

SCHEDULE 7 TO CLAUSE 37.04 CAPITAL CITY ZONE

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

MELBOURNE ARTS PRECINCT

Purpose

To maintain and enhance the Melbourne Arts Precinct as a significant arts and cultural precinct of State significance.

To develop Sturt Street and surrounds as an arts and performance spine with complementary services and activities for local residents and visitors.

To support the growth of creative industry sectors and disciplines such as music and performing arts, fashion, film, television and radio, digital and print media, architecture, design and visual arts.

To provide for a diversity of art and cultural uses within the first four storeys of buildings, including studios, workshops, galleries and rehearsal, performance and events spaces.

To provide for commercial and residential uses above the first four storeys of buildings and development which maximises pedestrian access, provides for active street frontages and integration with the public realm.

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Table of uses

Section 1 - Permit not required

Use	Condition
<p>Accommodation (other than Corrective institution)</p>	<p>Must not be located within the first four storeys of a building or within the first 16 metres of building height above ground level, whichever is the lower height, except for part of a building which provides access such as a lobby or entrance.</p> <p>Any frontage at ground floor level must not exceed 2 metres.</p>
<p>Art and craft centre Cinema based entertainment facility Child care centre Dancing school Education centre Food and drink premises (other than Hotel and Tavern) Home occupation Informal outdoor recreation Market</p>	
<p>Office</p>	<p>Must not be located within the first four storeys of a building or above the first 16 metres of building height above ground level, whichever is the lower height, except for part of a building which provides access such as a lobby or entrance.</p> <p>Any frontage at ground floor level must not exceed 2 metres.</p>
<p>Place of assembly (other than Amusement parlour, Nightclub and Restricted Place of Assembly) Postal agency</p>	

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Use	Condition
Railway station	
Shop (other than Adult sex bookshop, Department Store and Restricted retail premises) Tramway	
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	Must not be a purpose listed in the table to Clause 52.10.
Leisure and recreation (other than Dancing School and Informal outdoor recreation) Nightclub Restricted Place of Assembly Tavern 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

Use of land

Application requirements

An application to use land must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of activities which will be carried out.

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- The compatibility of the proposed use with the purpose of the zone.
- 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.

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:

- Whether the proposed use is compatible with the purposes of this zone and would contribute to:
 - Delivering an arts and creative industries precinct of State significance.
 - Accommodating the needs of creative industry sectors and a growing residential population above the first four storeys of buildings.
 - Maximising opportunities for community access and use.
- The impact the use will have on the amenity of existing dwellings and adjacent and nearby sites.
- The effect that existing uses may have on the proposed uses.

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Subdivision

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.

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Buildings and works

Permit Requirement

A permit is 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.

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.
- 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.

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.

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- 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 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:

- The likely noise sources to impact the proposed development.
- The maximum permissible noise from the nearby noise sources.
- 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.

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.

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 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 ability for pedestrians, bicycles and vehicles to move within and through the area.
- The adequacy of car parking provision and loading bays.
- The adequacy of vehicle entry and egress.

- The impact the proposal will have on the amenity of existing and future development in the locality.
- The suitability of land proposed for public use.
- Whether the development provides space that could be adapted for arts and creative industries in the future.
- The provision of landscaping.
- Whether the building design at street level provides for active street frontages, pedestrian engagement and weather protection.
- The impact on the amenity of any dwellings on adjacent sites.
- The development potential of adjacent sites, and whether this will cause an unreasonable loss of amenity to the subject site.
- Whether the proposal 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.
- Waste management.
- The ability to establish a visual relationship between occupants of upper floors and pedestrians, and better surveillance of the street by developing the first five levels of buildings with a “casing” of dwellings or offices or other design mechanisms.
- The impact the proposal will have on street amenity if buildings are not constructed to the street boundary at ground level.
- The impact the proposal will have on street amenity if on-site parking occupies more than 20% of the length of the street frontages at ground level and in the first five levels of the building and whether any above ground multi-level car parking is sleeved and concealed by active frontages.
- Whether the development would compromise the function, form and capacity of public spaces and public infrastructure.
- 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 works or landscaping to avoid vacant sites in perpetuity.

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Advertising signs

A permit is required to construct or 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:

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- 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.

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Expiry

The requirements of this schedule cease to have effect after 22 July 2021.