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SCHEDULE 3 TO CLAUSE 37.07 URBAN GROWTH ZONE

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

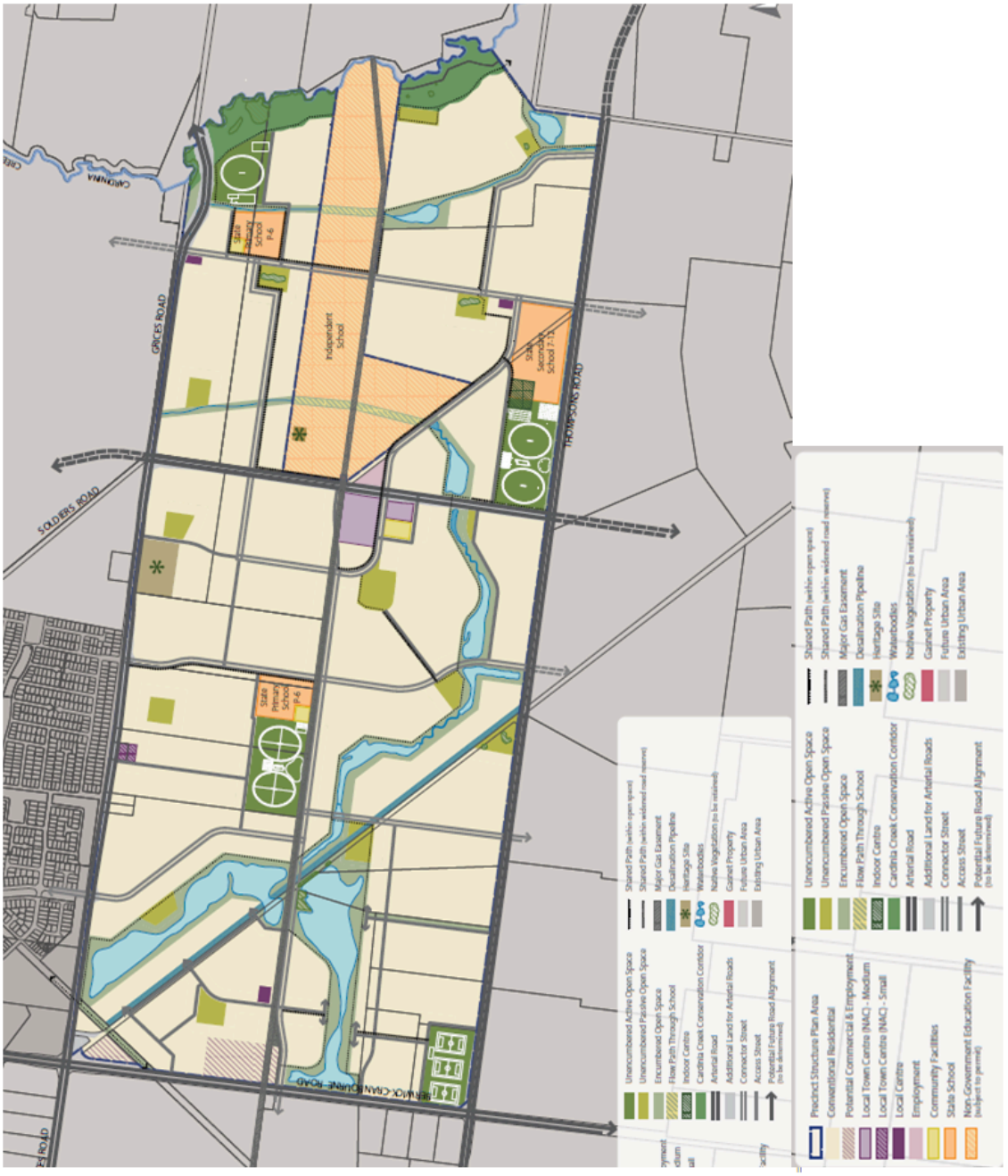
CLYDE NORTH PRECINCT STRUCTURE PLAN

1.0 The Plan

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Plan 1 to Schedule 3 to Clause 37.07 shows the Future Urban Structure for the *Clyde North Precinct Structure Plan* . It is a reproduction of Plan 5 in the *Clyde North Precinct Structure Plan* .

Plan 1 to Schedule 3 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 as shown as Clyde North Precinct Structure Plan Area in Plan 1 of this Schedule and zoned as Urban Growth Zone 3.

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 and carrying out of works, 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	Applied zone provisions
Employment	**Clause 34.01 – Commercial 1 Zone**
Local Town Centre and Local Centre	**Clause 34.01 – Commercial 1 Zone**
Cardinia Creek Conservation Corridor	**Clause 36.03 – Public Conservation and Resource Zone**
All other land in the precinct	**Clause 32.08 – General Residential Zone**

The precise boundary of the Commercial 1 Zone for local centres will be determined by the designation of land in a relevant plan of subdivision as a local centre to the satisfaction of the responsible authority.

The precise boundary of the Commercial 1 Zone associated with each Local Town Centre will be determined by the Urban Design Framework Plan approved under Clause 3.0 of this schedule.

The precise boundary of the Public Conservation and Recreation Zone will be determined by the final Cardinia Creek Master Plan.

2.3 Specific provisions – Use of land

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The following provisions apply to the use of land.

Table 2: Use

Use	Requirement
Shop where the applied zone is Commercial 1 Zone	A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds: ▪ 8000 square metres for the land shown as a large neighbourhood activity centre in the incorporated *Clyde North Precinct Structure Plan* . ▪ 2000 square metres for the land shown as a small neighbourhood activity centre in the incorporated *Clyde North Precinct Structure Plan* . ▪ 1000 square metres for the land shown as a local neighbourhood activity centre in the incorporated *Clyde North Precinct Structure Plan* .
Office where the applied zone is Commercial 1 Zone	A permit is required to use land for an office if the combined leasable floor area of all office exceeds: ▪ 4000 square metres for the land shown as the large neighbourhood activity centre in the incorporated *Clyde North Precinct Structure Plan* .
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 does not exceed 100 square metres.
Trade Supplies where the applied zone is General Residential Zone	A permit may be granted to use land for a trade supplies centre if the land is located within the area shown as potential employment and commercial on Plan 1 of this schedule.

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Specific provisions - Subdivision

None specified.

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Specific provisions - Buildings and works

Construction of single dwellings on small lots

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

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

Or

A permit is not required to construct or extend one dwelling on a lot of less than 300 square metres, if either of the following apply:

- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) applies and the development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2019) incorporated into this planning scheme.

- There is a restriction registered on the plan of subdivision identifying the lot as a lot to which the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies and the

development complies with the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) incorporated into this planning scheme.

2.6 Specific provisions - Use and development of future public land

A permit is not required to use or develop land shown in the *Clyde North Precinct Structure Plan* as local park, local sports reserve or community facilities provided the development is carried out generally in accordance with the *Clyde North Precinct Structure Plan* and with the prior written consent of the responsible authority.

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Application requirements

Subdivision Applications - General

An application for subdivision must be accompanied by a site and context description as detailed in Clause 56.01. In addition to the requirements of Clause 56.01, the site and context description must show or address the following to the satisfaction of the responsible authority:

- An application may reference the *Clyde North Precinct Structure Plan,* the Clyde North Native Vegetation Precinct Plan *or* the *Clyde North Development Contributions Plan* to describe relevant elements of the site and its context where appropriate.
- Any design response or guidelines adopted for the area by Casey City Council.
- A table setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields.
- The anticipated overall staging of the subdivision.
- 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, in accordance with the *Clyde North Precinct Structure Plan* incorporated in this scheme.
- A hydrogeological assessment of 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 development on groundwater.
- The incorporation of tree Nos. 1884, 1885 and 1920 (as described in the *Arboricultural Assessments: Clyde North, C21 Business Park and Cranbourne North (stage 2) Precincts, prepared by Treelogic Pty Ltd, Dec 2008*) into the public realm, if applicable to the subject land.
- A Transport Impact Assessment Report to the satisfaction of the relevant roads authority (be it VicRoads or Council).
- On land southwest of Pound Road, a site assessment of the land by a suitably qualified environmental professional including:
  - detail of the nature of the previous and existing land use/activities on the land;
  - an assessment of the potential level and nature of contamination on the land; and
  - 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).

Subdivision Applications – Public Infrastructure Plan

An application 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 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 Casey City Council.
- 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.

If in the opinion of the responsible authority an application requirement is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

Subdivision Applications – Land Adjacent to Waterways

An application for subdivision of any land adjacent to the waterways must be accompanied by a plan showing:

- Waterway management easements or reserves generally in accordance with PSP Plan 14 Cardinia Creek Masterplan to the satisfaction of Melbourne Water.
- All land to be set aside for drainage works to the satisfaction of Melbourne Water.

Neighbourhood activity centre urban design frameworks

If the land is shown as a local town centre on Plan 1 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 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 will not prejudice the achievement of the objectives and planning and design guidelines for the activity centre 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.

4.0 Conditions and requirements for permits

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General requirements

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

Any permit issued for land affected by a conservation management plan:

- Must be consistent with any conservation management plan applying to the land.
- Must require any relevant conservation actions, as set out in an approved conservation management plan, to be carried out to the satisfaction of the responsible authority.

Prior to the issue of a Statement of Compliance for the first stage of a development, the owner must, if required, 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.

Environmental assessment of potentially contaminated land

If an application for a permit includes a site assessment recommending an environmental audit of all or part of the land, then the permit must contain conditions that for that part of the land recommended for the audit;

- Either:
  - A certificate of environmental audit issued for the relevant land in accordance with Part 1XD of the Environmental Protection Act 1970, or
  - A statement by an environmental auditor appointed under the Environment Protection Act 1970, in accordance with Part 1XD of that Act that the environmental conditions of the relevant land are suitable for a sensitive use (with or without conditions on the use of the site);

must be provided to the responsible authority before any building on the relevant land is occupied; and

- If a statement by an environmental auditor is provided rather than a certificate of environmental audit and the statement 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 any building on the relevant land is occupied to provide for;
  - ongoing compliance with all conditions in the Statement by the Environmental Auditor;
  - the responsible authority's reasonable legal costs and expenses of drafting/reviewing and registering the agreement to be borne by the owner of the relevant land.

Condition – Subdivision permits that allow the creation of a lot less than 300 square metres

A permit issued before 31 December 2026 to subdivide land to create a lot of less than 300 square metres must include the following conditions:

- Before the plan of subdivision is certified under the *Subdivision Act 1988* , a plan must be approved and endorsed by the responsible authority, that identifies the lots to which:
  - type A or type B of the *Small Lot Housing Code* (Victorian Planning Authority, 2019) applies; or
  - type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies

  to the satisfaction of the responsible authority.

A permit issued on or after 31 December 2026, other than an amendment of a permit under section 72 of the Act issued before 31 December 2026, to subdivide land to create a lot of less than 300 square metres must include the following conditions:

- Before the plan of subdivision is certified under the *Subdivision Act 1988* , a plan that identifies the lots to which type A, type B or type C of the *Small Lot Housing Code* (Victorian Planning Authority, November 2024) applies must be approved and endorsed by the responsible authority, to the satisfaction of the responsible authority.

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.

If an approved building envelope applies to a lot between 250-300 square metres under section 2.5 of this schedule a planning permit must contain a condition that requires the approved building envelopes must be applied as a restriction on the plan of subdivision or be applied through an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987* that is 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.

Condition for permits on land identified on Plan 12a in the Clyde North Precinct Structure Plan - Conservation Management Plan

The Clyde North PSP Cardinia Creek: Threatened Fauna Conservation Management Plan, approved by the Department of Sustainability and Environment and endorsed by the Responsible Authority must be implemented to the satisfaction of the Secretary to the Department of Sustainability and Environment, Melbourne Water, and the Responsible Authority. Implementation requires that any specified actions relevant to the site must be carried out in accordance with the approved Conservation Management Plan.

Before the statement of compliance is issued under the *Subdivision Act 1988* the applicant or owner must make a financial contribution to Melbourne Water in accordance with Section 5.2 Funding of the Clyde North PSP Cardinia Creek: Threatened Fauna Conservation Management Plan.

Conditions for permits - subdivision, buildings and works which will result in removal of dams, drainage lines and vegetation

- Prior to the commencement of works: a Salvage Plan for threatened species including Southern Toadlet, Glossy Grass Skink and Growling Grass Frog must be prepared to the satisfaction of the Secretary to the Department of Sustainability and Environment and the approval of the responsible authority.
- The approved Salvage Plan must be implemented to the satisfaction of the Secretary to the Department of Sustainability and Environment and the responsible authority.

Conditions for subdivision or building 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 *Clyde North Precinct Structure Plan* or the *Clyde North Precinct Structure Plan Development Contributions Plan* , must be transferred to or vested in Council at no cost to Council unless the land is funded by the *Clyde North Precinct Structure Plan Development Contributions Plan* .

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

Land required for road widening including right of way flaring for the ultimate design of any intersection within 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 *Clyde North Precinct Structure Plan Development Contributions Plan* .

Conditions for subdivision of land adjacent to the waterways

- That waterway management easements or reserves shown on the plan of subdivision are vested in Melbourne Water.
- The plan of subdivision to show all land to be set aside for drainage works.

Requirement for subdivision permits

Land required for unencumbered public open space must be transferred to Council subject to equalisation in accordance with the equalisation provisions in the incorporated *Clyde North Precinct Structure Plan Development Contributions Plan* .

5.0 Exemption from notice and review

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None specified.

6.0 Decision guidelines

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None specified.

7.0 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 3.

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 display 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 750 millimetres 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.