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C307yara**SCHEDULE 1 TO CLAUSE 37.02 COMPREHENSIVE DEVELOPMENT ZONE**

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

VICTORIA GARDENS COMPREHENSIVE DEVELOPMENT PLAN**Land**

This schedule applies to land generally bounded by Victoria Street, Burnley Street, the Yarra River and Doonside Street, Richmond, as shown on the Victoria Gardens Comprehensive Development Plan 2022 ('CDP').

Purpose

- To ensure that development on the site will be of a high standard of urban design, will complement and enhance the Yarra River environment, and provide for greater public access, in particular for pedestrians and cyclists, to and along the Yarra River bank.
- To ensure that the combination of uses (office, retail, entertainment, residential, commercial and ancillary uses), their overall density and the scale, character and level of redevelopment are compatible with:
 - The nature of the surrounding uses.
 - The visible skyline as seen from and along the Yarra River and the River's general environs, and views along Victoria Street and Barkers Road.
 - The capacity of the existing road system and any proposed modifications to accommodate any increase in traffic.
 - The capacity of existing essential services and proposed modifications.
- To encourage the provision of active frontages to streetscapes and high quality interfaces with the public realm and internal pedestrian interfaces which improve pedestrian amenity and safety and enhance connectivity within and to surrounding development.
- To ensure new development does not unreasonably impact on the amenity of adjoining land as a result of overshadowing, wind, drainage or flooding.

1.0**Table of uses**DRAFT
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Use	Condition
Amusement parlour	Floor area not to exceed 800m ² . Must not be located in Precincts 1 or 2.
Art gallery	
Bank	
Bed and breakfast	No more than 5 persons may be accommodated away from their normal place of residence. At least two car parking spaces must be provided. Any bed and breakfast sign must not exceed 0.2 square metre.
Betting agency	
Child Care Centre	
Cinema	Not more than 2,400 seats. Must not be located in Precinct 1 or 2.

Dwelling (other than Bed and Breakfast and Caretaker's house)	
Electoral office	
Food and drink premises (other than Bar and Hotel)	Must not be located in Precinct 2.
Home based business	
Informal outdoor recreation	
Medical centre	
Minor utility installation	
Motor repairs	Must be located in Precinct 3.
Office	Must not be located in Precinct 2.
Place of assembly (other than Amusement parlour, Art gallery, Cinema and Place of worship)	Must not be located in Precinct 1 or 2.
Postal agency	
Residential hotel	
Restricted retail premises	
Shop (other than Adult sex bookshop, Convenience shop, and Trade supplies)	Must not be located in Precinct 1 or 2.
Trade supplies (other Timber yard)	
Warehouse	Must be located in Precinct 3 Must not be a purpose listed in the table to Clause 53.10
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Convenience shop	Must be located in Precincts 1 or 2.
Hospital	Must not be located in Precinct 2.
Industry (Other Than Motor Repairs And Refuse Disposal)	Any industry with a purpose shown with a Note 1 or 2 in the table to Clause 53.10 must be located in Precinct 3.
Vehicle Store	Must be located in Precinct 3.
Veterinary centre	Must not be located in Precinct 2.
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use

Animal husbandry
 Brothel
 Cemetery
 Corrective institution
 Crematorium
 Extractive industry
 Freezing and cool storage
 Fuel depot
 Milk depot
 Motor racing track
 Race course
 Racing dog training
 Refuse disposal
 Saleyard
 Timber yard
 Utility installation (other than a Minor utility installation)

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Use of land

Requirements

Use of land must be generally in accordance with the Victoria Gardens Comprehensive Development Plan 2022.

Any requirement of the Victoria Gardens Comprehensive Development Plan 2022 must be met. A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.

Application Requirements

The following application requirements apply to an application for a permit in addition to those specified in Clause 37.02-2 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A description of the use, including the types of activities which will be carried out, and the likely number of employees.
- A description of the likely effects of the use on the local and regional traffic network and the following matters:
 - The works, services or facilities required to cater for those effects so that the efficiency and safety of the traffic network is maintained.
 - The proposed method of funding the required works, service or facilities.
- A description of the likely effects, if any, of the use on the neighbourhood, including noise levels, air-borne emissions and emissions to land and water, rubbish removal and storage, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare.
- Plans drawn to scale which show:
 - The boundaries and dimensions of the site.
 - Detailed land use

- Details of how the use addresses the objectives and requirements of the Victoria Gardens Comprehensive Development Plan 2022.

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 if it is generally in accordance with the Victoria Gardens Comprehensive Development Plan 2022.

Decision Guidelines

The following decision guidelines apply to an application for a permit in addition to those specified in Clause 37.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The Victoria Gardens Comprehensive Development Plan 2022.

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Subdivision

Requirements

A permit for the subdivision of the land must be generally in accordance with the Victoria Gardens Comprehensive Development Plan 2022.

Any requirement of the Victoria Gardens Comprehensive Development Plan 2022 must be met.

Application Requirements

None specified.

Exemption from notice and review

An application for the subdivision of land under Clause 37.02, Clause 44.04, Clause 42.03, Clause 43.02 and Clause 43.01 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, in addition to those specified in Clause 37.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The Victoria Gardens Comprehensive Development Plan 2022.
- The location and function of public reserves, road reserves and other areas that are accessible to members of the public.
- How any proposed public roads integrate with the surrounding road network.
- The effect of the subdivision on the redevelopment of the area in the long term.

4.0 Buildings and works

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Requirement

No permit is required to construct a building or construct or carry out works done in accordance with a development plan prepared to the satisfaction of the responsible authority.

A permit for buildings and works must be generally in accordance with the Victoria Gardens Comprehensive Development Plan 2022.

Any requirement in the Victoria Gardens Comprehensive Development Plan 2022 must be met.

A permit for buildings and works within the Doonside Precinct, as identified in Figure 2 of the Victoria Gardens Comprehensive Development Plan, must include the following conditions:

Requirements for a Section 173 Agreement – Transport Plan

Prior to the commencement of the development, an agreement with the Head, Transport for Victoria and the responsible authority under section 173 of the *Planning and Environment Act* 1987 for the provision of works which are identified in the Transport Plan prepared and approved in accordance with this schedule. The landowner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including reasonable costs borne by the responsible authority. The works may include but are not limited to:

- Mitigating works required for each development stage in the development plan; and
- A two way or a four way signalised intersection between Burnley Street/Doonside Street/Buckingham Street if required, approved by VicRoads in consultation with the responsible authority.

Requirements for a Section 173 Agreement – Affordable Housing (Doonside Precinct Only)

1. Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), the owner of the land (or another person anticipated to become the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act* 1987 (the Agreement) to provide for the delivery of affordable housing (the Affordable Housing Contribution).

The Agreement must include terms that provide for the manner in which the Affordable Housing Contribution is to be made, including when and how the contribution is to be made.

The Agreement must specify that the Affordable Housing Contribution will be delivered by one or a combination of the following methods, all to the satisfaction of Responsible Authority:

- a. Sale of not less than ten per cent of the total number of approved dwellings at a discount to market value of not less than 20 per cent:
 - i. to a Registered Housing Agency; or
 - ii. to Eligible Households in accordance with an Affordable Housing Management Plan approved pursuant to condition 3 below; or
- b. Lease of not less than ten per cent of the total number of approved dwellings at a discount to market value of not less than 30 per cent, for not less than 12 years from the occupation of the dwellings:
 - i. to a Registered Housing Agency; or

- ii. to Eligible Households in accordance with an Affordable Housing Management Plan approved pursuant to condition 3 below; or
- c. An alternative delivery method providing that it demonstrates the total dollar value of the Affordable Housing Contribution is equivalent to not less than two per cent of the total market value of the total number of approved dwellings, to the satisfaction of the Responsible Authority.

For the purpose of the above requirements and Agreement:

- ‘Eligible Household’ means a household that meets the threshold for a very low income household, low-income household or moderate income household, consistent with Section 3AB of the Planning and Environment Act 1987.
 - ‘Affordable Housing’ has the same meaning as any definition of that phrase contained within the Planning and Environment Act 1987.
 - ‘Market Value’ means the value of a Dwelling as determined by an independent qualified Valuer.
2. Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), the owner of the land must:
- a. do all things necessary to enable the Responsible Authority to register the Agreement with the Registrar of Titles in accordance with section 181 of the Planning and Environment Act 1987; and
 - b. pay to the Responsible Authority its reasonable costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the Agreement on the certificate of title to the land.

Affordable Housing Management Plan (Doonside Precinct Only)

3. Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), an Affordable Housing Management Plan (the Plan) must be submitted to and approved by the Responsible Authority. When approved, the Plan will form part of this permit. The Plan must include the following detail, all to the satisfaction of the Responsible Authority:
- a. Delivery of the Affordable Housing managed, leased and sold in accordance with permit condition 1 through an appropriately monitored management arrangement;
 - b. A framework for regular reporting to the Responsible Authority (for example biannually) to demonstrate ongoing compliance with the approved Plan;
 - c. Detail of all dwellings leased by the landowner as affordable housing, including the quantity and type of dwellings (e.g. 1 bedroom or studio), including details of any changes to the pool of leased dwellings;
 - d. Detail on the annual cost of rent for each dwelling and a demonstration that the rental rate is consistent with the prescribed income ranges declared under Section 3AB of the Planning and Environment Act 1987;
 - e. Any other details reasonably required to demonstrate compliance with any Section 173 Agreement applying to the land that relates to affordable housing.

This requirement does not apply to affordable housing sold or leased to a Registered Housing Agency in accordance with condition 1.

A permit for buildings and works in Lot 9, as identified in Figure 2 of the Victoria Gardens Comprehensive Development Plan 2022, must include the following condition:

Requirements for a Section 173 Agreement – Affordable Housing (Lot 9 Only)

1. Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), the owner of the land (or another person anticipated to become the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (the Agreement) to provide for the delivery of affordable housing (the Affordable Housing Contribution).

The agreement must include terms that provide for the manner in which the Affordable Housing Contribution is to be made, including when and how the contribution is to be made.

The Agreement must, subject to the limitation set out in clause 1d) in respect to Lot 9, specify that the Affordable Housing Contribution will be delivered by one or a combination of the following methods, all to the satisfaction of Responsible Authority:

- a. Sale of not less than ten per cent of the total number of approved dwellings at a discount to market value of not less than 20 per cent:
 - i. To a Registered Housing Agency; or
 - ii. to Eligible Households in accordance with an Affordable Housing Management Plan approved pursuant to condition 3 below; or
- b. Lease of not less than ten per cent of the total number of approved dwellings at a discount to market value of not less than 30 per cent, for not less than 12 years from the occupation of the dwellings:
 - i. To a Registered Housing Agency; or
 - ii. To Eligible Households in accordance with an Affordable Housing Management Plan approved pursuant to condition 3 below; or
- c. Any alternative delivery method providing that it demonstrates the total dollar value of the Affordable Housing Contribution is equivalent to not less than two per cent of the total market value of the total number of approved dwellings, to the satisfaction of the responsible Authority.
- d. In respect to Lot 9, the requirement for an Affordable Housing Contribution is only triggered on approval of building height on Lot 9 of above RL 38.

For the purpose of the Agreement:

- ‘Eligible Household’ means a household that meets the threshold for a very low income household, low-income household or moderate income household, consistent with Section 3AB of the *Planning and Environment Act 1987*.
- ‘Affordable Housing’ has the same meaning as any definition of that phrase contained within the *Planning and Environment Act 1987*.
- ‘Market Value’ means the value of a Dwelling as determined by an independent, qualified Valuer.

2. Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), the owner of the land must:

- a. do all things necessary to enable the Responsible Authority to register the agreement with the Registrar of Titles in accordance with section 181 of the Planning and Environment Act 1987; and
- b. pay to the Responsible Authority its reasonable costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the agreement on the certificate of title to the land.

Affordable Housing Management Plan (Lot 9 Only)

3. Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), an Affordable Housing Management Plan (the Plan) must be submitted to and approved by the Responsible Authority. When approved, the plan will form part of this permit. The plan must include the following detail, all to the satisfaction of the Responsible Authority:
 - a. Delivery of the Affordable Housing managed, leased and sold in accordance with permit condition 1 through an appropriately monitored management arrangement;
 - b. A framework for regular reporting to the Responsible Authority (for example biannually) to demonstrate ongoing compliance with the approved Plan;
 - c. Detail of all dwellings leased by the landowner as affordable housing, including the quantity and type of dwellings (e.g. 1 bedroom or studio), including details of any changes to the pool of leased dwellings;
 - d. Detail on the annual cost of rent for each dwelling and a demonstration that the rental rate is consistent with the prescribed income ranges declared under Section 3AB of the Planning and Environment Act 1987;
 - e. Any other details required to demonstrate compliance with any Section 173 Agreement applying to the land that relates to affordable housing.

This requirement does not apply to affordable housing sold or leased to a Registered Housing Agency in accordance with condition 1.

The requirements of this schedule do not apply to:

- An application to prepare a development plan (including an application to amend an approved development plan) made before the approval date of Amendment C307yara. For such applications, the requirements of this planning scheme continue to apply as they were in force immediately before the approval date of Amendment C307yara.
- An application to amend an approved development plan made after the approval date of Amendment C307yara, unless the amendment would create or increase any non-compliance with the requirements of the planning scheme as they were in force immediately before the approval date of Amendment C307yara. For such applications, the requirements of this planning scheme continue to apply as they were in force immediately before the approval date of Amendment C307yara.

Application Requirements

The following application requirements apply to an application in addition to those specified in Clause 37.02-4 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority.

General

Plans which demonstrate as appropriate:

- The location, height, dimensions and floor area of all buildings and works.
- The proposed uses of each building.
- The location of all vehicle, bicycle and pedestrian ways.
- The location and layout of, and access to, all car parking areas.
- The location of all open space, including areas available to the public.
- Landscaping in accordance with this Schedule.
- The location of any pedestrian or bicycle link to the Yarra River to be provided.
- The colours and details of material to be used for external walls.
- The integrated development of the cinema and retail floorspace.
- The integrated development of retail, office or residential development with activated ground level street frontages and provision for passive surveillance from upper levels.
- The location of and access to public transport and passenger facilities.
- Provision for and access to loading and unloading facilities of vehicles.
- Details of waste collection, storage and removal facilities and areas.

Pedestrian amenity and access plan

Where the application relates to development of the land for office or retail purposes a detailed pedestrian amenity and access plan, which demonstrates, as appropriate, how the development of the land will:

- Contribute to improving the amenity and public safety of pedestrian spaces and the public realm.
- Activate internal and external frontages.
- Improve pedestrian access to public transport facilities.
- Improve pedestrian permeability within the site, to the river environs and enhance connectivity to other redevelopment precincts surrounding Victoria Gardens

Landscape Plan

A detailed landscape plan to the satisfaction of the responsible authority, which shows as appropriate:

- The overall landscaping concept for the stage(s) of the development under consideration. The areas of open space that will be available to the public (public areas).
- A detailed planting schedule for the stage(s) under consideration.
- Details of on-going maintenance management for the proposed landscaping.
- If the land is to be developed in stages, show the area that will be available as open space at completion of each stage.
- Any landscaping proposed for streets, road reserves and public areas.
- The landscape treatment of the Victoria Street, Doonside Street and Burnley Street frontages of the land.

Transport plan

A transport plan, which shows as appropriate:

- Proposed traffic management and traffic control works considered necessary in adjoining and nearby roads when the development or any stage is completed.
- Means of vehicular ingress to and egress from the site.

- The arrangements for internal access and movement including details of internal access roads.
- The timing of the proposed traffic works relative to the staging of the development under the development plan.
- Preferred locations for loading and unloading facilities.
- The number, location and allocation of car parking spaces.
- Public transport arrangements and access routes and means of integration with public transport.
- Pedestrian access and movement network.
- Bicycle paths and their connection to the existing bicycle network.
- Proposed sustainable travel initiatives, including estimated mode share targets and actions to encourage use of public transport and non-motorised travel.

Decision Guidelines

The following decision guidelines apply to an application for a permit in addition to those specified in Clause 37.02-4 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

General

- The Victoria Gardens Comprehensive Development Plan 2022.
- Any views of the Head, Transport for Victoria.

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Signs

Sign requirements are at Clause 52.05. All land located within Precinct 1 and 3 of the Precincts and Envelopes Plan of the Victoria Gardens Comprehensive Development Plan 2022 are in category 1 of Clause 52.05. All other land is in Category 3 of Clause 52.05.