

14/11/2016  
GC50

## SCHEDULE 1 TO THE CAPITAL CITY ZONE

Shown on the planning scheme map as **CCZ1**.

### Fishermans Bend Urban Renewal Area

#### Purpose

To use and develop the Fishermans Bend Urban Renewal Area generally in accordance with the Fishermans Bend Strategic Framework Plan, July 2014 (amended September 2016).

To provide for medium to high residential density and a variety of dwelling types which are well-located to services and public transport.

To provide for a range of residential, commercial, industrial, recreational, business and leisure uses within a mixed use environment.

To encourage employment uses and the continued operation of existing uses.

#### 1.0

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#### Table of uses

##### Section 1 - Permit not required

Use	Condition
<b>Any use permitted under the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975 or the Forest Act 1958.</b>	
<b>Accommodation</b>	Must meet the threshold distance from industrial and/or warehouse uses referred to in the table to Clause 52.10.
<b>Apiculture</b>	Must meet the requirements of the Apiary Code of Practice, May 1997.
<b>Child Care Centre</b>	Must meet the threshold distance from industrial and/or warehouse uses referred to in the table to Clause 52.10.
<b>Education Centre</b>	Must meet the threshold distance from industrial and/or warehouse uses referred to in the table to Clause 52.10.
<b>Office</b>	
<b>Railway station</b>	
<b>Retail premises (other than Adult sex bookshop, Hotel, and Tavern)</b>	
<b>Supermarket</b>	Must provide interface to the Civic Boulevard, Buckhurst Street or Lorimer Parkway, as defined in the Fishermans Bend Strategic Framework Plan, July 2014 (amended April 2015).
<b>Tramway</b>	
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01

## Section 2 - Permit required

Use	Condition
Adult sex bookshop	
Amusement parlour	
Car park	
Hotel	
Industry	
Leisure and recreation (other than Minor sport and recreation facility)	
Nightclub	
Tavern	
Utility installation (other than Minor utility installation)	
Warehouse	
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Any other use not in Section 1 or 3	

## Section 3 - Prohibited

Use
Nil

### Use of land

A permit granted must be generally in accordance with the incorporated Fishermans Bend Strategic Framework Plan, July 2014 (amended September 2016).

### Application requirements

Consideration of the environmental assessment requirement as outlined in Section 6.0 of this Schedule.

An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 is required, a licence under the *Dangerous Goods Act 1985* is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2000 is exceeded.
- The likely effects, if any, on the neighbourhood, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water.
  - Traffic, including the hours of delivery and despatch.
  - Light spill or glare.

An application to use land for any sensitive land use must be accompanied by the following information, as appropriate:

- A site plan that identifies the type and nature of the industrial/warehouse uses surrounding the site.
- An assessment of the impact of the proposed accommodation use on existing industry/warehouse uses.

### **Exemption from notice and review**

An application to use 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.

This exemption does not apply to an application to use land for a nightclub, tavern, brothel or adult sex bookshop.

### **Decision Guidelines**

Before deciding on a permit application for use the responsible authority must consider, as appropriate:

- ‘Section 2 – The Strategic Framework’ of the Fishermans Bend Strategic Framework Plan, July 2014 (amended September 2016).
- The existing and future use and amenity of the land and the locality.
- The continued operation of existing industrial premises in the locality.
- The existing and future use and amenity of the land and the locality.
- The provision of physical infrastructure and community services sufficient to meet the needs of the proposed use.
- If an industry or warehouse, the effect the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
- The effect that existing uses may have on the proposed use.

## **2.0**

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### **Subdivision**

A permit granted must be generally in accordance with the incorporated Fishermans Bend Strategic Framework Plan, July 2014 (amended September 2016).

### **Application requirements**

A layout plan, drawn to scale and fully dimensioned showing:

- The location, shape and size of the site.
- The location of any existing buildings, car parking areas and private open space.
- The location, shape and size of the proposed lots to be created.
- The location of any easements on the subject land.
- Any abutting roads.
- Any proposed common property to be owned by a body corporate and the lots participating in the body corporate.

For the subdivision of existing buildings and car parking spaces, a copy of the occupancy permit or a certificate of final inspection for the development.

If common property is proposed, an explanation of why the common property is required.

### **Exemption from notice and review**

An application to subdivide 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.

## **3.0**

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### **Buildings and works**

A permit granted must be generally in accordance with the incorporated Fishermans Bend Strategic Framework Plan, July 2014 (amended September 2016).

#### **Permit Requirement**

A permit is required to construct a building or construct or carry out works other than:

- The construction, or modification, of a waste pipe, flue, vent, duct, exhaust fan, air conditioning plant, lift motor room, skylight, security camera, street heater or similar minor works provided they are to the satisfaction of the responsible authority.
- A modification to the shop front window or entranceway of a building to the satisfaction of the responsible authority having regard to the architectural character of the building.
- An addition or modification to a verandah, awning, sunblind or canopy of a building to the satisfaction of the responsible authority.
- The painting, plastering and external finishing of a building or works to the satisfaction of the responsible authority.
- External works to provide disabled access that complies with all legislative requirements to the satisfaction of the responsible authority.
- A building or works which rearrange, alter or renew plant if the area or height of the plant is not increased.
- Bus and tram shelters required for public purposes by or for the Crown or a public authority in accordance with plans and siting to the satisfaction of the responsible authority.

#### **Application Requirements**

Consideration of the environmental assessment requirement as outlined in Section 6.0 of this Schedule.

The requirements of Clause 52.35 do not apply to an application on land shown as CCZ1 on the planning scheme maps.

An urban context report comprising words, images, plans or other suitable documentation that describes the:

- Site's shape, orientation and easements.
- Adjoining roads.
- Levels and contours of the site and the difference in levels between the site and surrounding properties.

- Location and height of existing buildings on the site and surrounding properties including any notable character and heritage features of buildings in the neighbourhood.
- The pattern of subdivision in the neighbourhood.
- The location of private open space of surrounding properties and the location of trees, fences and other landscape elements.
- The location of any street trees, poles, pits and other street furniture.
- Solar access to the site and to surrounding properties.
- The location of local shops, public transport services and public open spaces within walking distance.
- The key planning influences on the development and how it relates to its surroundings.
- The development opportunities and constraints of the site as it relates to the development.

If in the opinion of the responsible authority a requirement of the urban context report is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

A design response that explains how the proposed design:

- Responds to the Fishermans Bend Strategic Framework Plan, July 2014 (amended September 2016).
- Responds to any relevant planning provisions that applies to the land.
- Derives from and responds to the urban context report.

A 3D digital model of the proposal for insertion into the responsible authority's interactive city model.

An Environmentally Sustainable Design Statement that demonstrates how the development satisfies the sustainability requirements of the planning scheme.

An application to construct a building over 40 metres in height must provide a full technical report, including wind rose diagrams at all key points around the site to ensure the following:

- All publicly accessible areas, including footpaths are within safe walking criteria achieving wind gust speeds below 16 metres/second;
- All external waiting areas, including building entries and shop fronts, are within short term stationary criteria, achieving wind gust speeds below 13 metres/second;
- All outdoor seating areas, including parks and outdoor cafes are within long term stationary criteria, achieving wind gust speeds below 10 metres/second.

### **Exemption from notice and review**

An application to construct a building or construct or carry out works 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**

Before deciding on a permit application for buildings and works the responsible authority must consider, as appropriate:

- 'Section 2 – The Strategic Framework' within the Fishermans Bend Strategic Framework Plan, July 2014 (amended September 2016).

## 4.0 Demolition or Removal of Buildings

05/07/2012  
C102

A permit and prior approval for the redevelopment of the site are required to demolish or remove a building or works.

This does not include:

- Demolition or removal of temporary structures.
- Demolition ordered or undertaken by the responsible authority in accordance with the relevant legislation and/or local law.

Before deciding on an application to demolish or remove a building, the responsible authority may require an agreement pursuant to Section 173 of the Planning and Environment Act 1987 between the landowner and the responsible authority requiring, as appropriate:

- Temporary works on the vacant site should it remain vacant for 6 months after completion of the demolition.
- Temporary works on the vacant site where demolition or construction activity has ceased for 6 months, or an aggregate of 6 months, after commencement of the construction.

Temporary works must be constructed to the satisfaction of the responsible authority.

Temporary works may include:

- The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage.
- Landscaping of the site for the purpose of public recreation and open space.

### Exemption from notice and review

An application to demolish or remove a building or works 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

## 5.0 Advertising signs

05/07/2012  
C102

A permit is required to erect an advertising sign, except for:

- Advertising signs exempted by Clause 53.05-4.
- Business identification signs that have a combined total advertisement area to each premises not exceeding 8 square metres. This does not include a sign with an advertisement area exceeding 1.5 square metres that is below a verandah, or, if no verandah, that is less than 3.7 metres above pavement level.
- An internally illuminated sign of no greater than 1.5 square metres. No part of the sign may be above a verandah or, if no verandah, more than 3.7 m above pavement level. The sign must be more than 30 m from a residential zone or pedestrian or traffic lights.
- A non-illuminated sign, provided no part of the sign protrudes above or below the fascia of the building.
- Renewal or replacement of an existing internally illuminated business identification sign.

### **Exemption from notice and review**

An application to erect or construct or carry out works for an advertising sign, 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.

### **6.0**

05/07/2012  
C102

### **Environmental audits**

Before a sensitive use (residential use, child care centre, pre-school centre, primary school, education centre or informal outdoor recreation) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, the developer must obtain either;

- A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
- A statement in accordance with Part IXD of the Environment Protection Act 1970 by an accredited auditor approved under that Act that the environmental conditions of the land are suitable for the sensitive use.