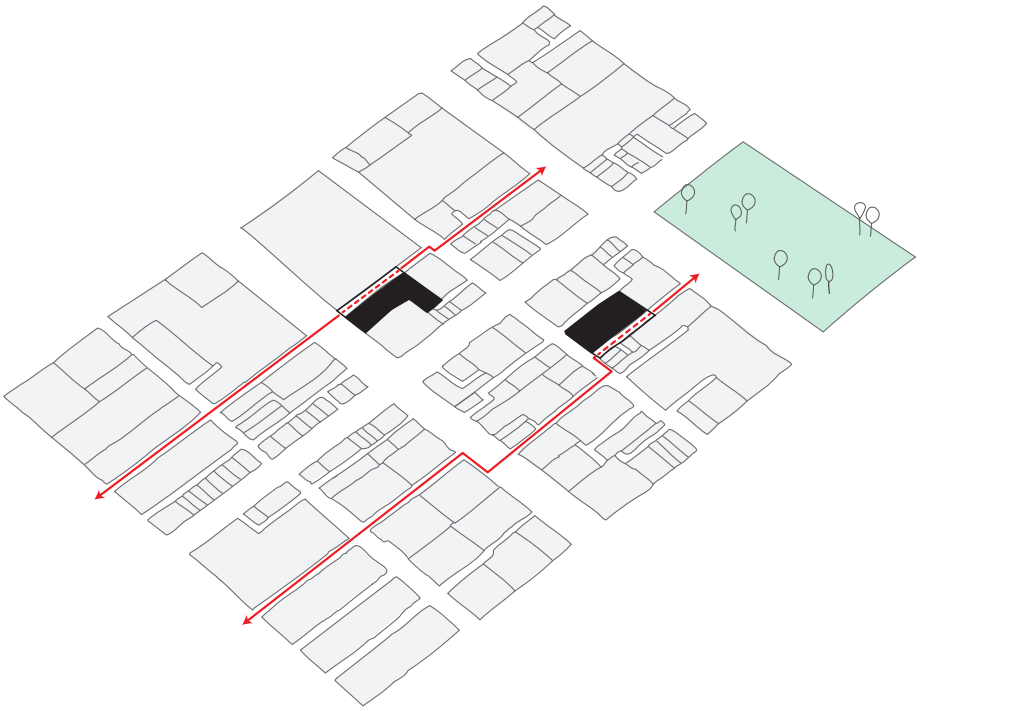


Figure 1 Retention and renovation of existing, privately owned pedestrian connections on these proposed sites ensures that the movement network is maintained and enhanced.

RMIT's New Academic Street introduces a network of legible new laneways to improve connectivity in a large urban block.

RMIT New Academic Street

2. Provide direct and convenient connections

Development should provide direct and convenient pedestrian connections that align with other lanes or pedestrian connections on nearby sites through the following:

- Partial pedestrian connections which can be completed when adjacent site development occurs.
- Connect or extend existing or proposed adjacent pedestrian connections on an adjoining site.

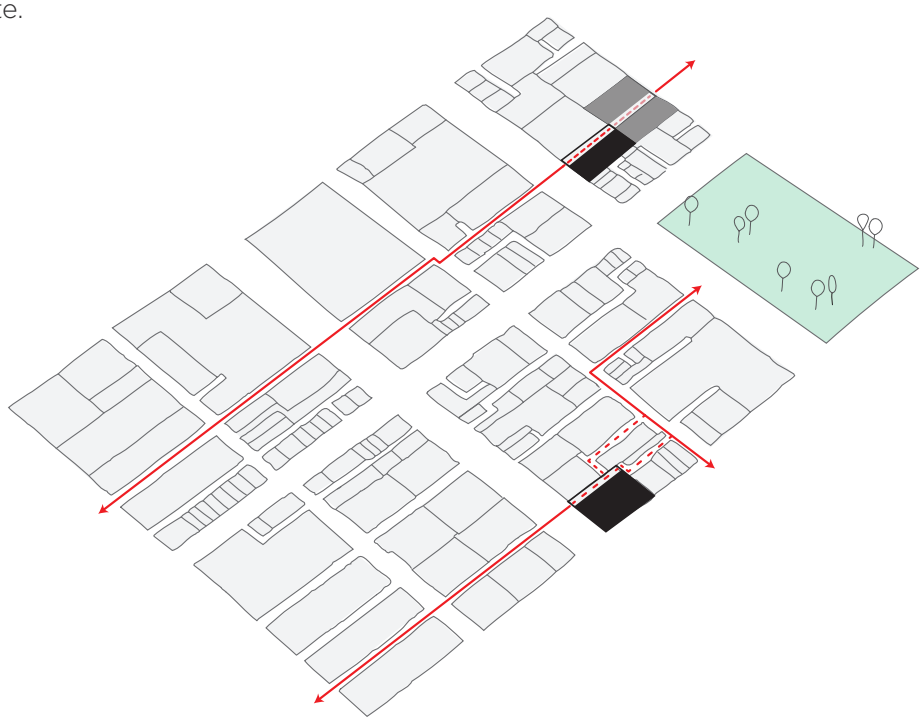


Figure 2 New pedestrian connections should be positioned to provide for alternate walking routes through the urban blocks. Consideration for how they will connect to other urban blocks and open spaces at present and in the future is important.

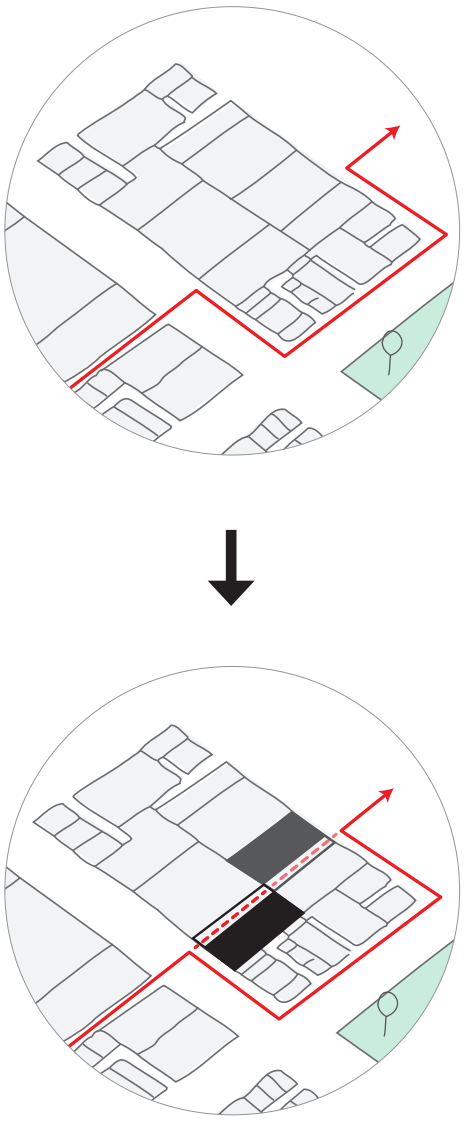


Figure 3 The existing partial connection enables opportunities for additional routes through the urban block to alleviate pedestrian congestion.

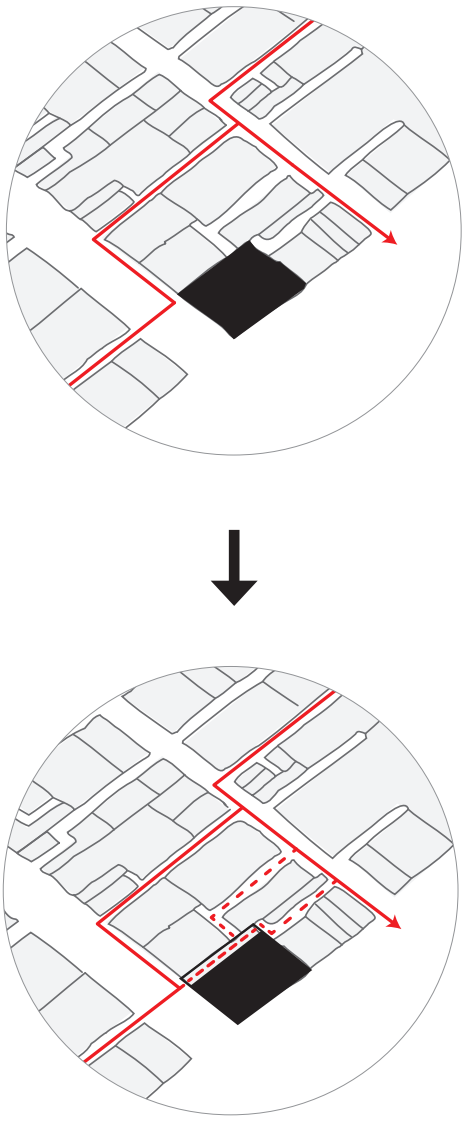


Figure 4 Extend existing lanes to complete the pedestrian network.

3.
Create new arcades where appropriate

New high quality arcades should be incorporated in the Central City only where open to sky pedestrian connections are not possible.

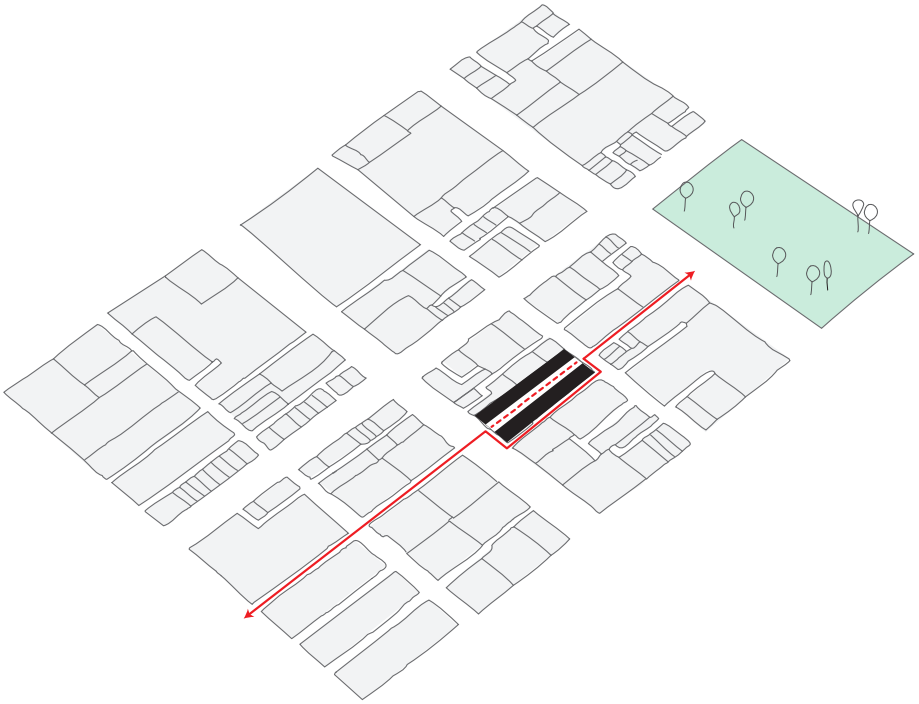


Figure 5 The new arcade complements the existing urban structure by providing a direct connection through to adjoining urban blocks.

New arcades are successful where they establish a clear line of sight, provide active frontages and connect between existing public streets.

19 James Street, Fortitude Valley QLD

4.
Reduce the urban block size

Provide new pedestrian connections where the average length of a street block exceeds 100 metres, except within 200 metres of a rail stations where more frequent connections are desirable to manage high pedestrian volumes.

For street blocks exceeding 200 metres in length, at least two pedestrian connections should be provided.

Pedestrian connections should be located centrally within the street block and where possible, less than 70 metres from the next intersection or pedestrian connection.

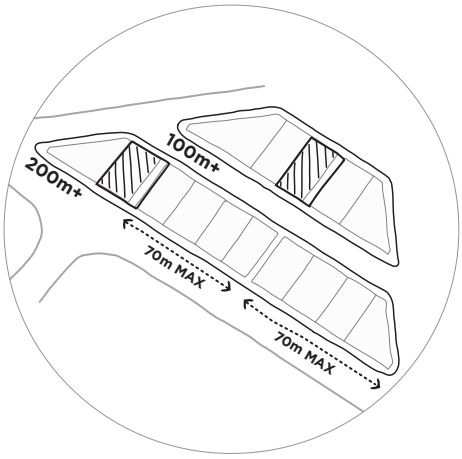


Figure 6 Both development sites will provide a pedestrian connection within 70 metres from the street intersection. This will enable greater permeability.

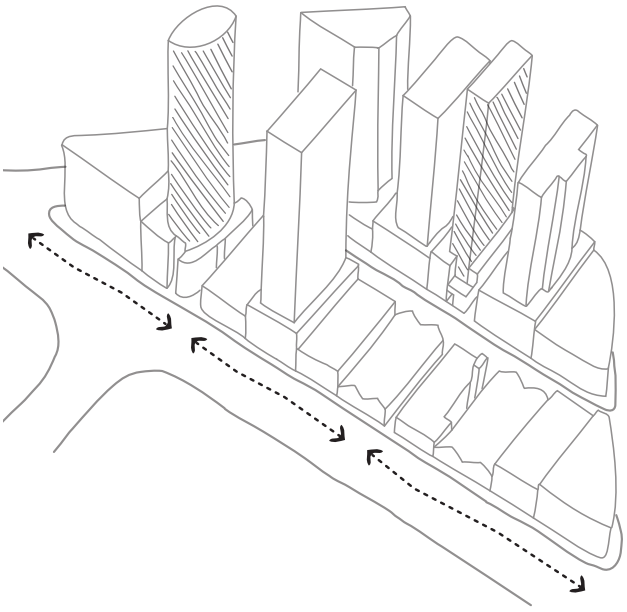
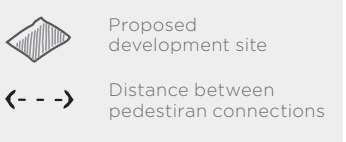


Figure 7 Southbank typically has large urban block sizes that require new connections to improve walkability.



5.
Improve walking distances

Development with a frontage to two or more street or lanes should provide for pedestrian connections where this improves the walkability of the street block.

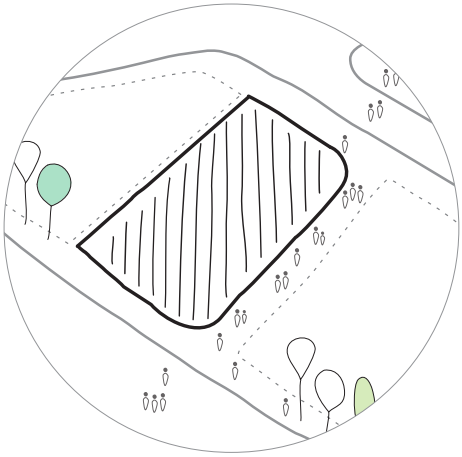
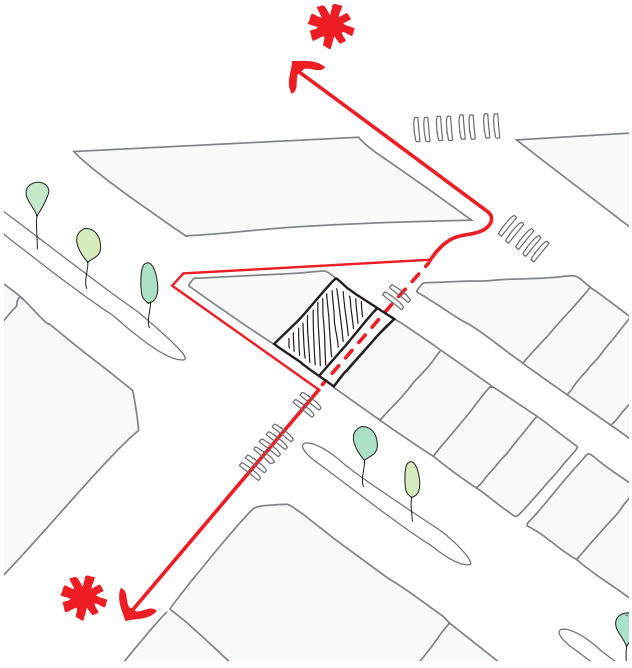


Figure 8 The development site fronts on to a main street and a laneway, and will provide a pedestrianised laneway to connect the two.



Proposed development site

Proposed pedestrian connection

Existing pedestrian connection

Figure 9 The proposed pedestrian connection will enable direct and convenient access in the neighbourhood.

6. Provide safe and attractive pedestrian connections

Development is to provide new pedestrian connections which are:

- Safe, direct, attractive, well lit and provide a line of sight from one end to the other
- Publicly accessible and appropriately secured with a legal agreement
- At least six metres wide
- Open to the sky
- Lined by active frontages.

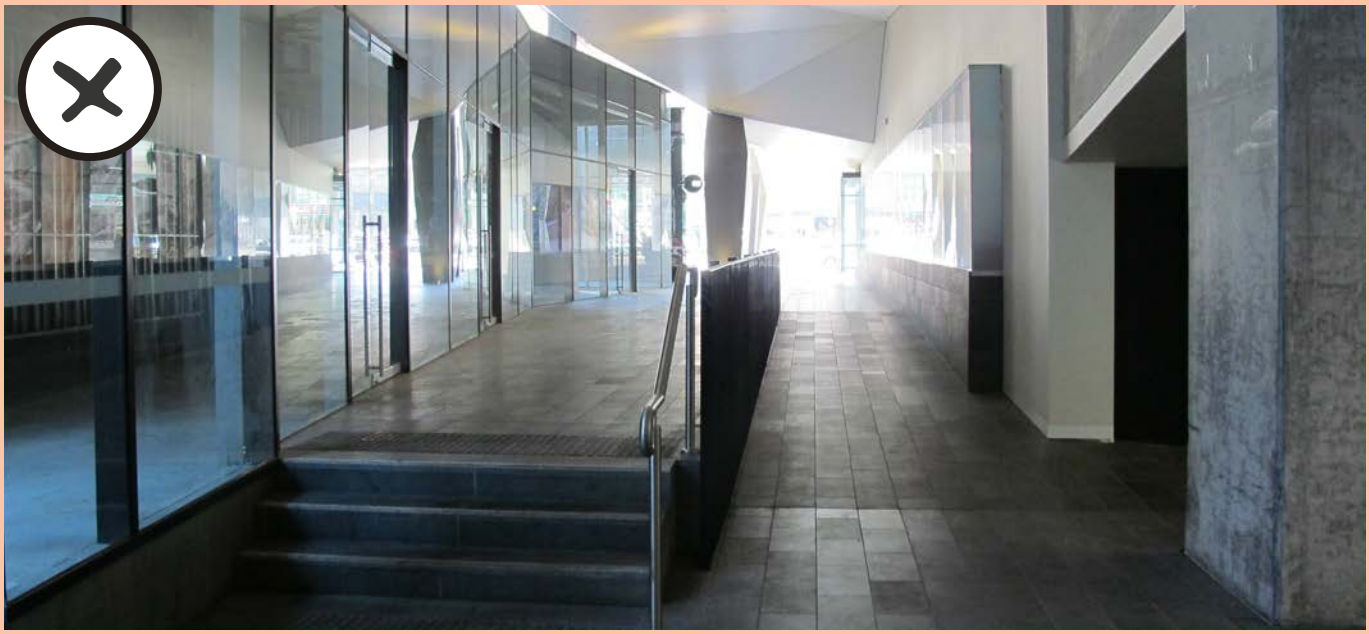
Figure 10 The new pedestrian connection should be of a high quality, including being open to the sky and flanked by active frontages.

A high quality pedestrian connection that is open to the sky, wheelchair accessible and flanked by active frontages with sufficient space for both movement and seating.

Queen Victoria Development

What to avoid?

Covered pedestrian connections in Southbank.



The creation of pedestrian connections with entrapment space or limited passive surveillance.

The arrangement of the site plan should reinforce a high quality public realm through the placement of active or inactive uses.

567 Collins Street, Cox Architecture
Image: Cox Architecture

SITE LAYOUT

Introduction

Site layout refers to the arrangement of buildings and spaces, including the position of entries, servicing, and circulation cores and how these elements reinforce the hierarchy of streets and laneways within the urban structure. The configuration of the ground level establishes relationships that inform building mass and floorplate depth. These factors impact on the quality of the public realm and internal amenity.

Objectives

- Ensure that the site layout of development responds to the function and character of surrounding main streets, streets and lanes.
- Provide streetscape continuity through the alignment of built form frontages to adjoining streets.
- Provide opportunities for stationary activity in well designed and oriented, publicly accessible, exterior spaces.
- Retain existing exterior spaces on ground level where these provide for stationary activity or alleviate congestion within the public realm.

Does the configuration of ground level spaces and entrances contribute to the use and character of the streets and laneways?

7.
Respond to the hierarchy of streets and laneways

Development with more than one street frontage, should position entries, circulation and services to respond to the function of adjoining main streets, streets and laneways.

A. The main street is a major pedestrian and vehicular route within the urban structure. It is characterised by building frontages and entries and has a high quality public realm with wide footpaths, regular street trees and furniture.

B. The local street acts as a connection between two parallel main streets, and has a mix of some active frontages in addition to building services.

C. A new public laneway aligns with existing crossings and includes fine grain, active frontages that wrap around the corners and extend down the street.

D. This existing laneway is treated as a service lane by existing properties, but some businesses have secondary entrances from the rear which provide safety and surveillance.

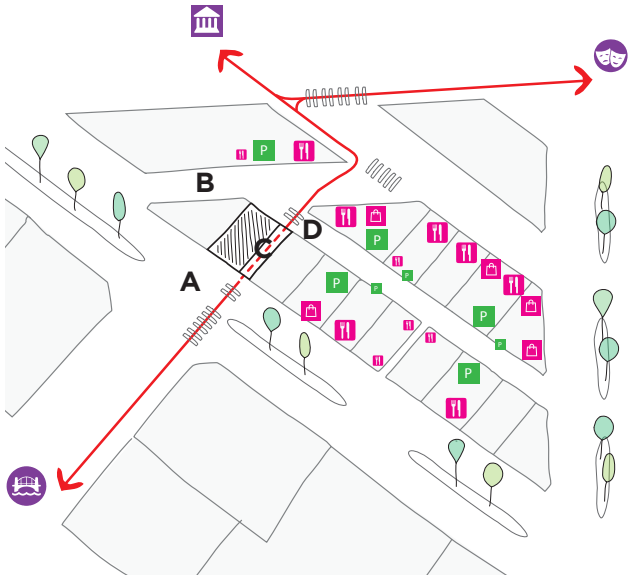


Figure 11 A context analysis that considers pedestrian and vehicular traffic, visibility, quality, character, activation and types of uses enables the hierarchy of streets and laneway frontages to be established.

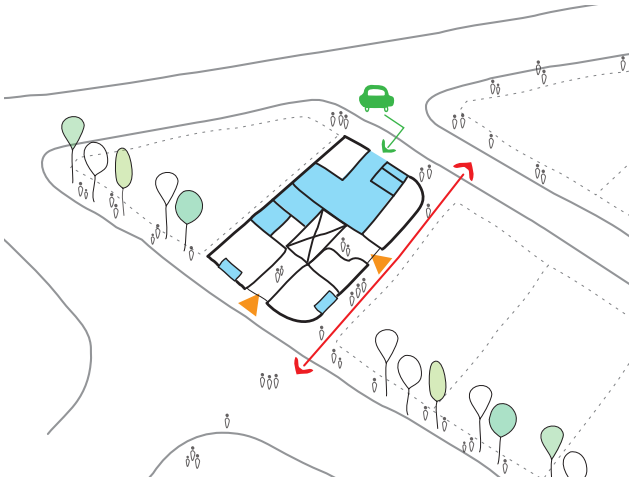


Figure 12 The entry to the primary tenant is positioned on the main street frontage. The secondary and tertiary frontages should provide a balance between active uses and services (blue) to ensure no frontage is completely dominated by servicing and/or carparking.

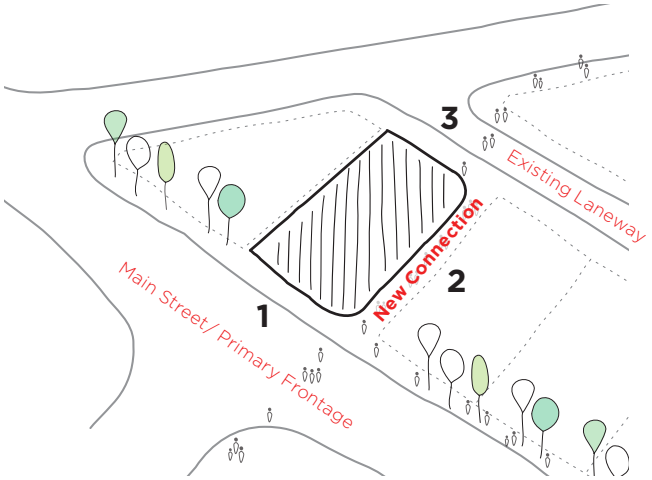


Figure 13 The primary street frontage (1) is located on the main street frontage. The new pedestrian connection has been nominated as the secondary frontage (2) due to anticipated pedestrian traffic on route to significant destinations. The tertiary frontage (3) is the existing laneway which is dominated by car park entries.

8.
Align buildings to the street

New buildings should align to the street at ground level, without setback, unless the design response includes a purposeful, open to the sky setback to provide a publicly accessible space with a high level of amenity, including good solar access, comfortable wind conditions, seating and landscape elements.

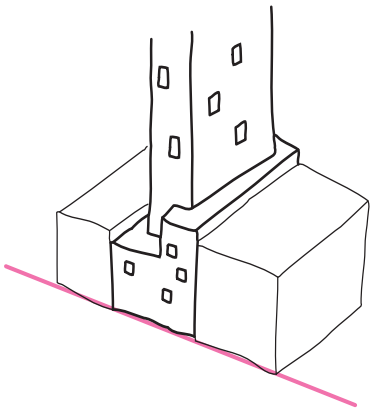


Figure 14 The new development aligns to the street to provide a continuous and well-defined street edge.

9.
Provide purposeful setbacks where appropriate

Figure 15 The new development is setback to expose the adjoining heritage wall and provide publicly accessible space designed to accommodate stationary activities.

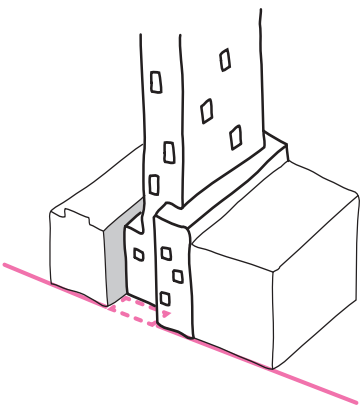


Figure 16 The new development is setback to accommodate a publicly accessible open space.

A continuous and well-defined street wall reinforces the street, and provides for activation and safety within the public realm.

Little Bourke Street

10.
Retain existing plazas

Retain a minimum of 50% of existing publicly accessible private plazas oriented to a main street or street which contribute to reducing pedestrian congestion or where there is good potential through retrofit and repurposing to achieve a high quality space with opportunities for stationary activity.

11.
Carefully position building entries and spaces

Internal spaces and building entries should be positioned away from corners or points of congestion in order to manage anticipated pedestrian volumes within the adjacent public realm.

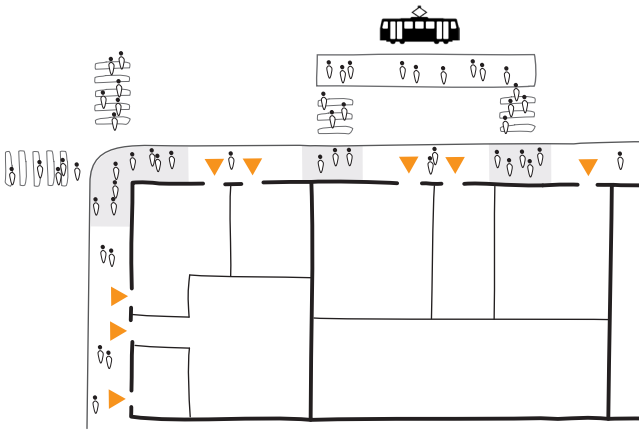


Figure 17 Entries are positioned to avoid conflict with areas of high pedestrian intensity (grey) including intersections and crossovers.

A historic plot ratio bonus plaza is refurbished to provide a contemporary, high quality space for stationary activity.

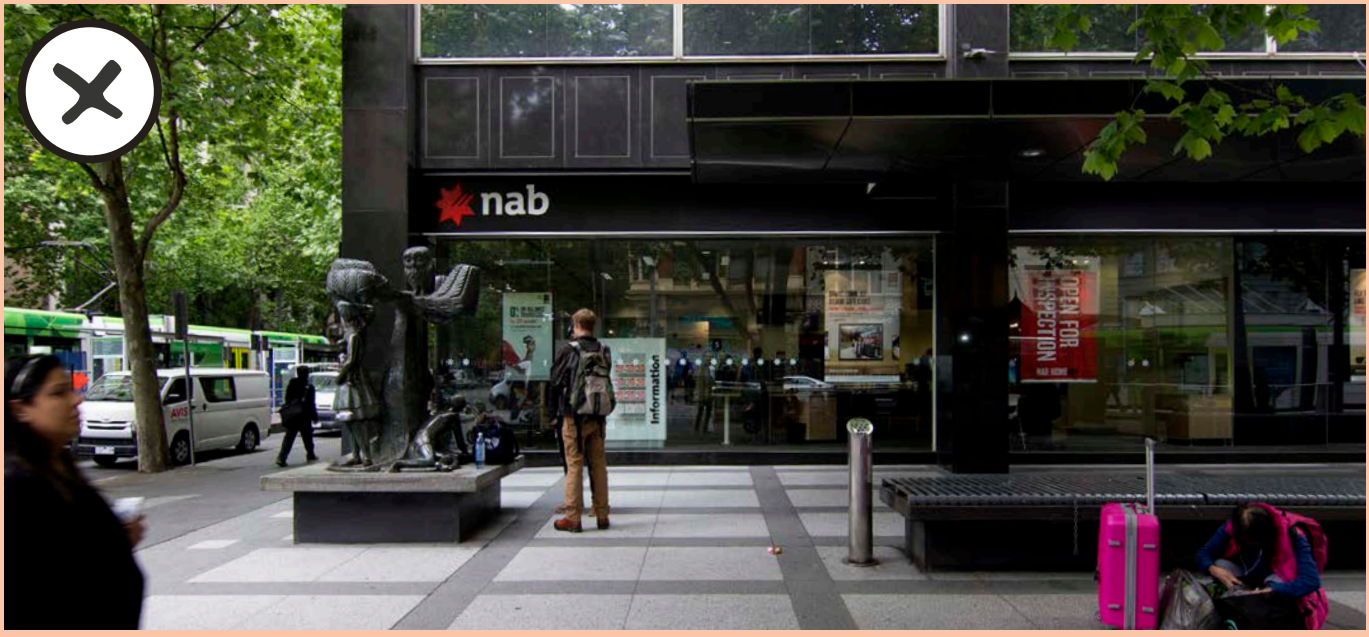
500 Bourke Street

What to avoid?

Low height colonnades or deeply recessed ground floor facades adjacent to the public realm.

Small, narrow publicly accessible spaces, alcoves and recesses that lack a clear public purpose.

The positioning of vehicle access, loading and services on main street frontages.



The removal or significant reduction in the area of existing publicly accessible private plazas that contribute to the pedestrian amenity of the central city.

Building massing should be broken down into a series of streetwall elements to reinforce the vertical grain, rhythm and scale of its surrounding context.

Oxford and Peel, Collingwood
Photo: Peter Clarke

BUILDING MASS

Introduction

Building mass comprises the three dimensional form of a building, including its scale, height, proportions and composition. These aspects of a building impact how it fits within and contributes to its broader context, including adjacent buildings, the street interface and key public vantage points.

Objectives

- Built form should respect the height, scale, and proportions of adjoining heritage places or buildings within the Special Character Area.
- Encourage a variety of street wall heights which reinforce the traditional fine grain, vertical rhythm and visual interest of streetscapes.
- Where taller built form above the street wall is appropriate, promote slender, well spaced towers to maximise solar access to the adjacent public realm.
- Ensure the design of built form above 40m addresses views from public vantage points.

Does the building mass respond to the surrounding context and minimise amenity impacts?

12. Respond to the context

Built form should adopt street wall heights, front and side setbacks that respond to the scale of any adjacent heritage buildings.

Ensure that the massing of tall buildings adjacent to Special Character Areas provides an appropriate step down in both street wall and overall building height.

Within the Special Character Area, ensure that any upper level built form is visually recessive to reinforce the street wall as the dominant component.

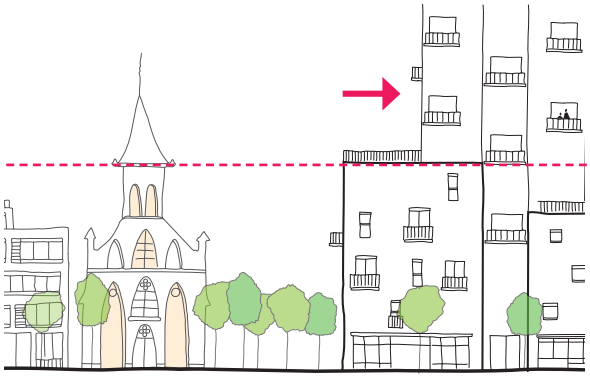


Figure 18 Appropriate setbacks are required to ensure new built form is not overly dominant within the context. This is particularly important where new development is located in close proximity to heritage places. A lower podium height in this instance achieves an improved outcome.

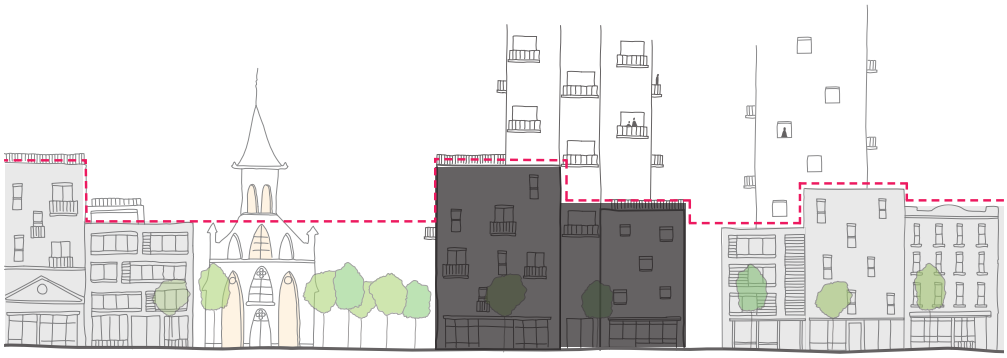


Figure 19 The podium height of the new development is similar to the podium heights of the existing buildings. The subtle diversity of parapet heights assists the new development fit within the context by reinforcing vertical grain and rhythm.

New street wall elements should respect the height and scale of adjacent heritage buildings, and provide appropriate setbacks for the tower.

Rialto Towers Podium Redevelopment

13.
Break up the mass of the building

Buildings with a wide street frontage to be broken into smaller vertical sections, with a range of parapet heights and rebates.

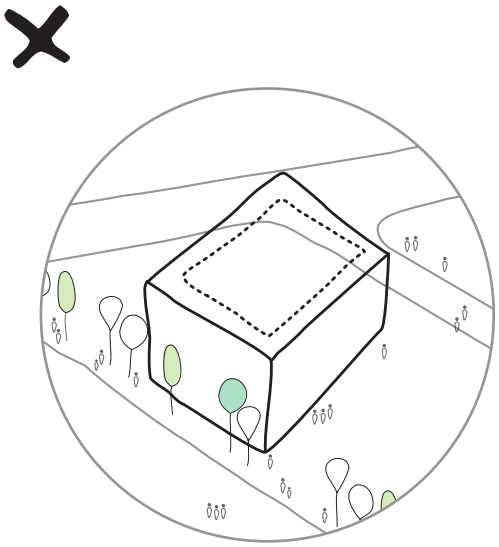


Figure 20 Extruding the site area to create one large building mass is not an appropriate approach to creating a human scaled, high quality public realm.

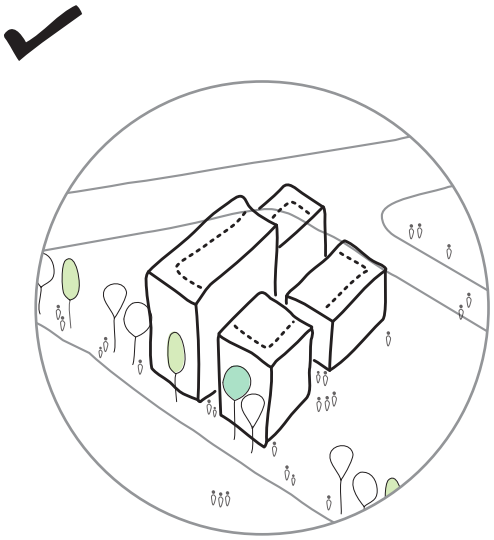


Figure 21 The building mass is broken down into smaller parts to minimise the impact of a large building on the public realm, and contribute a human scaled building mass.

A large building mass is broken down into a series of conjoined vertical elements to reduce bulk and integrate with a mid-rise, fine-grain context.

AM60, 60 Albert Street, Brisbane

14.
Minimise impacts on public and private amenity

The spacing and shape of new towers should maximise sunlight and daylight penetration at street level.

The massing of built form along streets and lanes should adopt lower street wall heights to respond to their characteristic narrow profile and reduced daylight conditions.

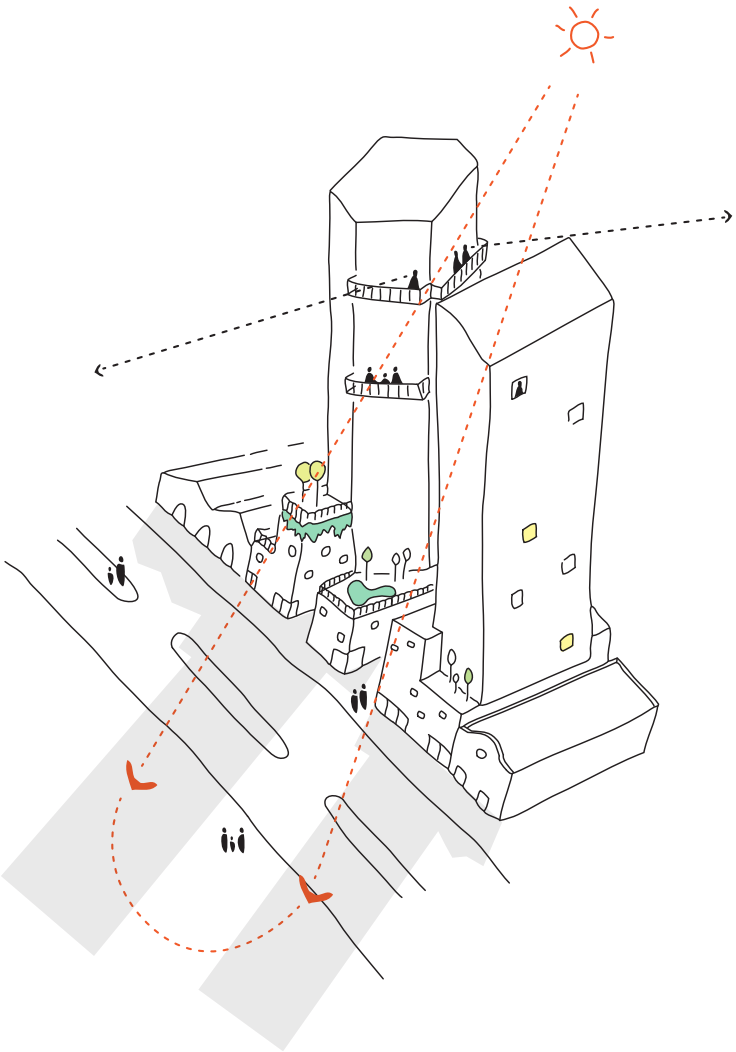


Figure 22 The tower has been positioned to allow daylight to penetrate to the street and has been shaped to provide views and minimise direct overlooking.

15.
Maximise outlook and daylight

Floorplates in new tall buildings should be shaped and oriented to maximise views toward the public realm and away from adjacent development sites.

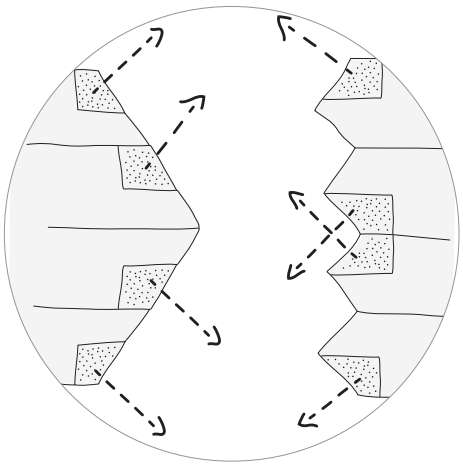
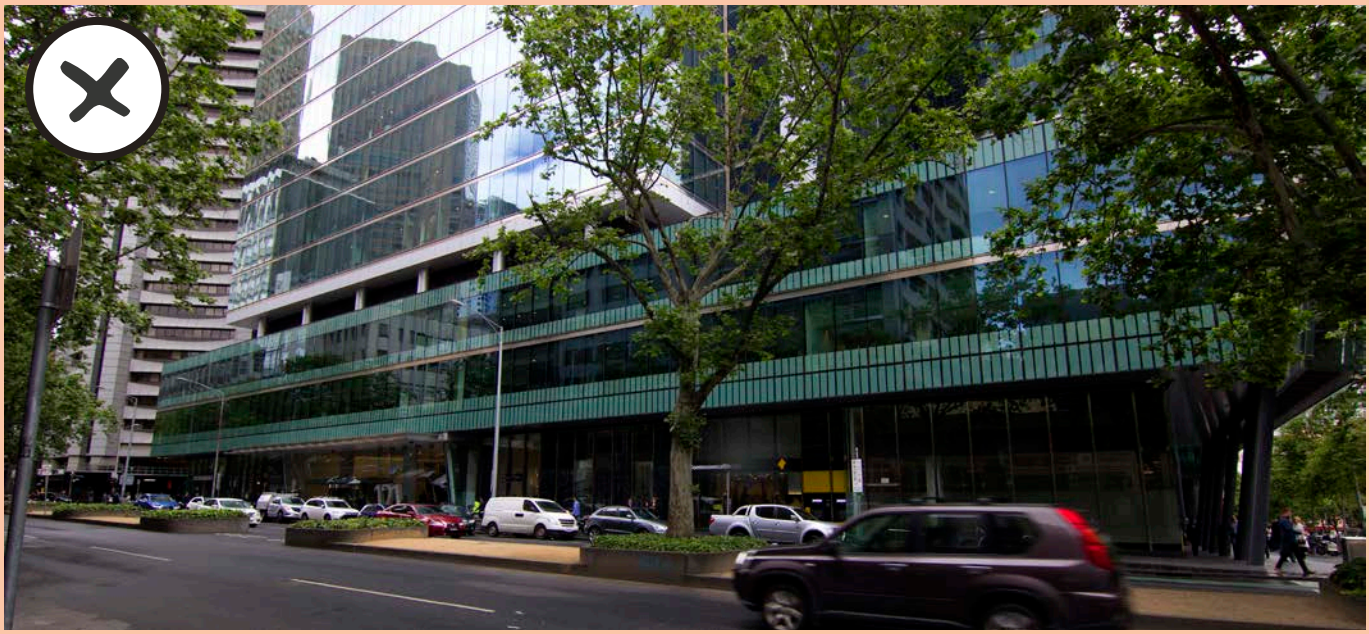


Figure 23 Balconies and windows are positioned to promote views away from the building opposite.

Figure 24 Tall buildings in close proximity to one another are required to manage external views and access to daylight.

What to avoid?

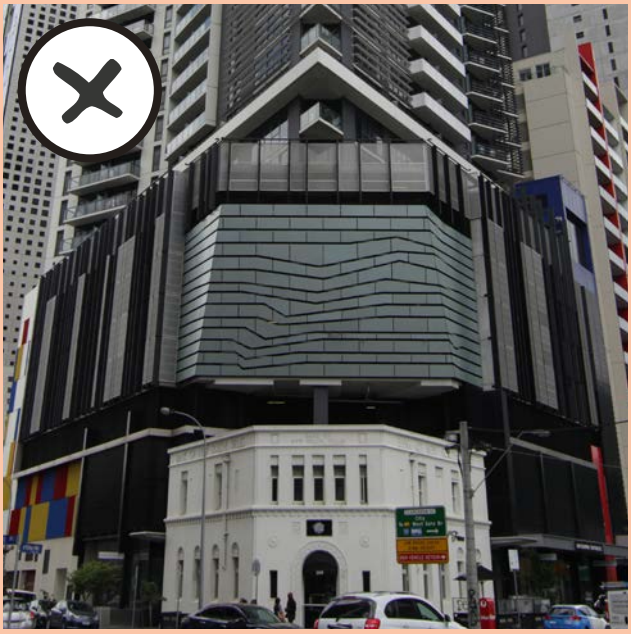


Streetwalls or podiums on wide street frontages which present a continuous facade to the street without articulation.

Reliance on surface effects with limited depth to provide articulation and modulation of broad building frontages.

Abrupt transitions in scale between tower and adjacent low or mid-rise built form at the edge of the Special Character Areas.

Towers which present as a wall of built form when viewed from key public vantage points.



Built form that fails to provide appropriate building separation or setbacks in response to adjacent heritage buildings.

The use of flat facades with reliance on surface or decorative effects where a setback is required to achieve a transitional in height and mass to an adjacent heritage place or precinct.

RMIT Building 80's balcony projection successfully expresses its internal common area program in order to provide visual interaction with the public realm of Swanston Street.

RMIT Building 80

BUILDING PROGRAM

Introduction

Building program comprises the position and configuration of uses internal to a building. This is a key urban design consideration due to the direct relationship of internal areas on the public realm. For example, foyers, reception areas and active uses can contribute to the safety and vitality of the public realm, whilst the placement of building services, storage and car parking at the ground and upper levels can have negative impacts on the public realm. The internal design of buildings should be able to adapt to other uses over time to extend the useful life of a building and avoid the creation of spaces that can not be retrofitted over time.

Does the position and design of active uses, services, and parking ensure a high quality public realm?

Objectives

- Ensure the arrangement of uses internal to a building promote a safe and high quality interface between the public and private realm.
- Minimise the impact of car parking and building services on the public realm.
- The internal configuration of development should secure a high level of wellbeing for building occupants, through natural light, ventilation, outlook and thermal comfort.
- Ensure the structural and spatial design of buildings allow for adaptation to other uses over time.
- Ensure the lower levels of the building are designed to accommodate a range of tenancy sizes, including smaller tenancies.
- Ensure the parts of the building accessible to the public are designed to promote a strong physical and visual relationship with the street.
- Internal common areas or podium-rooftop spaces should be positioned and designed to maximise surveillance and interaction with the public realm.

16.
Maximise activity along streets and laneways

Position active uses to address main streets, streets and laneway frontages.

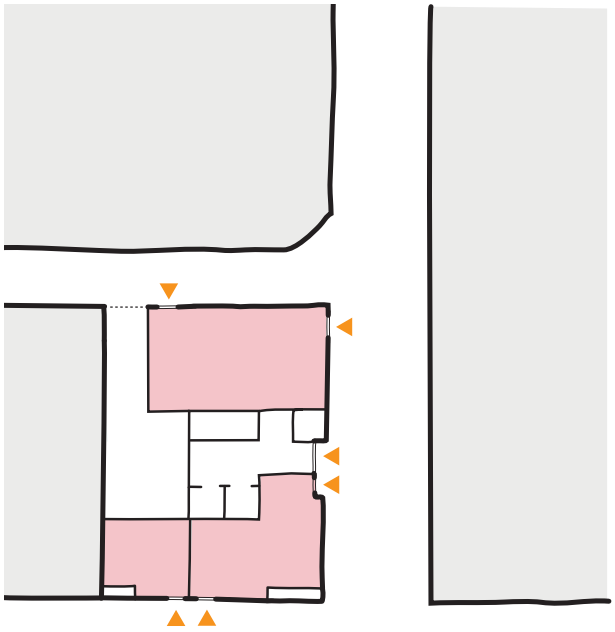


Figure 25 Various sized tenancies (pink) are positioned in a manner that maximises active uses along all frontages.

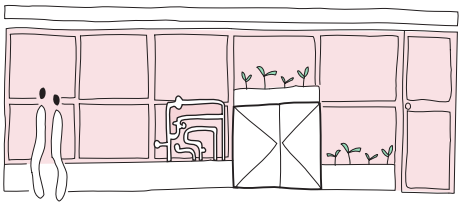
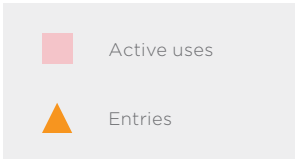


Figure 26 Active frontages can be maximised through exposing some service elements, and reducing the height of cabinets to maximise glazing to ground floor uses.



17.
Limit ground floor services

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

***MANDATORY**

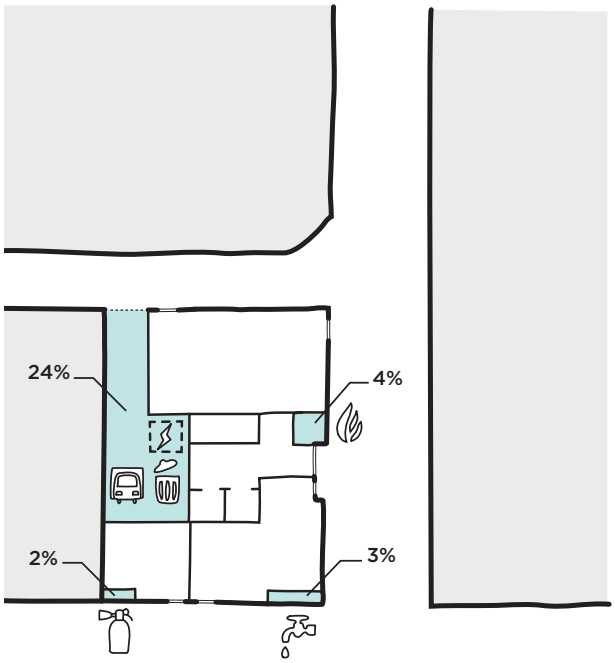


Figure 27 Ground floor services account for less than 40% of site coverage. Parking and loading lanes are consolidated to one at the rear, while service cabinets (blue) are either integrated internally or distributed along the street edge.

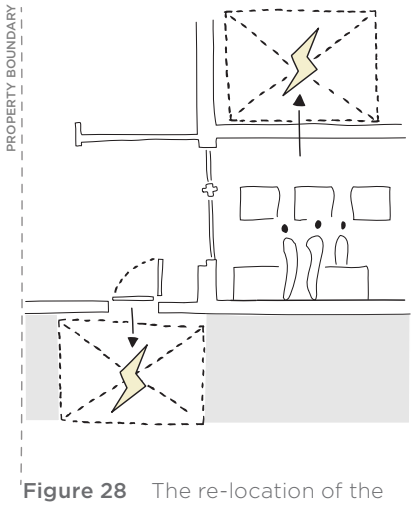


Figure 28 The re-location of the substation above or below ground may reduce the building services footprint on the ground floor.

Total area of ground floor building services: **33%**

Note: Building service calculations **do not** include lobby and circulation areas.

18.
Integrate services to minimise impacts on the public realm

Locate service areas away from main streets, streets and public spaces, or within basement or upper levels to maximise activation of the public realm within main streets, streets and laneways.

Co-locate service cabinets internal to loading, waste or parking areas where possible to avoid impact on the public realm.

Ensure the location and width of vehicle entries minimises impacts on the pedestrian network.

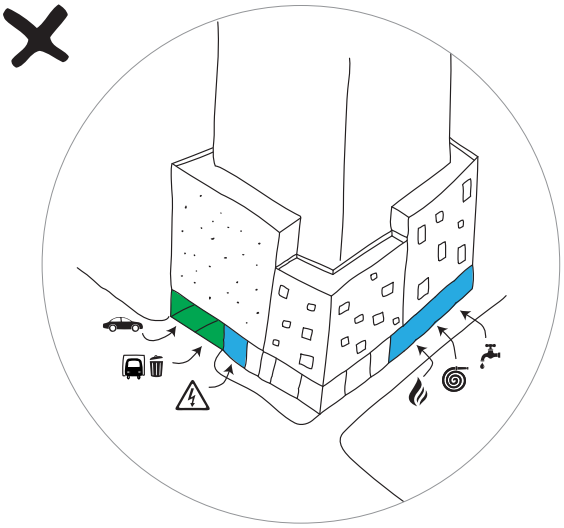


Figure 29 The use of two separate vehicle entries (green) for parking and loading, as well as the clustering of services (blue) result in a service-dominated interface, and negatively impacts upon the public realm.

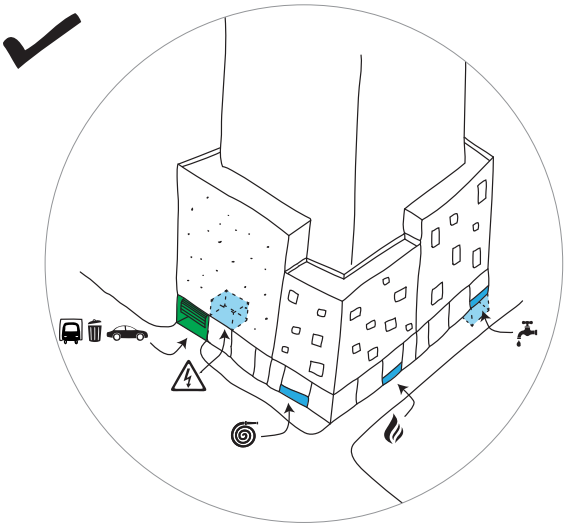


Figure 30 A more space-efficient approach involves the consolidation of vehicular entries, the relocation of the substation above/below ground, and the distribution of services along both street frontages.

Placement and integration of services, in this instance, consumer a significant length of frontage opposite retail and cafes on an important pedestrian connection.

Service cabinets are integrated into a glass facade that allows for a visual connection between the cafe and the public realm. Planters above soften the visual impact of the service cabinets.

19.
Locate car parking underground

Vehicle parking in the Central City must be located within the basement levels of a building.

***MANDATORY**

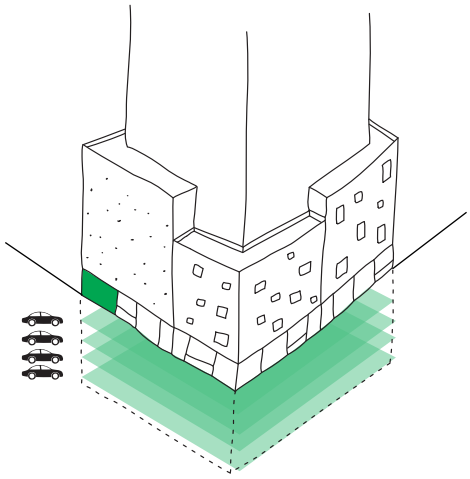


Figure 31 Car parking (blue) is located underground to prevent negative impacts on the public realm

20.
In Southbank, sleeve all podium parking with active uses

Where podium parking is proposed within Southbank, the carpark must be:

- located on the first floor or above;
- sleeved by active uses to main streets and streets.

***MANDATORY**

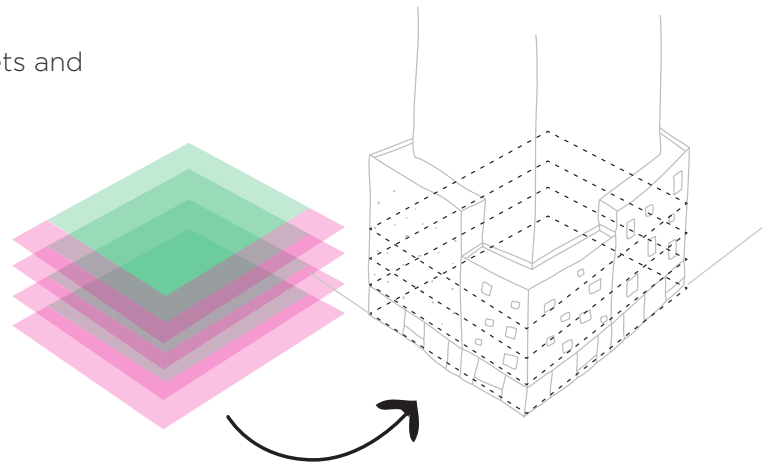


Figure 32 Podium Parking (blue) is sleeved with active uses (pink) in Southbank to ameliorate negative impacts on the public realm.

The building on the right sleeves parking with apartments at the street frontage. This ensures a strong visual connection from the upper levels to the street in order to provide surveillance.

35 Spring Street

21. Design for future adaptation

Parking structures must be designed with floor to floor heights of at least 3.5 metres to enable future adaptation.

***MANDATORY**

Provide ceiling heights of at least 3.5 metres floor to floor within the lower 20m of a building.

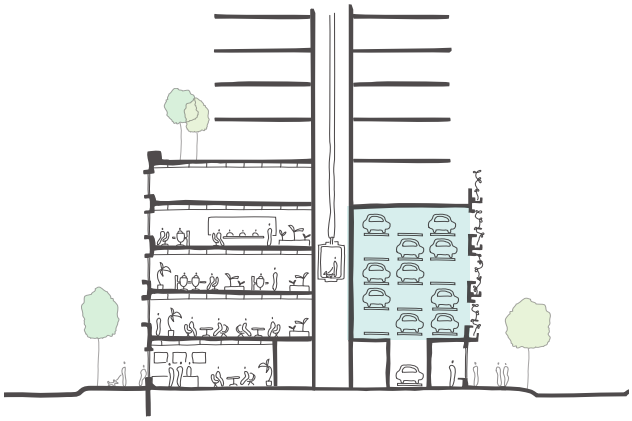


Figure 33 The structure of the building, including the design of the elevation and positioning of openings is designed to accommodate habitable spaces in the future.

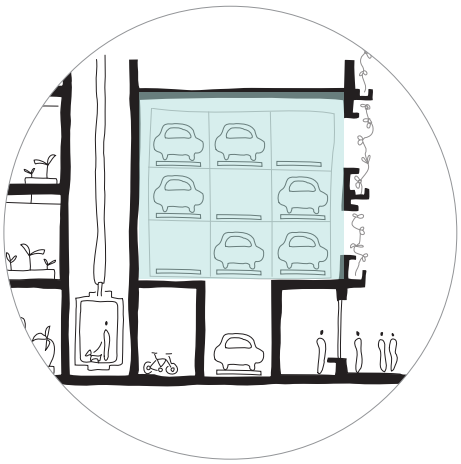


Figure 34 Parking structures should adopt flat floorplates or stacker systems which allow for future retrofit to habitable uses.

Figure 35 A former stacker system is converted into a habitable use through the insertion of new floorplates with good access to natural light.

BEFORE

A parking structure with a flat floorplates and adequate floor to floor height allows for future adaptation.

QV8
Photo: Breathe Architecture

AFTER

An example of an existing car park structure converted into apartments by Breathe Architecture and Grocon.

QV8
Photo: Breathe Architecture

22. Activate the public realm

Parts of the building accessible to the public should be co-located with public space or a pedestrian connection to activate the public realm.

Figure 36 Building entries (orange) and activated spaces are positioned to frame the publicly accessible open space.

23. Maximise the number of building entries

Maximise the number of pedestrian building entries along main street, street and laneway frontages, to provide for public interaction and long term flexibility of tenancies.

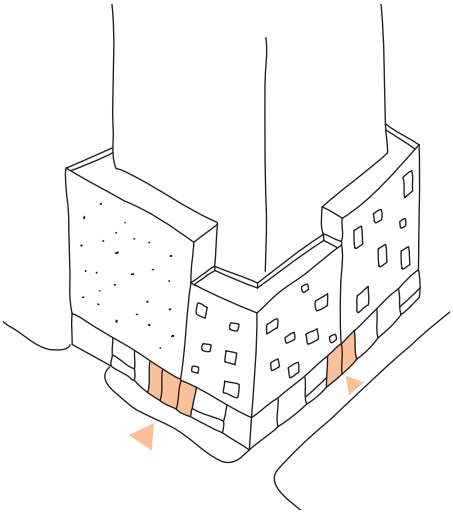


Figure 37 Building entries (orange) are positioned on street and laneway frontages

The frequency of building entries in short succession and narrow tenancies provide for high levels of public interaction and diversity of economic activity.

Crossley Street

24.
Maximise opportunities for visual interaction

Locate new publicly accessible areas in the lower levels of a building so that they have a direct visual and physical connection to the public realm.

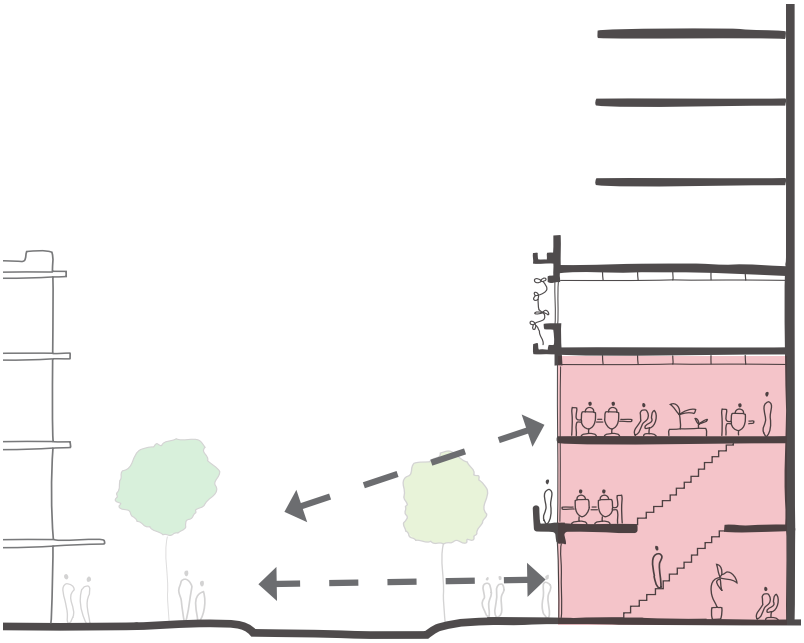


Figure 38 Where a publicly accessible space is located within a podium, ensure a strong visual connection from street level and a clear path of travel.

25. Maximise internal amenity

The arrangement of spaces within a building should maximise privacy, daylight and outlook.

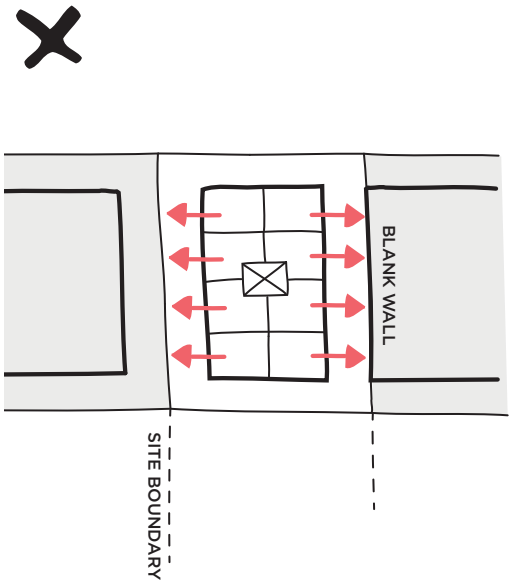


Figure 39 The habitable spaces are designed with poor outlook and daylight due to being orientated towards blank walls.

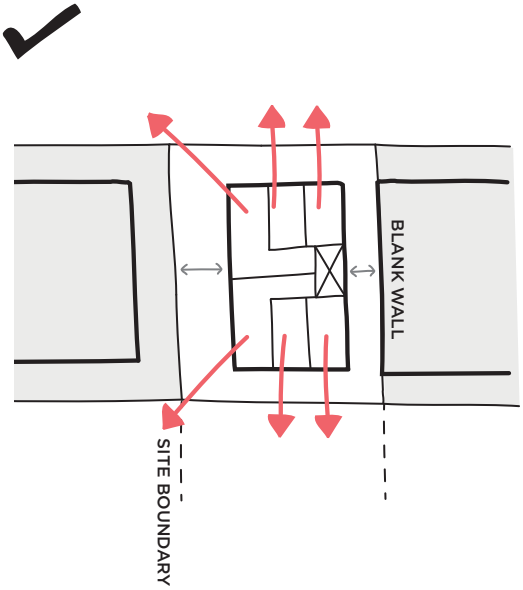


Figure 40 Habitable spaces are oriented towards the street and open space to facilitate outlook and daylight. This minimises conflict with adjacent buildings.

What to avoid?

Ramped parking structures which preclude adaptation for other uses.

Car parking entries on small sites where it impacts on the activation and safety of the public realm.

Tenancy configuration which relies upon queuing within the public realm, unless on a pedestrian only laneway where this is the established character.

Long expanses of frontage with limited building entries at ground level.

Large floorplate tenancies directly at a boundary to a street, lane or pedestrian connection unless sleeved by fine grain uses at ground level.

Active frontages should employ depth and tactility with high quality materiality, as opposed to floor to ceiling glass.

Short Stop Melbourne
Photo: Tom Blachford

PUBLIC INTERFACES

Introduction

Public interfaces comprise the boundary between the internal program of a building and the public realm within main streets, streets, laneways and open spaces. The detailed design of the interface at the ground level and the lower 20m of a building have a significant impact upon activation, surveillance, safety and quality of the public realm.

Does the development promote safe and lively public spaces?

Objectives

Active Frontages

- To ensure building frontages contribute to the use, activity, safety and interest of the public realm.
- To provide continuity of ground floor activity along streets and lanes within the Special Character Areas.
- To allow unobstructed views into the ground floor of buildings.

Services Waste and Loading

- Encourage innovation in the design of building services to maximise the quality and activation of the public realm.
- Where services must be located on a street, ensure these do not dominate the pedestrian experience and are designed as an integrated component of the façade.
- Ensure the design of waste collection facilities are considered as an integral component of the building design.

Public Realm Projections and Weather Protection

- Provide protection from rain, wind and summer sun to provide for pedestrian comfort.
- Ensure weather protection canopies are functional, of high design quality, and contribute to the human scale of the street.
- Ensure the width of weather protection canopies provide for choice of exposure to winter sun and shelter from summer sun within the public realm.
- Ensure that minor building projections above ground level contribute to the depth and visual interest of building facades.
- Where projections are considered appropriate, they should be discrete rather than prevailing elements of the design.
- Projections should balance addition and subtraction in the facade to provide streetscape interest and facade depth.
- Projections should not obstruct the service functions of a main street, street or laneway through adequate height cle.

26.
Active street frontages in Special Character Areas

Within the Special Character Areas, buildings with ground-level main street and street frontages must contribute to the appearance and function of the area, by providing:

- At least 5 metres or 80% (whichever is the greater) of the frontage as an entry or display window to a shop and/or a food and drink premises: or as other uses, customer service areas and activities, which provide pedestrian interest and interaction This measurement excludes stall-risers to a maximum height of 700mm in addition to window and door frames.
- Clear glazing (security grilles or mesh must be transparent and mounted internal to the shop front).
- Any signage or product display should maintain views to and from the tenancy interior to the public realm.

***MANDATORY**

Note: At least 5 metres or 80% of frontages designed as active spaces **should** be provided for laneway frontages

Figure 41 Buildings located in the Special Character Areas are characterised by fine grain, highly active retail frontages, with high quality shop fronts and building entrances.

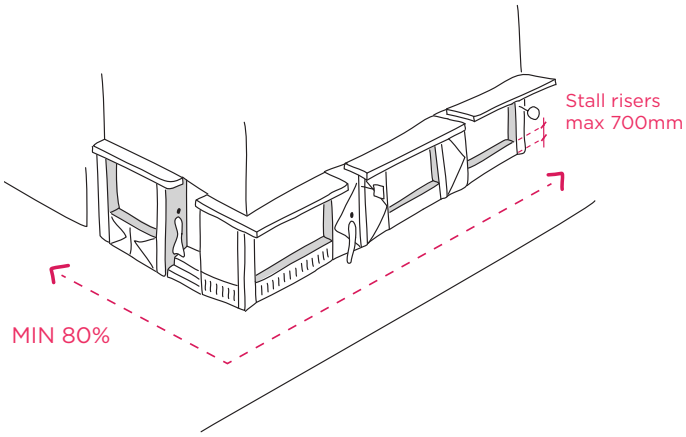


Figure 42 Ground level street frontages are designed to accommodate a total of at least 80% glazing, whilst ensuring a total of at least 5 metres in length is achieved for smaller premises.

27. Active street frontages in General Development Areas

Within the General Development Area, buildings with ground level main street, street and laneway frontages should present an active and attractive, pedestrian-oriented frontage to the satisfaction of the Responsible Authority, by providing:

- At least 5 metres or 80% (whichever is the greater) of the frontage as an entry or window to an entry or display window to a shop and/or a food and drink premises: or as other uses, customer service areas and activities, which provide pedestrian interest and interaction. This measurement excludes stall-risers to a maximum height of 700mm in addition to window and door frames.
- Clear glazing (security grilles or mesh should be transparent and mounted internal to the shop front).
- Any signage or product display should maintain views to and from the tenancy interior to the public realm.

Figure 43 Buildings located in General Development Areas are often characterised by wider frontages, with variable quality of retail frontages. It is imperative that new development adopt high quality shop fronts and building entrances to improve the function and appearance of these areas.

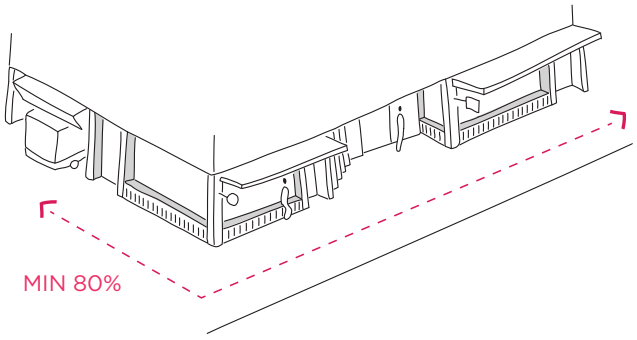


Figure 44 Ground level street frontages are designed to accommodate high levels of glazing, with well detailed shop fronts and building entries.


PHỞ
NOM


Self Preservation
Food & Wine
YES!
GALLERY
American Ta
ican Tailors

(Top Left) Operable elements and inbuilt bar tables allow for a habitable edge and engage with the theatre of street life within the abutting public realm.
567 Collins Street

(Top Right) A playful contrast in color combined with deep timber window frames and stall-riser provide a sense of depth and detail in the shop front.
Workshop Brothers

(Bottom Right) A low canopy defines the steel shop fronts, while a higher canopy and copper door clearly mark the building entry. (*Photo: Candalepas Architects)*
QT Hotel Melbourne

(Bottom Left) Fine steel frame windows set within tiled pilasters provide tactility, while display benches attached to the window mullions provide depth and visual interest.
Self Preservation

28.
Provide active frontages in flood prone areas

In flood prone areas, ensure a direct connection at grade to ground level tenancies, with level transitions contained within the building envelope.

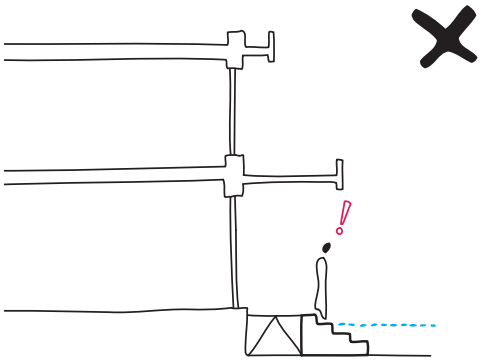


Figure 45 External steps and pronounced level changes are physical barriers that separate the building from the public realm.

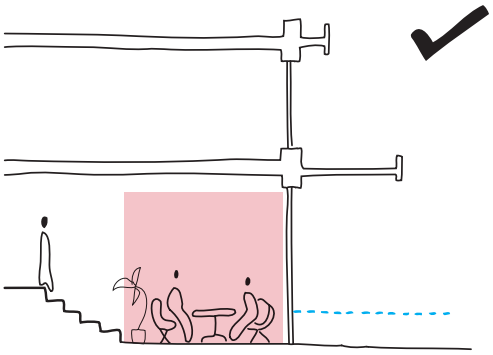


Figure 46 Level changes should be accommodated within the building to ensure active uses connect to the street at ground level.

29.
Provide seating

Integrate seating or perches into street facades, where narrow footpaths preclude on-street dining.

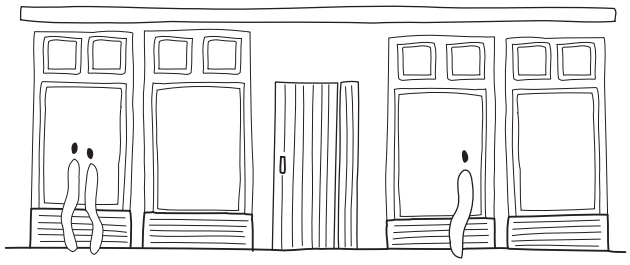


Figure 47 Integrated seating within the building facade also provide for additional seating opportunities.

Stairs are positioned internally within the building envelope to allow direct at grade connection with the public realm.

Hype Store QV

30. Position access doors to align with the street edge

Ensure that access doors to any waste, parking or loading area are positioned at or within 500mm of the street edge and are an integrated component of the design.

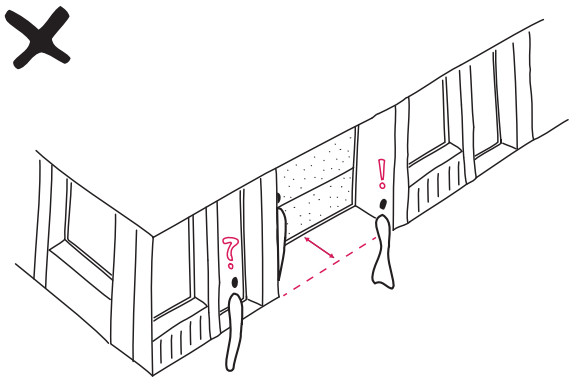


Figure 48 Deep recesses within the facade create entrapment spaces and should be avoided.

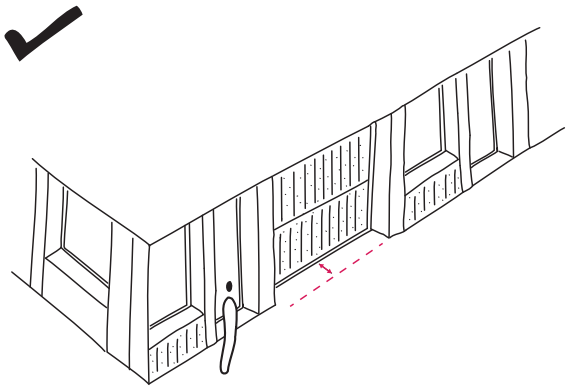


Figure 49 Shallow recesses of 500mm or less provide street definition and avoid entrapment spaces.

31.
Respond to Waste Management Guidelines

Ensure the location and access for waste complies with the requirements specified in the relevant City of Melbourne Waste Management Guidelines.

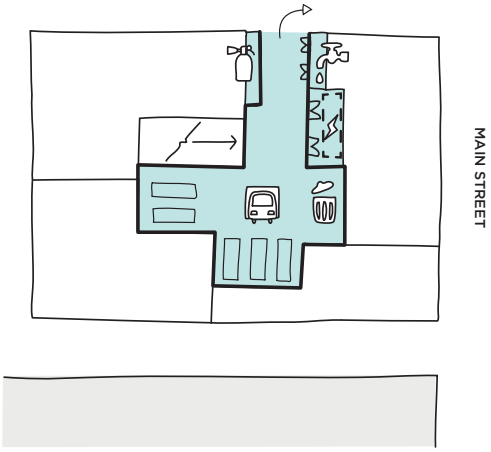


Figure 50 The servicing areas are co-located within the centre of the building away from spaces that front the public realm.

32.
Sleeve internal waste collection areas

Sleeve internal waste collection areas with active uses that interface with the public realm.

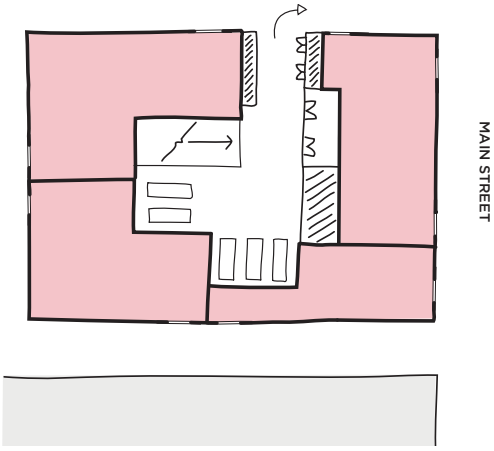


Figure 51 Waste and loading areas are sleeved with active uses.

33.
Provide weather protection to footpaths

Provide continuous weather protection along main streets within the Central City and Southbank except where a heritage place warrants an alternative approach.

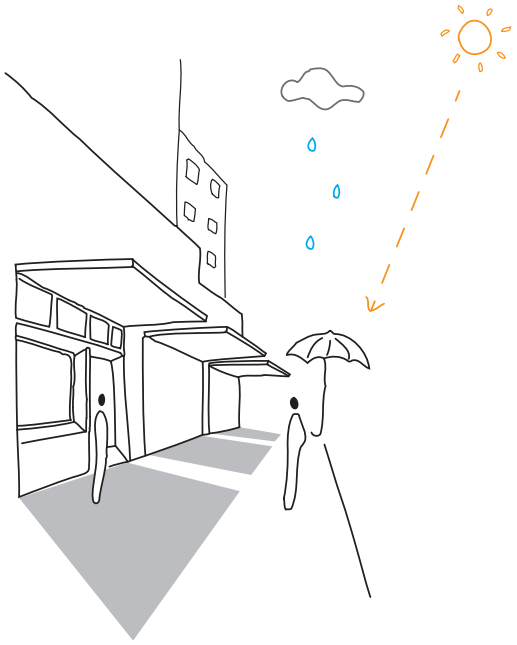


Figure 52 The canopies are designed to respond to the rhythm of shop fronts, whilst providing continuous protection from inclement weather.

34.
Allow for upward views to facades

Encourage the use of canopies which allow upward views to the facade of a building through the use of transparent materiality.

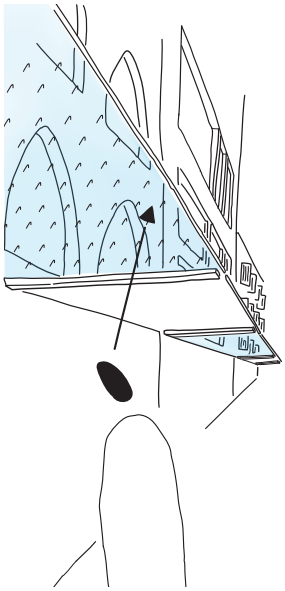


Figure 53 The canopy is designed with a transparent material to allow for upward views to the building facade, whilst controlling sun to the footpath. A frit pattern is applied to obscure dirt and provide sun control.

A translucent canopy with timber battened soffit provides some light penetration, weather protection and a sense of warmth and tactility when viewed from the public realm.

CQ Apartments Wolveridge Architects
Photo: Ben Hosking Photography

A glass canopy with a decorative supporting steel structure maintains views to a heritage facade whilst responding to the art deco character of the existing building.

Myer, Bourke Street Mall

35.
Ensure canopies are positioned appropriately

Weather protection canopies should be between 3.5m and 5m in height to provide enclosure to the public realm.

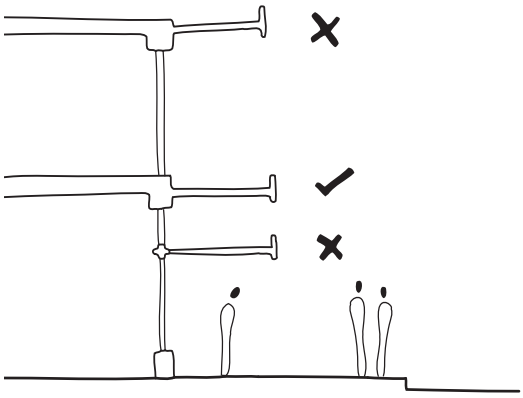


Figure 54 The canopy is positioned to integrate with the facade design whilst providing protection from the wind and rain. Entry canopies may increase up to 5m in height to provide legibility.

36.
Ensure the width of canopies maintains daylight

Building projections shall maintain the levels of daylight within a street or laneway.

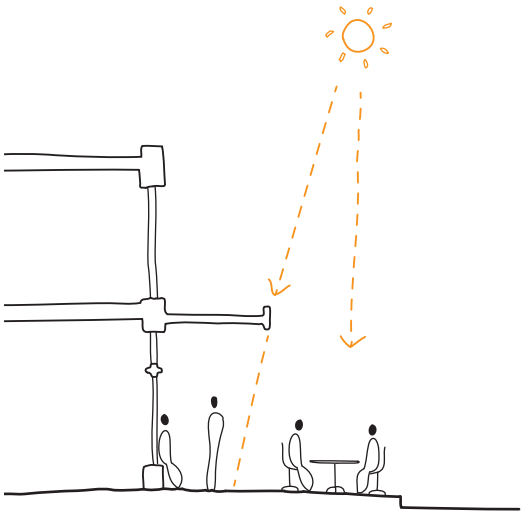


Figure 55 The canopy is approximately half the width of the footpath allowing for a choice of sunshine or shade when walking on the main street.

37.
Design canopies of high quality

Ensure canopies are of a high design quality, including the design and materiality of soffits.

38.
Position and design canopies in response to the context

Ensure that weather protection canopies provide for rhythm to reflect the fine grain of ground floor shop fronts.

Figure 56 The new development provides a weather protection canopy with a similar height and width to those in the existing context. The canopy is broken into rhythmic segments to respond to the shop front design.

39.
Allow for street trees

Projections and weather protection canopies should allow for future growth of street trees, including planned street trees as specified in any adopted City of Melbourne plan.

40.
Ensure projections are discrete or lightweight

Balcony projections, where appropriate should provide a vertical clearance of at least 5m from any public space.

Main streets:

- Unenclosed first floor balconies may project to 1.6m in depth or 800mm from the back of kerb, whichever is the lesser if in association with an active commercial or communal use.
- Lightweight juliette balconies, adjustable screens or windows, cornices or other architectural features may project to 600mm from the title boundary from the first floor to the top of the street wall.

Streets and laneways:

- Lightweight juliette balconies, adjustable shading devices, windows, cornices or other architectural features may project to 300mm from the title boundary from the first floor to the top of the street wall.

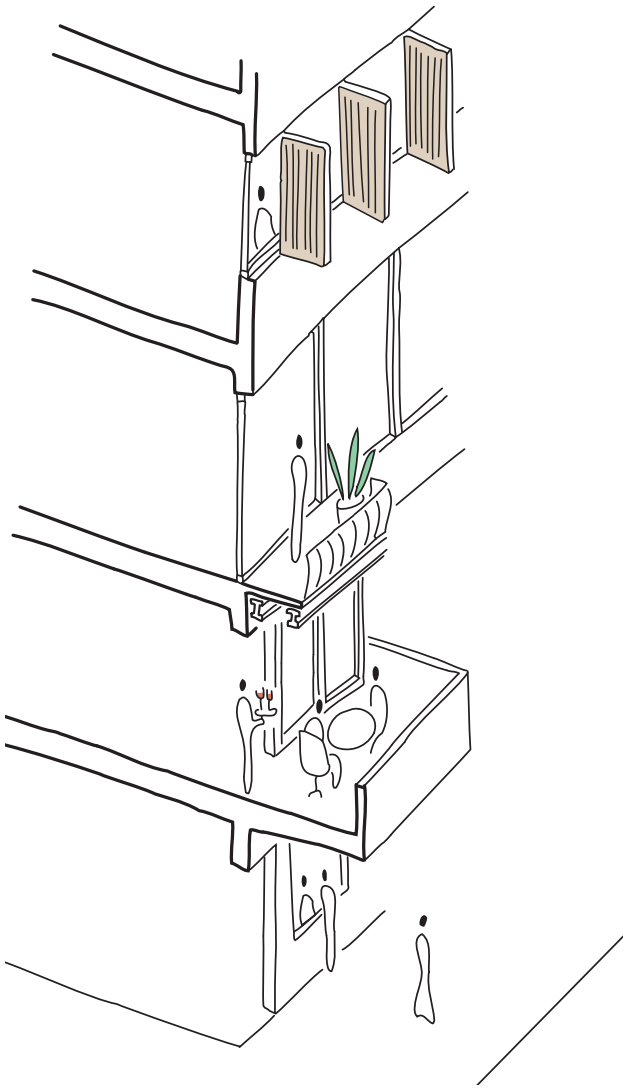


Figure 57 Narrow, unenclosed projecting balconies can add to the life of main streets and promote upper level surveillance.

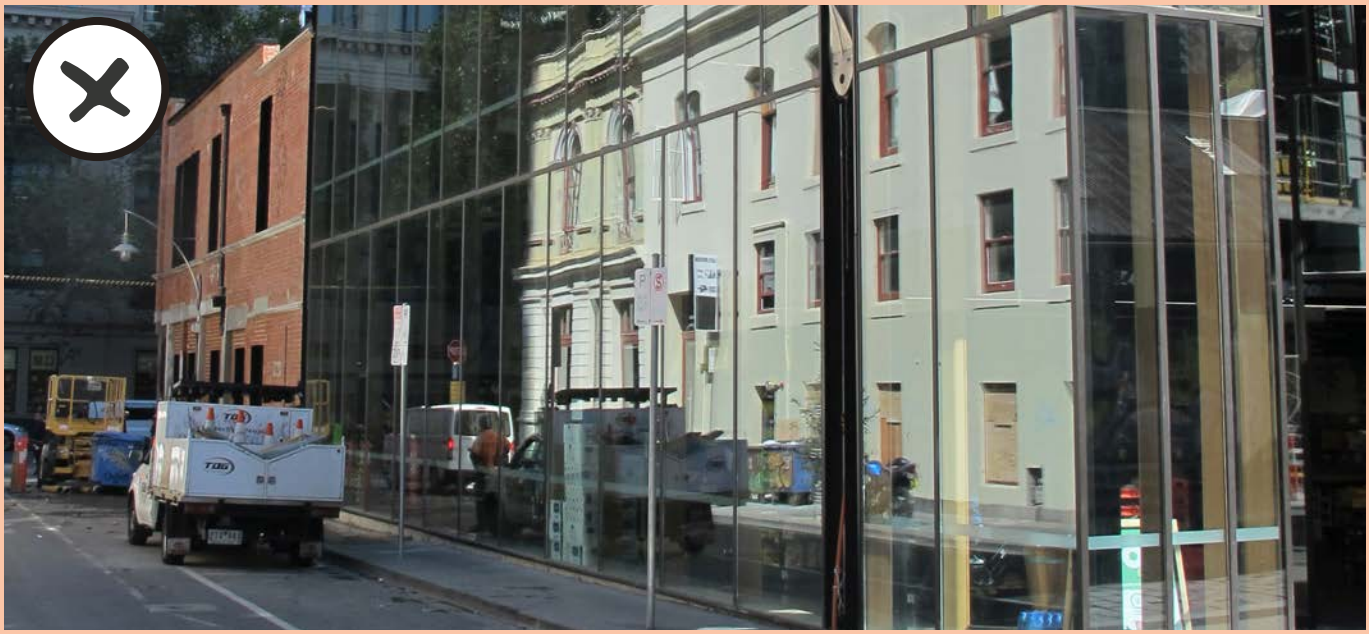
Integrated shading devices provide depth, colour and interest over a building surface.

23 Barangaroo Avenue, NSW

Well-spaced, Juliette balconies made of lightweight steel and mesh ensure a discrete projection over the public realm.

22 Liverpool Street

What to avoid?



The use of tinted, opaque or high reflectivity glass which obscures views between the public realm and building interior within the lower levels of a building.

Long expanses of floor to ceiling glass without frequent well-defined entries.

Opaque or translucent security installations which obscure views into tenancies at night.

External stairs or ramps in flood prone areas where a transition in floor levels between exterior and interior spaces is required.

Large setback undercroft spaces for waste or loading which impact on the safety and continuity of the pedestrian realm.

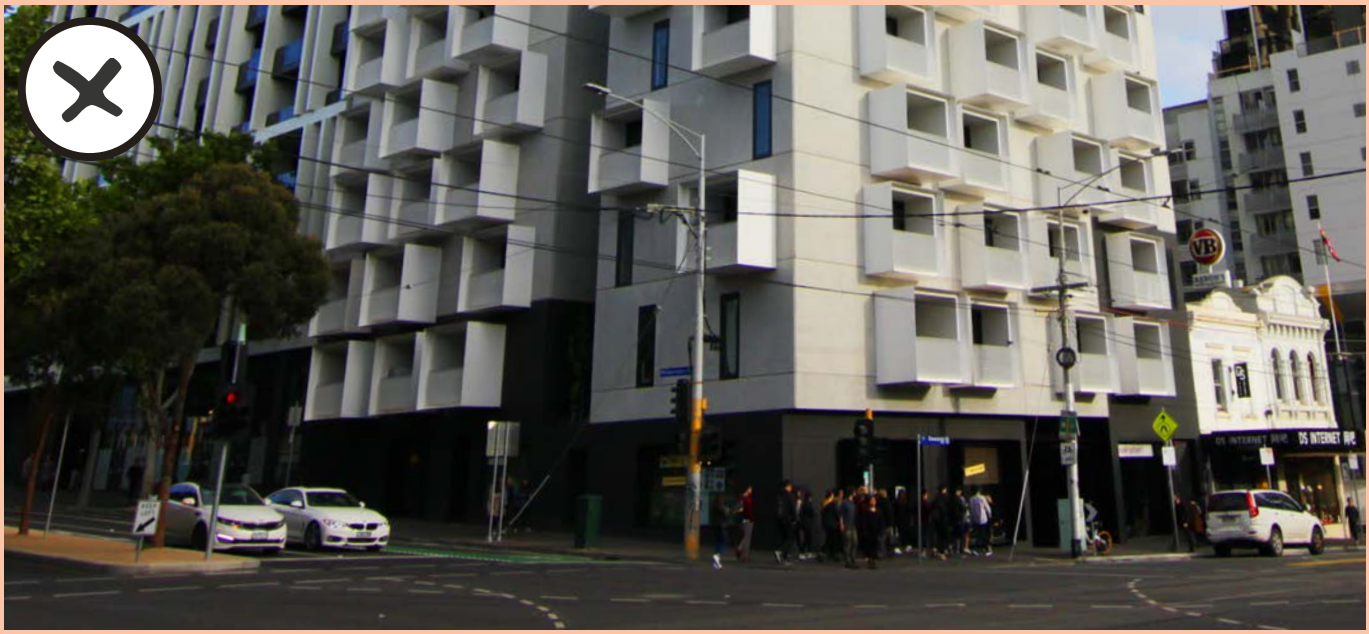
Alcoves and spaces related to service doors which result in entrapment space.

Service cabinets with low quality materiality which dominate street frontages.

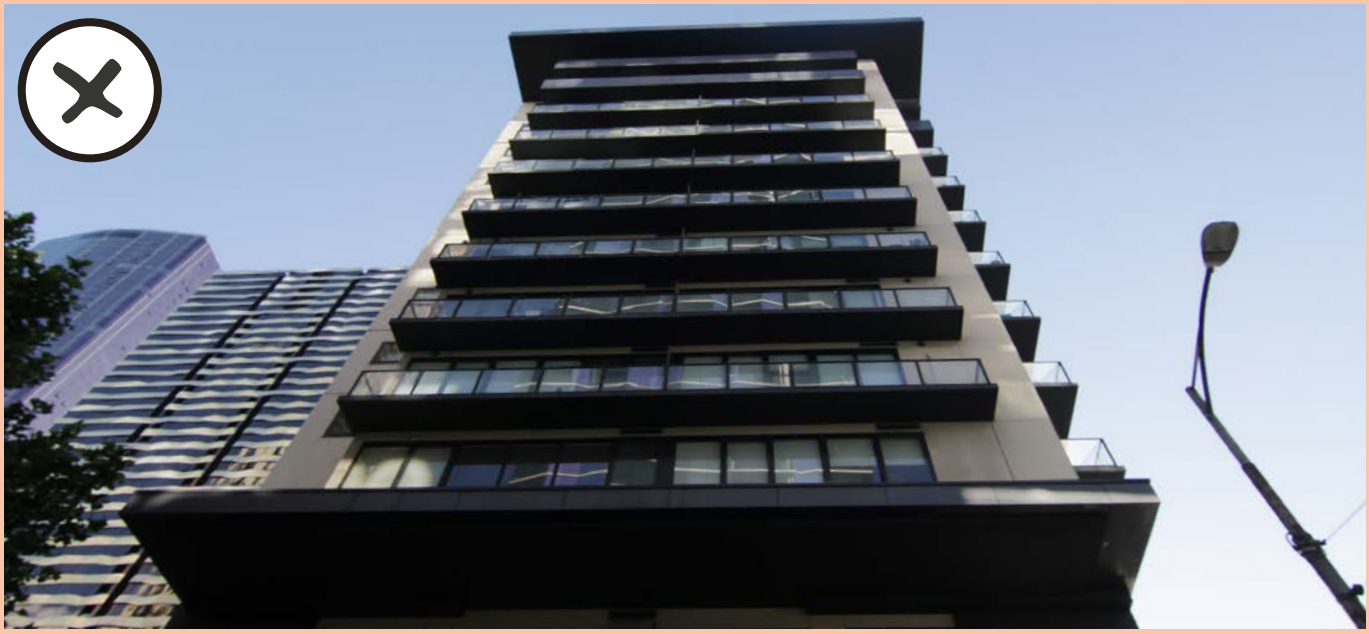
What to avoid?

Weather protection canopies on laneways which enclose more than one third of the width of the laneway.

Enclosed balconies or habitable floor space projecting over main streets, streets, laneways or open space.



Facade elements which rely on public realm projections as the primary design feature.



Projecting balconies which extend the full width of a frontage and increase the visual bulk of a streetwall.

The lower levels incorporates a finer, high level of detail, while the upper streetwall employs heavy concrete fins which provide depth and rhythm.

QT Hotel Melbourne
Photo: Candalepas Architects

DESIGN QUALITY

Introduction

Design quality is the resolution of contextually responsive buildings and open spaces through a clear concept that expresses a distinct identity and contributes to the quality of the public and private realm. Design quality, as realised through the execution of design detail, secures the long term value and durability of buildings and spaces in the city.

Objectives

- Development should establish a strong design narrative to establish a clear relationship with the valued characteristics of its context.
- Ensure that tall buildings are designed to maintain a diverse and attractive skyline which carefully considers relationships to adjacent tall buildings.
- Ensure that the selection, scale and quality of design elements reflect the distance at which the building is viewed and experienced from the public realm.
- To ensure the lower levels of a building incorporate sufficient design detail to ensure a high quality City at eye level.

Does the development contribute to a high quality and attractive public realm?

41.
Use competitive design processes where appropriate

Encourage the use of Competitive Design Processes for the development of large sites with multiple buildings or sites of strategic significance.

42.
Use multiple design practices where appropriate

Encourage the use of multiple practices where a development comprises multiple buildings to achieve building diversity and distinction between components of a development.

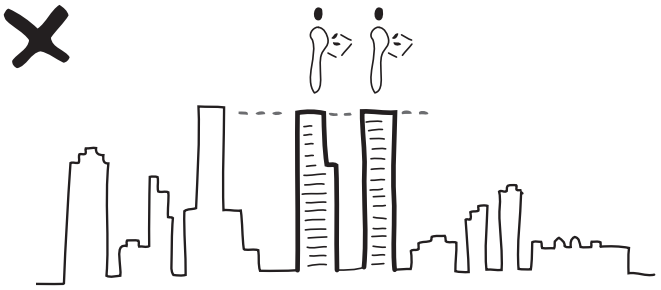


Figure 58 The use of the same architectural practice for more than one large development on the same site does not typically lead to diverse urban outcomes and should be avoided.

Figure 59 Multiple design practices employed to collaborate on a major development site typically leads to distinctive buildings and greater diversity.

43.
Create depth within the facade

Provide for depth and a balance of light and shadow in upper level facade design through the use of balconies, integrated shading, rebates and expression of structural elements.

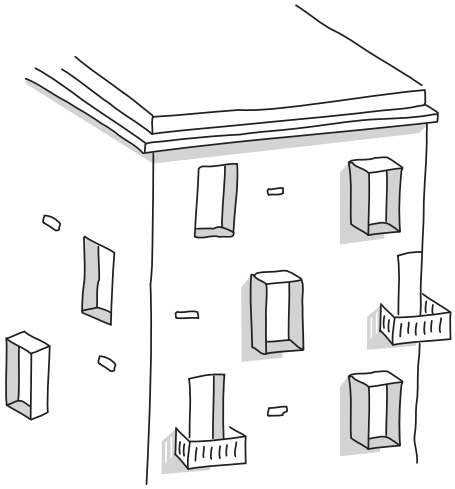


Figure 60 Deep window reveals and external frames provide depth within the facade

44.
Ensure all visible elevations are designed to a high standard

Design all visible sides of a building to a high standard.

Where blank walls are proposed to be visible from the public realm, ensure these are designed as an integrated three dimensional component of the building.

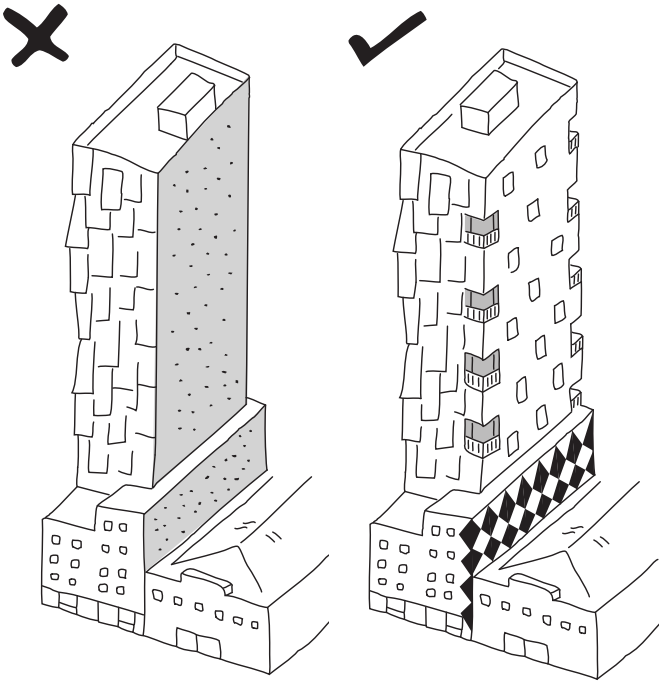


Figure 61 (Left) Visible blank walls should be avoided. (Right) The tower component of the building is designed as a three dimensional form and without a blank wall.

45.
Integrate sustainable systems and technologies

Encourage the visual expression and sensitive integration of innovative sustainable building technologies to provide legibility and public education.

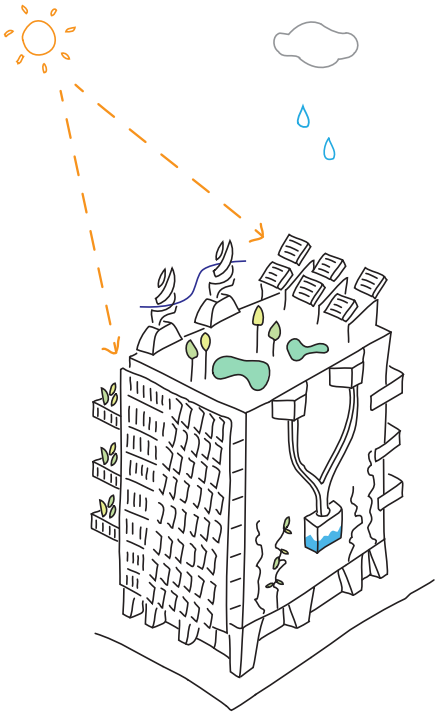


Figure 62 Sustainable technologies and systems have been designed to be part of the buildings identity and architectural expression.

46.
Select high quality materials

Employ robust, low maintenance materials in the higher parts of a building, and natural, tactile and visually interesting materials at the lower levels near the public interface to reinforce a human scale.

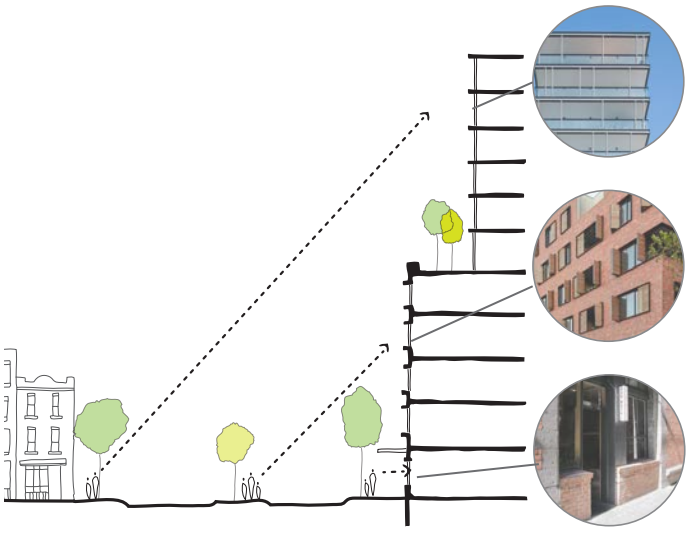


Figure 63 The choice of materials and detailing should reflect the distance at which the building is viewed, with finer detail and tactility emphasised in the shop fronts and lower levels.

The Garden Building establishes a strong narrative within the Bowen Lane context. The form employs robust concrete and steel materiality, with timber to provide for warmth and tactility whilst perimeter balconies provide layering and depth to the facade through the play of shadow.

RMIT NAS: Garden Building
Photo: NMBW Architects

What to avoid?

High reflectivity building materials which result in unacceptable levels of glare or have reduced visibility between the interior and public realm.

Development of multiple buildings on large sites which adopt the same form, typology and architectural language.

The use of finishes and surfaces which will deteriorate over time.

Visually prominent buildings which do not have adequate regard to vistas on arrival to the Central City and Southbank.

Materials that lack tactility and appropriate sense of scale at the public realm interface.

Building materials and finishes such as painted concrete or ventilation louvres which undermine the visually rich, tactile quality of laneway environments.

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