

SCHEDULE 1 TO THE COMPREHENSIVE DEVELOPMENT ZONE

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

PAKENHAM WEST COMPREHENSIVE DEVELOPMENT PLAN, 1 SEPTEMBER 2005**Land**

Land bounded by the Princes Highway, Toomuc Creek, Gippsland Railway line and Cardinia Road, Pakenham.

Purpose

- To designate land suitable for urban development.
- To provide for the development of the land generally in accordance with the Pakenham West Comprehensive Development Plan, 1 September 2005.
- To ensure that any development and use of the land is in accordance with a local structure plan prepared to the satisfaction of the responsible authority.
- To provide a range of dwelling types and lot sizes to meet a diversity of housing needs.
- To provide a range of commercial and community facilities to meet the needs of existing and future residents of the area.
- To ensure that non-residential uses do not cause a loss of amenity to nearby residents.
- To facilitate urban design which creates a strong character and identity for the area, provides for a functional built environment, and promotes community and personal safety.
- To manage the quality and quantity of urban stormwater entering local waterways.

1.0**Table of uses****Section 1 - Permit not required**

Use	Condition
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997.
Art and craft centre	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
Bed and breakfast	No more than 6 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Carnival	Must meet the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
Car park	The site must be identified for the use or be within an activity centre in a local structure plan prepared to the satisfaction of the responsible authority.
Child care centre	The site must be identified for the use or be within an activity centre in a local structure plan prepared to the satisfaction of the responsible authority.
Cinema based entertainment facility	The site must be identified for the use and be within an activity centre in a local structure plan prepared to the satisfaction of the responsible authority.

CARDINIA PLANNING SCHEME

Use	Condition
Circus	Must meet the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
Convenience shop	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
Dependent person's unit	Must be the only dependent person's unit on the lot.
Display home	The site must be identified for the use in a local structure plan prepared to the satisfaction of the responsible authority.
Dwelling (other than Bed and breakfast)	
Education centre	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
Food and drink premises	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
Funeral parlour	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
Home occupation	
Indoor recreation facility	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
Informal outdoor recreation	
Medical centre	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2.
Minor utility installation	
Natural systems	
Office (other than Medical centre)	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.

CARDINIA PLANNING SCHEME

Use	Condition
Open sports ground	
Place of assembly (other than Amusement parlour, Carnival, Circus, Drive-in theatre, and Nightclub)	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
Postal agency	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
Railway	
Railway station	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
Road	
Search for stone	Must not be costeaning or bulk sampling.
Service industry (other than Panel beating)	The site must be identified for the use or be within an activity centre in a local structure plan prepared to the satisfaction of the responsible authority.
Service station	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
Shop (other than Adult sex bookshop and Convenience shop)	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
Store	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
Telecommunications facility	Buildings and works must meet the requirements of Clause 52.19.
Tramway	
Veterinary centre	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.

CARDINIA PLANNING SCHEME

Section 2 - Permit required

Use	Condition
<p>Accommodation (other than Corrective institution, Dependent person's unit, and Dwelling)</p> <p>Agriculture (other than Animal keeping, Animal training, Apiculture, Horse stables, and Intensive animal husbandry)</p>	
Amusement parlour	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
Animal keeping (other than Animal boarding)	Must be no more than four animals.
<p>Leisure and recreation (other than Indoor recreation facility, Informal outdoor recreation, Motor racing track, and Open sports ground)</p> <p>Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Search for stone)</p>	
Nightclub	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
Office (other than Medical centre) - if the Section 1 condition is not met	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
Retail premises (other than Food and drink premises, Motor vehicle, boat, or caravan sales, Postal agency, and Shop)	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
Shop (other than Adult sex bookshop and Convenience shop) - if the Section 1 condition is not met)	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
Store - if the Section 1 condition is not met	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.

Use	Condition
Transport terminal (other than Railway station and Road freight terminal)	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
Utility installation (other than Minor utility installation and Telecommunications facility)	

Section 3 - Prohibited

Use
Adult sex bookshop
Animal boarding
Animal training
Brothel
Corrective institution
Drive-in theatre
Extractive industry
Horse stables
Industry (other than Service industry)
Intensive animal husbandry
Motor racing track
Motor vehicle, boat, or caravan sales
Panel beating
Road freight terminal
Service industry (other than Panel beating) - if the Section 1 condition is not met
Saleyard
Warehouse (other than Store)

2.0

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C82

Local structure plan

No subdivision, building or works may take place before the land to be developed is included in a local structure plan prepared to the satisfaction of the responsible authority. The local structure plan must be generally consistent with the Pakenham West Comprehensive Development Plan, 1 September 2005.

With the agreement of the responsible authority, the local structure plan may be prepared in stages and may comprise one or more separate plans or other documents. The local structure plan must show, as considered appropriate by the responsible authority:

- The proposed use and development of each part of the land.
- The staging of development.
- The relationship of the land to existing or proposed land uses on adjoining land.

- Population targets.
- A range of housing types and lot sizes, including areas proposed for medium-density housing.
- Proposed open space and recreation facilities, including pedestrian and bicycle paths.
- Proposed retarding basins, lakes and watercourses, and the means by which these will be managed and water quality maintained.
- Proposed commercial and community facilities.
- The proposed layout of major roads and streets, including major traffic control infrastructure.
- Proposed public transport facilities, including the location of the proposed railway station which must allow for appropriate access provision from the land and adjoining land to the south.
- Physical and community infrastructure, including arrangements for their provision and funding. This must include a trunk sewer to service the land and other proposed residential zoned land in the vicinity.
- An overall landscape concept.
- Urban design principles for energy efficiency, community safety and environmental sustainability.

The local structure plan must be referred to the Roads Corporation for comment and may be amended to the satisfaction of the responsible authority.

The use and subdivision of land, construction of buildings and construction and carrying out of works must be consistent with the local structure plan.

3.0

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VC37

Use of land

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, waste water, waste products, grit or oil.

4.0

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Subdivision

4.1

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Permit requirement

The subdivision of land must satisfy the servicing requirements of relevant referral authorities.

4.2

19/01/2006
VC37

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.

5.0

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Buildings and works

5.1

19/01/2006
VC37

Permit requirement

A permit is not required to construct or extend one dwelling on a lot of at least 300 square meters.

5.2

19/01/2006
VC37

Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- 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 driveways, car parks, pedestrian paths 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 colour and materials of all buildings and works.
- Construction details of all drainage works, driveways, and vehicle parking and loading areas.
- A landscape layout which includes a description of vegetation to be planted, the surfaces to be constructed, site works specifications, and the method of preparing, draining, watering and maintaining the landscape area.

Medium-density housing and residential buildings

An application for any of the following must be accompanied by a neighbourhood and site description and a design response as described in Clause 54.01 or Clause 55.01 (as appropriate):

- To construct or extend one dwelling on a lot of less than 300 square metres.
- To construct a dwelling if there is at least one dwelling on the lot.
- To construct two or more dwellings on a lot.
- To extend a dwelling if there are two or more dwellings on the lot.
- To construct or extend a residential building.

Satisfactory neighbourhood and site description

The responsible authority must inform the applicant in writing before notice of an application is given or, if notice of the application is not required to be given, before deciding the application that the neighbourhood and site description meets the requirements of Clause 54.01-1 or Clause 55.01-1 (as appropriate) and is satisfactory or does not meet the requirements of Clause 54.01-1 or Clause 55.01-1 (as appropriate) and is not satisfactory.

If the responsible authority decides that the neighbourhood and site description is not satisfactory, it may require more information from the applicant under Section 54 of the Act.

The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 54.01-1 or Clause 55.01-1 (as appropriate) and is satisfactory.

The above requirements do not apply if the responsible authority refuses an application under Section 52(1A) of the Act.

5.3

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VC37

Exemption from notice and review

An application to construct a building or construct or carry out works for a use on a site identified for that purpose or within an activity centre in a local structure plan prepared to the satisfaction of the responsible authority 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

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Advertising signs

Land within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 is in Category 1.