

SCHEDULE 7 TO CLAUSE 37.04 CAPITAL CITY ZONE

Shown on the planning scheme map as **CCZ7**.

MELBOURNE ARTS PRECINCT**Purpose**

To strengthen the Melbourne Arts Precinct as an arts cultural and creative industry precinct of State significance.

To support the growth of arts, cultural and creative industry uses such as media, digital screen, design, writing and publishing, literature, fashion, performing arts, digital games development, broadcasting, music, cultural heritage and arts education and craft.

To facilitate arts, cultural and creative uses within the first four storeys of a building by providing appropriate spaces such as performance space, rehearsal space, galleries, workshops, event spaces and studios.

To ensure that the design of buildings delivers street frontage activation, design excellence ~~and~~, contributes to the legibility of the Melbourne Arts Precinct, and encourages a less car dependent transport system by facilitating the adoption of sustainable transport alternatives and ensuring that opportunities to adapt and repurpose car parks are protected.

To provide for commercial and residential uses above the first four storeys of a buildings.

1.014/11/2022
VC227**Table of uses****Section 1 - Permit not required**

Use	Condition
Accommodation (other than Corrective institution)	Must not be located within the first four storeys of a building, except for part of a building which provides access such as a lobby or entrance. Any frontage at ground floor level must not exceed 2 metres.
Art and craft centre	
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5. The gross floor area of all buildings must not exceed 50 square metres.
Dance studio	
Education centre	
Home based business	
Informal outdoor recreation	
Market	
Food and drink premises (other than Hotel and Bar)	The leasable floor area must not exceed 250 square metres.
Office	Associated with arts, cultural or creative use. Office use not associated with arts, cultural or creative industry uses must not be located within the first four storeys of a building. Any frontage at ground floor level to the tenancy must not exceed 2 metres.

MELBOURNE PLANNING SCHEME

Use	Condition
Place of assembly (other than Amusement parlour, Nightclub and Restricted place of assembly)	
Place of worship	The gross floor area of buildings must not exceed 250 square metres
Postal agency	
Railway station	
Tramway	
Shop (other than Adult sex bookshop, Department Store and Restricted retail premises)	The leasable floor area of buildings must not exceed 250 square metres
Any other use not in Section 3	Must be conducted by or on behalf of Melbourne Parks and Waterways or Parks Victoria under the Water Industry Act 1994, the Water Act 1989, the Marine Act, the Port of Melbourne Authority Act 1958, the Parks Victoria Act 1998 or the Crown Land (Reserves) Act 1978.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

Section 2 - Permit required

Use	Condition
Adult sex product shop	
Amusement parlour	
Car park	Must meet the requirements of Clause 52.06.
Corrective institution	
Department store	
Hotel	
Industry (other than Automated collection point)	Must not be a purpose listed in the table to Clause 53.10.
Leisure and recreation (other than Dance Studio and Informal outdoor recreation)	
Nightclub	
Restricted place of assembly	
Bar	
Utility installation	
Warehouse (other than Freezing and cool storage, and Liquid fuel depot)	
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use**Freezing and cool storage****Liquid fuel depot****2.0**24/12/2021
C323melb**Use of land****Application requirements**

The following application requirements apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the planning scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- The description of the proposed use and the types of activities which will be carried out.
- The compatibility of the proposed use with the purpose of the zone.
- Attempts made to engage with the creative and cultural sector to identify potential occupiers
- The likely effects, if any, on nearby uses and residential amenity including noise levels, traffic, parking, the hours of delivery and dispatch of goods and material, hours of operation, light spill, solar and glare.
- An application for a residential use must be accompanied by an acoustic assessment to the satisfaction of the responsible authority, which addresses:
 - A description and identification of the location and characteristics of nearby land uses with the potential to generate noise that may impact the development.
 - Relevant standards that apply to the emission or control of noise sources identified above.
 - Measures required to attenuate noise impacts, including how the proposal will meet the following requirements:

Habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45dB LAeq, in accordance with the relevant Australian Standards for acoustic control.

Exemption from notice and review

An application for the use of 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.

Referral of applications

An application for use of the first four storeys of a building must be referred in accordance with sections 55 of the Act to the referral authority specified in the schedule to Clause 66.04.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The compatibility of the proposed use with the purpose of this schedule.
- The compatibility of the proposed use with any existing uses within the same building or on adjoining and nearby land.
- The extent to which the proposal serves or supports arts, cultural and creative uses.
- The extent of floor space for arts, cultural and creative industry or use relative to the height and overall floor space of the building.

3.0

Subdivision

24/12/2024 - / - / -

G323melb Proposed C376melb

Requirements

Car parking areas must be retained in a single or a consolidated title as common property, unless the responsible authority agrees otherwise.

Application requirements

An application for subdivision must be accompanied by, as relevant, information that demonstrates how the subdivision will allow for the transition of car parking spaces to alternate uses over time.

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

The following decision guidelines apply to an application for a permit, in addition to those specified in Clause 37.04 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the subdivision will facilitate the future adaptation or repurposing of proposed car parking areas.
- Whether the subdivision promotes the efficient use of car parking spaces.

4.0

Buildings and works

24/12/2024 - / - / -

G323melb Proposed C376melb

Permit Requirement

No permit is required to construct a building or construct or carry out works for the following:

- Buildings or works carried out by or on behalf of Melbourne Parks and Waterways or Parks Victoria under the Water Industry Act 1994, the Water Act 1989, the Marine Act, the Port of Melbourne Authority Act 1958, the Parks Victoria Act 1998 or the Crown Land (Reserves) Act 1978.
- Buildings or works for Railway purposes.
- Alterations to a building authorised under the Heritage Act, provided the works do not alter the existing building envelope or floor area.
- Footpath vehicle crossovers provided they are constructed to the satisfaction of the responsible authority.
- Bus and tram shelters required for public purposes by or for the Crown or a public authority in accordance with plans and siting to the satisfaction of the responsible authority.
- Decorations, gardens and planting required for public purposes by or for the Crown, a public authority or the City of Melbourne.
- A work of art, statue, fountain or similar civic works required for public purposes by or for the Crown, a public authority or the City of Melbourne.
- Buildings or works or uses on public land for which a current permit exists under a City of Melbourne local law.
- The erection of information booths and kiosks required for public purposes by or for the Crown, a public authority or the City of Melbourne.
- Traffic control works required by or for the Crown, a public authority or the City of Melbourne.

- The construction, or modification, of a waste pipe, flue, vent, duct, exhaust fan, air conditioning plant, lift motor room, skylight, security camera, street heater or similar minor works provided they are to the satisfaction of the responsible authority.
- A modification to the shop front window or entranceway of a building to the satisfaction of the responsible authority having regard to the architectural character of the building.
- An addition or modification to a verandah, awning, sunblind or canopy of a building to the satisfaction of the responsible authority.
- The painting, plastering and external finishing of a building or works to the satisfaction of the responsible authority.
- Changes to glazing of existing windows to not more than 15% reflectivity.
- External works to provide disabled access that complies with all legislative requirements to the satisfaction of the responsible authority.

A permit is required to demolish or remove a building or works. This does not apply to:

- Demolition or removal of temporary structures.
- Demolition ordered or undertaken by the responsible authority in accordance with the relevant legislation and/or local law.

Before deciding on an application to demolish or remove a building, the responsible authority may require an agreement pursuant to Section 173 of the Planning and Environment Act 1987 between the landowner and the responsible authority requiring, as appropriate:

- Temporary works on the vacant site should it remain vacant for 6 months after completion of the demolition.
- Temporary works on the vacant site where demolition or construction activity has ceased for 6 months, or an aggregate of 6 months, after commencement of the construction.

Temporary works must be constructed to the satisfaction of the responsible authority.

Temporary works may include:

- The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage.
- Landscaping of the site for the purpose of public recreation and open space.

Requirements - bicycle, motorcycle and car share parking

Developments must provide bicycle, motorcycle and car share parking spaces and associated facilities in accordance with the table below, unless the responsible authority is satisfied that a lesser number is sufficient.

Type of development	Rate Requirement	Facility Requirement
Bicycle parking		
New Dwelling	A minimum of one secure bicycle space per Dwelling. 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.

Type of development	Rate Requirement	Facility Requirement
		<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>
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>
Motorcycle parking		
New Dwellings	A minimum of one space per 50 Dwellings.	None specified.
New Retail or Office development, Place of assembly, Minor sports and recreation facility or Education centre development	A minimum of one space per 40 car parking spaces.	None specified.
Car share parking spaces		
Developments of more than 50 Dwellings	2 spaces plus an additional 1 space per 25 additional Dwellings.	None specified.
New Retail or Office development, Place of assembly or Education centre, including buildings and works which result in more than 1000sqm additional gross floor area	1 per 60 car parking spaces.	None specified.

Requirements - design of car parking facilities

Where car parking facilities are provided as part of an application they should:

- Be designed to facilitate the future adaptation to support alternate uses in the short and long term.
- Include design features, including electric vehicle charging points, which support more sustainable forms of private car usage.

The location and design of car share parking spaces should be:

- Publicly accessible.
- In the most accessible level of a multi-storey car park.
- Well-lit and a short distance from an entry point, lift or staircase.
- In a location with a minimum height clearance to allow access by a cleaning van.

Car parking facilities should be designed in accordance with the following Design Standards:

- Development of car parking areas should include the delivery of infrastructure (including electricity supply and signage), space and metering arrangements to support the installation of electric vehicle (EV) charging points.
- Where a facility is proposed with 50 car parking spaces or more, all of the following should be provided:
 - .. EV ready parking bays for a minimum of 5% non-shared parking spaces.
 - .. Sufficient infrastructure capacity to accommodate EV charging for 20% of parking spaces.
 - .. EV charging points at all allocated shared car spaces.

Application Requirements

The following application requirements apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04, and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

An application for a permit must be accompanied by a written urban context report documenting the key planning influences on the development and how it relates to its surroundings. The urban context report must identify the development opportunities and constraints, and document the effect of the development, as appropriate, in terms of:

- The compatibility of the proposed development with the purpose of this schedule.
- Built form and character of adjacent and nearby buildings.
- Heritage character of adjacent and nearby heritage places.
- Microclimate, including sunlight, daylight and wind effects on streets and other public spaces.
- Energy efficiency and waste management.
- Ground floor street frontages, including visual impacts and pedestrian safety.
- Public infrastructure, including reticulated services, traffic and car parking impact.
- Vistas
- Potential arts, cultural or creative use, including the floor area and specifications or an outline of building features to ensure adaptability for such uses.

An application to construct a building or to construct or carry out works must include as appropriate, upgrading of adjacent footpaths or laneways to the satisfaction of the responsible authority.

An application for a permit to construct or carry out works for development of a building listed in the Heritage Overlay must be accompanied by a conservation analysis and management plan in accordance with the principles of the Australian ICOMOS Charter for the Conservation of Places of Cultural Significance 1992 (The Burra Charter) to the satisfaction of the responsible authority.

An application to construct a building or construct or carry out works for a residential or other noise sensitive use, must be accompanied by an acoustic assessment to the satisfaction of the responsible authority, which addresses:

- A description and identification of the location and characteristics of nearby land uses with the potential to generate noise that may impact the development.
- Relevant standards that apply to the emission or control of noise sources identified above.
- The necessary measures to attenuate these noise impacts, including how the proposal will meet the following requirement:
- Habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45dB LAeq, in accordance with the relevant Australian Standards for acoustic control.

An application to construct podium carparking must:

- Locate car parking on the first floor or above.
- Sleeve car parking at street frontages with suitably designed floor space including sufficient depth for the nominated arts, cultural and creative industry or use.

Exemption from notice and review

An application to construct a building or construct or carry out works for a use in Section 1 of Clause 37.04-1 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.

An application to demolish or remove a building or 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.

Referral Requirement

An application for development with a gross floor area exceeding 25,000 square metres must be referred in accordance with section 55 of the Act to the referral authority specified in the schedule to Clause 66.04.

An application for development of the first four storeys of a building must be referred in accordance with section 55 of the Act to the referral authority specified in the schedule to Clause 66.04.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The purpose of this schedule.
- The views of the Office of the Victorian Government Architect as appropriate, as to the architectural expression and materiality of the proposal having regard to the purpose of this schedule.
- The extent of floor space for arts, cultural and creative industry or use relative to the height and overall floor space of the building.
- Direct or convenient access through the precinct for pedestrians, bicycles and vehicles.
- The impact the proposal will have on street amenity if on-site car parking occupies any of the first four floors of a building and whether any above ground car parking is sleeved by arts, cultural and creative industry or other active uses.
- The adequacy of car parking provision and loading bays.
- The safety and efficiency of vehicle entry and egress.

- The ability of car parking facilities to transition to alternative uses over time.
- The contribution of the development to an increase in the availability of off-street electric vehicle charging facilities.
- How the development supports the transition to a 70% mode share for public transport, walking and cycling.
- The contribution the development makes to increasing the provision of car share facilities.
- The design, location, accessibility and security (including suitable lighting and locking devices) of bicycle facilities.
- Whether the building is designed to accommodate arts, cultural and creative industry uses as part of the overall development and over time.
- Whether the development provides adequate space and floor to ceiling heights so that it could be adapted for arts cultural and creative industry uses in the future.
- The interface between the development and the public realm including:
 - Whether the development contributes to the legibility of the Melbourne Arts Precinct as an arts precinct.
 - Whether the building design at street level provides for active street frontages, pedestrian engagement and weather protection.
 - The opportunities for passive surveillance of the public realm from occupants of upper storeys of the development.
 - The impact the proposal will have on street amenity if buildings are not constructed to the street boundary at ground level.
 - Whether the development would compromise the function, form and capacity of public spaces and public infrastructure.
 - The impact on the amenity of any dwellings on adjacent sites.
 - Whether the development provides acceptable internal noise levels within habitable rooms of new dwellings taking into account existing or reasonably anticipated future noise sources.
 - Whether the development includes appropriate measures to attenuate against noise associated with the operation of other businesses and activities, including limiting internal noise levels of new habitable rooms.
 - The adequacy and accessibility of waste and recycling facilities.
 - Whether the demolition or removal of buildings gives effect to a permit or prior approval for the redevelopment of land.
 - Whether the demolition or removal of buildings is required for environmental remediation of contaminated land.
 - The provision of temporary buildings and works or landscaping to avoid vacant sites for excessive periods.

5.0

24/12/2021
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Signs

A permit is required to construct and display a sign except for:

- Advertising signs exempted by Clause 52.05-4
- An under-verandah business sign if:
 - It does not exceed 2.5 metres measured horizontally, 0.5 metres vertically and 0.3 metres between the faces of the sign;

- It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building facade; and
- It does not contain any animation or intermittent lighting.
- A ground floor business sign cantilevered from a building if:
 - It does not exceed 0.84 metres measured horizontally, 0.61 metres vertically and 0.3 metres between the faces of the sign;
 - It is located between 2.7 metres and 3.5 metres above ground level and perpendicular to the building facade; and
 - It does not contain any animation or intermittent lighting.
- A window display.
- A non-illuminated sign on a verandah fascia, provided no part of the sign protrudes above or below the fascia.
- Renewal or replacement of an existing internally illuminated business identification sign.

Exemption from notice and review

An application to construct or display a sign, 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.