

19/01/2006
VC37

SCHEDULE 1 TO THE COMPREHENSIVE DEVELOPMENT ZONE

Shown on the planning scheme map as **CDZ1**

WATERFORD GREEN RESIDENTIAL AREA

The Riverside Physical Framework Plan No 2 (1992) is the comprehensive plan for this land.

Land

This schedule applies to residential development in part of the area covered by the Riverside Physical Framework Plan No. 2, north of Wests Road and adjacent to the Maribyrnong River.

Purpose

To encourage residential development on land adjacent to the Maribyrnong River.

To provide for a variety of residential densities and dwelling types.

To encourage a high standard of urban design.

To encourage a high standard of landscape treatment for open space areas.

To ensure that the siting or appearance of buildings or works along the river is compatible with the character of the river valley.

To ensure that if land is used for multi-dwelling development, adequate provision is made for daylight, privacy and landscaping and that the amenity of adjoining land is not impaired.

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Table of uses

Section 1 - Permit not required

USE	CONDITION
Dwelling	Must be shown on an approved development plan.
Dependent persons unit	
Home occupation	
Informal outdoor recreation	
Mineral exploration	
Mining	Must meet the conditions of Clause 52.08
Natural systems	

USE	CONDITION
Place of Worship	<p>Must not include social or recreation activities. The gross floor area of all buildings must not exceed 180 m².</p> <p>The site must not exceed 1200 m².</p> <p>The site must adjoin or have access to a Road Zone Category 1 or Road Zone Category 2</p>
Railway	
Road	
Search for stone	Must not be costeaning or bulk sampling.
Tramway	

Section 2 - Permit required

USE	CONDITION
Accommodation (other than dwelling, dependent persons unit, corrective institution)	
Car park	Must be in conjunction with another use in Section 1 or 2
Convenience Shop	
Convenience restaurant	Must adjoin, or have access to, land in a Road Zone
Display Home	
Medical Centre	
Mineral stone or soil extraction (other than extractive industry, mineral exploration, mining and search for stone)	
Minor sports and recreation facility (other than informal outdoor recreation or outdoor recreation facility)	
Minor utility installation	
Place of assembly (other than place of worship, amusement parlour, cinema and nightclub).	
Take-away food premises	Site must adjoin or have access to a Road Zone
Any use not in sections 1 and 3	

Section 3 - Prohibited

USE

Adult Sex Bookshop

Amusement Parlour

Animal Husbandry

Brothel

Cemetery

Cinema

Cinema based entertainment facility

Corrective Institution

Crematorium

Extractive industry

Film Studio

Funeral Parlour

Hospital

Industry

Leisure and recreation (other than informal outdoor recreation and minor sports and recreation facility).

Nightclub

Office (other than medical centre)

Radio station

Research centre

Retail premises (other than convenience shop and food and drink premises)

Saleyard

Service station

Warehouse

Transport terminal

Utility Installation (other than Minor Utility Installation)

Warehouse

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Use of land

Exemption from notice and appeal

An application to use land, which is generally consistent with a development plan to the satisfaction of the responsible authority, 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 appeal rights of Section 82(1) of the Act.

3.019/01/2006
VC37**Subdivision****Exemption from notice and appeal**

An application to subdivide land, which is generally consistent with a development plan to the satisfaction of the responsible authority, 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 appeal rights of Section 82(1) of the Act.

4.019/01/2006
VC37**Buildings and works**

A permit is not required to construct a building or to carry out works provided the construction or works is generally consistent with a development plan to the satisfaction of the responsible authority.

A permit is not required to demolish existing structures and associated site preparation works and decontamination and rehabilitation works including construction of fences, accessways and earthworks.

5.019/01/2006
VC37**Traffic Agreement**

Prior to the commencement of any development or any stage of development the owner of the land in the zone may (or must, if the responsible authority so requires) enter into an agreement or agreements with the responsible authority and the relevant road authority under Section 173 of the Planning and Environment Act, 1987.

The agreement may (or must, if the responsible authority so requires) include the following:

- Details of traffic management, traffic control works and road works considered necessary in the zone when the development or any stage is completed, including the vehicular, bicycle and pedestrian requirements necessary to the use of buildings and works in the zone.
- Details of traffic management, traffic control works and road works considered necessary in adjoining and nearby roads when the development or any stage is completed, including intersection treatment and signalisation of declared roads in conjunction with the relevant road authority, and traffic management procedures and strategies to discourage non-local traffic from passing into or through the local street network.
- The scope, staging and timing of works.
- The standard of construction of works.
- The contribution by the owner and any other parties or relevant authorities to the cost of works made necessary by the development.
- The additional contribution by the owner and any other parties or relevant authorities to the cost of works and other traffic management or control measures in the road network, having regard to the overall development of the site and other major development in the area.
- The timing, method and security for payment of any contribution.

This requirement does not apply to any land added to the Physical Framework Plan No. 1 after 1 January 1997.

6.019/01/2006
VC37**Open space agreement and management plan**

Prior to the commencement of any development or any stage of development the owner of the land in the zone must enter into an agreement with the responsible authority and Melbourne Parks and Waterways under Section 173 of the Planning and Environment Act 1987 for the provision of open space in accordance with the primary development plan including the transfer of public open space to the relevant authority at no cost, and arrangements with respect to associated works and on-going maintenance of open space and the preparation of an open space management plan for controlling and maintaining open space and any water bodies, to the satisfaction of the responsible authority.

The Management Plan for controlling and maintaining open space including water bodies must be to the satisfaction of Melbourne Parks and Waterways and must:

- Show areas of open space including water bodies that will be available on an unrestricted or restricted basis.
- Set out proposals for establishment, maintenance and management of open space areas.
- Set out proposals for establishment, maintenance and management of water bodies by Melbourne Parks and Waterways or otherwise.
- Set out proposals for the maintenance of water quality within water bodies within and adjacent to the zone.
- Include a landscape plan for all open space areas.
- If the land is to be developed in stages, show the area that will be available as open space including water bodies at the completion of each stage.
- If appropriate show how open space areas including water bodies will integrate with the Public Park and Recreation Zone along the western bank of the Maribyrnong River in consultation with Melbourne Parks and Waterways and to the satisfaction of the responsible authority.

This requirement does not apply to any land added to the Physical Framework Plan No. 1 after 1 January 1997.

7.019/01/2006
VC37**Primary development plan**

No buildings or works may be constructed and land must not be subdivided until a primary development plan of the overall development of the whole of the land comprised in the Riverside Physical Framework Plan No 2 has been prepared to the satisfaction of the responsible authority.

Except with a permit the primary development plan must be generally in accordance with the Riverside Physical Framework Plan No 2 and must show:

- The subdivision of the land into primary lots.
- The location of all vehicle and pedestrian ways.
- The provision of open space areas generally in accordance with the Riverside Physical Framework Plan No 2.
- The maximum total floor area of each such use within the area comprised by the plan.
- The provision for major physical infrastructure to accommodate the subdivision including provision of water, sewerage, drainage, electricity, gas and telecommunications services.
- Necessary traffic management, traffic control and road works in the neighbourhood to the satisfaction of the relevant road authority.
- The provision of flood mitigation works to the satisfaction of Melbourne Water.

8.019/01/2006
VC37**Further development plan**

In respect of any primary lot or part of the land no buildings or works may be constructed until a further development plan of the overall use and development of the land or relevant stages thereof is prepared to the satisfaction of the responsible authority.

Except with a permit any further development plan must be generally in accordance with the Riverside Physical Framework Plan No 2 and any relevant primary development plan and must show:

- The subdivision of the land.
- Each lot proposed to be used for more than one dwelling.
- Proposed building envelope for each lot indicating:
 - height of the building envelope; and
 - setbacks from front and side boundaries.
- The location of all vehicle and pedestrian ways.
- The location of car parking areas.
- The location of all open space, including areas available to the public.
- Proposed landscaping and a Management Plan for controlling and maintaining open space including water bodies available to the public.
- The provision for major physical infrastructure to accommodate the subdivision including provision of water, sewerage, drainage, electricity, gas and telecommunications services.
- Necessary traffic management, traffic control and road works in the neighbourhood to the satisfaction of the relevant road authority.
- The provision of flood mitigation works to the satisfaction of Melbourne Water.
- Details of fill, its placement and compaction on the flood plain.
- The stages, if any, in which the land is to be developed.

All buildings and works, open space and landscaping and use of land must be in accordance with the primary development plan and any further development plan.

9.019/01/2006
VC37**Consideration of Development Plans**

The responsible authority may consider a development plan for any stage of the proposed subdivision or development.

At the request or with the consent of the owner, the primary development plan or any further development plan may be amended to the satisfaction of the responsible authority.

The responsible authority must not decide that a relevant development plan is satisfactory, or can be amended, until it is satisfied such plan is consistent with any relevant agreement under Section 173 of the Planning and Environment Act 1987.

10.019/01/2006
VC37**Multi-dwellings**

On land used for more than one dwelling no buildings or works may be constructed until a plan of the overall use and development of the land is prepared to the satisfaction of the responsible authority.

Except with a permit the development plan must be generally in accordance with the Riverside Physical Framework Plan No 2 and any relevant primary development plan or other relevant development plan and must show:

- Location, height, dimensions, floor area and elevations of all buildings and works to the satisfaction of the responsible authority.
- Proposed use of each building.
- Location of any proposed public open space or communal space or facilities.
- The private open space for each dwelling.
- Location of all vehicle and pedestrian access ways.
- Location and layout of all car parking areas and access to and from them.
- Landscaping proposed with the development.
- The stages, if any, in which the land is to be developed.
- All buildings and works, open space and landscaping and use of land must be in accordance with the development plan.
- The responsible authority may consider a development plan for any stage of the proposed development.
- At the request or with the consent of the owner, the development plan may be amended to the satisfaction of the responsible authority.

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Development density

Except with a permit the use of land for a dwelling must meet the density requirement for the residential area in the following table. The minimum density in the zone must not be less than 15 dwellings per hectare.

The residential areas are shown on the Riverside Physical Framework Plan No 2.

Residential area	Minimum density Dwellings per hectare	Maximum density Dwellings per hectare
Low Density Residential	15	20
Medium Density Residential	30	40
High Density Residential	60	80

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Height

Except with a permit building or works must not exceed the height specified for the residential area in the following table. The residential areas are shown on the Riverside Physical Framework Plan No 2.

Residential area	Number of storeys
Low Density Residential	2
Medium Density Residential	3
High Density Residential	4

13.019/01/2006
VC37**Decision guidelines**

Before deciding whether a permit should be granted and when deciding whether the development plan is satisfactory, or can be amended, the responsible authority must consider:

- The purpose of this schedule.
- The Riverside Physical Framework Plan No 2.
- Any approved development plan.
- In respect to residential subdivision, Clause 56.
- In respect to single dwellings, Clause 54 and in respect to multi-dwellings, Clause 55.
- The impact of traffic generated by the proposal and whether it is likely to require special traffic management or control works in the neighbourhood.
- The impact of the proposed development when viewed from the Maribyrnong River and its immediate environs.
- The design of the proposed buildings, their relationship to the streetscape and surrounding development and uses.
- If the site is used for a flat or residential building, the provision of adequate daylight and privacy for each habitable room and sufficient open area for the amenity and recreation needs of the occupants.
- The provision for vehicular and pedestrian access to the land.
- The views of the relevant road authority on the impact of the proposal on the surrounding declared roads.
- The terms of any agreement pursuant to Section 173 of the Planning and Environment Act 1987 affecting the land the subject of approval.