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Proposed C88

SCHEDULE 2 TO THE 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.

Map 1



Purpose

To facilitate 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)	<p>Must be located in the residential area; or</p> <p>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.</p> <p>Must be no more than 3,000 dwellings in the CDP area.</p>
Animal keeping (other than Animal boarding)	<p>Must be no more than five animals.</p>
Child care centre Cinema Education centre Exhibition centre	<p>Must be located in the town centre or commercial / mixed use area.</p>
Home occupation	
Indoor recreation facility	<p>Must be located in the town centre or commercial / mixed use area.</p> <p>The gross floor area of all buildings must not exceed 500 square metres.</p>
Informal outdoor recreation Minor utility installation	
Office	<p>Must be located in the town centre or commercial / mixed use area.</p>
Place of worship	<p>Must be located in the town centre or commercial / mixed use area.</p> <p>The gross floor area of all buildings must not exceed 250 square metres.</p>
Residential aged care facility	<p>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.</p>
Restricted recreation facility	<p>Must be located in an existing building in the town centre or commercial / mixed use area.</p> <p>The gross floor area of all buildings must not exceed 500 square metres.</p>
Retail premises (other than Adult sex product shop, Department store, Gambling premises and Supermarket)	<p>Must be located in the town centre area.</p>
Service industry	<p>Must be located in an existing building in the town centre or commercial / mixed use area.</p> <p>The gross floor area of all buildings must not exceed 500 square metres.</p>
Supermarket	<p>Must be located in the town centre</p>

Use	Condition
Tramway	
Veterinary centre	Must be located in an existing building 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 Road Zone.
Gambling premises (other than Gaming premises) Hospital Hotel	Must be located in the town centre or commercial / mixed use area.
Industry (other than 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.
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 and drink 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. The site must either adjoin, or have access to, a road in a Road Zone. 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
Brothel
Camping and caravan park
Cemetery
Cinema – if the section 1 condition is not 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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Requirements

The use of the land must generally be in accordance with the Altona North Comprehensive Development Plan, noting that all requirements 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.

Application requirements

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

- 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:
 - 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.
- If a dwelling:
 - 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 *Preparing Social Impact Assessments: Applicant Guidelines* as adopted by Hobsons Bay City Council.

Exemption from notice and review

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 consistent with the Altona North Comprehensive Development Plan.

Decision Guidelines

Before deciding on an application to use land, in addition to any other relevant decision guidelines, the responsible authority must consider, as appropriate:

- The Altona North Comprehensive Development Plan.
- The effect that existing lawful uses may have on the proposed use.
- If an industry or warehouse, the effect that the use may have on the amenity of the area and the means of addressing any unreasonable impacts.
- For an application to use land for a dwelling the responsible authority must consider 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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Requirements

An application for subdivision must generally be in accordance the Altona North Comprehensive development Plan.

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, which must provide for the following:

Provision for affordable housing

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 (if no such definition exists) it means housing that is appropriate for the housing needs of very low,

low and moderate income households 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 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, Hobsons Bay Housing Trust 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, Hobsons Bay Housing Trust 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, Hobsons Bay Housing Trust or a Housing Agency then, with respect to any unpurchased Affordable Housing Dwellings, the land owner must instead make to the Council, Hobsons Bay Housing trust 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 Precinct Comprehensive Development Plan to include 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 the Council at no cost all of the land in the subdivision identified in the Altona North Precinct Comprehensive Development Plan 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 Precinct Comprehensive Development Plan 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 Precinct Comprehensive Development Plan 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 an incorporated Development Contributions Plan:

- 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.

Application requirements

An application to subdivide land for an accommodation use, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must be accompanied by, as appropriate:

- An assessment of the dwelling density and density yield of the residential development proposed in relation to the density for the sub-precinct in which the land is located, as shown on the Dwelling Density and Dwelling Yield Plan contained in the Altona North Comprehensive Development Plan. The assessment should set out how the number of dwellings proposed is contributing to the overall target of 3,000 dwellings
 - A land use budget setting out the proposed land use areas or the number of premises e.g. dwellings in the plan, including details about how the development is contributing to the overall target of 3,000 dwellings.
- 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
- 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 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 and the national freight rail line adjoining the northeast corner of the precinct.
 - Include recommendations for noise attenuation measures designed to achieve reasonable internal bedroom noise limits.

If in the opinion of the responsible authority the requirement for an acoustic assessment is not relevant to the assessment of an application, the responsible authority may waive or alter the requirement.

- An application to subdivide land 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 prepared to the satisfaction of the responsible authority 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.
- Prior to the commencement of any works related to a subdivision, 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 to the satisfaction of the responsible authority.

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 Planning and Environment Act 1987.

This does not apply to an application that proposes to relocate a street, public open space or trail shown on the Future Urban Structure Plan or other plan in the Altona North Comprehensive development Plan, from one lot to another lot in different ownership.

Decision guidelines

Before deciding on an application to subdivide land, in addition to any other relevant decision guidelines, the responsible authority must consider as appropriate:

- The Altona North Comprehensive Development Plan.
- Whether the subdivision provides for public roads and (if so) how proposed public roads integrate with the existing and proposed surrounding road network.
- The effect of the subdivision on the redevelopment of the area in the long term,

4.0 Buildings and works

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No permit required

A permit is not required to:

- Construct or extend one dwelling on a lot that is greater than 300 square metres in area. This does not apply where the dwelling exceeds any of the discretionary building or façade heights or setbacks in Table 1 – Land use and built form outcomes’.
- Construct or extend a front fence unless 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.
 - The fence exceeds 1.2 metres in height
- Construct or carry out works normal to a dwelling.
- Construct or extend 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.

Permit requirements

An application to construct a building or construct or carry out works must be generally in accordance with the Altona North Comprehensive Development Plan:

- An assessment of the dwelling density and density yield of the residential development proposed in relation to the target density for the sub-precinct in which the land is located, as shown on the Dwelling Density and Dwelling Yield Plan contained in the Altona North Comprehensive Development Plan. The assessment should set out how the number of dwellings proposed is contributing to the overall target of 3,000 dwellings
- 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.
- A plan drawn to scale which shows:
 - 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.
- Elevation drawings to scale showing the design, colour and materials of all buildings and works.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

An application to construct a building or, where relevant carry out works for an accommodation 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, as appropriate:

- 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 Project and the national freight rail line adjoining the north-east corner of the precinct or existing industrial uses.
- Include recommendations for noise attenuation measures designed to achieve the reasonable internal bedroom noise limits.

If in the opinion of the responsible authority the requirement for an acoustic assessment is not relevant to the assessment of an application, the responsible authority may waive or alter the requirement.

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 prepared to the satisfaction of the responsible authority 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.

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, as appropriate:

- The adoption of best practice environmental management during construction including provision for the re-use and recycling of materials and waste.
- That 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 to the satisfaction of the responsible authority.

The height of 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 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 to the satisfaction of the responsible authority.

A permit to construct a building or carry out works 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.
- Protection of, and maintenance of access to, the Brooklyn Main Trunk Sewer.

Decision guidelines

Before deciding on an application to construct a building or construct or carry out works, in addition to any other relevant decision guidelines, the responsible authority must consider, as appropriate:

- The Altona North Comprehensive Development Plan.
- In town centre and commercial / mixed use areas:
 - Whether the building or works 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 Advertising signs

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Advertising sign requirements are at Clause 52.05. Table 1 indicates which category of advertising control in Clause 52.05 applies to each area within the precinct.

Table 1 Advertising categories

Area in CDP	Category of advertising control
Town centre	1
Commercial / mixed use area	2
All other land	3