

28/07/2016  
C175

**SCHEDULE 3 TO THE URBAN GROWTH ZONE**

Shown on the planning scheme map as **UGZ3**.

**Toolern Precinct Structure Plan**

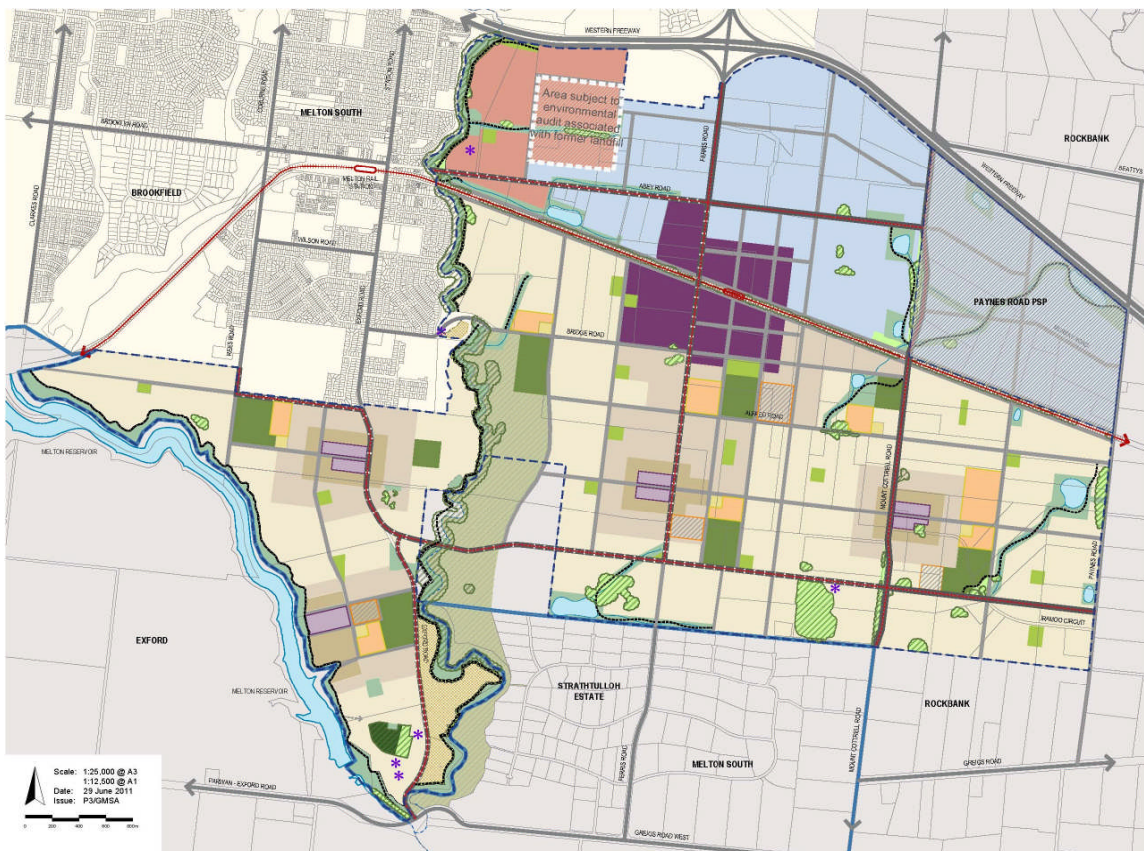
**1.0**

**The plan**

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Map 1 shows the future urban structure proposed in the Toolern Precinct Structure Plan. It is a reproduction of Plan 5 in the Toolern Precinct Structure Plan.

**Map 1 to Schedule 3 to Clause 37.07**



Precinct Structure Plan Area	Conventional Residential (subject to land capability assessment)	Catholic Education Facility (subject to permit)	Conservation Passive Open Space	Secondary Arterial Road	Shared Paths (within open spaces)
Paynes Road PSP Area	Major Activity Centre	Mixed use	Conservation Open Space	Secondary Arterial Road (unsewered)	Existing Railway Line & Station
Urban Growth Boundary	Neighbourhood Activity Centre	Unnumbered Active Open Space/Playing Fields	Regional Open Space	Connector Road	Proposed Railway Station (subject to further investigation)
Conventional Residential	Employment Land	Unnumbered Passive Open Space	Green Wedge	Local Access Street - Level 1	Heritage Site
Medium Density Residential	Community Facilities (or not located in nearby Activity Centre)	Waterway/Drainage Reserve	Existing Urban Area	Local Access Street - Level 2	Waterbody
High Density Residential	Government Education Facility	Wetland/Retarding Basin	Primary Arterial Road	Off Road Cycle Lanes (on-site and sub-street routes)	Habitat Zone/Ecological Vegetation Classes (env)

**2.0 Use and development**

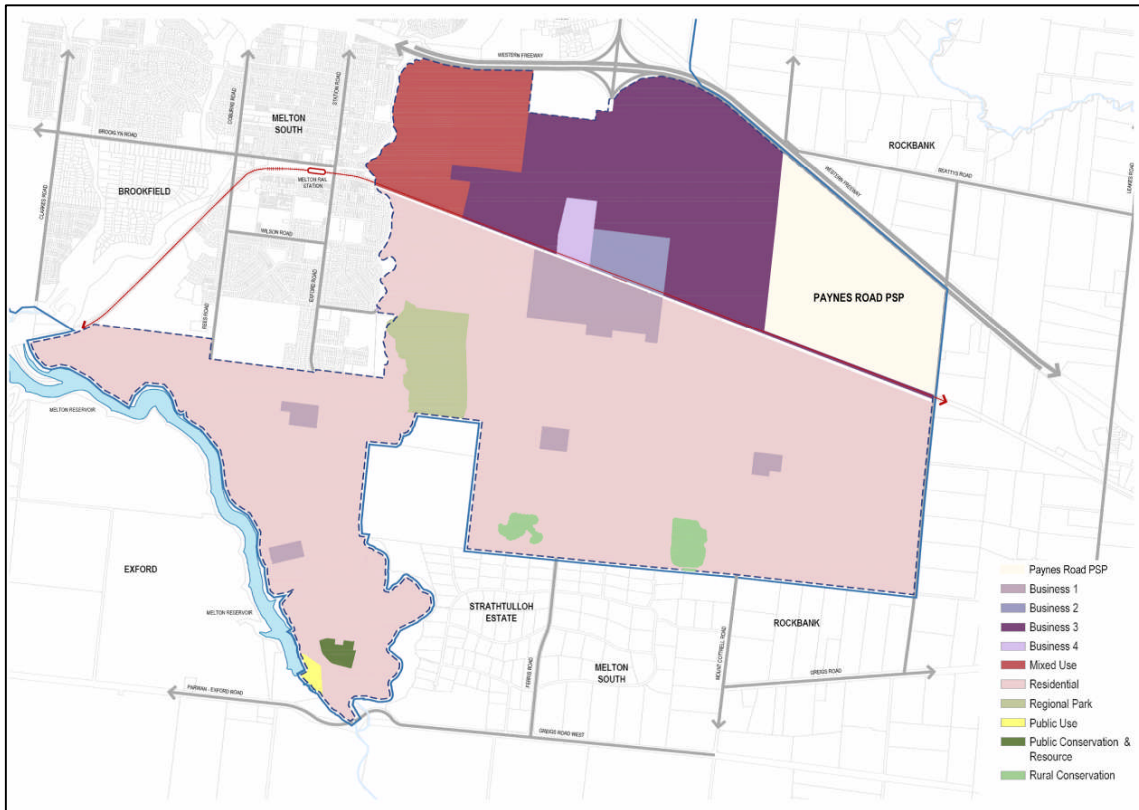
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**2.1 The land**

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The use and development provisions specified in this schedule apply to the land as shown below in Map 2.

**Map 2 to Schedule 3 to Clause 37.07**



**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 construction and carrying out of works, by reference to Map 2 of this schedule.

The precise boundary of the Business 1 area, Business 2 area and the Mixed Use Zone will be determined by the approved Urban Design Framework Plans.

**Table 1: Applied zone provisions**

Land as shown on Map 2 of this Schedule	Applied zone provisions
<b>Business 1</b>	Clause 34.01 - Commercial 1 Zone
<b>Business 2</b>	Clause 34.01 - Commercial 1 Zone
<b>Business 3</b>	Clause 34.02 - Commercial 2 Zone
<b>Business 4</b>	Clause 34.02 - Commercial 2 Zone
<b>Mixed Use</b>	Clause 32.04 - Mixed Use Zone

Land as shown on Map 2 of this Schedule	Applied zone provisions
Regional Park	Clause 36.02 - Public Park and Recreation Zone
Residential	Clause 32.08 – General Residential Zone
Rural Conservation	Clause 35.06 – Rural Conservation Zone
Public Use	Clause 36.01 - Public Use Zone – Schedule 1
Public Conservation & Resource	Clause 36.03- Public Conservation and Resource Zone

## 2.3

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### Special provisions – Use of land

The following provisions apply to the use of land.

**Table 2: Use**

Use	Requirement
Office where the applied zone is General Residential Zone	A permit may be granted to use land for an office if the leasable floor area of the office does not exceed 100 square metres.
Shop where the applied zone is Commercial 1 Zone	A permit is required to use land for a shop if the combined leasable floor space for all shops exceeds the following areas (square metres) for the relevant centre as described in the Toolern Precinct Structure Plan:  30,000 – Toolern Major Town Centre 4000 – Exford Road Neighbourhood Activity Centre (north) 4000 – Exford Road Neighbourhood Activity Centre (south) 4000 – Ferris Road Neighbourhood Activity Centre
Shop (other than Adult sex bookshop and Supermarket) where the applied zone is Commercial 2 Zone	The use is a Section 2 use.
Supermarket where the applied zone is Commercial 2 Zone	The use is a Section 2 use.  The leasable floor area must not exceed 1800 square metres.  The site must adjoin, or have access to, a road in a Road Zone.

**Table 4: Use of land within the applied Commercial 1 Zone (west of Ferris Road, north of Bridge Road, and south of the Ballarat Railway Line)**

Use	Requirement
Dwelling	No permit is required to construct a dwelling with a ground floor frontage greater than two metres.
Major sports and recreation facility	The use is a Section 2 use.

**Table 5: Use of land within the applied Commercial 1 Zone (east of Ferris Road and north of the Ballarat Railway Line)**

Use	Requirement
Dwelling	No permit is required to construct a dwelling within a ground floor frontage greater than two metres.
Shop	A permit is required to use land for a shop if the leasable floor area exceeds 100 square metres.

**2.4**28/08/2014  
C158**Specific provisions - 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.

A permit is not required to construct a fence within 3 metres of a street provided that the Front Fence Height Standard in Table A2 to Clause 54.06-2 is met.

**2.5**11/11/2010  
C84(Part 1)**Specific provisions – Resolution of doubt**

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 generally in accordance with the incorporated Toolern Precinct Structure Plan.

**2.6**01/08/2013  
C148**Specific provisions – Major and Neighbourhood Activity Centres and Employment Land**

If the land is shown as in or adjoining a Business 1, Business 2, Business 3 or Business 4 area on Map 2, a permit must not be granted to use or subdivide land, or to construct a building or construct and carry out works until an urban design framework for the activity centre or employment land has been prepared to the satisfaction of the responsible authority.

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 if, in the opinion of the responsible authority, the grant of the permit is consistent with the requirements for the Urban Design Framework for the relevant locality set out in the incorporated 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.

**2.7**24/11/2011  
C84(Part 2)**Specific provisions - Referral of applications**

An application on land shown as 'Major Activity Centre' in Map 1 to this schedule must be referred in accordance with section 55 of the Planning and Environment Act 1987 to the Growth Areas Authority

Unless a reduced distance is accepted by the Responsible Authority and Environment Protection Authority (EPA) based on the findings of a satisfactory environmental audit report, an application for residential subdivision and development of land within 500m of the former 22.18 hectares Melton landfill site on Ferris Road must be referred in accordance with Section 55 of the Planning and Environment Act 1987 to the EPA.

An application for a sensitive use on land that is north of the railway line and within 440m of the boundary of the Technochem Australia Pty Ltd site at 41-53 Abey Road must be referred in accordance with Section 55 of the Planning and Environment Act 1987 to the EPA and WorkSafe Victoria.

## **2.8 Specific provisions - Toolern Creek Park Western Interface**

11/11/2010  
C84(Part 1)

Except with the consent of the Responsible Authority, a permit must not be granted to use or subdivide land, or construct a building and carry out works within land located adjacent to the west of the Toolern Creek Park (shown as 'Toolern Creek Regional Park - western interface' on Plan 7 "Image & Character" of the Toolern Precinct Structure Plan) until an Urban Design Framework has been prepared to the satisfaction of the Responsible Authority.

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 if, in the opinion of the responsible authority, the grant of the permit is consistent with the requirements for the Urban Design Framework for the relevant locality set out in the incorporated precinct structure plan.

## **2.9 Specific provisions - Exford Rd Conservation Area**

11/11/2010  
C84(Part 1)

Except with the consent of the Responsible Authority, a permit must not be granted to use or subdivide land, or construct a building and carry out works within shown as the Exford Rd Conservation Area (on Plan 7 "Image & Character" of the Toolern Precinct Structure Plan) until an Urban Design Framework has been prepared to the satisfaction of the Responsible Authority.

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 if, in the opinion of the responsible authority, the grant of the permit is consistent with the requirements for the Urban Design Framework for the relevant locality set out in the incorporated precinct structure plan.

## **2.10 Specific provisions – North West Mixed Use Precinct Urban Design Framework**

11/11/2010  
C84(Part 1)

Except with the consent of the Responsible Authority, a permit must not be granted to use or subdivide land, or construct a building and carry out works within land shown as the North West Mixed Use Precinct Urban Design Framework Area (on Plan 7 "Image & Character" of the Toolern Precinct Structure Plan) until an Urban Design Framework has been prepared to the satisfaction of the Responsible Authority.

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 if, in the opinion of the responsible authority, the grant of the permit is consistent with the requirements for the Urban Design Framework for the relevant locality set out in the incorporated precinct structure plan.

## **3.0 Application requirements**

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An application for a permit must be accompanied by the following information:

### **3.1 Residential subdivision**

11/11/2010  
C84(Part 1)

In addition to the requirements of Clause 56.01, the site analysis and design response must show or address the following to the satisfaction of the responsible 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 conditions 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.
- A Transport Impact Assessment Report to the satisfaction of the relevant Roads Authority (be it VicRoads or Council).
- An application for a residential subdivision of 10 lots or more must be accompanied by Subdivision and Housing Design Guidelines, prepared to the satisfaction of the responsible authority.

The responsible authority may waive or reduce these application requirements.

### 3.2

03/10/2013  
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#### All subdivision

- 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 any stormwater drainage works;
  - The provision, staging and timing of roadworks 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 Development Contributions Plan applying to the land is sought to be provided as ‘works in lieu’ subject to the consent of Melton City Council; and
  - The provision of public open space and land for any community facilities.
  - Any other matter relevant to the provisions of public infrastructure required by the responsible authority

### 3.3

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#### Subdivision – land that does not abut a linear corridor in or intended to be in public ownership

- An application for the subdivision of land that does not abut a linear corridor in or intended to be in public ownership must be accompanied by an Eastern Grey Kangaroo Management Plan that includes:
  - Strategies (ie. Staging) to avoid land locking Eastern Grey kangaroos; and where this is not practicable
  - Management solutions and actions to respond to their containment in an area with no reasonable likelihood of their continued safe existence.

The plan must be to the satisfaction of the Department of Environment, Land, Water and Planning

### 4.0

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#### Conditions and requirements for permits

##### General requirements

A planning permit must include a condition or conditions which ensure that any requirements or conditions set out in the Toolern Precinct Structure Plan and the Toolern

Native Vegetation Precinct Plan are implemented as part of the planning permit or the plans endorsed under the planning permit.

### **Conditions for the first stage of development**

Prior to the issue of a Statement of Compliance for the first stage of a development, the owner must, if required by the Responsible Authority, enter into an agreement, or agreements, under Section 173 of the Act which specifies the infrastructure required to be provided as part of the development. The agreement must give effect to the approved Public Infrastructure Plan.

### **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:

- 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 for subdivision applications requiring an Eastern Grey Kangaroo Management Plan**

Any permit granted for subdivision must contain the following condition if an Eastern Grey Kangaroo Management Plan was required to be submitted with the permit application:

- The subdivision must implement the Eastern Grey Kangaroo Management Plan by either:
  - Proceeding in the order of stages as shown on the plan;and where this is not practicable
  - Implementing the management solutions and actions of the Plan.

### **Conditions – 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

### **Conditions – all buildings, subdivision and associated works application within 100m of the Toolern Creek, on land within the Precinct Structure Plan (Growling Grass Frog conservation management plan)**

Any permit granted for buildings, subdivision and associated works must contain the following conditions:

- Prior to the commencement of works a Growling Grass Frog conservation management plan must be prepared to the satisfaction of the Department of Environment, Land, Water and Planning and submitted to and approved by the responsible authority.

- The Growling Grass Frog conservation management plan must be implemented to the satisfaction of the responsible authority.

**Conditions – all buildings, subdivision and works applications (Golden Sun Moth) on land identified as Properties 2573 – 2675 Western Highway, Rockbank**

- Prior to the commencement of works a targeted survey for the Golden Sun Moth must be prepared to the satisfaction of the Department of Environment, Land, Water and Planning.
- Prior to the issue of a Statement of Compliance in respect of any plan of subdivision within which Golden Sun Moth native habitat has been identified:
  - Offsets for removal of Golden Sun Moth native habitat within the area of that plan of subdivision must be provided or agreed to the satisfaction of the Department of Environment, Land, Water and Planning

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

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

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

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 the Toolern Development Contributions Plan.

Land required for a community facility, road or public open space must be shown on a Plan of Certification as a reserve in favour of Melton City Council or another relevant person or body

**5.0**

**Decision Guidelines**

24/11/2011  
C84(Part 2)

Before deciding on an application to use land for a sensitive use on land shown as Mixed Use, Business 2, Business 3 or Business 4 on Map 2, in addition to the decision guidelines in Clause 65 and Clause 37.07-14, the responsible authority must consider, as appropriate:

- The General Practice Note on Potentially Contaminated Land June 2005 (DSE).
- The status of any remediation being carried out at the former Melton landfill site on Ferris Road.
- The views of the EPA and WorkSafe Victoria if the land is north of the railway line and within 440m of 41-53 Abey Road, Melton (measured from the boundary of 41-53 Abey Road Melton).

**6.0**

**Advertising signs**

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Land is in the category specified in the applied zone. If there is no applied zone the land is in Category 2.



A permit may be granted for a business identification sign of no more 2 square metres on land where the applied zone is General Residential Zone provided:

- The application for a permit is lodged concurrently with an application for buildings and works for an office on the same land.
- The sign is not illuminated
- No fittings or wiring are visible from adjacent streets or properties.

#### **6.1 Land and home sales signs**

24/11/2011  
C84(Part 2)

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.
- The sign is setback a minimum of 750mm from the property boundary.

#### **6.2 Education promotion signs**

11/11/2010  
C84(Part 1)

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 that promotes an education centre on land identified as 'Education Facility', 'Community Facilities' or 'Unencumbered Active Open Space/Playing Fields' on Map 1 to this schedule.

#### **7.0 No exemption from notice and review**

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An application to use land for a convenience shop or office in the 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.