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## SCHEDULE 12 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ12**.

### CARDINIA CREEK SOUTH PRECINCT STRUCTURE PLAN

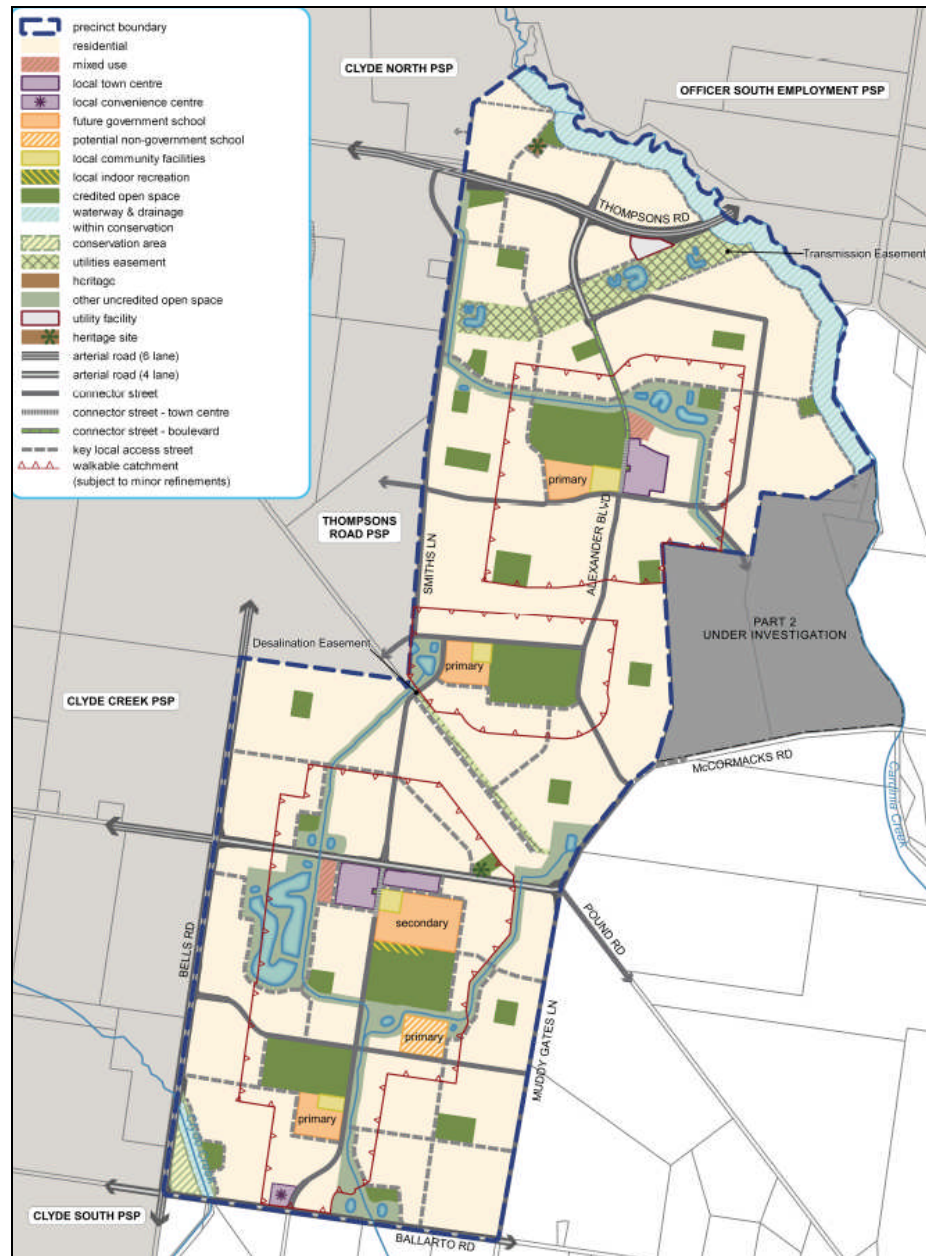
#### 1.0

#### The Plan

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Plan 1 shows the future urban structure of the *Cardinia Creek South Precinct Structure Plan*. It is a reproduction of Plan 2 in the *Cardinia Creek South Precinct Structure Plan*.

#### Plan 1 to Schedule 12 to Clause 37.07



**2.0 Use and development**

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**2.1 The Land**

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The use and development provisions specified in this schedule apply to the land as shown within the ‘precinct boundary’ on Plan 1 of this schedule and shown as UGZ12 on the planning scheme maps.

*Note: If land shown on Plan 1 is not zoned UGZ, the provisions of this zone do not apply.*

**2.2 Applied zone provisions**

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Table 1 allocates the land use/development shown on Plan 1 of this schedule with a corresponding zone from this scheme

Where the use/development in the left column is carried out or proposed generally in accordance with the incorporated *Cardinia Creek South Precinct Structure Plan*, the use, subdivision, construction of a building and construction and carrying out of works provisions of the corresponding zone in the right column apply.

A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

*Note: e.g. The General Residential Zone specifies ‘Car wash’ as a Section 2 Use with the condition, ‘The site must adjoin, or have access to, a road in a Road Zone.’ In this instance the condition should be read as, ‘The site must adjoin, or have access to, a road in a Road Zone or an applied Road Zone in the Urban Growth Zone schedule applying to the land’.*

**Table 1: Applied zone provisions**

Residential on a lot wholly within walkable catchment boundary (once subdivided)	Clause 32.07 – Residential Growth Zone
Mixed use	Clause 32.04 – Mixed Use Zone
Local Town Centre / Local Convenience Centre	Clause 34.01 – Commercial 1 Zone
Connector Street	Clause 36.04 – Road Zone Category 2
Arterial Road	Clause 36.04 – Road Zone Category 1
All other land	Clause 32.08 – General Residential Zone

**2.3 Specific provisions – Use of land**

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**Section 1 - Permit not required**

Use	Condition
<b>Child care centre</b>	On land shown as community facilities in the <i>Cardinia Creek South Precinct Structure Plan</i> and with the prior written consent of the responsible authority.
<b>Primary school</b> <b>Secondary school</b>	On land shown as Potential Non-Government School in the <i>Cardinia Creek South Precinct Structure Plan</i> .
<b>Minor sports and recreation facility</b>	On land shown as local park or local sports reserve on Plan 5 in the <i>Cardinia Creek South Precinct Structure Plan</i> and with the prior written consent of the responsible authority.

Use	Condition
<b>Shop where the applied zone is Commercial 1 Zone</b>	<p>The combined leasable floor area of all shops does not exceed:</p> <ul style="list-style-type: none"> <li>• 8,000 square metres for land shown as retail in the Alexander Boulevard Town Centre in the <i>Cardinia Creek South Precinct Structure Plan</i>.</li> <li>• 8,000 square metres for land shown as retail in the Pattersons Road Town Centre in the <i>Cardinia Creek South Precinct Structure Plan</i>.</li> </ul> <p>1,500 square metres for land shown as retail in the Ballarto Road Local Convenience Centre in the <i>Cardinia Creek South Precinct Structure Plan</i>.</p>
<b>Any use listed in Clause 62.01</b>	Must meet requirements of Clause 62.01.

## Section 2 - Permit required

Use	Condition
<b>Any use not in Section 1 or Section 3</b>	

## Section 3 – Prohibited

Use
None Specified

### 2.4 Specific provisions - Subdivision

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None specified.

### 2.5 Specific provisions - Buildings and works

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#### Dwellings on a lot less than 300 square metres

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

- One dwelling on a lot with an area less than 300 square metres where a site is identified as a lot to be assessed against the Small Lot Housing Code via a restriction on title, and it complies with the Small Lot Housing Code incorporated pursuant to Clause 72.04 of the Casey Planning Scheme; or
- One dwelling on a lot of between 250 and 300 square metres where an approved building envelope (as defined in Part 4 of the Building Regulations 2006) applies to the lot.

A permit is required to:

- Construct a front fence within 3 metres of a street, on a lot less than 300 square metres, if the fence exceeds the maximum height specified in Clause 54.06-2.

#### Buildings and works for a school

A permit is required to:

- Construct a building or construct or carry out works associated with a Primary School or Secondary School on land shown as ‘potential non-government school’ unless exempt under Clauses 62.02-1 and 62.02-2.

#### Development of future public land

A permit is not required to construct a building or construct or carry out works:

- On land shown in the *Cardinia Creek South Precinct Structure Plan* as local park, local sports reserve or community facilities provided the development is carried out generally in accordance with the *Cardinia Creek South Precinct Structure Plan* and with the prior written consent of the responsible authority.

### 3.0 Application requirements

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The following application requirements apply to an application for a permit under Clause 37.07, in addition to those specified in Clause 37.07 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

#### Subdivision - Residential development

In addition to the requirements of Clause 56.01-2, a subdivision design response for a residential subdivision must include, to the satisfaction of the responsible authority:

- A land budget table in the same format and methodology as those within the precinct structure plan applying to the land, setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields;
- A demonstration of how the property will contribute to the achievement of the residential density outcomes in the precinct structure plan applying to the land;
- A demonstration of lot size diversity by including a colour coded lot size plan, reflecting the lot size categories and colours outlines in Table 2 - Lot Size and Housing Type Guide in the *Cardinia Creek South Precinct Structure Plan*;
- A mobility plan that demonstrates how the local street and movement network integrates with adjacent urban development or is capable of integrating with future development on adjacent land parcels;
- An arboricultural report identifying all trees on the site and a tree retention plan identifying how the application responds to Plan 4 – Image and Character and any tree protection requirements and guidelines within the *Cardinia Creek South Precinct Structure Plan*;
- Potential bus route and bus stop locations prepared in consultation with Public Transport Victoria;
- Subdivision and Housing Design Guidelines, prepared to satisfaction of the responsible authority, which demonstrates how the proposal:
  - Responds to and achieves the objectives and planning and design requirements and guidelines within the “Housing” section of the *Cardinia Creek South Precinct Structure Plan* incorporated into this scheme; and,
  - Where adjoining Thompsons Road, must respond to the role of Thompsons Road as part of the Principal Freight Network and manages the impacts of freight movements on urban amenity.
- A Site Management Plan that addresses bushfire risk during, and where necessary, after construction, which is approved by the Country Fire Authority. The plan must specify, amongst other things:
  - The staging of development and the likely bushfire risks at each stage;
  - An area of land between the development edge and non-urban areas consistent with the separation distances specified in AS3959-2009, where bushfire risk is managed to enable the development, on completion, to achieve a BAL-12.5 rating under AS3959-2009;
  - The measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape and protect residents and property from the threat of fire;
  - How adequate opportunities for access and egress will be provided for early residents, construction workers and emergency vehicles.

#### Public Infrastructure Plan

An application to subdivide land, or construct a building or construct or carry out works must be accompanied by a Public Infrastructure Plan which addresses the following:

- A Stormwater Management Strategy that assesses the existing surface and subsurface drainage conditions on the site, addresses the provision, staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of the responsible authority and Melbourne Water.
- What land may be affected by or required for the provision of infrastructure works.
- The provision, staging and timing of stormwater drainage works.
- The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment.
- The landscaping of any land.
- What, if any, infrastructure set out in the Precinct Infrastructure Plan in the incorporated *Cardinia Creek South Precinct Structure Plan* is sought to be provided as "works in lieu" subject to the consent of the collecting agency.
- The provision of public open space and land for any community facilities.
- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

#### **Traffic Impact Assessment**

An application that proposes to create or change access to a primary or secondary arterial road must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility/concept road safety audit, must be to the satisfaction of VicRoads or the responsible authority, as required.

#### **Heritage Conservation Management Plans and Heritage Assessment**

An application to use, develop or subdivide land containing an identified Heritage Place must be accompanied by a Heritage Conservation Management Plan. The Heritage Conservation Management Plan must include a statement of significance/cultural value, appropriate site boundaries where subdivision is proposed, required restoration works, a schedule identifying essential urgent restoration works and potential future restoration works, an interpretive reuse plan, and interpretive signage, to the satisfaction of the responsible authority.

#### **Groundwater Assessment**

An application to use, develop or subdivide land must be accompanied by a hydrogeological assessment of groundwater conditions on the site and the potential impacts on the proposed development, including any measures required to mitigate the impacts of groundwater conditions on the development and the impact of development on groundwater, to the satisfaction of the responsible authority.

## **4.0**

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### **Conditions and requirements for permits**

#### **Condition - Subdivision permits that allow the creation of a lot/s of less than 300 square metres**

- Prior to certification of the Plan of Subdivision for the relevant stage, a plan must be submitted for approval to the satisfaction of the responsible authority. The plan must identify the lots that will include a restriction on title allowing the use of the provisions of the Small Lot Housing Code incorporated pursuant to Clause 72.04 of the Casey Planning Scheme.
- The Plan of Subdivision submitted for certification must identify whether Type A or Type B of the Small Lot Housing Code applies to each lot to the satisfaction of the responsible authority.

#### **Requirement - Salvage and translocation**

The salvage and translocation of flora and fauna must be undertaken in the carrying out of works to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

**Condition - Environmental Management Plans**

A planning permit to subdivide land, construct a building or construct or carry out works within 30 metres of land shown as a conservation area in the *Cardinia Creek South Precinct Structure Plan* must include the following condition:

- Prior to certification of the plan of subdivision or the commencement of buildings or works, an Environmental Management Plan for the relevant works or subdivision must be approved to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning and responsible authority, unless otherwise agreed by the Secretary to the Department of Environment, Land, Water and Planning and responsible authority.

**Condition - Protection of conservation areas and native vegetation during construction**

- Before the commencement of buildings or works within 30 metres of a conservation area shown in the *Cardinia Creek South Precinct Structure Plan*, the permit holder must erect a vegetation protection fence around any conservation area, patch of native vegetation or scattered tree identified for retention, or vegetation identified for salvage in the *Cardinia Creek South Precinct Structure Plan*. The fence must be:
  - highly visible;
  - at least 2 metres in height;
  - sturdy and strong enough to withstand knocks from construction vehicles;
  - in place for the whole period of construction occurring within 30m of the conservation area, patch of native vegetation or scattered tree;
  - located at a minimum distance from the identified elements in Table 2:

**Table 2**

Element	Distance
Conservation area	2 m
Scattered tree	12 x DBH (Diameter at Breast Height)
Patch of native vegetation	2 m

During the undertaking of buildings or works, all activities must be excluded from occurring within the protection fencing, unless otherwise agreed to by the Secretary to the Department of Environment, Land, Water and Planning.

Construction stockpiles, fill, machinery, vehicle parking, excavation and works or other activities associated with the buildings or works must be designed and constructed to ensure that the conservation area, scattered trees or patches of native vegetation identified for retention in the Precinct Structure Plan are protected from adverse impacts during construction.

**Condition - Land Management Cooperative Agreement**

A permit to subdivide land shown in the *Cardinia Creek South Precinct Structure Plan* as including a conservation area must ensure that, before the issue of a statement of compliance for the last stage of the subdivision, the owner of the land:

- Enters into an agreement with the Secretary to the Department of Environment, Land, Water and Planning under section 69 of the *Conservation Forests and Lands Act 1987*, which:
  - Must provide for the conservation and management of that part of the land shown as a conservation area in the *Cardinia Creek South Precinct Structure Plan*; and

- May include any matter that such an agreement may contain under the Conservation Forests and Lands Act 1987.
- Makes application to the Registrar of Titles to register the agreement on the title to the land.
- Pays the reasonable costs of the Secretary to the Department of Environment, Land, Water and Planning in the preparation, execution and registration of the agreement.

The requirement for a Land Management Co-operative Agreement in this condition does not apply to land or any lot or part of a lot within a conservation area identified in the *Cardinia Creek South Precinct Structure Plan* that is:

- Identified the *Cardinia Creek South Precinct Structure Plan* as public open space and is vested, or will be vested, in the council as a reserve for the purposes of public open space; or
- Identified in the *Cardinia Creek South Precinct Structure Plan* as a drainage reserve and is vested, or will be vested, in Melbourne Water Corporation or the council as a drainage reserve; or
- The subject of an agreement with the Secretary to the Department of Environment, Land, Water and Planning to transfer or gift that land to:
  - The Secretary to the Department of Environment, Land, Water and Planning;
  - The Minister for Environment and Climate Change; or
  - Another statutory authority.

All to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

**Condition - Subdivision permits where bus stops are required**

- Unless otherwise agreed by Public Transport Victoria, prior to the issue of a Statement of Compliance for any subdivision stage, bus stops must be constructed, at full cost to the permit holder, as follows:
  - Generally in the location identified by Public Transport Victoria;
  - In accordance with the Public Transport Guidelines for Land Use and Development with a concrete hard stand area and access path;
  - Be compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002; and
  - Be provided with direct and safe pedestrian access to a pedestrian path.

All to the satisfaction of Public Transport Victoria and the responsible authority.

**Conditions - Subdivision permits where land is required for road widening**

Any permit for subdivision must contain the following condition:

- Prior to the certification of a plan of subdivision, the plan of subdivision must show the land affected by the widening of the road reserve which is required to provide road widening and/or right of way flaring for the ultimate design of any adjacent intersection.

**Condition - Public Infrastructure Plan**

Any permit for subdivision must contain the following condition:

- Prior to the certification of a plan of subdivision or at such other time which is agreed between Council and the owner, if required by the responsible authority or the owner, the owner must enter into an agreement or agreements under section 173 of the *Planning and Environment Act 1987* which provides for:
  - The implementation of the Public Infrastructure Plan approved under this permit.

**Requirement - Subdivision or buildings and works permits where land is required for community facilities, public open space or road widening**

Any permit for subdivision or buildings and works must contain a condition or conditions ensuring:

- The costs associated with effecting the transfer or vesting of land required for community facilities, public open space or road widening (including right of way flaring for the ultimate design of any intersection within an existing or proposed arterial road) must be borne by the permit holder; and
- Land required for community facilities, public open space or road widening (including right of way flaring for the ultimate design of any intersection within an existing or proposed arterial road) must be transferred to or vested in the relevant public agency with any designation (e.g. road, reserve or lot) nominated by the relevant agency.

**Requirement – Use, subdivision or buildings and works permits where land contains an identified Heritage Place**

- Any permit for the use, development or subdivision of land containing an identified Heritage Place must contain a condition requiring the Heritage Conservation Management Plan approved as part of the permit to be secured via an appropriate legal mechanism such as an agreement pursuant to section 173 of the *Planning and Environment Act 1987* to the satisfaction of the responsible authority

**5.0 Exemption from notice and review**

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None specified.

**6.0 Decision guidelines**

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The following decision guidelines apply to an application for a permit under Clause 37.07, in addition to those specified in Clause 37.07 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- When deciding on an application to create floorspace in excess of any cap in a town centre, the local catchment and PSP catchment demand for additional floor space; and
- The effect on existing and future major town centres within City of Casey.

**7.0 Signs**

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Sign requirements for this land is the category specified in the zone applied to the land at Clause 2.2 of this schedule.