

04/10/2018 **SCHEDULE 13 TO CLAUSE 37.07 URBAN GROWTH ZONE**

Shown on the planning scheme map as **UGZ13**.

MELTON EAST PRECINCT STRUCTURE PLAN

1.0 The Plan

30/07/2018 Plan 1 shows the future urban structure proposed in the Melton East Precinct Structure Plan. It is a reproduction of Plan 2 in the *Melton East Precinct Structure Plan*.

Plan 1 to Schedule 13 to Clause 37.07



2.0 Use and development

30/07/2018

2.1 The Land

30/07/2018

The use and development provisions specified in this schedule apply to the land within the 'precinct boundary' on Plan 1 and shown as UGZ13 on the planning scheme maps. This schedule must be read in conjunction with the incorporated Melton East Precinct Structure Plan (PSP).

Note: If land shown on Plan 1 is not zoned UGZ13, the provisions of this zone do not apply.

2.2 Applied zone provisions

19/01/2022

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 Melton East 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 General Residential Zone specifies 'Place of worship' as a Section 1 Use with the condition, 'The site must adjoin, or have access to, a road in a Transport Zone.' In this instance the condition should be read as, 'The site must adjoin, or have access to, a road in a Transport Zone or an applied Transport Zone in the Urban Growth Zone schedule applying to the land'

Table 1: Applied zone provisions

Land shown on plan 1 of this schedule Neighbourhood activity centre Local convenience centre	Applied zone provisions Clause 34.01 – Commercial 1 Zone
Land shown on plan 1 of this schedule Business / Small local enterprise precinct Existing developed land	Applied zone provisions Clause 34.02 – Commercial 2 Zone
Land shown on plan 1 of this schedule Area of increased density	Applied zone provisions Clause 32.07 – Residential Growth Zone 1
Land shown on plan 1 of this schedule Light industry	Applied zone provisions Clause 33.01 – Industrial 3 Zone
Land shown on plan 1 of this schedule Arterial road	Applied zone provisions Clause 36.04 – Transport Zone 2
Land shown on plan 1 of this schedule All other land	Applied zone provisions Clause 32.08 – General Residential Zone

2.3
30/07/2018

Specific provisions – Use of land

Section 1 - Permit not required

Use	Condition
Primary school Secondary school	On land identified as 'potential non government school' in the incorporated <i>Melton East Precinct Structure Plan</i> .
Child care centre Hall Indoor recreation centre Library Medical centre Restricted recreation facility	On land identified as 'local community facilities' in the <i>Melton East Precinct Structure Plan</i> The use must be carried out by or on behalf of the public land manager.
Minor sports and recreation facility	On land identified as 'local sports reserve' in the incorporated <i>Melton East Precinct Structure Plan</i> . The use must be carried out by or on behalf of the public land manager.
Retail premises (other than Food and drink premises, Gambling premises, Motor vehicle, boat or caravan sales, and Shop other than Restricted retail premises) where the applied zone is Commercial 2 Zone	The leasable floor area must not exceed 900 square metres.

Restricted retail premises where the applied zone is Commercial 2 Zone	The combined leasable floor area of all Restricted retail premises must not exceed 3,000 square metres.
Shop (other than Supermarket) where the applied zone is Commercial 1 Zone	<p>The combined leasable floor area of all Shops must not exceed:</p> <ul style="list-style-type: none"> 14,500 square metres for land shown as Northern Local Town Centre in the incorporated <i>Melton East Precinct Structure Plan</i> 6,000 square metres for land shown as Central Local Town Centre in the incorporated <i>Melton East Precinct Structure Plan</i> 1,000 square metres for land shown as Local Convenience Centre in the incorporated <i>Melton East Precinct Structure Plan</i>
Any use listed in Clause 62.01	Must meet requirements of Clause 62.01.
Any use listed in Section 1 in the Table of uses in the applicable applied zone	

Section 2 - Permit required

Use	Condition
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Any other use not in Section 1 or 3 in the Table of uses in the applicable applied zone**Section 3 – Prohibited**

Use	Condition
Food and drink premises where the applied zone is Commercial 2 Zone	If the Section 1 condition in the applied zone is not met.
Gambling premises, Motor vehicle, boat or caravan sales where the applied zone is Commercial 2 Zone	
Retail premises (other than Gambling premises, Motor vehicle, boat or caravan sales, and Shop except Restricted retail premises) where the applied zone is Commercial 2 Zone	If the Section 1 condition is not met.
Restricted retail premises where the applied zone is Commercial 2 Zone	If the Section 1 condition is not met
Supermarket where the applied zone is Commercial 2 Zone or Industrial 3 Zone	
Industry (other than service industry, materials recycling and transfer station) where the applied zone is Commercial 2 Zone	
Any use listed in Section 3 in the Table of uses of the applicable applied zone	

2.4**Specific provisions - Subdivision**

30/07/2018

None specified.

2.5 Specific provisions - Buildings and works

30/07/2018

Dwellings on a lot less than 300 square metres

A permit is not required to construct or extend one dwelling on a lot of less than 300 square metres, if either of the following apply:

- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) incorporated into this planning scheme.
- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) incorporated into this planning scheme.

Buildings and works for a school

A permit is required to construct a building or construct or carry out works associated with a Primary school or Secondary school on land shown as a Potential Non-Government School unless exempt under Clauses 62.02-1 and 62.02-2.

3.0 Application requirements

30/07/2018

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.

Subdivision

In addition to the requirements of Clause 56.01-2, a subdivision design response for a residential subdivision of 10 lots or more must be accompanied by the information listed below. An application for the construction of 10 or more dwellings on a lot must be accompanied by the same information:

- A written statement that sets out how the application implements the incorporated *Melton East Precinct Structure Plan*.
- A land use budget setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields.
- A Traffic Impact Assessment including functional layout plans and a feasibility / concept road safety audit that demonstrates how the local street and movement network integrates with adjacent urban development or can integrate with future development on adjacent land parcels.
- A plan showing the proposed road network, that addresses the interface treatments adjacent to arterial roads, open space and environmentally sensitive areas.
- A plan showing access arrangements for properties adjacent to all existing and future arterial roads.
- Potential bus route and bus stop locations prepared in consultation with the Head, Transport for Victoria.
- A hydrogeological assessment of the groundwater conditions on the site and the potential impacts on the proposed development and protected ecological features and pre-European wetlands, including any measures required to mitigate the impacts of groundwater on the development and the impact of the development on groundwater.

- A drainage and integrated water management plan.
- 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 Melton City Council and Melbourne Water.
- A landscape master 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;
 - Recognises and responds to sodic or dispersive soils;
 - Shows recreation facilities to be provided within public open space;
 - Shows storm water facilities that are compliant with the relevant approved drainage strategy;
 - Incorporates relevant EVCs and ecological requirements in planting selection surrounding waterways and pre-European wetlands; and
 - Identifies vegetation to be retained and removed and any re-vegetation.
- A written statement outlining how the proposal will contribute to the delivery of affordable housing in the precinct, including any proposed delivery mechanisms.
- Where relevant, demonstration of how the subdivision will respond to and integrate sensitively with the heritage significance of the Beattys Road Nissen Hut (HO217), the Former Fulham Park (HO135), the Selection Wall (HO205), the 107-121 Water Reserve Road House (HO119) and their surrounding areas.

Environmentally sustainable development

An application for the development of land must be accompanied by a Sustainable Design Assessment report or a Sustainability Management Plan prepared by a suitably qualified professional that demonstrates how the development will achieve best practice sustainable design. This includes encouraging energy performance, integrated water management, indoor environment quality, transport, waste management and urban ecology. Best practice environmental design for the development can use the Built Environment Sustainability Scorecard (BESS) or other comparable sustainable design tool.

The sustainable design assessment (including an assessment using BESS, STORM or other methods) should consider as relevant to the below:

Residential

- 2-9 dwellings.
- A building used for accommodation other than dwellings with a gross floor area between 100 square metres and 1000 square metres.

Non-residential

- A non-residential building with a gross floor area of 300 square metres to 1000 square metres.
- An extension to an existing non-residential building creating between 300 square metres to 1000 square metres of additional gross floor area (excluding outbuildings).

The Sustainability Management Plan (including an assessment using BESS/Green star, STORM/MUSIC or other methods) and a green travel plan should be applicable to the below:

Residential

- 10 or more dwellings.
- A building used for accommodation other than dwellings with a gross floor area of more than 1000 square metres.

Non-residential

- A non-residential building with a gross floor area of more than 1000 square metres.

- An extension to an existing non-residential building creating more than 1000 square metres of additional gross floor area (excluding outbuildings).

Mixed use

Applicable assessments for the residential and non-residential components of the development.

Public infrastructure plan

An application for subdivision and/or use and development of land must be accompanied by a public infrastructure plan which addresses the following:

- What land may be affected or required for the provision of infrastructure works;
- The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
- What, if any, infrastructure set out in the infrastructure contributions plan applying to the land is sought to be provided as "works in lieu" subject to the consent of the collecting agency;
- The provision of public open space and land for any community facilities; and
- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

Shared Path Network Plan

An application to subdivide land, construct a building or construct or carry out works on land that adjoins existing or future primary or secondary arterial road, being Tarletons Road, Mount Cottrell Road, Taylors Road, Paynes Road, Leakes Road shown on Plan 1 of this Schedule must be accompanied by a Shared Path Network Plan.

The Shared Path Network Plan must respond to the Place Based Plan, Infrastructure and Development Staging Plan, and ICP PIP Table and identify the direction and distances to existing activity nodes, including local employment centres, community centres, primary and secondary schools, community infrastructure and/or a major public transport hub such as a railway station or bus interchange, and:

- Identify the existing pedestrian, bicycle and/or shared path network connections along these roads.
- Identify any sections of the pedestrian, bicycle and/or shared path network along these roads that is not constructed that would provide continual access to existing activity nodes.
- Identify the relevant ICP items required to be delivered in full or in part to ensure continuous connections to activity nodes are provided.

Acoustic Assessment Report

Any application for use, subdivision or development of land for Accommodation, Education centre (other than Tertiary institution and Employment training centre) or Hospital within a noise influence area shown on Plan 15 Noise Influence Areas of the *Melton East 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 which:

- Applies the following noise objectives:
 - Not greater than 35 dB LAeq,8h when measured within a sleeping area between 10pm and 6am.
 - Not greater than 40 dB LAeq,16h when measured within a living area between 6am and 10pm.
 - For areas other than sleeping and living areas, not greater than the median value of the range of recommended designed sound levels.
- Noise levels should be assessed:

- Considering the cumulative noise from all sources impacting on the proposal including existing and likely future road traffic noise, industry noise and other potential noise sources; and
- In unfurnished rooms with a finished floor and the windows closed and be based on average external noise levels measured as part of a noise level assessment.
- Identifies lots and/or buildings requiring mitigation from noise from all sources impacting on the proposal, including road traffic noise and industry noise. If lots and/or buildings requiring acoustic mitigation are identified, the report should include recommendations for any noise attenuation measures required to meet the applicable noise level objectives. These recommendations should prioritise measures that benefit both outdoor and indoor spaces, and should address:
 - Noise compatible design for buildings, with siting, orientation, and internal layout, to be considered prior to setting building envelope performance requirements.
 - Potential noise character (tonality, impulsiveness or intermittency);
 - Noise with high energy in the low frequency range;
 - Transient or variable noise; and
 - Vibration.

This requirement does not apply if the permit applicant provides, to the satisfaction of the responsible authority, a statement in writing, supported by verifiable evidence, from a qualified acoustic engineer or other suitably skilled person to the satisfaction of the responsible authority that, having regard to Clause 13.05, the proposed development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions, and that no noise attenuation measures are required.

Integrated Water Management

An application to subdivide land must be accompanied by an Integrated Water Management Strategy, with a focus on drainage servicing, 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, flow rate and flow volume management, to the satisfaction of Melton City Council and Melbourne Water.

Bushfire Management Plan

An application to subdivide land adjacent to a Bushfire Hazard Area shown on Plan 9 Bushfire of the *Melton East Precinct Structure Plan* must be accompanied by a Bushfire Management Plan that demonstrates how the application will address bushfire risk at the site. The plan must be prepared in accordance with the relevant requirements and guidelines in the *Melton East Precinct Structure Plan*, unless otherwise agreed in writing by the Responsible Authority and CFA. The plan must include:

- The design and layout of the subdivision, including lot layout, road design and access points, both vehicular and pedestrian;
- The location of any bushfire hazard areas;
- The details of any bushfire protection measures required for individual lots;
- The identification of any areas to form the setback between a bushfire hazard and built form;
- The details of any vegetation management in any area of defensible space including, information on how vegetation will be managed and when the vegetation management will occur i.e. annually, quarterly, during the fire danger period;
- Notation that indicated what authority is responsible for managing vegetation within open space areas; and
- Notation that ensures that the areas of classified vegetation in the nominated bushfire hazard areas must be managed to a level that will ensure the vegetation classification under AS3959-2018 will not be altered.

The responsible authority and fire authority may waive this requirement if a plan has been approved for the land.

Preliminary Risk Screen Assessment

An application to subdivide land or use or develop land for a sensitive use (residential use, childcare centre, pre-school centre, primary school or children's playground) and, must be accompanied by a Preliminary Risk Screen Assessment in accordance with the *Environment Protection Act 2017*. The assessment must be issued stating that an environmental audit is not required for the application.

An application to subdivide land (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision) to enable the ultimate use or development of land for a sensitive use (residential use, childcare centre, kindergarten, pre-school centre, primary school, even if ancillary to another use) or children's playground or secondary school and on land identified in Table 2 of this Schedule must be accompanied by either:

- A Preliminary Risk Screen Assessment in accordance with the *Environment Protection Act 2017* stating that an environmental audit is not required for the land; or;
- An environmental audit statement under Part 8.3, Division 3 of the *Environment Protection Act 2017* which states that the land is suitable for the proposed use or development; or
- An environmental audit statement under Part 8.3, Division 3 of the *Environment Protection Act 2017* which states that the land is suitable for the proposed use or development if the recommendations made in the statement are complied with.

If an environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* has been issued stating that the land is suitable for the land use under the Environmental Reference Standard 2021, a condition must be included on the planning permit consistent with section 4.0 of this schedule.

Where a Preliminary Risk Screen Assessment (or environmental audit) has already been undertaken for the land, a further PRSA (or environmental audit) may not be required, if the previous Preliminary Risk Screen Assessment (or environmental audit) has considered the relevant land uses under the Environmental Reference Standard 2021.

This requirement does not apply to the construction or carrying out of buildings and works if:

- The buildings and works are associated with an existing sensitive use, secondary school or children's playground, included in Clause 62.02-1 or 62.02-2, and the soil is not disturbed;
- The buildings and works are required by the Environment Protection Authority or an environmental auditor appointed under the *Environment Protection Act 2017* to make the site suitable for use; or
- The buildings and works are reasonably required by environmental auditor appointed under the *Environment Protection Act 2017* or the *Environment Protection Act 1970* to undertake a preliminary risk screen assessment or environmental audit.

If a Preliminary Risk Screen Assessment determines that an environmental audit is required, a condition must be included on the planning permit consistent with section 4.0 of this schedule to require that an environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or proposed use.

This application requirement does not apply to any lot where the Environmental Audit Overlay applies.

Table 2

Address	Legal Description
2145-2169 Melton Highway Melton	Lot 4 LP200559
499-525 Mount Cottrell Road Grangefields	Lot 2 LP216717
527-555 Mount Cottrell Road Grangefields	Lot 3 LP216717
10 Judd Court Grangefields	Lot 10 LP218298
12 Judd Court Grangefields	Lot 8 LP218298
28-100 Water Reserve Road Grangefields	Lot 2 LP98912
107-121 Water Reserve Road Grangefields	Lot 1 TP213863
Water Reserve Road Grangefields	Lot 1 TP118945
1031-1085 Beattys Road Grangefields	Lot 3~7 PP2927
1072-1114 Beattys Road Grangefields	Lot 1 TP542527
780-792 Leakes Road Grangefields	Lot 2 PS518411
66-114 Paynes Road Grangefields	Lot 5 LP137020

Preliminary Site Investigation

An application to use, subdivide land (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision), or to construct a building or construct and carry out works on land associated with the new or existing use of the land for Minor sports and recreation facility, Retail premises, Office, Industry or Warehouse and described in Table 3, must be accompanied by a Preliminary Site Investigation (PSI) prepared by a suitably qualified environmental consultant in accordance with National Environment Protection (Assessment of Site Contamination) Measure (National Environment Protection Council, 1999).

The PSI must make a recommendation as to:

- The likelihood of contamination and its potential to affect the planning proposal.
- Whether a risk-based remediation or management strategy can be derived or further investigation (such as an audit) is recommended.

Table 3

Address	Legal Description
2530 Western Highway Grangefields	Lot 1 PS537638
11 Judd Court Grangefields	Lot 9 LP218298
9A Judd Court Grangefields	Lot 2 PS520699

Sodic and dispersive soils management plan

For an application to subdivide land, a sodic and dispersive soils management plan must be prepared by a suitability qualified professional, that describes:

- The existing site conditions, including:
 - extent of sodic and dispersive soils based on topsoil and subsoil samples in the works area.
 - land gradient.
 - erosion risk mapping
 - the extent of any existing erosion, landslip or other land degradation.

- Soils investigation, undertaken by a soil scientist;
- The extent of any proposed earthworks;
- Recommendations for soil management practices (including fill) with consideration of anticipated sodic and dispersive soil exposure;
- The management of drainage during all stages of development (including run-off);
- The staging of development;
- Any training and supervisions processes proposed for construction contractors to ensure compliance with the sodic and dispersive soils management plan;
- Proposed document monitoring and reporting processes that ensure works are undertaken in accordance with the sodic and dispersive soils management plan;
- Any treatment of soil proposed to be removed from the site;
- Any post-construction monitoring and/or management requirements; and
- Recommendations that inform a site management plan including:
 - The management, volume and location of any stockpiles.
 - Vehicle access and movement within the site area.
 - Any treatment to manage the soil while works are undertaken.
 - Treatments to rehabilitate areas that are disturbed during site works.
 - Any soil treatment to manage the soil to reduce risk to existing or current infrastructure and dwellings.

Salvage and translocation

All applications for subdivision of land identified as 'Potential Salvage Operations' by the MSA Map Share tool must be accompanied by evidence that a salvage enquiry form has been submitted to the Department of Energy, Environment and Climate Action.

4.0

Conditions and requirements for permits

30/07/2018

Conditions – Subdivision permits that allow for the creation of a lot of less than 300 square meters

A permit issued before 31 December 2026 which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the Subdivision Act 1988, a plan must be approved and endorsed by the responsible authority, that identifies the lots to which:
 - type A or type B of the Small Lot Housing Code (Victorian Planning Authority, 2019) applies;
 - or – type A, type B or type C of the Small Lot Housing Code (Victorian Planning Authority, November 2024) applies.

to the satisfaction of the responsible authority.

A permit issued on or after 31 December 2026, other than an amendment of a permit issued before 31 December 2026 under section 72 of the Act, which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- Before the plan of subdivision is certified under the Subdivision Act 1988, a plan that identifies the lots to which type A, type B or type C of the Small Lot Housing Code (Victorian Planning Authority, 2024).

Conditions – Bushfire management plan

A permit to subdivide land adjacent to a Bushfire Hazard Area shown on Plan 9 Bushfire, must include the following condition:

- Unless otherwise agreed by the Responsible Authority and the Country Fire Authority, before certification of the plan of subdivision the Bushfire Management Plan must be endorsed by the Responsible Authority.

Conditions – Heritage Sites

Any permit for subdivision of land containing the Heritage Overlay must contain the following conditions:

- Prior to the certification of a stage of the subdivision, a conservation Management Plan must be approved for the heritage place to ascertain cultural value/significance, appropriate site boundaries, required restoration works, possible future uses and interpretative signage.
- Before the commencement of works for any stage of subdivision or development, the heritage place must be appropriately secured against damage as a result of works, deterioration, and the effects of weather, trespassing or vandalism to the satisfaction of the Responsible Authority.
- Prior to the issue of a statement of compliance for the first stage of subdivision the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 which provides for works to the heritage places for the purposes of restoration and repair are in accordance with the timeframes and requirements of the approved Conservation Management Plan.

Condition – Integrated water management plan

A permit to subdivide land must include the following condition:

- Unless otherwise agreed by the Responsible Authority and Melbourne Water, before certification of the plan of subdivision the Integrated Water Management Plan must be endorsed by the Responsible Authority.

Condition – Public Transport

Unless otherwise agreed by Head, Transport for Victoria, prior to the issue of a 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 compliant with the Disability Discrimination Act – Disability Standards for accessible Public Transport 2002.
- At locations approved by the Department of Transport and Planning, at no cost to the Department of Transport and Planning, and to the satisfaction of Head, Transport for Victoria.

Condition – Road Network

Any permit for subdivision or buildings and works must contain the following conditions:

- 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 Melton East Infrastructure Contributions Plan.

Condition – Shared Path Network

A permit granted to subdivide land, construct a building or construct or carry out works on land that adjoins existing or future primary or secondary arterial road, being Tarletons Road, Mount Cottrell Road, Taylors Road, Payne Road, Leakes Road, shown on Plan 1 of this Schedule, must include the following condition:

- Before the Statement of Compliance for the plan of subdivision is issued (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision), or before a building permit is issued (whichever comes

first), a dedicated shared path must be constructed between the subject site and existing activity nodes, to the satisfaction of the responsible authority in accordance with the Shared Path Network Plan.

Condition – Freeway Noise Wall

Any permit for subdivision, use or buildings and works abutting the Western Freeway must contain the following conditions:

- Any subdivision (or, in the case of a staged subdivision, the first stage of subdivision), use or buildings and works on land directly abutting the Western Freeway boundary must comply with the VicRoads Traffic Noise Reduction Policy, 2005 to the satisfaction of, and at no cost to, the Head, Transport for Victoria.

Condition – Public Infrastructure Plan

Any permit for subdivision must contain the following conditions:

- Prior to the certification of a plan of subdivision or at such other time which is agreed between the 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 provide for:
 - The implementation of the Public Infrastructure Plan approved under this permit.
 - The timing of any payments to be made to a person in respect of any infrastructure project having regard to the availability of funds in the Infrastructure Contributions Plan.

Condition – Environmental Audit

Any permit to subdivide land (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision) to enable the ultimate use or development of land for a sensitive use (residential use, childcare centre, kindergarten, pre-school centre, primary school, even if ancillary to another use) or children's playground or secondary school and where an environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* has been issued stating that the land is suitable for the use or proposed use subject to recommendations:

- The recommendations that relate to the use and development of the land must be complied with to the satisfaction of the responsible authority before the use or development commences; and
- Written confirmation of compliance with any recommendations in the environmental audit statement must be provided by a suitably qualified environmental professional (with the costs borne by the applicant) to the satisfaction of the responsible authority, regarding verification of works.

Where recommendations of the Environmental Audit Statement require significant ongoing maintenance and/or monitoring, the applicant must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987*. The Section 173 Agreement must be executed on the title of the relevant land prior the grant of a permit to develop the land, unless otherwise agreed to by the responsible authority. The applicant must meet all costs associated with drafting and execution of the Agreement, including those incurred by the responsible authority.

Condition – Security of conservation land

A permit to subdivide land containing a 'conservation area' as shown in the *Melton East Precinct Structure Plan* must include the following condition:

The owner of the land must, as part of the plan of subdivision (or the first plan of subdivision submitted for registration, in the case of any staged subdivision), create the

'conservation area' as a separate lot or reserve. The boundaries of the lot or reserve on the plan of subdivision are subject to the prior satisfaction of the Secretary to the *Department of Energy, Environment and Climate Action* as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987* (Secretary). The owner must further secure the conservation area, by causing that lot or reserve to be vested, transferred, or protected in perpetuity in one of the following ways:

- Prior to a statement of compliance being issued for the plan of subdivision (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision), enter into an agreement under section 173 of the *Planning and Environment Act 1987* by which the owner agrees to transfer ownership of the conservation area to, or to vest the conservation area in, the Minister responsible for section 5 of the *Crown Land (Reserves) Act 1978*, the Council or Melbourne Water. The transfer or vesting must either be for no or nominal consideration. The Secretary and the person or body to whom the land is to be transferred or vested must also be a party to the agreement. The terms of the agreement must include that the owner pays the reasonable costs of the other parties to the agreement that were incurred for the preparation, execution, and registration of the agreement. The owner must cause the agreement to be registered prior to lodgement of the plan of subdivision for registration; or
- Prior to a statement of compliance being issued for the plan of subdivision (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision), enter into an agreement with the Secretary under section 69 of the *Conservation, Forests and Lands Act 1987*, which provides for the conservation and management of the conservation area by or on behalf of the owner in perpetuity. The terms of the agreement must include that the owner pays the reasonable costs of the Secretary incurred for the preparation, execution, and registration of the agreement. The owner must cause the agreement to be registered prior to lodgement of the plan of subdivision for registration.

The requirement to include the above condition does not apply if the permit applicant provides the responsible authority with a statement in writing from the Secretary, as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*, that the condition is not required because the Secretary is satisfied that either:

- the land containing the conservation area is expected to be further subdivided and a further planning permit will be required for that subdivision (to which the above condition requirement will apply); or
- the conservation area has been or will be otherwise secured in perpetuity.

Condition – Fencing of conservation areas

A permit granted to subdivide land where works are required to carry out the subdivision, or a permit granted to construct a building or carry out works, on land including or abutting a conservation area as shown in the *Melton East Precinct Structure Plan*, must include the following condition:

Prior to the commencement of development, a conservation area fencing plan must be submitted to and approved by the Secretary to the *Department of Environment, Energy and Climate Action* (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) (Secretary) to ensure the conservation area is adequately protected. The fencing plan must contain the following:

- The boundaries of any conservation area, and the location of any scattered tree and the boundaries of any patch of native vegetation within the conservation area.
- The location and alignment of temporary protection fencing showing the following minimum distance from the element to be protected:

Element	Distance
Conservation area	0.5 metres

Scattered tree	12 x diameter at a height of 1.3 metres
Patch of native vegetation	2 metres

- The timing of installation and removal of temporary protection fencing.
- The timing of installation of permanent fencing.
- Location and details of ongoing maintenance vehicle access points;
- The type of temporary and permanent fencing including materials, heights and spacing of uprights;
- Frequency of inspections and rectification works for temporary protection fencing.

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the Secretary to the Department of Energy, Environment and Climate Action and the responsible authority.

Stockpiles, fill, machinery, vehicle parking, excavation and construction activity of any kind must not be brought into, or be undertaken within, the area to be fenced, except with the prior written consent from the Secretary.

Condition – Correct alignment of protective fencing

Buildings and works must not commence until written evidence that protection fencing has been erected in accordance with the approved Conservation Area Fencing Plan is provided by a suitably qualified land surveyor to the Secretary to the *Department of Energy, Environment and Climate Action* (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987) (Secretary), and the Secretary confirms it is satisfied by the evidence.

Condition – Land management plan for conservation area

A permit to subdivide land containing a conservation area as shown in the *Melton East Precinct Structure Plan* must include the following condition:

Prior to the commencement of development, a land management plan for the conservation area land must be prepared by a suitably qualified consultant, submitted to, and approved by the Secretary to the Department of Energy, Environment and Climate Action (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987) (Secretary). The land management plan must outline how the biodiversity values for the land identified in the Biodiversity Conservation Strategy for Melbourne's Growth Corridors (Department of Environment and Primary Industries, 2013) will be maintained, managed and improved, including:

- How environmental weeds will be managed up until the securing of the conservation area.
- How any revegetation will be undertaken in coordination with weed management activities to prevent re-colonisation of weed species.
- How rubbish and hazards will be removed, and any contaminated material managed up until the securing of the conservation area.

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the Secretary and the responsible authority.

Condition – Construction environmental management plan

A planning permit to subdivide land, construct a building, or construct or carry out works on or within 50 metres of land shown as a conservation area in the incorporated *Melton East Precinct Structure Plan* must include the following condition:

Before works start, a Construction Environmental Management Plan consistent with *DELWP requirements for Construction Environmental Management Plans under the Melbourne Strategic Assessment (Department of Environment, Land, Water and Planning, November 2020)* must be submitted to and approved by the Secretary to the Department of Energy, Environment and Climate Action (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) and the responsible authority, demonstrating how the conservation area will be protected during works.

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the Secretary and the responsible authority.

Condition – Salvage and translocation

Prior to the commencement of development, a salvage inquiry form must be submitted to the Secretary to the Department of Energy, Environment and Climate Action (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) (Secretary), and where required the Secretary must be permitted to access the land to conduct salvage operations, in accordance with the requirements of the *Salvage and Translocation Protocol for Melbourne's Growth Corridors 2018 (Department of Environment, Land, Water and Planning, 2018)*.

Requirement – Sodic and dispersive soil site management plan

A permit to subdivide land must include a condition that requires a site management plan be prepared that implements the recommendations identified in the sodic and dispersive soil management plan, to the satisfaction of the Responsible Authority.

5.0 Exemption from notice and review

30/07/2018

An application for a use listed in Section 2 of the Residential Growth Zone and General Residential Zone on land where the applied zone listed at Table 1 of this schedule is Residential Growth Zone or General Residential Zone is not exempt from the notice requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

6.0 Decision guidelines

30/07/2018

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:

Town Centre floorspace

Before deciding on an application to create floorspace in excess of any cap in a local town centre or local convenience centre, the responsible authority must consider, as appropriate:

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

Noise impacts

Before deciding on a permit application under this schedule on land included within a Noise Influence Area on Plan 15 – Noise Influence Areas of the incorporated Melton East Precinct Structure Plan the responsible authority must consider, as appropriate:

- If Accommodation, Hospital or Education centre (other than Tertiary institution and Employment training centre) is proposed, whether the proposal minimises the impact on human health and amenity from noise exposure near the transport system and other noise emission sources having regard to:

- the impact of potential noise sources have been mitigated through siting, orientation design, layout, and location; and whether this reduces the need for acoustic treatment of buildings or compromises the useability of the building by its occupant;
- Any building façade treatments that are required to mitigate noise impacts; and
- Any relevant recommendations of an Acoustic Assessment Report for the application.

Affordable housing

Before deciding on an application to develop or subdivide land for dwellings, the responsible authority must consider, as appropriate:

- Whether the proposed subdivision application contributes towards the provision of affordable housing;
- The ministerial Notice under 3AA(2) of the Act, as amended from time to time.

Shared Path Network

Whether the proposed application to subdivide land, construct a building or construct or carry out works on land that adjoins existing or future State roads, will enable safe pedestrian, bicycle and/or shared path network access to existing activity nodes, including local employment centres, community centres, primary and secondary schools, public transport and community infrastructure.

7.0

Signs

04/10/2018

None specified.