SCHEDULE 9 TO THE URBAN GROWTH ZONE

DD/MM/YYYY

Proposed C207

Shown on the planning scheme map as **UGZ9**

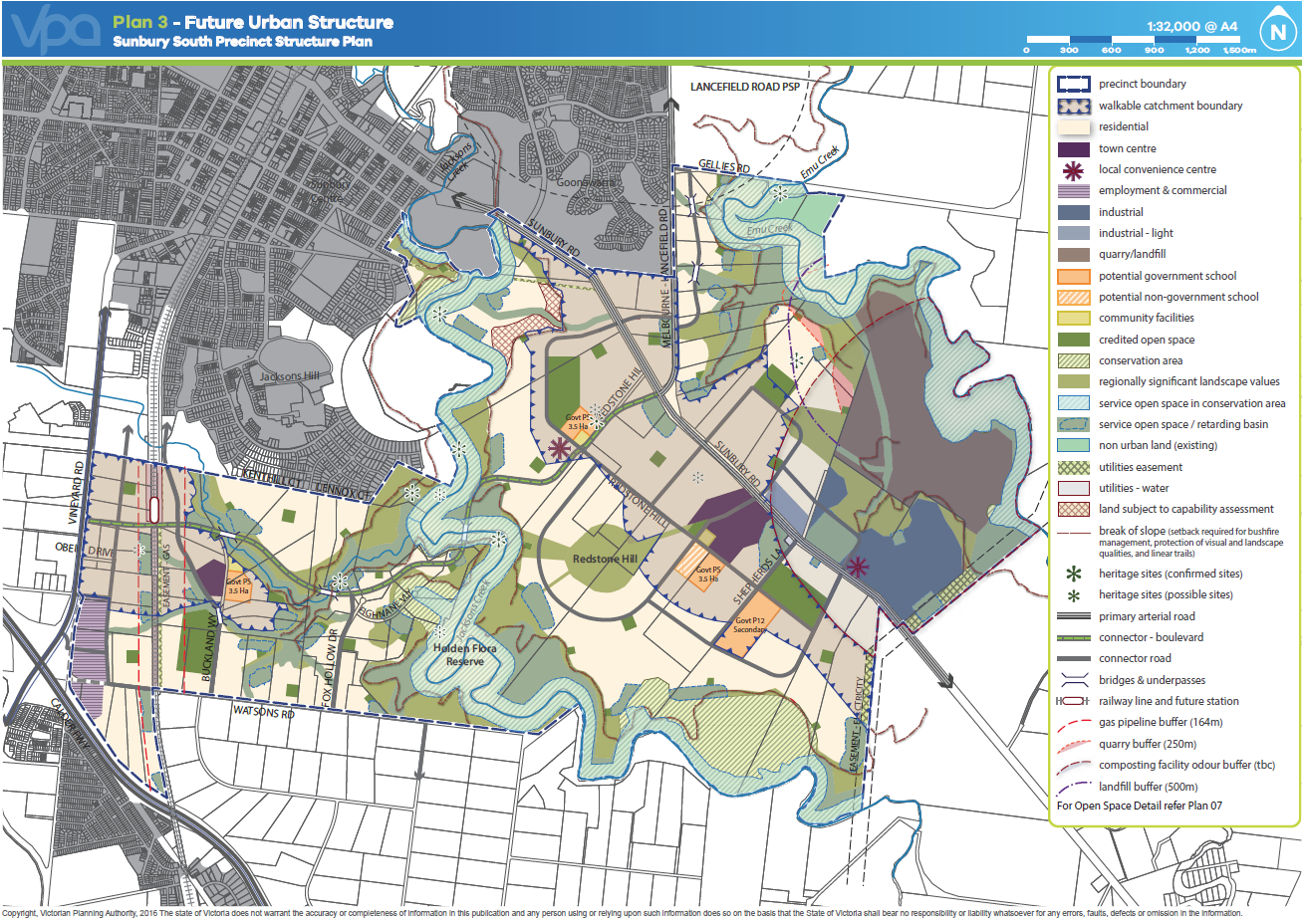
SUNBURY SOUTH PRECINCT STRUCTURE PLAN

1.0 The plan

DD/MM/YYYY

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

Map 1 to Schedule 9 to Clause 37.07

2.0 Use and development

DD/MM/YYYY

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2.1 The land

DD/MM/YYYY

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The use and development provisions specified in this schedule apply to the land within the ‘precinct boundary’ on Map 1 of this schedule and shown as UGZ9 on the planning scheme maps.

*Note: If land shown on Map 1 is not zoned UGZ, the provisions of this zone do not apply.*

2.2 Applied zone provisions

DD/MM/YYYY

Proposed C207

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

Table 1: Applied zone provisions

| **Land use or development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land** | Applied zone provisions |
| --- | --- |
| Primary arterial road | Clause 36.04 – Road Zone – Category 1 |
| Connector boulevard  Connector road | Clause 36.04 – Road Zone – Category 2 |
| Employment and commercial | Clause 34.02 – Commercial 2 Zone |
| Industrial | Clause 33.01 – Industrial 1 Zone |
| Industrial - light | Clause 33.03 – Industrial 3 Zone |
| Local convenience centre  Town centre | Clause 34.01 – Commercial 1 Zone |
| Walkable Catchment Boundary | Clause 32.07 – Residential Growth Zone |
| All other land | Clause 32.08 – General Residential Zone |

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

DD/MM/YYYY

Proposed C207

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 provisions – Use of land

DD/MM/YYYY

Proposed C207

The following provisions apply to the use of the land.

Table 2: Use

| Use | Requirement |
| --- | --- |
| Primary school | A permit is not required to use land for a Primary school on land shown as Potential Non Government Primary School.  A permit is not required to use land for a Primary school on land shown as Potential Non Government P-12 School. |
| Secondary school | A permit is not required to use land for a Secondary school on land shown as Potential Non Government Secondary School.  A permit is not required to use land for a Secondary school on land shown as Potential Non Government P-12 School. |
| 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:   * 25,000 square metres for land shown as the Redstone Hill Major Town Centre in the incorporated Sunbury South Precinct Structure Plan. * 5,000 square metres for land shown as the Harpers Creek Local Town Centre in the incorporated Sunbury South Precinct Structure Plan. * 1,000 square metres for land shown as the Jacksons Creek Local Convenience Centre in the incorporated Sunbury South Precinct Structure Plan. * 500 square metres for land shown as the Sunbury Road Industrial Local Convenience Centre in the incorporated Sunbury South Precinct Structure Plan. |
| Restricted Retail premise where the applied zone is Commercial 2 Zone | A permit is required to use land for a restricted retail premises if the combined leasable floor area of all restricted retail premises exceeds:   * 20,000 square metres for land shown as Employment and Commercial in the incorporated Sunbury South Precinct Structure Plan. |
| Supermarket where the applied zone is Commercial 2 Zone | A permit is required to use land for a supermarket if the leasable floor space exceeds 500 square metres. |
| Supermarket where the applied zone is Industrial 3 Zone | A permit is required to use land for a supermarket. The leasable floor area of a supermarket must not exceed 500 square metres. |
| Retail premise where the land is shown as ‘Office / Commercial’ in Figure 4 of the incorporated Sunbury South Precinct Structure Plan | A permit is required to use land for retail premises if the combined leasable floor area of all retail premises exceeds:   * 1,000 square metres for land shown as Office / Commercial in Figure 4 in the incorporated Sunbury South Precinct Structure Plan. |
| * **Bed and Breakfast** * **Dwelling** * **Informal outdoor recreation** * **Residential aged care facility**   where land is shown as:   * Landfill Buffer * Composting Facility Odour Buffer   In the incorporated *Sunbury South Precinct Structure Plan* | A permit is required to use land for bed and breakfast, dwelling, informal outdoor recreation or a residential aged care facility on land shown as Landfill Buffer or Composting Facility Odour Buffer in the incorporated *Sunbury South Precinct Structure Plan.* |
| **Residential Aged Care Facility for land within 164 metres of the Derrimut to Sunbury (T62-150mm) gas transmission pipeline** | A permit is required to use the land for a residential aged care facility. |

2.5 Specific provision – Use and development of future local parks and community facilities

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

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2.6 Specific provision – Buildings and works abutting the railway corridor

DD/MM/YYYY

Proposed C207

A permit is required to construct a building or carry out works for accommodation, a child care centre, a display home, a hospital, a hotel or a tavern if proposed on land within 100m of the railway corridor where land is marked as ‘Interface with railway’ or ‘Interface with transmission gas pipeline’ on Plan 5 of the *Sunbury South Precinct Structure Plan.*

A permit is not required to construct a building or construct or carry out works for accommodation, a child care centre, a display home, a hospital, a hotel or a tavern if there is a restriction on the title which gives effect to the recommendations of any an acoustic assessment report prepared in response to Clause 3.14 of this schedule, and which requires that where a building includes a bedroom, the building (and associated works) must be constructed in such a way as to ensure internal bedroom noise levels will not exceed 65 dB LAmax and 40 dB LAeq,8h for the night period from 10pm to 6am.

2.7 Specific provision – Dwellings on a lot less than 300 square metres

DD/MM/YYYY

Proposed C207

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 Hume Planning Scheme.

2.8 Specific provision – Buildings and Works within Landfill Buffer

DD/MM/YYYY

Proposed C207

DD/MM/YYYY

Proposed C207

A permit is required for buildings and works within the Landfill Buffer shown on Plan 1 of this schedule.

A permit is not required for non-intrusive works. For the purposes of this exemption, non-intrusive works is defined as those that do no involve enclosed structures, excavation or significant ground distrubance. They include:

* + alterations to buildings and structures that do not require ground disturbance
  + fencing
  + street and park furniture
  + vehicle crossovers
  + satellite dishes
  + minor signage
  + garden sheds and greenhouses that do not require extensive footings or foundations

2.9 Specific provision – Redstone Hill Major Town Centre Urban Design Framework

DD/MM/YYYY

Proposed C207

A permit must not be granted to use or subdivide land, or construct a building and carry out works on land shown as the Redstone Hill Major Town Centre within the incorporated *Sunbury South Precinct Structure Plan* until an urban design framework for the centre has been prepared to the satisfaction of the responsible authority and the Growth Areas Authority.

An urban design framework approved under this schedule must be generally in accordance with the *Sunbury South Precinct Structure Plan* applying to the land.

The UDF must include information which:

* + Demonstrates how it responds to the vision of the Precinct Structure Plan, the organising elements for the centre at Figure 5, and the concept plan at Figure 4 of the Precinct Structure Plan.
  + Clearly defines the future ownership/management of roads and public spaces within the centre, including public access arrangements for privately controlled land.
  + Identifies the key elements of the public realm and publicly accessible private spaces, proposed building material/colour palette themes, and landscaping of these spaces to ensure a continuity of design and sense of place.
  + Identifies the location for deliveries, waste disposal, parking, and vehicle access, particularly for non-retail elements within the town centre, and supporting measures.
  + Identifies potential local bus network routes, including access to a centrally located bus interchange.
  + Identifies the proposed staging of the development of the town centre, including indicative timing of development of the main components of the centre, access arrangements at each stage, and how future development areas will be treated in the interim.
  + Responds to the relevant Requirements and Guidelines within the *Sunbury South Precinct Structure Plan*

An application for use and/or development on land shown as the Redstone Hill Major Town Centre must be consistent with any urban design framework approved under this schedule.

A permit should only be granted to subdivide land or to construct a building or construct and carry out works prior to the approval of an urban design framework if, in the opinion of the responsible authority, the permit doesn’t prejudice the preparation and approval of an urban design framework and the permit implements the objectives for the Major Town Centre as set out in the *Sunbury South Precinct Structure Plan*, and is generally consistent with Figures 4 and 5, and the vision for the town centre, as described in the *Sunbury South Precinct Structure Plan.*

The urban design framework may be amended to the satisfaction of the responsible authority and the Growth Areas Authority.

2.10 Specific provisions – Buildings and works for a school

DD/MM/YYYY

Proposed C207

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.

2.11 Specific provision – Referral of applications – Local Town Centre

DD/MM/YYYY

Proposed C207

DD/MM/YYYY

Proposed C208

An application to subdivide land, or construct a building or carry out works (where the value of those works is in excess of $500,000) on land in a Local Town Centre must be referred in accordance with section 55 of the *Planning and Environment Act 1987* to the Growth Areas Authority.

2.12 Specific provision – Referral of applications – Quarry Buffer at 600 Sunbury Road, Bulla

DD/MM/YYYY

Proposed C207

DD/MM/YYYY

Proposed C207

An application to subdivide land, or construct a building or carry out works on land within 250 metres of the Extractive Industry Works Authority, as shown on Map 1 of this Schedule as ‘Quarry buffer’, must be referred in accordance with section 55 of the *Planning and Environment Act 1987* to the Secretary to the Department administering the *Mineral Resources (Sustainable Development) Act 1990.*

The Department administering the *Mineral Resources (Sustainable Development) Act 1990* may request an assessment prepared by a suitably experienced and qualified consultant, which demonstrates that a variation to the *Recommended separation distances for industrial residual air emissions* (EPA publication number 1518 March 2013) is justified and provides sufficient confidence that a sensitive use can be safely developed within 250 metres of any quarrying activity at WA1123.

Planning approval should not be given by the Responsible Authority until land use separation issues have been resolved to the satisfaction of the administering the *Mineral Resources (Sustainable Development) Act 1990*. The Department may restrict or prevent development within 250 metres of the WA1123 Extractive Works Area boundary whilst the work authority is current and it is considered that a proposed sensitive use will cause adverse impact on approved operations.

3.0 Application requirements

DD/MM/YYYY

Proposed C207

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

3.1 Subdivision – Residential development

DD/MM/YYYY

Proposed C207

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

* + A land budget table in the same format and methodology as those within the precinct structure plan applying to the land, setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields;
  + Subdivision and Housing Design Guidelines, prepared to the satisfaction of the responsible authority, which demonstrate how the proposal responds to and achieves the objectives and planning and design requirements and guidelines in the incorporated *Sunbury South Precinct Structure Plan,* including specific design requirements relating to slope and height;
  + A mobility plan that demonstrates how the local street and movement network integrates with adjacent urban development or is capable of integrating with future development on adjacent land parcels;
  + A demonstration of how the subdivision will contribute to the delivery of a diversity of housing;
  + A demonstration of how the subdivision will contribute to the achievement of the residential density outcomes in the incorporated *Sunbury South Precinct Structure Plan.*
  + A Heritage Conservation Management Plan for an application that includes a heritage significant site to ensure the heritage value is incorporated into the proposed development or subdivision.

3.2 Public Infrastructure Plan

DD/MM/YYYY

Proposed C207

An application must be accompanied by a Public Infrastructure Plan which addresses the following:

* + What land may be affected or required for the provision of infrastructure works;
  + The provision, staging and timing of stormwater drainage works;
  + The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
  + The landscaping of any land;
  + What, if any, infrastructure set out in the *Sunbury South Infrastructure Contributions Plan* is sought to be provided as "works in kind" subject to the consent of the Collecting Agency;
  + The provision of public open space and land for any community facilities; and
  + Any other matter relevant to the provision of public infrastructure required by the responsible authority.

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

DD/MM/YYYY Proposed C207

An application to use or develop land defined as High Risk and Moderate Risk described in Table 3 below for a sensitive use (accommodation, child care centre, kindergarten, primary school or public open space) must be accompanied by a detailed site investigation (Phase 2 assessment) conducted by a suitably qualified environmental professional to the satisfaction of the responsible authority. The assessment must provide for the following information:

* + Detailed assessment of the potential contaminants on the relevant land, including those described in *Land Capability Assessment for the Sunbury South Precinct Structure Plan, Sunbury, Victoria (Environmental Earth Sciences Vic, July 2015)*;
  + Clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the Potentially Contaminated Land General Practice Note June 2005, DSE;
  + Further detailed assessment of surface and subsurface water conditions and geotechnical characteristics on the relevant land and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions and geology on the development and the impact of the development on surface and subsurface water;
  + Recommended remediation actions for any potentially contaminated land.
  + An unequivocal recommendation on whether the environmental condition of the land is suitable for the proposed use/s or whether an environmental audit in accordance with Part IXD of the Environment Protection Act 1970 for all or part of the land is recommended having regard to the *Potentially Contaminated Land General Practice Note* June 2005, DSE.

All to the satisfaction of the responsible authority.

Table 3: Moderate and High Risk properties

| Address | Legal Description |
| --- | --- |
| 215 Old Vineyard Road, Sunbury | Lot 2 PS302331 |
| 60 Buckland Way, Sunbury | Lot 10 LP143133 |
| 37 Fox Hollow Drive, Sunbury | Lot 17 PS617530 |
| 605 Sunbury Road, Sunbury | Lot 2 LP147272 |
| 2 Shepherds Lane, Sunbury | Lot 2 PS423080/Allotment 1C Sec 25 PP2258 |
| 650 Sunbury Road, Sunbury | Lot 2 LP 203247 |
| 670 Sunbury Road, Sunbury | Lot 1 LP203247 |
| 675 Sunbury Road, Sunbury | Lot 2 PS423080/Allotment 1C Sec 25 PP2258 |
| 680 Sunbury Road, Sunbury | Lot 1 TP620324 |
| 40 Redstone Road, Sunbury | Lot 5 LP95031 |
| 80 Redstone Road, Sunbury | CP157019 |

3.4 Subdivision application – Sensitive Residential Areas

DD/MM/YYYY

Proposed C207

An application to subidivide land in an area shown as ‘sensitive residential areas’ on the Image, Character, Housing and Heritage Plan (Plan 5) within the *Sunbury South Precinct Structure Plan* must demonstrate how proposed development will facilitate the orderly and integrated development of the area, including as appropriate:

* + An indicative subdivision concept design for the entire area, including an indicative lot layout
  + The location of local streets to provide for a permeable local street network, including details for the upgrade of any existing roads within the area
  + Any building design guidelines required to respond to topographical and other constraints associated with the land
  + Opportunities for higher density housing
  + Staging and indicative development timing, including interim drainage, servicing, local road construction and any other relevant infrastructure requirements.

All to the satisfaction of the responsible authority.

An application for subdivision of land or use and/or development on land shown within the ‘sensitive residential areas’ within the *Sunbury South Precinct Structure Plan* must be consistent with any applicable concept plan contained within the *Sunbury South Precinct Structure Plan*, unless if, in the opinion of the Responsible Authority, the permit implements the objectives for the area as set out within the *Sunbury South Precinct Structure Plan*.

3.5 Kangaroo management

DD/MM/YYYY

Proposed C207

An application for subdivision must be accompanied by a Kangaroo Management Plan to the satisfaction of the responsible authority which includes:

* + Strategies to avoid land locking kangaroos, including staging of subdivision; and
  + Management requirements to respond to the containment of kangaroos in an area with no reasonable likelihood of their continued safe existence; or
  + Management and monitoring actions to sustainably manage a population of kangaroos within a suitable location.

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

* + A copy of the approved Kangaroo Management Plan; and
  + A ‘design/management response’ statement outlining how the application is consistent with and gives effect to any requirements of the approved Kangaroo Management Plan.

**3.6 Traffic Impact Assessment**

DD/MM/YYYY

Proposed C207

An application that proposes to create or change access to a primary 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, as required.

3.7 Applications to Subdivide or Use Land within Landfill Buffer

DD/MM/YYYY

Proposed C207

Any application to use land or subdivide land for a sensitive use (including accommodation, child care centre, pre-school, primary school, education centres or informal outdoor recreation sites) located within the 500m Landfill Buffer surrounding the Hi-Quality landfill at 600 Sunbury Road and as shown on Map 1 of this Schedule and *Plan 3 – Future Urban Structure* in the incorporated *Sunbury South Precinct Structure Plan,* must be accompanied by an Odour Environmental Risk Assessment prepared by a suitably experienced and qualified person to the satisfaction of the responsible authority, in consultation with the Environment Protection Authority.

The Odour Environmental Risk Assessment must be prepared in accordance with the State Environment Protection Policy (Air Quality Management) and acknowledge the existing landfills operations and assess the potential adverse amenity impacts of the landfill facility on the future proposed sensitive use of the land.

3.8 All applications within Landfill Buffer

DD/MM/YYYY

Proposed C207

Any application to subdivide land, use land or construct a building or carry our works on land within the Landfill Buffer as shown on Plan 3 of the incorporated *Sunbury South Precinct Structure Plan* must:

* + Demonstrate that the development will not have any material adverse effect on the ability of the operator of the Hi-Quality landfill at 600 Sunbury Road to comply with the Best Practice Environmental Management: Siting Design, Operation and Rehabilitation of Landfills (Environment Protection Authority, August 2015) to the satisfaction of the Responsible Authority, in consultation with the Environment Protection Authority; and
  + Be accompanied by a landfill gas risk assessment undertaken by a suitably qualified professional in relation to the site, or a 53V (risk of harm) audit under the *Environment Protection Act 1970*, at the discretion of the responsible authority in consultation with the Environment Protection Authority. A landfill gas risk assessment should include:
* A conceptual site model, based on the characteristics of the landfill and proposal and the likely pathways of gas migration and exposure
* Sufficient environmental monitoring from the proposal site to inform the assessment and enable the environmental risks to be characterised (magnitude and likelihood of hazard)
* An assessment of the environmental risk posed by the landfill
* Site-specific recommendations for further action, including what, if any, mitigation measures are required; and what, if any, further assessment is required (such as monitoring or the need to complete a section 53V Audit).

3.9 Applications within the Composting Facility Odour Buffer

DD/MM/YYYY

Proposed C207

An application to develop land for a sensitive use (including accommodation, child care centre, pre-school, primary school, education centres or informal outdoor recreation sites) located within the 1.3 kilometre buffer surrounding the compostin facility shown on Map 1 of this Schedule and *Plan 3 – Future Urban Structure* in the incorporated *Sunbury South Precinct Structure Plan* must be accompanied by an Odour Environmental Risk Assessment prepared by a suitably experienced and qualitfied person to the satisfaction of the responsible authority, in consultation with the Environment Protection Authority.

The Odour Environmental Risk Assessment must be prepared in accordance with the State Environment Protection Policy (Air Quality Management) and acknowledge the existing green waste facility operations and assess the potential adverse amenity impacts of the green waste facility on the future proposed sensitive use of the land.

3.10 Potential heritage sites

DD/MM/YYYY

Proposed C207

Any application that includes the demolition of a ‘heritage site (possible sites)’ identified on Plan 3 of the *Sunbury South Precinct Structure Plan* must be accompanied by a heritage impact assessment prepared by a suitably qualified heritage consultant.

3.11 Retail Impact Assessment

DD/MM/YYYY

Proposed C207

An application that exceeds the combined leasable floor area identified for the relevant centre in Table 2 – Use must prepare a Retail Impact Assessment.

The retail impact assessment must be to the satisfaction of the responsible authority and and must address:

* + The primary catchment of the centre.
  + Whether the primary catchment has sufficient population (residents and workers) to support the centre.
  + Whether the centre will result in the closure of other existing centres or would preclude and unacceptably delay the development of future centres identified within the Activity Centre Hierarchy, a Precinct Structure Plan, a Local Structure Plan, Structure Plan or Development Plan within the catchment of the centre
  + The objectives and requirements in the *Sunbury South Precinct Structure Plan* and other Precinct Structure Plans, and the Hume Planning Scheme for activity centres.

3.12 Subdivision - Land Subject to Capability Assessment

DD/MM/YYYY

Proposed C207

An application to subdivide land which includes the area designated as ‘land subject to capability assessment’ on Plan 3 of the *Sunbury South Precinct Structure Plan* must be accompanied by:

* + A site assessment and design guidelines
  + A detailed slope analysis and assessment of suitability of land for development
  + Geomorphological assessment
  + Visual impact assessment
  + Built form and landscape design guidelines
  + Building envelopes
  + Bushfire Management Plan

All to the satisfaction of the responsible authority.

Any land not capable of being developed as residential land will be treated as encumbered open space. Subdivision design must ensure any land designated as open space is accessible and is able to be incorporated into the subdivision pattern of surrouning land, to the satisfaction of the responsible authority.

**3.13 Subdivision – Land on slope greater than 10 percent**

DD/MM/YYYY

Proposed C207

An application to subdivide land or to construct a building or construct or carry out works for land on slope greater than 10 percent must be accompanied by design guidelines that inform and respond to the following information, as appropriate:

* + A plan showing lot boundaries, contours and slope
  + Location and approximate depth of any proposed earthworks
  + The location, approximate height and building materials for proposed retaining structures
  + A geotechnical report and designs by a suitably qualified engineer where proposed retaining structures exceed 0.5 metres in height
  + The location and approximate grade of any proposed roads and paths
  + Building envelopes
  + The indicative cross sections for development on sloping land outlined in Appendix 4.2 of the incorporated *Sunbury South Precinct Structure Plan*
  + Any relevant requirements and guidelines within the *Sunbury South Precinct Structure Plan*

To the satisfaction of the responsible authority.

**3.14 Railway noise attenuation**

DD/MM/YYYY

Proposed C207

An application to subdivide land, use land or to construct a building or carry out works for accommodation, child care centre, school, display home, hospital, hotel or a tavern on land within 100m of the railway corridor where land is marked as ‘Interface with Railway’ and ‘Interface with transmission gas pipeline’ on Plan 5 of the *Sunbury South 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, after seeking the views of Public Transport Victoria.

The acoustic assessment report must take into consideration the Victorian Passenger Rail Infrastructure Noise Policy 2013 and include:

* + An assessment of noise levels on the land taking into account the existing and likely future noise levels associated with the ongoing passenger and freight operation of the Melbourne-Bendigo rail line (up to 10 years hence) published by the relevant Government agencies, with allowance also provided for seasonal or unscheduled freight traffic.
  + Recommendations for noise attenuation measures designed to ensure internal bedroom noise levels will not exceed 65 dB LAmax and 40 dB LAeq,8h for the night period from 10pm to 6am.
  + Recommendations for limiting the impact of railway noise on future buildings within the proposed subdivision.
  + Ongoing ownership and management of any works or land associated with mitigation measures.

For subdivision applications the acoustic assessment must:

* + Be accompanied by a design response that addresses the recommendations of the acoustic assessment and minimises the number of buildings requiring architectural noise attenuation treatments.

3.15 Applications on land abutting Fire Threat Edge

DD/MM/YYYY

Proposed C207

An application to subdivide land which abuts the ‘Fire Threat Edge’ as shown on Plan 5 of the incorporated Sunbury South Precinct Structure Plan must be accompanied by a Bushfire Assessment prepared by a suitable experienced and qualified consultant, which includes recommendations of measures required to mitigate the risk of bushfire for the proposed land uses. Any permit application must demonstrate compliance with the recommendations of the Bushfire Assessment, to the satisfaction of the Responsible Authority.

4.0 Conditions and requirements for permits

DD/MM/YYYY

Proposed C207

4.1 Condition – Subdivision and housing design guidelines – Sloping land

DD/MM/YYYY Proposed C207

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

4.2 Condition – Subdivision and housing design guidelines - Redstone Hill height controls

DD/MM/YYYY Proposed C207

The specific built form requirements arising out of the design guidelines prepared as part of the application for subdivision for lots on the area identified as the ‘Redstone Hill Sensitive Viewlines Area’ on Plan 5 of the *Sunbury South Precinct Structure Plan* must be implemented via a restriction on title or any other alternative deemed satisfactory by the responsible authority.

4.3 Condition to use or develop land for a sensitive purpose – Environmental Site Assessment

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Before the plan of subdivision is certified under the *Subdivision Act 1988*, further testing in accordance with the recommendations of the Phase 1 and Phase 2 Environmental Site Assessment with the application for the properties identified as Medium and High Risk in Table 3 of this schedule, must be carried out, as relevant, to the satisfaction of the responsible authority.

Upon reciept of the further testing report the owner must comply with any further requirements made by the responsible authority after having regard to the guidance set out in the *General Practice Note on Potentially Contaminated Land, June 2005 (DSE)*. The plan of subdivision must not be certified until the responsible authority is satisfied that the land is suitable for the intended use.

4.4 Condition – Kangaroo Management

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A permit granted for subdivision of land must include the following conditions:

* + Before the certification of the plan of subdivision, a Kangaroo Management Plan must be approved by the Secretary to the Department of Environment, Land, Water and Planning. Once approved the plan will be endorsed by the responsible authority and form part of the permit.
  + The endorsed Kangaroo Management Plan must be implemented to the satisfaction of the responsible authority.

4.5 Conditions for subdivision permits that allow for the creation of a lot of less than 300 square metres

DD/MM/YYYY

**Proposed C207**

Any permit for subdivision that allows the creation of a lot less than 300 square metres must contain the following conditions:

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

4.6 Condition – Protection of conservation areas and native vegetation during construction

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A permit granted to subdivide land where construction or works are required to carry out the subdivision, or a permit granted to construct a building or carry out works, where this precinct structure plan shows the land, or abutting land, including a conservation area or a patch of native vegetation or a scattered tree must ensure that:

* Before the start of construction or carrying out of works in or around a conservation area, scattered native tree or patch of native vegetation the developer of the land must erect a vegetation protection fence that is:
* highly visible
* at least 2 metres in height
* sturdy and strong enough to withstand knocks from construction vehicles
* in place for the whole period of construction
* located the following minimum distance from the element to be protected:

|  |  |
| --- | --- |
| **ELEMENT** | **MINIMUM DISTANCE FROM ELEMENT** |
| Conservation area | 2 metres |
| Scattered tree | Twice the distance between the tree trunk and the edge of the canopy |
| Patch of native vegetation | 2 metres |

* Construction stockpiles, fill, machinery, excavation and works or other activities associated with the buildings or works must:
* be located not less than 15 metres from a waterway;
* be located outside the vegetation protection fence;
* be constructed and designed to ensure that the conservation area, scattered tree or patches of native vegetation are protected from adverse impacts during construction;
* not be undertaken if it presents a risk to any vegetation within a conservation area; and
* be carried out under the supervision of a suitable qualified ecologist or arborist.

4.7 Condition – Environmental Management Plans

DD/MM/YYYY Proposed C207

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

* The subdivision, buildings or works must not commence until an Environmental Management Plan for the relevant works has been approved to the satisfaction of the Department of Environment, Land, Water and Planning, unless otherwise agreed by the Department of Environment, Land, Water and Planning.

4.8 Condition – Land Management Co-operative Agreement

DD/MM/YYYY Proposed C207

**Conservation area categorised as Growling Grass Frog**

A permit to subdivide land shown in the incorporated Sunbury South Precinct Structure Plan as including the conservation area shown on the precinct structure plans as Conservation Area 21 must ensure that, before the issue of a statement of compliance for the last stage of the subdivision, the owner of the land:

* Enters into an agreement with the Secretary to the Department of Environment, Land, Water and Planning under section 69 of the *Conservation Forests and Lands Act 1987*, which:
* Must provide for the conservation and management of that part of the land shown as Conservation Area 21 in the Sunbury South Precinct Structure Plan; and
* May include any matter that such an agreement may contain under the *Conservation Forests and Lands Act 1987*.
* Makes application to the Registrar of Titles to register the agreement on the title to the land.
* Pays the reasonable costs of the Secretary to the Department of Environment, Land, Water and Planning in the preparation, execution and registration of the agreement.

The requirement for a Land Management Co-operative Agreement in this condition does not apply to land or any lot or part of a lot within the conservation areas 21 shown in the Sunbury South Precinct Structure Plan that:

* is identified in a Precinct Structure Plan as public open space and is vested, or will be vested, in the council as a reserve for the purposes of public open space; or
* is identified in a Precinct Structure Plan as a drainage reserve and is vested, or will be vested, in Melbourne Water Corporation or the council as a drainage reserve; or
* is the subject of an agreement with the Secretary to the Environment, Land, Water and Planning to transfer or gift that land to:
* the Secretary to the Environment, Land, Water and Planning;
* the Minister for Environment and Climate Change; or
* another statutory authority.

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

4.9 Condition – Salvage and translocation

DD/MM/YYYY Proposed C207

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

4.10 Condition – Bushfire risk

DD/MM/YYYY Proposed C207

Before the commencement of works for any stage of subdivision a Site Management Plan that addresses bushfire risk during, and where necessary, after construction must be submitted to and approved by the responsible 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, where bushfire risk is managed;
  + The measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape and protect residents and property from the threat of fire;
  + How adequate opportunities for access and egress will be provided for early residents, construction workers and emergency vehicles.

The plan must be carried out to the satisfaction of the responsible authority.

4.11 Condition – Road Network

DD/MM/YYYY

Proposed C207

Any permit for subdivision or building and works must contain the following condition:

Prior to the certification of a plan of subdivision, the plan of subdivision must show the land 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 relevant Infrastructure Contributions Plan.

4.12 Condition – Precinct Infrastructure Plan

DD/MM/YYYY

Proposed C207

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.

4.13 Condition – Construction management plan required in gas transmission pipeline easement

DD/MM/YYYY

Proposed C207

Prior to the commencement of any works, including demolition, on land shown as the 20 metre wide *gas transmission pipeline easement* on *Plan 3 – Future Urban Structure* in the incorporated *Sunbury South Precinct Structure Plan*, a construction management plan must be submitted to and approved by the responsible authority. The plan must:

* + Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the operator of the gas transmission pipeline.
  + Be endorsed by the operator of the gas transmission pipeline where the works are within, crossing or in close proximity to the relevant gas transmission easement.
  + Include any other relevant matter to the satisfaction of the responsible authority.

The construction management plan must be implemented to the satisfaction of the responsible authority.

The construction management plan may be amended to the satisfaction of the responsible authority.

4.14 Condition – Integrated Water Management

DD/MM/YYYY

Proposed C207

A permit for subdivision must ensure that the ultimate storm water management assets and associated land described in the precinct structure plan are provided by the developer prior to the issue of a statement of compliance.

In the event that Melbourne Water and the responsible authority agree to an interim storm water management solution, the developer must:

* Provide the land required for the ultimate drainage solution prior to the issue of a statement of compliance; and
* Demonstrate that the interim solution will not result in an increase in the cost of achieving the ultimate solution.

4.15 Permit Note: Operation of Commonwealth Environmental Laws

DD/MM/YYYY

Proposed C207

* On 5 September 2013 an approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) was issued by the Commonwealth Minister for Environment, Heritage and Water. The approval applies to all actions associated with urban development in growth corridors in the expanded Melbourne 2010 Urban Growth Boundary as described in page 4 in the Biodiversity Conservation Strategy for Melbourne's Growth Corridors (Department of Environment and Primary Industries, 2013). The Commonwealth approval has effect until 31 December 2060. The approval is subject to conditions specified at Annexure 1 of the approval.
* Provided the conditions of the EPBC Act approval are satisfied individual assessment and approval under the EPBC Act is not required.

5.0 Advertising signs

DD/MM/YYYY

Proposed C207

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 C207

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 750mm from the property boundary.

A permit may be granted to display a sign promoting the sale of land or homes on the land (or on adjoining land in the same ownership) with an area greater than 10 square metres.

6.0 Notice of applications – Gas Pipeline Measurement Length

DD/MM/YYYY

Proposed C207

DD/MM/YYYY

Proposed C208

Notice of an application of the kind listed below must be given in accordance with section 52(1)(c) of the Act to the person or body specified in the Schedule to Clause 66.06:

* + An application, on land shown as ‘gas transmission pipeline measurement length’ on ‘Plan 12 – Utilities’ in the incorporated *Sunbury South Precinct Structure Plan*, where the application is to use land for, or to construct a building to accommodate, any of the following:
* Residential aged care facility
* Child care centre
* Cinema based entertainment facility
* Education centre
* Hospital
* Place of assembly
* Retail premises

7.0 Decision guidelines

DD/MM/YYYY

Proposed C207

The responsible authority must consider:

* The *Sunbury South Precinct Structure Plan.*
* *The Sunbury Infrastructure Co-ordination and Delivery Strategy*
  + Development should have regard to relevant policies and strategies being implemented by the responsible authority, Melbourne Water and Western Water, including any approved Integrated Water Management Plan.