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SCHEDULE 11 TO THE URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ11**.

Brompton Lodge Precinct Structure Plan

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The Plan

Map 1 shows the future urban structure proposed in the Brompton Lodge Precinct Structure Plan. It is a reproduction of Plan 2 in the Brompton Lodge Precinct Structure Plan.

Map 1 to Schedule 11 to Clause 37.07



2.0 15/12/2016

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 UGZ11 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 |
|---|---|
| Local Town Centre | Clause 34.01 – Commercial 1 Zone |
| Walkable catchment for higher density residential opportunities | Clause 32.07 – Residential Growth Zone |
| All other land | Clause 32.08 – General Residential Zone |

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Specific Provision - 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 provision – Use and development of future public land

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A permit is not required to use or develop land shown in the *Brompton Lodge Precinct Structure Plan* as local park or community facilities provided the use or development is carried out generally in accordance with the *Brompton Lodge Precinct Structure Plan* and with the prior written consent of City of Casey.

2.5 Specific provision – 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 | A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds 6,280 square metres. |

2.6 Specific provision – Construction of single dwellings on small lots

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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.

Or;

A permit is not required to construct one dwelling on a lot of between 250 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 required to construct a front fence within 3 metres of a street unless the Front Fence Height Standard in Table A2 to Clause 54.06-2 is met.

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Specific provisions –Referral of applications – Sand extraction area - Department of Economic Development, Jobs, Transport and Resources (DEDJTR)

An application to develop land for a sensitive use within the land containing the former sand extraction area, at 655 Cranbourne-Frankston Road, Cranbourne South (Lot 1 TP958208K, and 980-1020 Dandenong–Hastings Road, Cranbourne (Lot 1 TP371251 and Lot 2 PS331597), subject to Work Authority 121 (WA121) under the *Mineral Resources (Sustainable Development) Act 1990*), must be referred to the Department of Economic Development, Jobs, Transport and Resources (DEDJTR).

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Specific provision – Referral of applications – Local Town Centre

An application to subdivide land, or construct a building or carry out works (where value to those works in in excess of \$500,000) on land identified in Plan 4 in the incorporated *Brompton Lodge Precient Structure Plan* as 'Local Town Centre' must be referred in accordance with section 55 of the *Planning and Environment Act 1987* to the Growth Areas Authority.

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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.

3.1 Subdivision - residential development

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In addition to any requirement in 56.01-2, a subdivision design response 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 and dwelling yields;
- A demonstration of how the property 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 *Brompton Lodge Precinct Structure Plan*; and
- A demonstration of how the subdivision will contribute to the delivery of a diversity of housing.
- A risk assessment prepared by a suitably experienced and qualified consultant that acknowledges the existing and future land use at the sand extraction area and provides sufficient confidence that a sensitive use can be safely developed within 250 metres of the extraction area. The application and risk assessment must be referred to DEDJTR.
- A Conservation Management Plan (CMP) detailing the implementation of the Mitigation Measures for the Dwarf Galaxias habitat, by the Department of Environment, Land, Water and Planning for approval by the Responsible Authority. In addition to addressing the technical and environmental requirements of the CMP, the plan must include details of the timing of works for the construction of new habitat and

the monitoring program and parameters for the translocation of existing fish from the existing habitat to the new habitat, confirm the:

- Responsibility for the costs of construction and relocation.
- Responsibility for the ongoing maintenance responsibilities.
- The funding mechanism for ongoing maintenance by the owners in the estate.
- Detailed construction details relative to the civil design requirements of the land surrounding the existing and proposed habitat areas.

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:

- a stormwater management strategy that makes provision for the staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Melbourne Water and the Responsible Authority. The stormwater management strategy must include details of the proposed funding mechanism for waterway management by the future owners above and beyond any responsibilities of the authorities;
- 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 Brompton Lodge Development Contributions Plan is sought to be provided as "works in lieu" subject to the written consent of City of Casey;
- 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.

3.3 Traffic Impact Assessment

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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 City of Casey, as required.

3.4 Use or develop land for a sensitive purpose – Environmental Site 15/12/2016 Assessment – 765 & 785 Cranbourne-Frankston Road, Cranbourne South

An application for subdivision and or use and development of land at 765 and 785 Cranbourne-Frankston Road, Cranbourne South (Lot 1 LP86054 and Lot 5 PS613876) must be accompanied by a Phase 2 Environmental Site Assessment, including:

- Indicative sampling to be carried out at 765 Cranbourne-Frankston Road, Cranbourne (Lot 1 LP86054) South for potential contamination ranked as 'medium' and 'high' in the Phase 1 Environmental Site Assessment and Geotechnical Desktop Investigation, Brompton Lodge Precinct Structure Plan (Coffey, April 2015);
- Soil assessment to be carried out at 785 Cranbourne-Frankston Road, Cranbourne South (Lot 5 PS613876) for potential contamination ranked as 'medium' and 'high' in the

Phase 1 Environmental Site Assessment and Geotechnical Desktop Investigation, Brompton Lodge Precinct Structure Plan (Coffey, April 2015); and

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.*

3.5 Groundwater Assessment – 765 & 785 Cranbourne–Frankston Road, 15/12/2016 Cranbourne South and 980-1020 Dandenong–Hastings Road, Cranbourne

An application for subdivision and or use and development of land at 765 & 785 Cranbourne-Frankston Road, Cranbourne South (Lot 1 LP86054 and Lot 5 PS613876) and 980-1020 Dandenong-Hastings Road, Cranbourne (Lot 1 TP371251 and Lot 2 PS331597), must be accompanied by a site specific geotechnical investigation that assesses the existing groundwater conditions and makes recommendations to protect the proposed development from the impacts of ground water on site.

3.6 Acoustic report

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An acoustic report, prepared by a qualified acoustic engineer, demonstrating how the proposed subdivision would comply with the relevant noise regulations, particularly in relation to noise from Western Port Highway, and what measures are recommended to be implemented to ensure compliance with noise regulations.

4.0 Conditions and requirements for permits

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4.1 15/12/2016 C190

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

If construction of a single dwelling on a lot is to be assessed against the Small Lot Housing Code under section 2.6 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; 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.

Or;

If construction of a single dwelling on a lot between 250 and 300 square metres in area is to be provided via a building envelope that is not the Small Lot Housing Code, any permit for subdivision that allows the creation of a lot between 250 and 300 square metres must contain the following conditions:

- Before a plan is certified for a subdivision (or a relevant stage of a subdivision) where building envelopes are proposed, each lot between 250 square metres and 300 square metres in area must contain a building envelope (in accordance with Part 4 of the Building regulations) to the satisfaction of the responsible authority.
- 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 registered 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.

4.2 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.

4.3 Conditions for subdivision or buildings and works permits

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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 at no cost to the acquiring agency unless funded by the *Brompton Lodge Development Contributions Plan*.

Where land is required for public open space

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

Section 173 agreement

Conservation Management Plan

A planning permit for subdivision, buildings or works within the PSP area must include conditions necessary to implement the approved conservation management plan for the Dwarf Galaxias conservation area in the incorporated *Brompton Lodge Precinct Structure Plan*. A permit must include the following conditions:

- The certification of the plan of subdivision must not be issued and buildings or works must not commence until a Conservation Management Plan for the relevant works has been 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.
- All works must be in accordance with the approved Conservation Management Plan, to the satisfaction of the Department of Environment, Land, Water and Planning and Responsible Authority.
- All works and translocation activities must be completed prior to the issue of a statement of compliance unless otherwise approved in writing by the Responsible Authority.
- Conditions securing the delivery and maintenance of the conservation area by section 173 agreement or an alternate mechanism 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.

Site Management Plan

- Before the commencement of works for any stage of subdivision 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.

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Condition to use or develop land for a sensitive purpose – Environmental Site Assessment – 765 & 785 Cranbourne–Frankston Road, Cranbourne South and 980-1020 Dandenong–Hastings Road, Cranbourne

Before a plan subdivision is certified under the *Subdivision Act 1988*, the recommendations of the Phase 2 Environmental Site Assessment submitted with an application for 765 & 785 Cranbourne–Frankston Road, Cranbourne South (Lot 1 LP86054 and Lot 5 PS613876) and 980-1020 Dandenong–Hastings Road, Cranbourne (Lot 1 TP371251 and Lot 2 PS331597) 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 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.

4.5 15/12/2016 C190

Condition to use or develop land for a sensitive purpose – 655 Cranbourne–Frankston Road, Cranbourne South and 980-1020 Dandenong–Hastings Road, Cranbourne

A planning permit for subdivision or buildings or works at 655 Cranbourne–Frankston Road, Cranbourne South (Lot 1 TP 958208K) and 980-1020 Dandenong–Hastings Road, Cranbourne (Lot 1 TP371251 and Lot 2 PS331597) must include the following conditions:

- The salvage and translocation of Dwarf Galaxias species must be undertaken prior to the remediation of any works associated with the Work Authority 121 (WA121), except where works are required for maintenance of the pits for the purposes of public safety prior to the translocation of the Dwarf Galaxias and this must be undertaken to the satisfaction of the Department of Environment, Land, Water and Planning and the Responsible Authority.
- Before a plan of subdivision is certified under the Subdivision Act 1988 and before the commencement of any works, the land at 655 Cranbourne-Frankston Road, Cranbourne South (Lot 1 TP958208K) and 980-1020 Dandenong-Hastings Road, Cranbourne (Lot 1 TP371251 and Lot 2 PS331597), which is subject to a Work Authority, must be rehabilitated to the satisfaction of the Responsible Authority and the Department of Economic Development, Jobs, Transport and Resources.

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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.

6.0 15/12/2016

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 Casey.