

**SCHEDULE 1 TO CLAUSE 37.04 CAPITAL CITY ZONE**

Shown on the planning scheme map as **CCZ1**.

**OUTSIDE THE RETAIL CORE****Purpose**

To provide for a range of financial, legal, administrative, cultural, recreational, tourist, entertainment and other uses that complement the capital city function of the locality.

To encourage 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.

**1.0**

14/11/2022  
VC227

**Table of uses****Section 1 - Permit not required**

Use	Condition
<b>Accommodation (other than Corrective institution)</b>  <b>Any use permitted under the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975 or the Forest Act 1958.</b>	
<b>Apiculture</b>	Must meet the requirements of the Apiary Code of Practice, May 1997.
<b>Automated collection point</b>	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.
<b>Education centre</b> <b>Home occupation</b> <b>Informal outdoor recreation</b> <b>Mineral exploration</b>	
<b>Mining</b>	Must meet the requirements of Clause 52.08-2.
<b>Minor sport and recreation facility</b>	Must occur on the Yarra River or on land abutting the Yarra River which is managed by Melbourne Parks and Waterways or Parks Victoria.  Must be licensed by Parks Victoria.
<b>Minor utility installation</b> <b>Office</b> <b>Place of assembly (other than Amusement parlour and Nightclub)</b>	
<b>Pleasure boat facility</b>	Must occur on the Yarra River or on land abutting the Yarra River which is managed by Melbourne Parks and Waterways or Parks Victoria.

# MELBOURNE PLANNING SCHEME

Use	Condition
	Must be licensed by Parks Victoria.
Railway	
Railway station	
Retail premises (other than Adult sex bookshop, Department store, Hotel, Supermarket, and Tavern)	
Road	
Search for stone	Must not be costeaning or bulk sampling.
Tramway	
Any other use not in Section 3	A use 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.

## Section 2 - Permit required

Use	Condition
Adult sex bookshop	
Amusement parlour	
Car park	Must meet the requirements of Clause 52.06. Must not be an open lot car park.
Corrective institution	
Department store	
Hotel	
Industry (other than Automated collection point)	Must not be a purpose listed in the table to Clause 52.10 (other than Materials Recycling)
Leisure and recreation (other than Informal outdoor recreation)	
Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Search for stone)	
Nightclub	
Supermarket	
Tavern	
Utility installation (other than Minor 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**

Cold store

Extractive industry

Freezing and cool storage

Liquid fuel depot

**2.0****Subdivision**23/11/2016 - / - / - -  
6270 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**

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

- 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.

**3.0****Buildings and works**13/07/2017 - / - / - -  
6314 Proposed C376melb**Prohibitions**

The construction of footbridges, pedestrian ways, vehicle bridges and links across the above ground level of Bourke Street, Collins Street, Swanston Street and Elizabeth Street, Melbourne is prohibited.

**Permit Requirement**

A permit is required:

- To construct a building or construct or carry out works.
- To construct a building which does not extend to the road boundary of the site.
- To construct a building providing fewer than one bicycle parking space per 500 square metres of gross floor area in the case of a new building without on site car parking.
- To construct a building providing fewer than one bicycle parking space for every 100 car parking spaces in the case of a new building with on-site car parking.

A permit must not be granted or amended (unless the amendment does not increase the extent of non-compliance) to construct a building or construct or carry out works with a floor area ratio in excess of 18:1 on land to which schedule 10 to the Design and Development Overlay applies unless:

- a public benefit as calculated and specified in a manner agreed to by the responsible authority is provided; and
- the permit includes a condition (or conditions) which requires the provision of a public benefit to be secured via an agreement made under section 173 of the *Planning and Environment Act 1987*.

For the purpose of this schedule the floor area ratio is 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.

### **No Permit Required**

A permit is not required for:

- 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.
- Street furniture.
- A work of art, statue, fountain or similar civic works required for public purposes by or for the Crown, a public authority or the City of Melbourne.
- Buildings or works 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 flagpole.
- 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.

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

Developments must provide bicycle and motorcycle 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
<b>Bicycle parking</b>		
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.  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.	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 eight 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.
<b>Motorcycle parking</b>		

Type of development	Rate Requirement	Facility Requirement
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, such as 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

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:

- State Planning Policy Framework and the Local Planning Policy Framework, zone and overlay objectives.
- 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.

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 to construct or carry out works for a residential use must be accompanied by an Acoustic Assessment which must show how the proposal meets 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 in accordance with relevant Australian Standards for acoustic control.

An application to construct a building or construct or carry out works on land to which schedule 10 to the Design and Development Overlay applies must:

- be accompanied by an assessment and report of the proposed floor area ratio from an independent quantity surveyor; and
- if the proposed floor area ratio exceeds 18:1, include details of the public benefit to be provided.

### **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.

### **Decision guidelines**

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

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The comments and requirements of relevant authorities.
- The size and shape of the parcel of land to which the application relates, the siting of the proposed development and the area to be occupied by the development in relation to the size and shape of the land, adjoining land and adjoining development.
- 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 movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.

- The provision of car parking, loading of vehicles and access to parking spaces and loading bays.
- The adequacy of entrance to and egress from the site.
- The design, location, accessibility and security (including suitable lighting and locking devices) of bicycle facilities.
- The streetscape, the scale and height of the neighbouring buildings and the proposed development, the proximity to heritage places, the design of verandahs, access from street frontages, the protection of active frontages to pedestrian areas, the treatment of the front and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The existing and future use and amenity of the land and the locality.
- The location, area, dimensions and suitability of use of land proposed for public use.
- The provision of landscaping.
- The responsibility for the maintenance of buildings, landscaping and paved areas.
- The impact on the amenity of any existing dwellings on adjacent sites.
- Where new buildings incorporate dwellings, that the design respects and anticipates the development potential of adjacent sites, to ensure that the future development of the adjacent site does not cause a significant loss of amenity to the subject site.
- Habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45 dB in accordance with relevant Australian Standards for acoustic control.
- The design of buildings to provide for solar access, energy efficiency and waste management.
- The impact on amenity of existing or proposed sensitive land uses susceptible to the off-site effects of industry.
- Whether the development would compromise the function, form and capacity of public spaces and public infrastructure.
- If the floor area ratio of the proposal exceeds 18:1, the extent to which it will deliver a commensurate public benefit.
- Securing the floor area ratio across a site where a site is developed in part to ensure:
  - that an agreement be entered into to acknowledge that the remaining site cannot be later developed;
  - that a heritage building being retained that an agreement be entered into to conserve the heritage building in perpetuity;
  - that the proposed building is sited so that adequate setbacks are maintained in the event that the land is subdivided or separate land holdings are administratively effected to create a future development site.

#### **~~Decision Guidelines – Bicycle Parking~~**

~~Before deciding on an application involving bicycle parking facilities, the responsible authority must consider, as appropriate:~~

- ~~The design and location, accessibility and security (ie. suitable lighting, locking devices) of the facilities.~~
- ~~The City of Melbourne Bike Plan 1997.~~
- ~~Local Planning Policy Framework.~~

**4.0**23/11/2016  
C270**Demolition or Removal of Buildings**

A permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works.

This does not include:

- 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.

**Exemption from notice and review**

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.

**5.0**23/11/2016  
C270**Advertising signs**

A permit is required to erect an advertising 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 erect or construct or carry out works for an advertising 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.

## **6.0**

07/12/2020  
C370melb

### **Referral of applications**

An application that includes the creation or alteration of access to the arterial road – Wurundjeri Way 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 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 buildings and works on Treasury Square – 295-357 Wellington Parade South, Melbourne must be referred in accordance with section 55 of the Act to the referral authority specified in the schedule to clause 66.04.

## **7.0**

23/11/2016  
C270

### **Transitional arrangements**

The requirements of this schedule do not apply to:

- an application (including an application to amend a permit) made before the commencement of Amendment C262 to this planning scheme. For such applications, the requirements of this schedule, as they were in force immediately before the commencement of Amendment C262, continue to apply.
- an application (including an application to amend a permit) made after the commencement of Amendment C262 but before the commencement of Amendment C270 to this planning scheme. For such applications, the requirements of this schedule, as they were in force immediately before the commencement of Amendment C270, continue to apply.