27/05/2019
C239wsea

SCHEDULE 4 TO CLAUSE 37.07 URBAN GROWTH ZONE

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

ENGLISH STREET PRECINCT STRUCTURE PLAN

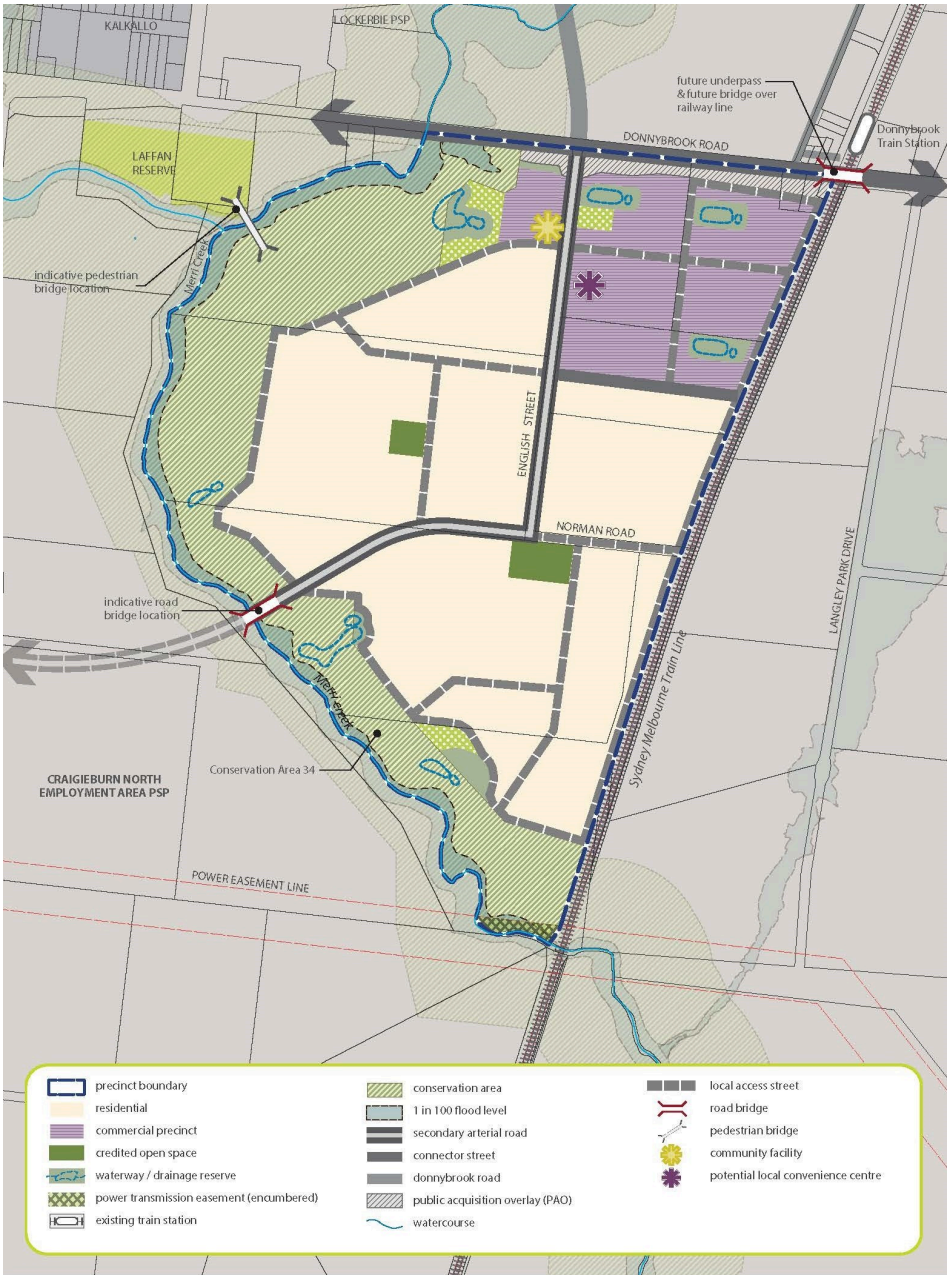
(Note: Refer also to the English Street Precinct Structure Plan, November 2015 in Clause 72.04)

1.0
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The Plan

Plan 1 below shows the future urban structure proposed in the *English Street Precinct Structure Plan* . It is a reproduction of Plan 3 in the *English Street Precinct Structure Plan.*

Plan 1 to the Schedule 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 within the 'precinct area' on Plan 1 of this schedule and shown as UGZ4 on the planning scheme maps.

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

2.2 Applied zone provisions

20/01/2022
VC205

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 zone provisions

Land as shown on Plan 1 of this schedule	Applied zone provisions
Commercial precinct **Potential local convenience centre**	Clause 34.01 – Commercial 1 Zone
Secondary arterial road	Clause 36.04 – Transport Zone 3
All residential land	Clause 32.07 – Residential Growth Zone

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

20/01/2022
VC205

A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

Note: e.g. The Residential Growth Zone specifies 'Car wash' as a Section 2 Use with the condition, 'The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.' In this instance the condition should be read as, 'The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3 or an applied Transport Zone 2 or Transport Zone 3 in the Urban Growth Zone schedule applying to the land'.

2.4 Specific provisions – Use of land

18/02/2016
C183

The following provisions apply to the use of the land.

Table 2: Use

Use	Requirement
Shop (other than Convenience shop) in the 'commercial precinct' (other than the 'potential local convenience centre')	Prohibited.
Convenience shop in the 'commercial precinct' (other than the 'potential local convenience centre')	Permit Required.
Shop in the 'potential local convenience centre'	A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds 1,500 square metres.

2.5 Specific provision – Use and development of future passive public open space and community facilities

18/02/2016
C183

A permit is not required to use or develop land shown in the *English Street Precinct Structure Plan* as open space (local park) or community facilities provided the use or development is carried out generally in accordance with the *English Street Precinct Structure Plan* and with the prior written consent of the responsible authority.

2.6 Specific provision – Dwellings on a lot less than 300 square metres

28/11/2024
GC206

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.

3.0 Application requirements

27/05/2019
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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 at 3.1 or 3.2 is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

3.1 Subdivision – Residential development

18/02/2016
C183

In addition to the requirements of Clause 56.01-2, a subdivision design response for a residential 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 and expected population and dwelling yields;
- A written statement that sets out how the subdivision implements the incorporated English Street Precinct Structure Plan;
- Subdivision and Housing Design Guidelines, prepared to the satisfaction of the responsible authority, which demonstrates how the proposal responds to and achieves the objectives and planning and design requirements and guidelines in accordance with the incorporated English Street Precinct Structure Plan;
- A table setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields;
- 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;
- Potential bus route and bus stop locations prepared in consultation with Public Transport Victoria;
- A Stormwater Management Strategy that assesses the existing surface and subsurface drainage conditions on the site, addresses the provision, staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Whittlesea City Council, Melbourne Water and the Department of Environment, Land, Water and Planning where appropriate.

3.2 Public Infrastructure Plan

18/02/2016
C183

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 English Street 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; and
- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

3.3 Traffic Impact Assessment

14/05/2021
VC198

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 Head, Transport for Victoria or Whittlesea City Council, as required.

3.4 Use or develop land for a sensitive purpose – Environmental Site Assessment – 750, 780, 800, 804, 810, Donnybrook Road Craigieburn and 45 & 65 English Street Donnybrook

18/02/2016
C183

An application to use or develop land for a sensitive use, or to construct a building or construct and carry out works associated with a sensitive use on the land must be accompanied by a Phase 2 Environmental Site Assessment report prepared by a suitably qualified environmental professional to the satisfaction of the responsible authority.

The report must contain:

- detailed assessment of the matters outlined as potential contaminants on the land documented in *'(Precinct Structure Plan Area 25 Growth Areas Authority, Desktop Environmental, Hydrological and Geotechnical Study. Revision 2* dated 13 September 2012) ' by Aurecon
- Clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the *General Practice Note on Potentially Contaminated Land,* June 2005 (DSE); and
- Recommended remediation actions for any contaminated land.

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

18/02/2016
C183

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.

3.6 Rail noise assessment

18/02/2016
C183

An application that proposes, or will allow, residential buildings within 80 metres of the existing Melbourne-Sydney rail track must be accompanied by an assessment of noise and vibration impacts on the development from the rail operations at the time of the application. The acoustic assessment must be prepared by a suitably qualified engineer or other suitably qualified person to the satisfaction of the responsible authority. The acoustic assessment must:

- Provide an assessment of noise levels on the land taking into account the likely noise levels associated with the ongoing operation of VLine and Australian Rail and Track Corporation (ARTC) operations; and
- Include recommendations for noise attenuation measures designed to achieve appropriate noise limits in bedrooms.

3.7 Kangaroo management

18/02/2016
C183

All applications for subdivision must be accompanied by the following information to the satisfaction of the responsible authority:

Kangaroo Management Plan which includes:

- Strategies to avoid land locking kangaroos, including staging of subdivision;
- Management requirements to respond to the containment of kangaroos in an area with no reasonable likelihood of their continued safe existence; or
- Management and monitoring actions to sustainably manage a population of kangaroos within a suitable location.

Where a Kangaroo Management Plan has been approved in respect to the land to which the application applies, the application must be accompanied by:

- A copy of the approved Kangaroo Management Plan; and
- A 'design/management response' statement outlining how the application is consistent with and gives effect to any requirements of the approved Kangaroo Management Plan.

3.8 Economic assessment – local convenience centre

18/02/2016
C183

Any application to use land for a shop within the potential local convienience centre must be accompanied by a report, prepared by a suitably qualified professional, describing the economic impact of the proposal including with regard to existing and planned town centres in the area.

4.0 Conditions and requirements for permits

27/05/2019
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4.1 Open Space, community facilities and road widening - Condition

18/02/2016
C183

Any permit for subdivision or buildings and works where land is requried for open space, community facilities or road widening must contain the following conditions:

- Land required for public open space as a local park, as set out in the English Street Precinct Structure Plan or Development Contributions Plan, must be transferred to or vested in the responsible authority at no cost to that authority.
- Land required for community facilities, as set out in the English Street Precinct Structure Plan or Development Contributions Plan, must be transferred to or vested in the responsible authority at no cost to that authority.
- 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 English Street 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 Whittlesea City Council or the relevant authority.

4.2 Biodiversity and Threatened Species - Conditions

14/07/2022
VC213

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 *English Street 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.

Stockpiles, fill, machinery, vehicle parking, excavation and construction activity of any kind must not be bought into, or be undertaken within, the area to be fenced, except with the prior written consent from the Secretary.

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 *English Street 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 *English Street 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.

Condition – Construction environmental management plan

A planning permit to subdivide land, construct a building, or construct or carry out works on or within 50 metres of land shown as a conservation area in the incorporated *English Street Precinct Structure Plan* must include the following condition:

Before works start, a Construction Environmental Management Plan consistent with *DELWP requirements for Construction Environmental Management Plans under the Melbourne Strategic Assessment* (Department of Environment, Land, Water and Planning, November 2020) 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) and the responsible authority, demonstrating how the conservation area will be protected during works.

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

4.3 Public Transport – Condition

18/02/2016
C183

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 consturcted:

- 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.

4.4 Road Network – Condition

18/02/2016
C183

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.

4.5 Public Infrastructure Plan – Condition

23/10/2025
C249wsea

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 open space payments to be made to the owner having regard to the availability of funds in the open space account.
- The timing and quantum of any payment to be made to a person in respect of any infrastructure project having regard to the availability of funds in the Development Contribution Plan (DCP).

4.6 Use or development of land for a sensitive use – Condition

18/02/2016
C183

Any permit for a sensitive use or development must contain the following condition:

Prior to the certification of a Plan of Subdivision, or a stage of subdivision, under the *Subdivision Act 1988* , further testing in accordance with the recommendations of the Phase 2 Environmental Site Assessment (see application requirement 3.4) must be carried out to the satisfaction of the responsible authority.

Upon completion of the testing the landowner must submit the results and comply with any additional requirements to the satisfaction of the responsible authority, 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 authoirty is satisfied that ht eland is suitable for the intended use.

4.7 Subdivision permits that allow for the creation of a lot/s of less than 300 square metres - Condition

28/11/2024
GC206

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.

5.0 Exemption from notice and review

27/05/2019
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None specified.

6.0 Decision guidelines

27/05/2019
C239wsea

Before deciding on an application to use land for a shop in the local convenience centre, in addition to the decision guidelines at Clause 37.07-14, the responsible authority must consider, as appropriate:

- The local catchment demand for the additional floor area; and
- Whether the application would result in the local convenience centre growing beyond the role of a local convenience centre; and
- The effect, if any, on existing and future major town centres in Melbourne's North Growth Corridor.

7.0 Signs

27/05/2019
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The sign category for this land is the category specified in the zone applied to the land at Clause 2.2 of this schedule.

7.1 Land and home sales signs

27/05/2019
C239wsea

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

A permit may be granted to display a sign promoting the sale of land or homes on the land (or on adjoining land in the same ownership) with an area greater than 10 square metres