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## SCHEDULE 1 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ1**.

### EAST OF ABERLINE PRECINCT STRUCTURE PLAN

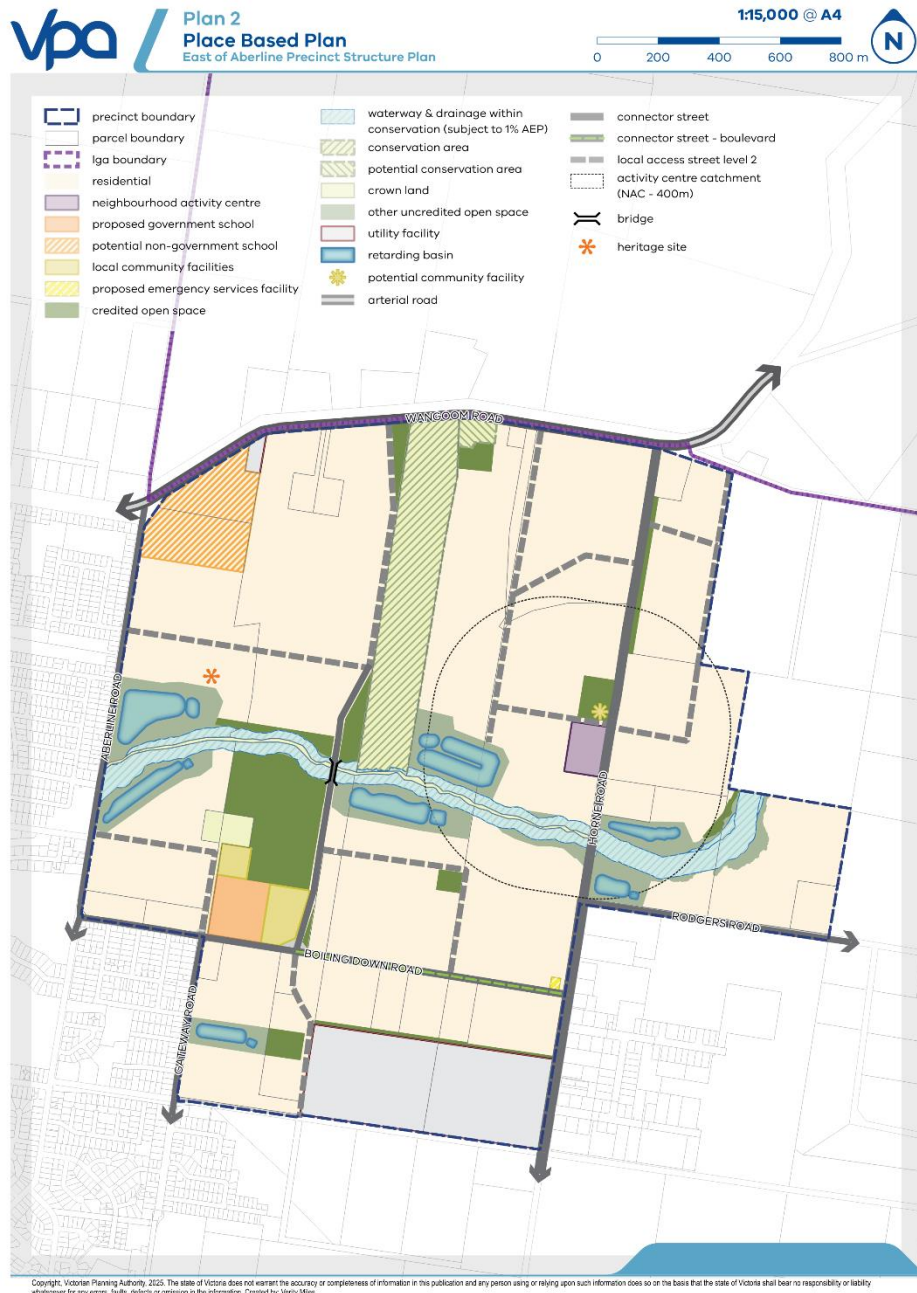
#### 1.0

#### The Plan

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Plan 1 shows the future urban structure proposed in the *East of Aberline Precinct Structure Plan*. It is a reproduction of Plan 2 in the *East of Aberline Precinct Structure Plan*.

#### Plan 1 to Schedule 1 of Clause 37.07



## 2.0 Use and development

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**2.1**

### The Land

The use and development provisions specified in this schedule apply to the land within the 'precinct boundary' on Plan 1 and shown as UGZ1 on the planning scheme maps.

*Note: If land shown on Plan 1 is not zoned UGZ1, the provisions of this schedule do not apply*

## 2.2 Applied zone provisions

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

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

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

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

**Table 1: Applied zone provisions**

Land shown on plan 1 of this schedule Neighbourhood Activity Centre	Applied zone provisions Clause 34.01 – Commercial 1 Zone
Land shown on plan 1 of this schedule Conservation Area	Applied zone provisions Clause 36.03 – Public Conservation and Resource Zone
Land shown on plan 1 of this schedule Crown land	Applied zone provisions Clause 36.02 – Public Park and Recreation Zone
Land shown on plan 1 of this schedule Arterial Road	Applied zone provisions Clause 36.04 – Transport Zone 2
Land shown on plan 1 of this schedule All other land	Applied zone provisions Clause 32.08 – General Residential Zone

## 2.3 Specific provisions – Use of land

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### Section 1 - Permit not required

Use	Condition
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Child care centre	Must be generally in accordance with the location shown as 'local community facilities' in Plan 1 of this schedule and with the prior written consent of Warrnambool City Council.
Hall	
Indoor recreation facility	
Library	
Medical Centre	
Emergency services facility	Must be generally in accordance with the location shown as land shown as 'potential emergency services' in Plan 1 of this schedule.
Primary school	Must be generally in accordance with the location shown as 'potential non-government school' in in Plan 1 of this schedule.
Secondary school	
Shop (other than adult sex product shop) where the applied zone is Commercial 1 Zone	The combined leasable floor area of all shops must not exceed 7,700 square metres.
<b>Any use listed in Clause 62.01</b>	Must meet requirements of Clause 62.01.

## Section 2 - Permit required

Use	Condition
<b>Any other use not in Section 1 or 3</b>	

## Section 3 – Prohibited

Use
None specified

### 2.4

#### Specific provisions - Subdivision

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None specified.

### 2.5

#### Specific provisions - Buildings and works

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#### Buildings and works for future local parks and community facilities

A permit is not required to construct a building or carry out works on land shown in the *East of Aberline Precinct Structure Plan* as a local park or community facility provided the development is carried out generally in accordance with the incorporated *East of Aberline Precinct Structure Plan* and with the prior written consent of the responsible authority.

#### 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.

#### Buildings and works for a school

A permit is required to construct a building or construct or carry out works associated with a Primary or Secondary school on land generally in accordance with the location shown as a 'potential non-government school' on Plan 1 of this schedule, unless exempt under Clauses 62.02-1 and 62.02-2.

#### Dwellings on a lot less than 300 square metres

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

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

### 3.0

### Application requirements

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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 (except for a Preliminary Risk Screen Assessment), the responsible authority may waive or reduce the requirement.

### Subdivision – residential development

In addition to any requirement in Clause 56.01-2, a subdivision design response must include:

- A written statement that sets out how the application implements the *East of Aberline Precinct Structure Plan*.
- A land budget table in the same format and methodology as those within the *East of Aberline Precinct Structure Plan* applying to the land, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields.
- 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 *East of Aberline Precinct Structure Plan* applying to the land.
- A plan that demonstrates how the local street and movement network integrates, or is capable of integrating, with existing or likely development of adjacent land parcels.
- Where a parcel is proposed to be subdivided or developed in stages, an overall masterplan for the parcel must be provided showing the proposed staging and lot size diversity.
- A hydrogeological assessment of the groundwater conditions on the site and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater on the development and the impact of the development on groundwater.
- A landscape master plan prepared by a suitably qualified professional that:
  - Shows natural features including trees and other significant vegetation, habitat for protected species, drainage lines, water courses, ridgelines, hill tops and features of geomorphic significance;
  - Recognises and responds to sodic or dispersive soils;
  - Shows recreation facilities to be provided within public open space (with the exception of the active open space);
  - Identifies how it is proposed to retain the existing native vegetation identified in Plan 8 Native Vegetation Retention and Removal of the *East of Aberline Precinct Structure Plan*;
  - Shows storm water facilities that are compliant with the relevant approved drainage strategy; and Integrated Water Management plan; and
  - Identifies any re-vegetation proposed.

- Written statement outlining how the proposal will contribute to the delivery of affordable housing in the precinct, including proposed delivery mechanisms.

### **Environmentally sustainable development**

An application to construct a building or carry out works must be accompanied by a Sustainable Design Assessment (SDA) report or a Sustainability Management Plan (SMP), whichever is specified below.

The SDA or SMP must be prepared by a suitably qualified professional that demonstrates how the development will achieve best practice sustainable design. This includes encouraging energy performance, integrated water management, indoor environment quality, transport, waste management and urban ecology. Best practice environmental design for the development can use the Built Environment Sustainability Scorecard (BESS) or other comparable sustainable design tool.

A SDA (including an assessment using BESS, STORM or other methods) is required for development in the following categories of development:

#### **Category - Residential**

- 2-9 dwellings
- A building used for accommodation other than dwellings with a gross floor area between 100 square metres and 999 square metres.

#### **Category - Non-residential**

- A non-residential building with a gross floor area of 300 square metres to 999 square metres.
- An extension to an existing non-residential building creating between 300 square metres to 999 square metres of additional gross floor area (excluding outbuildings).

A SMP (including an assessment using BESS/Green star, STORM/MUSIC or other methods) and a Green Travel Plan are required for the following categories of development:

#### **Category - Residential**

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

#### **Category - Non-residential**

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

#### **Category - Mixed use**

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

In determining an application, the responsible authority must consider as appropriate:

- Whether an ESD plan or framework has previously been approved by the responsible authority

## Public Infrastructure Plan

An application to subdivide land, or to construct a building or construct and carry out works must be accompanied by a public infrastructure plan which addresses the following:

- A stormwater management strategy that makes provision for the staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of the relevant water authority;
- 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 *East of Aberline Development Contributions Plan* applying to the land 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.

## Traffic impact assessment

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

## Stormwater and Flood Management

An application to subdivide land must be accompanied by a Stormwater Management Strategy and/or Flood Management Strategy to the satisfaction of the responsible authority and the Glenelg Hopkins Catchment Management Authority, and must include the following:

- Demonstration of how the proposed subdivision will satisfy the requirements of Clause 56.07, relevant stormwater drainage policies, strategies and guidelines.
- Demonstration of how the proposed subdivision mitigates the impact of predicted climate change.
- Demonstration of how the proposed subdivision will contribute to the delivery of the ultimate drainage management strategy for the *East of Aberline Precinct Structure Plan*.
- Demonstration of how stormwater management for any stage of the proposed development will:
  - Drain the subject development stage.
  - Protect adjoining land outside of the development or stage from any adverse drainage and flooding impacts.
- Details of any site cut and fill for the subdivision or stage, which facilitates drainage for the development while ensuring the delivery of the ultimate drainage strategy for the *East of Aberline Precinct Structure Plan*.
- Details of any interim drainage works.
- Flood modelling where required to demonstrate the impacts of the proposed development on flooding behaviour within and outside of the development.

## Retail impact assessment

An application to use land for a Shop on land in the Neighbourhood Activity Centre shown on Plan 1 of this schedule must be accompanied by a retail economic impact assessment

prepared by a suitably qualified professional if the combined leasable floor area of all shops exceeds the figure shown in the land use table at 2.3 of this schedule.

### **Bushfire Management Plan**

An application to subdivide land adjacent to a Bushfire Hazard Area shown on Plan 7 Bushfire Management of the *East of Aberline Precinct Structure Plan* must be accompanied by a Bushfire Management Plan that demonstrates how the application will address bushfire risk at the site. The plan must be prepared in accordance with the relevant Requirements and Guidelines at Section 3.3.2 of the incorporated *East of Aberline Precinct Structure Plan*, unless otherwise agreed in writing by the Responsible Authority and Country Fire Authority. The plan must include:

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

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

### **Russells Creek and Tozer Reserve Conservation Area Masterplan**

An application to subdivide land adjacent to or identified as a conservation area, a potential conservation area or a waterway and drainage within conservation area as shown on Plan 2 of the *East of Aberline Precinct Structure Plan* must be accompanied by a Conservation Area Masterplan prepared by a suitably qualified consultant that demonstrates how the application will address revegetation and management of Russells Creek and Tozer Reserve. The plan must be prepared in accordance with the relevant Requirements and Guidelines at Section 3.3.2 of the incorporated *East of Aberline Precinct Structure Plan*, unless otherwise agreed in writing by the Responsible Authority. The plan must include:

- Consolidated information on the existing conditions of the waterway and adjoining land, including Growling Grass Frog survey records.
- Identification of all existing wetland features and waterways, and proposed preservation and maintenance strategies.
- Identification of potential wetland areas suitable for improvement to support Growling Grass Frog colonisation, and proposed design interventions and habitat improvements.
- A determination of the boundary between land required for conservation and land suitable for urban development.
- Identification of suitable locations for public access points, walking paths/trails, and passive recreation, if appropriate.
- Identification of suitable locations for water management assets and associated infrastructure, if appropriate.

- Guidance on protecting and enhancing terrestrial habitats in accordance with *Growing Grass Frog Habitat Design Standards* Melbourne Strategic Assessment (DELWP, 2017).
- Actions for the rehabilitation of significant habitat, including future land ownership and commitments.
- Advice regarding approvals under the Flora and Fauna Guarantee Act 1988, Wildlife Act 1975 and Environment Protection and Biodiversity Conservation Act 1999 (Cmlth) and compensatory mechanisms, if required.

### Acoustic assessment report

Any application for use or development of land for Accommodation, Education centre (other than Tertiary institution and Employment training centre) or Hospital, on land within a noise influence buffer shown on Appendix 3 Environmental Constraints Plan of the *East of Aberline Precinct Structure Plan* must be accompanied by an acoustic assessment report prepared by a qualified acoustic consultant or other suitably skilled person to the satisfaction of the responsible authority which:

- Applies the following noise objectives:
  - Not greater than 35 dB LAeq,8h when measured within a sleeping area between 10pm and 6am.
  - Not greater than 40 dB LAeq,16h when measured within a living area between 6am and 10pm.
  - For areas other than sleeping and living areas, not greater than the median value of the range of recommended designed sound levels of Australian Standard AS/NZ 2107:2016 (*Acoustics – Recommended design sound level and reverberation times for building interiors*).
- Noise levels should be assessed:
  - Considering the cumulative noise from all sources impacting on the proposal including road traffic noise and industry noise, as well as other potential noise sources; and
  - In unfurnished rooms with a finished floor and the windows closed and be based on average external noise levels measured as part of a noise level assessment.
- Identifies lots and/or buildings requiring mitigation from noise from all sources impacting on the proposal, including road traffic noise and industry noise.
- If lots and/or buildings requiring acoustic mitigation are identified, the report should include recommendations for noise attenuation measures required to meet the applicable noise level objectives, including Clause 13.05-1S and *Environment Reference Standard* (Gazette No. S 245, 26 May 2021). These recommendations should prioritise measures that benefit both outdoor and indoor spaces, and should address:
  - Noise compatible design for buildings, with siting, orientation, and internal layout, to be considered prior to setting building envelope performance requirements.
  - Potential noise character (tonality, impulsiveness or intermittency);
  - Noise with high energy in the low frequency range;
  - Transient or variable noise; and
  - Vibration.

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



### **Sodic and dispersive soils management plan**

An application to subdivide land or construct or carry out bulk earthworks, a sodic and dispersive soils management plan must be 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 supervision 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.

The recommendations that inform the site management plan may be incorporated into a construction environmental management plan to the satisfaction of the responsible authority.

### **Preliminary Risk Screen Assessment**

An application to subdivide land or to use land for a sensitive use (residential use, childcare centre, kindergarten, pre-school centre, primary school, even if ancillary to another use) or children's playground or secondary school, or construct or carry out buildings and works associated with these uses, and where identified as having a potential risk for contamination on land described in Table 2 and Appendix 3 Environmental Constraints Plan must be accompanied by either:

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

- A statement of environmental audit for the land issued in accordance with Part IXD of the *Environment Protection Act 1970* stating that the environmental conditions of the land are suitable for the proposal.

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

Where a preliminary risk screen assessment (or environmental audit) has already been undertaken for the land, a further preliminary risk screen assessment (or environmental audit) may not be required, if the previous preliminary risk screen assessment (or environmental audit) has considered the relevant land uses.

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

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

This application requirement does not apply to buildings and works associated with a residential use established before the approval date of Amendment C217 or to any lot where the Environmental Audit Overlay applies.

**Table 2**

Address	Lot Number
53 Rodgers Road Warrnambool	Lot 1 PS443644
79-81 Boiling Down Road Warrnambool	Lot 1 LP116579
15 Boiling Down Road Warrnambool	Lot 1 PS902658
246 Horne Road Warrnambool	Lot 2 PS510707

### **Preliminary Site Investigation**

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

The PSI must make a recommendation as to:

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

**Table 3**

Address	Lot Number
174 Aberline Road Warrnambool	Lot 2 PS922576
75 Boiling Down Road Warrnambool	Lot 2 LP116579
76-78 Boiling Down Road Warrnambool	Lot 4 PS433295
94 Boiling Down Road Warrnambool	Lot 1 PS842678
102 Boiling Down Road Warrnambool	Lot 2 PS842678
105 Boiling Down Road Warrnambool	Allot. 6 Sec. E PP3729
110 Boiling Down Road Warrnambool	Lot 2 TP21740
135 Boiling Down Road Warrnambool	Allot. 5 Sec. E PP3729
150 Horne Road Warrnambool	Lot 2 PS917052
310 Horne Road Warrnambool	Lot 1 PS510707
270-288 Wangoom Road Warrnambool	Lot 2 PS710426
	Lot 1 TP244571
	Lot 2 TP244571

#### 4.0

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#### Conditions and requirements for permits

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

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

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

to the satisfaction of the responsible authority.

A permit issued on or after 31 December 2026, other than an amendment of a permit issued before 31 December 2026 under section 72 of the *Planning and Environment Act 1987*, which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

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

##### Conditions – Land required for community facilities, public open space, or road widening

A permit for subdivision or construct a building or construct or carry out 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.

The above conditions do not apply where the land is included under a public acquisition overlay identified for community facilities, public open space or road widening purposes.

### Conditions – Environmental Audit

Any permit to subdivide land, or to use land for a sensitive use (residential use, childcare centre, kindergarten, pre-school centre, primary school, even if ancillary to another use) or children's playground or secondary school, or to construct or carry out buildings and works associated with these uses, and where an environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* has been issued stating that the land is suitable for the use or proposed use subject to recommendations:

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

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

### Condition – Public transport

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

- In accordance with the Public Transport Guidelines for Land Use and Development; and compliant with the Disability Discrimination Act – Disability Standards for a 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 construct a building or construct or carry out work must contain the following conditions:

- Before the plan of subdivision is certified under the *Subdivision Act 1988*, 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 the acquiring agency at no cost to the acquiring agency unless funded by the *East of Aberline Development Contributions Plan*.

### Condition – Public Infrastructure Plan

Any permit for subdivision must contain the following conditions:

- Prior to the certification of a plan of subdivision under the *Subdivision Act 1988* 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 provide for:
  - The implementation of the Public Infrastructure Plan approved under this permit.

- The timing of any payments to be made to a person in respect of any infrastructure project having regard to the availability of funds in the Development Contributions Plan.

### **Condition – Bushfire Management Plan**

Any permit to subdivide land adjacent to a Bushfire Hazard Area shown on Plan 7 of the *East of Aberline Precinct Structure Plan*, must include the following condition:

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

### **Condition – Construction environmental management plan**

A planning permit to subdivide land, construct a building, or construct or carry out works on land identified as within a conservation area, a potential conservation area or a waterway and drainage within conservation area as shown on Plan 2 of the *East of Aberline Precinct Structure Plan* must include the following condition:

- Before works start, a Construction Environmental Management Plan must be submitted to and approved by the responsible authority, demonstrating how the conservation area will be protected during works.

The construction environmental management plan must be generally in accordance with the CMP and the document titled *DELWP requirements for Construction Environmental Management Plans under the Melbourne Strategic Assessment* (November 2020), or any future revision or superseding document. Once approved the construction environmental management plan will form part of the permit and must be implemented to the satisfaction of the responsible authority.

### **Condition – Land Management Plan**

A permit to subdivide land containing land identified as within a conservation area, a potential conservation area or a waterway and drainage within conservation area as shown on Plan 2 of the *East of Aberline Precinct Structure Plan* must include the following condition:

Prior to the commencement of development, a land management plan for land shown identified as within a conservation area, a potential conservation area or a waterway and drainage within conservation area must be prepared by a suitably qualified consultant and submitted to and approved by the responsible authority. The land management plan must outline how the biodiversity values for the land will be maintained, managed, and improved, including:

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

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

### **Requirement – Acoustic Report**

Any permit for subdivision and / or use or development of land where an acoustic assessment report has identified that mitigation from noise sources is required must implement any recommendations of the acoustic assessment report submitted with the application and include any conditions that are necessary, in the opinion of the responsible

authority, to implement noise attenuation measures, all to the satisfaction of the responsible authority.

### **Requirement – 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**

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**6.0**

None specified.

### **Decision guidelines**

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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:

### **Acoustic Attenuation**

Before deciding on a permit application under this schedule the responsible authority must consider, as appropriate:

- If Accommodation, a Hospital or Education centre (other than Tertiary institution and Employment training centre) is proposed, whether the proposal minimises the risk of harm from noise exposure (near the transport system and other noise emission sources) to human health and the environment so far as reasonably practicable having regard to:
  - Whether the impact of potential noise sources have been mitigated through siting, orientation design, layout, and location; and whether this reduces the need for a acoustic treatment of buildings or compromises the useability of the building by its occupant;
  - Any building façade treatments that are required to mitigate noise impacts; and
  - Any relevant recommendations of an Acoustic Assessment Report for the application.

### **Affordable Housing**

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

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

### **Retail impact assessment**

Before deciding on an application to create Shop floorspace above the square metres permitted 'as of right' for the Neighbourhood Activity Centre land shown on Plan 1 of this schedule, the responsible authority must consider, as appropriate:

- The local catchment and PSP catchment demand for the additional floor area; and
- The effect on existing nearby centres.

## **7.0 Signs**

xx/xx/xxxx  
Proposed  
Amendment  
C217warr

Sign requirements are at Clause 52.05. The sign category for the land is the category specified in the zone applied to the land at Clause 2.2 of this schedule. All other land is in Category 3.