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## SCHEDULE 2 TO THE PRIORITY DEVELOPMENT ZONE

Shown on the planning scheme map as **PDZ2**.

### CAULFIELD MIXED USE AREA

#### Land

This schedule applies to the land generally bounded by Caulfield Racecourse, Kambrook Road, Balaclava Road, and Normanby Road being the area more particularly described in the *Caulfield Mixed Use Area Incorporated Plan, February 2014*.

#### Objective

To facilitate the redevelopment of the Caulfield Mixed Use Area for leisure, commerce, living and shopping to form an integrated transit orientated urban village.

To ensure that the redevelopment of the Caulfield Mixed Use Area is integrated with and complements the redevelopment of the Monash University Caulfield Campus – Western Precinct Development.

To ensure that the redevelopment of the Caulfield Mixed Use Area provides for links to the racecourse to the south.

To give effect to the objectives and design principles of the Caulfield Mixed Use Area Incorporated Plan, February 2014.

### 1.0

#### Table of uses

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##### Section 1 - Permit not required

Use	Condition
<b>Accommodation (other than Camping and caravan park, Corrective Institution, Host farm, Bed and breakfast and caretaker's house)</b>	For accommodation other than student housing as defined in Clause 22.09. Any frontage at ground floor level within the Mixed Use Precinct or the Smith Street Precinct must not exceed 2 metres.
<b>Art Gallery</b>	
<b>Bank</b>	Must be located in the Mixed Use Precinct or the Smith Street Precinct as shown in the Incorporated Plan
<b>Betting Agency</b>	Must be located in the Mixed Use Precinct or the Smith Street Precinct as shown in the Incorporated Plan
<b>Bus terminal</b>	
<b>Car park</b>	Must not be in the Residential Precinct unless used in conjunction with another use in Section 1 or Section 2.  If the use is located in accordance with the approved Development Plan applying to the land.
<b>Child care centre</b>	

<b>Use</b>	<b>Condition</b>
<b>Cinema</b> <b>Cinema based entertainment facility</b>	Must be located in the Mixed Use Precinct or the Smith Street Precinct as shown in the Incorporated Plan.
<b>Convenience restaurant</b>	Must be located in the Mixed Use Precinct or the Smith Street Precinct as shown in the Incorporated Plan  The use must form part of an integrated development that incorporates at least one other use being accommodation, office or shop.
<b>Electoral office</b>	Must not be in the Residential Precinct as shown in the Incorporated Plan.
<b>Exhibition Centre</b>	Must not be in the Residential Precinct as shown in the Incorporated Plan.
<b>Food and drink premises (other than convenience restaurant, hotel and tavern)</b>	Must be located in the Mixed Use Precinct or the Smith Street Precinct as shown in the Incorporated Plan.
<b>Home occupation</b>	
<b>Informal outdoor recreation</b>	
<b>Library</b>	
<b>Minor utility installation</b>	
<b>Natural systems</b>	
<b>Office (other than Medical centre)</b>	Must not be located in the Residential Precinct as shown in the Incorporated Plan.  Any frontage a ground floor level must not exceed 2 metres and access must not be shared with a dwelling (other than a caretaker's house), unless the office is a bank, real estate agency, travel agency, or any other office where the floor space adjoining the frontage is a customer service area accessible to the public.
<b>Postal agency</b>	
<b>Railway</b>	
<b>Shop (other than Adult sex bookshop, Restricted retail premises and Department store)</b>	Must not be located in the Residential Precinct as shown in the Incorporated Plan.
<b>Tramway</b>	
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01.
<b>Section 2 - Permit required</b>	
<b>Use</b>	<b>Condition</b>
<b>Bed and breakfast</b>	
<b>Department Store</b>	Must not be in the Residential Precinct as shown in the Incorporated Plan.
<b>Education Centre</b>	
<b>Gambling Premises (other than Betting Agency)</b>	

Use	Condition
<b>Hotel</b>	Must not be in the Residential Precinct as shown in the Incorporated Plan.
<b>Landscape gardening supplies (other than Garden supplies)</b>	
<b>Leisure and recreation (other than Motor racing track)</b>	
<b>Medical centre</b>	Any frontage a ground floor level must not exceed 2 metres and access must not be shared with a dwelling (other than a caretaker's house), unless the use is where the floor space adjoining the frontage is a customer service area accessible to the public.
<b>Place of Assembly (other than Art Gallery, Carnival, Cinema, Circus and Library)</b>	
<b>Restricted retail premises</b>	Must not be in the Residential Precinct as shown in the Incorporated Plan.  The use must form part of an integrated development that incorporates at least one other use, being accommodation, office or shop.
<b>Tavern</b>	
<b>Trade supplies</b>	Must not be in the Residential Precinct as shown in the Incorporated Plan.  The use must form part of an integrated development that incorporates at least one other use, being accommodation, office or shop.
<b>Any other use not in Sections 1 or 3</b>	

### Section 3 - Prohibited

Use
<b>Adult Sex Bookshop</b>
<b>Agriculture</b>
<b>Brothel</b>
<b>Camping and caravan park</b>
<b>Cemetery</b>
<b>Corrective Institution</b>
<b>Crematorium</b>
<b>Extractive Industry</b>
<b>Funeral Parlour</b>
<b>Garden supplies</b>
<b>Host farm</b>
<b>Industry (other than Dry Cleaner and Laundromat)</b>
<b>Manufacturing sales</b>

**Use**

- Mining**
- Motor racing track**
- Motor vehicle, boat or caravan sales**
- Primary produce sales**
- Saleyard**
- Warehouse (other than a Mail Centre)**

**2.0 Use of land - General**

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A use must not detrimentally affect the amenity of the surrounding area, 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.

A permit must not be granted to use land until a development plan for the land has been approved by the responsible authority under this Schedule.

An application for a permit, for use of land, which is generally in accordance with an approved development plan is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

**3.0 Subdivision**

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Other than to create or close roads, consolidate titles, re-align boundaries or alter easements a permit must not be granted until a development plan for the land has been approved by the responsible authority under this Schedule.

**4.0 Buildings and works**

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A permit must not be granted to construct a building or construct or carry out works other than to construct:

- minor drainage works;
- minor earth works;
- or carry out works necessary to provide infrastructure services to the site;

before a development plan for the land is approved by the responsible authority under this Schedule.

A permit is not required to construct a building or construct or carry out works if the buildings or works are in accordance with a development plan for the land which has been approved by the responsible authority under this Schedule and do not exceed the preferred maximum heights or encroach into the preferred setbacks set out in the Incorporated Plan.

The preferred maximum height is to be measured to Australian Height Datum (AHD) and is the building height excluding architectural features (such as domes, eaves, downpipes, towers, masts etc), lift overruns and building services structures or screens which may exceed the AHD building height by up to 1.5 metres within 3 metres of a wall edge that faces a road or 2 metres in all other areas.

Minor buildings and works, such as verandas, architectural features, balconies, eaves, downpipes, shelters, sunshades, art works, street furniture and fences may encroach into the minimum preferred setback.

An application for a permit is not 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 Other provisions of the Scheme

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Other than clauses 52.04, 52.05, 52.27, 52.28 and 52.29 no particular provisions in this Scheme apply to a development which is in accordance with a development plan approved by the responsible authority under this Schedule.

## 6.0 Development Plan

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A development plan submitted to the responsible authority for approval under this Schedule must:

- Be to the satisfaction of the responsible authority;
- Relate to the whole of the relevant Staged Development Area as identified in the Precinct Plan forming part of this Schedule or any altered Staged Development Area sought to be approved pursuant to this Schedule;
- Be generally in accordance with the Incorporated Plan; and
- Include as appropriate:
  - A site analysis and design response, including the boundaries and dimensions of the site, adjoining buildings and roads, generally in accordance with the provisions of Clause 52.35.
  - A detailed assessment against the vision, objectives, design guidelines and preferred maximum heights and setbacks contained within the Incorporated Plan.
  - The location and height of all buildings and works, including the relevant ground levels and building heights to AHD.
  - Detailed elevations and sections drawn to scale including heights to Australian Height Datum (AHD).
  - A coloured set of elevations and or perspectives including a samples board detailing the colours and materials to be used.
  - Shadow diagrams detailing existing and proposed shadows at 9am, 12noon and 3pm at the equinox.
  - The proposed uses for each building.
  - The number and layout of all car parking spaces and access lanes.
  - The number and location of all bicycle parking and associated facilities.
  - The location of all loading areas and access to and from.
  - Construction details of all roads, accessways, drainage works, vehicle parking and loading areas.
  - Transport management measures in accordance with the Integrated Transport Plan approved under this schedule.
  - A pedestrian access and movement plan, including details of access for people with disabilities.

- The location of all vehicle, bicycle and pedestrian accessways, including links to the east side of the railway line.
- The location and details of all open space, including areas available to the public.
- A landscape plan in accordance with the Landscape Plan approved under this schedule.
- Details of waste and recycling collection, storage and removal facilities and areas.
- Details of external lighting treatment.
- The indicative location, type and design of proposed signs.
- A site assessment of the land by a suitably qualified environmental professional including:
  - Detail of the nature of the previous and existing land use/activities on the land;
  - An assessment of the potential level and nature of contamination on the land; and
  - Advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the Potentially Contaminated Land General Practice Note June 2005, DSE.

The development plan must include the following documents:

- Car Parking Management Plan;
- Waste and Recycling Management Plan;
- Drainage Management Plan;
- Integrated Transport Plan;
- Landscape Plan;
- Staging Plan and
- Environmental Management Plan.

The **Car Parking Management Plan** must show or include as appropriate:

- Proposed traffic management and control works on site and on adjoining roads.
- Preferred access points and locations for goods loading and unloading areas.
- The overall operation of car parks including any proposed parking restrictions, hours of operation and security arrangements where relevant.
- An analysis of the impact of the displacement of members' car parking on the amenity of the area.

The **Waste and Recycling Management Plan** must show or include as appropriate:

- Preferred general location of waste storage facilities for the major uses proposed for the site.
- Potential methods of waste collection (either private contractor or Council) for larger commercial and residential developments.
- Details of waste and recycling collection, storage and removal facilities and areas.
- A statement of the waste and recycling objectives for the development.
- An outline of the proposed management systems to ensure the development can be set up and managed effectively to achieve the waste and recycling objectives.

The **Drainage Management Plan** must show or include as appropriate:

- A drainage system of a design that ensures that the quantity of stormwater discharged from the site is appropriately managed.
- The incorporation of water sensitive urban design principles that address the quality of stormwater leaving the site and entering the local drainage system.
- An outline of ongoing management arrangements for internal drainage and water sensitive urban design elements.

The **Integrated Transport Plan** must show or include as appropriate:

- The expected number of trips generated by persons working within the precinct, shoppers, residents and visitors to the site.
- Estimate of each transport mode's share of travel.
- Public transport arrangements and pedestrian access routes.
- Any works considered necessary for public transport vehicles or passenger facilities within the area covered, including any modal interchanges.
- Document proposed sustainable travel initiatives including estimated mode share targets and actions to encourage increased usage of public transport and non motorised trips to and from the site.
- Public transport arrangements that respond to the Public Transport Guidelines for Land Use and Development and pedestrian access routes.
- Any road with a public transport service should be designed as an Undivided Connector Road – B Public Transport Guidelines for Land Use and Development with a 4.2 wide shared bike/bus lane and 2.3 m wide parking lane.
- Any works, or facilities proposed to improve access to public transport services to the site, encourage bicycles and pedestrians within the area and how such works will be funded.
- How the plan responds to state government transport objectives.
- A traffic analysis which has regard to the likely pattern and intensity of development in all three precincts.
- Works necessary to existing and proposed intersections to accommodate traffic increases and safe pedestrian movement.
- Public transport arrangements that respond to the Public Transport Guidelines for land use and development and pedestrian access routes.
- Location of taxi ranks as may be appropriate.
- The signalisation of the intersection of The Boulevard and Station Street on the basis that:
  - The design of the roads is to be such that Station Street is continuous with The Boulevard intersecting into Station Street to form a modified "T type" intersection; and
  - There is provision for safe pedestrian movement through the intersection to the activity centre core and the railway station.

The **Landscape Plan** must show or include as appropriate:

- All existing vegetation to be retained and/or removed.
- A landscaping theme for the open spaces within the area and identify proposed dominant plant species.
- Protection and management requirements for any significant vegetation to be retained during the construction phase.

- Street furniture, public lighting and embellishments to public spaces or proposed buildings within the site consistent with an urban design concept prepared as part of the Landscape Plan.

The **Environmental Management Plan** must show or include as appropriate:

- An explanation of the ecologically sustainable development (ESD) principles adopted for the proposed development.
- A statement of the ESD targets proposed for the development of the site covered by this schedule and what key design initiatives will be incorporated to achieve these targets.
- An outline of the proposed management systems to ensure that the development can be set up and managed effectively to achieve and maintain the ESD performance targets identified for the site.

The **Staging Plan** must identify the precinct boundaries and staging of development within the precincts.

If the development plan is the first development plan submitted to Council for approval under this Schedule, the development plan must also include a **Staging Plan** and additionally, the **Drainage Management Plan** and **Integrated Transport Plan** must relate to the whole of the land subject to this Schedule.

A development plan may be approved by the responsible authority:

- with or without conditions relating to the use and/or development of the land;
- which exceeds the preferred maximum heights or reduces the setbacks in the Preferred Maximum Height and Setback Diagrams in the Incorporated Plan; or

which alters the Precinct Boundaries or the Staged Development Areas shown in the Precinct Plan of the Incorporated Plan and in this Schedule.

Approval of the development plan must require the following condition/s:

1. Before any buildings or works are commenced, a Construction Management Plan for the buildings and works must be prepared to the satisfaction of the Responsible Authority. The Construction Management Plan must show or include as appropriate:
  - Hours for construction activity (including demolition);
  - Measures to control noise, dust, water and sediment laden runoff;
  - The location of vehicle wash-down bay/s for construction vehicles in the precinct;
  - Measures to minimise the disruption to traffic flow and the impact on available car parking in and around the precinct;
  - Measures to minimise inconvenience to surrounding residents from construction noise and altered or temporary traffic conditions;
  - Identification of the location of parking areas for construction and sub-contractors' vehicles;
  - Measures to minimise the disruption to traffic flow and impact on car parking in and around the precinct specifically during MRC events and during the refurbishment of Caulfield Railway Station;
  - Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
  - Contact details of key construction site staff; and
  - The location of any site sheds and the like.

If a development plan was accompanied by a site assessment recommending an environmental audit of all or part of the land, then the development plan is subject to and must require for that part of the land:



1. Either:

- A certificate of environmental audit issued for the relevant land in accordance with Part 1XD of the *Environmental Protection Act 1970*, or
- A statement by an environmental auditor appointed under the *Environment Protection Act 1970*, in accordance with Part 1XD of that Act that the environmental conditions of the relevant land are suitable for a sensitive use (with or without conditions on the use of the site);

must be provided to the Responsible Authority before any buildings and works are commenced;

2. If a statement by an environmental auditor is provided rather than a certificate of environmental audit and the statement indicates that the environmental conditions of the relevant land are suitable for a sensitive use subject to conditions, the owner of the land must enter into an agreement with the responsible authority under section 173 of the *Planning and Environment Act 1987* before any building works are carried out to provide for:

- Ongoing compliance with all conditions in the Statement by the Environmental Auditor; and
- The responsible authority's reasonable legal costs and expenses of drafting/reviewing and registering the agreement on title to be borne by the owner of the relevant land.

Once approved, a development plan may be amended to the satisfaction of the responsible authority.

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### Display of development plan

Before deciding to approve or amend a development plan, the responsible authority must:

- Display the development plan for public comment for at least 14 days, but no longer than 28 days;
- Give notice to Monash University, Department of Transport, Director of Public Transport, Melbourne Water, VicRoads and the owners and occupiers of adjacent residential land of the request to approve a development plan or an amendment to a development plan; and
- Consider any comments received in response to the display of the development plan.

A development plan must be displayed or further information requested about the development plan within 28 days of the plan being received by the responsible authority.

If further information is requested about a development plan, the development plan must be displayed within 14 days of the request for further information being satisfied.

The responsible authority must decide whether to approve a development plan or amendment to a development plan within 60 days after the display of the development plan is completed.

The responsible authority may approve a minor amendment to a development plan without displaying the amended development plan for comment.

## 8.0

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### Car parking and Loading

Car parking must be provided on the land in accordance with Schedule 1 to the Parking Overlay and for student accommodation where appropriate, in accordance with Clause 22.09 – Student Housing Policy.

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

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

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

- The supply of on street car parking spaces.
- 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.
- Any relevant approved development plan.

Loading and unloading of Vehicles must be provided to the satisfaction of the responsible authority.

## **9.0 Open Space Requirement**

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Prior to the occupation of buildings on the land, or at such other time as is agreed with Council, the owner must make a monetary public open space contribution to Council as follows:

- 5% of the site value of the land which is contained within the Mixed Use Precinct and the Smith Street Precinct; and
- 4% of the site value of the land which is contained within the Residential Precinct.

## **10.0 Advertising signs**

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Advertising sign requirements are at Clause 52.05. The land identified in the Mixed Use Precinct and Smith Street Precinct covered by this schedule is in Category 1. The land identified in the Residential Precinct covered by this schedule is in Category 3.

A permit may be approved prior to the approval of a development plan for any sign related to the use of the land for a temporary portable land sales office located on the land.

## **11.0 Decision Guidelines**

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Before deciding on an application for a permit or the approval of a development plan, in addition to the decision guidelines in Clause 65, the Responsible Authority must consider, as appropriate:

- The objectives of the zone and this schedule.
- The Incorporated Plan.
- Any relevant approved development plan.
- The impact of traffic generated by a proposal in respect of one precinct in the context of the likely traffic generated by the development of other precincts and the Monash University Western Precinct Development Area and whether it is likely to require special traffic management or control works in the neighbourhood.

- The interim treatment, use and management of those parts of the land not required for the proposed use.
- The staging of development.
- The provision of affordable housing in the form of social housing.
- Provision for vehicles providing for supplies, waste removal and emergency services and public transport.
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services, and public transport.
- The provision of car parking and in particular consolidation of parking for retail use in conjunction with the development of any supermarket.
- The relationship to adjoining zones, including the relationship with residential areas, and in particular No. 3 Normanby Road while it remains in individual residential use.
- The drainage of the land.
- The availability of and connection to services.
- The provision made for the storage of rubbish and materials for recycling.
- The proposed management arrangements for the maintenance of buildings, landscaping and paved areas.
- The design of buildings in response to Environmentally Sustainable Design principles.
- The design of buildings and public spaces in response to Crime Prevention Through Environmental Design (CPTED) principles.
- The design of the proposed buildings, their relationship to the streetscape and surrounding development and uses. This includes the design of weather protection, 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 the landscaping of land adjoining a road, surrounding development and uses.
- The provision and location of public space and community facilities.
- The integration between existing and proposed uses.
- Clause 22.09 Student Housing Policy.

CAULFIELD MIXED USE AREA PRECINCT PLAN

