Fishermans Bend Planning Scheme Amendment GC81

Submissions to Planning Panels Victoria on behalf of APA Group

Document No. 231

Prepared by:

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1 Introduction

1.1 We act on behalf of APA GasNet Australia (Operations) Pty Ltd, APA Power Holdings Pty Ltd and APT O&M Services Pty Ltd (collectively referred to as APA), which together make up Australia’s largest natural gas infrastructure business, owning and operating approximately $19 billion worth of energy assets.

1.2 Our client owns and operates the following high pressure gas transmission pipelines which traverse Fishermans Bend, and which will be affected by Amendment GC81:

(a) the South Melbourne to Brooklyn (PL108 T33) pipeline which has a measurement length of 450 metres;

(b) the Dandenong to West Melbourne (PL36 T16) pipeline which has a measurement length of 450 metres; and

(c) the Port Melbourne to Symex Holdings (PL164 T89) pipeline which has a measurement length of 100 metres.

1.3 A pipeline’s measurement length is a radial dimension which is defined in Australian Standard 2885 - Gas and liquid petroleum (AS2885) as the distance from the pipeline at which the radiation intensity from an ignited full-bore rupture is 4.7kW/m². An unprotected person exposed to this radiation level for a short time is likely to experience severe burns and possible fatality. A pipeline rupture also has potential to impact on the environment, as well as to destroy and damage buildings.¹

1.4 Given the devastating consequences of pipeline rupture to life, property and the economy, it follows that land development within the measurement lengths of pipelines must occur in accordance with a robust regulatory framework. However, as it currently stands, the Fishermans Bend redevelopment plan is devoid of a comprehensive strategy which appropriately addresses the manner in which land development is to occur in proximity to APA’s pipelines.

1.5 To remedy this issue, our client seeks a recommendation from the Advisory Committee that a Safety Management Study (SMS) be obtained to inform the final, approved version of the Fishermans Bend Framework. To be most useful an SMS needs to be undertaken in collaboration with key stakeholders such as DELWP, Councils, VicRoads, other referral authorities and key land owners and developers.

1.6 The SMS will consider the range and nature of the land uses which can be safely developed in the areas surrounding the pipelines. It is therefore critical that an SMS be obtained prior to the Framework being finalised; this is a key component of the strategic planning process that has to date been overlooked.

1.7 Our client also seeks:

(a) inclusion of a provision in Capital City Zone - Schedule 4 of the Melbourne Planning Scheme and Capital City Zone - Schedule 1 of the Port Phillip Planning scheme, which controls development of sensitive uses within the measurement length of APA’s pipelines (consistent with the SMS if undertaken);

(b) inclusion of a provision in the Capital City Zone - Schedule 4 of the Melbourne Planning Scheme and Capital City Zone - Schedule 1 of the Port Phillip Planning

¹ Major Hazard Facilities, Advisory Committee Final Report, 19 July 2016 page 55.
Scheme requiring the development of a construction management plan for proposals within 50 metres of the pipelines, irrespective of whether or not a planning permit is required (see suggested text attached as Text B); and

(c) a recommendation from the Panel that APA, as the pipeline owner and operator of three pipelines in the Fishermans Bend area, be nominated as a recommending referral authority for applications to develop sensitive uses within measurement lengths of pipelines included in Amendment GC81.

1.8 The above will ensure that the land use constraints presented by the pipelines in Fishermans Bend are acknowledged and reflected in the planning controls and that the area is developed in a proper, orderly and safe manner.

2 APA’s pipelines present in the Fishermans Bend area

2.1 As noted above at paragraph 1.2, APA owns and operates the following pipelines which will be affected by Amendment GC81:

(a) the South Melbourne to Brooklyn (PL108 T33) pipeline which has a measurement length of 450 metres

(b) the Dandenong to West Melbourne (PL36 T16) pipeline which has a measurement length of 450 metres

(c) the Port Melbourne to Symex Holdings (PL164 T89) pipeline which has a measurement length of 100 metres.

2.2 The below image depicts the locations of APA’s pipelines in dark green.
2.3 The image below depicts the measurement lengths of APA’s pipelines. We note that the measurement length has a radial dimension and therefore applies to both sides of the pipe.

2.4 Together, the pipelines form an integral component of the Victorian Gas Transmission System and play a vital role in providing a steady stream of gas to consumers in metropolitan Melbourne. For these reasons, APA’s pipelines should be considered state significant infrastructure.

3 Risks associated with pipelines

3.1 The failure of high pressure gas transmission pipelines in Australia is extremely rare.\(^2\) However, this may be because Australian gas pipelines have historically been located in rural or industrial areas, where it is unlikely that pipelines will be interfered with.

3.2 Pipeline failure may be considered a ‘Black Swan’ event; however, the threat of rupture is not an unforeseeable or imagined risk. As land use changes occur around pipelines, it

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\(^2\) There have been two significant pipeline incidents in the last 31 years. Please see Major Hazard Facilities, Advisory Committee Final Report, 19 July 2016 page 54.
becomes critically important to manage and control development to ensure pipeline safety and minimise risk.

3.3 APA submits that the risk of pipeline failure will increase exponentially as development encouraged by Amendment GC81 encroaches on its pipelines. It is therefore crucial that Amendment GC81 contains a comprehensive pipeline safety strategy, which is built upon an SMS which has been prepared with the collaboration of all relevant stakeholders.

4 The effect of Amendment GC81 on APA’s pipelines

4.1 Amendment GC81 affects APA’s pipelines in a number of ways.

4.2 The Fishermans Bend draft Framework acknowledges that there are several gas and oil pipelines which traverse Fishermans Bend. In this regard, we note that the Framework expressly states that “pipelines will need to be maintained and protected from the impacts of development...Developments located in close proximity to these pipelines will need to consider their use, density and mitigation measures”.

4.3 Further, the Framework stipulates that a permit will be required for sensitive uses in close proximity to "some existing and planned infrastructure" which has the potential to negatively impact on amenity and safety but does not state how this will be implemented.

4.4 The Framework therefore recognises the importance of protecting infrastructure from the risks associated with land development in close proximity and vice versa. However, it does not explicitly refer to APA’s pipelines and their associated measurement lengths.

4.5 The Fishermans Bend Framework essentially encourages development of a large range of uses, including child care centres, retail premises, accommodation and cinemas without the need to obtain a permit. This means that the land within the measurement lengths of APA’s pipelines will, as it currently stands, be able to be used and developed for a range of sensitive, residential and retail uses without the need for consideration of the potential risks to those uses.

5 Current protection of pipelines

5.1 Under sections 118 and 120 of the Pipelines Act 2005 (Vic), a person is prohibited from excavating, boring or opening any ground or constructing a building within three metres of a pipeline. The statutory protection area is often enlarged by an easement surrounding the pipeline as a form of private control. No easements exist in this area as the pipelines are contained within roads.

5.2 However, the measurement length of a pipeline is not protected or controlled by statute and is not adequately addressed by the existing planning scheme. The Victorian planning system does not provide guidance as to the appropriate planning approach for dealing with risks associated with pipelines and developments in their vicinity.

5.3 Clause 19.03-6 of the State Planning Policy Framework acknowledges the need to recognise “existing transmission-pressure gas pipelines in planning schemes and protect them from further encroachment by residential development or other sensitive land uses”. However, for the most part and certainly in this case, the planning scheme fails to meet this objective.

3 Fishermans Bend Draft Framework, page 17.

4 Fishermans Bend Draft Framework, page 36.
5.4 APA submits that the most effective way of protecting its pipelines is by including a control in Capital City Zone - Schedule 4 of the Melbourne Planning Scheme and Capital City Zone - Schedule 1 of the Port Phillip Planning Scheme to control development of sensitive uses within a pipeline's measurement length.

5.5 These issues have previously been addressed at a number of Planning Panels Victoria hearings, including the Major Hazard Facility Advisory Committee hearing and the panel hearings for Donnybrook/Woodstock, Lara West, Wollert, Sunbury South, Altona North, Kororoit/Plumpton and Mt Atkinson.

Major Hazards Facility Advisory Committee report dated 19 July 2016

5.6 APA expressed its concern to the Major Hazard Facility Advisory Committee (MHFAC) about the number of instances where land use planning occurred without reference to nearby pipelines. APA stated that due to the absence of suitable provisions recognising pipelines, pipeline licensees are often not notified of land use changes and safety assessments are not carried out in a timely fashion. In its submissions, APA noted that this means that the risks associated with land use changes in proximity to pipelines may not be assessed at the critical time, if at all. In these instances, APA commented that it is difficult to ensure that the risk to people, property and to the environment is managed appropriately.

5.7 APA therefore made recommendations to the MHFAC that the Victorian planning scheme be amended to include provisions recognising the presence of and constraints posted by pipelines. Specifically, APA submitted that a new overlay should be included in the Victorian Planning Provisions which identifies the existence of major hazard facilities and pipelines and includes provisions which require a permit to be obtained prior to developing sensitive uses within the threshold distance of a major hazard facility or measurement length of a pipeline. This overlay would require referral to a determining authority with appropriate expertise in assessing the risks associated with the proposed development (i.e. WorkSafe, Energy Safe Victoria or the Minister for Pipelines).

5.8 Energy Safe Victoria (ESV) made submissions to the MHFAC hearing concerning the failure of Victoria’s planning system to recognise the planning constraints posed by existing pipelines. ESV argued that this failure means that pipeline licensees are often not notified of development and land use changes within the pipeline’s measurement length early in the planning process, if at all, and that prospective purchasers of land located within the measurement length of the pipeline are often unaware of the pipeline’s existence or associated risks.\(^5\)

5.9 ESV further submitted to the Major Hazard Facility Committee (MHFAC) that:

(a) the current land use planning system provides little direction in relation to development around pipelines, and there is no requirement for planning authorities to either consult with or refer applications to relevant pipeline licensees;

(b) there is a real risk that the gap in planning controls has and will continue to lead to new development occurring in areas which may interfere with pipelines;

(c) recent experience has shown that by the time the proposed changes in land uses are identified by the pipeline licensee, the plans to change the land use have developed to such an extent that they are unable to be modified so as to minimise risk;

\(^5\) Energy Safe Victoria, submission to the Major Hazard Facility Advisory Committee.
(d) when developments and land use changes occur in proximity to pipelines, the safety and risk profile of the pipeline can be impacted. In this instance, it is critical that the development acknowledges the existence of pipelines and their associated risks. If such factors are not appropriately considered through the planning and development process, urban encroachment and development may not be managed appropriately, creating long term safety issues for the pipeline as well as to the public.

5.10 A copy of ESV's submissions is annexed to this submission at Annexure A.

5.11 APA endorses the submissions tendered by ESV to the Major Hazard Facility Committee and adopts them as their own for the purposes of this submission.

5.12 The MHFAC produced a report dated 19 July 2016 which recognised the importance of ensuring land development in areas surrounding pipelines is conducted in a controlled manner. The MHFAC recommended that the Minister for Planning consult with the Minister for Energy regarding the formation of a ‘Land Development Around Pipelines Working Group’ as an advisory committee under the Planning and Environment Act 1987 (advisory committee). This advisory committee would be responsible for advising on suggested planning frameworks for development around pipelines.

5.13 The MHFAC also recommended that the advisory committee nominate certain high pressure pipelines and recognise them formally in the State Planning Policy Framework as being of State significance.

5.14 Further, the MHFAC recommended that Energy Safe Victoria be nominated as a referral authority for proposals to subdivide land traversed by a pipeline. Similarly, it recommended that for lower risk pipelines, the Minister should consider including a referral to the pipeline licensee for building and works within the pipeline's measurement length.

5.15 The Minister for Planning ultimately adopted MHFAC's recommendations and has committed to consulting with the Minister for Energy regarding the formation of the advisory committee. The Minister has estimated that it will take between 1-3 years to implement the MHFAC's recommendations.

5.16 The Minister's response to the MHFAC also identifies issues and responses for the advisory committee to consider, including the development of Environmental Significance Overlays to apply to pipelines based on risk and land use area, and making Energy Safe Victoria a referral authority for planning applications involving land affected by the Environmental Significance Overlays.

5.17 The findings of the Minister in his January 2018 response to the MHFAC clearly evince an intention to formulate a robust planning framework to regulate the development of land around high pressure gas pipelines over the next 1-3 years. Accordingly, APA submits that this Panel ought to give due consideration to the affect of development on APA's pipelines (and vice versa) in this instance.

Altona North Panel Hearing - 22 February 2018

5.18 The status of pipeline operators was briefly discussed at the Altona North Panel hearing. APA submitted to the Panel that it should be included as a recommending referral authority for sensitive uses in the Schedule to Clause 66.04 of the Hobsons Bay Planning Scheme.

5.19 The Panel stated that until there is state-wide consistency regarding the issue, the Panel would not agree to afford APA the status of recommending referral authority. However, the Panel supported the insertion of a Clause 66.06 notice requirement for APA.
Plumpton/Kororoit Panel Hearing - Report dated 27 February 2017

5.20 At the Panel hearing, APA submitted that it should be made a recommending referral authority. Council accepted this submission on the basis that it does not have the technical expertise to determine whether a particular use may be appropriate in the pipeline measurement length.

5.21 The Panel accepted APA’s submission and noted that given the technical nature of the issue, a more formal process should be provided to enable APA the opportunity to assist the responsible authority in determining a permit application, by furnishing it with specialist advice.

5.22 The Panel noted that with notice, APA would be made aware of the application, but is not required to be provided a copy of the application. On the other hand, referral would ensure that full details of an application are provided to APA, including the building design, location of exits, windows, materials etc. The Panel considered this option to be preferable to mere notice.

Sunbury South and Lancefield Road Panel Hearing - Report dated 15 December 2017

5.23 APA made written submissions to the Panel that Urban Growth Zone - Schedule 9 be amended to insert a provision requiring that a permit be obtained for building and works associated with a number of sensitive uses which are located within the gas pipeline’s measurement length, including child care centres, retail premises and education centres. APA also submitted that it should be afforded the status of a recommending referral authority for nominated applications, rather than merely being notified of applications.

5.24 The Panel commented that the development of land within proximity to gas pipelines has been a “vexed issue in growth area planning over the last few years”. Accordingly, the Panel considered that there is a need for a more definitive, state wide planning policy approach to bring certainty to this issue.

5.25 As is the case in the Fishermans Bend Framework, an SMS had not been obtained in respect of the Sunbury South Precinct. The Panel was concerned that an SMS had not been undertaken to inform the structure plan and noted that the SMS may result in further amendments to the PSP.

5.26 The Panel commented that while there is clear policy support for increased housing densities in the Sunbury South area, this must be balanced with the risks to people and to the pipeline associated with use and development, and particularly associated with sensitive uses and developments that accommodate large congregations of people.

5.27 APA submitted that it did not object to the applied Residential Growth zoning be applied within the pipeline’s measurement lengths, but was concerned about potential densities that could be achieved, and in fact encouraged, within the zone. Notwithstanding APA’s view, the Panel noted that the application of the Residential Growth Zone within the pipeline measurement length was concerning given the state policy on pipelines.

5.28 In this regard, the Panel stated that while new planning controls should avoid unnecessary planning triggers and notice/referrals, a “cautious approach” should be taken in managing land use, buildings and works, and subdivision within the gas pipeline measurement length, given the significant implications to human life and property in the event of pipeline rupture.

5.29 The Panel ultimately accepted APA’s submission that a separate clause relating to gas pipeline matters, that addresses the range of permit controls for use, subdivision and
buildings and works, as well as triggers notice or referral, would provide clear and transparent control.

5.30 The Panel also agreed with APA’s submission that it, as the gas pipeline owner and operator, should have the status of a recommending referral authority for nominated applications, rather than simply be given notice. The Panel considered that APA’s specialist and technical advice meant that it was the appropriate body to assess and decide an application within the gas pipeline measurement length. Accordingly, the Panel considered that the threshold for referral under Planning Practice Note 54 had been satisfied.

5.31 The Panel also accepted APA’s submission that additional uses should be included in referral to the pipeline operator, namely corrective institution, dependent persons unit, retirement village and service station. The Panel commented that accommodation (other than a dwelling) should also be included in the list of uses referred to the pipeline operator.

Mt Atkinson and Tarneit Plains Panel Hearing - Report dated 9 December 2016

5.32 At the Mt Atkinson and Tarneit Plains Panel hearing, APA submitted that a permit should be required to develop sensitive uses within the measurement length of its pipelines. The exhibited Amendment already included a permit trigger for a number of sensitive uses in the measurement length, and the VPA agreed to add service station to the list of uses in response to APA’s submission. The sensitive uses which remained in dispute at the time of the hearing were retail premises and accommodation.

5.33 The Panel confirmed that the preferable way to manage sensitive uses within measurement lengths is to introduce permit triggers for appropriate sensitive uses, rather than by prohibiting sensitive uses. The Panel agreed with APA’s submission that a permit should be required for retail premises, within the measurement length. The Panel commented that “it is appropriate to exercise a degree of caution before allowing such uses within the measurement length of pipelines”.

5.34 However, the Panel did not agree that a permit should be required for accommodation (other than dependent person’s unit and aged care facility). The Panel explained that this was due to the fact that the only applied zone within the measurement length in which accommodation would be permissible is the Mixed Use Zone. The Panel noted that this zone is confined to a relatively small area and is located at the outer edge of the measurement length at some distance from the pipelines.

5.35 APA further recommended that it be nominated as a referral authority for permit applications relating to subdivision and construction of a building to be used for sensitive uses within the measurement lengths of pipelines. APA submitted that referral was preferable to notification, as it has industry knowledge that could inform the planning process in a meaningful way.

5.36 The Panel ultimately agreed with the VPA’s submission that notice is sufficient. The Panel considered that notice provides APA with the opportunity to provide technical expertise regarding permit applications (without determining their outcome), and that APA would appeal rights at VCAT if it was dissatisfied with a particular permit decision. The Panel therefore recommended that Clause 6.0 of the Urban Growth Zone – Schedule 9 be amended to require APA to be notified of applications for development of a number of sensitive uses, including service stations, child care centres, corrective institutions, retail premises and education centres.

Donnybrook/Woodstock Panel Hearing - Report dated 8 September 2016
5.37 At the Donnybrook Panel hearing, APA submitted that that the Urban Growth Zone be amended to include a requirement for a permit to be obtained for sensitive uses as well as a new referral provision requiring applications for any sensitive uses within a 341 metre radius of APA’s pipelines be referred to either ESV or the Minister.

5.38 The Panel was not minded to afford ESV or the Minister the status of a referral authority in the Planning Scheme. However, the Panel agreed to amend Schedule 6 of the Urban Growth Zone of the Whittlesea Planning Scheme and Schedule 4 of the Urban Growth Zone of the Mitchell Planning Scheme to require notice to be given to a gas transmission licensee of an application for development of residential aged care facilities, child care centres, cinema based entertainment facilities, education centres, hospitals, places of assembly and retain premises, within the gas pipeline’s measurement length.

Wollert Panel Hearing - Report dated 1 April 2016

5.39 At the Wollert hearing, APA submitted that a permit trigger should be included in the Urban Growth Zone to require a permit for certain sensitive uses within the measurement length of its transmission pipelines.

5.40 The Panel recommended in its report that specific wording should be included in the Urban Growth Zone to require that APA be notified, as the pipeline operator, of an application on land within the measurement length of APA’s pipelines for a child care centre, an education centre, a place of assembly, retail premises, a cinema based entertainment facility, hospital or aged care facility, or where density will equal or exceed 30 dwellings per net developable hectare. In accordance with the Panel’s recommendation, APA would simply be notified of an application, instead of having the status of a referral authority.

5.41 The Wollert Panel was ultimately unsupportive of APA’s position that it is prudent to adopt an approach to safety that goes beyond that which is required by AS2885, on the basis that the risk associated with pipeline rupture is unquantifiable.

5.42 ESV wrote to the Panel in response to its findings and stated that it was concerned about a number of the assertions made by the Panel in relation to risk, submitting that these assertions were “fundamentally misconceived”. ESV noted that the Panel’s misconception stems from the notion that some level of risk is tolerable. It said that this test is not appropriate when considering credible and foreseeable high-consequence events. In the case of high pressure gas transmission pipelines, ESV considered that the relevant test should be:

“Has or was all reasonable precautions taken to mitigate the impact of such an event? For instance, building a school with a high pressure gas transmission pipeline in its grounds would not be regarded as a prudent or precautionary act - irrespective of a pipeline failure.”

Lara West Panel Hearing - Report dated 19 July 2013

5.43 APA made submissions to the Panel that it was necessary to locate medium density and other sensitive land uses outside the measurement length of pipelines in order to reduce the risk to public to an acceptable level. ESV made similar submissions which were ultimate accepted by the Panel. The Panel stated that:
"it is unfortunate that the significance of the pipeline did not become apparent early in the planning process for the area [...] this reflects a shortcoming in the planning system that deserves attention."

5.44 Accordingly, the Panel recommended that all sensitive land uses, including education centres, childcare centres, child and maternity health centres, residential aged care facilities, libraries and hospitals, should be located 554 metres outside the pipeline's measurement length.

5.45 The Panel made further recommendations that a new referral requirement be included in the Urban Growth Zone, stipulating that any permit application for the use, development or subdivision of land within the measurement length as shown in the Lara West Precinct Structure Plan must be referred to ESV for consideration.

5.46 The Panel also stated that it would be prudent to implement some form of notice for newcomers buying into the area about the existence of the pipeline. In the Panel’s view:

"it is in no-one's interest that prospective land purchasers are ignorant of the presence of the pipeline or the risks associated with it and therefore notice for newcomers buying into the area about the existence of the pipeline is reasonable".

6 Definition of 'sensitive uses'

6.1 In the Victorian planning system, the term ‘sensitive use’ is used in a range of tools and guidelines. This includes the Environmental Audit overlay where the definition of ‘sensitive use’ includes a residential use, a child care centre, a pre-school centre, or a primary school. Similarly, in Planning Advisory Note 56 for Planning for Ports and their Environments (October 2014), the definition of ‘sensitive use’ includes accommodation, childcare facilities, pre-school centres or primary schools.

6.2 AS2885 defines ‘sensitive uses’ as follows:

6.3 "The sensitive use location class identifies land where the consequences of a failure may be increased because it is developed for use by sectors of the community who may be unable to protect themselves from the consequences of a pipeline failure. Sensitive uses are defined in some jurisdictions, but include schools, hospitals, aged care facilities and prisons. Sensitive use location class shall be assigned to any portion of pipeline where there is a sensitive development with a measurement length. It shall also include locations of high environmental sensitivity to pipeline failure."

6.4 APA submits that sensitive uses typically relate to areas where:

(a) vulnerable members of the community are located (for example, hospitals, schools and aged care facilities);

(b) where large numbers of the community congregate and where the use is such that it may reasonably require a greater degree of co-ordination in the event of an emergency (for example, cinemas, places of assembly and retail premises); and

(c) residential use occurs at medium to high densities.

6.5 Strategy 1.8.1 of the Framework requires "a permit for sensitive uses in proximity to some existing and planned infrastructure (figure 9) which is likely to impact amenity." However,
the strategy does not refer to safety consideration nor does it identify the pipelines. It also fails to identify the pipeline measurement lengths and the potential safety and security of supply implications of locating sensitive and dense land uses adjacent to the existing pipelines.

6.6 In order to maintain public safety and to ensure Amendment GC81 achieves its objective of protecting utilities, APA submits that the Fishermans Bend Framework should be amended to clearly depict the measurement lengths associated with APA’s high pressure gas transmission pipelines and identify those areas as areas where development must be responsiveness to the need to protect the safety of the community and the integrity of the pipeline and Victoria’s gas supply.

7 The importance of a safety management study

7.1 As a pipeline licensee, APA is bound by AS2885. AS2885 mandates the manner in which pipelines are to be operated and maintained. Specifically, AS2885 regulates:

(a) safety, including the safety management process and environmental management;
(b) materials and components to be used when constructing pipelines;
(c) the design of pipelines, including wall thickness and jointing; and
(d) inspections and testing.

7.2 To ensure that the safety of the pipeline is maintained, AS 2885 requires a safety management study (SMS) to be obtained when land use changes are proposed in close proximity to a pipeline. This is primarily because the pipeline is designed to be in a specific environment and when land use changes significantly around a pipeline (within its measurement length), AS2885 require a risk assessment to be performed to identify, consider and address the implications to the pipeline as well as to the environment and community.

7.3 To date, such land use change considerations have typically been in Melbourne’s metropolitan growth areas where the land use change is from rural to suburban (being R to T1 under the AS2885). In those Precinct Structure Plan processes, it has become standard practice to undertake an SMS in the early consideration of the land use change to appropriately address the principal changes occurring on a Precinct Structure Plan wide basis.

7.4 APA has previously recommended that an SMS be conducted in respect of the Fishermans Bend precinct in correspondence to Place Victoria on 22 November 2013 and the Fishermans Bend Task Force on 1 July 2016.

7.5 The SMS process involves considering all identifiable root causes of pipeline failure, mitigating them to the extent possible, and assessing the residual risk or those that cannot be eliminated.

7.6 The SMS is typically conducted by an independent facilitator and is signed off by the pipeline operator. However, it is typical and desirable for all stakeholders, including the Council, VicRoads, developers and the VPA to partake in the SMS process together to ensure that all parties involved in the development process can collaborate and consider ways in which the risks associated with development in proximity to pipelines can be minimised and managed appropriately. Accordingly, while APA is willing to engage in the process, the SMS will be far more beneficial if all relevant parties are involved in the process.
7.7 The SMS will specify locations where it is unsafe to develop on the land, or where specific measures are required to ensure that risk is minimised and managed. Given an SMS has not yet been obtained, APA submits that the Fishermans Bend Framework may be encouraging uses which will not necessarily be supported by the SMS.

7.8 It is APA’s view that without first obtaining the SMS to determine which areas of land are safe to develop, the Framework could be generating unrealistic and unworkable expectations for development within the industry. It may be that the SMS prescribes that sensitive land uses be located outside of the measurement length of APA’s pipelines. Conversely, an SMS may allow for the development of sensitive land uses within the measurement length, contingent on the implementation of protective measures such as slabbing the pipeline. Importantly, the SMS may also reduce the measurement lengths of APA’s.

7.9 It is clearly strategic to underpin the framework with a thorough SMS process. This will reduce red tape and the burden on individual land owners, and will lead to a more strategic and considered framework and equip decision makers and developers to address safety management with comfort and some certainty.

7.10 In the absence of a comprehensive framework for Fishermans Bend, individual SMS’ have been completed for Ferrars Street Primary School and the residential development at 127 Williamstown Road, Port Melbourne. While these developments were ultimately permitted following the SMS process, a number of alterations were recommended, including increasing setbacks of the building to the pipeline as well as slabbing the concrete, at the developer’s expense.

7.11 An SMS will also help determine whether any additional pipeline protection measures, such as additional signage, increased patrols and slabbing of the pipeline will need to be undertaken by APA so as to accommodate the Framework. The cost of these protective measures would then need to be factored into any Development Contributions plan for the area.

7.12 APA submits that the SMS be performed as part of the framework planning and the resultant SMS be included as a reference document in the relevant planning scheme.

8 Notification

8.1 It is crucial that the Fishermans Bend Framework allows APA to achieve the safety obligations conferred on it pursuant to the Pipelines Act 2005 and under AS2885.

8.2 APA submits that the planning scheme should include a permit trigger for sensitive uses and that APA (or ESV if that is the decision taken by the Minister) should be nominated as a recommending referral authority. The “sensitive uses” should be defined as:

(a) child care centre;
(b) cinema based entertainment facility;
(c) corrective institution;
(d) dependent persons unit;
(e) education centre;
(f) hospital;
(g) place of assembly;
(h) residential aged care facility;
(i) retail premises;
(j) retirement village;
(k) service station; and
(l) accommodation (other than corrective institution, depended persons unit, retirement village) greater than three storeys [noting however that the SMS process could lead to further refinement in terms of the residential use triggers].

8.3 A recommending referral authority is entitled to receive a copy of an application for a permit and all prescribed information, as well as ask for further information in relation to the application, unlike a party that is entitled only to receive notice. These powers allow a referral authority to influence the outcome of an application for a permit, rather than being a mere bystander with limited influence and access to information.

8.4 In order to ensure that an application for sensitive uses within the measurement length of a pipeline is considered by an authority with the specialist expertise to determine whether that use can occur safely in the proposed location, and that the outcome of the application is directed by that authority, the permit application should be referred to a recommending referral authority. APA submits that notification of a permit is not sufficient.

8.5 As the pipeline licensee, APA has the necessary specialist and technical knowledge, skills and expertise to determine whether it is safe for a particular use to be developed at a specific location. The pipeline licensee is also aware of any design or other measures that the applicant should take to mitigate these risks.

8.6 Planning Practice Note 54 states that a key criteria for considering whether a body should be a recommending referral authority is whether the body's specialist and technical advice is required in order to enable the responsible authority to properly assess the application (for referral). In our view, APA's specialist technical advice will be advantageous in determining whether sensitive uses can be developed within the pipeline measurement length.

8.7 The Pipeline Corridor Committee is currently seeking to establish a notification zone around pipelines to ensure that high pressure pipelines are given consideration in planning decisions. The presence of the notification zone, in our client's view, would inform planning authorities and development proponents of the need to consider public safety around the pipeline when considering planning policy amendments and development applications.

8.8 Our client submits that, because this notification has not yet been implemented, it is necessary to include an interim provision in the Fishermans Bend Framework to control sensitive uses in the measurement length or smaller area identified in any future SMS.

Natalie Bannister
Partner
Hall & Wilcox Lawyer
Text A

A permit is required to use land that is located within:

(a) 450 metres of the South Melbourne to Brooklyn (PL108 T33) pipeline with Pipeline Licence 108 T33

(b) 450 metres of the Dandenong to West Melbourne (PL 36 T16) pipeline with Pipeline Licence 36 T16

(c) 100 metres of Port Melbourne to Symex Holdings (PL164 T89) pipeline with Pipeline Licence 164 T89.

as shown on Plan XX in the incorporated Fishermans Bend Framework for the following land uses:

(d) child care centre;

(e) cinema based entertainment facility;

(f) corrective institution;

(g) dependent persons unit;

(h) education centre;

(i) hospital;

(j) place of assembly;

(k) residential aged care facility;

(l) retail premises;

(m) retirement village;

(n) service station; and

(o) accommodation (other than corrective institution, depended persons unit, retirement village) greater than three storeys [noting however that the SMS process could lead to further refinement in terms of the residential use triggers].

Where an application is made for a permit, the application must be referred to the pipeline licensee of the gas transmission pipeline. The purpose of this provision is to ensure that, prior to the commencement of any of the said uses; consideration is given to the safety of locating the use nearby to the gas transmission pipeline.
Prior to the commencement of any works, including demolition, on land within 50 metres of the gas pipeline easement shown on Plan ## - ##, a construction management plan must be submitted to and approved by the responsible authority.

The plan must:

(a) reference the owner/operator of the high pressure gas pipeline;

(b) be endorsed by the owner/operator of the high pressure gas transmission pipeline where the works are within, crossing, or in close proximity to the relevant gas transmission easement; and

(c) include any other relevant matter to the satisfaction to 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.
ESV ref: PEGAPRF-119

3 May 2016

Ms Kathy Mitcholi
Chief Panel Member
Planning Panels Victoria
Level 5, 1 Spring Street
MELBOURNE VIC 3000

Dear Ms Mitchell

WHITTLESEA PLANNING SCHEME AMENDMENT C167
WOLLERT PRECINCT STRUCTURE PLAN – PART A PANEL REPORT


Energy Safe Victoria (ESV) has reviewed the report and urges the Panel to review its findings in relation to the risks associated with land development in proximity to gas pipeline infrastructure as we believe the conclusions are misconceived. ESV is also concerned that this Report will set a harmful precedent for future strategic planning. I strongly recommend that the Panel consider issuing a revised report or further commentary on the matter in its Part B Report.

Background
ESV is the independent statutory technical regulator responsible for electricity, gas and pipeline safety in Victoria. ESV’s role is broad and covers, amongst other things, the security of energy supply and public safety including overseeing the design, construction and maintenance of electricity, gas and pipeline networks across the State.

Under the Pipelines Act 2005, a licence is required to construct or operate a pipeline as well as compliance with the national pipeline code Australian Standard (AS) 2885. ESV accepts and assesses compliance with pipeline licensee safety cases, safety management and environmental management plans to ensure appropriate safety and environmental outcomes.

There are 214 licences for onshore high-pressure pipelines in Victoria, with a total length of more than 4668 kilometres. These pipelines transport natural gas and other petroleum products including LPG, oil, unprocessed hydrocarbons and liquid fuels.

Included in the 214 licences are those that form the Victorian gas transmission system, which comprises more than 2000 kilometres of high-pressure gas pipelines. Almost all of the natural gas consumed by the State is transported through this system.

The transmission system serves a total consumption base of approximately 1.5 million residential consumers and approximately 50,000 industrial and commercial users throughout Victoria.
A common characteristic of all high-pressure pipelines is the highly volatile nature of the fluids being transported. A full-bore rupture failure of a high-pressure gas pipeline has the potential to cause catastrophic damage hundreds of metres away from the pipeline. In urban areas, such an event may result in injury, destruction of property and loss of life.

Australia has an enviable safety record with pipelines. However, catastrophic and devastating events have occurred in other developed countries and such an event could foreseeably occur in Victoria, irrespective of the controls put in place. ESV has a statutory obligation to ensure that, as far as practicable, pipeline safety remains an absolute priority for the economic and social well-being of all Victorians.

Part A Panel Report

ESV does not question any of the findings or recommendations the Panel has made in the Part A Report. ESV is, however, particularly concerned with a number of assertions made in relation to risk. ESV believes these assertions are fundamentally misconceived and, given the weight this document holds and the potential precedent it sets for future strategic planning projects, they must not be left unchallenged.

In the Panel's discussion on page 56 of the Part A Report, they state:

The notion that controls should further restrict development in the measurement length of the pipeline on the basis of an unquantifiable risk is not prudent. Urban environments present a number of obvious risks; the risk of death or injury from a motor vehicle accident being obvious and uncontroversial. More controversial are the possible health risks from some patterns of development, or the health opportunities foregone from reduced access to open space.

Designing an area to avoid some sort of unforeseen risk from a pipeline failure runs the risk of introducing other unforeseen risks from changed pedestrian and traffic patterns or access to open space. The catastrophic nature of a gas pipe explosion has to be seen in the context of such an explosion happening in the first place. The failure of the pipe, if it ever were to occur, would be akin to a building falling down. Proper management of construction activities near the pipeline and a proper inspection regime should guard against these eventualities.

The reference to risk from a pipeline failure being "unforeseen" is not correct and the implied pre-emptive response misguided. Furthermore, the characterisation of the risk does not accord with the position taken by courts, under common law, under Australian OHS law and, following many disasters, the outcomes of countless boards of inquiry throughout the world.

Risk

Pipeline and people can and need to coexist. Fortunately, Australia has not experienced a full-bore rupture in a populated area. The regulatory regime (and planning regime) should be about ensuring that, as far as practical, high-consequence but low-probability events do not occur.

A number of barriers are put in place to ensure our pipelines are as safe as possible. These barriers include both precautionary barriers and mitigation barriers. Land use planning is an important part of the overall risk mitigation strategy, and is used in conjunction with many other precautionary and mitigation barriers. I have attached a copy of the threat-barrier diagram for product release from licensed pipelines for your information.

The clear evidence following disasters around the world suggests that most high-impact, low-probability events occur because of the aligned failures or partial failures of a number of physical and procedural barriers (threat barriers) that are designed to prevent injury or
damage to people, property and the environment, rather than because of an isolated random major failure.

Most recently the Bushfires Royal Commission made similar observations, which underpinned many of its recommendations, all of which were accepted by the State Government. There is a clear relationship from these learnings to pipelines with respect to adopting a precautionary approach to foreseeable and credible high-impact but low-probability events.

The panel’s misconception relates to the notion that some level of risk (probability * consequence) is tolerable. While for low-impact risk this might be appropriate, it is not appropriate when considering credible and foreseeable high-consequence events. In this case the relevant test is: has or was all reasonable precautions taken to mitigate the impact of such an event. Taking an extreme example, such as building a school with a high pressure gas transmission pipeline in its grounds, would not be regarded as a prudent or precautionary act – irrespective of the probability of a pipeline failure.

The issue turns on the notion of probability and whether it is always reasonable to "take the risk" irrespective of foreseeable impact. The courts have been clear on this point; it is not reasonable. To quote one eminent expert: "The primary reason for the judicial rejection of target levels or risk or safety appears to hinge around the notion of uncertainty. When a risk expert says something is safe because the likelihood of its occurrence is around $1 \times 10^{-6}$ per year or $1 \times 10^{-7}$ per year, they are really speaking of an inspired guess estimate or characterisation of uncertainty. That level of unlikelihood when describing a real world occurrence is just unpredictable. That is why our courts and parliaments have opted for demonstrating that all reasonable precautions are in place (the SF AIRP approach) as an alternative to calculating a difficult-to-defend number (the As low As Reasonably Practicable ALARP approach), after an event."¹

Over the last decade, pipeline disasters across North America, Europe and Asia have resulted in up to 55 people killed and many hundreds more injured, town evacuations, and serious damage to major roads and infrastructure. In the same period up to 2015, six major losses of containment spilled nearly seven million litres of oil, petrol, diesel and crude oil. In 2015 alone, four major accidents in North America resulted in the spillage of close to eight million litres of condensate, gas and oil emulsion.

This is evidence that we are not dealing with a hypothetical issue or unforeseeable event. Pipelines are in land owned by and accessible to the public. Third-party interference and structural failures have the potential to cause high-consequence events involving death and significant supply interruption, and are the biggest risks facing assets operated by pipeline licensees. Detected unauthorised encroachments within three metres of licensed pipelines are increasing.

A high-impact, low-probability event is foreseeable.

Summary
ESV strongly disagrees with the comments made by the Panel in relation to the risks associated with development around pipelines. The views expressed are misconceived and are not supported by ESV. I am concerned that this Report will set a very harmful precedent for future strategic planning. I strongly recommend that the Panel consider issuing a revised report or further commentary on the matter in its Part B Report.

ESV has made representations pertaining to the issue of land development around pipelines to the Major Hazard Facilities Advisory Committee. We note that this Committee is still considering its position and advice on this matter. In the meantime, my staff would be happy to meet with you and/or other Panel members to discuss this issue in more detail and explain the concept of risk as it pertains to land development around pipelines from the perspective of ESV.

Should you have any queries regarding our submission please contact Steve Cronin, Acting Executive Manager Gas & Pipeline Infrastructure Safety, via email at scronin@esv.vic.gov.au or on 03 9271 5448.

Yours sincerely,

[Signature]

Paul Pearson
DIRECTOR OF ENERGY SAFETY

Enc: Threat Barrier Diagram
# Submission by APA Group to Amendment GC81
Comparison of recent Precinct Structure Plan provisions for pipelines

<table>
<thead>
<tr>
<th>Precinct Structure Plan</th>
<th>Relevant provision</th>
<th>Text of the control</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plumpton</td>
<td>Clause 2.5, Schedule 11 of the Urban Growth zone</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Clause 66.06, Notice of permit applications</td>
<td></td>
</tr>
</tbody>
</table>

**Text of the control**

Gas pipeline construction management plan required whether or not a permit is required

Prior to the commencement of any works, including demolition, on land within, or within 50m of the boundary of the gas easement shown as on Plan 2 – Precinct Features and Plan 11 – Utilities in the incorporated Plumpton 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 owner/operator of the high pressure gas pipeline; and
- Be endorsed by the owner/operator of the high pressure gas transmission pipeline prior to being submitted to 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.

### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Place of worship</td>
<td>On land in the 'high pressure gas transmission pipeline measurement length' depicted on Plan 11 of the Plumpton Precinct Structure Plan.</td>
</tr>
<tr>
<td>Residential aged care facility</td>
<td></td>
</tr>
</tbody>
</table>

**Notice of permit applications under local provisions**

<table>
<thead>
<tr>
<th>Clause</th>
<th>Kind of application</th>
<th>Person or body to be notified</th>
</tr>
</thead>
</table>
| Schedule 11 to Clause 37.07 (UGZ) | An application to use land or construct a building or carry out works associated with any of the following uses within the 'high pressure gas transmission pipeline measurement length' shown on Plan 11 Utilities in the incorporated Plumpton Precinct Structure Plan.  
- Accommodation (other than dwelling and dependent persons unit)  
- Child care centre  
- Corrective institution  
- Education centre  
- Hospital  
- Place of assembly  
- Service station | The licensee and/or operator of the Derrimut to Sunbury pipeline and Truganina to Plumpton transmission gas pipeline. |
| Schedule 11 to Clause 37.07 (UGZ) | An application to use land or construct a building or carry out works associated with any of the following uses within the 'city gate measurement length' shown on Plan 11 Utilities in the incorporated Plumpton Precinct Structure Plan.  
- Accommodation (other than dwelling and dependent persons unit)  
- Child care centre  
- Corrective institution  
- Education centre  
- Hospital  
- Place of assembly  
- Service station | The licensee and/or operator of the Plumpton Gas City Gate. |
### Condition - Gas pipeline construction management plan

Prior to the construction of a building or the carrying out of works, including demolition, on land within 50 metres of the gas pipeline easement shown on Plan 16 – Utilities in the incorporated Donnybrook-Woodstock Precinct Structure Plan, October 2017, 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 or crossing the relevant gas transmission easement.
- Include any other relevant matter to the satisfaction of the responsible authority.

The Responsible Authority must be satisfied that the gas transmission pipeline licensee has reviewed and approved the Construction Management Plan.

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.

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

- An application on land shown as 'gas pipeline measurement length' on 'Plan 16 – Utilities' in the incorporated Donnybrook-Woodstock 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
<table>
<thead>
<tr>
<th>Wollert</th>
<th>Clause 5 of Schedule 5 of the Urban Growth zone of the Whittlesea Planning scheme</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice to be given to body listed in the schedule to clause 66.06</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5.0</th>
<th>Notice to gas transmission pipeline owner and operator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice must be given to the person or body listed in the Schedule to Clause 66.06 of an application on land shown within the gas pipeline buffer as shown on Plan 5 in the incorporated Wollert Precinct Structure Plan, June 2017 for any of the following:</td>
<td></td>
</tr>
<tr>
<td>- Accommodation (other than a dwelling on a lot or a Dependent person’s unit)</td>
<td></td>
</tr>
<tr>
<td>- Dwelling where density will equal or exceed 30 dwellings per net developable hectare</td>
<td></td>
</tr>
<tr>
<td>- Child care centre</td>
<td></td>
</tr>
<tr>
<td>- Education centre</td>
<td></td>
</tr>
<tr>
<td>- Place of Assembly</td>
<td></td>
</tr>
<tr>
<td>- Retail premises</td>
<td></td>
</tr>
<tr>
<td>- Cinema based entertainment facility</td>
<td></td>
</tr>
<tr>
<td>- Hospital</td>
<td></td>
</tr>
<tr>
<td>- Aged Care Facility.</td>
<td></td>
</tr>
</tbody>
</table>

| Clause 5.0 of Schedule 5 to Clause 37.07 (UGZ) | An application on land shown within the gas pipeline buffer on Plan 5 in the Wollert Precinct Structure Plan, June 2017 for Accommodation (other than a dwelling on a lot or a Dependent person’s unit), dwelling where density will equal or exceed 30 dwellings per net developable hectare, a Child care centre, Education centre, Place of Assembly, Retail premises, Cinema based entertainment facility, Hospital or Aged Care Facility, |

| Lara West | Clause 3 of Schedule 6 to the Urban Growth zone of the Greater Geelong Planning Scheme |

| High Pressure Gas Pipeline |
|---|---|
| Any permit application for the use, development or subdivision of land within the high pressure gas pipeline measurement length (as defined in AS2885) as shown in the incorporated Lara West Precinct Structure Plan must be referred to the Minister administering the Pipelines Act 2005. |
**Mt Atkinson & Tarneit**

Clause 2.3, 2.5 and 5 of Schedule 9 to the Urban Growth Zone in Melton Planning Scheme

Clause 66.06 - Notice of permit applications

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**Use of land within the High Pressure Gas Transmission Pipeline Measurement Length**

A permit is required to use land for Accommodation (other than Dwelling), a Child care centre, Cinema based entertainment facility, Corrective institution, Education centre, Hospital, Place of assembly and Service station in the ‘high pressure gas transmission pipeline measurement length’ shown on Plan 11 in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*.

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**Notice of permit applications under local provisions**

<table>
<thead>
<tr>
<th>Clause</th>
<th>Kind of application</th>
<th>Person or body to be notified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 5.0 of Schedule 9 to Clause 37.07 (UG29)</td>
<td>Any application for use or development of the type listed in this clause, within the ‘high pressure gas transmission pipeline measurement length’ shown on Plan 11 Utilities in the Incorporated Mt Atkinson &amp; Tarneit Plains Precinct Structure Plan</td>
<td>Any owner or operator of the high pressure gas transmission pipeline</td>
</tr>
</tbody>
</table>

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**Gas pipeline construction management plan required whether or not a permit is required**

Prior to the commencement of any works, including demolition, on land within, or within 50 metres of the boundary of the high pressure gas transmission pipeline easement on Plan 11 in the *Mt Atkinson & Tarneit Plains 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 owner/operator of the high pressure gas pipeline; and
- Be endorsed by the owner/operator of the high pressure gas transmission pipeline prior to being submitted to the responsible authority.

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

The construction management plan may, with the prior approval of the pipeline owner and operator, be amended to the satisfaction of the responsible authority.
| Notice must be given to the person or body listed in the Schedule to Clause 66.06 of an application to use land or construct a building or carry out works associated with any of the following uses within the 'high pressure gas transmission pipeline measurement length', shown on Plan 11 in the incorporated 
*Mt Atkinson & Tarneit Plains Precinct Structure Plan:

- Accommodation (other than a Dwelling)
- Child care centre
- Cinema based entertainment facility
- Corrective institution
- Education centre
- Hospital
- Place of assembly
- Retail
- Service station |
SCHEDULE 11 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as UGZ11.

PLUMPTON PRECINCT STRUCTURE PLAN

1.0

The plan

Plan 1 below shows the future urban structure proposed in the Plumpton Precinct Structure Plan. It is a reproduction of Plan 3 in the Plumpton Precinct Structure Plan.

Plan 1 to Schedule 11 to Clause 37.07

2.0

Use and development

2.1

The land

The use and development provisions specified in this schedule apply to the land as shown within the 'precinct boundary' on Plan 1 of this schedule and shown as UGZ11 on the planning scheme maps.

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

2.2

Applied zone provisions

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 Plumpton 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:* 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

<table>
<thead>
<tr>
<th>Arterial Road</th>
<th>Clause 36.04 – Road Zone Category 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial</td>
<td>Clause 33.01 – Industrial 1 Zone</td>
</tr>
<tr>
<td>Business</td>
<td>Clause 34.02 – Commercial 2 Zone</td>
</tr>
<tr>
<td>Town Centre</td>
<td>Clause 34.01 – Commercial 1 Zone</td>
</tr>
<tr>
<td>Local Convenience Centre</td>
<td>Clause 32.04 – Mixed Use Zone</td>
</tr>
<tr>
<td>Mixed Use</td>
<td>Clause 32.07 – Residential Growth Zone</td>
</tr>
<tr>
<td>Residential on a lot wholly within walkable residential catchment boundary (once subdivided)</td>
<td>Clause 32.08 – General Residential Zone</td>
</tr>
</tbody>
</table>

### Specific provision – Use of land

#### Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary school</td>
<td>On land shown as Potential Non-Government Primary School on Plan 3 of the Plumpton Precinct Structure Plan.</td>
</tr>
<tr>
<td>Restricted retail</td>
<td>On land where the applied zone is Commercial 2 Zone for land shown as Business in the Plumpton Precinct Structure Plan if the combined leasable floor area of all Restricted retail premises exceeds 20,000m² for land shown as Business in the Plumpton Precinct Structure Plan.</td>
</tr>
<tr>
<td>Retail premises (other than food and drink premises, gambling premises motor vehicle, boat, or caravan sales, and shop except restricted retail premises)</td>
<td>On land where the applied zone is Commercial 2 Zone directly north of the Plumpton Local Town Centre in the Plumpton Precinct Structure Plan. The leasable floor area of each use must not exceed 900m².</td>
</tr>
<tr>
<td>Shop</td>
<td>On land where the applied zone is Commercial 1 Zone if the combined leasable floor area of all shops exceeds:</td>
</tr>
<tr>
<td></td>
<td>• 45,000 square metres for land shown as a Major Town Centre in the Plumpton Precinct Structure Plan.</td>
</tr>
<tr>
<td></td>
<td>• 7,200 square metres for land shown as a Local Town Centre in the Plumpton Precinct Structure Plan.</td>
</tr>
<tr>
<td></td>
<td>• 1,000 square metres for land shown as a Local Convenience Centre in the Plumpton Precinct Structure Plan.</td>
</tr>
</tbody>
</table>
**Use** | **Condition**
---|---
Any use listed in Clause 62.01 | Must meet the requirements of Clause 62.01.
Any use listed in Section 1 in the Table of uses of the applicable applied zone | 

**Section 2 - Permit required**

| Use | Condition |
---|---|
Dwelling | On land where the applied zone is Mixed Use Zone if any frontage at ground level exceeds 2 metres. |
Place of worship | On land in the 'high pressure gas transmission pipeline measurement length' depicted on Plan 11 of the Plumpton Precinct Structure Plan. |
Residential aged care facility | 
Any other use not in Section 1 or 3 in the Table of uses in the applicable applied zone | 

**Section 3 – Prohibited**

| Use | Condition |
---|---|
Food and drink premises | On land where the applied zone is Commercial 2 Zone directly north of the Plumpton Local Town Centre in the Plumpton Precinct Structure Plan, if the Section 1 condition is not met. |
Gambling premises | On land where the applied zone is Commercial 2 Zone directly north of the Plumpton Local Town Centre in the Plumpton Precinct Structure Plan. |
Motor vehicle, boat, or caravan sales | On land where the applied zone is Commercial 2 Zone directly north of the Plumpton Local Town Centre in the Plumpton Precinct Structure Plan. |
Retail premises (other than food and drink premises, gambling premises, motor vehicle, boat, or caravan sales, and shop except restricted retail premises) | On land where the applied zone is Commercial 2 Zone directly north of the Plumpton Local Town Centre in the Plumpton Precinct Structure Plan, if the Section 1 condition is not met. |
Shop (except restricted retail premises) | On land where the applied zone is Commercial 2 Zone directly north of the Plumpton Local Town Centre in the Plumpton Precinct Structure Plan. |
Any use listed in Section 3 in the Table of uses of the applicable applied zone | 

**2.4**

Subdivision

None specified.

**2.5**

Specific provision – Buildings and works

Dwellings on a lot less than 300 square metres

A permit is not required to construct or extend one dwelling on a lot 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 Melton Planning Scheme.
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 a Potential Non-Government School unless exempt under Clauses 62.02-1 and 62.02-2.

Gas pipeline construction management plan required whether or not a permit is required

Prior to the commencement of any works, including demolition, on land within, or within 50m of the boundary of the gas easement shown as on Plan 2 – Precinct Features and Plan 11 – Utilities in the incorporated Plumpton 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 owner/operator of the high pressure gas pipeline; and
- Be endorsed by the owner/operator of the high pressure gas transmission pipeline prior to being submitted to 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.

2.6

01/02/2018
C146

Specific provision – Urban Design Framework

Except with the consent of the responsible authority and the Victorian Planning Authority, a permit must not be granted to use or subdivide land, or construct a building and carry out works on land identified as 'Plumpton Major Town Centre' or the 'Business and Industrial Precinct (part) UDF extent' on Plan 5 in the incorporated Plumpton Precinct Structure Plan, until an urban design framework for the area has been prepared to the satisfaction of the responsible authority and the Victorian Planning Authority.

An urban design framework approved under this schedule must be generally in accordance with the precinct structure plan applying to the land.

An application for use and/or development on land identified as 'Plumpton Major Town Centre' or the 'Business and Industrial Precinct (part) UDF extent' on Plan 5 in the incorporated Plumpton Precinct Structure Plan must be consistent with any urban design framework approved under this schedule.

A permit may 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 for the relevant area if, in the opinion of the responsible authority, the permit is consistent with the requirements for the urban design framework and the permit implements the objectives in the Plumpton Precinct Structure Plan.

The responsible authority may allow an urban design framework to be prepared in stages.

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

3.0

01/02/2018
C146

Application requirements

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.

Subdivision - Residential development

In addition to the requirements of Clause 56.01-2, a Subdivision Design Response for a residential subdivision of less than 60 lots must show the proposed use and development of
each part of the land, and the staging of the development for all land in contiguous ownership with the land under application.

An application for a residential subdivision of 10 lots or more must be accompanied by:

- A written statement that sets out how the subdivision implements the incorporated Plumpinton Precinct Structure Plan.
- Subdivision and Housing Design Guidelines, prepared to the satisfaction of the responsible authority, in accordance with the incorporated Plumpinton Precinct Structure Plan.
- A table setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields.
- A Traffic Impact Assessment Report to the satisfaction of the relevant road management authority.
- 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 preliminary site assessment of the potential for contaminated land as a result of previous land uses, carried out by a suitably qualified person.

Local Town Centres

An application to use, subdivide land, construct a building or construct or carry out works for a Local Town Centre must also include the following information, as appropriate, to the satisfaction of the responsible authority:

- A design response report and plans that:
  - address the Local Town Centre requirements, the Local Town Centre Guidelines and the Local Town Centre Concept Plan in the Plumpinton Precinct Structure Plan;
  - address any relevant design guidelines prepared by the Victorian Government or the Melton City Council;
  - demonstrate how the proposal relates to existing or approved development in the area;
  - demonstrate site responsive architecture and urban design;
  - demonstrate how the proposal will contribute to the urban character of the Local Town Centre;
  - explain how the proposal responds to feedback received following consultation with relevant infrastructure agencies such as the Transport for Victoria;
  - include environmental sustainability initiatives including integrated water management and energy conservation;
  - include provisions for car parking including the location and design of car parking areas and car parking rates for proposed uses within the centre;
  - address the provision of advertising signs;
  - include arrangements for the provision of service areas and for deliveries and waste disposal including access for larger vehicles and measures to minimise the impact on the amenity of the centre and adjoining neighbourhoods; and
  - demonstrate how opportunities for medium and higher density housing and future commercial expansion can be incorporated into the centre (including on future upper levels and through future car park redevelopments).
An overall landscape concept/master plan for the centre including a design of the town square/public space.

Public Infrastructure Plan

An application for subdivision and/or use and development of land 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 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.

Traffic Impact Assessment

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

Subdivide, use or develop land for a sensitive purpose – Environmental Site Assessment

An application to subdivide land or to use or develop land identified in Table 3 of this Schedule, for a sensitive use (residential use, child care centre, pre-school centre or primary school) must be accompanied by an Environmental Site Assessment prepared by a suitably qualified environmental professional to the satisfaction of the responsible authority which takes account of the report titled *Plumpton and Kororoit Precincts, Land Capability Assessment, (GHD, October 2013)* and provides information including:

- Further detailed assessment of potential contaminants on the relevant land;
- Clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the *Potentially Contaminated Land General Practice Note June 2005, DSE*;
- Further detailed assessment of surface and subsurface water conditions and geotechnical characteristics (including soil and groundwater sampling) 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; and
- Recommended remediation actions for any potentially contaminated land.

**Table 3: Environmental Site Assessment**

<table>
<thead>
<tr>
<th>Address</th>
<th>Legal Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1048 Taylors Road, Fraser Rise</td>
<td>Lot 1 on PS709426</td>
</tr>
<tr>
<td>1052 Taylors Road, Fraser Rise</td>
<td>Lot 1 on PS804066</td>
</tr>
</tbody>
</table>
Conditions and requirements for permits

Conditions - Subdivision permits that allow the creation of a lot 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 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 Melton 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.

Conditions - Subdivision or buildings and works permits where land is required for community facilities, public open space and 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 - Kangaroo management

A permit 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.

Requirement - Salvage and translocation

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

Requirements - Protection of conservation areas and native vegetation during construction

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, on land including or abutting a conservation area or patch of native vegetation or scattered tree identified for retention 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 conservation area/vegetation protection fence that is:
  - highly visible
  - at least 2 metres in height
· sturdy and strong enough to withstand knocks from construction vehicles
· in place for the whole period of construction
· located the following minimum distance from the element to be protected:

<table>
<thead>
<tr>
<th>Element</th>
<th>Minimum distance from element</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation area</td>
<td>2 metres</td>
</tr>
<tr>
<td>Scattered tree</td>
<td>Twice the distance between the tree trunk and the edge of the tree canopy</td>
</tr>
<tr>
<td>Patch of native vegetation</td>
<td>2 metres</td>
</tr>
</tbody>
</table>

- 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.

**Requirement - Management of bushfire risk during subdivisional works**

A permit for subdivision that contains a condition requiring a construction management or site management plan must ensure that the relevant plan addresses any potential bushfire risks arising from the land during construction and must include a statement from a suitably qualified professional that the proposed bushfire risk management measures are appropriate.

**Conditions - Public transport**

Unless otherwise agreed to by Public Transport Victoria, prior to the issue of a statement of compliance for any subdivision stage, bus stops must be constructed, at full cost to the permit holder as follows:

- Generally in the location identified by Public Transport Victoria;
- In accordance with the Public Transport Guidelines for Land Use and Development with a concrete hard stand area, and in activity centres a shelter must also be constructed;
- Be compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002; and
- Be provided with direct and safe pedestrian access to a pedestrian path.

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

**Conditions - Environmental Site Assessment**

Any permit for the use and development of land, as listed in Table 3 of this schedule, for a sensitive use (residential use, child care centre, pre-school centre or primary school) must contain the following conditions:

- Before the commencement of the development of the land, the recommendations of the Environmental Site Assessment submitted with the application must be carried out to the satisfaction of the responsible authority.
Upon receipt 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.

Any permit for the subdivision of land listed in Table 3 of this schedule must contain the following conditions:

- Before a plan subdivision is certified under the Subdivision Act 1988, the recommendations of the Environmental Site Assessment submitted with the application must be carried out to the satisfaction of the responsible authority.
- Upon receipt 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.

**Exemption from notice and review not to apply to certain applications**

An application to use land for a use listed in Section 2 of the Residential Growth Zone and General Residential Zone on land where the applied zone listed at Table 1 of this schedule is Residential Growth Zone or General Residential Zone is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

**Decision Guidelines**

Before deciding on an application to create floorspace in excess of any cap in a town centre, in addition to the decision guidelines at Clause 37.07-14, the responsible authority must consider, as appropriate:

- The local catchment and PSP catchment demand for the additional floor area; and
- The effect on existing and future major town centres within City of Melton.

**Advertising Signs**

Land is in the category specified in the applied zone.

**Land and home sales signs**

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. If the sign does not meet all of the requirements listed above, it must comply with the provisions of Clause 52.05.
Education / community promotion signs

Despite the provisions of Clause 52.05, a permit may be granted, for a period of not more than 5 years, to display an advertising sign greater than two square metres in area that promotes a community facility or education centre on the land identified as community facilities, potential government school, potential non-government school and credited open space on Plan 1 to this schedule.
SCHEDULE 9 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as UGZ9.

MT. ATKINSON & TARNEIT PLAINS PRECINCT STRUCTURE PLAN

The Plan

Plan 1 below shows the future urban structure proposed in the Mt Atkinson & Tarneit Plains Precinct Structure Plan. It is a reproduction of Plan 3 in the Mt Atkinson & Tarneit Plains Precinct Structure Plan.

Plan 1 to Schedule 9 to Clause 37.07
Use and development

The Land

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

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

2.2 Applied zone provisions

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 Mt Atkinson & Tarnet Plains 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 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

<table>
<thead>
<tr>
<th>Arterial road</th>
<th>Clause 36.04 – Road Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business</td>
<td>Clause 34.02 – Commercial 2 Zone</td>
</tr>
<tr>
<td>Business/Large format retail</td>
<td></td>
</tr>
<tr>
<td>Connector street</td>
<td>Clause 36.04 – Road Zone</td>
</tr>
<tr>
<td>Connector street/Boulevard</td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td>Clause 33.01 – Industrial 1 Zone</td>
</tr>
<tr>
<td>Light industrial</td>
<td>Clause 33.03 – Industrial 3 Zone</td>
</tr>
<tr>
<td>Mixed use</td>
<td>Clause 32.04 – Mixed Use Zone</td>
</tr>
<tr>
<td>Major town centre</td>
<td>Clause 34.01 – Commercial 1 Zone</td>
</tr>
<tr>
<td>Local convenience centre</td>
<td></td>
</tr>
<tr>
<td>Residential on a lot wholly within walkable catchment boundary</td>
<td>Clause 32.07 – Residential Growth Zone</td>
</tr>
<tr>
<td>All other land</td>
<td>Clause 32.07 – General Residential Zone</td>
</tr>
</tbody>
</table>

2.3 Specific provisions – Use of land

Use of land for a school

A permit is not required to use land for:
Primary school on land shown as Potential Non Government Primary School in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*.

Primary school on land shown as Potential Non Government P-12 School in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*.

Secondary school on land shown as Potential Non Government Secondary School in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*.

Secondary school on land shown as Potential Non Government P-12 School in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*.

**Use of land for a shop**

A permit is required to use land for a Shop where the applied zone is Commercial 1 Zone if the combined leasable floor area of all shops exceeds:

- 23,500 square metres for land shown as ‘major town centre’ south of the Melton Rail Corridor in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*.
- 2,500 square metres for land shown as ‘major town centre’ north of the Melton Rail Corridor in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*.
- 1,500 square metres for land shown as ‘local convenience centre’ in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*.

**Use of land within the Quarry Sensitive Use Buffer**

A permit is required to use land for Business college, Car wash, Dry cleaner, Employment training centre, Panel beating, Research and development centre and Tertiary institution on land shown within the Quarry Sensitive Use Buffer on Plan 11 in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*.

A permit is required to use land for Dry cleaning agent, Laundromat and Supermarket on land shown as ‘Business’ and ‘Business/Large Format Retail’ within the Quarry Sensitive Use Buffer on Plan 11 in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*.

The use of land for Dry cleaning agent, Laundromat and Supermarket on land shown as ‘Light Industrial’ within the Quarry Sensitive Use Buffer on Plan 11 in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan* is prohibited.

The use of land for Accommodation, Child care centre, Education centre (other than Business college, Employment training centre or Tertiary institution) and Hotel on land shown within the Quarry Sensitive Use Buffer on Plan 11 in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan* is prohibited.

**Use of land within the High Pressure Gas Transmission Pipeline Measurement Length**

A permit is required to use land for Accommodation (other than Dwelling), a Child care centre, Cinema based entertainment facility, Corrective institution, Education centre, Hospital, Place of assembly and Service station in the ‘high pressure gas transmission pipeline measurement length’ shown on Plan 11 in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*.

**Use of land for a dwelling**

The use of land for a Dwelling on land shown north of the Melton Rail Corridor in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan* is prohibited until a pedestrian bridge or underpass connecting the northern and southern parts of the Major Town Centre is constructed and operational.
Use of land for a child care centre

The use of land for a Child care centre is prohibited where the applied zone is Industrial I Zone.

2.4
12/09/2017
C162

Specific provisions - Subdivision

None specified

2.5
12/09/2017
C162

Specific provisions - Buildings and works

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 a ‘Potential non-government school’ 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 with an area less than 300 square metres where the lot is identified as one to be assessed against the Small Lot Housing Code via a restriction on title, and it complies with the Small Lot Housing Code incorporated into the Melton Planning Scheme.

No buildings within Quarry Blast Buffer

The construction of a building (not including a temporary building, a building associated with a minor utility installation, a renewable energy facility or telecommunications facility, a structure, a fence or other appurtenances of a building) on land shown within the quarry blast buffer on Plan 11 of the Mt Atkinson & Tarneit Plains Precinct Structure Plan is prohibited.

Gas pipeline construction management plan required whether or not a permit is required

Prior to the commencement of any works, including demolition, on land within, or within 50 metres of the boundary of the high pressure gas transmission pipeline easement on Plan 11 in the Mt Atkinson & Tarneit Plains 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 owner/operator of the high pressure gas pipeline; and
- Be endorsed by the owner/operator of the high pressure gas transmission pipeline prior to being submitted to the responsible authority.

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

The construction management plan may, with the prior approval of the pipeline owner and operator, be amended to the satisfaction of the responsible authority.

2.6
12/09/2017
C162

Specific provisions – Urban design framework

Except with the consent of the responsible authority and the Victorian Planning Authority, a permit may not be granted to use or subdivide land, or construct a building and carry out works on land identified as ‘Mt Atkinson Major Town Centre Urban Design Framework Extent’, ‘Western Freeway Commercial Area Urban Design Framework Extent’ or ‘Hopkins Road Business Precinct Commercial Areas Urban Design Framework Extent’ on Plan 6 of the Mt Atkinson & Tarneit Plains Precinct Structure Plan, until an urban design
framework for the area has been prepared to the satisfaction of the responsible authority and the Victorian Planning Authority.

An urban design framework approved under this schedule must be generally in accordance with the precinct structure plan applying to the land. Prior to approving an urban design framework for the 'Hopkins Road Business Precinct', the responsible authority and the Victorian Planning Authority must seek the views of the owner and operator of the Boral Ravenhall Quarry and the Secretary to the Department of Economic Development, Jobs, Transport and Resources in relation to how the urban design framework responds to the potential impacts of the quarry.

An application for use and/or development on land identified as ‘Mt Atkinson Major Town Centre Urban Design Framework Extent’, ‘Western Freeway Commercial Area Urban Design Framework Extent’ or ‘Hopkins Road Business Precinct Commercial Areas Urban Design Framework Extent’ on Plan 6 of the Mt Atkinson & Tarneit Plains Precinct Structure Plan must be consistent with any urban design framework approved under this schedule.

A permit may be granted to subdivide land or to construct a building or carry out works prior to the approval of an urban design framework if, in the opinion of the responsible authority, the permit is consistent with the requirements for the urban design framework and the permit implements the relevant objectives in the Mt Atkinson & Tarneit Plains Precinct Structure Plan.

The responsible authority may allow an urban design framework to be prepared in stages.

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

2.7

Specific provisions – Referral of applications

Mt Atkinson major town centre

An application to subdivide land, or construct a building or carry out works (where the value of those works in in excess of $500,000) on land identified as ‘Mt Atkinson Major Town Centre Urban Design Framework Extent’ on Plan 6 of the Mt Atkinson & Tarneit Plains Precinct Structure Plan must be referred in accordance with Section 55 of the Planning and Environment Act 1987 to the Victorian Planning Authority

Ravenhall Quarry

An application to use land, or to construct a building on land, identified within the ‘Quarry Sensitive Use Buffer’ shown on Plan 11 of the Mt Atkinson & Tarneit Plains Precinct Structure Plan 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.

3.0

Application requirements

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.

Subdivision - Residential development

In addition to the requirements of Clause 56.01-2, a Subdivision Design Response for a residential subdivision of less than 60 lots must show the proposed use and development of each part of the land, and the staging of the development for all land in contiguous ownership with the land under application.

An application for a residential subdivision of 10 lots or more must be accompanied by:

- A written statement that sets out how the subdivision implements the Mt Atkinson & Tarneit Plains Precinct Structure Plan.
Subdivision and Housing Design Guidelines, prepared to the satisfaction of the responsible authority, in accordance with the Mt Atkinson & Tarneit Plains Precinct Structure Plan.

A table setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields.

A plan showing any lots proposed as multi-dwelling sites, labelling these lots as ‘multi-dwelling site’.

A Traffic Impact Assessment Report to the satisfaction of the relevant road management authority.

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 preliminary site assessment, carried out by a suitably qualified person, of the potential for contaminated land as a result of previous land uses.

**Public Infrastructure Plan**

An application to subdivide, use or develop land must be accompanied by a Public Infrastructure Plan which addresses the following:

- What land may be affected and/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.

**Traffic Impact Assessment**

An application that proposes to create or change access to a six lane or four lane 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 the relevant road management authority (Rocks Corporation or Melton City Council), as required.

**Railway noise attenuation**

An application for use or development within the ‘railway noise amenity area’ on Plan 11 of the Mt Atkinson & Tarneit Plains 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 and Public Transport Victoria.

- The acoustic assessment report must demonstrate compliance with ‘Section 12 – Commercial Frontage – Railway Interface’ cross-section in the Mt Atkinson & Tarneit Plains Precinct Structure Plan.
- The acoustic assessment report must also include (as appropriate to the particular use or development):
  - An assessment of noise levels on the land taking into account the existing and likely future noise levels associated with the ongoing operation of the Melbourne-Ballarat rail line.
Recommendations for noise attenuation measures designed to achieve the following internal noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an L.Aeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed L.Aeq,16h from 6am to 10pm
- Recommendations for limiting the impact of railway noise on future buildings within the proposed subdivision.
- A design response that addresses the recommendations of the acoustic assessment including all necessary architectural noise attenuation treatments.

All of the above application requirements are to be to the satisfaction of the responsible authority and Public Transport Victoria.

Subdivide, use or develop land for a sensitive purpose - Environmental Site Assessment

An application to subdivide, use or develop land identified in Table 2 of this schedule for a sensitive use (residential use, child care centre or primary school) must be accompanied by an Environmental Site Assessment, prepared by a suitably qualified environmental professional to the satisfaction of the responsible authority, which takes account of the report titled 'PSP 1082 Mt Atkinson & PSP 1085 Tarneit Plains, Land Capability Assessment (Jacobs, 2 July 2015)' and provides information including:

- Further detailed assessment of potential contaminants on the land;
- Clear advice on whether the environmental condition of the land is suitable for the proposed use 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 (including soil and groundwater sampling) 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; and
- Recommended remediation actions for any potentially contaminated land.

Table 2: Environmental Site Assessment

<table>
<thead>
<tr>
<th>Address</th>
<th>Legal Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-50 Meskos Road, Rockbank (rock</td>
<td>Lot 3/PS448579</td>
</tr>
<tr>
<td>crushing &amp; concrete batching plant)</td>
<td></td>
</tr>
<tr>
<td>671-737 Troupas Road South Mount</td>
<td>Allot. 5 Sec. 6 Parish of Pywheetljorr</td>
</tr>
<tr>
<td>Cottrell (Nevas Chicken Farm)</td>
<td></td>
</tr>
</tbody>
</table>

Conditions and requirements for permits

Conditions – Subdivision permits that allow the creation of a lot 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 the certification of the plan of subdivision for the relevant stage, a plan must be submitted to and approved by 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 into the Melton 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.

**Conditions – Subdivision or buildings 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.

**Requirement – Management of bushfire risk during subdivisional works**

A permit for subdivision that contains a condition requiring a construction management or site management plan must ensure that the relevant plan addresses any potential bushfire risks arising from the land during construction and must include a statement from a suitably qualified professional that the proposed bushfire risk management measures are appropriate.

**Condition – Environmental Management Plan**

A permit for subdivision, buildings or works on land shown as a conservation area (other than Conservation Area – Local) in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan* 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 Secretary to the Department of Environment, Land, Water and Planning, unless otherwise agreed by the Department of Environment, Land, Water and Planning.

**Conditions – Kangaroo Management**

A permit 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

**Condition – Salvage and Translocation**

A planning permit for subdivision, buildings or works must include the following condition:

- 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.
Conditions – Protection of conservation areas and native vegetation during construction

A permit to subdivide land where construction or works are required to carry out the subdivision, or a permit to construct a building or carry out works on land including or abutting a conservation area or patch of native vegetation or scattered tree identified for retention in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan*, must ensure that:

- Before the commencement 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 conservation area/vegetation protection fence that is:
  - highly visible
  - at least 2 metres in height
  - sturdy and strong enough to withstand knocks from construction vehicles
  - in place for the whole period of construction
  - located the following minimum distance from the element to be protected:

<table>
<thead>
<tr>
<th>Element</th>
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<td>Scattered tree</td>
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</tr>
<tr>
<td>Patch of native vegetation</td>
<td>2 metres</td>
</tr>
</tbody>
</table>

- 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 suitably qualified ecologist or arborist.

Conditions – Land Management Co-operative Agreement

A permit to subdivide land shown to be in a conservation area in the *Mt Atkinson & Tarneit Plains Precinct Structure Plan* must ensure that, before the commencement of works for the final 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 a conservation area in the *Mt Atkinson & Tarneit Plains 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.
Melton Planning Scheme

- 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 a conservation area identified in the Mt Atkinson & Tarneit Plains Precinct Structure Plan that is:

- identified the Mt Atkinson & Tarneit Plains 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
- identified in the Mt Atkinson & Tarneit Plains 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
- 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.

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

Condition – Public transport

Unless otherwise agreed to by Public Transport Victoria, prior to the issue of a statement of compliance for any subdivision stage, bus stops must be constructed, at full cost to the permit holder as follows:

- Generally in the location identified by Public Transport Victoria;
- In accordance with the Public Transport Guidelines for Land Use and Development with a concrete hard stand area, and in activity centres a shelter must also be constructed;
- Be compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002; and
- Be provided with direct and safe pedestrian access to a pedestrian path.

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

Requirement – Railway noise attenuation area

Any permit for the use or development of land, within the ‘railway noise amenity area’ on Plan 11 of the Mt Atkinson & Tarneit Plains Precinct Structure Plan must implement any recommendations of the acoustic assessment and include any conditions necessary, in the opinion of the responsible authority and Public Transport Victoria, to implement railway noise attenuation measures.

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

Requirement – Environmental Site Assessment for use and development of land listed in Table 2

Prior to the commencement of a sensitive use, or the commencement of development associated with a sensitive use, or the certification of a Plan of Subdivision, or a stage of subdivision, under the Subdivision Act 1988 associated with a sensitive use, the recommendations of the Environmental Site Assessment lodged with the application must be carried out to the satisfaction of the responsible authority along 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 use
or development must not commence, or the plan of subdivision must not be certified, until the responsible authority is satisfied that the land is suitable for the intended use.

Exemption from notice and review

An application to use land for a use listed in Section 2 of the General Residential Zone and Residential Growth Zone on land where the applied zone listed at Table 1 of this schedule is General Residential Zone or Residential Growth Zone, is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Notice must be given to the person or body listed in the Schedule to Clause 66.06 of an application to use land or construct a building or carry out works associated with any of the following uses within the 'high pressure gas transmission pipeline measurement length', shown on Plan 11 in the incorporated Mt Atkinson & Tarneit Plains Precinct Structure Plan:

- Accommodation (other than a Dwelling)
- Child care centre
- Cinema based entertainment facility
- Corrective institution
- Education centre
- Hospital
- Place of assembly
- Retail
- Service station

Decision guidelines

Mt Atkinson Major Town Centre – Use of land for a Shop

Before deciding on an application to use land for a shop on land identified within the Mt Atkinson Major Town Centre, in addition to the decision guidelines at Clause 37.07-14, the responsible authority must consider, as appropriate:

- The local catchment and PSP catchment demand for the additional floor area;
- The effect on existing and future major town centres within the City of Melton; and
- The extent to which the use of land for a shop on land to the north of the rail corridor might prejudice the development, expansion or operation of the retail core to the south of the rail corridor.

Ravenhall Quarry Sensitive Use Buffer

Before deciding on an application to use land or construct a building within the Quarry Sensitive Use Buffer, in addition to the decision guidelines in Clause 37.07-14, the responsible authority must consider the effect that emissions of noise, vibration, odour, dust and grit from the nearby Ravenhall Quarry (located east of Hopkins Road) may have on the proposed use or building.

Advertising signs

Land is in the category specified in the applied zone.
Land and home sales signs

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 an 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 with an area greater than 10 square metres promoting the sale of land or homes on the land (or on adjoining land in the same ownership).

If the sign does not meet all of the requirements listed above, it must comply with the provisions of Clause 52.05.

Education / community promotion signs

Despite the provisions of Clause 52.05, a permit may be granted, for a period of not more than 5 years, to display an advertising sign greater than two square metres in area that promotes a community facility or education centre on the land identified as community facilities, potential government school, potential non-government school and credited open space on Plan 1 of this schedule.
SCHEDULE 4 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as UGZ4.

DONNYBROOK-WOODSTOCK PRECINCT STRUCTURE PLAN

The plan

Map 1 below shows the future urban structure proposed in the Donnybrook-Woodstock Precinct Structure Plan, October 2017. It is a reproduction of Plan 3 in the Donnybrook-Woodstock Precinct Structure Plan, October 2017.

Map 1 to Schedule 4 to Clause 37.07

Use and development

The land

The provisions of this schedule apply to the land within the 'precinct boundary' shown on Map 1 of this schedule and shown as UGZ4 on the planning scheme maps.

Applied zone provisions

Table 1 allocates the land use/development shown on Map 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 Donnybrook-Woodstock Precinct Structure Plan, October 2017, 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.
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

<table>
<thead>
<tr>
<th>Land shown on map 1 of this schedule</th>
<th>Clause 36.04 – Road Zone – Category 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial road (6 lanes) / Outer Metropolitan Ring Transit Corridor</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land shown on map 1 of this schedule</th>
<th>Clause 36.04 – Road Zone – Category 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial road (4 lanes)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land shown on map 1 of this schedule</th>
<th>Clause 34.01 – Commercial 1 Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local convenience centre</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land shown on map 1 of this schedule</th>
<th>Clause 32.08 – General Residential Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>All other land</td>
<td></td>
</tr>
</tbody>
</table>

2.3

Specific provisions – Use of land

Table 2: Use of land

Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shop</td>
<td>Where the applied zone is Commercial 1 Zone and the combined leasable floor area of all shops does not exceed:</td>
</tr>
<tr>
<td></td>
<td>• 1,000 square metres for land shown as retail in the Donnybrook Merri-stock Local Convenience Centre (LCC5) in the incorporated Donnybrook-Woodstock Precinct Structure Plan, October 2017.</td>
</tr>
</tbody>
</table>

Any use listed in Clause 62.01 Must meet requirements of Clause 62.01.

Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use not in section 1 or 3 of the applied zone</td>
<td></td>
</tr>
</tbody>
</table>

Any other use not in Section 1 or 3

Section 3 – Prohibited

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use not in section 1 or 2 of the applied zone</td>
<td></td>
</tr>
</tbody>
</table>

2.4

Specific provision – Subdivision

None specified.
2.5
03/11/2017
GC28

Specific provision – Buildings and works

Dwellings on a lot less than 300 square metres

A permit is not required to construct or extend one dwelling on a lot 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 Incorporated Document *Small Lot Housing Code, August 2014.*

3.0
03/11/2017
GC28

Application requirements

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.

Subdivision – Residential development

- 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;
  - A demonstration of how the proposed subdivision will contribute to the achievement of the residential density outcomes in the precinct structure plan applying to the land;
  - A demonstration of lot size diversity by including a colour coded lot size plan, reflecting the lot size categories and colours outlined in Table 2 - Lot size and Housing Type Guide in the Donnybrook-Woodstock Precinct Structure Plan, October 2017;
  - A mobility plan that demonstrates how the local street and movement network integrates with adjacent urban development or is capable of integrating with future development on adjacent land parcels;
  - An arboricultural report identifying all trees on the site and a tree retention plan identifying how the application responds to Plan 5 – Character and Housing and any tree protection requirements and guidelines within the Donnybrook-Woodstock Precinct Structure Plan, October 2017;
  - Potential bus route and bus stop locations prepared in consultation with Public Transport Victoria;
  - Subdivision and Housing Design Guidelines, prepared to the satisfaction of the Responsible Authority, which demonstrate how the proposal responds to and achieves the objectives, planning and design requirements and guidelines within the “Housing” section of the Donnybrook-Woodstock Precinct Structure Plan, October 2017 incorporated into this scheme;
  - 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 Mitchell Shire Council and Melbourne Water;
  - A Site Management Plan that addresses bushfire risk during, and where necessary, after construction which is approved by the Country Fire Authority (CFA). The plan must specify, amongst other things:
    - The staging of development and the likely bushfire risks at each stage;
MITCHELL PLANNING SCHEME

- 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 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.

Public Infrastructure Plan

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 Precinct Infrastructure Plan in Table 9 of the incorporated Donnybrook-Woodstock Precinct Structure Plan, October 2017 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.

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

An application to develop land identified in Table 3 below for a sensitive use (including 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 professional (contaminated land) for the Environmental Assessment Areas ranked as ‘High Potential for Contamination’ and ‘Medium Potential for Contamination’ in the Woodstock Precinct Structure Plan 1096, Environmental, Hydrological & Geotechnical Assessment (Meinhardt, June 2013) and Growth Areas Authority - Donnybrook Precinct Structure Plan 1067, Environmental, Hydrological & Geotechnical Assessment (Meinhardt, June 2013). The Phase 2 assessment must provide for the following information:

- Further detailed assessment of potential contaminants on the relevant land;
- 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; and
- 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.
Table 3

<table>
<thead>
<tr>
<th>Address</th>
<th>Legal Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>300 Donovans Lane, Beveridge</td>
<td>Lot 6 TP394032 only</td>
</tr>
</tbody>
</table>

**Kangaroo management**

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 of 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.

**Traffic Impact Assessment**

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

**Rail noise assessment**

An application for use or development within 80 metres of the existing Melbourne-Sydney rail track which in the opinion of the responsible authority is likely to be impacted by rail noise such as a child care centre, display home, hospital, hotel or tavern must be accompanied by an assessment of noise and vibration impacts on the development from the rail operations. The acoustic assessment must be prepared by an acoustic engineer or other suitably qualified person to the satisfaction of the responsible authority. The acoustic assessment must:

- Provide an assessment of noise levels on the land taking into account the existing and likely future noise levels associated with the ongoing operation of V-Line and Australian Rail and Track Corporation (ARTC) operations; and
- Include recommendations for noise attenuation measures designed to ensure that internal noise levels in bedrooms are not greater than 35 dB Leq8h from 10pm to 6am.

**Conditions and requirements for permits**

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

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 Incorporated Document *Small Lot Housing Code, August 2014.*
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 - Land required for community facilities and open space**

Land required for community facilities and public open space for use as a local or district park, as set out in the *Donnybrook-Woodstock Precinct Structure Plan, October 2017* or the *Donnybrook-Woodstock Infrastructure Contributions Plan, August 2017* must be transferred to or vested in Council at no cost to Council unless the land is funded by the incorporated *Donnybrook-Woodstock Infrastructure Contributions Plan, August 2017*.

**Condition - Gas pipeline construction management plan**

Prior to the construction of a building or the carrying out of works, including demolition, on land within 50 metres of the gas pipeline easement shown on Plan 16 – Utilities in the incorporated *Donnybrook-Woodstock Precinct Structure Plan, October 2017*, 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 or crossing the relevant gas transmission easement.
- Include any other relevant matter to the satisfaction of the responsible authority.

The Responsible Authority must be satisfied that the gas transmission pipeline licensee has reviewed and approved the Construction Management Plan.

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.

**Conditions – Biodiversity and threatened species**

Any permit for subdivision must contain the following conditions:

**Kangaroo Management Plan**

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

**Environment Management Plans**

A planning permit for subdivision or buildings or works on land shown as a conservation area in the incorporated *Donnybrook-Woodstock Precinct Structure Plan, October 2017* must include the following condition:

- Prior to certification of the plan of subdivision or the commencement of buildings or works an Environmental Management Plan for the relevant works must be approved to the satisfaction of the Department of Environment, Land, Water and Planning and Responsible Authority, unless otherwise agreed by the Department of Environment, Land, Water and Planning and Responsible Authority.
Protection of conservation areas and native vegetation during construction

A permit granted to subdivide land or a permit granted to construct a building or carry out works, where this precinct structure plan shows the land, or abutting land, including a conservation area or a patch of native vegetation or a scattered tree must contain the following conditions:

- Prior to the commencement of works in or around a conservation area, scattered native tree or patch of native vegetation, the developer of the land must erect a protective fence that is:
  - Highly visible;
  - At least two metres in height;
  - Sturdy and strong enough to withstand knocks from construction vehicles;
  - Kept in place for the whole period of construction; and
  - Located the following minimum distance from the element to be protected:

<table>
<thead>
<tr>
<th>Element</th>
<th>Minimum distance from element</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation area</td>
<td>2 metres from the edge of the area</td>
</tr>
<tr>
<td>Scattered tree</td>
<td>The distance as shown in the incorporated precinct structure plan (Section 4.6)</td>
</tr>
<tr>
<td>Patch of native vegetation</td>
<td>2 metres from the edge of the patch</td>
</tr>
</tbody>
</table>

- Construction stockpiles, fill, machinery, excavation and works or other activities associated with the buildings or works must:
  - Be located not less than 15 metres from a waterway
  - Be located outside the required protective 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; and
  - Not be undertaken if the qualified ecologist or arborist who is familiar with the requirements of the incorporated precinct structure plan is of the opinion that the various activities present a risk to any vegetation within a conservation area.

Land Management Cooperative Agreement

A permit to subdivide land shown in a Conservation Area Concept Plan (CACP) in the incorporated Donnybrook-Woodstock Precinct Structure Plan, October 2017 as including a conservation area must ensure that, the owner of the land:

- Enters into a Land Management Cooperative Agreement (LMCA) with the Secretary to the Department of Environment, Land, Water and Planning (DELWP) under section 69 of the Conservation, Forests and Lands Act 1987, which:
  - Must provide for the conservation and management of that part of the land shown as a conservation area in the incorporated PSP (a conservation area); 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 DELWP in the preparation, execution and registration of the agreement.

The requirement for a LMCA in this condition does not apply to land or any lot or part of a lot within a conservation area that:
Mitchell Planning Scheme

- Is identified in the incorporated PSP as public open space and is vested, or will be vested, in the council as a reserve for the purposes of public open space; or
- Is identified in the incorporated PSP as a drainage reserve and is vested, or will be vested, in Melbourne Water Corporation or the council as a drainage reserve; or
- Is within a Conservation Area identified in the incorporated PSP for nature conservation and is vested, or is subject of an agreement with the Secretary to the DELWP to be vested, in the Secretary to DELWP for conservation purposes; or
- Is the subject of an agreement with the Secretary to DELWP to transfer or gift that land to:
  - The Secretary to DELWP;
  - The Minister administering the Conservation, Forests and Lands Act, 1987; or
  - Another statutory authority.

The LMCA must be entered into:
- In relation to land containing Nature Conservation or Open Space conservation area, prior to the commencement of works for; or
- In relation to land containing Growling Grass Frog conservation area, before the issue of a statement of compliance for the last stage of the subdivision.

Condition - Public transport

Unless otherwise agreed by Public Transport 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 Public Transport Victoria.

Condition – Road network

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 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 affected by the Public Acquisition Overlay or funded by the Donnybrook-Woodstock Infrastructure Contributions Plan, August 2017.

Condition - Precinct Infrastructure Plan

Any permit for subdivision must contain the following condition:
- Prior to the certification of a plan of subdivision or at such other time which is agreed between Council and the owner, if required by the responsible authority or the owner, the owner must enter into an agreement or agreements under section 173 of the Planning and Environment Act 1987 which provides for:
5.0
03/11/2017
GC28

Exemption from notice and review

None specified

Notice to gas transmission pipeline licensee

Notice of an application for 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 pipeline measurement length' on 'Plan 16 – Utilities' in the incorporated Donnybrook-Woodstock 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

6.0
03/11/2017
GC28

Decision guidelines

None specified.

7.0
03/11/2017
GC28

Advertising signs

Advertising sign requirements are at Clause 52.05. All land within the Donnybrook-Woodstock Precinct Structure Plan area is included in the category specified in its applied zone at Clause 2.2 of this schedule.

Land and home sales signs

Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- The advertisement area for each sign does not exceed 10 square metres;
- Only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage;
- The sign is not animated, scrolling, electronic or internally illuminated sign;
- The sign is not displayed longer than 21 days after the sale (not settlement) of the last lot; and
The sign is setback a minimum of 750 millimetres from the property boundary.

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

Note: Operation of Commonwealth Environmental Laws. On 5 September 2013 an approval under the Environmental 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 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 is not required.
SCHEDULE 5 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ5**.

WOLLERT PRECINCT STRUCTURE PLAN

1.0 The plan

Map 1 below shows the future urban structure proposed in the *Wollert Precinct Structure Plan, June 2017*. It is a reproduction of Plan 2 in the *Wollert Precinct Structure Plan, June 2017*.
2.0

Use and development

2.1

The land

The use and development provisions specified in this schedule apply to the land within the ‘precinct area’ on Map 1 of this schedule and shown as UGZ5 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

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

<table>
<thead>
<tr>
<th>Land use or development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land.</th>
<th>Applied zone provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial road</td>
<td>Clause 36.04 – Road Zone – Category 1</td>
</tr>
<tr>
<td>Bulky goods/ restricted retail</td>
<td>Clause 34.02 – Commercial 2 Zone</td>
</tr>
<tr>
<td>General light industrial</td>
<td>Clause 33.01 – Industrial 1 Zone</td>
</tr>
<tr>
<td>Local convenience centre</td>
<td>Clause 34.01 – Commercial 1 Zone</td>
</tr>
<tr>
<td>Town centre</td>
<td></td>
</tr>
<tr>
<td>Community facility adjacent to town centre on Boundary Road</td>
<td></td>
</tr>
<tr>
<td>Residential on a lot wholly within a walkable catchment</td>
<td>Clause 32.07 – Residential Growth Zone</td>
</tr>
<tr>
<td>All other land</td>
<td>Clause 32.08 – General Residential Zone</td>
</tr>
</tbody>
</table>

2.3

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

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

The following provisions apply to the use of the land.

Table 2: Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aged Care Facility</td>
<td>A permit is required to use land for an aged care facility for land shown within the east-west and north-south gas pipeline buffer on Plan 5 of the Wollert Precinct Structure Plan, June 2017.</td>
</tr>
</tbody>
</table>

Child care centre where the applied zone is Industrial 1 Zone

Prohibited
<table>
<thead>
<tr>
<th>Use</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary school</td>
<td>A permit is not required to use land for a Primary school on land shown as Potential Non-Government School.</td>
</tr>
<tr>
<td></td>
<td>A permit is not required to use land for a Primary school on land shown as Potential Non-Government P-12 School.</td>
</tr>
<tr>
<td>Secondary school</td>
<td>A permit is not required to use land for a Secondary school on land shown as Potential Non-Government School.</td>
</tr>
<tr>
<td></td>
<td>A permit is not required to use land for a Secondary school on land shown as Potential Non-Government P-12 School.</td>
</tr>
<tr>
<td>Office where the applied zone is Industrial 1 Zone</td>
<td>A permit is required to use land for an office if the floor area exceeds 100 square metres.</td>
</tr>
<tr>
<td>Shop where the applied zone is Commercial 1 Zone</td>
<td>A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds:</td>
</tr>
<tr>
<td></td>
<td>• 25,000 square metres for land shown as Major Town Centre in the incorporated Wollert Precinct Structure Plan, June 2017.</td>
</tr>
<tr>
<td></td>
<td>• 5,000 square metres for land shown as South-West Local Town Centre in the incorporated Wollert Precinct Structure Plan, June 2017.</td>
</tr>
<tr>
<td></td>
<td>• 2,200 square metres for land shown as North Local Town Centre in the incorporated Wollert Precinct Structure Plan, June 2017.</td>
</tr>
<tr>
<td></td>
<td>• 500 square metres for land shown as Convenience Centre in the incorporated Wollert Precinct Structure Plan, June 2017.</td>
</tr>
<tr>
<td>Shop where the applied zone is Commercial 2 Zone</td>
<td>A permit is required to use land for a restricted retail premises if the combined leasable floor area of all restricted retail premises exceeds:</td>
</tr>
<tr>
<td></td>
<td>• 30,000 square metres for land shown as Bulky goods/Restricted retail in the incorporated Wollert Precinct Structure Plan, June 2017.</td>
</tr>
<tr>
<td></td>
<td>A permit is required to use land for a supermarket with a leasable floor area exceeding 500 square metres.</td>
</tr>
<tr>
<td>Shop where the applied zone is Residential Growth Zone</td>
<td>The leasable floor area must not exceed 100 square metres.</td>
</tr>
<tr>
<td>Accommodation, Aged Care Facility, Child Care Centre, Education</td>
<td>A permit is required to use land.</td>
</tr>
<tr>
<td>Centre, Place of Assembly, Retail Premises, Cinema based</td>
<td></td>
</tr>
<tr>
<td>entertainment facility or Hospital where the applied zone is</td>
<td></td>
</tr>
<tr>
<td>General Residential Zone and land is within the potential future</td>
<td></td>
</tr>
<tr>
<td>gas fired power station buffer area</td>
<td></td>
</tr>
</tbody>
</table>

2.5
12/10/2017
C210

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 incorporated Wollert Precinct Structure Plan, June 2017 as local park or community facilities provided the use or
development is carried out generally in accordance with the incorporated Wollert Precinct Structure Plan, June 2017 and with the prior written consent of the City of Whittlesea.

2.6
23/02/2017
C187

Specific provision – 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, August 2014 incorporated under Clause 81.01 of the Whittlesea Planning Scheme.

2.7
12/10/2017
C210

Specific provision – Land adjacent to Broiler farm at 160 Bodycoats Road, Wollert – Odour Environmental Risk Assessment

While the broiler farm at 160 Bodycoats Road, Wollert continues to operate, an application to develop land for a sensitive use (including accommodation, child care centre, kindergarten, primary school or public open space) located within the 250 metre ‘directional buffer’ surrounding the broiler farm shown on Map 1 of this Schedule and Plan 2 – Future Urban Structure in the incorporated Wollert Precinct Structure Plan, June 2017 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 broiler farm operations and assess the potential adverse amenity impacts of the broiler farm on the future proposed sensitive use of the land.

If the responsible authority, after consulting the Environment Protection Authority, determines that there are likely to be odour levels arising from the broiler farm which would have a detrimental impact on the amenity of the sensitive use, the land must not be developed for sensitive uses.

2.8
23/02/2017
C187

Specific provision – Referral of applications near the Quarry at 90 Bridge Inn Road, Wollert

An application to subdivide land, construct a building and/or construct or carry out works on land identified as ‘construction restrictions apply’ on Map 1 of this Schedule 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.

2.9
23/02/2017
C187

Specific provision – Applications for land within the Wollert Landfill and Quarry Buffer

Any application to subdivide, use or develop land within the Wollert Landfill and Quarry Buffer and the Odour Buffer as shown of Map 1 of this Schedule, must demonstrate compliance with the Best Practice Environmental Management: Siting Design, Operation and rehabilitation of Landfills (Environment Protection Authority, 2014 – Publication 788.2), to the satisfaction of the responsible authority, in consultation with the Environment Protection Authority.

2.10
12/10/2017
C210

Specific provision – Wollert Major Town Centre Urban Design Framework

A permit must not be granted to use or develop land, including subdivision, on land shown as the Wollert Major Town Centre in Figure 4 of the incorporated Wollert Precinct Structure Plan, June 2017 until an urban design framework for the centre has been prepared to the satisfaction of the responsible authority and the Victorian Planning Authority.

An urban design framework approved under this schedule must be generally in accordance with the incorporated Wollert Precinct Structure Plan, June 2017 applying to the land.
An application to use or develop land, including subdivision, within the Wollert Major Town Centre in Figure 4 of the incorporated Wollert Precinct Structure Plan, June 2017 must be consistent with any urban design framework approved under this schedule.

A permit may be granted to use or develop land, including subdivision, prior to the approval of an urban design framework if, in the opinion of the responsible authority, the permit would be generally in accordance with the requirements and guidelines for the urban design framework in Part 3.3 of the incorporated Wollert Precinct Structure Plan, June 2017 and the permit implements the objectives for the Major Town Centre as set out in Part 2.0 of the incorporated Wollert Precinct Structure Plan, June 2017.

The responsible authority may allow an urban design framework to be prepared in stages. The urban design framework may be amended to the satisfaction of the responsible authority and the Victorian Planning Authority.

2.11 Specific provision – Referral of applications – Wollert Major Town Centre

23/02/2017
C187

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 the Wollert Major Town Centre must be referred in accordance with Section 55 of the Planning and Environment Act 1987 to the Victorian Planning Authority.

2.12 Specific provision – Referral of applications – Local Town Centre

23/02/2017
C187

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 Victorian Planning Authority.

2.13 Specific provision – buildings and works for a school

23/02/2017
C187

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.

2.14 Specific provision – notice of applications – Public Transport corridor

12/10/2017
C210

Any application for subdivision and/or buildings and works, within 200 metres either side of the proposed Public Transport Corridor shown on Plan 2 of incorporated Wollert Precinct Structure Plan, June 2017 must be notified to the Director of Public Transport Victoria under Section 52 of the Planning and Environment Act 1987.

3.0 Application requirements

12/10/2017
C210

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

12/10/2017
C210

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 indicative population, dwelling and employment yields;

- A written statement that sets out how the proposal implements the objectives and planning and design requirements and guidelines in accordance with the incorporated Wollert Precinct Structure Plan, June 2017;
A plan that demonstrates how the proposed local street and movement network integrates with adjacent urban development or is capable of integrating with future development on adjacent land parcels;

An arboricultural report identifying all trees on the site and a tree retention plan identifying how the application responds to Plan 4 – Image and Character and any tree protection requirements and guidelines within the incorporated Wollert Precinct Structure Plan, June 2017;

A plan identifying how the proposed subdivision will provide for a diversity of housing as intended by Tables 3, 4 and 5 and Plan 5 of the incorporated Wollert Precinct Structure Plan, June 2017;

Potential bus route and bus stop locations prepared in consultation with Public Transport Victoria;

A response to all Requirements and Guidelines within the incorporated Wollert Precinct Structure Plan, June 2017 relating to dry stone walls;

A Stormwater Management Strategy that assesses the existing surface and subsurface drainage conditions on the site, addresses the provision, staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of the responsible authority and Melbourne Water where appropriate;

Indicative lot layouts for land identified as future medium and high density and/or integrated housing which details the following to the satisfaction of the responsible authority:

- Location of conservation areas.
- Indicative dwelling yield.
- Indicative building envelopes.
- Safe and effective vehicle ingress and egress.
- Proposed means and location for waste collection.
- Servicing arrangements.
- Landscaping treatments.
- Show how the site will be able to facilitate active interfaces to adjacent streets, open spaces and waterways.

Where land identified as future medium and high density and/or integrated housing is located adjacent to a waterway, the above must be to the satisfaction of the responsible authority and Melbourne Water.

3.2

Public Infrastructure Plan

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 incorporated Wollert Development Contributions Plan, June 2017 is sought to be provided as "works in lieu" or "works in kind", subject to the consent of the Collecting Agency;
- The provision, staging and timing of public open space and land for any community facilities;
- Details of any proposal for provision of early or interim provision of 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

An application to use or develop land identified as High Risk and Medium Risk on Map 3 of this schedule for a sensitive use (including accommodation, child care centre, kindergarten, primary school or public open space) must be accompanied by a detailed site investigation (Phase 2 assessment) of the Environmental Assessment Areas ranked as ‘High Potential for Contamination’ and ‘Medium Potential for Contamination’ in the Phase 1 Environmental Site Assessment for the incorporated Wollert Precinct Structure Plan, June 2017 area by Cardno LanePiper, July 2012. The Phase 2 assessment must provide for the following information:

- Further detailed assessment of potential contaminants on the relevant land;
- 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; and
- 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.
3.4 Kangaroo management

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 of 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.

3.5 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 must include functional layout plans and a feasibility/concept road safety audit and must be to the satisfaction of VicRoads and/or the City of Whittlesea, as appropriate.

3.6 Heritage Conservation Management Plans and Heritage Assessments

Prior to the commencement of any works, a Heritage Conservation Management Plan must be undertaken for places identified in the Heritage Overlay or listed on the Victorian Heritage Inventory. The Heritage Conservation Management Plan must include a statement of significance/cultural value, appropriate site boundaries where subdivision is proposed, required restoration works, a schedule identifying essential urgent restoration works and potential future restoration works, an interpretive reuse plan and interpretive signage, all to the satisfaction of the responsible authority.

An owner of land which is the subject of an approved Heritage Conservation Management Plan must enter into a legally effective mechanism such as an agreement pursuant to section 173 of the Planning and Environment Act 1987 to secure compliance with the approved Heritage Conservation Management Plan to the satisfaction of the responsible authority.

Where a site is identified as “European Historic Site” on Plan 4 – Image and Character in the incorporated Wollert Precinct Structure Plan, June 2017 but not included on the Heritage Overlay or Heritage Inventory, a heritage assessment identifying a statement of significance/cultural value to the satisfaction of the responsible authority is required to be submitted with an application for a permit.

4.0 Conditions and requirements for permits

4.1 Requirement – Tree Protection

The conditions set out in Appendix 4.4 of the incorporated Wollert Precinct Structure Plan, June 2017 will apply to planning permits on land where indigenous trees are present in the permit area.

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

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, August 2014 incorporated under Clause 81.01 of the Whittlesea Planning Scheme.

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

4.3 Condition - Land required for community facilities

Land required for community facilities, as set out in the incorporated Wollert Precinct Structure Plan, June 2017 or the incorporated Wollert Development Contributions Plan, June 2017, must be transferred to or vested in Council at no cost to Council unless the land is funded by the incorporated Wollert Development Contributions Plan, June 2017.

4.4 Condition - Open space

Land required for public open space as a local or district park as set out in the incorporated Wollert Precinct Structure Plan, June 2017 must be transferred to or vested in Council at no cost to Council unless the land is funded by the incorporated Wollert Development Contributions Plan, June 2017.

4.5 Condition – Bushfire management

Before the certification of any subdivision plan 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.

4.6 Condition – Natural systems

Land required for a local conservation reserve, as set out in the incorporated Wollert Precinct Structure Plan, June 2017 must be transferred to or vested in Council at no cost to Council.

4.7 Condition – Local Conservation Reserves – Conservation Management Plans

Any permit for subdivision of land identified as a Local Conservation Reserve on Plan 2 – Future Urban Structure within the incorporated Wollert Precinct Structure Plan, June 2017 must contain the following conditions:

Prior to certification of any plan of subdivision for any parcel of land containing a Local Conservation Reserve on Plan 2 – Future Urban Structure within the incorporated Wollert Precinct Structure Plan, June 2017, the owner must enter into an agreement with the responsible authority pursuant to section 173 of the Planning and Environment Act 1987 which requires the owner to prepare and implement a Conservation Management Plan for the land, unless otherwise agreed by the responsible authority.

The Conservation Management Plan must be prepared prior to the approval of any construction plans (engineering plans) for any part of the land and be consistent with the Local Conservation Reserve Treatment and Management Guidelines in the incorporated
Wollert Precinct Structure Plan, June 2017 to the satisfaction of the Responsible Authority. Specifically, the Conservation Management Plan must provide for:

- early securing and fencing of the conservation reserve and establishment of interpretive signage prior to the commencement of subdivision construction activity on any part of the land, and
- A 10-year action plan providing for the protection of all areas proposed for conservation rehabilitation, biodiversity improvement works and actions focussing on improvement to Grassy Eucalypt Woodland of the Victorian Volcanic Plain and other matters of national environmental significance, re-vegetation and landscaping, pest plant and animal control, soil stabilisation, and on-going maintenance and monitoring.

Where applicable, the Plan shall quantify the extent of offset gain to be achieved commensurate with the Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines and defined by the Bush Broker Landowner Agreement and Quality Assurance Process.

The costs for preparation and execution of the Agreement shall be borne by the owner.

4.8
12/10/2017
C210

Conditions – Biodiversity and threatened species

Any permit for subdivision must contain the following conditions:

Kangaroo Management Plan

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.

Salvage and translocation

The Salvage and Translocation Protocol for Melbourne’s Growth Corridors (Department of Environment and Primary Industries, 2014) must be implemented in the carrying out of development to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

Protection of Biodiversity Conservation Strategy conservation areas and native vegetation during construction

The following conditions must be applied to a permit to subdivide land where construction or works are required or a permit to construct a building or construct or carry out works; and in either case, where the Wollert Precinct Structure Plan shows the land or abutting land as containing a conservation area or patch of native vegetation or scattered tree which is to be retained:

- Prior to the commencement of works in or around a conservation area, scattered native tree or patch of native vegetation, a conservation area/vegetation protection fence must be erected that is:
  - highly visible
  - at least 2 metres in height
  - sturdy and strong enough to withstand knocks from construction vehicles
  - kept in place for the whole period of construction
  - located the following minimum distance from the element to be protected:
4.9 Condition – Environmental Management Plan

A planning permit for subdivision, buildings or works on land shown as a Biodiversity Conservation Strategy conservation area in the incorporated Wollert Precinct Structure Plan, June 2017 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 Secretary to the Department of Environment Land Water and Planning, unless otherwise agreed by the Secretary to the Department of Environment Land Water and Planning.

4.10 Condition - Public transport

Any permit for subdivision must contain the following condition:

Unless otherwise agreed by Public Transport Victoria, prior to the issue of Statement of Compliance for any plan of subdivision, 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 Public Transport Victoria.

4.11 Condition – Road network

Any permit for subdivision must contain the following condition:

Prior to the certification of a plan of subdivision, the plan of subdivision must show the land affected by the widening of the road reserve which is required to provide road widening and/or right of way flaring for the ultimate design of any adjacent intersection.

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 incorporated Wollert Development Contributions Plan, June 2017.
4.12 Condition - Precinct Infrastructure Plan

Any permit for subdivision must contain the following condition:

Prior to the certification of a plan of subdivision or at such other time which is agreed between Council and the owner, if required by the responsible authority or the owner, the owner must enter into an agreement or agreements under section 173 of the Planning and Environment Act 1987 which provides for:

- The implementation of the Public Infrastructure Plan approved under this permit.
- The purchase and/or reimbursement by the responsible authority of any provision of public open space in excess of the amount specified in the schedule to Clause 52.01.
- The timing of any payments to be made to the owner having regard to the availability of funds in the open space account.

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

Any permit for subdivision or for the construction of any buildings or works in relation to land identified as High Risk or Medium Risk on Map 3 of this Schedule must contain the following condition:

Before a plan of subdivision is certified under the Subdivision Act 1988 or before the commencement of any buildings or works, as appropriate, the recommendations of the:

- Phase 2 Environmental Site Assessment; or
- The environmental audit

as relevant, must be carried out.

4.14 Condition – Construction management plan required in gas transmission pipeline protection area

Prior to the commencement of any works, including demolition, on land shown within the 35 metre East-West or North-South gas pipeline easement shown on Plan 11 – Utilities in the incorporated Wollert Precinct Structure Plan, June 2017, 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 or crossing the relevant gas transmission easement.
- Include any other relevant matter to the satisfaction of the responsible authority.

The responsible authority must be satisfied that the gas transmission pipeline licensee has reviewed and approved the Construction Management Plan.

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.

4.15 Condition - Dry Stone Walls

Any permit for buildings and works, including subdivision, on land which contains a dry stone wall must contain the following condition:

Prior to the commencement of works, a Dry Stone Wall Management Plan must be prepared which responds to the relevant objectives, requirements and guidelines contained within the incorporated Wollert Precinct Structure Plan, June 2017 and outlines the ongoing management of dry stone walls.
The Dry Stone Wall Management Plan must include details of the methods of deconstruction and construction of dry stone walls. The Dry Stone Wall Management Plan must be to the satisfaction of the responsible authority.

5.0

Notice to gas transmission pipeline owner and operator

Notice must be given to the person or body listed in the Schedule to Clause 66.06 of an application on land shown within the gas pipeline buffer as shown on Plan 5 in the incorporated Wollert Precinct Structure Plan, June 2017 for any of the following:
- Accommodation (other than a dwelling on a lot or a Dependent person’s unit)
- Dwelling where density will equal or exceed 30 dwellings per net developable hectare
- Child care centre
- Education centre
- Place of Assembly
- Retail premises
- Cinema based entertainment facility
- Hospital
- Aged Care Facility.

5.1

Referral to gas fired power station owner and operator

An application must be referred to the person or body listed in the Schedule to Clause 66.04 where the application is to use land shown within the future gas fired power station buffer on Plan 2 - Future Urban Structure in the incorporated Wollert Precinct Structure Plan, June 2017 for the following:
- Accommodation
- Aged Care Facility
- Child Care centre
- Education Centre
- Place of Assembly
- Retail premises
- Cinema based entertainment facility
- Hospital.

6.0

Advertising signs

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.

6.1

Land and home sales signs

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;
WHITTLESEA PLANNING SCHEME

- The sign is not displayed longer than 21 days after the sale (not settlement) of the last lot; and
- The sign is set back a minimum of 750 millimetres from the property boundary.

A permit may be granted to display a sign promoting the sale of land or homes on the land (or on adjoining land in the same ownership) with an area greater than 10 square metres.
SCHEDULE 6 TO THE URBAN GROWTH ZONE

Shown on the planning scheme map as UGZ6.

Lara West Precinct Structure Plan (2013)

1.0

The Plan

Map 1 shows the future urban structure proposed in the incorporated Lara West Precinct Structure Plan, Revision J, 25 September 2013 (Lara West Precinct Structure Plan).

Map 1 – Lara West Precinct Structure Plan

2.0

Use and development

2.1

The land

The provisions specified in this schedule only apply to land in the Lara West Precinct (Map 1) that is zoned UGZ.

2.2

Applied zone provisions

The provisions of the following zones in this scheme apply to the use and subdivision of land, construction of a building and construction and carrying out of works, by reference to Map 1 of this schedule.
Table 1: Applied zone provisions

<table>
<thead>
<tr>
<th>Land shown on map 1 of this schedule</th>
<th>Applied zone provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential conventional</td>
<td>Clause 32.08 - General Residential Zone</td>
</tr>
<tr>
<td>Residential medium density</td>
<td>Clause 32.08 - General Residential Zone</td>
</tr>
<tr>
<td>Activity Centre - Neighbourhood Activity</td>
<td>Clause 34.01 - Commercial 1 Zone</td>
</tr>
<tr>
<td>Activity Centre - Local Activity</td>
<td>Clause 34.01 - Commercial 1 Zone</td>
</tr>
<tr>
<td>Community facilities</td>
<td>Clause 32.04 - Mixed Use Zone</td>
</tr>
<tr>
<td>Education centre</td>
<td>Clause 32.08 - General Residential Zone</td>
</tr>
<tr>
<td>Public open space - Unencumbered</td>
<td>Clause 36.02 - Public Park and Recreation Zone</td>
</tr>
<tr>
<td>Public open space - encumbered</td>
<td>Clause 36.02 - Public Park and Recreation Zone</td>
</tr>
<tr>
<td>Habitat conservation area</td>
<td>Clause 36.02 - Public Park and Recreation Zone</td>
</tr>
<tr>
<td>Lara West watercourse and floodway</td>
<td>Clause 36.02 - Public Park and Recreation Zone</td>
</tr>
<tr>
<td>Retarding Basins</td>
<td>Clause 36.02 - Public Park and Recreation Zone</td>
</tr>
<tr>
<td>Employment Precinct</td>
<td>Clause 34.02 - Commercial 2 Zone</td>
</tr>
<tr>
<td>Private school</td>
<td>Clause 32.01 - General Residential Zone</td>
</tr>
</tbody>
</table>

Specific provisions - Use of land

The use of land must be generally in accordance with the Lara West Precinct Structure Plan.

The following provisions apply to the use of land.

Table 2: Use

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Display home on land shown as residential in Map 1 of this schedule</td>
<td>Despite any requirement under Clause 52.06, car parking must be provided to the satisfaction of the Responsible Authority.</td>
</tr>
<tr>
<td>Shop on land shown as Employment Precinct in Map 1 of this schedule</td>
<td>Must provide for convenience services in conjunction with other Employment Precinct uses and must not include a supermarket.</td>
</tr>
<tr>
<td>Child care centre on land shown as Activity Centre - Neighbourhood Activity</td>
<td>Must have written approval of the Minister administering the Pipelines Act 2005.</td>
</tr>
<tr>
<td>Education centre on land shown as Activity Centre - Neighbourhood Activity</td>
<td>Must have written approval of the Minister administering the Pipelines Act 2005.</td>
</tr>
</tbody>
</table>

Specific provisions - West Gateway Area

A permit must not be granted to use or subdivide land or construct a building and carry out works within the West Gateway Area in the Lara West Precinct Structure Plan, until a Masterplan of the West Gateway Area has been prepared to the satisfaction of the responsible authority.

The Masterplan shall guide the future subdivision, use and development of land within the West Gateway Area.
The objective of this provision is to ensure development occurs generally in accordance with the Lara West Precinct Structure Plan, and to require a range of detailed planning issues to be resolved prior to the commencement of development of the Area.

The Masterplan must show or address the following:

- General accordance with the Lara West Precinct Structure Plan.
- The staging of the development.
- Delivery of infrastructure including stormwater management.
- Environmental issues including native vegetation.
- Integration with adjoining land including road layout.
- The location of public open space areas.
- The provision of a potential bus route as advised by Public Transport Victoria.
- Treatment of the Bacchus Marsh Road/West Gateway intersection as advised by VicRoads.
- A Detailed Land Use Budget by Property.

A permit may be granted before a Masterplan has been prepared to the satisfaction of the responsible authority for the following:

- Construction of one dwelling on an existing lot, including outbuildings, provided it is the only dwelling on the lot.
- Agriculture and any buildings and works associated with the use of the land for agricultural purposes.
- Extensions, additions or modifications to any existing use or development.

Except with the consent of the responsible authority, a permit must be consistent with any Masterplan of the West Gateway Area which has been prepared to the satisfaction of the responsible authority under this provision.

This provision does not apply to land required as part of the integrated stormwater management for the Lara West Precinct.

2.5
27/02/2014
C246

Specific provisions - Patullos Road Area

A permit must not be granted to use or subdivide land or construct a building and carry out works within the Patullos Road Area in the Lara West Precinct Structure Plan, until a Masterplan of the Patullos Road Area has been prepared to the satisfaction of the responsible authority.

The Masterplan shall guide the future subdivision, use and development of land within the Patullos Road Area.

The objective of this provision is to ensure development occurs generally in accordance with the Lara West Precinct Structure Plan, and to require a range of detailed planning issues to be resolved prior to the commencement of development of the Area.

The Masterplan must show or address the following:

- General accordance with the Lara West Precinct Structure Plan.
- The staging of the development.
- Delivery of infrastructure including stormwater management.
- Environmental issues including native vegetation.
- Integration with adjoining land including road layout.
The location of public open space areas.

Treatment of the high-pressure gas pipeline following consultation with the Minister administering the Pipelines Act 2005.

A Detailed Land Use Budget by Property.

A permit may be granted before a Masterplan has been prepared to the satisfaction of the responsible authority for the following:

- Construction of one dwelling on an existing lot, including outbuildings, provided it is the only dwelling on the lot.
- Agriculture and any buildings and works associated with the use of the land for agricultural purposes.
- Extensions, additions or modifications to any existing use or development.

Except with the consent of the responsible authority, a permit must be consistent with any Masterplan of the Patullo's Road Area which has been prepared to the satisfaction of the responsible authority under this provision.

This provision does not apply to land required as part of the upgrade to the Patullo's/Elcho/O'Hallorans Road intersection.

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Specific provisions - Neighbourhood Activity Centre

A permit must not be granted to use or subdivide land, or to construct a building or construct and carry out works within the land identified as the Neighbourhood Activity Centre in the incorporated Lara West Precinct Structure Plan until an urban design framework for the Neighbourhood Activity Centre has been prepared to the satisfaction of the responsible authority.

Unless the responsible authority agrees, the urban design framework must include all of the land in the Neighbourhood Activity Centre and must address and respond to Section 4.5 of the incorporated Lara West Precinct Structure Plan and any other relevant part of the incorporated Lara West Precinct Structure Plan as appropriate.

The urban design framework may be amended to the satisfaction of the responsible authority.

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Specific provisions - Employment Area

A permit must not be granted to use or subdivide land, or to construct a building or construct and carry out works within the land identified as the Employment Precinct in the incorporated Lara West Precinct Structure Plan until an urban design framework for the Employment Precinct has been prepared to the satisfaction of the responsible authority.

Unless the responsible authority agrees, the urban design framework must include all of the land in the Employment Precinct and must address and respond to Section 4.5 of the incorporated Lara West Precinct Structure Plan and any other relevant part of the incorporated Lara West Precinct Structure Plan as appropriate.

The urban design framework may be amended to the satisfaction of the responsible authority.

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Specific provisions - Buildings and works

A permit is not required for the construction or carrying out of buildings and works associated with a display home on a lot over 300 square metres.
2.9 Specific provisions - Resolution of doubt

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If any doubt arises as to whether a provision specified in this schedule applies to land, a permit may be granted for any use or development if the responsible authority is satisfied that the use or development is in accordance with the incorporated Lara West Precinct Structure Plan.

3.0 Application requirements

3.1 Environmental Assessment

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An application for a permit must be accompanied by site assessment of the land by a suitably qualified environmental professional including:

- detail of the nature of the previous and existing land use/activities on the land;
- an assessment of the potential level and nature of contamination on the land; and
- 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 as amended from time to time.

3.2 Subdivision

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An application for subdivision must be accompanied by a site analysis and design response as detailed in Clause 56.01. In addition, the site analysis and design response must show or address the following to the satisfaction of the responsible authority.

- A written statement that explains how the subdivision meets the objectives and planning and design guidelines for the Image and Character and Subdivision and Housing elements of the incorporated Lara West Precinct Structure Plan.
- Integration with the existing or proposed subdivision of adjoining properties including through alignment and configuration of the street network and landscape character.
- The staging of the development.
- Where appropriate, the location of proposed planned community infrastructure, public open space areas and their recreation function.
- An assessment of the existing surface and subsurface drainage conditions on the site by a suitably qualified professional and the potential impacts on the proposed development, including any measures required to mitigate the impacts of springs on the development and the impact of the development on drainage.
- An environmental assessment is to be undertaken prior to development of any areas identified as being of potential environmental interest.

If the responsible authority is satisfied that an application requirement is not relevant to the assessment of an application, the responsible authority may waive any of the above requirements.

3.3 Referral

3.4 Native Vegetation

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Any permit application for land containing native vegetation identified to be retained in the Lara West Native Vegetation Precinct Plan, or land that is identified within the Native
Vegetation Precinct Plan as an offset site must be referred to the Department of Environment and Primary Industries.

High Pressure Gas Pipeline

Any permit application for the use, development or subdivision of land within the high pressure gas pipeline measurement length (as defined in AS2885) as shown in the incorporated Lara West Precinct Structure Plan must be referred to the Minister administering the Pipelines Act 2005.

Flood Mitigation

Any permit application for land that is shown to be subject to flooding in a 1 in 100 year event as detailed on Plan 19 (Flood Boundary for Existing Conditions Q100) in the incorporated Lara West Precinct Structure Plan must be referred to the relevant Catchment Management Authority.

Conditions and requirements for permits

Any permit must contain conditions and requirements as appropriate which give effect to any relevant part of the incorporated Lara West Precinct Structure Plan.

Conditions for subdivision or building and works permits where land is required for community facilities, public open space, road widening and drainage

Public open space and community facilities

Land identified as public open space or community facilities in the incorporated Lara West Precinct Structure Plan and specified on Plan 5 - Future Urban Structure, and in Table 1 - Summary Land Use Budget in the incorporated Lara West Precinct Structure Plan, or in any approved Masterplan as required under clause 2.4 and 2.5 of this schedule, or any applicable Development Contributions Plan, must be transferred to or vested in Council at no cost to Council unless funded by the applicable Development Contributions Plan.

Public open space must be provided in accordance with Plan 5 - Future Urban Structure and Table 1 - Summary Land Use Budget in the incorporated Lara West Precinct Structure Plan, or in any approved Masterplan as required under clause 2.4 and 2.5 of this schedule, prior to the issue of a Statement of Compliance (or as otherwise agreed with the responsible authority). These contributions are subject to an equalisation for unencumbered open space.

Any public open space provided at the applicants request in addition to that reflected in Plan 5 - Future Urban Structure and Table 1 - Summary Land Use Budget in the incorporated Lara West Precinct Structure Plan, or in any approved Masterplan as required under clause 2.4 and 2.5 of this schedule, must be transferred to or vested in Council at no cost to Council and is not subject to compensation.

Road widening

Land required for road widening including right of way flaring for the ultimate design of any intersection with an existing or proposed arterial road must be referred to or vested in Council or VicRoads at no cost to the acquiring agency unless funded by an applicable Development Contributions Plan.
Drainage

Individual stages of development must demonstrate compliance with the staged delivery of ultimate drainage infrastructure in accordance with Plan 19 of the incorporated Lara West Precinct Structure Plan.

Requirements for Native Vegetation

Prior to issuing statement of compliance, or before the vegetation removal starts for Very High Conservation Significance Vegetation, the applicant must prepare and submit a Vegetation Offset Management Plan to the satisfaction of the Department of Environment and Primary Industries for approval by the responsible authority. When approved, the plan will form part of this permit.

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Conditions for subdivision permits that allow for 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:

- The Small Lot Building Code forming part of the Lara West Precinct Structure Plan applies to the subdivision of land under this permit and the application of the Small Lot Building Code must be shown on any endorsed plans which are part of this planning permit.

- Before a plan is certified for a subdivision (or the relevant stage of a subdivision) where a building envelope is proposed, the plans endorsed under this permit must show a building envelope for each lot with an area less than 300 square metres that is in accordance with the Small Lot Building Code forming part of the Armstrong Creek West Precinct Structure Plan to the satisfaction of the Responsible Authority.

Where a building envelope plan is proposed and/or required, any permit for subdivision must contain the following conditions:

- The building envelopes must be applied as a restriction on the Plan of Subdivision or through an agreement under section 173 of the Act that is registered on the title to the land. The restriction or agreement must provide for:
  - The building envelope plan to apply to each relevant lot;
  - All buildings being constructed in accordance with the building envelope on the relevant lot;
  - The construction of a building outside the building envelope only with the written consent of the Responsible Authority;
  - A building envelope to cease to apply to any building on the lot affected by the envelope after the issue of a Certificate of Occupancy for the whole of a dwelling and any garage or carport on the land.

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Conditions and requirements for all permits

Environmental Audit

If the environmental site assessment recommends an environmental audit of all or part of the land, or if required by the responsible authority, then prior to the commencement of any use, for a sensitive purpose or prior to any buildings or works or the certification of a subdivision, whichever is earlier, the following must be provided to the responsible authority:
either:

- A certificate of environmental audit issued for the relevant land in accordance with Part 1XD of the Environmental Protection Act 1970,

or

- A statement by an environmental auditor appointed under the Environment Protection Act 1970, in accordance with Part 1XD of that Act that the environmental conditions of the relevant land are suitable for a sensitive use (with or without conditions on the use of the site);

If a statement by an environmental auditor is provided rather than a certificate of environmental audit and the statement indicates that the environmental conditions of the relevant land are suitable for a sensitive use subject to conditions, the owner of the land must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 before any development commences on the relevant land to provide for:

- ongoing compliance with all conditions in the Statement by the Environmental Auditor; and

- the responsible authority's reasonable legal costs and expenses of drafting / reviewing and registering the agreement to be borne by the owner of the relevant land.

5.0

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Advertising signs

The advertising category is the category which is applicable for the relevant applied zone.

Despite the provisions of Clause 52.05, a permit may be granted to display an advertising sign that promotes the sale of land or dwellings, whether or not the advertising sign is located on the land for sale.

6.0

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Decision guidelines

Before deciding on an application to subdivide, use and/or develop land the responsible authority must consider, as appropriate:

- Whether the application is consistent with the Lara Structure Plan, City of Greater Geelong, 2011.

- Whether the application is consistent with the incorporated Lara West Native Vegetation Precinct Plan, September 2013.

- Whether the application is consistent with the incorporated Lara West Precinct Development Contributions Plan, September 2013.

- Whether the application is consistent with the incorporated Lara West Precinct Structure Plan, September 2013 including any approved Urban Design Frameworks.

- For any application within the gas pipeline easement and its pipeline measurement length (as defined in AS2885), as shown on Map 1: any risks associated with the operation of the high pressure gas pipeline.

7.0

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References

Lara West Precinct Structure Plan, Revision J, 25 September 2013

Lara Lakes Heritage Due Diligence Study and Implications for Development (October, 2011) prepared by Andrew Long and Associates Pty Ltd

Lara West Flora and Fauna Assessment (April, 2012) prepared by Brett Lane and Associated Pty Ltd
GREATER GEELONG PLANNING SCHEME

Lara West Growth Area, Lara, Native Vegetation Precinct Plan (September 2013) prepared by Brett Lane and Associated Pty Ltd

Lara West Surface Water Management Strategy (June, 2012) prepared by Neil M Craigie Pty Ltd

Phase 1 Environmental Site Assessment (July, 2011) prepared by SMEC Pty Ltd

Lara West Infrastructure Services Report (September, 2012) prepared by SMEC Urban Pty Ltd

Small Lot Housing Code Standards, GAA, August 2011