SCHEDULE 12 TO THE URBAN GROWTH ZONE

DD/MM/YYYY

Proposed C221

Shown on the planning scheme map as **UGZ12**

MCPHERSON PRECINCT STRUCTURE PLAN

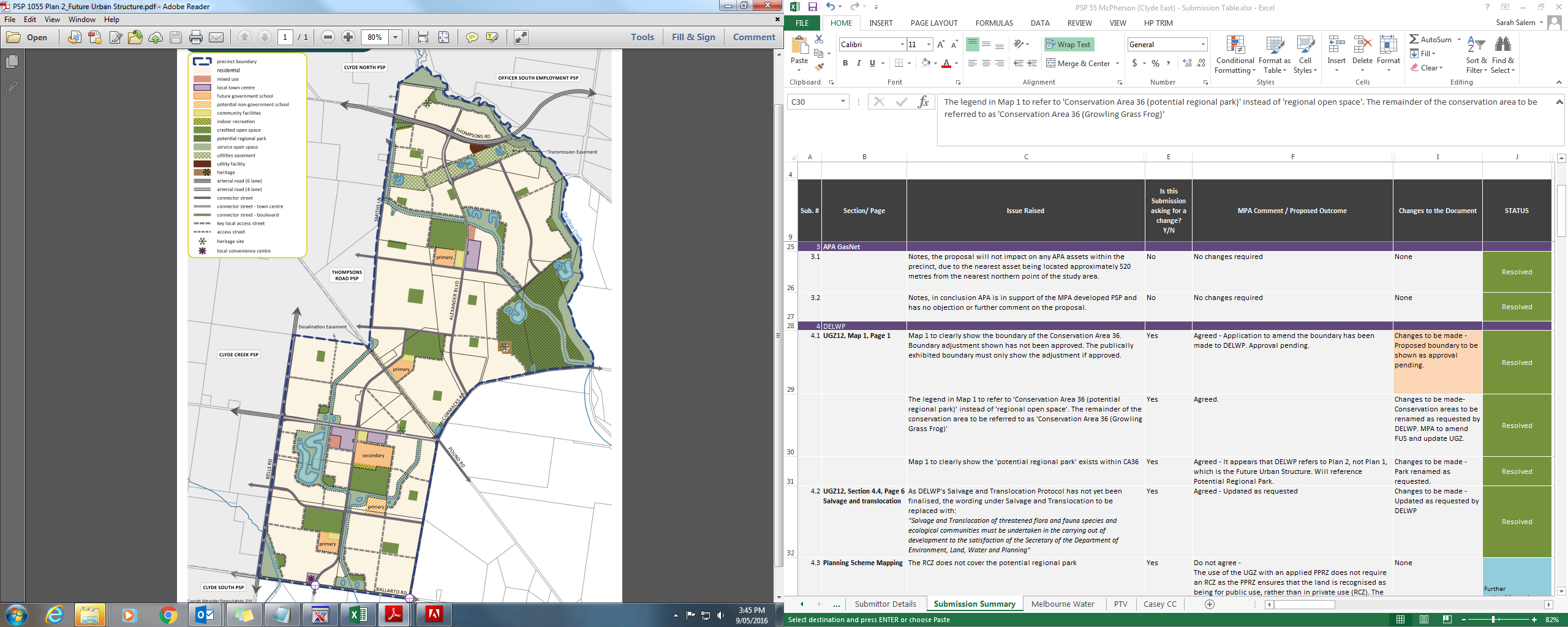
1.0 The plan

DD/MM/YYYY

Proposed C221

Map 1 below shows the future urban structure proposed in the *McPherson Precinct Structure Plan*. It is a reproduction of Plan 2 in the *McPherson Precinct Structure Plan.*

Map 1



2.0 Use and development

DD/MM/YYYY

Proposed C221

2.1 The land

DD/MM/YYYY

Proposed C221

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

**2.2 Applied zone provisions**

DD/MM/YYYY

Proposed C221

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

Table 1: Applied zone provisions

| ****Land use or development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land**** | Applied zone provisions |
| --- | --- |
| Local Town Centre  Local Convenience Centre  Business | Clause 34.01 – Commercial 1 Zone |
| Arterial road | Clause 36.04 – Road Zone – Category 1 |
| Connector street | Clause 36.04 – Road Zone – Category 2 |
| Mixed Use | Clause 32.04 – Mixed Use Zone |
| Residential land opposite the Service Open Space associated with Cardinia Creek shown as Transitional Housing on Plan 4 ‘Image, Character, Heritage & Housing’ in the *McPherson Precinct Structure Plan* | Clause 32.08 – General Residential Zone |
| Regional Open Space | Clause 36.02 – Public Park and Recreation Zone |
| All other land | Clause 32.07 –Residential Growth Zone |

2.3 Reference to a planning scheme zone is a reference to an applied zone

DD/MM/YYYY

Proposed C221

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

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

2.4 Specific provision – Reference to a public land manager in an applied zone

DD/MM/YYYY

Proposed C221

Where the Public Park and Recreation Zone is applied in Table 1 and the land is in private ownership, the Department of Environment, Land, Water and Planning and/or Parks Victoria, as appropriate, is the public land manager for the purposes of the zone.

2.5 Specific provision – Use and development of future public land

DD/MM/YYYY

Proposed C221

A permit is not required to use or develop land shown in the *McPherson Precinct Structure Plan* as local park, local sports reserve or community facilities provided the use or development is carried out generally in accordance with the *McPherson Precinct Structure Plan* and with the prior written consent of Casey City Council.

2.6 Specific provisions – Use of land

DD/MM/YYYY

Proposed C221

Table 2: Use

| Use | Requirement |
| --- | --- |
| Primary school  Secondary school | A permit is not required to use land for a Primary or Secondary school on land shown as Potential Non-Government School in the McPherson Precinct Structure Plan. |
| Shop where the applied zone is Commercial 1 Zone | A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds:   * 8,000 square metres for land shown as retail in the Alexander Boulevard Town Centre in the incorporated McPherson Precinct Structure Plan. * 8,000 square metres for land shown as retail in the Pattersons Road Town Centre in the incorporated McPherson Precinct Structure Plan. * 1,500 square metres for land shown as retail in the Ballarto Road Local Convenience Centre in the incorporated McPherson Precinct Structure Plan. |

2.7 Specific provision – Construction of single dwellings on small lots

DD/MM/YYYY

Proposed C221

A permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where a site is identified as a lot to be assessed against the Small Lot Housing Code via a restriction on title, and it complies with the Small Lot Housing Code incorporated pursuant to Clause 81 of the Casey Planning Scheme.

Or;

A permit is not required to construct one dwelling on a lot of between 250 and 300 square metres where an approved building envelope (as defined in Part 4 of the Building Regulations 2006) applies to the lot.

A permit is required to construct a front fence within 3 metres of a street unless the Front Fence Height Standard in Table A2 to Clause 54.06-2 is met.

2.8 Specific provision – buildings and works for a school

DD/MM/YYYY

Proposed C221

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 non‑government school unless exempt under Clauses 62.02-1 and 62.02-2.

3.0 Application requirements

DD/MM/YYYY

Proposed C221

If in the opinion of the responsible authority an application requirement listed below is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

3.1 Subdivision – Residential development

DD/MM/YYYY

Proposed C221

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 *McPherson 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 tress 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 *McPherson 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 *McPherson 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 CFA. The plan must specify, amongst other things:
* The staging of development and the likely bushfire risks at each stage;
* An area of land between the development edge and non-urban areas consistent with the separation distances specified in AS3959-2009, where bushfire risk is managed;
* The measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape and protect residents and property from the threat of fire;
* How adequate opportunities for access and egress will be provided for early residents, construction workers and emergency vehicle.

3.2 Public Infrastructure Plan

DD/MM/YYYY

Proposed C221

An application 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 Casey City Council and Melbourne Water.
  + 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 Precinct Infrastructure Plan in the incorporated *McPherson 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.

3.3 Environmental Site Assessment

DD/MM/YYYY

Proposed C221

An application to use, develop or subdivide land for a sensitive use (accommodation, child care centre, kindergarten, primary school or public open space) must be accompanied by an Environmental Site Assessment of the land, by a suitable qualified environmental professional, to the satisfaction of the responsible authority, which takes into account the ‘*McPherson Precinct Structure Plan (PSP 1055), Environmental, Hydrological & Geotechnical Assessment Report’* (Golder Associates, November 2014). Furthermore an intrusive soil investigation of the Environmental Assessment Area ranked as ‘Medium Potential for Contamination’ at 125 McCormacks Road, Clyde North (Lot 4 PS438756) must be undertaken. The environmental site assessment of land in the *McPherson Precinct Structure Plan* must provide information including:

* + Further detailed assessment of potential contaminants on the relevant land.
  + Clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the *Potentially Contaminated Land General Practice Note June 2005, DSE*.
  + Further detailed assessment of surface and subsurface water conditions and geotechnical characteristics on the relevant land and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions and geology on the development and the impact of the development on surface and subsurface water. Geotechnical investigations are to confirm the extent of soft and loose near surface materials and investigate the lateral extent, depth and nature of recent alluvial sediments and swamp deposits.
  + Recommended remediation actions for any potentially contaminated land.

3.4 Traffic Impact Assessment

DD/MM/YYYY

Proposed C221

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 Casey City Council, as required.

3.5 Heritage Conservation Management Plans and Heritage Assessments

DD/MM/YYYY

Proposed C221

A Heritage Conservation Management Plan must be undertaken for places identified on the Heritage Overlay or listed on the Victorian Heritage Inventory. 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.

Heritage Conservation Management Plans must 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.

3.6 Groundwater Assessment

**DD/MM/YYYY**

**Proposed C221**

An application to subdivide land, use or develop land must be accompanied by 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.

4.0 Conditions and requirements for permits

DD/MM/YYYY

Proposed C221

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

DD/MM/YYYY

Proposed C221

Prior to certification of the Plan of Subdivision for the relevant stage, a plan must be submitted for approval to the satisfaction of the responsible authority. The plan must identify the lots that will include a restriction on title allowing the use of the provision of the Small Lot Housing Code incorporated pursuant to Clause 81 of the Casey Planning Scheme.

The Plan of Subdivision submitted for certification must identify whether Type A or Type B of the Small Lot Housing Code applies to each lot to the satisfaction of the responsible authority.

4.2 Land required for community facilities

DD/MM/YYYY Proposed C221

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

4.3 Open space

DD/MM/YYYY Proposed C221

Land required for public open space as a local park, as set out in the *McPherson Precinct Structure Plan* must be transferred to or vested in Council, at no cost to Council, unless the land is funded by the *McPherson Infrastructure Contributions Plan*.

4.4 Biodiversity and threatened species

DD/MM/YYYY

Proposed C221

Any permit for subdivision must contain the following conditions:

Salvage and translocation

* + Salvage and Translocation of threatened flora and fauna species and ecological communities must be undertaken in the carrying out of development to the satisfaction of the Secretary of the Department of Environment, Land, Water and Planning.

Environment Management Plans

A planning permit for subdivision or buildings or works on land shown as a conservation area in the incorporated *McPherson Precinct Structure Plan* must include the following condition:

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

Protection of conservation areas and native vegetation during construction

A permit granted to subdivide land 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 contain the following conditions:

* + Prior to the commencement of works in or around a conservation area, scattered native tree or patch of native vegetation the developer of the land must erect a conservation area/vegetation protection fence that is:
* highly visible;
* at least 2 metres in height;
* sturdy and strong enough to withstand knocks from construction vehicles;
* kept 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 from the edge of the area |
| Scattered tree | Twice the distance between the tree trunk and the edge of the tree canopy |
| Patch of native vegetation | 2 metres from the edge of the area |

* + 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 required 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;
* be carried out under direct supervision of a suitably qualified ecologist or arborist; and,
* not be undertaken if it presents a risk to any vegetation within a conservation area.

Land Management Cooperative Agreement

A permit to subdivide land shown in the *McPherson 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:

* + Enter into a *Land Management Cooperative 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 *McPherson 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 Cooperative Agreement in this condition does not apply to land or any lot or part of a lot within a conservation area identified in the incorporated Precinct Structure Plan that:

* + is identified in the 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 the 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 the Precinct Structure Plan for nature conservation and is vested, or is subject of an agreement with the Secretary to the Department of Environment, Land, Water and Planning to 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.

* is within the Potential Regional Park in the *McPherson Precinct Structure Plan*; and:
* before certification of the plan of subdivision and before development associated with the subdivision commences, the land owner and the Secretary to the Department of Environment, Land, Water and Planning enter into a contract providing for the Secretary to purchase the land in the future, outlining the basis for valuation and timing; and,
* the landowner must fence the site with temporary fencing and maintain the land in accordance with the general duties of land owners described under Part 3 of the Catchment and Land Protection Act 1994, or enter into an interim Land Management Co-operative Agreement to provide for management of the land.

4.5 Public transport

DD/MM/YYYY

Proposed C221

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.

4.6 Road network

DD/MM/YYYY

Proposed C221

Any permit for subdivision or building 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 *McPherson Development* *Contributions Plan*.

4.7 Precinct Infrastructure Plan

DD/MM/YYYY

Proposed C221

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 52.01.
* The timing of any payments to be made to the owner having regard to the availability of funds in the open space account.

5.0 Advertising signs

DD/MM/YYYY

Proposed C221

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

5.1 Land and home sales signs

DD/MM/YYYY

Proposed C221

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 advertisement 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 750 millimetres 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