43.06 BUILT FORM OVERLAY

25/02/2025
VC257

Shown on the planning scheme map as **BFO** with a number.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To facilitate higher density development that provides for high amenity living and working environments close to infrastructure and public transport.

To ensure development contributes positively to the functionality and amenity of the area.

To deliver public realm improvements, and where appropriate, additional public benefits in conjunction with new development.

To encourage land consolidation to facilitate higher density development.

To encourage a diversity of housing types and affordable housing.

To identify areas where specific design and built form requirements apply.

43.06-1 Development objectives

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A schedule to this overlay may specify development objectives.

43.06-2 Development framework

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A schedule to this overlay must contain a development framework.

The development framework may consist of maps, plans, character statements and tables.

The development framework may:

- Outline the planned urban structure for the land including the distribution of building typologies.
- Contain a table specifying the building typologies and future character for the land or each part of the land.
- Include a movement and place framework that is consistent with *Movement and place in Victoria* (Department of Transport, February 2019).
- Include a public realm and open space framework.
- Specify the anticipated dwelling number and floorspace yields for the land or each part of the land.
- Identify sensitive interfaces and areas where built form needs to transition to the built form in the surrounding area.
- Identify areas where land consolidation will be encouraged to facilitate the preferred scale of development.
- Identify new streets, lanes, arcades and through building connections.
- Identify views to significant landmarks and features that should be maintained.
- Identify land with significant terminating vistas in the public realm that require distinctive development.
- Identify heritage places that are specified in the schedule to the Heritage Overlay.

43.06-3 Master plan requirements

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A schedule to this overlay may specify land to which the master plan requirements in clause 43.06-3 apply.

Requirement before a permit is granted

If a schedule to this overlay specifies that the master plan requirements in this clause apply to land, a permit must not be granted to use or subdivide the land, or to construct a building or construct or carry out works on the land, until a master plan has been prepared in accordance with this clause to the satisfaction of the responsible authority.

This does not apply if a schedule to this overlay specifically states that a permit may be granted before a master plan has been prepared to the satisfaction of the responsible authority.

A permit granted must be generally in accordance with the master plan.

Preparation of a master plan

A master plan may consist of plans or other documents and may, with the agreement of the responsible authority, be prepared and implemented in stages.

A master plan must describe:

- The land to which the plan applies.
- The proposed use, development and floor area of each part of the land.
- Any staging or sequencing of development needed.
- The scale of development on the land.
- The siting and orientation of buildings.
- Any open space, vehicle access and pedestrian links required.
- Key interfaces.
- Any stormwater management measures, including any infrastructure and alternative water sources or treatments.
- Any other requirements specified for the master plan in a schedule to this overlay.

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

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Operation

Relationship to other provision of this planning scheme

A schedule to this overlay may specify that if there is any inconsistency between the outcomes and standards in this overlay or a schedule to this overlay and any other provision in this planning scheme, the outcomes and standards in this overlay or a schedule to this overlay prevail.

Outcomes and standards

This overlay includes, and a schedule to this overlay may include:

- **Outcomes.** An outcome sets out the expectations of what will be achieved in a development.
- **Standards.** A standard contains a measure or condition related to the corresponding outcome.
- **Decision guidelines.** Decision guidelines set out the matters that the responsible authority must consider before deciding if an outcome is met.

Each standard in this overlay is, and included in a schedule to this overlay must be, identified as:

- a **discretionary standard** expressed using ‘should’ or labelled as ‘discretionary’; or
- a **mandatory standard** expressed using ‘must’ or labelled as ‘mandatory’.

A standard (whether a mandatory or discretionary standard) may also be nominated as a **deemed to comply standard** , using ‘complies if’ or labelled as ‘deemed to comply’.

If a mandatory or discretionary standard is met, the corresponding outcome may be met.

If a deemed to comply standard (whether a mandatory or discretionary standard) is met, the corresponding outcome is deemed to have been met and the responsible authority must not consider, and is exempt from considering, any decision guidelines corresponding to that outcome.

Quantitative standards (where a specified measure is to be achieved) may be expressed using the terms ‘minimum’ or ‘maximum’.

If a quantitative standard is expressed using the term ‘minimum’, that standard is met if a development meets or exceeds the specified measure.

If a quantitative standard is expressed using the term ‘maximum’, that standard is met if a development does not exceed the specified measure.

If a quantitative standard is not expressed using the terms 'minimum' or 'maximum' but is instead an exact measure, that standard is met if a development exactly meets the specified measure.

A schedule to this overlay may:

- Specify that any outcome in this overlay does not apply.
- Specify that a standard in this overlay does not apply.
- Specify additional standards for any outcome in this overlay.
- Vary, replace or make mandatory any standard in this overlay.
- Specify decision guidelines for any outcome in this overlay.
- Specify outcomes, standards and decision guidelines for any other matter relating to design or built form.

If a schedule to this overlay specifies that an outcome does not apply, any corresponding standard also does not apply.

If a schedule to this overlay specifies that a permit is required to construct a fence, a standard for fencing must be specified in that schedule.

Note: The relevant measures for standards will typically be presented in a schedule to this overlay as maps or tables. The maps and tables in a schedule are to be read in conjunction with the applicable standard in this overlay.

Requirements to be met

Except if a public benefit is provided in accordance with a public benefit uplift framework to the satisfaction of the responsible authority or if a schedule to this overlay specifies otherwise, the construction of a building and the construction and carrying out of works:

- Must meet the outcomes specified in this overlay or a schedule to this overlay.
- Must meet any mandatory standard specified in this overlay or a schedule to this overlay.
- Should meet any discretionary standard specified in this overlay or a schedule to this overlay. However, if the responsible authority is satisfied that an application for an alternative design solution meets the outcome, the alternative design solution may be considered acceptable.
- Can meet a deemed to comply standard, and if it does, it is deemed to meet the corresponding outcome for that standard.

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Public benefit uplift framework

A schedule to this overlay may specify a mandatory standard that can only be exceeded if a public benefit is provided.

A schedule may set out public benefits and how they are to be calculated.

Public benefits may include:

- Affordable housing.
- Public realm works.
- Public open space.
- Strategic land uses.
- Any other works, services or facilities that benefit the community living in, working in or visiting the area to which this overlay applies.

Notes:

1. *Public benefits under this provision are calculated over and above any requirements set out in clause 45.01 (Public Acquisition Overlay), clause 45.06 (Development Contributions Plan Overlay), clause 45.09 (Parking Overlay), clause 45.10 (Infrastructure Contributions Plan Overlay), clause 45.11 (Infrastructure Contributions Overlay) or clause 53.01 (Public open*

space contribution and subdivision) in this planning scheme and any open space requirement specified in a schedule to this overlay.

2. *In activity centres, public benefits are intended to relate to site specific or local area benefits such as new pedestrian links or improvements to the public realm.*

Permit condition requirement

In deciding to grant a permit to construct a building or construct or carry out works that exceeds a standard on the basis that a public benefit will be provided, the responsible authority must include a condition that requires the provision of the benefit to be secured by an agreement made under section 173 of the Act.

The above requirement to include a condition does not apply to a decision to grant an amendment to a permit if the amendment does not increase the extent to which the permitted buildings or works exceed a standard.

43.06-6
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Buildings and works

Permit requirements

A permit is required to construct a building or construct or carry out works. This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To the installation of an automatic teller machine.
- To an alteration to an existing building facade if:
  - The alteration does not include the installation of an external roller shutter.
  - Standard BF09 is met.
- To an awning that projects over a road if it is authorised by the relevant public land manager.
- To buildings and works which rearrange, alter or renew plant if the area or height of the plant is not increased.
- To external works to provide access for persons with disabilities that comply with all legislative requirements.

A permit is required to construct a fence if specified in a schedule to this overlay.

VicSmart applications

Subject to clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a fence.	Clause 59.05
Construct a building or construct or carry out works for: ▪ A carport, garage, pergola, verandah, deck, shed or similar structure. ▪ An outdoor swimming pool. The buildings and works must be associated with a dwelling.	Clause 59.05
Construct a building or construct or carry out works with an estimated cost of up to $700,000 where the land is in a commercial zone or special purpose zone (other than the Urban Floodway Zone, Flood Management Zone, Urban Growth Zone or Port Zone).	Clause 59.05

43.06-7 Outcomes and standards

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43.06-7.1 Building typology and future character

06/01/2026
VC303

Outcome

Development that:

- Responds to the planned urban structure, building typologies and future character for the land in the development framework.
- Responds appropriately to any heritage places and transition areas identified in the development framework.
- Delivers walkable neighbourhoods with a high-quality, permeable pedestrian network through the creation of new streets, lanes, arcades or connections through buildings.
- Protects views to significant landmarks or features identified in the development framework.
- Encourages land consolidation to facilitate the preferred scale of development.

Standard BF01

Development must be consistent with the urban structure, building typologies and future character for the land in the development framework.

43.06-7.2 Building heights

06/01/2026
VC303

Outcome

Building heights that:

- Maintain an inviting and comfortable environment within the public realm in terms of its sense of sunlight, daylight and wind conditions.
- Provide a transition in scale to adjacent areas with less intensive built form expectations.
- Protect views to significant landmarks or features identified in the development framework.

Standard BF02

Building heights:

- Should be consistent with any applicable discretionary standard specified for this outcome in a schedule to this overlay.
- Must be consistent with any applicable mandatory standard specified for this outcome in a schedule to this overlay.

Maximum building heights specified in a standard do not apply to:

- Non habitable architectural features.
- Service equipment and structures including plant rooms, lift overruns, structures associated with green roof areas, including access stairs and lifts, unenclosed pergolas for communal areas, shading devices, and other such equipment.

43.06-7.3 Floor area ratios

06/01/2026
VC303

Outcome

Floor area ratios that provide a scale and density to support population and employment growth, consistent with the building typologies and future character specified in the development framework.

Standard BF03

The floor area ratio of development:

- Should be consistent with any applicable discretionary standard specified for this outcome in a schedule to this overlay.

- Must be consistent with any applicable mandatory standard specified for this outcome in a schedule to this overlay.

43.06-7.4 Overshadowing of open space or public realm

06/01/2026
VC303

Outcome

Development that:

- Maintains solar access to key pedestrian streets and existing or proposed public open spaces identified in a schedule to this overlay.
- Achieves a balance between supporting growth and delivering high levels of amenity in the context of the outcomes that apply to the land.

Standard BF04

Buildings should not cast any additional shadow beyond that cast by the applicable preferred or maximum street wall or front wall height specified in a schedule to this overlay for standard BF05 and existing buildings over:

- The existing or proposed public open spaces identified in a schedule to this overlay for the hours specified in that schedule.
- The existing or proposed key pedestrian streets identified in a schedule to this overlay for the hours specified in that schedule.

This does not apply to shadow cast by:

- Incidental elements such as canopies, kiosks, artworks, screens or trees.
- Buildings and works constructed within the open space or street.

43.06-7.5 Front setbacks, street wall and front wall heights, setbacks above the street wall and front wall, and landscaped setbacks

06/01/2026
VC303

Outcomes

Front setbacks, street wall and front wall heights, and setbacks above the street wall and front wall that:

- Provide strong spatial definition to the public realm while maintaining good daylight access to open spaces, streets and lower levels of buildings and clear views to the sky, where possible.
- Avoid visually overwhelming the public realm.
- Are sympathetic to:
  - Any heritage place identified in the development framework.
  - The future character specified in the development framework.
- Contribute to the privacy of any ground floor dwellings.
- Distinguish upper levels from the street wall or front wall.

Landscaped setbacks, including setbacks that can accommodate deep soil planting and canopy trees, that enhance the amenity of the public realm in locations identified in a schedule to this overlay.

Standard BF05

Front setbacks, street wall and front wall heights, setbacks above the street wall and front wall and landscaped setbacks:

- Should be consistent with any applicable discretionary standard specified for these outcomes in a schedule to this overlay.
- Must be consistent with any applicable mandatory standard specified for these outcomes in a schedule to this overlay.

Any maximum street wall or front wall height specified in a schedule to this overlay does not apply to non-habitable architectural features that exceed the specified maximum height by not more than 3 metres.

If a new building is on a corner with two different maximum street wall or front wall heights specified in a schedule to this overlay, the taller maximum street wall or front wall height applies to the frontage with the lower maximum street wall or front wall height for a distance of 20 metres along the street frontage.

43.06-7.6 Side and rear setbacks and building separation within a site

06/01/2026
VC303

Outcomes

Side and rear setbacks that:

- Respond to sensitive interfaces.
- Provide for landscaping.
- Maintain access to daylight and sunlight in streets, laneways and pedestrian connections.
- Deliver high levels of amenity within buildings having regard to outlook, daylight and overlooking.
- Achieve privacy through setbacks rather than screening.

Separation between buildings within the same site that:

- Delivers high levels of amenity within buildings having regard to outlook, daylight and overlooking.
- Offsets direct views between buildings.
- Achieves privacy by building separation rather than screening.

Standard BF06

Side and rear setbacks and building separation within a site:

- Should be consistent with any applicable discretionary standard specified for these outcomes in a schedule to this overlay.
- Must be consistent with any applicable mandatory standard specified for these outcomes in a schedule to this overlay.

Any maximum length for a new wall or carport constructed on a side or rear boundary of a lot specified in a standard for these outcomes does not apply where the slope, retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.

Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into side and rear setbacks.

Landings with an area of not more than 2 square metres and a height of less than 1 metre, stairways, ramps, pergolas, shade sails and carports may encroach into side and rear setbacks provided they do not overshadow neighbouring open space.

43.06-7.7 Building layout and adaptability

06/01/2026
VC303

Outcomes

Buildings that:

- Can accommodate a range of tenancy sizes, including smaller tenancies in the lower levels of the building.
- Maximise passive surveillance and interaction with the public realm.
- Provide an appropriate interface with the public realm.

Floor to floor heights that:

- Allow retail and commercial uses that support a high level of amenity and adaptation over time.

- Have ground floor heights that allow both retail and commercial uses.

Standard BF07

Buildings should:

- Include upper level balconies and windows with a direct visual connection to the public realm.
- Avoid tinted, opaque or high reflectivity glass which obscures views between the public realm and building interior.
- Sleeve large floorplate tenancies, car parking or service areas where they interface with the public realm.
- Avoid narrow publicly accessible alcoves and recesses that lack a clear public purpose.
- Avoid entrapment areas and areas with limited passive surveillance.

Floor to floor heights:

- Should be consistent with any applicable discretionary standard specified for this outcome in the schedule to this overlay.
- Must be consistent with any mandatory standard specified for this outcome in a schedule to this overlay.

43.06-7.8 Wind effects on the public realm

06/01/2026
VC303

Outcome

Development that minimises wind impacts to create and maintain a safe and pleasant environment in the public realm for pedestrians to walk, sit or stand.

Standard BF08

Development of five or more storeys, excluding a basement:

- must not cause new or exacerbate existing unsafe wind conditions specified in Table 1 in public land, publicly accessible areas on private land, private open space and communal open space; and
- should achieve comfortable wind conditions specified in Table 1 in public land and publicly accessible areas on private land,

within the assessment distance shown in Diagram 1.

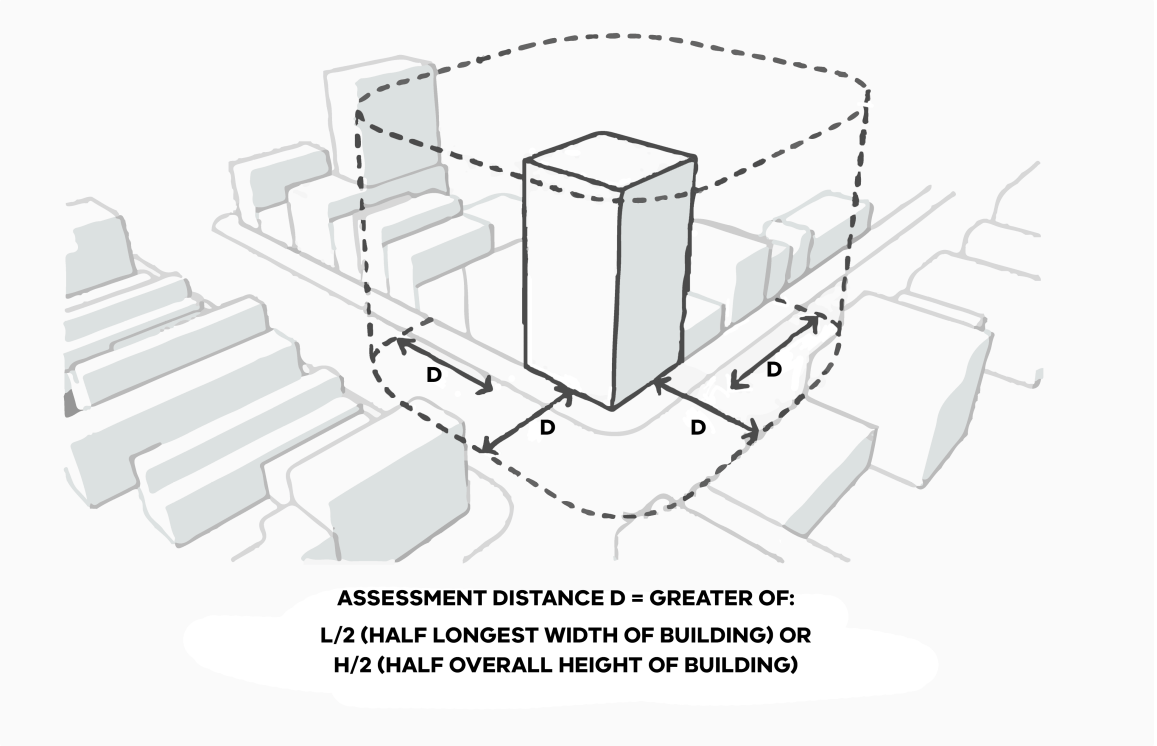
Trees and landscaping should not be used to mitigate wind impacts. This does not apply to sitting areas where trees and landscaping may be used to supplement fixed wind mitigation elements.

Wind mitigation elements, such as awnings and screens, should be located within the site boundary, unless consistent with the existing urban context or preferred future development of the area.

Table 1: Wind conditions

Unsafe	Comfortable
Annual maximum 3 second gust wind speed exceeding 20 metres per second with a probability of exceedance of 0.1% considering at least 16 wind directions.	Hourly mean wind speed or gust equivalent mean speed (3 second gust wind speed divided by 1.85), from all wind directions combined with probability of exceedance less than 20% of the time, equal to or less than: ▪ 3 metres per second for sitting areas. ▪ 4 metres per second for standing areas. ▪ 5 metres per second for walking areas.

Diagram 1: Assessment distance for wind effects



43.06-7.9
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VC303

Active frontages

Outcome

Active frontages that:

- Contribute to the use, activity, safety and interest of the public realm.
- Provide continuity of ground floor activity along streets and laneways.
- Allow for clear identification of building entries and unobstructed views through openings into the ground floor of buildings.

Standard BF09

An entry or window should be provided for at least the specified percentage of the combined length of the ground level interfaces of a building on frontages specified in a schedule to this overlay. The entry or window measurement includes:

- Stall risers to a height of 700mm.
- Pilasters.
- Window and door frames.
- Windows that have clear glazing without stickers or paint that obscures views.

For corner sites, active frontages on the main street should extend along the side street to create a sense of address with clear glazing and allow for side entry where appropriate.

Security grills or mesh should:

- Be transparent.
- Not block views into tenancies at night.
- Be mounted internally to the shop windows.

The ground level frontage requirements do not apply to the development of a contributory or significant heritage place specified in the schedule to the Heritage Overlay.

Development of a contributory or significant heritage place specified in the schedule to the Heritage Overlay should not reduce existing compliance with this standard.

43.06-7.10 Pedestrian connections

06/01/2026
VC303

Outcome

Pedestrian connections that are:

- Safe and attractive.
- Accessible by people of all abilities.
- Easily identified and legible.
- Designed to enable extended stays within a space such as sitting and eating.

Standard BF10

If a schedule to this overlay identifies a pedestrian connection as:

- 'Specific', development should provide the connection along the alignment indicated.
- 'Indicative', development should provide the connection along the alignment indicated or a different alignment that provides the same connectivity.

Pedestrian connections should be:

- Direct, attractive, well-lit and provide a line of sight from one end to the other.
- Safe and free of entrapment spaces and areas with limited passive surveillance.
- Publicly accessible at ground level and appropriately secured by an appropriate mechanism where relevant.
- Overlooked by windows, balconies, or both, on both sides, including at ground floor level.
- Designed to consider the function and design of the full length and width of the connection, including the functional layout, levels and landscaping where it spans multiple lots.

43.06-7.11 Weather protection

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VC303

Outcome

Weather protection that:

- Delivers pedestrian comfort in the public realm via protection from rain, wind and summer sun.
- Uses canopies that are functional, of high-quality design and contribute to the human scale of the street.

Standard BF11

Development should include continuous weather protection along the streets and lanes identified in the development framework except where a heritage place warrants an alternative approach.

Weather protection canopies should be:

- Between 3.5 metres and 5 metres above ground measured to the underside of the eave.
- Designed to minimise impact on existing or proposed street trees.
- Broken in design to reflect the prevailing grain and width of building frontages.

43.06-7.12 Landscaping and fencing

06/01/2026
VC303

Outcome

Landscaping and fencing that:

- Delivers a safe and attractive public and private realm.
- Balances occupant privacy with activation and surveillance of the public realm.
- Reinforces underlying natural landscape character including biodiversity values.

- Provides shade in summer, including from canopy trees.
- Does not create long expanses of blank wall facing the public realm.
- Provides appropriate delineation between the public and private realm.

This outcome only applies to a fence if a permit is required to construct a fence under this overlay and a schedule to this overlay specifies a standard for fencing.

Standard BF12

Landscaping should:

- Provide shade to outdoor areas exposed to summer sun by canopy trees or shade structures.
- Provide space for sufficient soil depth to support the proposed vegetation, including canopy trees.
- Use paving and surface materials that lower surface temperatures and reduce heat absorption.
- Include climbing plants or smaller plants in planters and outdoor areas, including communal outdoor open space.
- Respond to the soil type and drainage patterns of the site.
- Be supported by irrigation systems which utilise alternative water sources such as rainwater, stormwater and recycled water.

43.06-7.13 Car parking design

06/01/2026
VC303

Outcome

Car parking that:

- Minimises the impact of car parking on the public realm.
- Minimises adverse impact on pedestrian and movement networks.
- Use land efficiently.
- May be adapted for alternative uses in the future.

Standard BF13

Vehicle access to car parks should not be located on roads identified in a schedule to this overlay as roads where vehicle access to car parks is discouraged.

Gates or doors to car parks should be fitted close to the building alignment to avoid the creation of unsafe entrapment space, and designed as integrated elements of the building facade.

The location and width of car park entries should:

- Minimise impacts on the pedestrian network.
- Avoid entries on sites where they impact on the activation and safety of the public realm.

Car parks should be designed to enable future adaptation without the need for demolition or significant rebuilding. This may include minimising load bearing walls and ramped areas.

Above ground level car parking should:

- Be sleeved to streets and open spaces with active frontages.
- Have a floor to floor height of at least:
  - 4 metres for the ground floor.
  - 3.5 metres for other floors.

43.06-7.14 Building services

06/01/2026
VC303

Outcome

Building services that:

- Are integrated in the building design and minimise impacts on the public realm.
- Maximise the quality and activation of the public realm.
- Do not dominate the pedestrian experience and are designed as an integrated design element.

Standard BF14

The location and width of loading bays should minimise impacts on the pedestrian network.

Ground floor building services, including waste, parking and loading access, should be minimised and located away from streets and public spaces, or within basements or upper levels.

Waste and loading access should not be located on the roads identified in a schedule to this overlay as roads where waste and loading access is discouraged.

Spaces for waste or loading should not adversely impact safety and continuity of the public realm.

Access doors to any waste, parking or loading area should:

- Be positioned no more than 500 millimetres from the street edge.
- Be designed as an integrated element of the building.

Service cabinets should:

- Be located internally with waste, parking or loading areas where possible.
- Not visually dominate street frontages.
- Use high-quality materials.

Rooftop plant, services and antennae should be integrated into the overall building form.

43.06-7.15 Exterior design

06/01/2026
VC303

Outcome

Exterior design that:

- Responds to the preferred built form character of its context.
- Is visually interesting when viewed up close and from a distance.
- Incorporates sufficient design detail in the lower levels of a building to deliver a visually rich and engaging pedestrian experience.
- Delivers high-quality design on all visible sides of a building and on rooftops visible from the public realm.
- Provides visual connection between the public realm and interior spaces at the ground level interface.
- Provides adequate clearance heights that do not obstruct the service functions of a street or laneway.

Standard BF15

Facades should:

- Provide for depth and a balance of light and shadow on the street wall or front wall and upper levels through the use of balconies, integrated shading, rebates or expression of structural elements.
- Avoid finishes with a perpendicular reflectivity of more than 15 per cent, measured at 90 degrees to the facade surface or as specified in a schedule to this overlay.

Blank walls that are visible from the public realm should be articulated by textured materials, patterning or artwork.

Facade projections and balconies should:

- Be at least 5 metres above any public space measured from ground level.
- Allow for growth of existing and planned street trees in upper level projections and canopies.

- Limit upper level projections, such as adjustable screens or windows, cornices or other architectural features, into streets or laneways up to 300 millimetres.
- Not include enclosed balconies or habitable floor space projecting over the public realm.

Materials should be:

- Natural, tactile and visually interesting at the lower levels near the public interface to reinforce a human scale.
- Durable, robust and low maintenance in the higher parts of a building.

Materials and finishes, such as painted concrete or ventilation louvres, should be avoided at the lower levels where they undermine the visually rich, tactile quality of streets and laneways.

43.06-8
25/02/2025
VC257

Subdivision

Permit requirements

A permit is required to subdivide land.

This does not apply if a schedule to this overlay specifically states that a permit is not required.

Any requirement in a schedule to this overlay must be met.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

Public open space contribution requirement

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in a schedule to this overlay (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both).

If a public open space contribution requirement is specified in a schedule to this overlay:

- The public open space contribution requirement of clause 53.01 does not apply.
- The exemptions in clause 53.01-1 and clause 53.01-2 apply to the requirement.

If a public open space contribution requirement is not specified in a schedule to this overlay, the requirements of clause 53.01 continue to apply.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: ▪ The area of either lot is reduced by less than 15 percent. ▪ The general direction of the common boundary does not change.	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: ▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme. ▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in	Clause 59.02

Class of application	Information requirements and decision guidelines
relation to the buildings within 5 years prior to the application for a permit for subdivision.	
Subdivide land into 2 lots if: ▪ The construction of a building or the construction or carrying out of works on the land: – Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired. – Has started lawfully. ▪ The subdivision does not create a vacant lot.	Clause 59.02

43.06-9 Application requirements

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VC257

Buildings and works

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A design response that explains how the proposed design responds to:
  - The development framework and any development objectives specified in a schedule to this overlay.
  - Any applicable outcome and standard specified in this overlay or a schedule to this overlay.
- Correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings.
- Any information specified in a schedule to this overlay.

Subdivision

An application to subdivide land must be accompanied by any information specified in a schedule to this overlay.

43.06-10 Exemption from notice and review

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VC257

An application under any provision of this planning scheme to construct a building or to construct or carry out works, or 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 unless a schedule to this overlay specifies otherwise.

43.06-11 Decision guidelines

25/02/2025
VC257

Before deciding on an application, in addition to the decision guidelines in clause 65 and any decision guidelines specified in a schedule to this overlay, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The development framework.
- Any applicable public benefit uplift framework.
- *Movement and place in Victoria* (Department of Transport, February 2019).
- The level of amenity for building occupants.
- Movement systems through and around the site including the movement of pedestrians and cyclists, vehicles providing for supplies, waste removal, emergency services, and public transport and car parking.

43.06-12 Mandatory permit conditions

25/02/2025
VC257

The responsible authority must include any mandatory permit condition specified in this overlay or schedule to this overlay in deciding to grant a permit under this overlay or for land for which a master plan has been prepared in accordance with clause 43.06-3.

Floor area ratio mandatory permit condition

If a schedule to this overlay specifies a floor area ratio for a site for the purposes of standard BF03, in deciding to grant a permit for the development of part of that site, unless a schedule to this overlay specifies otherwise, the responsible authority must include a condition that requires the owner of the land to enter into an agreement with the responsible authority under section 173 of the Act, in a form to the satisfaction of the responsible authority, that specifies a floor area ratio that applies to the development of the balance of the site.

43.06-13 Signs

25/02/2025
VC257

Sign requirements are at clause 52.05.

A schedule to this overlay may specify additional requirements for the development of land for signs.

43.06-14 Transitional provisions

25/02/2025
VC257

A schedule to this overlay may specify transitional provisions.

43.06-15 Meaning of terms

06/01/2026
VC303

In this overlay and a schedule to this overlay:

- ***building services*** means areas used for the purposes of loading, waste management and electrical, communications, gas, water and fire prevention infrastructure;
- ***public benefit uplift framework*** means a framework included or explicitly referenced in a schedule to this overlay that sets out allowable public benefits and how they are to be calculated;
- ***development framework*** means the development framework contained in a schedule to this overlay;
- ***floor area ratio*** means the gross floor area above ground of all buildings on a site, including all enclosed areas, services, lifts, car stackers and covered balconies, divided by the area of the site. Voids associated with lifts, car stackers and similar service elements should be considered as multiple floors of the same height as adjacent floors or 3.0 metres if there is no adjacent floor;
- ***laneway*** means a road reserve of a public highway 9 metres wide or less;
- ***master plan*** means a master plan prepared in accordance with clause 43.06-3;
- ***pedestrian connection*** means a publicly accessible street with a defined footpath, a shared zone, a pedestrian only laneway (covered or open), an arcade, a through building connection and an atrium;
- ***sleeve*** means to position active uses between large floorplate tenancies, car park or service areas and the public realm.