

27/05/2019  
C239wsea

## **SCHEDULE 4 TO CLAUSE 37.07 URBAN GROWTH ZONE**

Shown on the planning scheme map as **UGZ4**.

### **ENGLISH STREET PRECINCT STRUCTURE PLAN**

(Note: Refer also to the English Street Precinct Structure Plan, November 2015 in Clause 72.04)

#### **1.0**

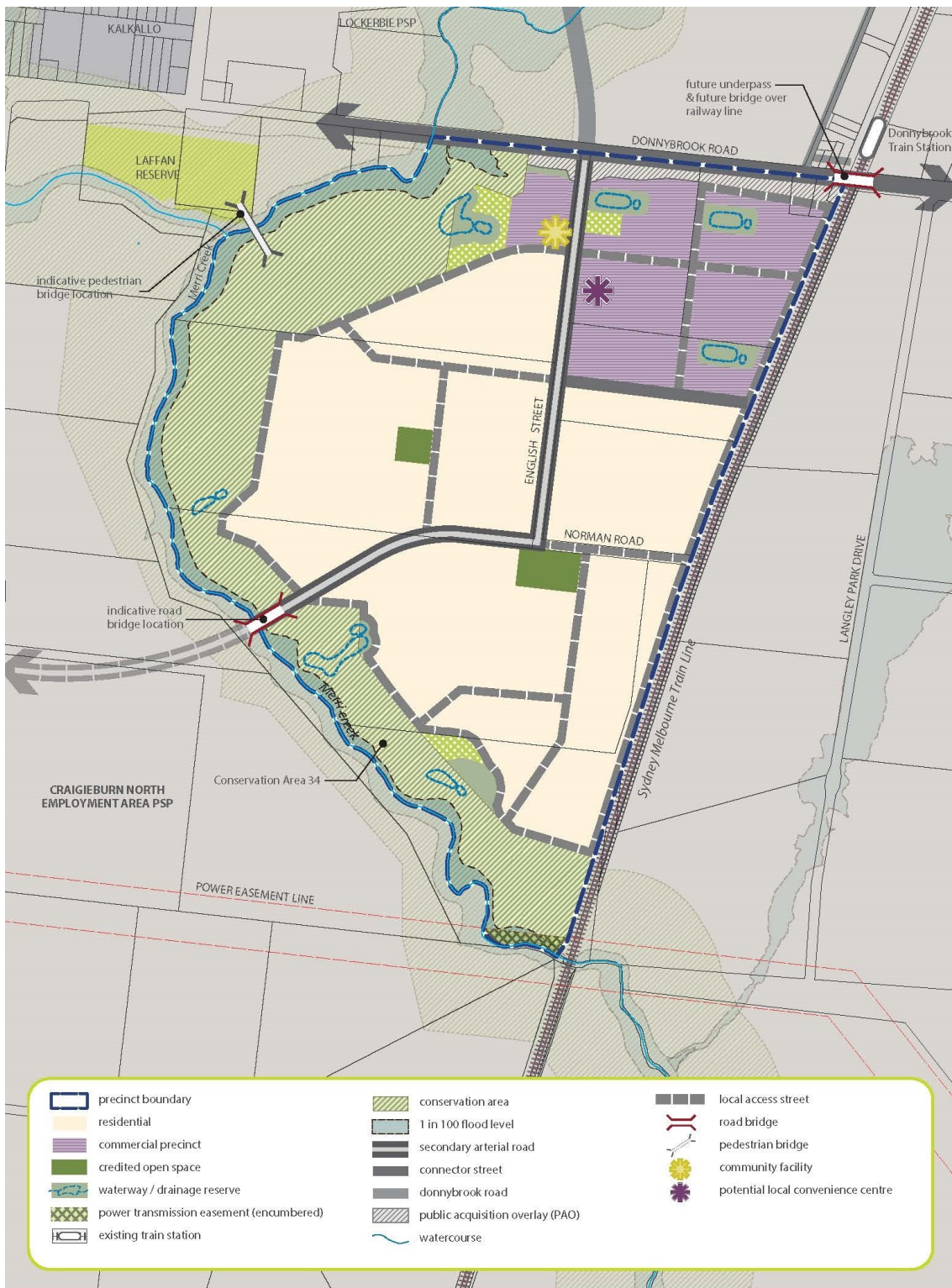
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#### **The Plan**

Plan 1 below shows the future urban structure proposed in the *English Street Precinct Structure Plan*. It is a reproduction of Plan 3 in the *English Street Precinct Structure Plan*.

WHITTLESEA PLANNING SCHEME

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 within the ‘precinct area’ on Plan 1 of this schedule and shown as UGZ4 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**27/05/2019  
C239wsea**Applied zone provisions**

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

**Table 1: Applied zone provisions**

Land as shown on Plan 1 of this schedule	Applied zone provisions
Commercial precinct Potential local convenience centre	Clause 34.01 – Commercial 1 Zone
Secondary arterial road	Clause 36.04 – Road Zone – Category 2
All residential land	Clause 32.07 – Residential Growth Zone

**2.3**18/02/2016  
C183**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 Residential Growth 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**18/02/2016  
C183**Specific provisions – Use of land**

The following provisions apply to the use of the land.

**Table 2: Use**

Use	Requirement
Shop (other than Convenience shop) in the ‘commercial precinct’ (other than the ‘potential local convenience centre’)	Prohibited.
Convenience shop in the ‘commercial precinct’ (other than the ‘potential local convenience centre’)	Permit Required.
Shop in the ‘potential local convenience centre’	A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds 1,500 square metres.

**2.5**18/02/2016  
C183**Specific provision – Use and development of future passive public open space and community facilities**

A permit is not required to use or develop land shown in the *English Street Precinct Structure Plan* as open space (local park) or community facilities provided the use or development is carried out generally in accordance with the *English Street Precinct Structure Plan* and with the prior written consent of the responsible authority.

**2.6**24/06/2020  
GC150**Specific provision – 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.

**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 at 3.1 or 3.2 is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

**3.1**18/02/2016  
C183**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 and dwelling yields;
- A written statement that sets out how the subdivision implements the incorporated English Street Precinct Structure Plan;
- Subdivision and Housing Design Guidelines, prepared to the satisfaction of the responsible authority, which demonstrates how the proposal responds to and achieves the objectives and planning and design requirements and guidelines in accordance with the incorporated English Street Precinct Structure Plan;
- A table setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields;
- 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;
- Potential bus route and bus stop locations prepared in consultation with Public Transport Victoria;
- A Stormwater Management Strategy that assesses the existing surface and subsurface drainage conditions on the site, addresses the provision, staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Whittlesea City Council, Melbourne Water and the Department of Environment, Land, Water and Planning where appropriate.

**3.2**18/02/2016  
C183**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 English Street Development Contributions Plan is sought to be provided as "works in lieu" subject to the consent of the collecting agency;
- The provision of public open space and land for any community facilities; and
- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

### 3.3

18/02/2016  
C183

#### 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 Whittlesea City Council, as required.

### 3.4

18/02/2016  
C183

#### Use or develop land for a sensitive purpose – Environmental Site Assessment – 750, 780, 800, 804, 810, Donnybrook Road Craigieburn and 45 & 65 English Street Donnybrook

An application to use or develop land for a sensitive use, or to construct a building or construct and carry out works associated with a sensitive use on the land must be accompanied by a Phase 2 Environmental Site Assessment report prepared by a suitably qualified environmental professional to the satisfaction of the responsible authority.

The report must contain:

- detailed assessment of the matters outlined as potential contaminants on the land documented in '*(Precinct Structure Plan Area 25 Growth Areas Authority, Desktop Environmental, Hydrological and Geotechnical Study. Revision 2 dated 13 September 2012)*' by Aurecon
- Clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the *General Practice Note on Potentially Contaminated Land*, June 2005 (DSE); and
- Recommended remediation actions for any contaminated land.

### 3.5

18/02/2016  
C183

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

An application on land containing or abutting the Merri Creek Corridor, its tributaries and environs must 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, hill tops and features of geomorphic significance; and
- Recreation facilities to be provided within public open space; and
- Storm water facilities that are compliant with the relevant approved drainage strategy; and
- The retention and removal of vegetation and any re-vegetation.

### 3.6

18/02/2016  
C183

#### Rail noise assessment

An application that proposes, or will allow, residential buildings within 80 metres of the existing Melbourne-Sydney rail track must be accompanied by an assessment of noise and vibration impacts on the development from the rail operations at the time of the application. The acoustic assessment must be prepared by a suitably qualified engineer or other suitably qualified person to the satisfaction of the responsible authority. The acoustic assessment must:



- Provide an assessment of noise levels on the land taking into account the likely noise levels associated with the ongoing operation of VLine and Australian Rail and Track Corporation (ARTC) operations; and
- Include recommendations for noise attenuation measures designed to achieve appropriate noise limits in bedrooms.

### 3.7

18/02/2016  
C183

#### **Kangaroo management**

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; 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.

### 3.8

18/02/2016  
C183

#### **Economic assessment – local convenience centre**

Any application to use land for a shop within the potential local convenience centre must be accompanied by a report, prepared by a suitably qualified professional, describing the economic impact of the proposal including with regard to existing and planned town centres in the area.

### 4.0

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#### **Conditions and requirements for permits**

### 4.1

18/02/2016  
C183

#### **Open Space, community facilities and road widening - Condition**

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

- Land required for public open space as a local park, as set out in the English Street Precinct Structure Plan or Development Contributions Plan, must be transferred to or vested in the responsible authority at no cost to that authority.
- Land required for community facilities, as set out in the English Street Precinct Structure Plan or Development Contributions Plan, must be transferred to or vested in the responsible authority at no cost to that authority.
- 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 English Street Development Contributions Plan.
- Land required for a community facility, road or public open space must be shown on a Plan of Certification as a reserve in favour of Whittlesea City Council or the relevant authority.

**4.2**18/02/2016  
C183**Biodiversity and Threatened Species - Conditions**

*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.*

Any permit for subdivision must contain the following conditions:

**4.2.1 Kangaroo Management Plan**

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.

**4.2.2 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.

**4.2.3 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:

- Before the start of construction or carrying out of works 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.

#### 4.2.4 Land Management Co-operative Agreement

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

- Enters into an agreement with the Secretary to the Department of Environment, 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 English Street 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 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.

#### 4.3 Public Transport – Condition

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C183

Any permit for subdivision must contain the following condition:

Unless otherwise agreed by Public Transport Victoria, prior to the issue of Statement of Compliance for any subdivision stage, bus stop hard stands with direct and safe pedestrian access to a pedestrian path must be constructed:



- In accordance with the Public Transport Guidelines for Land Use and Development and 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.

#### 4.4

18/02/2016  
C183

#### Road Network – Condition

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.

#### 4.5

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#### Public Infrastructure Plan – Condition

Any permit for subdivision must 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 or the owner, 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.
- The purchase and/or reimbursement by the responsible authority 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.

#### 4.6

18/02/2016  
C183

#### Use or development of land for a sensitive use – Condition

Any permit for a sensitive use or development must contain the following condition:

Prior to the certification of a Plan of Subdivision, or a stage of subdivision, under the *Subdivision Act 1988*, further testing in accordance with the recommendations of the Phase 2 Environmental Site Assessment (see application requirement 3.4) must be carried out to the satisfaction of the responsible authority.

Upon completion of the testing the landowner must submit the results and comply with any additional requirements to the satisfaction of the responsible authority, having regard to the guidance set out in the *General Practice Note on Potentially Contaminated Land June 2005 (DSE)*. The plan of subdivision must not be certified until the responsible authority is satisfied that the land is suitable for the intended use.

#### 4.7

24/06/2020  
GC150

#### Subdivision permits that allow for the creation of a lot/s of less than 300 square metres - Condition

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 (Victorian Planning Authority, November 2019)* incorporated pursuant to Clause 72.04 of the Whittlesea Planning Scheme; and
- 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.

**5.0**

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**Exemption from notice and review**

None specified.

**6.0**

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**Decision guidelines**

Before deciding on an application to use land for a shop in the local convenience centre, in addition to the decision guidelines at Clause 37.07-14, the responsible authority must consider, as appropriate:

- The local catchment demand for the additional floor area; and
- Whether the application would result in the local convenience centre growing beyond the role of a local convenience centre; and
- The effect, if any, on existing and future major town centres in Melbourne's North Growth Corridor.

**7.0**

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**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.

**7.1**

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**Land and home sales signs**

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

- The 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