

19/05/2011
C117**SCHEDULE 2 TO THE COMPREHENSIVE DEVELOPMENT ZONE**Shown on the planning scheme map as **CDZ2**.**WATERGARDENS TOWN CENTRE****Land**

This schedule applies to the land bounded by Melton Highway, Kings Road and Bendigo – Melbourne Rail Line, as identified in the incorporated plan, the *Watergardens Town Centre Framework Plan* (March 2009) set out below.

Plan**Purpose**

- To provide for the integrated use and development of land generally in accordance with the *Watergardens Town Centre Framework Plan* (March 2009) and the design and development principles set out in this schedule.
- To create a town centre as a central component of the Sydenham Principal Activity Centre by broadening the mix of activity to include residential, commercial, retail, community, entertainment and civic linked to public transport infrastructure in accordance with Principal Activity Centre objectives, to meet the needs of the local and regional community.
- To ensure safe and attractive 24 hour pedestrian access is provided throughout the Watergardens Town Centre including along the general alignment of Taylor's Creek.

- To ensure that best practice urban design principles are an integral component of the design of the Town Centre, including innovative architecture that will result in good quality, environmentally sustainable buildings and interactive spaces.
- To integrate Taylors Creek as a key feature of Watergardens Town Centre and ensure its drainage, flood control and open space functions are preserved and enhanced.

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C117**Table of uses****Section 1 - Permit not required**

USE	CONDITION
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997.
Accommodation (other than Corrective Institution)	
Betting agency	
Bottle Shop	
Car Park	
Car Wash	
Carnival	Must meet the requirements of A 'Good Neighbour' code of Practice for a Circus or Carnival, October 1997.
Child Care Centre	
Cinema based entertainment facility	
Circus	Must meet the requirements of A 'Good Neighbour' code of Practice for a Circus or Carnival, October 1997.
Convenience Shop	
Education Centre	
Electoral Office	May be used for only 4 months before an election and 2 weeks after an election.
Food and Drink Premises	
Home Occupation	
Informal Outdoor Recreation	
Landscape Gardening Supplies	
Market	
Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2.
Minor Utility Installation	
Natural Systems	
Office (other than electoral office)	

USE	CONDITION
Outdoor Recreation Facility	
Place of Assembly (other than carnival or circus)	
Postal Agency	
Railway	
Road	
Search for stone	Must not be costeaning or bulk sampling
Service Station	
Shop	
Trade Supplies	
Tramway	
Telecommunications facility	Buildings and works must meet the requirements of Clause 52.19.

Section 2 - Permit required

USE	CONDITION
Extractive industry	
Industry	Must not be a purpose listed in the table to Clause 52.10.
Warehouse	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
Corrective institution
Intensive animal husbandry
Major sports and recreation facility
Motor racing track

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Use of land

Amenity

A use must not detrimentally affect the amenity of the Town Centre, 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.

Application requirements

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

- The purpose of the use and the type of activities which will be carried out.
- The likely effects, if any, on adjoining land including noise levels, water and air-borne emissions, traffic, hours of operation, hours of delivery and despatch, light spill and solar access..
- The means of maintaining land not required for immediate use.

Exemption from notice and review

An application 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. This exemption does not apply to an application within 30 metres of land (not a road) which is in a residential zone or Business 5 Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a Hospital or an education centre.

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Subdivision

Application requirements

An application to subdivide land must be accompanied by the following information:

- A plan drawn to scale which shows:
 - The boundaries and dimensions of the site,
 - Adjoining roads,
 - Areas of subdivision, including any areas of common property.

Exemption from notice and review

An application 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 .

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Buildings and works

Permit requirement

A permit is required to construct a building or to construct or carry out works unless the responsible authority is satisfied that the buildings or works are minor in nature, such as:

- The installation of an automatic teller machine.
- An alteration to an existing building façade 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.
- An awning that projects over a road if it is authorised by the relevant public land manager
- Buildings and works associated with a section 1 use of less than 500 sqm of leasable floor space, which are consistent with the Design and Development Principles at Clause 8 of this schedule.

Exemption from notice and review

An application 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. This exemption does not apply to an application for a building or works within 30 metres of land (not a road) which is in a residential zone or Business 5 Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a Hospital or an education centre.

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Car parking

Car parking must be provided in accordance with this table. Where the use is not listed, provision must be made in accordance with Clause 52.06. The responsible authority may consent to a different provision if it is satisfied that the number of spaces proposed is appropriate.

USE	PARKING (SPACES) REQUIRED
Dwelling	1 space to each 1-2 bedroom apartment and 1.5 spaces to each 3 or more bedroom apartment
Shop	4 spaces/100 sqm of leasable floor area
Office	3 spaces/100 sqm of leasable floor area
Restricted Retail	2 spaces/100 sqm of leasable floor area
Hotel	0.6 spaces / room
Tavern	0.2 spaces/patron or 20 spaces/100 sqm available to the public
Restaurant	0.25 spaces/seat
Cinema	0.3 spaces/seat
Medical Centre	3.5 spaces/practitioner

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Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 1.

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Notice requirement

Notice of an application to use land or to construct a building or to construct or carry out works must be given under section 52(1)(c) of the Planning and Environment Act 1987 to the person or body specified as a person or body to be notified in Clause 66.06 or a schedule to that clause.

8.0 Design and development principles

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An application must address the following design and development principles, as appropriate:

Access and movement/circulation

- Improve walking and cycling opportunities within and through the site, ensuring connections to existing trails and networks outside the Town Centre environs.
- Provide clear 24 hour continuous pedestrian linkages along and across Taylors Creek, connecting Watergardens Station and transit interchange, and signalised entry points.
- Provide an at-grade intersection between the Creek link and the Creek crossing at the centre's east end.

Vehicle access and car parking

- Provide a safe, efficient and legible circulation network for, pedestrians, cyclists, public transport and vehicles into and within the Town Centre.
- Design multi level car parks to be sensitive to surrounding development, with facades that contribute to the visual amenity and built form of the centre, and which as far as possible include ground level commercial uses/active frontages.
- Provide secure bicycle parking in convenient, central locations.
- Provide clearly identified long and short term parking areas.
- Enable direct bus access to the rail station
- Ensure parking provision supports sustainable transport modes

Built form

- Ensure built form comprises contemporary architecture that makes a positive contribution to the streetscape using generous building articulation, a mix of building materials and good quality finishes.
- Avoid excessive overshadowing of the Taylors Creek environs or other public open space areas.
- Avoid siting loading, service areas and blank walls adjacent to public and open space areas and use dense landscaping, architectural treatments, artwork or activation to screen existing non-active frontages, as appropriate.
- Design buildings that respond to the site, its surrounding context and microclimate, including preserving and enhancing views into and from the site and along Taylors Creek.
- Where possible make provision, through footings, roof designs and ground level access points, for future upper level use and development.

Ground level building frontages and orientation

- At ground level, provide active building frontages to streets and public realm areas.
- Adopt building designs and ground level uses that foster activity and natural surveillance of public spaces.
- Provide weather protection to open to air pedestrian routes within the retail core.

Mixed use

- Adopt building designs and site layouts that do not prevent the inclusion of a mix of uses to meet Principal Activity Centre objectives and the needs of the local and regional community.
- Ensure the vertical and horizontal integration of office, residential and other complementary uses throughout the site.

Open space and landscape design

- Establish a network of well designed public gathering spaces within and adjacent to the retail core, including spaces suitable for community events.
- Use landscaping to reinforce the urban structure, sense of place, connectivity and legibility of the town centre and Taylors Creek.
- Maximise views into and within the site and at key entrances, including through the use of planting to create and frame views.

Creek crossings

- Design creek crossings to enable continuity between retail precincts while also providing open, visual connection to the creek corridor and waterway.
- Minimise the extent of creek covering to ensure waterway health and to provide the opportunity to celebrate the creek as a key component of the centre.
- Use changes in form and materials to distinguish between buildings and creek crossing elements in ways that emphasise the creek.
- Design creek crossings to ensure there is capacity to convey stormwater flows meeting requirements for protection of the adjacent buildings including appropriate freeboard.
- Design the creek crossing to ensure maintenance access to the waterway.

Environmental design

- Use building design, orientation, servicing and construction that incorporates Environmentally Sustainable Design Principles, to address:
 - reductions in energy and water use during construction and operation
 - energy generation opportunities
 - water and waste management
 - materials selection and reuse

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C117**Decision guidelines**

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

- How the application contributes towards the achievement of an appropriate mix of uses, including housing and employment generating uses, supportive of the Town Centre's Principal Activity Centre status.
- The *Watergardens Town Centre Framework Plan* (March 2009).
- The Design and Development Principles at Clause 8 of this schedule.
- Activity Centre Design Guidelines (Department of Sustainability & Environment 2005).