

**SCHEDULE 3 TO THE COMPREHENSIVE DEVELOPMENT ZONE**

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

**RACECOURSE ROAD, PAKENHAM COMPREHENSIVE DEVELOPMENT PLAN**

**Land**

A 17.86ha parcel of land located on the east side of Racecourse Road, Pakenham immediately south of the Pakenham Creek drainage reserve.

**Purpose**

To facilitate the use and development of the land for residential purposes, including retirement accommodation, generally in accordance with the Racecourse Road, Pakenham Comprehensive Development Plan, October 2010.

To provide for the development of a quality residential development integrated with landscaped open space.

To provide for effective stormwater management in accordance with water sensitive urban design principles and Melbourne Water requirements.

To ensure that the use and development of the land address potential noise and odour emissions from the industrial precinct to the south and west of the land.

To ensure the orderly staging of construction and development.

To ensure that provision is made for the protection and enhancement of habitat for the Growling Grass Frog (*Litoria raniformis*).

**1.0**

**Table of uses**

**Section 1 - Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Animal keeping (other than Animal boarding)</b>	Must be no more than 2 animals.
<b>Apiculture</b>	Must meet the requirements of the Apiary Code of Practice, May 1997.
<b>Bed and breakfast</b>	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.
<b>Carnival</b>	Must meet the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
<b>Circus</b>	Must meet the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
<b>Dependent person's unit</b>	Must be the only dependent person's unit on the lot.
<b>Home occupation</b>	
<b>Informal outdoor recreation</b>	
<b>Mineral exploration</b>	
<b>Mining</b>	Must meet the requirements of Clause 52.08-2

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Use	Condition
<b>Minor utility installation</b>	
<b>Natural systems</b>	
<b>Place of worship</b>	<p>Must be no social or recreation activities.</p> <p>The gross floor area of all buildings must not exceed 180 square metres.</p> <p>The site must not exceed 1200 square metres.</p> <p>The site must adjoin, or have access to, a road in a Road Zone.</p>
<b>Railway</b>	
<b>Road</b>	
<b>Search for stone</b>	Must not be costeaning or bulk sampling.
<b>Telecommunications facility</b>	Buildings and works must meet the requirements of Clause 52.19.
<b>Tramway</b>	

### Section 2 – Permit required

Use	Condition
<b>Accommodation (other than Bed and breakfast and Dependent person's unit)</b>	
<b>Agriculture (other than Animal keeping, Animal training, Apiculture, Horse stables, and Intensive animal husbandry)</b>	
<b>Animal keeping (other than Animal boarding) If the Section 1 condition is not met</b>	Must be no more than 5 animals.
<b>Car park</b>	Must be used in conjunction with another use in Section 1 or 2.
<b>Car wash</b>	The site must adjoin, or have access to, a road in a Road Zone.
<b>Community market</b>	
<b>Convenience Shop</b>	
<b>Food and drink premises</b>	
<b>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</b>	
<b>Medical centre</b>	
<b>Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Search for stone)</b>	
<b>Place of assembly (other than Amusement parlour, Carnival, Circus, Nightclub, and Place of worship)</b>	
<b>Plant nursery</b>	
<b>Service station</b>	

Use	Condition
<b>Store</b>	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.
<hr/> <b>Utility installation (other than Minor utility installation and Telecommunications facility)</b> <b>Any other use not in Section 1 or 3</b> <hr/>	

**Section 3 – Prohibited**

Use
<b>Adult sex bookshop</b>
<b>Amusement parlour</b>
<b>Animal boarding</b>
<b>Animal training</b>
<b>Brothel</b>
<b>Cinema based entertainment facility</b>
<b>Extractive industry</b>
<b>Horse stables</b>
<b>Industry (other than Car wash)</b>
<b>Intensive animal husbandry</b>
<b>Motor racing track</b>
<b>Nightclub</b>
<b>Office (other than medical centre)</b>
<b>Restricted retail premises</b>
<b>Retail premises (other than Community market, Convenience shop, Food &amp; drink premises and Plant nursery)</b>
<b>Saleyard</b>
<b>Transport terminal</b>
<b>Warehouse (other than Store)</b>

**2.0**

14/07/2011  
C152

**Use of land**

**Exemption from notice and review**

An application to use land generally in accordance with the Racecourse Road, Pakenham Comprehensive Development Plan, October 2010 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**14/07/2011  
C152**Subdivision****Exemption from notice and review**

An application to subdivide land generally in accordance with the Racecourse Road, Pakenham Comprehensive Development Plan, October 2010 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.

**4.0**14/07/2011  
C152**Buildings and works****Exemption from notice and review**

An application to develop land generally in accordance with the Racecourse Road, Pakenham Comprehensive Development Plan, October 2010 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**14/07/2011  
C152**Permit requirements**

The use, development and subdivision of the land must be generally in accordance with the Racecourse Road, Pakenham Comprehensive Development Plan, October 2010 and must meet the following requirements:

- Prior to the use, development or subdivision of the land for residential purposes, the owner of the land must enter into an agreement with the responsible authority (and any other relevant party) under Section 173 of the *Planning and Environment Act 1987* to provide for measures to control noise and odour emissions from nearby industrial operations to an acceptable level specified under the relevant State Environment Protection Policy. The agreement must also provide for obligations for the ongoing maintenance of the measures specified in the agreement.
- The development must provide for landscape improvements to the Pakenham Creek drainage reserve to the north of the land, including the provision of a pedestrian and bicycle path.
- Prior to the use, development or subdivision of the land for residential purposes, the owner of the land must enter into an agreement with the responsible authority (and any other relevant party) under Section 173 of the *Planning and Environment Act 1987* to ensure that the proposed wetlands and habitat are designed, retained and managed for the requirements of the Growling Grass Frog (*Litoria raniformis*).

**6.0**14/07/2011  
C152**Application requirements**

An application to use, subdivide or develop land for residential, commercial or mixed use purposes must be accompanied by, as appropriate:

- A report detailing the extent to which the proposal advances the purpose of this schedule.
- A report detailing the consistency between the proposal and the Racecourse Road, Pakenham Comprehensive Development Plan, October 2010.
- A report detailing the extent to which the development layout manages the interface with adjoining land, including the rail line to the south and industrial uses to the south and west.
- A report prepared by a suitably qualified civil engineer providing details of necessary engineering works to provide for stormwater management and the application of water sensitive urban design principles in accordance with Melbourne Water requirements.
- A report prepared by a suitably qualified acoustic engineer which considers the implications of any noise emissions from the rail line to the south and the industrial precinct to the south and west of the land on the amenity of future residents and specifies any necessary measures to address amenity implications.

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- A report prepared by a suitably qualified environmental scientist/engineer which considers the implications of odour emissions from the industrial precinct to the south and west of the land on the amenity of future residents and specifies any necessary measures to address amenity implications.
- A report prepared by a suitably qualified traffic engineer addressing arrangements for vehicle access to Racecourse Road, internal access way layout and connections to neighbouring properties.
- A report prepared by a suitably qualified person detailing the extent to which the development layout provides for the retention of remnant vegetation and manages flora and fauna habitat, including that of the Growling Grass Frog.
- A management plan prepared by a suitably qualified person which addresses the protection and ongoing management of the Growling Grass Frog. The management plan must address, but not be limited to, the following issues:
  - Details of wetland design and construction (including the proposed water source).
  - Pollution management (including that from roads, pesticides and fertilisers).
  - Management actions to be undertaken, including a schedule for implementation.
  - Salvage of Growling Grass Frogs, in the event that they are located upon commencement of earthworks.
  - A proposed monitoring program.
  - Management of pest plants and animals, in particular Mosquito Fish, and contingency arrangements in the event that Mosquito Fish are detected.
  - Proposed public education about the Growling Grass Frog and the danger of introducing fish to the wetlands.
- A plan that details how the proposal will meet the requirements of Net Gain.
- Plans drawn to scale which show:
  - 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 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.

**7.0**14/07/2011  
C152**Decision guidelines**

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

- The extent to which the proposal advances the purpose of this schedule.
- The consistency between the proposal and the Racecourse Road, Pakenham Comprehensive Development Plan, October 2010.
- The extent to which the development layout manages the interface between the site and adjoining land, including the rail line to the south and industrial uses to the south and west.
- The extent to which the development layout provides for the retention of remnant vegetation and manages flora and fauna habitat, including that of the Growling Grass Frog.
- The effect of the proposal on the amenity of the area.
- The views of Melbourne Water.
- The views of the Environment Protection Authority.
- The views of the Department of Sustainability and Environment.
- The orderly development of land, including management of traffic, car parking, the provision of pedestrian ways and open space.
- The overall objective of achieving an integrated development in a neighbourhood setting that has been master planned to provide a sympathetic, distinctive and attractive urban design.
- The extent to which the proposal meets the requirements of Net Gain.
- The following design objectives for the land:
  - To create a quality living environment.
  - To enhance safety and movement on the surrounding road network.
  - To provide for integration of the development with the pedestrian and cycle networks in the locality.
  - To provide for attractive and distinctive public or common spaces and streetscapes.
  - To limit development generally to two storeys.
  - To protect and improve the amenity of neighbouring residential areas.
  - To contribute to the improvement of on-site and off-site local stormwater drainage systems, including significant stormwater retention within the buffer areas.
  - To facilitate the provision of appropriate landscaping in the buffer areas and the adjoining Pakenham Creek drainage reserve and throughout the development.
  - To optimise opportunities for energy efficient and water sensitive urban design.

**8.0**19/01/2006  
VC37**Advertising signs**

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.