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SCHEDULE 5 TO THE URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ5**.

DIGGERS REST PRECINCT STRUCTURE PLAN

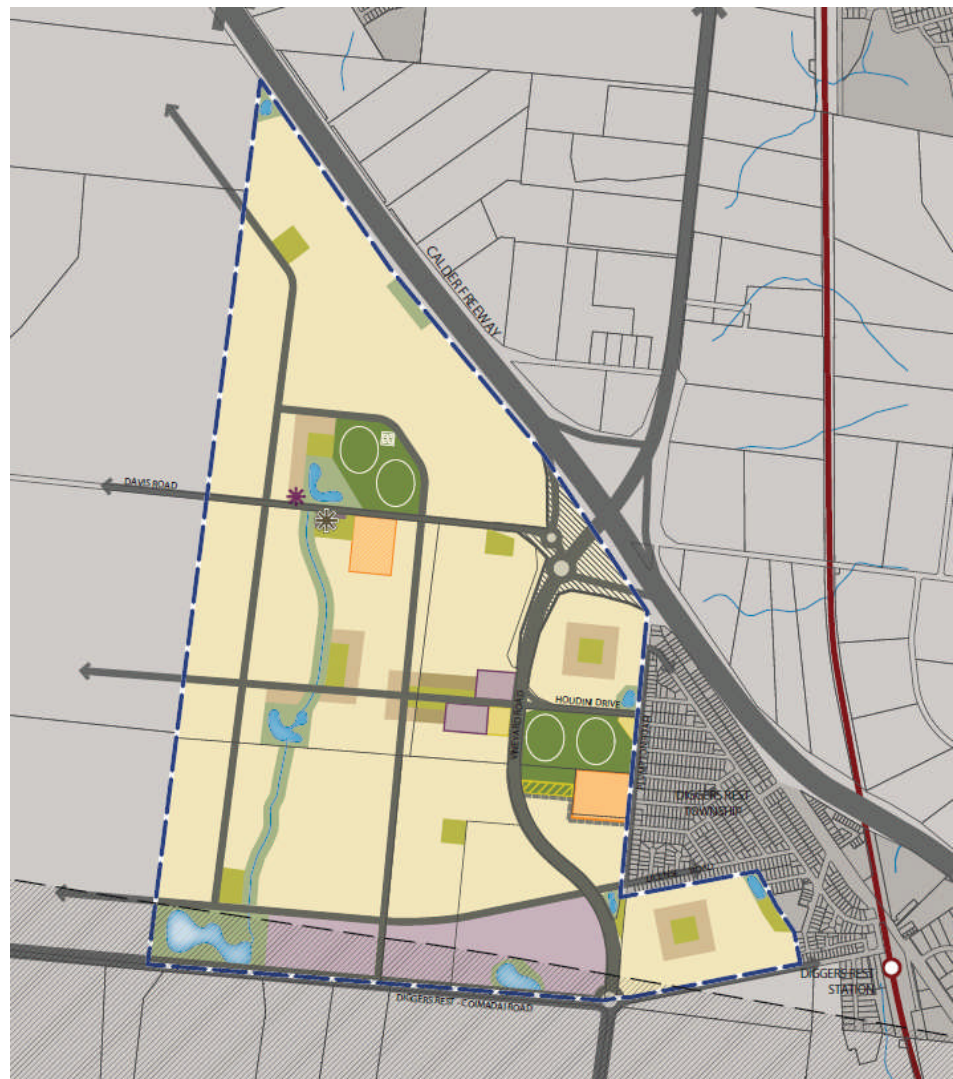
1.0

The plan

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Map 1 below shows the future urban structure proposed for the *Diggers Rest Precinct Structure Plan*. It is a reproduction of Plan 2 in the *Diggers Rest Precinct Structure Plan*.

Map 1 to Schedule 5 to Clause 37.07



Precinct Boundary	Conventional Density Residential	Unencumbered Active Open Space
Road Network	Medium Density Residential	Unencumbered Passive Open Space
Key Local Access Street	High Density Residential	Encumbered Open Space - Drainage
Railway line & Station	Employment	Encumbered Open Space - Conservation
Calder FWY / Vineyard Road Interchange	State Primary School	Waterways and Wetlands
Melbourne Airport Environs Overlay	Non Government Primary School	Existing Heritage Site
Local Town Centre	Indoor Recreation Facility	Future Urban Area
Opportunity for Convenience Retail	Community Facility	Existing Settlement

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 Map 1 of this schedule and shown as UGZ5 on the planning scheme maps.

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

2.2 Applied zone provisions

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The provisions of the following zones in this scheme apply to the use and subdivision of the land, the construction of a building and construction and carrying out of works as set out in Table 1.

Table 1: Applied Zones

Land use/development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land	Applied zone provisions
Employment	Clause 34.02 - Commercial 2 Zone
Local Town Centre	Clause 34.01 - Commercial 1 Zone
All other land	Clause 32.08 - General Residential Zone

2.3 Specific provisions – Use of land

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The following provisions apply to the use of land. **Table 2: Use**

Use	Requirement
Office	A permit may be granted to use land for an office if the leasable floor area does not exceed 100 square metres.

Table 3: Shop use where the applied zone is Commercial 1 Zone

Use	Requirement
Shop	A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds 6000 square metres.

2.4 Specific provisions – Dwellings on a lot less than 300 square metres

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A permit is not required to construct or extend 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 81 of the Melton Planning Scheme.

2.5 Specific provisions – Heritage house (HO47) and environs

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Except with the written consent of the Responsible Authority, a permit must not be granted to use or subdivide land, or construct a building and carry out works within 100 metres to the south, east or west of the Heritage Place (HO47) until a Conservation Management

Plan has been prepared for the heritage farmhouse and its environs to the satisfaction of the Responsible Authority.

3.0 Application requirements

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If in the opinion of the Responsible Authority an application requirement listed at 3.1, 3.2 or 3.3 is not relevant to the assessment of an application, the Responsible Authority may waive or reduce the requirement.

3.1 Subdivision – residential development

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In addition to the requirements of Clause 56.01-2, a Subdivision Design Response for a residential subdivision of less than 60 lots must show the proposed use and development of each part of the land and the staging of the development for all land in contiguous ownership with the land under application.

An application for a residential subdivision of 10 lots or more must be accompanied by:

- A written statement that sets out how the subdivision implements the incorporated *Diggers Rest Precinct Structure Plan*.
- Subdivision and Housing Design Guidelines, prepared to the satisfaction of the Responsible Authority, in accordance with the incorporated *Diggers Rest Precinct Structure Plan*.
- A table setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields.
- A Traffic Impact Assessment Report to the satisfaction of the relevant road management authority.

Any application for residential subdivision must be accompanied by:

- Potential bus route and bus stop locations prepared to the satisfaction of the Director of Public Transport.
- An assessment of the existing surface and subsurface drainage conditions on the site by a suitably qualified professional and the potential impacts on the proposed development, including any measures required to mitigate the impacts of the development on groundwater and drainage.

3.2 Public Infrastructure Plan

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An application for subdivision and or use and development of land must be accompanied by a Public Infrastructure Plan which addresses the following:

- what land may be affected 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 *Diggers Rest Development Contributions 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; and
- any other matter relevant to the provision of public infrastructure required by the Responsible Authority.

3.3 Diggers Rest Local Town Centre

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An application to use, subdivide land, construct a building or construct or carry out works for a Local Town Centre must also include the following information, as appropriate, to the satisfaction of the responsible authority:

- A design response report and plans that:
 - address the Local Town Centre Design Requirements, the Local Town Centre General Guidelines in Appendix A and the Local Town Centre Concept in figure 2 of the Diggers Rest Precinct Structure Plan;
 - address any relevant design guidelines prepared by the Victorian Government or the Melton City Council;
 - demonstrate how the proposal relates to existing or approved development in the area;
 - demonstrate site responsive architecture and urban design;
 - demonstrate how the proposal will contribute to the urban character of the Local Town Centre;
 - explain how the proposal responds to feedback received following consultation with relevant infrastructure agencies such as the Department of Transport;
 - include environmental sustainability initiatives including integrated water management and energy conservation;
 - include provisions for car parking including the location and design of car parking areas and car parking rates for proposed uses within the centre;
 - address the provision of advertising signs;
 - include arrangements for the provision of service areas and for deliveries and waste disposal including access for larger vehicles and measures to minimise the impact on the amenity of the centre and adjoining neighbourhoods; and
 - demonstrate how opportunities for medium and higher density housing and future commercial expansion can be incorporated into the centre (including on future upper levels and through future car park redevelopments).
- An overall landscape concept/master plan for the centre including a design of the town square/ public space.

3.4 Specific provisions – Public transport referral requirements

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For the purpose of Clause 52.36-1 of the scheme a development is generally in accordance with the *Diggers Rest Precinct Structure Plan* where the following requirements are met:

- A road nominated on *Plan 9 – Public Transport and Walking Trails* in the *Diggers Rest Precinct Structure Plan* as a potential bus route is constructed (including any partial road construction required) in accordance with its corresponding cross section in the *Diggers Rest Precinct Structure Plan*;
- Signalised intersections that contain a proposed Principal Public Transport Network (PPTN) route in the *Diggers Rest Precinct Structure Plan* include bus priority measures to mitigate delays to bus travel times, to the satisfaction of the Director of Public Transport;
- Any roundabouts or other management devices on potential bus routes are constructed to accommodate ultra low floor buses in accordance with the Public Transport Guidelines for Land Use and Development; and
- The proposal includes the construction of bus stops in locations approved by the Director of Public Transport including bus stop hard stands with direct and safe

pedestrian access to a pedestrian path (all in accordance with the Public Transport Guidelines for Land Use and Development and compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2001) at no cost to the Director of Public Transport all to the satisfaction of the Director of Public Transport.

A responsible authority may address any of the above matters through planning permit conditions.

4.0 Conditions and requirements for permits

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4.1 General requirements

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A planning permit must include a condition or conditions which ensure that any requirements or conditions set out in the *Diggers Rest Precinct Structure Plan* and the *Diggers Rest Native Vegetation Precinct Plan* are implemented as part of the planning permit or the plans endorsed under the permit.

4.2 Conditions for subdivision or building and works permits where land is required for community facilities, public open space and road widening

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Land required for community facilities, as set out in the *Diggers Rest Precinct Structure Plan* or the *Diggers Rest Development Contributions Plan* must be transferred to or vested in Council at no cost to Council unless the land is funded by the *Diggers Rest Development Contributions Plan*.

Land required for public open space such as a local or district park set out in the *Diggers Rest Precinct Structure Plan* or the *Diggers Rest Development Contributions Plan* must be transferred to or vested in Council at no cost to Council unless funded by the *Diggers Rest Development Contributions Plan*.

Land required for road widening including right of way flaring for the ultimate design of any intersection with an existing or proposed arterial road must be referred to or vested in Council or VicRoads at no cost to the acquiring agency unless funded by the *Diggers Rest Development Contributions Plan*.

Land required for a community facility, road or public open space must be shown on a Plan of Certification as a reserve in favour of Melton City Council or another relevant agency.

4.3 Conditions for subdivision permits that allow for the creation of a lot of less than 300 square metres

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Any permit for subdivision that allows the creation of a lot less than 300 square metres must contain the following conditions:

Prior to the 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 81 of the Melton Planning Scheme; and

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

4.4 Local town centre

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The boundary of a local town centre with the applied Commercial 1 Zone must be identified on the plan of subdivision to the satisfaction of the Responsible Authority.

4.5 Employment

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The boundary of the employment area with the applied Commercial 2 Zone must be identified on a plan of subdivision to the satisfaction of the Responsible Authority.

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Conditions for subdivision and/ or development - 2-188 Davis Road, Diggers Rest (Lot 1 PS 302333 & Lot 4 LP6069), 62-144 Diggers Rest-Coimadai Road, Diggers Rest (Lot 1 PS315836 & Part of Lot 2 617724k) & 107-207 Plumpton Road, Diggers Rest (Lot 1 TP61801) – Environmental Site Assessment

Prior to the issue of a Statement of Compliance for a Plan of Subdivision under the Subdivision Act 1988, further testing in accordance with the recommendations of the *Future Diggers Rest Precinct Structure Plan, Diggers Rest, Phase 1 Environmental Site Assessment* (Golder Associates 2010) prepared for the property must be carried out to the satisfaction of the Responsible Authority. Upon completion of the testing the landowner must submit the results and comply with any additional requirements to the satisfaction of the Responsible Authority, having regard to the guidance set out in the General Practice Note on Potentially Contaminated Land June 2005 (DSE).

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Biodiversity

Eastern Grey Kangaroos

Prior to the commencement of any works in a stage of subdivision of land an Eastern Grey Kangaroo Management Plan must be submitted for approval to the Department of Environment, Land, Water and Planning. The plan must include:

- Strategies (e.g. staging) to avoid land locking Eastern Grey Kangaroos, or where this is not practicable, management solutions and action to respond to their containment in an area with no reasonable likelihood of their continued safe existence
- The subdivision and associated works must implement the Eastern Grey Kangaroo Management Plan in the timeframes set out in the plan by:
- Proceeding in the order of stages as shown on the plan; and
- Implementing the management solutions and actions of the Plan;

all to the satisfaction of the Department of Environment, Land, Water and Planning, and the responsible authority.

Golden Sun Moth

Any permit which would allow subdivision, buildings or works that will impact on an area identified on the Threatened Species Action Plan in the *Diggers Rest Precinct Structure Plan* as Golden Sun Moth habitat must contain the following condition unless otherwise agreed to in writing by the Department of Environment, Land, Water and Planning.

- Prior to the commencement of any buildings or works or the removal of any vegetation, offsets for Golden Sun Moth habitat on the land must be provided to the satisfaction of the Secretary of the Department of Environment, Land, Water and Planning.

Striped Legless Lizard

Any permit which would allow subdivision, buildings or works that will impact on an area of land identified as potential Striped Legless Lizard habitat on the Threatened Species Action Plan in the *Diggers Rest Precinct Structure Plan* must contain the following condition unless otherwise agreed to in writing by the Department of Environment, Land, Water and Planning:

The specifications and requirements contained in the documents known as:

- The Salvage and Translocation of Striped Legless Lizard in the Urban Growth Areas of Melbourne: Strategic Approach (DSE 2011); and
- Salvage and Translocation of Striped Legless Lizard in the Urban Growth Areas of Melbourne: Operational Plan (DSE 2011);

must be complied with to the satisfaction of the Secretary of the Department of Environment, Land, Water and Planning.

5.0 Advertising signs

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Land is in the category specified in the applied zone.

5.1 Land and home sales signs

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Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- The advertisement area for each sign does not exceed 10 square metres.
- Only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage.
- The sign is not animated, scrolling, electronic or internally illuminated sign.
- The sign is not displayed longer than 21 days after the sale (not settlement) of the last lot.
- The sign is setback a minimum of 750mm from the property boundary.

5.2 Education and community facility promotion signs

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Despite the provisions of Clause 52.05, a permit may be granted, for a period of not more than 5 years, to display an advertising sign that promotes an educational centre on the land identified as education, community and indoor recreation or active open space on Map 1 to this schedule.

6.0 Referral of applications

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An application to subdivide land, or construct a building or carry out works (where the value of those works is in excess of \$500,000) on land in a local town centre must be referred in accordance with section 55 of the Act to the Victorian Planning Authority.

7.0 No exemption from notice and review

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An application to use land for a purpose identified in the Table 2 at section 2.3 of this Schedule, on land where the applied zone is General Residential Zone, is not 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.