

19/06/2014  
C195**SCHEDULE 1 TO THE PRIORITY DEVELOPMENT ZONE**Shown on the planning scheme map as **PDZ1**.**FOUNTAIN GATE-NARRE WARREN CBD INCORPORATED PLAN****Land**

This schedule applies to the land in the Fountain Gate-Narre Warren CBD north of Princes Highway and west of Narre Warren North Road, as set out in the Precinct Plan (Figure 1) forming part of this schedule.

**1.0**06/02/2014  
C179**Objective**

- To implement the vision for the Fountain Gate-Narre Warren CBD Incorporated Plan (May 2013), which is an Incorporated Document under Clause 81.
- To recognise and give effect to the role of the Fountain Gate-Narre Warren CBD as a Principal Activity Centre under the Melbourne 2030 strategy.
- To encourage major retail, commercial, community, civic, residential and entertainment facilities to establish in the Fountain Gate-Narre Warren CBD.

**2.0**19/06/2014  
C195**Table of uses****Section 1 - Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Apiculture</b>	Must meet the requirements of the Apiary Code of Practice, May 1997.
<b>Betting agency</b>	
<b>Caretaker's house</b>	
<b>Carnival</b>	Must meet the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
<b>Child care centre</b>	Any frontage at ground floor level must not exceed 2 metres and access must not be shared with a dwelling (other than a caretaker's house).
<b>Cinema</b>	Must be in Precinct 1 or Precinct 3.
<b>Cinema based entertainment facility</b>	In Precinct 3 must be as part of a live theatre, performing arts centre or the like and with one screen only.
<b>Circus</b>	Must meet the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
<b>Dwelling (other than Bed and breakfast and Caretaker's house)</b>	Any frontage at ground floor level must not exceed 2 metres.
<b>Education centre</b>	Any frontage at ground floor level must not exceed 10 metres and access must not be shared with a dwelling (other than a caretaker's house).

Use	Condition
	Must not be a primary or secondary school.
<b>Electoral office</b>	May be used for only 4 months before an election and 2 weeks after an election.
<b>Food and drink premises (other than Hotel, Restaurant and Tavern)</b>	
<b>Home occupation</b>	
<b>Informal outdoor recreation</b>	
<b>Mineral exploration</b>	
<b>Mining</b>	Must meet the requirements of Clause 52.08-2.
<b>Minor utility installation</b>	
<b>Natural systems</b>	
<b>Office (other than Electoral office)</b>	Any frontage at ground floor level must not exceed 2 metres and access must not be shared with a dwelling (other than a caretaker's house), unless the office is a bank, real estate agency, travel agency, or any other office where the floor space adjoining the frontage is a customer service area accessible to the public.
<b>Postal agency</b>	
<b>Place of assembly</b>	Must be in Precinct 3.
<b>Railway</b>	
<b>Restaurant</b>	
<b>Road</b>	
<b>Search for stone</b>	Must not be costeaning or bulk sampling.
<b>Shop (other than Adult sex bookshop)</b>	
<b>Telecommunications facility</b>	Buildings and works must meet the requirements of Clause 52.19.
<b>Trade supplies</b>	Must not be in Precinct 3.
<b>Tramway</b>	

**Section 2 - Permit required**

Use	Condition
<b>Accommodation (other than Corrective institution and Dwelling)</b>	
<b>Adult sex bookshop</b>	Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.
<b>Agriculture (other than Apiculture, Intensive animal husbandry)</b>	
<b>Bed and breakfast</b>	
<b>Hotel</b>	

Use	Condition
Industry	Must not be a purpose listed in the table to Clause 52.10
Leisure and recreation facility (other than Informal outdoor recreation, Major sports and recreation facility, and Motor racing track)	
Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Search for stone)	
Retail premises (other than Betting agency, Food and drink premises, Postal agency and Shop)	
Tavern	
Utility installation (other than Minor utility installation and Telecommunications facility)	
Warehouse	Must not be a purpose listed in the table to Clause 52.10.
Any other use not in Section 1 or 3	

**Section 3 - Prohibited**

Use	Condition
Brothel	
Cinema Cinema based entertainment facility	If in Precinct 3 and the Section 1 condition relating to Precinct 3 is not met.
Corrective institution	
Extractive industry	
Intensive animal husbandry	
Major sports and recreation facility	
Motor racing track	

**3.0**

06/02/2014  
C179

**Precincts**

The purposes of the precincts, as shown on the Precinct Plan at Figure 1, are as follows:

**Precinct 1 – Retail Core**

- To recognise the precinct as the core retail area of the Fountain Gate-Narre Warren CBD.
- To provide for all forms of retail, entertainment, office, leisure, community and other associated activities.

**Precinct 2 – Urban Heart**

- To recognise that part of the precinct shown as ‘Retail Area’ in the Fountain Gate-Narre Warren CBD Incorporated Plan (May 2013) as the area where all forms of retail will be allowed if integrated with the Retail Core over time.

- To recognise that part of the precinct shown as ‘Mixed Use Area’ in the Fountain Gate-Narre Warren CBD Incorporated Plan (May 2013) as the area where mixed use will be encouraged, including retail, conference centre, residential, hotel, business and personal services, and civic uses including Brechin Gardens.
- To recognise that part of the precinct shown as ‘Webb Street North Area’ in the Fountain Gate-Narre Warren CBD Incorporated Plan (May 2013) as the area where mixed commercial and community activities will be encouraged, including offices and lower order retail.

### **Precinct 3 – Town Centre**

- To recognise the precinct as the mixed use precinct incorporating the civic and community heart of the Fountain Gate-Narre Warren CBD.
- To provide for all forms of civic and community uses, leisure, entertainment and recreation activities, offices, residential and retail that is not in the form of an internalised mall.

#### **4.0**

23/08/2007  
C68

#### **Use of land**

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; or,
- emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

#### **5.0**

06/02/2014  
C179

#### **Requirement before a permit is granted**

A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared for the precinct to the satisfaction of the responsible authority.

The development plan can be prepared either wholly or in part for one or more of the precincts identified in the Precinct Plan forming part of this schedule.

The development plan must be generally in accordance with the Fountain Gate-Narre Warren CBD Incorporated Plan (May 2013). A permit must be generally in accordance with the development plan.

The development plan may be amended at the request of, or with the consent of, the owner of the land to which the amendment relates, to the satisfaction of the responsible authority.

#### **6.0**

06/02/2014  
C179

#### **Minor buildings and works**

A permit may be granted for minor buildings and works before the approval of a development plan provided the strategic directions and planning principles of the Fountain Gate-Narre Warren CBD Incorporated Plan (May 2013) are not compromised.

A permit may be granted for minor buildings and works that are not generally in accordance with the approved development plan and/or the Fountain Gate-Narre Warren CBD Incorporated Plan (May 2013) provided the strategic directions and planning principles of the Fountain Gate-Narre Warren CBD Incorporated Plan (May 2013) are not compromised.

## 7.0 Exemption from notice and review

23/08/2007  
C68

An application under any provision of this scheme which is generally in accordance with the development plan 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.

## 8.0 Requirements for development plan

06/02/2014  
C179

The development plan must include, as appropriate:

- A statement that demonstrates that the development plan is generally in accordance with the Fountain Gate-Narre Warren CBD Incorporated Plan (May 2013) at Clause 81, specifically addressing the:
  - Precinct Guidelines;
  - Activity Guidelines;
  - Transport Guidelines;
  - Open Space & Pedestrian Network;
  - Streetscape Guidelines; and,
  - Urban Design Guidelines.
- A physical framework plan, at a scale of 1:1000, that identifies the main elements of the development plan and shows:
  - the relationship between activities, including the type and location of major and minor tenancies (e.g. discount department store, hotel, cinema, specialty shops, food court);
  - the location of the internal and external pedestrian system and public spaces, including the purpose of each space (e.g. play, social/family recreation, sport, isual amenity etc.) and the setting (e.g. paved area, open parkland etc.);
  - the location of active street frontage areas (an ‘active street frontage’ is defined as a frontage that provides access, egress and views to and from internal active areas so as to enhance the public realm and provide a sense of comfort and safety);
  - the road network and car parking system, including the cross-section of all roads;
  - a landscaping concept for the public realm that is consistent with the principles contained in the incorporated plan at Clause 81;
  - the location of public transport infrastructure and the identification of bus routes, both existing and proposed;
  - the general built form and massing; and,
  - an indication of how the activity system, pedestrian network, transport guidelines, open space network and urban design elements relate to adjacent areas outside the land covered by the development plan.
- A staging plan that shows the sequence of major development. This plan will be used to guide the distribution of floorspace for ‘retail premises’ within the precinct.
- An identification of existing and proposed floorspace, including floorspace used and proposed to be used for the purpose of ‘shop’.

Prior to approval or amendment (other than a minor amendment), the development plan must be displayed for at least 14 days, but no longer than 28 days. The responsible authority must take account of any public comments received in response to display of the development plan.

**9.0**06/02/2014  
C179**Application requirements**

All applications for the use and development of land must be accompanied by the following information, to the satisfaction of the responsible authority:

**Development report**

- A report that demonstrates that the proposal is generally in accordance with the development plan and the Fountain Gate-Narre Warren CBD Incorporated Plan (May 2013) at Clause 81, specifically addressing the:
  - Precinct Guidelines;
  - Activity Guidelines;
  - Transport Guidelines;
  - Open Space & Pedestrian Network;
  - Streetscape Guidelines; and,
  - Urban Design Guidelines.

**Buildings and works**

- Details of the location, height, dimensions, elevations, floor area and setbacks of all buildings and works.
- Details of the external finishes and design of all buildings and works, including the colours and details of materials to be used for external walls.
- The proposed uses within all buildings.
- The layout and treatment of all vehicle and pedestrian routes and access points to and from the land.
- Details of how active street frontages will be achieved.
- The location and layout of all car parking areas, including proposed disabled spaces and bicycle parking areas.
- The location of public transport facilities, access to them and passenger facilities.
- Details of site drainage, including the nature and location of litter retention systems and measures and trapping devices, and identification of the flows within the site estimated to occur as a result of a 1-in-100-year storm event.
- Provision for loading and unloading facilities of vehicles and means of access to them.
- Details of the location of waste collection, storage and removal facilities and areas.
- The stages, if any, in which the land is to be developed.
- Measures to facilitate accessibility to and within the site for the elderly and disabled.
- Measures for attenuating potential noise impacts on neighbouring areas, in particular any abutting residential areas.

**Traffic plan**

- A traffic plan that shows:
  - traffic management and control works in adjoining and nearby roads when the development or any stage of the development is completed;

- the means of vehicular ingress and egress to Princes Highway and/or Narre Warren North Road, where required by the use or development;
- the means of internal circulation, including details of any internal access roads;
- the timing of proposed traffic works relative to the staging of the development; and
- public transport arrangements and access routes.

### **Public transport plan**

- For proposals greater than 5,000 square metres of gross floor area, a public transport plan that demonstrates how the proposal seeks to enhance the opportunities for increased public transport usage, addressing:
  - any modifications or additions to infrastructure required for service provision;
  - pedestrian accessibility, including weather protection and safety measures; and,
  - commuter information.

### **Landscape plan**

- A landscape plan that shows, in relation to the proposed development:
  - the provision of appropriate landscape buffers, including fencing where the land directly abuts a residential area;
  - traffic management and control works in adjoining and nearby roads to be completed by the time the development or any stage of the development is completed;
  - where relevant, the landscape treatment of the Princes Highway frontage of the land;
  - the treatment of car parking areas, including any rooftop and decked parking areas;
  - the provision of any outdoor areas for use by staff and customers;
  - all other proposed landscaping on the land;
  - any landscaping proposed for streets, road reserves and public areas; and
  - a staging strategy for the implementation of landscape works, including a detailed planting schedule and an ongoing management strategy.
- The landscape plan must take into account the effects of shadowing on neighbouring areas.

The responsible authority may waive the need to provide any of the information detailed above that is not relevant to a particular application.

## **10.0**

23/08/2007  
C68

### **Permit conditions**

Any permit to construct a building or construct or carry out works must include, as appropriate, the following conditions:

### **Management plan**

- A management plan must be prepared to the satisfaction of the responsible authority. The plan must provide for:
  - the proposed hours of construction of buildings and works;

- measures to minimise and control noise from construction works;
- measures to minimise the impact of construction vehicles arriving at and departing from the land;
- measures to minimise the off-site effect of external lighting;
- measures to minimise the creation of conditions liable to be a nuisance;
- measures to minimise the impact upon local amenity of operations such as waste collection, vehicle loading and unloading times, management and maintenance of car parking areas, and collection and control of shopping trolleys (where relevant);
- the management and maintenance of existing landscaped areas;
- the operation of waste collection;
- litter management;
- measures to meet the needs of youth;
- measures to minimise anti-social behaviour; and,
- any other matters the responsible authority may reasonably require.

### **Maintenance**

- All buildings and works must be maintained in good order and appearance, to the satisfaction of the responsible authority.

## **11.0**

06/02/2014  
C179

### **Decision guidelines**

Before deciding on an application or approval of a plan or an amendment to a plan or permit, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The Fountain Gate-Narre Warren CBD Incorporated Plan (May 2013) at Clause 81.
- The effect that existing uses may have on the proposed use.
- The drainage of the land.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.
- The effect any subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- The design of buildings to provide for solar access.



- The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to a development of four or more storeys, excluding a basement.

**12.0**

06/02/2014  
C179

**Advertising signs**

The land in this zone is in Category 1.

**Figure 1: Precinct Plan**

