

27/05/2019  
C239wsea

**SCHEDULE 3 TO CLAUSE 37.07 URBAN GROWTH ZONE**

Shown on the planning scheme map as **UGZ3**

**QUARRY HILLS PRECINCT STRUCTURE PLAN**

(Note: Refer also to the Quarry Hills Precinct Structure Plan, June 2016 in Clause 72.04)

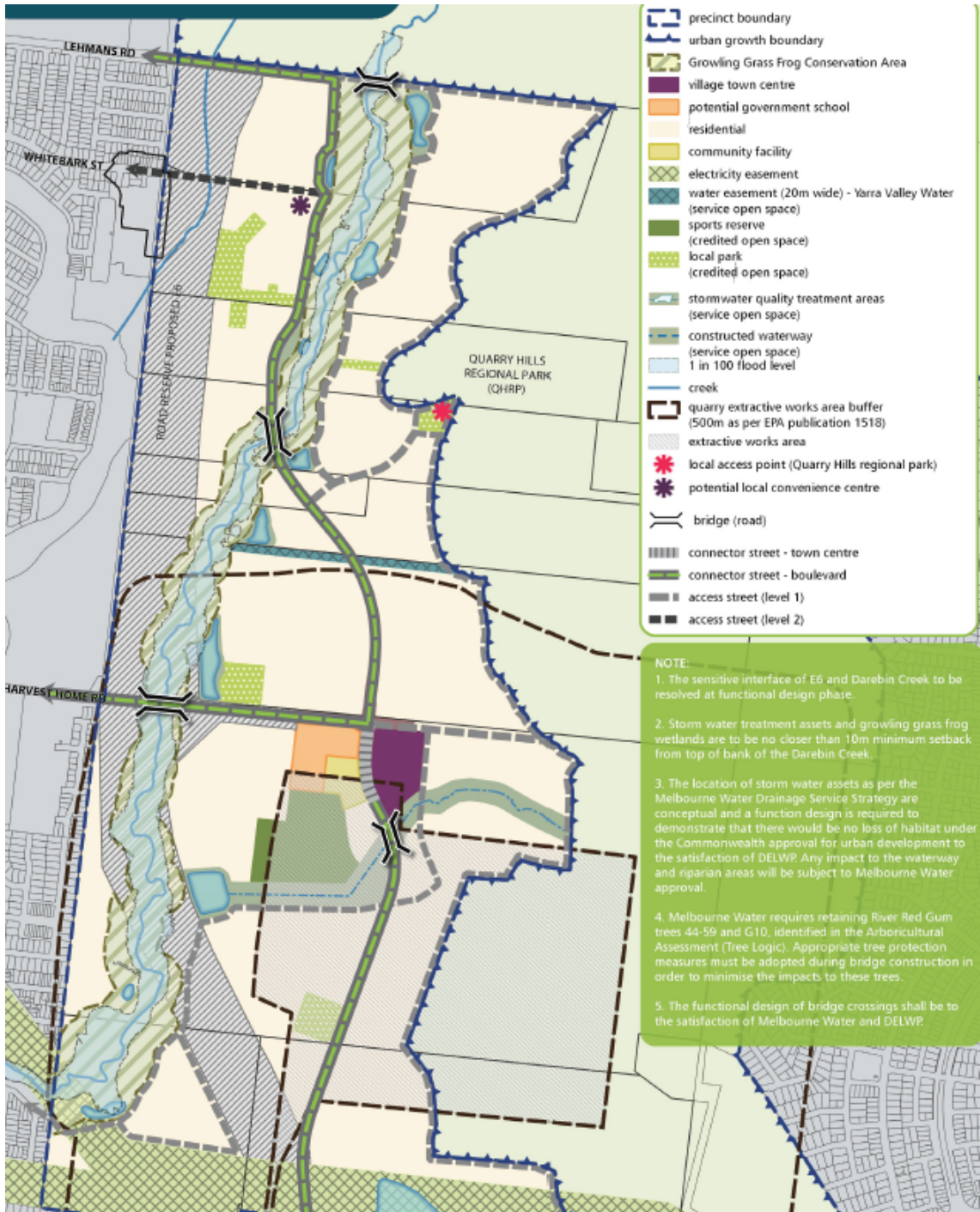
**1.0**

27/05/2019  
C239wsea

**The Plan**

Plan 1 to Schedule 3 to Clause 37.07 shows the Future Urban Structure for Quarry Hills. It is a reproduction of Plan 2 in the *Quarry Hills Precinct Structure Plan, June 2016*.

**Plan 1 to the Schedule to Clause 37.07**



**2.0**27/05/2019  
C239wsea**Use and development****2.1**27/05/2019  
C239wsea**The Land**

The use and development provisions specified in this schedule apply to the land contained within the precinct boundary shown in Plan 1 of this schedule and shown as UGZ3 on the planning scheme maps.

**2.2**20/10/2016  
C188**Applied zone provisions**

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

**Table 1: Applied zone provisions**

Land use or development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land	Applied zone provisions (Applied reformed zone provisions)
Village town centre	Clause 34.01 – Commercial 1 Zone
Local convenience centre	
All other land	Clause 32.08 – General Residential Zone

**2.3**20/10/2016  
C188**Reference to a planning scheme zone is a reference to an applied zone**

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

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

**2.4**20/10/2016  
C188**Specific provision – Use and development of future public land**

A permit is not required to use or develop land shown in the *Quarry Hills Precinct Structure Plan, June 2016* as open space (local parks, local sports reserve or central park) or community facilities provided the use or development is carried out generally in accordance with the *Quarry Hills Precinct Structure Plan, June 2016* and with the prior written consent of the responsible authority.

**2.5**20/10/2016  
C188**Specific provisions – Use of land**

The following provisions apply to the use of land.

**Table 2: Use**

Use	Requirement
Shop where the applied zone is Commercial 1 Zone	<p>A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds:</p> <ul style="list-style-type: none"> <li>▪ 5,000 square metres for land shown as a Village Town Centre in the incorporated Quarry Hills Precinct Structure Plan, June 2016.</li> <li>▪ 500 square metres for land shown as a local convenience centre in the incorporated Quarry Hills Precinct Structure Plan, June 2016</li> </ul>

Use	Requirement
<b>Medical centre where the applied zone is General Residential Zone</b>	<p>A permit is not required if the following conditions are met:</p> <ul style="list-style-type: none"> <li>▪ The gross floor area of all buildings must not exceed 250 square metres.</li> <li>▪ Must not require a permit under clause 52.06-3.</li> <li>▪ The site must adjoin, or have access to, a road identified as Boulevard Connector Road in Plan 2 - Future Urban Structure of the Quarry Hills Precinct Structure Plan, June 2016.</li> </ul>
<b>Place of assembly where the applied zone is General Residential Zone</b>	<p>A permit is not required if the following conditions are met:</p> <ul style="list-style-type: none"> <li>▪ The gross floor area of all buildings must not exceed 250 square metres.</li> <li>▪ The site must adjoin, or have access to, a road identified as Boulevard Connector Road in Plan 2 – Future Urban Structure of the Quarry Hills Precinct Structure Plan, June 2016.</li> </ul>

**2.6**24/06/2020  
GC150**Specific Provisions - 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 (Victorian Planning Authority, November 2019)* incorporated pursuant to Clause 72.04 of the Whittlesea Planning Scheme.

**2.7**20/10/2016  
C188**Specific provisions – 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 on land shown as a potential government school unless exempt under Clauses 62.02-1 and 62.02-2.

**3.0**27/05/2019  
C239wsea**Application requirements**

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

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.

**3.1**20/10/2016  
C188**Residential subdivision**

In addition to any requirement in 56.01-2, a subdivision design response 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 and dwelling 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 shown within the ‘Housing element’ of the *Quarry Hills Precinct Structure Plan, June 2016* incorporated in this scheme.

- 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 Traffic Impact Assessment Report.
- A Stormwater Management Strategy that addresses the provision, staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Melbourne Water.
- An application for subdivision 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.
  - The landscaping of any land.
  - The provision of public open space and land for any community facilities.
  - What, if any, infrastructure set out in the development contributions plan applying to the land is sought to be provided as "works in lieu" subject to the consent of the collecting agency.
  - Any other matter relevant to the provision of public infrastructure required by the responsible authority.
- An application for subdivision must be accompanied by a Site Management Plan that addresses bushfire risk during, and where necessary after construction to be approved by the responsible authority and the CFA. 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 Australian Standard AS3959-2009 (construction of building in bushfire-prone areas), where bushfire risk is managed;
  - 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.

**3.2**  
20/10/2016  
C188

### **Development applications on land containing or abutting the Darebin Creek, its tributaries and environs**

An application to develop land containing or abutting the Darebin Creek, its tributaries and environs should be accompanied by a plan that shows:

- Natural features including trees and other significant vegetation, habitat for protected species, drainage lines, water courses, wetlands, ridgelines and hill tops.
- Recreation facilities to be provided within public open space.
- Storm water facilities that are compliant with the relevant approved drainage strategy.
- The retention and removal of vegetation and any re-vegetation.

**3.3**20/10/2016  
C188**Use or develop land for a sensitive purpose – Environmental Site Assessment –10A 10B, 10C and 150-152 Bindts Road Wollert**

An application to develop land for a sensitive use (accommodation, child care centre, kindergarten, primary school or public open space) must be either accompanied by:

- a certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
- a statement by an environmental auditor appointed under the Environment Protection Act 1970 in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

for areas ranked as ‘High Potential for Contamination’ in the Phase 1 Environmental Site Assessment Quarry Hills Precinct Structure Plan (Cardno Lane Piper, May 2013).

**3.4**20/10/2016  
C188**Use or develop land for a sensitive purpose – Environmental Site Assessment - 40, 60, 90, 100 and 130 Bindts Road Wollert**

An application to develop land for a sensitive use (accommodation, child care centre, kindergarten, primary school or public open space) must be accompanied by a Phase 2 Environmental Site Assessment, including intrusive soil investigation of the Environmental Assessment Areas ranked as ‘Medium Potential for Contamination’ in the Phase 1 Environmental Site Assessment Quarry Hills Precinct Structure Plan (Cardno Lane Piper, May 2013). The assessment must provide for the following information:

- 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 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.

**3.5**20/10/2016  
C188**Kangaroo Management Plan**

All applications for subdivision must be accompanied by the following information to the satisfaction of the responsible authority:

Kangaroo Management Plan which includes:

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

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

- a copy of the approved Kangaroo Management Plan;
- 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**27/05/2019  
C239wsea**Conditions and requirements for permits****4.1**24/06/2020  
GC150**Condition - Subdivision permits that allow the creation of a lot/s of less than 300 square metres**

Prior to certification of the Plan of Subdivision for the relevant stage, a plan must be submitted for approval to the satisfaction of the responsible authority. The plan must identify the lots that will include a restriction on title allowing the use of the provision of the *Small Lot Housing Code (Victorian Planning Authority, November 2019)* incorporated pursuant to Clause 72.04 of the Whittlesea Planning Scheme.

The Plan of Subdivision submitted for certification must identify whether Type A or Type B of the *Small Lot Housing Code (Victorian Planning Authority, November 2019)* applies to each lot to the satisfaction of the responsible authority.

**4.2**20/10/2016  
C188**Condition – Subdivision and housing design guidelines**

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

**4.3**20/10/2016  
C188**Condition - Land required for community facilities**

Land required for community facilities, as set out in the *Quarry Hills Precinct Structure Plan, June 2016* or the *Quarry Hills Development Contributions Plan, June 2016*, must be transferred to or vested in Council at no cost to Council unless the land is funded by the *Quarry Hills Development Contributions Plan, June 2016*.

**4.4**20/10/2016  
C188**Condition - Open space and natural systems**

Land set aside for tree reserves or landscape buffer as set out in the *Quarry Hills Precinct Structure Plan* must be transferred to or vested in Council at no cost to Council unless the land is funded by the incorporated *Quarry Hills Development Contributions Plan, June 2016*.

**4.5**20/10/2016  
C188**Conditions- Biodiversity and threatened species**

Any permit for subdivision must contain the following conditions:

**Kangaroo Management Plan**

Before the certification of a 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.

**Salvage and translocation**

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

**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 this 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:

## WHITTLESEA PLANNING SCHEME

- 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.

### Land Management Co-operative Agreement

A permit to subdivide land shown in the incorporated *Quarry Hills Precinct Structure Plan, June 2016* as including a conservation area must ensure that, before the issue of a statement of compliance for the last stage of the subdivision, the owner of the land:

- Enters into an agreement with the Secretary to the Department of Environment, Land, Water and Planning under section 69 of the *Conservation, Forests and Lands Act 1987*, which:
  - Must provide for the conservation and management of that part of the land shown as a conservation area in the *Quarry Hills Precinct Structure Plan, June 2016*; and
  - May include any matter that such an agreement may contain under the *Conservation, Forests and Lands Act 1987*.
- Makes application to the Registrar of Titles to register the agreement on the title to the land.
- Pays the reasonable costs of the Secretary to the Department of Environment, Land, Water and Planning in the preparation, execution and registration of the agreement.

The requirement for a Land Management Co-operative Agreement in this condition does not apply to land or any lot or part of a lot within a conservation area identified in the 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, Land, Water and Planning for conservation purposes; 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 administering the *Conservation, Forests and Lands Act, 1987*; or
  - another statutory authority.

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

#### **Environment Management Plan**

A planning permit for subdivision, buildings or works on land shown as a conservation area in the incorporated *Quarry Hills Precinct Structure Plan, June 2016* must include the following condition and endnote:

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

*Note: Operation of Commonwealth Environmental Laws. On 5 September 2013 an approval under the Environmental 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 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 is not required.*

#### **4.6**

20/10/2016  
C188

#### **Condition - Public transport**

Unless otherwise agreed by Public Transport Victoria, prior to the issue of Statement of Compliance for any subdivision stage, bus stops must be constructed, at full cost to the permit holder as follows:

- 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*.
- At locations approved by Public Transport Victoria, at no cost to Public Transport Victoria, and to the satisfaction of Public Transport Victoria.
- Be provided with direct and safe pedestrian access to a pedestrian path

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

#### **4.7**

20/10/2016  
C188

#### **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 affected by the widening of the road reserve which is required to provide road widening and/or right of way flaring for the ultimate design of any adjacent intersection.



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 *Quarry Hills Development Contributions Plan, June 2016*.

**4.8**

27/05/2019  
C239wsea

**Condition - Precinct Infrastructure Plan**

Any permit for subdivision must contain the following condition:

Prior to the certification of a plan of subdivision or other time as agreed between the Council and the landowner and upon request by the responsible authority or the land owner, the owner must enter into an agreement or agreements under section 173 of the *Planning and Environment Act 1987* which provide for:

- The implementation of the Public Infrastructure Plan approved under this permit.
- The purchase and/or reimbursement by the Council for any provision of public open space in excess of the amount specified in the schedule to Clause 53.01.
- The timing of any payments to be made to the owner having regard to the availability of funds in the open space account.

**4.9**

20/10/2016  
C188

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

Before a plan of subdivision is certified under the *Subdivision Act 1988*, the recommendations of any Phase 2 Environmental Site Assessment and Environmental Audit submitted with any 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, having regard to the guidance set out in the *General Practice Note - 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**

27/05/2019  
C239wsea

**Exemption from notice and review**

None specified.

**6.0**

27/05/2019  
C239wsea

**Decision guidelines**

None specified.

**7.0**

27/05/2019  
C239wsea

**Signs**

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

**7.1**

27/05/2019  
C239wsea

**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 an animated, scrolling, electronic or internally illuminated sign.
- The sign is not displayed for longer than 21 days after the sale (not settlement) of the last lot.

## WHITTLESEA PLANNING SCHEME

- The sign is set back 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.