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SCHEDULE 12 TO CLAUSE 37.07 URBAN GROWTH ZONE

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

KOROROIT PRECINCT STRUCTURE PLAN

1.0 The plan

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Plan 1 below shows the future urban structure proposed in the *Kororoit Precinct Structure Plan*. It is a reproduction of Plan 3 in the *Kororoit 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 *Kororoit 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 Commercial 2 Zone specifies 'Shop' as a Section 1 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

Arterial Road	Clause 36.04 – Road Zone Category 1
Business	Clause 34.02 – Commercial 2 Zone
Local Town Centre Local Convenience Centre	Clause 34.01 – Commercial 1 Zone
Residential on a lot wholly within walkable residential catchment boundary (once subdivided)	Clause 32.07 – Residential Growth Zone
All other land	Clause 32.08 – General Residential Zone

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Specific provision – Use of land

Section 1 - Permit not required

Use	Condition
Primary school	On land shown as Potential Non-Government Primary School on Plan 3 of the <i>Kororoit Precinct Structure Plan</i> .
Restricted retail	A permit is required to use land for Restricted retail where the applied zone is Commercial 2 Zone for land shown as Business in the <i>Kororoit Precinct Structure Plan</i> directly north of the Western Freeway if the combined leasable floor area of all Restricted retail premises exceeds 3,000m ² for land shown as Business in the <i>Kororoit Precinct Structure Plan</i> .
Retail premises (other than food and drink premises, gambling premises, motor vehicle, boat, or caravan sales, and shop except restricted retail premises)	On land where the applied zone is Commercial 2 Zone directly north of the Deanside Local Town Centre or directly east of the <i>Kororoit Local Town Centre</i> in the <i>Kororoit Precinct Structure Plan</i> . The leasable floor area of each use must not exceed 900m ² .
Shop	On land where the applied zone is Commercial 1 Zone if the combined leasable floor area of all shops exceeds: <ul style="list-style-type: none"> ▪ 8,000 square metres for land shown as <i>Kororoit Local Town Centre</i> in the <i>Kororoit Precinct Structure Plan</i>. ▪ 6,000 square metres for land shown as <i>Deanside Local Town Centre</i> in the <i>Kororoit Precinct Structure Plan</i>. ▪ 1,000 square metres for land shown as a <i>Local Convenience Centre</i> in the <i>Kororoit Precinct Structure Plan</i>.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Use	Condition
Any use listed in Section 1 in the Table of uses of the applicable applied zone	

Section 2 - Permit required

Use	Condition
Accommodation (other than dwelling, dependant persons unit)	On land in the 'high pressure gas transmission pipeline measurement length' depicted on Plan 11 of the <i>Kororoit Precinct Structure Plan</i> and the applied zone is Commercial 1 Zone or the General Residential Zone.
Cinema based entertainment facility	On land in the 'high pressure gas transmission pipeline measurement length' depicted on Plan 11 of the <i>Kororoit Precinct Structure Plan</i> and the applied zone is Commercial 1 Zone or the Commercial 2 Zone.
Child care centre Education centre Place of assembly Place of worship	On land in the 'high pressure gas transmission pipeline measurement length' depicted on Plan 11 of the <i>Kororoit Precinct Structure Plan</i> .
Any other use not in Section 1 or 3 in the Table of uses in the applicable applied zone	

Section 3 – Prohibited

Use	Condition
Food and drink premises	On land where the applied zone is Commercial 2 Zone directly north of the Deanside Local Town Centre or directly east of the Kororoit Local Town Centre in the <i>Kororoit Precinct Structure Plan</i> , if the Section 1 condition is not met.
Gambling premises	On land where the applied zone is Commercial 2 Zone directly north of the Deanside Local Town Centre or directly east of the Kororoit Local Town Centre in the <i>Kororoit Precinct Structure Plan</i> .
Motor vehicle, boat, or caravan sales	On land where the applied zone is Commercial 2 Zone directly north of the Deanside Local Town Centre or directly east of the Kororoit Local Town Centre in the <i>Kororoit Precinct Structure Plan</i> .
Retail premises (other than food and drink premises, gambling premises, motor vehicle, boat, or caravan sales, and shop except restricted retail premises)	On land where the applied zone is Commercial 2 Zone directly north of the Deanside Local Town Centre or directly east of the Kororoit Local Town Centre in the <i>Kororoit Precinct Structure Plan</i> , if the Section 1 condition is not met.
Shop (other than restricted retail premises)	On land where the applied zone is Commercial 2 Zone directly north of the Deanside Local Town Centre or directly east of the Kororoit Local Town Centre in the <i>Kororoit Precinct Structure Plan</i> .
Any use listed in Section 3 in the Table of uses of the applicable applied zone	

2.4 Subdivision

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None specified

2.5 Specific provision – Buildings and works

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Dwellings on a lot less than 300 square metres

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.

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 a Potential Non-Government School unless exempt under Clauses 62.02-1 and 62.02-2.

Gas pipeline construction management plan required whether or not a permit is required

Prior to the commencement of any works, including demolition, on land within, or within 50m of the boundary of the gas easement shown on Plan 2 – Precinct Features and Plan 11 – Utilities in the incorporated *Kororoit Precinct Structure Plan*, a construction management plan must be submitted to and approved by the responsible authority. The plan must:

- Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the owner/operator of the high pressure gas pipeline; and
- Be endorsed by the owner/operator of the high pressure gas transmission pipeline prior to being submitted to the responsible authority.

The construction management plan must be implemented to the satisfaction of the responsible authority.

The construction management plan may be amended 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 below is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

Subdivision - Residential development

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 *Kororoit Precinct Structure Plan*.
- Subdivision and Housing Design Guidelines, prepared to the satisfaction of the responsible authority, in accordance with the incorporated *Kororoit 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.
- A hydrogeological assessment of the groundwater conditions on the site and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater on the development and the impact of the development on groundwater.
- A preliminary site assessment of the potential for contaminated land as a result of previous land uses, carried out by a suitably qualified person.

Local Town Centres

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 requirements, the Local Town Centre Guidelines and the relevant Local Town Centre Concept Plan in the *Kororoit 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 Transport for Victoria;
 - 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.

Public Infrastructure Plan

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 road works internal and external to the land consistent with any relevant traffic report or assessment;

- What, if any, infrastructure set out in the infrastructure contributions plan applying to the land 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.

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.

Subdivide, use or develop land for a sensitive purpose - Environmental Site Assessment

An application to subdivide land or to use or develop land identified in Table 3 of this schedule, for a sensitive use (residential use, child care centre, pre-school centre or primary school) must be accompanied by an Environmental Site Assessment prepared by a suitably qualified environmental professional to the satisfaction of the responsible authority which takes account of the report titled *Plumpton and Kororoit Precincts, Land Capability Assessment, (GHD, October 2013)* and provides information including:

- Further detailed assessment of potential contaminants on the relevant land;
- 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 *Potentially Contaminated Land General Practice Note June 2005, DSE*;
- Further detailed assessment of surface and subsurface water conditions and geotechnical characteristics (including soil and groundwater sampling) on the relevant land and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions and geology on the development and the impact of the development on surface and subsurface water; and
- Recommended remediation actions for any potentially contaminated land.

Table 3: Environmental Site Assessment

Address	Legal Description
196 – 246 Sinclairs Road, Deanside	Lot 1/LP48418
362 – 364 Sinclairs Road, Deanside	Lot1/TP423084
1027 – 1051 Taylors Road, Deanside	Lot2/LP208937

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Conditions and requirements for permits

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Conditions - Subdivision permits that allow the creation of a lot less than 300 square metres

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.

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

A permit for subdivision or buildings and works, where land is required for community facilities, public open space or road widening, must include the following conditions:

- The costs associated with effecting the transfer or vesting of land required for community facilities, public open space or road widening must be borne by permit holder.
- Land required for community facilities, public open space or road widening 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.

Conditions - Kangaroo management

A permit 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, Land, Water and Planning.
- Once approved the plan will be endorsed by the responsible authority and form part of the permit.

Requirement - Salvage and translocation

Salvage and translocation of threatened flora and fauna species and ecological communities must be undertaken in the carrying out of development to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning

Condition - Environmental Management Plan

A planning permit for subdivision, buildings or works on land shown as a conservation area in the incorporated *Kororoit 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 Secretary to the Department of Environment, Land, Water and Planning unless otherwise agreed by the Secretary to the Department of Environment, Land, Water and Planning.

Requirements - 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 *Kororoit Precinct Structure Plan* must ensure that:

- Before the start of construction or carrying out of works in or around a conservation area, scattered native tree or patch of native vegetation the developer of the land must erect a conservation area/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
- located the following minimum distance from the element to be protected:

Element	Minimum distance from 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 not less than 15 metres from a waterway;
 - be located outside the vegetation protection fence;
 - be constructed and designed to ensure that the conservation area, scattered tree or patches of native vegetation 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.

Requirement - Land Management Co-operative Agreement

A permit to subdivide land shown in the incorporated *Kororoit Precinct Structure Plan* as including a conservation area depicted in Appendix F must ensure that the owner of the land:

- Enters into a Land Management Cooperative 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 *Kororoit Precinct Structure Plan* ('a conservation area'); 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, Land, Water and Planning in the preparation, execution and registration of the agreement'.

The requirement for a Land Management Cooperative Agreement in this condition does not apply to land or any lot or part of a lot within a conservation area that is:

- identified in the *Kororoit 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 *Kororoit 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
- within a conservation area identified in the *Kororoit Precinct Structure Plan* for nature conservation and is vested, or is subject of an agreement with the Secretary to the Department of Environment, Land, Water and Planning to be vested in the Secretary to the Department of Environment, Land, Water and Planning for conservation purposes; 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 administering the Conservation, Forests and Lands Act 1987; or
 - another statutory authority.

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

The Land Management Cooperative Agreement must be entered into:

- in relation to land containing a Nature Conservation conservation area, prior to the commencement of works; or
- in relation to land containing a Growling Grass Frog conservation area, before the issue of a statement of compliance for the last stage of the subdivision.

Requirement - management of bushfire risk during subdivisional works

A permit for subdivision that contains a condition requiring a construction management or site management plan must ensure that the relevant plan addresses any potential bushfire risks arising from the land during construction and must include a statement from a suitably qualified professional that the proposed bushfire risk management measures are appropriate.

Conditions - public transport

Unless otherwise agreed to 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 in activity centres a shelter must also be constructed;
- 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 - Environmental Site Assessment

Any permit for the use and development of land, listed in Table 3 of this schedule, for a sensitive use (residential use, child care centre, pre-school centre or primary school) must contain the following conditions:

- Before the commencement of the development of the land, the recommendations of the Environmental Site Assessment submitted with the application must be carried out to the satisfaction of the responsible authority.
- Upon receipt of the further testing report the owner must comply with any further requirements made by the responsible authority after 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.

Any permit for the subdivision of land listed in Table 3 of this schedule must contain the following conditions:

- Before a plan subdivision is certified under the *Subdivision Act 1988*, the recommendations of the Environmental Site Assessment submitted with the application must be carried out to the satisfaction of the responsible authority.
- Upon receipt of the further testing report the owner must comply with any further requirements made by the responsible authority after 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.

5.0 Exemption from notice and review not to apply to certain applications

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An application to use land for a use listed in Section 2 of the General Residential Zone and Residential Growth Zone on land where the applied zone listed at Table 1 of this schedule is General Residential Zone or Residential Growth 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.

6.0 Decision Guidelines

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Before deciding on an application to create floorspace in excess of any cap in a town centre, in addition to the decision guidelines at Clause 37.07-14, the responsible authority must consider, as appropriate:

- The local catchment and PSP catchment demand for the additional floor area; and
- The effect on existing and future major town centres within City of Melton.

7.0 Advertising Signs

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Land is in the category specified in the applied zone.

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.

A permit may be granted to display a sign promoting the sale of land or homes on the land (or on adjoining land in the same ownership) with an area greater than 10 square metres. If the sign does not meet all of the requirements listed above, it must comply with the provisions of Clause 52.05.

Education / community promotion signs

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 greater than two square metres in area that promotes a community facility or education centre on the land identified as community facilities, potential government school, potential non-government school and credited open space on Plan 1 to this schedule.