

05/06/2014
GC6

SCHEDULE 3 TO THE COMPREHENSIVE DEVELOPMENT ZONE

Shown on the planning scheme map as **CDZ3**.

FOOTSCRAY LAND, GORDON STREET

The Riverside Physical Framework Plan No 1 (1992) is the incorporated plan for this land.

Land

This schedule applies to all land in the Riverside Physical Framework Plan No.1 currently zoned Comprehensive Development Zone Schedule 3.

Purpose

To encourage redevelopment of land located on the east side of Gordon Street, City of Maribyrnong in a comprehensive manner for a mixture of residential, commercial, office, light industrial, entertainment, community, residential and ancillary uses.

To encourage employment opportunities.

To provide for limited retail activities to meet the requirements of the population of the local neighbourhood.

To ensure that the combination of uses, their density and the scale and character of any redevelopment are compatible with:

The amenity of the surrounding area and the existing and future residential density.

The capacity of the existing road system and any proposed modifications to accommodate an increase in vehicle traffic.

The capacity of existing essential services and any proposed modifications.

To encourage the adaptation and re-use of existing buildings especially in the areas marked Building Re-Use on the Riverside Physical Framework Plan No 1.

To encourage a high standard of urban design and landscape treatment especially along Gordon Street.

To encourage high quality development that enhances the prominent riverside location and capitalises on the views to the city skyline and along the Maribyrnong River valley.

To ensure that land is developed in an orderly manner.

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 landscape treatment for open space areas.

To ensure that development along the Maribyrnong River does not adversely affect drainage or flooding.

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 the appearance of development on the escarpment and or adjacent to any water bodies does not adversely affect the amenity of the area.

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
Bank	Must be in a mixed use area shown on an approved development plan
Dependent persons unit	
Dwelling	Any frontage at ground floor level must not exceed 2 metres in a mixed use area shown on an approved development plan
Education centre	
Electoral office	Must be in a mixed use area shown on an approved development plan
Food and drink premises	
Function centre	
Home occupation	
Informal outdoor recreation	
Industry (other than Materials recycling, Refuse disposal, Rural industry and Transfer station)	<p>Must be in a mixed use area shown on an approved development plan</p> <p>Must not be a purpose listed under clause 52.10</p> <p>Must not adversely affect the amenity of the neighbourhood, including through:</p> <ul style="list-style-type: none"> ▪ The transport of materials or goods to or from the land. ▪ The appearance of any stored materials or goods. ▪ Traffic generated by the use. ▪ Emissions from the land.
Medical centre	Must be in a mixed use area shown on an approved development plan
Office (other than Bank, Electoral office, Medical centre, Real estate agency, Travel agency)	Must be in a mixed use area shown on an approved development plan
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	
Real estate agency	Must be in a mixed use area shown on an approved development plan
Research centre	
Residential hotel (other than Motel)	
Tramway	

Use	Condition
Shop (other than Adult sex bookshop and Restricted retail premises)	Must be in a mixed use area shown on an approved development plan.
Travel agency	Must be in a mixed use area shown on an approved development plan.
Warehouse (other than Fuel depot, Milk depot)	<p>Must be in a mixed use area shown on an approved development plan</p> <p>Must not adversely affect the amenity of the neighbourhood, including through:</p> <ul style="list-style-type: none"> ▪ The transport of materials or goods to or from the land. ▪ The appearance of any stored materials or goods. ▪ Traffic generated by the use. ▪ Emissions from the land.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Accommodation (other than Residential hotel, Corrective institution and Dwelling)	
Car park	Must be in conjunction with another use in Section 1 or 2
Convenience restaurant	Must adjoin, or have access to , land in a Road Zone
Convenience shop	
Display home	
Education centre	
Food and drink premises (other than Convenience restaurant and Take away food premises)	Must be in a mixed use area shown on an approved development plan
Industry (other than Materials recycling, Refuse disposal, Transfer station, Rural industry, Car wash, Panel beating) if the Section 1 condition is not met.	<p>Must be in a mixed use area shown on an approved development plan</p> <p>Must not be a purpose listed under Clause 52.10</p>
Minor sports and recreation facility (other than Informal outdoor recreation or Outdoor recreation facility)	
Minor utility installation	
Office (other than Bank, Electoral office, Medical centre, Real estate agency, Travel agency) - if the Section 1 condition is not met.	Must be in a mixed use area shown on an approved development plan
Place of assembly (other than Place of worship, Amusement parlour, Function centre and Nightclub)	
Retail premises (other than Adult sex bookshop, Food and drink premises,	Must be in a mixed use area shown on an approved development plan

Use	Condition
Motor vehicle, boat or caravan sales, and Shop)	
Shop (other than Adult sex bookshop, Convenience shop and Restricted retail premises) - if the Section 1 condition is not met	Must be in a mixed use area shown on an approved development plan
Take away food premises	Must adjoin or have access to land in a Road Zone

Section 3 – Prohibited

Use
Adult sex bookshop
Amusement parlour
Animal husbandry
Brothel
Cabaret
Cemetery
Corrective institution
Crematorium
Film studio
Funeral parlour
Fuel depot
Hospital
Leisure and recreation (other than informal outdoor recreation and minor sports and recreation facility)
Materials recycling
Milk depot
Motor racing track
Motor vehicle, boat or caravan sales
Nightclub
Panel beating
Refuse disposal
Road freight terminal
Rural industry
Saleyard
Timber Yard
Transfer station
Utility installation (other than minor utility installation)

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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.

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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.

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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.

5.0

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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.

6.0**Open space agreement and management plan**19/01/2006
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Prior to the commencement of any development or any stage of development shown on a development plan as residential 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.
- Set out a conservation management plan for the conservation area shown on the Riverside Physical Framework Plan No. 1.

7.0**Landfill Agreement**19/01/2006
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Prior to the use or development of the landscaped landfill as shown on the Riverside Physical Framework Plan No 1 the owner of such land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with the responsible authority and Melbourne Parks and Waterways and to the satisfaction of the Environment Protection Authority Victoria with respect to the design, construction, monitoring, maintenance and repair, responsibility for public liability, off-site effects and future remediation (if any) of the said landfill, all to the satisfaction of the Responsible Authority.

Such agreement must be supported by collateral arrangements with the Commonwealth of Australia, or other guarantee, to the satisfaction of the Minister for Planning.

8.0**Primary development plan**19/01/2006
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No buildings or works may be constructed until a primary development plan of the overall development of the whole of the land comprised in the Riverside Physical Framework Plan No 1 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 1 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 1.
- 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.

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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 1 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 residential lot indicating;
 - height of the building envelope
 - setbacks from front and side boundaries.
- The location of all vehicle and pedestrian ways.
- In mixed use areas;
 - The location, height, dimensions, floor area and elevations of all proposed buildings and works to the satisfaction of the responsible authority
 - The proposed use of each building
 - A travel demand management strategy proposed with respect to such uses.
- The location of car parking areas and access to and from them.
- 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.

10.0 Consideration of Development Plans

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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.

11.0 Multi-dwellings

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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 1 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.

12.0 Height

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Except with a permit on land shown within a mixed use area on an approved development plan building or works must not exceed 3 storeys above ground level.

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 1.

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

13.0 Development density

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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 1.

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

14.0 Plot ratio

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Except with a permit on land shown within a mixed use area on an approved development plan a building must not be constructed to exceed a plot ratio of 1.5.

15.0 Jack’s Magazine

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Before Jack's Magazine, being the area identified as such on the Riverside Physical Framework Plan No 1, Gordon Street, Maidstone is used or developed for any purpose the owner of the land must prepare a management plan to the satisfaction of the responsible authority. The plan must:

- Set out proposals for the permanent management and upkeep of the site.
- Show the land and buildings available to the public and their usage.
- Show the landscape and conservation treatment of all open space areas including the community tough psoralea.
- Specify times when public areas will be available to public and how it is intended to ensure that they will be available at those times.
- The use and development of jack's magazine must be in accordance with the management plan.

At the request or with the consent of the owner, the management plan may be amended to the satisfaction of the responsible authority.

Notwithstanding any other provisions, no buildings or works shall be demolished, removed or altered in any way except in accordance with a permit.

16.0 Additional decision guidelines

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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 the zone.
- The Riverside Physical Framework Plan No 1.
- 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.

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Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 1.