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SCHEDULE 4 TO THE URBAN GROWTH ZONE

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

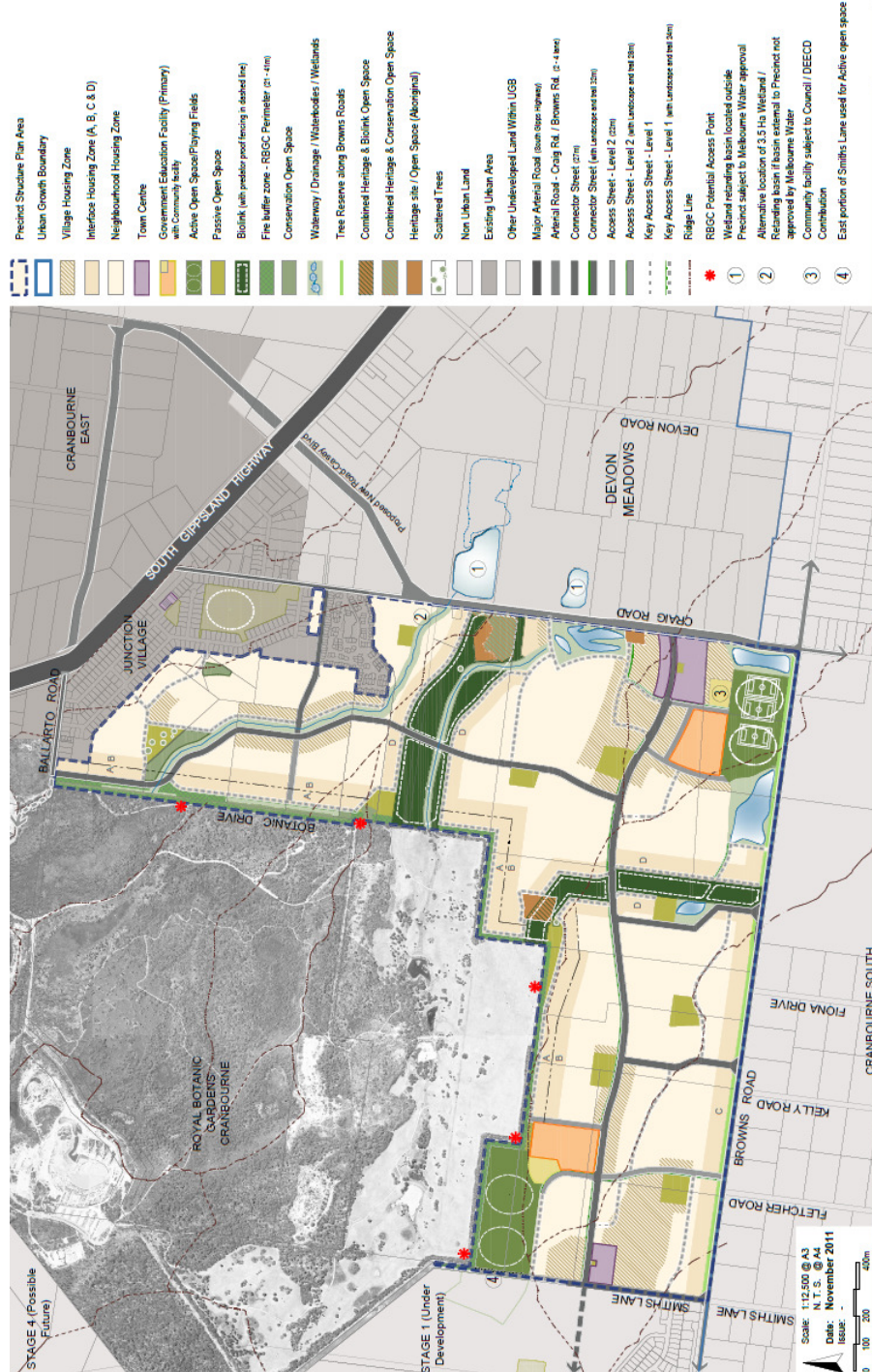
BOTANIC RIDGE PRECINCT STRUCTURE PLAN

1.0 The Plan

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Map 1 to Schedule 4 to Clause 37.07 shows the Future Urban Structure for Botanic Ridge. It is a reproduction of Plan 5 in the Botanic Ridge Precinct Structure Plan.

MAP 1 TO SCHEDULE 4 TO CLAUSE 37.07



2.0 Use and development

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2.1 The Land

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The use and development provisions specified in this schedule apply to the land shown as ‘Precinct Structure Plan Area’ in Map 1 of this schedule and shown as UGZ 4 on the planning scheme maps.

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

2.2 Applied zone provisions

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The provisions of the following zones in this scheme apply to the use and subdivision of land, the construction of a building, and the construction or carrying out of works as set out in Table 1.

Table 1: Applied zone provisions

Land use or development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land	Applied zone provisions
Local town centre	Clause 34.01 – Business 1 Zone
Biolink (including land within a biolink identified for heritage)	Clause 35.06 – Rural Conservation Zone
All other land	Clause 32.01 – Residential 1 Zone

2.3 Specific provisions – Use of land

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The following provisions apply to the use of land.

Table 2: Use

USE	REQUIREMENT
Convenience shop where the applied zone is Residential 1 Zone	A permit may be granted to use land for a shop if the leasable floor area of the convenience shop does not exceed 100 square metres.
Office where the applied zone is Residential 1 Zone	A permit may be granted to use land for an office if the leasable floor area of the office does not exceed 100 square metres.

2.4 Specific provision – Amenity and appearance of dwellings within the applied Residential 1 Zone

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External lighting on a dwelling or within a lot must be baffled and angled so that light is cast toward the ground and / or so that it does not spill onto adjoining properties or public spaces.

Services normal to a dwelling and water tanks must be finished in a non-reflective, muted colour and must not, as far as is practicable, be visible from the street (other than a lane) or a public park.

2.6 Specific provisions - Buildings and works

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2.6.1 Residential design controls

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The *residential design controls* in the precinct structure plan applying to the land must be met by a development of a dwelling on a residential lot the satisfaction of the responsible authority.

A permit may be granted to vary a requirement where the precinct structure plan specifies that the requirement may be varied.

Where a requirement conflicts with an objective or standard or Clause 54 or 55 of this scheme, this clause prevails.

2.6.2 Small lot housing code

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A permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where an approved building envelope as defined in Part 4 of the Building Regulations 2006 applies to the lot.

2.7 Referral to the Director of Public Transport - Consistency with the Botanic Ridge Precinct Structure Plan for the purpose of under Clause 52.36-1

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Clause 52.36 requires referral of some applications to the Director of Public Transport. For the purpose of Clause 52.36-1 of the Victoria Planning Provisions a development is consistent with the *Botanic Ridge Precinct Structure Plan* where the following requirements are met:

- A road nominated on *Plan 17 – Public Transport* in the *Botanic Ridge Precinct Structure Plan* as a potential bus route is constructed in accordance with its corresponding cross section in the *Botanic Ridge Precinct Structure Plan*; and
- Signalised intersections that contain a proposed Principal Public Transport Network (PPTN) route in the Precinct Structure Plan include bus priority measures to mitigate delays to bus travel times, to the satisfaction of the Director of Public Transport; and
- Any roundabouts or other road management devices on potential bus routes are constructed to accommodate ultra low floor buses in accordance with the Public Transport Guidelines for Land Use and Development; and
- Prior to the issue of a Statement of Compliance for any subdivision stage where a bus stop is shown on *Plan 17 – Public Transport* in the *Botanic Ridge Precinct Structure Plan*, bus stop hard stands with direct and safe pedestrian access to a pedestrian path (all in accordance with the Public Transport Guidelines for Land Use and Development and compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002) are constructed, at no cost to the Director of Public Transport, to the satisfaction of the Director of Public Transport.

A responsible authority may address any of the above matters through planning permit conditions.

3.0 Application requirements

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3.1 Residential subdivision – Site and context description and design response

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For the purpose of Clause 56.01-1 of this scheme:

- An application may reference the Botanic Ridge Precinct Structure Plan, the Botanic Ridge Native Vegetation Precinct Plan or the Botanic Ridge Development Contributions Plan to describe relevant elements of the site and its context where appropriate.
- On all land significant views to and from the site include, but are not limited to, views to and from the Royal Botanic Gardens Cranbourne and views to and from land to the south of Browns Road.

An application for subdivision must address the requirements of Clause 56 of the Casey Planning Scheme. In addition to any requirement in 56.01-2 a subdivision design response must include:

- A land budget table, to the same format and methodology as those within this PSP, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields.
- View-shed cross-sections from the ‘Trig Point lookout’ within the Royal Botanic Gardens Cranbourne to the extent of the development. This material may be supported by plan based / 3D imagery.
- For subdivision that creates new residential lots abutting the RBGC (whether separated or not by a road or other public space), view-shed cross-sections from the southern portion of the gardens to the extent of the development. This material may be supported by plan based / 3D imagery.

3.1 Development applications in a local town centre

In addition to the application requirements at Clause 34.01-4, an application for or building and works on land in a local town centre must be accompanied by:

- A levels and grading plan for the site and immediate surrounds
- A landscape master plan, where this has not been approved as part of an existing permit for the land.

3.2 Miscellaneous

An application for subdivision must be accompanied by a Public Infrastructure Plan which addresses the following:

- the provision, staging and timing of stormwater drainage works
- what land may be affected or required for the provision of infrastructure 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
- the provision of public open space and land for any community facilities
- 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 the collecting agency
- the provision, staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Melbourne Water.

- any other matter relevant to the provision of public infrastructure required by the responsible authority.

An application for subdivision must be accompanied by an assessment of surface and subsurface water 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 the development on groundwater.

An application that proposes to create or change access to a road in a Road Zone Category 1, Browns Road or Craig 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.

An application to use or develop land at 60 Botanic Drive or 45 Craig Road for a sensitive use must be accompanied by an environmental site assessment of the land by a suitably qualified environmental professional to the satisfaction of the responsible authority which provides information including:

- detailed assessment of the matters outlined as potential contaminants on the land documented in 'Report for Botanic Ridge Precinct Structure Plan, Environmental Contamination Assessment, January 2010' by GHD.
- 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 Potentially Contaminated Land General Practice Note June 2005, DSE.
- Recommended remediation actions for any potentially contaminated land.

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Conditions and requirements for permits

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Image and Character

Land required for tree reserves as set out in the Botanic Ridge Precinct Structure Plan or the Botanic Ridge 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 Botanic Ridge Precinct Structure Plan Development Contributions Plan.

Housing

Where a subdivision permit allows the creation of a lot/s of less than 300 square metres the permit must include the following conditions:

- The Small Lot Building Code forming part of the Lockerbie Precinct Structure Plan applies to the subdivision of land under this permit and the application of the Small Lot Building Code must be shown on any endorsed plans which are part of this planning permit.
- Before a plan is certified for a subdivision (or the relevant stage of a subdivision) where a building envelope is proposed, the plans endorsed under this permit must show a building envelope for each lot with an area less than 300 square metres that is in accordance with the Small Lot Building Code forming part of the Lockerbie Precinct Structure Plan to the satisfaction of the Responsible Authority.
- The building envelopes must be applied as a restriction on the Plan of Subdivision or through an agreement under section 173 of the Act that is registered on the title to the land. The restriction or agreement must provide for:
 - The building envelope plan to apply to each relevant lot.
 - All buildings being constructed in accordance with the building envelope on the relevant lot;
 - The construction of a building outside the building envelope only with the written 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 and any garage or carport on the land.

Employment and activity centres

The boundary of a local centre with the applied Business 1 Zone must be shown on a plan of subdivision as a local centre to the satisfaction of the responsible authority.

Community facilities

Land required for community facilities as set out in the Botanic Ridge Precinct Structure Plan or the Botanic Ridge 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 Botanic Ridge Precinct Structure Plan Development Contributions Plan.

Open space and natural systems

Any permit issued for residential subdivision must include the following condition:

The owner must enter into an agreement under section 173 of the Act with the responsible authority to provide for:

- Prohibition on the planting or raising of listed environmental weeds on a lot.
- Any planted on a lot to be in accordance with the adopted plant list of the responsible authority.
- Prohibition on the keeping of cats and exotic bee on a lot.
- Notification that intermittent environmental burn regimes with the Royal Botanic Gardens Cranbourne may affect the amenity of the lot.

The agreement must be registered on the title to every lot created by the subdivision. The preparation, execution and registration of the agreement must be at no cost to the responsible authority.

Land required as a fire buffer between development and the Royal Botanic Gardens Cranbourne, public open space (as a local or district park) or a tree reserve must be transferred to or vested in Council at no cost to Council.

Any:

- Works carried out in respect of any subdivision;
- Construction of buildings and associated works; and
- Removal, lopping or destruction of native vegetation on the land as authorised by the Native Vegetation Precinct Plan (NVPP) applying to the land,

must be carried out in accordance with all of the requirements set out in the incorporated NVPP applying to the land to the satisfaction of the responsible authority.

Only the native vegetation which is identified for removal in the incorporated NVPP applying to the land may be removed, lopped or destroyed without a permit.

Before the removal, destruction or lopping of any native vegetation within any property (identified by the PSP Property Number on Map 1 of the Botanic Ridge NVPP) the owner of the land from which the native vegetation is being removed must provide offsets consistent with the incorporated NVPP by either:

- providing an allocated credit extract issued by the Department of Sustainability and Environment; or
- preparing and submitting an Offset Plan to the satisfaction of the Department of Sustainability and Environment and have the Offset Plan approved by responsible authority.

Where an Offset Plan is approved:

- before the removal, destruction or lopping of any native vegetation, the owner of the land from which the native vegetation is being removed must provide on-title security for the Offset Site to the satisfaction of Department of Sustainability and Environment that provides for the implementation of the Offset Plan and pay the reasonable costs of the preparation, execution and registration of any on-title agreement; and
- offsets must be initiated within 12 months of approval of the Offset Plan or before the removal of Very High Conservation Significance vegetation, whichever is earlier, and be implemented according to the schedule of works in the Offset Plan to the satisfaction of the responsible authority.

Any permit which would allow subdivision, buildings or works must contain the following condition unless otherwise agreed to in writing by the Department of Sustainability and Environment:

- Prior to the commencement of any buildings or works or the removal of any vegetation payment for Southern Brown Bandicoot compensatory habitat must be provided in accordance with the approved Southern Brown Bandicoot Conservation Management Plan - Botanic Ridge Precinct Structure Plan (CMP) or agreed to the satisfaction of the Secretary of the Department of Sustainability and Environment.
- Any permit which would allow subdivision, buildings or works that will impact on an area where the CMP applies must contain the following conditions unless otherwise agreed to in writing by the Department of Sustainability and Environment:
- The actions of the CMP in respect of that land must be implemented before, during and after the carrying out of buildings and works to the satisfaction of the Department of Sustainability and Environment.
- If the CMP contains specifications or recommendations that will need to continue to be implemented after the land has been subdivided, the Owner must enter into a legally binding agreement with the Department of Sustainability and Environment to provide for those continuing obligations prior to the issue of a Statement of Compliance in respect of the plan of subdivision for the land.

Transport and movement

For the purpose of Clause 52.36-1 of the Victoria Planning Provisions a development is consistent with the *Botanic Ridge Precinct Structure Plan* where the following requirements are met:

- A road nominated on *Plan 17 – Public Transport* in the *Botanic Ridge Precinct Structure Plan* as a potential bus route is constructed in accordance with its corresponding cross section in the *Botanic Ridge Precinct Structure Plan*; and
- Signalised intersections that contain a proposed Principal Public Transport Network (PPTN) route in the Precinct Structure Plan include bus priority measures to mitigate delays to bus travel times, to the satisfaction of the Director of Public Transport; and
- Any roundabouts or other road management devices on potential bus routes are constructed to accommodate ultra low floor buses in accordance with the Public Transport Guidelines for Land Use and Development; and
- Prior to the issue of a Statement of Compliance for any subdivision stage where a bus stop is shown on *Plan 17 – Public Transport* in the *Botanic Ridge Precinct Structure Plan*, bus stop hard stands with direct and safe pedestrian access to a pedestrian path (all in accordance with the Public Transport Guidelines for Land Use and Development and compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002) are constructed, at no cost to the Director of Public Transport, to the satisfaction of the Director of Public Transport.

A responsible authority may address any of the above matters through planning permit conditions.

A permit that creates or changes access to a road in a Road Zone Category 1 must require the preparation of a Functional Layout Plan for the permitted access to the satisfaction of the relevant road management authority.

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.

The land required for road flaring must be transferred to or vested as 'road' in the Roads Corporation (in the case of land for arterial roads under the *Road Management Act 2004*) or in Casey City Council (in the case of other roads) at no cost unless that road or road widening land is funded by the Botanic Ridge Development Contributions Plan.

Utilities and energy

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 52.01 in accordance with the DCP at the land value provided for in the DCP;
- The timing of any payments to be made to the owner having regard to the availability of funds in the open space account.

5.0 Decision guidelines

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5.1 Local town centres

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works in a local town centre, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

The relevant decision guidelines of the Business 1 Zone (Clause 34.01).

6.0 Advertising signs

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The following advertising sign categories in this scheme apply by reference to Map 1 of this Schedule.

Table 3: Advertising signs

Land shown on Map 1 of this schedule	Advertising sign category
Local centre	Category 1
Residential	Category 3
All other land	Category 4

6.1 Land and home sales signs

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Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- The advertisement area for each sign does not exceed 10 square metres.
- Only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage.

- The sign is not animated, scrolling, electronic or internally illuminated sign.
- The sign is not displayed longer than 21 days after the sale (not settlement) of the last lot.
- The sign is setback a minimum of 750mm from the property boundary.

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.