SCHEDULE 9 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ9**

SUNBURY SOUTH PRECINCT STRUCTURE PLAN

1.0

**The plan**

Plan 1 shows the future urban structure proposed in the *Sunbury South Precinct Structure Plan*. It is a reproduction of Plan 3 in the *Sunbury South Precinct Structure Plan*.

**Plan 1 to Schedule 9 to Clause 37.07**

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2.0

**Use and development**

**The land**

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 UGZ9 on the planning scheme maps.

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

**Applied zone provisions**

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 *Sunbury 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 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

<table>
<thead>
<tr>
<th>Use</th>
<th>Clause</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary arterial road</td>
<td>Clause 36.04 – Road Zone – Category 1</td>
</tr>
<tr>
<td>Connector - boulevard</td>
<td>Clause 36.04 – Road Zone – Category 2</td>
</tr>
<tr>
<td>Connector road</td>
<td>Clause 34.02 – Commercial 2 Zone</td>
</tr>
<tr>
<td>Employment &amp; commercial</td>
<td>Clause 34.02 – Commercial 2 Zone</td>
</tr>
<tr>
<td>Restricted retail / trade supplies</td>
<td>Clause 34.02 – Commercial 2 Zone</td>
</tr>
<tr>
<td>Industrial</td>
<td>Clause 33.01 – Industrial 1 Zone</td>
</tr>
<tr>
<td>Potential industrial</td>
<td>Clause 33.01 – Industrial 1 Zone</td>
</tr>
<tr>
<td>Light industrial</td>
<td>Clause 33.03 – Industrial 3 Zone</td>
</tr>
<tr>
<td>Local convenience centre</td>
<td>Clause 34.01 – Commercial 1 Zone</td>
</tr>
<tr>
<td>Town centre</td>
<td>Clause 34.01 – Commercial 1 Zone</td>
</tr>
<tr>
<td>Walkable catchment boundary</td>
<td>Clause 32.07 – Residential Growth Zone</td>
</tr>
<tr>
<td>All other land</td>
<td>Clause 32.08 – General Residential Zone</td>
</tr>
</tbody>
</table>

2.3

Specific provisions – Use of land

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child care centre</td>
<td>The location of the use must generally accord with the location of a community facility in the incorporated Sunbury South Precinct Structure Plan. The use must be carried out by or on behalf of the public land manager. Must not be located within 164 metres of the Derrimut to Sunbury (T62-150mm) gas transmission pipeline.</td>
</tr>
<tr>
<td>Cinema based entertainment facility and Education centre – where the applied zone is Commercial 1 Zone</td>
<td>Must not be within 164 metres of the Derrimut to Sunbury (T62-150mm) gas transmission pipeline.</td>
</tr>
<tr>
<td>Dependent person’s unit and Residential aged care facility – where the applied zone is General Residential Zone or Residential Growth Zone</td>
<td>Must not be within 164 metres of the Derrimut to Sunbury (T62-150mm) gas transmission pipeline.</td>
</tr>
<tr>
<td>Use</td>
<td>Condition</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Dwelling – where the applied zone is General Residential Zone</td>
<td>Must not be located on land shown within ‘Landfill Buffer (500m)’ on Plan 3 of the incorporated <em>Sunbury South Precinct Structure Plan</em> until such time as Cells 1, 2 and Western Extension Cell Phase 1 on EPA Licence 45279 are closed and rehabilitated to the satisfaction of the Environment Protection Authority.</td>
</tr>
<tr>
<td>Emergency services facility</td>
<td>Must be located on land shown as Redstone Hill Major Town Centre in the incorporated <em>Sunbury South Precinct Structure Plan</em>.</td>
</tr>
<tr>
<td>Hall</td>
<td>The location of the use must generally accord with the location of a community facility in the incorporated <em>Sunbury South Precinct Structure Plan</em>.</td>
</tr>
<tr>
<td>Indoor recreation facility</td>
<td>The use must be carried out by or on behalf of the public land manager.</td>
</tr>
<tr>
<td>Library</td>
<td>The use must be carried out by or on behalf of the public land manager.</td>
</tr>
<tr>
<td>Medical centre</td>
<td>The use must be carried out by or on behalf of the public land manager.</td>
</tr>
<tr>
<td>Restricted recreation facility</td>
<td>The location of the use must generally accord with the location of a sports reserve in the incorporated <em>Sunbury South Precinct Structure Plan</em>.</td>
</tr>
<tr>
<td>Minor sports and recreation facility</td>
<td>The use must be carried out by or on behalf of the public land manager.</td>
</tr>
<tr>
<td>Primary School</td>
<td>Must be located on land shown as Potential non-government school in the incorporated <em>Sunbury South Precinct Structure Plan</em>.</td>
</tr>
<tr>
<td>Secondary School</td>
<td>Must be located on land shown as ‘Employment &amp; Commercial’ or ‘Restricted retail/trade supplies’ on Plan 3 of the incorporated <em>Sunbury South Precinct Structure Plan</em>.</td>
</tr>
<tr>
<td>Restricted retail premises</td>
<td>Must be located on land shown as ‘Employment &amp; Commercial’ or ‘Restricted retail/trade supplies’ on Plan 3 of the incorporated <em>Sunbury South Precinct Structure Plan</em>.</td>
</tr>
<tr>
<td>Retail Premises – on land shown as ‘Office / Commercial’ in Figure 5 – Redstone Hill Major Town Centre Concept Plan in the incorporated <em>Sunbury South Precinct Structure Plan</em></td>
<td>The combined leasable floor area must not exceed 1,000 square metres.</td>
</tr>
<tr>
<td>Shop - where the applied zone is Commercial 1 Zone</td>
<td>The combined leasable floor area of all shops must not exceed:</td>
</tr>
<tr>
<td></td>
<td>* 25,000 square metres for land shown as the Redstone Hill Major Town Centre in the incorporated <em>Sunbury South Precinct Structure Plan</em>.</td>
</tr>
<tr>
<td></td>
<td>* 5,000 square metres for land shown as the Harpers Creek Local Town Centre in the incorporated <em>Sunbury South Precinct Structure Plan</em>.</td>
</tr>
<tr>
<td></td>
<td>* 1,500 square metres for land shown as the Jacksons Creek Local Convenience Centre in the incorporated <em>Sunbury South Precinct Structure Plan</em>.</td>
</tr>
<tr>
<td></td>
<td>* 1,500 square metres for land shown as the Sunbury South Station Local Convenience Centre in the incorporated <em>Sunbury South Precinct Structure Plan</em>.</td>
</tr>
</tbody>
</table>
Use | Condition
--- | ---
| 1,500 square metres for land shown as the Sunbury Road North Local Convenience Centre in the incorporated **Sunbury South Precinct Structure Plan**. |
| 1,000 square metres for land shown as the Redstone Hill South Local Convenience Centre in the incorporated **Sunbury South Precinct Structure Plan**. |
| 500 square metres for land shown as the Sunbury Road Industrial Local Convenience Centre in the incorporated **Sunbury South Precinct Structure Plan**. |
| Must be on land shown as ‘Employment & Commercial’ on **Plan 3** of the incorporated **Sunbury South Precinct Structure Plan**. The combined leasable floor area must not exceed 500 square metres. |
| **Supermarket – where the applied zone is Commercial 2 Zone** |
| **Any use listed in Clause 62.01** Must meet the requirements of Clause 62.01. |
| **Any other use listed in Section 1 in the Table of uses of the applicable applied zone, unless listed in Section 2 or 3 of this schedule.** |

### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Accommodation on land:</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Any frontage at ground floor level must not exceed 2 metres.</td>
</tr>
<tr>
<td></td>
<td>where the applied zone is Commercial 2 Zone; and</td>
</tr>
<tr>
<td></td>
<td>shown as ‘Employment &amp; Commercial’ on <strong>Plan 3</strong> of the incorporated <strong>Sunbury South Precinct Structure Plan</strong>.</td>
</tr>
<tr>
<td><strong>Accommodation</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Child care centre</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Education Centre</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Medical centre</strong> on land:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>where the applied zone is General Residential Zone; and</td>
</tr>
<tr>
<td></td>
<td>shown as ‘Landfill buffer (500m)’ on <strong>Plan 3</strong> of the incorporated <strong>Sunbury South Precinct Structure Plan</strong>.</td>
</tr>
<tr>
<td><strong>Dependent person’s unit</strong></td>
<td></td>
</tr>
<tr>
<td>Must not be adversely affected by amenity impacts from the operations of the organic waste facility.</td>
<td></td>
</tr>
<tr>
<td><strong>Food and drink premises</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Home based business</strong></td>
<td></td>
</tr>
<tr>
<td><strong>The land must not be used for any of the uses listed opposite until such time as Cells 1, 2 and Western Extension Cell Phase 1 on EPA Licence 45279 are closed and rehabilitated to the satisfaction of the Environment Protection Authority.</strong></td>
<td></td>
</tr>
</tbody>
</table>
## Use

<table>
<thead>
<tr>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>On land shown as Organic Waste Facility Buffer in the incorporated Sunbury South Precinct Structure Plan.</td>
</tr>
<tr>
<td>Shop (other than supermarket) – where the applied zone is Commercial 1 Zone and the Section 1 condition is not met</td>
</tr>
<tr>
<td>Supermarket</td>
</tr>
<tr>
<td>Must only be on land where the applied zone is Commercial 1 Zone; or Must only be on land shown as ‘Employment &amp; Commercial’ on Plan 3 of the incorporated Sunbury South Precinct Structure Plan, where the Section 1 condition is not met: The leasable floor area must not exceed 1800 square metres. The site must adjoin, or have access to, a road in a Road Zone.</td>
</tr>
<tr>
<td>Place of worship</td>
</tr>
<tr>
<td>Must not be adversely affected by amenity impacts from the landfill or organic waste facility.</td>
</tr>
<tr>
<td>Any other use not in Section 1 or 3 in the Table of uses in the applicable applied zone, or in this schedule.</td>
</tr>
</tbody>
</table>

## Section 3 – Prohibited

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation</td>
<td>Prohibited within the Organic Waste Facility Buffer in the incorporated Sunbury South Precinct Structure Plan whilst the Veolia Bulla Organic Waste Facility continues to operate at 570 Sunbury Road, Bulla.</td>
</tr>
<tr>
<td>Child care centre</td>
<td>Note: The Organic Waste Facility Buffer may be reduced or deleted if the facility ceases operation or changes its operations and an amenity assessment report is prepared to the satisfaction of the responsible authority and Environment Protection Authority. If the facility ceases or changes its operations and the Organic Waste Facility Buffer is reduced or deleted then the permit requirements of the applied zone apply to land which is no longer required to act as a buffer.</td>
</tr>
<tr>
<td>Education Centre</td>
<td></td>
</tr>
<tr>
<td>Medical centre</td>
<td></td>
</tr>
</tbody>
</table>

## Specific provision – Subdivision

None specified.

## Specific provisions – Buildings and works

### Buildings and works for future local parks and community facilities

A permit is not required to develop land shown in the Sunbury South Precinct Structure Plan as a local park or community facility provided the development is carried out generally in accordance with the Sunbury South Precinct Structure Plan and with the prior written consent of the responsible authority.
Buildings and works for a school

A permit is required to construct a building or carry out works associated with a Primary School or Secondary School on land shown as a Potential Non-government School in the incorporated Sunbury South Precinct Structure Plan unless exempt under Clauses 62.02-1 and 62.02-2.

Buildings and works abutting the railway corridor

A permit is required to construct a building or carry out works for Accommodation, a Child care centre, a Primary school, a Secondary school, a Display home, a Hospital, a Hotel or a Tavern if proposed on land within 100m of the railway corridor where land is marked as ‘Interface with railway’ or ‘Interface with gas easement’ on Plan 6 of the Sunbury South Precinct Structure Plan.

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 72.04 of the Hume Planning Scheme.

Buildings and Works within Landfill Buffer

A permit is required for buildings and works within the Landfill Buffer shown on Plan 3 of the incorporated Sunbury South Precinct Structure Plan. This includes underground services including stormwater drains, pits, water mains, sewers, power lines and communication cables.

A permit is not required for non-intrusive works. For the purposes of this exemption, non-intrusive works is defined as those that do not involve enclosed structures, excavation or significant ground disturbance. They include:

- alterations to buildings and structures that do not require ground disturbance
- fencing
- street and park furniture
- vehicle crossovers
- satellite dishes
- minor signage
- garden sheds and greenhouses that do not require extensive footings or foundations

Specific provision – Urban Design Framework

A permit must not be granted to use or subdivide land, or construct a building and carry out works on land shown as the Redstone Hill Major Town Centre within the incorporated Sunbury South Precinct Structure Plan until an urban design framework for the centre has been prepared to the satisfaction of the responsible authority and the Victorian Planning Authority.

An urban design framework approved under this schedule must be generally in accordance with the Sunbury South Precinct Structure Plan applying to the land.

The urban design framework must include information which:

- Demonstrates how it responds to the vision of the Precinct Structure Plan, the organising elements for the centre at Figure 4, and the concept plan at Figure 5 of the Precinct Structure Plan.
- Clearly defines the future ownership/management of roads and public spaces within the centre, including public access arrangements for privately controlled land.
- Identifies the key elements of the public realm and publicly accessible private spaces, proposed building material/colour palette themes, and landscaping of these spaces to ensure a continuity of design and sense of place.

- Identifies the location and method for deliveries, waste disposal, parking, and vehicle access, particularly for non-retail elements within the town centre.

- Identifies potential local bus network routes, including access to a centrally located bus interchange.

- Identifies the proposed staging of the development of the town centre, including indicative timing of development of the main components of the centre, access arrangements at each stage, and how future development areas will be treated in the interim.

- Responds to the relevant Requirements and Guidelines within the Sunbury South Precinct Structure Plan.

An application for use and/or development on land shown as the Redstone Hill Major Town Centre must be consistent with any urban design framework approved under this schedule.

A permit should only 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 permit doesn’t prejudice the preparation and approval of an urban design framework and the permit implements the objectives for the Major Town Centre as set out in the Sunbury South Precinct Structure Plan, and is generally consistent with Figures 4 and 5, and the vision for the town centre, as described in the Sunbury South Precinct Structure Plan.

The urban design framework may be amended to the satisfaction of the responsible authority and the Victorian Planning Authority.

### 2.7 Specific provisions – Referral of applications

#### Town Centre

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 shown as a Town Centre must be referred in accordance with section 55 of the Planning and Environment Act 1987 to the Victorian Planning Authority.

#### Land not serviced by Development Services Scheme – Potential Residential, Potential Industrial and Potential Residential Expansion Area

Any application for subdivision, use or development on land shown in the Sunbury South Precinct Structure Plan as ‘Potential residential’, ‘Potential industrial’ or ‘Potential residential expansion area’ must be referred in accordance with section 55 of the Planning and Environment Act 1987 to Melbourne Water.

#### Applications within the Landfill Buffer

Any application for subdivision, use or development on land shown in the Sunbury South Precinct Structure Plan as ‘Landfill Buffer (500m)’ must be referred in accordance with section 55 of the Planning and Environment Act 1987 to the Environment Protection Authority.

#### Applications within the Organic Waste Facility Buffer

Any application to subdivide land or use land shown within the Sunbury South Precinct Structure Plan as ‘Organic Waste Facility Buffer (1.3km)’ while the Veolia organic waste facility is still operational at 600 Sunbury Road Bulla, must be referred in accordance with section 55 of the Planning and Environment Act 1987 to the Environment Protection Authority.
Applications within the Quarry Buffer

Any application to subdivide land or use land shown within the Sunbury South Precinct Structure Plan as ‘Quarry Buffer (500m)’ must be referred in accordance with section 55 of the Planning and Environment Act 1987 to the Secretary to the Department administering the Mineral Resources (Sustainable Development) Act 1990.

3.0 Application requirements

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 must include:

- 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;
- Subdivision and Housing Design Guidelines, prepared to the satisfaction of the responsible authority, which demonstrate how the proposal responds to and achieves the objectives and planning and design requirements and guidelines in the incorporated Sunbury South Precinct Structure Plan, including specific design requirements relating to slope and height;
- 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;
- A demonstration of how the subdivision will contribute to the delivery of a diversity of housing;
- A demonstration of how the subdivision will contribute to the achievement of the residential density outcomes in the incorporated Sunbury South Precinct Structure Plan.
- A concept plan for any included passive recreation nodes (as identified at Table 6 of the incorporated Sunbury South Precinct Structure Plan) which shows contours, recreational areas, playgrounds, shelters, landscaping, paths and seating.
- A bushfire assessment that demonstrates that bushfire risk is managed to enable the development, on completion, to achieve a BAL-12.5 rating under AS3959-2009.

Public Infrastructure Plan

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 relevant Infrastructure Contributions Plan is sought to be provided as "works in kind" 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.
Subdivision – land that includes a confirmed or possible heritage site

An application that includes a confirmed or possible heritage site on Plan 3 of the *Sunbury South Precinct Structure Plan* must be accompanied by an assessment by a qualified heritage consultant which describes any heritage features of the site and recommendations regarding the protection of heritage features, or where appropriate, integration of heritage into the broader subdivision.

Any application that includes the demolition of a ‘heritage site (possible)’ identified on Plan 3 of the *Sunbury South Precinct Structure Plan* must be accompanied by a heritage impact assessment prepared by a suitably qualified heritage consultant.

Use or develop land for a sensitive purpose – Environmental Site Assessment

An application to use or develop land defined as High Risk and Moderate Risk described in Table 2 below for a sensitive use (Accommodation, Child care centre, Kindergarten, Primary school or Public open space) must be accompanied by a detailed site investigation (Phase 2 assessment) conducted by a suitably qualified environmental professional to the satisfaction of the responsible authority. The assessment must provide for the following information:

- Detailed assessment of the potential contaminants on the relevant land, including those described in *Land Capability Assessment for the Sunbury South Precinct Structure Plan, Sunbury, Victoria* (Environmental Earth Sciences Vic, July 2015);
- 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 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;
- Recommended remediation actions for any potentially contaminated land.
- An unequivocal recommendation on whether the environmental condition of the land is suitable for the proposed use/s or whether an environmental audit in accordance with Part IXD of the *Environment Protection Act 1970* for all or part of the land is recommended having regard to the *Potentially Contaminated Land General Practice Note June 2005, DSE*.

All to the satisfaction of the responsible authority.

**Table 2: Moderate and High Risk properties**

<table>
<thead>
<tr>
<th>Address</th>
<th>Legal Description</th>
<th>Risk Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>215 Old Vineyard Road, Sunbury</td>
<td>Lot 2 PS302331</td>
<td>Moderate</td>
</tr>
<tr>
<td>60 Buckland Way, Sunbury</td>
<td>Lot 10 LP143133</td>
<td>Moderate</td>
</tr>
<tr>
<td>37 Fox Hollow Drive, Sunbury</td>
<td>Lot 17 PS617530</td>
<td>Moderate</td>
</tr>
<tr>
<td>45 Fox Hollow Drive, Sunbury</td>
<td>Lot 6 PS404987</td>
<td>Moderate</td>
</tr>
<tr>
<td>605 Sunbury Road, Sunbury</td>
<td>Lot 2 LP147272</td>
<td>Moderate</td>
</tr>
<tr>
<td>2 Shepherds Lane, Sunbury</td>
<td>Lot 2 PS423080/Allotment 1C Sec 25 PP2258</td>
<td>Moderate</td>
</tr>
<tr>
<td>650 Sunbury Road, Sunbury</td>
<td>Lot 2 LP 203247</td>
<td>Moderate</td>
</tr>
<tr>
<td>670 Sunbury Road, Sunbury</td>
<td>Lot 1 LP203247</td>
<td>High</td>
</tr>
<tr>
<td>680 Sunbury Road, Sunbury</td>
<td>Lot 1 TP620324</td>
<td>Moderate</td>
</tr>
</tbody>
</table>
Subdivision application – Sensitive Residential Areas

An application to subdivide land in an area shown as a ‘sensitive residential area’ on the Image, Character, Housing and Heritage Plan (Plan 5) within the Sunbury South Precinct Structure Plan must demonstrate how proposed development will facilitate the orderly and integrated development of the area, including as appropriate:

- An indicative subdivision concept design which demonstrates consistency with the relevant concept plan in the Sunbury South Precinct Structure Plan.
- The location of local streets to provide for a permeable local street network, including details for the upgrade of any existing roads within the area.
- Any building design guidelines required to respond to topographical and other constraints associated with the land.
- Staging and indicative development timing, including interim drainage, servicing, local road construction and any other relevant infrastructure requirements.

All to the satisfaction of the responsible authority.

An application for subdivision of land or use and/or development on land shown within a ‘sensitive residential area’ within the Sunbury South Precinct Structure Plan must respond to any applicable concept plan contained within the Sunbury South Precinct Structure Plan, unless if, in the opinion of the responsible authority, the permit implements the objectives for the area as set out within the Sunbury South Precinct Structure Plan.

Subdivision application - Kangaroo management

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.

Traffic Impact Assessment

An application that proposes to create or change access to a primary 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, as required.

Applications within Landfill Buffer

Any application to subdivide land, use land or construct a building or carry out works on land within the Landfill Buffer as shown on Plan 3 of the incorporated Sunbury South Precinct Structure Plan must:
Demonstrate that the development will not have any material adverse effect on the ability of the operator of the Hi-Quality landfill at 600 Sunbury Road to comply with the Best Practice Environmental Management: Siting Design, Operation and Rehabilitation of Landfills (Environment Protection Authority; August 2015) to the satisfaction of the responsible authority, in consultation with the Environment Protection Authority; and

Demonstrate that the use will not be unreasonably impacted by odour, dust, noise, litter or vibration, or any other matter related to the landfill buffer as considered relevant by the responsible authority, to the satisfaction of the responsible authority and the Environment Protection Authority; and

Be accompanied by, or have regard to, a 53V (risk of harm) audit under the Environment Protection Act 1970, at the discretion of the responsible authority in consultation with the Environment Protection Authority, and prepared to the satisfaction of the Environment Protection Authority.

Prior to conducting an audit, the scope of any proposed 53V (risk of harm) audit must be submitted to the responsible authority for review and agreement prior to conducting an audit. The responsible authority must consult with the Environment Protection Authority.

Use or develop land – Applications within the Organic Waste Facility Buffer

Whilst the Veolia Bulla Organic Waste Facility continues to operate at 570 Sunbury Road, Bulla, an application to use or develop land located within the buffer surrounding the Organic Waste Facility must be accompanied by an odour, dust, noise and vibration assessment prepared by a suitably experienced and qualified person and to the satisfaction of the responsible authority, in consultation with the Environment Protection Authority.

The assessment must be prepared in accordance with a method agreed to by the Environment Protection Authority and acknowledge the existing organic waste facility operations at 570 Sunbury Road and assess the potential adverse amenity impacts of the organic waste facility on the future proposed use of the land, to the satisfaction of the Environment Protection Authority and the responsible authority.

Retail Impact Assessment

An application that exceeds the combined leasable floor area identified for the relevant centre in Clause 2.3 of this schedule must prepare a Retail Impact Assessment.

The retail impact assessment must be to the satisfaction of the responsible authority and must address:

- The objectives and requirements in the Sunbury South Precinct Structure Plan and other Precinct Structure Plans, and the Hume Planning Scheme for activity centres.

- The primary catchment of the centre.

- Whether the primary catchment has sufficient population (residents and workers) to support the centre.

- Whether the centre will result in the closure of other existing centres or would preclude and unacceptably delay the development of future centres identified within the Activity Centre Hierarchy, a Precinct Structure Plan, a Local Structure Plan, Structure Plan or Development Plan within the catchment of the centre.

Restricted Retail Impact Assessment

Any application that includes a Restricted retail premises where the applied zone is Industrial 1 Zone or Industrial 3 Zone must be accompanied by an economic assessment.

The economic assessment must be to the satisfaction of the responsible authority and must address:

- A profile of industrial areas in the Sunbury Diggers-Rest Growth Corridor (with and without the proposal).
An assessment of any implications to the intended land use profile outcomes of the *Sunbury South Precinct Structure Plan*.

Whether the proposed restricted retail use will result in an unacceptable reduction in the amount of land available for industrial development in the Sunbury South Precinct and the broader Sunbury-Diggers Rest Growth Corridor. The assessment should consider the limitations of the remaining industrially zoned land, including the constraints of any buffers applying to the land.

Whether the restricted retail use would preclude or unacceptably delay the development of other areas of Sunbury identified within a Precinct Structure Plan, a Local Structure Plan, Structure Plan or Development Plan within the catchment of the use.

The objectives and requirements in the *Sunbury South Precinct Structure Plan* and other Precinct Structure Plans, and the Hume Planning Scheme.

**Subdivision – Potential Residential (Sloping) and Potential Residential Expansion Area**

An application to subdivide land which includes the area designated as ‘potential residential (sloping)’ or ‘potential residential expansion area’ on Plan 3 of the *Sunbury South Precinct Structure Plan* must be accompanied by:

- A site assessment and design guidelines
- A detailed slope analysis and assessment of suitability of land for development
- Geomorphological assessment
- Visual impact assessment
- Built form and landscape design guidelines
- Building envelopes
- Bushfire Management Plan

All to the satisfaction of the responsible authority.

Any land not capable of being developed as residential land will be treated as encumbered open space. Subdivision design must ensure any land designated as open space is accessible and is able to be incorporated into the subdivision pattern of surrounding land, to the satisfaction of the responsible authority.

**Subdivision – Land on slope greater than 10 percent**

An application to subdivide land or to construct a building or construct or carry out works for land on a slope with a gradient of greater than 10 percent must be accompanied by design guidelines that minimise the landscape and visual impact of development on sloping land and inform and respond to the following information, as appropriate:

- A plan showing lot boundaries, contours and slope
- Location and approximate depth of any proposed earthworks
- The location, approximate height and building materials for proposed retaining structures
- A geotechnical report and designs by a suitably qualified engineer where proposed retaining structures exceed 0.5 metres in height
- The location and approximate grade of any proposed roads and paths
- Building envelopes
- Measures to manage surface run off
- The indicative cross sections for development that responds to slope and where relevant, cross sections outlined in Appendix B of the *Sunbury South Precinct Structure Plan*
- Any relevant requirements and guidelines within the *Sunbury South Precinct Structure Plan*
To the satisfaction of the responsible authority.

**Railway noise attenuation**

An application to subdivide land, use land or to construct a building or carry out works for accommodation, child care centre, school, display home, hospital, hotel or a tavern on land within 100m of the railway corridor where land is marked as ‘Interface with railway’ and ‘Interface with gas easement’ on Plan 6 of the *Sunbury South Precinct Structure Plan* must be accompanied by an acoustic assessment report prepared by a qualified acoustic engineer or other suitably skilled person to the satisfaction of the responsible authority, after seeking the views of Public Transport Victoria.

The acoustic assessment report must take into consideration the *Victorian Passenger Rail Infrastructure Noise Policy 2013* and include:

- An assessment of noise levels on the land taking into account the existing and likely future noise levels associated with the ongoing passenger and freight operation of the Melbourne-Bendigo rail line (up to 10 years hence) published by the relevant Government agencies, with allowance also provided for seasonal or unscheduled freight traffic.

- Recommendations for noise attenuation measures designed to ensure internal bedroom noise levels will not exceed 65 dB LAmax and 40 dB LAeq,8h for the night period from 10pm to 6am.

- Recommendations for limiting the impact of railway noise on future buildings within the proposed subdivision.

- Ongoing ownership and management of any works or land associated with mitigation measures.

For subdivision applications the acoustic assessment must:

- Be accompanied by a design response that addresses the recommendations of the acoustic assessment and minimises the number of buildings requiring architectural noise attenuation treatments.

**Land not serviced by Development Services Scheme – Potential Residential, Potential Industrial and Potential Residential Expansion Area**

Any application for subdivision, use or development on land shown in the *Sunbury South Precinct Structure Plan* as ‘Potential residential’, ‘Potential industrial’ or ‘Potential residential expansion area’ must be accompanied by:

- A detailed Drainage and Stormwater Management Strategy, which demonstrates how stormwater runoff from the subdivision will achieve:
  - flood protection standards
  - best practice stormwater management on-site

- Demonstrates how any road or access way intended to act as a stormwater overland flow path will comply with Melbourne Water’s floodway safety criteria.

All to the satisfaction of Melbourne Water and the responsible authority

**Applications within Quarry Buffer**

An application to subdivide land, or construct a building or carry out works on land within 500 metres of the Extractive Industry Works Authority, as shown on Plan 1 of this Schedule as ‘Quarry buffer (500m)’, must be accompanied by an assessment prepared by a suitably experienced and qualified person, which demonstrates that a variation to the *Recommended separation distance for industrial residual air emissions* (EPA publication number 1518 March 2013) is justified and provides sufficient confidence that a sensitive use can be appropriately developed within 500 metres of any quarrying activity at WA1123.
Applicants within the quarry buffer as identified on Plan 3 of the incorporated Sunbury South Precinct Structure Plan should liaise with the responsible authority and the Earth Resource Regulation Section of the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) prior to lodging permit application for any residential or commercial development.

### Conditions and requirements for permits

#### Requirement – Subdivision and housing design guidelines – Sloping land

The specific built form requirements arising out of the design guidelines prepared as part of the application for subdivision for lots on slopes with a gradient of greater than 10% must be implemented via a restriction on title or any other alternative deemed satisfactory by the responsible authority.

#### Requirement – Subdivision and housing design guidelines - Redstone Hill height controls

The specific built form requirements arising out of the design guidelines prepared as part of the application for subdivision for lots on the area identified as the ‘Redstone Hill Sensitive Viewlines Area’ on Plan 5 of the Sunbury South Precinct Structure Plan must be implemented via a restriction on title or any other alternative deemed satisfactory by the responsible authority.

#### Conditions – Environmental Site Assessment for use and development of land listed in Table 2

Before the plan of subdivision is certified under the Subdivision Act 1988, further testing in accordance with the recommendations of the Phase 1 and Phase 2 Environmental Site Assessment with the application for the properties identified as Medium and High Risk in Table 2 of this schedule, must be carried out, as relevant, 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.

#### Conditions – Kangaroo Management

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, Land, Water and Planning. 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.

#### Conditions – subdivision permits that allow for the creation of a lot of 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 72.04 of the Hume 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.
Condition – 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, where the Sunbury South Precinct Structure Plan shows the land, or abutting land, including a conservation area or a patch of native vegetation or a scattered tree 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 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:

<table>
<thead>
<tr>
<th>Element</th>
<th>Minimum distance from element</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation area</td>
<td>2 metres</td>
</tr>
<tr>
<td>Scattered tree</td>
<td>Twice the distance between the tree trunk and the edge of the canopy</td>
</tr>
<tr>
<td>Patch of native vegetation</td>
<td>2 metres</td>
</tr>
</tbody>
</table>

- 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.

Condition – Environmental Management Plans

- A planning permit for subdivision, buildings or works on land shown as a conservation area in the Sunbury South 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, Land, Water and Planning, unless otherwise agreed by the Department of Environment, Land, Water and Planning.

Condition – Land Management Co-operative Agreement

- Conservation area categorised as Growling Grass Frog

- A permit to subdivide land shown in the incorporated Sunbury South Precinct Structure Plan as including the conservation area shown on the precinct structure plans as Conservation Area 21 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 Conservation Area 21 in the Sunbury 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 the conservation areas 21 shown in the Sunbury South 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 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.

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

**Condition – 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 – Bushfire risk**

Before the commencement of works for any stage of subdivision a Site Management Plan that addresses bushfire risk during, and where necessary, after construction must be submitted to and approved by the responsible 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.

The plan must be carried out to the satisfaction of the responsible authority.

**Condition – Road Network**

Any permit for subdivision or building and works must contain the following condition:

Prior to the certification of a plan of subdivision, the plan of subdivision must show the land which is required to provide road widening and /or right of way flaring for the ultimate design of any adjacent intersection.
Land required for 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 council at no cost to the acquiring agency unless funded by the relevant Infrastructure Contributions Plan.

**Condition – Precinct Infrastructure Plan**

Any permit for subdivision may 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, 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.

**Condition – Construction management plan required in gas transmission pipeline easement**

Prior to the construction of a building or the carrying out of works, including demolition, on land within 50 metres of the *gas transmission pipeline easement* shown on *Plan 3 – Future Urban Structure* in the incorporated *Sunbury South 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 operator of the gas transmission pipeline.
- Be endorsed by the operator of the gas transmission pipeline where the works are within, crossing or in close proximity to the relevant gas transmission easement.
- Include any other relevant matter to the satisfaction of the responsible authority.

The responsible authority must be satisfied that the gas transmission pipeline licensee has reviewed and approved the construction management plan.

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.

**Condition – Integrated Water Management**

A permit for subdivision must ensure that the ultimate storm water management assets and associated land described in the precinct structure plan are provided by the developer prior to the issue of a statement of compliance.

In the event that Melbourne Water and the responsible authority agree to an interim storm water management solution, the developer must:

- Provide the land required for the ultimate drainage solution prior to the issue of a statement of compliance; and
- Demonstrate that the interim solution will not result in an increase in the cost of achieving the ultimate solution.

**Condition – Potential Residential, Potential Industrial and Potential Residential Expansion Area land (Land not serviced by Development Services Scheme)**

Any permit issued for subdivision, use or development in land shown as ‘Potential residential’, ‘Potential industrial’ or ‘Potential residential expansion area’ in the *Sunbury South Precinct Structure Plan*, must, if required by Melbourne Water, include the following conditions:

- The owner of the land must enter into an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water’s drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
Prior to the commencement of any works, a Site Management Plan detailing pollution and sediment control measures must be submitted to the satisfaction of Melbourne and the responsible authority.

**Permit 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.

### 5.0 Exemption from notice and review

Notice of an application of the kind listed below must be given in accordance with section 52(1)(c) of the Act to the person or body specified in the Schedule to Clause 66.06:

#### Gas Pipeline Measurement Length

An application, on land shown as ‘gas pipeline measurement length’ on ‘Plan 12 – Utilities’ in the incorporated *Sunbury South Precinct Structure Plan*, where the application is to use land for, or to construct a building to accommodate, any of the following:

- Accommodation (other than a dwelling)
- Child care centre
- Cinema based entertainment facility
- Corrective institution
- Education centre
- Hospital
- Place of assembly
- Retail premises
- Service station

#### Gas Pipeline Measurement Length where the Residential Growth Zone applies

An application on land shown as ‘gas pipeline measurement length’ and within the ‘walkable catchment boundary’ on Plan 3 of the incorporated *Sunbury South Precinct Structure Plan* where the application is:

- To construct a building or carry out works for five or more dwellings.

- To subdivide land to create a lot less than 300sqm unless it is the subdivision of an existing building or car space.

**Melbourne Airport N-Contours**

In accordance with Section 52(1)(C) of the *Planning and Environment Act 1987*, notice of an application within the Melbourne Airport N-Contours as depicted in the Approved Melbourne Airport Master Plan under the *Airports Act 1996* (Cth) must be given to the airport lessee company of Melbourne Airport in accordance with the *Airports Act 1996* (Cth).
6.0

Decision guidelines

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:

- The Sunbury South Precinct Structure Plan.
- Development should have regard to relevant policies and strategies being implemented by the responsible authority, Melbourne Water and Western Water, including any approved Integrated Water Management Plan.

7.0

Signs

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

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 display 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.