

17/01/2019
C221Pt1

SCHEDULE 12 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as UGZ12.

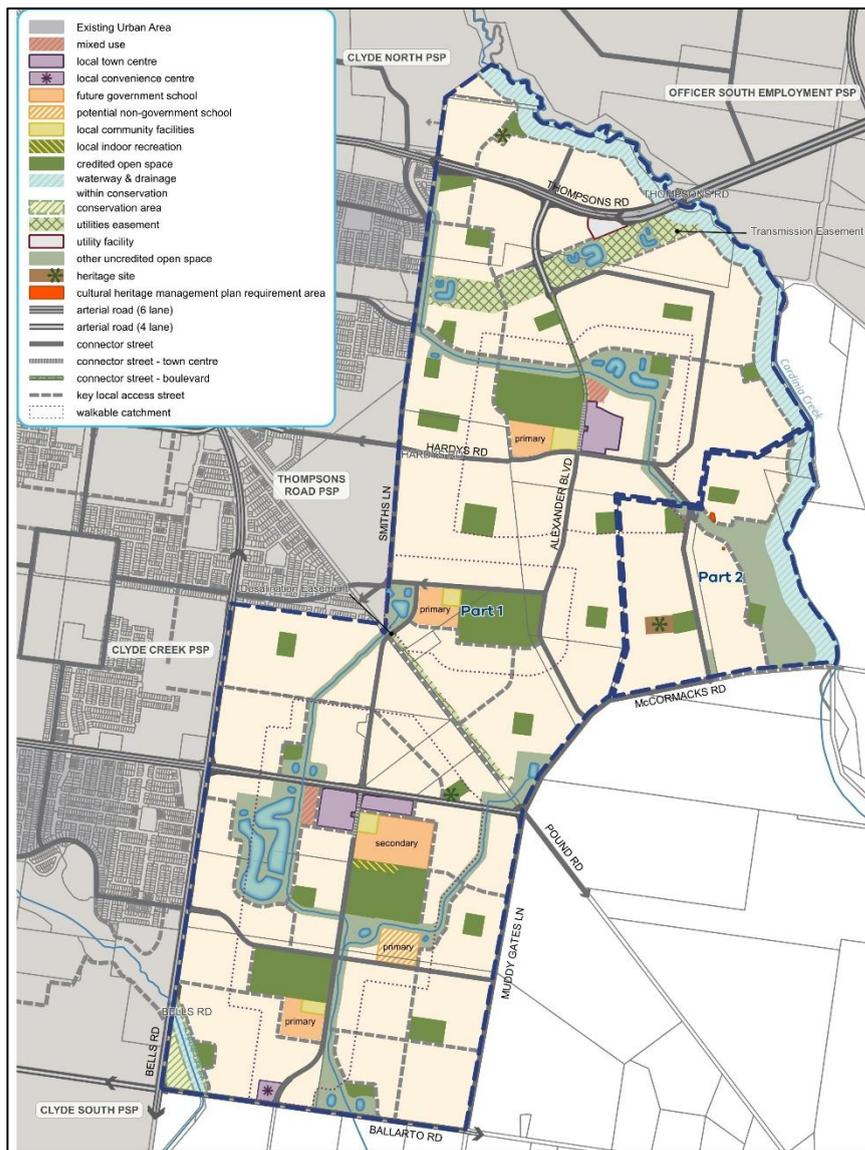
CARDINIA CREEK SOUTH PRECINCT STRUCTURE PLAN

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The Plan

Plan 1 shows the future urban structure of the *Cardinia Creek South Precinct Structure Plan*. It is a reproduction of Plan 2 in the incorporated *Cardinia Creek South Precinct Structure Plan*.

Plan 1 to Schedule 12 to Clause 37.07



Use and development

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The Land

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The use and development provisions specified in this schedule apply to the land as shown within the ‘precinct boundary’ on Plan 1 of this schedule and shown as UGZ12 on the planning scheme maps.

Note: If land shown on Plan 1 is not zoned UGZ12, the provisions of this zone do not apply.

Applied zone provisions

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Table 1 allocates the land use/development shown on Plan 1 of this schedule with a corresponding zone from this scheme

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Where the use/development in the left column is carried out or proposed generally in accordance with the incorporated *Cardinia Creek South Precinct Structure Plan*, the use, subdivision, construction of a building and construction and carrying out of works provisions of the corresponding zone in the right column apply.

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

Note: e.g. The 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 Transport Zone 2 or Transport Zone 3.' In this instance the condition should be read as, 'The site must adjoin, or have access to, a road in a Transport Zone 2 or Transport Zone 3 or an applied Transport Zone 2 or Transport Zone 3 in the Urban Growth Zone schedule applying to the land'.

Table 1: Applied zone provisions

Residential on a lot wholly within walkable catchment boundary (once subdivided)	Clause 32.07 – Residential Growth Zone
Mixed use	Clause 32.04 – Mixed Use Zone
Local Town Centre / Local Convenience Centre	Clause 34.01 – Commercial 1 Zone
Connector Street	Clause 36.04 – Transport Zone 3
Arterial Road	Clause 36.04 – Transport Zone 2
All other land	Clause 32.08 – General Residential Zone

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Specific provisions – Use of land

Section 1 - Permit not required

Use	Condition
Child care centre	On land shown as community facilities in the <i>Cardinia Creek South Precinct Structure Plan</i> and with the prior written consent of the responsible authority.
Primary school Secondary school	On land shown as Potential Non-Government School in the <i>Cardinia Creek South Precinct Structure Plan</i> .
Minor sports and recreation facility	On land shown as local park or local sports reserve on Plan 5 in the <i>Cardinia Creek South Precinct Structure Plan</i> and with the prior written consent of the responsible authority.
Shop where the applied zone is Commercial 1 Zone	The combined leasable floor area of all shops does not exceed: <ul style="list-style-type: none"> ▪ 8,000 square metres for land shown as retail in the Alexander Boulevard Town Centre in the <i>Cardinia Creek South Precinct Structure Plan</i>. ▪ 8,000 square metres for land shown as retail in the Pattersons Road Town Centre in the <i>Cardinia Creek South Precinct Structure Plan</i>. <p>1,500 square metres for land shown as retail in the Ballarto Road Local Convenience Centre in the <i>Cardinia Creek South Precinct Structure Plan</i>.</p>
Any use listed in Clause 62.01	Must meet requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
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Any use not in Section 1 or Section 3

Section 3 – Prohibited

Use

None Specified

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Specific provisions - Subdivision

None specified.

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Specific provisions - Buildings and works

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 one 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; or
- 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; or
- One dwelling on a lot of between 250 and 300 square metres where an approved building envelope (as defined in Part 5 of the Building Regulations 2018) applies to the lot.

A permit is required to:

- Construct a front fence within 3 metres of a street, on a lot less than 300 square metres, if the fence exceeds the maximum height specified in Clause 54.06-2.

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 ‘potential non-government school’ unless exempt under Clauses 62.02-1 and 62.02-2.

Development of future public land

A permit is not required to construct a building or construct or carry out works:

- On land shown in the *Cardinia Creek South Precinct Structure Plan* as local park, local sports reserve or community facilities provided the development is carried out generally in accordance with the *Cardinia Creek South Precinct Structure Plan* and with the prior written consent of the responsible authority.

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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:

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Subdivision - Residential development

In addition to the requirements of Clause 56.01-2, a subdivision design response for a residential subdivision must include, to the satisfaction of the responsible authority:

- A land budget table in the same format and methodology as those within the precinct structure plan applying to the land, setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields;
- A demonstration of how the property will contribute to the achievement of the residential density outcomes in the precinct structure plan applying to the land;
- A demonstration of lot size diversity by including a colour coded lot size plan, reflecting the lot size categories and colours outlines in Table 2 - Lot Size and Housing Type Guide in the *Cardinia Creek South Precinct Structure Plan* ;
- 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;
- An arboricultural report identifying all trees on the site and a tree retention plan identifying how the application responds to Plan 4 – Image and Character and any tree protection requirements and guidelines within the *Cardinia Creek South Precinct Structure Plan*;
- Potential bus route and bus stop locations prepared in consultation with Public Transport Victoria;
- Subdivision and Housing Design Guidelines, prepared to satisfaction of the responsible authority, which demonstrates how the proposal:
 - Responds to and achieves the objectives and planning and design requirements and guidelines within the “Housing” section of the Cardinia Creek South Precinct Structure Plan incorporated into this scheme; and,
 - Where adjoining Thompsons Road, must respond to the role of Thompsons Road as part of the Principal Freight Network and manages the impacts of freight movements on urban amenity.
- A Site Management Plan that addresses bushfire risk during, and where necessary, after construction, which is approved by the Country Fire Authority. The plan must specify, amongst other things:
 - The staging of development and the likely bushfire risks at each stage;
 - An area of land between the development edge and non-urban areas consistent with the separation distances specified in AS3959-~~2009~~2018, where bushfire risk is managed to enable the development, on completion, to achieve a BAL-12.5 rating under AS3959-~~2009~~2018;
 - 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.

Public Infrastructure Plan

An application to subdivide land, or construct a building or construct or carry out works must be accompanied by a Public Infrastructure Plan which addresses the following:

- 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 the responsible authority and Melbourne Water.
- What land may be affected by 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.

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- What, if any, infrastructure set out in the Precinct Infrastructure Plan in the incorporated *Cardinia Creek South Precinct Structure 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.
- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

Traffic Impact Assessment

An application that proposes to create or change access to a primary or secondary arterial road must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility/concept road safety audit, must be to the satisfaction of VicRoads or the responsible authority, as required.

Heritage Conservation Management Plans and Heritage Assessment

An application to use, develop or subdivide land containing an identified Heritage Place must be accompanied by a Heritage Conservation Management Plan. The Heritage Conservation Management Plan must include a statement of significance/cultural value, appropriate site boundaries where subdivision is proposed, required restoration works, a schedule identifying essential urgent restoration works and potential future restoration works, an interpretive reuse plan, and interpretive signage, to the satisfaction of the responsible authority.

Groundwater Assessment

An application to use, develop or subdivide land must be accompanied by a hydrogeological assessment of groundwater conditions on the site and the potential impacts on the proposed development, including any measures required to mitigate the impacts of groundwater conditions on the development and the impact of development on groundwater, to the satisfaction of the responsible authority.

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 Environment, Land, Water, and Planning.

Preliminary Risk Screen Assessment

An application to subdivide land or to use 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, or construct or carry out buildings and works associated with these uses where the land is identified in **Table 2** of this Schedule must be accompanied by either:

- A preliminary risk screen assessment statement issued in accordance with the *Environment Protection Act 2017* stating that an environmental audit is not required for the proposal; or
- An environmental audit statement issued under Part 8.3 of the *Environment Protection Act 2017* stating that the land is suitable for the proposal; or
- A certificate of environmental audit for the land issued in accordance with Part IXD of the *Environment Protection Act 1970*; or
- A statement of environmental audit for the land issued in accordance with Part IXD of the *Environment Protection Act 1970* stating that the environmental conditions of the land are suitable for the proposal.

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 proposal, 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 preliminary risk screen assessment (or environmental audit) may not be required, if the previous preliminary risk screen assessment (or environmental audit) has considered the relevant land uses. 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.

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- The buildings and works are required by the Environment Protection Authority Victoria 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 the 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.

This application requirement does not apply to land where an existing 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 is established immediately before the approval date of Amendment C306case or to construct or carry out buildings and works associated with these uses, or to any lot where the Environmental Audit Overlay applies.

Table 2: Land subject to Preliminary Risk Screen Assessment requirement

<u>Address</u>	<u>Legal Description</u>
<u>125 MCCORMACKS ROAD CLYDE NORTH 3978</u>	<u>Lot 4 PS438756</u>

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Conditions and requirements for permits

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

A permit issued before 31 December 2026 to subdivide land to create a lot of less than 300 square metres must include the following conditions:

- 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) appliesto the satisfaction of the responsible authority.

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

- 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, November 2024) applies must be approved and endorsed by the responsible authority, to the satisfaction of the responsible authority.

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Condition - Salvage and translocation

Prior to the commencement of development, a salvage inquiry form must be submitted to the Secretary to the Department of Environment, Land, Water, and Planning (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).

Condition - Construction environmental management plans

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 *Cardinia Creek South 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 Environment, Land, Water, and Planning (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 - 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 *Cardinia Creek South 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, Land, Water, and Planning (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:

Table 2

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 Environment, Land, Water and Planning and the responsible authority.

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Stockpiles, fill, machinery, vehicle parking, excavation and construction activity of any kind must not be bought 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 Environment, Land, Water and Planning (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 *Cardinia Creek South 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 Environment, Land, Water, and Planning (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 - Security of conservation land

A permit to subdivide land containing a 'conservation area' as shown in the *Cardinia Creek South 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 Environment, Land, Water and Planning 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

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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 - Subdivision permits where bus stops are required

- Unless otherwise agreed by Public Transport Victoria, prior to the issue of a Statement of Compliance for any subdivision stage, bus stops must be constructed, at full cost to the permit holder, as follows:
 - Generally in the location identified by Public Transport Victoria;
 - In accordance with the Public Transport Guidelines for Land Use and Development with a concrete hard stand area and access path;
 - Be compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002; and
 - Be provided with direct and safe pedestrian access to a pedestrian path.

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

Conditions - Subdivision permits where land is required for road widening

Any permit for subdivision 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.

Condition - Public Infrastructure Plan

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.

Conditions – Environmental audit

Any permit to subdivide land, or to use 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, or to construct or carry out buildings and works associated with these uses, where the land is identified in **Table 2** of this Schedule 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 must contain the following conditions:

- Any recommendations that relate to the development of the land must be complied with to the satisfaction of the responsible authority before the development commences for the relevant stage;
- Any recommendations that relate to the use of the land must be complied with to the satisfaction of the responsible authority before the use commences for the relevant stage; 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. Compliance sign-off must be in accordance with any requirements in the environmental audit statement recommendations regarding verifications of works.

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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 to 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 the drafting and execution of the agreement, including those incurred by the responsible authority.

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

Any permit for subdivision or buildings and works must contain a condition or conditions ensuring:

- The costs associated with effecting the transfer or vesting of land required for community facilities, public open space or road widening (including right of way flaring for the ultimate design of any intersection within an existing or proposed arterial road) must be borne by the permit holder; and
- Land required for community facilities, public open space or 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 the relevant public agency with any designation (e.g. road, reserve or lot) nominated by the relevant agency.

Requirement – Use, subdivision or buildings and works permits where land contains an identified Heritage Place

- Any permit for the use, development or subdivision of land containing an identified Heritage Place must contain a condition requiring the Heritage Conservation Management Plan approved as part of the permit to be secured via an appropriate legal mechanism such as an agreement pursuant to section 173 of the *Planning and Environment Act 1987* to the satisfaction of the responsible authority

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Exemption from notice and review

None specified.

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Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.07, in addition to those specified in Clause 37.07 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- When deciding on an application to create floorspace in excess of any cap in a town centre, the local catchment and PSP catchment demand for additional floor space; and
- The effect on existing and future major town centres within City of Casey.

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Signs

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