

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 within the ‘precinct boundary’ on Map 1 and shown as UGZ7 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 use, subdivision, construction of a building and construction and carrying out of works provisions of the following zones in this scheme apply as set out in Table 1.

Table 1: Applied zone provisions

Land use/development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land	
Arterial Road	Clause 36.04 – Road Zone
Commercial	Clause 34.02 – Commercial 2 Zone
Connector Street	Clause 36.04 – Road Zone
Major Town Centre	Clause 34.01 – Commercial 1 Zone
Local Convenience Centre	
Mixed Use	Clause 32.04 – Mixed Use Zone
Medium Density Residential	Clause 32.07 – Residential Growth Zone 1
All Other Land	Clause 32.08 – General Residential Zone 1

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

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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 Residential Growth 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

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The following provisions apply to the use of land.

Table 2: Use

USE	REQUIREMENT
Dwelling where the applied zone is Mixed Use Zone	A permit is required to use land for a dwelling.

USE	REQUIREMENT
Office where the applied zone is Mixed Use Zone	A permit is not required to use land for an office.
Potential non-government school	A permit is not required to use land for a primary school or secondary school on land shown as 'potential non-government school' in the Rockbank Precinct Structure Plan.
Shop where the applied zone is Commercial 1 Zone	A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds: <ul style="list-style-type: none"> ▪ 30,000 square metres for land shown as a major town centre in the incorporated Rockbank Precinct Structure Plan. ▪ 1,000 square metres for land shown as a local convenience centre in the incorporated Rockbank Precinct Structure Plan.

2.517/11/2016
C145**Specific provisions – Buildings and works for a school**

A permit is required to construct a building or construct or carry out works associated with a Primary School or Secondary School on land shown as 'potential non-government school' unless exempt under Clauses 62.02-1 and 62.02-2.

2.617/11/2016
C145**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.

2.717/11/2016
C145**Specific provisions – Rockbank Major Town Centre, Rockbank Mixed Commercial Precinct and Westcott Parade Precinct - Urban Design Framework**

Except with the consent of the responsible authority and the Growth Areas Authority, a permit must not be granted to use or subdivide land, or construct a building and carry out works on land shown as Westcott Parade Precinct (Figure 1) Rockbank Major Town Centre (Figure 2) or Rockbank Mixed Commercial Precinct (Figure 4) in the incorporated *Rockbank Precinct Structure Plan* until an urban design framework has been prepared for the relevant land to the satisfaction of the responsible authority and the Growth Areas 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 shown as Westcott Parade Precinct or Rockbank Major Town Centre or Rockbank Mixed Commercial Precinct 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 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 for the Westcott Parade Precinct or Rockbank Major Town Centre or Rockbank Mixed Commercial Precinct as set out in the *Rockbank Precinct Structure Plan, August 2016*.

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

An urban design framework may be amended to the satisfaction of the responsible authority and the Growth Areas Authority.

2.8 Specific provisions – Referral of applications – Rockbank Major Town Centre

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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 Rockbank Major Town Centre must be referred in accordance with section 55 of the *Planning and Environment Act, 1987* to the Growth Areas Authority.

2.9 Specific provisions – Referral of applications – Melbourne Water, Westcott Parade Precinct

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Any permit application for use or development on land in the Westcott Parade Precinct must be referred in accordance with section 55 of the *Planning and Environment Act, 1987* to Melbourne Water.

3.0 Application requirements

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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.

3.1 Subdivision – Residential development

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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 *Rockbank Precinct Structure Plan, August 2016*;
- Subdivision and Housing Design Guidelines, prepared to the satisfaction of the responsible authority, in accordance with the incorporated *Rockbank Precinct Structure Plan, August 2016*;
- 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.

3.2 Public Infrastructure Plan

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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 *Rockbank Development Contributions Plan, August 2016* 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.

3.317/11/2016
C145**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 (Roads Corporation or Melton City Council), as required.

3.417/11/2016
C145**Railway noise attenuation**

An application for use or development within the 'railway noise amenity area' on Plan 9 of the *Rockbank Precinct Structure Plan, August 2016* 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 the 'Railway Street Interface' cross-section in the *Rockbank Precinct Structure Plan, August 2016* where Plan 3 (Future Urban Structure) of the PSP shows a residential interface to the railway line

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 ensure internal bedroom noise levels will not exceed 65 dB L_{Amax} and 40 dB L_{Aeq,8h} for the night period from 10pm to 6am.
- 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 to the satisfaction of the responsible authority and Public Transport Victoria.

3.517/11/2016
C145**Subdivide, use or develop land for a sensitive purpose – Phase 2 Environmental Site Assessment**

An application to subdivide land or use or develop land for a sensitive use (residential use, child care centre or primary school) on the following land identified in the report prepared by Sinclair Knight Merz 2013):

- 1350-1360 Leakes Road, Rockbank (property 73)
- 520-556 Greigs Road, Rockbank (property 101)

must be accompanied by a Phase 2 Environmental Site Assessment prepared by a suitably qualified environmental professional to the satisfaction of the responsible authority which takes account of the report titled 'Rockbank Precinct Structure Plan Area, Desktop Environmental, Hydrological and Geotechnical Assessments' (Sinclair Knight Merz, September 2013) and provides information including:

- Intrusive soil and groundwater investigation of the Environmental Assessment Areas ranked as "Medium to High Potential for Contamination";
- 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, 2005);
- Recommended remediation actions for any potentially contaminated land.

4.0 Conditions and requirements for permits

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4.1 Conditions for subdivision permits that allow the creation of a lot less than 300 square metres

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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.

4.2 Conditions for subdivision or buildings and works permits where land is required for public open space

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Land required for public open space as a local park as set out in the *Rockbank Precinct Structure Plan, August 2016* or the development contributions plan applying to the land, must be transferred to or vested in Council at no cost to Council unless the land is funded by the development contributions plan applying to the land.

4.3 Management of bushfire risk during subdivisional works

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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.

4.4 Conditions for public transport

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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.

4.5

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Railway noise amenity area

Any permit for the use or development of land, within the ‘railway noise amenity area’ on Plan 9 of the *Rockbank Precinct Structure Plan, August 2016* 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.

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Conditions for subdivision or buildings and works permits where land is required for road widening

Land required for road widening including right of way flaring for the ultimate design of any intersection within an existing or proposed local road must be transferred to or vested in Council or the Roads Corporation at no cost to the acquiring agency unless funded by the development contributions plan applying to the land.

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Kangaroo Management Plan

A permit granted for subdivision of land must include the following conditions:

- Before the certification of the Plan of Subdivision, a Kangaroo Management Plan must be approved by the Secretary to the Department of Environment, Land, Water and Planning. 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.

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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.

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Conditions – 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 in the incorporated *Rockbank Precinct Structure Plan, August 2016* 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:

ELEMENT	MINIMUM DISTANCE FROM ELEMENT
Conservation area	2 metres
Scattered tree	Twice the distance between the tree trunk and the edge of the tree canopy
Patch of native vegetation	2 metres

- 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.

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Conditions & Requirements – Environmental Site Assessment

The following conditions and requirements applies to:

1350-1360 Leakes Road, Rockbank (properties 73) and 520-556 Greigs Road, Rockbank (101)

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 Phase 2 Environmental Site Assessment lodged with the application in accordance with Clause 3.5 of the schedule, 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.

1195 Leakes Road, Rockbank

Prior to the certification of a Plan of Subdivision, or a stage of subdivision, under the *Subdivision Act 1988*, the recommendations of the report *Rockbank Precinct Structure Plan Additional Investigations - Property 24, March 2014* (Sinclair Knight Merz), 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 plan of subdivision must not be certified until the responsible authority is satisfied that the land is suitable for the intended use.

22 Troups Road, Rockbank and 104 Troups Road, Rockbank

Prior to the certification of a Plan of Subdivision, or a stage of subdivision, under the *Subdivision Act 1988*, the recommendations of the Phase 2 (site sampling) report, March 2010 (Atma Environmental), 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 plan of subdivision must not be certified until the responsible authority is satisfied that the land is suitable for the intended use.

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Melbourne Water Westcott Parade Conditions

Any permit issued for use or development in the Westcott Parade Precinct, must, if required by Melbourne Water, include conditions addressing the following:

- Where Melbourne Water does not have an interim or established Development Services Scheme for the Westcott Parade Precinct:
 - Conditions requiring the owner to manage water retention on site, or to undertake water retention measures off site, at the owner's cost as an interim measure;
 - A requirement that the owner enter into a section 173 agreement with Melbourne Water and Council at the owner's cost to secure the future payment of its contribution to the Development Services Scheme to be established by Melbourne Water; and
 - A requirement that the use and/or development will not prejudice or delay the future approval, delivery and/or works of the Development Services Scheme to be established by Melbourne Water.
- Where Melbourne Water has an interim or established Development Services Scheme for the Westcott Parade Precinct:
 - If the permit application is to subdivide land:
 - a condition that the owner must make a contribution to the said Development Services Scheme before a certificate of compliance issues for the subdivision; and
 - a requirement that the use and/or development will not prejudice or delay the future approval, delivery and/or works of the said Development Services Scheme.
 - If the permit application is for any other use or development:
 - a condition that the contribution to the said Development Services Scheme must be made before the earliest of the following occurs:
 - The certificate of occupancy is issued;
 - The use authorised under the permit commences;
 - The development authorised under the permit is complete; and
 - a requirement that the owner enter into a section 173 agreement with Melbourne Water and Council at the owner's cost to secure the performance of its obligations set out in clause 2a) above; and
 - a requirement that the use and/or development will not prejudice or delay the delivery and/or works of the said Development Services Scheme.

5.017/11/2016
C145**Advertising signs**

The advertising sign category for the land is the category specified in the zone applied to the land at Clause 2.2 of this schedule.

5.117/11/2016
C145**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.

6.017/11/2016
C145**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 General Residential Zone or 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.

6.017/11/2016
C145**Decision Guidelines**

Before deciding on an application to use land for a shop 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 the City of Melton.

Before deciding on an application for a permit in the Westcott Parade Precinct the responsible authority must consider the following factors:

- Where Melbourne Water does not have an interim or established Development Services Scheme for the Westcott Parade Precinct, whether water retention can be achieved on site, and if it cannot be achieved on site, whether any necessary works off site will be undertaken by the owner at the owner's cost; and
- Where Melbourne Water either does or does not have an interim or established Development Services Scheme for the Westcott Parade Precinct whether the approval of a permit would not prejudice or delay the future approval, delivery and/or works of the existing Development Services Scheme or the Development Services Scheme to be established by Melbourne Water (as the case may be).