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SCHEDULE 4 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ4**.

BOTANIC RIDGE PRECINCT STRUCTURE PLAN

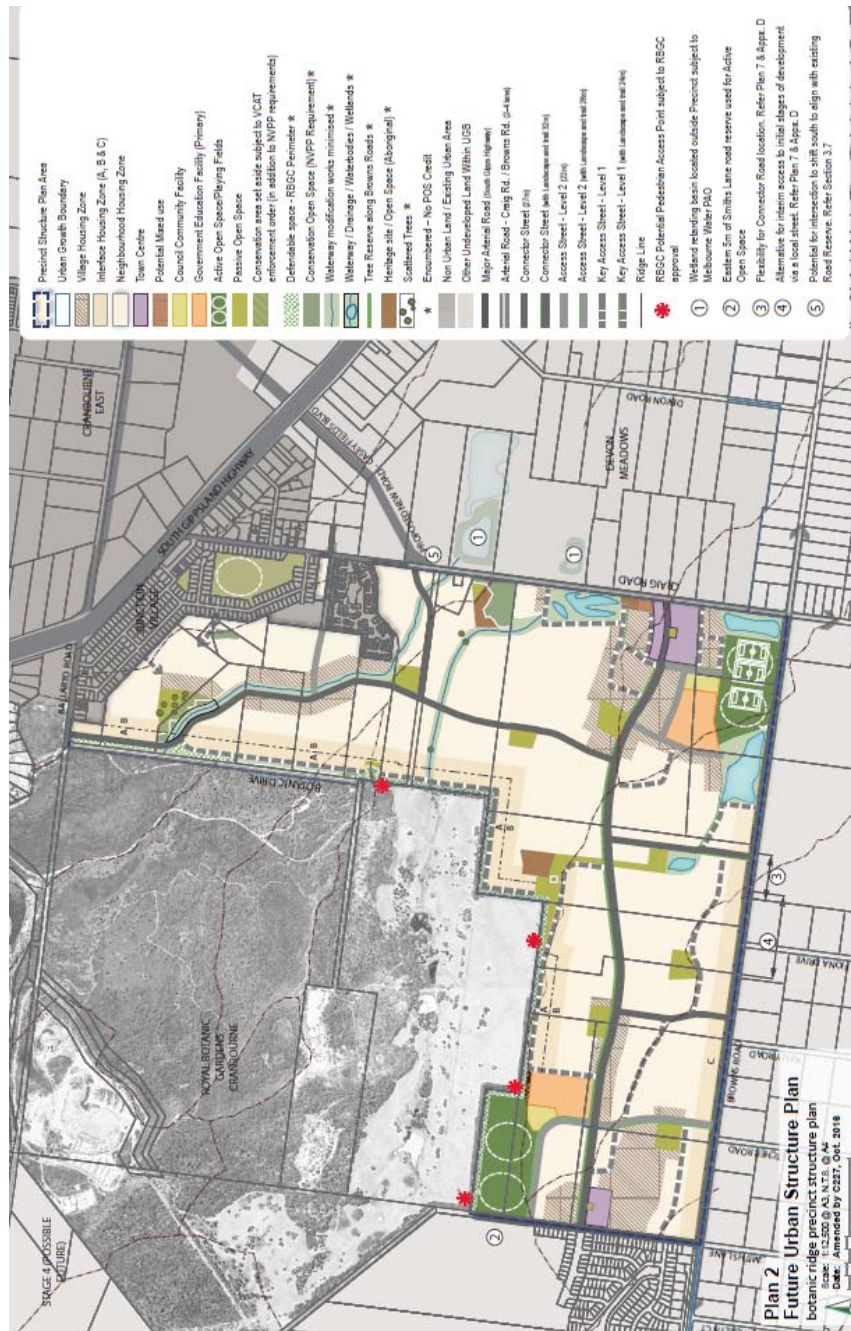
1.0

The Plan

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Map 1 to Schedule 4 to Clause 37.07 shows the Future Urban Structure for Botanic Ridge. It is a reproduction of Plan 2 in the *Botanic Ridge Precinct Structure Plan*.

Map 1 to Schedule 4 to Clause 37.07



2.0 Use and development

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The Land

The use and development provisions specified in this schedule apply to the land shown as 'Precinct Structure Plan Area' in Map 1 of this schedule and shown as UGZ4 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

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

Table 1: Applied zone provisions

Land use or development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land	Applied zone provisions
Town centre	Clause 34.01 – Commercial 1 Zone
All other land	Clause 32.08 – General Residential Zone

2.3 Specific provisions – Use of land

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The following provisions apply to the use of land.

Table 2: Use

Use	Requirement
Shop where the applied zone is Commercial 1 Zone	<p>A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds:</p> <ul style="list-style-type: none"> ▪ 8700 square metres for land shown as the Eastern local town centre in the incorporated <i>Botanic Ridge Precinct Structure Plan</i>. ▪ 3000 square metres for land shown as the Western small local town centre in the incorporated <i>Botanic Ridge Precinct Structure Plan</i>.

2.4 Specific provisions – Use and development of future public land

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A permit is not required to use or develop land shown in the *Botanic Ridge Precinct Structure Plan* as open space (active or passive) or community facilities provided the use or development is carried out generally in accordance with the *Botanic Ridge Precinct Structure Plan* and with the prior written consent of Casey City Council.

2.5 Specific provisions – Amenity and appearance of dwellings within the applied General Residential Zone

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External lighting on a dwelling or within a lot must be baffled and angled so that light is cast toward the ground and / or so that it does not spill onto adjoining properties or public spaces.

Services normal to a dwelling and water tanks must be finished in a non-reflective, muted colour and must not, as far as is practicable, be visible from the street (other than a lane) or a public park.

2.6 Specific provisions - Residential design controls for residential subdivision

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The *residential design controls* in the incorporated *Botanic Ridge Precinct Structure Plan* must be met by a residential subdivision or a development of a dwelling on a residential lot, as relevant, to the satisfaction of the responsible authority.

A permit may be granted to vary a *residential design control*.

Where a *residential design control* relating to subdivision conflicts with an objective or standard of Clause 56 of this scheme, the *residential design controls* prevail.

Where a *residential design control* relating to the development of a dwelling conflicts with an objective or standard of Clause 54 or 55 of this scheme, the *residential design controls* prevail.

These provisions do not apply to a development that accords with the incorporated Small Lot Housing Code.

2.7 Specific provisions - Construction of single dwellings on small lots

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

A permit is not required to construct a front fence within 3 metres of a street on a lot of between 250 and 300 square metres provided that the front fence height in Table A2 at Clause 54.06-2 is met.

Or

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

2.8 Specific provisions - Referral of applications to the Director of Public Transport

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Clause 52.36 requires referral of specified applications to the Director of Public Transport. Clause 52.36-1 exempts an application from the referral requirement where the application is consistent with an adopted Structure Plan that has been prepared in consultation with and endorsed by the Public Transport Division of the Department of Transport.

For the purpose of Clause 52.36-1 of this planning scheme, a development is consistent with the *Botanic Ridge Precinct Structure Plan* where the following requirements are met:

- A road nominated on *Plan 8 – Public Transport and Walking Trails* in the *Botanic Ridge Precinct Structure Plan* as a potential bus route is constructed (including any partial construction where relevant) in accordance with its corresponding cross section in the *Botanic Ridge Precinct Structure Plan*; and
- Any roundabouts or other road management devices on potential bus routes are constructed to accommodate ultra low floor buses in accordance with the Public Transport Guidelines for Land Use and Development; and
- Prior to the issue of a Statement of Compliance for any subdivision stage bus stop hard stands with direct and safe pedestrian access to a pedestrian path must be constructed unless otherwise agreed by the Director of Public Transport:
 - 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*; and
 - At locations approved by the Director of Public Transport, at no cost to the Director of Public Transport and to the satisfaction of the Director of Public Transport.

A responsible authority may address any of the above matters through planning permit conditions.

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Application requirements

Residential subdivision – Site and context description and design response

Where a site and context description under Clause 56.01-1 of this scheme is required to be submitted, the following applies:

- The site and context description may reference the *Botanic Ridge Precinct Structure Plan*, the *Botanic Ridge Native Vegetation Precinct Plan* or the *Botanic Ridge Development Contributions Plan* to describe relevant present or future features of the site as listed in Clause 56.01-1.
- Where Clause 56.01-1 requires a site and context description to show 'significant views to and from the site', significant views must include, but are not limited to, views to and from the Royal Botanic Gardens Cranbourne (RBGC) and views to and from land to the south of Browns Road.

An application for subdivision must address the requirements of Clause 56 of the Casey Planning Scheme. In addition to any requirement in 56.01-2 a subdivision design response must include:

- A land budget table, to the same format and methodology as those within this PSP, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields.
- View-shed cross-sections from the 'Trig Point lookout' within the RBGC to the extent of the development. This material may be supported by plan based / 3D imagery.

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Development applications in a local town centre

An application to construct a building or construct or carry out works on land in a local town centre must be accompanied by:

- A levels and grading plan for the site and immediate surrounds showing the existing and proposed levels.
- Material that demonstrates how the design and layout of the town centre ensures protection of view-sheds from the nearby RBGC.
- Design guidelines for the provision and integration of advertising signs.
- Guidelines on environmental sustainability including integrated water management and energy conservation.
- Material demonstrating how medium and higher density housing and future commercial expansion can be incorporated into the centre over time.

An application to subdivide land, construct a building or construct or carry out works on land in a local town centre by should be accompanied by a Sustainability Management Plan which demonstrates how the following considerations have been incorporated into the design of the Town Centre:

- Energy efficient design and construction methods for the development of all buildings.
- Water Sensitive Urban Design to maximise re-use of stormwater, support landscaping and improve water infiltration into the ground, is encouraged
- Demonstration that a high level of access, mobility and safe pedestrian movement is being delivered for the Town Centre.
- Appropriate mix of shade and shelter through a combination of landscape treatment and built form features.

- Natural ventilation of all buildings to reduce the reliance on machinery for heating and cooling.
- Passive solar orientation and building design.
- Waste collection designed to maximise opportunities for recycling and reuse.
- Solar energy for water and space heating, electricity generation and internal and external lighting.
- How in ways other than those listed above, the design of built form reduces greenhouse gas emissions associated with the occupation and the ongoing use of buildings.

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Miscellaneous

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

- The provision, staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Melbourne Water.
- 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.
- The landscaping of any land.
- The provision of public open space and land for any community facilities.
- What, if any, infrastructure set out in the development contributions plan applying to the land is sought to be provided as "works in lieu" subject to the consent of the collecting agency.
- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

An application for subdivision must be accompanied by an assessment of surface and subsurface water conditions on the site and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions on the development and the impact of the development on groundwater.

An application that proposes to create or change access to Browns Road or Craig 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 Council.

An application to use or develop land at 60 Botanic Drive or 45 Craig Road for a sensitive use must be accompanied by an environmental site assessment of the land by a suitably qualified environmental professional to the satisfaction of the responsible authority which provides information including:

- Detailed assessment of the matters outlined as potential contaminants on the land documented in 'Report for Botanic Ridge Precinct Structure Plan, Environmental Contamination Assessment, January 2010' by GHD.
- 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.
- Recommended remediation actions for any potentially contaminated land.

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Conditions and requirements for permits**Housing****Conditions for construction of single dwellings on small lots**

Before the issue of a certificate of compliance for the subdivision (or a stage of the subdivision) a building envelope plan for each lot between 250 square metres and 300 square metres to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority.

If an approved building envelope applies to a lot between 250 – 300 square metres under section 2.7 of this schedule a planning permit must contain a condition that requires the approved building envelopes must be applied as a restriction on the plan of subdivision or be applied through an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 that is recorded on the title to the land. The restriction or the agreement must provide for:

- The building envelope to apply to each relevant lot.
- All buildings to conform to the building envelope on the relevant lot.
- The construction of a building outside of a building envelope only with the 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 on the land.

Where the building envelope is to be applied to the land through an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987, the building envelope plan may be approved after the plan of subdivision is certified.

Or

If construction of a single dwelling on a lot is to be assessed against the Small Lot Housing Code under section 2.7 of this schedule 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 Casey Planning Scheme.
- The plan of subdivision submitted for certification must identify whether type A or type B of the Small Lot Housing Code applies to each lot to the satisfaction of the responsible authority.

60 Botanic Drive and 45 Craig Road, Junction Village – conditions for a permit allowing use or development for a sensitive use

Before the development associated with the subdivision starts, (this requirement does not apply to bore holes and excavation associated with an environmental site assessment), an environmental site assessment of the land by a suitably qualified environmental professional must be undertaken which provides the following information:

- 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.
- 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.

If an environmental site assessment recommends an environmental audit of all or part of the land, then:

- Before the commencement of any use for a sensitive purpose; or

- Before any buildings or works; or
- Before the certification of a plan of subdivision

whichever is the earlier in respect of all or that part of the land as the case may, 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 *Environment Protection Act 1970*, or

A Statement of Environmental Audit issued for the relevant land in accordance with Part 1XD of the *Environment Protection Act 1970* stating 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 of Environmental Audit is provided rather than a Certificate of Environmental Audit and the Statement of Environmental Audit 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 the construction of any building on the relevant land providing for the:

- Implementation and on-going compliance with all conditions in the Statement of Environmental Audit; and
- The payment of the responsible authority's legal costs and expenses of drafting/reviewing and registering the agreement by the owner of the relevant land.

4.2 Employment and activity centres

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The boundary of a local centre with the applied Commercial 1 Zone must be shown on a plan of subdivision as a local centre to the satisfaction of the responsible authority.

4.3 Community facilities

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

4.4 Open space and natural systems

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Environment notifications and prohibitions

Any permit issued for residential subdivision must include the following condition:

The owner must enter into an agreement under section 173 of the Act with the responsible authority to provide for:

- Notification that Casey City Council publishes a list of native plant species suitable to the local environment at Botanic Ridge and a statement that Casey City Council encourages the use of these native plants in private gardens to complement the adjacent Royal Botanic Gardens Cranbourne environment.
- Notification that intermittent environmental burn regimes within the Royal Botanic Gardens Cranbourne may affect the amenity of the lot.
- The owner to covenant that they will not do the following on the lot:
 - Keep cats or exotic bees.
 - Plant or raise listed environmental weeds.

The agreement must be registered on the title to every lot created by the subdivision. The preparation and execution of an agreement must be at no cost to the responsible authority.

Notification of bushfire risk and vegetation management advice

Any permit issued for subdivision of land within 150 metres of the bushfire hazard shown on Plan 5 and the relevant cross section in the incorporated Botanic Ridge Precinct Structure Plan must include the following condition:

The owner must enter into an agreement under section 173 of the Act with the responsible authority to provide for notification to the owner of the lot on which the agreement is registered that:

- The Royal Botanic Gardens Cranbourne (RBGC) is a potential bushfire hazard; and
- Any vegetation on the lot should be managed for the purpose of providing defensible space; and
- Guidance on defensible space can be obtained from the relevant fire authority.

The agreement must be registered on the title to every lot created by the subdivision that is within, or partly within 150 metres of the relevant bushfire hazard.

The preparation and execution of the agreement must be at no cost to the responsible authority.

Transfer of municipal reserves

Land described in the Botanic Ridge Precinct Structure Plan as:

- 'Defensible space – RBGC Perimeter' on Plan 5; and
- public open space (as a local or district park); and
- tree reserve,

must be transferred to or vested in Council at no cost to Council.

Southern Brown Bandicoot conservation – habitat creation

Any permit for residential subdivision must include the following conditions:

Before works commence on land identified as Southern Brown Bandicoot Connectivity on Plan 5 of the Botanic Ridge Precinct Structure Plan a detailed Southern Brown Bandicoot Connectivity Landscape Plan (SBBCLP) must be submitted to and approved by the Secretary to the Department of Environment Land, Water and Planning ('DELWP'). The plan must show:

- Areas of habitat to be created and enhanced for Southern Brown Bandicoot connectivity, including suitable plant species, landscape design and sensitive location of infrastructure,
- Landscaping wholly within the relevant reserves shown within 'Southern Brown Bandicoot connectivity',
- How the primary and other functions of the relevant reserve are to be maintained to the satisfaction of the public land manager,
- Any relevant pedestrian, bicycle or vehicle connectivity,
- Integration with existing or planned landscaping on adjacent properties or anticipates potential habitat development on adjacent properties, and
- Landscape works that do not result in an unacceptable increase in bushfire threat to adjacent land use and development.

Works and landscaping on an approved SBBCLP must be carried out to the satisfaction of the Secretary to DELWP.

Southern Brown Bandicoot conservation – safe passage under roads

A permit for residential subdivision must include the following condition:

In addition to the approval of any other relevant roads authority (including the anticipated public land manager for the relevant road reserve) roads that cross Southern Brown Bandicoot connectivity corridors including those shown on Plan 7 in the PSP may require additional culverts intended specifically for passage of Southern Brown Bandicoots and that do not have a primary hydraulic function.

Detailed design drawings for this infrastructure must be submitted to and approved by the Secretary to the Department of Environment Land, Water and Planning ('Secretary to the DELWP') prior to commencing construction.

Incorporation of SBB transit infrastructure must not adversely impact on the performance of the road reserve for vehicles, bicycles and / or pedestrians.

Notes: Southern Brown Bandicoot plans described above are in addition to the approval of any other relevant public land manager, including the anticipated public land manager, for the relevant reserve.

Refer Table 9 in the PSP for guidance on the lead agency and funding of additional works for Southern Brown Bandicoot habitat.

Protecting and offsetting native vegetation

Any:

- Works carried out in respect of any subdivision;
- Construction of buildings and associated works; and
- Removal, lopping or destruction of native vegetation on the land as authorised by the Native Vegetation Precinct Plan (NVPP) applying to the land,

must be carried out in accordance with all of the requirements set out in the incorporated NVPP applying to the land to the satisfaction of the responsible authority.

Only the native vegetation which is identified for removal in the incorporated NVPP applying to the land may be removed, lopped or destroyed without a permit.

Before the removal, destruction or lopping of any native vegetation within any property (identified by the PSP Property Number on Map 1 of the *Botanic Ridge NVPP*) the owner of the land from which the native vegetation is being removed must provide offsets consistent with the incorporated NVPP by either:

- Providing an allocated credit extract issued by the Department of Sustainability and Environment; or
- Preparing and submitting an Offset Plan to the satisfaction of the Department of Sustainability and Environment and have the Offset Plan approved by the responsible authority.

Where an Offset Plan is approved:

- Before the removal, destruction or lopping of any native vegetation, the owner of the land from which the native vegetation is being removed must provide on-title security for the Offset Site to the satisfaction of Department of Sustainability and Environment that provides for the implementation of the Offset Plan and pay the reasonable costs of the preparation, execution and registration of any on-title agreement; and
- Offsets must be initiated within 12 months of approval of the Offset Plan or before the removal of Very High Conservation Significance vegetation, whichever is earlier, and be implemented according to the schedule of works in the Offset Plan to the satisfaction of the responsible authority.

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Transport and movement

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.

The land required for road flaring must be transferred to or vested as ‘road’ in the Roads Corporation (in the case of land for arterial roads under the *Road Management Act 2004*) or in Casey City Council (in the case of other roads) at no cost unless that road or road widening land is funded by the *Botanic Ridge Development Contributions Plan*.

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Advertising signs

The following advertising sign categories in this scheme apply by reference to Map 1 of this Schedule.

Table 3: Advertising signs

Land shown on Map 1 of this schedule	Advertising sign category
Town centre	Category 1
Potential mixed use	Category 2
Housing (all types)	Category 3
All other land	Category 4

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.
- The sign is not displayed longer than 21 days after the sale (not settlement) of the last lot.
- The sign is set back 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.

Note:

On 11 September 2014 an approval under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) was issued by the Commonwealth Minister for Environment, Heritage and Water. The approval applies to all actions associated with urban development in the southeast growth corridors in the expanded Melbourne 2010 Urban Growth Boundary as described in page 4 in the Biodiversity Conservation Strategy for Melbourne's Growth Corridors (Department of Environment and Primary Industries, 2013). The Commonwealth approval has effect until 31 December 2060. The approval is subject to conditions specified at Annexure 1 of the approval.

Provided the conditions of the EPBC Act approval are satisfied individual assessment and approval under the EPBC Act is not required.