

28/08/2014  
C158

**SCHEDULE 4 TO THE URBAN GROWTH ZONE**

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

**ROCKBANK NORTH PRECINCT STRUCTURE PLAN**

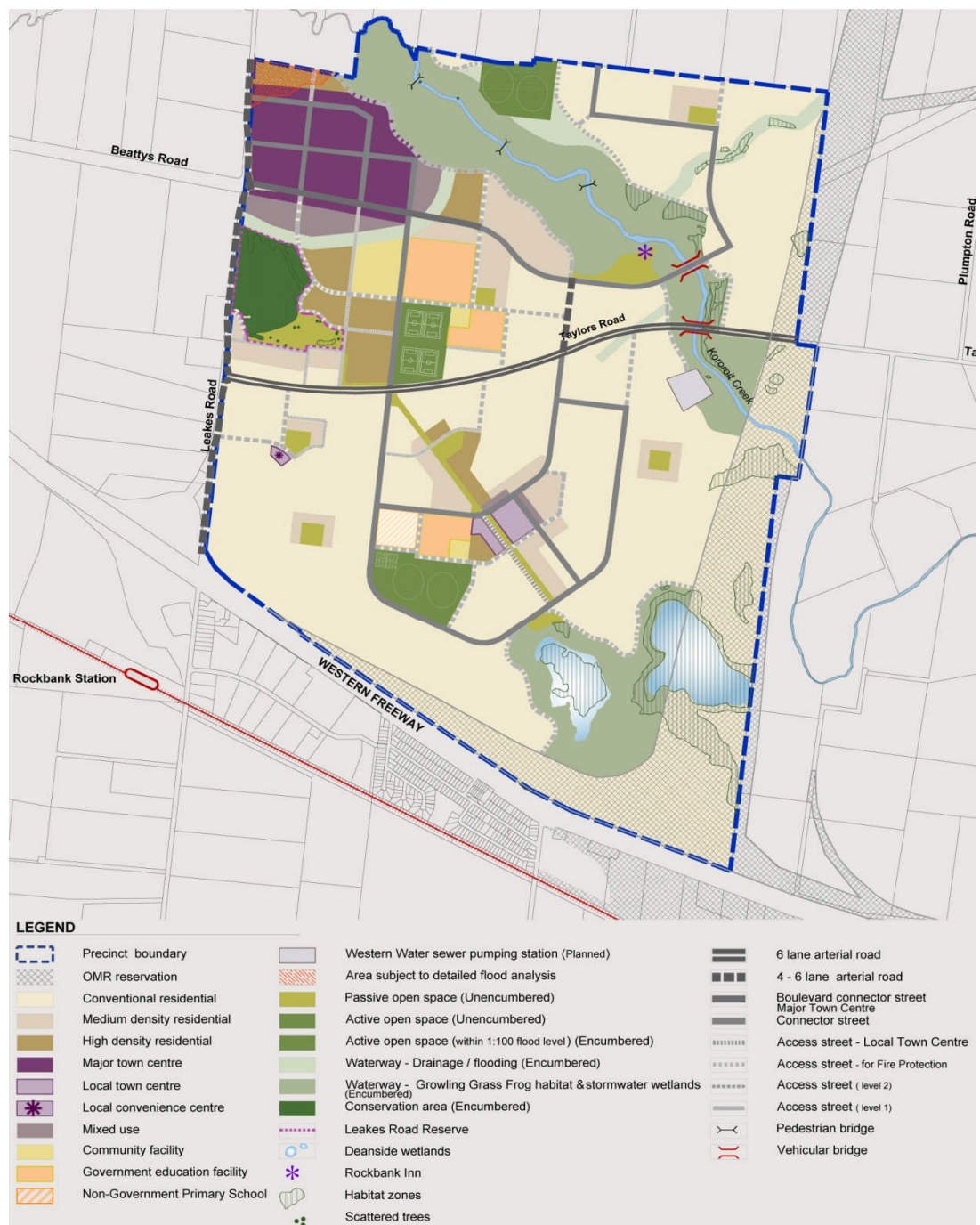
**1.0**

**The Plan**

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Map 1 below shows the future urban structure proposed for the *Rockbank North Precinct Structure Plan* (PSP) area. It is a reproduction of Plan 2 in the *Rockbank North Precinct Structure Plan*.

**Map 1 to Schedule 4 to Clause 37.07**



**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 shown within the ‘Precinct Boundary’ on 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 the land, the construction of a building, construction or carrying out of works as set out in Table 1.

**Table 1: Applied zones**

Land use/ development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land.	Applied zone provisions
Leakes Road Reserve	Clause 36.03 – Public Conservation and Resource Zone
Local Town Centre Major Town Centre	Clause 34.01 – Commercial 1 Zone
Mixed Use	Clause 32.04 – Mixed Use 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
Car Wash Convenience Restaurant	The site must adjoin or have access to a road identified in the precinct structure plan as an existing or future arterial road.
Office	A permit may be granted to use land for office if the leasable floor area does not exceed 100 square metres.
Service Station	The site must either: <ul style="list-style-type: none"> <li>▪ Adjoin land with an applied zone provision for a Commercial Zone; or</li> <li>▪ Adjoin or have access to a road identified in the Precinct Structure Plan as an existing or future arterial road.</li> </ul> The site must not exceed either: <ul style="list-style-type: none"> <li>▪ 3,000 square metres;</li> <li>▪ 3,600 square metres if it adjoins two boundaries in a road zone or roads identified in the precinct structure plan as an existing or future arterial road.</li> </ul>

**Table 3: Shop use where the applied zone is Commercial 1 Zone**

Land	Requirement
<b>Rockbank North Local Town Centre</b>	A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds 5700 square metres.
<b>Rockbank North Major Town Centre</b>	A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds 36,500 square metres.

#### 2.4 Specific provisions - Dwellings on a lot less than 300 square metres

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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 Melton Planning Scheme.

#### 2.5 Specific provisions – Rockbank North Major Town Centre urban design framework

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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 on land shown as the Rockbank North Major Town Centre until an urban design framework for the centre has been prepared to the satisfaction of the Responsible 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 the Rockbank North Major Town Centre 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 Major Town Centre as set out in the Rockbank North 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.

#### 2.6 Specific Provisions – Buildings and works on land where the Rockbank North Growling Grass Frog Conservation Management Plan applies

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Development on land in the Conservation Management Plan Area shown on Map 1 of this Schedule and Plan 5- Biodiversity and Threatened Species Action Plan in the *Rockbank North Precinct Structure Plan* must be undertaken in accordance with the relevant actions as outlined in the approved Conservation Management Plan.

The Rockbank North Conservation Management Plan may be amended to the satisfaction of the Department of Sustainability and Environment.

The subdivision of land within or adjoining the Conservation Management Plan area must accord with the Conservation Management Plan boundary as shown on Plan 5 - Biodiversity and Threatened Species Action Plan in the *Rockbank North Precinct Structure Plan*.

### 3.0 Application requirements

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If in the opinion of the Responsible Authority an application requirement listed at 3.1, 3.2, 3.3 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 North Precinct Structure Plan.
- Subdivision and Housing Design Guidelines, prepared to the satisfaction of the Responsible Authority, in accordance with the incorporated Rockbank North Precinct Structure Plan.
- A table setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields.
- A Traffic Impact Assessment Report to the satisfaction of the relevant road management authority.

Any application for residential subdivision must be accompanied by:

- Potential bus route and bus stop locations prepared to the satisfaction of the Director of Public Transport.
- An assessment of the existing surface and subsurface drainage conditions on the site including any potential impacts on the proposed development, prepared by a suitably qualified professional. The assessment must include any measures required to mitigate the impacts of the development on groundwater and drainage.

### 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 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 Rockbank North Development Contributions Plan 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.
- Any other matter relevant to the provision of public infrastructure required by the Responsible Authority.

**3.3**03/10/2013  
C134**Use or develop land for a Local Town Centre**

An application to use, subdivide land, construct a building or construct or carry out works for a Local Town Centre must be generally in accordance with the role and function of the Local Town Centre set out in Figure 4 of the *Rockbank North Precinct Structure Plan*.

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

- A design response report and plans that:
  - Address the Local Town Centre Design Requirements, the Local Town Centre General Guidelines in Appendix A to the *Rockbank North Precinct Structure Plan* and the Local Town Centre Concept in Figure 4 of the *Rockbank North Precinct Structure Plan*;
  - Address any relevant design guidelines prepared by the Victorian Government or the Melton City Council;
  - Demonstrate how the proposal relates to existing or approved development in the area;
  - Demonstrate site responsive architecture and urban design;
  - Demonstrate how the proposal will contribute to the urban character of the Local Town Centre;
  - Explain how the proposal responds to feedback received following consultation with relevant infrastructure agencies such as the Department of Transport;
  - Include environmental sustainability initiatives including integrated water management and energy conservation;
  - Address provisions for car parking including the location and design of car parking areas and car parking rates for proposed uses within the centre;
  - Address the provision of advertising signs;
  - Include arrangements for the provision of service areas and for deliveries and waste disposal including access for larger vehicles and measures to minimise the impact on the amenity of the centre and adjoining neighbourhoods; and
  - Demonstrate how opportunities for medium and higher density housing and future commercial expansion can be incorporated into the centre (including on future upper levels and through future car park redevelopments).
- An overall landscape concept/master plan for the centre including a design of the town square/ public space.

**3.4**28/06/2012  
C120**Develop land where the Rockbank North Conservation Management Plan applies as shown on Plan 5 – Biodiversity and Threatened Species Action Plan in the Rockbank North Precinct Structure Plan**

An application for development of land in the Conservation Management Plan area as shown on Plan 5 – Biodiversity and Threatened Species Action Plan in the *Rockbank North Precinct Structure Plan*, must demonstrate that it is in accordance with the approved Rockbank North Conservation Management Plan.

**3.5**01/08/2013  
C148**Use or develop land for a sensitive purpose – 598-632 Beattys Road, Plumpton – Environmental Site Assessment**

An application to use land for a sensitive use or to subdivide land where General Residential Zone is the applied zone must be accompanied by a preliminary assessment of

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

### **3.6 Use or develop land for a sensitive purpose – 886 -940 Beattys Road, Rockbank – Phase 2 Environmental Site Assessment**

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An application for subdivision on land at 886-940 Beattys Road, Rockbank must be accompanied by:

A Phase 2 Environmental Site Assessment, including intrusive soil and groundwater investigation of the Environmental Assessment Areas ranked as “Medium Potential for Contamination” (and Assessment Level B) for land at 886-940 Beattys Road, Rockbank, as identified in the Phase 1 Environmental Site Assessment (prepared by LanePiper, July 2011).

### **3.7 Use or develop land – 886 -940 Beattys Road, Rockbank (Lot 5 on LP127284) – Flood modelling**

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The land identified as ‘Area subject to detailed flood analysis’ on Plan 2 of the *Rockbank North Precinct Structure Plan* at 886-940 Beattys Road, Rockbank, falls within the Kororoit Creek Floodplain. Any future land uses, buildings or works, or subdivision proposed in this area must be compatible with the floodwater conveyance and storage functions of the land, and would be required to preserve the floodplain, geomorphic, environmental or other relevant values. If a proposal for land use, buildings or works, or subdivision is made, the application must include evidence that the function and values of the land will be maintained by the proposal. Applications must include a 2 dimensional flood model of the site to confirm the flood plain conditions, a model of the proposed developed conditions and confirmation of the impact on the Kororoit Creek floodplain, to the satisfaction of Melbourne Water.

### **3.8 Public transport referral requirements**

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For the purpose of Clause 52.36-1 of the scheme a development is generally in accordance with the *Rockbank North Precinct Structure Plan* where the following requirements are met:

- A road nominated on Plan 8– Public transport and walking networks in the Rockbank North Precinct Structure Plan as a potential bus route is constructed including any partial road construction required in accordance with its corresponding cross section in the Rockbank North Precinct Structure Plan; and
- Signalised intersections that contain a proposed Principal Public Transport Network (PPTN) route in the Rockbank North Precinct Structure Plan include bus priority measures to mitigate delays to bus travel times, to the satisfaction of the Director of Public Transport; 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
- The proposal includes the construction of the bus stops as agreed with the Department of Transport, including bus stop hard stands with direct and safe pedestrian access to a pedestrian path (all in accordance with the Public Transport Guidelines for Land Use and Development and compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002) at no cost to the Director of Public Transport all to the satisfaction of the Director of Public Transport.

#### **4.0 Conditions and requirements for permits**

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##### **4.1 General requirements**

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A planning permit must include a condition or conditions which ensure that any requirements or conditions set out in the *Rockbank North Precinct Structure Plan* and the *Rockbank North Native Vegetation Precinct Plan* are implemented as part of the planning permit or the plans endorsed under the permit.

##### **4.2 Major and Local Town centre**

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The boundary of the Major Town Centre and Local Town Centre with the applied Commercial 1 Zone and applied Mixed Use Zone must be identified on the plan of subdivision to the satisfaction of the Responsible Authority.

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

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

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

##### **4.4 Conditions for subdivision permits that allow for the creation of a lot of 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.

##### **4.5 Use or develop land for a sensitive purpose – 886-940 Beattys Road, Rockbank– Environmental Site Assessment**

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Before a plan of subdivision is certified under the *Subdivision Act 1988*, the recommendations of the *Phase 2 Environmental Site Assessment for 886-940 Beattys Road, Rockbank*, lodged with the application, must be carried out to the satisfaction of the Responsible Authority. Upon receipt of the further testing report the owner must comply

with any further requirements made by the Responsible Authority after having regard to the guidance set out in the General Practice Note on Potentially Contaminated Land June 2005 (DSE). The plan of subdivision must not be certified until the Responsible Authority is satisfied that the land is suitable for the intended use.

#### **4.6 Use or develop land for a sensitive purpose – 598-632 Beattys Road, Plumpton – Environmental Site Assessment**

28/06/2012  
C120

Before a plan of subdivision is certified under the *Subdivision Act 1988*, the recommendations of the preliminary site assessment for 598-632 Beattys Road, Plumpton, lodged with the application, must be carried out to the satisfaction of the Responsible Authority. Upon receipt of the further testing report the owner must comply with any further requirements made by the Responsible Authority after having regard to the guidance set out in the *General Practice Note on Potentially Contaminated Land June 2005* (DSE). The plan of subdivision must not be certified until the Responsible Authority is satisfied that the land is suitable for the intended use.

#### **4.7 Use or develop land for a sensitive purpose – 1992 - 2106 Western Highway, Rockbank**

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C120

If land is identified as an area where an Environmental Audit is required (as identified by LanePiper, November 2011) on Plan 3 – Land Budget of the *Rockbank North Precinct Structure Plan*, 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.

#### **4.8 Biodiversity**

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##### **Eastern Grey Kangaroo**

Prior to the commencement of any works in a stage of subdivision an Eastern Grey Kangaroo Management Plan must be submitted for approval to the Department of Sustainability and Environment. The plan must include:



- Strategies (e.g. staging) to avoid land locking Eastern Grey Kangaroos, or 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 subdivision and associated works must implement the Eastern Grey Kangaroo Management Plan in the timeframes set out in the plan by:

- Proceeding in the order of stages as shown on the plan;
- Implementing the management solutions and actions of the Plan.

all to the satisfaction of the Department of Sustainability and Environment and the Responsible Authority.

### **Growling Grass Frog**

Any permit which would allow subdivision, buildings or works that will impact on an area identified as Growling Grass Frog Category 2 habitat on Plan 5 – Biodiversity and Threatened Species Action Plan in the *Rockbank North Precinct Structure Plan* must contain the following conditions unless otherwise agreed to in writing by the Department of Sustainability and Environment:

- Prior to the commencement of any buildings or works or the removal of any vegetation, offsets for Growling Grass Frog Category 2 habitat on the land must be provided or agreed to the satisfaction of the Secretary of the Department of Sustainability and Environment.
- Prior to the commencement of any buildings or works, a fully costed Growling Grass Frog translocation/ salvage plan must be prepared to the satisfaction of the Department of Sustainability and Environment and be submitted to and approved by the Responsible Authority. The approved Growling Grass Frog translocation / salvage plan must be implemented to the satisfaction of the Department of Sustainability and Environment and the Responsible Authority.
- Any permit which would allow subdivision, buildings or works that will impact on an area where the Rockbank North Growling Grass Frog Conservation Management Plan (CMP) applies as shown on Plan 5 – Biodiversity and Threatened Species Action Plan in the Rockbank North Precinct Structure Plan must contain the following conditions unless otherwise agreed to in writing by the Department of Sustainability and Environment:
- Works on land in the CMP area shown on Plan 5 – Biodiversity and Threatened Species Action Plan in the Rockbank North Precinct Structure Plan must be undertaken in accordance with the approved CMP.

Unless the land included within the CMP area as shown on Plan 5 - Biodiversity and Threatened Species Action Plan of the *Rockbank North Precinct Structure Plan* has been voluntarily transferred into the Crown Reserve System, the Owner must:

- Enter into a legally, binding on-title agreement with the Secretary of the Department of Sustainability and Environment under Section 69 of the Conservation Forest and Lands Act 1987 prior to the commencement of works on the land. The agreement must provide for the following:
  - Protection of the conservation area
  - The landowner to undertake all pre-construction maintenance and monitoring (Phase One) actions in accordance with the approved CMP
  - The landowner granting Department of Sustainability and Environment (or its nominee) rights of access to undertake habitat works (Phase Two) and any additional actions as required.
  - The landowner to undertake ongoing maintenance and monitoring activities (Phase Three) in perpetuity as outlined in the approved CMP.

The land owner must pay the reasonable costs of preparation, execution and registration of the agreement.

### **Striped Legless Lizard**

Any permit which would allow subdivision, buildings or works that will impact on an area of land identified as potential habitat for Striped Legless Lizard habitat on Plan 5 – Biodiversity and Threatened Species Action Plan in the Rockbank North Precinct Structure Plan must contain the following condition unless otherwise agreed to in writing by the Department of Sustainability and Environment:

- The Salvage and Translocation of Striped Legless Lizard in the Urban Growth Areas of Melbourne: Strategic Approach (DSE 2011) and Salvage and Translocation of Striped Legless Lizard in the Urban Growth Areas of Melbourne: Operational Plan (DSE 2011) must be implemented to the satisfaction of the Secretary of the Department of Sustainability and Environment before, during and after the carrying out of any buildings or works or native vegetation removal and all specifications and requirements of the approved plan must be complied with.

### **Golden Sun Moth**

Any permit which would allow subdivision, buildings or works that will impact on land identified as Golden Sun Moth habitat on Plan 5 – Biodiversity and Threatened Species Action Plan in the *Rockbank North Precinct Structure Plan* must contain the following condition unless otherwise agreed to in writing by the Department of Sustainability and Environment:

- Prior to the commencement of any buildings or works or the removal of any vegetation offsets for Golden Sun Moth habitat on land, must be provided, to the satisfaction of the Secretary of the Department of Sustainability and Environment.

### **Threatened Flora Salvage and Translocation**

Any permit which would allow subdivision, buildings or works that will impact on an area of land where the Matted Flax Lily identified on Plan 5 – Biodiversity and Threatened Species Action Plan in the *Rockbank North Precinct Structure Plan* must contain the following condition unless otherwise agreed to in writing by the Department of Sustainability and Environment:

- Prior to the commencement of any works, a fully costed Matted Flax Lily translocation and/ or propagation and ex situ conservation plan must be prepared to the satisfaction of the Department of Sustainability and Environment. The plan must be submitted to and endorsed by the Responsible Authority. When approved, the Plan will be endorsed and will then form part of the permit.

#### **5.0**

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#### **Advertising signs**

Land is in the category specified in the applied zone.

#### **5.1**

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

## **5.2 Education / Community Promotion signs**

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C120

Despite the provisions of Clause 52.05, a permit may be granted, for a period of not more than 5 years, to display an advertising sign greater than two square metres in area that promotes a community facility or education centre on the land identified as education, community and/or active open space on Map 1 to this schedule.

## **6.0 Referral of applications**

28/06/2012  
C120

An application to subdivide land, or construct a building or carry out works (where the value of those works is in excess of \$500,000) on land in a local town centre must be referred in accordance with section 55 of the Act to the Growth Areas Authority.

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

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An application to use land for a purpose identified in the Table 2 at section 2.3 of this Schedule, on land where the applied zone is 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.