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SCHEDULE 3 TO CLAUSE 37.07 URBAN GROWTH ZONE

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

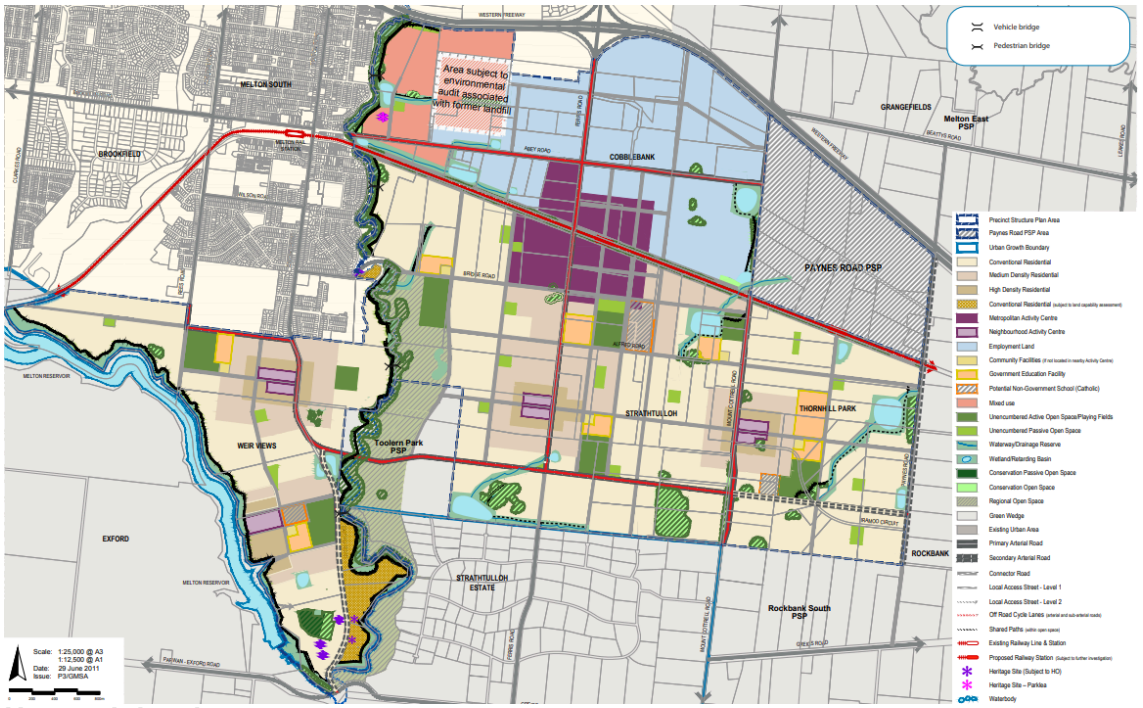
TOOLERN PRECINCT STRUCTURE PLAN

1.0 The Plan

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Plan 1 shows the future urban structure proposed in the Toolern Precinct Structure Plan.

Plan 1 to Schedule 3 to Clause 37.07



2.0 Use and development

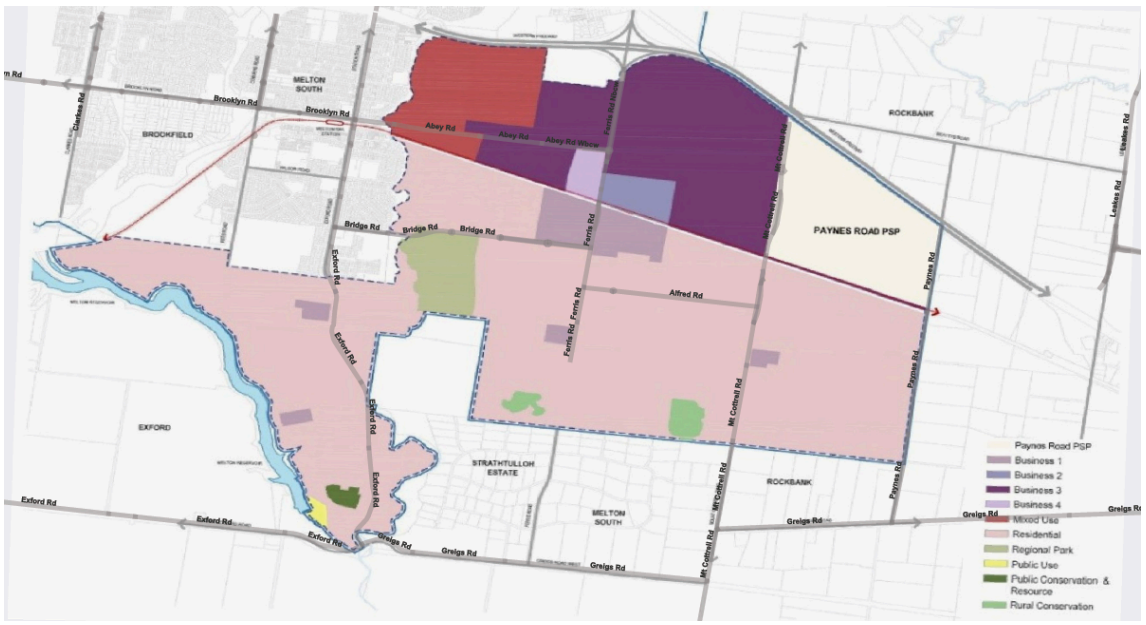
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2.1 The Land

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The use and development provisions specified in this schedule apply to the land as shown within the 'precinct boundary' on Plan 2 of this schedule and shown as UGZ3 on the planning scheme maps.

Plan 2 to Schedule 3 to Clause 37.07



2.2 Applied zone provisions

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Table 1 allocates the land use / development shown on Plan 2 of this schedule with a corresponding zone from this scheme.

When the use / development in the left column is carried out or proposed generally in accordance with the incorporated *Toolern Precinct Structure Plan* , the use, subdivision, construction of a building and construction and carrying out of works provisions of the corresponding zone in the right column apply.

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.

For example: The Commercial 2 Zone specifies 'Shop' as a Section 1 Use with the condition 'The site must adjoin, or have access to, a road in a Transport 2 Zone or a Transport 3 Zone'. In this instance the condition should be read as 'The site must adjoin, or have access to, a road in a Transport 2 Zone or a Transport 3 Zone or an applied Transport 2 Zone or Transport 3 Zone in the Urban Growth Zone schedule applying to the land'.

Note:

The precise boundary of the Business 1 area, Business 2 area and the Mixed Use Zone will be determined by the approved Urban Design Framework Plans.

Table 1: Applied zone provisions

Business 1	Clause 34.01 - Commercial 1 Zone
Business 2	Clause 34.01 - Commercial 1 Zone
Business 3	Clause 34.02 - Commercial 2 Zone
Business 4	Clause 34.02 - Commercial 2 Zone
Mixed Use	Clause 32.04 - Mixed Use Zone
Regional Park	Clause 36.02 - Public Park and Recreation Zone
Residential	Clause 32.08 – General Residential Zone
Rural Conservation	Clause 35.06 – Rural Conservation Zone
Public Use	Clause 36.01 - Public Use Zone – Schedule 1
Public Conservation & Resource	Clause 36.03 - Public Conservation and Resource Zone
Primary Arterial Road	Clause 36.04 - Transport 2 Zone

2.3 Specific provisions – Use of land

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Section 1 - Permit not required

Use	Condition
Office (other than Medical centre)	On land where the applied zone is General Residential Zone in the incorporated *Toolern Precinct Structure Plan* . The leasable floor area must not exceed 100 square metres.

Use	Condition
Primary School **Secondary School**	On land shown as 'Potential Non-Government School' in the incorporated *Toolern Precinct Structure Plan.*
Shop	On land where the applied zone is Commercial 1 Zone in the incorporated *Toolern Precinct Structure Plan* except for land east of Ferris Road and north of the Ballarat Railway Line . The combined leasable floor area for all shops must not exceed: ■ 70,000 square metres for land shown as Metropolitan Activity Centre in the incorporated *Toolern Precinct Structure Plan.* ■ 4,000 square metres for land shown as Exford Road Neighbourhood Activity Centre (north) in the incorporated *Toolern Precinct Structure Plan.* ■ 4,000 square metres for land shown as Exford Road Neighbourhood Activity Centre (south) in the incorporated *Toolern Precinct Structure Plan.* ■ 4,000 square metres for land shown as Ferris Road Neighbourhood Activity Centre in the incorporated *Toolern Precinct Structure Plan.*
Any use listed in Clause 62.01	Must meet requirements of Clause 62.01.
Any use listed in Section 1 in the Table of uses in the applicable applied zone	

Section 2 - Permit required

Use	Condition
Major sports and recreation facility	On land where the applied zone is Commercial 1 Zone west of Ferris Road, north of Bridge Road, and south of the Ballarat Railway Line in the incorporated *Toolern Precinct Structure Plan.*
Shop	For land where the applied zone is Commercial 1 Zone east of Ferris Road and north of the Ballarat Railway Line in the incorporated *Toolern Precinct Structure Plan,* the leasable floor area must not exceed 100 square metres.
Supermarket	On land where the applied zone is Commercial 2 Zone in the incorporated *Toolern Precinct Structure Plan.* The leasable floor area must not exceed 1,800 square metres. The site must adjoin, or have access to, a road in a Transport 2 Zone.
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use	Condition
Any use in Section 3 in the Table of uses in the applicable zone.	

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Specific Provisions - Subdivision

None specified.

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Specific provisions – Buildings and works

Buildings and works for a school

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

Dwellings on a Lot Less than 300 Square Metres

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.

A permit is not required to construct a fence within 3 metres of a street provided that the Front Fence Height Standard in Table A2 to Clause 54.06-2 is met

Metropolitan and Neighbourhood Activity Centres and Employment Land

If the land is shown as in or adjoining a Business 1, Business 2, Business 3 or Business 4 area on Plan 2, a permit must not be granted to construct a building or construct and carry out works until an Urban Design Framework for the activity centre or employment land has been prepared to the satisfaction of the responsible authority.

A permit may be granted 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 is consistent with the requirements for the Urban Design Framework for the relevant locality set out in the incorporated Toolern 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.

Toolern Creek Park Western Interface

Except with the consent of the responsible authority, a permit must not be granted to construct a building and carry out works within land located adjacent to the west of the Toolern Creek Park (shown as 'Toolern Creek Regional Park - western interface' on Plan 7 'Image & Character' of the incorporated *Toolern Precinct Structure Plan*) until an Urban Design Framework has been prepared to the satisfaction of the responsible authority.

A permit may be granted 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 is consistent with the requirements for the Urban Design Framework for the relevant locality set out in the incorporated Toolern Precinct Structure Plan.

Exford Road Conservation Area

Except with the consent of the Responsible Authority, a permit must not be granted to construct a building and carry out works within land shown as the Exford Road Conservation Area (on Plan 7 'Image & Character' of the incorporated *Toolern Precinct Structure Plan*) until an Urban Design Framework has been prepared to the satisfaction of the Responsible Authority.

A permit may be granted 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 is consistent with the requirements for the Urban Design Framework for the relevant locality set out in the incorporated *Toolern Precinct Structure Plan* .

North West Mixed Use Precinct

Except with the consent of the responsible authority, a permit must not be granted to construct a building and carry out works within land shown as the North West Mixed Use Precinct Urban Design Framework Area (on Plan 7 'Image & Character' of the incorporated *Toolern Precinct Structure Plan*) until an Urban Design Framework has been prepared to the satisfaction of the responsible authority.

A permit may be granted 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 is consistent with the requirements for the Urban Design Framework for the relevant locality set out in the incorporated *Toolern Precinct Structure Plan* .

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Application requirements

The following application requirements apply to an application for a permit under Clause 37.07, in addition to those specified in Clause 37.07 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority. If in the opinion of the responsible authority an application requirement listed below is not relevant to the assessment of the application, the responsible authority may waive or reduce the requirement.

Subdivision - Residential development

In addition to the requirements of Clause 56.01, the site analysis and design response must show or address the following to the satisfaction of the responsible authority:

- A hydrogeological assessment of the groundwater conditions on the site and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions on the development and the impact on groundwater.
- A preliminary site assessment of the potential for contaminated land as a result of previous land uses, carried out by a suitably qualified person.
- An application for residential subdivision of 10 lots or more must be accompanied by Subdivision and Housing Design Guidelines, prepared to the satisfaction of the responsible authority.

Subdivision - General

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 the relevant Roads Authority.

Public Infrastructure Plan

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 any storm water 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 Melton City Council;
- The provision of public open space and land for any community facilities; and
- Any other matter relevant to the provisions of public infrastructure required by the responsible authority.

Kangaroo Management Plan Subdivision - land that does not abut a linear corridor or is intended to be in public ownership

An application for the subdivision of land that does not abut a linear corridor in or is intended to be in public ownership must be accompanied by an Eastern Grey Kangaroo Management Plan that includes one of either:

- Strategies (i.e. staging) to avoid land locking Eastern Grey Kangaroos.
- Where strategies to avoid land locking are not practical, management solutions and actions to respond to their containment in an area with no reasonable likelihood of their continued safe existence.

The plan must be to the satisfaction of the Department of Energy, Environment and Climate Change (DEECA).

4.0 Conditions and requirements for permits

28/11/2024
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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 Toolern Precinct Structure Plan and the Toolern Native Vegetation Precinct Plan are implemented as part of the planning permit or the plans endorsed under the planning permit.

Conditions for the first stage of development

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

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

A permit issued before 31 December 2026 which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- 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 issued before 31 December 2026 under section 72 of the Act , which allows for the subdivision of land to create a lot of less than 300 square metres, must include the following condition:

- 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.

Conditions for subdivision applications requiring an Eastern Grey Kangaroo Management Plan

Any permit granted for subdivision must contain the following condition if an Eastern Grey Kangaroo Management Plan was required to be submitted with the permit application:

- The subdivision must implement the Eastern Grey Kangaroo Management Plan by either:
  - Proceeding in the order of stages as shown on the plan;

  and where this is not practicable

  - Implementing the management solutions and actions of the Plan.

Conditions – Salvage and Translocation

Salvage and translocation of threatened flora and fauna species and ecological communities must be undertaken in the carrying out of development to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning

Conditions – all buildings, subdivision and associated works application within 100 metres of the Toolern Creek, on land within the Precinct Structure Plan (Growling Grass Frog conservation management plan)

Any permit granted for buildings, subdivision and associated works must contain the following conditions:

- Prior to the commencement of works a Growling Grass Frog conservation management plan must be prepared to the satisfaction of the Department of Environment, Land, Water and Planning and submitted to and approved by the responsible authority.
- The Growling Grass Frog conservation management plan must be implemented to the satisfaction of the responsible authority.

Conditions – all buildings, subdivision and works applications (Golden Sun Moth) on land identified as Properties 2573 – 2675 Western Highway, Rockbank

- Prior to the commencement of works a targeted survey for the Golden Sun Moth must be prepared to the satisfaction of the Department of Environment, Land, Water and Planning.
- Prior to the issue of a Statement of Compliance in respect of any plan of subdivision within which Golden Sun Moth native habitat has been identified:
  - Offsets for removal of Golden Sun Moth native habitat within the area of that plan of subdivision must be provided or agreed to the satisfaction of the Department of Environment, Land, Water and Planning

Conditions for subdivision or buildings 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 Toolern Precinct Structure Plan or the Toolern Development Contributions Plan must be transferred to or vested in Council at no cost to Council unless the land is funded by the Toolern Development Contributions Plan.

Land required for public open space as a local or district park as set out in the Toolern Precinct Structure Plan or the Toolern Development Contributions Plan must be transferred to or vested in Council at no cost to Council unless funded by the Toolern 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 Toolern 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 another relevant person or body

5.0 Exemption from notice and review

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An application to use land for a convenience shop or office in the 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.

6.0 Decision guidelines

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The following decision guidelines apply to an application for a permit under Clause 37.07, in addition to those specified in Clause 37.07 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Use of land for a sensitive use on land shown as Mixed Use, Business 2, Business 3 or Business 4 on Plan 2:
  - *Planning Practice Note 30: Potentially Contaminated Land, July 2021.*
  - The status of any remediation being carried out at the former Melton landfill site on Ferris Road.
  - The views of the EPA and WorkSafe Victoria if the land is north of the railway line and within 440 metres of 41-53 Abey Road, Melton (measured from the boundary of 41-53 Abey Road Melton).

7.0 Signs

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Sign requirements are at Clause 52.05. All land located within the *Toolern Precinct Structure Plan, February 2026* area is in the category specified in its applied zone at Clause 2.2 of this schedule. If there is no applied zone the land is in Category 2.

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 four signs per frontage.
- The sign is not animated, scrolling, electronic or internally illuminated sign.
- The sign is setback a minimum of 750 mm 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.

If the sign does not meet all the provisions listed above, it must comply with the provisions of Clause 52.05.

Education / community promotion signs

Despite the provisions of Clause 52.05, a permit may be granted, for a period of not more than five years to display an advertising sign that promotes a community facility or education centre on the land identified as community facilities, Government Education Facility, potential non-government school (Catholic) and credited open spaces on Plan 1 to this schedule.