

SCHEDULE 1 TO THE COMPREHENSIVE DEVELOPMENT ZONE

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

VICTORIA GARDENS COMPREHENSIVE DEVELOPMENT**Land**

This clause applies to land generally bounded by Victoria Street, Burnley Street, the Yarra River and Doonside Street (in part), Richmond, as defined by the incorporated document “Victoria Gardens - Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area”.

Purpose

- To encourage the comprehensive redevelopment of land on the south side of Victoria Street between Burnley Street and the Yarra River, City of Yarra.
- To ensure that development on the site will complement and enhance the Yarra River environment.
- To assist redevelopment as a mix of office, retail, entertainment, residential, commercial and ancillary uses.
- To ensure that the combination of uses, their overall density and the scale, character and level of redevelopment are compatible with:
 - The amenity of the surrounding area and 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 ensure retailing in the zone is compatible with and serves the existing and future commercial, industrial and residential uses in the surrounding area.
- To provide greater public access, in particular for pedestrians and cyclists, to and along the Yarra River bank.
- To ensure that the land is developed in an orderly and proper manner.
- To encourage a high standard of urban design.
- To encourage the provision of active frontages to streetscapes and high quality interfaces with the public realm and internal pedestrian interfaces.
- To improve pedestrian amenity and safety and enhance connectivity within and to surrounding development.
- To limit overshadowing affecting the amenity of adjoining land and, in particular, areas of public open space and the Yarra River.
- To avoid adverse wind conditions in pedestrian areas.
- To ensure that buildings and works along the Yarra River do not adversely affect drainage or flooding.

1.0

05/06/2014
GC6

Table of uses

Section 1 - Permit not required

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 Hotel and Tavern)	Must not be located in Precinct 2.
Home occupation	
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 within the area designated on the Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area Must not be a purpose listed in the table to Clause 52.10
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Adult sex bookshop	
Caretaker's house	
Convenience shop	Must be located in Precincts 1 or 2.
Hotel	
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 52.10 must be located within land contained in Certificates of Title Volume 10291 Folio 881; Volume 10291 Folio 882; Volume 10293 Folio 534; Volume 8873 Folio 964.
Motor Vehicle, Boat, Or Caravan Sales	
Place Of Worship	
Residential Building (Other Than Residential Hotel)	
Service Station	
Tavern	
Vehicle Store	Use must be located within the site contained in Certificates of Title Volume 10212 Folio 083.
Any Other Use Not In Section 1 or 3	

Section 3 - Prohibited

Use
Animal hospital
Animal husbandry
Brothel
Cemetery
Cold store
Corrective institution
Crematorium
Extractive industry
Fuel depot
Greyhound training
Hospital for infectious diseases
Junk yard
Milk depot
Motor racing track
Race course
Refuse disposal
Saleyard
Timber yard
Utility installation (other than a Minor utility installation)

2.0
19/01/2006
VC37

Use of land

Use of land shall be in accordance with the Table of uses to this Clause and the incorporated document "Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area".

3.0 Subdivision

19/01/2006
VC37

No specific requirements

4.0 Buildings and works

19/01/2006
VC37

A permit is not required to construct a building or to construct or carry out works if in accordance with a development plan prepared to the satisfaction of the responsible authority.

5.0 Exempt development

19/10/2017
C235

The provisions of Clause 44.04 Land Subject to Inundation Overlay, Clause 42.03 Significant Landscape Overlay, Clause 43.02 Design and Development Overlay and Clause 43.01 Heritage Overlay do not apply to any development constructed in accordance with an approved development plan.

6.0 Development plan

16/04/2009
C121

The land owner may submit for approval staged development plans for each precinct or part of a precinct.

Each such plan must generally be in accordance with the “Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area” incorporated document and must show as appropriate:

- The location, height, dimensions and floor area of all buildings and works.
- The stages in which the land is to be developed.
- Precinct 2 must make provision for not less than 50 dwellings.
- 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 Part 8 of 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 the restricted retail premises 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.

The responsible authority may consider any one or more components of the plan and notify the owner whether they are satisfactory. The responsible authority must consider a component if asked to do so by the owner.

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

7.0 Pedestrian amenity and access plan

16/04/2009
C121

For a development plan that proposes use or development of land for office or retail purposes, no new buildings and works may be constructed until a detailed pedestrian amenity and access plan has been prepared to the satisfaction of the responsible authority.

The pedestrian access and amenity plan must demonstrate, as relevant, how the use and 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

The pedestrian amenity and access plan may be amended at the request or with the consent of the owner of the land affected, to the satisfaction of the responsible authority.

8.0 Landscape plan

16/04/2009
C121

No new buildings and works may be constructed until a detailed landscape plan has been prepared to the satisfaction of the responsible authority.

The landscape plan must show 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 and Burnley Street frontages of the land.

The landscape plan may be amended at the request or with the consent of the owner of the land affected, to the satisfaction of the responsible authority.

9.0 Transport Plan

05/06/2014
GC6

Before the start of any development, in accordance with an approved development plan, a transport plan must be prepared to the satisfaction of the responsible authority.

Where the transport plan applies to existing public roads, the plan must also be to the satisfaction of VicRoads.

The transport plan must show 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.

The traffic works may be designated in stage(s) or as shown on the development plan or by both methods.

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

10.0

Management plan

16/04/2009
C121

Prior to the occupation of any building, a Management Plan is to be prepared to the satisfaction of the responsible authority. This does not apply to renovated or completed buildings.

The Management Plan, including any amendment, must provide as appropriate for:

- General amenity provisions.
- Set out proposals for the permanent management and maintenance of public areas. If the land is to be developed in stages, detail the management of the vacant land at each stage.
- Operation matters applying to the operation of the retail, entertainment and office components.
- The maintenance of undeveloped land on the site.
- The operation of waste collection.
- Litter management.

The management plan may be amended at the request or with the consent of the owner of land affected and to the satisfaction of the responsible authority.

11.0

Yarra environs precinct

16/04/2009
C121

The purpose of the Yarra Environs Precinct shown on the Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area is to facilitate and encourage integration between the Yarra River, the site and the surrounding area and the use and development of the land for recreation purposes.

In deciding whether that part of a development plan which includes land within the Yarra Environs Precinct is satisfactory the responsible authority must consider:

- Any policy, structure plan or guidelines relating to the Yarra River that have been adopted by the responsible authority.
- The compatibility of proposed buildings and works with adjoining development and the Yarra River in terms of building design, built form and land use.
- The need for pedestrian and bicycle linkages.

The Precinct must only be developed for:

- Pedestrian and bicycle linkages.
- Boat landings, boardwalks, terraces, decks, seating and ancillary works.
- Public recreational facilities

12.0 Landscape buffer16/04/2009
C121

The purpose of the Landscape Buffer shown on the Victoria Gardens Building Envelope and Precinct Plan Precinct 3 Plan – Warehouse Area is to encourage integration between any residential development on the site and the adjoining residential development to the south.

In deciding whether that part of a development plan which includes land within the Landscape Buffer precinct is satisfactory the responsible authority must consider:

- Any policy, structure plan or guidelines relating to this site that have been adopted by the responsible authority.
- The compatibility of proposed buildings and works with adjoining development in terms of building design, built form and land use.
- The need for pedestrian and bicycle linkages.

The Landscape Buffer shall only be developed for:

- Pedestrian and bicycle linkages.
- Linkages to any building.
- Landscaping and open space.
- Recreational facilities.

13.0 Requirement for an environmental audit16/04/2009
C121

Before a sensitive use commences or before a building is constructed for a sensitive use and before works are constructed or carried out in association with a sensitive use, to comply with Ministerial Direction 1, the following must be complied with:

- A Certificate of environment audit must be issued for the land in accordance with Section IXD of the Environment Protection Act 1970; or
- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Section IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

Definitions

In this Schedule, a “sensitive use” means a residential use, a child care centre, a pre-school, a primary school or public open space.

14.0 Sensitive Use Buffer16/04/2009
C121

No sensitive use as defined above shall be established within the area shown as Sensitive Use Buffer on the Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area.

15.0 Guidelines for approving plans16/04/2009
C121

In deciding whether a Development Plan, Traffic Plan, Management Plan or Landscape Plan or any amendment to one of these plans is satisfactory or in the granting of a permit, the responsible authority must consider:

General

- The purposes of the zone
- Any views on the traffic plan by VicRoads.
- The views, if any, of Melbourne Water and Parks Victoria.
- Any concept plan approved for the area.
- The existing use or development of the area.

Design and Landscape

- The urban design, character and visual appearance of the proposed buildings and works.
- The activation of ground level street frontages and contribution to amenity and safety of pedestrian spaces
- The design and visual appearance of the roofscape.
- The location of plant and equipment and its impact on the design of the roofscape.
- The provision of increased open space where buildings project above the RL 31 height limit in the 'height projection area' identified in Part 24 of this Schedule.
- Linkages, pedestrian and bicycle, from the surrounding area to the site and the Yarra River.
- The provision of publicly accessible open space along the river
- Physical and visual connections from and through the site to the river corridor
- The Victoria Gardens Development Urban Design Guidelines.
- The riparian appearance of the Yarra River Corridor.
- The existing Main Yarra Trail.
- The opportunities for recreational activities along the Yarra River.

Traffic and Transport

- The location of any proposed off street parking area.
- Points of access to and from the land and whether they are suitably located.
- The layout of car parking areas and accessways to them.
- 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 provision of adequate loading facilities.
- The provision of safe and efficient pedestrian and cyclist movement to, from and on the land and adjoining roads.
- Strategies for encouraging sustainable travel, including use of public transport and non-motorised travel.

Significant Landscape

- Whether the location, bulk and appearance of the buildings and works will be in keeping with the character and appearance of the area.
- Whether the location, bulk, outline and appearance of the buildings or works will be in keeping with or enhance the skyline when viewed from the river, or the Yarra Boulevard, or from prominent scenic viewpoints within the valley environs.

Land Subject to Inundation and Environmental Significance

- The need to prevent or reduce the concentration or diversion of floodwater or stormwater.
- The need to prevent pollution.
- The effect on the natural beauty and on the future use and enjoyment of the area by the community.
- Whether the buildings or works or planting or removal of vegetation is likely to cause any deterioration of the area by erosion or the depositing of sand or silt or any other reason.

Heritage Character

- The character and appearance of the buildings or works and their significance to the architectural and historic character and appearance of the area.

- Whether the location, bulk and appearance of the proposed buildings and works will be in keeping with the character and appearance of adjacent buildings and the area.
- Whether any landscaping will be in keeping with the character and appearance of the area.

Native Vegetation

- The conservation and enhancement of the area.
- The impact on the natural environment and landscape values of any removal, destruction or lopping of native vegetation.
- Planting, replanting or other treatment of any part of the land.

16.0

16/04/2009
C121

Display of plans

Before deciding to approve a development plan, landscape plan, traffic plan and management plan the responsible authority must display the plan for public comment. The plan must be displayed:

- Within 28 days after the plan is received by the responsible authority.
- For at least 14 days, but no longer than 28 days.

The responsible authority may request further information before deciding to display the plan.

The responsible authority must take account of any public comments received in response to this procedure.

The responsible authority must make a decision on the plan or amendment within 28 days after the completion of the display.

The responsible authority may approve a minor amendment to the development plan without the further requirement for a display period.

17.0

16/04/2009
C121

Height control

A building or works must not exceed the height above the Australian Height Datum for any particular site as shown on the Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area incorporated in this Planning Scheme.

This does not apply to:

- the height of architectural features, building services, electronic media antennas, flagpoles, lighting poles, fences and advertising signs approved under Part 22 of this Schedule.
- limited built form projections in the ‘height projection area’ shown in Precinct 2 which project above RL31 height limit but which do not exceed RL37 and do not exceed 10% of the precinct height projection area.

18.0

16/04/2009
C121

Car parking control

Car parking shall be allocated in accordance with the following table:

Use	No. of Spaces
Office	2.5 spaces per 100m ²
Food and drink premises (other than Hotel, Tavern and Take Away food premises)	0.3 spaces per seat
Shop (other than Restricted retail premises)	4.5 spaces per 100m ²
Place of assembly	0.3 per seat or square metre available to the

	public
Restricted retail premises	2.0 spaces per 100m ²
Trade supplies	2.0 spaces per 100m ²
Residential	1.5 spaces per dwelling

A permit may be granted to reduce the number of car spaces required for a particular use if the responsible authority is satisfied that the number of space required:

- Is unnecessary in the circumstances; or
- Can be provided on nearby land.

Before deciding on an application, the responsible authority must consider:

- The likely demand for car parking spaces.
- The extent to which the various uses of the land are likely to generate different levels of demand for car parking at different times.
- The possible multi-use of car spaces.
- The demand for car spaces generated by the uses established in previous stages of the development.
- The accessibility of the site to vehicle traffic.
- The proposed layout of parking areas.

19.0 Car space dimensions

16/04/2009
C121

The dimensions of the car spaces, access lanes and driveways and layout of parking areas must meet the requirements of Clause 52.06 unless the responsible authority agrees otherwise.

20.0 Loading bays

16/04/2009
C121

Facilities for vehicles to load and unload must be provided on the land to the satisfaction of the responsible authority.

21.0 Storing and transporting goods

16/04/2009
C121

Goods must be stored and transported to, from and on the land to the satisfaction of the responsible authority.

22.0 Advertising signs

16/04/2009
C121

Advertising sign controls are at Clause 52.05. This zone is in the following categories:

Precinct 1 and 3 are in category 1 of Clause 52.05.

Precinct 2 is in category 3 of Clause 52.05.

23.0 Incorporated documents

19/01/2006
VC37

The Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area, and the Victoria Gardens Urban Design Guidelines are documents incorporated into this scheme.

24.0 Diagram 1 - Precinct 2 Height Projection Area

16/04/2009
C121

Height projection area shown shaded – extract from Victoria Gardens Building Envelope and Precinct Plan and Precinct 3 Plan – Warehouse Area

