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SCHEDULE 2 TO CLAUSE 37.02 COMPREHENSIVE DEVELOPMENT ZONE

Shown on the planning scheme map as **CDZ2**.

ALTONA NORTH COMPREHENSIVE DEVELOPMENT PLAN

Land

The land is bordered by Kyle Road, Blackshaws Road, New Street, the West Gate Freeway and Brooklyn Terminal Sub-station, in Altona North and South Kingsville.

Purpose

To facilitate the land's transition from an industrial precinct to a mixed use precinct.

To facilitate the orderly development and integration of residential, commercial, retail and a mix of other uses.

To ensure that new sensitive uses do not unreasonably impact on the ongoing operations of industrial uses.

1.0 Table of uses

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Section 1 - Permit not required

Use	Condition
Accommodation (other than Corrective institution, Camping and caravan park and Residential aged care facility)	Must be no more than 3,000 dwellings in the CDP area. Must be located in the residential area; or Must be at least 7.2 metres (two storeys) above natural ground level at the primary street frontage excepting building entries in the town centre or commercial / mixed use area.
Animal keeping (other than Animal boarding)	Must be no more than five animals.
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5. The gross floor area of all buildings must not exceed 50 square metres.
Child care centre	Must be located in the local community facility area, town centre area or commercial / mixed use area.
Cinema	Must be located in the town centre or commercial / mixed use area.
~~**Cinema**~~ **Education centre**	Must be located in the town centre or commercial / mixed use area.
Exhibition centre	Must be located in the town centre or commercial / mixed use area.
Home based business	
Indoor recreation facility	Must be located in the town centre or commercial / mixed use area. The gross floor area of all buildings must not exceed 500 square metres.
Informal outdoor recreation	
Office	Must be located in the town centre or commercial / mixed use area.
Place of worship	Must be located in the town centre or commercial / mixed use area.

Use	Condition
	The gross floor area of all buildings must not exceed 250 square metres.
Residential aged care facility	Must be located more than 450 metres from the South Melbourne to Brooklyn (PL108) gas transmission pipeline or the Altona to Somerton (PL118) fuel pipeline.
Restricted recreation facility	Must be located in in the town centre or commercial / mixed use area. The gross floor area of all buildings must not exceed 500 square metres.
Retail premises (other than Adult sex product shop, Department store, Gambling premises and Supermarket)	Must be located in the town centre area.
Service industry	Must be located in the town centre or commercial / mixed use area. The gross floor area of all buildings must not exceed 500 square metres.
Supermarket	Must be located in the town centre area.
Tramway	
Veterinary centre	Must be located in the town centre or commercial / mixed use area. The gross floor area of all buildings must not exceed 250 square metres.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Emergency services facility	Must be located in the town centre or commercial / mixed use area. The site must either adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
Gambling premises (other than Gaming premises) **Hospital** **Hotel**	Must be located in the town centre or commercial / mixed use area.
Industry (other than Automated collection point, Materials recycling and Refuse disposal)	Must be located in the town centre or commercial / mixed use area. Must not be a purpose listed in the table to Clause ~~52.10~~53.10.
Research centre	Must be located in the town centre or commercial / mixed use area.
Retail premises (other than Adult sex product shop, Convenience shop, Department store, Gaming premises, Supermarket and Take away food premises) — where the section 1 condition is not met	Must be located in the commercial / mixed use area.
Service station	Must be located in the town centre or commercial / mixed use area.

Use	Condition
	The site must either adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3. The site must not exceed 3000 square metres.
Tavern	Must be located in the town centre or commercial / mixed use area.
Warehouse	Must be located in the town centre or commercial / mixed use area. 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
Adult sex product shop
Camping and caravan park
Cemetery
Cinema – if the section 1 condition is not ~~metCorrective institution~~met
Corrective institution
Crematorium
Department store
Exhibition centre – if the section 1 condition is not met
Freeway service centre
Gaming premises
Helicopter landing site
Major sport and recreation facility
Materials recycling
Motor racing track
Nightclub
Recreational boat facility
Refuse disposal
Saleyard
Supermarket – if the section 1 condition is not met
Transport terminal
Winery

2.0 Use of land

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2.1 Requirements

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An application for use of the land must generally be in accordance with the *Altona North Comprehensive Development Plan August 2018*.

All requirements of the *Altona North Comprehensive Development Plan August 2018* 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.

2.2 Application requirements

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

- The purpose of the use and the types of activities which will be carried out.
- The likely effects of the use, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare.
- If an industry or warehouse use:
  - 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 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.
- If a dwelling use:
  - The likely effects of the dwellings on the local and regional traffic network;
  - 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, services or facilities;
  - The availability and capacity of the power, drainage, sewer, water and digital networks;
  - Any necessary upgrades to those networks.
  - The proposed method of funding the upgrade works.
  - A Social Impact Assessment prepared in accordance with *Social Impact Assessment Guidelines: Residential (Hobsons Bay City Council, 2022).*

2.3 Exemption from notice and review

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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 *Altona North Comprehensive Development Plan August 2018*.

2.4 Decision guidelines

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The following decision guidelines apply to an application for a permit under Clause 37.02, 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 *Altona North Comprehensive Development Plan August 2018.*
- The effect that existing lawful industrial uses may have on the proposed use.
- If an application for an industry or warehouse use, the effect that the use may have on the amenity of the area and the means of addressing any unreasonable impacts.

- If an application for a dwelling use, the capacity of the local and regional traffic networks, local utilities and community facilities to support the proposed number of dwellings.

3.0 Subdivision

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3.1 Requirements

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The subdivision of land must generally be in accordance with the *Altona North Comprehensive Development Plan August 2018*.

All requirements of the *Altona North Comprehensive Development Plan August 2018* must be met.

Provision for affordable housing

Prior to the issue of a Statement of Compliance for any subdivision of land, the owner of the land must enter into an agreement with the Hobsons Bay City Council (Council) under section 173 of the *Planning and Environment Act 1987* for the provision of affordable housing, which must provide for the following:

The land owner must make a contribution towards affordable housing (Affordable Housing Contribution) to the satisfaction of the Council.

For the purposes of the agreement "affordable housing" is to have the same meaning as any definition of that phrase contained within the *Planning and Environment Act 1987*, or any other definition as agreed between the land owner and the Council.

The agreement must include terms which 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 provide for the Affordable Housing Contribution that is to be made by the land owner to be determined as follows:

- A number of dwellings equal to 5% of the total dwellings that are constructed on the land rounded down to the nearest whole number, or any lesser number of dwellings as agreed between the parties, must be identified as Affordable Housing Dwellings by the land owner.
- The Affordable Housing Dwellings are to be made available by the land owner for purchase by either the Council or by a Housing Agency which is registered as either a housing association or housing provider under the *Housing Act 1983* (Housing Agency).
- The price at which the Affordable Housing Dwellings are to be made available for purchase to the Council or a Housing Agency must not exceed an amount that is 25% less than the current 12-month median unit price for a two-bedroom unit in Altona North as published by the Real Estate Institute of Victoria as at the date the agreement is made (Offer Price).
- Alternatively, the land owner and the purchaser may agree to a purchase price that is different to the Offer Price for any or all of the Affordable Housing Dwellings.
- If any of the Affordable Housing Dwellings are not purchased by the Council or a Housing Agency then, with respect to any unpurchased Affordable Housing Dwellings, the land owner must instead make to the Council or a Registered Housing Association an Affordable Housing Payment.
- The amount of the Affordable Housing Payment must not be less than an amount equal to the number of Affordable Housing Dwellings that have not been purchased, multiplied by a figure which represents 25% of the current 12-month median unit price for a two bedroom unit in Altona North as published by the Real Estate Institute of Victoria as at the date the agreement is made.

The agreement must also provide that it is open to the parties to reach agreement as to any other, alternative method by which the land owner can make or deliver the Affordable Housing Contribution.

The agreement must also provide that where the parties have agreed on an alternative method by which the Affordable Housing Contribution may be provided, and the land owner makes a contribution that is in accordance with that agreed method, then any obligation of the land owner to make the Affordable Housing Contribution has been fully and finally discharged.

Compensation for Additional Public Open Space Land

If the land to be subdivided is required by the *Altona North Comprehensive Development Plan August 2018* includes an area or areas of Public Open Space that in total area exceeds the percentage specified as the open space contribution for the land in clause 52.01 (Additional Land):

- The owner must agree to transfer to Hobsons Bay City Council (Council), at no cost, all of the land in the subdivision identified in the *Altona North Comprehensive Development Plan August 2018* as Public Open Space to the Council, including the Additional Land; and
- The Council must agree to pay compensation to the landowner for the Additional Land, at a time and in a manner agreed to by the parties.

If the land to be subdivided is required by the *Altona North Comprehensive Development Plan August 2018* to include an area or areas of Public Open Space that is less than the percentage specified as the open space contribution for the land in clause 52.01:

- The owner must agree to transfer to the Council at no cost all of the land in the subdivision identified in the *Altona North Comprehensive Development Plan August 2018* as Public Open Space to the Council; and
- The owner must agree to pay an amount to the Council that reflects the difference between the amount of actual land being transferred to the Council and the percentage identified as the open space contribution for the land in clause 52.01, at a time and in a manner agreed to by the parties.

Standard of open space on transfer to municipal council

All public open space must be finished to a standard that satisfies the reasonable requirements of the responsible authority prior to the transfer of the public open space, including:

- Removal of all existing disused structures, foundations, pipelines and stockpiles;
- Clearing of rubbish, environmental weeds and rocks;
- Levelled, topsoiled and grassed with warm climate grass;
- Provision of water tapping, potable, and where available recycled, water connection points;
- Sewer, gas and electricity connection points to land;
- Trees and other plantings;
- Vehicle exclusion devices (fence, bollards or other suitable methods) and maintenance access points;
- Installation of park furniture including barbeques, shelters, rubbish bins, local scale playground equipment, appropriate paving and pedestrian and cycle paths; and
- A certificate of environmental audit for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or a statement of environmental audit for the land, without onerous ongoing requirements to the satisfaction of the municipal council, in accordance with Part IXD of the *Environment Protection Act 1970*.

Works to be provided in association with development

Development within the precinct must provide and meet the total cost of delivering the following infrastructure, unless provided for in the *Altona North Development Contributions Plan August 2018*:

- Connector streets and local streets;

- Local bus stop infrastructure where locations are agreed in writing by Public Transport Victoria;
- Landscaping, and where required by the responsible authority, fencing of abutting streets and roads;
- Intersection works and traffic management measures along arterial roads, connector streets, and local streets;
- Local shared, pedestrian and bicycle paths along local roads, connector streets, utilities easements, local streets, waterways and within local parks including bridges, intersections, and barrier crossing points;
- Bicycle parking;
- Appropriately scaled lighting along all roads, major shared and pedestrian paths, and traversing the open space network; and
- Local drainage system and water quality systems.

3.2 Application requirements

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

- A plan showing the proposed subdivision in the context of *Plan 1 – Future Urban Structure* and any other relevant plan in the *Altona North Comprehensive Development Plan August 2018.*

Dwelling yield and density

- An assessment of the dwelling yield and density of the residential development proposed in relation to the dwelling yield and density ranges for the sub-precinct in which the land is located, as shown on the *Plan 8 - Dwelling Yield and Density Plan* contained in the *Altona North Comprehensive Development Plan August 2018*. The assessment should set out how the proposed number of dwellings is contributing to the overall precinct yield of 3,000 dwellings.
- A land use budget setting out the proposed land use areas and the number of premises, e.g. dwellings in the plan, including details about how the development yield allowable by the subdivision is contributing to the overall precinct yield of 3,000 dwellings.

Public Infrastructure Plan

A Public Infrastructure Plan, which must show the location, type, staging and timing of infrastructure on the land as identified in the *Altona North Comprehensive Development Plan August 2018* or as reasonably required as a result of the subdivision of the land and which addresses the following:

- Stormwater drainage and water quality works;
- Road works internal or external to the land consistent with any relevant traffic report or assessment;
- The reserving or encumbrance of land for infrastructure, including for public open space and community facilities;
- Any infrastructure works which an applicant proposes to provide in lieu of development contributions in accordance with the *Altona North Development Contributions Plan August 2018*;
- The effects of the provision of infrastructure on the land or any other land;
- Any other relevant matter related to the provision of infrastructure reasonably as required by the responsible authority.

Noise

- Where the land is likely to be detrimentally impacted by noise levels associated with national freight rail line adjoining the north-east corner of the precinct or an existing industrial use, an acoustic assessment prepared by a qualified acoustic engineer or other suitably skilled person. The acoustic assessment must:
  - Provide an assessment of noise levels on the land taking into account the likely noise levels associated with the West Gate Freeway, the West Gate Tunnel, the national freight rail line adjoining the north-east corner of the precinct and existing industrial uses, including the Brooklyn Terminal Sub-station.
  - Include recommendations for noise attenuation measures designed to achieve reasonable internal bedroom noise limits.
    An application must also be accompanied by a design response that addresses the recommendations of the acoustic assessment and minimises the number of buildings requiring architectural noise attenuation treatments.
- An application for subdivision that includes provision to construct or carry out works for an acoustic wall or other acoustic structure that is not part of a building must also be accompanied by a plan, elevations and other suitable material showing:
  - A visually engaging design avoiding the use of a sheer wall on either side of the structure.
  - Landscaping along the interface area of the structure to soften its visual impact.

Subdivision near fuel and gas transmission pipelines

- Prior to the commencement of any works related to the subdivision of land, including demolition, on land within 60 metres of South Melbourne to Brooklyn (PL108) gas transmission pipeline or the Altona to Somerton (PL118) fuel pipeline, a construction management plan must be submitted to and approved by the responsible authority. The plan must:
  - Prohibit the use of rippers or horizontal directional drills.
  - Set out measures to ensure the protection of the pipelines during construction.
  - Be endorsed by the operator of the gas or fuel transmission pipeline.
  - Include any other relevant matter.

3.3 Exemption from notice and review

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An application for the subdivision 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.

This does not apply to an application which proposes to relocate an identified street, public open space or trail as shown on any plan in the *Altona North Comprehensive Development Plan August 2018*, from one lot to another lot in different ownership.

3.4 Decision guidelines

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The following decision guidelines apply to an application under Clause 37.02, 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 *Altona North Comprehensive Development Plan August 2018.*
- Whether the subdivision provides for public roads and if so, how the proposed public roads integrate with the existing and proposed surrounding road network.
- The effect of the subdivision on the redevelopment of the precinct in the long-term.

4.0 Buildings and works

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4.1 Permits required

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No permit is required to construct a building or construct or carry out works for the following:

- One dwelling on a lot that is greater than 300 square metres in area. This does not apply if the dwelling exceeds any of the discretionary building or façade heights or setbacks in *Table 2 – Land Use and Built Form Outcomes* of the *Altona North Comprehensive Development Plan August 2018*.
- A front fence. This does not apply if the front fence is within 3 metres of a street and associated with one dwelling on:
  - A lot of less than 300 square metres.
  - A lot more than 300 square metres in area on land described as 'Local Road Frontages' or 'Blackshaws Road frontage' on *Plan 2 – Sub Precincts Plan* in the *Altona North Comprehensive Development Plan August 2018*.
  - The fence exceeds 1.2 metres in height.
- An out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.

4.2 Requirements

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The following requirements apply to construct a building or carry out works:

- An application for buildings and works must generally be in accordance with the *Altona North Comprehensive Development Plan August 2018*.
- All requirements of the Altona North Comprehensive Development Plan August 2018 must be met.
- A development of one dwelling on a lot must meet the requirements of Clause 54.
- A development of more than one dwelling on a lot must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement or an apartment development.
- An application for a residential building or multi-dwelling building within 60 metres of the South Melbourne to Brooklyn (PL108) gas transmission pipeline or the Altona to Somerton (PL118) fuel pipeline must not exceed a height of 10.4 metres (3 storeys).
- Prior to the commencement of any building or works, including demolition, on land within 60 metres of South Melbourne to Brooklyn (PL108) gas transmission pipeline or the Altona to Somerton (PL118) fuel pipeline a construction management plan must be submitted to and approved by the responsible authority. The plan can be amended from time to time and must:
  - Prohibit the use of rippers or horizontal directional drills.
  - Set out measures to ensure the protection of the pipelines during construction.
  - Be endorsed by the operator of the gas or fuel transmission pipeline.
  - Include any other relevant matter.
- A permit must require a construction management plan to, in addition to any other relevant matter, protect and implement the following matters, as relevant:
  - The disused fuel transmission pipeline under Blackshaws Road.

- The mobile telecommunications tower near the northern boundary of 278 Blackshaws Road and the southern boundary of 40-68 Kyle Road.
- The elimination, containment and management of weeds on the site.
- The protection of, and maintenance of access to, the Brooklyn Main Trunk Sewer.

4.3 Application requirements

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

Dwelling yield and density

- An assessment of the dwelling yield and density of the residential development proposed in relation to the dwelling yield and density ranges for the sub-precinct in which the land is located, as shown on the *Plan 8 - Dwelling Yield and Density Plan* contained in the *Altona North Comprehensive Development Plan August 2018*. The assessment should also set out how the proposed number of dwellings is contributing to the overall precinct yield of 3,000 dwellings.

Noise

- An application to construct a building or carry out works for an accomodation use must be accompanied by an acoustic assessment prepared by a qualified acoustic engineer or other suitably skilled person, to the satisfaction of the responsible authority. The acoustic assessment must:
  - Provide an assessment of noise levels on the land taking into account the likely noise levels associated with the West Gate Freeway, the West Gate Tunnel, the national freight rail line adjoining the north-east corner of the precinct and existing industrial uses, including the Brooklyn Terminal Sub-station.
  - Include recommendations for noise attenuation measures designed to achieve the reasonable internal bedroom noise limits.
    An application must also be accompanied by a design response that addresses the recommendations of the acoustic assessment and minimises the number of buildings requiring architectural noise attenuation treatments.
- An application to construct or carry out works for an acoustic wall or other acoustic structure that is not part of a building, must also be accompanied by a plan, elevations and other suitable material showing:
  - A visually engaging design, avoiding the use of a sheer wall on either side of the structure.
  - Landscaping along the interface area of the structure to soften its visual impact.

Sustainability

- An application to construct a building must be accompanied by a sustainability management plan, prepared by a suitably qualified professional or other suitably skilled person, that demonstrates:
  - Whether during construction of the building best practice environmental management practices will be adopted, including provision for the re-use and recycling of materials and waste.
  - Whether the building will be designed to provide an opportunity for reduced energy and resource use by occupants including:

  Maximising access to natural ventilation of interior spaces.
  Maximising direct daylight access and views to outdoor spaces.

Minimising hard surfaces and maximising landscaped areas in spaces outside the building.
Passive design features to reduce heat gain in summer and maximise heat gain in winter.
Providing for on-site energy production.
Using an appropriate tool for energy and resource use.

Residential development of four storeys or less

- For a residential development of four storeys or less, the neighbourhood and site description and design response as required in Clause 54 and Clause 55.

General

- Plans drawn to scale which show:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and purpose of buildings and works on adjoining land.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - All driveway, car parking and loading areas.
  - Proposed landscape areas.
  - All external storage and waste treatment areas.
  - Areas not required for immediate use.
- Elevations drawn to scale that show the design, colour and materials of all buildings and works.
- A landscape layout drawn to scale which includes details of the vegetation to be planted, ground surfaces to be constructed, site works specifications and method of preparing, draining, watering and maintaining the landscape area.

4.4 Decision guidelines

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The following decision guidelines apply to an application for a permit under Clause 37.02, 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 *Altona North Comprehensive Development Plan August 2018*.
- In town centre and commercial / mixed use areas:
  - The design of buildings and works and whether this is likely to encourage pedestrian activity on adjoining streets.
  - The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
  - The streetscape, including the conservation of buildings, 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 landscaping of land adjoining a road.
- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55.

5.0 Signs

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Advertising sign requirements are at Clause 52.05. All land located with the Town centre is in Category 1 and the Commercial / mixed use area is in Category 2. All other land is in Category 3.