

**SCHEDULE 1 TO CLAUSE 37.02 COMPREHENSIVE DEVELOPMENT ZONE**

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

**FORTUNA COMPREHENSIVE DEVELOPMENT PLAN**

**Land**

A 7.569ha parcel of land located on the north east corner of Chum Street and Booth Street in Bendigo known as 22-48 Chum Street, Golden Square.

**Purpose**

To provide for the development of the Fortuna Villa in accordance with the Fortuna Comprehensive Development Plan, May 2014.

To develop the land for a mix of residential, commercial and community uses that is respectful of the heritage values of the site and surrounds.

To ensure the heritage values are retained and enhanced through the development of the site and achieve a high standard of urban design, community amenity, safety and the incorporation of best practice energy and water management measures.

To encourage the retention of heritage assets in accordance with the Fortuna Comprehensive Development Plan, May 2014.

To develop two distinct precincts for the site including:

- Fortuna Villa and curtilage precinct to ensure that the heritage values of the site are expressed through the retention, reuse and contemporary interpretation of significant heritage buildings on the site; and
- The surrounding land planned for residential development that complements the Fortuna Villa and heritage values of the site.

**1.0**

**Table of uses**

**Section 1 - Permit not required**

Use	Condition
Animal keeping (other than Animal boarding)	Must be no more than 2 animals
Minor utility installation	
Railway	
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

**Section 2 - Permit required**

Use	Condition
Accommodation	
Agriculture (other than Animal keeping and Intensive animal husbandry)	
Home occupation	
Leisure and recreation	
Place of assembly	
Office	Must be in accordance with the Fortuna Comprehensive Development Plan, May 2014

Use	Condition
Retail premises (other than Supermarket and Gambling premises)	Must be in accordance with the Fortuna Comprehensive Development Plan, May 2014
Utility installation (other than Minor utility installation and Telecommunications facility)	Must be no more than 2 animals
Warehouse	

**Section 3 - Prohibited**

Use
Adult sex bookshop
Brothel
Industry
Intensive animal husbandry
Gambling premises
Materials recycling
Motor racing track
Transfer station
Supermarket

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**Use of land**

The use of the land must be generally in accordance with the Fortuna Comprehensive Development Plan.

Any permit for use must reflect all of the relevant conditions specified in the Statements of Environmental Audit in Appendix A to the ‘*Environmental Audit Report, Fortuna Villa*’, October 2012, unless the applicant demonstrates that a condition has already been met or the responsible authority considers a condition is no longer appropriate, and it has been signed off by an environmental auditor appointed under Part IXD of the *Environment Protection Act 1970*.

**Application requirements**

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

- A report outlining:
  - The extent to which the proposal advances the purpose of this schedule.
- The consistency of the proposal with the Fortuna Comprehensive Development Plan, May 2014.
- A Transport Impact Assessment Report (TIAR), in accordance with VicRoads “Guidelines for Transport Impact Assessment Reports for Major Use and Development Proposals” must be prepared to the satisfaction of the Roads Corporation and the responsible authority by a suitably qualified traffic engineer addressing but not restricted to arrangements for vehicle and pedestrian access to the subject land, internal access layout and connections to neighbouring properties, adjoining roads and nearby arterial road intersections. Any mitigating works identified in the TIAR should clearly state when those works are required by.
- A report demonstrating how the proposal responds to the ‘*Environmental Audit Report, Fortuna Villa*’, October 2012, including the Statements of Environmental audits.

### **Exemption from notice and review**

An application for use 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.

### **Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 37.02-2, the responsible authority must consider, as appropriate:

- The contents and intent of the Fortuna Comprehensive Development Plan.
- The purpose statements of this schedule.
- The ‘*Environmental Audit Report, Fortuna Villa*’, October 2012, including the Statements of Environmental audits.

### **Fortuna Residential Development Plan/s**

A development plan must be prepared for Precinct 2 – Accommodation/Residential Development.

The development plan/s must include, as appropriate:

- The proposed use of land.
- Three dimensional building envelopes.
- Indicative layout of buildings and works.
- Site and view analysis showing how proposed buildings are masked from key view points from in and around the Villa in Precinct 1.
- An assessment of the proposal against the relevant heritage values of the site and Precinct 1.
- Fortuna Residential Design Guidelines which contain contemporary architectural design examples and indicative palette of external materials and colours appropriate to the site, existing buildings and future development.
- A Transport Impact Assessment Report (TIAR), in accordance with VicRoads “Guidelines for Transport Impact Assessment Reports for Major Use and Development Proposals” must be prepared to the satisfaction of the Roads Corporation and the responsible authority by a suitably qualified traffic engineer addressing but not restricted to arrangements for vehicle and pedestrian access to the subject land, internal access layout and connections to neighbouring properties, adjoining roads and nearby arterial road intersections. Any mitigating works identified in the TIAR should clearly state when those works are required by.
- Indicative areas for landscaping.
- The staging of development.
- Services to be provided including water, sewer, power and drainage.
- A report addressing the requirements of the ‘*Environmental Audit Report, Fortuna Villa*’, October 2012, and the Statements of Environmental audits contained within.

A development plan will be made available for public comment for a period of 28 days.

Notice of a development plan must be given to the owners and occupiers in the vicinity of the precinct, Heritage Victoria and the Environment Protection Authority and signs must be placed on the land.

An approved development plan may be amended at any time to the satisfaction of the responsible authority.

### **Exemption from notice and review**

An application for buildings and works generally in accordance with any approved Fortuna Residential 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.

### **Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 37.02-4, the responsible authority must consider, as appropriate:

- The contents and intent of the Fortuna Comprehensive Development Plan, May 2014.
- The purpose of this schedule.
- The design response to the heritage values of the site.
- The contents and design guidelines of any approved Fortuna Residential Development Plan.

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### **Subdivision**

An application to subdivide land into two lots to define Precincts 1 and 2 should generally be in accordance with the Fortuna Comprehensive Development Plan, May 2014.

### **Application requirements**

An application to subdivide land must be accompanied by:

- A report outlining:
  - The extent to which the proposal advances the purpose of this schedule.
  - The consistency of the proposal with the Fortuna Comprehensive Development Plan, May 2014.
  - How the proposal responds to the heritage values of the site.
  - That the site can be serviced by appropriate services infrastructure.
  - The indicative layout for vehicle and pedestrian access and car parking on the land.
  - The consistency of the proposal with any approved Fortuna Residential Development Plan.
- A Transport Impact Assessment Report (TIAR) in accordance with VicRoads "*Guidelines for Transport Impact Assessment Reports for Major Use and Development Proposals*" must be prepared to the satisfaction of the Roads Corporation and the responsible authority by a suitably qualified traffic engineer addressing but not restricted to arrangements for vehicle and pedestrian access to the subject land, internal access layout and connections to neighbouring properties, adjoining roads and nearby arterial road intersections. Any mitigating works identified in the TIAR should clearly state when those works are required by.
- A report with details of:
  - reticulated supply of water;
  - reticulated sewerage;
  - reticulated electricity; and
  - telecommunications.

### Exemption from notice and review

An application for subdivision generally in accordance with the Fortuna Comprehensive Development Plan, May 2014 or any approved Fortuna Residential 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.

### Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 37.02-3, the responsible authority must consider, as appropriate:

- The contents and intent of the Fortuna Comprehensive Development Plan, May 2014.
- The purpose of this schedule.
- The design response to the heritage values of the site.
- The contents and intent of any approved Fortuna Residential Development Plan .

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### Buildings and works

A permit is required to construct a building or carry out works within Precinct 1 where the works are external to the existing Fortuna Villa building or disturb the ground.

A permit is required for buildings and works within Precinct 2.

A permit may be granted for minor building and works and maintenance prior to the preparation and approval of a Development Plan provided it is in accordance with the '*Environmental Audit Report, Fortuna Villa*', October 2012, and the Statements of Environmental audits contained within.

Any permit for buildings and works must reflect all of the relevant conditions specified in the Statements of Environmental Audit in Appendix A to the '*Environmental Audit Report, Fortuna Villa*', October 2012, unless the applicant demonstrates that a condition has already been met or the responsible authority considers a condition is no longer appropriate, and it has been signed off by an environmental auditor appointed under Part IXD of the *Environment Protection Act 1970*.

### Application requirements

An application to construct a building or carry out works must be accompanied by, where appropriate:

- A detailed site response statement identifying how the buildings and works proposed respond to the site conditions and relate to the overall layout of the Fortuna Comprehensive Development Plan, May 2014 and any development plan.
- Plans and elevations of all buildings and works and details of the external materials and colours proposed to be used which are to be in accordance with the Fortuna residential design guidelines.
- A landscape concept 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.
- A report outlining:
  - The extent to which the proposal advances the purpose of this schedule.
  - The consistency of the proposal with the Fortuna Comprehensive Development Plan, May 2014.
  - The consistency of the proposal with any approved development plan.
  - How the proposal responds to the relevant heritage objectives.
  - A response to the design guidelines within any approved development plan.

- A Transport Impact Assessment Report (TIAR), in accordance with VicRoads “*Guidelines for Transport Impact Assessment Reports for Major Use and Development Proposals*” must be prepared to the satisfaction of the Roads Corporation and the responsible authority by a suitably qualified traffic engineer addressing but not restricted to arrangements for vehicle and pedestrian access to the subject land, internal access layout and connections to neighbouring properties, adjoining roads and nearby arterial road intersections. Any mitigating works identified in the TIAR should clearly state when those works are required by.
- A report with details of:
  - reticulated supply of water;
  - reticulated sewerage;
  - reticulated electricity; and
  - telecommunications.
- A report demonstrating how the proposal responds to the ‘*Environmental Audit Report, Fortuna Villa*’, October 2012, and the Statements of Environmental audits contained within.

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**Advertising signs**

Land within all areas of this schedule to this zone is in Category 4.

**6.0**

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**Reference Document**

*Environmental Audit Report, Fortuna Villa*, October 2012