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SCHEDULE 3 TO THE COMPREHENSIVE DEVELOPMENT ZONE

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

ACLAND COURTYARD

Land

181-189 Barkly Street, St Kilda

Purpose

- To encourage a range of residential, retail and commercial uses which are complementary to the mixed use role and function of the Acland Street Neighbourhood Centre.
- To ensure the replacement of existing car parking and the provision of additional car parking for new development.
- To create and enhance pedestrian linkages between Acland Street and Barkly Street and other adjoining sites.
- To encourage active “people orientated” uses on ground floors at street frontages.
- To encourage a high standard of urban design and architecture having regard to the siting, appearance and character of buildings in the surrounding area.
- To maintain and enhance the historic Acland Market building.
- To ensure a high level of amenity is provided for dwellings within new development.

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Table of uses

Section 1 - Permit not required

USE	CONDITION
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997.
Bank	
Car Park	
Dwelling	
Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2.
Office	Must not be at ground floor level.
Restaurant	The maximum number of seats must not exceed 200.
Search for stone	Must not be costeaning or bulk sampling.
Shop (other than Adult Sex bookshop)	
Store	Must be in conjunction with a shop.

Section 2 - Permit required

USE	CONDITION
Place of Assembly	
Any other use not in Section 3	

Section 3 - Prohibited

USE
Adult sex bookshop
Boat sales or hire
Brothel
Caravan Park
Extractive Industry
Hospital
Manufacturing sales
Motor vehicle sales or hire
Occupational Store
Industry other than Laundromat
Service Station
Warehouse other than Store

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Use of land

Control of noise

Noise emanating from the site must be restricted to the levels specified in the State Environment Protection Policy No. N-1 (Control of Noise from Industry, Commerce and Trade) and State Environment Protection Policy No. N-2 (Control of Music Noise from Public Premises) or any other guidelines or policy prepared by the Environment Protection Authority, or any other relevant authority, relating to this site that may apply to uses allowed in this Zone.

Storage of Goods

No goods should be stored or left exposed outside the building so as to be visible from any public road, and goods should be stored in such a way so that no odour is emitted which causes offence to persons off the site.

Hours of operation of loading bay

The loading bay may be used 24 hours a day, seven days a week for a period of 12 months from the date of commencement of the use. At the expiry of that period, the loading bay may continue to be used 24 hours a day, seven days a week unless the responsible authority notifies the owner in writing that the use of the loading bay is adversely affecting the reasonable amenity expectations of nearby residents. In this circumstance, the responsible authority may limit the hours of operation to not less than 6.00 am to 12 midnight Monday to Saturday, and 8.00 am to 12 noon Sunday.

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Subdivision

Exemption

An application to subdivide land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Sections 64(1), (2) and (3) and the appeal rights of Section 82(1) of the Act if it is generally in accordance with the Comprehensive Development Plan.

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Buildings and works

Permit requirement

No permit is required for buildings and works provided that Development Plans are approved by the responsible authority which are generally in accordance with the Acland Courtyard Development Plan Incorporated Document.

The Development Plans must be submitted prior to the commencement of any buildings and works and must include the following information:

- The location and layout of rubbish bin storage and trade waste facilities
- A schedule of external materials, finishes, and colours
- The location of bicycle parking
- The location of all plant and equipment including ducts and flues
- Access to the building and circulation for ease of use by disabled persons
- A staging plan and/or schedule with dates for completion of each stage if the development is to be constructed in stages.

External lighting

All lighting used to externally illuminate buildings, works and uses must be fitted with cut-off luminaries (baffles) where appropriate to prevent the emission of direct light and indirect light onto adjoining properties to the satisfaction of the responsible authority.

Car parking

The car park shown in the Development Plans must be formed, constructed laid out, line marked and ventilated to the satisfaction of the responsible authority.

Plant and equipment

Plant and associated equipment and plumbing (excluding downpipes) must be concealed within the building envelope to the satisfaction of the responsible authority

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Agreements

Before any development, buildings, works or uses are commenced, the owner and/or applicant is required to enter into an agreement with the responsible authority pursuant to Section 173 of the Planning and Environment Act 1987. Such agreement is required to provide for the following matters to the satisfaction of the responsible authority:

- A two way right-of-way at the northern boundary of the site incorporating a widening of the existing right-of-way to a minimum width of 6 metres and rebuilding of the existing right-of-way (including drainage and subgrade) in part bluestone pavers and part bitumen.

- Lighting fixtures and connection (excluding electricity supply) to the right of way and all other frontages to the development. These fixtures and connections are to be of a type and standard which will enhance pedestrian safety around the development.
- Provision to the resurfacing of the footpath adjacent to the Barkly Street frontage of the site.
- Simultaneous development of 181 and 183-189 Barkly Street to ensure that the overall management of the vehicular and pedestrian access and circulation is substantially enhanced.
- The owner and/or applicant is required to bear all costs associated with preparation of this agreement and those costs associated with developing, implementing, obtaining any statutory approvals and completing the said works to the satisfaction of the responsible authority.

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Time limits

The use and development allowed in this schedule must commence within two years of Amendment L20 the Port Phillip Planning Scheme being gazetted and must be completed within three years of that date unless alternative dates have been agreed to by the responsible authority.

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Advertising signs

Advertising sign requirements are at Clause 52.05. This schedule is in Category 3.