SCHEDULE 12 TO clause 37.07 URBAN GROWTH ZONE

**DD/MM/YYYY**

**Proposed Cxxxhume**

Shown on the planning scheme map as UGZ12.

CRAIGIEBURN WEST PRECINCT STRUCTURE PLAN

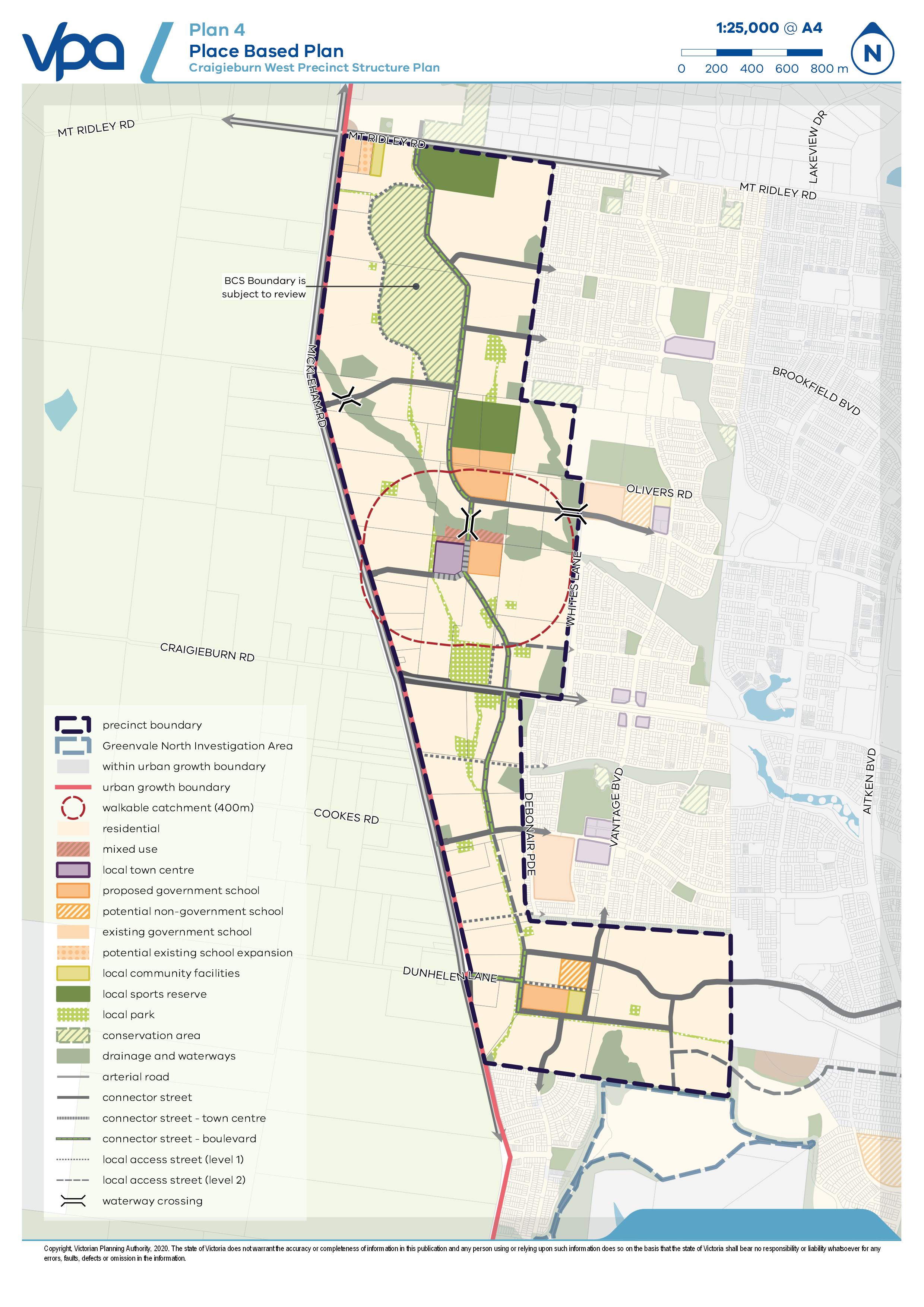
1.0 The Plan

**DD/MM/YYYY**

**Proposed Cxxxhume**

Plan 1 below shows the future urban structure proposed in the *Craigieburn West Precinct Structure Plan, November 2020*. It is a reproduction of Plan 4 in the *Craigieburn West Precinct Structure Plan, November 2020*.

Plan 1 to Schedule 12 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 provisions of this schedule apply to the land within the ‘precinct boundary’ shown 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.*

2.2 Applied zone provisions

**DD/MM/YYYY**

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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.

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

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Proposed GC28

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.

*For example: The Commercial 2 Zone specifies ‘Shop’ as a Section 1 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.’*

Table 1: Applied zone provisions

|  |  |
| --- | --- |
| Land shown on plan 1 of this schedule Local town centre | Applied zone provisions Clause 34.01 Commercial 1 Zone |
| Land shown on plan 1 of this schedule Residential on a lot wholly within the local town centre walkable catchment | Applied zone provisions Clause 32.07 Residential Growth Zone |
| Land shown on map 1 of this schedule  All other land | Applied zone provisions Clause 32.08 General Residential Zone |

2.3 Specific provisions – Use of land

**DD/MM/YYYY**

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Table 2: Use of land

Section 1 - Permit not required

| Use | Condition |
| --- | --- |
| Child care centre  Hall  Indoor recreation centre  Library  Medical Centre  Restricted Recreation Facility | On land identified as ‘local community facilities’ in the incorporated *Craigieburn West Precinct Structure Plan.* |
| Primary school  Secondary school | On land identified as ‘potential non-government school’ in the incorporated *Craigieburn West Precinct Structure Plan.* |
| Minor sports and recreation facility | On land identified as ‘local sports reserve’ in the incorporated *Craigieburn West Precinct Structure Plan.* |
| Shop – where the applied zone is Commercial 1 Zone | The combined leasable floor area of all Shop must not exceed 6,000 square metres and must be located on land identified as ‘Local Town Centre’ in the incorporated *Craigieburn West Precinct Structure Plan*. |
| Any use listed in Clause 62.01 | Must meet requirements of Clause 62.01. |

Section 2 - Permit required

|  |  |
| --- | --- |
| Use | Condition |
| Any other use not in Section 1 or 3 in the Table of uses in the applicable applied zone | |

Section 3 – Prohibited

| Use | |
| --- | --- |
| Any other use in Section 3 in the Table of uses of the applicable applied zone | |

2.4 Specific provision – Subdivision

**DD/MM/YYYY**

**Proposed Cxxxhume**

None specified.

2.5 Specific provision – Buildings and works

**DD/MM/YYYY**

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Dwellings on a lot less than 300 square metres

A permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where a site is identified as a lot to be assessed against the Small Lot Housing Code via a restriction on title, and it complies with the Small Lot Housing Code incorporated pursuant to Clause 72.04 of the Hume Planning Scheme.

Buildings and works for future local parks and local community facilities

A permit is not required to construct a building or construct or carry out works for a local park, local sports reserve or local community facility provided the use or development is carried out generally in accordance with the incorporated *Craigieburn West Precinct Structure Plan* and with the prior written consent of Hume City Council.

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.

Bulk Earthworks

A permit is required for bulk earthworks, unless a report has been prepared to the satisfaction of the responsible authority demonstrating that sodic and/or dispersive soils are not present in the works area.

3.0 Application requirements

**DD/MM/YYYY**

**Proposed Cxxxhume**

The following application requirements apply to an application for a permit under Clause 37.07, in addition to those specified in Clause 37.07 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority.

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

Public Infrastructure Plan

For an application to use or subdivisde land or construct a building or construct or carry out works, a Public Infrastructure Plan which addresses the following:

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

Subdivision – Residential development

For a residential subdivision, a site and context description and design response as required in Clause 56.

For an application subdivide ten or more lots, in addition to the above, or for the costruction of ten or more dwellings:

* A written statement that sets out how the application implements the incorporated *Craigieburn West Precinct Structure Plan.*
* A land use budget setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields.
* A plan showing access arrangements for properties adjacent to all existing and future arterial roads.
* A drainage and integrated water management plan.
* An arboricultural report identifying all trees on the site and a tree retention plan identifying how the application responds to Plan 10– Native vegetation retention and removal and any tree protection requirements and guidelines within the incorporated *Craigieburn West Precinct Structure Plan*;
* Potential bus route and bus stop locations prepared in consultation with the Head of Public Transport Victoria;
* Where relevant, demonstration of how the subdivision will respond sensitively to the heritage significance of Dunhelen House and Barn (Heritage Overlay – HO31) and Mickleham State School No.1051 (Heritage Overlay – HO35) and their surrounding areas;
* 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 Hume City Council and Melbourne Water;
* A Bushfire Site Management Plan that addresses bushfire risk during, and where necessary, after construction which is 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 AS3959-2018, where bushfire risk is managed to enable the development, on completion, to achieve a BAL-12.5 construction standard in accordance with AS3959-2018;
* The land management measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape to protect residents and property from the threat of grassfire and bushfire;
* Provision of adequate access and egress for early subdivisions to minimise grass and bushfire risks to new residents prior to the full completion of the PSP.

Preliminary Site Investigation

For an application to use or subdivide land or construct a building or construct or carry out works for a sensitive use (residential use, child care centre, pre-school centre or primary school) must be accompanied by an Preliminary Site Investigation of the land prepared by a suitably qualified environmental professional to the satisfaction of the responsible authority, that:

* takes account of the report titled *Craigieburn West Precinct Structure Plan Preliminary Land Contamination Assessment* prepared by Landserv Environment, December 2018;
* is prepared in accordance with Schedule B2 of the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) (NEPM); and
* Provide a determination as to whether the environmental condition of the land is suitable for the proposed use/s orwhether an environmental audit of the land is recommended having regard to the Potentially Contaminated Land General Practice Note June 2005, DSE.

Geotechnical and Groundwater Assessment

For an application to subdivide land or construct or carry out earthworks, a geotechnical and groundwater assessment prepared by a suitably qualified professional to the satisfaction of the responsible authority that:

* takes into account of the report titled *Hydrogeological, Salinity, Acid Sulphate Soil and Geotechnical Assessment – Craigieburn West PSP* prepared by Beveridge Williams, September 2020;
* includes a physical groundwater investigation through the areas identified with shallow (<5 m) and potential saline waters (as indicated on Figures 4 and 5 of the *Hydrogeological, Salinity, Acid Sulphate Soil and Geotechnical Assessment* prepared by Beveridge Williams, September 2020.
* includes gauging/sampling to confirm the groundwater flow direction and hydrogeological conditions to confirm risk of groundwater intrusion during excavation or bulk earthworks

Details of any proposed dam backfilling including water quality testing and proposed fill.

**Sodic and dispersive soils management plan**

For an application to subdivide land or construct or carry out bulk earthworks must, a sodic and dispersive soils management plan, prepared by a suitably qualified professional, that describes:

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

**Affordable Housing Assessment**

For an application for residential subdivision or to construct a dwelling or residential building an affordable housing report, prepared by a suitably qualified person, that includes:

* Anticipated demographic characteristics of the suburb;
* Anticipated household composition (i.e. singles, couples, families with dependants);
* What proportion of housing is estimated to be provided for the income ranges specified at 3AA(4) of the Act; and
* A response to matters addressed in the Ministerial Notice under 3AA(2) of the Act.

Heritage Places

For an application to subdivide land or to construct a building or construct or carry out works on land at 1240 Mickelham Road, Greenvale and 1880 Mickleham Road, Mickleham (Mickleham State School No.1051) must include the following to the satisfaction of the responsible authority:

* a Heritage Conservation Management Plan (HCMP) for the heritage place; and
* A statement that takes into account the approved HCMP and explains how the significance of the identified heritage features has been considered in the design of the development, including:
* incorporation within open space/public realm;
* design of perimeter fencing;
* surrounding residential interfaces;
* interpretive signage, information boards relating to buildings that have been retained, restored, rebuilt or removed.

Dry Stone Wall Assessment

For an application to subdivide 220 and 250 Olivers Road, Mickleham, a Dry Stone Wall assessment, prepared by a suitably qualifed professional, to the satisfaction of the responsible authority that describes:

* the quality and retention values of the dry stone wall,
* how the subdivision meets the incorporated *Craigieburn West Precinct Structure Plan*.

Kangaroo Management Plan

For an application to subdivide land, a Kangaroo Management Plan prepared to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning that:

* addresses the recommendations of the *Eastern Grey Kangaroo Strategic Management Plan: Craigieburn West Precinct Structure Plan (PSP 1068), Craigieburn* prepared by Ecology and Heritage Partners, dated November 2020; and includes:
* Strategies to avoid land locking kangaroos, including staging of subdivision;
* Strategies to minimise animal and human welfare risks;
* Mangement and monitoring actions to sustainably manage a population of kangaroos within a suitable location; and
* Actions to address the containment of kangaroos to ensure adequate animal welfare.

4.0 Conditions and requirements for permits

**DD/MM/YYYY**

**Proposed Cxxxhume**

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

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

* 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 72.04 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.

Condition – Subdivision or buidlings and works permits where land is required for community facilities, public open space or road widening

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

* The costs associated with effecting the transfer or vesting of land required for community facilities, public open space or road widening must be borne by the permit holder.
* Land required for community facilities, public open space or road widening 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.

Conditions and requirements - Kangaroo Management Plan

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 (DELWP). The approved plan will form part of the permit.

Condition - Environmental Management Plans

A planning permit to subdivide land, construct a building, or construct or carry out works within 30 metres of land shown as a conservation area in the incorporated *Craigieburn West Precinct Structure Plan* must include the following condition:

The subdivision, buildings or works must not commence until an Environmental Management Plan has been approved to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

Condition - Salvage and transloction

A planning permit to subdivide land, construct a building, or construct or carry out works must include the following condition:

The Salvage and Translocation Protocol for Melbourne’s Growth Corridors(Department of Environment, Land, Water and Planning, 2017) must be implemented in the carrying out of development to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

Requirement - Protection of conservation areas and native vegetation during construction

A permit to subdivide land, construct a building or carry out works, where the incorporated *Craigieburn West 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:

Before the commencement of buildings or works within or on or within 30m of land abutting a conservation area shown on Plan 4 of the incorporated *Craigieburn West Precinct Structure Plan* as conservation area, the permit holder must erect a vegetation protection fence around any conservation area, patch of native vegetation or scattered tree identified for retention, or vegetation identified for salvage in the incorporated *Craigieburn West Precinct Structure Plan*. The fence must be:

* 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 occurring within 30m of the conservation area, patch of native vegetation or scattered tree
* located at a minimum distance from:

|  |  |
| --- | --- |
| Element | Minimum distance from element |
| Conservation area | 0.5 metres |
| Scattered tree | 12 x Diameter at Breast Height |
| Patch of native vegetation | 2 metres |

During the undertaking of buildings or works, all activities must be excluded from occurring within the protection fencing, unless otherwise agreed to by the Department of Environment, Land, Water and Planning.

Construction stockpiles, fill, machinery, vehicle parking, excavation and works or other activities associated with the buildings or works must be designed and constructed to ensure that the conservation area, scattered trees or patches of native vegetation identified for retention in the Precinct Structure Plan are protected from adverse impacts during construction.

Requirement - Land Management Co-operative Agreement

A permit to subdivide land on land shown in the incorporated *Craigieburn West Precinct Structure Plan* as including a conservation area shown on Plan 4 of the precinct structure plan as a BCS conservation area, must ensure that, before the issue of a statement of compliance for the last stage of the subdivision, the owner of the land:

* Enters into an agreement with the Secretary to the Department of Environment, Land, Water and Planning under section 69 of the *Conservation Forests and Lands Act 1987*, which:
* Must provide for the conservation and management of that part of the land; 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 clause does not apply to land of any lot or part of a lot within the conservation area shown on Plan 4 of the incorporated *Craigieburn West Precinct Structure Plan* as a conservation area, 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 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 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 for Environment and Climate Change; or
* another statutory authority

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

Condition – Environmental Audit

Any permit for the use and development of land for a sensitive use (residential use, child care centre, pre-school centre or primary school) and where the Preliminary Site Investigation recommends that an environmental audit is required,  must contain the following conditions:

* Prior to the commencement of the use or buildings and works associated with the use (or the certification or issue of a statement of compliance under the *Subdivision Act 1988*) the applicant must provide: (a) A Certificate of Environmental Audit in accordance with Section 53Y of the *Environment Protection Act 1970*; or (b) A Statement of Environmental Audit under Section 53Z of the *Environment Protection Act 1970*. A Statement must state that the site is suitable for the use and development allowed by this permit.
* All the conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the responsible authority. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.

Condition - Public transport

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

* In accordance with the Public Transport Guidelines for Land Use and Development; and compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002.
* At locations approved by Public Transport Victoria, at no cost to Public Transport Victoria, and to the satisfaction of Head, Transport for Victoria.

Condition - Road network

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 Craigieburn West Infrastructure Contributions Plan.

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 Actwhich provides for:
* The implementation of the Public Infrastructure Plan approved under this permit.
* The timing of any payments to be made to a person in respect of any infrastructure project having regard to the availability of funds in the Infrastructure Contributions Plan.

Requirements – Sodic and dispersive soil site management plan

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

5.0 Exemption from notice and review

**DD/MM/YYYY**

**Proposed Cxxxhume**

None specified.

6.0 Decision guidelines

**DD/MM/YYYY**

**Proposed Cxxxhume**

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:

**Affordable Housing**

For an application for residential subdivision or a to construct a dwelling:

* Whether the proposed subdivision application has demonstrated that the proposal will contribute towards the provision of affordable housing;
* The Ministerial Notice under 3AA(2) of the Act, as amended from time to time.

7.0 Signs

**DD/MM/YYYY**

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Sign requirements are at Clause 52.05. All land within the Craigieburn West Precinct Structure Plan area is included in the category specified in its applied zone at Clause 2.2 of this schedule.