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Arden Precinct  
Victorian Planning Authority  
Level 25, 35 Collins Street  
Melbourne VIC 3000

***Lodged Via Engage Victoria Portal***

11 October 2021

Dear Sir / Madam,

**ARDEN STRUCTURE PLAN  
DRAFT AMENDMENT C407 TO THE MELBOURNE PLANNING SCHEME**

Citywide Service Solutions Pty Ltd. ("**Citywide**") is a major land owner within the Arden precinct and encloses the following submission in response to the release of the Arden Structure Plan and draft Amendment C407 to the Melbourne Planning Scheme.

This submission sets out:

1. A review of the Citywide Land, its existing uses and development;
2. A description of the Asphalt Plant;
3. A summary of the proposed Arden Structure Plan and draft Planning Scheme Amendment as it applies to the Citywide Land; and
4. Citywide's concerns with respect to the Arden Structure Plan and draft Planning Scheme Amendment.

**1. Citywide Land**

Citywide is a wholly owned subsidiary of the City of Melbourne but is governed by an independent board and functions as a separate legal and commercial entity.

Citywide owns approximately 3 hectares (ha) of land within the Arden precinct, including 208-292 Arden Street, 2-54 Green Street and 22-44 Henderson Street, North Melbourne ("**Citywide Land**"). Refer to Figure 1.

Council depot operations akin to what Citywide now operates have existed in North Melbourne since at least the 1950s, and the three land parcels have accrued existing use rights for service / maintenance depot and industry, evidenced through Certificates of Compliance issued by the City of Melbourne in July 2021 (see **Attachment 1**).

Specifically, Citywide provides the following services from the Citywide Land:

- Arboriculture and tree management;
- Horticultural and open space management (including upkeep of local parks, gardens and sporting grounds);
- Civil infrastructure maintenance, reinstatement, and enhancement;
- Asphalt production (via a joint venture), supply and lay;
- Street furniture maintenance;
- Street cleaning and maintenance;
- Commercial, industrial and residential waste collection and management;
- Lighting, drainage and irrigation services – installation and maintenance; and,
- Traffic and event management.

Citywide currently has long-term contracts servicing the local government market across metropolitan Melbourne, including the following inner-city local councils:

- City of Melbourne;
- City of Port Phillip;
- City of Yarra;
- Hobsons Bay City Council;
- City of Maribyrnong;
- City of Moonee Valley; and,
- Moreland City Council.

In many cases, Citywide is required to provide a timely response to emergency situations or to provide urgent infrastructure support. Without a location close to the Melbourne CBD, Citywide would be unable to meet its obligations to the community. Citywide currently employs more than 1,300 staff, of whom over 300 are based at the Citywide Land.

Under its contract with the City of Melbourne, Citywide is required to be on standby to respond to any risk to public safety on a 24-hour, 7 day-per-week basis. Citywide is required to respond urgently to emergency situations to quickly isolate and rectify hazardous and unsafe conditions, examples of which include fallen trees or branches, blocked drains, flooding, sinkholes and traffic management for emergency situations.

Citywide services the community. Its services are often of assistance to everyday people, for instance where Citywide workers attend drains to retrieve lost keys for distressed individuals. Other times, there are major infrastructure issues, storm damage and fallen trees – Citywide is on the scene quickly and efficiently to attend. The speed of Citywide's response is enabled by virtue of its tenure at the Citywide Land.

To carry out its contractual duties, Citywide has a heavy reliance on its adjoining road network at all times of the day and night and requires unfettered access to its premises.

The improvements on the Citywide Land are specialised to the services that Citywide offer. Citywide Land is advantaged by having no fewer than twelve (12) vehicle crossovers over which vehicles access the Melbourne road network. Citywide employ a multitude of vehicle types, including waste-services vehicles, B-double trucks, heavy rigid trucks, passenger vehicles and street-sweepers.

Citywide's operations are complex and any potential longer-term relocation to an alternative site will necessarily involve a detailed due diligence process to ensure all activities can be suitably co-located at a premises which services Citywide's unique client base and geographic catchment.

Figure 1 Citywide Land Holding Map



## 2. The Asphalt Plant

Citywide Asphalt Group (Aus) Pty Ltd ("Asphalt JV") is a joint venture between Fulton Hogan Industries Pty Ltd and Citywide. The Asphalt JV is the lessee of 208-292 Arden Street, North Melbourne ("the Premises") with the lease concluding in 2051. The Premises are indicatively identified in Figure 1 as "2" outlined in purple.

Asphalt production has occurred at the Premises since 1952. There is substantial capital invested in the Asphalt Plant with a major capital works program having been completed in 2009. The Premises location is special in servicing asphalt requirements in the inner city and such servicing could not be completed from a substantial distance from the CBD. The Asphalt JV activities include manufacturing asphalt in a cold, warm and hot form from bituminous materials, aggregates, lime, sand and recycled products. This business manufactures products for the benefit of all community members (e.g. community users of roads, footpaths, bike tracks, train platforms etc.). In addition, there are frequent B-double truck and other heavy vehicle movements into and out of the Premises via Arden Street.

The Plant has accrued existing use rights for industry and service / maintenance depot evidenced through Certificates of Compliance issued by the City of Melbourne in July 2021.

The views of the Asphalt JV are annexed as **Attachment 2 (“Asphalt JV Letter”)** to this submission.

### **3. Arden Structure Plan and draft Amendment C407 to the Melbourne Planning Scheme**

The Citywide Land is in the central northern area of the Arden Structure Plan precinct.

The Arden Structure Plan broadly proposes to transform the existing industrial precinct into a mixed-use precinct accommodating 34,000 new jobs and 15,000 new residents by 2051, in a precinct that has a strong focus on sustainable environmental outcomes. The Arden Structure Plan seeks to capitalise on the connectivity of the precinct to the Parkville National Employment and Innovation Cluster (NEIC), the Melbourne CBD, and the western suburbs through the new Metro Rail Tunnel which includes a new station in the southern part of the precinct.

The Citywide Land is designated as follows:

- 208-292 Arden Street and 85 Green Street as identified in Figure 1 – the northern / eastern part of this land is proposed to be acquired for an ‘integrated stormwater management open space’ reserve, whilst the southern edge is retained for development of 12 – 20 storeys (49 – 81 metres) comprising a new community facility, open space on the eastern edge adjacent to Fogarty Street, and a public laneway from Arden Street to the ‘integrated stormwater management open space’ reserve.
- 2-54 Green Street – the whole of this land is proposed to be acquired for ‘integrated stormwater management open space’.
- 22-44 Henderson Street – this land is designated for development of 8 – 14 storeys (33 – 51 metres) comprising a new shared laneway network of 8 metres in width.

Draft Amendment C407 seeks to give effect to the Arden Structure Plan through a series of changes to the provisions of the Melbourne Planning Scheme. Insofar as the Citywide Land is concerned, the Amendment proposes:

- To rezone the land that is not subject to public acquisition from the Industrial 3 Zone to the Special Use Zone (Schedule 7) (SUZ7);
- To retain the Industrial 3 Zone on land that is to be acquired, and to apply a Public Acquisition Overlay to this land with the Department of Transport as the acquiring authority for the purpose of “Drainage / open space”;
- To apply a Design and Development Overlay to the land that is not subject to public acquisition to give effect to the built form objectives of the Arden Structure Plan;
- To apply an Environmental Audit Overlay (EAO) to the whole of the land (including that land which is proposed to remain in the Industrial 3 Zone).
- To apply a Parking Overlay to the whole of the land (including that land to be acquired);

- To apply a Development Contributions Plan Overlay to the whole of the land (including that land to be acquired);
- To apply a Buffer Area Overlay across a large part of the precinct in recognition of the existing and ongoing Asphalt JV use on part of the Citywide Land, and introduce new referral provisions for the EPA through Clause 66; and
- To introduce a new local planning policy (Clause 22.28) which provides guidance for the assessment of planning permit applications.

It is noted that the Amendment does not propose any modification to the flooding provisions that currently apply throughout the precinct, despite the degree to which the management of flooding and drainage has influenced the development of the Arden Structure Plan and the associated planning controls.

The Minister for Planning Authorised the preparation and exhibition of Amendment C384 on 18 August 2021. Whilst already authorised, it is understood that the Amendment will not be exhibited until later in 2021.

The City of Melbourne website advises that it *has partnered with Melbourne Water to refresh flood modelling for a number of areas in our municipality. This new information on flood risk is the basis for our proposed Amendment C384 to the Melbourne Planning Scheme. It seeks to update the flood overlay maps and schedules to support new development being designed with flood resilience in mind.*

The whole of the Citywide Land is currently affected by a Land Subject to Inundation Overlay (Schedule 1) and Amendment C384 proposes to introduce a replacement Schedule 3 which includes the following ‘Statement of Risk’:

*The City of Melbourne includes the lower reaches of the Yarra River and Moonee Ponds Creek. Riverine flooding is caused when runoff from major storms exceeds the channel capacity of a river or creek and overflows onto the surrounding floodplain. While riverine flooding is generally associated with a longer rate of rise and in some instances warning times, flood events may have a longer duration and therefore a longer period of exposure to flood hazard. Flooding may have the potential to result in significant risk to:*

- *Human life and safety*
- *Property*
- *Public infrastructure and assets*
- *Public health through contaminated floodwaters*
- *The environment*
- *Economic and social cohesion of communities*

*To minimise the impact of such events, it is important buildings are sensitively and appropriately designed to minimise flood damage and protect life, property, assets and the environment. The mapping which forms the basis of the Land Subject to Inundation Overlay identifies areas that would be subject to inundation by the combined effects of the 1% Annual Exceedance Probability (AEP) flood event incorporating an 18.5% increase in rainfall intensity due to climate change by the year 2100. For Moonee Ponds*



*Creek and the Lower Yarra River a boundary condition inclusive of a starting water surface level of a 10% Annual Exceedance Probability (AEP) tidal level plus a 0.8 metre sea level rise in 2100 has been included in the modelling. This information is contained in the background documents listed in the Schedule to Clause 72.08 which is the source of mapping for this overlay.*

Citywide will review the exhibited Amendment C384 and provide a submission as required.

#### **4. Submission to Arden Structure Plan and draft Amendment C407**

Citywide has reviewed the Arden Structure Plan and draft Amendment with two potential outcomes in mind:

- Scenario 1 – Citywide remains on the land and continues to operate; and
- Scenario 2 – A majority of Citywide's land is acquired at a future point in time, therefore causing the entirety of the business to be relocated owing to the integrated nature of the activities across the various land parcels.

The following submission is made having regard to these options.

In addition, submissions are made in relation to other matters.

##### **SCENARIO 1**

Citywide recognises the change that is to take place in Arden in the coming years and is conditionally supportive of the urban renewal objectives and the future planning and evolution of the City.

Citywide has no alternative premises available to it, enjoys a special and long-term attachment to the Citywide Land, and the identification of potentially suitable premises (and the subsequent due diligence; financing; planning approvals; construction works; and physical relocation of the business) will take some time. Citywide must plan for its North Melbourne operations to continue in the order of another 10 years and has a Lease in place to the Asphalt JV for a further 30 years (to 2051).

The continued operation of Citywide needs to ensure that:

- The existing use rights established for the land are recognised and accommodated in the new planning controls;
- Citywide and/or the Asphalt JV are able to change or expand its business if or when required without unreasonable complexities in the planning application or decision-making process;
- The important and complex operations of Citywide and the Asphalt JV are not unreasonably constrained by sensitive land uses. Noting the inclusion of a Buffer Area Overlay in the draft Amendment, Citywide and the Asphalt JV support the initiative to protect existing industrial uses from urban encroachment however reserve the right to

comment further regarding the planning scheme provisions for the BAO, the extent of the BAO and the point (or points) from which the BAO may be applied;

- The accessibility of Citywide and the Asphalt JV is not unreasonably constrained by works being undertaken in the precinct or the development outcomes which arise as a result of the Amendment and subsequent planning permits. In particular, any works or plans on the road network must not impede or prohibit the safe operation of heavy vehicles to and from industrial sites.

By virtue of Citywide's long-established and complex operations on the land, it is not easily reconfigured to allow for on-site car parking provision retrospectively. Citywide relies on access to existing on-street car parking to support its use. In addition, the 24/7 operations require careful management of car parking, in terms of accessibility, availability and safety of workers attending the site. As development progresses over the coming years in Arden, existing on-street car parking is likely to be absorbed by new workers and residents who do not have access to on-site car parking.

Two of the purposes of the Parking Overlay are:

- To discourage the provision of on-site car parking on a site by site basis and encourage consolidated, publicly available carparks; and,
- To encourage a travel mode shift toward 90 per cent of all trips to the precinct being by sustainable transport options.

The transport transition in the precinct will take some time. Whilst we do not have an objection to the application of the Parking Overlay on the Citywide Land, as development progresses and increased pressure is experienced on the on-street car parking, it would be appropriate for the Arden Structure Plan to recognise this situation and acknowledge the need for strategically significant land uses to have access to on-street car parking through a parking permit scheme implemented by the City of Melbourne. This approach would assist the transition to sustainable transport modes for longer-term development in Arden as well.

It is not the case, with the time horizon of Citywide and the Asphalt JV to operate from the Citywide Land, that the controls should provide fleeting reference to these significant operations. A 10-year timeframe is sufficiently long in planning terms that the controls can be drafted with some certainty. The controls cannot be drafted to give effect to a 30-year vision from 'Day 1'. Things will change during the life of the Structure Plan, and it is generally the case that such controls are reviewed every 10 years or so in any event (and even more regularly as part of the legislated Planning Scheme review process which is incumbent on every municipality). For example, the Geelong CBD controls; the Chapel Vision Structure Plan; Epping Central Structure Plan.

Citywide has drafted specific amendments to the exhibited planning controls – these are provided as **Attachment 3**. At a high level, Citywide proposes the following amendments to the draft planning controls:

- Application of the Special Use Zone (Schedule 7) to the whole of the Citywide Land on the basis that:

- It is inappropriate to have land in more than one zone for the purpose of administering the Planning Scheme; and,
- As a bespoke Zone, the Special Use Zone can be drafted to accommodate the required changes.
- Inclusion of a new purpose in the Special Use Zone (Schedule 7) to recognise and accommodate the existing land use and associated changes to the provisions;
- Improvement to the Buffer Area Overlay that relates to the Asphalt JV operations, taking into account the following:
  - The correct locations from which the Asphalt JV considers the buffers should be measured;
  - Consideration as to the type and source of amenity impacts sought to be mitigated by the Overlay, and the land uses captured by the Overlay's permit triggers;
  - Removing the obligation on Citywide or the Asphalt JV to inform private developers as to its potential or confirmed use cessation date;
  - Allowing a permit to be sought for land uses within the buffer but the use being prevented from commencing whilst the asphalt plant is still operational;
  - Enabling a built form / mechanical response to the odour for Place of Assembly and Hospital uses;
  - Removing the public notice exemption for buildings and works to enable Citywide / Asphalt JV to review and provide feedback to the Responsible Authority if a built form / mechanical response is made to odour for Place of Assembly or Hospital uses; and
  - Improving the text throughout.
- Broadening the exemptions in the DCPO for that part of the Citywide Land that is proposed to be affected by the PAO;
- Exclusion of the need for compliance with DDO requirements as they relate to the reasonable continued operations on the Citywide Land. This is important in terms of ensuring ongoing safe and efficient road access to the site, including for large articulated vehicles, and for Citywide and the Asphalt JV to continue to comply with the relevant endorsed plans which govern the operations at the Citywide Land; and,
- Amendment to the proposed Clause 22.28 policy to strengthen its position in relation to existing uses and to identify the Citywide Land as a 'strategically significant industrial use'.

We also note that there will be necessary amendments to the Structure Plan itself, particularly given its proposed status within the Planning Scheme. It is not the purpose of





this submission to track those changes at this point in time, but in our preliminary view the Structure Plan ought to address:

- Citywide as a strategically significant industrial use;
- The location of the existing Asphalt Plant and its associated buffer and off-site amenity impacts; and,
- The land use limitations as a result of the Citywide / Asphalt Plant and the staging of the works.

## SCENARIO 2

Part of the Citywide Land is proposed to be acquired by the Department of Transport (“DOT”) for drainage and open space purposes.

The Development Contributions Plan that accompanies the draft Amendment nominates the project as DR-02 with a delivery horizon of 2021 – 2046 and includes:

- *Above-ground flood storage, east of Langford Street, land acquisition.*
- *Land acquisition for retarding basin in accordance with the future urban structure.*

The development contribution required for the drainage land acquisition projects in the precinct amounts to approximately 78% of all development infrastructure payments (\$16,751 out of a total of \$21,500).

The land is also designated for Sports Reserve Project Nos. 1 (Sports Pavilion) and 2 (Sporting Surface and Associated Works).

It is understood that the VPA, in concert with DOT, Melbourne Water and the City of Melbourne, have explored various options relating to drainage outcomes for what is an extended catchment, including parts of Parkville and Kensington. Page 44 of the Engeny Flood Management Strategy (26 August 2021) notes:

*Multiple investigations of the Citywide flood storage were also previously undertaken. These investigations analysed the benefits of alternatives to the Citywide flood storage footprint that has been adopted in the working drainage strategy. The alternative footprints were all located in the Langford Street area, but utilised different properties and / or existing road reserves to create the flood storage. The Citywide flood storage adopted in the working drainage strategy was chosen based on:*

- *The footprint has a large enough area to achieve sufficient flood storage so that it is an effective flood management measure.*
- *Its location at the low point of Langford Street, meaning overland flows will drain to the site.*
- *It provides a balance between acquiring land currently owned by City of Melbourne and private land.*

Citywide makes the following submission:

- The proposed PAO land is not owned by the City of Melbourne (as set out in the final dot point above). It is owned by Citywide Service Solutions Pty Ltd. As to the composition of Citywide's corporate structure, this should not be a relevant consideration for the drainage outcomes.
- The extent of Citywide Land required for the acquisition is unreasonable and without sound hydrological basis. In simple terms, the size and location of the drainage works does not represent the most appropriate drainage outcome for the precinct. In addition, the proposed arrangements would be prejudicial to the operations of the Asphalt JV. The 2018 and 2019 studies prepared by Engeny contemplated a different flooding framework for the Citywide Land where the 'integrated stormwater open space' was contained to the Green Street land only (and extended further north across Gracie Street), which was then translated into the 2020 draft Arden Structure Plan. This arrangement has been substantially modified to now require acquisition of land to the south in Arden Street and limited justification has been provided for the basis of this change. This change is material to Citywide and the Asphalt JV.
- Given the quantum of the land required for drainage infrastructure and its considerable impact on the development contributions payable within the precinct (representing approximately 78% of the total), the Amendment C384 provisions should be considered in concert with rather than separately from Amendment C407 to enable the technical aspects of the flooding arrangements to be considered. In justifying how Amendment C407 responds to the Planning Policy Framework, the Explanatory Report notes that the Amendment includes *provisions relating to natural hazards, climate change, flooding, land contamination, noise and air quality*. However, aside from some cursory references in the DDOs, changes to the flooding provisions are being largely addressed through proposed Amendment C384.
- The timeframes for the acquisition of the land span 25 years (to 2046). Given the major disruption that acquisition would cause to Citywide and its local Government clients across metropolitan Melbourne, further certainty is sought as to the timeframe for the acquisition. We also further note that the Asphalt JV has leased tenure on the Premises to 2051.

## OTHER MATTERS

- The built form outcomes sought by the Amendment do not provide for the fair, orderly and economic use of land. The precinct has the capacity to tolerate additional built form through increased building heights. This is particularly the case when employment and commercial uses are the dominant uses to be encouraged.
- The solar protections afforded to the 'integrated stormwater open space' are unreasonable having regard to the useability of the encumbered open space.
- The proposed laneway network is unreasonable having regard to the lot sizes between each laneway and the efficiencies of scale within development sites.
- The use of mandatory floor area ratios stifles the opportunities available for innovative design and architectural responses.



- Mandatory design requirements relating to 'sleeving' of parking in the DDOs are unreasonable taking into account the laneway network proposed and the prospect many buildings will have four 'street' frontages.

Citywide is appreciative of the Victorian Planning Authority and Department of Transport briefings in relation to the Arden Structure Plan and would welcome the opportunity to discuss this submission prior to the Standing Advisory Committee Hearing with a view to resolving the submission.

If you would like to discuss this submission further, please do not hesitate to contact Heidi Mitchell, [REDACTED].

Yours sincerely

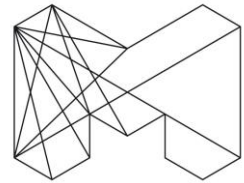
A handwritten signature in black ink, appearing to read "Chris Campbell".

Chris Campbell  
[REDACTED]

#### Attachments

1. Certificates of Compliance issued by City of Melbourne
2. Asphalt JV Letter
3. Planning Controls – track changes

# CERTIFICATE OF COMPLIANCE EXISTING USE OR DEVELOPMENT



**CITY OF MELBOURNE**

**CERTIFICATE NO.**

**CC-2020-3**

**PLANNING SCHEME**

Melbourne Planning Scheme

**RESPONSIBLE AUTHORITY**

City of Melbourne

For further reference contact:  
Mr Daniel Sanfilippo

GPO Box 1603  
Melbourne VIC 3001

**ADDRESS OF THE LAND**

2-54 Green Street, NORTH MELBOURNE VIC 3051

**THE CERTIFICATE REFERS  
TO**

Use of the land for the purpose of a service / maintenance depot

This Certificate is issued in accordance with Section 97N (1) (a) of the **Planning and Environment Act 1987**. The use existing on the land and referred to in this Certificate complies with the requirements of the planning scheme at the date of this Certificate.

**Date Issued: 20 Jul 2021**

**Signature of the Responsible Authority**

## IMPORTANT INFORMATION ABOUT THIS CERTIFICATE

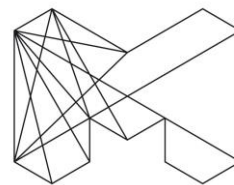
### WHAT IS THIS CERTIFICATE?

The Responsible Authority has issued this Certificate in respect to the use and development existing on the subject land and referred to in this Certificate.

### EFFECT OF CERTIFICATE

A Certificate is a statement about the effect of the planning scheme on the use or development on the land on the day it was issued.

# CERTIFICATE OF COMPLIANCE EXISTING USE OR DEVELOPMENT



CITY OF MELBOURNE

CERTIFICATE NO.

CC-2020-3

PLANNING SCHEME

Melbourne Planning Scheme

RESPONSIBLE AUTHORITY

City of Melbourne

For further reference contact:  
Mr Daniel Sanfilippo

GPO Box 1603  
Melbourne VIC 3001

ADDRESS OF THE LAND

22-44 Henderson Street, NORTH MELBOURNE VIC 3051

THE CERTIFICATE REFERS  
TO

Use of the land for the purpose of a service / maintenance depot

This Certificate is issued in accordance with Section 97N (1) (a) of the **Planning and Environment Act 1987**. The use existing on the land and referred to in this Certificate complies with the requirements of the planning scheme at the date of this Certificate.

Date Issued: 20 Jul 2021

Signature of the Responsible Authority

## IMPORTANT INFORMATION ABOUT THIS CERTIFICATE

### WHAT IS THIS CERTIFICATE?

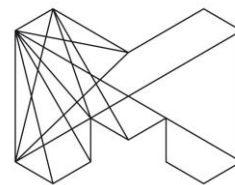
The Responsible Authority has issued this Certificate in respect to the use and development existing on the subject land and referred to in this Certificate.

### EFFECT OF CERTIFICATE

A Certificate is a statement about the effect of the planning scheme on the use or development on the land on the day it was issued.



# CERTIFICATE OF COMPLIANCE EXISTING USE OR DEVELOPMENT



CITY OF MELBOURNE

CERTIFICATE NO.

CC-2020-3

PLANNING SCHEME

Melbourne Planning Scheme

RESPONSIBLE AUTHORITY

City of Melbourne

For further reference contact:  
Mr Daniel Sanfilippo

GPO Box 1603  
Melbourne VIC 3001

ADDRESS OF THE LAND

208-292 Arden Street, NORTH MELBOURNE VIC 3051

THE CERTIFICATE REFERS  
TO

Use of the land at 85 Green Street, North Melbourne, for the purpose of a  
service / maintenance depot

This Certificate is issued in accordance with Section 97N (1) (a) of the **Planning and Environment Act 1987**. The use existing on the land and referred to in this Certificate complies with the requirements of the planning scheme at the date of this Certificate.

Date Issued: 20 Jul 2021

Signature of the Responsible Authority

## IMPORTANT INFORMATION ABOUT THIS CERTIFICATE

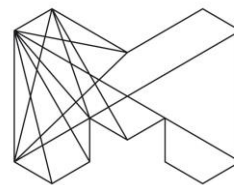
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### EFFECT OF CERTIFICATE

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# CERTIFICATE OF COMPLIANCE EXISTING USE OR DEVELOPMENT



CITY OF MELBOURNE

CERTIFICATE NO.

CC-2020-3

PLANNING SCHEME

Melbourne Planning Scheme

RESPONSIBLE AUTHORITY

City of Melbourne

For further reference contact:

Mr Daniel Sanfilippo

Email:

GPO Box 1603

Melbourne VIC 3001

ADDRESS OF THE LAND

208-292 Arden Street, NORTH MELBOURNE VIC 3051

THE CERTIFICATE REFERS  
TO

Use of the land for the purpose of Industry

This Certificate is issued in accordance with Section 97N (1) (a) of the **Planning and Environment Act 1987**. The use existing on the land and referred to in this Certificate complies with the requirements of the planning scheme at the date of this Certificate.

Date Issued: 20 Jul 2021

Signature of the Responsible Authority

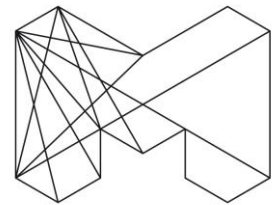
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### EFFECT OF CERTIFICATE

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**CITY OF MELBOURNE**

20 July 2021

Citywide Service Solution Pty Ltd  
C/- Lisa Stubbs, Contour Consultants Aust Pty Ltd  
PO Box 1040  
CARLTON VIC 3053

Dear Sir/Madam,

**CERTIFICATE OF COMPLIANCE FOR 208-292 Arden Street, NORTH  
MELBOURNE VIC 3051, 22-44 Henderson Street, NORTH MELBOURNE VIC 3051,  
2-54 Green Street, NORTH MELBOURNE VIC 3051**

Please find enclosed a Certificate of Compliance issued for the above properties.

The use of the subject site for the purpose of a service/maintenance depot and industry is consistent with the Planning Scheme pursuant to Section 97N(1)(a) of the Planning and Environment Act 1987.

Please note, under the provisions of the Planning and Environment Act 1987, it is the responsibility of the owners and occupiers of the premises to ensure compliance with the conditions of any planning permit and requirements of the Melbourne Planning Scheme.

If you require any further information, please do not hesitate to contact me on the number below.

Yours sincerely

**Mr Daniel Sanfilippo**

Telephone

Email

11 October 2021

Arden Precinct  
Victorian Planning Authority  
Level 25, 35 Collins Street  
Melbourne VIC 3000

*Lodged Via Engage Victoria Portal*

Dear Sir / Madam,

**ARDEN STRUCTURE PLAN - DRAFT AMENDMENT C407 TO THE MELBOURNE PLANNING SCHEME**

Citywide Asphalt Group (Aus) Pty Ltd (Asphalt JV) is a joint venture between Fulton Hogan Industries Pty Ltd and Citywide Service Solutions Pty Ltd. The Asphalt JV is the lessee of 208-292 Arden Street, North Melbourne (the Premises) with the lease concluding in 2051. The Premises are indicatively identified in Figure 1 as "2" outlined in purple in the Citywide Submission to the Victorian Planning Authority (VPA) of 11 October 2021 (the Citywide Submission).

Asphalt production has occurred at the Premises since 1952. The Asphalt JV activities include manufacturing asphalt in a cold, warm and hot form from bituminous materials, aggregates, lime, sand and recycled products. In addition, there are frequent B-double truck equivalent and other heavy vehicle movements into and out of the Premises via Arden Street.

This business manufactures products for the benefit of all community members (e.g. community users of roads, footpaths, bike tracks, train platforms etc.). There is substantial capital invested in the Asphalt Plant with a major capital works program having been completed in 2009. The Premises location is special in servicing asphalt requirements in the inner city and such servicing could not be completed from a location that is distant from the CBD.

**The Asphalt JV's Position**

The Asphalt JV is entirely supportive of the submission made by Citywide regarding the Asphalt JV and the Premises.

Draft Amendment C407 to the Melbourne Planning Scheme would prohibit the Asphalt JV from operating from the Premises in the future. This is no small matter, given the Asphalt JV's existing use rights and long-term tenure to the Premises. The Asphalt JV will also be adversely impacted by the encroachment of sensitive land uses and other uses with the potential to be disturbed by the odour, noise and dust associated with the existing use.

If you would like to discuss this submission further, please do not hesitate to contact the undersigned.

*Yours sincerely,*



Stephen McArthur

██████████ - Citywide Asphalt Group (Aus) Pty Ltd - ██████████

## 22.28 ARDEN URBAN RENEWAL AREA POLICY

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This policy applies to use and development of all land within Arden affected by the Special Use Zone Schedule 7.

To the extent of any inconsistency with another local policy, this local policy prevails.

### 22.28-1 Policy basis

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This policy implements the vision for Arden, as set out in the Arden Vision 2018, which states “Arden will be at the forefront of sustainable development, embracing new ways to live, learn, work and travel in an energy efficient district” that will accommodate 34,000 jobs and 15,000 residents by 2051. Arden is striving for a 6 Star Green Star rating.

This policy supports:

- Existing strategically significant industrial land uses in the precinct and facilitates their development and continued operation.
- Locating the highest densities of employment opportunities close to existing and planned public transport.
- Locating creative and innovative land uses within appropriate precincts.
- Delivering housing opportunities for a diverse community including Affordable Housing.
- Creating a place of design excellence and supports innovative design.
- Creating a benchmark for sustainable and resilient urban transformation that supports the creation of a climate adept, water sensitive, low carbon, low waste community.
- Creating a low waste community that is designed to provide best practice waste and resource recovery management.
- Creating a connected, permeable and accessible community that prioritises walking, cycling, and public transport use.
- Encouraging new uses and developments to implement measures to mitigate against adverse amenity impacts from existing strategically significant industrial uses.

### 22.28-2 Objectives

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To support the urban renewal of Arden over time to create an innovative mixed use precinct.

To ensure that all development achieves high quality urban design, architecture and landscape architecture

To ensure buildings in the Arden achieve high environmental performance standards at the design, construction and operation phases to align with the City of Melbourne’s target of net zero emissions by 2040.

To ensure that development promotes a legible, walkable and attractive pedestrian environment.

To ensure that the internal layout including the layout of uses within a building integrate with the public realm.

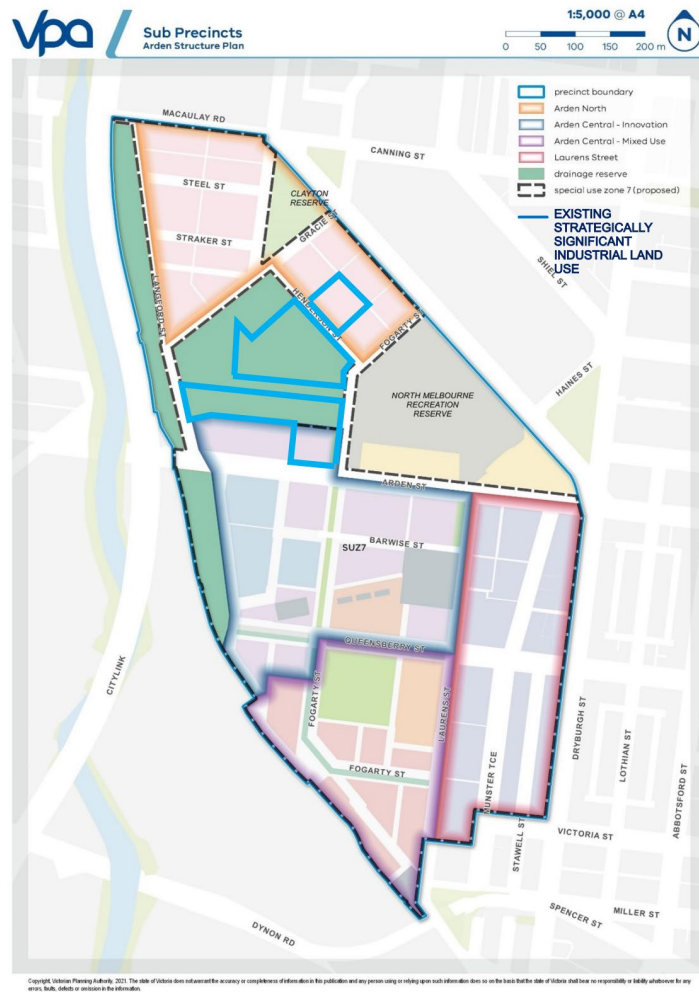
To support the ongoing nature of strategically significant industrial uses and development.

### 22.28-3 Industrial land use

Figure 1 shows the location of existing strategically significant industrial uses within Arden.

[insert map showing location of Citywide land holdings – this will need to be prepared by VPA but suggested approach is below for discussion purposes]





## Strategies

Acknowledge the important role that existing strategically significant industrial uses play and seek to facilitate the ongoing use and development of such uses in the short to medium term.

Recognise the need for existing strategically significant land uses to make built form changes and ensure operations are maintained.

Ensure that existing strategically significant land uses are compliant with operational conditions and EPA requirements to minimise adverse amenity impacts to the renewal precinct.

## Policy guideline

Consider as relevant:

- The reasonable ongoing needs of existing strategically significant industrial land uses.
- The management of the existing use and development.

▪ **22.28-4 Design and Built Form**

The following Clauses do not apply to existing strategically significant industrial land uses.

**22.28-4.1 Aboriginal heritage**

**Strategies**

Support development that celebrates, protects and interprets Aboriginal cultural values and heritage.

**Policy guideline**

Consider as relevant:

- Consultation and collaboration with Traditional Owners.

**22.28-4.2 Innovative, creative and anchor enterprises**

**Strategies**

Facilitate innovative land uses including health and associated uses, research centres, and other innovative industries, particularly in Arden Central – Innovation sub-precinct.

7Support the establishment of anchor health, tertiary and research institutions.

Prioritise employment generating floor space within lower levels in Arden Central – Innovation sub-precinct.

**Policy guideline**

Consider as relevant:

- Providing employment floorspace as part of development that contributes to the 34,000 jobs target.

**22.28-4.3 Affordable housing**

**Strategies**

Encourage the provision of Affordable housing within a range of built form typologies.

**Policy guidelines**

Consider as relevant:

- Providing a minimum 6 per cent of dwellings at 50 per cent discount (or alternative mix of contribution and discount of an equivalent value) as Affordable Housing, delivered by one of the following options:
  - Transferred to an agency, a body or a person which provides affordable housing, including but not limited to Registered Housing Agencies, Rental Housing Agencies and other bodies established or recognised under the Housing Act 1983; or
  - Held in an affordable housing trust and managed for the sole purpose of affordable housing; or
  - Any other model that provides for Affordable Housing, subject to the approval of the Responsible Authority.

If in calculating the number of Affordable Housing dwellings required to be delivered is not a whole number, the number is to be rounded up to the nearest whole number.

- Designing Affordable housing so that it:
  - Is a mix of one, two and three bedrooms that reflects the overall dwelling composition of the building.
  - Has internal layouts identical to other comparable dwellings in the building.
  - Is externally indistinguishable from other dwellings.

#### **22.28-4.4 Community and diversity**

##### **Strategies**

Encourage a diversity of dwelling typologies and sizes within individual development sites.

Encourage assisted living that help residents age in place.

Encourage communal open spaces within residential development to include a range of facilities, garden and recreation areas, with consideration given to opportunities for a range of users.

Encourage the early delivery of community infrastructure.

##### **Policy guidelines**

Consider as relevant:

- For a development of 20 or more dwellings, whether at least 5 per cent of all dwellings are universally accessible.
- Whether a development proposes to provide any community infrastructure identified in the *Arden Development Contributions Plan, August 2021*, as works-in-kind.

#### **22.28-4.5 Sustainable transport**

##### **Strategies**

Ensure development does not compromise the delivery of future public transport infrastructure including new tram, train and bus routes.

Limit new vehicle access points on pedestrian, public transport and bicycle priority routes.

Design internal connections to give priority to bicycle and pedestrian movements.

Provide high levels of and easy access to bicycle parking and end of trip facilities including change rooms, showers and lockers.

Encourage developments to minimise the provision of on-site car parking, particularly where it is not publicly available.

Encourage developments to provide for future conversion of car parking areas to alternative uses.

Encourage consolidated car parking facilities that are publicly accessible, open 24 hours and centrally located that reduce demand for provision of on-site car parking.

Encourage all consolidated car parking facilities, to be adaptable to alternative future land use.



##### **Policy guidelines**

Consider as relevant:

- Providing equal or less than the preferred maximum number of car spaces identified in the Parking Overlay.

- Whether the car parking serves a broad catchment within the precinct as a centralised parking facility.
- Consolidated parking facilities that:
  - Are publicly accessible and be open 24 hours.
  - Are centrally located and serve a broader catchment within the precinct.
  - Minimise strata subdivision to allow for shared access and adaptable re-use.
- Encouraging consolidated parking facilities on government land.

#### **22.28-4.6 Environmentally sustainable design**

##### **Strategies**

Support sustainable and resilient urban transformation that supports the creation of a climate adept, water sensitive, low carbon, low waste community.

Support landscaping and built form material that reduce the impact of the urban heat island affect.

Ensure development has regard to any future precinct-scale waste infrastructure and centralised waste facilities identified in any precinct wide waste management plan in the long term.



Encourage the use of recycled materials or materials that can be composted, recycled and reused.

##### **Policy guidelines**

Consider as relevant:

- For a new building of more than 5000 square meters gross floor area and buildings and works which result in more than 5000 square meters of additional gross floor area, whether the building is capable of being:
  - Designed to achieve certification to the 6 Star Green Star rating
  - Constructed be able to be certified to the 6 Star Green Star rating; and
  - Certified as achieving the 6 Star Green Star rating within 12 months of occupation of the building.
- For all new buildings, providing at least 75 per cent of the total site area as building or landscape elements that reduce the impact of the urban heat island effect.
- For all new buildings, providing a minimum of 40 per cent total surface area should be provided as green cover (green wall, rooftop, canopy and understorey planting, native and indigenous planting or maximises adjacent public realm cooling benefits).
- Green facades, rooftop, podium or terrace planting that is water efficient, located and designed to be sustainable, viable and resilient.



#### **22.28-4.7 Design excellence**

##### **Strategies**

Encourage varied built form typologies

Encourage fine grain, pedestrian scale environment.

Ensure buildings contribute to a high quality public realm.

Encourage developments to deliver spaces, including open spaces, for people to meet, gather, socialise, exercise and relax.

Ensure developments deliver variation in massing, building height, and roof forms and staggering or offsetting of tower footprints.

### Policy guidelines

Consider as relevant:

- The achievement of design excellence through:
  - High quality architecture, landscape architecture and urban design which demonstrates function, liveability, sustainability, and public contribution to buildings and urban spaces.
  - High quality public realm outcomes, particularly regard to wind amelioration and solar protection of key open spaces.

## 22.28-4.8 Site layout and building mass

### Strategies

Ensure building mass maintains a diverse and interesting skyline through the design of roof profiles.

Encourage buildings to be built to the street frontage at ground level, unless the design response includes a purposeful setback such as publicly accessible open space or a response to building transition to raised finished floor levels.

### Policy guidelines

Consider as relevant:

- Whether the layout of development responds to the function and character of adjoining streets and laneways.
- Maintaining a consistent building alignment to the street edge.
- Providing opportunities for stationary activity in well designed and oriented publicly accessible exterior spaces.
- Responding to anticipated pedestrian volumes within the adjacent public realm.
- Adopting a diversity of forms, typologies and architectural language, where a development comprises multiple buildings over a large site.
- Break up buildings with a wide street frontage into smaller vertical sections, with a range of parapet heights and rebates of sufficient depth to provide modulation into the street façade.
- Providing pedestrian connections that are aligned with other lanes or pedestrian connections in adjacent blocks (or not offset by more than 30 metres) so as to provide direct connections.

## 22.28-4.9 Building program

### Strategies

Minimise the impact of car parking and building services on the public realm.

Ensure development provides a high level of wellbeing for building occupants, through natural light, ventilation, outlook and thermal performance.

Design the lower levels of the buildings to accommodate a range of tenancy sizes, including smaller tenancies.

Encourage staging of development and siting of land use that activates the public realm early in the renewal of Arden.

### Policy guideline

Consider as relevant:



- Providing smaller tenancies at ground level at a boundary to a street, laneway or pedestrian connection to sleeve large floorplate tenancies.

#### **22.28-4.10 Public interfaces**

##### **Strategies**

Support the activation of streets and laneways through the use of transparent glazing, pedestrian entrances and land uses at ground level.

##### **Policy guidelines**

Consider as relevant:

- Ensuring the continuity of ground floor activity along streets and laneways.
- Avoiding tinted, opaque or high reflectivity glass which obscures views between the public realm and building interior.

#### **22.28-4.11 Development in flood prone areas**

##### **Strategies**

Integrate water sensitive urban design into streets and green links including along the Fogarty Street and Queensberry Street urban boulevards and Arden Street.

Ensure development appropriately responds to flooding ahead of the delivery of the precinct-wide flood management strategy and associated infrastructure being delivered.

Ensure development manages the risk of flooding through innovative and creative flood management solutions in the natural landscape and built environment

##### **Policy guidelines**

Consider as relevant:

- Whether water sensitive urban design infrastructure is proposed within the street or on site and the associated management of that infrastructure.
- Locating new public streets, laneways or footpaths in flood affected areas outside of the flood area or be raised above the flood level.
- Providing a visual connection between the public realm and vertical, internal and external transitions of development in flood affected areas.
- Providing safe access and egress including for emergency services in flood affected areas

#### **22.28-4.12 Design detail**

##### **Strategies**

Ensure exterior design of buildings:

- Establishes a positive relationship between the appearance of new development and the valued characteristics of its context.
- Incorporates design detail in the lower levels of a building to deliver a visually rich and engaging pedestrian experience.
- Delivers high quality design on all visible sides of a building including rooftops, where visible from the public realm.
- Establishes a clear relationship between the appearance of new development and the valued characteristics of its context.
- Responds to the distance at which the building is viewed and experienced from the public realm in the selection, scale and quality of design elements.

### **Policy guidelines**

Consider as relevant:

- Avoiding the use of surfaces on facades which cause unacceptable glare to the public realm.
- Using material that are durable, robust and low maintenance in the higher parts of a building.
- Providing for depth and a balance of light and shadow in upper level facade design through the use of balconies, integrated shading, rebates or expression of structural elements.
- Designing blank walls which are visible from the public realm as an integrated component of the building.

#### **22.28-5 Policy document**

*Arden Structure Plan (Victorian Planning Authority, August 2021)*

## SCHEDULE 7 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ7**.

### ARDEN PRECINCT

#### Purpose

To facilitate the **long**-term transformation of Arden as a State significant urban renewal precinct that is a **leading** example of design excellence.

To create a thriving urban renewal precinct that supports the development of Arden as an innovation precinct, providing for a mix of medical, retail, commercial, education, industry, entertainment, community facilities and residential uses that supports the central city.

To provide a generous and well-connected open space network, providing multi-functional spaces for recreation, socialising, stormwater management, active transport and biodiversity that facilitates greater tree canopy cover and other planting within precinct to increase urban cooling.

To create a world leading sustainable urban renewal precinct that achieves best practice sustainable design, promotes sustainable transport patterns and a less car dependent community, and built form that ensures development provides flexibility to facilitate adaptation and change over time.

To support and encourage the provision of affordable housing

To support the continued operation and development of strategically significant existing industrial uses and ensure new sensitive land uses and development include measures to mitigate potential amenity impacts from those industrial uses.

#### 1.0

#### Table of uses

#### Section 1 - Permit not required

Use	Condition
<b>Accommodation (other than Camping and caravan park, Corrective Institution, Group accommodation, Host farm)</b>	<p>Must be outside the 'high pressure gas transmission pipeline measurement length' (240 metres) shown on Plan 2 to Schedule 7 to Clause 37.01.</p> <p>Where located in the Arden Central Innovation or Arden North Sub-precinct shown on Plan 1 to Schedule 7 to Clause 37.01 must:</p> <ul style="list-style-type: none"> <li>be located above the first six storeys (ground to fifth floor), except for part of a building which provides access such as a lobby or entrance; and</li> <li>any frontage at ground floor level must not exceed 4 metres.</li> </ul>
<b>Art and craft centre</b>	
<b>Art gallery</b>	

<b>Education centre (other than Tertiary institution)</b>	<p>Must be in Arden Central Innovation Sub-precinct shown on Plan 1 to Schedule 7 to Clause 37.01.</p> <p>Must be outside the 'high pressure gas transmission pipeline measurement length' (240 metres) shown on Plan 2 to Schedule 7 to Clause 37.01.</p>
<b>Function centre</b>	<p>Must not exceed 1000 square metres of gross floor area.</p> <p>Must be outside the 'high pressure gas transmission pipeline measurement length' (240 metres) shown on Plan 2 to Schedule 7 to Clause 37.01.</p>
<b>Home based business</b>	
<b>Hospital</b>	<p>Must be outside the 'high pressure gas transmission pipeline measurement length' (240 metres) shown on Plan 2 to Schedule 7 to Clause 37.01.</p> <p>Must be located outside the Melbourne Metro Rail Project – Infrastructure Protection Areas shown on Plan 3 to Clause 37.01.</p>
<b>Industry (other than Research and development centre, Materials recycling, Refuse disposal, Transfer station and Rural Industry)</b>	<p>Must be in the Arden North or Arden Central Innovation Sub-precincts shown on Plan 1 to Schedule 7 to Clause 37.01.</p> <p>Must not be a purpose listed in the table to Clause 53.10 except for depot for refuse collection vehicles, boiler maker, bakery, smallgoods production and joinery.</p> <p>The land must be at least the following distances from land (not a road) in a residential zone, Activity Centre Zone, Commercial 1 Zone, Capital City Zone, Docklands Zone, land used for a hospital, primary school, or secondary school, land not in this zone used for any other education centre, or land in a Public Acquisition Overlay to be acquired for a hospital, primary school, secondary school, or for any other education centre on land not in this zone:</p> <ul style="list-style-type: none"> <li>• The threshold distance, for a purpose listed in the table to Clause 53.10.</li> <li>• 30 metres, for a purpose not listed in the table to Clause 53.10. If a purpose listed in the table to Clause 53.10.</li> </ul>
<b>Informal outdoor recreation</b>	<p>Must be located in an area shown as open space on Plan 1 to Schedule 7 to Clause 37.01.</p>
<b>Library</b>	
<b>Manufacturing sales</b>	<p>Must be located Arden North or Laurens Street Sub-precincts shown on Plan 1 to Schedule 7 to Clause 37.01.</p>

<b>Medical centre</b>	Must be outside the Melbourne Metro Rail Project – Infrastructure Protection Area shown on Plan 3 to Schedule 7 to Clause 37.01.
<b>Minor utility installation</b>	
<b>Office (other than Medical centre)</b>	
<b>Research centre</b>	<p>Must be in the Arden Central Innovation, Arden North, Arden Central Mixed Use or Laurens Street Sub-precincts shown on Plan 1 to Schedule 7 to Clause 37.01.</p> <p>Must be outside the Melbourne Metro Rail Project – Infrastructure Protection Area shown on Plan 3 to Schedule 7 to Clause 37.01.</p>
<b>Research and development centre</b>	<p>Must be in the Arden Central Innovation Sub-precinct shown on Plan 1 to Schedule 7 to Clause 37.01.</p> <p>Must meet the threshold distance, for a purpose listed in the table to Clause 53.10.</p> <p>Must be outside the Melbourne Metro Rail Project – Infrastructure Protection Area shown on Plan 3 to Schedule 7 to Clause 37.01.</p>
<b>Retail Premises (Other than Adult sex product shop, Gambling premises, Landscape gardening supplies, Motor vehicle, boat, or caravan sales, Supermarket, Trade supplies).</b>	Must not exceed 250 square metres of leasable floor area in Arden Central Mixed Use or Laurens Street Sub-precincts shown on Plan 1 to Schedule 7 to Clause 37.01.
<b>Supermarket</b>	<p>Must be in Arden Central Innovation Sub-precinct shown on Plan 1 to Schedule 7 to Clause 37.01.</p> <p>Must not exceed 6,000 square metres.</p>
<b>Tertiary institution</b>	<p>Must be in Arden Central Innovation Sub-precinct shown on Plan 1 to Schedule 7 to Clause 37.01.</p> <p>Must be outside the 'high pressure gas transmission pipeline measurement length' (240 metres) shown on Plan 2 to Schedule 7 to Clause 37.01.</p> <p>Must be outside the Melbourne Metro Rail Project – Infrastructure Protection Area shown on Plan 3 to Schedule 7 to Clause 37.01.</p>
<b>Transport terminal</b>	
<b>Utility Installation</b>	Must be undertaken on behalf of the public land manager.
<b>Any use listed in Clause 62.01</b>	Must meet requirements of Clause 62.01.
<b>Section 2 - Permit required</b>	

Use	Condition
<b>Adult sex product shop</b>	Must be in Arden Central Innovation or Arden North Sub-precincts shown on Plan 1 to Schedule 7 to Clause 37.01.
<b>Car park</b>	
<b>Gambling premises</b>	Must be in Arden Central Innovation or Arden North Sub-precincts shown on Plan 1 to Schedule 7 to Clause 37.01.
<b>Industry (other than Research and development centre, Materials recycling, Refuse disposal, Transfer station and Rural Industry)</b>	<p>Where located in the Laurens Street or Arden Central Mixed Use Sub-precincts, must not be a purpose listed in the table to Clause 53.10 except for depot for refuse collection vehicles, boiler maker, bakery, smallgoods production and joinery.</p> <p>The land must be at least the following distances from land (not a road) in a residential zone, Activity Centre Zone, Commercial 1 Zone, Capital City Zone, Docklands Zone, land used for a hospital, primary school, or secondary school, land not in this zone used for any other education centre, or land in a Public Acquisition Overlay to be acquired for a hospital, primary school, secondary school, or for any other education centre on land not in this zone:</p> <ul style="list-style-type: none"> <li>• The threshold distance, for a purpose listed in the table to Clause 53.10.</li> <li>• 30 metres, for a purpose not listed in the table to Clause 53.10. If a purpose listed in the table to Clause 53.10</li> </ul>
<b>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</b>	
<b>Manufacturing sales</b>	
<b>Materials recycling</b>	
<b>Market</b>	
<b>Nightclub</b>	Must be in Arden Central Innovation or Arden North Sub-precincts shown on Plan 1 to Schedule 7 to Clause 37.01.
<b>Place of assembly (other than Art gallery, Function centre, Library and Night club)</b>	
<b>Refuse disposal</b>	
<b>Research centre</b>	
<b>Trade Supplies</b>	
<b>Transfer station</b>	
<b>Utility installation (other than Minor utility installation)</b>	
<b>Any other use not in Section 1 or 3</b>	

**Section 3 – Prohibited****Use**

**Brothel**  
**Camping and caravan park**  
**Cemetery**  
**Corrective institution**  
**Earth and energy resources industry**  
**Freeway service centre**  
**Host Farm**  
**Motor racing track**  
**Rural industry**  
**Saleyard**  
**Service station**

**2.0****Use of land**

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**Application Requirements**

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- An application description including:
  - The purpose of the use and the types of activities which will be carried out.
  - The likely effects on the neighbourhood, including noise levels, air-borne emissions and emissions to land and water, rubbish removal and storage, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare.
- An application for an Industry or Warehouse:
  - The type and quantity of goods to be stored, processed or produced.
  - Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority
  - Whether a notification under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2000 is exceeded.
  - How land not required for immediate use is to be maintained.
  - The likely effects, if any, on the neighbourhood, including noise levels, traffic, airborne emissions, emissions to land and water, light spill, glare, solar access and hours of operation (including the hours of delivery and dispatch of materials and goods).
  - Any proposed mitigation measures to manage likely effects on the neighbourhood.

**Exemption from notice and review**

An application to use land is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.



This exemption does not apply to an application to use land for a Function centre, Nightclub, Tavern, Adult sex bookshop, Amusement parlour or Hotel in Arden North or Laurens Street sub-precincts shown on Plan 1 to Schedule 7 to Clause 37.01.

### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the land use(s) supports the development of Arden as an innovation precinct that supports the Central City.
- For an application for a Hospital, Medical centre, Research and development centre Research centre or Tertiary education, how the proposed land use responds to the Melbourne Metro Rail Project - Infrastructure Protection Area.
- If Dwellings are proposed, whether the proposal:
  - provides a diverse mix of dwelling sizes.
- If Industry or Warehouse is proposed:
  - Whether the use is compatible with adjoining and nearby land uses.
  - The effect that existing uses on adjoining or nearby land may have on the proposed use.
  - The effect of traffic to be generated by the use.
  - The interim use of those parts of the land not required for the proposed use.
- If Accommodation or Hospital is proposed, whether the impact of potential noise sources have been mitigated through design, location and siting of sleeping areas and noise sensitive rooms (such as living areas and bedrooms).
- The impact the proposal has on the realisation of employment targets.
- The impact of the proposal on the high pressure gas pipeline if within the 'high pressure gas transmission pipeline measurement length' shown on Plan 2 to Schedule 7 to Clause 37.01.

## 3.0

### Subdivision

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### Requirements

#### Public Open Space Equalisation Provision

If the land proposed to be subdivided is identified at Table 10 of the *Arden Development Contributions Plan, August 2021* to include an area or areas of Public Open Space that in total area exceeds the percentage specified as the Public Open Space contribution for the land as set out in Clause 53.01 (Additional Land):

- The owner must transfer to Melbourne City Council (Council), at no cost, all of the land in the proposed subdivision identified at Plan 2 in the *Arden Development Contributions Plan, August 2021* as Public Open Space, including any Additional Land; and
- The Council must make an equalisation payment to the owner for the Additional Land, at a time and in a manner agreed to by the parties.

If the land proposed to be subdivided is required by the *Arden Development Contributions Plan, August 2021* to include an area or areas of Public Open Space that in total area is less than the percentage specified as the Public Open Space contribution required for the land to be subdivided in Clause 53.01:

- The owner must transfer to the Council at no cost all of the land in the proposed subdivision identified in the *Arden Development Contributions Plan, August 2021* as Public Open Space; and

- The owner must make an equalisation payment to Council equal to the difference between the amount of actual land being transferred as Public Open Space (as a percentage of the land to be subdivided) to Council and the percentage identified as the Public Open Space contribution for the land to be subdivided in Clause 53.01.

### **Costs associated the transfer or vesting of public land**

A permit for subdivision, where land is required for community facilities, public open space or road widening must include the following condition:

- The costs associated with effecting the transfer or vesting of land required for community facilities, public open space or road widening must be borne by the permit holder.

### **Standard of open space on transfer to municipal council**

A permit for subdivision must include the following condition:

- Prior to Statement of Compliance, all public open space which is to be provided to Melbourne City Council must be finished to a standard that satisfies the requirements of Melbourne City Council prior to the provision of the public open space, including:
  - Confirmation of suitability for use as public open space without the need for onerous ongoing management of contamination issues;
  - Removal of all existing, disused structures, foundations, pipelines and stockpiles;
  - Clearing of rubbish, environmental weeds and rocks;
  - Levelled, top soiled and grassed with warm climate grass;
  - Provision of water tapping, potable, and where available recycled, water connection points; and
  - Sewer, gas and electricity connection points to land, as appropriate.

### **Application Requirements**

In addition to any other specific requirements, an application for a permit must be accompanied by the following as appropriate, to the satisfaction of the responsible authority:

- A layout plan, drawn to scale and fully dimensioned showing:
  - The location, shape and size of the site.
  - The location of any existing buildings, car parking areas and private open space.
  - The location, shape and size of the proposed lots to be created.
  - The location of any easements on the subject land.
  - The location of abutting roads, services, infrastructure and street trees.
  - Any proposed common property to be owned by a body corporate and the lots participating in the body corporate.
- A plan or written response demonstrating how the subdivision makes provision for roads, laneways and open spaces.
- A public infrastructure plan which addresses the following:
  - What land may be affected by or required for the provision of infrastructure works;
  - The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
  - What, if any, infrastructure set out in the developer contributions plan applying to the land is sought to be provided as "works in kind" subject to the consent of the collecting agency;

- The provision of public open space and land for any community facilities; and
- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

### Exemption from notice and review

An application to subdivide land is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

### Decision guidelines

Before deciding on a permit application under this schedule the responsible authority must consider as appropriate:

- Whether the subdivision appropriately responds to the urban structure shown on Plan 1 of this schedule.
- The appropriateness of the location and function of public reserves, road reserves and other public spaces.
- How any proposed public roads integrate with the surrounding road network.
- Whether the subdivision will facilitate the future adaptation or repurposing of proposed car parking areas.
- Whether the subdivision promotes consolidated car parking.
- The contribution the proposed subdivision makes to pedestrian and bicycle permeability.
- Whether the subdivision provides for the necessary utilities infrastructure to service the development of the subdivided parcels and allows for shared trenching.
- Whether any proposed staging of development is appropriate.
- Whether the proposal supports the delivery of the cross-sections identified in *Arden Precinct Cross Section, August 2021* where relevant.

## 4.0

### Buildings and works

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#### Permit requirement

A permit is not required to:

- Construct a building or construct or carry out works to provide access for persons with disabilities that comply with applicable legislative requirements to the satisfaction of the responsible authority.
- Construct a building or construct or carry out works 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 1988*, the *Port of Melbourne Authority Act 1958*, the *Parks Victoria Act 1998* or the *Crown Land (Reserves) Act 1978*.
- Construct a building or construct or carry out works for Railway station purposes
- Construct a building or construct or carry out works for 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.
- Construct a building or construct or carry out works for information booths and kiosks required for public purposes by or for the Crown, a public authority or the City of Melbourne.
- Externally alter a building by making changes to the glazing of an existing window and the new/modified window has no more than 15 per cent reflectivity.
- Construct or carry out works normal to a dwelling.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

- To construct one Dependent person's unit on a lot.

### Development near the gas transmission pipeline

Prior to the commencement of any works, including demolition, on land within 65 metres of the PL208, PL66 or PL203 high pressure gas pipelines depicted as radiation contour on Plan 2 of Schedule 7 to Clause 37.01, a construction management plan must be submitted to and approved by the responsible authority. The plan must:

- Prohibit the use of mechanical excavation or horizontal directional drills unless otherwise agreed by the owner/operator of the high-pressure gas pipeline; and
- Be endorsed by the owner/operator of the high-pressure gas transmission pipeline prior to being submitted to the responsible authority.

The construction management plan must be implemented to the satisfaction of the responsible authority.

The construction management plan may be amended to the satisfaction of the responsible authority.

### Requirements – bicycle, motorcycle and car share parking

Developments must provide bicycle, motorcycle and car share parking space in accordance with Table 2, unless the responsible authority agrees to a lesser number.

Table 2

Type of development	Rate Requirement	Facility Requirement
<b>Bicycle parking</b>		
New Dwelling.	A minimum of one secure bicycle space per bedroom.  Two secure visitor bicycle spaces per 5 dwellings.	None specified.
New Retail or Office development including buildings and works which result in more than 1000sqm additional gross floor area.	A minimum of one secure employee bicycle space per 100sqm of net floor area.  One secure bicycle visitor space per 100sqm of net floor area, with a minimum of four visitor spaces provided.	If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.  1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room.  If 20 or more employee bicycle spaces are required, personal lockers are to be provided with each bicycle space required.  If more than 30 bicycle spaces are required, then a change room must be provided with direct access

		to each shower. The change room may be a combined shower and change room.
New Place of Assembly, Minor sports and recreation facility or Education Centre development including buildings and works which result in more than 1000sqm additional gross floor area.	<p>A minimum of one secure employee bicycle space per 100sqm of net floor area.</p> <p>One secure bicycle visitor space per 100sqm of net floor area, with a minimum of eight visitor spaces provided.</p>	<p>If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter.</p> <p>1 change room or direct access to a communal change room to each shower. The change room may be a combined shower and change room.</p> <p>If 20 or more employee bicycle spaces are required, personal lockers are to be provided with each bicycle space required.</p> <p>If more than 30 bicycle spaces are required, then a change room must be provided with direct access to each shower. The change room may be a combined shower and change room</p>
<b>Motorcycle parking</b>		
Dwelling, Place of Assembly, Minor sports and recreation facility or Education Centre development	A minimum of one space per 40 car parking spaces.	None specified.
<b>Car share parking spaces</b>		
Developments of more than 50 dwellings	1 space per 25 dwellings.	None specified.

### Construction and extension of one dwelling on a lot

The following requirements apply to the construction and extension of one dwelling on a lot:

- A development must meet the requirements of Clause 54.

### Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

The following requirements apply to the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings:

- A development must meet the requirements of Clause 55.

### Application requirements

An application for a permit must be accompanied by the following information, as appropriate, to the satisfaction of the responsible authority:

- A site analysis and descriptive statement explaining how the proposal responds to the site and its context.
- Plans drawn to scale and dimensioned which show:
  - The layout of proposed buildings and works.
  - Elevation plans of the building design and height.
  - Setbacks to property boundaries.
  - All proposed access and pedestrian areas.
  - All proposed driveway, car parking and loading areas.
  - Existing vegetation and proposed landscape areas.
  - The location of easements and services.
- An application for Accommodation or Hospital, must be accompanied by an acoustic assessment report prepared by a qualified acoustic engineer or other suitably skilled person to the satisfaction of the responsible authority which:
  - Applies the following noise objectives where sleeping and noise sensitive rooms (such as living areas and bedrooms) are proposed:
    - 35 dB LAeq,8h when measured within a sleeping area between 10 pm and 6 am.
    - 40 dB LAeq,16h when measured within a living area between 6 am and 10 pm.
  - Includes recommendations for any noise attenuation measures required to meet the applicable noise level objectives.
- A Public Infrastructure Plan which addresses the following:
  - What land may be affected or required for the provision of infrastructure works;
  - The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
  - What, if any, infrastructure set out in the developer contributions plan applying to the land is sought to be provided as "works in kind" subject to the consent of the collecting agency;
  - The provision of public open space and land for any community facilities; and
  - Any other matter relevant to the provision of public infrastructure required by the responsible authority.
- A description of any proposed upgrading of adjacent footpaths or laneways to the satisfaction of the responsible authority.
- An application for a permit for buildings and works greater than 5000 square meters gross floor area must be accompanied by an operational management, prepared by suitability qualified person and include the following:
  - Proposed maintenance of key energy systems
  - Any commitment to 100% renewable electricity supply response
  - Green travel plan
  - Proposed maintenance of stormwater treatment (rainwater, raingardens etc.)
  - Any organics collection and in building management of waste
  - Proposed irrigation and maintenance for green infrastructure

## Exemption from notice and review

An application to construct a building or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## Decision Guidelines

Before deciding on a permit application under this schedule the responsible authority must consider, as appropriate:

- Whether the buildings and works support a strategically significant existing industrial land use.
- Whether the buildings and works appropriately responds to Plan 1 of this schedule.
- If Dwellings are proposed, whether the proposal provides a diverse mix of dwelling sizes.
- If Dwellings are proposed, whether the proposal provides affordable housing.
- If Accommodation or Hospital is proposed, whether the impact of potential noise sources have been mitigated through design, location and siting of sleeping areas and noise sensitive rooms (such as living areas and bedrooms).
- For properties along Barwise Street, whether the proposal delivers an activated ground floor.
- How the proposal contributes to establishing sustainable transport as the primary mode of transport through integrated walking, cycling and pedestrian links.
- Whether the development supports the delivery of public spaces, public infrastructure and infrastructure related to the Whether the development impacts the proposed High Capacity Public Transport Capable Corridor.
- How the proposed land use responds to the Melbourne Metro Rail Project - Infrastructure Protection Area
- Whether the proposal supports the delivery of the cross-sections identified in *Arden Precinct Cross Section, August 2021*, where relevant.
- For as single dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development.

## 5.0

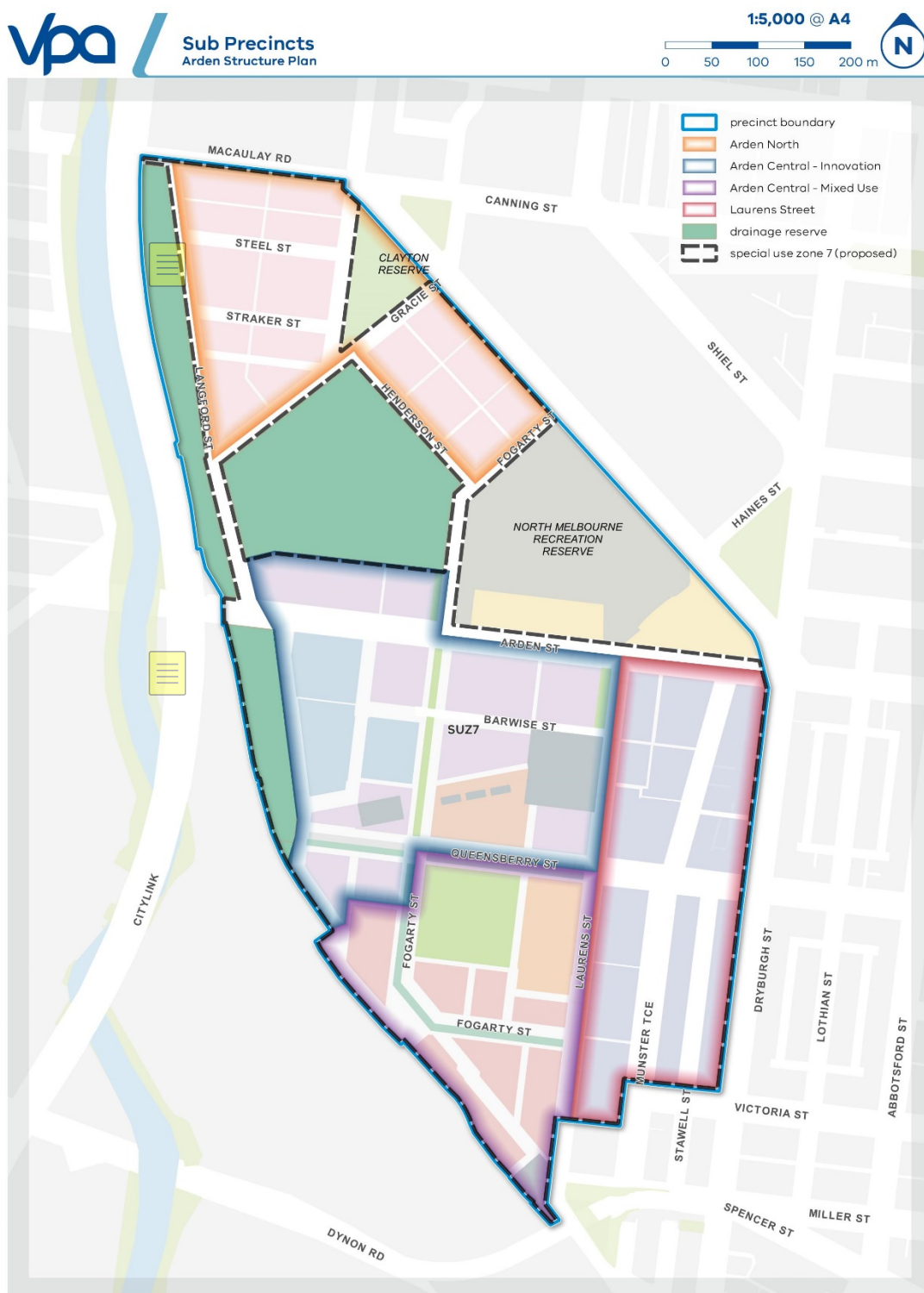
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## Signs

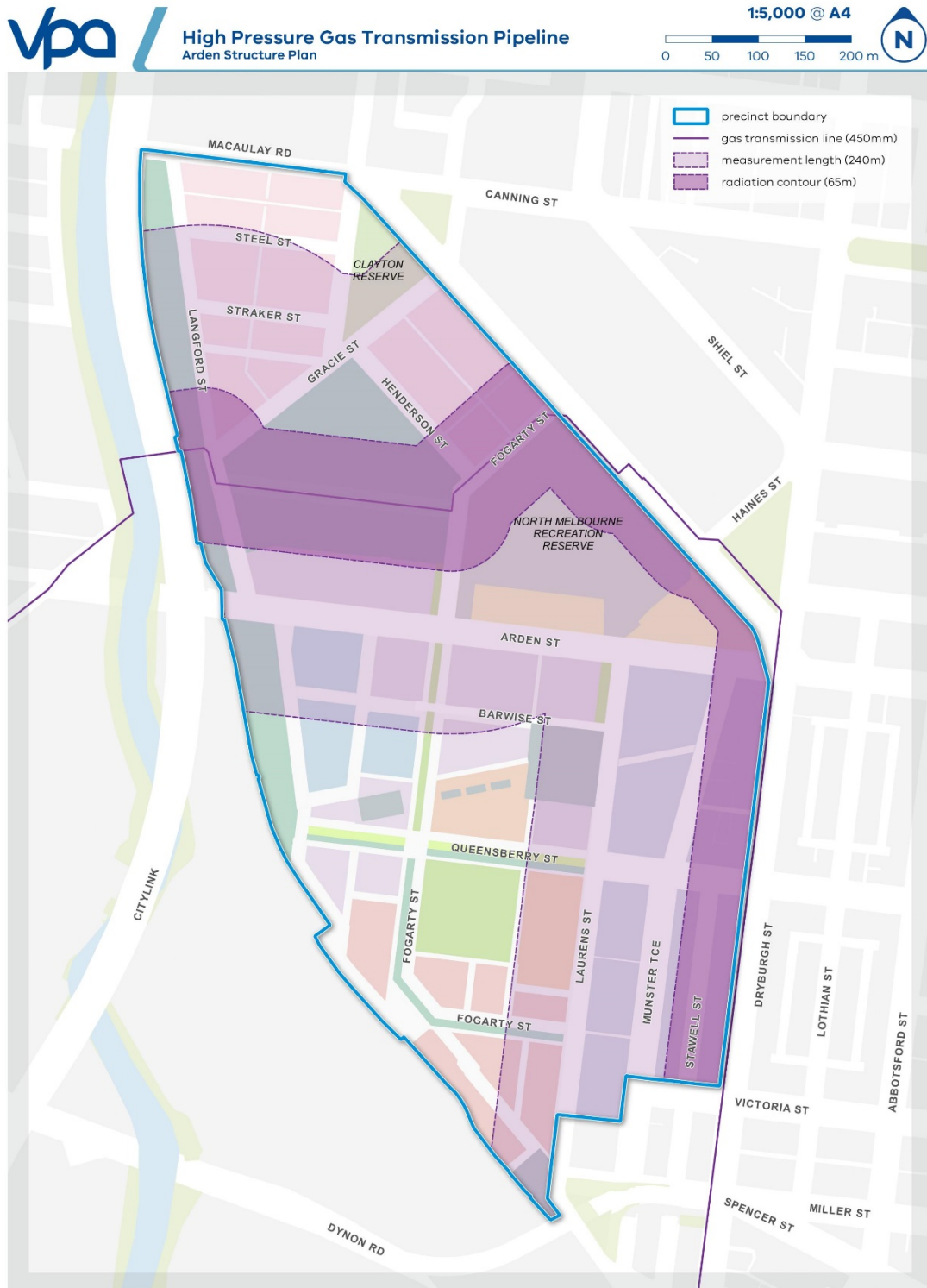
Sign requirements are at Clause 52.05. All land located within the Arden Central Innovation sub-precinct is in Category 1. All other land is in Category 2.



## Plan 1 to Schedule 7 to Clause 37.01: Arden Sub-precincts



## Plan 2 to Schedule 7 to Clause 37.01: Gas Pipeline



**Plan 3 to Schedule 7 to Clause 37.01: Melbourne Metro Rail Project – Infrastructure Protection Area**



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## SCHEDULE 80 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO80**.

### ARDEN PRECINCT - ARDEN CENTRAL INNOVATION

#### 1.0 Design objectives

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To create an innovative urban renewal area that is an exemplar for design excellence, environmental sustainability, and connectivity.

To promote an innovation precinct with floorplates that support digital technology, life sciences, health and education uses.

To support a mixture of low to mid-rise development within the core surrounding the new open spaces with denser and taller buildings to the north and south with a range of typologies to respond to specific land use needs.

To ensure development achieves a high quality pedestrian environment in relation to human scale and microclimate conditions such as acceptable levels of sunlight access and wind.

To ensure that buildings provide visual interest, fine grain and articulation that reduces the impact of mass and bulk.

#### 2.0 Buildings and works

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##### 2.1 Buildings and works for which no permit is required

- A permit is not required:
  - For internal buildings and works, where the Gross Floor Area and overall building height is not increased.
  - For buildings and works at ground level to provide access for persons with disabilities that comply with all legislative requirements.
  - To alter an existing building façade provided:
    - The alteration does not include the installation of an external roller shutter.
    - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
  - To construct an awning that projects over a road if it is authorised by the relevant public land manager.
  - To construct a building or construct or carry out works for Railway purposes.
  - For buildings and works to install or modify existing building services, where the overall building height is not increased.
  - For the construction of new buildings and works associated with an existing strategically significant industrial use.

##### 2.2 Requirements

The following outcomes and requirements apply to an application to construct a building or construct or carry out works.

A permit cannot be granted to vary an outcome with the term ‘must’.

A permit may be granted to vary a built form requirement expressed with the term ‘should’.

An application for buildings and works that does not meet a requirement expressed with the term ‘should’ must achieve the relevant built form outcomes.

Any reference to street width is a reference to the proposed ultimate width of the street reserve.

If there is a discrepancy between the diagrams of this schedule and the text, the text should be used.

## 2.3 Definitions

**Floor Area Ratio** means the gross floor area above ground of all buildings on a site, including all enclosed areas, services, lifts, car stackers and covered balconies, divided by the area of the site. Voids associated with lifts, car stackers and similar service elements should be considered as multiple floors of the same height as adjacent floors or 3.0 metres if there is no adjacent floor.

**Street** means a road reserve of a public highway more than 9 metres wide.

**Laneway** means a road reserve of a public highway 9 metres or less wide.

**Street wall** means the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the street wall, with the exception of non-habitable architectural features not more than 3.0 metres in height and building services setback at least 3.0 metres behind the street wall.

**Street wall height** means the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the street wall, with the exception of non-habitable architectural features not more than 3.0 metres in height and building services setback at least 3.0 metres behind the street wall.

**Setback** is the shortest horizontal distance from a building façade, including projections such as balconies and architectural features greater than 300mm, to the boundary.

**Additional shadow** means any shadow cast outside of any existing shadow from buildings or works.

**Strategically significant industrial use** means any site that is identified in Clause 22.28 for this purpose.

## 2.4 Street wall height

### Built Form Outcomes

Street walls that:

- Provide a human scale.
- Include an appropriate level of street enclosure having regard to the width of the street with lower street wall heights to narrower streets.
- Respond to the scale of adjoining heritage places.
- Provide adequate opportunity for daylight, sunlight and sky views in the street.
- Do not overwhelm the public realm.
- Minimise visual bulk of upper floors when viewed from streets and laneways.

### Built Form Requirements

Buildings should include a street wall of the minimum street wall height and should not exceed the preferred maximum street wall height specified in Table 1 of this schedule unless required to deliver a building typology other than tower-podium.

Where a new building is on a corner, the taller preferred street wall height applies to the frontage with the lower preferred street wall height.



**Table 1: Street wall height**

Laneway or Street width	Building height	Preferred minimum street wall height	Preferred maximum street wall height
0 to 9 metres	None specified	12 metres	17 metres
Greater than 9 metres	Up to or equal to 41 metres	17 metres	33 metres
	In excess of 41 metres	17 metres	25 metres
Immediately adjacent to a proposed open space	Up to or equal to 41 metres	17 metres	33 metres
	In excess of 41 metres	17 metres	25 metres

## 2.5

### Building Setbacks

#### Built Form Outcomes

Building setbacks that:

- Contribute to diversity of building typologies and avoid repetitive built form.
- Mitigate wind effects on the public realm.
- Enable adequate daylight and sunlight in streets and laneways.
- Allow sunlight and daylight to, and outlook from habitable rooms in existing and potential developments on adjoining sites.
- Allow for views to the sky between buildings including when viewed from a distance.
- Allow for views and sunlight to Arden Station forecourt.
- Minimise visual bulk.
- Ensure tall buildings do not appear as a continuous wall when viewed from street level.
- Distinguishes between different buildings where a development comprises multiple buildings.

#### Built Form Requirements

A new building should be setback by the preferred distance as specified in Table 2 from:

- The street,
- Side and rear boundaries,
- Another building(s) on the same site.

**Table 2: Built Form Requirements**

Part of building	Building height	Preferred minimum setback
Below preferred street wall height	None specified	189-197 Arden Street: <ul style="list-style-type: none"> <li>• 10 metres from Laurens Street</li> </ul> Pedestrian only laneway: <ul style="list-style-type: none"> <li>• 9 metres (or if applicable 4.5 metres to the common title boundary)</li> </ul>
Above the street wall height	Any height in excess of 33 metres	5 metres



Above preferred street wall height to side and rear boundaries	Above the street wall height and up to 64 metres	7.5 metres
	Above the street wall height and greater than 64 metres up to 81 metres	10 metres
	Above the street wall height and greater than 81 metres	12.5 metres
Building(s) separation on the same site	Up to and equal to 64 metres	12 metres
	Greater than 64 metres and up to and equal to 81 metres	14 – 16 metres
	Greater than 81 metres	18 metres

## 2.6

### Building heights and Floor Area Ratio (FAR)

#### Built Form Outcomes

Building heights and floor area that:

- Contribute to a varied and architecturally interesting skyline.
- Contribute to a diversity of building typologies and avoid repetitive built form.
- Limit impacts on the amenity of the public realm as a result of overshadowing and wind.
- Limit the impact of visual bulk and mass on the public realm and in the skyline.

#### Built Form Requirements

Buildings and works should not exceed either the relevant height or Floor Area Ratio specified in Map 1 and Table 3 of this schedule except the following elements may exceed the specified height:

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

**Table 3: Building height and Floor Area Ratio**

Location on Map 1	Preferred Maximum Building Height	Preferred maximum FAR
Lot A	25-33 metres	6:1
Lot B	33-57 metres	8:1
Lot C	33-65 metres	8:1
Lot D	49- 81 metres	12:1
Lot E	121–134 metres	17:1

## 2.7

**Solar protection****Built Form Requirements**

Buildings must not cast any additional shadow above that cast by the street wall height over the proposed public open space shown in Map 2 of this schedule for the hours specified in Table 4 to this schedule.

These requirements do not apply to buildings and works constructed within the open space.

**Table 4: Solar protection**

Area on Map 2	Street wall height	Date and hours
Neighbourhood Park	25 metres	22 June, 11am-2pm
Capital City Open Space	<ul style="list-style-type: none"> <li>25 metres where the overall building height exceeds 41 metres, or</li> <li>33 metres where overall building height limited to 41 metres</li> </ul>	22 September, 11am-2pm

Buildings should not cast any additional shadow over:

- The proposed public open spaces or streets shown in Map 2 of this schedule for the hours specified in Table 5 to this schedule.

These requirements do not apply to buildings and works constructed within the open space.

**Table 5: Solar protection**

Area on Map 2	Date and hours
Queensberry Street linear park	22 September, 11am-2pm
Arden Station Forecourt	22 September, 11am-2pm

## 2.8

**Wind Effects****Built form outcomes**

Buildings must be designed to achieve local wind conditions that maintain a safe and pleasant pedestrian environment on footpaths and other public spaces for walking, sitting or standing.

**Built form requirements**

Buildings and work higher than 30 metres:

- Must not cause unsafe wind conditions as specified in Table 6 in publicly accessible areas including spaces identified with solar protection within the assessment distance from all facades.
- Should achieve comfortable wind conditions as specified in Table 6 in publicly accessible areas within the assessment distance from all facades.

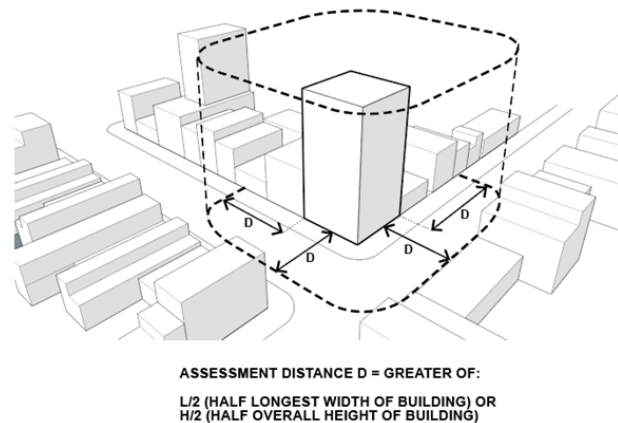
The assessment distance is show in the figure below and is the greater of:

- Half the longest width of the building.
- Half the total height of the building.

**Table 6: Wind effects on the public realm**

Wind condition	Specification
Comfortable wind conditions	<p>The hourly mean wind speed from all wind directions combined with a probability of exceedance of 20 per cent, is less than or equal to:</p> <ul style="list-style-type: none"> <li>• 3 metres/second for sitting areas</li> </ul>

	<ul style="list-style-type: none"> <li>• 4 metres/second for standing areas</li> <li>• 5 metres/second for walking areas</li> </ul> <p>Hourly mean wind speed is the maximum of:</p> <ul style="list-style-type: none"> <li>• the hourly mean wind speed the gust equivalent mean speed (3 second gust wind speed divided by 1.85).</li> </ul>
Unsafe wind conditions	The hourly maximum 3 second gust from any wind direction (considering at least 16 wind directions) with a corresponding probability of exceedance percentage greater than 20 metres per second.

**Figure 1**

## 2.9 Public interface and design detail

### Built Form Outcomes

Buildings and works that:

- Address and define existing or proposed streets or open space and provide direct pedestrian access from the street to ground floor uses.
- Support the activation of streets and laneways through the use of transparent glazing and pedestrian entrances.
- Create activated building facades with windows and legible entries.
- Consolidate services within sites and within buildings, and ensure any externally accessible services are integrated into the façade design.
- Position vehicle access, loading areas and services so that they are not located on main street frontages.
- Position entries, circulation and services to respond to the function of adjoining main streets, streets and laneways for development with more than one street frontage.
- Resolve the street interface where finished floor levels are raised in response to flooding, including direct connections at grade to usable space within the ground level with level transitions contained within the building envelope.
- Provide pedestrian amenity on main routes, including consideration of weather protection from rain, wind and sun without causing detriment to the streetscape integrity.
- Consider pedestrian flow, safety and amenity, which is prioritised over vehicle access and minimise conflict where possible.
- Provide for high quality pedestrian links as identified to provide direct pedestrian connection where appropriate.

- Ensure services located on a street do not dominate the pedestrian experience and are designed as an integrated component of the façade.

#### Built Form Requirements

Buildings should provide design elements specified in Table 7 to this schedule.

**Table 7: Public interface and design detail**

Design Element	Requirement
Laneways, through-links, pedestrian and cycling connections	<p>Provide for laneways, through links, and connections as identified in Map 3.</p> <p>Pedestrian only laneways to be open to the sky and 9 metres in total width in accordance with setback requirements specified in Table 2.</p> <p>Internal links are to be 9 to 12 metres in total width and include a proportional void commensurate with its width.</p> <p>All other identified links should be 6 to 9 metres in width (the width shared from the common title boundary) should be of high quality, whether open to the sky or internal arcades.</p>
Active street frontages	<p>5 metres or 80 per cent of the building facade at ground floor level should be an entry or display window.</p> <p>Any service area should not exceed a length of 10 metres to any frontage.</p> <p>In flood prone areas, transitions in floor levels should not rely on external stairs, ramps or platform lifts which disconnect interior spaces from the public realm unless otherwise agreed by the relevant floodplain management authority.</p>
Traffic conflict frontages	<p>Vehicle and loading bay ingress or egress points, should not be constructed on a traffic conflict frontage as identified in Map 4.</p> <p>Vehicle access, crossovers and entries to parking should include intermediate pedestrian refuges if the vehicle access or crossover is more than 6.1 metres.</p>
Weather protection	<p>Buildings which front the traffic conflict frontages shown at Map 4 provide weather protection over the footpath unless it demonstrated it is not required.</p> <p>Weather protection should be designed to:</p> <ul style="list-style-type: none"> <li>• Be between 3.5 to 5 metres in height to provide enclosure to the public realm.</li> <li>• Not enclose more than one third of the width of a laneway.</li> </ul>

## 2.10

### Adaptable Buildings

#### Built Form Outcomes

Buildings and works that:

- Provide for the future conversion of those parts of the building accommodating non-employment uses to employment uses including the ability to adapt car parking to other uses over time.
- Development minimises the impact of car parking on the public realm.

#### Built Form Requirements

Buildings should provide design elements specified in Table 8 to this schedule.

**Table 8: Adaptable Buildings**

Design Element	Requirement
Adaptable Buildings	<b>Lower levels up to the height of the street wall</b>

	<p>At least 5.0 metres floor to floor height at ground level.</p> <p>At least 3.2 metres floor to floor height for other lower levels up to the height of the street wall associated with accommodation uses.</p> <p>At least 4 metres floor to floor height for other lower levels up to the height of the street wall associated with office uses.</p> <p>Any proposed parking structures above ground level must be designed to be sleeved with active uses to streets. These structures should incorporate appropriate floor to floor heights which are level to enable future adaptation including at least 2.8 metres floor to floor height. Mechanical parking systems to reduce the area required for car parking.</p>
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## 2.11 Exemption from notice and review

An application to construct a building or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## 3.0 Subdivision

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None specified.

## 4.0 Signs

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None specified.

## 5.0 Application requirements

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

### Urban Context Report and Plans

- An application for permit must be accompanied by a written and illustrated urban context report. The urban context report must:
  - explain the key planning, design and contextual considerations and influence on the proposed buildings and works.
  - describe the existing urban context of the area in which the proposed buildings and works are to be located.
  - explain how the proposed buildings and works relate to and respond to their urban context including:
    - built form character of adjacent and nearby buildings.
    - equitable outcomes for potential development on adjoining sites.
    - adjacent and nearby heritage places.
  - identify the key opportunities and constraints supporting the design response.
  - explain the effect of the proposed buildings and works, including on:
    - microclimate, including sunlight, daylight and wind impacts on streets and other public spaces.
    - vistas.
  - explain how the proposed buildings and works respond to each of the Built Form Outcomes of this schedule, as appropriate.
- Plan, elevation and section drawings (1:50 or 1:20) and written statement to demonstrate the design of the lower levels of the building to show articulation, how the building mass provides architectural interest and diversity of materiality and show

building entries, shop front design, service doors or cabinets, ingress and egress (if applicable), and weather protection canopies.

- Plans, elevations and section drawings (1:50) for any car parking proposed at or above ground level to show finished floor levels and a statement by a suitably qualified engineer are to be provided to demonstrate the capacity for this to be adapted to alternative uses.
- A concept landscape plan for any publicly accessible podium and rooftop spaces detailing proposed hard and soft landscape elements, plant schedule, plant container details and maintenance and irrigation systems.
- Key view line diagrams which show the development in context from short and distant views, including from the Neighbourhood Park, Capital City Open Space, Arden Station forecourt, the rail corridor and CityLink. Key view line diagrams which show the development in context from short and long distant views towards Arden Station forecourt.
- Scaled shadow diagrams to show existing and proposed shadows diagrams at hourly intervals to demonstrate the effect on identified spaces to provide solar protection including an analysis against the Winter Solstice (22 June), if not the control period, to demonstrate the degree of sunlight to the space.

#### **Wind analysis report**

- An application for a permit for a building with a total building height in excess of 30 metres must be accompanied by a wind analysis report prepared by a suitably qualified person. The wind analysis report must:
  - explain the effect of the proposed development on the wind conditions in publicly accessible areas within a distance equal to half the longest width of the building, measured from all facades, or half the total height of the building, whichever is greater.
  - at a minimum, model the wind effects of the proposed development and surrounding buildings (existing and proposed) using wind tunnel testing.
  - identify the principal role of each portion of the publicly accessible areas for sitting, standing or walking purposes.
  - not rely on street trees or any other element such as screens, within public areas for wind mitigation.

#### **Design Excellence**

- An application for permit must be accompanied by a report to demonstrate design excellence. The report must:
  - explain how the application provides high quality architecture, landscape architecture and urban design which demonstrates function, liveability, sustainability, and public contribution to buildings and urban spaces.
  - explain how the application responds to the requirements of this schedule.
  - describe how the development addresses and provides high quality public realm outcomes, particularly around Arden station, and ameliorates solar and wind effects to the forecourt.
  - where an application seeks to vary the requirement(s) of this schedule, it must explain how the Built Form Outcomes are achieved, and how the alternative response demonstrates appropriate built form outcomes having regard to the decision guidelines of this schedule.
  - demonstrate the utilisation of a design review process or design competition where the application exceeds the preferred Maximum Floor Area Ratio.

#### **3D digital model of buildings and works**

- An application for a permit must be accompanied by a 3D digital model of the proposed buildings and works in a format to the satisfaction of the responsible authority. The model may be used for assessing overshadowing and visual impacts caused by the proposal and for general archive, research and public information purposes.

## 6.0

### Decision guidelines

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The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

#### General

- The extent to which the development addresses the Built Form Outcomes and Requirements in this schedule.
- Whether the cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm (footpaths and key pedestrian routes), in relation to human scale and microclimate conditions including overshadowing and wind impacts.
- On sites where a development comprises multiple buildings, whether the buildings adopt a diversity of forms, typologies and architectural language, within a cohesive design framework.
- Whether the building respects the height, scale and proportions of adjoining heritage places.
- Whether the development responds to its context including built form character of adjacent and nearby buildings, equitable outcomes for potential development on adjoining sites and adjacent and nearby heritage places.

#### Street wall height

- The streetscape, including its width, the scale and height of proposed neighbouring buildings and the proposed development.
- Whether the proposed street wall height provides variegation in heights to provide visual interest to pedestrians and human scale.
- If the proposed street wall height, exceeds the preferred maximum height specified, the development should demonstrate that the proposed street wall height:
  - is proportional to the street width,
  - supports an alternative building typology,
  - provides articulation, visual interest and variety over the length of the street frontage.

#### Building Setbacks

- Whether the building setbacks to street or an adjoining building proposed appropriately consider the:
  - built form response on site including consideration of the size and shape of the parcel of land to which the application relates,
  - the siting of the proposed development and the areas to be occupied by the development in relation to the size and shape of the land,
  - relationship to adjoining sites and consideration of the potential redevelopment opportunities,
  - building mass and views to the development at short range and distant views, including from the Neighbourhood Park and Capital City open space, Arden Station forecourt, the rail corridor and CityLink.



- articulation, visual interest and breaks up buildings into sections and a range of parapet heights, and/or introduction of shape to taller forms.
- Whether the development provides a high level of amenity for building occupants in relation to:
  - daylight to all habitable rooms
  - Privacy to all habitable rooms
- The effect of the proposed buildings and works on solar access to proposed open spaces and public places.

#### **Building Height and Floor Area Ratio**

- Whether the building height responds to the site and provides variation in building height compared with adjacent existing or proposed development.
- Whether the building height provides transition to lower scaled areas adjacent.
- Whether the development would compromise the function, form and capacity of public spaces and public infrastructure.
- Whether the intensity of development appropriately responds to other requirements of this schedule and does not seek to vary all other requirements in order to reach the nominated Floor Area Ratio of the site.
- If the development seeks to exceed the nominated Building Height and/or Floor Area Ratio that the development demonstrates:
  - all side and rear building setback requirements specified in Table 2 of this schedule are met. An application with multiple buildings on the same site must meet the side and rear boundary setback requirements as specified in Table 2 of this schedule. This is to provide greater setbacks with greater height and cannot rely on the reduced building separation distances within Table 2 of this schedule.
  - all comfortable wind condition requirements specified in Table 6 (wind effects) of this schedule are met.
  - all active frontage requirements specified in Table 7 (Public interface and design detail) of this schedule are met.
  - all adaptable building requirements specified in Table 8 (Adaptable Buildings) of this schedule are met.
  - additional built form above the preferred maximum Building Height and/or Floor Area Ratio in Table 3 mitigates the impact of walled effect and bulk through building setbacks and shaping of tower forms.
  - demonstration of exemplary design excellence through high quality architecture, landscape architecture and urban design for the site as supported, where appropriate, by an independent design review or design competition that endorses the proposed outcomes for the site.
  - no adverse shadowing impacts to identified spaces for solar protection including consideration of Winter Solstice (22 June), even if not the specified control period, to consider the extent of shadow caused to that space including its use and function.
  - will result in improved internal amenity, reduced external amenity impacts, enhanced architectural composition, and /or better representation of urban structure.

#### **Solar Protection**

- Whether the additional overshadowing to the nominated space adversely affects the use, quality and amenity of the public space.
- The degree to which shadowing can be minimised or move quickly from the space within the defined sunlight control period.

- The area of additional overshadowing relative to the area of remaining sunlit space compared to the total area of the public space.
- Any adverse impact on the natural landscaping, including lawn or turf surface in the public space.
- Whether the additional overshadowing compromises the existing and future use, quality and amenity of the public space.
- Whether allowing additional shadows on other public spaces such as streets and lanes, is reasonable, having regard to their orientation.

#### **Wind Effects**

- Whether the proposal maintains safe and pleasant pedestrian microclimatic conditions on the footpath adjacent to the development and demonstrates:
  - A maximum of 3 metres per second for sitting which is associated with activities such as outdoor cafes, pool areas, gardens.
  - A maximum of 4 metres per second for standing which is associated with activities such as window shopping, drop off, queuing.
  - A maximum of 5 metres per second for walking adjacent to the development.
- The cumulative wind effects within the assessment area which is greater than half the longest width of the building or half of the height of the building, including public spaces subject to solar protection, Neighbourhood Park, Capital City Open Space, Queensberry Street linear park and Arden Station forecourt.

#### **Public Interface and Design Detail**

- The appropriateness of the through-links and laneways having regard how:
  - Direct, attractive, well-lit and provide a line of sight from one end to the other.
  - Safe and free of entrapment spaces and areas with limited passive surveillance.
  - Publicly accessible for extended hours, at ground level and appropriately secured by legal agreement.
  - Adopt vertical proportions with a height greater than the width.
  - Incorporate activity where possible.
  - Incorporate high quality exterior grade materials and finishes to all surfaces including paving, walls, ceilings and lighting.
  - Have highly legible entries including any doors or gates.
- Whether the application provides high quality human scaled environments at ground level that provides visual interest, comfortable scale and safe edge to the public realm.
- The appropriateness of active street frontages including integration of required servicing into the façade away from key pedestrian spaces and public spaces, colocation of service cabinets internal to loading, waste or parking areas where possible, and resolving interaction with the public realm to address the views of the relevant floodplain management authority.
- Configuration and design service cabinets to not dominate street frontages and employ high quality materials.
- Whether the proposed ingress and egress location is appropriate having regard to:
  - the intended use of that street and having regard to constraints for site access from other frontages.
  - the extent to which the proposed ingress or egress would conflict with pedestrians or cyclists.
  - be limited in number and consolidated to provide shared access to multiple buildings.

- consider impacts on bicycle and public transport infrastructure, on-street parking and loading and unloading facilities.
- Whether the development incorporates appropriate weather protection to key streets for pedestrians:
  - at an appropriate depth and provide a rhythm that reflects the grain of the ground floor uses adjacent.
  - display a high design standard including material selection in the appearance of the soffit and fascia.

**Adaptable Buildings**

- Whether the development allows for the adaptive re-use of existing buildings.

Map 1: Building Height and Floor Area Ratio



Map 2: Solar Protection



**Map 3: Laneways, through-links, pedestrian and cycling connections**



Map 4: Weather Protection and Traffic Conflict Frontage



## SCHEDULE 82 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO82**.

### ARDEN PRECINCT - ARDEN NORTH

#### 1.0 Design objectives

To create a pedestrian focused precinct which supports mid to high rise developments on larger sites and a hybrid of perimeter blocks and slender towers to avoid significant overshadowing of Clayton Reserve, North Melbourne Recreation Reserve and the new integrated stormwater management open spaces.

To ensure development achieves a high quality of pedestrian amenity in relation to human scale and microclimate conditions such as acceptable levels of sunlight access and wind as sought for Arden Precinct.

To ensure the height of new buildings does not overwhelm the public domain, higher forms are located to less sensitive interfaces of CityLink and Macaulay Road and respond to the emerging scale within and to the areas beyond the precinct, including adjacent structure plan areas.

To ensure that development provides equitable development rights to adjoining sites and allow reasonable access to sunlight, daylight, outlook and privacy to habitable spaces.

To ensure that buildings provide visual interest, fine grain and articulation that reduces the impact of mass and bulk.

#### 2.0 Buildings and works

##### 2.1 Buildings and works for which no permit is required

- A permit is not required:
  - for internal buildings and works, where the Gross Floor Area and overall building height is not increased.
  - for buildings and works at ground level to provide access for persons with disabilities that comply with all legislative requirements.
  - to alter an existing building façade provided:
    - The alteration does not include the installation of an external roller shutter.
    - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
  - to construct an awning that projects over a road if it is authorised by the relevant public land manager.
  - for buildings and works to install or modify building services, where the overall building height is not increased.
  - **For** the construction of new buildings and works associated with an existing **strategically** significant industrial use.

##### 2.2 Requirements

The following outcomes and requirements apply to an application to construct a building or construct or carry out works.

A permit cannot be granted to vary an outcome with the term ‘must’.



A permit may be granted to vary a built form requirement expressed with the term ‘should’. An application for buildings and works that does not meet a requirement expressed with the term ‘should’ must achieve the relevant built form outcomes.

Any reference to street width is a reference to the proposed ultimate width of the street reserve.

If there is a discrepancy between the diagrams of this schedule and the text, the text should be used.

## 2.3 Definitions

**Floor Area Ratio** means the gross floor area above ground of all buildings on a site, including all enclosed areas, services, lifts, car stackers and covered balconies, divided by the area of the site. Voids associated with lifts, car stackers and similar service elements should be considered as multiple floors of the same height as adjacent floors or 3.0 metres if there is no adjacent floor.

**Street** means a road reserve of a public highway more than 9 metres wide.

**Laneway** means a road reserve of a public highway 9 metres or less wide.

**Street wall** means the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the street wall, with the exception of non-habitable architectural features not more than 3.0 metres in height and building services setback at least 3.0 metres behind the street wall.

**Street wall height** means the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the street wall, with the exception of non-habitable architectural features not more than 3.0 metres in height and building services setback at least 3.0 metres behind the street wall.

**Setback** is the shortest horizontal distance from a building façade, including projections such as balconies and architectural features greater than 300mm, to the boundary.

**Additional shadow** means any shadow cast outside of any existing shadow from buildings or works.

**Strategically significant industrial use** means any site that is identified in Clause 22.28 for this purpose.

## 2.4 Street wall height

### Built Form Outcomes

Street walls that:

- Provide a human scale.
- Include an appropriate level of street enclosure having regard to the width of the street with lower street wall heights to narrower streets.
- Respond to the scale of adjoining heritage places.
- Adequate opportunity for daylight, sunlight and sky views in the street.
- Do not overwhelm the public realm.
- Minimise visual bulk of upper floors when viewed from streets and laneways.

### Built Form Requirements

Buildings should include a street wall of the minimum street wall height and should not exceed the preferred maximum street wall height specified in Table 1 of this schedule unless required to deliver a building typology other than tower-podium.

Where a new building is on a corner, the taller preferred street wall height applies to the frontage with the lower preferred street wall height.

**Table 1: Street wall height**

Laneway or Street width or Street	Building height	Preferred minimum street wall height	Preferred maximum street wall height
0 to 9 metres	None specified	12 metres	17 metres
Greater than 9 metres	Up to or equal to 41 metres	17 metres	33 metres
	In excess of 41 metres	17 metres	25 metres
Immediately adjacent to a proposed open space	Up to or equal to 41 metres	17 metres	33 metres
	In excess of 41 metres	17 metres	25 metres

## 2.5

### Building Setbacks

#### Built Form Outcomes

Building setbacks that:

- Contribute to diversity of building typologies and avoid repetitive built form.
- Mitigate wind effects on the public realm.
- Enable adequate daylight and sunlight in streets and laneways.
- Allow sunlight and daylight to, and outlook from habitable rooms in existing and potential developments on adjoining sites.
- Allow for views to the sky between buildings, including when viewed from a distance.
- Minimise visual bulk.
- Ensure tall buildings do not appear as a continuous wall when viewed from street level.
- Distinguishes between different buildings where a development comprises multiple buildings.

#### Built Form Requirements

A new building should be setback by the preferred distance as specified in Table 2 from:

- The street,
- Side and rear boundaries,
- Another building(s) on the same site.

**Table 2: Built Form Requirements**

Part of building	Building height	Preferred Setback
Below preferred street wall height	None specified	Pedestrian only laneway: 9 metres (or if applicable 4.5 metres to the common title boundary)  Shared laneway: 4 metres to the centreline of the existing laneway
Above preferred street wall height to the street	Any height in excess of 33 metres	5 metres
Above preferred street wall height to side and rear boundaries	Above the street wall height and up to 64 metres	7.5 metres
	Above the street wall height greater than 64 metres	10 metres

Building(s) separation on the same site	Up to and equal to 64 metres	12 metres
	Greater than 64 metres	14-16 metres

## 2.6 Building heights and Floor Area Ratio (FAR)

### Built Form Outcomes

Building heights and floor area ratios must:

- Contribute to a varied and architecturally interesting skyline.
- Contribute to a diversity of building typologies and avoid repetitive built form.
- Limit impacts on the amenity of the public realm as a result of overshadowing and wind.
- Limit the impact of visual bulk and mass on the public realm and in the skyline.

### Built Form Requirements

Buildings and works must not exceed the Floor Area Ratio specified in Map 1 and Table 3 of this schedule.

Buildings and works should not exceed the relevant height specified in Map 1 and Table 3 of this schedule except the following elements may exceed the specified height:

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

**Table 3: Building height and Floor Area Ratio**

Location on Map 1	Preferred Maximum Building Height	Mandatory Maximum FAR
Lot A	33-51 metres	6:1
Lot B	49-64 metres	9:1

## 2.7 Solar protection

### Built Form Requirements

Buildings should not cast any additional shadow above that cast by the street wall height over the proposed public open space shown in Map 2 of this schedule for the hours specified in Table 4 to this schedule.

These requirements do not apply to buildings and works constructed within the open space.

**Table 4: Solar protection**

Area on Map 2	Street wall height	Date and hours
North Melbourne Recreation Reserve	<ul style="list-style-type: none"> <li>• 25 metres where the overall building height exceeds 41 metres, or</li> <li>• 33 metres where overall building height limited to 41 metres</li> </ul>	22 September, 11am-2pm
Clayton Reserve	<ul style="list-style-type: none"> <li>• 25 metres where the overall building height exceeds 41 metres, or</li> </ul>	22 September, 11am-2pm

	<ul style="list-style-type: none"> <li>33 metres where overall building height limited to 41 metres</li> </ul>	
Integrated stormwater management open space	<ul style="list-style-type: none"> <li>25 metres where the overall building height exceeds 41 metres, or</li> <li>33 metres where overall building height limited to 41 metres</li> </ul>	22 September, 11am-2pm

## 2.8

### Wind Effects

#### Built form outcomes

Buildings must be designed to achieve local wind conditions that:

- maintain a safe and pleasant pedestrian environment on footpaths and other public spaces for walking, sitting or standing.

#### Built form requirements

Buildings and work higher than 20 metres:

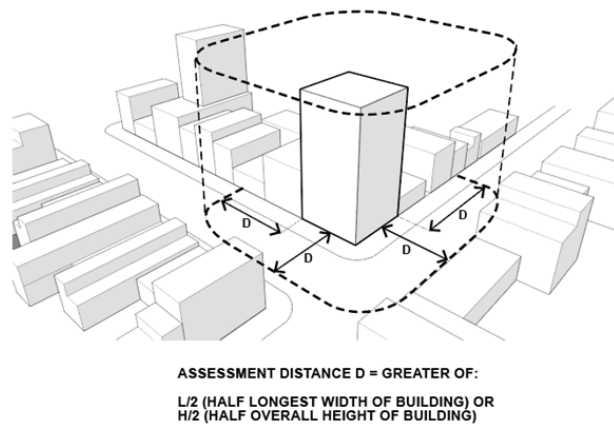
- Must not cause unsafe wind conditions as specified in Table 4 in publicly accessible areas including spaces identified with solar protection within the assessment distance from all facades.
- Should achieve comfortable wind conditions as specified in Table 5 in publicly accessible areas within the assessment distance from all facades.

The assessment distance is show in the figure below and is the greater of:

- Half the longest width of the building.
- Half the total height of the building.

**Table 5: Wind effects on the public realm**

Wind condition	Specification
Comfortable wind conditions	<p>The hourly mean wind speed from all wind directions combined with a probability of exceedance of 20 per cent, is less than or equal to:</p> <ul style="list-style-type: none"> <li>3 metres/second for sitting areas</li> <li>4 metres/second for standing areas</li> <li>5 metres/second for walking areas</li> </ul> <p>Hourly mean wind speed is the maximum of:</p> <ul style="list-style-type: none"> <li>the hourly mean wind speed the gust equivalent mean speed (3 second gust wind speed divided by 1.85).</li> </ul>
Unsafe wind conditions	<p>The hourly maximum 3 second gust from any wind direction (considering at least 16 wind directions) with a corresponding probability of exceedance percentage greater than 20 metres per second.</p>

**Figure 1**

## 2.9 Public interface and design detail

### Built Form Outcomes

Buildings and works that:

- Address and define existing or proposed streets or open space and provide direct pedestrian access from the street to ground floor uses.
- Support the activation of streets and laneways through the use of transparent glazing and pedestrian entrances.
- Create activated building facades with windows and legible entries.
- Consolidate services within sites and within buildings, and ensure any externally accessible services are integrated into the façade design.
- Position vehicle access, loading areas and services so that they are not located on main street frontages.
- Position entries, circulation and services to respond to the function of adjoining main streets, streets and laneways for development with more than one street frontage.
- Resolve the street interface where finished floor levels are raised in response to flooding, including direct connections at grade to usable space within the ground level with level transitions contained within the building envelope.
- Provide pedestrian amenity on main routes, including consideration of weather protection from rain, wind and sun without causing detriment to the streetscape integrity.
- Consider pedestrian flow, safety and amenity, which is prioritised over vehicle access and minimise conflict where possible.
- Provide for high quality pedestrian links as identified to provide direct pedestrian connection where appropriate.
- Ensure services located on a street do not dominate pedestrian experience and are designed as an integrated component of the façade.

### Built Form Requirements

Buildings should provide design elements specified in Table 6 to this schedule.

**Table 6: Public interface and design detail**

Design Element	Requirement
Laneways, through-links, pedestrian and	Provide for through links, laneways and connections as identified in Map 3.

cycling connections	<p>Pedestrian only laneways to be open to the sky and 9 metres in total width in accordance with setback requirements specified in Table 2.</p> <p>Shared laneways to be open to the sky and 8 metres in total width in accordance with setback requirements specified in Table 2.</p> <p>All other identified links should be 6 to 9 metres in width (the width shared from the common title boundary) should be of high quality, whether open to the sky or internal arcades.</p>
Active street frontages	<p>5 metres or 80 per cent of the building facade at ground floor level is an entry or display window.</p> <p>Any service area should not exceed a length of 10 metres to any frontage.</p> <p>In flood prone areas, transitions in floor levels should not rely on external stairs, ramps or platform lifts which disconnect interior spaces from the public realm unless otherwise agreed by the relevant floodplain management authority.</p>
Traffic conflict frontages	<p>Vehicle and loading bay ingress or egress points, should not be constructed on a traffic conflict frontage as identified in Map 4.</p> <p>Vehicle access, crossovers and entries to parking should include intermediate pedestrian refuges if the vehicle access or crossover is more than 6.1 metres.</p>
Weather protection	<p>Buildings which front the traffic conflict frontages shown at Map 4 should provide weather protection over the footpath unless it demonstrated it is not required.</p> <p>Weather protection should be designed to:</p> <ul style="list-style-type: none"> <li>• Be between 3.5 to 5m in height to provide enclosure to the public realm.</li> <li>• Not enclose more than one third of the width of a laneway.</li> </ul>

## 2.10

### Adaptable Buildings

#### Built Form Outcomes

Buildings and works that:

- Provide for the future conversion of those parts of the building accommodating non-employment uses to employment uses including the ability to adapt car parking to other uses over time.
- Development minimises the impact of car parking on the public realm.

#### Built Form Requirements

Buildings should provide design elements specified in Table 7 to this schedule.

**Table 7: Adaptable Buildings**

Design Element	Requirement
Adaptable Buildings	<p><b>Lower levels up to the height of the street wall</b></p> <p>At least 5.0 metres floor to floor height at ground level.</p> <p>At least 3.2 metres floor to floor height for other lower levels up to the height of the street wall associated with accommodation uses.</p> <p>At least 4 metres floor to floor height for other lower levels up to the height of the street wall associated with office uses.</p> <p>Any proposed parking structures above ground level must be designed to be sleeved with active uses to streets. These structures should incorporate appropriate floor to floor heights which are level to enable future adaptation including at least 2.8</p>

	metres floor to floor height. Mechanical parking systems to reduce the area required for car parking.
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## 2.11 Exemption from notice and review

An application to construct a building or carry out works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## 3.0 Subdivision

--/--/---  
Proposed  
C407melb

None specified.

## 4.0 Signs

--/--/---  
Proposed  
C407melb

None specified.

## 5.0 Application requirements

--/--/---  
Proposed  
C407melb

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

### Urban Context Report and Plans

- An application for permit must be accompanied by a written and illustrated urban context report. The urban context report must:
  - explain the key planning, design and contextual considerations and influence on the proposed buildings and works.
  - describe the existing urban context of the area in which the proposed buildings and works are to be located.
  - explain how the proposed buildings and works relate to and respond to their urban context including:
    - built form character of adjacent and nearby buildings.
    - equitable outcomes for potential development on adjoining sites.
    - adjacent and nearby heritage places.
  - identify the key opportunities and constraints supporting the design response.
  - explain the effect of the proposed buildings and works, including on:
    - microclimate, including sunlight, daylight and wind impacts on streets and other public spaces.
    - vistas.
  - Explain how the proposed buildings and works respond to each of the Built Form Outcomes of this schedule, as appropriate.
- Plan, elevation and section drawings (1:50 or 1:20) and written statement to demonstrate the design of the lower levels of the building to show articulation, how the building mass provides architectural interest and diversity of materiality and show building entries, shop front design, service doors or cabinets, ingress and egress (if applicable), and weather protection canopies.
- Plans, elevations and section drawings (1:50) for any car parking proposed at or above ground level to show finished floor levels and a statement by a suitably qualified engineer are to be provided to demonstrate the capacity for this to be adapted to alternative uses.



- Key view line diagrams which show the development in context from short and distant views, including from CityLink.
- A concept landscape plan for any publicly accessible podium and rooftop spaces detailing proposed hard and soft landscape elements, plant schedule, plant container details and maintenance and irrigation systems.
- Scaled shadow diagrams to show existing and proposed shadows diagrams at hourly intervals to demonstrate the effect on identified spaces to provide solar protection including an analysis against the Winter Solstice (22 June) to demonstrate the degree of sunlight to the playing surface.

#### **Wind analysis report**

- An application for a permit for a building with a total building height in excess of 30 metres must be accompanied by a wind analysis report prepared by a suitably qualified person. The wind analysis report must:
  - explain the effect of the proposed development on the wind conditions in publicly accessible areas within a distance equal to half the longest width of the building, measured from all facades, or half the total height of the building, whichever is greater.
  - at a minimum, model the wind effects of the proposed development and surrounding buildings (existing and proposed) using wind tunnel testing.
  - identify the principal role of each portion of the publicly accessible areas for sitting, standing or walking purposes.
  - not rely on street trees or any other element such as screens, within public areas for wind mitigation.

#### **Design Excellence**

- An application for permit must be accompanied by a report to demonstrate design excellence. The report must:
  - explain how the application provides high quality architecture, landscape architecture and urban design which demonstrates function, liveability, sustainability, and public contribution to buildings and urban spaces.
  - explain how the application responds to the requirements of this schedule.
  - describe how the development addresses and provides high quality public realm outcomes.
  - where an application seeks to vary the requirement(s) of this schedule, it must explain how the Built Form Outcomes are achieved, and how the alternative response demonstrates appropriate built form outcomes having regard to the decision guidelines of this schedule.

#### **3D digital model of buildings and works**

- An application for a permit must be accompanied by a 3D digital model of the proposed buildings and works in a format to the satisfaction of the responsible authority. The model may be used for assessing overshadowing and visual impacts caused by the proposal and for general archive, research and public information purposes.

### **6.0**

#### **Decision guidelines**

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Proposed  
C407melb

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

#### **General**

- The extent to which the development addresses the Built Form Outcomes and Requirements in this schedule.
- Whether the cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm (footpaths and key pedestrian routes), in relation to human scale and microclimate conditions including overshadowing and wind impacts.
- On sites where a development comprises multiple buildings, whether the buildings adopt a diversity of forms, typologies and architectural language, within a cohesive design framework.
- Whether the building respects the height, scale and proportion of adjoining heritage places.
- Whether the development responds to its context including built form character of adjacent and nearby buildings, equitable outcomes for potential development on adjoining sites and adjacent and nearby heritage places.

#### **Street wall height**

- The streetscape, including its width, the scale and height of proposed neighbouring buildings and the proposed development.
- Whether the proposed street wall height provides variegation in heights to provide visual interest to pedestrians and human scale.
- If the proposed street wall height, exceeds the preferred maximum height specified, the development should demonstrate that the proposed street wall height:
  - is proportional to the street width,
  - supports an alternative building typology,
  - provides articulation, visual interest and variety over the length of the street frontage.

#### **Building Setbacks**

- Whether the building setbacks to street or an adjoining building proposed appropriately consider the:
  - built form response on site including consideration of the size and shape of the parcel of land to which the application relates,
  - the siting of the proposed development and the areas to be occupied by the development in relation to the size and shape of the land,
  - relationship to adjoining sites and consideration of the potential redevelopment opportunities,
  - building mass and views to the development at short range and distant views, including from CityLink.
  - Articulation, visual interest and breaks up buildings into sections and a range of parapet heights, and/or introduction of shape to taller forms.
- Whether the development provides a high level of amenity for building occupants in relation to:
  - daylight to all habitable rooms
  - privacy to all habitable rooms
- The effect of the proposed buildings and works on solar access to existing and proposed open spaces and public places.

#### **Building Height and Floor Area Ratio**

- Whether the building height responds to the site and provides variation in building height compared with adjacent existing or proposed development.
- Whether the building height provides transition to lower scaled areas adjacent.

- Whether the development would compromise the function, form and capacity of public spaces and public infrastructure.
- Whether the intensity of development appropriately responds to other requirements of this schedule and does not seek to vary all other requirements in order to reach the nominated Floor Area Ratio of the site.
- If the development seeks to exceed the nominated Building Height that the development demonstrates:
  - all side and rear boundary building setback requirements specified in Table 2 of this schedule are met. An application with multiple buildings on the same site must meet the side and rear boundary setback requirements as specified in Table 2 of this schedule. This is to provide greater setbacks with greater height and cannot rely on the reduced building separation distanced within Table 2 of this schedule.
  - all comfortable wind condition requirements specified in Table 6 (wind effects) of this schedule are met.
  - all active frontage requirements specified in Table 7 (Public interface and design detail) of this schedule are met.
  - all adaptable building requirements specified in Table 8 (Adaptable Buildings) of this schedule are met.
  - additional built form above the preferred maximum Building Height in Table 3 mitigates the impact of walled effect and bulk through building setbacks and shaping of tower forms.
  - demonstration of exemplary design excellence through high quality architecture, landscape architecture and urban design for the site as supported, where appropriate, by an independent design review or design competition that endorses the proposed outcomes for the site.
  - no adverse shadowing impacts to identified spaces for solar protection including consideration of Winter Solstice (22 June), even if not the specified control period, to consider the extent of shadow caused to that space including its use and function.
  - will result in improved internal amenity, reduced external amenity impacts, enhanced architectural composition, and /or better representation of urban structure.

#### **Solar Protection**

- Whether the additional overshadowing to the nominated space adversely affects the use, quality and amenity of the public space.
- The degree to which shadowing can be minimised or move quickly from the space within the defined sunlight control period.
- The area of additional overshadowing relative to the area of remaining sunlit space compared to the total area of the public space.
- Any adverse impact on the natural landscaping, including lawn or turf surface in the public space.
- Whether the additional overshadowing compromises the existing and future use, quality and amenity of the public space.
- Whether allowing additional shadows on other public spaces such as streets and lanes, is reasonable, having regard to their orientation.

#### **Wind Effects**

- Whether the proposal maintains safe and pleasant pedestrian microclimatic conditions on the footpath adjacent to the development and demonstrates:
  - A maximum of 3 metres per second for sitting which is associated with activities such as outdoor cafes, pool areas, gardens.

- A maximum of 4 metres per second for standing which is associated with activities such as window shopping, drop off, queuing.
- A maximum of 5 metres per second for walking adjacent to the development.
- The cumulative wind effects within the assessment area which is greater than half the longest width of the building or half of the height of the building, including public spaces subject to solar protection, Clayton Reserve, North Melbourne Recreation Reserve and Integrated stormwater management open space.

#### **Public Interface and Design Detail**

- The appropriateness of the through-links and laneways having regard how:
  - direct, attractive, well-lit and provide a line of sight from one end to the other.
  - safe and free of entrapment spaces and areas with limited passive surveillance.
  - publicly accessible for extended hours, at ground level and appropriately secured by legal agreement.
  - adopt vertical proportions with a height greater than the width.
  - incorporate activity where possible.
  - incorporate high quality exterior grade materials and finishes to all surfaces including paving, walls, ceilings and lighting.
  - have highly legible entries including any doors or gates.
- Whether the application provides high quality human scaled environments at ground level that provides visual interest, comfortable scale and safe edge to the public realm.
- The appropriateness of active street frontages including integration of required servicing into the façade away from key pedestrian spaces and public spaces, colocation of service cabinets internal to loading, waste or parking areas where possible, and resolving interaction with the public realm to address the views of the relevant floodplain management authority.
- Configuration and design service cabinets to not dominate street frontages and employ high quality materials.
- Whether the proposed ingress and egress location is appropriate having regard to:
  - the intended use of that street and having regard to constraints for site access from other frontages.
  - the extent to which the proposed ingress or egress would conflict with pedestrians or cyclists.
  - be limited in number and consolidated to provide shared access to multiple buildings.
  - consider impacts on bicycle and public transport infrastructure, on-street parking and loading and unloading facilities.
- Whether the development incorporates appropriate weather protection to key streets for pedestrians:
  - at an appropriate depth and provide a rhythm that reflects the grain of the ground floor uses adjacent.
  - display a high design standard including material selection in the appearance of the soffit and fascia.

#### **Adaptable Buildings**

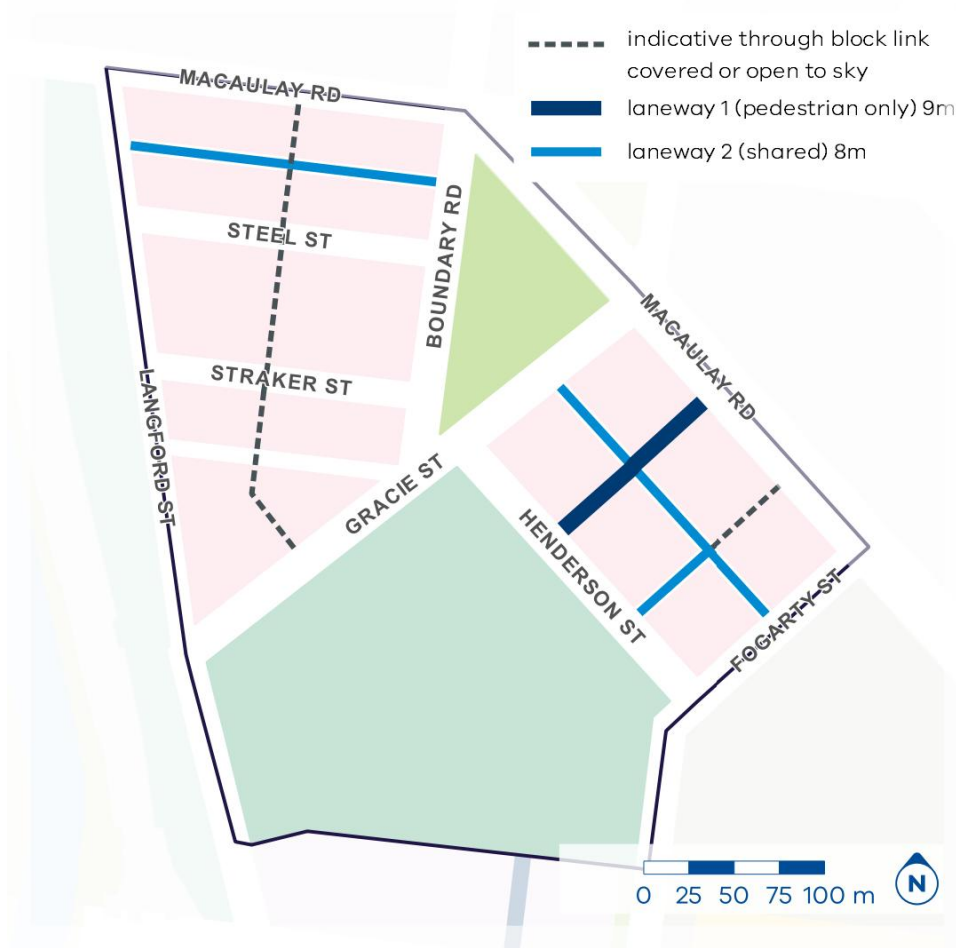
- Whether the development allows for the adaptive re-use of existing buildings.

**Map 1: Building Height and Floor Area Ratio**



**Map 2: Solar Protection**



**Map 3: Through-links, laneways, pedestrian and cycling connections**

**Map 4: Weather Protection and Traffic Conflict Frontage**





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## SCHEDULE 1 TO CLAUSE 44.08 BUFFER AREA OVERLAY

Shown on the planning scheme map as **BAO1**

### Asphalt Plant – Inner Buffer Area

#### 1.0 Statement of risk

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Proposed  
C407melb

Asphalt operations are located at 208-292 Arden Street, North Melbourne. Activities at the site involve producing warm mix asphalt from sand and aggregates, reclaimed asphalt pavement (RAP), lime, and bituminous materials. Potential unintended off-site impacts from odour emissions occur within this buffer area being within **152 metres** of the source and may have moderately offensive impacts on amenity and human health.

#### 2.0 Objectives

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Proposed  
C407melb

- To restrict encroachment and intensification of land uses that are sensitive to the potential unintended off-site odour impacts of the asphalt plant.

#### 3.0 Use of land

--/--/----  
Proposed  
C407melb

A permit is required to use land for a:

- Hospital
- Place of assembly
- Accommodation
- Education centre

The use of land for the purpose of Accommodation or Education centre cannot commence until the Asphalt Plant use has permanently ceased.

#### 4.0 Subdivision

--/--/----  
Proposed  
C407melb

A permit is required to subdivide land.

Any subdivision of land which would increase the number of Dwellings which the land could be used for is prohibited. This does not apply to the subdivision of land to create a lot for a Dwelling in respect of which a permit has been granted or for an existing Dwelling.

#### 5.0 Buildings and works

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Proposed  
C407melb

**is required to construct a building or construct or carry out works associated with Accommodation, Education centre, Hospital or Place of assembly. 6.0 Application requirements**

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Proposed  
C407melb

The following application requirements apply to an application for a permit under Clause 44.08, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

#### Amenity assessment – buildings associated with a sensitive use

An application to construct a building associated with a Hospital or Place of assembly, Accommodation or Education centre must be accompanied by a site specific amenity assessment report that includes the following:

- An assessment of potential odour amenity impacts from the asphalt plant at 208-292 Arden Street, North Melbourne, prepared by a suitably qualified professional. The assessment should provide recommendations on suitable design responses to ensure the use within the proposed building will experience an appropriate level of amenity and consider:

- The staging of the proposed development, including any confirmed cessation of the asphalt plant use that would enable works associated with a sensitive land use to be occupied following the cessation of the use;
- The sensitivity of the use proposed;
- The local meteorological conditions; and
- The structure or built form, including details of services such as air conditioning that can act to mitigate impacts

All to the satisfaction of the responsible authority.

## 8.0

### Decision guidelines

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Proposed  
C407melb

The following decision guidelines apply to an application for a permit under Clause 44.08, in addition to those specified in Clause 44.08 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposed use may be affected by potential odour impacts from the asphalt plant at 208-292 Arden Street, North Melbourne.
  - For an application for Accommodation or Education centre, whether the proposed use will commence following the asphalt plant ceasing operation of odour causing activities on the land at 208-292 Arden Street, North Melbourne.
  - For an application for a Hospital or Place of Assembly, whether the proposal provides suitable design responses to ensure the use within the proposed building will experience an appropriate level of amenity.
- The staging of the proposed development.
- The views of the Environment Protection Authority.



--/--/----  
Proposed  
C407melb

## SCHEDULE 1 TO CLAUSE 44.08 BUFFER AREA OVERLAY

Shown on the planning scheme map as **BAO1**

### Asphalt Plant – Inner Buffer Area

#### 1.0 Statement of risk

--/--/----  
Proposed  
C407melb

Asphalt operations are located at 208-292 Arden Street, North Melbourne. Activities at the site involve producing warm mix asphalt from sand and aggregates, reclaimed asphalt pavement (RAP), lime, and bituminous materials. Potential unintended off-site impacts from odour emissions occur within this buffer area being within **152 metres** of the source and may have moderately offensive impacts on amenity and human health.

#### 2.0 Objectives

--/--/----  
Proposed  
C407melb

- To restrict encroachment and intensification of land uses that are sensitive to the potential unintended off-site odour impacts of the asphalt plant.

#### 3.0 Use of land

--/--/----  
Proposed  
C407melb

A permit is required to use land for a:

- Hospital
- Place of assembly
- Accommodation
- Education centre

The use of land for the purpose of Accommodation or Education centre cannot commence until the Asphalt Plant use has permanently ceased.

#### 4.0 Subdivision

--/--/----  
Proposed  
C407melb

A permit is required to subdivide land.

Any subdivision of land which would increase the number of Dwellings which the land could be used for is prohibited. This does not apply to the subdivision of land to create a lot for a Dwelling in respect of which a permit has been granted or for an existing Dwelling.

#### 5.0 Buildings and works

--/--/----  
Proposed  
C407melb

**is required to construct a building or construct or carry out works associated with Accommodation, Education centre, Hospital or Place of assembly. 6.0 Application requirements**

--/--/----  
Proposed  
C407melb

The following application requirements apply to an application for a permit under Clause 44.08, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

#### Amenity assessment – buildings associated with a sensitive use

An application to construct a building associated with a Hospital or Place of assembly, Accommodation or Education centre must be accompanied by a site specific amenity assessment report that includes the following:

- An assessment of potential odour amenity impacts from the asphalt plant at 208-292 Arden Street, North Melbourne, prepared by a suitably qualified professional. The assessment should provide recommendations on suitable design responses to ensure the use within the proposed building will experience an appropriate level of amenity and consider:

- The staging of the proposed development, including any confirmed cessation of the asphalt plant use that would enable works associated with a sensitive land use to be occupied following the cessation of the use;
- The sensitivity of the use proposed;
- The local meteorological conditions; and
- The structure or built form, including details of services such as air conditioning that can act to mitigate impacts

All to the satisfaction of the responsible authority.

## 8.0

### Decision guidelines

---/---/---  
Proposed  
C407melb

The following decision guidelines apply to an application for a permit under Clause 44.08, in addition to those specified in Clause 44.08 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposed use may be affected by potential odour impacts from the asphalt plant at 208-292 Arden Street, North Melbourne.
  - For an application for Accommodation or Education centre, whether the proposed use will commence following the asphalt plant ceasing operation of odour causing activities on the land at 208-292 Arden Street, North Melbourne.
  - For an application for a Hospital or Place of Assembly, whether the proposal provides suitable design responses to ensure the use within the proposed building will experience an appropriate level of amenity.
- The staging of the proposed development.
- The views of the Environment Protection Authority.



29/06/2020  
Proposed  
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## SCHEDULE 3 TO CLAUSE 45.06 DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY

Shown on the planning scheme map as **DCPO3**.

### ARDEN URBAN RENEWAL AREA DEVELOPMENT CONTRIBUTIONS PLAN

#### 1.0

#### Area covered by this development contributions plan

29/06/2020  
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Arden Urban Renewal Area, which is covered by the DCPO3

#### 2.0

#### Summary of costs

29/06/2020  
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FACILITY	Development Infrastructure MCA1 (Residential) Per dwelling	Development Infrastructure MCA1 (Commercial) Per sqm gross leasable floorspace	Development Infrastructure MCA1 (Retail) Per sqm gross leasable floorspace	Community infrastructure Residential Per dwelling
<i>Community Building projects</i>	\$495	\$-	\$-	\$1,281
<i>Active Open Space projects</i>	\$890	\$13	\$13	\$0
<i>Open space improvement projects</i>	\$1,164	\$17	\$17	\$0
<i>Moonee Ponds Creek projects</i>	\$704	\$10	\$10	\$0
<i>Road projects</i>	\$2,949	\$60	\$60	\$0
<i>Cycling projects</i>	\$78	\$2	\$2	\$0
<i>Pedestrian projects</i>	\$22	\$0	\$0	\$0
<i>Intersection projects</i>	\$1,447	\$30	\$30	\$0
<i>Drainage land acquisition projects</i>	\$16,751	\$215	\$215	\$0
<b>TOTAL</b>	<b>\$24,501</b>	<b>\$347</b>	<b>\$347</b>	<b>\$1,281</b>
<b>LEVIES PAYABLE</b>	<b>\$21,500.00</b>	<b>\$295.68</b>	<b>\$295.68</b>	<b>\$1,210.00</b>

### 3.0 Summary of contributions

29/06/2020  
Proposed  
C407melb

Facility	Total cost \$	Time of provision	Actual cost contribution attributable to development \$	Proportion of cost attributable to development %
Community Building projects	\$22,400,000	Refer to details in the Arden Development Contributions Plan.	\$11,188,500	50%
Active Open Space projects	\$12,605,900	Refer to details in the Arden Development Contributions Plan.	\$12,605,900	100%
Open space improvement projects	\$16,490,450	Refer to details in the Arden Development Contributions Plan.	\$16,490,450	100%
Moonee Ponds Creek projects	\$9,975,100	Refer to details in the Arden Development Contributions Plan.	\$9,975,100	100%
Road Projects	\$53,034,700	Refer to details in the Arden Development Contributions Plan.	\$51,050,200	96%
Cycling projects	\$1,347,912	Refer to details in the Arden Development Contributions Plan.	\$1,347,912	100%
Pedestrian projects	\$383,000	Refer to details in the Arden Development Contributions Plan.	\$383,000	100%
Intersection projects	\$26,307,000	Refer to details in the Arden Development Contributions Plan.	\$25,044,000	95%
Drainage land acquisition projects	\$221,470,000	Refer to details in the Arden Development Contributions Plan.	\$221,470,000	100%
<b>TOTAL</b>	<b>\$364,014,062</b>		<b>\$349,555,062</b>	<b>96%</b>

### 4.0 Land or development excluded from development contributions plan

29/06/2020  
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The following land or development is exempt from the provisions of this overlay:

- Any land affected by the Public Acquisition Overlay (Schedule 9).
- Any development associated with a strategically significant industrial use.
- Additions or alterations to a single dwelling or development ancillary to use of land for a single dwelling.
- Construction of a single dwelling on a lot where an existing dwelling is being replaced.
- Development associated with an existing use provided the gross floor area of the development is not increased by more than 1000 square metres.
- A government and non-government school.
- Housing provided by or on behalf of the Department of Health and Human Services.
- A sign.

- A boundary realignment.
- A Public Hospital.