

**Report to the Future Melbourne (Planning) Committee**

**Agenda item 6.3**

**Planning Scheme Amendment C323 Melbourne Arts Precinct**

**7 August 2018**

**Presenter:** Emma Appleton, Manager Urban Strategy

**Purpose and background**

1. The purpose of this report is to present the outcomes of the exhibition of Amendment C323 Melbourne Arts Precinct (the Amendment) and to recommend that the Future Melbourne Committee requests the Minister for Planning appoint a panel to consider the submissions.
2. The Amendment seeks to support the role of the state significant Melbourne Arts Precinct by:
  - 2.1. applying on a permanent basis Schedule 7 to the Capital City Zone (CCZ7), which encourages the provision of arts facilities within the first four storeys of new developments and a mix of uses including accommodation and office at higher levels
  - 2.2. making changes to Clause 22.01 Urban Design within the Capital City Zone and to Schedule 1 to the Design and Development Overlay (DDO1) to ensure the continued application of these provisions
  - 2.3. applying Capital City Zone car parking requirements, Schedule 1 to the Parking Overlay, to land previously zoned General Residential Zone.
3. Following approval of interim controls by the Minister for Planning through Amendment C330 on 7 March 2018, the Amendment was placed on exhibition from 19 April to 21 May 2018 (refer Attachment 1) and four submissions were received. Refer Attachment 2 for a summary of, and response to, submissions.

**Key issues**

4. The submissions are generally supportive of the intent of the Amendment but express the following concerns about its implementation: the economic viability of requiring creative uses in the first four levels of developments particularly on larger sites and those affected by mandatory height controls; whether office uses related to the arts should be 'no permit required' within the first four storeys; the unintentional introduction of third party notice and review rights for accommodation and office use applications; and whether the views of Creative Victoria should be captured by making them a Referral Authority.
5. In response to submissions, management recommends making the following changes to the CCZ7:
  - 5.1. not requiring a permit for office uses related to the arts
  - 5.2. exempting accommodation and office from third party notice and review consistent with Schedule 3 to the Capital City Zone.
6. Through the assessment of current planning permit applications, it has become clear that in order to ensure usability and flexibility of spaces for arts uses, the decision guidelines should be amended to include the need for suitable floor to ceiling heights in new developments. Consistent with the purpose of the zone, the decision guidelines should also be amended to require above-ground car parking areas to be configured so that they do not present directly to the street, and are instead concealed within the building behind tenancies occupied by arts and related uses that activate the street.
7. The Amendment provides a balanced approach to fostering arts uses in the precinct, however, it can be enhanced as above and shown in Attachment 3. Following the panel hearing, a review of the recommendations and a final version of the Amendment will be reported to the Future Melbourne Committee.

**Recommendation from management**

8. That the Future Melbourne Committee:
  - 8.1. Notes management's assessment of the submissions as set out in Attachment 2 of this report.
  - 8.2. Requests the Minister for Planning appoint an Independent Panel to consider submissions to Melbourne Planning Scheme Amendment C323.
  - 8.3. Notes that the form of Amendment C323 to be presented to the Independent Panel will be generally in accordance with the documentation placed on exhibition but with the recommended changes to Schedule 7 to the Capital City Zone as set out in Attachment 3 to this report.

**Attachments:**

1. Supporting Attachment (page 3 of 17)
2. Summary of submissions and management response (page 4 of 17)
3. Management-recommended version of the CCZ7 (page 11 of 17)

## Supporting Attachment

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### Legal

1. Divisions 1, 2 and part 3 of the *Planning and Environment Act 1987* (the Act) deal with Planning Scheme Amendments, setting out provisions for the exhibition and notification of proposed planning scheme amendments and consideration of submissions. Specifically, sub-section 23(1) of the Act provides that:

*After considering a submission which requests a change to the amendment, the planning authority must:*

- (a) change the amendment in the manner requested; or*
- (b) refer the submission to a panel appointed under Part 8; or*
- (c) abandon the amendment or part of the amendment.*

The recommendation made in the report is therefore consistent with the Act.

### Finance

2. The cost associated with the recommendation to proceed to an Independent Panel will be met by the proponent, Creative Victoria.

### Conflict of interest

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

### Stakeholder consultation

4. Notification of the exhibition of the Amendment included:
  - 4.1. a letter and notice mailed out on 13 April 2018 to the owners and occupiers of affected properties and to prescribed Ministers
  - 4.2. a notice in *The Age* and the *Melbourne Times* on Wednesday 18 April 2018
  - 4.3. a notice in the *Government Gazette* on Thursday 19 April 2018
  - 4.4. a copy of the documentation and online submission form available on the Participate Melbourne website
  - 4.5. a printed copy of the documentation available for viewing at Council's offices.

### Relation to Council policy

5. The Amendment strongly supports existing directions, objectives and strategies of *Plan Melbourne 2017 – 2050* and the State and Local Planning Policy Frameworks, which recognise Melbourne as a national and international leader in creative endeavours. The Municipal Strategic Statement (clause 21.02-4) specifically acknowledges the premier cultural institutions along the Sturt Street spine and the Council endorsed *Southbank Structure Plan 2010* in supporting arts, entertainment, cultural and educational attractions in Southbank, especially in the Arts Precinct.

### Environmental sustainability

6. The Amendment will not have any environmental sustainability impacts.

**MELBOURNE PLANNING SCHEME AMENDMENT C323:  
MELBOURNE ARTS PRECINCT**

**SUMMARY OF SUBMISSIONS**

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<p><b>Submitter</b></p>	<p><b>1. Rothe Lowman for Sturt St Pty Ltd</b></p>
<p><b>Subject land</b></p>	<p>153 Sturt Street, Southbank (subject to current permit application)</p>
<p><b>Summary of submission</b></p>	<ul style="list-style-type: none"> <li>a) New land use controls should be applicable to the Sturt Street frontage only as it is unrealistic to think that there is sufficient depth in the arts industry to wholly occupy the first four floors of all new buildings extending between Sturt Street and Dodds Street.</li> <li>b) Proponents who embrace the arts and culture precinct objectives should be rewarded for incorporating uses that promote this outcome. For example, development bonuses could be used similar to the concept of floor area uplift provisions that are applicable elsewhere in the Melbourne Planning Scheme, and this is particularly important given the commercial disadvantage or disincentive due to the typically low rents payable by the arts community.</li> <li>c) Offices as a land use should continue to be as-of-right, as there are a range of uses that are properly categorised as an office and they fit neatly into the arts and cultural precinct vision, i.e. an architectural practice.</li> <li>d) Whilst not part of the C323 proposal, drafting issues that exist in other provisions applicable to the precinct also need to be addressed. In particular we refer to the Floor Area Ratio (FAR) applicable to Area 4A but not Area 4B within DDO60, yet the reference is to the FAR applying to a site and in this case the 'site' is the whole of the land extending between Sturt Street and Dodds Street (subject to the two DDO areas). Instead, the provisions should clearly state that the FAR is applicable to land in Area 4A only. This makes sense as the FAR and building height controls in Area 4A are discretionary and the building height control in Area 4B is mandatory.</li> </ul>
<p><b>Management Response</b></p>	<ul style="list-style-type: none"> <li>a) Making accommodation and office Section 2 (planning permit required) uses if within the first four storeys of a proposed development allows their consideration against the purpose of the zone and the decision guidelines.</li> <li>b) The area has long been identified as part of the state-significant arts precinct. Indeed, the Municipal Strategic Statement (clause 21.02-4) specifically acknowledges the premier cultural institutions along the Sturt Street spine and the Council endorsed <i>Southbank Structure Plan 2010</i> supports arts, entertainment, cultural and educational attractions in Southbank, especially in the Arts Precinct.  As the current planning scheme provisions have not been successful in delivering arts and creative spaces, there is the need for the proposed new controls.  The use of development bonuses would undermine the established and tested built form vision for the area.</li> <li>c) Office, as a generic use, should not be as-of-right but, where it is linked to and facilitates arts uses, it could be.</li> <li>d) Drafting issues associated with Amendment C270 are outside the scope of Amendment C323. Management has brought this submission</li> </ul>

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to the Department of Environment Land Water and Planning's (DELWP) attention.

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**Management Recommendation** In Table 1 of Clause 37.04-1, amend the condition relating to office use to make it a Section 1, where it is in conjunction with arts uses.

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<b>Submitter</b>	<b>2. Planning Policy Partners for LSH Group Australia</b>
<b>Subject land</b>	268 Sturt Street, Southbank (subject to current permit application)
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>a) Supports the intent of the Amendment</li> <li>b) Supports approach to implement controls in a way that affords discretion and appropriate negotiation around practical constraints and realistic scope to incorporate functional “arts spaces”.</li> <li>c) The first four floors may prove to be an excessive requirement for some sites or designs subject to consideration of site sizes etc. For instance, a podium built out to site boundaries could equate to a potential maximum requirement for a 4:1 “Arts Space” FAR, which may not be achievable for mixed use development proposals.</li> <li>d) The drafting of the exhibited 5th purpose of the zone may require further consideration so that it is not misinterpreted as not providing for non arts use within the lower levels of a building (in circumstances where arts uses are otherwise appropriately provided for or represent a smaller component which may be considered appropriate for various reasons).</li> <li>e) We understand that activating the Precinct and achieving a critical mass of people and activity are seen as key to revitalisation (noting the known challenges of the current situation and ongoing residential development which has tended to provide a lack of activity). Accordingly it may be worthwhile having stated purposes and decision guidelines supporting mixed use development that will assist in activation and revitalisation at a Precinct level.</li> <li>f) Further consideration needs to be given to the unintended consequence of triggering notice for accommodation and office and similar uses that historically have been as-of-right uses within the Capital City Zone, and treated with an appropriately streamlined process. The drafting of the exhibited CCZ7 requires further amendment in this regard. It is understood from discussions with DELWP that with these uses now potentially deemed section 2 uses in certain circumstances; this would not automatically be used in practice as a trigger for requiring public notice and enabling third party notice and review rights, particularly where appropriate arts outcomes are demonstrated. We strongly agree with this view particularly where the potential notice trigger has arisen as an outcome of a strategic land use review rather than a built form review. In a CCZ context where the DDO controls already contemplate built form above podium structures, such internal uses at lower levels would not be likely to trigger any material detriment and should not trigger public notice. Arts outcomes can be negotiated by use of the permit triggers without needing to contemplate additional notice provisions within the CCZ.</li> </ul>
<b>Management Response</b>	The first four floors for arts and associated uses is not a mandatory requirement. Accommodation and office are Section 2 (planning permit required) uses if within the first four storeys of a development. This allows their consideration against the purpose of the zone and the decision guidelines.

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It is not considered necessary to redraft the 5<sup>th</sup> purpose as suggested by the submitter.

It is agreed that accommodation and office uses, which previously did not trigger third party notice and review rights, should continue to be exempt. Triggering third party notice and review rights for these uses was an unintended consequence of making them Section 2 uses where they are located within the first four storeys of a proposed development.

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**Management  
Recommendation**

Include an exemption from third party notice and review rights for accommodation and office uses.

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<b>Submitter</b>	<b>3. Mills Oakley for Pacific Asia Express Pty Ltd</b>
<b>Subject land</b>	102 Dodds Street and 29 Miles Street, Southbank
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>• Supportive of the concept of the Amendment but concerned that an unintended consequence is that the subject site cannot be reasonably developed in the future.</li> <li>• The subject land is affected for the most part by a mandatory height limit of 14 metres (Area 4B in DDO60). Schedule 7 to the Capital City Zone, which this amendment is seeking to apply on a permanent basis, imposes a condition whereby Accommodation and Office uses must not be located within the first four storeys or 16 metres. Therefore, the outcome of this condition is that the subject site cannot be used for Accommodation or Office purposes at all, despite these being suitable uses in this location. The amendment effectively blights the future development of the subject site by prohibiting Accommodation and Office uses.</li> </ul>
<b>Management Response</b>	Schedule 7 of the Capital City Zone does not prohibit accommodation and office uses within the first 4 storeys or 16 metres of a building. It does however mean that if an applicant proposes to use the first four levels of a building for accommodation or offices a planning permit must be sought and the permit application will need to address the purpose of the zone and the decision guidelines.
<b>Management Recommendation</b>	No change to Amendment C323 in response to this submission.

<b>Submitter</b>	<b>4. Wendy Lasica</b>
<b>Subject land</b>	N/A
<b>Summary of submission</b>	<ul style="list-style-type: none"> <li>• The provision of new spaces for a multitude of cultural functions – which is set up in the purpose of Schedule 7 to Clause 37.04, does not address how this will occur once the spaces have been created. Will it be left to developers to manage that process, ensuring they design fit-for-use spaces and source appropriate cultural tenancies? If, as clause 21.08-2 of the MPP sets up, opportunities for small to medium businesses is a way to create “commercial prosperity of a sustainable urban district”, will there be appropriate rentals offered on the new cultural spaces in order to attract the businesses needed to add depth and diversity for enhancing the area as a precinct of State significance?</li> <li>• Could Creative Victoria take on a role as a referral authority? If this precinct is to reflect the cultural industry ecosystem in its complexity – and I would argue that unless it does, its success as a precinct of significance might be tempered – use and functionality could benefit from oversight by an authorised body. This referral authority could shape the program through strategic and purposeful interventions.</li> <li>• Currently precinct programming seems siloed – the introduction of organisations of varying sizes and scales, might provide needed diversity and increase the opportunities for more cross institutional interaction and collaboration – an outcome that could add value and benefit the precinct overall. The market is unlikely to deliver this sort of complex program without an overarching vision, and a process for implementing it. Creating the opportunities for developers to provide the spaces is the first step, and has been addressed through the amendment process. Optimising the program that the facilities support will require further intervention and could be part of the planning process from the outset.</li> </ul>
<b>Management Response</b>	<p>While the role of the planning scheme is to regulate use and development and in this case, to encourage and facilitate arts and related uses, the planning scheme is unable to regulate the program that the facilities support.</p> <p>Current planning permit applications have been assessed under CCZ7 (interim controls). In these cases, internal comments were provided by City of Melbourne’s Arts Melbourne team and comments have been provided by Creative Victoria, the proponent for Amendment C323. Creative Victoria wish to continue to provide advice in relation to the need/demand for arts spaces and the usability and functionality of the spaces within proposed developments; however, as Creative Victoria cannot regulate the arts market, it is not appropriate that they become a formal referral authority.</p>
<b>Management Recommendation</b>	No change to Amendment C323 in response to this submission.

**SCHEDULE 7 TO CLAUSE 37.04 CAPITAL CITY ZONE**--/20--  
Proposed  
C323Shown 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.

**1.0**--/20--  
Proposed  
C323**Table of uses****Section 1 - Permit not required**

Use	Condition
<b>Accommodation (other than Corrective institution)</b>	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.  Any frontage at ground floor level must not exceed 2 metres.
<b>Art and craft centre</b>	
<b>Child care centre</b>	
<b>Cinema based entertainment facility</b>	
<b>Dancing school</b>	
<b>Education centre</b>	
<b>Food and drink premises (other than Hotel and Tavern)</b>	
<b>Home based occupation</b>	
<b>Informal outdoor recreation</b>	
<b>Market</b>	

Use	Condition
Office	Office associated with arts use: Nil  Office not associated with arts use: <ul style="list-style-type: none"> <li>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, <del>except for part of a building which provides access such as a lobby or entrance.</del></li> <li>Any frontage at ground floor level to the tenancy must not exceed 2 metres.</li> </ul>
Place of assembly (other than Amusement parlour, Nightclub and Restricted place of assembly) Postal agency 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

## 2.0

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Proposed  
C323

### 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.
- 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.

#### 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.

#### 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 a building.
  - Maximising opportunities for community access and use.
- The impact the proposed 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.

## 3.0

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Proposed  
C323

### 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.

## 4.0

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Proposed  
C323

### Buildings and works

#### Permit Requirement

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.

### 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 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.
- 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 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 **adequate space and floor to ceiling heights** so that it 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 ~~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 **arts uses or other active uses** ~~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.

## 5.0

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### **Advertising signs**

A permit is required to construct and display a sign. This does not apply to:

- 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.