

02/03/2017
GC40**SCHEDULE 3 TO THE COMPREHENSIVE DEVELOPMENT ZONE**

Shown on the planning scheme map as **CDZ3**.

Flemington Green Comprehensive Development Plan**Land**

This Schedule applies to land between Fisher Parade and the Flemington Racecourse rail spur line, at the southern end of Leonard Crescent.

Purpose

To develop the Flemington Green comprehensive development area for medium and/or high density urban living supported by a limited mix of complementary uses including commercial, retail and community facilities.

To provide exemplary architecture and urban design outcomes for the built form and the public realm.

To support the ongoing operation of the Flemington Racecourse and Melbourne Showgrounds.

To provide for best practice sustainability outcomes in the design, construction and ongoing management of development on the site.

To provide for development of the land in accordance with the approved Comprehensive Development Plan.

1.0**Table of uses**02/03/2017
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Use	Condition
Animal keeping (other than Animal boarding)	Must be no more than 2 animals
Dependent person's unit	Must be the only dependent person's unit on the lot
Dwelling (other than Bed and breakfast)	The total number of dwellings must be no more than 520
Food and drink premises (other than Hotel and Tavern)	The leasable floor area must not exceed 150m ² . Must be in a precinct identified for this use in the Comprehensive Development Plan.
Home occupation	
Informal outdoor recreation	
Medical centre	The gross floor area of all buildings must not exceed 250m ² . Must not require a permit under clause 52.06-3.
Minor utility installation	

Use	Condition
Office (other than Medical centre)	The combined leasable floor area must not exceed 250m ² . Must be in a precinct identified for this use in the Comprehensive Development Plan.
Place of worship	The gross floor area of all buildings must not exceed 250m ² . Must be in a precinct identified for this use in the Comprehensive Development Plan.
Railway	
Residential aged care facility	
Shop (other than Adult sex bookshop)	The combined leasable floor area must not exceed 500m ² . Must be in a precinct identified for this use in the Comprehensive Development Plan.
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Accommodation (other than Corrective institution, Dependent person's unit and Dwelling)	
Bed and breakfast	
Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)	
Place of assembly (other than Amusement parlour, Carnival, Circus and Nightclub)	
Retail premises (other than Food and drink premises, Gambling premises, Hotel and Shop)	
Tavern	
Utility installation (other than Minor utility installation and Telecommunications facility)	
Any other use not in Section 1 or 3	

Section 3 – Prohibited

Use	Condition
Adult sex bookshop	
Agriculture	
Amusement parlour	
Animal boarding	
Brothel	
Corrective institution	

Use	Condition
Gambling premises	
Hotel	
Industry	
Major sports and recreation facility	
Motor racing track	
Nightclub	
Saleyard	
Shop - if the Section 1 conditions are not met	
Stone extraction	
Warehouse	

2.0

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Use of land

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

Application Requirements

An application to use land must be generally in accordance with the Comprehensive Development Plan and must include the following information, as relevant:

- Plans drawn to scale which show:
 - The boundaries and dimensions of the site.
 - Detailed land use.
- A Traffic Management Plan which includes but is not limited to:
 - Compliance with the Intergrated Transport and Access Plan.
 - Estimated traffic generation (based on the indicative built form and land use mix) and the impact on the existing road network.
 - Car parking assessment.
 - Preferred location for vehicle egress and ingress, and
 - Estimated pedestrian traffic generation and a strategy to ensure safe and efficient pedestrian movement.
- A Green Travel Plan, including a strategy to encourage walking, cycling and public transport use.
- Details of how the use addresses the objectives and requirements of the approved Comprehensive Development Plan.
- Hours of operation for any non-residential uses.

Exemption from notice and review

An application for 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 approved Comprehensive Development Plan.

Decision Guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The approved Comprehensive Development Plan.
- The effect of the use on the amenity of the area and the means of addressing any unreasonable impacts.
- Any impact on the ongoing operation of the Flemington Racecourse and Melbourne Showgrounds.
- The adequacy of car parking provision associated with the use.
- Safety and efficiency of vehicle access arrangements and pedestrian movements.
- The impact of the use on the surrounding road, bicycle and pedestrian network, and adjacent open space, and whether additional mitigation measures are required.
- Whether the use is complementary to the primary residential use of the land.

3.0

Subdivision

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Exemption from notice and appeal

An application for subdivision 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 65, the responsible authority must consider, as appropriate:

- The approved Comprehensive Development Plan.

4.0

Buildings and works

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A permit is not required for:

- Buildings or works directly associated the continued use and operation of the Flemington Racecourse provided they do not undermine the purposes of this Comprehensive Development Zone Schedule.
- An alteration to an existing building façade for a commercial use identified by the approved Comprehensive Development Plan provided:
 - The alteration does not include the installation of an external roller shutter.
 - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
- Construction or carrying out of works normal to a dwelling.
- Construction or extension of 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.

Building Height

A permit must not be granted to construct a building or construct or carry out works which exceeds 10 storeys in height above natural ground level, with the exception of non-habitable architectural features and building services.

Application Requirements

An application for buildings and works must be generally in accordance with the approved Comprehensive Development Plan and must include the following information, as relevant:

- A site context and existing conditions plan, showing levels at AHD, existing land uses and building footprints, adjoining roads and access points.
- A written report in support of the proposal which includes, but is not limited to, the following:
 - How the proposal is consistent with the Comprehensive Development Plan.
 - The evolution of the design including a description of any design review process and having regard to the significance of the Racecourse precinct.
 - How the proposal minimises impacts on the ongoing operations of the Flemington Racecourse and Melbourne Showgrounds.
- Plans drawn to scale which show:
 - The boundaries and dimensions of the site.
 - Detailed land use plan.
 - Locations of areas for public use and the intended use, including public open space,
 - Any areas of private open space.
 - Maximum building heights, building setbacks and building depths
 - Vehicle access and the location and layout of all carparking and loading areas and all pedestrian and cyclist ingress, egress and access way locations consistent with the approved Integrated Transport and Access Plan.
 - Links between proposed pedestrian and cyclist access ways and the existing public transport network.
 - All external storage and waste treatment areas.
 - The location of all external plant, building services and equipment including lift over runs.
 - Details of drainage works
 - Fully dimensioned floor plans and elevations for all proposed buildings
 - Cross sections, including level changes across the site
 - Stages of development and the proposed treatment of areas not required for immediate use.
 - Proposed external materials, finishes and colours.
 - Existing vegetation to be retained and/or removed.
 - Any mitigating works required by the Integrated Transport and Access Plan.
- A floor schedule which describes the size and number of proposed dwellings and other uses and demonstrating a reasonable range of dwelling typographies and bedroom numbers.

- Shadow diagrams for 22 September and 22 June (winter solstice) for each hour between 9am and 3pm.
- Cross-sections of all proposed built form, indicating level changes across the site.
- A photomontage of the proposal from key public vantage points including the Maribyrnong River (from Cumberland Drive), Fisher Parade (at its intersection with Leonard Crescent) and the Flemington Racecourse Rail Station (from the southern end of the platform).
- A landscape concept plan consistent with the approved Public Realm and Streetscape Design Document.
- A Wind Assessment Report which addresses;
 - Short term stationary wind exposure for any outdoor cafes and restaurants (should they be proposed);
 - Short term wind exposure for street frontages and trafficable areas used as a thoroughfare;
 - Design measures to minimise the effect of wind to streets and public open spaces and ensure that adverse wind effects over and above the conditions that are currently experienced at present are not created.
- An Environmentally Sustainable Development (ESD) report which demonstrates best practice ESD and outlines the ESD strategy for the proposed development including sustainability requirements or performance targets which the development must meet and the means by which the sustainability requirements or performance targets will be met.
- A Traffic Management Plan which includes but is not limited to:
 - Estimated traffic generation (based on the indicative built form and land use mix) and the impact on the existing road network;
 - Car parking assessment
 - Preferred location for vehicle egress and ingress,
 - Estimated pedestrian traffic generation and a strategy to ensure safe and efficient pedestrian movement.
 - A Green Travel Plan, which encourages walking, cycling and public transport use.
- An Acoustic Report prepared by a suitably qualified engineer which addresses;
 - The likely noise sources to impact the proposed development.
 - The maximum permissible noise from the nearby noise sources.
 - The necessary measures to attenuate these noise impacts, including how the proposal will meet the following requirement:
 - Habitable rooms of new dwellings adjacent to high levels of external noise should be designed to limit internal noise levels to a maximum of 45dB Laeq, 15 minutes, in accordance with the relevant Australian Standards for acoustic control.
- A Waste Management Plan including details of waste collection, storage and removal facilities and areas.
- A Construction Management Plan (CMP) prepared in accordance with the Melbourne City Council's construction management guidelines. The CMP must:
 - Consider traffic and amenity impacts during the construction period

- Set out how a community reference group will be involved in the drafting of the CMP and its ongoing role through implementation of the CMP.
- If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

Exemption from notice and appeal

An application to construct a building or construct or carry out works under any other provision of the planning scheme 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 approved Comprehensive Development Plan.

Decision Guidelines

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

- The purpose of the zone, overlays and any other relevant provisions of the planning scheme.
- The approved Comprehensive Development Plan, as required by this schedule.
- The amenity of existing residents and the future residents of the site.
- Any impact on the ongoing operation of the Flemington Racecourse and Melbourne Showgrounds.
- Whether the development will provide for best practice sustainability outcomes.
- The development's contribution to the neighbourhood and sense of place.
- The impact on internal and external traffic movements.
- The quality of the pedestrian and bicycle connections through the site and beyond.
- The impact on the heritage aspects and setting of the bluestone wall.
- The views of Melbourne City Council and Moonee Valley City Council.
- The views of the Maribyrnong City Council for works on public land including traffic works, if appropriate.
- The views of the Office of the Victorian Government Architect, if any, or any other independent reviewer as to the architectural expression and materiality of the proposal having regard to the significance of the racecourse precinct.
- Impacts on existing community infrastructure.

5.0

Flemington Green Comprehensive Development Plan

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Before a permit can be granted under any provision of this Schedule a Comprehensive Development Plan must be prepared in accordance with the requirements of this Schedule and be approved by the responsible authority.

Prior to approving, or amending, a Comprehensive Development Plan:

- The responsible authority must consider the views of:
 - Melbourne City Council,
 - Moonee Valley City Council, and

- The Office of the Victorian Government Architect, or any other independent reviewer, as to the architectural expression and materiality of the proposal having regard to the significance of the racecourse precinct.
- The owner of the land must enter into an agreement with the municipal council and the responsible authority, to the satisfaction of the responsible authority under Section 173 of the Planning and Environment Act 1987, requiring:
 - Construction at the cost of the owner of all improvements to any public and publically accessible open space to be provided within the site.
 - Payment by the owner to the Melbourne City Council of a contribution of \$3,000.00 per dwelling (indexed 1 July each year according to the Building Price Index, June Quarter, Melbourne, in Rawlinsons Australian Construction Handbook), such contribution to be paid prior to a certificate of occupancy being granted.
 - Provision of 5% of all dwellings (including 15 dwellings to be held in Trust for low income staff working at Flemington Racecourse) for the purposes of affordable housing.
 - Provision and enhancement of bicycle and pedestrian connections (plans to be prepared that show):
 - A shared path link between the site and the existing cycle path on the northern side of the Maribyrnong river shown on the GTA “Active Travel Improvements Plan” dated 17 April 2014;
 - Improvements, as required, for that part of the pedestrian/cyclist link on the northern side of the Maribyrnong River between the Fisher Parade Bridge and Smithfield Road Bridge.
 - Payment by the owner of all of the Melbourne City Council and the responsible authority's reasonable legal costs and expenses of the agreement, including preparation, execution and registration on title.

Comprehensive Development Plan Objectives

- To promote medium and/or high density residential living that encourages both day and evening activity through the provision of complementary community, convenience and service uses.
- To provide for limited community facilities and other non-residential uses that support the current and future residential community and provide opportunities for social interaction.
- To provide ground level uses (including residential, community and limited retail) that promote activity to the street.
- To provide for a mix of residential accommodation, dwelling typographies including dwelling sizes and densities.
- To create a composition of varied building forms and heights across the development area.
- To provide an appropriate building height transition and separation between new development and the interface with adjoining properties.
- Materials and finishes to be of a high quality and generally consistent throughout the development.
- To provide high quality internal amenity for future residents, including the provision of communal spaces for the overall development.
- To optimise solar access and minimise the impact of wind to streets and public open spaces to enhance amenity and functionality throughout the year.

- To minimise overshadowing of the Maribyrnong River.
- To contribute to the character and identity of Flemington Racecourse while defining a new character for the emerging new urban renewal precinct.
- To protect and enhance existing heritage elements.
- To provide sufficient car parking and use, where possible, the fall across the site to minimise the view of car parking areas from the street frontage.
- To provide a highly pedestrianised precinct, with attractive streets, well-located and usable public open space, and passive amenity for the community and local residents.
- To provide for an efficient movement network within the site with an emphasis on pedestrian and bicycle networks and promotion of public transport use.
- To provide a layout and design that caters for high volumes of pedestrians and vehicles during Flemington Racecourse events.
- To provide pedestrian and bike paths to connect to the surrounding neighbourhoods and the Maribyrnong River.
- To ensure buildings achieve high environment performance standards at the design, construction and operation phases.
- To improve the water and energy efficiency of buildings and encourages the use of alternative water and energy (such as on-site solar generation) sources.
- To provide for innovative precinct scale environmentally sustainable initiatives.
- To minimise the impacts of waste on the community.

Comprehensive Development Plan Requirements

The Comprehensive Development Plan must be prepared to address the Objectives and include the following:

- A site context and existing conditions plan, showing levels at AHD, existing land uses and building footprints, adjoining roads and access points.
- A site master plan, generally in accordance with the overall site layout and setbacks generally in accordance with the 'Jacques plan', as shown in Appendix E to the *Flemington Hill and Epsom Road Advisory Committee - Advisory Committee Stage 4 Report, 3 June 2016*, showing:
 - Within Precincts B and C a maximum of three buildings with height of no more than 10 storeys, with remaining buildings within these precincts to be no more than 8 storeys in height.
 - Within Precinct A buildings must be between 2 – 4 storeys in height.
 - All land adjoining existing residential areas must be no more than 2 – 4 storeys in height.
 - A maximum of 520 dwellings.
 - A detailed land use plan.
- An Integrated Transport and Access Plan including:
 - the mitigating road works referred to in the following drawings for developments up to 520 dwellings
 - Ballarat Road/Farnsworth Roadworks, generally in accordance with drawing number 14M9014011-09P5, prepared by GTA and dated 13 November 2015.
 - Leonard Crescent/Langs Road Roadworks, generally in accordance with drawing number 14M9014011-07P54, prepared by GTA and dated 13

November 2015, and modified to provide a single lane ingress or egress to the RASV site.

- Epsom Road /Langs Road Roadworks, generally in accordance with Figure 12 of the O'Brien Evidence Statement dated March 2016.
- any further mitigation works necessary as a consequence of a Section 2 uses proposed.
- any conditions to be included on permits granted for use, subdivision or buildings and works as required by the Integrated Transport and Access Plan.
- a requirement that mitigating works may be staged to the satisfaction of the responsible authority and must be implemented at the cost of the developer.
- a requirement for the Integrated Transport and Access Plan to be prepared to the satisfaction of the responsible authority in consultation with Moonee Valley City Council, Melbourne City Council, VicRoads and Public Transport Victoria
- A Public Realm and Streetscape Design Document which includes the following information:
 - Details of proposed street furniture including lighting, seating and bins.
 - Details of proposed kerb and channel details, pit covers and pavement surfaces.
 - Details of plant species.
- The Public Realm and Streetscape Design Document must be prepared to the satisfaction of the responsible authority in consultation with Moonee Valley City Council and Melbourne Melbourne City Council.
- A Public Open Space Plan including the following information:
 - Details of how the development will facilitate delivery of no less than 7.06% of the land known as the 'Flemington Green' comprehensive development area, (governed by this schedule and the Comprehensive Development Zone Schedule 1 of the Moonee Valley Planning Scheme), being set aside and ultimately zoned for public open space, generally consistent with the Comprehensive Development Plan.
 - Details of how the proposal achieves the objective of receiving a minimum of 3 hours of direct sunlight between 9am and 3pm during the winter solstice (22 June)
 - The Public Open Space Plan must be prepared to the satisfaction of the responsible authority in consultation with Moonee Valley City Council and Melbourne City Council.
 - An assessment of how the CDP addresses the recommendations of the *Flemington Hill and Epsom Road Advisory Committee - Advisory Committee Stage 4 Report, 3 June 2016*.