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SCHEDULE 6 TO THE URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ6**.

Toolern Park Precinct Structure Plan

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The plan

Map 1 below shows the future urban structure proposed for the Toolern Park Precinct Structure Plan (PSP) area.

Map 1 to Schedule 6 to Clause 37.07



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Use and development

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The land

The use and development provisions specified in this schedule apply to the land shown within the 'Precinct Structure Plan Area' on Map 1 of this schedule and shown as UGZ6 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, construction or carrying out of works as set out in Table 1.

Table 1: Applied zone provisions

Land as shown on Map 1 of this Schedule	Applied Zone Provisions
All land	Clause 32.08s1 – General Residential Zone 1

2.3 Specific provisions – Use of land

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Table 2: Use

Use	Requirement
Convenience Shop (other than Adult sex bookshop) where the applied zone is General Residential Zone 1	A permit may be granted to use land for a convenience shop if the leasable floor area of the shop does not exceed 100 square metres.
Office where the applied zone is General Residential Zone 1	A permit may be granted to use land for an office if the leasable floor area of the office does not exceed 100 square metres.

2.4 Specific provision – 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 - Toolern Creek Park interface

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Except with the consent of the responsible authority, a permit must not be granted to use or subdivide land, or construct a building and carry out works on land shown as 'Potential Residential (subject to land capability assessment)' on Plan 2 Future Urban Structure in the Toolern Park Precinct Structure Plan until an Urban Design Framework, as identified in 'Requirement 6' of the Toolern Park PSP, has been prepared to the satisfaction of the responsible authority.

A permit may be granted to subdivide land or to construct a building or construct and carry out works prior to the approval of an Urban Design Framework if, in the opinion of the responsible authority, the grant of the permit is consistent with the requirements for the Urban Design Framework for the relevant locality set out in the incorporated Precinct Structure Plan.

3.0 Application requirements

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If in the opinion of the responsible authority an application requirement listed at 3.1 or 3.2 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 Toolern Park Precinct Structure Plan;
- Subdivision and Housing Design Guidelines, prepared to the satisfaction of the responsible authority, in accordance with the incorporated Toolern Park Precinct Structure Plan;
- A table setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields; and
- 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 in consultation with Public Transport Victoria; and
- 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 impacts of the development on drainage.

3.2 Public Infrastructure Plan

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An application 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 Toolern Park 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 Use or develop land for a sensitive use

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An application to use or develop land for a sensitive use, or to construct a building or construct and carry out works associated with a sensitive use on the land must be accompanied by a Phase 1 Environmental Site Assessment report prepared by a suitably qualified environmental professional to the satisfaction of the responsible authority.

The report must contain:

- Clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is

recommended having regard to the *General Practice Note on Potentially Contaminated Land*, June 2005 (DSE); and

- Recommended remediation actions for any contaminated land.

3.4 Kangaroo management

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An application for subdivision must be accompanied by a Kangaroo Management Plan to the satisfaction of the responsible authority which includes:

- Strategies to avoid land locking kangaroos, including staging of subdivision; and
- Management requirements to respond to the containment of kangaroos in an area with no reasonable likelihood of their continued safe existence; or
- Management and monitoring actions to sustainably manage a population of kangaroos within a suitable location.

Where a Kangaroo Management Plan has been approved in respect to the land to which the application applies, the application must be accompanied by:

- A copy of the approved Kangaroo Management Plan; and
- A 'design/management response' statement outlining how the application is consistent with and gives effect to any requirements of the approved Kangaroo Management Plan.

4.0 Conditions and requirements for permits

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4.1 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 Toolern Park Precinct Structure Plan or the Toolern Park Development Contributions Plan must be transferred to or vested in Council at no cost to Council unless the land is funded by the Toolern Park Development Contributions Plan.

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

Land required for a road or public open space must be shown as a reserve on a Plan of Subdivision submitted for Certification in favour of Melton City Council or the relevant agency.

4.2 Conditions for subdivision permits that allow 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.

4.3 Use or develop land for a sensitive use

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Prior to the certification of a Plan of Subdivision, or a stage of subdivision, under the *Subdivision Act 1988*, further testing in accordance with the recommendations of the Phase 1 Environmental Site Assessment (See 3.3 application requirement) 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). The Plan of Subdivision must not be certified until the responsible authority is satisfied that the land is suitable for the intended use.

4.4 Biodiversity

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Kangaroo Management Plan

A permit granted for subdivision of land must include the following conditions:

- Before the certification of the Plan of Subdivision, a Kangaroo Management Plan must be approved by the Secretary to the Department of Environment and Primary Industries. Once approved the plan will be endorsed by the responsible authority and form part of the permit.
- The endorsed Kangaroo Management Plan must be implemented to the satisfaction of the responsible authority.

Salvage and translocation

The *Salvage and Translocation Protocol for Melbourne's Growth Corridors, 2014* (Melbourne Strategic Assessment) (Department of Environment and Primary Industries) must be implemented in the carrying out of development to the satisfaction of the Secretary to the Department of Environment and Primary Industries.

Land management co-operative agreement (for land containing a conservation area)

A permit to subdivide land shown in the incorporated Toolern Park 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 and Primary Industries 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 Toolern Park 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; and

- Pays the reasonable costs of the Secretary to the Department of Environment and Primary Industries in the preparation, execution and registration of the agreement.

The requirement for a Land Management Co-operative Agreement in this clause does not apply to land of any lot or part of a lot within a Conservation Area identified in the Precinct Structure Plan that:

- Is identified in a 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
- Is identified in a 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
- Is within a Conservation Area identified in a Precinct Structure Plan for nature conservation and is vested, or will be vested, in the Secretary to the Department of Environment and Primary Industries for conservation purposes; or
- Is the subject of an agreement with the Secretary to the Department of Environment and Primary Industries to transfer or gift that land to:
 - the Secretary to the Department of Environment and Primary Industries;
 - the Minister for Environment and Climate Change; or
 - another statutory authority.

to the satisfaction of the Secretary to the Department of Environment and Primary Industries.

Protection of conservation areas and native vegetation during construction

A permit granted to subdivide land where construction or works are required to carry out the subdivision, or a permit granted to construct a building or carry out works, on land including or abutting a conservation area or patch of native vegetation or scattered tree identified for retention in the incorporated Toolern Park Precinct Structure Plan must ensure that:

- Before the start of construction or carrying out of works, the developer of the land must erect a vegetation protection fence that is:
 - 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; and
 - Located the following minimum distance from the element to be protected:

Element	
Conservation area	2 metres
Scattered tree	twice the distance between the tree trunk and the edge of the tree canopy
Patch of native vegetation	2 metres

- Construction stockpiles, fill, machinery, excavation and works or other activities associated with the buildings or works must:
 - Be located more than 15 metres from a waterway;
 - Be located outside the vegetation protection fence;
 - Be constructed and designed to ensure that the conservation area or scattered trees or patches of native vegetation identified for retention in the Precinct Structure Plan,

and any located trees identified in the Planning Scheme Provisions to be retained are protected from adverse impacts during construction;

- Not be undertaken if it presents a risk to any vegetation within a conservation area; and
- Be carried out under the supervision of a suitable qualified ecologist or arborist.

Environmental Management Plans

A planning permit for subdivision, buildings or works on land shown as a Growling Grass Frog (GGF) conservation area in the incorporated Toolern Park Precinct Structure Plan must include the following condition:

- The subdivision, buildings or works must not commence until an Environmental Management Plan for the relevant works has been approved to the satisfaction of the Department of Environment and Primary Industries, unless otherwise agreed by the Department of Environment and Primary Industries.

Conservation interface areas

Any permit granted for subdivision, to construct a building and to construct or carry out works, within 50 metres of a Conservation Area identified in the Precinct Structure Plan must comply with the conservation interface requirements specified in the Precinct Structure Plan to the satisfaction of the Secretary to the Department of Environment and Primary Industries, unless the permit granted contains the following conditions:

- Before the development starts, a Conservation Interface Plan must be submitted to and approved by the Secretary to the Department of Environment and Primary Industries which addresses how any development within 20 metres of any Conservation Area shown on a Precinct Structure Plan will be managed; and
- The endorsed Conservation Interface Plan must be implemented to the satisfaction of the responsible authority.

Note:

Operation of Commonwealth Environmental Laws

- On 5 September 2013 an approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) was issued by the Commonwealth Minister for Environment, Heritage and Water. The approval applies to all actions associated with urban development in growth corridors in the expanded Melbourne 2010 Urban Growth Boundary as described in page 4 in the *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Department of Environment and Primary Industries, 2013). The Commonwealth approval has effect until 31 December 2060. The approval is subject to conditions specified at Annexure 1 of the approval.
- Provided the conditions of the EPBC Act approval are satisfied individual assessment and approval under the EPBC Act is not required.

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Advertising signs

Land is in the category specified in the applied zone.

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Land and home sales signs

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; and
- The sign is setback a minimum of 750mm from the property boundary.

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No exemption from notice and review

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 1, 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.