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SCHEDULE 8 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ8** .

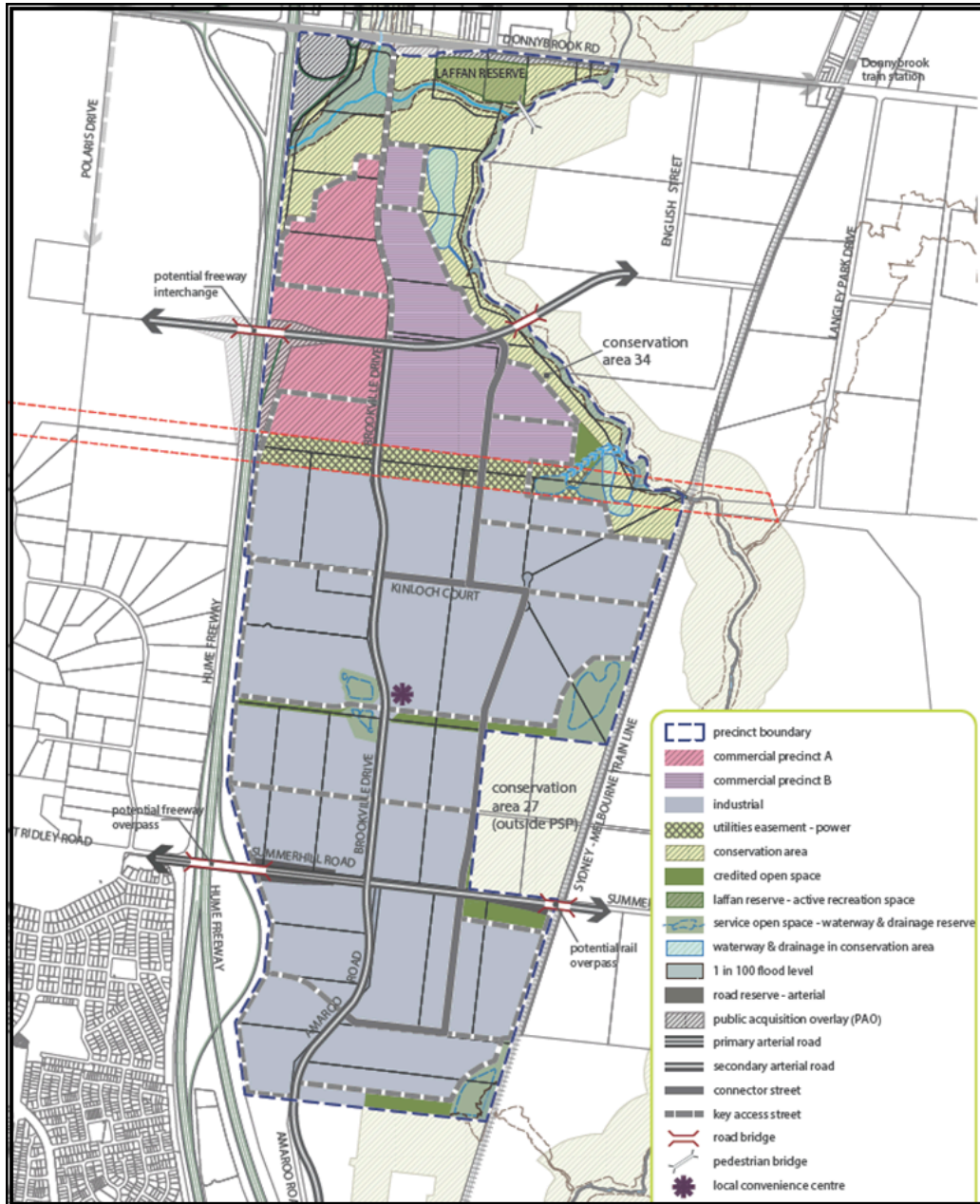
CRAIGIEBURN NORTH EMPLOYMENT AREA PRECINCT STRUCTURE PLAN

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The Plan

Plan 1 shows the future urban structure proposed in the *Craigieburn North Employment Area Precinct Structure Plan* . It is a reproduction of Plan 3 in the *Craigieburn North Employment Area Precinct Structure Plan* .

Plan 1 to Schedule 8 to Clause 37.07



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Use and Development

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The land

The use and development provisions specified in this schedule apply to the land within the ‘precinct area’ on Plan 1 and shown as UGZ8 on the planning scheme maps.

Note: If land shown in Plan 1 is not zoned UGZ and the provisions of this zone do not apply.

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Applied zone provisions

The use, subdivision, construction of a building, and construction or 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 (REFER PLAN 1) | Applied zone provisions |
|---|----------------------------------|
| Commercial precinct A & B | Clause 34.02 – Commercial 2 Zone |
| Industrial Local convenience centre | Clause 33.01 – Industrial 1 Zone |
| Secondary Arterial Road | Clause 36.04 – Transport Zone 2 |
| Connector Street | Clause 36.04 – Transport Zone 3 |

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

A reference to a planning scheme zone in an applied zone provision is also a reference to an applied zone under this schedule.

Note: e.g. The Commercial 2 Zone includes a condition opposite the Section 1 use ‘Industry (other than Materials recycling and Transfer station)’ that includes the text:

- *‘The land must be at least the following distances from land (not a road) which is in a residential zone...’*

In this instance the condition must be read as:

- *‘The land must be at least the following distances from land (not a road) which is in a residential zone or from land (not a road) to which the Urban Growth Zone applies a residential zone...’*

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Specific provisions - Use and development of land

Table 2: Use

| Use | Requirement |
|--|--|
| <p>On land where the applied zone is Commercial 2 Zone:</p> <p>Cinema</p> <p>Cinema based entertainment facility</p> <p>Shop (other than Restricted Retail Premises)</p> | <p>A permit is required to use the land.</p> |
| <p>On land where the applied zone is Commercial 2 Zone:</p> <p>Industry</p> <p>Warehouse</p> | <p>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.</p> <p>The land must be at least the following distances from land (not a road) which is in a residential zone or from land (not a road) to which the Urban Growth Zone applies a residential zone:</p> <ul style="list-style-type: none"> ▪ The threshold distance, for a purpose listed in the table to Clause 53.10. ▪ 30 metres, for a purpose not listed in the table to Clause 53.10. |
| <p>Restricted Retail Premises</p> <p>Trade supplies</p> | <p>On land shown as <i>Commercial precinct A</i> in the incorporated <i>Craigieburn North Employment Area Precinct Structure Plan</i> , a permit is required if the combined leasable floor area of all restricted retail premises and trade supplies in <i>Commercial precinct A</i> exceeds 25,000 square metres.</p> <p>On any other land, a permit is required to use the land.</p> |
| <p>Shop</p> | <p>A permit may be granted on land shown as <i>Local convenience centre</i> in the Craigieburn North Employment Area PSP.</p> |

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Specific provision – Use and development of future public land

A permit is not required to use or develop land shown in the *Craigieburn North Employment Area Precinct Structure Plan* as local parks provided the use or development is carried out generally in accordance with the *Craigieburn North Employment Area Precinct Structure Plan* and with the prior written consent of Hume City Council.

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Specific provision – Environmental Audit or Environmental Site Assessment required on specified land before certain use or development commences

On the following land in Craigieburn:

- 810 Summerhill Road (Lot 5 LP 143296))
- 30 Amaroo Road (Lot 2 PS 518232)
- 185 Brookville Drive (Lot 6 LP 205834)
- 295 Brookville Drive (Lot 22 PS 616391)

before the use or development of land commences for a nursing home, child care centre, primary school, caretaker’s house or residential hotel, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use;

Or

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before the use or development (this requirement does not apply to bore holes and excavation associated with an environmental site assessment) of land commences for any other use, an environmental site assessment of the land by a suitably qualified environmental professional must be undertaken which provides the following information:

- 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.
- 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.

On the following land in Craigieburn:

- 85 Amaroo Road (Lot 1 LP 119619)
- 50 Amaroo Road (Lot 3 LS 518232)
- 225 Brookville Drive (Lot 5 LP 205834)
- 245 Brookville Drive (Lot 24 PS 616391)
- 275 Brookville Drive (Lot 23 PS 616391)
- 220 Brookville Drive (Lot 8 LP 205834)
- 720 Donnybrook Road (Lot 1 TP 411428)
- 920A Hume Highway (Lot 2 PS 518231)
- 20 Kinloch Court (Lot 12 LP 205835)
- 60 Kinloch Court (Lot 16 LP 205835)
- 835 Summerhill Road (Lot 1 PS 518232)
- 770 Summerhill Road (Lot 3 LP 143296)
- 790 Summerhill Road (Lot 4 LP 143296)
- 840 Summerhill Road (Lot 6 LP 143296)

before the use or development of land (this requirement does not apply to bore holes and excavation associated with an environmental site assessment) commences for a nursing home, child care centre, primary school, caretaker's house or residential hotel an environmental site assessment of the land by a suitably qualified environmental professional must be undertaken which provides the following information:

- 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.
- 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.

Reference document: Precinct Structure Plan Area 25 Growth Areas Authority: Desktop Environmental, Hydrological and Geotechnical Study, Aurecon (September 2012)

Application requirements

Subdivision

Any application for subdivision 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.

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- Subdivision and Design Guidelines, prepared to the satisfaction of the responsible authority, which demonstrate how the proposal responds to and achieves the objectives, planning and design requirements, guidelines shown within the *Craigieburn North Employment Area Precinct Structure Plan* incorporated in this scheme
- A mobility plan that demonstrates how the local street and movement network integrates with adjacent urban development or is capable of integrating with future development on adjacent land parcels.
- A Stormwater Management Strategy that addresses the provision, staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Melbourne Water and Hume City Council.

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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 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 *Craigieburn North Employment Area Development Contributions Plan* is sought to be provided as "works in lieu" subject to the written consent of Hume 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

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Traffic Impact Assessment

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 Hume City Council, as required.

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Development applications on land containing or abutting the Merri Creek its tributaries and environs

An application on land containing or abutting the Merri Creek Corridor, its tributaries and environs must be accompanied by a plan that shows:

- Natural features including trees and other significant vegetation, habitat for protected species, drainage lines, water courses, wetlands, ridgelines, hill tops and features of geomorphic significance; and
- Recreation facilities to be provided within public open space; and
- Storm water facilities that are compliant with the relevant approved drainage strategy; and
- The retention and removal of vegetation and any re-vegetation.

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Retail Impact Assessment

An application to use land for restricted retail premises must be accompanied by a Retail Impact Assessment Report (RIAR) including:

- An assessment of the impact of the proposal on the surrounding activity centre hierarchy which considers:
 - Catchment analysis;
 - Analysis of current and forecast demand, visitor levels and drivers of demand;
 - Analysis of existing and planned centres that are likely to compete with the subject site;

and

- An analysis of potential impacts expected to flow from the use, including:
 - economic benefits;
 - trading impacts or implications for existing and planned facilities and their possible consequences.

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Conditions and requirements for permits

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Open Space – Condition

Any permit for subdivision must contain the following condition:

- Land required for public open space as a local park, as set out in the Craigieburn North Employment Precinct Structure Plan must be transferred to or vested in the responsible authority at no cost to that authority.

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Biodiversity and Threatened Species

Any permit for subdivision must contain the following conditions:

Kangaroo Management Plan

- 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

Condition – Fencing of conservation areas

A permit granted to subdivide land where 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 as shown in the *Craigieburn North Employment Area Precinct Structure Plan* , must include the following condition:

Prior to the commencement of development, a conservation area fencing plan must be submitted to and approved by the Secretary to the Department of Environment, Land, Water, and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) (Secretary) to ensure the conservation area is adequately protected. The fencing plan must contain the following:

- The boundaries of any conservation area, and the location of any scattered tree and the boundaries of any patch of native vegetation within the conservation area.
- The location and alignment of temporary protection fencing showing the following minimum distance from the element to be protected:

| Element | Distance |
|----------------------------|---|
| Conservation area | 0.5 metres |
| Scattered tree | 12 x diameter at a height of 1.3 metres |
| Patch of native vegetation | 2 metres |

- The timing of installation and removal of temporary protection fencing.
- The timing of installation of permanent fencing.
- Location and details of ongoing maintenance vehicle access points.
- The type of temporary and permanent fencing including materials, heights and spacing of uprights.
- Frequency of inspections and rectification works for temporary protection fencing.

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning and the responsible authority.

Condition – Correct alignment of protective fencing

Buildings and works must not commence until written evidence that protection fencing has been erected in accordance with the approved Conservation Area Fencing Plan is provided by a suitably qualified land surveyor to the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) (Secretary), and the Secretary confirms it is satisfied by the evidence.

Condition – Land management plan for conservation area

A permit to subdivide land containing a conservation area as shown in the *Craigieburn North Employment Area Precinct Structure Plan* must include the following condition:

Prior to the commencement of development, a land management plan for the conservation area land must be prepared by a suitably qualified consultant, submitted to, and approved by the Secretary to the Department of Environment, Land, Water, and Planning (as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*) (Secretary). The land management plan must outline how the biodiversity values for the land identified in the *Biodiversity Conservation Strategy for Melbourne's Growth Corridors* (Department of Environment and Primary Industries, 2013) will be maintained, managed, and improved, including:

- How environmental weeds will be managed up until the securing of the conservation area.
- How any revegetation will be undertaken in coordination with weed management activities to prevent re-colonisation of weed species.
- How rubbish and hazards will be removed, and any contaminated material managed up until the securing of the conservation area.

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the Secretary and the responsible authority.

Condition – Security of conservation land

A permit to subdivide land containing a 'conservation area' as shown in the *Craigieburn North Employment Area Precinct Structure Plan* must include the following condition:

The owner of the land must, as part of the plan of subdivision (or the first plan of subdivision submitted for registration, in the case of any staged subdivision), create the 'conservation area' as a separate lot or reserve. The boundaries of the lot or reserve on the plan of subdivision are subject to the prior satisfaction of the Secretary to the Department of Environment, Land, Water and Planning as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987* (Secretary). The owner must further secure the conservation area, by causing that lot or reserve to be vested, transferred, or protected in perpetuity in one of the following ways:

- Prior to a statement of compliance being issued for the plan of subdivision (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision), enter into an agreement under section 173 of the *Planning and Environment Act 1987* by which the owner agrees to transfer ownership of the conservation area to, or to vest the conservation area in, the Minister responsible for section 5 of the *Crown Land (Reserves) Act 1978*, the Council or Melbourne Water. The transfer or vesting must either be for no or nominal consideration. The Secretary and the person or body to whom the land is to be transferred or vested must also be a party to the agreement. The terms of the agreement must include that the owner pays the reasonable costs of the other parties to the agreement that were incurred for the preparation, execution, and registration of the agreement. The owner must cause the agreement to be registered prior to lodgement of the plan of subdivision for registration; or
- Prior to a statement of compliance being issued for the plan of subdivision (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision), enter into an agreement with the Secretary under section 69 of the *Conservation, Forests and Lands Act 1987*, which provides for the conservation and management of the conservation area

by or on behalf of the owner in perpetuity. The terms of the agreement must include that the owner pays the reasonable costs of the Secretary incurred for the preparation, execution, and registration of the agreement. The owner must cause the agreement to be registered prior to lodgement of the plan of subdivision for registration.

The requirement to include the above condition does not apply if the permit applicant provides the responsible authority with a statement in writing from the Secretary, as constituted under Part 2 of the *Conservation, Forests and Lands Act 1987*, that the condition is not required because the Secretary is satisfied that either:

- the land containing the conservation area is expected to be further subdivided and a further planning permit will be required for that subdivision (to which the above condition requirement will apply); or
- the conservation area has been or will be otherwise secured in perpetuity.

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Public Transport – Condition

Any permit for subdivision must contain the following condition:

Unless otherwise agreed by Public Transport Victoria, prior to the issue of Statement of Compliance for any subdivision stage, bus stop hard stands with direct and safe pedestrian access to a pedestrian path must be constructed:

- In accordance with the Public Transport Guidelines for Land Use and Development and be compliant with the *Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002*.
- At locations approved by Public Transport Victoria, at no cost to Public Transport Victoria, and to the satisfaction of Public Transport Victoria.

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Road Network – Condition

Any permit for subdivision or building and works must contain the following condition:

Prior to the certification of a plan of subdivision, the plan of subdivision must show the land affected by the widening of the road reserve which is required to provide road widening and/or right of way flaring for the ultimate design of any adjacent intersection.

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 transferred to or vested in council at no cost to the acquiring agency unless funded by the *Craigieburn North Employment Area Development Contributions Plan*.

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Public Infrastructure Plan – Condition

Any permit for subdivision must contain the following condition:

Prior to the certification of a plan of subdivision or at such other time which is agreed between Council and the owner, if required by the responsible authority or the owner, the owner must enter into an agreement or agreements under section 173 of the *Planning and Environment Act 1987* which provides for:

- The implementation of the Public Infrastructure Plan approved under this permit.
- The purchase and/or reimbursement by the responsible authority for any provision of public open space in excess of the amount specified in the schedule to Clause 53.01.
- The timing of any payments to be made to the owner having regard to the availability of funds in the open space account.

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Exemption from notice and review

None specified.

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Decision guidelines

None specified.

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Signs

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

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Land sales signs

Despite the provisions of Clause 52.05, signs promoting the sale of the land, or 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; 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 the land, or adjoining land in the same ownership, with an area greater than 10 square metres.