

20/06/2019
GC118**SCHEDULE 4 TO CLAUSE 37.04 CAPITAL CITY ZONE**Shown on the planning scheme map as **CCZ4**.**FISHERMANS BEND URBAN RENEWAL AREA****Purpose**

To create a thriving urban renewal area that is a leading example for design excellence, environmental sustainability, liveability, connectivity, diversity and innovation.

To create a highly liveable mixed-use area where the scale of growth is aligned with the provision of public transport and other infrastructure.

To create a world leading sustainable urban renewal area that incorporates best practice sustainable design into all developments and supports sustainable transport patterns.

To provide public benefit in the form of Social housing where development exceeds the nominated Dwelling density.

To support the continued operation of strategically important existing uses and existing industrial uses that provide services to the construction industry, and ensure new development includes measures to mitigate potential amenity impacts from those industrial uses.

1.005/10/2018
GC81**Table of uses****Section 1 - Permit not required**

Use	Condition
Accommodation (other than Dwelling, Corrective institution, Motel, Residential aged care facility and Residential hotel)	Must not be within an Amenity buffer shown on Map 3.
Art and craft centre	
Bank	Must have a frontage to a Primary or Secondary active frontage street shown on Map 1.
Child care centre	Must not be within an Amenity buffer shown on Map 3.
Cinema based entertainment facility	Must be located in a Core area with frontage to a Primary or Secondary active frontage street shown on the relevant Urban Structure Map.
Department store	Must have a frontage to a Primary or Secondary active frontage street shown on Map 1.
Display home	
Dwelling	Must not be within an Amenity buffer shown on Map 3.
Education centre	Must not be within an Amenity buffer shown on Map 3.
Home based business	Must meet requirements of Clause 52.11
Informal outdoor recreation	Must not be within an Amenity buffer shown on Map 3.
Minor sports and recreation facility	
Motel	Must not be within an Amenity buffer shown on Map 3.

Office (other than Bank)

Place of assembly (other than Function centre and Nightclub)

Railway station

Retail premises (other than Hotel, Shop and Tavern) Must not exceed 1000 square metres gross leasable floor area.

Restricted retail premises

Residential aged care facility Must not be within an Amenity buffer shown on Map 3.
Residential hotel

Shop (other than Adult sex product shop, Department store, Supermarket and Restricted retail premises)

Supermarket Must have a frontage to a Primary active frontage street shown Map 1.

Tramway

Any use listed in Clause 62.01 Must meet the requirements of Clause 62.01

Section 2 - Permit required

Use	Condition
Adult sex product shop	
Function centre	
Hotel	
Leisure and recreation (other than Informal outdoor recreation, Minor sport and recreation facility, Motor racing track and Racecourse)	
Nightclub	
Tavern	
Transport terminal (other than Airport and Railway station)	
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use
Airport
Brothel
Cemetery
Corrective institution
Motor racing track
Race course
Recreational boat facility

2.0

Use of land

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2.1

Requirements

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The use of land must be generally in accordance with Map 1 of this schedule.

The use of land for a dwelling must not exceed the specified Dwelling density in Table 1, unless an agreement under section 173 of the Act has been entered into between the landowner, the responsible authority and the local council (if not the responsible authority) that requires the landowner to provide at least one Social housing dwelling for every eight dwellings provided above the number of dwellings allowable under the specified Dwelling density.

Table 1: Dwelling density

Precinct	Core area
Lorimer	339 dw/ha

These requirements do not apply to an application for the use of land in accordance with a planning permit for buildings and works granted before the approval date of Amendment GC81.

2.2

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Application requirements

The following application requirements apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

Residential development

An application to use land for a Dwelling, Residential village or Retirement village must be accompanied by a report that addresses:

- How the proposal contributes to an activated frontage.
- How the proposal achieves the Community and diversity objectives of the Fishermans Bend Urban Renewal Local Policy, including an assessment of the composition and size of dwellings proposed.
- How the proposal contributes to the job growth targets and employment floor area set out in the Fishermans Bend Urban Renewal Area Local Policy.

Sensitive uses

An application to use land within an Amenity buffer shown on Map 3 of this schedule, for Accommodation, Child care centre, Education centre, Residential aged care facility, Residential hotel or Informal outdoor recreation must be accompanied by an Amenity Impact Plan which includes, as appropriate:

- A site plan identifying the type and nature of the existing use identified in Map 3.
- An assessment of the impact of the proposed sensitive use on the existing use.
- Measures to mitigate potential amenity impacts from the existing use.
- Incorporation of noise attenuation measures.

Industry and warehouse uses

An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.

- The likely effects, if any, on the neighbourhood and the urban renewal of Fishermans Bend, including:
 - Noise levels.
 - Airborne emissions.
 - Emissions to land or water.
 - Traffic, including the hours of delivery and dispatch.
 - Light spill or glare.

2.3 Exemptions from notice and review

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An application for the 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.

This exemption does not apply to an application to use land for a nightclub, tavern, hotel or adult sex product shop.

2.4 Decision guidelines

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The following decision guidelines apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- If a dwelling is proposed, whether the proposal:
 - Creates an activated ground floor, particularly in Core areas.
 - Provides home offices or communal facilities that support ‘work from home’ or ‘mobile’ employment.
 - Provides Affordable housing consistent with the objectives and targets set out in the Fishermans Bend Urban Renewal Area Local Policy.
- Whether the use provides the minimum plot ratio not used for a dwelling set out in the Fishermans Bend Urban Renewal Area Local Policy.
- The impact the proposal has on the realisation of employment targets.
- The temporary uses of land not immediately required for the proposed use.
- The impact of the proposal on the amenity of the urban renewal of Fishermans Bend.
- Whether the proposal will prejudice the achievement or orderly development of the urban renewal of Fishermans Bend.
- If a sensitive use is proposed on land within an Amenity buffer shown on Map 3 of this schedule, whether the proposal incorporates appropriate measures to mitigate against adverse amenity from the existing use, where relevant.

3.0 Subdivision

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3.1 Requirements

05/10/2018
GC81

The subdivision of land must be generally in accordance with Map 1 of this schedule. This does not apply to a new road or laneway marked as indicative.

Car parking areas must be retained in a single or a consolidated title as common property, unless the responsible authority agrees otherwise.

These requirements do not apply to a subdivision of land in accordance with a planning permit for buildings and works granted before the approval date of Amendment GC81.

3.2 Application requirements

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The following application requirements apply to an application for a permit to subdivide land under Clause 37.04-3, in addition to those specified in Clause 37.04 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A layout plan, drawn to scale and fully dimensioned showing:
 - The location, shape and size of the site.
 - The location of any existing buildings, car parking areas and private open space.
 - The location, shape and size of the proposed lots to be created.
 - The location of any easements on the subject land.
 - The location of abutting roads, services, infrastructure and street trees.
 - Any proposed common property to be owned by a body corporate and the lots participating in the body corporate.
- Information that demonstrates how the subdivision makes provision for roads, laneways and open spaces, as shown on Map 1 of this schedule.
- Information that demonstrates how the subdivision will allow for the transition of car parking spaces to alternate uses over time.

3.3 Exemption from notice and review

05/10/2018
GC81

An application for the subdivision 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.

3.4 Decision guidelines

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The following decision guidelines apply to an application for a permit to subdivide land under Clause 37.04-3, in addition to those specified in Clause 37.04 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The contribution the proposed subdivision makes to a fine-grain precinct, and pedestrian and bicycle permeability.
- Whether the subdivision will facilitate the future adaptation or repurposing of proposed car parking areas.
- Whether the subdivision promotes consolidated car parking.
- Whether the subdivision provides for the necessary utilities infrastructure to service the development of the subdivided parcels, and allows for shared trenching.

Whether any proposed staging of development is appropriate.

The impact of the subdivision on landscape opportunities along street frontages, particularly for large canopy trees.

Whether the subdivision can accommodate an appropriate building envelope.

3.5 Existing uses

05/10/2018
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These requirements do not apply to an application for subdivision associated with a continuing lawful use of land.

In considering whether a permit should be granted for the subdivision of land associated with an ongoing existing use of land, the responsible authority must consider, as appropriate:

- The impact of the proposed subdivision on the amenity of the future urban renewal area.

- Whether the grant of the permit will prejudice the achievement or orderly development of the future urban structure for the area.
- Whether the subdivision supports the continued operation of an existing use that is of strategic importance, or that will facilitate the urban renewal of Fishermans Bend.

4.0 Buildings and works

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4.1 Permit requirement

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No permit is required to construct a building or construct or carry out works for the following:

- An addition of or modification to a verandah, awning, sunblind or canopy of an existing building.

A permit is required to demolish or remove a building or works, except for:

- The demolition or removal of temporary structures.
- The demolition ordered or undertaken by the responsible authority in accordance with the relevant legislation or local law.

4.2 Requirements

05/10/2018
GC81

The construction of a building, and the carrying out of works, must be generally in accordance with the relevant Map 1 of this schedule. This does not apply to new road or laneway marked as indicative.

This requirement does not apply to an application to amend a permit issued before the approval date of Amendment GC81.

Dwelling density

A permit must not be granted to construct a building or construct or carry out works with a Dwelling density in excess of the Dwelling density specified in Table 1, unless:

- An agreement under section 173 of the Act has been entered between the landowner, the responsible authority and the local council (if not the responsible authority) that requires the landowner to provide at least one Social housing dwelling for every eight dwellings provided above the number of dwellings allowable under the specified Dwelling density.

Bicycle, Motorcycle and Car share parking

Developments must provide bicycle, motorcycle and car share parking space in accordance with Table 2, unless the responsible authority is satisfied that a lesser number is sufficient.

Table 2: Parking Provision

		Bicycle spaces	Motorcycle spaces	Spaces allocated to a car share scheme
Developments of more than 50 dwellings	Provision of spaces	1 per dwelling	1 per 50 dwellings	2 spaces plus 1 per 25 car spaces.
	Provision of visitor spaces	1 per 10 dwellings	None specified	None specified

Developments with over 10,000 sqm non-residential floor space	Provision of spaces	1 per 50 sqm of net non-residential floor area	1 per 100 car parking spaces	For all developments with 120 or less car spaces: A minimum of 2 spaces	For developments with more than 120 car spaces: 1 per 60 car parking spaces
	Provision of visitor spaces	1 per 1000 sqm of net non-residential floor area	None specified	None specified	

Vehicle access points and crossovers

A permit must not be granted to construct a building or construct or carry out works where vehicle access points and/or crossovers (not including openings for a road) are located along roads designated as ‘no cross overs permitted’ in Map 1 of this schedule, unless no other access is possible.

4.3

Conditions on permits

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Green Star rating

A permit granted to construct a building or to construct or carry out works for:

- A new building or additions that contain 10 or more dwellings or 5000 square metres or more of floor space must include the following conditions:
 - Prior to the commencement of buildings and works, evidence must be submitted to the satisfaction of the responsible authority, that demonstrates the project has been registered to seek a minimum 5 Star Green Star Design and As-Built rating (or equivalent) with the Green Building Council of Australia.
 - Within 12 months of occupation of the building, certification must be submitted to the satisfaction of the responsible authority, that demonstrates that the building has achieved a minimum 5 Star Green Star Design and As-Built rating (or equivalent).
- Other buildings and alterations and additions of more than 50 square metres must include the following conditions:
 - Prior to the commencement of buildings and works, evidence must be submitted to the satisfaction of the responsible authority, that demonstrates the project has been registered to seek a minimum 4 Star Green Star Design and As-Built rating (or equivalent) with the Green Building Council of Australia.
 - Within 12 months of occupation of the building, certification must be submitted to the satisfaction of the responsible authority, that demonstrates that the building has achieved a minimum 4 Star Green Star Design and As-Built rating (or equivalent).

Third pipe and rain tank

A permit granted to construct a building or to construct or carry out works must include the following conditions:

- A third pipe must be installed for recycled and rain water to supply all non-potable outlets within the development for toilet flushing, irrigation and washing machine, unless otherwise agreed by the relevant water authority.
- An agreed building connection point must be provided from the third pipe, designed to the satisfaction of the relevant water supply authority, to ensure readiness to connect to a future precinct-scale recycled water supply.

- A rainwater tank must be provided that:
 - Has a minimum effective volume of 0.5 cubic metres for every 10 square metres of catchment area to capture rainwater from 100% of suitable roof rainwater harvesting areas (including podiums);
 - Is fitted with a first flush device, meter, tank discharge control and water treatment with associated power and telecommunications equipment approved by the relevant water authority.
- Rainwater captured from roof harvesting areas must be re-used for toilet flushing, washing machine and irrigation or, controlled release.

Roads and laneways

Where a new road or laneway is proposed on the land, and the road, street or laneway is not funded through an Infrastructure Contributions Plan, a permit granted to construct a building or to construct or carry out works must include a condition requiring the following:

- An agreement under section 173 of the Act must be entered into between the landowner, the responsible authority and the local council (if not the responsible authority) which provides for the:
 - Construction of the new road or laneway to the satisfaction of the responsible authority and the relevant road management authority; and
 - Transfer of the new road or laneway to or vesting in the relevant road authority as a public road at no cost to the relevant road authority. This does not apply to a new laneway that is agreed to be retained in private ownership to the satisfaction of the responsible authority.

The condition is not required in relation to a new road or laneway marked as indicative.

4.4 Application requirements

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The following application requirements apply to an application for a permit under Clause 37.04, in addition to those specified in Clause 37.04 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A written urban context report documenting the key planning influences on the development and how it relates to its surroundings.
- A design response detailing how the design makes provision for roads, laneways and open space generally in accordance with Map 1 of this schedule.
- A 3D digital model of the proposed buildings and works in a suitable format.
- An assessment and report detailing how the proposal responds to the Fishermans Bend Urban Renewal Area Local Policy.
- Any technical or supporting information necessary, prepared by suitably qualified professionals, including:
 - A Sustainability Management Plan addressing Environmentally Sustainable Design, Waste and Water management.
 - A Sustainable Transport Plan demonstrating how the development supports sustainable travel behaviour and promotes active transport modes.
 - A Landscape Plan for all areas of open space, except private open space for dwellings, providing for biodiversity, canopy tree planting, water sensitive urban design and microclimate management of buildings.

Affordable housing including Social housing

An application to construct a building or to construct or carry out works for a Dwelling must be accompanied by the following information, to the satisfaction of the responsible authority:

- A report that addresses how the proposal contributes to the Affordable housing objectives and targets of the Fishermans Bend Urban Renewal Local Policy, and identifies:
 - The number and location of Affordable housing dwellings proposed to be provided.
 - The proportion of total dwellings that are proposed to be Affordable housing dwellings.
 - The mix of one, two and three-bedroom Affordable housing dwellings that reflects the overall dwelling composition of the building.
- Plans that demonstrate that:
 - The proposed Affordable housing dwellings have internal layouts like other comparable dwellings in the building.
 - The proposed Affordable housing dwellings will be externally indistinguishable from other dwellings.
 - These plans are not required for Affordable housing that is proposed to be provided as Social housing.
- If Social housing is proposed, a report that:
 - Includes a dwelling schedule that shows the number, size and composition of private dwellings, Social housing dwellings, and private dwellings proposed to be provided to obtain a Social housing uplift.
 - Provides details of the participating registered agency proposed to own or manage the Social housing units.
 - Provides evidence of the agency's agreement to own or manage the Social housing units.

Amenity impacts from existing industrial uses, freight routes and transport corridors

An application for building and works associated with the use of land for Accommodation, Child care centre, Education centre, Residential aged care facility, Residential hotel or Informal outdoor recreation within an Amenity buffer shown on Map 3 of this schedule, must be accompanied by an Amenity Impact Plan which includes, as appropriate:

- A site plan identifying the type and nature of the existing use identified in Map 3.
- An assessment of the impact of the proposed sensitive use on the existing use.
- Measures to mitigate potential amenity impacts from the existing use.
- Incorporation of noise attenuation measures.

4.5 Exemption from notice and review

05/10/2018
GC81

An application to demolish or remove a building or to construct a building or construct or carry out works 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.

4.6 Decision guidelines

05/10/2018
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The following decision guidelines apply to an application for a permit under Clause 37.04-4, in addition to those specified in Clause 37.04 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposal responds satisfactorily to the Fishermans Bend Urban Renewal Area Local Policy.
- Whether the layouts of roads, laneways and open space are generally in accordance with those shown in the relevant Map 1 of this schedule.

- How the proposal contributes to establishing sustainable transport as the primary mode of transport through integrated walking, cycling and pedestrian links.
- Whether the development supports the function, form and capacity of public spaces and public infrastructure.
- For proposals within an Amenity buffer shown on Map 3 of this schedule, whether the proposal includes appropriate mitigation measures to protect against off-site amenity impacts.
- Whether the proposal is designed for all deliveries, servicing and waste management to occur on site.
- Whether the proposed vehicle access to and from the development impacts on the provision of public transport, pedestrian and cyclist safety, and whether there are any constraints to vehicle access to the site.
- The proposed sustainability rating of the building.
- Whether appropriate sustainable water, waste and energy management is proposed.
- Where only part of a site is developed, whether an agreement under section 173 of the Act has been entered into between the landowner, the responsible authority and the local council (if not the responsible authority) to ensure that the Dwelling density across the whole of the site will not be exceeded and whether the development is sited so that adequate setbacks are maintained in the event that the site is subdivided or otherwise altered to create a separate future development site.
- The management and maintenance of any Affordable housing, including Social housing.
- Any impacts to the proposed tram alignments, bus routes and the potential future elevated road structures.
- Whether the buildings and works may compromise the delivery of the proposed tram alignments or the future elevated road structures.
- Whether residential development includes floor plate layouts and servicing strategies that demonstrate a future capacity to allow one and two-bedroom dwellings to be combined and adapted into three or more-bedroom dwellings.

Demolition and removal of buildings

Before deciding on an application to demolish or remove a building or works, the responsible authority must consider any need for a condition requiring an agreement under section 173 of the Act to be entered by the landowner and the responsible authority and the local council (if not the responsible authority) requiring:

- Temporary buildings or works on the vacant site should it remain vacant for six months after completion of the demolition.
- Temporary buildings or works on the vacant site where demolition or construction activity has ceased for an aggregate of six months after commencement of the construction.
- Temporary buildings or works may include:
 - The construction of temporary buildings for short-term retail or commercial use. Such structures must include the provision of an active street frontage.
 - Landscaping of the site for public recreation and open space.
 - A demolition plan, detailing the staging of demolition and any temporary works proposed.

4.7 Existing uses

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The requirements of clauses 4.2, 4.3 and 4.4 do not apply to an application for buildings and works associated with a continuing lawful use of land.

In considering whether a permit should be granted for buildings and works associated with an existing use of land for industry or warehouse, the responsible authority must consider, as appropriate:

- The impact of the proposed buildings and works on the amenity of the future urban renewal area.
- Whether the grant of the permit will prejudice the achievement or orderly development of the future urban structure for the area.
- Whether the buildings and works support the continued operation of an existing industrial use that is of strategic importance, or that will facilitate the urban renewal of Fishermans Bend.
- Whether the buildings and works may compromise the delivery of the proposed tram alignments or the future elevated road structures.

5.0 Signs

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A permit is required to construct and display a sign except for:

- Advertising signs exempted by Clause 52.05-4.
- Renewal or replacement of an existing internally illuminated business identification sign.
- A home occupation sign with an advertisement area not more than 0.2 square metres.
- A direction sign where there is only one to each premises.
- A business identification sign, bed and breakfast sign, home occupation sign, or promotion sign, that have a combined total advertisement area to each premises not exceeding 8 square metres.
- An internally illuminated sign of no greater than 1.5 square metres and the sign is not above a verandah or more than 3.7 metres above pavement level. The sign must be more than 30 metres from a residential zone or pedestrian or traffic lights.
- A non-illuminated sign on a verandah fascia, provided no part of the sign protrudes above or below the fascia of the building.

5.1 Exemption from notice and review

05/10/2018
GC81

An application to construct and display a sign 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.

MAP 3: Amenity buffers

Definitions

The following definitions apply for the purposes of interpreting this schedule:

Affordable housing has the same meaning as in the *Planning and Environment Act 1987*.

Core area and **Non-core area** are those area identified on the relevant Map.

Dwelling density (dw/ha) means the number of dwellings on the site divided by the total site area (hectares), including any proposed road, laneway and public open space.

Social housing has the same meaning as in the *Housing Act 1983*.

Social housing uplift means dwellings that exceed the number of dwellings allowable under the dwelling density requirements in this Schedule.