

**30**

19/01/2006  
VC37

## **ZONES**

This section sets out the zones which apply in this scheme.

**31**

31/07/2018  
VC148

**[NO CONTENT]**

RESIDENTIAL ZONES

**32.03**

31/07/2018  
VC148

**LOW DENSITY RESIDENTIAL ZONE**

Shown on the planning scheme map as **LDRZ** with a number (if shown).

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

**32.03-1**

14/01/2025  
VC237

**Table of uses**

**Section 1 - Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Automated collection point</b>	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
<b>Bed and breakfast</b>	No more than 10 persons may be accommodated away from their normal place of residence.  At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
<b>Community care accommodation</b>	Must meet the requirements of Clause 52.22-2.
<b>Domestic animal husbandry (other than Domestic animal boarding)</b>	Must be no more than 2 animals.
<b>Dwelling (other than Bed and breakfast)</b>	Must be the only dwelling on the lot.  Must meet the requirements of Clause 32.03-2.
<b>Home based business</b>	
<b>Informal outdoor recreation</b>	
<b>Medical centre</b>	The gross floor area of all buildings must not exceed 250 square metres.  The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
<b>Racing dog husbandry</b>	Must be no more than 2 animals.
<b>Railway</b>	
<b>Small second dwelling</b>	Must be no more than one dwelling existing on the lot.  Must be the only small second dwelling on the lot.  Must meet the requirements of Clause 32.03-2.  Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.
<b>Tramway</b>	
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01.

**CARDINIA PLANNING SCHEME**

**Section 2 - Permit required**

<b>Use</b>	<b>Condition</b>
<b>Accommodation (other than Community care accommodation, Dwelling and Small second dwelling)</b>	
<b>Agriculture (other than Animal production, Apiculture, Domestic animal husbandry and Racing dog husbandry)</b>	
<b>Car park</b>	Must be used in conjunction with another use in Section 1 or 2.
<b>Car wash</b>	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
<b>Convenience restaurant</b>	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
<b>Convenience shop</b>	
<b>Domestic animal boarding</b>	
<b>Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met</b>	Must be no more than 5 animals.
<b>Dwelling (other than Bed and breakfast) – if the Section 1 condition is not met</b>	Must result in no more than two dwellings on the lot.  Must meet the requirements of Clause 32.03-2.
<b>Food and drink premises (other than Convenience restaurant)</b>	
<b>Grazing animal production</b>	
<b>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</b>	
<b>Market</b>	
<b>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus and Nightclub)</b>	
<b>Plant nursery</b>	
<b>Service station</b>	The site must either: <ul style="list-style-type: none"> <li>▪ Adjoin a commercial zone or industrial zone.</li> <li>▪ Adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.</li> </ul> The site must not exceed either:

Use	Condition
	<ul style="list-style-type: none"> <li>▪ 3000 square metres.</li> <li>▪ 3600 square metres if it adjoins on two boundaries a road in a Transport Zone 2 or a Transport Zone 3.</li> </ul>
<b>Store</b>	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	
<b>Any other use not in Section 1 or 3</b>	

**Section 3 – Prohibited**

Use
<b>Amusement parlour</b>
<b>Animal production (other than Grazing animal production)</b>
<b>Cinema based entertainment facility</b>
<b>Extractive industry</b>
<b>Industry (other than Automated collection point and Car wash)</b>
<b>Motor racing track</b>
<b>Nightclub</b>
<b>Office (other than Medical centre)</b>
<b>Retail premises (other than Convenience shop, Food and drink premises, Market and Plant nursery)</b>
<b>Saleyard</b>
<b>Small second dwelling - if the Section 1 condition is not met</b>
<b>Transport terminal</b>
<b>Warehouse (other than Store)</b>

**32.03-2**

14/12/2023  
VC253

**Use for one or two dwellings, or a small second dwelling**

A lot used for one or two dwellings or a small second dwelling must meet the following requirements:

- Each dwelling or small second dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements in the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.

- Each dwelling or small second dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity.
- Each dwelling or small second dwelling must be connected to a reticulated electricity supply or have an alternative energy supply.

**32.03-3**

14/12/2023  
VC253

**Subdivision**

**Permit requirement**

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. Any area specified must be at least:

- 0.4 hectare for each lot where reticulated sewerage is not connected. If no area is specified each lot must be at least 0.4 hectare.
- 0.2 hectare for each lot with connected reticulated sewerage. If no area is specified each lot must be at least 0.2 hectare.

A permit may be granted to create lots smaller than 0.4 hectare if the subdivision:

- Excises land which is required for a road or a utility installation.
- Provides for the re-subdivision of existing lots and the number of lots is not increased.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	Clause 59.01

**32.03-4**

08/09/2025  
VC282

**Buildings and works**

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of clause 32.03-1.
- An outbuilding which has dimensions greater than those specified in a schedule to this zone.

This does not apply to structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Provision
<p>Construct a building or construct or carry out works where:</p> <ul style="list-style-type: none"> <li>▪ The building or works are not associated with a dwelling, primary school or secondary school and have an estimated cost of up to \$100,000; or</li> <li>▪ The building or works are associated with a primary school or secondary school and have an estimated cost of up to \$500,000; and</li> <li>▪ The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes: <ul style="list-style-type: none"> <li>- clause 54.02-3 Side and rear setbacks.</li> <li>- clause 54.02-4 Walls on boundaries.</li> <li>- clause 54.04-1 Daylight to existing windows.</li> <li>- clause 54.04-2 Existing north-facing windows.</li> <li>- clause 54.04-3 Overshadowing secluded open space.</li> <li>- clause 54.04-4 Overlooking.</li> <li>- clause 54.05-2 Overshadowing domestic solar energy systems.</li> </ul> </li> </ul> <p>If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.</p>	<p>Clause 59.04</p>

**Transitional provisions**

Clauses 32.03-4, 54 and 59.04 of this planning scheme, as in force immediately before the commencement of Amendment VC282, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

**32.03-5**

01/07/2021  
VC203

**Application requirements**

**Subdivision**

An application must be accompanied by a site analysis, documenting the site in terms of land form, vegetation coverage and the relationship with surrounding land, and a report explaining how the proposed subdivision has responded to the site analysis. The report must:

- In the absence of reticulated sewerage, include a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017*.
- Show for each lot:
  - A building envelope and driveway to the envelope.
  - Existing vegetation.
  - In the absence of reticulated sewerage, an effluent disposal area.
- Show how the proposed subdivision relates to the existing or likely use and development of adjoining and nearby land.
- If a staged subdivision, show how the balance of the land may be subdivided.

**32.03-6**01/01/2024  
VC250**Decision guidelines****General**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.

**Subdivision**

- The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.
- The availability and provision of utility services, including sewerage, water, drainage, electricity and telecommunications.
- In the absence of reticulated sewerage:
  - The capability and suitability of the lot to treat and retain all wastewater as determined by a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed, or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017*.
  - The benefits of restricting the size of lots to generally no more than 2 hectares to enable lots to be efficiently maintained without the need for agricultural techniques and equipment.
- The relevant standards of Clauses 56.07-1 to 56.07-4.

**32.03-7**31/07/2018  
VC148**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 3.

10/06/2021  
C254card

**SCHEDULE 1 TO CLAUSE 32.03 LOW DENSITY RESIDENTIAL ZONE**

Shown on the planning scheme map as **LDRZ1**.

**1.0**

10/06/2021  
C254card

**Subdivision requirements**

	<b>Land</b>	<b>Area (hectares)</b>
Minimum subdivision area (hectares)	L1 PS5006930, 280 Westernport Road and LA PS500693C, Westernport Road, Lang Lang. 42, 44 and 46 Beaconsfield-Emerald Road, Upper Beaconsfield 31 and 40 Blackwood Lane and 49, 49a and 75 Red Road, Gembrook	2 ha
	Land within the area defined by Snell Road, Wheeler Road, Fogarty Road and Mortimer Road in Maryknoll, and Lots 1 to 6 (inclusive) PS436260. 24, 26, 28, 30, 32, 34 and 36 Doran Road, and 2, 4, 6, 8, and 10 Morris Way, Bunyip.	0.8 ha
	24 Blackwood Lane, Gembrook	4 ha

**2.0**

10/06/2021  
C254card

**Outbuilding permit requirements**

<b>Dimensions above which a permit is required to construct an outbuilding (square metres)</b>
None specified

10/06/2021  
C254card

**SCHEDULE 2 TO CLAUSE 32.03 LOW DENSITY RESIDENTIAL ZONE**

Shown on the planning scheme map as **LDRZ2**.

**1.0**

10/06/2021  
C254card

**Subdivision requirements**

	<b>Land</b>	<b>Area (hectares)</b>
Minimum subdivision area (hectares)	All land	0.4 ha

**2.0**

10/06/2021  
C254card

**Outbuilding permit requirements**

<b>Dimensions above which a permit is required to construct an outbuilding (square metres)</b>
None specified

10/06/2021  
C254card

**SCHEDULE 3 TO CLAUSE 32.03 LOW DENSITY RESIDENTIAL ZONE**

Shown on the planning scheme map as **LDRZ3**.

**1.0**

10/06/2021  
C254card

**Subdivision requirements**

	Land	Area (hectares)
Minimum subdivision area (hectares)	All land	0.2 ha

**2.0**

10/06/2021  
C254card

**Outbuilding permit requirements**

Dimensions above which a permit is required to construct an outbuilding (square metres)
None specified

**32.04**

31/07/2018  
VC148

**MIXED USE ZONE**

Shown on the planning scheme map as **MUZ** with a number (if shown).

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.

To provide for housing at higher densities.

To encourage development that responds to the existing or preferred neighbourhood character of the area.

To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

**32.04-1**

15/07/2013  
VC100

**Objectives**

A schedule to this zone may contain objectives to be achieved for the area.

**32.04-2**

14/01/2025  
VC237

**Table of uses**

**Section 1 – Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Art gallery</b>	
<b>Automated collection point</b>	Must meet the requirements of Clause 52.13-3 and 52.13-5. The gross floor area of all buildings must not exceed 50 square metres.
<b>Bed and breakfast</b>	No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
<b>Community care accommodation</b>	Must meet the requirements of Clause 52.22-2.
<b>Domestic animal husbandry (other than Domestic animal boarding)</b>	Must be no more than 2 animals.
<b>Dwelling (other than Bed and breakfast)</b>	
<b>Food and drink premises</b>	The leasable floor area must not exceed 150 square metres.
<b>Home based business</b>	
<b>Informal outdoor recreation</b>	
<b>Medical centre</b>	The gross floor area must not exceed 250 square metres.
<b>Museum</b>	
<b>Office (other than Medical centre)</b>	The leasable floor area must not exceed 250 square metres.

**CARDINIA PLANNING SCHEME**

<b>Use</b>	<b>Condition</b>
<b>Place of worship</b>	The gross floor area of all buildings must not exceed 250 square metres.
<b>Racing dog husbandry</b>	Must be no more than 2 animals.
<b>Railway</b>	
<b>Residential aged care facility</b>	
<b>Rooming house</b>	Must meet the requirements of Clause 52.23-2.
<b>Shop (other than Adult sex product shop)</b>	The leasable floor area must not exceed 150 square metres.
<b>Small second dwelling</b>	Must be no more than one dwelling existing on the lot. Must be the only small second dwelling on the lot. Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.
<b>Tramway</b>	
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01.

**Section 2 - Permit required**

<b>Use</b>	<b>Condition</b>
<b>Accommodation (other than Community care accommodation, Dwelling, Residential aged care facility, Rooming house and Small second dwelling)</b>	
<b>Agriculture (other than Animal production, Apiculture, Domestic animal husbandry and Racing dog husbandry)</b>	
<b>Container deposit scheme centre</b>	
<b>Domestic animal boarding</b>	
<b>Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met</b>	Must be no more than 5 animals.
<b>Grazing animal production</b>	
<b>Industry (other than Materials recycling and Transfer station)</b>	Must not be a purpose listed in the table to Clause 53.10.
<b>Leisure and recreation (other than Informal outdoor recreation)</b>	
<b>Place of assembly (other than Art gallery, Carnival, Circus, Museum and Place of worship)</b>	
<b>Retail premises (other than Food and drink premises and Shop)</b>	
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	Must not be a purpose listed in the table to Clause 53.10.

Use	Condition
Warehouse	Must not be a purpose listed in the table to Clause 53.10.
<b>Any other use not in Section 1 or 3</b>	

**Section 3 - Prohibited**

Use
Adult sex product shop
Animal production (other than Grazing animal production)
Extractive industry
Materials recycling
Small second dwelling – if the Section 1 condition is not met
Transfer station (other than Automated collection point and Container deposit scheme centre)

**32.04-3**

31/07/2018  
VC148

**Use for industry, service station and warehouse**

**Amenity of the neighbourhood**

The use of land for an industry, service station or warehouse must not adversely affect the amenity of the neighbourhood, including through:

- The transport of materials or goods to or from the land.
- The appearance of any stored materials or goods.
- Traffic generated by the use.
- Emissions from the land.

**32.04-4**

14/12/2023  
VC253

**Subdivision**

**Permit requirement**

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.

Class of subdivision	Objectives and standards to be met
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> <li>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul>	Clause 59.02
Subdivide land into 2 lots if: <ul style="list-style-type: none"> <li>▪ The construction of a building or the construction or carrying out of works on the land:                             <ul style="list-style-type: none"> <li>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>- Has started lawfully.</li> </ul> </li> <li>▪ The subdivision does not create a vacant lot.</li> </ul>	Clause 59.02

**32.04-5**

08/09/2025  
VC282

**Construction and extension of one dwelling on a lot**

**Permit requirement**

A permit is required to construct or extend one dwelling on a lot of less than 300 square metres. A development must meet the requirements of Clause 54.

**No permit required**

No permit is required to:

- Construct or carry out works normal to a dwelling.

- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

**VicSmart applications**

Subject to clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Provision
<p>Construct or extend a dwelling on a lot less than 300 square metres if the development meets the following standards of Clause 54:</p> <ul style="list-style-type: none"> <li>▪ clause 54.02-1 Street setback.</li> <li>▪ clause 54.02-2 Building height.</li> <li>▪ clause 54.02-3 Side and rear setbacks.</li> <li>▪ clause 54.02-4 Walls on boundaries.</li> <li>▪ clause 54.02-5 Site coverage.</li> <li>▪ clause 54.02-6 Tree canopy.</li> <li>▪ clause 54.02-7 Front fences.</li> <li>▪ clause 54.04-1 Daylight to existing windows.</li> <li>▪ clause 54.04-2 Existing north-facing windows.</li> <li>▪ clause 54.04-3 Overshadowing secluded open space.</li> <li>▪ clause 54.04-4 Overlooking.</li> <li>▪ clause 54.05-2 Overshadowing domestic solar energy systems.</li> </ul> <p>If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.</p>	<p>Clause 54</p>

**Transitional provisions**

Clauses 32.04-5, 54 and 59.14 of this planning scheme, as in force immediately before the commencement of Amendment VC282, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

**32.04-6**  
08/09/2025  
VC282

**Construction and extension of a small second dwelling on a lot**

**Permit requirement**

A permit is required to construct or extend a small second dwelling on a lot less than 300 square metres.

A development must meet the requirements of Clause 54.

VicSmart applications

Subject to clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Provision
<p>Construct or extend a small second dwelling on a lot less than 300 square metres if the development meets the following standards of Clause 54:</p> <ul style="list-style-type: none"> <li>▪ clause 54.02-1 Street setback</li> <li>▪ clause 54.02-2 Building height</li> <li>▪ clause 54.02-3 Side and rear setbacks</li> <li>▪ clause 54.02-4 Walls on boundaries</li> <li>▪ clause 54.02-5 Site coverage</li> <li>▪ clause 54.02-6 Tree canopy</li> <li>▪ clause 54.02-8 Building setback for small second dwellings</li> <li>▪ clause 54.03-5 Safety and accessibility for small second dwellings</li> <li>▪ clause 54.04-1 Daylight to existing windows</li> <li>▪ clause 54.04-2 Existing north-facing windows</li> <li>▪ clause 54.04-3 Overshadowing secluded open space</li> <li>▪ clause 54.04-4 Overlooking</li> <li>▪ clause 54.05-2 Overshadowing domestic solar energy systems</li> </ul> <p>If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.</p>	<p>Clause 54</p>

**Transitional provisions**

Clauses 32.04-6, 54 and 59.14 of this planning scheme, as in force immediately before the commencement of Amendment VC282, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

**32.04-7**  
31/03/2025  
VC267

**Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

**Permit requirement**

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

## CARDINIA PLANNING SCHEME

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.02-8.

A development must meet the requirements of Clause 55. This does not apply to a development of four or more storeys, excluding a basement.

A development of four storeys, excluding a basement, must meet the requirements of Clause 57.

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

### Transitional provisions

Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

Clauses 55 and 58 of this scheme, as in force immediately before the approval date of Amendment VC174, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 55 of this planning scheme, as in force immediately before the approval date of Amendment VC267, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.	Clause 59.03

## 32.04-8

08/09/2025  
VC282

### Requirements of Clause 54 and Clause 55

A schedule to this zone may specify the requirements of:

- Standards A2-1, A2-5, A2-7 and A3-2 of Clause 54 of this scheme.
- Standards B2-1, B2-5, B2-8 and B3-5 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

**32.04-9**

14/12/2023  
VC253

**Residential aged care facility**

**Permit requirements**

A permit is required to construct a building or construct or carry out works for a residential aged care facility.

A development must meet the requirements of Clause 53.17 - Residential aged care facility.

**32.04-10**

08/09/2025  
VC282

**Buildings and works associated with a Section 2 use**

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2.

**VicSmart applications**

Subject to clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Provision
Construct a building or construct or carry out works where: <ul style="list-style-type: none"> <li>▪ The building or works are not associated with a dwelling, primary school or secondary school and have an estimated cost of up to \$100,000; or</li> <li>▪ The building or works are associated with a primary school or secondary school and have an estimated cost of up to \$500,000; and</li> <li>▪ The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:                             <ul style="list-style-type: none"> <li>- clause 54.02-3 Side and rear setbacks.</li> <li>- clause 54.02-4 Walls on boundaries.</li> <li>- clause 54.04-1 Daylight to existing windows.</li> <li>- clause 54.04-2 Existing north-facing windows.</li> <li>- clause 54.04-3 Overshadowing secluded open space.</li> <li>- clause 54.04-4 Overlooking.</li> <li>- clause 54.05-2 Overshadowing domestic solar energy systems.</li> </ul> </li> </ul>	Clause 59.04

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

**Transitional provisions**

Clauses 32.04-10, 54 and 59.04 of this planning scheme, as in force immediately before the commencement of Amendment VC282, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

**32.04-11**

02/04/2025  
VC276

**Buildings on lots that abut another residential zone**

Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone, or Township Zone must meet the requirements of Clauses 55.02-3, 55.02-4, 55.04-1, 55.04-3, 55.04-4 and 55.05-2 along that boundary.

This does not apply to a building or works for a residential aged care facility.

**32.04-12**

14/12/2023  
VC253

**Maximum building height requirement**

A building must not be constructed that exceeds the maximum building height specified in a schedule to this zone.

A building may exceed the maximum building height specified in a schedule to this zone if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height of the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.
- It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.
- It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.
- It is a residential aged care facility and the maximum building height in the schedule to the zone is less than 16 metres.

An extension to an existing building may exceed the maximum building height specified in a schedule to this zone if it does not exceed the building height of the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

The maximum building height requirement in this zone or a schedule to this zone applies whether or not a planning permit is required for the construction of a building.

**Building height if land is subject to inundation**

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

**32.04-13**

14/01/2025  
VC237

**Application requirements**

**General**

Any application requirements specified in a schedule to this zone.

**Use for industry and warehouse**

Unless the circumstances do not require, an application to use land for an industry or warehouse must be accompanied by the following information:

- The purpose of the use and the types of activities to be carried out.
- The type and quantity of materials and goods to be stored, processed or produced.

- Whether a Development Licence, Operating Licence, Permit or Registration is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the *Dangerous Goods Act 1985* is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2022 is exceeded.
- How land not required for immediate use is to be maintained.
- The likely effects, if any, on the neighbourhood, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare, solar access and hours of operation (including the hours of delivery and dispatch of materials and goods).

#### **Buildings and works associated with a Section 2 use**

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A site analysis and descriptive statement explaining how the proposal responds to the site and its context.
- Plans drawn to scale and dimensioned which show:
  - The layout of proposed buildings and works.
  - An elevation of the building design and height.
  - Setbacks to property boundaries.
  - All proposed access and pedestrian areas.
  - All proposed driveway, car parking and loading areas.
  - Existing vegetation and proposed landscape areas.
  - The location of easements and services.

### **32.04-14**

08/09/2025  
VC282

#### **Exemption from notice and review**

##### **Subdivision**

An application for subdivision is 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.

##### **Construction and extension of one dwelling on a lot**

An application under clause 32.04-5 is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if all the applicable standards under clauses 54.02-1, 54.02-2, 54.02-3, 54.02-4, 54.02-5, 54.02-6, 54.02-7, 54.04 and 54.05-2 are met.

##### **Construction and extension of a small second dwelling on a lot**

An application under clause 32.04-6 is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if all the applicable standards under clauses 54.02-1, 54.02-2, 54.02-3, 54.02-4, 54.02-5, 54.02-6, 54.02-8, 54.03-5, 54.04 and 54.05-2 are met.

##### **Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

An application under clause 32.04-7 is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if all the applicable standards under clause 55.02, 55.04-1, 55.04-2, 55.04-3, 55.04-4 and 55.05-2 are met.

**Other applications**

A schedule to this zone may specify that an application is 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.

**32.04-15**

31/03/2025  
VC267

**Decision guidelines**

**General**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a Housing Choice and Transport Zone, Mixed Use Zone or Residential Growth Zone.

**Use for industry, service station and warehouse**

- The effect that existing uses on adjoining or nearby land may have on the proposed use.
- The design of buildings, including provision for solar access.
- The availability and provision of utility services.
- The effect of traffic to be generated by the use.
- The interim use of those parts of the land not required for the proposed use.
- Whether the use is compatible with adjoining and nearby land uses.
- For non-residential uses, the proposed hours of operation, noise and any other likely off-site amenity impacts.

**Subdivision**

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

**Construction and extension of one dwelling on a lot and a small second dwelling**

- The applicable objectives, standards and decision guidelines of Clause 54.

**Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

- For two or more dwellings on a lot, dwellings on common property and residential buildings of three storeys or less, excluding a basement, the objectives, standards and decision guidelines of Clause 55.
- For two or more dwellings on a lot, dwellings on common property and residential buildings of four storeys, excluding a basement, the objectives, standards and decision guidelines of Clause 57.
- For an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.

**32.04-16**

14/12/2023  
VC253

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.

10/06/2021  
C254card

**SCHEDULE TO CLAUSE 32.04 MIXED USE ZONE**

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

**CARDINIA MIXED USE AREAS**

**1.0**

10/06/2021  
C254card

**Objectives**

None specified.

**2.0**

08/09/2025  
VC282

**Clause 54 and Clause 55 requirements**

	Standard	Requirement
<b>Minimum street setback</b>	A2-1	None specified
	B2-1	None specified
<b>Site coverage</b>	A2-5	None specified
	B2-5	None specified
<b>Private open space</b>	A3-2	None specified
	B3-5	None specified
<b>Front fence height</b>	A2-7 and B2-8	None specified

**3.0**

10/06/2021  
C254card

**Maximum building height requirement**

None specified.

**4.0**

10/06/2021  
C254card

**Exemption from notice and review**

None specified.

**5.0**

10/06/2021  
C254card

**Application requirements**

None specified.

**6.0**

10/06/2021  
C254card

**Decision guidelines**

None specified.

**7.0**

10/06/2021  
C254card

**Signs**

None specified.

**32.07**  
31/07/2018  
VC148

## RESIDENTIAL GROWTH ZONE

Shown on the planning scheme map as **RGZ** with a number (if shown).

### Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide housing at increased densities in buildings up to and including four storey buildings.

To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.

To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.

To ensure residential development achieves design objectives specified in a schedule to this zone.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

**32.07-1**  
27/03/2017  
VC110

### Design objectives

A schedule to this zone must contain the design objectives to be achieved for the area.

**32.07-2**  
14/01/2025  
VC237

### Table of uses

#### Section 1 - Permit not required

Use	Condition
<b>Automated collection point</b>	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
<b>Bed and breakfast</b>	No more than 10 persons may be accommodated away from their normal place of residence.  At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
<b>Community care accommodation</b>	Must meet the requirements of Clause 52.22-2.
<b>Domestic animal husbandry (other than Domestic animal boarding)</b>	Must be no more than 2 animals.
<b>Dwelling (other than Bed and breakfast)</b>	
<b>Home based business</b>	
<b>Informal outdoor recreation</b>	
<b>Medical centre</b>	The gross floor area of all buildings must not exceed 250 square metres.
<b>Place of worship</b>	The gross floor area of all buildings must not exceed 250 square metres.  The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.

## CARDINIA PLANNING SCHEME

Use	Condition
Racing dog husbandry	Must be no more than 2 animals.
<b>Railway</b>	
<b>Residential aged care facility</b>	
Rooming house	Must meet the requirements of Clause 52.23-2.
Small second dwelling	Must be no more than one dwelling existing on the lot. Must be the only small second dwelling on the lot. Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.
<b>Tramway</b>	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

### Section 2 – Permit required

Use	Condition
Accommodation (other than Community care accommodation, Dwelling, Residential aged care facility, Rooming house and Small second dwelling)	
Agriculture (other than Animal production, Animal training, Apiculture, Domestic animal husbandry, Horse husbandry and Racing dog husbandry)	
Car park	Must be used in conjunction with another use in Section 1 or 2.
Car wash	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
Convenience restaurant	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
Convenience shop	
Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met	Must be no more than 5 animals.
Food and drink premises (other than Convenience restaurant and Take away food premises)	
Grazing animal production	
Leisure and recreation (other than Informal outdoor recreation and Motor racing track)	
Market	

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Office (other than Medical centre)</b>	<p>The land must be located within 100 metres of a commercial zone.</p> <p>The land must have the same street frontage as the land in the commercial zone.</p> <p>The leasable floor area must not exceed 250 square metres.</p>
<b>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus, Nightclub and Place of worship)</b>	
<b>Plant nursery</b>	
<b>Retail premises (other than Food and drink premises, Market, Plant nursery and Shop)</b>	<p>The use must be associated with a use or development to which clause 53.23 (Significant residential development with affordable housing) applies.</p>
<b>Service station</b>	<p>The site must either:</p> <ul style="list-style-type: none"> <li>▪ Adjoin a commercial zone or industrial zone.</li> <li>▪ Adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.</li> </ul> <p>The site must not exceed either:</p> <ul style="list-style-type: none"> <li>▪ 3000 square metres.</li> <li>▪ 3600 square metres if it adjoins on two boundaries a road in a Transport Zone 2 or a Transport Zone 3.</li> </ul>
<b>Shop (other than Adult sex product shop, Bottle shop and Convenience shop)</b>	<p>The land must be located within 100 metres of a commercial zone or Mixed Use Zone.</p> <p>The land must have the same street frontage as the land in the commercial zone or Mixed Use Zone.</p>
<b>Store</b>	<p>Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.</p>
<b>Take away food premises</b>	<p>The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.</p>
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	
<b>Any other use not in Section 1 or 3</b>	

### Section 3 – Prohibited

Use
<b>Adult sex product shop</b>

Use
Amusement parlour
Animal production (other than Grazing animal production)
Animal training
Bottle shop
Cinema based entertainment facility
Domestic animal boarding
Extractive industry
Horse husbandry
Industry (other than Automated collection point and Car wash)
Motor racing track
Nightclub
Saleyard
Small second dwelling – if the Section 1 condition is not met
Transport terminal
Warehouse (other than Store)

**32.07-3**

14/12/2023  
VC253

**Subdivision**

**Permit requirement**

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> <li>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul>	Clause 59.02
Subdivide land into 2 lots if: <ul style="list-style-type: none"> <li>▪ The construction of a building or the construction or carrying out of works on the land:                             <ul style="list-style-type: none"> <li>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>- Has started lawfully.</li> </ul> </li> <li>▪ The subdivision does not create a vacant lot.</li> </ul>	Clause 59.02

**32.07-4**

08/09/2025  
VC282

**Construction and extension of one dwelling on a lot**

**Permit requirement**

A permit is required to construct or extend one dwelling on a lot less than 300 square metres.

A development must meet the requirements of Clause 54.

**No permit required**

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

**VicSmart applications**

Subject to clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Provision
<p>Construct or extend a dwelling on a lot less than 300 square metres if the development meets the following standards of Clause 54:</p> <ul style="list-style-type: none"> <li>▪ clause 54.02-1 Street setback.</li> <li>▪ clause 54.02-2 Building height.</li> <li>▪ clause 54.02-3 Side and rear setbacks.</li> <li>▪ clause 54.02-4 Walls on boundaries.</li> <li>▪ clause 54.02-5 Site coverage</li> <li>▪ clause 54.02-6 Tree canopy.</li> <li>▪ clause 54.02-7 Front fences.</li> <li>▪ clause 54.04-1 Daylight to existing windows.</li> <li>▪ clause 54.04-2 Existing north-facing windows.</li> <li>▪ clause 54.04-3 Overshadowing secluded open space.</li> <li>▪ clause 54.04-4 Overlooking.</li> <li>▪ clause 54.05-2 Overshadowing domestic solar energy systems.</li> </ul> <p>If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.</p>	Clause 54

**Transitional provisions**

Clauses 32.07-4, 54 and 59.14 of this planning scheme, as in force immediately before the commencement of Amendment VC282, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

**32.07-5**  
08/09/2025  
VC282

**Construction and extension of a small second dwelling on a lot**

**Permit requirement**

A permit is required to construct or extend a small second dwelling on a lot of less than 300 square metres.

A development must meet the requirements of Clause 54.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Provision
<p>Construct or extend a small second dwelling on a lot less than 300 square metres if the development meets the following standards of Clause 54:</p> <ul style="list-style-type: none"> <li>▪ clause 54.02-1 Street setback.</li> <li>▪ clause 54.02-2 Building height.</li> </ul>	Clause 54

Class of application	Provision
<ul style="list-style-type: none"> <li>▪ clause 54.02-3 Side and rear setbacks.</li> <li>▪ clause 54.02-4 Walls on boundaries.</li> <li>▪ clause 54.02-5 Site coverage.</li> <li>▪ clause 54.02-6 Tree canopy.</li> <li>▪ clause 54.02-8 Building setback for small second dwellings.</li> <li>▪ clause 54.03-5 Safety and accessibility for small second dwellings.</li> <li>▪ clause 54.04-1 Daylight to existing windows.</li> <li>▪ clause 54.04-2 Existing north-facing windows.</li> <li>▪ clause 54.04-3 Overshadowing secluded open space.</li> <li>▪ clause 54.04-4 Overlooking.</li> <li>▪ clause 54.05-2 Overshadowing domestic solar energy systems.</li> </ul> <p>If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.</p>	

**Transitional provisions**

Clauses 32.07-5, 54 and 59.14 of this planning scheme, as in force immediately before the commencement of Amendment VC282, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

**32.07-6**  
31/03/2025  
VC267

**Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

**Permit requirement**

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.02-8.

A development must meet the requirements of Clause 55. This does not apply to a development of four or more storeys, excluding a basement.

A development of four storeys, excluding a basement, must meet the requirements of Clause 57.

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.	Clause 59.03

### Transitional provisions

Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

Clauses 55 and 58 of this scheme, as in force immediately before the approval date of Amendment VC174, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 55 of this planning scheme, as in force immediately before the approval date of Amendment VC267, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

### 32.07-7

08/09/2025  
VC282

#### Requirements of Clause 54 and Clause 55

A schedule to this zone may specify the requirements of:

- Standards A2-1, A2-5, A2-7 and A3-2 of Clause 54 of this scheme.
- Standards B2-1, B2-5, B2-8 and B3-5 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

### 32.07-8

14/12/2023  
VC253

#### Residential aged care facility

##### Permit requirements

A permit is required to construct a building or construct or carry out works for a residential aged care facility.

A development must meet the requirements of Clause 53.17 - Residential aged care facility.

**32.07-9**

08/09/2025  
VC282

**Buildings and works associated with a Section 2 use**

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.07-2.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Provision
Construct a building or construct or carry out works where: <ul style="list-style-type: none"> <li>▪ The building or works are not associated with a dwelling, primary school or secondary school and have an estimated cost of up to \$100,000; or</li> <li>▪ The building or works are associated with a primary school or secondary school and have an estimated cost of up to \$500,000; and</li> <li>▪ The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:                             <ul style="list-style-type: none"> <li>- clause 54.02-3 Side and rear setbacks.</li> <li>- clause 54.02-4 Walls on boundaries.</li> <li>- clause 54.04-1 Daylight to existing windows.</li> <li>- clause 54.04-2 Existing north-facing windows.</li> <li>- clause 54.04-3 Overshadowing secluded open space.</li> <li>- clause 54.04-4 Overlooking.</li> <li>- clause 54.05-2 Overshadowing domestic solar energy systems.</li> </ul> </li> </ul>	Clause 59.04
If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.	

**Transitional provisions**

Clauses 32.07-9, 54 and 59.04 of this planning scheme, as in force immediately before the commencement of Amendment VC282, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

**32.07-10**

08/09/2025  
VC282

**Maximum building height requirement for a dwelling, small second dwelling or residential building**

A building must not be constructed for use as a dwelling, small second dwelling or a residential building that exceeds the maximum building height specified in a schedule to this zone.

If no maximum building height is specified in a schedule to this zone, the building height should not exceed 13.5 metres.

This building height requirement replaces the maximum building height specified in clauses 54.02-2, 55.02-2 and 57.02-2.

A building may exceed the maximum building height specified in a schedule to this zone if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height of the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.
- It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.
- It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.

An extension to an existing building may exceed the maximum building height specified in a schedule to this zone if it does not exceed the building height of the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

The maximum building height requirement in this zone or a schedule to this zone applies whether or not a planning permit is required for the construction of a building.

#### **Building height if land is subject to inundation**

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

#### **32.07-11**

08/09/2025  
VC282

#### **Buildings on lots that abut another residential zone**

Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, Neighbourhood Residential Zone, or Township Zone must meet the requirements of Clauses 55.02-3, 55.02-4, 55.04-1, 55.04-3, 55.04-4 and 55.05-2 along that boundary.

#### **32.07-12**

08/09/2025  
VC282

#### **Application requirements**

An application must be accompanied by the following information, as appropriate:

- For a development of one dwelling on a lot or a small second dwelling on a lot, the site description and design response as required in Clause 54.
- For a development of two or more dwellings on a lot, dwellings on common property and residential buildings of three storeys or less, excluding a basement, the site description and design response as required in Clause 55.
- For a development of two or more dwellings on a lot, dwellings on common property and residential buildings of four storeys, excluding a basement, the site description and design response as required in Clause 57.
- For an apartment development of five or more storeys, an urban context report and design response as required in clause 58.01.
- For an application for subdivision, a site and context description and design response as required in Clause 56.
- Plans drawn to scale and dimensioned which show:
  - Site shape, size, dimensions and orientation.
  - The siting and use of existing and proposed buildings.
  - Adjacent buildings and uses.

- The building form and scale.
- Setbacks to property boundaries.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.
- Any other application requirements specified in a schedule to this zone.

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

### **32.07-13**

08/09/2025  
VC282

#### **Exemption from notice and review**

##### **Subdivision**

An application to subdivide land is 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.

##### **Construction and extension of one dwelling on a lot**

An application under clause 32.07-4 is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if all the applicable standards under clauses 54.02-1, 54.02-2, 54.02-3, 54.02-4, 54.02-5, 54.02-6, 54.02-7, 54.04 and 54.05-2 are met.

##### **Construction and extension of a small second dwelling on a lot**

An application under clause 32.07-5 is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if all the applicable standards under clauses 54.02-1, 54.02-2, 54.02-3, 54.02-4, 54.02-5, 54.02-6, 54.02-8, 54.03-5, 54.04 and 54.05-2 are met.

##### **Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

An application under clause 32.07-6 is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if all the applicable standards under clauses 55.02, 55.04-1, 55.04-2, 55.04-3, 55.04-4 and 55.05-2 are met.

### **32.07-14**

31/03/2025  
VC267

#### **Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

##### **General**

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a Housing Choice and Transport Zone, Mixed Use Zone or Residential Growth Zone.

##### **Subdivision**

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

**Dwellings, small second dwellings and residential buildings**

- For the construction of one dwelling on a lot, whether the development is an under-utilisation of the lot.
- For the construction and extension of one dwelling on a lot and a small second dwelling, the applicable objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings of three storeys or less, excluding a basement, the objectives, standards and decision guidelines of Clause 55.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings of four storeys, excluding a basement, the objectives, standards and decision guidelines of Clause 57.
- For the construction and extension of an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.

**Non-residential use and development**

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

**32.07-15**

14/12/2023  
VC253

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 3.

06/03/2020  
C232card

**SCHEDULE 1 TO CLAUSE 32.07 RESIDENTIAL GROWTH ZONE**

Shown on the planning scheme map as **RGZ1**.

**1.0**

**Design objectives**

06/03/2020  
C232card

None specified.

**2.0**

**Requirements of Clause 54 and Clause 55**

08/09/2025  
VC282

	Standard	Requirement
<b>Minimum street setback</b>	A2-1	None specified
	B2-1	None specified
<b>Site coverage</b>	A2-5	None specified
	B2-5	None specified
<b>Private open space</b>	A3-2	None specified
	B3-5	None specified
<b>Front fence height</b>	A2-7 and B2-8	None specified

**3.0**

**Maximum building height requirement for a dwelling, small second dwelling or residential building**

26/04/2024  
VC252

None specified.

**4.0**

**Application requirements**

06/03/2020  
C232card

None specified.

**5.0**

**Decision guidelines**

06/03/2020  
C232card

None specified.

**32.08**

31/03/2025  
VC267

**GENERAL RESIDENTIAL ZONE**

Shown on the planning scheme map as **GRZ, R1Z, R2Z or R3Z** with a number (if shown).

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To encourage development that is responsive to the neighbourhood character of the area.

To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

**32.08-1**

27/03/2017  
VC110

**Neighbourhood character objectives**

A schedule to this zone may contain neighbourhood character objectives to be achieved for the area.

**32.08-2**

14/01/2025  
VC237

**Table of uses**

**Section 1 - Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Automated collection point</b>	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
<b>Bed and breakfast</b>	No more than 10 persons may be accommodated away from their normal place of residence.  At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
<b>Community care accommodation</b>	Must meet the requirements of Clause 52.22-2.
<b>Domestic animal husbandry (other than Domestic animal boarding)</b>	Must be no more than 2 animals.
<b>Dwelling (other than Bed and breakfast)</b>	
<b>Home based business</b>	
<b>Informal outdoor recreation</b>	
<b>Medical centre</b>	The gross floor area of all buildings must not exceed 250 square metres.  Must not require a permit under Clause 52.06-3.  The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
<b>Place of worship</b>	The gross floor area of all buildings must not exceed 250 square metres.

## CARDINIA PLANNING SCHEME

Use	Condition
	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
<b>Racing dog husbandry</b>	Must be no more than 2 animals.
<b>Railway</b>	
<b>Residential aged care facility</b>	
<b>Rooming house</b>	Must meet the requirements of Clause 52.23-2.
<b>Small second dwelling</b>	Must be no more than one dwelling existing on the lot. Must be the only small second dwelling on the lot. Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.
<b>Tramway</b>	
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01.

### Section 2 - Permit required

Use	Condition
<b>Accommodation (other than Community care accommodation, Dwelling, Residential aged care facility, Rooming house and Small second dwelling)</b>	
<b>Agriculture (other than Animal production, Animal training, Apiculture, Domestic animal husbandry, Horse husbandry and Racing dog husbandry)</b>	
<b>Car park</b>	Must be used in conjunction with another use in Section 1 or 2.
<b>Car wash</b>	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
<b>Convenience restaurant</b>	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
<b>Convenience shop</b>	
<b>Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met</b>	Must be no more than 5 animals.
<b>Food and drink premises (other than Convenience restaurant and Take away food premises)</b>	
<b>Grazing animal production</b>	
<b>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</b>	
<b>Market</b>	

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Office (other than Medical centre)</b>	The use must be associated with a use or development to which clause 53.23 (Significant residential development with affordable housing) applies.
<b>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus, Nightclub and Place of worship)</b>	
<b>Plant nursery</b>	
<b>Retail premises (other than Convenience shop, Food and drink premises, Market and Plant nursery)</b>	The use must be associated with a use or development to which clause 53.23 (Significant residential development with affordable housing) applies.
<b>Service station</b>	<p>The site must either:</p> <ul style="list-style-type: none"> <li>▪ Adjoin a commercial zone or industrial zone.</li> <li>▪ Adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.</li> </ul> <p>The site must not exceed either:</p> <ul style="list-style-type: none"> <li>▪ 3000 square metres.</li> <li>▪ 3600 square metres if it adjoins on two boundaries a road in a Transport Zone 2 or a Transport Zone 3.</li> </ul>
<b>Store</b>	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
<b>Take away food premises</b>	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	
<b>Any other use not in Section 1 or 3</b>	
<b>Section 3 – Prohibited</b>	
Use	
<b>Amusement parlour</b>	
<b>Animal production (other than Grazing animal production)</b>	
<b>Animal training</b>	
<b>Cinema based entertainment facility</b>	
<b>Domestic animal boarding</b>	
<b>Extractive industry</b>	

Use
Horse husbandry
Industry (other than Automated collection point and Car wash)
Motor racing track
Nightclub
Saleyard
Small second dwelling – if the Section 1 condition is not met
Transport terminal
Warehouse (other than Store)

**32.08-3**

14/12/2023  
VC253

**Subdivision**

**Permit requirement**

A permit is required to subdivide land.

An application to subdivide land that would create a vacant lot less than 400 square metres capable of development for a dwelling or residential building, must ensure that each vacant lot created less than 400 square metres contains at least 25 percent as garden area. This does not apply to a lot created by an application to subdivide land where that lot is created in accordance with:

- An approved precinct structure plan or an equivalent strategic plan;
- An incorporated plan or approved development plan; or
- A permit for development.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> <li>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul>	Clause 59.02
Subdivide land into 2 lots if: <ul style="list-style-type: none"> <li>▪ The construction of a building or the construction or carrying out of works on the land:                             <ul style="list-style-type: none"> <li>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>- Has started lawfully.</li> </ul> </li> <li>▪ The subdivision does not create a vacant lot.</li> </ul>	Clause 59.02

**32.08-4**  
14/12/2023  
VC253

### **Construction or extension of a dwelling, small second dwelling or residential building**

#### **Minimum garden area requirement**

An application to construct or extend a dwelling, small second dwelling or residential building on a lot must provide a minimum garden area as set out in the following table:

Lot size	Minimum percentage of a lot set aside as garden area
400 - 500 sqm	25%
Above 500 - 650 sqm	30%
Above 650 sqm	35%

This does not apply to:

- An application to construct or extend a dwelling, small second dwelling or residential building if specified in a schedule to this zone as exempt from the minimum garden area requirement;
- An application to construct or extend a dwelling, small second dwelling or residential building on a lot if:

- The lot is designated as a medium density housing site in an approved precinct structure plan or an approved equivalent strategic plan;
  - The lot is designated as a medium density housing site in an incorporated plan or approved development plan; or
- An application to alter or extend an existing building that did not comply with the minimum garden area requirement of Clause 32.08-4 on the approval date of Amendment VC110.

**32.08-5**

08/09/2025  
VC282

**Construction and extension of one dwelling on a lot**

**Permit requirement**

A permit is required to construct or extend one dwelling on a lot less than 300 square metres.

A permit is required to construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling on a lot less than 300 square metres and the fence exceeds the maximum height specified in clause 54.02-7.

A development must meet the requirements of Clause 54.

**No permit required**

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Provision
Construct or extend a dwelling on a lot less than 300 square metres if the development meets the following standards of Clause 54: <ul style="list-style-type: none"> <li>▪ clause 54.02-1 Street setback.</li> <li>▪ clause 54.02-2 Building height.</li> <li>▪ clause 54.02-3 Side and rear setbacks.</li> <li>▪ clause 54.02-4 Walls on boundaries.</li> <li>▪ clause 54.02-5 Site coverage</li> <li>▪ clause 54.02-6 Tree canopy.</li> <li>▪ clause 54.02-7 Front fences.</li> <li>▪ clause 54.04-1 Daylight to existing windows.</li> <li>▪ clause 54.04-2 Existing north-facing windows.</li> <li>▪ clause 54.04-3 Overshadowing secluded open space.</li> </ul>	Clause 54

Class of application	Provision
<ul style="list-style-type: none"> <li>▪ clause 54.04-4 Overlooking.</li> <li>▪ clause 54.05-2 Overshadowing domestic solar energy systems.</li> </ul> <p>If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.</p>	
Construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling on a lot less than 300 square metres.	Clause 59.03

**Transitional provisions**

Clauses 32.08-5, 54 and 59.14 of this planning scheme, as in force immediately before the commencement of Amendment VC282, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

**32.08-6**  
08/09/2025  
VC282

**Construction and extension of a small second dwelling on a lot**

**Permit requirement**

A permit is required to construct or extend a small second dwelling on a lot of less than 300 square metres.

A development must meet the requirements of Clause 54.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Provision
<p>Construct or extend a small second dwelling on a lot less than 300 square metres if the development meets the following standards of Clause 54:</p> <ul style="list-style-type: none"> <li>▪ clause 54.02-1 Street setback.</li> <li>▪ clause 54.02-2 Building height.</li> <li>▪ clause 54.02-3 Side and rear setbacks.</li> <li>▪ clause 54.02-4 Walls on boundaries.</li> <li>▪ clause 54.02-5 Site coverage.</li> <li>▪ clause 54.02-6 Tree canopy.</li> <li>▪ clause 54.02-8 Building setback for small second dwellings.</li> <li>▪ clause 54.03-5 Safety and accessibility for small second dwellings.</li> <li>▪ clause 54.04-1 Daylight to existing windows.</li> <li>▪ clause 54.04-2 Existing north-facing windows.</li> <li>▪ clause 54.04-3 Overshadowing secluded open space.</li> </ul>	Clause 54

Class of application	Provision
<ul style="list-style-type: none"> <li>▪ clause 54.04-4 Overlooking.</li> <li>▪ clause 54.05-2 Overshadowing domestic solar energy systems.</li> </ul> <p>If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.</p>	

**Transitional provisions**

Clauses 32.08-6, 54 and 59.14 of this planning scheme, as in force immediately before the commencement of Amendment VC282, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

**32.08-7**  
31/03/2025  
VC267

**Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

**Permit requirement**

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.02-8.

A development must meet the requirements of Clause 55. This does not apply to a development of four or more storeys, excluding a basement.

A development of four storeys, excluding a basement, must meet the requirements of Clause 57.

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.	Clause 59.03

### **Transitional provisions**

Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

Clauses 55 and 58 of this scheme, as in force immediately before the approval date of Amendment VC174, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 55 of this planning scheme, as in force immediately before the approval date of Amendment VC267, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

### **32.08-8**

08/09/2025  
VC282

#### **Requirements of Clause 54 and Clause 55**

A schedule to this zone may specify the requirements of:

- Standards A2-1, A2-5, A2-7 and A3-2 of Clause 54 of this scheme.
- Standards B2-1, B2-5, B2-8 and B3-5 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

### **32.08-9**

14/12/2023  
VC253

#### **Residential aged care facility**

##### **Permit requirements**

A permit is required to construct a building or construct or carry out works for a residential aged care facility.

A development must meet the requirements of Clause 53.17 - Residential aged care facility.

### **32.08-10**

08/09/2025  
VC282

#### **Buildings and works associated with a Section 2 use**

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.

##### **VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Provision
<p>Construct a building or construct or carry out works where:</p> <ul style="list-style-type: none"> <li>▪ The building or works are not associated with a dwelling, primary school or secondary school and have an estimated cost of up to \$100,000; or</li> <li>▪ The building or works are associated with a primary school or secondary school and have an estimated cost of up to \$500,000; and</li> <li>▪ The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes: <ul style="list-style-type: none"> <li>– clause 54.02-3 Side and rear setbacks.</li> <li>– clause 54.02-4 Walls on boundaries.</li> <li>– clause 54.04-1 Daylight to existing windows.</li> <li>– clause 54.04-2 Existing north-facing windows.</li> <li>– clause 54.04-3 Overshadowing secluded open space.</li> <li>– clause 54.04-4 Overlooking.</li> <li>– clause 54.05-2 Overshadowing domestic solar energy systems.</li> </ul> </li> </ul> <p>If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.</p>	<p>Clause 59.04</p>

**Transitional provisions**

Clauses 32.08-10, 54 and 59.04 of this planning scheme, as in force immediately before the commencement of Amendment VC282, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

**32.08-11**

14/12/2023  
VC253

**Maximum building height requirement for a dwelling, small second dwelling or residential building**

A building must not be constructed for use as a dwelling, small second dwelling or a residential building that:

- exceeds the maximum building height specified in a schedule to this zone; or
- contains more than the maximum number of storeys specified in a schedule to this zone.

If no maximum building height or maximum number of storeys is specified in a schedule to this zone:

- the building height must not exceed 11 metres; and
- the building must contain no more than 3 storeys at any point.

A building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height or contain a greater number of storeys than the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.

- It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.
- It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.

An extension to an existing building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if it does not exceed the building height of the existing building or contain a greater number of storeys than the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

A basement is not a storey for the purposes of calculating the number of storeys contained in a building.

The maximum building height and maximum number of storeys requirements in this zone or a schedule to this zone apply whether or not a planning permit is required for the construction of a building.

#### **Building height if land is subject to inundation**

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

### **32.08-12**

08/09/2025  
VC282

#### **Application requirements**

An application must be accompanied by the following information, as appropriate:

- For a development of one dwelling on a lot or a small second dwelling on a lot, the site description and design response as required in Clause 54.
- For a development of two or more dwellings on a lot, dwellings on common property and residential buildings of three storeys or less, excluding a basement, the site description and design response as required in Clause 55.
- For a development of two or more dwellings on a lot, dwellings on common property and residential buildings of four storeys, excluding a basement, the site description and design response as required in Clause 57.
- For an apartment development of five or more storeys, an urban context report and design response as required in Clause 58.01.
- For an application for subdivision, a site and context description and design response as required in Clause 56.
- Plans drawn to scale and dimensioned which show:
  - Site shape, size, dimensions and orientation.
  - The siting and use of existing and proposed buildings.
  - Adjacent buildings and uses.
  - The building form and scale.
  - Setbacks to property boundaries.

- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.
- Any other application requirements specified in a schedule to this zone.

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

### 32.08-13

08/09/2025  
VC282

## Exemption from notice and review

### Subdivision

An application to subdivide land into lots each containing an existing dwelling or car parking space is 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.

### Construction and extension of one dwelling on a lot

An application under clause 32.08-5 is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if all the applicable standards under clauses 54.02-1, 54.02-2, 54.02-3, 54.02-4, 54.02-5, 54.02-6, 54.02-7, 54.04 and 54.05-2 are met.

### Construction and extension of a small second dwelling on a lot

An application under clause 32.08-6 is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if all the applicable standards under clauses 54.02-1, 54.02-2, 54.02-3, 54.02-4, 54.02-5, 54.02-6, 54.02-8, 54.03-5, 54.04 and 54.05-2 are met.

### Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

An application under clause 32.08-7 is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if all the applicable standards under clause 55.02, 55.04-1, 55.04-2, 55.04-3, 55.04-4 and 55.05-2 are met.

### 32.08-14

31/03/2025  
VC267

## Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

### General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Housing Choice and Transport Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

### Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

### Dwellings, small second dwellings and residential buildings

- For the construction and extension of one dwelling on a lot and a small second dwelling, the applicable objectives, standards and decision guidelines of Clause 54.

- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings of three storeys or less, excluding a basement, the objectives, standards and decision guidelines of Clause 55.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings of four storeys, excluding a basement, the objectives, standards and decision guidelines of Clause 57.
- For the construction and extension of an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.

#### **Non-residential use and development**

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

#### **32.08-15**

14/12/2023  
VC253

#### **Signs**

Sign requirements are at Clause 52.05. This zone is in Category 3.

#### **32.08-16**

14/12/2023  
VC253

#### **Transitional provisions**

The minimum garden area requirements of Clause 32.08-4 and the maximum building height and number of storeys requirements of Clause 32.08-9 introduced by Amendment VC110 do not apply to:

- A planning permit application for the construction or extension of a dwelling or residential building lodged before the approval date of Amendment VC110.
- Where a planning permit is not required for the construction or extension of a dwelling or residential building:
  - A building permit issued for the construction or extension of a dwelling or residential building before the approval date of Amendment VC110.
  - A building surveyor has been appointed to issue a building permit for the construction or extension of a dwelling or residential building before the approval date of Amendment VC110. A building permit must be issued within 12 months of the approval date of Amendment VC110.
  - A building surveyor is satisfied, and certifies in writing, that substantial progress was made on the design of the construction or extension of a dwelling or residential building before the approval date of Amendment VC110. A building permit must be issued within 12 months of the approval date of Amendment VC110.

The minimum garden area requirement of Clause 32.08-3 introduced by Amendment VC110 does not apply to a planning permit application to subdivide land for a dwelling or a residential building lodged before the approval date of Amendment VC110.

10/06/2021  
C254card

**SCHEDULE 1 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE**

Shown on the planning scheme map as **GRZ1**.

**GENERAL RESIDENTIAL AREAS**

**1.0**

10/06/2021  
C254card

**Neighbourhood character objectives**

None specified.

**2.0**

26/04/2024  
VC252

**Construction or extension of a dwelling, small second dwelling or residential building - minimum garden area requirement**

**Is the construction or extension of a dwelling, small second dwelling or residential building exempt from the minimum garden area requirement?**

No

**3.0**

08/09/2025  
VC282

**Requirements of Clause 54 and Clause 55**

	Standard	Requirement
<b>Minimum street setback</b>	A2-1	None specified
	B2-1	None specified
<b>Site coverage</b>	A2-5	None specified
	B2-5	None specified
<b>Private open space</b>	A3-2	None specified
	B3-5	None specified
<b>Front fence height</b>	A2-7 and B2-8	None specified

**4.0**

26/04/2024  
VC252

**Maximum building height requirement for a dwelling, small second dwelling or residential building**

None specified.

**5.0**

26/04/2024  
VC252

**Application requirements**

None specified.

**6.0**

26/04/2024  
VC252

**Decision guidelines**

None specified.

**32.09**

31/03/2025  
VC267

**NEIGHBOURHOOD RESIDENTIAL ZONE**

Shown on the planning scheme map as **NRZ** with a number (if shown).

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To recognise areas of predominantly single and double storey residential development.

To manage and ensure that development is responsive to the identified neighbourhood character, heritage, environmental or landscape characteristics.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

**32.09-1**

27/03/2017  
VC110

**Neighbourhood character objectives**

A schedule to this zone must contain the neighbourhood, heritage, environment or landscape character objectives to be achieved for the area.

**32.09-2**

14/01/2025  
VC237

**Table of uses**

**Section 1 - Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Automated collection point</b>	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
<b>Bed and breakfast</b>	No more than 10 persons may be accommodated away from their normal place of residence.  At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
<b>Community care accommodation</b>	Must meet the requirements of Clause 52.22-2.
<b>Domestic animal husbandry (other than Domestic animal boarding)</b>	Must be no more than 2 animals.
<b>Dwelling (other than Bed and breakfast)</b>	
<b>Home based business</b>	
<b>Informal outdoor recreation</b>	
<b>Medical centre</b>	The gross floor area of all buildings must not exceed 250 square metres.  Must be located in an existing building.  The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.  Must not require a permit under Clause 52.06-3.
<b>Place of worship</b>	The gross floor area of all buildings must not exceed 250 square metres.

## CARDINIA PLANNING SCHEME

Use	Condition
	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.  Must not require a permit under Clause 52.06-3.
<b>Racing dog husbandry</b>	Must be no more than 2 animals.
<b>Railway</b>	
<b>Residential aged care facility</b>	
<b>Rooming house</b>	Must meet the requirements of Clause 52.23-2.
<b>Small second dwelling</b>	Must be no more than one dwelling existing on the lot.  Must be the only small second dwelling on the lot.  Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.
<b>Tramway</b>	
<b>Any use listed in clause 62.01</b>	Must meet the requirements of Clause 62.01.

### Section 2 - Permit required

Use	Condition
<b>Accommodation (other than Community care accommodation, Dwelling, Residential aged care facility, Rooming house and Small second dwelling)</b>	
<b>Agriculture (other than Animal production, Animal training, Apiculture, Domestic animal husbandry, Horse husbandry and Racing dog husbandry)</b>	
<b>Car park</b>	Must be used in conjunction with another use in Section 1 or 2.
<b>Car wash</b>	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
<b>Convenience restaurant</b>	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
<b>Convenience shop</b>	The leasable floor area must not exceed 80 square metres.
<b>Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met</b>	Must be no more than 5 animals.
<b>Food and drink premises (other than Convenience restaurant and Take away food premises)</b>	
<b>Grazing animal production</b>	

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</b>	
<b>Market</b>	
<b>Office (other than Medical centre)</b>	The use must be associated with a use or development to which clause 53.23 (Significant residential development with affordable housing) applies.
<b>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus, Nightclub and Place of worship)</b>	
<b>Plant nursery</b>	
<b>Retail premises (other than Convenience shop, Food and drink premises, Market and Plant nursery)</b>	The use must be associated with a use or development to which clause 53.23 (Significant residential development with affordable housing) applies.
<b>Service station</b>	<p>The site must either:</p> <ul style="list-style-type: none"> <li>▪ Adjoin a commercial zone or industrial zone.</li> <li>▪ Adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.</li> </ul> <p>The site must not exceed either:</p> <ul style="list-style-type: none"> <li>▪ 3000 square metres.</li> <li>▪ 3600 square metres if it adjoins on two boundaries a road in a Transport Zone 2 or a Transport Zone 3.</li> </ul>
<b>Store</b>	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
<b>Take away food premises</b>	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	
<b>Any other use not in Section 1 or 3</b>	

### Section 3 – Prohibited

Use
<b>Amusement parlour</b>
<b>Animal production (other than Grazing animal production)</b>
<b>Animal training</b>

Use
Cinema based entertainment facility
Domestic animal boarding
Extractive industry
Horse husbandry
Industry (other than Automated collection point and Car wash)
Motor racing track
Nightclub
Saleyard
Small second dwelling - if the Section 1 condition is not met
Transport terminal
Warehouse (other than Store)

**32.09-3**

14/12/2023  
VC253

**Subdivision**

**Permit requirement**

A permit is required to subdivide land.

An application to subdivide land that would create a vacant lot less than 400 square metres capable of development for a dwelling or residential building, must ensure that each vacant lot created less than 400 square metres contains at least 25 percent as garden area. This does not apply to a lot created by an application to subdivide land where that lot is created in accordance with:

- An approved precinct structure plan or an equivalent strategic plan;
- An incorporated plan or approved development plan; or
- A permit for development.

A schedule to this zone may specify a minimum lot size to subdivide land. Each lot must be at least the area specified for the land, except where an application to subdivide land is made to create lots each containing an existing dwelling or car parking space, where an application for the existing dwelling or car parking space was made or approved before the approval date of the planning scheme amendment that introduced this clause 32.09 into the planning scheme.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.

Class of subdivision	Objectives and standards to be met
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> <li>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul>	Clause 59.02
Subdivide land into 2 lots if: <ul style="list-style-type: none"> <li>▪ The construction of a building or the construction or carrying out of works on the land:                             <ul style="list-style-type: none"> <li>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>- Has started lawfully.</li> </ul> </li> <li>▪ The subdivision does not create a vacant lot.</li> </ul>	Clause 59.02

**32.09-4**  
14/12/2023  
VC253

**Construction or extension of a dwelling, small second dwelling or residential building**

**Minimum garden area requirement**

An application to construct or extend a dwelling, small second dwelling or residential building on a lot must provide a minimum garden area as set out in the following table:

Lot size	Minimum percentage of a lot set aside as garden area
400 - 500 sqm	25%
Above 500 - 650 sqm	30%
Above 650 sqm	35%

This does not apply to:

- An application to construct or extend a dwelling, small second dwelling or residential building on a lot if:
  - The lot is designated as a medium density housing site in an approved precinct structure plan or an approved equivalent strategic plan;
  - The lot is designated as a medium density housing site in an incorporated plan or approved development plan; or
- An application to alter or extend an existing building that did not comply with the minimum garden area requirement of Clause 32.09-4 on the approval date of Amendment VC110.

**32.09-5**

08/09/2025  
VC282

**Construction and extension of one dwelling on a lot**

**Permit requirement**

A permit is required to construct or extend one dwelling on a lot less than 300 square metres.

A permit is required to construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling on a lot less than 300 square metres and the fence exceeds the maximum height specified in clause 54.02-7.

A development must meet the requirements of Clause 54.

**No permit required**

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

**VicSmart applications**

Subject to clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Provision
Construct or extend a dwelling on a lot less than 300 square metres if the development meets the following standards of Clause 54: <ul style="list-style-type: none"> <li>▪ clause 54.02-1 Street setback.</li> <li>▪ clause 54.02-2 Building height.</li> <li>▪ clause 54.02-3 Side and rear setbacks.</li> <li>▪ clause 54.02-4 Walls on boundaries.</li> <li>▪ clause 54.02-5 Site coverage</li> <li>▪ clause 54.02-6 Tree canopy.</li> <li>▪ clause 54.02-7 Front fences.</li> <li>▪ clause 54.04-1 Daylight to existing windows.</li> <li>▪ clause 54.04-2 Existing north-facing windows.</li> </ul>	Clause 54

Class of application	Provision
<ul style="list-style-type: none"> <li>▪ clause 54.04-3 Overshadowing secluded open space.</li> <li>▪ clause 54.04-4 Overlooking.</li> <li>▪ clause 54.05-2 Overshadowing domestic solar energy systems.</li> </ul> <p>If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.</p>	
Construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling on a lot less than 300 square metres.	Clause 59.03

**Transitional provisions**

Clauses 32.09-5, 54 and 59.14 of this planning scheme, as in force immediately before the commencement of Amendment VC282, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

**32.09-6**  
08/09/2025  
VC282

**Construction and extension of a small second dwelling on a lot**

**Permit requirement**

A permit is required to construct or extend a small second dwelling on a lot of less than 300 square metres.

A development must meet the requirements of Clause 54.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Provision
<p>Construct or extend a small second dwelling on a lot less than 300 square metres if the development meets the following standards of Clause 54:</p> <ul style="list-style-type: none"> <li>▪ clause 54.02-1 Street setback.</li> <li>▪ clause 54.02-2 Building height.</li> <li>▪ clause 54.02-3 Side and rear setbacks.</li> <li>▪ clause 54.02-4 Walls on boundaries.</li> <li>▪ clause 54.02-5 Site coverage.</li> <li>▪ clause 54.02-6 Tree canopy.</li> <li>▪ clause 54.02-8 Building setback for small second dwellings.</li> <li>▪ clause 54.03-5 Safety and accessibility for small second dwellings.</li> <li>▪ clause 54.04-1 Daylight to existing windows.</li> <li>▪ clause 54.04-2 Existing north-facing windows.</li> <li>▪ clause 54.04-3 Overshadowing secluded open space.</li> </ul>	Clause 54

Class of application	Provision
<ul style="list-style-type: none"> <li>▪ clause 54.04-4 Overlooking.</li> <li>▪ clause 54.05-2 Overshadowing domestic solar energy systems.</li> </ul> <p>If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.</p>	

**Transitional provisions**

Clauses 32.09-6, 54 and 59.14 of this planning scheme, as in force immediately before the commencement of Amendment VC282, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

**32.09-7**  
31/03/2025  
VC267

**Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

**Permit requirement**

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.02-8.

A development must meet the requirements of Clause 55. This does not apply to a development of four or more storeys, excluding a basement.

A development of four storeys, excluding a basement, must meet the requirements of Clause 57.

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.	Clause 59.03

**Transitional provisions**

Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC174, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 55 of this planning scheme, as in force immediately before the approval date of Amendment VC267, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

**32.09-8**

08/09/2025  
VC282

**Requirements of Clause 54 and Clause 55**

A schedule to this zone may specify the requirements of:

- Standards A2-1, A2-5, A2-7 and A3-2 of Clause 54 of this scheme.
- Standards B2-1, B2-5, B2-8 and B3-5 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

**32.09-9**

15/03/2024  
VC256

**Residential aged care facility**

**Permit requirements**

A permit is required to construct a building or construct or carry out works for a residential aged care facility.

A development must meet the requirements of Clause 53.17 - Residential aged care facility.

**32.09-10**

08/09/2025  
VC282

**Buildings and works associated with a Section 2 use**

A permit is required to construct a building or construct or carry out works for a use in Section 2 of clause 32.09-2.

**VicSmart applications**

Subject to clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Provision
Construct a building or construct or carry out works where: <ul style="list-style-type: none"> <li>▪ The building or works are not associated with a dwelling, primary school or secondary school and have an estimated cost of up to \$100,000; or</li> </ul>	Clause 59.04

Class of application	Provision
<ul style="list-style-type: none"> <li>▪ The building or works are associated with a primary school or secondary school and have an estimated cost of up to \$500,000; and</li> <li>▪ The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:                             <ul style="list-style-type: none"> <li>– clause 54.02-3 Side and rear setbacks.</li> <li>– clause 54.02-4 Walls on boundaries.</li> <li>– clause 54.04-1 Daylight to existing windows.</li> <li>– clause 54.04-2 Existing north-facing windows.</li> <li>– clause 54.04-3 Overshadowing secluded open space.</li> <li>– clause 54.04-4 Overlooking.</li> <li>– clause 54.05-2 Overshadowing domestic solar energy systems.</li> </ul> </li> </ul> <p>If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.</p>	

**Transitional provisions**

Clauses 32.09-10, 54 and 59.04 of this planning scheme, as in force immediately before the commencement of Amendment VC282, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

**32.09-11**

14/12/2023  
VC253

**Maximum building height requirement for a dwelling, small second dwelling or residential building**

A building must not be constructed for use as a dwelling, small second dwelling or a residential building that:

- exceeds the maximum building height specified in a schedule to this zone; or
- contains more than the maximum number of storeys specified in a schedule to this zone.

If no maximum building height or maximum number of storeys is specified in a schedule to this zone:

- the building height must not exceed 9 metres; and
- the building must contain no more than 2 storeys at any point.

A building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height or contain a greater number of storeys than the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.

- It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.
- It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.

An extension to an existing building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if it does not exceed the building height of the existing building or contain a greater number of storeys than the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

A basement is not a storey for the purposes of calculating the number of storeys contained in a building.

The maximum building height and maximum number of storeys requirements in this zone or a schedule to this zone apply whether or not a planning permit is required for the construction of a building.

#### **Building height if land is subject to inundation**

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

### **32.09-12**

08/09/2025  
VC282

#### **Application requirements**

An application must be accompanied by the following information, as appropriate:

- For a development of one dwelling on a lot or a small second dwelling on a lot, the site description and design response as required in Clause 54.
- For a development of two or more dwellings on a lot, dwellings on common property and residential buildings of three storeys or less, excluding a basement, the site description and design response as required in Clause 55.
- For a development of two or more dwellings on a lot, dwellings on common property and residential buildings of four storeys, excluding a basement, the site description and design response as required in Clause 57.
- For an apartment development of five or more storeys, an urban context report and design response as required in clause 58.01.
- For an application for subdivision, a site and context description and design response as required in Clause 56.
- Plans drawn to scale and dimensioned which show:
  - Site shape, size, dimensions and orientation.
  - The siting and use of existing and proposed buildings.
  - Adjacent buildings and uses, including siting and dimensioned setbacks.
  - The building form and scale.
  - Setbacks to property boundaries.

- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.
- Any other application requirements specified in a schedule to this zone.

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

### 32.09-13

08/09/2025  
VC282

#### **Exemption from notice and review**

##### **Subdivision**

An application to subdivide land into lots each containing an existing dwelling or car parking space is 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.

##### **Construction and extension of one dwelling on a lot**

An application under clause 32.09-5 is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if all the applicable standards under clauses 54.02-1, 54.02-2, 54.02-3, 54.02-4, 54.02-5, 54.02-6, 54.02-7, 54.04 and 54.05-2 are met.

##### **Construction and extension of a small second dwelling on a lot**

An application under clause 32.09-6 is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if all the applicable standards under clauses 54.02-1, 54.02-2, 54.02-3, 54.02-4, 54.02-5, 54.02-6, 54.02-8, 54.03-5, 54.04 and 54.05-2 are met.

##### **Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

An application under clause 32.09-7 is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if all the applicable standards under clauses 55.02, 55.04-1, 55.04-2, 55.04-3, 55.04-4 and 55.05-2 are met.

### 32.09-14

31/03/2025  
VC267

#### **Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

##### **General**

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.
- The objectives set out in the schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Housing Choice and Transport Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

##### **Subdivision**

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

##### **Dwellings, small second dwellings and residential buildings**

- For the construction and extension of one dwelling on a lot and a small second dwelling, the applicable objectives, standards and decision guidelines of Clause 54.

- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings of three storeys or less, excluding a basement, the objectives, standards and decision guidelines of Clause 55.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings of four storeys, excluding a basement, the objectives, standards and decision guidelines of Clause 57.
- For the construction and extension of an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.

**Non-residential use and development**

In the local neighbourhood context:

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

**32.09-15**

14/12/2023  
VC253

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 3.

**32.09-16**

14/12/2023  
VC253

**Transitional provisions**

The minimum garden area requirements of Clause 32.09-4 and the maximum building height and number of storeys requirements of Clause 32.09-9 introduced by Amendment VC110 do not apply to:

- A planning permit application for the construction or extension of a dwelling or residential building lodged before the approval date of Amendment VC110.
- Where a planning permit is not required for the construction or extension of a dwelling or residential building:
  - A building permit issued for the construction or extension of a dwelling or residential building before the approval date of Amendment VC110.
  - A building surveyor has been appointed to issue a building permit for the construction or extension of a dwelling or residential building before the approval date of Amendment VC110. A building permit must be issued within 12 months of the approval date of Amendment VC110.
  - A building surveyor is satisfied, and certifies in writing, that substantial progress was made on the design of the construction or extension of a dwelling or residential building before the approval date of Amendment VC110. A building permit must be issued within 12 months of the approval date of Amendment VC110.

The minimum garden area requirement of Clause 32.09-3 introduced by Amendment VC110 does not apply to a planning permit application to subdivide land for a dwelling or a residential building lodged before the approval date of Amendment VC110.

10/06/2021  
C254card

**SCHEDULE 1 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE**

Shown on the planning scheme map as NRZ1.

**1.0**

10/06/2021  
C254card

**Neighbourhood character objectives**

None specified.

**2.0**

10/06/2021  
C254card

**Minimum subdivision area**

None specified.

**3.0**

08/09/2025  
VC282

**Requirements of Clause 54 and Clause 55**

	Standard	Requirement
<b>Minimum street setback</b>	A2-1	None specified
	B2-1	None specified
<b>Site coverage</b>	A2-5	None specified
	B2-5	None specified
<b>Private open space</b>	A3-2	None specified
	B3-5	None specified
<b>Front fence height</b>	A2-7 and B2-8	None specified

**4.0**

26/04/2024  
VC252

**Maximum building height requirement for a dwelling, small second dwelling or residential building**

None specified.

**5.0**

26/04/2024  
VC252

**Application requirements**

None specified.

**6.0**

26/04/2024  
VC252

**Decision guidelines**

None specified.

18/11/2022  
C238card

## SCHEDULE 2 TO CLAUSE 32.09 NEIGHBOURHOOD RESIDENTIAL ZONE

Shown on the planning scheme map as NRZ2.

### GLISMANN ROAD DEVELOPMENT PLAN AREA

#### 1.0

18/11/2022  
C238card

#### Neighbourhood character objectives

- To create a residential precinct that delivers high quality urban design outcomes through a variety of lot sizes which respond to the existing natural topography and landscape features of the development plan area.
- To protect and maintain the visual prominence of vegetated hilltops and hillsides when viewed from within and outside of the development plan area.
- To encourage a subdivision layout which maximises the retention of existing vegetation, minimises the overall disturbance to the terrain and ensures that buildings and structures are sited so that they do not visually dominate the landscape.
- To guide an integrated and coordinated design approach to an area with fragmented land ownerships.

#### 2.0

18/11/2022  
C238card

#### Minimum subdivision area

None specified.

#### 3.0

08/09/2025  
VC282

#### Requirements of Clause 54 and Clause 55

	Standard	Requirement
<b>Minimum street setback</b>	A2-1	None specified
	B2-1	None specified
<b>Site coverage</b>	A2-5	None specified
	B2-5	None specified
<b>Private open space</b>	A3-2	None specified
	B3-5	None specified
<b>Front fence height</b>	A2-7 and B2-8	None specified

#### 4.0

26/04/2024  
VC252

#### Maximum building height requirement for a dwelling, small second dwelling or residential building

None specified.

#### 5.0

26/04/2024  
VC252

#### Application requirements

None specified.

#### 6.0

26/04/2024  
VC252

#### Decision guidelines

None specified.

**INDUSTRIAL ZONES**

**33.01**

31/07/2018  
VC148

**INDUSTRIAL 1 ZONE**

Shown on the planning scheme map as **IN1Z**.

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

**33.01-1**

14/01/2025  
VC237

**Table of uses**

**Section 1 - Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Automated collection point</b>	Must meet the requirements of Clause 52.13-3 and 52.13-5. The gross floor area of all buildings must not exceed 50 square metres.
<b>Convenience shop</b>	
<b>Crop raising</b>	
<b>Grazing animal production</b>	
<b>Home based business</b>	
<b>Industry (other than Materials recycling and Transfer station)</b>	<p>Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.</p> <p>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:</p> <ul style="list-style-type: none"> <li>▪ The threshold distance, for a purpose listed in the table to Clause 53.10.</li> <li>▪ 30 metres, for a purpose not listed in the table to Clause 53.10.</li> </ul> <p>Must not:</p> <ul style="list-style-type: none"> <li>▪ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2022.</li> <li>▪ Require a notification under the Occupational Health and Safety Regulations 2017.</li> <li>▪ Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</li> <li>▪ Require a licence under the Dangerous Goods (HCDG) Regulations 2016.</li> </ul> <p>Must not adversely affect the amenity of the neighbourhood, including through the:</p> <ul style="list-style-type: none"> <li>▪ Transport of materials, goods or commodities to or from the land.</li> <li>▪ Appearance of any stored goods or materials.</li> <li>▪ Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.</li> </ul>

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Informal outdoor recreation</b>	
<b>Mail centre</b>	
<b>Railway</b>	
<b>Service station</b>	<p>The land must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.</p> <p>Must not adversely affect the amenity of the neighbourhood, including through the:</p> <ul style="list-style-type: none"> <li>▪ Transport of materials, goods or commodities to or from the land.</li> <li>▪ Appearance of any stored goods or materials.</li> </ul> <p>Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.</p>
<b>Shipping container storage</b>	<p>Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.</p> <p>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:</p> <ul style="list-style-type: none"> <li>▪ The threshold distance, for a purpose listed in the table to Clause 53.10.</li> <li>▪ 100 metres, for a purpose not listed in the table to Clause 53.10.</li> </ul> <p>Must not:</p> <ul style="list-style-type: none"> <li>▪ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2022.</li> <li>▪ Require a notification under the Occupational Health and Safety Regulations 2017.</li> <li>▪ Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</li> <li>▪ Require a licence under the Dangerous Goods (HCDG) Regulations 2016.</li> </ul> <p>The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.</p> <p>Shipping containers must be setback at least 9 metres from a road in a Transport Zone 2 or a Transport Zone 3.</p> <p>The height of shipping container stacks must not exceed 6 containers or 16 metres, whichever is the lesser.</p> <p>Must not adversely affect the amenity of the neighbourhood, including through the:</p> <ul style="list-style-type: none"> <li>▪ Transport of materials, goods or commodities to or from the land.</li> <li>▪ Appearance of any stored goods or materials.</li> <li>▪ Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.</li> </ul>

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Take away food premises</b>	
<b>Tramway</b>	
<b>Warehouse (other than Mail centre and Shipping container storage)</b>	<p>Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.</p> <p>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:</p> <ul style="list-style-type: none"> <li>▪ The threshold distance, for a purpose listed in the table to Clause 53.10.</li> <li>▪ 30 metres, for a purpose not listed in the table to Clause 53.10.</li> </ul> <p>Must not:</p> <ul style="list-style-type: none"> <li>▪ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2022.</li> <li>▪ Require a notification under the Occupational Health and Safety Regulations 2017.</li> <li>▪ Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</li> <li>▪ Require a licence under Dangerous Goods (HCDG) Regulations 2016.</li> </ul> <p>Must not adversely affect the amenity of the neighbourhood, including through the:</p> <ul style="list-style-type: none"> <li>▪ Transport of materials, goods or commodities to or from the land.</li> <li>▪ Appearance of any stored goods or materials.</li> <li>▪ Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.</li> </ul>
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01.

### Section 2 - Permit required

Use	Condition
<b>Adult sex product shop</b>	Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.
<b>Agriculture (other than Apiculture, Crop raising, Grazing animal production, Intensive animal production, Pig farm and Poultry farm)</b>	
<b>Caretaker's house</b>	
<b>Container deposit scheme centre</b>	

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Education centre</b>	Must not be a primary or secondary school.
<b>Leisure and recreation (other than Informal outdoor recreation)</b>	
<b>Materials recycling</b>	The land must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone or land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.
<b>Office</b>	The leasable floor area must not exceed the amount specified in the schedule to this zone.
<b>Place of assembly (other than Carnival, Cinema based entertainment facility and Circus)</b>	
<b>Restricted retail premises</b>	
<b>Retail premises (other than Shop and Take away food premises)</b>	
<b>Sex services premises</b>	
<b>Transfer station (other than Automated collection point and Container deposit scheme centre)</b>	The land must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone or land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.
<b>Utility installation (other than Minor utility installation and Telecommunications facility).</b>	Any gas holder, or sewerage or refuse treatment or disposal works, must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.
<b>Any other use not in Section 1 or 3</b>	

### Section 3 - Prohibited

Use
<b>Accommodation (other than Caretaker's house)</b>
<b>Cinema based entertainment facility</b>
<b>Hospital</b>
<b>Intensive animal production</b>

**Use**

Pig farm

Poultry farm

Shop (other than Adult sex product shop, Convenience shop, Restricted retail premises and Sex services premises)

**33.01-2**14/01/2025  
VC237**Use of land****Application requirements**

An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Development Licence, Operating Licence, Permit or Registration is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the *Dangerous Goods Act 1985* is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2022 is exceeded.
- The likely effects, if any, on the neighbourhood, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water.
  - Traffic, including the hours of delivery and despatch.
  - Light spill or glare.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
- The effect that nearby industries may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

**33.01-3**31/07/2018  
VC148**Subdivision****Permit requirement**

A permit is required to subdivide land.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> <li>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul>	Clause 59.02
Subdivide land into 2 lots if: <ul style="list-style-type: none"> <li>▪ The construction of a building or the construction or carrying out of works on the land:               <ul style="list-style-type: none"> <li>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>- Has started lawfully.</li> </ul> </li> <li>▪ The subdivision does not create a vacant lot.</li> </ul>	Clause 59.02

**Exemption from notice and review**

An application is 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. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Landscape treatment.

- Interface with non-industrial areas.

**33.01-4**

15/03/2024  
VC256

**Buildings and works**

**Permit requirement**

A permit is required to construct a building or construct or carry out works.

This does not apply to:

- A building or works which rearrange, alter or renew plant if the area or height of the plant is not increased.
- A building or works which are used for crop raising or informal outdoor recreation.
- A rainwater tank with a capacity of more than 10,000 litres if the following requirements are met:
  - The rainwater tank is not located within the building’s setback from a street (other than a lane).
  - The rainwater tank is no higher than the existing building on the site.
  - The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway.
- A building or works which are used for grazing animal production, except for permanent or fixed feeding infrastructure for seasonal or supplementary feeding constructed within 100 metres of:
  - A waterway, wetland or designated flood plain.
  - A dwelling not in the same ownership.
  - A residential or urban growth zone.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a building or construct or carry out works with an estimated cost of up to \$1,000,000 where the land is not: <ul style="list-style-type: none"> <li>▪ Within 30 metres of land (not a road) which is in a residential zone.</li> <li>▪ Used for a purpose listed in the table to Clause 53.10.</li> <li>▪ Used for an Adult sex product shop.</li> </ul>	Clause 59.04

**Application requirements**

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - Relevant ground levels.

- The layout of existing and proposed buildings and works.
  - Driveways and vehicle parking and loading areas.
  - Proposed landscape areas.
  - External storage and waste treatment areas.
- Elevation drawings to scale which show the colour and materials of all buildings and works.
  - Construction details of all drainage works, driveways and vehicle parking and loading areas.
  - A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.

#### **Exemption from notice and review**

An application is 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. This exemption does not apply to an application for a building or works within 30 metres of land (not a road) which is in a residential zone or land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

#### **Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.

#### **Maintenance**

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

### **33.01-5**

31/07/2018  
VC148

#### **Signs**

Sign requirements are at Clause 52.05. This zone is in Category 2.

10/06/2021  
C254card

**SCHEDULE TO CLAUSE 33.01 INDUSTRIAL 1 ZONE**

**1.0**

10/06/2021  
C254card

**Maximum leasable floor area requirements**

<b>Land</b>	<b>Maximum leasable floor area for Office (square metres)</b>
None specified	None specified

**COMMERCIAL ZONES**

**34.01**

31/07/2018  
VC148

**COMMERCIAL 1 ZONE**

Shown on the planning scheme map as **B1Z, B2Z, B5Z** or **C1Z**.

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.

To provide for residential uses at densities complementary to the role and scale of the commercial centre.

**Operation**

A schedule may apply under this zone to a planning scheme outside of metropolitan Melbourne. That schedule may:

- specify the maximum leasable floor area for office
- specify the maximum leasable floor area for shop (other than restricted retail premises).

**34.01-1**

14/01/2025  
VC237

**Table of uses**

**Section 1 - Permit not required**

Use	Condition
<b>Accommodation (other than Community care accommodation, Corrective institution, Rooming house and Small second dwelling)</b>	Any frontage at ground floor level must not exceed 2 metres (other than a bed and breakfast and caretaker's house).
<b>Art and craft centre</b>	
<b>Automated collection point</b>	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
<b>Child care centre</b>	Any frontage at ground floor level must not exceed 2 metres and access must not be shared with a dwelling (other than a caretaker's house).
<b>Cinema</b>	
<b>Cinema based entertainment facility</b>	
<b>Community care accommodation</b>	Any frontage at ground floor level must not exceed 2 metres.  Must meet the requirements of Clause 52.22-2.
<b>Education centre (other than Child care centre)</b>	
<b>Exhibition centre</b>	
<b>Home based business</b>	
<b>Informal outdoor recreation</b>	

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Office</b>	The leasable floor area for all offices must not exceed any amount specified in the schedule to this zone.
<b>Place of worship</b>	The gross floor area of all buildings must not exceed 250 square metres.
<b>Railway</b>	
<b>Retail premises (other than Shop)</b>	
<b>Rooming house</b>	Any frontage at ground floor level must not exceed 2 metres.  Must meet the requirements of Clause 52.23-2.
<b>Shop (other than Adult sex product shop)</b>	The leasable floor area for all shops must not exceed any amount specified in the schedule to this zone.
<b>Tramway</b>	
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01.

### Section 2 - Permit required

Use	Condition
<b>Adult sex product shop</b>	Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or, land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.
<b>Agriculture (other than Animal production and Apiculture)</b>	
<b>Container deposit scheme centre</b>	
<b>Grazing animal production</b>	
<b>Industry (other than Automated collection point and Container deposit scheme centre)</b>	Must not be a purpose listed in the table to Clause 53.10.
<b>Leisure and recreation facility (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)</b>	
<b>Place of assembly (other than Carnival, Cinema, Cinema based entertainment facility, Circus, Exhibition centre and Place of worship)</b>	
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	Must not be a purpose listed in the table to Clause 53.10.
<b>Warehouse</b>	Must not be a purpose listed in the table to Clause 53.10.

Use	Condition
<b>Any other use not in Section 1 or 3</b>	

**Section 3 - Prohibited**

Use
<b>Animal production (other than Grazing animal production)</b>
<b>Corrective institution</b>
<b>Major sports and recreation facility</b>
<b>Motor racing track</b>
<b>Small second dwelling</b>

**34.01-2**

15/07/2013  
VC100

**Use of land**

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

**34.01-3**

31/07/2018  
VC148

**Subdivision**

A permit is required to subdivide land.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> <li>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul>	Clause 59.02
Subdivide land into 2 lots if:	Clause 59.02

Class of application	Information requirements and decision guidelines
<ul style="list-style-type: none"> <li>▪ The construction of a building or the construction or carrying out of works on the land:                             <ul style="list-style-type: none"> <li>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>- Has started lawfully.</li> </ul> </li> <li>▪ The subdivision does not create a vacant lot.</li> </ul>	

**34.01-4**

01/12/2023  
VC217

**Buildings and works**

A permit is required to construct a building or construct or carry out works.

This does not apply to:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.

An apartment development must meet the requirements of Clause 58.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a building or construct or carry out works with an estimated cost of up to \$500,000 where the land is not: <ul style="list-style-type: none"> <li>▪ Within 30 metres of land (not a road) which is in a residential zone.</li> <li>▪ Used for a purpose listed in the table to Clause 53.10.</li> <li>▪ Used for an Adult sex product shop.</li> </ul>	Clause 59.04

**Transitional provisions**

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

**Maintenance**

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

**34.01-5**08/09/2025  
VC282**Site description and design response**

An application for any of the following must be accompanied by a site description and a design response as described in Clause 54.01, 55.01 or 57.01, as appropriate:

- Construction or extension of one dwelling on a lot of less than 300 square metres.
- Construction of a dwelling if there is at least one dwelling existing on the lot.
- Construction of two or more dwellings on a lot.
- Extension of a dwelling if there are two or more dwellings on the lot.
- Construction or extension of a dwelling on common property.
- Construction or extension of a residential building.

Clause 34.01-5 does not apply to an apartment development.

**34.01-6**14/01/2025  
VC237**Application requirements****Use**

An application to use land must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of activities which will be carried out.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare.
- The means of maintaining land not required for immediate use.
- If an industry or warehouse:
  - The type and quantity of goods to be stored, processed or produced.
  - Whether a Development Licence, Operating Licence, Permit or Registration is required from the Environment Protection Authority.
  - Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the *Dangerous Goods Act 1985* is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2022 is exceeded.
  - The likely effects on adjoining land, including air-borne emissions and emissions to land and water.

**Buildings and works**

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and purpose of buildings and works on adjoining land.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - All driveway, car parking and loading areas.
  - Proposed landscape areas.
  - All external storage and waste treatment areas.
  - Areas not required for immediate use.

- Elevation drawings to scale showing the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

An application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, must be accompanied by an urban context report and design response as required in Clause 58.01.

### **34.01-7**

31/07/2018  
VC148

#### **Exemption from notice and review**

An application to subdivide land or construct a building or construct or carry out works is 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. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

### **34.01-8**

08/09/2025  
VC282

#### **Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

##### **General**

- The Municipal Planning Strategy and the Planning Policy Framework.
- The interface with adjoining zones, especially the relationship with residential areas.

##### **Use**

- The effect that existing uses may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

##### **Subdivision**

- Provision for vehicles providing for supplies, waste removal and emergency services and public transport.
- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.

##### **Building and works**

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.

- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Housing Choice and Transport Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Housing Choice and Transport Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The availability of and connection to services.
- The design of buildings to provide for solar access.
- The objectives, standards and decision guidelines of Clause 54, Clause 55 and Clause 57. This does not apply to an apartment development.
- For an apartment development, the objectives, standards and decision guidelines of Clause 58.

#### **Transitional provisions**

The objectives, standards and decision guidelines of Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clauses 55 and 58 of this scheme, as in force immediately before the approval date of Amendment VC174, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 55 of this planning scheme, as in force immediately before the approval date of Amendment VC267, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 54 of this planning scheme, as in force immediately before the commencement of Amendment VC282, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

#### **34.01-9**

31/07/2018  
VC148

#### **Signs**

Sign requirements are at Clause 52.05. This zone is in Category 1.

10/06/2021  
C254card

**SCHEDULE TO CLAUSE 34.01 COMMERCIAL 1 ZONE**

**1.0**

10/06/2021  
C254card

**Maximum leasable floor area requirements**

Land	Maximum leasable floor area for Office (square metres)	Maximum leasable floor area for Shop (other than Restricted retail premises) (square metres)
None specified	None specified	None specified

**34.02**  
31/07/2018  
VC148

**COMMERCIAL 2 ZONE**

Shown on the planning scheme map as **B3Z, B4Z** or **C2Z**.

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.

To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

**34.02-1**  
14/01/2025  
VC237

**Table of uses**

**Section 1 - Permit not required**

Use	Condition
<b>Art and craft centre</b>	
<b>Art gallery</b>	
<b>Automated collection point</b>	Must meet the requirements of Clause 52.13-3 and 52.13-5. The gross floor area of all buildings must not exceed 50 square metres.
<b>Cinema</b>	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
<b>Cinema based entertainment facility</b>	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
<b>Food and drink premises</b>	The leasable floor area must not exceed 100 square metres.
<b>Industry (other than Materials recycling and Transfer station)</b>	Must not be a purpose listed in the table to Clause 53.10 with no threshold specified. The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution: <ul style="list-style-type: none"> <li>▪ The threshold distance, for a purpose listed in the table to Clause 53.10.</li> <li>▪ 30 metres, for a purpose not listed in the table to Clause 53.10.</li> </ul> Must not: <ul style="list-style-type: none"> <li>▪ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2022.</li> <li>▪ Require a notification under the Occupational Health and Safety Regulations 2017.</li> <li>▪ Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</li> <li>▪ Require a licence under the Dangerous Goods (HCDG) Regulations 2016.</li> </ul>
<b>Informal outdoor recreation</b>	

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Mail centre</b>	
<b>Museum</b>	
<b>Office</b>	
<b>Postal agency</b>	
<b>Railway</b>	
<b>Restricted retail premises</b>	
<b>Shop (other than Adult sex product shop, Restricted retail premises and Supermarket)</b>	<p>Must adjoin, or be on the same land as, a supermarket when the use commences.</p> <p>The combined leasable floor area for all shops adjoining or on the same land as the supermarket must not exceed 500 square metres.</p> <p>The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.</p>
<b>Supermarket</b>	<p>The leasable floor area must not exceed 1800 square metres.</p> <p>The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.</p> <p>Must be on land within the City of Greater Geelong or within an urban growth boundary in metropolitan Melbourne.</p>
<b>Trade supplies</b>	
<b>Tramway</b>	
<b>Warehouse (other than Mail centre)</b>	<p>Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.</p> <p>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or corrective institution:</p> <ul style="list-style-type: none"> <li>▪ The threshold distance, for a purpose listed in the table to Clause 53.10.</li> <li>▪ 30 metres, for a purpose not listed in the table to Clause 53.10.</li> </ul> <p>Must not:</p> <ul style="list-style-type: none"> <li>▪ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2022.</li> <li>▪ Require a notification under the Occupational Health and Safety Regulations 2017.</li> <li>▪ Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</li> <li>▪ Require a licence under the Dangerous Goods (HCDG) Regulations 2016.</li> </ul>

## CARDINIA PLANNING SCHEME

Use	Condition
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

### Section 2 - Permit required

Use	Condition
Adult sex product shop	Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone, land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.
Agriculture (other than Animal production and Apiculture)	
Caretaker's house	
Container deposit scheme centre	
Education centre	
Grazing animal production	
Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)	
Materials recycling	
Place of assembly (other than Art gallery, Carnival, Cinema, Cinema based entertainment facility, Circus and Museum)	
Residential hotel	
Retail premises (other than Food and drink premises, Postal agency, Restricted retail premises, Supermarket and Trade supplies)	
Supermarket – if the Section 1 conditions are not met	<p>The leasable floor area must not exceed 1800 square metres unless on land within the City of Greater Geelong or within an urban growth boundary in metropolitan Melbourne.</p> <p>The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.</p>
Transfer station (other than Automated collection point and Container deposit scheme centre)	The land must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.

Use	Condition
Utility installation (other than Minor utility installation and Telecommunications facility)	
Any other use not in Section 1 or 3	

**Section 3 - Prohibited**

Use
Accommodation (other than Caretaker's house and Residential hotel)
Animal production (other than Grazing animal production)
Hospital
Major sports and recreation facility
Motor racing track

**34.02-2**

15/07/2013  
VC100

**Use of land**

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

**34.02-3**

31/07/2018  
VC148

**Subdivision**

A permit is required to subdivide land.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> <li>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul>	Clause 59.02

Class of application	Information requirements and decision guidelines
<p>Subdivide land into 2 lots if:</p> <ul style="list-style-type: none"> <li>▪ The construction of a building or the construction or carrying out of works on the land:                             <ul style="list-style-type: none"> <li>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>- Has started lawfully.</li> </ul> </li> <li>▪ The subdivision does not create a vacant lot.</li> </ul>	<p>Clause 59.02</p>

**34.02-4**

01/12/2023  
VC217

**Buildings and works**

A permit is required to construct a building or construct or carry out works.

This does not apply to:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
<p>Construct a building or construct or carry out works with an estimated cost of up to \$500,000 where the land is not:</p> <ul style="list-style-type: none"> <li>▪ Within 30 metres of land (not a road) which is in a residential zone.</li> <li>▪ Used for a purpose listed in the table to Clause 53.10.</li> <li>▪ Used for an Adult sex product shop.</li> </ul>	<p>Clause 59.04</p>

**Maintenance**

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

**34.02-5**

14/01/2025  
VC237

**Application requirements**

**Use**

An application to use land must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of activities which will be carried out.

- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods or materials, hours of operation and light spill, solar access and glare.
- The means of maintaining areas not required for immediate use.
- If an industry or warehouse:
  - The type and quantity of goods to be stored, processed or produced.
  - Whether a Development Licence, Operating Licence, Permit or Registration is required from the Environment Protection Authority.
  - Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the *Dangerous Goods Act 1985* is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2022 is exceeded.
  - The likely effects on adjoining land, including air-borne emissions and emissions to land and water.

### **Building and works**

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and purpose of buildings and works on adjoining land.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - All driveway, car parking and loading areas.
  - Proposed landscape areas.
  - All external storage and waste treatment areas.
  - Areas not required for immediate use.
- Elevation drawings to scale showing the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

### **34.02-6**

31/07/2018  
VC148

### **Exemption from notice and review**

An application to subdivide land or construct a building or construct or carry out works is 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. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

**34.02-7**31/07/2018  
VC148**Decision guidelines****General**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The interface with adjoining zones, especially the relationship with residential areas.

**Use**

- The effect that existing uses may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.
- If an industry or warehouse, the effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.

**Subdivision**

- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Landscape treatment.

**Building and works**

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and landscaping of land adjoining a road.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- The availability of and connection to services.
- Any natural or cultural values on or nearby the land.
- Outdoor storage, lighting, and stormwater discharge.
- The design of buildings to provide for solar access.

**34.02-8**31/07/2018  
VC148**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 1.

**35**

19/01/2006  
VC37

**RURAL ZONES**

**35.03**

31/07/2018  
VC148

**RURAL LIVING ZONE**

Shown on the planning scheme map as **RLZ** with a number (if shown).

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for residential use in a rural environment.

To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.

To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.

To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

**35.03-1**

14/01/2025  
VC237

**Table of uses**

**Section 1 - Permit not required**

Use	Condition
<b>Automated collection point</b>	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
<b>Bed and breakfast</b>	No more than 10 persons may be accommodated away from their normal place of residence.  At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.  Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i> .
<b>Community care accommodation</b>	Must meet the requirements of Clause 52.22-2.  Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i> .
<b>Domestic animal husbandry (other than Domestic animal boarding)</b>	Must be no more than 2 animals.
<b>Dwelling (other than Bed and breakfast)</b>	The lot must be at least the area specified in a schedule to this zone. If no area is specified, the lot must be at least 2 hectares.  Must be the only dwelling on the lot.  Must meet the requirements of Clause 35.03-2.  Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i> .
<b>Home based business</b>	
<b>Informal outdoor recreation</b>	
<b>Poultry farm</b>	Must be no more than 100 poultry (not including emus or ostriches).

## CARDINIA PLANNING SCHEME

Use	Condition
	Must be no more than 10 emus and ostriches.
<b>Racing dog husbandry</b>	Must be no more than 2 animals.
<b>Railway</b>	
<b>Small second dwelling</b>	<p>Must be no more than one dwelling existing on the lot.</p> <p>Must be the only small second dwelling on the lot.</p> <p>Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.</p> <p>Must meet the requirements of Clause 35.03-2.</p> <p>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i>.</p>
<b>Tramway</b>	
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01.

### Section 2 - Permit required

Use	Condition
<b>Accommodation (other than Community care accommodation, Dwelling and Small second dwelling)</b>	
<b>Agriculture (other than Domestic animal husbandry, Apiculture, Intensive animal production, Poultry farm, Racing dog husbandry and Timber production)</b>	
<b>Bar</b>	The site must not have direct access to a rural freeway.
<b>Broiler farm - if the Section 1 condition to Poultry farm is not met</b>	Must be no more than 10,000 chickens.
<b>Car park</b>	Must be used in conjunction with another use in Section 1 or 2.
<b>Convenience shop</b>	<p>The leasable floor area must not exceed 80 square metres.</p> <p>The site must not have direct access to a rural freeway.</p>
<b>Domestic animal boarding</b>	
<b>Dwelling (other than Bed and breakfast) - if the Section 1 condition is not met</b>	Must meet the requirements of Clause 35.03-2.
<b>Freeway service centre</b>	Must meet the requirements of Clause 53.05.

**CARDINIA PLANNING SCHEME**

<b>Use</b>	<b>Condition</b>
<b>Hotel</b>	The site must not have direct access to a rural freeway.
<b>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</b>	
<b>Market</b>	
<b>Medical centre</b>	
<b>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus and Nightclub)</b>	
<b>Plant nursery</b>	
<b>Postal agency</b>	
<b>Primary produce sales</b>	
<b>Racing dog husbandry – if the Section 1 condition is not met</b>	Must meet the requirements of Clause 53.12.
<b>Restaurant</b>	The site must not have direct access to a rural freeway.
<b>Rural industry (other than Abattoir and Sawmill)</b>	
<b>Service station</b>	<p>The site must either:</p> <ul style="list-style-type: none"> <li>▪ Adjoin a commercial zone or industrial zone.</li> <li>▪ Adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.</li> </ul> <p>The site must not exceed either:</p> <ul style="list-style-type: none"> <li>▪ 3000 square metres.</li> <li>▪ 3600 square metres if it adjoins on two boundaries a road in a Transport Zone 2 or a Transport Zone 3.</li> </ul> <p>The site must not have direct access to a rural freeway.</p>
<b>Store</b>	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
<b>Timber production</b>	Must meet the requirements of Clause 53.11.
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	
<b>Any other use not in Section 1 or 3</b>	

Section 3 - Prohibited

Use
Abattoir
Amusement parlour
Cinema based entertainment facility
Industry (other than Automated collection point and Rural Industry)
Intensive animal production
Motor racing track
Nightclub
Office (other than Medical centre)
Retail premises (other than Bar, Convenience shop, Hotel, Market, Plant nursery, Postal agency, Primary produce sales and Restaurant)
Saleyard
Sawmill
Small second dwelling – if the Section 1 condition is not met
Transport terminal
Warehouse (other than Store)

**35.03-2**

14/12/2023  
VC253

**Use of land for a dwelling or small second dwelling**

A lot used for a dwelling or small second dwelling must meet the following requirements:

- Access to the dwelling or small second dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- Each dwelling or small second dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.
- The dwelling or small second dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling or small second dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

**35.03-3**

14/12/2023  
VC253

**Subdivision**

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 2 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.

- The number of lots is no more than the number the land could be subdivided into in accordance with a schedule to this zone.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where:	Clause 59.01
<ul style="list-style-type: none"> <li>▪ Each new lot is at least the area specified for the land in the zone or the schedule to the zone.</li> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	
Subdivide land into 2 lots where each new lot is at least the area specified for the land in the zone or the schedule to the zone.	Clause 59.12

**35.03-4**

14/12/2023  
VC253

**Buildings and works**

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.03-1. This does not apply to:
  - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 200 square metres. Any area specified must be more than 200 square metres.
  - An out-building associated with an existing dwelling provided the floor area of the out-building is not more than the area specified in a schedule to this zone or, if no area is specified, 250 square metres. Any area specified must be more than 250 square metres.
  - An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than the area specified in the schedule to this zone or, if no area is specified, 250 square metres. Any area specified must be more than 250 square metres. The building must not be used to keep, board, breed or train animals.
  - A rainwater tank.
- Earthworks specified in a schedule to this zone, if on land specified in a schedule.
- A building which is within any of the following setbacks:
  - The setback from a Transport Zone 2 or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road, specified in the schedule to this zone or, if no setback is specified, 30 metres.
  - The setback from any other road or boundary specified in the schedule to this zone.
  - The distance from a dwelling not in the same ownership specified in the schedule to this zone.

## CARDINIA PLANNING SCHEME

- 30 metres from a small second dwelling not in the same ownership.
- 100 metres from a waterway, wetlands or designated flood plain or, the distance specified in the schedule to this zone. Any distance specified must be less than 100 metres.
- A building or works associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
<p>Construct a building or construct or carry out works with an estimated cost of up to \$250,000 where:</p> <ul style="list-style-type: none"> <li>▪ The land is not used for Domestic animal husbandry, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry or Rural industry.</li> <li>▪ The land is not within 30 metres of land (not a road) which is in a residential zone.</li> <li>▪ The building or works are not associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i>.</li> </ul> <p>Any works must not be earthworks specified in the schedule to the zone.</p>	<p>Clause 59.13</p>

### 35.03-5

22/03/2022  
VC219

### Decision guidelines

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

#### General issues

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

#### Agricultural issues

- The capacity of the site to sustain the agricultural use.

- Any integrated land management plan prepared for the site.
- The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agricultural and other land uses.

**Environmental issues**

- The impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours.
- The impact of the use or development on the flora, fauna and landscape features of the locality.
- The need to protect and enhance the biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

**Design and siting issues**

- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use or development will require traffic management measures.
- The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

**35.03-6**

31/07/2018  
VC148

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 3.

**SCHEDULE 1 TO CLAUSE 35.03 RURAL LIVING ZONE**Shown on the planning scheme map as **RLZ1**.**1.0****Subdivision and other requirements**

	<b>Land</b>	<b>Area/Dimensions/Distance</b>
Minimum subdivision area (hectares)	All land	8 ha
Minimum area for which no permit is required to use land for a Dwelling (hectares)	All land	1 ha
Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres)	None specified	None specified
Maximum floor area for which no permit is required to construct an out-building associated with an existing dwelling (square metres)	None specified	None specified
Maximum floor area for which no permit is required to alter or extend an existing building used for Agriculture (square metres)	None specified	None specified
Minimum setback from a road (metres)	None specified	None specified
Minimum setback from a boundary (metres)	None specified	None specified
Minimum setback from a dwelling not in the same ownership (metres)	None specified	None specified
<b>Permit requirement for earthworks</b>		
	<b>Land</b>	
Earthworks which change the rate of flow or the discharge point of water across a property boundary	All land	
Earthworks which increase the discharge of saline groundwater	All land	

10/06/2021  
C254card

**SCHEDULE 2 TO CLAUSE 35.03 RURAL LIVING ZONE**

Shown on the planning scheme map as **RLZ2**.

**1.0**

10/06/2021  
C254card

**Subdivision and other requirements**

	Land	AreaDimensionsDistance
Minimum subdivision area (hectares)	All land	2 ha
Minimum area for which no permit is required to use land for a Dwelling (hectares)	All land	1 ha
Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres)	None specified	None specified
Maximum floor area for which no permit is required to construct an out-building associated with an existing dwelling (square metres)	None specified	None specified
Maximum floor area for which no permit is required to alter or extend an existing building used for Agriculture (square metres)	None specified	None specified
Minimum setback from a road (metres)	None specified	None specified
Minimum setback from a boundary (metres)	None specified	None specified
Minimum setback from a dwelling not in the same ownership (metres)	None specified	None specified

Permit requirement for earthworks	Land
Earthworks which change the rate of flow or the discharge point of water across a property boundary	All land
Earthworks which increase the discharge of saline groundwater	All land

**35.04**

31/07/2018  
VC148

**GREEN WEDGE ZONE**

Shown on the planning scheme map as **GWZ** with a number (if shown).

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for the use of land for agriculture.

To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.

To encourage use and development that is consistent with sustainable land management practices.

To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.

To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.

To protect and enhance the biodiversity of the area.

**35.04-1**

15/08/2025  
VC290

**Table of uses**

**Section 1 - Permit not required**

Use	Condition
<b>Abattoir</b>	<p>Must be used in conjunction with Animal production on the same land or contiguous land in the same ownership.</p> <p>Must not have a gross floor area more than 200 square metres.</p> <p>Must not slaughter or process animals, including birds, at a designed throughput of greater than 120 tonnes of product per year.</p> <p>Must not exceed a wastewater design or actual flow rate of greater than 5,000 litres per day.</p> <p>Must not be within 100 metres of a dwelling in separate ownership.</p> <p>The land must be at least 100 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone, Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.</p> <p>Must not be a purpose listed in the table to Clause 53.10 with no threshold distance.</p>
<b>Agriculture (other than Animal production, Apiculture, Domestic animal husbandry, Racing dog husbandry, Rice growing and Timber production)</b>	
<b>Automated collection point</b>	<p>Must meet the requirements of Clause 52.13-3 and 52.13-5.</p> <p>The gross floor area of all buildings must not exceed 50 square metres.</p>
<b>Bed and breakfast</b>	<p>No more than 10 persons may be accommodated away from their normal place of residence.</p>

## CARDINIA PLANNING SCHEME

Use	Condition
	<p>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</p> <p>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i>.</p>
<b>Domestic animal husbandry (other than Domestic animal boarding)</b>	Must be no more than 5 animals.
<b>Grazing animal production</b>	
<b>Home based business</b>	
<b>Informal outdoor recreation</b>	
<b>Poultry farm</b>	<p>Must be no more than 100 poultry (not including emus or ostriches).</p> <p>Must be no more than 10 emus and ostriches.</p>
<b>Primary produce sales</b>	<p>Must not be within 100 metres of a dwelling in separate ownership.</p> <p>The area used for the display and sale of primary produce must not exceed 50 square metres.</p>
<b>Racing dog husbandry</b>	Must be no more than 5 animals.
<b>Railway</b>	
<b>Rural store</b>	<p>Must be used in conjunction with Agriculture.</p> <p>Must be in a building, not a dwelling and have a gross floor area of less than 100 square metres.</p> <p>Must be the only Rural store on the lot.</p>
<b>Tramway</b>	
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01.

### Section 2 - Permit required

Use	Condition
<b>Animal production (other than Cattle feedlot, Grazing animal production and Poultry farm)</b>	
<b>Broiler farm - if the Section 1 condition to Poultry farm is not met</b>	Must meet the requirements of Clause 53.09.
<b>Camping and caravan park</b>	
<b>Car park</b>	Must be used in conjunction with another use in Section 1 or 2.
<b>Cattle feedlot</b>	<p>Must meet the requirements of Clause 53.08.</p> <p>The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.</p>

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Domestic animal boarding</b>	
<b>Dwelling (other than Bed and breakfast)</b>	<p>Must be the only dwelling on the lot. This does not apply to the replacement of an existing dwelling if the existing dwelling is removed or altered (so it can no longer be used as a dwelling) within one month of the occupation of the replacement dwelling.</p> <p>Must meet the requirements of Clause 35.04-2.</p>
<b>Exhibition centre</b>	
<b>Freezing and cool storage</b>	The goods stored must be agricultural produce, or products used in agriculture.
<b>Function centre</b>	<p>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.</p> <p>The number of patrons present at any time must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser.</p> <p>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.</p>
<b>Group accommodation</b>	<p>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry, or Winery.</p> <p>The number of dwellings must not exceed the number specified in a schedule to the zone or 40 dwellings, whichever is the lesser.</p> <p>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.</p>
<b>Hall</b>	
<b>Host farm</b>	
<b>Indoor recreation facility</b>	Must be for equestrian based leisure, recreation or sport.
<b>Leisure and recreation (other than Indoor recreation facility, Informal outdoor recreation, Major sports and recreation facility and Motor racing track)</b>	
<b>Major sports and recreation facility</b>	Must be for outdoor leisure, recreation or sport.
<b>Manufacturing sales</b>	Must be an incidental part of Rural industry.
<b>Market</b>	
<b>Materials recycling</b>	<p>Must be used in conjunction with Refuse disposal or Transfer station.</p> <p>Must not include the collecting, dismantling, storing, recycling or selling of used or scrap construction and demolition materials.</p>
<b>Milk depot</b>	

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Place of assembly (other than Carnival, Cinema based entertainment facility, Circus, Exhibition centre, Function centre, Hall, Nightclub and Place of worship)</b>	Must not be used for more than 10 days in a calendar year.
<b>Place of worship</b>	
<b>Plant nursery</b>	
<b>Primary school</b>	
<b>Racing dog husbandry – if the Section 1 condition is not met</b>	Must meet the requirements of Clause 53.12.
<b>Refuse disposal</b>	
<b>Research and development centre</b>	<p>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.</p> <p>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.</p>
<b>Research centre</b>	<p>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.</p> <p>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.</p>
<b>Residential building (other than Residential hotel)</b>	<p>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.</p> <p>Must be used to provide accommodation for persons away from their normal place of residence.</p> <p>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.</p>
<b>Residential hotel</b>	<p>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.</p> <p>The number of bedrooms must not exceed the number specified in a schedule to the zone or 80 bedrooms, whichever is the lesser.</p> <p>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.</p>
<b>Restaurant</b>	<p>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.</p> <p>The number of patrons present must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser.</p>

## CARDINIA PLANNING SCHEME

Use	Condition
	<p>If used in conjunction with Function centre, the total number of patrons present at any time must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser.</p> <p>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.</p>
<b>Restricted place of assembly</b>	Must not be used for more than 30 days in a calendar year.
<b>Rice growing</b>	
<b>Rural industry (other than Abattoir)</b>	
<b>Secondary school</b>	
<b>Solid fuel depot</b>	
<b>Small second dwelling</b>	<p>Must be no more than one dwelling existing on the lot.</p> <p>Must be the only small second dwelling on the lot.</p> <p>Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.</p> <p>Must meet the requirements of Clause 35.04-2.</p>
<b>Timber production</b>	Must meet the requirements of Clause 53.11.
<b>Transfer station (other than Automated collection point)</b>	Must not include the collecting, storing or processing of used or scrap construction and demolition materials.
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	
<b>Vehicle store</b>	
<b>Any other use not in Section 1 or 3</b>	

### Section 3 - Prohibited

Use
<b>Accommodation (other than Camping and caravan park, Group accommodation, Host farm, Residential building and Small second dwelling)</b>
<b>Cinema based entertainment facility</b>
<b>Display home centre</b>
<b>Education centre (other than Primary school and Secondary school)</b>
<b>Freeway service centre</b>
<b>Funeral parlour</b>
<b>Hospital</b>

Use
Industry (other than Materials recycling, Refuse disposal, Transfer station, Research and development centre and Rural industry)
Motor racing track
Office
Nightclub
Retail premises (other than Manufacturing sales, Market, Plant nursery, Primary produce sales and Restaurant)
Service station
Warehouse (other than Freezing and cool storage, Milk depot, Rural store, Solid fuel depot and Vehicle store)

**35.04-2**

14/12/2023  
VC253

**Use of land for a dwelling or small second dwelling**

A lot used for a dwelling or small second dwelling must meet the following requirements:

- Access to the dwelling or small second dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling or small second dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.
- The dwelling or small second dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling or small second dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

**35.04-3**

14/12/2023  
VC253

**Subdivision**

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is the re-subdivision of existing lots, the number of lots is not increased, and the number of dwellings that the land could be used for does not increase.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where:	Clause 59.01
<ul style="list-style-type: none"> <li>▪ Each new lot is at least the area specified for the land in the zone or the schedule to the zone.</li> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	
<hr/>	
Subdivide land into 2 lots where each new lot is at least the area specified for the land in the zone or the schedule to the zone.	Clause 59.12
<hr/>	

### 35.04-4

05/09/2013  
VC103

#### Long term lease or licence for accommodation

A permit is required to lease or license a portion of a lot for a period of more than 10 years if the portion is to be leased or licensed for the purpose of Accommodation.

Each portion of a lot leased or licensed for the purpose of Accommodation must be at least the minimum subdivision area specified for the land in a schedule to this zone. If no area is specified, each portion of a lot leased or licensed for the purpose of Accommodation must be at least 40 hectares.

### 35.04-5

14/12/2023  
VC253

#### Buildings and works

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.04-1. This does not apply to:
  - An alteration or extension to an existing dwelling with a floor area of no more than the area specified in a schedule to this zone or, if no area is specified, 50 square metres.
  - An alteration or extension to a small second dwelling.
  - An alteration or extension to an existing building used for agriculture with a floor area of no more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. The building must not be used to keep, board, breed or train animals.
  - A rainwater tank.
- Earthworks specified in a schedule to this zone, if on land specified in a schedule.
- A building which is within any of the following setbacks:
  - 100 metres from a Transport Zone 2 or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road.
  - 40 metres from a Transport Zone 3 or land in a Public Acquisition Overlay for a road if the Head, Transport for Victoria is not the acquiring authority.
  - 20 metres from any other road.
  - 5 metres from any other boundary.
  - 100 metres from a dwelling or small second dwelling not in the same ownership.
  - 100 metres from a waterway, wetlands or designated flood plain.
- Permanent or fixed feeding infrastructure for season or supplementary feeding for grazing animal production constructed within 100 metres of:

## CARDINIA PLANNING SCHEME

- A waterway, wetland or designated flood plain.
- A dwelling not in the same ownership.
- A residential or urban growth zone.
- A building or works associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a building or construct or carry out works with an estimated cost of up to \$250,000 where: <ul style="list-style-type: none"> <li>▪ The land is not used for Domestic animal husbandry, Intensive animal production, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry or Rural industry.</li> <li>▪ The land is not within 30 metres of land (not a road) which is in a residential zone.</li> <li>▪ The building or works are not associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i>.</li> </ul> Any works must not be earthworks specified in the schedule to the zone.	Clause 59.13

### 35.04-6

22/03/2022  
VC219

### Decision guidelines

Before deciding on an application to use or subdivide land, lease or license a portion of a lot for a period of more than 10 years if the portion is to be leased or licensed for the purpose of Accommodation, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

#### General issues

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development.
- How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism.
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.
- Whether the use or development is essential to the health, safety or well-being of the State or area but is not appropriate to locate in an urban area because of the effect it may have on existing or proposed urban areas or the effect that existing or proposed urban areas may have on the proposed use or development.

## CARDINIA PLANNING SCHEME

- The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty.
- The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

### Rural issues

- The maintenance of agricultural production and the impact on the rural economy.
- The environmental capacity of the site to sustain the rural enterprise.
- The need to prepare an integrated land management plan.
- The impact on the existing and proposed rural infrastructure.
- The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agriculture and other land uses.
- The protection and retention of land for future sustainable agricultural activities.

### Environmental issues

- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- How the use or development relates to sustainable land management and the need to prepare an integrated land management plan.
- The location of on site effluent disposal areas to minimise impact of nutrient loads on waterways and native vegetation.

### Design and siting issues

- The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.
- The location and design of existing and proposed infrastructure services which minimises the visual impact on the landscape.
- The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.
- The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

### Primary school or secondary school issues

- Access being provided via an all-weather road with dimensions adequate to accommodate emergency vehicles and not rely on local residential streets for access.
- Access by public transport, or if public transport is not available or adequate, transport may be provided by the school. Where transport is provided by the school the parking of buses should be accommodated on site.

- Connection to reticulated sewerage if available or if not available, the wastewater must be treated and retained on-site in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.
- In the absence of reticulated sewerage, a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017*.
- Connection to a reticulated potable water supply or an alternative potable water supply with adequate storage for school use as well as for fire fighting purposes.
- Connection to a reticulated electricity supply or an alternative energy source.

**35.04-7**

31/07/2018  
VC148

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 3.

10/06/2021  
C254card

**SCHEDULE 1 TO CLAUSE 35.04 GREEN WEDGE ZONE**

Shown on the planning scheme map as **GWZ1**.

**1.0**

10/06/2021  
C254card

**Subdivision and other requirements**

	<b>Land</b>	<b>Area/Dimensions/Number</b>
Minimum subdivision area (hectares)	All land	40 ha
Function centre (number of patrons)	None specified	None specified
Group accommodation (number of dwellings)	None specified	None specified
Residential hotel (number of bedrooms)	None specified	None specified
Restaurant (number of patrons)	None specified	None specified
Minimum area for which no permit is required to alter or extend an existing dwelling (square metres)	None specified	None specified
Minimum area for which no permit is required to alter or extend an existing building used for agriculture (square metres)	None specified	None specified

<b>Permit requirement for earthworks</b>	<b>Land</b>
Earthworks which change the rate of flow or the discharge point of water across a property boundary	All land
Earthworks which increase the discharge of saline groundwater	All land

10/06/2021  
C254card

**SCHEDULE 2 TO CLAUSE 35.04 GREEN WEDGE ZONE**

Shown on the planning scheme map as **GWZ2**.

**1.0**

10/06/2021  
C254card

**Subdivision and other requirements**

	<b>Land</b>	<b>Area/Dimensions/Number</b>
Minimum subdivision area (hectares)	All land	15 ha
Function centre (number of patrons)	None specified	None specified
Group accommodation (number of dwellings)	None specified	None specified
Residential hotel (number of bedrooms)	None specified	None specified
Restaurant (number of patrons)	None specified	None specified
Minimum area for which no permit is required to alter or extend an existing dwelling (square metres)	None specified	None specified
Minimum area for which no permit is required to alter or extend an existing building used for agriculture (square metres)	None specified	None specified

<b>Permit requirement for earthworks</b>	<b>Land</b>
Earthworks which change the rate of flow or the discharge point of water across a property boundary	All land
Earthworks which increase the discharge of saline groundwater	All land

**35.05**

31/07/2018  
VC148

**GREEN WEDGE A ZONE**

Shown on the planning scheme map as **GWAZ** with a number (if shown).

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for the use of land for agriculture.

To protect, conserve and enhance the biodiversity, natural resources, scenic landscapes and heritage values of the area.

To ensure that use and development promotes sustainable land management practices and infrastructure provision.

To protect, conserve and enhance the cultural heritage significance and the character of rural and scenic non-urban landscapes.

To recognise and protect the amenity of existing rural living areas.

**35.05-1**

14/01/2025  
VC237

**Table of uses**

**Section 1 - Permit not required**

Use	Condition
<b>Agriculture (other than Animal production, Apiculture, Domestic animal husbandry, Racing dog husbandry, Rice growing and Timber production)</b>	
<b>Bed and breakfast</b>	<p>No more than 10 persons may be accommodated away from their normal place of residence.</p> <p>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</p> <p>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i>.</p>
<b>Domestic animal husbandry (other than Domestic animal boarding)</b>	<p>Must be no more than 2 animals.</p>
<b>Home based business</b>	
<b>Informal outdoor recreation</b>	
<b>Poultry farm</b>	<p>Must be no more than 100 poultry (not including emus or ostriches).</p> <p>Must be no more than 10 emus and ostriches.</p>
<b>Primary produce sales</b>	<p>Must not be within 100 metres of a dwelling in separate ownership.</p> <p>The area used for the display and sale of primary produce must not exceed 50 square metres.</p>
<b>Racing dog husbandry</b>	<p>Must be no more than 2 animals.</p>

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Railway</b>	
<b>Rural store</b>	<p>Must be used in conjunction with Agriculture.</p> <p>Must be in a building, not a dwelling and have a gross floor area of less than 100 square metres.</p> <p>Must be the only Rural store on the lot.</p>
<b>Tramway</b>	
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01.

### Section 2 - Permit required

Use	Condition
<b>Animal production (other than Intensive animal production and Poultry farm)</b>	
<b>Broiler farm - if the Section 1 condition to Poultry farm is not met</b>	Must be no more than 10,000 chickens.
<b>Camping and caravan park</b>	
<b>Car park</b>	Must be used in conjunction with another use in Section 1 or 2.
<b>Domestic animal boarding</b>	
<b>Dwelling (other than Bed and breakfast)</b>	<p>Must be the only dwelling on the lot. This does not apply to the replacement of an existing dwelling if the existing dwelling is removed or altered (so it can no longer be used as a dwelling) within one month of the occupation of the replacement dwelling.</p> <p>Must meet the requirements of Clause 35.05-2.</p>
<b>Exhibition centre</b>	
<b>Freezing and cool storage</b>	<p>The goods stored must be agricultural produce, or products used in agriculture.</p> <p>Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.</p>
<b>Function centre</b>	<p>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.</p> <p>The number of patrons present at any time must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser.</p> <p>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 8 hectares.</p>

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Group accommodation</b>	<p>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry, or Winery.</p> <p>The number of dwellings must not exceed the number specified in a schedule to the zone or 40 dwellings, whichever is the lesser.</p> <p>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 8 hectares.</p>
<b>Hall</b>	
<b>Host farm</b>	
<b>Indoor recreation facility</b>	Must be for equestrian based leisure, recreation or sport.
<b>Leisure and recreation (other than Informal outdoor recreation, Indoor recreation facility, Major sports and recreation facility and Motor racing track)</b>	
<b>Major sports and recreation facility</b>	Must be for outdoor leisure, recreation or sport.
<b>Market</b>	
<b>Place of worship</b>	
<b>Plant nursery</b>	
<b>Primary school</b>	
<b>Racing dog husbandry - if the Section 1 condition is not met</b>	Must meet the requirements of Clause 53.12.
<b>Research centre</b>	<p>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.</p> <p>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 8 hectares.</p>
<b>Residential building (other than Residential hotel)</b>	<p>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.</p> <p>Must be used to provide accommodation for persons away from their normal place of residence.</p> <p>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 8 hectares.</p>
<b>Restaurant</b>	<p>Must be used in conjunction with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.</p> <p>The number of patrons present must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser.</p>

## CARDINIA PLANNING SCHEME

Use	Condition
	<p>If used in conjunction with Function centre, the total number of patrons present at any time must not exceed the number specified in a schedule to the zone or 150 patrons, whichever is the lesser.</p> <p>The lot on which the use is conducted must be at least the minimum subdivision area specified in a schedule to this zone. If no area is specified, the lot must be at least 8 hectares.</p>
<b>Restricted place of assembly</b>	Must not be used for more than 30 days in a calendar year.
<b>Rural industry (other than Abattoir and Sawmill)</b>	
<b>Rice growing</b>	
<b>Rural store – if the Section 1 condition is not met</b>	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
<b>Secondary school</b>	
<b>Small second dwelling</b>	<p>Must be no more than one dwelling existing on the lot.</p> <p>Must be the only small second dwelling on the lot.</p> <p>Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.</p> <p>Must meet the requirements of Clause 35.05-2.</p>
<b>Timber production</b>	Must meet the requirements of Clause 53.11.
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	
<b>Vehicle store</b>	Must be in a building not a dwelling and used to store motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
<b>Any other use not in Section 1 or 3</b>	

### Section 3 - Prohibited

Use
<b>Abattoir</b>
<b>Accommodation (other than Camping and caravan park, Dwelling, Group accommodation, Host farm, Residential building and Small second dwelling)</b>
<b>Display home centre</b>
<b>Education centre (other than Primary school and Secondary school)</b>
<b>Freeway service centre</b>
<b>Funeral parlour</b>

**Use****Hospital****Industry (other than Rural industry)****Intensive animal production****Motor racing track****Office****Place of assembly (other than Carnival, Circus, Exhibition centre, Function centre, Hall, Place of worship and Restricted place of assembly)****Retail premises (other than Market, Plant nursery, Primary produce sales and Restaurant)****Saleyard****Sawmill****Service station****Transport terminal****Warehouse (other than Freezing and cool storage, Rural store and Vehicle store)****35.05-2**14/12/2023  
VC253**Use of land for a dwelling or small second dwelling**

A lot used for a dwelling or small second dwelling must meet the following requirements:

- Access to the dwelling or small second dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling or small second dwelling must be connected to reticulated sewerage, if available. If not available, all wastewater must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for the construction, installation or alteration of an on-site wastewater management system.
- The dwelling or small second dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling or small second dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

**35.05-3**14/12/2023  
VC253**Subdivision**

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 8 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is the re-subdivision of existing lots, the number of lots is not increased, and the number of dwellings that the land could be used for does not increase.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>▪ Each new lot is at least the area specified for the land in the zone or the schedule to the zone.</li> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	Clause 59.01
Subdivide land into 2 lots where each new lot is at least the area specified for the land in the zone or the schedule to the zone.	Clause 59.12

**35.05-4**

05/09/2013  
VC103

**Long term lease or licence for accommodation**

A permit is required to lease or license a portion of a lot for a period of more than 10 years if the portion is to be leased or licensed for the purpose of Accommodation.

Each portion of a lot leased or licensed for the purpose of Accommodation must be at least the minimum subdivision area specified for the land in a schedule to this zone. If no area is specified, each portion of a lot leased or licensed for the purpose of Accommodation must be at least 8 hectares.

**35.05-5**

14/12/2023  
VC253

**Buildings and works**

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.05-1. This does not apply to:
  - An alteration or extension to an existing dwelling with a floor area of no more than the area specified in a schedule to this zone or, if no area is specified, 50 square metres.
  - An alteration or extension to a small second dwelling.
  - A rainwater tank.
- Earthworks specified in a schedule to this zone, if on land specified in a schedule.
- A building which is within any of the following setbacks:
  - 30 metres from a Transport Zone 2 or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road.
  - 20 metres from a Transport Zone 3 or land in a Public Acquisition Overlay for a road if the Head, Transport for Victoria is not the acquiring authority.
  - 10 metres from any other road.

## CARDINIA PLANNING SCHEME

- 5 metres from any other boundary.
- 30 metres from a dwelling or small second dwelling not in the same ownership.
- 100 metres from a waterway, wetlands or designated flood plain.
- A building or works associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a building or construct or carry out works with an estimated cost of up to \$250,000 where: <ul style="list-style-type: none"><li>▪ The land is not used for Domestic animal husbandry, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry or Rural industry.</li><li>▪ The land is not within 30 metres of land (not a road) which is in a residential zone.</li><li>▪ The building or works are not associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i>.</li></ul> Any works must not be earthworks specified in the schedule to the zone.	Clause 59.13

### 35.05-6

14/12/2023  
VC253

### Decision guidelines

Before deciding on an application to use or subdivide land, lease or license a portion of a lot for a period of more than 10 years if the portion is to be leased or licensed for the purpose of Accommodation, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

#### General issues

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, addressing site quality attributes including soil type, soil fertility, soil structure, soil permeability, aspect, contour and drainage patterns.
- How the use or development relates to agricultural land use, rural diversification and natural resource management.
- Whether the site is suitable for the use or development and whether the proposal will have an adverse impact on surrounding land uses.
- The need to protect the amenity of existing residents.

## CARDINIA PLANNING SCHEME

- The need to minimise adverse impacts on the character and appearance of the area or features of architectural, scientific or cultural heritage significance, or of natural scenic beauty or importance.
- The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

### Rural issues

- The maintenance of agricultural production and the impact on the local rural economy.
- The need to prepare an integrated land management plan.
- The impact on the existing and proposed rural infrastructure.
- The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agricultural and other land uses.
- Protection and retention of land for future sustainable agricultural activities.

### Environmental issues

- The impact of the use or development on the flora and fauna on the site and its surrounds.
- An assessment of the likely environmental impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of effluent, noise, dust and odours.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and fauna habitat and the revegetation of land including riparian buffers along waterways, gullies, ridge lines, property boundaries and saline recharge and discharge areas.
- How the use or development relates to sustainable land management and the need to prepare a sustainable land management plan.
- The location of on site effluent disposal areas to minimise impact of nutrient loads on waterways and native vegetation.

### Design and siting issues

- The need to minimise adverse impacts of the siting, design, height, bulk, colours and materials to be used on major roads, landscape features and vistas.
- The location and design of existing and proposed infrastructure services including gas, water, drainage, telecommunications and sewerage facilities which minimise the visual impact on the landscape.
- The location and design of existing and proposed roads and their impact on the landscape and whether the use or development will require traffic management programs.
- The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

### Primary school or secondary school issues

- Access being provided via an all-weather road with dimensions adequate to accommodate emergency vehicles and not rely on local residential streets for access.

## CARDINIA PLANNING SCHEME

- Access by public transport, or if public transport is not available or adequate, transport may be provided by the school. Where transport is provided by the school the parking of buses should be accommodated on site.
- Connection to a reticulated sewerage system if available or if not available, the wastewater must be treated and retained on-site in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site waste water management system.
- In the absence of reticulated sewerage, a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017*.
- Connection to a reticulated potable water supply or an alternative potable water supply with adequate storage for school use as well as for fire fighting purposes.
- Connection to a reticulated electricity supply or an alternative energy source.

### 35.05-7

31/07/2018  
VC148

### Signs

Sign requirements are at Clause 52.05. This zone is in Category 3.

10/06/2021  
C254card

**SCHEDULE 1 TO CLAUSE 35.05 GREEN WEDGE A ZONE**

Shown on the planning scheme map as **GWAZ1**.

**1.0**

10/06/2021  
C254card

**Subdivision and other requirements**

	<b>Land</b>	<b>Area/Dimensions/Number</b>
Minimum subdivision area (hectares)	All land	8 ha
Function centre (number of patrons)	None specified	None specified
Group accommodation (number of dwellings)	None specified	None specified
Residential building (number of bedrooms)	None specified	None specified
Restaurant (number of patrons)	None specified	None specified
Minimum area for which no permit is required to alter or extend an existing dwelling (square metres)	None specified	None specified

<b>Permit requirement for earthworks</b>	<b>Land</b>
Earthworks which change the rate of flow or the discharge point of water across a property boundary	None specified
Earthworks which increase the discharge of saline groundwater	None specified

10/06/2021  
C254card

**SCHEDULE 2 TO CLAUSE 35.05 GREEN WEDGE A ZONE**

Shown on the planning scheme map as **GWAZ2**.

**1.0**

10/06/2021  
C254card

**Subdivision and other requirements**

	<b>Land</b>	<b>Area/Dimensions/Number</b>
Minimum subdivision area (hectares)	All land	2 ha
Function centre (number of patrons)	None specified	None specified
Group accommodation (number of dwellings)	None specified	None specified
Residential building (number of bedrooms)	None specified	None specified
Restaurant (number of patrons)	None specified	None specified
Minimum area for which no permit is required to alter or extend an existing dwelling (square metres)	None specified	None specified

<b>Permit requirement for earthworks</b>	<b>Land</b>
Earthworks which change the rate of flow or the discharge point of water across a property boundary	All land
Earthworks which increase the discharge of saline groundwater	All land

**35.06**

31/07/2018  
VC148

**RURAL CONSERVATION ZONE**

Shown on the planning scheme map as **RCZ** with a number (if shown).

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To conserve the values specified in a schedule to this zone.

To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.

To protect and enhance natural resources and the biodiversity of the area.

To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.

To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.

To conserve and enhance the cultural significance and character of open rural and scenic non urban landscapes.

**35.06-1**

14/01/2025  
VC237

**Table of uses**

**Section 1 - Permit not required**

Use	Condition
<b>Bed and breakfast</b>	No more than 10 persons may be accommodated away from their normal place of residence.  At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.  Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i> .
<b>Domestic animal husbandry (other than Domestic animal boarding)</b>	Must be no more than 2 animals.
<b>Home based business</b>	
<b>Informal outdoor recreation</b>	
<b>Poultry farm</b>	Must be no more than 100 poultry (not including emus or ostriches).  Must be no more than 10 emus and ostriches.
<b>Racing dog husbandry</b>	Must be no more than 2 animals.
<b>Railway</b>	
<b>Tramway</b>	
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01.

**CARDINIA PLANNING SCHEME**

**Section 2 - Permit required**

<b>Use</b>	<b>Condition</b>
<b>Agriculture (other than Apiculture, Domestic animal husbandry, Intensive animal production, Poultry farm, Racing dog husbandry, Rice growing and Timber production)</b>	
<b>Broiler farm - if the Section 1 condition to Poultry farm is not met</b>	Must be no more than 10,000 chickens.
<b>Car park</b>	Must be used in conjunction with another use in Section 1 or 2.
<b>Domestic animal boarding</b>	
<b>Dwelling (other than Bed and breakfast)</b>	Must be the only dwelling on the lot. This does not apply to the replacement of an existing dwelling if the existing dwelling is removed or altered (so it can no longer be used as a dwelling) within one month of the occupation of the replacement dwelling.  Must meet the requirements of Clause 35.06-2.
<b>Emergency services facility</b>	
<b>Freezing and cool storage</b>	
<b>Group accommodation</b>	
<b>Host farm</b>	
<b>Landscape gardening supplies</b>	
<b>Market</b>	
<b>Primary produce sales</b>	
<b>Primary school</b>	
<b>Racing dog husbandry - if the Section 1 condition is not met</b>	Must meet the requirements of Clause 53.12.
<b>Recreational boat facility</b>	
<b>Renewable energy facility (other than Wind energy facility)</b>	Must meet the requirements of Clause 53.13.
<b>Residential hotel</b>	
<b>Restaurant</b>	
<b>Rural industry (other than Abattoir and Sawmill)</b>	
<b>Rural store</b>	
<b>Secondary school</b>	

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Small second dwelling</b>	<p>Must be no more than one dwelling existing on the lot.</p> <p>Must be the only small second dwelling on the lot.</p> <p>Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.</p> <p>Must meet the requirements of Clause 35.06-2.</p>
<b>Timber production</b>	Must meet the requirements of Clause 53.11.
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	
<b>Wind energy facility</b>	Must meet the requirements of Clause 52.32.
<b>Winery</b>	
<b>Any other use not in Section 1 or 3</b>	

### Section 3 - Prohibited

Use
<b>Abattoir</b>
<b>Accommodation (other than Bed and breakfast, Dwelling, Group accommodation, Host farm, Residential hotel and Small second dwelling)</b>
<b>Amusement parlour</b>
<b>Education centre (other than Primary school and Secondary school)</b>
<b>Industry (other than Rural industry)</b>
<b>Intensive animal production</b>
<b>Office</b>
<b>Leisure and recreation (other than Informal outdoor recreation)</b>
<b>Place of assembly (other than Carnival and Circus)</b>
<b>Retail premises (other than Landscape gardening supplies, Market, Primary produce sales and Restaurant)</b>
<b>Rice growing</b>
<b>Sawmill</b>
<b>Transport terminal</b>
<b>Warehouse (other than Freezing and cool storage and Rural store)</b>

### 35.06-2

14/12/2023  
VC253

### Use of land for a dwelling or small second dwelling

A lot used for a dwelling or small second dwelling must meet the following requirements:

- Access to the dwelling or small second dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling or small second dwelling must be connected to reticulated sewerage if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.
- The dwelling or small second dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling or small second dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

**35.06-3**

14/12/2023  
VC253

**Subdivision**

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is the re-subdivision of existing lots, the number of lots is not increased, and the number of dwellings that the land could be used for does not increase.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>▪ Each new lot is at least the area specified for the land in the zone or the schedule to the zone.</li> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	Clause 59.01
Subdivide land into 2 lots where each new lot is at least the area specified for the land in the zone or the schedule to the zone.	Clause 59.12

**35.06-4**

05/09/2013  
VC103

**Long term lease or licence for accommodation**

A permit is required to lease or license a portion of a lot for a period of more than 10 years if the portion is to be leased or licensed for the purpose of Accommodation.

Each portion of a lot leased or licensed for the purpose of Accommodation must be at least the area specified as the minimum subdivision area for the land in a schedule to this zone. If no area is specified, each portion of a lot leased or licensed for the purpose of Accommodation must be at least 40 hectares.

This provision only applies to land in Metropolitan Melbourne.

**35.06-5**

14/12/2023  
VC253

**Buildings and works**

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.06-1. This does not apply to:
  - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension does not exceed the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
  - An alteration or extension to a small second dwelling.
  - An out-building associated with an existing dwelling provided the floor area of the out-building does not exceed the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
  - An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension does not exceed the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres. The building must not be used to keep, board, breed or train animals.
  - A rainwater tank.
- Earthworks specified in a schedule to this zone, if on land specified in a schedule.
- A building which is within any of the following setbacks:
  - 100 metres from a Transport Zone 2 or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road.
  - 40 metres from a Transport Zone 3 or land in a Public Acquisition Overlay for a road if the Head, Transport for Victoria is not the acquiring authority.
  - 20 metres from any other road.
  - 5 metres from any other boundary.
  - 100 metres from a dwelling or small second dwelling not in the same ownership.
  - 100 metres from a waterway, wetlands or designated flood plain.
- A building or works associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
<p>Construct a building or construct or carry out works with an estimated cost of up to \$250,000 where:</p> <ul style="list-style-type: none"> <li>▪ The land is not used for Domestic animal husbandry, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry or Rural industry.</li> <li>▪ The land is not within 30 metres of land (not a road) which is in a residential zone.</li> <li>▪ The building or works are not associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i>.</li> </ul> <p>Any works must not be earthworks specified in the schedule to the zone.</p>	<p>Clause 59.13</p>

**35.06-6**

22/03/2022  
VC219

**Decision guidelines**

Before deciding on an application to use or subdivide land, lease or license a portion of a lot for a period of more than 10 years if the portion is to be leased or licensed for the purpose of Accommodation, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

**General issues**

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development.
- How the use or development conserves the values identified for the land in a schedule.
- Whether use or development protects and enhances the environmental, agricultural and landscape qualities of the site and its surrounds.
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.

**Rural issues**

- The environmental capacity of the site to sustain the rural enterprise.
- The need to prepare an integrated land management plan.
- The impact on the existing and proposed infrastructure.
- Whether the use or development will have an adverse impact on surrounding land uses.

**Environmental issues**

- An assessment of the likely environmental impact on the biodiversity and in particular the flora and fauna of the area.
- The protection and enhancement of the natural environment of the area, including the retention of vegetation and faunal habitats and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas.

- How the use and development relates to sustainable land management and the need to prepare an integrated land management plan which addresses the protection and enhancement of native vegetation and waterways, stabilisation of soil and pest plant and animal control.
- The location of on site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

**Accommodation issues**

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

**Design and siting issues**

- The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.
- The location and design of existing and proposed infrastructure services which minimises the visual impact on the landscape.
- The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of roads and existing and proposed infrastructure services to minimise the visual impact on the landscape.
- The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

**35.06-7**  
31/07/2018  
VC148

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 4.

10/06/2021  
C254card**SCHEDULE 1 TO CLAUSE 35.06 RURAL CONSERVATION ZONE**Shown on the planning scheme map as **RCZ1**.**CONSERVATION VALUES**

Protection and conservation of the environmental values and landscape qualities of the land, including habitat of botanical and zoological significance, and the conservation of natural resources, including native vegetation, waterways and soils.

**1.0**10/06/2021  
C254card**Subdivision and other requirements**

	<b>Land</b>	<b>Area/Dimensions/Number</b>
Minimum subdivision area (hectares)	All land	40 ha
Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres)	None specified	None specified
Maximum floor area for which no permit is required to construct an out-building associated with a dwelling (square metres)	None specified	None specified
Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres)	None specified	None specified
<b>Permit requirement for earthworks</b>		
	<b>Land</b>	
Earthworks which change the rate of flow or the discharge point of water across a property boundary	All land	
Earthworks which increase the discharge of saline groundwater	All land	

10/06/2021  
C254card

**SCHEDULE 2 TO CLAUSE 35.06 RURAL CONSERVATION ZONE**

Shown on the planning scheme map as **RCZ2**.

**CONSERVATION VALUES**

Protection and conservation of the environmental values and landscape qualities of the land, including habitat of botanical and zoological significance, and the conservation of natural resources, including native vegetation, waterways and soils.

**1.0**

10/06/2021  
C254card

**Subdivision and other requirements**

	<b>Land</b>	<b>Area/Dimensions/Number</b>
Minimum subdivision area (hectares)	All land	15 ha
Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres)	None specified	None specified
Maximum floor area for which no permit is required to construct an out-building associated with a dwelling (square metres)	None specified	None specified
Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres)	None specified	None specified

<b>Permit requirement for earthworks</b>	<b>Land</b>
Earthworks which change the rate of flow or the discharge point of water across a property boundary	All land
Earthworks which increase the discharge of saline groundwater	All land

**35.07**  
31/07/2018  
VC148

**FARMING ZONE**

Shown on the planning scheme map as **FZ** with a number (if shown).

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for the use of land for agriculture.

To encourage the retention of productive agricultural land.

To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

To encourage the retention of employment and population to support rural communities.

To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

**35.07-1**  
15/08/2025  
VC290

**Table of uses**

**Section 1 – Permit not required**

Use	Condition
<b>Abattoir</b>	<p>Must be used in conjunction with Animal production on the same land or contiguous land in the same ownership.</p> <p>Must not have a gross floor area more than 200 square metres.</p> <p>Must not slaughter or process animals, including birds, at a designed throughput of greater than 120 tonnes of product per year.</p> <p>Must not exceed a wastewater design or actual flow rate of greater than 5,000 litres per day. Must not be within 100 metres of a dwelling in separate ownership.</p> <p>The land must be at least 100 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone, Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.</p> <p>Must not be a purpose listed in the table to Clause 53.10 with no threshold distance.</p>
<b>Agriculture (other than Animal production, Apiculture, Domestic animal husbandry, Racing dog husbandry, Rice growing and Timber production)</b>	
<b>Automated collection point</b>	<p>Must meet the requirements of Clause 52.13-3 and 52.13-5.</p> <p>The gross floor area of all buildings must not exceed 50 square metres.</p>
<b>Bed and breakfast</b>	<p>No more than 10 persons may be accommodated away from their normal place of residence.</p>

## CARDINIA PLANNING SCHEME

Use	Condition
	<p>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</p> <p>Must be located more than one kilometre from the nearest title boundary of land subject to:</p> <ul style="list-style-type: none"> <li>▪ A permit for a wind energy facility; or</li> <li>▪ An application for a permit for a wind energy facility; or</li> <li>▪ An incorporated document approving a wind energy facility; or</li> <li>▪ A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the <i>Environment Effects Act 1978</i>.</li> </ul> <p>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i>.</p>
<b>Cattle feedlot</b>	<p>Must meet the requirements of Clause 53.08.</p> <p>The total number of cattle to be housed in the cattle feedlot must be 1000 or less.</p> <p>The site must be located outside a special water supply catchment under the <i>Catchment and Land Protection Act 1994</i>.</p> <p>The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.</p>
<b>Domestic animal husbandry (other than Domestic animal boarding)</b>	<p>Must be no more than 5 animals.</p>
<b>Dwelling (other than Bed and breakfast)</b>	<p>Must be the only dwelling on the lot.</p> <p>The lot must be at least the area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares.</p> <p>Must meet the requirements of Clause 35.07-2.</p> <p>Must be located more than one kilometre from the nearest title boundary of land subject to:</p> <ul style="list-style-type: none"> <li>▪ A permit for a wind energy facility; or</li> <li>▪ An application for a permit for a wind energy facility; or</li> <li>▪ An incorporated document approving a wind energy facility; or</li> <li>▪ A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the <i>Environment Effects Act 1978</i>.</li> </ul> <p>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i>.</p>
<b>Grazing animal production</b>	
<b>Home based business</b>	

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Informal outdoor recreation</b>	
<b>Poultry farm</b>	<p>Must be no more than 100 poultry (not including emus or ostriches).</p> <p>Must be no more than 10 emus and ostriches.</p>
<b>Primary produce sales</b>	<p>Must not be within 100 metres of a dwelling in separate ownership.</p> <p>The area used for the display and sale of primary produce must not exceed 50 square metres.</p>
<b>Racing dog husbandry</b>	<p>Must be no more than 5 animals.</p>
<b>Railway</b>	
<b>Rural industry (other than Abattoir and Sawmill)</b>	<p>Must not have a gross floor area more than 200 square metres.</p> <p>Must not be within 100 metres of a dwelling in separate ownership.</p> <p>Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.</p> <p>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:</p> <ul style="list-style-type: none"> <li>▪ The threshold distance, for a purpose listed in the table to Clause 53.10.</li> <li>▪ 30 metres, for a purpose not listed in the table to Clause 53.10.</li> </ul> <p>Must not:</p> <ul style="list-style-type: none"> <li>▪ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2022.</li> <li>▪ Require a notification under the Occupational Health and Safety Regulations 2017.</li> <li>▪ Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</li> <li>▪ Require a licence under the Dangerous Goods (HCDG) Regulations 2016.</li> </ul>
<b>Rural store</b>	<p>Must be used in conjunction with Agriculture.</p> <p>Must be in a building, not a dwelling and have a gross floor area of less than 100 square metres.</p> <p>Must be the only Rural store on the lot.</p>
<b>Rural worker accommodation</b>	<p>The number of persons accommodated at any time must not be more than 10.</p> <p>Must be used in conjunction with Agriculture on the same land or contiguous land in the same ownership.</p> <p>Must be used exclusively for accommodating workers engaged on the same land or contiguous land in the same ownership.</p> <p>Must be the only accommodation other than a dwelling on the same land or contiguous land in the same ownership.</p> <p>Must be on the same lot as an existing dwelling.</p>

## CARDINIA PLANNING SCHEME

Use	Condition
	<p>The lot must be at least the area specified in a schedule to this zone for which no permit is required to use land for a dwelling. If no area is specified, the lot must be at least 40 hectares.</p> <p>Must meet the requirements of Clause 35.07-2.</p> <p>Must be located more than one kilometre from the nearest title boundary of land subject to:</p> <ul style="list-style-type: none"><li>▪ A permit for a wind energy facility; or</li><li>▪ An application for a permit for a wind energy facility; or</li><li>▪ An incorporated document approving a wind energy facility; or</li><li>▪ A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the <i>Environment Effects Act 1978</i>.</li></ul> <p>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i>.</p>
<b>Small second dwelling</b>	<p>Must be no more than one dwelling existing on the lot.</p> <p>Must be the only small second dwelling on the lot.</p> <p>Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.</p> <p>Must meet the requirements of Clause 35.07-2.</p> <p>Must be located more than one kilometre from the nearest title boundary of land subject to:</p> <ul style="list-style-type: none"><li>▪ A permit for a wind energy facility; or</li><li>▪ An application for a permit for a wind energy facility; or</li><li>▪ An incorporated document approving a wind energy facility; or</li><li>▪ A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the <i>Environment Effects Act 1978</i>.</li></ul> <p>Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i>.</p>
<b>Timber production</b>	<p>Must meet the requirements of Clause 53.11.</p> <p>The plantation area must not exceed any area specified in a schedule to this zone. Any area specified must be at least 40 hectares.</p> <p>The total plantation area (existing and proposed) on contiguous land which was in the same ownership on or after 28 October 1993 must not exceed any scheduled area.</p> <p>The plantation must not be within 100 metres of:</p> <ul style="list-style-type: none"><li>▪ Any dwelling in separate ownership.</li><li>▪ Any land zoned for residential, commercial or industrial use.</li><li>▪ Any site specified on a permit which is in force which permits a dwelling to be constructed.</li></ul>

## CARDINIA PLANNING SCHEME

Use	Condition
	The plantation must not be within 20 metres of a powerline whether on private or public land, except with the consent of the relevant electricity supply or distribution authority.
<b>Tramway</b>	
<b>Any use listed in Clause 62.01</b>	Must meet requirements of Clause 62.01.

### Section 2 – Permit required

Use	Condition
<b>Animal production (other than Cattle feedlot, Grazing animal production and Poultry farm)</b>	
<b>Broiler farm - if the Section 1 condition to Poultry farm is not met</b>	Must meet the requirements of Clause 53.09.
<b>Camping and caravan park</b>	
<b>Car park</b>	Must be used in conjunction with another use in Section 1 or 2.
<b>Cattle feedlot – if the Section 1 condition is not met</b>	Must meet the requirements of Clause 53.08.  The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.
<b>Cemetery</b>	
<b>Crematorium</b>	
<b>Domestic animal boarding</b>	
<b>Dwelling (other than Bed and breakfast) – if the Section 1 condition is not met</b>	Must meet the requirements of Clause 35.07-2.
<b>Emergency services facility</b>	
<b>Freeway service centre</b>	Must meet the requirements of Clause 53.05.
<b>Group accommodation</b>	
<b>Host farm</b>	
<b>Industry (other than Automated collection point and Rural industry)</b>	
<b>Landscape gardening supplies</b>	
<b>Leisure and recreation (other than Informal outdoor recreation)</b>	

**CARDINIA PLANNING SCHEME**

<b>Use</b>	<b>Condition</b>
<b>Manufacturing sales</b>	
<b>Market</b>	
<b>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus and Nightclub)</b>	
<b>Primary school</b>	
<b>Racing dog husbandry – if the Section 1 condition is not met</b>	Must meet the requirements of Clause 53.12.
<b>Renewable energy facility (other than Wind energy facility)</b>	Must meet the requirements of Clause 53.13.
<b>Residential hotel</b>	
<b>Restaurant</b>	
<b>Rice growing</b>	
<b>Rural worker accommodation – if the Section 1 condition is not met</b>	Must meet the requirements of Clause 35.07-2.
<b>Sawmill</b>	
<b>Secondary school</b>	
<b>Timber production – if the Section 1 condition is not met</b>	Must meet the requirements of Clause 53.11.
<b>Trade supplies</b>	
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	
<b>Warehouse (other than Rural store)</b>	
<b>Wind energy facility</b>	Must meet the requirements of Clause 52.32.
<b>Winery</b>	
<b>Any other use not in Section 1 or 3</b>	

**Section 3 – Prohibited**

<b>Use</b>
<b>Accommodation (other than Bed and breakfast, Camping and caravan park, Dwelling, Group accommodation, Host farm, Residential hotel, Rural worker accommodation and Small second dwelling)</b>
<b>Amusement parlour</b>
<b>Cinema based entertainment facility</b>
<b>Education centre (other than Primary school and Secondary school)</b>

Use
Nightclub
Office
Retail premises (other than Market, Landscape gardening supplies, Manufacturing sales, Primary produce sales, Restaurant and Trade supplies)
Small second dwelling – if the Section 1 condition is not met

**35.07-2**

14/12/2023  
VC253

**Use of land for a dwelling, small second dwelling or rural worker accommodation**

A lot used for a dwelling, small second dwelling or rural worker accommodation must meet the following requirements:

- Access to the dwelling, small second dwelling or rural worker accommodation must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- Each dwelling, small second dwelling or rural worker accommodation must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.
- The dwelling, small second dwelling or rural worker accommodation must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling, small second dwelling or rural worker accommodation must be connected to a reticulated electricity supply or have an alternative energy source.

**35.07-3**

14/12/2023  
VC253

**Subdivision**

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

A permit cannot be granted which would allow a separate lot to be created for land containing a small second dwelling.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where:	Clause 59.01

Class of application	Information requirements and decision guidelines
<ul style="list-style-type: none"> <li>▪ Each new lot is at least the area specified for the land in the zone or the schedule to the zone.</li> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> <li>▪ The land is not used for Rural worker accommodation</li> </ul>	
<hr/> <p>Subdivide land into 2 lots where each new lot is at least the area specified for the land in the zone or the schedule to the zone where the land is not used for Rural worker accommodation.</p>	
	<p>Clause 59.12</p>

**35.07-4**

14/12/2023  
VC253

**Buildings and works**

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.07-1. This does not apply to:
  - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 200 square metres. Any area specified must be more than 200 square metres.
  - An out-building associated with an existing dwelling provided the floor area of the out-building is not more than the area specified in a schedule to this zone or, if no area is specified, 250 square metres. Any area specified must be more than 250 square metres.
  - An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 250 square metres. Any area specified must be more than 250 square metres. The building must not be used to keep, board, breed or train animals.
  - A rainwater tank.
- Earthworks specified in a schedule to this zone, if on land specified in a schedule.
- A building which is within any of the following setbacks:
  - The setback from a Transport Zone 2 or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority and the purpose of the acquisition is for a road specified in a schedule to this zone or, if no setback is specified, 50 metres.
  - The setback from any other road or boundary specified in a schedule to this zone.
  - The setback from a dwelling not in the same ownership specified in a schedule to this zone.
  - 100 metres from a small second dwelling not in the same ownership.
  - 100 metres from a waterway, wetlands or designated flood plain or, the distance specified in the schedule to this zone. Any distance specified must be less than 100 metres.
- Permanent or fixed feeding infrastructure for seasonal or supplementary feeding for grazing animal production constructed within 100 metres of:
  - A waterway, wetland or designated flood plain.
  - A dwelling or small second dwelling not in the same ownership.
  - A residential or urban growth zone.

## CARDINIA PLANNING SCHEME

- A building or works associated with accommodation located within one kilometre from the nearest title boundary of land subject to:
  - A permit for a wind energy facility; or
  - An application for a permit for a wind energy facility; or
  - An incorporated document approving a wind energy facility; or
  - A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*.
- A building or works associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a building or construct or carry out works associated with a Section 1 use in the Table of uses of the zone with an estimated cost of up to \$500,000.  Any works must not be earthworks specified in the schedule to the zone.	Clause 59.13
Construct a building or construct or carry out works associated with a Section 2 use in the Table of uses of the zone with an estimated cost of up to \$500,000 where: <ul style="list-style-type: none"> <li>■ The land is not used for Domestic animal husbandry, Intensive animal production, Pig farm, Poultry farm, Poultry hatchery, Racing dog husbandry, Rural industry or Rural worker accommodation.</li> <li>■ The land is not within 30 metres of land (not a road) which is in a residential zone.</li> <li>■ The building or works are not associated with accommodation located within one kilometre from the nearest title boundary of land subject to:               <ul style="list-style-type: none"> <li>- A permit for a wind energy facility; or</li> <li>- An application for a permit for a wind energy facility; or</li> <li>- An incorporated document approving a wind energy facility; or</li> <li>- A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the <i>Environment Effects Act 1978</i>.</li> </ul> </li> <li>■ The building or works are not associated with accommodation located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i>.</li> </ul> Any works must not be earthworks specified in the schedule to the zone.	Clause 59.13

**35.07-5**  
19/01/2006  
VC37

### Application requirements for dwellings

An application to use a lot for a dwelling must be accompanied by a written statement which explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone.

**35.07-6**22/03/2022  
VC219**Decision guidelines**

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

**General issues**

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

**Agricultural issues and the impacts from non-agricultural uses**

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.
- Whether Rural worker accommodation is necessary having regard to:
  - The nature and scale of the agricultural use.
  - The accessibility to residential areas and existing accommodation, and the remoteness of the location.
- The duration of the use of the land for Rural worker accommodation.

**Accommodation issues**

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.
- The potential for accommodation to be adversely affected by noise and shadow flicker impacts if it is located within one kilometre from the nearest title boundary of land subject to:
  - A permit for a wind energy facility; or
  - An application for a permit for a wind energy facility; or

## CARDINIA PLANNING SCHEME

- An incorporated document approving a wind energy facility; or
- A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*.
- The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

### Environmental issues

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

### Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.
- The need to locate and design buildings used for accommodation to avoid or reduce noise and shadow flicker impacts from the operation of a wind energy facility if it is located within one kilometre from the nearest title boundary of land subject to:
  - A permit for a wind energy facility; or
  - An application for a permit for a wind energy facility; or
  - An incorporated document approving a wind energy facility; or
  - A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*.
- The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.

**35.07-7**

31/07/2018  
VC148

### Signs

Sign requirements are at Clause 52.05. This zone is in Category 4.

10/06/2021  
C254card

## SCHEDULE 1 TO CLAUSE 35.07 FARMING ZONE

Shown on the planning scheme map as **FZ1**.

### 1.0

20/01/2022  
VC205

#### Subdivision and other requirements

	Land	Area/Dimensions/Distance
Minimum subdivision area (hectares)	All land	40 ha
Minimum area for which no permit is required to use land for a dwelling (hectares)	None specified	None specified
Maximum area for which no permit is required to use land for timber production (hectares)	None specified	None specified
Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres)	None specified	None specified
Maximum floor area for which no permit is required to construct an out-building associated with a dwelling (square metres)	None specified	None specified
Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres)	None specified	None specified
Minimum setback from a road (metres)	A Transport Zone 2 or land in a Public Acquisition Overlay if: <ul style="list-style-type: none"> <li>▪ The Head, Transport for Victoria is the acquiring authority; and</li> <li>▪ The purpose of the acquisition is for a road.</li> </ul>	100 m
	A Transport Zone 3 or land in a Public Acquisition Overlay if: <ul style="list-style-type: none"> <li>▪ The Head, Transport for Victoria is not the acquiring authority; and</li> <li>▪ The purpose of the acquisition is for a road.</li> </ul>	40 m
	All other road	20 m
Minimum setback from a boundary (metres)	Any other boundary	5 m
Minimum setback from a dwelling not in the same ownership (metres)	Any dwelling not in the same ownership	100 m

## CARDINIA PLANNING SCHEME

Permit requirement for earthworks	Land
Earthworks which change the rate of flow or the discharge point of water across a property boundary	All land
Earthworks which increase the discharge of saline groundwater	All land

**SCHEDULE 2 TO CLAUSE 35.07 FARMING ZONE**Shown on the planning scheme map as **FZ2**.**1.0****Subdivision and other requirements**

	<b>Land</b>	<b>Area/Dimensions/Distance</b>
Minimum subdivision area (hectares)	All land	15 ha
Minimum area for which no permit is required to use land for a dwelling (hectares)	None specified	15 ha
Maximum area for which no permit is required to use land for timber production (hectares)	None specified	40 ha
Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres)	None specified	None specified
Maximum floor area for which no permit is required to construct an out-building associated with a dwelling (square metres)	None specified	None specified
Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres)	None specified	None specified
Minimum setback from a road (metres)	A Transport Zone 2 or land in a Public Acquisition Overlay if: <ul style="list-style-type: none"> <li>▪ The Head, Transport for Victoria is the acquiring authority; and</li> <li>▪ The purpose of the acquisition is for a road.</li> </ul>	100 m
	A Transport Zone 3 or land in a Public Acquisition Overlay if: <ul style="list-style-type: none"> <li>▪ The Head, Transport for Victoria is not the acquiring authority; and</li> <li>▪ The purpose of the acquisition is for a road.</li> </ul>	40 m
	Any other road	20 m
Minimum setback from a boundary (metres)	Any other boundary	5 m
Minimum setback from a dwelling not in the same ownership (metres)	Any dwelling not in the same ownership	100 m

## CARDINIA PLANNING SCHEME

Permit requirement for earthworks	Land
Earthworks which change the rate of flow or the discharge point of water across a property boundary	All land
Earthworks which increase the discharge of saline groundwater	All land

**PUBLIC LAND ZONES**

**36.01**  
31/07/2018  
VC148

## PUBLIC USE ZONE

Shown on the planning scheme map as **PUZ** with a number.

### Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To recognise public land use for public utility and community services and facilities.

To provide for associated uses that are consistent with the intent of the public land reservation or purpose.

**36.01-1**  
14/11/2022  
VC227

## Table of uses

### Section 1 - Permit not required

Use	Condition
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5. The gross floor area of all buildings must not exceed 50 square metres.
Railway	
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.
Any other use	The use must be for the purpose described in the table to Clause 36.01-6 which corresponds to the notation on the planning scheme map. The use must be carried out by or on behalf of the public land manager.

### Section 2 - Permit required

Use	Condition

### Section 3 - Prohibited

Use
Nil

**36.01-2**  
19/01/2006  
VC37

## Permit requirement

A permit is required to:

- Construct a building or construct or carry out works for any use in Section 2 of Clause 36.01-1. This does not apply to navigational beacons and aids.
- Subdivide land.

**36.01-3**  
19/01/2006  
VC37

## Application requirements

An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:

- To the application for permit being made.
- To the application for permit being made and to the proposed use or development.

**36.01-4**

31/07/2018  
VC148

**Decision guidelines**

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The comments of any Minister or public land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

**36.01-5**

19/01/2006  
VC37

**Permit not required**

A permit is not required to use land, or to construct a building or construct or carry out works on land, listed in a schedule to this zone, provided any condition in the schedule is complied with.

**36.01-6**

14/01/2025  
VC237

**Table of public land use**

Shown on the planning scheme map	Purpose of public land use
<b>PUZ1</b>	Service & Utility
<b>PUZ2</b>	Education
<b>PUZ3</b>	Health & Community
<b>PUZ5</b>	Cemetery/Crematorium
<b>PUZ6</b>	Local Government
<b>PUZ7</b>	Other public use

**36.01-7**

20/01/2022  
VC205

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 4 unless a different requirement is specified in the schedule to this zone.

Where a Transport Zone 2 or a Transport Zone 3 is the nearest adjoining zone, a permit is required to display a sign.

10/06/2021  
C254card

**SCHEDULE TO CLAUSE 36.01 PUBLIC USE ZONE**

**1.0**

10/06/2021  
C254card

**Permit exemptions and conditions**

Public land	Use or development	Conditions
Any land leased or licensed from Melbourne Water Corporation to Melbourne Parks and Waterways.	Any use or development associated with Melbourne Parks and Waterways' operation or management of the land as a public park.	Must be undertaken by or on behalf of Melbourne Parks and Waterways under the Water Industry Act 1994, the Water Act 1989, the Marine Act 1988, the Port of Melbourne Authority Act 1958 or the Crown Land (Reserves) Act 1978.
Any land owned by, vested in, or under the control of the Emerald Tourist Railway Board	Any use or development associated with normal operation of the Emerald (Puffing Billy) Tourist Railway.	<p>Normal operations includes: rail infrastructure (tracks, signals, communications, station buildings, platforms, rail storage yards, workshops and storage buildings for rolling stock and equipment); café / kiosk within the station precinct; gift / souvenir shop within or as part of a station building; and a car park for Puffing Billy patrons, volunteers and staff.</p> <p>Normal operations exclude: tourist accommodation; a convention centre; a café, restaurant or licensed premises other than a café / kiosk specified in the condition above; a shop other than a gift / souvenir shop specified in the condition above; and a carpark associated with an activity outside normal operations.</p>

**2.0**

10/06/2021  
C254card

**Sign requirements**

Land	Sign Category
All land	Category 3

**36.02**

31/07/2018  
VC148

**PUBLIC PARK AND RECREATION ZONE**

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

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To recognise areas for public recreation and open space.

To protect and conserve areas of significance where appropriate.

To provide for commercial uses where appropriate.

**36.02-1**

14/01/2025  
VC237

**Table of uses**

**Section 1 - Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Automated collection point</b>	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
<b>Informal outdoor recreation</b>	
<b>Open sports ground</b>	Must be conducted by or on behalf of the public land manager.  Must not be on coastal Crown land under the <i>Marine and Coastal Act 2018</i> .
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01.
<b>Contractor's depot</b>	Must be either of the following:
<b>Heliport</b>	A use conducted by or on behalf of a public land manager, Parks Victoria or the Great Ocean Road Coast and Parks Authority, under the relevant provisions of the <i>Local Government Act 2020</i> , the <i>Reference Areas Act 1978</i> , the <i>National Parks Act 1975</i> , the <i>Fisheries Act 1995</i> , the <i>Wildlife Act 1975</i> , the <i>Forest Act 1958</i> , the <i>Water Industry Act 1994</i> , the <i>Water Act 1989</i> , the <i>Marine Safety Act 2010</i> , the <i>Port Management Act 1995</i> , or the <i>Crown Land (Reserves) Act 1978</i> .
<b>Office</b>	
<b>Retail premises</b>	
<b>Store</b>	
<b>Any other use not in Section 3</b>	A use specified in an Incorporated plan in a schedule to this zone.

**Section 2 - Permit required**

<b>Use</b>	<b>Condition</b>
<b>Contractor's depot - if the Section 1 condition is not met</b>	Must be associated with the public land use.
<b>Heliport - if the Section 1 condition is not met</b>	Must be associated with the public land use.
<b>Office - if the Section 1 condition is not met</b>	Must be associated with the public land use.
<b>Retail premises - if the Section 1 condition is not met</b>	Must be associated with the public land use.

Use	Condition
Store - if the Section 1 condition is not met	Must be associated with the public land use.

**Section 3 - Prohibited**

Use
Cinema based entertainment facility
Corrective institution
Display home centre
Funeral parlour
Industry (other than Automated collection point)
Saleyard
Transport terminal (other than Heliport)
Veterinary centre
Warehouse (other than Store)

**36.02-2**

14/01/2025  
VC237

**Permit requirement**

A permit is required to:

- Construct a building or construct or carry out works. This does not apply to:
  - Pathways, trails, seating, picnic tables, drinking taps, shelters, barbeques, rubbish bins, security lighting, irrigation, drainage or underground infrastructure.
  - Playground equipment or sporting equipment, provided these facilities do not occupy more than 10 square metres of parkland.
  - Navigational beacons and aids.
  - Planting or landscaping.
  - Fencing that is 1 metre or less in height above ground level.
  - A building or works shown in an Incorporated plan which applies to the land.
  - A building or works carried out by or on behalf of a public land manager, Parks Victoria or the Great Ocean Road Coast and Parks Authority, under the *Local Government Act 2020*, the *Reference Areas Act 1978*, the *National Parks Act 1975*, the *Fisheries Act 1995*, the *Wildlife Act 1975*, the *Forest Act 1958*, the *Water Industry Act 1994*, the *Water Act 1989*, the *Marine Safety Act 2010*, the *Port Management Act 1995* or the *Crown Land (Reserves) Act 1978*.
- Subdivide land.

**36.02-3**

19/01/2006  
VC37

**Application requirements**

An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:

- To the application for permit being made.

- To the application for permit being made and to the proposed use or development.

#### **36.02-4**

31/07/2018  
VC148

#### **Exemption from notice and review**

An application to subdivide land which is consistent with an Incorporated plan is 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.

#### **36.02-5**

31/07/2018  
VC148

#### **Decision guidelines**

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

#### **36.02-6**

19/01/2006  
VC37

#### **Incorporated plan**

An Incorporated plan is a plan which shows the way the land is to be used and developed. An Incorporated plan may include the following information:

- Recognition of existing use and how the area is to be developed.
- The building envelope of any proposed buildings.
- Details of any proposed buildings or works.
- The location of pedestrian or vehicle access points or car parking areas.
- The location of any areas for specific uses or a schedule of specific uses which are allowed without permit.
- Topographic details including any proposed cut and fill.
- The location of existing and proposed features.
- The location of existing native and other vegetation and any proposed landscaping works or areas of vegetation to be added or removed.
- The identification of sites of flora or fauna significance (including, in particular, any potentially threatened species or significant habitat) or other places of cultural heritage or scientific value.

The Incorporated plan must be consistent with the intent of the public land reservation under any Act and make reference to relevant policies and guidelines.

An Incorporated plan may be prepared in parts or stages.

#### **36.02-7**

19/01/2006  
VC37

#### **Use and development of land identified in a schedule**

Land identified in a schedule to this zone may be used and developed in accordance with the schedule or the specific controls contained in an incorporated document corresponding to the land, provided any condition in the schedule or incorporated document is complied with.

#### **36.02-8**

31/07/2018  
VC148

#### **Signs**

Sign requirements are at Clause 52.05. This zone is in Category 4 unless a different requirement is specified in the schedule to this zone.

10/06/2021  
C254card

**SCHEDULE TO CLAUSE 36.02 PUBLIC PARK AND RECREATION ZONE**

**1.0**

10/06/2021  
C254card

**Permit exemptions and conditions**

Public land	Use or development	Conditions
None specified	None specified	None specified

**2.0**

10/06/2021  
C254card

**Sign requirements**

Land	Sign Category
All land	Category 3

**3.0**

10/06/2021  
C254card

**Use and development of land specified in an Incorporated Plan**

None specified.

**36.03**

31/07/2018  
VC148

**PUBLIC CONSERVATION AND RESOURCE ZONE**

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

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values.

To provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes.

To provide for appropriate resource based uses.

**36.03-1**

14/01/2025  
VC237

**Table of uses**

**Section 1 - Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Apiculture</b>	Must meet the requirements of the Apiary Code of Practice, May 2011.
<b>Automated collection point</b>	Must meet the requirements of Clause 52.13-3 and 52.13-5. The gross floor area of all buildings must not exceed 50 square metres.
<b>Boat launching facility</b>	Must be either of the following:
<b>Camping and caravan park</b>	<ul style="list-style-type: none"> <li>A use conducted by or on behalf of a public land manager, Parks Victoria or the Great Ocean Road Coast and Parks Authority, under the relevant provisions of the <i>Local Government Act 2020</i>, the <i>Reference Areas Act 1978</i>, the <i>National Parks Act 1975</i>, the <i>Fisheries Act 1995</i>, the <i>Wildlife Act 1975</i>, the <i>Forests Act 1958</i>, the <i>Water Industry Act 1994</i>, the <i>Water Act 1989</i>, the <i>Marine Safety Act 2010</i>, the <i>Port Management Act 1995</i> or the <i>Crown Land (Reserves) Act 1978</i>.</li> <li>Specified in an Incorporated plan in a schedule to this zone.</li> </ul>
<b>Caretaker's house</b>	
<b>Car park</b>	
<b>Informal outdoor recreation</b>	
<b>Interpretation centre</b>	
<b>Jetty</b>	
<b>Kiosk</b>	
<b>Marine dredging</b>	
<b>Mooring pole</b>	
<b>Open sports ground</b>	
<b>Pier</b>	
<b>Pontoon</b>	
<b>Road</b>	
<b>Utility installation (other than Telecommunications facility)</b>	
<b>Any use listed in Clause 62.01 (other than Apiculture)</b>	

Use	Condition
<b>Any other use not in Section 2 or 3</b>	<ul style="list-style-type: none"> <li>▪ Must be a use conducted by or on behalf of a public land manager, Parks Victoria or the Great Ocean Road Coast and Parks Authority, under the relevant provisions of the <i>Local Government Act 2020</i>, the <i>Reference Areas Act 1978</i>, the <i>National Parks Act 1975</i>, the <i>Fisheries Act 1995</i>, the <i>Wildlife Act 1975</i>, the <i>Forests Act 1958</i>, the <i>Water Industry Act 1994</i>, the <i>Water Act 1989</i>, the <i>Marine Safety Act 2010</i>, the <i>Port Management Act 1995</i> or the <i>Crown Land (Reserves) Act 1978</i>.</li> </ul>

**Section 2 - Permit required**

Use	Condition
<b>Emergency services facility</b>	
<b>Renewable energy facility (other than Wind energy facility)</b>	<p>Must not be located on land reserved under the <i>National Parks Act 1975</i>.</p> <p>Must meet the requirements of Clause 53.13.</p>
<b>Wind energy facility</b>	<p>Must not be located on land described in a schedule to the <i>National Parks Act 1975</i>. This does not apply where the Wind energy facility is principally used to supply electricity to a facility used in conjunction with conservation, recreation, administration or accommodation use of the land.</p> <p>Must meet the requirements of Clause 52.32.</p>

**Section 3 - Prohibited**

Use
<b>The use in Section 1 described as ‘Any other use not in Section 2 or 3’ – if the Section 1 condition is not met</b>

**36.03-2**

14/01/2025  
VC237

**Permit requirement**

A permit is required to:

- Construct a building or construct or carry out works. This does not apply to:
  - A building or works shown in an Incorporated plan which applies to the land.
  - A building or works specified in Clause 62.02-1 or 62.02-2 carried out by or on behalf of a public authority or municipal council, if the public authority or municipal council is carrying out functions, powers or duties conferred by or under the *Local Government Act 2020*, the *Reference Areas Act 1978*, the *National Parks Act 1975*, the *Fisheries Act 1995*, the *Wildlife Act 1975*, the *Forests Act 1958*, the *Water Industry Act 1994*, the *Water Act 1989*, the *Marine Safety Act 2010*, the *Port Management Act 1995* or the *Crown Land (Reserves) Act 1978*.
  - A building or works carried out by or on behalf of a public land manager, Parks Victoria or the Great Ocean Road Coast and Parks Authority, under the *Local Government Act 2020*, the *Reference Areas Act 1978*, the *National Parks Act 1975*, the *Fisheries Act 1995*, the

*Wildlife Act 1975, the Forests Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Safety Act 2010, the Port Management Act 1995, the Crown Land (Reserves) Act 1978, or the Road Management Act 2004.*

- Subdivide land.

### **36.03-3**

20/03/2023  
VC229

#### **Application requirements**

An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:

- To the application for permit being made.
- To the application for permit being made and to the proposed use or development.

Where there is no public land manager, an application for a permit must be accompanied by the written consent of the Secretary to the Department of Energy, Environment and Climate Action.

### **36.03-4**

31/07/2018  
VC148

#### **Exemption from notice and review**

An application to subdivide land which is consistent with an Incorporated plan is exempt from the notice requirements of section 52(1) (a), (b), and (d), the decision requirements of sections 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

### **36.03-5**

18/06/2010  
VC62

#### **Referral of applications**

An application to use or develop land for the purpose of an emergency services facility must be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03.

### **36.03-6**

31/07/2018  
VC148

#### **Decision guidelines**

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

### **36.03-7**

18/06/2010  
VC62

#### **Incorporated plan**

An Incorporated plan is a plan which shows the way the land is to be used and developed. An Incorporated plan may include the following information:

- Recognition of existing use and how the area is to be developed.
- The building envelope of any proposed buildings.
- Details of proposed buildings or works.
- The location of pedestrian or vehicle access points or car parking areas.
- The location of any areas for specific uses and a schedule of specific uses which are allowed without permit.
- Topographic details including any proposed cut and fill.
- The location of existing and proposed features.

## CARDINIA PLANNING SCHEME

- The location of existing native or other vegetation and any proposed landscaping works or areas of vegetation to be added or removed.
- The identification of sites of flora or fauna significance (including, in particular, any potentially threatened species or significant habitat) or other places of cultural, heritage or scientific value.

The Incorporated plan must be consistent with the intent of the public land reservation under any Act and make reference to relevant policies and guidelines.

An Incorporated plan may be prepared in parts or stages.

### **36.03-8**

18/06/2010  
VC62

#### **Use and development of land identified in a schedule**

Land identified in a schedule to this zone may be used and developed in accordance with the schedule or the specific controls contained in an incorporated document corresponding to the land, provided any condition in the schedule or incorporated document is complied with.

### **36.03-9**

31/07/2018  
VC148

#### **Signs**

Sign requirements are at Clause 52.05. This zone is in Category 4 unless a different requirement is specified in the schedule to this zone.

10/06/2021  
C254card

**SCHEDULE TO CLAUSE 36.03 PUBLIC CONSERVATION AND RESOURCE ZONE**

**1.0**

10/06/2021  
C254card

**Permit exemptions and conditions**

<b>Public land</b>	<b>Use or development</b>	<b>Conditions</b>
None specified	None specified	None specified

**2.0**

10/06/2021  
C254card

**Sign requirements**

<b>Land</b>	<b>Sign Category</b>
None specified	None specified

**3.0**

10/06/2021  
C254card

**Use and development of land specified in an Incorporated Plan**

None specified.

**36.04**

20/01/2022  
VC205

**TRANSPORT ZONE**

Shown on the planning scheme map as **TRZ** with a number.

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for an integrated and sustainable transport system.

To identify transport land use and land required for transport services and facilities.

To provide for the use and development of land that complements, or is consistent with, the transport system or public land reservation.

To ensure the efficient and safe use of transport infrastructure and land comprising the transport system.

**36.04-1**

15/03/2024  
VC256

**Table of uses**

**Section 1 - Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Automated collection point</b>	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
<b>Railway</b>	
<b>Railway station</b>	The combined leasable floor area for the selling of food, drink and other convenience goods and services must not exceed 800 square metres.
<b>Tramway</b>	
<b>Transport terminal (other than Railway station)</b>	The use must be carried out by or on behalf of a relevant transport manager.
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	The use must be carried out by or on behalf of a relevant transport manager.
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01.
<b>Any other use</b>	The use must be for a transport purpose and carried out by or on behalf of a relevant transport manager.

**Section 2 - Permit required**

<b>Use</b>	<b>Condition</b>

**Section 3 - Prohibited**

<b>Use</b>
<b>Nil</b>

**36.04-2**

20/01/2022  
VC205

**Permit requirement**

A permit is required to:

- Construct a building or construct or carry out works for any use in Section 2 of Clause 36.04-1. This does not apply to navigational beacons and aids.
- Subdivide land.

**36.04-3**

20/01/2022  
VC205

**Application requirements**

An application by a person other than a relevant transport manager on land shown on a planning scheme map as TRZ1 or TRZ2 must be accompanied by the written consent of the Head, Transport for Victoria, indicating that the Head, Transport for Victoria consents generally or conditionally to either:

- The application being made.
- The application being made and to the proposed use or development.

**36.04-4**

20/01/2022  
VC205

**Table of transport uses**

Shown on the planning scheme map	Purpose of transport use
TRZ1	State transport infrastructure
TRZ2	Principal road network
TRZ3	Significant municipal road
TRZ4	Other transport use

**36.04-5**

20/01/2022  
VC205

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The effect of the proposal on the development, operation and safety of the transport system.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

**36.04-6**

12/02/2024  
VC254

**Signs**

Sign requirements are at Clause 52.05.

A permit is required to construct or put up for display a sign:

- over a road carriageway or over land within 600 millimetres of a carriageway.
- on land in a Transport Zone 1, if a Transport Zone 2 or Transport Zone 3 is the adjoining zone.

For all other land in this zone, the sign category which applies is the category which applies to the adjoining zone nearest to the land. If land is equidistant from two or more adjoining zones, the least restrictive category applies.

**37**

19/01/2006  
VC37

**SPECIAL PURPOSE ZONES**

**37.01**

31/07/2018  
VC148

**SPECIAL USE ZONE**

Shown on the planning scheme map as **SUZ** with a number.

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone.

**37.01-1**

19/01/2006  
VC37

**Table of uses**

**Section 1 - Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Any use in Section 1 of the schedule to this zone</b>	Must comply with any condition in Section 1 of the schedule to this zone

**Section 2 - Permit required**

<b>Use</b>	<b>Condition</b>
<b>Any use in Section 2 of the schedule to this zone</b>	Must comply with any condition in Section 2 of the schedule to this zone.
<b>Any other use not in Section 1 or 3 of the schedule to this zone</b>	

**Section 3 - Prohibited**

<b>Use</b>
<b>Any use in Section 3 of the schedule to this zone</b>

**37.01-2**

31/07/2018  
VC148

**Use of land**

Any requirement in the schedule to this zone must be met.

**Application requirements**

An application to use land must be accompanied by any information specified in the schedule to this zone.

**Exemption from notice and review**

The schedule to this zone may specify that an application is 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.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any guidelines in the schedule to this zone.

**37.01-3**

14/12/2023  
VC253

**Subdivision**

**Permit requirement**

A permit is required to subdivide land.

Any requirement in the schedule to this zone must be met.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> <li>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul>	Clause 59.02
Subdivide land into 2 lots if: <ul style="list-style-type: none"> <li>▪ The construction of a building or the construction or carrying out of works on the land:                             <ul style="list-style-type: none"> <li>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>- Has started lawfully.</li> </ul> </li> <li>▪ The subdivision does not create a vacant lot.</li> </ul>	Clause 59.02

**Application requirements**

An application to subdivide land must be accompanied by any information specified in the schedule to this zone.

**Exemption from notice and review**

The schedule to this zone may specify that an application is 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.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any guidelines in the schedule to this zone.

**37.01-4**

20/12/2021  
VC174

**Buildings and works**

**Permit requirement**

A permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.

Any requirement in the schedule to this zone must be met.

An apartment development must meet the requirements of Clause 58.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a building or construct or carry out works with an estimated cost of up to \$500,000 and the land is not: <ul style="list-style-type: none"> <li>▪ Within 30 metres of land (not a road) which is in a residential zone.</li> <li>▪ Used for a purpose listed in the table to Clause 53.10.</li> </ul>	Clause 59.04

**Transitional provisions**

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

Clause 58 of this scheme, as in force immediately before the approval date of Amendment VC174, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

**Application requirements**

An application to construct a building or construct or carry out works must be accompanied by any information specified in the schedule to this zone.

An application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, must be accompanied by an urban context report and design response as required in Clause 58.01.

**Exemption from notice and review**

The schedule to this zone may specify that an application is 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.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- For an apartment development, the objectives, standards and decision guidelines of Clause 58.
- Any guidelines in the schedule to this zone.

**37.01-5**

31/07/2018  
VC148

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.

10/06/2021  
C254card

## SCHEDULE 1 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ1**.

### HORTICULTURAL PRESERVATION

#### Purpose

To preserve land of high agricultural quality for horticulture and other farming activities.

To discourage non-agricultural and non-soil based uses establishing on soil of high agricultural value.

To protect the area from the encroachment of urban and rural residential type development.

To minimise the potential for conflict between residents and normal farming practices that are related to the conduct of agricultural activities.

To encourage sustainable farming activities based on whole farm and catchment planning principles on an individual and community basis.

## 1.0

01/12/2023  
VC217

### Table of uses

#### Section 1 - Permit not required

Use	Condition
Automated collection point	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
Bed and breakfast	No more than 6 persons may be accommodated away from their normal place of residence.  At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Crop raising (other than Timber production)	
Extensive animal husbandry	
Home based business	
Informal outdoor recreation	
Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2.
Search for stone	Must not be costeaning or bulk sampling.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

#### Section 2 - Permit required

Use	Condition
Agriculture (other than Animal husbandry and Crop raising)	

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Animal husbandry (other than Animal boarding, Apiculture, Extensive animal husbandry, and Intensive animal husbandry)</b>	The gross floor area of all buildings associated with the use must not exceed 500 square metres.
<b>Caretaker's house</b>	Must be the only caretaker's house on the lot. Must meet the requirements of Clause 2 of this schedule.
<b>Dependent person's unit</b>	Must be the only dependent person's unit on the lot. Must meet the requirements of Clause 2 of this schedule.
<b>Dwelling (other than Bed and breakfast and Caretaker's house)</b>	Must be the only dwelling on the lot.  The lot must be at least 10 hectares. This does not apply to lots which were created under the provisions of a planning scheme.  This does not apply to the replacement of an existing dwelling if the existing dwelling is removed or altered (so it can no longer be used as a dwelling) within one month of the occupation of the replacement dwelling  Must meet the requirements of Clause 2 of this schedule.
<b>Group accommodation</b>	
<b>Host farm</b>	
<b>Mineral, stone, or soil extraction (other than Mineral exploration, Mining, and Search for stone)</b>	
<b>Place of assembly (other than Carnival and Circus)</b>	
<b>Plant nursery</b>	
<b>Primary produce sales</b>	The gross floor area of all buildings associated with the use must not exceed 500 square metres.
<b>Research centre</b>	
<b>Restaurant</b>	
<b>Rural industry (other than Abattoir and Sawmill)</b>	The gross floor area of all buildings associated with the use must not exceed 500 square metres.
<b>Store (other than Boat and caravan storage)</b>	
<b>Timber production</b>	Must meet the requirements of Clause 53.11.
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	
<b>Any other use not in Section 1 or 3</b>	

## Section 3 - Prohibited

**Use****Abattoir****Accommodation (other than Dependent person's unit, Dwelling, Group accommodation, and Host farm)****Animal boarding****Boat and caravan storage****Cemetery****Child care centre****Cinema based entertainment facility****Crematorium****Display home****Freeway service centre****Funeral parlour****Hospital****Industry (other than Automated collection point and Rural industry)****Intensive animal husbandry****Leisure and recreation (other than Informal outdoor recreation)****Office****Recreational boat facility****Retail premises (other than Plant nursery, Primary produce sales, and Restaurant)****Saleyard****Sawmill****Service station****Veterinary centre****Warehouse (other than Store)****2.0**10/06/2021  
C254card**Use of land**

A lot may be used for one dwelling (excluding a caretaker's house and dependent person's unit) provided the following requirements are met:

- Access must be provided via an all-weather road to the satisfaction of the responsible authority.
- The dwelling must be connected to reticulated sewerage or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source to the satisfaction of the responsible authority.

If the use is a caretaker's house or dependent person's unit, an agreement must be entered into under Section 173 of the Act requiring the house or unit to be removed or demolished if the use ceases.

**3.0**

10/06/2021  
C254card

**Subdivision**

Each lot must be at least 25 hectares.

A permit may be granted to create smaller lots if the subdivision is the re-subdivision of existing lots provided:

- No additional lots are created.
- The potential to create new lots is not increased.
- The potential for the number of dwellings is not increased.
- The proposed lots do not compromise the purpose of the zone.

**4.0**

04/05/2022  
VC210

**Buildings and works**

A permit is not required to construct a building or construct or carry out works except for any of the following:

- A building or works associated with a use in Section 2 of Clause 1 of this schedule.
- A building which is within any of the following setbacks:
  - 100 metres from a Transport Zone 2.
  - 20 metres from any other boundary.
  - 100 metres from a waterway.
- A building with a gross floor area which exceeds 200 square metres.
- A building which exceeds 7 metres in height.
- Excavation or land fill works which are in excess of 1 metre in depth or height.

**5.0**

10/06/2021  
C254card

**Signs**

None specified.

**6.0**

**Application requirements**

An application to use or subdivide land, construct a building or construct or carry out works must be accompanied by a report which explains how the proposal:

- Complies with the purposes of the zone.
- Responds to the decision guidelines for the zone.

**7.0**

**Decision guidelines**

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, the responsible authority must consider, as appropriate:

- The Land Capability Study for the Cardinia Shire (February 1997).
- Whether the land is liable to flooding and any advice received from Melbourne Water.
- Whether the use, building, works or subdivision will be detrimental to the horticultural significance of the area.
- Whether the dwelling is reasonably required for the operation of the rural activity being conducted on the land.
- Whether the use utilises the high quality soils for horticultural or agricultural pursuits.

## CARDINIA PLANNING SCHEME

- The impact of the use, building, works or subdivision on the character and appearance of the area.
- Whether the site is suitable for the use, building, works or subdivision and the compatibility of the proposal with adjoining and nearby farming and other land uses.

**SCHEDULE 3 TO CLAUSE 37.01 SPECIAL USE ZONE**

Shown on the planning scheme map as **SUZ3**.

**TYNONG RACECOURSE AND TRAINING FACILITY****Purpose**

To provide for the use and development of the land for Racecourse including Horse stables and horse training facility and the co-location of other uses legitimately connected/ operating in conjunction with these pursuits.

To provide for dwellings on the land that are used and located in conjunction with horse training facilities and horse stables.

To ensure that horse racing and training facilities are established in a manner which does not cause loss of amenity to, and is consistent with, surrounding land uses including metropolitan green wedge land.

**1.0**14/11/2022  
VC227**Table of uses****Section 1 - Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Agriculture (other than Animal keeping, Intensive animal husbandry and Timber production)</b>	Must be generally in accordance with Map 1 and Table 1 in this schedule.
<b>Automated collection point</b>	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
<b>Betting agency</b>	Must be generally in accordance with Map 1 and Table 1 in this schedule.
<b>Car park</b>	
<b>Education centre (other than Primary school or Secondary school)</b>	Must be generally in accordance with Map 1 and Table 1 in this schedule.
<b>Food and drink premises (other than Convenience restaurant, Hotel and Tavern)</b>	Must be generally in accordance with Map 1 and Table 1 in this schedule.
<b>Function centre</b>	Must be generally in accordance with Map 1 and Table 1 in this schedule.
<b>Helicopter landing site</b>	Must be in conjunction with the Major sports and recreation facility.
<b>Home based business</b>	
<b>Major sports and recreation facility</b>	
<b>Mineral exploration</b>	
<b>Minor sports and recreation facility (other than Outdoor recreation facility)</b>	Must be generally in accordance with Map 1 and Table 1 in this schedule.
<b>Mining</b>	Must meet the requirements of Clause 52.08-2
<b>Search for stone</b>	Must not be costeaning or bulk sampling

## CARDINIA PLANNING SCHEME

Use	Condition
Veterinary centre	Must be generally in accordance with Map 1 and Table 1 in this schedule.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

### Section 2 - Permit required

Use	Condition
Convenience restaurant	Must be generally in accordance with Map 1 and Table 1 in this schedule.
Dwelling	Must meet the requirements in Clause 2.
Equestrian supplies	Must be generally in accordance with Map 1 and Table 1 in this schedule.
Hotel	Must be generally in accordance with Map 1 and Table 1 in this schedule.
<b>Industry (other than Automated collection point)</b>	
<b>Market</b>	
<b>Mineral, stone, or soil extraction (other than Mineral exploration, Mining, and Search for stone)</b>	
Office	Must be directly associated with the management of the racecourse.
Residential hotel	Must be used in conjunction with a Major sports and recreation facility.
Tavern	Must be generally in accordance with Map 1 and Table 1 in this schedule.
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	
<b>Any other use not in Section 1 or 3</b>	

### Section 3 - Prohibited

Use
Accommodation (other than Dwelling)
Animal keeping
Convenience restaurant
Gaming premises (other than Betting agency)
Intensive animal husbandry
Motor racing track
Outdoor recreation facility

**Use****Place of assembly (other than Function centre)****Retail premises (other than Food and drink premises, Market or Equestrian supplies)****Timber production****Any other use not in Section 1 or 2****2.0**10/06/2021  
C254card**Use of land**

All use must be generally in accordance with Map 1 and Table 1 in this schedule.

**Environment Management Plan**

Prior to the commencement of any use on the land, an Environmental Management Plan must be prepared and approved to the satisfaction of the responsible authority. The Environmental Management Plan is to provide for:

- The impact of the use or development on the flora and fauna on the site and its surrounds and methods to avoid, minimise or mitigate those impacts.
- The need to protect and enhance the biodiversity of the area, including the retention of native vegetation and fauna habitat and the re-vegetation of important areas of habitat and integration of native vegetation into landscaping of the site.
- Avoidance and mitigation of impacts on Growling Grass Frog ecological community and habitat and the implementation of a Growling Grass Frog Management Plan approved to the satisfaction of the responsible authority.
- Management of impacts on Ararat Creek and surrounding environment.
- The management, treatment and disposal of stormwater, litter and effluent on site to avoid and minimise impacts of contaminants, nutrient and litter entering Ararat Creek, other waterways and on native vegetation.
- An assessment of the likely environmental impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of effluent, noise, dust and odours.
- Water sensitive urban design including methods for water collection and reuse.
- The management of any impacts on adjoining land associated with the horse racing and training facilities including noise, dust, traffic, hours of operation, night-lighting, light spill, effect on the privacy of adjoining properties, solar access, and glare.
- The management of impacts, if any, during the construction and carrying out of works, including dust, noise, litter, traffic and other amenity impacts.
- The management of areas identified in the reference document for future use and development.

**Use of land for a Dwelling**

A permit may only be granted to use land for the purposes of a Dwelling if:

- The use is in conjunction with the business of horse training.
- Training facilities have been constructed on the land or a permit has been issued to construct training facilities associated with the dwelling.
- The occupier is a 'Trainer' within the meaning of the Australian Rules of Racing, as amended from time to time, or is an employee of a Trainer. For the avoidance of doubt, a dwelling may only be occupied by a horse Trainer or employee of a Trainer together with their domestic partner and any dependents.

## CARDINIA PLANNING SCHEME

- There is only one dwelling on a lot.
- The dwelling can be connected to a reticulated sewerage system or if not available, the waste water can be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- The dwelling can be connected to a reticulated potable water supply or is able to have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.
- The dwelling can be connected to a reticulated electricity supply or have an alternative energy source.
- The permit is issued for a dwelling subject to a condition requiring the owner to enter into an agreement with the responsible authority under section 173 of the *Planning and Environment Act 1987* that provides for or requires that:
  - The land on which the dwelling is located must be used for the purposes of horse training and horse stables;
  - The land may be used for the purposes of a dwelling only if:
    - It is in conjunction with horse training and horse stables.
    - It is occupied by a 'Trainer' within the meaning of the Australian Rules of Racing or an employee of a Trainer'. A horse 'Trainer' may occupy the dwelling together with their domestic partner and any dependants.
    - There is only one dwelling on a lot.
  - Ongoing management arrangements of private property and common property.

### 3.0

10/06/2021  
C254card

#### Subdivision

A permit is required to subdivide land.

A permit may only be granted to subdivide land if:

- The racetrack and training track have been constructed or are under construction on the site.

The subdivision is generally in accordance with Clause 6.

- Each lot to be created is at least 0.4 hectares in area.
- The permit is issued subject to a condition requiring the owner to enter into an agreement with the responsible authority under section 173 of the *Planning and Environment Act 1987* that provides for or requires that:
  - The land must be used for the purposes of horse training and horse stables.

#### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The layout of the subdivision, suitability of the location of the horse training facilities on the site and access arrangements.
- The location and design of existing and proposed infrastructure services including gas, water, drainage, telecommunications and sewerage facilities which minimise the visual impact on the landscape.
- The Environmental Management Plan approved in accordance with clause 2.0.
- The integration of the subdivision with other use and development on the site.

**4.0**10/06/2021  
C254card**Buildings and works**

A permit is required to construct a building or construct or carry out works.

All buildings and works must be generally in accordance with Clause 7.

No buildings and works (other than associated with the racetrack) are to be located within 100 meter of the Nar Nar Goon-Longwarry Road.

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Demonstrated compliance with the Environment Management Plan approved under clause 2.0 to the schedule.
- A plan drawn to scale and dimensioned which shows:
  - The boundaries and dimensions of the site.
  - The location and names of adjoining roads.
  - The layout of existing and proposed buildings and works.
  - The location of access ways, internal vehicle road network, vehicle parking and loading areas.
  - The location, layout and planting schedule for all landscape areas.
  - Elevations detailing facade articulation and external materials, colours and finishes.
  - Stages, if any, in which the land is to be developed.
- A written summary of the proposed uses of the building, including, but not limited to, days and hours of operation and staffing levels.
- Transport of materials, goods or commodities to or from the land.
- Emission of noise, artificial light, vibration, dust, waste water, or waste products.

**5.0**10/06/2021  
C254card**Signs**

None specified.

**6.0****Decision guidelines**

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, the responsible authority must consider, as appropriate:

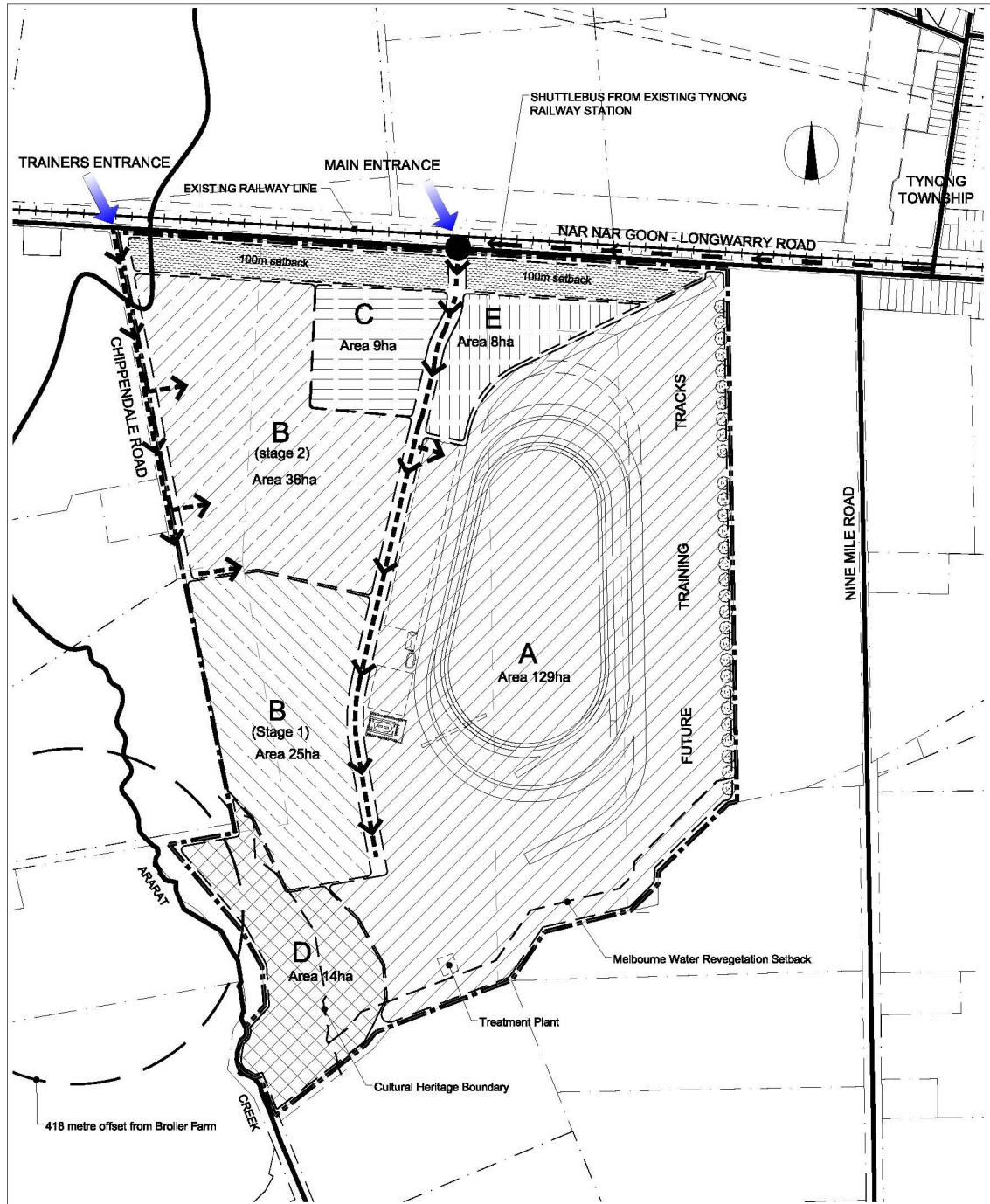
- The Environmental Management Plan approved in accordance with clause 2.0.
- The impact of the use, building, works or subdivision on the existing and surrounding land uses and whether it supports the values of the surrounding green wedge land.
- The location and extent of any buildings and works with respect to the natural environment, landscape values, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The design of buildings, works and landscape treatment.
- The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.
- The location and design of proposed infrastructure services which minimises the visual impact on the landscape.

## CARDINIA PLANNING SCHEME

- The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed roads, site access and parking and their impact on the landscape and impact of the use and subdivision to the extent which traffic generation may require additional traffic management programs to be initiated.

### 7.0 Tynong Racecourse and Training Facilities

#### Map 1 to Schedule 3 to Clause 37.01



**CARDINIA PLANNING SCHEME**

**Table 1 to Schedule 3 to Clause 37.01**

Land Use	Precinct & Approx Land Area	Road Access, Connectivity, Parking, Public Transport	Internal Movement Network, Integration Principles
<ul style="list-style-type: none"> <li>▪ Racecourse</li> <li>▪ Car park</li> <li>▪ Mounting yard</li> <li>▪ Grandstand /Administration</li> <li>▪ Float park</li> <li>▪ Access tunnel</li> </ul>	<p><b>Precinct A</b></p> <p>Land area 129ha</p>	<ul style="list-style-type: none"> <li>▪ Minimum car spaces 2500.</li> <li>▪ Car Parking for racing facilities to be all weather.</li> <li>▪ Access to car park directly at main entrance at Longwarry Road.</li> <li>▪ Shuttle bus route initially from Tynong Station until rail station for racing events established as and when required, but beyond immediate planning.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Race day access for patrons via main entrance ensures separation of horse float access from spectator access essential for safety criteria.</li> </ul>
<p>Dwelling (other than a Bed and breakfast)</p> <ul style="list-style-type: none"> <li>▪ Dwellings (Trainer Allotments)                             <ul style="list-style-type: none"> <li>- Lot sizes 0.4ha-0.8ha</li> <li>- Stage 1 Trainers Lots (20 lots)</li> <li>- Stage 2 Trainers Lots (50-100 lots)</li> </ul> </li> </ul>	<p><b>Precinct B</b></p> <p>Land area 61ha</p>	<ul style="list-style-type: none"> <li>▪ Access for both race day horse floats and trainers facilities via Chippendale Road entrance as indicated.</li> <li>▪ Bus route and Patrons entrance via main entrance at Longwarry Road.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Access for both horse floats via Chippendale Road and trainers allotments ensures separate connectivity to track and stripping stalls for both external and internal horse access.</li> </ul>
<p>Ancillary Activities:</p> <ul style="list-style-type: none"> <li>▪ Residential hotel</li> <li>▪ Function and conference centre</li> </ul>	<p><b>Precinct C</b></p> <p>Land area 9ha</p>	<ul style="list-style-type: none"> <li>▪ Ancillary and equine related facilities to have designated parking at each facility.</li> <li>▪ Access to ancillary facilities to be made through main entrance.</li> <li>▪ Any heavy duty vehicles/horse floats via Chippendale Road to ensure segregation from patrons/spectator vehicles.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Access to be used for residential hotel/exhibition centre. Located centrally between the racetrack and associated facilities and Longwarry Road to aid ease of access from public/race goers.</li> </ul>
<p>Environment</p> <ul style="list-style-type: none"> <li>▪ Flora / Fauna habitat</li> <li>▪ Wetlands</li> <li>▪ Water harvesting</li> <li>▪ Growing Grass Frog habitat</li> </ul>	<p><b>Precinct D</b></p> <p>Land area 14ha</p>	<ul style="list-style-type: none"> <li>▪ Vehicular access via main entrance and internal road network.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Area provides for integrated water treatment/recycling as part of a precinct wide environmental management plan strategy.</li> </ul>
<p>Future Development (examples)</p> <ul style="list-style-type: none"> <li>▪ Veterinary Centre</li> <li>▪ Horse sales</li> <li>▪ Feed merchant</li> <li>▪ Recycled manure sales</li> </ul>	<p><b>Precinct E</b></p> <p>Land area 8ha</p>	<ul style="list-style-type: none"> <li>▪ Future development access to be via Longwarry Road, either directly from racing entrance or via a service road as and when required subject to traffic. Development to have appropriate road frontage treatment, vegetation and/or screening along Longwarry Road.</li> </ul>	<ul style="list-style-type: none"> <li>▪ As a related and integrated service area, this site will provide access directly to Tynong/Nar Nar Goon as well as internal access to the site.</li> </ul>

**CARDINIA PLANNING SCHEME**

<b>Land Use</b>	<b>Precinct &amp; Approx Land Area</b>	<b>Road Access, Connectivity, Parking, Public Transport</b>	<b>Internal Movement Network, Integration Principles</b>
Agriculture (other than Animal keeping and Intensive animal husbandry)	<b>Setback land</b> area 11ha (100m setback to Longwarry Road)	<ul style="list-style-type: none"> <li>▪ To be used for landscaping, horse spelling and a variety of agricultural uses.</li> </ul>	<ul style="list-style-type: none"> <li>▪ N/A</li> </ul>

10/06/2021  
C254card

## **SCHEDULE 4 TO CLAUSE 37.01 SPECIAL USE ZONE**

Shown on the planning scheme map as **SUZ4**.

### **SPECIAL USE ZONE GROWTH AREAS (CARDINIA ROAD EMPLOYMENT PRECINCT)**

#### **Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework including the local planning policies.

To manage the transition of non-urban land into an urban land context in accordance with the *Cardinia Road Employment Precinct Structure Plan* (September 2010).

To identify land within a growth area where the Growth Areas Infrastructure Contribution is not applicable.

To provide a range of uses and the development of land in accordance with the *Cardinia Road Employment Precinct Structure Plan* (September 2010).

## **1.0**

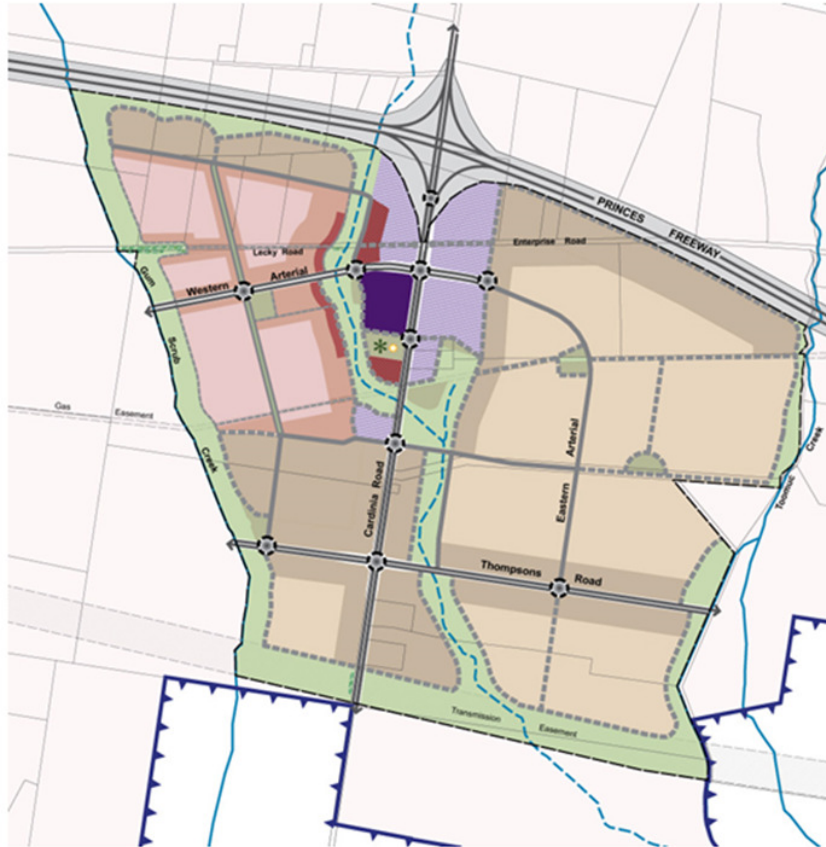
10/06/2021  
C254card

### **The Plan**

Plan 1 shows the future urban structure proposed in the Cardinia Road Employment Precinct Structure Plan (September 2010).

# CARDINIA PLANNING SCHEME

## Plan 1 to Schedule 4 to Clause 37.01



### LEGEND

- Precinct Structure Plan Area
- Urban Growth Boundary
- Road Network**
  - State Freeway
  - Arterial Road
  - Connector Street
  - Residential Connector Street (Boulevard)
  - Access Street - level 2
  - Access Street - level 1
  - Controlled Intersections

### Employment Land

- Commercial
- Activity Centre
- Service Business
- Industrial

### Residential Land

- High Density Residential 2
- High Density Residential 1
- Medium Density Residential
- Conventional Residential

### Heritage and Community

- Post Contact Heritage Site
- Community Facility

### Open Space and Environment

- Unencumbered Open Space
- Encumbered Open Space
- Existing Creeks
- Drainage Lines
- Ecological Vegetation Classes (EVCs) to be Retained

### Other land

- Existing Major Easements
- Future Urban Land

**2.0**04/11/2010  
C130**Use and development****2.1**10/06/2021  
C254card**The land**

The use and development provisions specified in this schedule apply to the land shown in Plan 1 of this Schedule and shown as Special Use Zone 4 on the planning scheme maps.

**2.2**01/12/2023  
VC217**Table of uses****Section 1 - Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Automated collection point</b>	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
<b>Informal outdoor recreation</b>	
<b>Mineral exploration</b>	
<b>Mining</b>	Must meet the requirements of Clause 52.08-2.
<b>Search for stone</b>	Must not be costeaning or bulk sampling.
<b>Telecommunications facility</b>	Buildings and works must meet the requirements of Clause 52.19.
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01.

**Section 2 - Permit required**

<b>Use</b>	<b>Condition</b>
<b>Emergency services facility</b>	Must not be located on land reserved under the <i>National Parks Act 1975</i> .
<b>Renewable energy facility (other than Wind energy facility)</b>	Must meet the requirements of Clause 53.13.
<b>Wind energy facility</b>	Must not be located on land reserved under the <i>National Parks Act 1975</i> .  Must meet the requirements of Clause 52.32.
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	Any gas holder, or sewerage or refuse treatment or disposal works, must be at least 30 metres from land (not a road) which is designated for residential use in Plan 1, or shown as Activity Centre or Commercial.
<b>Any other use not in Section 1 or 3</b>	

**Section 3 - Prohibited**

<b>Use</b>
<b>Accommodation</b>

**Use****Agriculture****Cemetery****Freeway service centre****Industry (other than Automated collection point)****Leisure and recreation (other than Informal outdoor recreation)****Intensive animal husbandry****Office****Place of assembly (other than Amusement parlour, Exhibition centre, Function centre, Hall, Library, Nightclub, Restricted Place of Assembly)****Recreational boat facility****Retail premises****Saleyard****Warehouse****Winery****Use of land**

The use of land must be generally in accordance with the Cardinia Road Employment Precinct Structure Plan (September 2010).

**2.3**04/11/2010  
C130**Permit Requirements****Specific provisions – Removal of existing waterbodies**

A permit is required to remove any existing waterbody, including dams and wetlands.

**3.0**04/11/2010  
C130**Application requirements****Subdivision of land**

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

- Details of the proposed use and development of each part of the land.
- A table setting out the amount of land allocated for the proposed uses.
- The staging of road network development within the subject land.
- A plan showing proposed encumbered and unencumbered open space areas including land designated as ‘waterways - drainage corridors’ in Plan 11 of the *Cardinia Road Employment Precinct Structure Plan (September 2010)*, and a description of role and purpose to the satisfaction of Melbourne Water and the responsible authority.
- A site assessment of the land by a suitably qualified environmental professional including:
  - detail of the nature of the previous and existing land use/activities on the land;
  - an assessment of the potential level and nature of contamination on the land.
  - 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.

**Specific Requirements – Lot 1 TP542938 (PSP Property Number 22)**

Any application to remove Dam 38 on Lot 1 TP542938 (270 Cardinia Road, Officer South) must include written advice from the Department of Sustainability and Environment that it is satisfied there has been successful colonisation and breeding of Growling Grass Frogs (GGFs) (defined by the presence of metamorphs) at a minimum of one waterbody shown in Plan 13 of the *Cardinia Road Employment Precinct Structure Plan (September 2010)*.

**4.0**

04/11/2010  
C130

**Conditions for permits – general**

A planning permit must include a condition or conditions which ensure that any requirements or conditions set out in the *Cardinia Road Employment Precinct Structure Plan (September 2010)* are implemented as part of the planning permit or the plans endorsed under the permit.

Any permit granted for subdivision, or the construction of a building or the carrying out of works in respect of land where a Native Vegetation Precinct Plan has identified any native vegetation to be retained must contain the conditions set out in the Cardinia Road Employment Precinct Native Vegetation Precinct Plan.

**Environmental Assessment of Potentially Contaminated Land**

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

1. Either:

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

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

2. If a statement by an environmental auditor is provided rather than a certificate of environmental audit and the statement indicates that the environmental conditions of the relevant land are suitable for a sensitive use subject to conditions, the owner of the land must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987* before any building on the relevant land is occupied to provide for;

- ongoing compliance with all conditions in the Statement by the Environmental Auditor;
- the responsible authority's reasonable legal costs and expenses of drafting/reviewing and registering the agreement to be borne by the owner of the relevant land.

**Construction Environmental Management Plan Requirements**

A permit to use or subdivide land, or to construct a building or construct and carry out works must contain a condition that prior to the commencement of any buildings or works, Construction Environmental Management Plan (CEMP) is to be prepared.

The CEMP must specifically address significant flora and fauna, where the buildings or works are within:

- 50 metres of any native vegetation to be retained in the Cardinia Road Employment Precinct Native Vegetation Precinct Plan; and/or
- 200 metres of any waterbody (including creeks, drains, dams and wetlands) under the provisions of the Cardinia Road Employment Precinct Conservation Management Plan for GGF.

The CEMP must address all requirements specified in section 4.5.6 of the *Cardinia Road Employment Precinct Structure Plan (September 2010)* and be to the satisfaction of the Department of Sustainability and Environment and the responsible authority.

#### **Conservation Management Plan - Growling Grass Frog**

Where a Conservation Management Plan (CMP) for GGF has been approved by the Secretary to the Department of Sustainability and Environment (DSE) and it applies to the land, any permit granted for subdivision or the construction of a building or the carrying out of works that directly or indirectly results in the destruction of habitat for the GGF must include the following conditions as appropriate:

- Prior to any works commencing within 100 metres of the edge of any waterbody which is to be retained, a highly visible fence is to be installed 20 metres from the edge of the waterbody.
- No dumping of soil or materials is to occur within 30 metres of any waterbody.
- No vehicle access is permitted within 30 metres of any waterbody.
- No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses.
- Pollution or litter traps must be provided on the land at appropriate points along the drainage system or drainage lines.
- The actions which identify the responsible agent as the “landowner” in Table A2.1 of the CMP for the GGF must be implemented to the satisfaction of the Department of Sustainability and Environment.
- Water run-off from construction sites must be managed to maintain water quality of dams.
- A salvage and translocation plan must be prepared and implemented to the satisfaction of DSE and the responsible authority, in accordance with section 3.4.3 of the CMP, where:
  - construction of a building or carrying out of works is within 200 metres of an existing waterbody; or
  - an existing waterbody is being removed, as approved under the CMP.

#### **4.1**

04/11/2010  
C130

#### **Conditions for permits - subdivision**

Any permit granted for subdivision must contain the following conditions as appropriate:

- At the time of subdivision, or other time as agreed with Melbourne Water, land shown as ‘waterways – drainage corridor’ in Plan 6 of the *Cardinia Road Employment Precinct Structure Plan (September 2010)* must be vested in Melbourne Water.
- At the time of subdivision, or other time as agreed with Cardinia Shire Council, land identified as ‘Project Land’ in the infrastructure funding agreement under Section 173 of the *Planning and Environment Act (1987)* for the Cardinia Road Employment Precinct must be vested in Cardinia Shire Council.
- Before the Statement of Compliance is issued under the *Subdivision Act 1988*, the applicant or owner must make a financial contribution to Melbourne Water to fund the management and maintenance of waterways to fulfil the requirements of the CMP for GGF.

#### **5.0**

10/06/2021  
C254card

#### **Signs**

The following sign controls apply:

CARDINIA PLANNING SCHEME

Land (shown in Plan 1)	Sign Requirements
Land shown as Open Space, community facilities or other public use	Category 3

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10/06/2021  
C254card

## SCHEDULE 5 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ5**.

### CARDINIA MOTOR RECREATION AND EDUCATION PARK

#### Purpose

To provide for the use and development of a motor recreation and education facility.

To provide for complementary recreation and community uses.

## 1.0

01/12/2023  
VC217

### Table of uses

#### Section 1 - Permit not required

Use	Condition
<b>Automated collection point</b>	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
<b>Car sales</b>	Must not occur for more than 12 days per year.  Must be in conjunction with the Motor Recreation and Education Park.
<b>Education centre (other than Primary school and Secondary school)</b>	
<b>Informal outdoor recreation</b>	
<b>Market</b>	Must not occur for more than 12 days per year.
<b>Mineral exploration</b>	
<b>Mining</b>	Must meet the requirements of Clause 52.08-2.
<b>Minor sports and recreation facility (other than Outdoor recreation facility)</b>	
<b>Railway</b>	
<b>Restricted place of assembly</b>	
<b>Search for stone</b>	Must not be costeaning or bulk sampling.
<b>Tramway</b>	
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01

#### Section 2 - Permit required

Use	Condition
<b>Accommodation</b>	Must be generally in accordance with the development plan and be associated with the Motor Recreation and Education Park

Use	Condition
<b>Agriculture (other than Apiculture)</b>	
<b>Convenience restaurant</b>	
<b>Convenience shop</b>	
<hr/>	
<b>Industry (other than Automated collection point)</b>	
<hr/>	
<b>Major sports and recreation facility</b>	
<hr/>	
<b>Motor racing track</b>	
<hr/>	
<b>Outdoor recreation facility</b>	
<hr/>	
<b>Place of assembly (other than Circus and Restricted place of assembly)</b>	
<hr/>	
<b>Any other use not in Section 1 or 3</b>	

**Section 3 - Prohibited**

Use
<b>Adult sex product shop</b>
<hr/>
<b>Cinema based entertainment facility</b>
<hr/>
<b>Gambling premises</b>

**2.0**

10/06/2021  
C254card

**Use of land**

**Decision Guidelines**

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The cumulative impacts of all events and meetings held at the site.
- The impact on existing and proposed nearby uses.

**3.0**

29/09/2011  
C160

**Subdivision**

Each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if the following apply:

- The subdivision is the re-subdivision of existing lots, the number of lots is not increased, and the number of dwellings that the land could be used for does not increase. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided so as to increase the number of lots. The agreement must be registered on title. The requirement to enter into an agreement only applies to a lot that could be further subdivided in accordance with this scheme.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

**4.0**

10/06/2021  
C254card

**Buildings and works**

**Decision Guidelines**

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Traffic impacts on nearby uses and the arterial road network.
- Landscape treatments.
- Interface with other areas.
- Parking and site access.
- Location and adequacy of loading and service areas.
- Adequacy lighting to provide a safe night time environment, where relevant.

**5.0**

10/06/2021  
C254card

**Signs**

A permit is not required to construct or display a sign on any land within the Cardinia Motor Recreation and Education Park which is directed toward people attending the Park and that cannot be seen from outside the facility.

Sign requirements are at Clause 52.05. All land located within this schedule to this zone is in Category 2.

**SCHEDULE 6 TO CLAUSE 37.01 SPECIAL USE ZONE**

Shown on the planning scheme map as **SUZ6**.

**PRIVATE EDUCATION FACILITY****Purpose**

To provide for areas in private ownership to be used for an education centre.

To ensure that the use and development of these facilities takes place in an orderly and proper manner and does not cause loss of amenity to the neighbourhood.

**1.0****Table of uses****Section 1 - Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Accommodation</b>	Must be in accordance with a master plan prepared to the satisfaction of the responsible authority.  Must be in conjunction with use of the land for an education centre.
<b>Automated collection point</b>	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
<b>Car park</b>	Must be in accordance with a master plan prepared to the satisfaction of the responsible authority.
<b>Child care centre</b>	Must be in accordance with a master plan prepared to the satisfaction of the responsible authority.
<b>Education centre</b>	Must be in accordance with a master plan prepared to the satisfaction of the responsible authority.
<b>Home based business</b>	
<b>Mineral exploration</b>	
<b>Mining</b>	Must meet the requirements of Clause 52.08-2.
<b>Minor sports and recreation facility</b>	Must be in accordance with a master plan prepared to the satisfaction of the responsible authority.
<b>Place of worship</b>	Must be in accordance with a master plan prepared to the satisfaction of the responsible authority.
<b>Railway</b>	
<b>Search for stone</b>	Must not be costeaning or bulk sampling.
<b>Tramway</b>	
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01

**Section 2 - Permit required**

Use	Condition
<b>Agriculture (other than Animal keeping, Animal training, Apiculture, Horse stables, and Intensive animal husbandry)</b>	
<b>Animal keeping (other than Animal boarding)</b>	
<b>Car wash</b>	
<b>Market</b>	
<b>Convenience shop</b>	
<b>Food and drink premises</b>	
<b>Leisure and recreation (other than Minor sports and recreation facility and Motor racing track)</b>	
<b>Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Search for stone)</b>	
<b>Office</b>	The leasable floor area must not exceed 500 square metres.
<b>Place of assembly (other than Amusement parlour, Nightclub, and Place of worship)</b>	
<b>Plant nursery</b>	
<b>Store</b>	
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	
<b>Any other use not in Section 1 or 3</b>	

**Section 3 - Prohibited**

Use
<b>Accommodation – if the Section 1 condition is not met</b>
<b>Amusement parlour</b>
<b>Animal boarding</b>
<b>Animal training</b>
<b>Cemetery</b>
<b>Crematorium</b>
<b>Extractive industry</b>
<b>Horse stables</b>
<b>Industry (other than Automated collection point and Car wash)</b>
<b>Intensive animal husbandry</b>
<b>Motor racing track</b>
<b>Nightclub</b>

**Use**

**Retail premises (other than Market, Convenience shop, Food and drink premises, and Plant nursery)**

**Saleyard**

**Service station**

**Transport terminal**

**Warehouse (other than Store)**

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**2.0**

10/06/2021  
C254card

**Use of land****Application requirements**

The following application requirements apply to an application for a permit to use land under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Any master plan for the site prepared to the satisfaction of the responsible authority.
- The purpose of the use and the types of activities that will be carried out.
- The likely effects, if any, on adjacent land including noise levels, traffic and hours of operation.

**Exemption from notice and review**

An application to use land that is in accordance with a master plan prepared to the satisfaction of the responsible authority is 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.

**Decision guidelines**

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The effect that the proposed use may have on existing uses.
- The effect that the proposed use may have on the amenity of the neighbourhood.

**3.0**

10/06/2021  
C254card

**Subdivision**

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is the re-subdivision of existing lots, the number of lots is not increased, and the number of dwellings that the land could be used for does not increase. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided so as to increase the number of lots. The agreement must be registered on title. The requirement to enter into an agreement only applies to a lot which could be further subdivided in accordance with this scheme.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

**4.0**10/06/2021  
C254card**Buildings and works****Permit requirement**

No permit is required to construct a building or construct or carry out works for the following:

- Pathways, trails, seating, picnic tables, drinking taps, shelters, barbeques, rubbish bins, security lighting, irrigation, drainage or underground infrastructure.
- Playground or sporting equipment.
- Planting or landscaping.

**Application requirements**

The following application requirements apply to an application for a permit to construct a building or construct or carry out works under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Any master plan for the site prepared to the satisfaction of the responsible authority and the requirements of the Roads Corporation.
- A plan, drawn to scale, which shows:
  - The boundaries and dimensions of the site.
  - Relevant ground levels.
  - Adjoining roads.
  - The location, height and purpose of buildings and works on adjoining land.
  - The layout and use of existing and proposed buildings and works including driveways and car parking and loading areas.
  - Elevation drawings indicating the colour and materials of all proposed buildings and works.
  - Construction details of all drainage works, driveways and car parking and loading areas.
  - Details of existing and proposed landscaping.

An application to use or develop land within 200 metres of a gas pipeline must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the Department of Primary Industries.

**Exemption from notice and review**

An application to construct a building or construct or carry out works that is in accordance with a master plan prepared to the satisfaction of the responsible authority is 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.

**Decision guidelines**

The following decision guidelines apply to an application for a permit to construct a building, construct or carry out works under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The interface with adjoining land, especially the relationship with residential areas.
- The appearance and bulk of buildings having regard to the adjoining land, especially the relationship with residential areas.

- The effect of the proposed buildings and works on the amenity of the neighbourhood, including the effects of noise, lighting, overshadowing and privacy.
- The provision of land for landscaping and beautification.
- The location and type of access to the site.
- The views of the Roads Corporation where there is a change in the intensity of the use or a change in access arrangements for the site that could impact on the operation of a Roads Corporation managed road.
- The provision for car parking.
- The movement of vehicles providing for supplies, waste removal, emergency services and public transport.
- Loading and service areas.
- The safe movement of pedestrians and cyclists across nearby road and rail corridors including at rail level crossings.
- The need for the preparation and implementation of a traffic management plan to the requirements of the Roads Corporation and to the satisfaction of the responsible authority.

**5.0**

10/06/2021  
C254card

**Signs**

None specified.

**SCHEDULE 7 TO CLAUSE 37.01 SPECIAL USE ZONE**

Shown on the planning scheme map as **SUZ7**.

**SOUTH EAST FOOD PRODUCTION, EXPORT AND EMPLOYMENT NODE****Purpose**

To enhance the local, national and global market competitiveness of food production within the South-East region.

To provide for an integrated supply chain enabling the use and development of the site for co-location of food processing facilities.

To provide for the continued use of land for abattoir purposes as well as the use and development of land for food production through the co-location of other uses.

To protect the area from the encroachment of sensitive land uses.

To promote food security and sustainable agriculture in the region.

**1.0**01/12/2023  
VC217**Table of uses****Section 1 - Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Agriculture (other than Animal keeping, Animal training and Aquaculture)</b>	
<b>Apiculture</b>	Must meet the requirements of the Apiary Code of Practice, May 1997.
<b>Automated collection point</b>	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
<b>Car park</b>	
<b>Carnival</b>	Must meet the requirements of 'A Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
<b>Circus</b>	Must meet the requirements of 'A Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
<b>Industry (other than Automated collection point)</b>	Must be associated with primary production and food processing facilities on the land or adjacent land
<b>Mineral exploration</b>	
<b>Manufacturing sales</b>	
<b>Milk depot</b>	
<b>Mining</b>	Must meet the requirements of Clause 52.08
<b>Minor utility installation</b>	
<b>Natural systems</b>	

## CARDINIA PLANNING SCHEME

Use	Condition
Primary produce sales	
Road	
Rural store	
Telecommunications facility	
Warehouse (other than Fuel depot, Mail centre, Shipping container storage and Boat and caravan storage)	Must be associated with primary production or must be associated with food processing facilities on the land or adjacent land
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

### Section 2 - Permit required

Use	Condition
Caretaker's house	
Office	Must be associated with primary production and food processing facilities on the land or adjacent land
Shipping container storage	Must be associated with primary production and food processing facilities on the land or adjacent land
Transport Terminal	Must be associated with primary production and food processing facilities on the land or adjacent land
Utility Installation (other than Minor utility installation and Telecommunications facility)	
Any other use not in Section 1 or 3	

### Section 3 - Prohibited

Use
Accommodation (other than Caretaker's house)
Art and Craft Centre
Cinema based entertainment facility
Crematorium
Education Centre (other than Employment training centre)
Funeral parlour
Hospital
Industry (other than Automated collection point) - if the Section 1 condition is not met
Leisure and recreation (other than Minor sports and recreation facility)
Place of Assembly
Retail premises (other than Manufacturing sales, Primary produce sales)
Recreational boat facility
Service station

**Use****Warehouse (other than Shipping container storage) - if the Section 1 condition is not met****2.0 Requirement before a Permit is Granted**

A permit must not be granted to use or subdivide land, construct a building or construct or carry out works (other than minor works) until a Master Plan has been prepared to the satisfaction of the Responsible Authority.

The Responsible Authority can consider an application for minor works before a Master Plan has been approved. All proposals for minor works must be accompanied by a report demonstrating that they will not prejudice the future development of the land in an integrated manner.

**3.0 Master Plan**

A Master Plan must be prepared to the satisfaction of the Responsible Authority.

A Master Plan may be prepared in stages.

A Master Plan may be amended to the satisfaction of the Responsible Authority.

A Master Plan may be approved with or without conditions.

**Requirements for Master Plan**

The Master Plan must show or describe as appropriate:

- Existing natural and built features of the land including topography, vegetation, buildings, other works, utility services, drainage lines and watercourses.
- The relationship to existing and proposed surrounding development.
- A plan indicating the type of existing native vegetation and any areas where it is proposed to remove native vegetation.
- A flora and fauna assessment, including consideration of Growling Grass Frog habitat, and responses to that assessment.
- An environmental management plan for the site.
- All buildings and facilities established in a manner which does not cause loss of amenity to, and is consistent with, surrounding land uses.

**4.0 Use of land**

10/06/2021  
C254card

**Application requirements**

The following application requirements apply to an application for a permit to use land under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a notification under the *Occupational Health and Safety (Major Hazard Facilities) Regulations 2000* is required, a licence under the *Dangerous Goods Act 1985* is required, or a

fire protection quantity under the *Dangerous Goods (Storage and Handling) Regulations 2000* is exceeded.

- The likely effects, if any, on the neighbourhood, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water.
  - Traffic, including the hours of delivery and dispatch.
  - Light spill or glare.

#### **Decision guidelines**

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the proposed use is generally in accordance with the Master Plan
- The effect that the use may have on nearby existing or proposed uses, having regard to any comments or directions of the referral authorities.
- The interface with adjoining land.
- The provision of land for landscaping and beautification.
- Any impact on flora and fauna found on the land, and the response to any flora and fauna assessment undertaken for the land.
- The effect that nearby industries may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.
- The provision for car parking.
- The movement of vehicles providing for supplies, waste removal, emergency services and public transport.
- Loading and service areas.

## **5.0**

10/06/2021  
C254card

### **Subdivision**

A permit is required to subdivide land.

#### **Decision Guidelines**

A permit may only be granted to subdivide land if:

- The subdivision is generally in accordance with the Master Plan.
- Each lot to be created is at least 0.4 hectares in area.

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The layout of the subdivision;
- Site access arrangements;

- The impact of the subdivision on existing and future land uses;
- The location and design of existing and proposed infrastructure services including gas, water, drainage, telecommunications and sewerage facilities;
- The approved Master Plan.

## 6.0

10/06/2021  
C254card

### **Buildings and works**

A permit is required to construct a building or construct or carry out works.

All buildings and works must be generally in accordance with the Master Plan.

#### **Application requirements**

The following application requirements apply to an application for a permit to construct a building or carry out works under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A plan, drawn to scale, which shows:
  - The boundaries and dimensions of the site.
  - Relevant ground levels
  - Adjoining roads
  - The location, height and purpose of the proposed buildings and works and the relationship, if any, with existing buildings and works within with Master Plan area.
  - The layout and use of existing and proposed buildings and works including driveways and carparking and loading areas.
  - Elevation drawings indicating the colour and materials of all proposed buildings and works.
  - Construction details of all drainage works, driveways and car parking and loading areas.
  - Details of existing and proposed landscaping.
  - External storage and waste treatment areas.

#### **Decision guidelines**

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Traffic impacts on the road network.
- The need to minimise any adverse impacts of siting, design, height, bulk and colours and materials to be used on landscape features
- The location and design of existing and proposed infrastructure services which minimise the visual impact on the landscape.
- The provision of land for landscaping and beautification.
- Any impact on flora and fauna found on the land, and the response to any flora and fauna assessment undertaken for the land.
- The views of the Roads Corporation where there is a change in access arrangements for the site that could impact on the operation of a Roads Corporation managed road.
- The need for the preparation and implementation of a traffic management plan to the requirements of the Roads Corporation and to the satisfaction of the responsible authority.

- The movement of vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision for car parking.
- Interface with neighbouring sites.
- Location and adequacy of loading and service areas.
- Adequacy of lighting for security purposes and to avoid light spill off site.
- Stormwater discharge.

**7.0 Exemption from notice and review**

An application for subdivision, to use land, construct a building or construct or carry out works that is generally in accordance with the Master Plan is 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.

**8.0 Signs**

10/06/2021  
C254card

A permit is not required to construct or display a sign on any land within the Master Plan area which is directed toward people attending the site and that cannot be seen from outside the facility. Sign requirements are at Clause 52.05. All land located within this schedule to this zone is in Category 3.

27/02/2025  
C274card

**SCHEDULE 8 TO CLAUSE 37.01 SPECIAL USE ZONE**

Shown on the planning scheme map as **SUZ8**.

**OFFICER SOUTH (EMPLOYMENT) PRECINCT STRUCTURE PLAN – ELECTRICITY EASEMENT**

**Purpose**

To manage the transition of non-urban land into urban land generally in accordance with the *Officer South (Employment) Precinct Structure Plan, November 2024*.

To provide for a range of uses and the development of land generally in accordance with the incorporated *Officer South (Employment) Precinct Structure Plan, November 2024*.

**1.0**

27/02/2025  
C274card

**Table of uses**

**Section 1 - Permit not required**

Use	Condition
Car park Crop raising Informal outdoor recreation Minor utility installation	
Open sports ground	Must be a use conducted by or on behalf of a public land manager
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01

**Section 2 - Permit required**

Use	Condition
<b>Any other use not in Section 1 or 3</b>	

**Section 3 - Prohibited**

Use
Accommodation (other than Caretaker's house)
Cinema
Cinema based entertainment facility
Hospital
Intensive animal production
Pig farm
Poultry farm
Shop

**2.0**

27/02/2025  
C274card

**Use of land**

**Application requirements**

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority

An application to use land for industry or warehouse must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the *Dangerous Goods Act 1985* is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations is exceeded.
- The likely effects, if any, on the neighbourhood, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water.
  - Traffic, including the hours of delivery and despatch.
  - Light spill or glare.

### **Exemption from notice and review**

An application for the use of land which is generally in accordance with the incorporated *Officer South (Employment) Precinct Structure Plan* is 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.

### **3.0**

27/02/2025  
C274card

### **Subdivision**

#### **Application requirements**

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Be generally in accordance with the incorporated *Officer South (Employment) Precinct Structure Plan*.
- Include any conditions or requirements specified in the incorporated *Officer South (Employment) Precinct Structure Plan*.
- A landscape master plan prepared by a suitably qualified professional 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;
  - Recognises and responds to sodic or dispersive soils;
  - Shows recreation facilities to be provided within public open space (with the exception of the active open space);
  - Shows proposed species, location, approximate height and spread of proposed planting;

- Identifies the retention of existing vegetation and trees based on Plan 7 – Native vegetation retention and removal of the incorporated *Officer South (Employment) Precinct Structure Plan*;
- Shows storm water facilities that are compliant with the relevant approved drainage strategy; and Integrated Water Management plan;
- Identifies vegetation to be retained and removed and any re-vegetation.

#### **Exemption from notice and review**

An application for subdivision of land which is generally in accordance with the incorporated *Officer South (Employment) Precinct Structure Plan* is 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.

## **4.0**

27/02/2025  
C274card

### **Buildings and works**

#### **Permit requirements**

A permit is not required to construct a building or carry out works for:

- A building or works which rearrange, alter or renew plant if the area or height of the plant is not increased.
- A building or works which are used for informal outdoor recreation.
- A rainwater tank with a capacity of more than 4500 litres if the following requirements are met:
  - The rainwater tank is not located within the building's setback from a street (other than a lane).
  - The rainwater tank is no higher than the existing building on the site.
  - The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway.

#### **Application requirements**

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Be generally in accordance with the incorporated *Officer South (Employment) Precinct Structure Plan*.
- Include any conditions or requirements specified in the incorporated *Officer South (Employment) Precinct Structure Plan*.
- An arboricultural report identifying all trees on the site and a tree retention plan identifying how the application proposes to retain the retained vegetation set out in Plan 7 Native Vegetation Retention and Removal and any tree protection requirements and guidelines within the incorporated *Officer South (Employment) Precinct Structure*.

**Exemption from notice and review**

An application to construct a building or construct or carry out works which is generally in accordance with the incorporated *Officer South (Employment) Precinct Structure Plan* is 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.

**5.0**

27/02/2025  
C274card

**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 2

**37.02**

31/07/2018  
VC148

**COMPREHENSIVE DEVELOPMENT ZONE**

Shown on the planning scheme map as **CDZ** with a number.

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme.

**37.02-1**

19/01/2006  
VC37

**Table of uses**

**Section 1 - Permit not required**

Use	Condition
Any use in Section 1 of the schedule to this zone	Must comply with any condition in Section 1 of the schedule to this zone.

**Section 2 - Permit required**

Use	Condition
Any use in Section 2 of the schedule to this zone	Must comply with any condition in Section 2 of the schedule to this zone.
Any other use not in Section 1 or 3 of the schedule to this zone	

**Section 3 - Prohibited**

Use
Any use in Section 3 of the schedule to this zone

**37.02-2**

31/07/2018  
VC148

**Use of land**

Any requirement in the schedule to this zone must be met.

**Application requirements**

An application to use land must be accompanied by any information specified in the schedule to this zone.

**Exemption from notice and review**

The schedule to this zone may specify that an application is 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.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any guidelines in the schedule to this zone.

**37.02-3**

15/03/2024  
VC256

**Subdivision**

**Permit requirement**

A permit is required to subdivide land.

An application to subdivide land for residential development, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

Any requirement in the schedule to this zone must be met.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> <li>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul>	Clause 59.02
Subdivide land into 2 lots if: <ul style="list-style-type: none"> <li>▪ The construction of a building or the construction or carrying out of works on the land:</li> </ul>	Clause 59.02

Class of application	Information requirements and decision guidelines
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- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.
- Has started lawfully.
- The subdivision does not create a vacant lot.

**Application requirements**

An application to subdivide land must be accompanied by any information specified in the schedule to this zone.

**Exemption from notice and review**

The schedule to this zone may specify that an application is 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.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The objectives and standards of Clause 56.
- Any guidelines in the schedule to this zone.

**37.02-4**  
20/12/2021  
VC174

**Buildings and works**

**Permit requirement**

A permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.

Any requirement in the schedule to this zone must be met.

An apartment development must meet the requirements of Clause 58.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
----------------------	--

- |  |              |
|--|--------------|
| Construct a building or construct or carry out works with an estimated cost of up to \$500,000 and the land is not:  | Clause 59.04 |
| <ul style="list-style-type: none"> <li>▪ Within 30 metres of land (not a road) which is in a residential zone.</li> <li>▪ Used for a purpose listed in the table to Clause 53.10.</li> </ul> |              |

**Transitional provisions**

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

Clause 58 of this scheme, as in force immediately before the approval date of Amendment VC174, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

#### **Application requirements**

An application to construct a building or construct or carry out works must be accompanied by any information specified in the schedule to this zone.

An application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development, must be accompanied by an urban context report and design response as required in Clause 58.01.

#### **Exemption from notice and review**

An application is 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 if it is generally consistent with the comprehensive development plan.

The schedule to this zone may specify that other applications are also 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.

#### **Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- For an apartment development, the objectives, standards and decision guidelines of Clause 58.
- Any guidelines in the schedule to this zone.

### **37.02-5**

31/07/2018  
VC148

#### **Signs**

Sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.

**SCHEDULE 1 TO CLAUSE 37.02 COMPREHENSIVE DEVELOPMENT ZONE**

Shown on the planning scheme map as **CDZ1**.

**PAKENHAM WEST COMPREHENSIVE DEVELOPMENT PLAN, 1 SEPTEMBER 2005**

**Land**

Land bounded by the Princes Highway, Toomuc Creek, Gippsland Railway line and Cardinia Road, Pakenham.

**Purpose**

To designate land suitable for urban development.

To provide for the development of the land generally in accordance with the Pakenham West Comprehensive Development Plan, 1 September 2005.

To ensure that any development and use of the land is in accordance with a local structure plan prepared to the satisfaction of the responsible authority.

To provide a range of dwelling types and lot sizes to meet a diversity of housing needs.

To provide a range of commercial and community facilities to meet the needs of existing and future residents of the area.

To ensure that non-residential uses do not cause a loss of amenity to nearby residents.

To facilitate urban design which creates a strong character and identity for the area, provides for a functional built environment, and promotes community and personal safety.

To manage the quality and quantity of urban stormwater entering local waterways.

**1.0**

**Table of uses**

**Section 1 - Permit not required**

Use	Condition
<b>Art and craft centre</b>	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
<b>Automated collection point</b>	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
<b>Bed and breakfast</b>	No more than 6 persons may be accommodated away from their normal place of residence.  At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
<b>Car park</b>	The site must be identified for the use or be within an activity centre in a local structure plan prepared to the satisfaction of the responsible authority.

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Child care centre</b>	The site must be identified for the use or be within an activity centre in a local structure plan prepared to the satisfaction of the responsible authority.
<b>Cinema based entertainment facility</b>	The site must be identified for the use and be within an activity centre in a local structure plan prepared to the satisfaction of the responsible authority.
<b>Convenience shop</b>	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
<b>Dependent person's unit</b>	Must be the only dependent person's unit on the lot.
<b>Display home</b>	The site must be identified for the use in a local structure plan prepared to the satisfaction of the responsible authority.
<b>Dwelling (other than Bed and breakfast)</b>	
<b>Education centre</b>	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
<b>Food and drink premises</b>	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
<b>Funeral parlour</b>	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
<b>Home based business</b>	
<b>Indoor recreation facility</b>	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
<b>Informal outdoor recreation</b>	

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Medical centre</b>	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
<b>Mineral exploration</b>	
<b>Mining</b>	Must meet the requirements of Clause 52.08-2.
<b>Office (other than Medical centre)</b>	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
<b>Open sports ground</b>	
<b>Place of assembly (other than Amusement parlour, Carnival, Circus, Drive-in theatre, and Nightclub)</b>	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
<b>Postal agency</b>	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
<b>Railway</b>	
<b>Railway station</b>	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
<b>Search for stone</b>	Must not be costeaning or bulk sampling.
<b>Service industry (other than Panel beating)</b>	The site must be identified for the use or be within an activity centre in a local structure plan prepared to the satisfaction of the responsible authority.
<b>Service station</b>	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Shop (other than Adult sex product shop and Convenience shop)</b>	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
<b>Store</b>	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
<b>Tramway</b>	
<b>Veterinary centre</b>	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
<b>Any use listed in clause 62.01</b>	Must meet the requirements of Clause 62.01

### Section 2 - Permit required

Use	Condition
<b>Accommodation (other than Corrective institution, Dependent person's unit, and Dwelling)</b>	
<b>Agriculture (other than Animal keeping, Animal training, Apiculture, Horse stables, and Intensive animal husbandry)</b>	
<b>Amusement parlour</b>	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
<b>Animal keeping (other than Animal boarding)</b>	Must be no more than four animals.
<b>Leisure and recreation (other than Indoor recreation facility, Informal outdoor recreation, Motor racing track, and Open sports ground)</b>	
<b>Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Search for stone)</b>	

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Nightclub</b>	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
<b>Office (other than Medical centre) - if the Section 1 condition is not met</b>	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
<b>Retail premises (other than Food and drink premises, Motor vehicle, boat, or caravan sales, Postal agency, and Shop)</b>	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
<b>Shop (other than Adult sex product shop and Convenience shop) - if the Section 1 condition is not met)</b>	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
<b>Store - if the Section 1 condition is not met</b>	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
<b>Transport terminal (other than Railway station and Road freight terminal)</b>	The site must be identified for the use or be within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 and the use must be identified in a local structure plan prepared to the satisfaction of the responsible authority.
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	
<b>Any other use not in Section 1 or 3</b>	

### Section 3 - Prohibited

Use
<b>Adult sex product shop</b>
<b>Animal boarding</b>
<b>Animal training</b>
<b>Corrective institution</b>

**Use****Drive-in theatre****Extractive industry****Horse stables****Industry (other than Automated collection point and Service industry)****Intensive animal husbandry****Motor racing track****Motor vehicle, boat, or caravan sales****Panel beating****Road freight terminal****Service industry (other than Panel beating) - if the Section 1 condition is not met****Saleyard****Warehouse (other than Store)****2.0****Local structure plan**

No subdivision, building or works may take place before the land to be developed is included in a local structure plan prepared to the satisfaction of the responsible authority. The local structure plan must be generally consistent with the Pakenham West Comprehensive Development Plan, (1 September 2005).

With the agreement of the responsible authority, the local structure plan may be prepared in stages and may comprise one or more separate plans or other documents. The local structure plan must show, as considered appropriate by the responsible authority:

- The proposed use and development of each part of the land.
- The staging of development.
- The relationship of the land to existing or proposed land uses on adjoining land.
- Population targets.
- A range of housing types and lot sizes, including areas proposed for medium-density housing.
- Proposed open space and recreation facilities, including pedestrian and bicycle paths.
- Proposed retarding basins, lakes and watercourses, and the means by which these will be managed and water quality maintained.
- Proposed commercial and community facilities.
- The proposed layout of major roads and streets, including major traffic control infrastructure.
- Proposed public transport facilities, including the location of the proposed railway station which must allow for appropriate access provision from the land and adjoining land to the south.
- Physical and community infrastructure, including arrangements for their provision and funding. This must include a trunk sewer to service the land and other proposed residential zoned land in the vicinity.
- An overall landscape concept.
- Urban design principles for energy efficiency, community safety and environmental sustainability.

The local structure plan must be referred to the Roads Corporation for comment and may be amended to the satisfaction of the responsible authority.

The use and subdivision of land, construction of buildings and construction and carrying out of works must be consistent with the local structure plan.

### **3.0**

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#### **Use of land**

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

### **4.0**

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#### **Subdivision**

#### **4.1**

##### **Permit requirement**

The subdivision of land must satisfy the servicing requirements of relevant referral authorities.

#### **4.2**

##### **Exemption from notice and review**

An application to subdivide land is 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.

### **5.0**

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#### **Buildings and works**

#### **5.1**

##### **Permit requirement**

A permit is not required to construct or extend one dwelling on a lot of at least 300 square meters.

#### **5.2**

##### **Application requirements**

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and purpose of buildings and works on adjoining land.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - All driveways, car parks, pedestrian paths and loading areas.
  - Proposed landscape areas.
  - All external storage and waste treatment areas.
  - Areas not required for immediate use.
- Elevation drawings to scale showing the colour and materials of all buildings and works.

- Construction details of all drainage works, driveways, and vehicle parking and loading areas.
- A landscape layout which includes a description of vegetation to be planted, the surfaces to be constructed, site works specifications, and the method of preparing, draining, watering and maintaining the landscape area.

#### **Medium-density housing and residential buildings**

An application for any of the following must be accompanied by a neighbourhood and site description and a design response as described in Clause 54.01 or Clause 55.01 (as appropriate):

- To construct or extend one dwelling on a lot of less than 300 square metres.
- To construct a dwelling if there is at least one dwelling on the lot.
- To construct two or more dwellings on a lot.
- To extend a dwelling if there are two or more dwellings on the lot.
- To construct or extend a residential building.

#### **Satisfactory neighbourhood and site description**

The responsible authority must inform the applicant in writing before notice of an application is given or, if notice of the application is not required to be given, before deciding the application that the neighbourhood and site description meets the requirements of Clause 54.01-1 or Clause 55.01-1 (as appropriate) and is satisfactory or does not meet the requirements of Clause 54.01-1 or Clause 55.01-1 (as appropriate) and is not satisfactory.

If the responsible authority decides that the neighbourhood and site description is not satisfactory, it may require more information from the applicant under Section 54 of the Act.

The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 54.01-1 or Clause 55.01-1 (as appropriate) and is satisfactory.

The above requirements do not apply if the responsible authority refuses an application under Section 52(1A) of the Act.

### **5.3 Exemption from notice and review**

An application to construct a building or construct or carry out works for a use on a site identified for that purpose or within an activity centre in a local structure plan prepared to the satisfaction of the responsible authority is 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 Signs**

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Land within the Neighbourhood Centre shown in the Pakenham West Comprehensive Development Plan, 1 September 2005 is in Category 1.

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**SCHEDULE 2 TO CLAUSE 37.02 COMPREHENSIVE DEVELOPMENT ZONE**

Shown on the planning scheme map as **CDZ2**.

**FORMER PAKENHAM RACECOURSE COMPREHENSIVE DEVELOPMENT PLAN (JANUARY 2010)**

**Land**

This schedule applies to the land generally bounded by Racecourse Road, Pakenham Creek, Railway Avenue and the rear boundary of properties fronting King Street and Henry Street, Pakenham as identified in the Former Pakenham Racecourse Comprehensive Development Plan (February 2010).

**Purpose**

To develop the land for a mix of residential, retail, education and community uses that supports the strategic role of Pakenham Activity Centre and benefits from the close proximity to the Pakenham railway and bus interchange.

To achieve a higher density mixed use precinct that creates a new urban character which supports a vibrant and safe public realm with a high level of cross- site permeability.

To achieve excellence in architecture, urban design and landscape and deliver high quality internal and external amenity in all buildings.

To integrate Pakenham Creek as a key feature and ensure drainage, flood control and public open space functions are accommodated and enhanced.

**1.0**

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VC217

**Table of uses**

**Section 1 - Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Automated collection point</b>	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
<b>Child care centre</b>	
<b>Convenience shop</b>	
<b>Dependent persons unit</b>	Must be the only dependent person's unit on the lot.
<b>Display home</b>	
<b>Dwelling</b>	Must be generally in accordance with the Comprehensive Development Plan.  In Precinct 1, any frontage at ground floor level must not exceed 4 metres.
<b>Education centre</b>	Must be generally in accordance with the Comprehensive Development Plan
<b>Food and drink premises (other than Hotel and Tavern)</b>	Must be generally in accordance with the Comprehensive Development Plan
<b>Home based business</b>	

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<b>Use</b>	<b>Condition</b>
<b>Informal outdoor recreation</b>	
<b>Mineral exploration</b>	
<b>Mining</b>	Must meet the requirements of Clause 52.08-2.
<b>Office</b>	Must be generally in accordance with the Comprehensive Development Plan.
<b>Place of Assembly (other than Amusement parlour, Carnival, Circus, Drive-in theatre, Nightclub)</b>	Must be generally in accordance with the Comprehensive Development Plan.
<b>Railway</b>	
<b>Search for stone</b>	Must be costeaning or bulk sampling
<b>Residential aged care facility</b>	Must be generally in accordance with the Comprehensive Development Plan.
<b>Shop (other than Convenience shop)</b>	Must be located in the 'Mixed Use Development area' of Precinct 1.  Must be generally in accordance with the Comprehensive Development Plan.
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01

**Section 2 - Permit required**

<b>Use</b>	<b>Condition</b>
<b>Accommodation (other than Dependent persons unit, Dwelling, Residential aged care facility and Corrective Institution)</b>	Must be generally in accordance with the Comprehensive Development Plan.
<b>Shop (other than Convenience shop)</b>	Must not be located in Precinct 2.  Must be generally in accordance with the Comprehensive Development Plan.
<b>Restricted retail premises</b>	Must be located in the mixed use area or commercial area of Precinct 1.  Must be generally in accordance with the Comprehensive Development Plan.
<b>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</b>	
<b>Mineral, stone, or soil excavation (other than Extractive Industry, Mineral exploration, Mining and Search for stone)</b>	
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	
<b>Any other use not in 1 or 3</b>	Must be generally in accordance with the Comprehensive Development Plan.

## Section 3 - Prohibited

**Use****Adult sex product shop****Intensive animal husbandry****Cemetery****Corrective institution****Crematorium****Drive-in theatre****Extractive industry****Freeway service centre****Gambling premises****Industry (other than Automated collection point, Car wash, Dry cleaner, Laundromat, and Research and development centre)****Motor racing track****Road freight terminal****Saleyard****Transport terminal****Warehouse****2.0**10/06/2021  
C254card**Use of land****Exemption from notice and appeal**

An application for use is 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, if it is generally in accordance with the Former Pakenham Racecourse Comprehensive Development Plan (February 2010).

**3.0**10/06/2021  
C254card**Subdivision****Exemption from notice and appeal**

An application for subdivision is 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, if it is generally in accordance with the *Former Pakenham Racecourse Comprehensive Development Plan* (February 2010).

**4.0**10/06/2021  
C254card**Buildings and works****Application Requirements**

An application to construct a building or to construct or carry out works must be generally in accordance with the Former Pakenham Racecourse Comprehensive Development Plan (February 2010).

An application must be accompanied by the following information, as appropriate:

- Site context and existing conditions plan including:

## CARDINIA PLANNING SCHEME

- boundaries and dimensions of the site with adjoining roads, open space areas and relevant ground levels;
- The location, height and use of existing buildings on adjoining land, pedestrian and other public areas, public transport availability and an evaluation of opportunities and constraints;
- Urban design rationale report and plan explaining how the development responds to the broader town centre;
- Demolition plan;
- The staging of the development and interim treatment of areas until development occurs;
- Detailed land use plan including approximate floor area schedule;
- A development plan drawn to scale which shows:
  - Perspective views;
  - The layout plans for basement(s), ground floor and other floors within the development, roof plan, elevations including a schedule of colour and materials of all buildings and works, and sections. All plans must be to scale with dimensions;
  - Vehicle access and the location and layout of all car parking areas;
  - Location and layout of loading and unloading areas / facilities;
  - Location and layout of rubbish storage and waste recycling;
  - Location of all external plant, building services and equipment, including lift over runs;
  - Shadow plans for 22 September on the hour between 10am and 2pm;
- A traffic, parking and transport plan that shows:
  - Traffic management and control works in adjoining and nearby roads when the development or any stage of the development is completed;
  - The timing of proposed traffic works relative to the staging of the development;
  - Public transport arrangements and access routes;
  - Vehicle access and the location and layout of public/ commercial car parking areas.
- An open space plan including:
  - The hierarchy of public open space including but not limited to area, recreational use and extent of ecological systems; linkages to P.B Ronald Reserve, Pakenham Creek, existing public open space off Simon Drive, and anticipated future open space on Deep Creek (east of Cameron Way);
  - A management plan for the permanent maintenance of all open space areas available to the public;
  - Identification of areas of open space that will be available to the public (public areas) and non-public areas;
- An Environmentally Sustainable Development report identifying the environmental and energy efficient features to be included in the development, demonstrating best practice principles;
- Report addressing pedestrian connections and design and access arrangements appropriate to meet the needs of people with disabilities;
- A landscape concept plan that shows, in relation to the proposed development:
  - The provision of appropriate landscape buffers, including fencing where the land directly abuts an adjoining residential area not included in this schedule;

- The treatment of car parking areas, including any rooftop and decked parking areas;
- The treatment and layout of the public realm including adjacent streets, road reserves and public areas;
- A staging strategy for the implementation of landscape works and ongoing management strategy for the permanent maintenance of all open space areas available to the public;
- Areas of open space that will be available to the public (public areas) and non-public areas;
- Lighting plan;
- Any temporary structures.

**Exemption from notice and appeal**

An application for buildings and works is 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, if it is generally in accordance with the Former Pakenham Racecourse Comprehensive Development Plan (February 2010).

**5.0**

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**Signs**

Sign requirements are at Clause 52.05. All land within Precinct 1 as indicated in the Comprehensive Development Plan is in Category 1. All land within Precinct 2 as indicated in the Comprehensive Development Plan is in Category 3.

**6.0**

**Decision guidelines**

Before deciding on an application, the responsible authority should consider:

- The incorporated document titled:
  - Former Pakenham Racecourse Comprehensive Development Plan (February 2010) as amended from time to time.
- Any shopfront and sign guidelines approved by the responsible authority for this site.

**SCHEDULE 3 TO CLAUSE 37.02 COMPREHENSIVE DEVELOPMENT ZONE**

Shown on the planning scheme map as **CDZ3**

**RACECOURSE ROAD, PAKENHAM COMPREHENSIVE DEVELOPMENT PLAN****Land**

A 17.86ha parcel of land located on the east side of Racecourse Road, Pakenham immediately south of the Pakenham Creek drainage reserve.

**Purpose**

To facilitate the use and development of the land for residential purposes, including retirement accommodation, generally in accordance with the Racecourse Road, Pakenham Comprehensive Development Plan, October 2010.

To provide for the development of a quality residential development integrated with landscaped open space.

To provide for effective stormwater management in accordance with water sensitive urban design principles and Melbourne Water requirements.

To ensure that the use and development of the land address potential noise and odour emissions from the industrial precinct to the south and west of the land.

To ensure the orderly staging of construction and development.

To ensure that provision is made for the protection and enhancement of habitat for the Growling Grass Frog (*Litoria raniformis*).

**1.0**01/12/2023  
VC217**Table of uses****Section 1 - Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Animal keeping (other than Animal boarding)</b>	Must be no more than 2 animals.
<b>Automated collection point</b>	Must meet the requirements of Clause 52.13-3 and 52.13-5.  The gross floor area of all buildings must not exceed 50 square metres.
<b>Bed and breakfast</b>	No more than 6 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
<b>Dependent person's unit</b>	Must be the only dependent person's unit on the lot.
<b>Home based business</b>	
<b>Informal outdoor recreation</b>	
<b>Mineral exploration</b>	
<b>Mining</b>	Must meet the requirements of Clause 52.08-2
<b>Place of worship</b>	Must be no social or recreation activities.

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Use	Condition
	<p>The gross floor area of all buildings must not exceed 180 square metres.</p> <p>The site must not exceed 1200 square metres.</p> <p>The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.</p>
<b>Railway</b>	
<b>Search for stone</b>	Must not be costeaning or bulk sampling.
<b>Tramway</b>	
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01

### Section 2 – Permit required

Use	Condition
<b>Accommodation (other than Bed and breakfast and Dependent person's unit)</b>	
<b>Agriculture (other than Animal keeping, Animal training, Apiculture, Horse stables, and Intensive animal husbandry)</b>	
<b>Animal keeping (other than Animal boarding) If the Section 1 condition is not met</b>	Must be no more than 5 animals.
<b>Car park</b>	Must be used in conjunction with another use in Section 1 or 2.
<b>Car wash</b>	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
<b>Convenience Shop</b>	
<b>Food and drink premises</b>	
<b>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</b>	
<b>Market</b>	
<b>Medical centre</b>	
<b>Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Search for stone)</b>	
<b>Place of assembly (other than Amusement parlour, Carnival, Circus, Nightclub, and Place of worship)</b>	
<b>Plant nursery</b>	
<b>Service station</b>	

Use	Condition
Store	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
Utility installation (other than Minor utility installation and Telecommunications facility) Any other use not in Section 1 or 3	

**Section 3 – Prohibited**

Use
Adult sex product shop
Amusement parlour
Animal boarding
Animal training
Cinema based entertainment facility
Extractive industry
Horse stables
Industry (other than Automated collection point and Car wash)
Intensive animal husbandry
Motor racing track
Nightclub
Office (other than medical centre)
Restricted retail premises
Retail premises (other than Convenience shop, Food & drink premises, Market and Plant nursery)
Saleyard
Transport terminal
Warehouse (other than Store)

**2.0**

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**Use of land**

**Exemption from notice and review**

An application to use land generally in accordance with the Racecourse Road, Pakenham Comprehensive Development Plan, October 2010 is 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.

**3.0**10/06/2021  
C254card**Subdivision****Exemption from notice and review**

An application to subdivide land generally in accordance with the Racecourse Road, Pakenham Comprehensive Development Plan, October 2010 is 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.

**4.0**10/06/2021  
C254card**Buildings and works****Exemption from notice and review**

An application to develop land generally in accordance with the Racecourse Road, Pakenham Comprehensive Development Plan, October 2010 is 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.

**5.0****Permit requirements**

The use, development and subdivision of the land must be generally in accordance with the Racecourse Road, Pakenham Comprehensive Development Plan, (October 2010) and must meet the following requirements:

- Prior to the use, development or subdivision of the land for residential purposes, the owner of the land must enter into an agreement with the responsible authority (and any other relevant party) under Section 173 of the Planning and Environment Act 1987 to provide for measures to control noise and odour emissions from nearby industrial operations to an acceptable level specified under the relevant State Environment Protection Policy. The agreement must also provide for obligations for the ongoing maintenance of the measures specified in the agreement.
- The development must provide for landscape improvements to the Pakenham Creek drainage reserve to the north of the land, including the provision of a pedestrian and bicycle path.
- Prior to the use, development or subdivision of the land for residential purposes, the owner of the land must enter into an agreement with the responsible authority (and any other relevant party) under Section 173 of the Planning and Environment Act 1987 to ensure that the proposed wetlands and habitat are designed, retained and managed for the requirements of the Growling Grass Frog (*Litoria raniformis*).

**6.0****Application requirements**

An application to use, subdivide or develop land for residential, commercial or mixed use purposes must be accompanied by, as appropriate:

- A report detailing the extent to which the proposal advances the purpose of this schedule.
- A report detailing the consistency between the proposal and the Racecourse Road, Pakenham Comprehensive Development Plan, October 2010.
- A report detailing the extent to which the development layout manages the interface with adjoining land, including the rail line to the south and industrial uses to the south and west.
- A report prepared by a suitably qualified civil engineer providing details of necessary engineering works to provide for stormwater management and the application of water sensitive urban design principles in accordance with Melbourne Water requirements.
- A report prepared by a suitably qualified acoustic engineer which considers the implications of any noise emissions from the rail line to the south and the industrial precinct to the south

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and west of the land on the amenity of future residents and specifies any necessary measures to address amenity implications.

- A report prepared by a suitably qualified environmental scientist/engineer which considers the implications of odour emissions from the industrial precinct to the south and west of the land on the amenity of future residents and specifies any necessary measures to address amenity implications.
- A report prepared by a suitably qualified traffic engineer addressing arrangements for vehicle access to Racecourse Road, internal access way layout and connections to neighbouring properties.
- A report prepared by a suitably qualified person detailing the extent to which the development layout provides for the retention of remnant vegetation and manages flora and fauna habitat, including that of the Growling Grass Frog.
- A management plan prepared by a suitably qualified person which addresses the protection and ongoing management of the Growling Grass Frog. The management plan must address, but not be limited to, the following issues:
  - Details of wetland design and construction (including the proposed water source).
  - Pollution management (including that from roads, pesticides and fertilisers).
  - Management actions to be undertaken, including a schedule for implementation.
  - Salvage of Growling Grass Frogs, in the event that they are located upon commencement of earthworks.
  - A proposed monitoring program.
  - Management of pest plants and animals, in particular Mosquito Fish, and contingency arrangements in the event that Mosquito Fish are detected.
  - Proposed public education about the Growling Grass Frog and the danger of introducing fish to the wetlands.
- A plan that details how the proposal will meet the requirements of Net Gain.
- Plans drawn to scale which show:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and purpose of buildings and works on adjoining land.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - All driveways, car parks, pedestrian paths and loading areas.
  - Proposed landscape areas.
  - All external storage and waste treatment areas.
  - Areas not required for immediate use.
- Elevation drawings to scale showing the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways, and vehicle parking and loading areas.
- A landscape concept which includes a description of vegetation to be planted, the surfaces to be constructed, site works specifications and the method of preparing, draining, watering and maintaining the landscape area.

## 7.0 Decision guidelines

Before deciding on an application to develop land, the responsible authority must consider, as appropriate:

- The extent to which the proposal advances the purpose of this schedule.
- The consistency between the proposal and the Racecourse Road, Pakenham Comprehensive Development Plan, (October 2010).
- The extent to which the development layout manages the interface between the site and adjoining land, including the rail line to the south and industrial uses to the south and west.
- The extent to which the development layout provides for the retention of remnant vegetation and manages flora and fauna habitat, including that of the Growling Grass Frog.
- The effect of the proposal on the amenity of the area.
- The views of Melbourne Water.
- The views of the Environment Protection Authority.
- The views of the Department of Sustainability and Environment.
- The orderly development of land, including management of traffic, car parking, the provision of pedestrian ways and open space.
- The overall objective of achieving an integrated development in a neighbourhood setting that has been master planned to provide a sympathetic, distinctive and attractive urban design.
- The extent to which the proposal meets the requirements of Net Gain.
- The following design objectives for the land:
  - To create a quality living environment.
  - To enhance safety and movement on the surrounding road network.
- To provide for integration of the development with the pedestrian and cycle networks in the locality.
- To provide for attractive and distinctive public or common spaces and streetscapes.
- To limit development generally to two storeys.
- To protect and improve the amenity of neighbouring residential areas.
- To contribute to the improvement of on-site and off-site local stormwater drainage systems, including significant stormwater retention within the buffer areas.
- To facilitate the provision of appropriate landscaping in the buffer areas and the adjoining Pakenham Creek drainage reserve and throughout the development.
- To optimise opportunities for energy efficient and water sensitive urban design.

## 8.0

10/06/2021  
C254card

### Signs

Sign requirements are at Clause 52.05. All land located within this Schedule to this zone is in Category 3.

**37.03**

01/07/2021  
VC203

**URBAN FLOODWAY ZONE**

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

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify waterways, major floodpaths, drainage depressions and high hazard areas within urban areas which have the greatest risk and frequency of being affected by flooding.

To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.

To reflect any declarations under Division 4 of Part 10 of the *Water Act, 1989*.

To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.

**37.03-1**

14/01/2025  
VC237

**Table of uses**

**Section 1 - Permit not required**

Use	Condition
Informal outdoor recreation	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

**Section 2 - Permit required**

Use	Condition
Agriculture (other than Animal production and Apiculture)	
Grazing animal production	
Leisure and recreation (other than Informal outdoor recreation, Indoor recreation facility, and Motor racing track)	
Road	
Utility installation (other than Telecommunications facility)	
Any use listed in Clause 62.01 if any requirement is not met	

**Section 3 - Prohibited**

Use
Animal production (other than Grazing animal production)
Indoor recreation facility
Motor racing track
Any other use not in Section 1 or 2

**37.03-2**

17/02/2022  
VC200

**Buildings and works**

A permit is required to construct a building or construct or carry out works, including:

- A fence.
- Roadworks, if the water flowpath is redirected or obstructed.
- Bicycle pathways and trails, if the water flowpath is redirected or obstructed.
- Public toilets.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
- A non-domestic disabled access ramp.

This does not apply to:

- Roadworks or bicycle paths and trails constructed or carried out by or on behalf of the Head, Transport for Victoria, to the satisfaction of the relevant floodplain management authority.
- Flood mitigation works carried out by the responsible authority or floodplain management authority.
- The following works in accordance with plans prepared to the satisfaction of the responsible authority:
  - The laying of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.
  - The erection of telephone or power lines provided they do not involve the construction of towers or poles.
- Post and wire and post and rail fencing.

### 37.03-3

14/12/2023  
VC253

#### Subdivision

A permit is required to subdivide land. A permit may only be granted to subdivide land if the following apply:

- The subdivision does not create any new lots, which are entirely within this zone. This does not apply if the subdivision creates a lot, which by agreement between the owner and the relevant floodplain management authority, is to be transferred to an authority for a public purpose.
- The subdivision is the resubdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this scheme specifically provides otherwise.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

### 37.03-4

31/07/2018  
VC148

#### Application requirements

##### General

An application must be accompanied by any information specified in the schedule to this zone.

### **Local floodplain development plan**

If a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan.

### **Flood risk report**

If a local floodplain development plan for the area has not been incorporated into this scheme, an application must be accompanied by a flood risk report to the satisfaction of the responsible authority. The flood risk report must consider the following, where applicable:

- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this zone.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:
  - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
  - The flood warning time available.
  - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- The effects of the development on environmental values such as natural habitat, stream stability, erosion, water quality and sites of scientific significance.

### **37.03-5**

19/01/2006  
VC37

### **Referral of applications**

An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.

### **37.03-6**

31/07/2018  
VC148

### **Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The local floodplain development plan or flood risk report.
- Any comments of the relevant floodplain management authority.
- Any other matters specified in the schedule to this zone.

### **37.03-7**

31/07/2018  
VC148

### **Signs**

Sign requirements are at Clause 52.05. This zone is in Category 4 unless the schedule to this zone specifies a different category.

10/06/2021  
C254card

## SCHEDULE TO CLAUSE 37.03 URBAN FLOODWAY ZONE

### 1.0

10/06/2021  
C254card

#### Application requirements

None specified.

### 2.0

10/06/2021  
C254card

#### Decision guidelines

None specified.

### 3.0

10/06/2021  
C254card

#### Signs

Land	Sign Category
None specified	

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**37.07**  
31/07/2018  
VC148

**URBAN GROWTH ZONE**

Shown on the planning scheme map as **UGZ** with a number (if shown).

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To manage the transition of non-urban land into urban land in accordance with a precinct structure plan.

To provide for a range of uses and the development of land generally in accordance with a precinct structure plan.

To contain urban use and development to areas identified for urban development in a precinct structure plan.

To provide for the continued non-urban use of the land until urban development in accordance with a precinct structure plan occurs.

To ensure that, before a precinct structure plan is applied, the use and development of land does not prejudice the future urban use and development of the land.

**Application of provisions**

**Part A – No precinct structure plan applies**

The provisions of Clauses 37.07-1 to 37.07-8 apply if no precinct structure plan applies to the land.

**Part B – Precinct structure plan applies**

The provisions of Clauses 37.07-9 to 37.07-16 apply if a precinct structure plan applies to the land.

**Precinct structure plan provisions**

A precinct structure plan applies to land when the precinct structure plan is incorporated in this scheme.

**37.07-1**  
14/01/2025  
VC237

**Part A – Provisions For Land Where No Precinct Structure Plan Applies**

**Table of uses**

**Section 1 – Permit not required**

Use	Condition
<b>Agriculture (other than Animal production, Apiculture, Domestic animal husbandry, Racing dog husbandry, Rice growing and Timber production)</b>	
<b>Automated collection point</b>	Must meet the requirements of Clause 52.13-3 and 52.13-5. The gross floor area of all buildings must not exceed 50 square metres.
<b>Bed and breakfast</b>	No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Dwelling (other than Bed and breakfast)</b>	<p>Must be the only dwelling on the lot.</p> <p>The lot must be at least 40 hectares.</p> <p>Must meet the requirements of Clause 37.07-2.</p>
<b>Grazing animal production</b>	
<b>Home based business</b>	
<b>Informal outdoor recreation</b>	
<b>Poultry farm</b>	<p>Must be no more than 100 poultry (not including emus or ostriches).</p> <p>Must be no more than 10 emus and ostriches.</p>
<b>Primary produce sales</b>	<p>Must not be within 100 metres of a dwelling in separate ownership.</p> <p>The area used for the display and sale of primary produce must not exceed 50 square metres.</p>
<b>Railway</b>	
<b>Rural industry (other than Abattoir and Sawmill)</b>	<p>Must not have a gross floor area more than 200 square metres.</p> <p>Must not be within 100 metres of a dwelling in separate ownership.</p> <p>Must not be a purpose shown listed in the table to Clause 53.10 with no threshold distance specified.</p> <p>The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:</p> <ul style="list-style-type: none"> <li>▪ The threshold distance, for a purpose listed in the table to Clause 53.10.</li> <li>▪ 30 metres, for a purpose not listed in the table to Clause 53.10.</li> </ul> <p>Must not:</p> <ul style="list-style-type: none"> <li>▪ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2022.</li> <li>▪ Require a notification under the Occupational Health and Safety Regulations 2017.</li> <li>▪ Require a licence under the Dangerous Goods (Explosives) Regulations 2011.</li> <li>▪ Require a licence under the Dangerous Goods (HCDG) Regulations 2016.</li> </ul>
<b>Rural store</b>	<p>Must be used in conjunction with Agriculture.</p> <p>Must be in a building, not a dwelling, and have a gross floor area of less than 100 square metres.</p> <p>Must be the only Rural store on the lot.</p>

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Small second dwelling</b>	<p>Must be no more than one dwelling existing on the lot.</p> <p>Must be the only small second dwelling on the lot.</p> <p>Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.</p> <p>Must meet the requirements of Clause 37.07-2.</p>
<b>Tramway</b>	
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01

### Section 2 – Permit required

Use	Condition
<b>Abattoir</b>	
<b>Animal production (other than Grazing animal production, Intensive animal production and Poultry farm)</b>	
<b>Broiler farm - if the Section 1 condition to Poultry farm is not met</b>	Must be no more than 10,000 chickens.
<b>Camping and caravan park</b>	
<b>Car park</b>	Must be used in conjunction with another use in Section 1 or 2.
<b>Cemetery</b>	
<b>Crematorium</b>	
<b>Display home centre</b>	
<b>Domestic animal boarding</b>	
<b>Domestic animal husbandry (other than Domestic animal boarding)</b>	Must be no more than 5 animals.
<b>Dwelling (other than Bed and breakfast) – if the Section 1 conditions are not met</b>	<p>Must be no more than 2 dwellings on the lot.</p> <p>Must meet the requirements of Clause 37.07-2.</p>
<b>Education centre (other than child care centre)</b>	
<b>Emergency services facility</b>	
<b>Freeway service centre</b>	Must meet the requirements of Clause 53.05.
<b>Industry (other than Automated collection point and Rural Industry)</b>	
<b>Racing dog husbandry</b>	Must be no more than 5 animals.
<b>Trade supplies</b>	

Use	Condition
Utility installation (other than Minor utility installation and Telecommunications facility)	
Veterinary centre	
Warehouse (other than Rural store)	
Winery	
Any other use not in Section 1 or 3	

**Section 3 - Prohibited**

Use
Accommodation (other than Bed and breakfast, Camping and caravan park, Dwelling, Group accommodation, Host farm, Residential hotel and Small second dwelling)
Amusement parlour
Child care centre
Cinema based entertainment facility
Intensive animal production
Nightclub
Office (other than Medical centre and Real estate agency)
Renewable energy facility
Retail premises (other than Landscape gardening supplies, Manufacturing sales, Market, Primary produce sales, Restaurant and Trade supplies)
Saleyard
Small second dwelling - if the Section 1 condition is not met
Timber production

**37.07-2**

14/12/2023  
VC253

**Use of land for a dwelling or small second dwelling**

A lot used for a dwelling or small second dwelling must meet the following requirements:

- Access to the dwelling or small second dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- Each dwelling or small second dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.

- The dwelling or small second dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling or small second dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

**37.07-3**

14/12/2023  
VC253

**Subdivision**

A permit is required to subdivide land.

Each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

A permit cannot be granted which would allow a separate lot to be created for land containing a small second dwelling.

**37.07-4**

14/12/2023  
VC253

**Buildings and works**

A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 37.07-1. This does not apply to:
  - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is no more than 100 square metres.
  - An out-building associated with an existing dwelling provided the floor area of the out-building is not more than 100 square metres.
  - An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is no more than 200 square metres. The building must not be used to keep, board, breed or train animals.
- Earthworks which change the rate of flow or the discharge point of water across a property boundary.
- Earthworks which increase the discharge of saline water.
- A building which is within any of the following setbacks:
  - 100 metres from a road in a Transport Zone 2 or land in a Public Acquisition Overlay if the Head, Transport for Victoria is the acquiring authority; and the purpose of the acquisition is for a road.
  - 40 metres from a road in a Transport Zone 3 or land in a Public Acquisition Overlay if the Head, Transport for Victoria is not the acquiring authority.
  - 20 metres from any other road.
  - 5 metres from any other boundary.

- 100 metres from a dwelling or small second dwelling not in the same ownership.
- 100 metres from a waterway, wetlands or designated flood plain.
- Permanent or fixed feeding infrastructure for seasonal or supplementary feeding for grazing animal production constructed within 100 metres of:
  - A waterway, wetland or designated flood plain.
  - A dwelling or small second dwelling not in the same ownership.
  - A residential zone or urban growth zone where a precinct structure plan applies.

### 37.07-5

08/08/2019  
VC159

#### Referral of applications

An application of the kind listed below must be referred in accordance with section 55 of the Act to the referral authority specified in Clause 66.03.

- An application to use or develop land for any of the following:
  - Display home centre.
  - Education centre.
  - Hospital.
  - Industry.
  - Medical centre.
  - Place of worship.
  - Real estate agency.
  - Warehouse.
- An application to subdivide land to create a lot smaller than 40 hectares in area.

### 37.07-6

04/05/2022  
VC210

#### Environmental audit

Before a pre-school centre, primary school or secondary school commences on potentially contaminated land, or before the construction or carrying out of buildings and works in association with a pre-school centre, primary school or secondary school commences on potentially contaminated land:

- A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the use or proposed use; or
- An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the use or proposed use; or
- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or
- A statement of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970* stating that the environmental conditions of the land are suitable for the use or proposed use.

The requirement for a preliminary risk screen assessment statement, an environmental audit statement, a certificate of environmental audit or a statement of environmental audit in this provision does not apply to the construction or carrying out of buildings and works, if:

- The buildings and works are associated with an existing pre-school centre, primary school or secondary school, included in Clause 62.02-1 or 62.02-2, and the soil is not disturbed;

- The buildings and works are required by the Environment Protection Authority or an environmental auditor appointed under the *Environment Protection Act 2017* to make the site suitable for use; or
- The buildings and works are reasonably required by an environmental auditor appointed under the *Environment Protection Act 2017* or the *Environment Protection Act 1970* to undertake a preliminary risk screen assessment or environmental audit.

### 37.07-7

31/07/2018  
VC148

#### Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- The effect on the future urban development and use of the land, and adjacent or nearby land, having regard to:
  - Any relevant Growth Corridor Framework Plan.
  - Any precinct structure plan being prepared for the area.
  - Any comments or directions of the referral authority.
- Whether the proposal will prejudice the logical, efficient and orderly future urban development of the land, including the development of roads, public transport and other infrastructure.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development.
- The impact of the siting, design, height, bulk, colours and materials to be used on the natural environment, major roads, vistas and water features, future urban use of the land, and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, public transport, walking and cycling networks, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require new or upgraded infrastructure, including traffic management measures.

### 37.07-8

31/07/2018  
VC148

#### Signs

Sign requirements are at Clause 52.05. The zone is in Category 3.

Despite the provisions of Clause 52.05-13, a permit may be granted, for a period of not more than 5 years, to display a sign that promotes the sale of land or dwellings.

### 37.07-9

14/01/2025  
VC237

#### Part B – Provisions For Land Where A Precinct Structure Plan Applies

##### Use of land

Any requirement in the Table of uses and any requirement specified in the schedule to this zone must be met.

A permit granted must be generally in accordance with the precinct structure plan applying to the land.

**Table of uses**

**Section 1 – Permit not required**

Use	Condition
<b>Any use in Section 1 of a zone applied by the schedule to this zone</b>	<p>Must comply with any condition opposite the use in Section 1 of the applied zone.</p> <p>Must comply with any condition or requirement specified in the schedule to this zone or in the precinct structure plan.</p>
<b>Any use specified in the schedule to this zone as a use for which a permit is not required</b>	<p>Must comply with any condition or requirement specified in the schedule to this zone or in the precinct structure plan.</p>

**Section 2 – Permit required**

Use	Condition
<b>Any use in Section 2 of a zone applied by the schedule to this zone</b>	<p>Must comply with any condition opposite the use in Section 2 of the applied zone.</p> <p>Must comply with any condition or requirement specified in the schedule to this zone or in the precinct structure plan.</p>
<b>Any use specified in the schedule to this zone as a use for which a permit is required</b>	<p>Must comply with any condition or requirement specified in the schedule to this zone or in the precinct structure plan.</p>
<b>Any other use not in Section 1 or 3</b>	

**Section 3 – Prohibited**

Use
<b>Any use in Section 3 of a zone applied by the schedule to this zone</b>
<b>Any use specified in the schedule to this zone as a use which is prohibited</b>

**37.07-10**

14/12/2023  
VC253

**Subdivision of land**

A permit is required to subdivide land. Any requirement in the schedule to this zone or the precinct structure plan must be met.

A permit granted must:

- Be generally in accordance with the precinct structure plan applying to the land.
- Include any conditions or requirements specified in the schedule to this zone or the precinct structure plan.

A permit cannot be granted which would allow a separate lot to be created for land containing a small second dwelling.

**37.07-11**

23/09/2011  
VC77

**Buildings and works**

If the schedule to this zone specifies:

- That the provisions of a zone apply to the development of land, the provisions of the zone apply to land in the circumstances specified in the schedule.

- Provisions relating to the development of land, those provisions apply to land in the circumstances specified in the schedule.

If the schedule to this zone specifies that a permit is required to construct a building or construct or carry out works, a permit granted must:

- Be generally in accordance with the precinct structure plan applying to the land.
- Include any conditions or requirements specified in the schedule to this zone or the precinct structure plan.

### **37.07-12 Application requirements**

10/06/2008  
VC48

An application to use or subdivide land, construct a building or construct or carry out works, must be accompanied by any information specified in the schedule to this zone.

### **37.07-13 Exemption from notice and review**

25/05/2017  
VC133

An application under any provision of this scheme which is generally in accordance with the precinct structure plan applying to the land is 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, unless the schedule to this zone specifies otherwise.

### **37.07-14 Decision guidelines**

31/07/2018  
VC148

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

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any relevant Growth Area Framework Plan.
- The precinct structure plan applying to the land, including the vision and objectives of the precinct structure plan.
- Any guidelines in the schedule to this zone.

### **37.07-15 Inconsistencies between specific and applied zone provisions**

10/06/2008  
VC48

If there is an inconsistency between the specific provisions specified in the schedule to this zone and the provisions of a zone applied by the schedule to this zone, the specific provisions prevail to the extent of any inconsistency.

### **37.07-16 Signs**

31/07/2018  
VC148

Sign requirements are at Clause 52.05. This zone is in the category specified in the schedule to this zone or, if no category is specified, Category 3.

10/06/2021  
C254card

**SCHEDULE 1 TO CLAUSE 37.07 URBAN GROWTH ZONE**

Shown on the planning scheme map as UGZ1.

**CARDINIA ROAD PRECINCT STRUCTURE PLAN (SEPTEMBER 2008)**

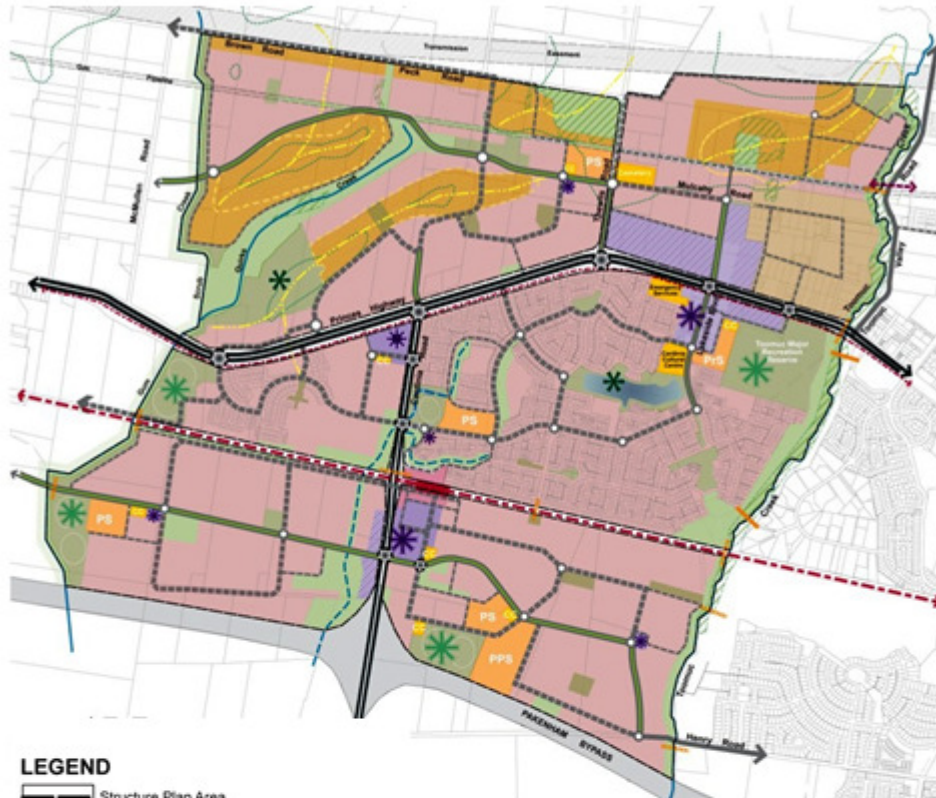
**1.0**

10/06/2021  
C254card

**The Plan**

Plan 1 shows the future urban structure proposed in the Cardinia Road Precinct Structure Plan (September 2008).

**Plan 1 to Schedule 1 to Clause 37.07**



**LEGEND**

- |  |   |  |   |
|--|---|--|---|
|  | Structure Plan Area                                   |  | Community facilities and public uses<br>(CC = Community Centre)                                     |
|  | Primary Arterial Road (VicRoads)                      |  | Educational facilities<br>(PS = Primary School, PPS = Post Primary School,<br>PIS = Private School) |
|  | Local Arterial Road (divided)                         |  | Public open space (unencumbered)  |
|  | Local Arterial Road (non - divided)                   |  | Public open space (encumbered)  |
|  | Collector Road  |  | District sports reserves (8ha+)   |
|  | Local Streets   |  | District Parks  |
|  | Signalised intersections                              |  | Existing pedestrian crossings   |
|  | Other traffic control devices                         |  | Proposed pedestrian crossings   |
|  | Cardinia Road under rail                              |  | Existing creeks   |
|  | Railway Line, Proposed Station and Car Parking        |  | Drainage Lines  |
|  | PPTN - Principal Public Transport Network             |  | Lakes/waterbodies   |
|  | Residential Land                                      |  | Ecological Vegetation Classes (EVC's)   |
|  | Low density residential land<br>(1000 - 2000sqm lots) |  | Areas requiring sensitive design  |
|  | Industrial land                                       |  | Ridgelines  |
|  | Core Business   |  | 60m contour (landscape significance)  |
|  | Large Neighbourhood Activity Centre (NAC)             |  | Potential future road link  |
|  | Small Neighbourhood Activity Centre (NAC)             |  | Existing Major Easements  |
|  | Neighbourhood Convenience Centre (NCC)                |  |   |
|  | Peripheral Commercial                                 |  |   |

**2.0**

10/06/2021  
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**Use and development**

**2.1**

10/06/2021  
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**The Land**

The provisions specified in this schedule apply to all land zoned UGZ and shown in Plan 1.

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

**2.2**

10/06/2021  
C254card

**Applied zone provisions**

None specified.

**2.3**

01/12/2023  
GC230

**Specific provisions – Use of land**

**Section 1 - Permit not required**

<b>Use</b>	<b>Condition</b>
<b>Bed and breakfast</b>	No more than 6 persons may be accommodated away from their normal place of residence.  At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
<b>Dependent person's unit</b>	Must be the only dependent person's unit on the lot.
<b>Dwelling (other than Bed and breakfast)</b>	
<b>Food and drink premises (other than Hotel and Tavern)</b>	The site must generally form part of a core business or peripheral commercial area as shown in the <i>Cardinia Road Precinct Structure Plan</i> (September 2008).
<b>Home based business</b>	
<b>Informal outdoor recreation</b>	
<b>Medical centre</b>	The site must generally form part of a core business or peripheral commercial area as shown in the <i>Cardinia Road Precinct Structure Plan</i> (September 2008).
<b>Mineral exploration</b>	
<b>Mining</b>	Must meet the requirements of Clause 52.08-2.
<b>Office (other than Medical centre)</b>	The site must be within a core business or peripheral commercial area as shown in the <i>Cardinia Road Precinct Structure Plan</i> (September 2008), or the office must be a temporary land sales office for land being sold as part of the subdivision of land.
<b>Open sports ground</b>	
<b>Postal agency</b>	The site must generally form part of a core business or peripheral commercial area as shown in the <i>Cardinia Road Precinct Structure Plan</i> (September 2008).

**CARDINIA PLANNING SCHEME**

<b>Use</b>	<b>Condition</b>
<b>Railway</b>	
<b>Railway Station</b>	
<b>Search for stone</b>	Must not be costeaning or bulk sampling.
<b>Shop</b>	The site must generally form part of a core business area as shown in the <i>Cardinia Road Precinct Structure Plan</i> (September 2008).  The combined leasable floor area must not exceed the amount specified for the activity centre in the <i>Cardinia Road Precinct Structure Plan</i> (September 2008).
<b>Tramway</b>	
<b>Veterinary centre</b>	The site must generally form part of a core business or peripheral commercial area as shown in the <i>Cardinia Road Precinct Structure Plan</i> (September 2008).
<b>Any use listed in Clause 62.01</b>	Must meet requirements of Clause 62.01.

**Section 2 - Permit required**

<b>Use</b>	<b>Condition</b>
<b>Accommodation (other than Corrective institution, Dependent person's unit, and Dwelling)</b>	
<b>Agriculture (other than Animal keeping, Animal training, Apiculture and Intensive animal husbandry)</b>	
<b>Amusement parlour</b>	The site must generally form part of a core business or peripheral commercial area as shown in the <i>Cardinia Road Precinct Structure Plan</i> (September 2008).
<b>Animal keeping (other than Animal boarding)</b>	Must be no more than four animals.
<b>Art and craft centre</b>	
<b>Child care centre</b>	
<b>Cinema based entertainment facility</b>	The site must generally form part of a core business area as shown in the <i>Cardinia Road Precinct Structure Plan</i> (September 2008).
<b>Convenience shop</b>	
<b>Display Home</b>	
<b>Education Centre</b>	
<b>Funeral parlour</b>	

**CARDINIA PLANNING SCHEME**

<b>Use</b>	<b>Condition</b>
<b>Hotel</b>	The site must generally form part of a core business or peripheral commercial area as shown in the <i>Cardinia Road Precinct Structure Plan</i> (September 2008).
<b>Leisure and recreation (other than Informal outdoor recreation, Motor racing track and Open sports ground)</b>	
<b>Mineral, stone or soil extraction (other than Extractive Industry, Mineral exploration, Mining and Search for stone)</b>	
<b>Motor vehicle, boat or caravan sales</b>	The site must generally form part of a peripheral commercial area as shown in the <i>Cardinia Road Precinct Structure Plan</i> (September 2008).
<b>Nightclub</b>	The site must be within a core business or peripheral commercial area as shown in the <i>Cardinia Road Precinct Structure Plan</i> (September 2008).
<b>Place of assembly (other than Amusement parlour, Carnival, Circus, Drive-in-theatre, and Nightclub)</b>	
<b>Place of worship</b>	
<b>Retail premises (other than Food and drink premises, Motor vehicle, boat or caravan sales, Postal agency, and Shop)</b>	The site must generally form part of a core business or peripheral commercial area as shown in the <i>Cardinia Road Precinct Structure Plan</i> (September 2008).
<b>Service industry (other than Panel beating)</b>	The site must generally form part of a core business or peripheral commercial area as shown in the <i>Cardinia Road Precinct Structure Plan</i> (September 2008).
<b>Service station</b>	<p>The site must adjoin or have access to a road in a Transport Zone 2 or a Transport Zone 3.</p> <p>The site must not exceed either:</p> <ul style="list-style-type: none"> <li>- 3,000 square metres, or</li> <li>- 3,600 square metres if it adjoins on two boundaries a road in a Transport Zone 2 or a Transport Zone 3.</li> </ul>
<b>Shop – if the section 1 condition is not met.</b>	The site must generally form part of a core business or peripheral commercial area as shown in the <i>Cardinia Road Precinct Structure Plan</i> (September 2008).
<b>Store</b>	If in a residential area as shown in the <i>Cardinia Road Precinct Structure Plan</i> (September 2008), the store must be in a building, not a dwelling, and used to

## CARDINIA PLANNING SCHEME

Use	Condition
	store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
<b>Tavern</b>	The site must generally form part of a core business or peripheral commercial area as shown in the <i>Cardinia Road Precinct Structure Plan</i> (September 2008).
<b>Transport terminal (other than Railway station and Road freight terminal)</b>	
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	
<b>Any other use not specified in Section 1 or 3</b>	

### Section 3 - Prohibited

Use
<b>Adult sex product shop</b>
<b>Animal boarding</b>
<b>Animal training</b>
<b>Corrective institution</b>
<b>Drive-in-theatre</b>
<b>Extractive industry</b>
<b>Industry (other than Service industry)</b>
<b>Intensive animal husbandry</b>
<b>Motor racing track</b>
<b>Office (other than Medical centre) – if the Section 1 condition is not met</b>
<b>Panel beating</b>
<b>Road freight terminal</b>
<b>Saleyard</b>
<b>Warehouse (other than Store)</b>

### Use of land

The use of land must be generally in accordance with the *Cardinia Road Precinct Structure Plan* (September 2008).

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials or goods to or from the land.
- Traffic generated by the use.
- Appearance of any buildings, works or materials.
- Emissions from the use.

### Use of land for a dwelling

A dwelling must be connected to a reticulated recycled water supply system for toilet flushing and garden watering where available to the lot. Where a reticulated recycled water supply system is not available to the lot, a dwelling must be connected to a rainwater tank with a minimum capacity of 2,500 litres for toilet flushing and garden watering purposes or an alternative grey water recycling system to the satisfaction of the responsible authority.

## 2.4

10/06/2021  
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### Specific provisions - Subdivision

An application to subdivide residential land (as shown in Plan 1 to this schedule), other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

CLASS OF SUBDIVISION	OBJECTIVES AND STANDARDS TO BE MET
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

## 2.5

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### Specific provisions - Buildings and works

#### Construction and extension of one dwelling on a lot

A permit is required to construct or extend one dwelling on a lot of less than 300 square metres.

A development must meet the requirements of Clause 54.

A permit is required to construct a fence within 3 metres of a street if the fence exceeds the maximum front fence height specified in Table A2 of Clause 54.06-2.

#### Decision guidelines

Before deciding on an application the responsible authority must consider the objectives, standards and decision guidelines of Clause 54.

#### Construction and extension of two or more dwellings on a lot, dwellings on common property or residential buildings

A permit is required to:

- Construct a dwelling if there is at least one dwelling on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a residential building.

A development must meet the requirements of Clause 55. This does not apply to a development of four or more storeys, excluding a basement.

A permit is not required to construct one dependant persons unit on a lot.

A permit is required to construct a fence within 3 metres of a street if the fence exceeds the maximum front fence height specified in Table A2 of Clause 55.06-2.

### **Buildings and works for non-residential uses**

A permit is required to construct a building or construct or carry out works for a non-residential use.

This does not apply to the following in a core business or peripheral commercial area (as shown in Plan 1 to this schedule):

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.

### **3.0**

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### **Application requirements**

An application must be accompanied by the following information. If in the opinion of the responsible authority an application requirement of this clause is not relevant to the assessment of the application, it may waive or reduce the requirement.

### **Urban Design Framework**

A permit must not be granted to use or subdivide land, or to construct a building or construct and carry out works within a core business or peripheral commercial area as shown in the Cardinia Road Precinct Structure Plan (September 2008) until an urban design framework for the activity centre has been prepared to the satisfaction of the responsible authority.

The urban design framework may be amended to the satisfaction of the responsible authority.

The responsible authority may grant a permit to subdivide land prior to the preparation of an urban design framework if it is satisfied that the subdivision will not affect the urban design outcomes for the activity centre as set out in the Cardinia Road Precinct Structure Plan (September 2008).

The urban design framework must:

- Be generally in accordance with the Cardinia Road Precinct Structure Plan (September 2008).
- Address the background document Activity Centre Design Guidelines (DSE, 2005) and Safer Design Guidelines for Victoria (DSE, 2005).
- Set out the role and function of the activity centre including the proposed use and development of each part of the activity centre.
- Show the relationship to existing and proposed development surrounding the activity centre.
- Set out building design guidelines including the interface with streets and other public spaces, heights, materials, and articulation to create a strong urban character.
- Set out the design of streets including street design and widths, pedestrian access and areas, car parking, paving materials and street furniture.
- Set out arrangements for access to the activity centre from adjoining arterial roads.
- Set out the location of public spaces within the activity centre including a town park / square.
- Include an overall landscape concept for the activity centre.
- Set out guidelines to improvement environmental sustainability including integrated water management and energy conservation.
- Set out provisions for car parking including the location and design of car parking areas and car parking rates for proposed uses within the activity centre.

## CARDINIA PLANNING SCHEME

- Set out how public transport will be integrated with the activity centre.
- Set out design guidelines for the provision of signs.
- Set out arrangements for the provision of service areas for deliveries and waste disposal including access for larger vehicles and measures to minimise the impact on the amenity of the activity centre and adjoining neighbourhoods.
- Show how opportunities for housing and future commercial expansion can be incorporated into the activity centre.

### **Use of Land - non-residential uses**

An application to use land for a non-residential use must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of activities which will be carried out.
- The type and quantity of materials and goods to be stored, processed or produced.
- How land which is not required for immediate use is to be maintained.
- The likely effects, if any, on the neighbourhood, including noise levels, traffic, air-borne emissions, emissions to land or water, light spill, glare, solar access and hours of operation (including the hours of delivery and dispatch of materials and goods).

### **Subdivision**

In addition to the requirements of Clause 56, an application for subdivision must be accompanied by the following information for all of the land in the contiguous ownership of the landowner forming part of the development:

- The proposed use and development of each part of the land.
- A table setting out the amount of land allocated for the proposed uses.
- The staging of the development.
- The relationship of the land to existing or proposed development on adjoining land including road connections, open space, pedestrian and bicycle linkages, and drainage networks.
- Population and dwelling targets.
- The proposed range of lot sizes and housing types.
- The proposed road and street network including intersection treatments, proposed bus routes and the interface treatment with arterial roads.
- Proposed open space areas including the role and purpose of the open space.
- An overall landscape concept for the development and a detailed local open space landscape design plan as specified in the Cardinia Road Precinct Structure Plan (September 2008).
- A topographical assessment plan as specified in the Cardinia Road Precinct Structure Plan (September 2008).
- Lot and building design guidelines for any areas identified as requiring sensitive design.
- An Aboriginal cultural heritage management plan.
- A flora and fauna assessment and vegetation management and biodiversity enhancement plan as specified in the Cardinia Road Precinct Structure Plan (September 2008).
- A hydrogeological assessment of groundwater conditions on the site and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions on the development.

- A site assessment of the potential for contaminated land as a result of previous land uses.
- An acoustic assessment of the level of traffic noise from the Princes Freeway (Pakenham Bypass) and any measures required to reduce traffic noise levels to an acceptable level.

#### **Buildings and works**

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and purpose of buildings and works on adjoining land.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - All driveway, car parking and loading areas.
  - Proposed landscape areas.
  - All external storage and waste treatment areas.
  - Areas not required for immediate use.
- Elevation drawings to scale showing the colours and materials of all buildings and works.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
- A landscape layout for the site, and where appropriate adjoining roads and public spaces, which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

#### **4.0**

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#### **Conditions and requirements for permits**

None specified.

#### **5.0**

10/06/2021  
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#### **Exemption from notice and review**

None specified.

#### **6.0**

10/06/2021  
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#### **Decision guidelines**

##### **Non-residential land uses**

Before deciding on an application to use land for a non-residential purpose the responsible authority must consider, as appropriate:

- Any approved urban design framework approved under this schedule.
- The effect that existing or designated uses on adjoining or nearby land may have on the proposed use.
- The effect that the proposed use may have on the amenity of the neighbourhood.
- The availability and provision of utility services.
- The effect of traffic to be generated by the use.
- The interim use of those parts of the land not required for the proposed use.

**Subdivision or one or more dwellings on a lot**

Before deciding on an application to subdivide or to construct one or more dwellings on a lot, the responsible authority must consider the objectives, standards and decision guidelines of Clause 54, 55 or 56, as relevant.

**Other buildings and works**

Before deciding on an application the responsible authority must consider, as appropriate:

- The movement of pedestrians and cyclists, and vehicles, including vehicles involved with deliveries, waste removal, emergency services and public transport.
- The provision of car parking.
- The interface with adjoining areas, especially the relationship with residential areas.
- The streetscape, including the design of verandahs, access from the street front, providing active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or the immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- The availability of and connection to services.
- The design of buildings to provide for solar access.

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

**7.0**

10/06/2021  
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**Signs**

The following sign controls apply.

LAND	SIGN REQUIREMENTS
Land shown as residential in Plan 1 to this schedule	Category 3 - except that a permit may be granted to display a sign that promotes the sale of land or dwellings. The permit must specify an expiry date of 5 years from the date the permit is issued
Land shown as core business or peripheral commercial in Plan 1 to this schedule	Category 1
Land shown as low density residential, public open space, community facilities, public uses and education facilities in Plan 1 to this schedule	Category 4

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**SCHEDULE 2 TO CLAUSE 37.07 URBAN GROWTH ZONE**

Shown on the planning scheme map as UGZ2.

**CARDINIA ROAD EMPLOYMENT PRECINCT STRUCTURE PLAN (SEPTEMBER 2010)**

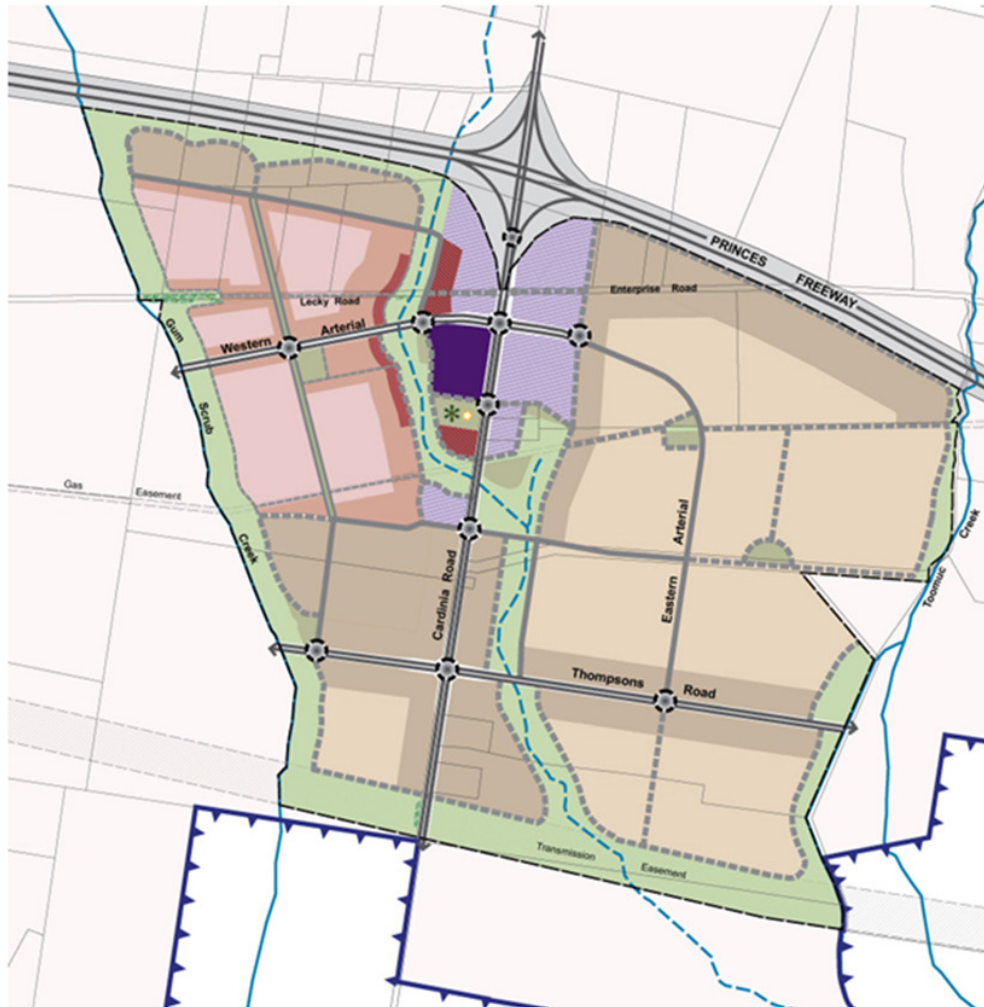
**1.0**

10/06/2021  
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**The Plan**

Plan 1 shows the future urban structure proposed in the Cardinia Road Employment Precinct Structure Plan (September 2010).

**Plan 1 to Schedule 2 to Clause 37.07**



**LEGEND**

- Precinct Structure Plan Area
- Urban Growth Boundary
- Road Network**
- State Freeway
- Arterial Road
- Connector Street
- Residential Connector Street (Boulevard)
- Access Street - level 2
- Access Street - level 1
- Controlled Intersections

**Employment Land**

- Commercial
- Activity Centre
- Service Business
- Industrial

**Residential Land**

- High Density Residential 2
- High Density Residential 1
- Medium Density Residential
- Conventional Residential

**Heritage and Community**

- Post Contact Heritage Site
- Community Facility

**Open Space and Environment**

- Unencumbered Open Space
- Encumbered Open Space
- Existing Creeks
- Drainage Lines
- Ecological Vegetation Classes (EVCs) to be Retained

**Other land**

- Existing Major Easements
- Future Urban Land

**2.0**

10/06/2021  
C254card

**Use and development**

**2.1**

10/06/2021  
C254card

**The Land**

The use and development provisions specified in this schedule apply to the land shown in Plan 1 of this schedule and zoned UGZ2.

**2.2**

10/06/2021  
C254card

**Applied zone provisions**

None specified.

**2.3**

01/12/2023  
GC230

**Specific provisions - Use of land**

The Table of Uses below sets out the provisions for land where there are no applied zone provisions. Where reference is made to Plan 1, this refers to Plan 1 of this schedule.

**Table of uses**

**Section 1 - Permit not required**

Use	Condition
<b>Bed and breakfast</b>	Must be located within an area designated as residential land in Plan 1.  No more than 6 persons may be accommodated away from their normal place of residence.  At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
<b>Dwelling (other than Bed and breakfast and Caretaker's house)</b>	Must be located within an area designated as residential land in Plan 1 or the Activity Centre.  Dwellings within the Activity Centre must be located on upper storeys and must have dedicated access independent of other uses. Any frontage at ground floor level must not exceed 4 metres.
<b>Food and drink premises (other than Hotel and Tavern)</b>	Must be located within the Activity Centre as shown in Plan 1.
<b>Function centre</b>	Must be located in an area shown as Commercial in Plan 1.
<b>Home based business</b>	
<b>Industry (other than Materials recycling, Refuse disposal, Refuse transfer station, Research and development centre, Rural industry, and Service industry)</b>	Must be located in an area shown as Service Business or Industrial in Plan 1.  Must be located at least the following distances from land (not a road) designated for residential use in Plan 1 or shown as Activity Centre or Commercial: <ul style="list-style-type: none"> <li>▪ The threshold distance, for a purpose listed in the table to Clause 53.10.</li> <li>▪ 30 metres, for a purpose not listed in the table to Clause 53.10.</li> </ul>

## CARDINIA PLANNING SCHEME

Use	Condition
	<p>Must not adversely affect the amenity of the neighbourhood, including through the:</p> <p>Transport of materials, goods or commodities to or from the land.</p> <p>Appearance of any stored goods or materials.</p> <p>Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.</p>
<b>Informal outdoor recreation</b>	
<b>Laundromat</b>	Must be located in the Activity Centre as shown in Plan 1 and the gross leasable floor area must not exceed 400 square metres.
<b>Manufacturing sales</b>	Must be located in an area shown as Industrial in Plan 1.
<b>Mineral exploration</b>	
<b>Mining</b>	Must meet the requirements of Clause 52.08-2.
<b>Office</b>	<p>Must be located in an area designated as employment land in Plan 1.</p> <p>Within the Activity Centre, the gross leasable floor area for any tenancy must not exceed 1000 square metres. Any frontage at ground floor level on any street must not exceed 2 metres, unless the office is a bank, real estate agency, travel agency or any other office where the floor space adjoining the frontage is a customer service area accessible to the public.</p> <p>Within the Service Business area and the Industrial area, the office must be in conjunction with another use.</p>
<b>Postal agency</b>	Must be located within the Activity Centre as shown in Plan 1.
<b>Railway station</b>	
<b>Research and development centre</b>	Must be located in an area shown as Industrial in Plan 1.
<b>Research centre</b>	Must be located in an area shown as Industrial in Plan 1.
<b>Search for stone</b>	Must not be costeaning or bulk sampling.
<b>Shop (other than Adult sex product shop, Department store, Restricted retail premises)</b>	Must be located within the Activity Centre as shown in Plan 1. The floor area of any shop must not exceed 3500 square metres leasable floor area.
<b>Tramway</b>	

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Warehouse (other than Shipping container storage and Fuel depot)</b>	Must be located in an area shown as Industrial in Plan 1.
<b>Any use listed in Clause 62.01</b>	Must meet requirements of Clause 62.01

### Section 2 - Permit required

Use	Condition
<b>Amusement parlour</b>	Must be located on an upper storey in the Activity Centre as shown in Plan 1.
<b>Art and Craft Centre</b>	Must be located in the Activity Centre as shown in Plan 1.
<b>Bed and breakfast – if the section 1 condition is not met</b>	Must be located within an area designated as residential land in Plan 1.
<b>Bus terminal</b>	Must be located in an area shown as Industrial in Plan 1.
<b>Car wash</b>	Must be located in an area shown in Plan 1 as: <ul style="list-style-type: none"> <li>▪ Activity Centre;</li> <li>▪ Service Business and have frontage to an arterial road; or.</li> <li>▪ Industrial.</li> </ul>
<b>Child care centre</b>	Must be located within the Activity Centre or be in conjunction with a use in the Commercial area, as shown in Plan 1.
<b>Convenience restaurant - if the Section 1 condition is not met</b>	Must be located within an area shown as Service Business or Industrial in Plan 1.
<b>Convenience shop - if the Section 1 condition is not met</b>	Must be in conjunction with a residential hotel or be located within an area shown as Service Business or Industrial in Plan 1.
<b>Display home</b>	Must be located within an area designated as residential land in Plan 1.
<b>Dry cleaner</b>	Must be located in an area shown in Plan 1 as: <ul style="list-style-type: none"> <li>▪ Activity Centre and the leasable floor area must not exceed 400 square metres; or</li> <li>▪ Industrial.</li> </ul>
<b>Dwelling (other than Bed and breakfast and Caretaker's house) – if the Section 1 condition is not met</b>	Must be located in an area shown as Activity Centre in Plan 1.
<b>Education Centre (except Primary School and Secondary School)</b>	Must be located within or adjacent to an area designated as employment land in Plan 1.

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Exhibition centre</b>	Must be located within an area shown as Commercial in Plan 1, or within the Activity Centre adjacent to an arterial road.
<b>Funeral Parlour</b>	Must be located within an area shown as Service Business in Plan 1.
<b>Geothermal energy extraction</b>	Must be located in an area shown as Industrial in Plan 1.
<b>Hospital</b>	Must be located in an area shown as Commercial in Plan 1.
<b>Hotel</b>	Must be located within an area shown as Service Business in Plan 1 and have access to an arterial road.
<b>Indoor recreation facility</b>	Must be located in an area shown in Plan 1 as: <ul style="list-style-type: none"> <li>▪ Activity Centre, at an upper storey; or</li> <li>▪ Service Business.</li> </ul>
<b>Industry (other than Materials recycling, Refuse disposal, Refuse transfer station, Research and development centre, Rural industry, and Service industry) – where the Section 1 condition is not met</b>	Must be located in an area shown as Service Business or Industrial in Plan 1.
<b>Land sales centre</b>	The permit must specify an expiry date of five years from the date the permit is issued.
<b>Motor vehicle, boat and caravan sales</b>	Must be located in an area shown as Service Business or Industrial in Plan 1.
<b>Nightclub</b>	Must be located within the Activity Centre as shown in Plan 1. Any frontage at ground floor level must not exceed 2 metres.
<b>Office - if the Section 1 condition is not met</b>	Must be located within the Activity Centre as shown in Plan 1.
<b>Renewable energy facility</b>	Must be located in an area designated as employment land in Plan 1.  When located in an area shown as Activity Centre, Commercial, or Service Business, must be in conjunction with another use.
<b>Research and development centre - if the Section 1 condition is not met</b>	Must be located in an area shown as Commercial or Service Business in Plan 1.
<b>Research centre - if the Section 1 condition is not met</b>	Must be located in an area shown as Commercial or Service Business in Plan 1.
<b>Residential hotel</b>	Must be located in an area shown as Commercial or High Density Residential 2 in Plan 1.

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Restaurant - if the Section 1 condition is not met</b>	<p>Must be located in an area shown in Plan 1 as:</p> <ul style="list-style-type: none"> <li>▪ Commercial when in conjunction with another use;</li> <li>▪ Service Business; or</li> <li>▪ Industrial.</li> </ul>
<b>Restricted place of assembly</b>	Must be located in an area shown as Commercial in Plan 1 and be in conjunction with an office.
<b>Restricted recreation facility</b>	<p>Must be located within an area shown in Plan 1 as:</p> <p>Activity Centre, at an upper storey; or</p> <p>Commercial and be in conjunction with an office, residential hotel or education centre.</p>
<b>Restricted retail premises</b>	<p>Must be located in an area shown in Plan 1 as:</p> <ul style="list-style-type: none"> <li>▪ Activity Centre;</li> <li>▪ Commercial; or</li> <li>▪ Service Business and be: <ul style="list-style-type: none"> <li>▪ automotive parts and accessories;</li> <li>▪ equestrian supplies; or</li> <li>▪ swimming pools.</li> </ul> </li> </ul>
<b>Retail premises (other than Food and drink premises, Market, Motor vehicle, boat and caravan sales, Postal agency, Primary Produce Sales, Trade supplies and Shop)</b>	Must be located in an area shown as Service Business in Plan 1.
<b>Road freight terminal</b>	Must be located in an area shown as Industrial in Plan 1.
<b>Service station</b>	Must be located in the Activity Centre as shown in Plan 1 or be located with frontage to an arterial road in areas shown as Industrial or Service Business.
<b>Shop (other than Adult sex product shop, Convenience shop, Department store, Restricted retail premises) - if the Section 1 condition is not met</b>	Must be in conjunction with a residential hotel or office and be in an area shown as Commercial on Plan 1.
<b>Takeaway food premises - if the Section 1 condition is not met</b>	Must be located within an area shown as Service Business or Industrial and adjacent to open space.
<b>Tavern</b>	Must be located in the Activity Centre as shown in Plan 1 or be located within an area shown as Service Business in Plan 1 and have frontage to an arterial road.
<b>Trade supplies</b>	Must be located in an area shown as Service Business or Industrial in Plan 1.

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	Any gas holder, or sewerage or refuse treatment or disposal works, must be at least 30 metres from land (not a road) which is designated for residential use in Plan 1, or shown as Activity Centre or Commercial.
<b>Veterinary Centre</b>	Must be located within an area shown in Plan 1 as: Activity Centre; or Service Business.
<b>Warehouse (other than shipping container storage and fuel depot) if the Section 1 condition is not met</b>	Must be located within an area shown in Plan 1 as Service Business and be in conjunction with an office.
<b>Any other use not in Section 1 or 3</b>	

### Section 3 - Prohibited

Use
<b>Accommodation (other than Bed &amp; Breakfast, Dwelling, Residential hotel)</b>
<b>Adult sex product shop</b>
<b>Agriculture</b>
<b>Caretaker's house</b>
<b>Cemetery</b>
<b>Cinema based entertainment facility</b>
<b>Crematorium</b>
<b>Extractive Industry</b>
<b>Freeway service centre</b>
<b>Leisure and recreation (other than Indoor recreation facility, Informal outdoor recreation, Restricted recreation facility)</b>
<b>Place of assembly (other than Amusement parlour, Exhibition centre, Function centre, Hall, Library, Nightclub, Restricted Place of Assembly)</b>
<b>Recreational boat facility</b>
<b>Saleyard</b>
<b>Winery</b>
<b>Any use in Section 2 where the condition is not met</b>

The use of land must be generally in accordance with *the Cardinia Road Employment Precinct Structure Plan* (September 2010).

A use must not detrimentally affect the amenity of the neighbourhood including through:

- Transport of materials or goods to or from the land.
- Traffic generated by the use.
- Appearance of any buildings, works or materials.
- Emissions from the use.

### Use of land for a dwelling

A dwelling must be connected to a reticulated recycled water supply system for toilet flushing and garden watering where available to the lot. Where a reticulated recycled water supply system is not available to the lot, a dwelling must be connected to a rainwater tank with a minimum capacity of 2,500 litres for toilet flushing and garden watering or an alternative grey water recycling system to the satisfaction of the responsible authority.

## 2.4

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### Specific provisions – Subdivision

An application to subdivide in the Activity Centre must be consistent with any urban design framework approved under this schedule.

## 2.5

10/06/2021  
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### Specific provisions - Buildings and works

#### Construction and extension of one dwelling on a lot

A permit is required to construct or extend one dwelling on a lot less than 350 square metres.

A development must meet the requirements of Clause 54, except:

- In areas shown as Medium Density Residential on Plan 1, the maximum setback for dwellings from the front title boundary is 3 metres.
- In areas shown as High Density Residential 1 and High Density Residential 2 on Plan 1, the maximum setback for dwellings from the front title boundary is 1 metre, and where the lot is a corner lot a maximum of 1 metre set back is to be provided from both frontages.
- A permit is required to construct a front fence that exceeds 1.2 metres in height.

#### Construction of two or more dwellings on a lot or residential buildings

A permit is required to:

- Construct a dwelling if there is at least one existing dwelling on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on a lot.

A development must meet the requirements of Clause 55, except:

- In areas shown as Medium Density Residential on Plan 1, the maximum setback for dwellings from the front title boundary is 3 metres.
- In areas shown as High Density Residential 1 and High Density Residential 2 on Plan 1, the maximum setback for dwellings from the title is 1 metre, and where the lot is a corner lot a maximum of 1 metre set back is to be provided from both frontages.
- A permit is required to construct a front fence that exceeds 1.2 metres in height.

These provisions do not apply to dwellings of three storeys or more, excluding a basement.

#### Construction of a dwelling or residential building of three or more storeys

A permit is required for all buildings and works for dwellings and residential buildings of three or more storeys.

#### Uses other than dwellings on Residential land

A permit is required to construct a building or construct or carry out works for a non-residential use on land shown in Plan 1 as residential and any use listed in Section 2 of this schedule.

#### Buildings and works for employment land

A permit is required to construct a building or construct or carry out works on land designated for employment in Plan 1.

This does not apply to the following within an area shown as Activity Centre or Commercial in Plan 1:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.

#### **Removal of Existing Waterbodies**

A permit is required to remove any existing waterbody, including dams and wetlands.

#### **Buildings and Works on Encumbered Open Space**

A permit is required for buildings and works on land shown as Encumbered Open Space in Plan 1.

## **2.6 Requirements before a permit is granted**

### **Urban design frameworks**

A permit must not be granted to use or subdivide land, or to construct a building or construct and carry out works until an urban design framework has been prepared to the satisfaction of the responsible authority for the following areas as shown on Plan 1:

- The area shown as ‘Service Business’ that abuts Princes Freeway, comprising two sub-areas:
  - west of Cardinia Road, north of the residential area; and
  - east of Cardinia Road, for the area generally north of Enterprise Road, extending to Toomuc Creek in a band that is approximately 200 metres wide.
- The area defined as the ‘Commercial Core’ including the Activity Centre, which encompasses:
  - all land between Cardinia Road and the Cardinia Road Open Space Corridor; and
  - all land east of Cardinia Road shown as Commercial.

The urban design framework must be generally in accordance with the *Cardinia Road Employment Precinct Structure Plan (September 2010)* (refer section 4.2.4). The urban design framework may be amended to the satisfaction of the responsible authority.

The responsible authority may grant a permit to subdivide land or to construct a building or construct and carry out works prior to the preparation of an urban design framework if it is satisfied that the subdivision, buildings or works give effect to the urban design outcomes as set out in the *Cardinia Road Employment Precinct Structure Plan (September 2010)*.

The responsible authority may allow the preparation of the urban design framework for areas shown as ‘Service Business’ in Plan 1 to be staged or split, reflecting the area two areas either side of Cardinia Road.

**3.0**10/06/2021  
C254card**Application requirements****3.1****Subdivision****General**

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

- Details of the proposed use and development of each part of the land.
- A table setting out:
  - the amount of land allocated for the proposed uses; and
  - the mix of lot sizes.
- An indication of staging of subdivision and timing.
- Details of how the proposed development complements the overarching precinct structure (roads, parks etc) with a finer-grained circulation network that facilitates the development of a higher degree of permeability and walkability.
- Details of how the road connections, open space, pedestrian and bicycle linkages and drainage networks of the proposed development integrates with and responds to existing and planned developments on adjacent sites.
- Details of how the land use pattern and urban structure provides appropriate buffers between sensitive land uses, in terms of open space, road reserves and landscape treatments.
- Include a Transport Impact Assessment Report to the satisfaction of the relevant roads authority (be it VicRoads or Council).
- The proposed road and street network, including pedestrian and cycling routes, intersection treatments, proposed bus routes and the interface treatment with arterial roads.
- A plan showing access arrangements for properties adjacent to arterial roads.
- The staging of road network development within the subject land, enabling early delivery of roads shown in Plan 1.
- A plan showing proposed encumbered and unencumbered open space areas including land designated as 'waterways – drainage corridors' in Plan 11 of the *Cardinia Road Employment Precinct Structure Plan* (September 2010), and a description of role and purpose to the satisfaction of Melbourne Water and the responsible authority.
- An overall landscape concept for the development. This should be consistent with best practice Water Sensitive Urban Design techniques.
- An assessment of how the lot and building design responds to sensitive interfaces.
- A hydrogeological assessment of groundwater conditions on the site and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions on the development.
- A site assessment of the land by a suitably qualified environmental professional including:
  - detail of the nature of the previous and existing land use/activities on the land;
  - an assessment of the potential level and nature of contamination on the land; and
  - advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the Potentially Contaminated Land General Practice Note June 2005, (DSE).

**Residential subdivision**

In addition to the above application requirements and the requirements of Clause 56 (where relevant), an application that includes subdivision of land shown as residential on Plan 1 must be accompanied by the following information to the satisfaction of the responsible authority:

- An overall residential subdivision plan for all land in contiguous ownership of the landowner demonstrating the lot yield, diversity and distribution across the subject area, consistent with the principles outlined in the *Cardinia Road Employment Precinct Structure Plan* (September 2010).
- Subdivision and Housing Design Guidelines prepared to the satisfaction of the responsible authority in accordance with the *Cardinia Road Employment Precinct Structure Plan* (September 2010).
- A building envelope plan for land shown as Conventional Residential in Plan 1 that provides sufficient space to contain a dwelling, garage and canopy tree as outlined in the *Cardinia Road Employment Precinct Structure Plan* (September 2010).

**Demonstration of Clause 56 standards**

An application to subdivide residential land (as shown in Plan 1 of this schedule), other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must demonstrate how the proposed subdivision layout is generally in accordance with the *Cardinia Road Employment Precinct Structure Plan* (September 2010), and:

- should meet all of the objectives and standards in the clauses specified in Table 2; and
- meet the requirements of Clause 56 (except where exempted in Table 3).

**Table 2**

<b>Class of subdivision</b>	<b>Objectives and standards to be met</b>
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

**Table 3: Specific conditions for subdivision of residential land**

<b>Density Type</b>	<b>Exemptions (to Clause 56)</b>
High Density Residential 2	56.04-2, 56.05-2, 56.06-8
High Density Residential 1	56.04-2, 56.05-2, 56.06-8
Medium Density Residential	56.04-2, 56.05-2, 56.06-8
Conventional Residential	56.05-2, 56.06-8

**3.2**

**Buildings and works for residential land**

**One dwelling on a lot**

An application to construct a building or construct or carry out works on a lot less than 350 square metres must provide all information required under Clause 54, unless otherwise exempt in this Schedule.

### **Two or more dwellings on a lot or residential buildings**

An application to construct a building or construct or carry out works for two or more dwellings on a lot or residential buildings must provide all information required under Clause 55, unless otherwise exempt in this Schedule. This does not apply to dwellings of three storeys or more excluding a basement.

### **Dwelling or residential building of three or more storeys**

For applications relating to residential development of three or more storeys, an urban context report addressing the matters set out in Clause 58.01 is required.

## **3.3 Buildings and works for employment land**

All applications for buildings and works on land shown as employment land on Plan 1 must be accompanied by the following information to the satisfaction of the responsible authority:

- A landscape layout for the site, and where appropriate, adjoining roads and public spaces, which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscaped area.
- A design response report that demonstrates the following:
  - The layout and design of buildings contributes towards an attractive and safe public realm environment and complements adjacent uses, addressing active frontages, site servicing, car parking, lighting, landscaping and signage.
  - How the design of buildings, including heights, massing and articulation, contributes to an attractive and cohesive built form environment, a diverse, interesting and complementary architectural form and responds to surrounding land uses.
  - Location and height of existing and proposed buildings on the site and surrounding properties.
  - The location of private open space of surrounding properties and the location of trees, fences and other landscape elements.
  - Traffic and pedestrian circulation through and around the site.
  - Surrounding land uses.

If in the opinion of the responsible authority a requirement of the design response report is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

### **Site Context Reports**

Applications for buildings and works must be accompanied by a Site Context Report to the satisfaction of the responsible authority for the following sites:

- Cardinia Road between the Cardinia Road Open Space Corridor and Thompsons Road;
- the corners of Cardinia and Thompsons Roads, extending along Thompsons Road to the first connecting street;
- Thompsons Road adjoining Gum Scrub Creek; and
- Thompsons Road adjoining Toomuc Creek.

The site context report must be generally in accordance with the *Cardinia Road Employment Precinct Structure Plan* (September 2010) (specified in section 4.2.5).

### **Sustainability Statement Requirements**

An application to use or subdivide land, or to construct a building or construct and carry out works must be accompanied by a Sustainability Statement that demonstrates how the development meets the sustainability objectives and planning and design guidelines. The sustainability statement must be in accordance with the *Cardinia Road Employment Precinct Structure Plan* (September 2010) (refer section 4.7.5).

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

### **Specific Requirements – Lot 1 TP542938 (PSP Property Number 22)**

Any application to remove Dam 38 on Lot 1 TP542938 (270 Cardinia Road, Officer South) must include written advice from the Department of Sustainability and Environment that it is satisfied there has been successful colonisation and breeding of GGFs (defined by the presence of metamorphs) at a minimum of one waterbody shown in Plan 13 of the *Cardinia Road Employment Precinct Structure Plan* (September 2010).

## **4.0**

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## **Conditions and requirements for permits**

### **4.1**

#### **General**

A planning permit must include a condition or conditions which ensure that any requirements or conditions set out in the *Cardinia Road Employment Precinct Structure Plan* (September 2010) are implemented as part of the planning permit or the plans endorsed under the permit.

Any permit granted for subdivision, or the construction of a building or the carrying out of works in respect of land where a Native Vegetation Precinct Plan has identified any native vegetation to be retained must contain the conditions set out in the *Cardinia Road Employment Precinct Native Vegetation Precinct Plan*.

### **4.2**

#### **Environmental assessment of potentially contaminated land**

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

1. Either:

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

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

2. If a statement by an environmental auditor is provided rather than a certificate of environmental audit and the statement indicates that the environmental conditions of the relevant land are suitable for a sensitive use subject to conditions, the owner of the land must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987* before any building on the relevant land is occupied to provide for;

- ongoing compliance with all conditions in the Statement by the Environmental Auditor;
- the responsible authority's reasonable legal costs and expenses of drafting/reviewing and registering the agreement to be borne by the owner of the relevant land.

#### 4.3 Construction Environmental Management Plan requirements

A permit to use or subdivide land, or to construct a building or construct and carry out works must contain a condition that prior to the commencement of any buildings or works, Construction Environmental Management Plan (CEMP) is to be prepared.

The CEMP must specifically address significant flora and fauna, where the buildings or works are within:

- 50 metres of any native vegetation to be retained in the *Cardinia Road Employment Precinct Native Vegetation Precinct Plan*; and/or
- 200 metres of any waterbody (including creeks, drains, dams and wetlands) under the provisions of the *Cardinia Road Employment Precinct Conservation Management Plan for Growling Grass Frog (GGF)*.

The CEMP must address all requirements specified in section 4.5.6 of the *Cardinia Road Employment Precinct Structure Plan* (September 2010) and be to the satisfaction of the Department of Sustainability and Environment and the responsible authority.

#### 4.4 Conservation Management Plan - Growling Grass Frog

Where a Conservation Management Plan (CMP) for GGF has been approved by the Secretary to the Department of Sustainability and Environment and it applies to the land, any permit granted for subdivision or the construction of a building or the carrying out of works that directly or indirectly results in the destruction of habitat for the Growling Grass Frog must include the following conditions as appropriate:

- Prior to any works commencing within 100 metres of the edge of any waterbody which is to be retained, a highly visible fence is to be installed 20 metres from the edge of the waterbody.
- No dumping of soil or materials is to occur within 30 metres of any waterbody.
- No vehicle access is permitted within 30 metres of any waterbody.
- No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses.
- Pollution or litter traps must be provided on the land at appropriate points along the drainage system or drainage lines.
- The actions which identify the responsible agent as the “landowner” in Table A2.1 of the CMP for the GGF must be implemented to the satisfaction of the Department of Sustainability and Environment.
- Water run-off from construction sites must be managed to maintain water quality of dams.
- A salvage and translocation plan must be prepared and implemented to the satisfaction of DSE and the responsible authority, in accordance with section 3.4.3 of the CMP, where:
  - construction of a building or carrying out of works is within 200 metres of an existing waterbody; or
  - an existing waterbody is being removed, as approved under the CMP.

#### 4.5 Subdivision

Any permit granted for subdivision must contain the following conditions as appropriate:

- Infrastructure is to be provided in accordance with Chapter 6 of the *Cardinia Road Employment Precinct Structure Plan* (September 2010).

- Where an infrastructure funding agreement under Section 173 of the *Planning and Environment Act* (1987) for the Cardinia Road Employment Precinct has been executed for the land, in accordance with its requirements, development contributions must be paid to Cardinia Shire Council.
- At the time of subdivision, or other time as agreed with Melbourne Water, land shown as ‘waterways – drainage corridor’ in Plan 6 of the *Cardinia Road Employment Precinct Structure Plan* (September 2010) must be vested in Melbourne Water.
- At the time of subdivision, or other time as agreed with Cardinia Shire Council, land identified as ‘Project Land’ in the infrastructure funding agreement under Section 173 of the *Planning and Environment Act* (1987) for the Cardinia Road Employment Precinct must be vested in Cardinia Shire Council.
- Before the Statement of Compliance is issued under the *Subdivision Act 1988*, the applicant or owner must make a financial contribution to Melbourne Water to fund the management and maintenance of waterways to fulfil the requirements of the CMP for GGF.
- Bus stop facilities are to be located, designed and constructed to the satisfaction of the Director of Public Transport.

#### 4.6 Buildings and works

Any permit granted for buildings and works must contain the following conditions as appropriate:

- Where an infrastructure funding agreement under Section 173 of the *Planning and Environment Act* (1987) for the Cardinia Road Employment Precinct has been executed for the land and no subdivision of the parent title has occurred (prior to applications for buildings and works):
  - Development contributions must be paid to Cardinia Shire Council in accordance with the requirements of the infrastructure funding agreement under Section 173 of the *Planning and Environment Act* (1987) for the Cardinia Road Employment Precinct; and
  - Land identified as ‘Project Land’ in the infrastructure funding agreement under Section 173 of the *Planning and Environment Act* (1987) for the Cardinia Road Employment Precinct must be vested in Cardinia Shire Council.

This does not apply where the buildings and works are associated with an existing non-urban use (as determined by the responsible authority).

#### 4.7 Creation of lots shown as Conventional Residential on Plan 1

Before the issue of the Statement of Compliance for the subdivision (or a stage of the subdivision), a building envelope plan for each lot must be submitted to and approved by the responsible authority.

The approved building envelopes must form either a restriction on the certified plan of subdivision or be applied through an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987* that is registered on the title to the land. The restriction or agreement must provide for:

- The building envelope to apply to each relevant lot;
- All buildings to conform to the building envelope on the relevant lot;
- The construction of a building outside of a building envelope, only with the consent of the responsible authority;
- Creation of a private open space area of at least 36m<sup>2</sup> and provision of a canopy tree.

Where a building envelope is to be applied to the land through an agreement with the responsible authority under Section 173 of the *Planning and Environment Act* (1987), the building envelope plan may be approved after the plan of subdivision has been certified.

**5.0 Exemption from notice and review**

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None specified.

**6.0 Decision guidelines**

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None specified.

**7.0 Signs**

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The following sign controls apply:

Land (shown in Plan 1)	Sign Requirements
Land shown as Residential	Category 3 – except that a permit may be granted to display a sign that promotes the sale of land or dwellings. The permit must specify an expiry date of 5 years from the date the permit is issued
Land shown as Activity Centre	Category 1 – except that a permit is required: <ul style="list-style-type: none"> <li>▪ for a pole sign;</li> <li>▪ where the land is adjacent to a residential use;</li> <li>▪ where a sign is over 0.2 sq m for a Bed and breakfast sign of Home based business sign</li> </ul>
Land shown as Commercial	Category 2 – except that a permit is required for a pole sign
Land shown as Service Business	Category 2 – where land is not adjacent to land shown as Residential or Commercial in Plan 1, except that a permit is required for a pole sign Category 3 – where land is adjacent to land shown as Residential or Commercial in Plan 1
Land shown as Industrial	Category 2 – where land is not adjacent to land shown as Commercial in Plan 1 Category 3 – where land is adjacent to land shown as Commercial in Plan 1
Land shown as Open Space, community facilities or other public use	Category 3

**7.1 Land and home sales signs**

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

- The display area for each sign does not exceed 10 square metres.
- Only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage.
- The sign is not animated, scrolling, electronic or internally illuminated sign.
- The sign is not displayed longer than 21 days after the sale (not settlement) of the last lot.
- The sign is setback a minimum of 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.

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### **SCHEDULE 3 TO CLAUSE 37.07 URBAN GROWTH ZONE**

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

#### **OFFICER PRECINCT STRUCTURE PLAN (SEPTEMBER 2011, AMENDED NOVEMBER 2019) – RESIDENTIAL AREA**

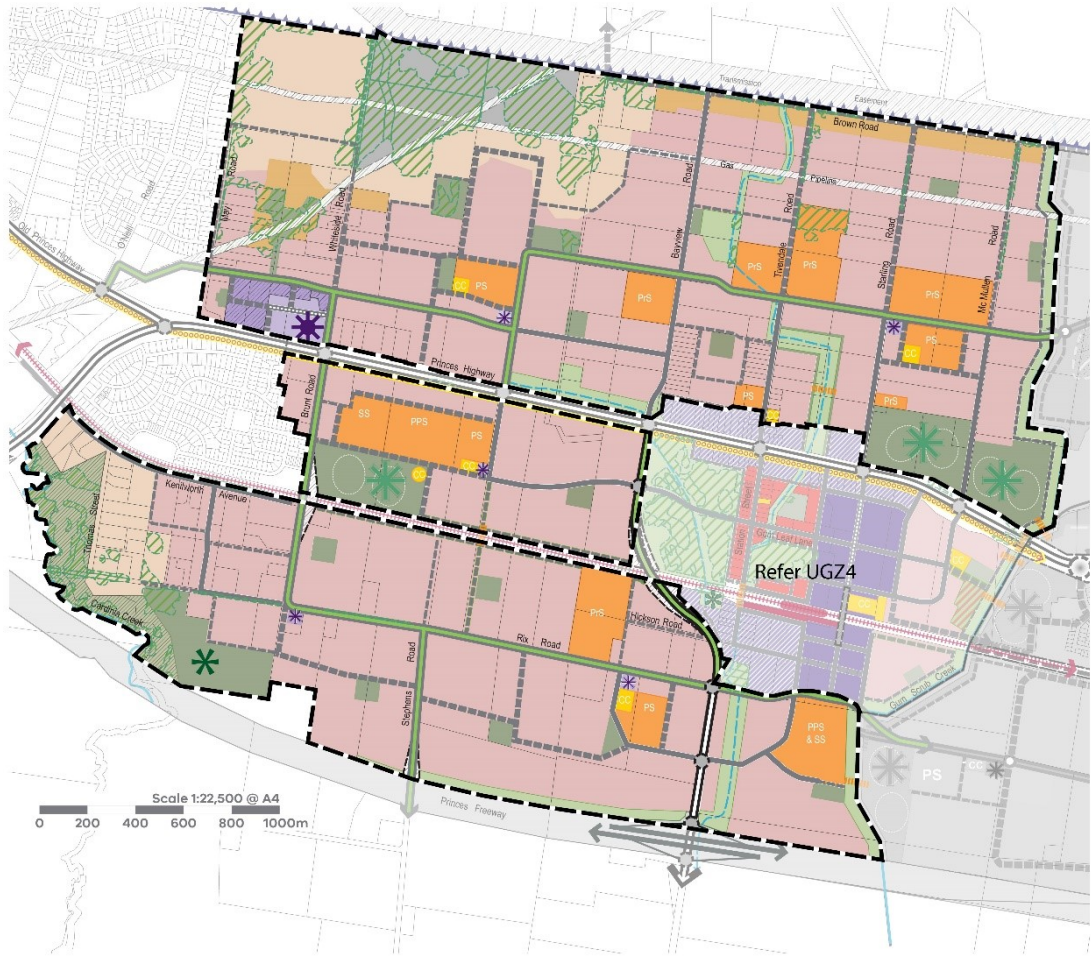
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#### **The Plan**

Plan 1 shows the future urban structure proposed in the incorporated *Officer Precinct Structure Plan*. It is a reproduction of Plan 5 in the incorporated *Officer Precinct Structure Plan*.

Plan 1 to Schedule 3 to Clause 37.07



<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li> Precinct Structure Plan Area</li> <li> Urban Growth Boundary</li> </ul> <p><b>Movement Network</b></p> <ul style="list-style-type: none"> <li> Arterial Road (VicRoads)</li> <li> Potential Future Arterial Road (VicRoads)</li> <li> Local Arterial / Connector Street (Boulevard)</li> <li> Connector Street</li> <li> Main Street</li> <li> Access Street - Level 2</li> <li> Access Place / Street - Level 1 (important connection)</li> <li> Access Street - Level 1 with Landscape trail</li> <li> Signalised intersections (arterial roads only)</li> <li> Grade Separated Crossing</li> <li> Railway Line, Station &amp; Potential Bus Interchange</li> <li> PPTN - Principal Public Transport Network (Bus)</li> </ul>	<p><b>Residential Land</b></p> <ul style="list-style-type: none"> <li> Residential Land</li> <li> Large Lot Residential</li> <li> Environmental Residential</li> <li> Mixed Use</li> <li> Conservation Living Area</li> </ul> <p><b>Employment Land</b></p> <p><b>Major Activity Centre (MAC)</b></p> <ul style="list-style-type: none"> <li> MAC Core Business</li> <li> MAC Peripheral Commercial</li> </ul> <p><b>Neighbourhood Centres</b></p> <ul style="list-style-type: none"> <li> Neighbourhood Activity Centre (NAC)</li> <li> Neighbourhood Convenience Centre (NCC)</li> <li> Core Business</li> <li> Peripheral Commercial</li> </ul>	<p><b>Community and Schools</b></p> <ul style="list-style-type: none"> <li> Community facilities and public uses (CC = Community Centre)</li> <li> Education facilities (PS = Primary School, PPS = Post Primary School, PrS = Private School, SS = Special School)</li> </ul> <p><b>Open Space and Environment</b></p> <ul style="list-style-type: none"> <li> Credited Open Space</li> <li> Uncredited Open Space</li> <li> Regional Open Space</li> <li> District sports reserves (8ha+)</li> <li> District Parks</li> <li> Proposed pedestrian crossings</li> <li> Existing creeks</li> <li> Major Drainage Lines</li> <li> Ecological Vegetation Classes (EVC's) to be retained</li> </ul> <p><b>Other Land</b></p> <ul style="list-style-type: none"> <li> Utilities Easements</li> <li> Future Development Area (subject to EPBC approval)</li> </ul>
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2.0

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Use and development

2.1

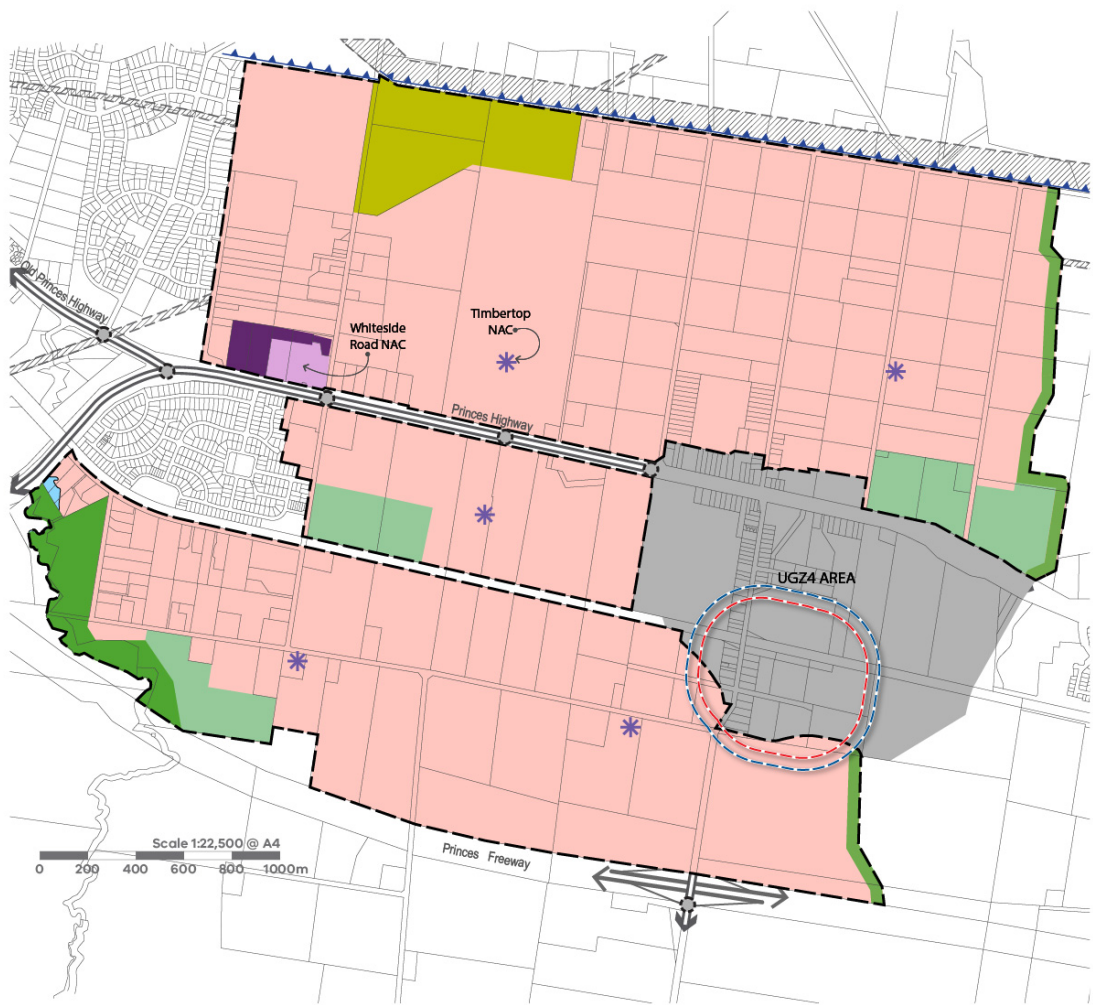
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The Land

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

# CARDINIA PLANNING SCHEME

## Plan 2 to Schedule 3 to Clause 37.07



### APPLIED ZONES LEGEND

UGZ3 Boundary	Peripheral Commercial	District Park
Residential	Convenience Centre	Conservation Area
Core Business	Conservation Living Area	Floodway
300m Noise buffer	250m Dust and Odour separation distance	

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## 2.2

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### Applied zone provisions

The provisions of the following zones in this scheme apply to the use and subdivision of land, construction of a building, and construction and carrying out of works, by reference to Plan 2 of this schedule.

## CARDINIA PLANNING SCHEME

*Note: e.g. 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 Zone 2 or 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 Transport Zone 3 or an applied Transport Zone 2 or Transport Zone 3 in the Urban Growth Zone schedule applying to the land'.*

**Table 1: Applied zone provisions**

Land shown on Plan 2 of this schedule	Applied zone provisions
Core Business / Convenience Centre / Peripheral Commercial	Clause 34.01 – Commercial 1 Zone
Land shown on Plan 2 of this schedule	Applied zone provisions
Conservation Living Area	Clause 35.06 – Rural Conservation Zone
Land shown on Plan 2 of this schedule	Applied zone provisions
District park	Clause 36.02 – Public Park and Recreation Zone
Land shown on Plan 2 of this schedule	Applied zone provisions
Conservation area	Clause 36.03 – Public Conservation and Resource Zone
Land shown on Plan 2 of this schedule	Applied zone provisions
Floodway	Clause 37.03 – Urban Floodway Zone
All other land on Plan 2 of this schedule	Applied zone provisions Clause 32.08 – General Residential Zone

Where a public land zone is applied in Table 1 and the land is in private ownership the bodies specified below are the public land manager for the purposes of the applied zone.

Applied zone	Public land manager
Public Park and Recreation Zone	Cardinia Shire Council
Public Conservation and Resource Zone (adjacent to Cardinia Creek)	Parks Victoria
Public Conservation and Resource Zone (adjacent to Gum Scrub Creek)	Melbourne Water or Cardinia Shire Council as appropriate

### 2.3

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## Specific provisions – Use of land

### Section 1 - Permit not required

Use	Condition
<b>Bed and breakfast where the applied zone is General Residential Zone</b>	<ul style="list-style-type: none"> <li>Must not be on land within the 'separation distance' area from the existing HyGain Feeds Mill site at 10-20 Hickson Road, Officer shown on Plan 2 of this Schedule and Figure 6 in the incorporated <i>Officer Precinct Structure Plan</i>; and</li> <li>Must meet the conditions associated with these land uses under Section 1 of Clause 32.08-2.</li> </ul>
<b>Community care accommodation where the applied zone is General Residential Zone</b>	
<b>Dependant person's unit where the applied zone is General Residential Zone</b>	

## CARDINIA PLANNING SCHEME

Use	Condition
<p>Dwelling (other than bed and breakfast) where the applied zone is General Residential Zone</p> <p>Informal outdoor recreation where the applied zone is General Residential Zone</p> <p>Rooming house where the applied zone is General Residential Zone</p>	
<p>Shop (other than Adult sex product shop) where the applied zone is Commercial 1 Zone and the land is shown as “Core Business” and “Convenience Centre” on Plan 2 of this Schedule.</p>	<p>The combined leasable floor area of all shops must not exceed:</p> <ul style="list-style-type: none"> <li>▪ 8,000 square metres for land shown as Neighbourhood Activity Centre – Princes Highway and Whiteside Road;</li> <li>▪ 2,000 square metres for land shown as Neighbourhood Convenience Centre – Timbertop Boulevard North; or</li> <li>▪ 500 square metres for any other neighbourhood convenience centre.</li> </ul>
<p>Any use listed in Clause 62.01</p>	<p>Must meet requirements of Clause 62.01.</p>
<p>Any other use listed in Section 1 in the Table of uses of the applicable applied zone.</p>	

### Section 2 - Permit required

Use	Condition
<p>Residential aged care facility where the applied zone is General Residential Zone</p>	
<p>Beauty salon where the applied zone is Commercial 1 Zone and the land is shown as “Peripheral Commercial” on Plan 2 of this Schedule.</p> <p>Hairdresser where the applied zone is Commercial 1 Zone and the land is shown as “Peripheral Commercial” on Plan 2 of this Schedule.</p> <p>Food and Drink Premises where the applied zone is Commercial 1 Zone and the land is shown as “Peripheral Commercial” on Plan 2 of this Schedule.</p>	
<p>Any other use not in Section 1 or 3 in the Table of uses in the applicable applied zone.</p>	

### Section 3 – Prohibited

Use
<p>Car wash where the applied zone is General Residential Zone</p> <p>Food and drink premises (other than Restaurant) where the applied zone is General Residential Zone</p> <p>Service station where the applied zone is General Residential Zone</p> <p>Retail premises (other than Beauty salon, Food and Drink Premises and Hairdresser) where the applied zone is Commercial 1 Zone and the land is shown as “Peripheral Commercial” on Plan 2 of this Schedule.</p>

**Use**

Industry where the applied zone is Commercial 1 Zone and the land is shown as “Peripheral Commercial” on Plan 2 of this Schedule.

Any use listed in Section 3 in the Table of uses of the applicable applied zone

**Berwick Pottery Site**

A permit may be granted for the following uses on properties numbered 185 & 186 in the Officer Precinct Structure Plan (Lot 1 on TP20791 and Lot 1 on TP20642), also known as the Berwick Pottery:

**Use**

**Condition**

Retail premises (other than Food and drink premises, Market, Convenience shop, Plant nursery, Tavern, Betting agency, Gambling premises, Gaming premises, Motor vehicle, boat, or caravan sales and Shop)

Restricted retail premises

Must be in one occupation with a leasable floor area of at least 1000 square metres.

**Use of land for a dwelling**

Prior to the use of any dwelling:

- the dwelling must be connected to a reticulated recycled water supply system for toilet flushing and garden watering where available to the lot; or
- where a reticulated recycled water supply system is not available to the lot, the dwelling must be connected to a rainwater tank with a minimum capacity of 2,500 litres for toilet flushing and garden watering or an alternative grey water recycling system to the satisfaction of the responsible authority; and
- the dwelling must be connected to a reticulated sewerage system.

**Use of land within HyGain ‘separation distance’**

The use of the land for a bed and breakfast, accommodation, education centre and informal outdoor recreation within the identified ‘separation distance’ from the HyGain Feeds Mill Site must not be located in areas where their amenity may be detrimentally affected by the HyGain Feeds Mill site through noise, dust or odour emissions.

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**Specific provisions - Subdivision**

**Environmental Residential (north of Princes Highway)**

An application to subdivide land in the area shown as Environmental Residential B in Plan 8 of the incorporated *Officer Precinct Structure Plan* and Lot 2 PS312844 must provide lots that are a minimum of 4000 square metres where any proposed lot contains native vegetation to be retained in the *Officer Native Vegetation Precinct Plan (September 2011)* unless a planning permit has been granted for the removal of native vegetation within the proposed lot.

**Whiteside Road Neighbourhood Activity Centre**

An application to subdivide land in the Whiteside Road Neighbourhood Activity Centre including all land south of the Boulevard Connector between May and Whiteside Roads in Plan 1 must be consistent with an urban design framework approved under this schedule.

**2.5**28/11/2024  
GC206**Specific provisions - Buildings and works****Construction of one dwelling on a lot**

In the area shown as 'Residential' where the applied zone is General Residential Zone on Plan 2 of this Schedule, 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.

**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.

**Buildings and Works associated with a dwelling:**

Buildings and works for a dwelling within 300 metres from the HyGain Mills site at 10-20 Hickson Road, Officer must be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed.

**Construction and extension of one dwelling on a lot of 1000 square metres or more**

A permit is required to construct or extend one dwelling on a lot of 1000 square metres or more where the applied zone is General Residential Zone, except where buildings and works are generally in accordance with an approved building envelope (as defined in Part 4 of the Building Regulations 2006).

**Public transport referral requirements**

For the purpose of Clause 66.02-11 of the scheme a development is generally in accordance with the incorporated *Officer Precinct Structure Plan* where the following requirements are met:

- A road nominated on Plan 17 – Public Transport in the incorporated *Officer Precinct Structure Plan* as a potential bus route is constructed in accordance with its corresponding cross section in the incorporated *Officer Precinct Structure Plan*; and
- Signalised intersections that contain a proposed Principal Public Transport Network (PPTN) route in the *Officer 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
- The proposal includes the construction of the bus stops shown on Plan 16 – Public Transport in the incorporated *Officer Precinct Structure Plan*, including 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) at no cost to the Director of Public Transport all 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

06/03/2020  
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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:

##### General subdivision

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

- Details of the proposed use and development of each part of the land.
- A table setting out:
  - the amount of land allocated for the proposed uses; and
  - the mix of lot sizes.
- An indication of staging of subdivision and timing.
- Details of how the road connections, open space, pedestrian and bicycle linkages and drainage networks of the proposed development integrates with and responds to existing and planned developments on adjacent sites.
- Include a Transport Impact Assessment Report to the satisfaction of the relevant roads authority (be it VicRoads or Council).
- A plan showing access arrangements for properties adjacent to all existing and future arterial roads.
- A Public Infrastructure Plan which addresses:
  - The extent of any stormwater drainage works and road works proposed or required under this permit.
  - The land which is required to be set aside for infrastructure identified in the incorporated *Officer Development Contributions Plan* or the incorporated *Officer Precinct Structure Plan* including land required for public open space and community facilities and any proposed reconciliation payment in respect of the land having regard to its value set out in the incorporated *Officer Development Contributions Plan*.
  - An estimate of the extent of equalization which is required in respect of public open space to be provided having regard to the incorporated *Officer Precinct Structure Plan* and the incorporated *Officer Development Contributions Plan*.
  - Subject to the consent of the Collecting Agency, any infrastructure works set out in the incorporated *Officer Development Contributions Plan* which can be provided “in lieu” of development contributions in accordance with the incorporated *Officer Development Contributions Plan*.
  - The effects of the provision of infrastructure on the land or any other land.
  - Any other relevant matter related to the provision of infrastructure reasonably required by the responsible authority.
- A hydrogeological assessment of groundwater conditions on the site and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions on the development.

## CARDINIA PLANNING SCHEME

- An approved Cultural Heritage Management Plan that is endorsed by the future public land manager/s of any reserve to be created as part of the development or advice from a suitably qualified cultural heritage professional that confirms that a Cultural Heritage Management Plan is not required. This requirement may not be waived.
- A Conservation Management Plan for land within the Heritage Overlay, prepared in accordance with Conservation Management Plans: Managing Heritage Places – A Guide (Heritage Council of Victoria 2010).
- A Safety Management Study for any land adjacent to or including a gas pipeline easement to the satisfaction of Energy Safe Victoria.
- A site assessment of the land by a suitably qualified environmental professional including:
  - detail of the nature of the previous and existing land use/activities on the land;
  - an assessment of the potential level and nature of contamination on the land; and
  - advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the Potentially Contaminated Land General Practice Note June 2005, DSE, as amended from time to time.

### Residential subdivision

In addition to the general subdivision requirements, an application that includes subdivision of land shown as residential on Plan 1 must be accompanied by the following information to the satisfaction of the responsible authority:

- An overall masterplan for all land in contiguous ownership of the landowner demonstrating the lot yield, diversity and distribution across the subject area, consistent with the principles outlined in the incorporated *Officer Precinct Structure Plan*.
- Subdivision and Housing Design Guidelines prepared to the satisfaction of the responsible authority in accordance with the incorporated *Officer Precinct Structure Plan*.
- A building envelope plan that addresses the planning and design guidelines set out in the incorporated *Officer Precinct Structure Plan* for land:
  - shown as Environmental Residential (north of the Princes Highway) in Plan 1;
  - included in Character Area 1c (CA1c) shown in Plan 7 of the incorporated *Officer Precinct Structure Plan*.
- The building envelope must provide for:
  - All outbuildings and water tanks to conform with the building envelope on the relevant lot;
  - A setback of at least 30 metres from any native vegetation in the relevant lot, which is identified to be protected and retained under the *Officer Native Vegetation Precinct Plan (September 2011)*, unless a planning permit is approved for the removal of that vegetation. This requirement may not be waived or reduced.
- A Fire Risk Assessment prepared by a suitably qualified bushfire risk management professional for all land in contiguous ownership that is located within the area shown as Environmental Residential (north of the Princes Highway) in Plan 1, including:
  - identification of the Bushfire Attack Level (BAL) curves generated by the fire threat/s;
  - an assessment of the BAL standards applicable to each individual building envelope;
  - advice about the impact of dwellings in closer proximity to the identified fire threat/s on the requirements for lots within than 100 metres of the fire threat/s, including requirements for defensible space and applicable BAL standards for dwellings.

This requirement may not be waived or reduced.

#### **HyGain separation distance area**

An application to use land within the 'separation distance' area to the existing HyGain Feeds Mill site at 10-20 Hickson Rd, Officer for Accommodation, Education centre, or Informal outdoor recreation must be accompanied by an Amenity Impact Plan which includes, as appropriate:

- A site plan identifying the proposal site in relation to the existing HyGain Feeds Mill site;
- An assessment of the amenity impacts of the existing use at HyGain Feeds site upon the proposed use, including:
  - Dust – conduct ambient particle measurements, for PM2.5 and PM10, and determine if the prevailing air quality criteria would be met. These criteria are currently determined under the Environment Protection Act by the State Environmental Protection Policies, to be superseded by the new Environmental Reference Standards on 1 July 2020.
  - Field Odour Survey – demonstrate that nuisance odours attributable to the subject industry would not cause unreasonable impact to amenity for sensitive uses within the buffer zone, using a methodology approved by EPA.
- Measures to mitigate potential amenity impacts from the existing use.

To the satisfaction of the Environmental Protection Agency and the responsible authority.

#### **HyGain Feeds Mill noise influence area**

An application to use and develop land for a dwelling within 300 metres from the existing HyGain Feeds Mill site at 10-20 Hickson Road, Officer must be accompanied by an acoustic report which demonstrates how a dwelling will be designed and constructed to achieve the noise levels identified in Clause 2.5 of the Schedule.

#### **Neighbourhood Convenience Centres**

Applications for buildings and works must be accompanied by a Site Context Report to the satisfaction of the responsible authority for Neighbourhood Convenience Centres.

The site context report must address the requirements set out in the incorporated *Officer Precinct Structure Plan* (specified in section 4.3.3b).

An application to use land for a shop in a Neighbourhood Convenience Centre must be accompanied by a retail demand assessment to the satisfaction of the responsible authority.

#### **Whiteside Road Neighbourhood Activity Centre**

An application to use or subdivide land, or to construct a building or construct and carry out works within the Whiteside Road Neighbourhood Activity Centre must be accompanied by an urban design framework which is to the satisfaction of the responsible authority.

The urban design framework must be generally in accordance with the incorporated *Officer Precinct Structure Plan*. The urban design framework may be amended to the satisfaction of the responsible authority.

#### **Sustainability statement requirements**

An application for subdivision of 60 or more lots, or to construct a building in the areas shown as Peripheral Commercial or Core Business must be accompanied by a Sustainability Statement as set out in the incorporated *Officer Precinct Structure Plan*.

**4.0**28/11/2024  
GC206**Conditions and requirements for permits****Requirement - Urban Design Framework**

A permit within an area of an approved urban design framework must be generally in accordance with the approved urban design framework.

A permit may be granted to subdivide land or to construct a building or construct and carry out works prior to the approval of an urban design framework if, in the opinion of the responsible authority, the grant of the permit is consistent with the requirements for the Urban Design Framework as set out in the incorporated *Officer Precinct Structure Plan*.

**Requirement - Native Vegetation Precinct Plan Implementation**

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 in Map 1 of the Officer 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.

**Requirement - Environmental Assessment of Potentially Contaminated Land**

Before the development associated with the subdivision starts, (this requirement does not apply to bore holes and excavation associated with an environmental site assessment), an environmental site assessment of the land by a suitably qualified environmental professional must be undertaken which provides information including:

- 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

## CARDINIA PLANNING SCHEME

the *Potentially Contaminated Land General Practice Note June 2005, DSE*, as amended from time to time.

If an environmental site assessment recommends an environmental audit of all or part of the land, then:

- prior to the commencement of any use for a sensitive purpose; or
- prior to any buildings or works; or
- prior to the certification of a plan of subdivision

whichever is the earlier of or in respect of all or that part of the land as the case may, the following must be provided to the responsible authority, either:

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

If a Statement of Environmental Audit is provided rather than a Certificate of Environmental Audit and the Statement of Environmental Audit indicates that the environmental conditions of the relevant land are suitable for a sensitive use subject to conditions, the owner of the land must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 before the issue of a Statement of Compliance or before the construction of any building on the relevant land, whichever is the earlier:

- implementation of and on-going compliance with all conditions in the Statement of Environmental Audit; and
- the responsible authority's reasonable legal costs and expenses of drafting/reviewing and registering the agreement to be borne by the owner of the relevant land.

### **Condition - Construction Environmental Management Plan**

Prior to the commencement of any buildings or works a Construction Environmental Management Plan (CEMP) is to be prepared, where appropriate.

The CEMP must specifically address significant flora and fauna where the buildings or works are within:

- 50 metres of any native vegetation to be retained in the *Officer Precinct Native Vegetation Precinct Plan (September 2011)*; and/or
- 100 metres of any waterbody (including creeks, drains, dams and wetlands) under the provisions of the incorporated *Officer Precinct Structure Plan Conservation Management Plan (excluding Cardinia Creek)*; and/or
- the area shown as Environmental Residential (south of the railway line) in Plan 2.

The CEMP must address all requirements specified in the *Officer Native Vegetation Precinct Plan (September 2011)* and the relevant Conservation Management Plan and be to the satisfaction of the responsible authority.

### **Conditions - Conservation Management Plan**

Where the *Officer Precinct Structure Plan Conservation Management Plan (excluding Cardinia Creek) (Ecology Partners, 15 September 2011)* or the *Officer Precinct Structure Plan Cardinia Creek Conservation Management Plan (Ecology Australia, 8 September 2011)* has been approved by the Secretary to the Department of Sustainability and Environment and it applies to the land (refer Plan 13 of the incorporated *Officer Precinct Structure Plan*), any permit granted for subdivision or the construction of a building or the carrying out of works must include the following conditions:

## CARDINIA PLANNING SCHEME

- The actions which identify the responsible agent as the “landowner” or “developer” in the Conservation Management Plan (CMP) must be implemented to the satisfaction of the Department of Sustainability and Environment.

and the following conditions, where appropriate:

- Prior to any works commencing within 100 metres of the edge of any waterbody which is to be retained, a highly visible fence is to be installed 20 metres from the edge of the water body.
- No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses.
- Pollution or litter traps must be provided on the land at appropriate points along the drainage system or drainage lines.
- A salvage and translocation plan must be prepared and implemented to the satisfaction of the Department of Sustainability and Environment and the approval of the responsible authority.

Where the land is identified to have suitable habitat approved to be removed in Appendix 8 of the *Officer Precinct Structure Plan: Cardinia Creek Conservation Management Plan (8 September 2011)*, any permit granted for subdivision or development must contain the following condition:

- Prior to the issue of a Statement of Compliance under the Subdivision Act, the landowner must enter into a legally binding agreement (or an alternative agreement approved by DSE) for the payment to implement the *Officer Precinct Structure Plan: Cardinia Creek Conservation Management Plan (8 September 2011)* in accordance with Section 2.3.1 Management Responsibilities and Funding and Appendix 8 to the satisfaction of the Department of Sustainability and Environment. The landowner must pay the reasonable costs of the preparation, execution, and registration of the agreement.

### **Condition - Subdivision permits**

Any permit for subdivision must contain the following conditions as appropriate:

- The setback from the rail reserve and interface between the rail line and the proposed subdivision is to be to the satisfaction of the Department of Transport and the approval of the responsible authority.
- If any part of the land is shown in the incorporated *Officer Precinct Structure Plan* as unencumbered passive public open space that land must be transferred to Council subject to equalisation in accordance with the equalisation provisions in the incorporated *Officer Precinct Structure Plan*. This requirement does not apply if the responsible authority advises the owner that it does not require the land.
- Land required for road widening must be transferred to or vested in the relevant roads authority at no cost to the relevant road authority unless the land is funded by the incorporated *Officer Development Contributions Plan*.

### **Conditions - Small lot housing code**

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 conditions:

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

A permit issued on or after 31 December 2026, other than an amendment of a permit 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 - Use of a building envelope plan**

Where a building envelope plan is proposed and/or required, any permit for subdivision must contain the following conditions:

- 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 the 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; and
  - a building envelope to cease to apply to any building on a lot less than 300 square metres that is 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.

#### **5.0**

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#### **Exemption from notice and review**

None specified.

#### **6.0**

06/03/2020  
C232card

#### **Decision guidelines**

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:

- Before deciding on an application to use land for Accommodation, Education centre, Informal outdoor recreation within the 'separation distance' area from the existing HyGain Feeds Mill site at 10-20 Hickson Road, Officer, the responsible authority must consider:
  - The recommendations of the Amenity Impact Plan required by Clause 3.0 of this schedule;
  - Whether the amenity of the proposed use would be detrimentally affected by the HyGain Feeds Mill site through the emission of noise, dust and odour;
  - Whether the proposal includes appropriate mitigation measures to protect against offsite amenity impacts from the HyGain facility; and
  - The distance between the subject site and the HyGain Feeds Mill site.

#### **7.0**

06/03/2020  
C232card

#### **Signs**

Sign requirements are at Clause 52.05. Land is in the category specified in the applied zone.

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C232card

**SCHEDULE 4 TO CLAUSE 37.07 URBAN GROWTH ZONE**

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

**OFFICER PRECINCT STRUCTURE PLAN SEPTEMBER 2011 (AMENDED NOVEMBER 2019)  
- OFFICER TOWN CENTRE**

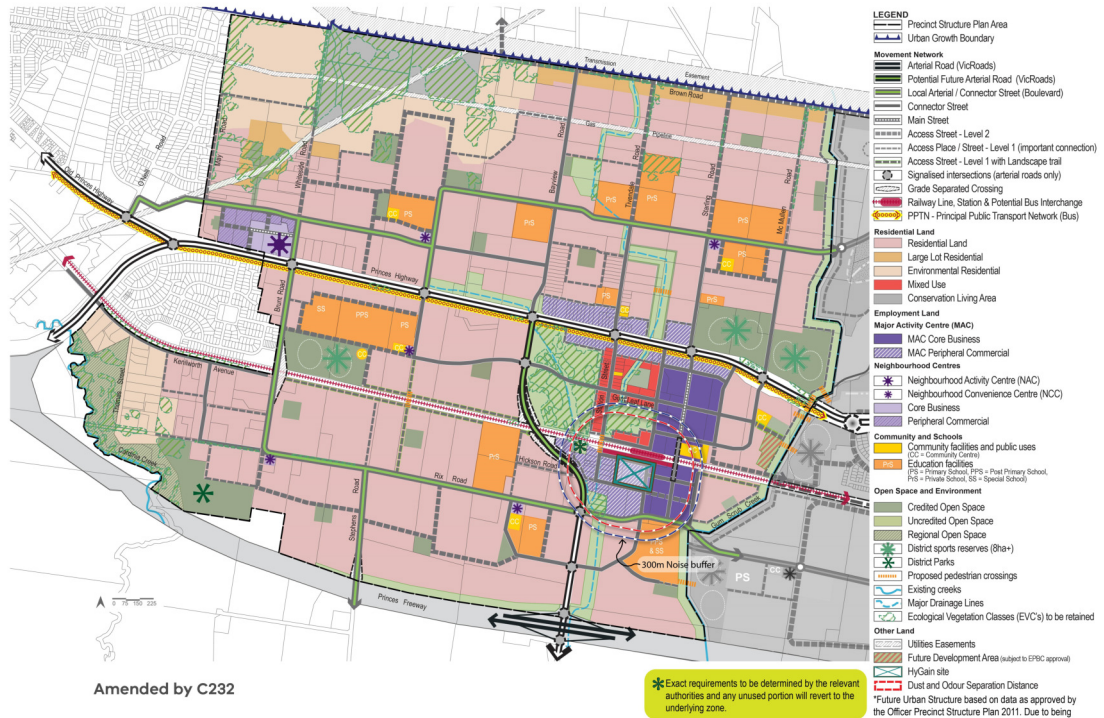
**1.0**

06/03/2020  
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**The Plan**

Plan 1 shows the future urban structure proposed in the incorporated *Officer Precinct Structure Plan*. It is a reproduction of Plan 5 in the incorporated *Officer Precinct Structure Plan*.

**Plan 1 of Schedule 4 to Clause 37.07**



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**2.0**

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**Use and development**

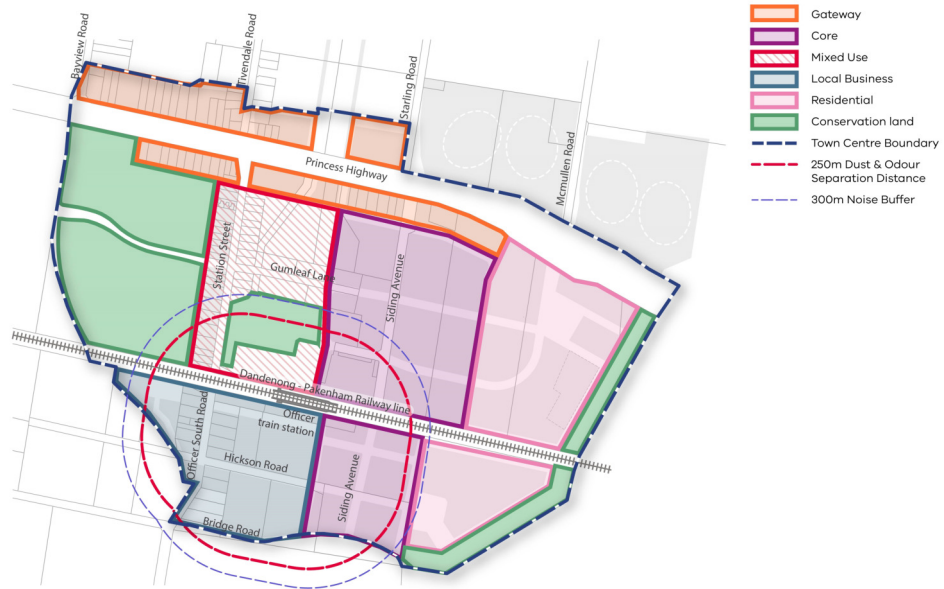
**2.1**

06/03/2020  
C232card

**The Land**

The use and development provisions specified in this schedule apply to the land shown in Plan 2 of this schedule and shown as UGZ4 on the planning scheme maps.

Plan 2 of Schedule 4 to Clause 37.07



2.2

20/01/2022  
VC205

**Applied zone provisions**

The provisions of the following zones in this scheme apply to the use and subdivision of land, construction of a building, and construction and carrying out of works, by reference to Plan 2 of this schedule.

*Note: e.g. 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 Zone 2 or 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 Transport Zone 3 or an applied Transport Zone 2 or Transport Zone 3 in the Urban Growth Zone schedule applying to the land’.*

**Table 1: Applied zone provisions**

Land shown on Plan 2 of this schedule	Applied zone provisions
Conservation land	Clause 36.03 - Public Conservation and Resource Zone
Land shown on Plan 2 of this schedule	Applied zone provisions
Core	Clause 34.01 - Commercial 1 Zone
Land shown on Plan 2 of this schedule	Applied zone provisions
Gateway	Clause 34.02 - Commercial 2 Zone
Land shown on Plan 2 of this schedule	Applied zone provisions
Mixed Use	Clause 32.04 - Mixed Use Zone
Land shown on Plan 2 of this schedule	Applied zone provisions
Residential	Clause 32.07 – Residential Growth Zone
Land shown on Plan 2 of this schedule	Applied zone provisions

Where a public land zone is applied in Table 1 and the land is in private ownership the bodies specified below are the public land manager for the purposes of the applied zone.

Applied zone	Public land manager
Public Conservation and Resource Zone (adjacent to Gum Scrub Creek)	Melbourne Water or Cardinia Shire Council
Public Conservation and Resource Zone (all other land)	Cardinia Shire Council

## 2.3

06/03/2020  
C232card

### Specific provisions – Use of land

#### Section 1 - Permit not required

Use	Condition
<p><b>Accommodation (other than Community care accommodation, Corrective institution and Rooming house) where the applied zone is Commercial 1 Zone</b></p> <p><b>Child care centre where the applied zone is Commercial 1 Zone</b></p> <p><b>Education centre (other than Child care centre) where the applied zone is Commercial 1 Zone</b></p> <p><b>Informal outdoor recreation where the applied zone is Commercial 1 Zone</b></p> <p><b>Rooming house where the applied zone is Commercial 1 Zone</b></p>	<ul style="list-style-type: none"> <li>Must not be on land within the 'separation distance' area from the existing HyGain Feeds Mill site at 10-20 Hickson Rd, Officer shown on Plan 2 of this Schedule and Figure 6 in the incorporated <i>Officer Precinct Structure Plan</i>; and</li> <li>Must meet the conditions associated with these land uses under Section 1 of Clause 34.01-1.</li> </ul>
<p><b>Bed and breakfast where the applied zone is Mixed Use Zone</b></p> <p><b>Community care accommodation where the applied zone is Mixed Use Zone</b></p> <p><b>Dependent person's unit where the applied zone is Mixed Use Zone</b></p> <p><b>Dwelling (other than Bed and breakfast) where the applied zone is Mixed Use Zone</b></p> <p><b>Informal outdoor recreation where the applied zone is Mixed Use Zone</b></p> <p><b>Residential aged care facility where the applied zone is Mixed Use Zone</b></p> <p><b>Rooming house where the applied zone is Mixed Use Zone</b></p>	<ul style="list-style-type: none"> <li>Must not be on land within the 'separation distance' area from the existing HyGain Feeds Mill site at 10-20 Hickson Rd, Officer shown on Plan 2 of this Schedule and Figure 6 in the incorporated <i>Officer Precinct Structure Plan</i>; and</li> <li>Must meet the conditions associated with these land uses under Section 1 of Clause 32.04-2</li> </ul>
<b>Any use listed in Clause 62.01</b>	Must meet requirements of Clause 62.01.
<b>Any other use listed in Section 1 in the Table of uses of the applicable applied zone.</b>	

**Section 2 - Permit required**

Use	Condition
	<b>Any other use not in Section 1 or 3 in the Table of uses in the applicable applied zone</b>

**Section 3 – Prohibited**

Use
<b>Industry (other than Service industry and Research and development centre) where the applied zone is Mixed Use Zone</b>
<b>Any use listed in Section 3 in the Table of uses of the applicable applied zone</b>

**Use of land within HyGain ‘Separation distance’**

The use of the land for accommodation, education centre and informal recreation facility within the identified ‘separation distance’ must not be located in areas where their amenity may be detrimentally affected by the HyGain Feeds Mill Site through noise, dust and odour emissions.

**2.4**

06/03/2020  
C232card

**Specific provisions - Subdivision**

An application to subdivide must be consistent with any urban design framework approved under this schedule.

**2.5**

28/11/2024  
GC206

**Specific provisions - Buildings and works**

**Construction of one dwelling on a lot with an area under 300 square metres**

In the area shown as ‘Residential’ where the applied zone is Residential Growth Zone and ‘Mixed use’ where the applied zone is Mixed Use Zone on Plan 2 of this Schedule, 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.

**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.

**Buildings and Works associated with a dwelling:**

Buildings and works for a dwelling within 300 metres from the HyGain Feeds Mill site at 10-20 Hickson Road, Officer must be designed and constructed to achieve the following noise levels:

- Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm.

Noise levels should be assessed in unfurnished rooms with a finished floor and windows closed.

### **Modification or removal of Existing Turkeys Nest Dams**

A permit is required for buildings and works associated with the modification or removal of any existing waterbody on Lot 1 TP134961.

### **Urban Design Framework**

Except with the consent of the responsible authority and the Victorian Planning Authority, a permit must not be granted to use or subdivide land, or construct a building and carry out works until an urban design framework for the area has been prepared to the satisfaction of the responsible authority and the Victorian Planning Authority.

An urban design framework approved under this schedule must be generally in accordance with the incorporated *Officer Precinct Structure Plan*.

An application for use and/or development on land identified must be consistent with any urban design framework approved under this schedule.

A permit may be granted to subdivide land or to construct a building or construct and carry out works prior to the approval of an urban design framework if, in the opinion of the responsible authority and the Victorian Planning Authority, the permit is consistent with the requirements for the urban design framework and the permit implements the objectives in the incorporated *Officer 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 and the Victorian Planning Authority.

### **Public transport requirements**

For the purpose of Clause 66.02-11 of the scheme a development is generally in accordance with the incorporated *Officer Precinct Structure Plan* where the following requirements are met:

- A road nominated on Plan 17 – Public Transport in the incorporated *Officer Precinct Structure Plan* as a potential bus route is constructed in accordance with its corresponding cross section in the incorporated *Officer Precinct Structure Plan*;
- Signalised intersections that contain a proposed Principal Public Transport Network (PPTN) route in the incorporated *Officer Precinct Structure Plan* include bus priority measures to mitigate delays to bus travel times, to the satisfaction of the Director of Public Transport;
- 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
- The proposal includes the construction of the bus stops shown on Plan 16 – Public Transport in the incorporated *Officer Precinct Structure Plan*, including 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) at no cost to the Director of Public Transport, all to the satisfaction of the Director of Public Transport.

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

### **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:

## **3.0**

06/03/2020  
C232card

### General Subdivision

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

- Details of the proposed use and development of each part of the land.
- A table setting out:
  - the amount of land allocated for the proposed uses; and
  - the mix of lot sizes.
- An indication of staging of subdivision and timing.
- Details of how the road connections, open space, pedestrian and bicycle linkages and drainage networks of the proposed development integrates with and responds to existing and planned developments on adjacent sites.
- Details of how the land use pattern and urban structure provides appropriate buffers between sensitive land uses, in terms of open space, road reserves and landscape treatments.
- Include a Transport Impact Assessment Report to the satisfaction of the relevant roads authority (be it VicRoads or Council).
- The proposed road and street network, including pedestrian and cycling routes, intersection treatments, proposed bus routes and the interface treatment with arterial roads.
- A plan showing access arrangements for properties adjacent to all existing and future arterial roads.
- A Public Infrastructure Plan which addresses:
  - The extent of any stormwater drainage works and road works proposed or required under this permit.
  - The land which is required to be set aside for infrastructure identified in the incorporated *Officer Development Contributions Plan* or the incorporated *Officer Precinct Structure Plan* including land required for public open space and community facilities and any proposed reconciliation payment in respect of the land having regard to its value set out in the incorporated *Officer Development Contributions Plan*.
  - An estimate of the extent of equalisation which is required in respect of public open space to be provided having regard to the incorporated *Officer Precinct Structure Plan* and the incorporated *Officer Development Contributions Plan*.
  - Subject to the consent of the Collecting Agency, any infrastructure works set out in the incorporated *Officer Development Contributions Plan* which can be provided “in lieu” of development contributions in accordance with the incorporated *Officer Development Contributions Plan*.
  - The effects of the provision of infrastructure on the land or any other land.
  - Any other relevant matter related to the provision of infrastructure reasonably required by the responsible authority.
- An overall landscape concept for the development. This should be consistent with best practice Water Sensitive Urban Design techniques.
- A hydrogeological assessment of groundwater conditions on the site and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions on the development.

## CARDINIA PLANNING SCHEME

- An approved Cultural Heritage Management Plan that is endorsed by the future public land manager/s of any reserve to be created as part of the development or advice from a suitably qualified cultural heritage professional that confirms that a Cultural Heritage Management Plan is not required. This requirement may not be waived.
- A Site Management Plan that addresses bushfire risk during, and where necessary, after construction, which is approved by the responsible authority. The plan must specify, amongst other things:
  - The staging of development and the likely bushfire risks at each stage;
  - An area of land between the development edge and non-urban areas consistent with the separation distances specified in AS3959-2009, where bushfire risk is managed to enable the development, on completion, to achieve a BAL-12.5 rating under AS3959-2009;
  - The land management measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape to protect residents and property from the threat of grassfire and bushfire;
  - Demonstrate how the buffer land parcel will be developed/managed at the completion of the development to ensure that any vegetation with the buffer meets the requirements; and
  - How adequate opportunities for access and egress will be provided for early residents, construction workers and emergency vehicles.

### Residential Subdivision

In addition to the general subdivision requirements, an application that includes subdivision of land shown as 'Residential' where the applied zone is Residential Growth Zone, 'Mixed use' where the applied zone is Mixed Use Zone, 'Local Business' where the applied zone is 'Commercial 1' and 'Core' where the applied zone is 'Commercial 1' on Plan 2 of this Schedule, must:

- include an overall masterplan for all land in contiguous ownership of the landowner demonstrating the lot yield, diversity and distribution across the subject area, consistent with the principles outlined in the incorporated *Officer Precinct Structure Plan*.
- demonstrate how the proposed subdivision layout meets the requirements of Clause 56 (other than an application to subdivide land into lots each containing an existing dwelling or car parking space).

to the satisfaction of the responsible authority.

### Buildings and works

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

- A Transport Impact Assessment Report to the satisfaction of the relevant roads authority.
- An overall landscape concept, including location of private open space of surrounding properties and the location of trees, fences and other landscape elements.

All applications for buildings and works (other than dwellings and residential buildings) must be accompanied by a design response report that demonstrates the following:

- how the layout and design of buildings contributes towards an attractive and safe public realm environment and complements adjacent uses, addressing active frontages, site servicing, car parking, lighting, landscaping and signage.
- how the design of buildings, including heights, massing and articulation, contributes to an attractive and cohesive built form environment, a diverse, interesting and complementary architectural form and responds to surrounding land uses.
- location and height of existing and proposed buildings on the site and surrounding properties.

- traffic and pedestrian circulation through and around the site.
- surrounding land uses.

If the responsible authority is satisfied that a requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

#### **Sustainability statement requirements**

An application for subdivision of 60 or more lots, or to construct a building in the areas shown as 'Gateway' and 'Core' on Plan 2 of this Schedule must be accompanied by a Sustainability Statement as set out in the incorporated *Officer Precinct Structure Plan*.

If the responsible authority is satisfied that this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement

#### **Specific requirements – Lot 1 TP134961 (PSP Property Number 217)**

Any application to remove and/or modify the existing turkey nest dams on Lot 1 TP134961 (Princes Highway, Officer) shown as 'Existing Turkeys Nest Dams (Growling Grass Frog Habitat)' on Plan 13 of the incorporated *Officer Precinct Structure Plan* must include written approval from the Commonwealth Department of Sustainability Environment Water Population and Communities.

#### **HyGain separation distance area**

An application to use land within the 'separation distance' area to the existing HyGain Feeds Mill site at 10-20 Hickson Rd, Officer for Accommodation, Education centre, or Informal outdoor recreation must be accompanied by an Amenity Impact Plan which includes, as appropriate:

- A site plan identifying the proposal site in relation to the existing HyGain Feeds Mill site;
- An assessment of the amenity impacts of the existing use at HyGain Feeds site upon the proposed use, including:
  - Dust – conduct ambient particle measurements, for PM2.5 and PM10, and determine if the prevailing air quality criteria would be met. These criteria are currently determined under the Environment Protection Act by the State Environmental Protection Policies, to be superseded by the new Environmental Reference Standards on 1 July 2020.
  - Field Odour Survey – demonstrate that nuisance odours attributable to the subject industry would not cause unreasonable impact to amenity for sensitive uses within the buffer zone, using a methodology approved by the EPA.
- Measures to mitigate potential amenity impacts from the existing use.

To the satisfaction of the Environmental Protection Agency and the responsible authority.

#### **Buildings and Works associated with the HyGain Feeds facility**

An application for buildings and works associated with the existing HyGain Feeds facility at 10-20 Hickson Road, Officer must be accompanied by a report which identifies all potential adverse amenity impacts to nearby uses and consider, as appropriate:

- Whether the proposed buildings and works are likely to increase the potential for adverse amenity impacts to existing nearby land uses, in particular the impact of:
  - Odour; and / or
  - Dust.
- Whether the proposed buildings and works are likely to cause adverse amenity impacts to future land uses in accordance with the incorporated *Officer Precinct Structure Plan*, in particular by the impact of:
  - Odour; and / or

- Dust.

What ameliorative or remedial measures can and will be taken to ensure that HyGain Feeds Mill does not cause off-site amenity impacts.

**HyGain Feeds Mill noise influence area**

An application to use and develop land for a dwelling within 300 metres from the existing HyGain Feeds Mill site at 10-20 Hickson Rd, Officer must be accompanied by an acoustic report which demonstrates how a dwelling will be designed and constructed to achieve the noise levels identified in Clause 2.5 of this schedule.

**Subdivide, Use or Develop Land for a Sensitive Use – Environmental Site Assessment**

An application to subdivide land or use or develop land for a sensitive use (residential use, child care centre, pre-school centre or primary school) must be accompanied by an Environmental Site Assessment of the land prepared by a suitably qualified environmental professional to the satisfaction of the responsible authority. The Environmental Site assessment must include the following information:

- Detail of the nature of the previous and existing land use/activities on the land;
- Detailed assessment of potential contaminants on the relevant land;
- 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*; and
- Recommended remediation actions for any potentially contaminated land.

**4.0**

28/11/2024  
GC206

**Conditions and requirements for permits**

**Requirement -Native Vegetation Precinct Plan Implementation**

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 in Map 1 of the Officer 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.

**Requirement- Subdivide, Use or Develop Land for a Sensitive Use**

If an environmental site assessment recommends an environmental audit of all or part of the land, then:

- Before a sensitive use commences; or
- Before the construction or carrying out of buildings and works in association with a sensitive use commences; or
- prior to the certification of a plan of subdivision associated with a sensitive use,

whichever is the earlier of or in respect of all or that part of the land as the case may be, the following must be provided to the responsible authority, either:

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

If a Statement of Environmental Audit is provided rather than a Certificate of Environmental Audit and the Statement of Environmental Audit indicates that the environmental conditions of the relevant land are suitable for a sensitive use subject to conditions, the owner of the land must enter into an agreement with the responsible authority under section 173 of the *Planning and Environment Act 1987* before the issue of a Statement of Compliance or before the construction of any building on the relevant land, whichever is the earlier:

- implementation of and on-going compliance with all conditions in the Statement of Environmental Audit; and
- the responsible authority's reasonable legal costs and expenses of drafting/reviewing and registering the agreement to be borne by the owner of the relevant land.

**Condition- Construction Environmental Management Plan**

Prior to the commencement of any buildings or works a Construction Environmental Management Plan (CEMP) is to be prepared, where appropriate.

The CEMP must specifically address significant flora and fauna where the buildings or works are within:

- 50 metres of any native vegetation to be retained in the *Officer Precinct Native Vegetation Precinct Plan (September 2011)*; and/or
- 100 metres of any waterbody (including creeks, drains, dams and wetlands) under the provisions of the *Officer Precinct Structure Plan Conservation Management Plan (excluding Cardinia Creek)*.

The CEMP must address all requirements specified in the *Officer Native Vegetation Precinct Plan (September 2011)* and the relevant Conservation Management Plan and be to the satisfaction of the responsible authority.

**Conditions- Conservation Management Plan**

Where the *Officer Precinct Structure Plan* Conservation Management Plan (excluding Cardinia Creek) (Ecology Partners, 15 September 2011) or the *Officer Precinct Structure Plan* Cardinia Creek Conservation Management Plan (Ecology Australia, 8 September 2011) has been approved by the Secretary to the Department of Sustainability and Environment and it applies to the land (refer Plan 13 of the incorporated *Officer Precinct Structure Plan*), any permit granted for subdivision or the construction of a building or the carrying out of works must include the following conditions:

- The actions which identify the responsible agent as the “landowner” or “developer” in the Conservation Management Plan (CMP) must be implemented to the satisfaction of the Department of Sustainability and Environment.

and the following conditions, where appropriate:

- Prior to any works commencing within 100 metres of the edge of any waterbody which is to be retained, a highly visible fence is to be installed 20 metres from the edge of the water body.
- No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses.
- Pollution or litter traps must be provided on the land at appropriate points along the drainage system or drainage lines.
- A salvage and translocation plan must be prepared and implemented to the satisfaction of the Department of Sustainability and Environment and the approval of the responsible authority.

Where the land is identified to have suitable habitat approved to be removed in Appendix 8 of the *Officer Precinct Structure Plan: Cardinia Creek Conservation Management Plan (8 September 2011)*, any permit granted for subdivision or development must contain the following condition:

- Prior to the issue of a Statement of Compliance under the Subdivision Act, the landowner must enter into a legally binding agreement (or an alternative agreement approved by DSE) for the payment to implement the *Officer Precinct Structure Plan: Cardinia Creek Conservation Management Plan (8 September 2011)* in accordance with Section 2.3.1 Management Responsibilities and Funding and Appendix 8 to the satisfaction of the Department of Sustainability and Environment. The landowner must pay the reasonable costs of the preparation, execution, and registration of the agreement.

**Conditions- Subdivision permits**

Any permit for subdivision must contain the following conditions as appropriate:

- The setback from the rail reserve and interface between the rail line and the proposed subdivision is to be to the satisfaction of the Department of Transport and the approval of the responsible authority.
- If any part of the land is shown in the incorporated *Officer Precinct Structure Plan* as unencumbered passive public open space that land must be transferred to Council subject to equalisation in accordance with the equalisation provisions in the incorporated *Officer Precinct Structure Plan*. This requirement does not apply if the responsible authority advises the owner that it does not require the land.
- Land required for road widening must be transferred to or vested in the relevant roads authority at no cost to the relevant road authority unless the land is funded by the incorporated *Officer Development Contributions Plan*.

**Conditions - Small lot housing code**

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.

#### **Requirement – Management of bushfire risk during subdivisional works**

A permit for subdivision that contains a condition requiring a construction management plan must ensure that the relevant plan addresses any potential bushfire risks arising from the land during construction and must include a statement from a suitably qualified professional that the proposed bushfire risk management measures are appropriate, to the satisfaction of the responsible authority.

#### **5.0**

06/03/2020  
C232card

#### **Exemption from notice and review**

None specified.

#### **6.0**

06/03/2020  
C232card

#### **Decision guidelines**

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:

- Before deciding on an application to use land for Accommodation, Education centre, Informal outdoor recreation within the ‘separation distance’ area from the existing HyGain Feeds Mill site at 10-20 Hickson Rd, Officer, the responsible authority must consider:
  - The recommendations of the Amenity Impact Plan required by Clause 3.0 of this schedule;
  - Whether the amenity of the proposed use would be detrimentally affected by the HyGain Feeds Mill site through the emission of noise, dust or odour;
  - Whether the proposal includes appropriate mitigation measures to protect against offsite amenity impacts from the HyGain Feeds Mill site; and
  - The distance between the subject site and the HyGain Feeds Mill site.
- Before deciding on an application for buildings and works associated with the existing HyGain Feeds Mill site at 10-20 Hickson Road, Officer, the responsible authority must consider whether the proposal includes appropriate mitigation measures to ameliorate any potential offsite amenity impacts to nearby land uses.

#### **7.0**

06/03/2020  
C232card

#### **Signs**

Sign requirements are at Clause 52.05. Land is in the category specified in the applied zone.

21/01/2021  
C234card

**SCHEDULE 5 TO CLAUSE 37.07 URBAN GROWTH ZONE**

Shown on the planning scheme map as UGZ5.

**Pakenham East Precinct Structure Plan**

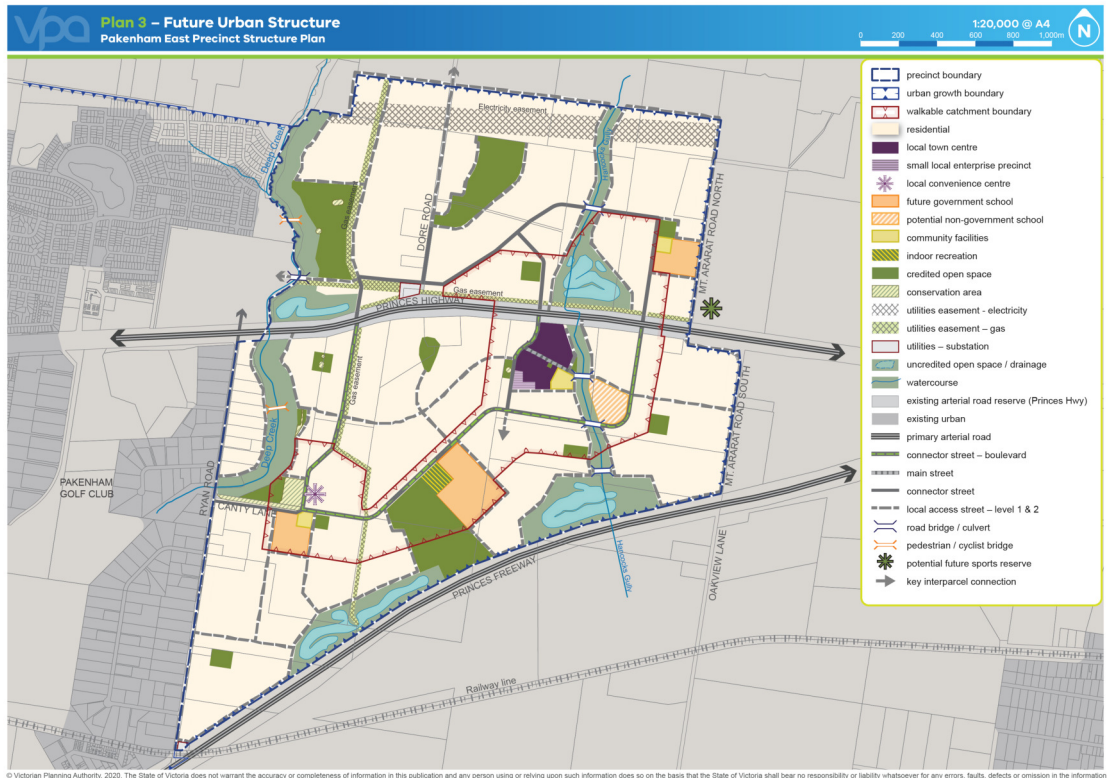
**1.0**

21/01/2021  
C234card

**The Plan**

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

**Plan 1 to Schedule 5 to Clause 37.07**



**2.0**

21/01/2021  
C234card

**Use and development**

**2.1**

21/01/2021  
C234card

**The Land**

The use and development provisions specified in this schedule apply to the land as shown within the ‘precinct boundary’ on Plan 1 of this schedule and shown as UGZ5 on the planning scheme maps. This schedule must be read in conjunction with the *Pakenham East Precinct Structure Plan*.

*Note: If land shown on Plan 1 is not zoned UGZ5, the provisions of this zone do not apply.*

**2.2**

20/01/2022  
VC205

**Applied zone provisions**

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

Where the use/development in the left column is carried out or proposed generally in accordance with the incorporated *Pakenham East 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.

## CARDINIA PLANNING SCHEME

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 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 Zone 2 or 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 Transport Zone 3 or an applied Transport Zone 2 or Transport Zone 3 in the Urban Growth Zone schedule applying to the land'*

**Table 1: Applied zone provisions**

Primary arterial road	Clause 36.04 – Transport Zone 2
Small local enterprise precinct	Clause 34.02 – Commercial 2 Zone
Local town centre	Clause 34.01 – Commercial 1 Zone
Local convenience centre	
Residential on a lot wholly within walkable catchment boundary (once subdivided)	Clause 32.07 – Residential Growth Zone
Residential within and north of the electricity transmission easement	Clause 32.03 - Low Density Residential Zone Schedule 3
All other land	Clause 32.08 – General Residential Zone

### 2.3

20/01/2022  
VC205

## Specific provisions – Use of land

### Section 1 - Permit not required

Use	Condition
<b>Accommodation (other than Corrective institution) where the applied zone is Commercial 1</b>	Any frontage at ground floor level must not exceed 2 metres (other than a bed and breakfast and caretaker's house); and  Must not be on land shown within the 'high pressure gas transmission pipeline notification zone depicted on Plan 10 of the incorporated <i>Pakenham East Precinct Structure Plan</i>
<b>Bed and breakfast where the applied zone is General Residential Zone, Low Density Residential Zone or Residential Growth Zone</b>	No more than 10 persons may be accommodated away from their normal place of residence.  At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.  Must not be on land shown within the 'high pressure gas transmission pipeline notification zone depicted on Plan 10 of the incorporated <i>Pakenham East Precinct Structure Plan</i>
<b>Child care centre where the applied zone is Commercial 1</b>	Any frontage at ground floor level must not exceed 2 metres and access must not be shared with a dwelling (other than a caretaker's house); and  Must not be on land shown within the 'high pressure gas transmission pipeline notification zone depicted on Plan 10 of the incorporated <i>Pakenham East Precinct Structure Plan</i>
<b>Cinema based entertainment facility where the applied zone is Commercial 1</b>	Must not be on land shown within the 'high pressure gas transmission pipeline notification zone depicted on Plan 10 of the incorporated <i>Pakenham East Precinct Structure Plan</i>

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Cinema based entertainment facility where the applied zone is Commercial 2</b>	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
<b>Education centre where the applied zone is Commercial 1</b>	Must not be on land shown within the 'high pressure gas transmission pipeline notification zone depicted on Plan 10 of the incorporated <i>Pakenham East Precinct Structure Plan</i>
<b>Place of worship where the applied zone is Commercial 1</b>	The gross floor area of all buildings must not exceed 250 square metres. Must not be on land shown within the 'high pressure gas transmission pipeline notification zone depicted on Plan 10 of the incorporated <i>Pakenham East Precinct Structure Plan</i>
<b>Place of worship where the applied zone is General Residential Zone, Low Density Residential Zone or Residential Growth Zone</b>	The gross floor area of all buildings must not exceed 250 square metres. Must not be on land shown within the 'high pressure gas transmission pipeline notification zone depicted on Plan 10 of the incorporated <i>Pakenham East Precinct Structure Plan</i>
<b>Primary school</b>	Must be on land shown as Potential Non-Government School in the incorporated <i>Pakenham East Precinct Structure Plan</i> .
<b>Residential aged care facility where the applied zone is General Residential Zone, Low Density Residential Zone or Residential Growth Zone</b>	Must not be on land shown within the 'high pressure gas transmission pipeline notification zone depicted on Plan 10 of the incorporated <i>Pakenham East Precinct Structure Plan</i>
<b>Secondary school</b>	Must be on land shown as Potential Non-Government School in the incorporated <i>Pakenham East Precinct Structure Plan</i> .
<b>Shop (other than Adult sex bookshop) where the applied zone is Commercial 1 Zone</b>	The combined leasable floor area of all shops must not exceed: <ul style="list-style-type: none"> <li>▪ 11,000 square metres for land shown as a Local Town Centre in the incorporated <i>Pakenham East Precinct Structure Plan</i>.</li> <li>▪ 3,600 square metres for land shown as a Local Convenience Centre in the incorporated <i>Pakenham East Precinct Structure Plan</i>.</li> </ul>
<b>Any use listed in Clause 62.01</b>	Must meet requirements of Clause 62.01.
<b>Any use listed in Section 1 in the Table of uses of the applicable applied zone</b>	

### Section 2 - Permit required

Use	Condition
<b>Restricted retail premises where the applied zone is Commercial 2</b>	
<b>Any other use not in Section 1 or 3</b>	

**Section 3 – Prohibited**

**Use**

**Gaming premises where the applied zone is Commercial 1 or Commercial 2**

**Supermarket where the applied zone is Commercial 2**

**Any use listed in Section 3 in the Table of uses of the applicable applied zone**

**Use of future public land**

A permit is not required to use land shown in the incorporated *Pakenham East Precinct Structure Plan* as a local park, local sports reserve or community facility provided the use is carried out generally in accordance with the incorporated *Pakenham East Precinct Structure Plan* and with the prior written consent of Cardinia Shire Council.

**2.4**

21/01/2021  
G234card

**Specific provisions - Subdivision**

**Ryan Road sub-precinct**

Except with the consent of the responsible authority and Melbourne Water, a permit must not be granted to subdivide land within the Ryan Road sub-precinct (shown as *Interface Housing Area 2* on Plan 5 of the incorporated *Pakenham East Precinct Structure Plan*) until the following has been prepared, for the entire sub-precinct, to the satisfaction of the responsible authority and Melbourne Water:

- A restructure plan, demonstrating the subdivision or consolidation of the existing lots within the sub-precinct, to enable development of the land in a coordinated manner;
- A utility coordination plan, demonstrating that drainage and sewerage infrastructure can be delivered in a coordinated manner to enable the servicing of the land;
- A proposed plan of subdivision, including building envelopes for each residential lot; and
- A drainage and fill strategy, designed to ensure that development of the sub-precinct can meet the following requirements:
  - No new lots created where the building envelope is subject to inundation from 1% AEP flows (accounting for climate change scenarios);
  - Any overland paths in road reserves meet Melbourne Water’s floodway safety criteria for depth of flow and flow velocity;
  - Any overland flows be fully contained within reserves (roads, open space);
  - Flooding cannot be increased either upstream or downstream of the precinct or for existing landholders; and
  - The drainage network must have capacity for the 5% AEP flood.

A permit for subdivision within the Ryan Road sub-precinct must be consistent with any restructure plan, utility coordination plan and drainage and fill strategy approved under this schedule.

A restructure plan, utility coordination plan or drainage and fill strategy may be amended to the satisfaction of the responsible authority and Melbourne Water.

**2.5**

28/11/2024  
GC206

**Specific provisions - Buildings and works**

**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.

#### **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 as a 'potential non-government school' on Plan 3 of the incorporated *Pakenham East Precinct Structure Plan*, unless exempt under Clauses 62.02-1 and 62.02-2.

#### **Development of future public land**

A permit is not required to construct a building or construct or carry out works on land shown in the incorporated *Pakenham East Precinct Structure Plan* as local park, local sports reserve or community facilities provided the development is carried out generally in accordance with the incorporated *Pakenham East Precinct Structure Plan* and with the prior written consent of Cardinia Shire Council.

#### **Gas pipeline construction management plan required whether or not a permit is required**

Prior to the commencement of any works, including demolition, on land within, or within 50m of the boundary of a utilities easement (gas transmission) shown on *Plan 10 – Utilities in the incorporated Pakenham East Precinct Structure Plan*, a construction management plan must be submitted to and approved by the responsible authority. The plan must:

- Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the owner/operator of the high pressure gas pipeline; and
- Be endorsed by the owner/operator of the high pressure gas transmission pipeline prior to being submitted to the responsible authority.

The construction management plan must be implemented to the satisfaction of the responsible authority.

The construction management plan may be amended to the satisfaction of the responsible authority.

### **3.0**

21/01/2021  
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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:

#### **Subdivision and residential development**

In addition to the requirements of Clause 56.01-2, a subdivision design response for a residential subdivision of 10 lots or more must be accompanied by the information listed below. An application for the construction of 10 or more dwellings on a lot must be accompanied by the same information:

- A written statement that sets out how the application implements the incorporated *Pakenham East Precinct Structure Plan*.
- 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 proposed uses and expected population, mix of lot sizes (including estimated superlots) dwelling yields, and employment yields if relevant;

## CARDINIA PLANNING SCHEME

- An overall master plan for all land in contiguous ownership of the landowner showing the proposed uses of each part of the site, proposed staging and demonstrating lot size diversity by including a colour coded lot size plan, reflecting the lot size categories and colours outlines in Table 2 - Housing type by lot size in the incorporated *Pakenham East Precinct Structure Plan*;
- A demonstration of how the application will contribute to the achievement of the residential density outcomes in the precinct structure plan applying to the land;
- A Traffic Impact Assessment including functional layout plans and a feasibility / concept road safety audit 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;
- Subdivision and Housing Design Guidelines, in accordance with the incorporated *Pakenham East Precinct Structure Plan*, that demonstrate how the proposal responds to and achieves the objectives and planning and design requirements and guidelines within the *Housing* section of the PSP;
- A plan showing the proposed road and street network, that addresses the interface treatments adjacent to arterial roads, open space and environmentally sensitive areas;
- A plan showing access arrangements for properties adjacent to all existing and future arterial roads;
- A landscape master plan prepared by a suitably qualified professional in the field that shows the proposed species, locations, approximate height and spread of proposed planting and the retention of existing trees and shrubs. Where trees are retained, a Tree Protection Zone must be applied and should adhere to the Australian Standard Protection of Trees and Development Sites (AS4970-2009);
- 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 on the development and the impact of the development on groundwater;
- A drainage and integrated water management plan;
- A Site Management Plan that addresses bushfire risk during, and where necessary, after construction. The plan must specify, amongst other things:
  - The staging of development and the likely bushfire risks at each stage;
  - An area of land between the development edge and non-urban areas consistent with the separation distances specified in AS3959-2009 where bushfire risk is managed to ensure a BAL rating of no greater than BAL12.5 is required;
  - The measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape and protect residents and property from the threat of fire; and
  - How adequate opportunities for access and egress will be provided for early residents, construction workers and emergency vehicle.

### **Retail economic impact assessment**

An application to use land for a Shop in a local town centre or local convenience centre where the combined leasable floor area of all shops exceeds the figure shown in the land use table at 2.3 of this schedule must be accompanied by a retail economic impact assessment prepared by a suitably qualified professional.

### **Interface housing areas**

An application to subdivide land shown on Plan 5 of the *Pakenham East Precinct Structure Plan* as being within an interface housing area must include a building envelope plan that responds to Section 3.1.3 - *Housing* – of the incorporated *Pakenham East Precinct Structure Plan*.

### **Slope management**

An application to subdivide land or to construct a building or construct or carry out works for land shown on Plan 2 of the incorporated *Pakenham East Precinct Structure Plan* as having a pre-development slope of greater than 10%, must include a Slope Management Plan that responds to Cardinia Shire's *Guidelines for Slope Management in Subdivisions* and Section 3.1.2 - *Topography* – of the incorporated *Pakenham East Precinct Structure Plan*

A Slope Management Plan submitted with an application for subdivision must also include a building envelope plan demonstrating the outcomes sought by Section 3.1.2 - *Topography* – of the incorporated *Pakenham East Precinct Structure Plan* have been achieved.

### **Environmental sustainable design statement**

An application for the development of land must be accompanied by a sustainable design assessment report prepared by a suitably qualified professional that demonstrates how the development will achieve best practice sustainable design, using the Built Environment Sustainability Scorecard (BESS) or other comparable sustainable design tool to demonstrate best practise environmental design for the development.

### **Structural engineering report - Beach Energy gas transmission pipeline**

An application to construct a building with a height of three storeys or more, within 50m of the boundary of the Existing High Pressure Gas Pipeline (Beach Energy) shown on *Plan 10 – Utilities in the incorporated Pakenham East Precinct Structure Plan* must be accompanied by a structural engineering report detailing any additional loading or other changes expected to affect the pipeline, and the construction methods proposed to ensure the high pressure gas transmission pipeline is not damaged as a result of the introduction of the building. The report must be prepared by a suitably qualified professional and endorsed by the owner/operator of the high pressure gas transmission pipeline prior to being submitted to the responsible authority.

### **Acoustic assessment - gas transmission city gate**

An application for residential subdivision or to construct a building for accommodation on land within 35 metres of the western boundary of the gas transmission city gate, shown on Plan 1 of this schedule must be accompanied by an acoustic report prepared by a suitably qualified professional. The report must take account of the report titled *Pakenham East Precinct Structure Plan City Gate Noise Assessment (Marshall Day Acoustics, 28 May 2018)* and provide recommendations on suitable design responses that ensure an appropriate level of acoustic amenity is provided within proposed buildings.

### **Acoustic Assessment –Princes Freeway and Princes Highway**

An application for residential subdivision or to construct a building for accommodation on land within the 'vehicle noise amenity area' shown on Plan 7 of the *Pakenham East Precinct Structure Plan* must be accompanied by an acoustic report prepared by a suitably qualified professional, to the satisfaction of the responsible authority. The report must take account of the report titled *Pakenham East Precinct Structure Plan Traffic Noise Acoustic Assessment (Marshall Day Acoustics, 9 April 2018)* and provide recommendations on suitable design responses that ensure acoustic amenity is provided within proposed buildings consistent with AS/NZS2107.

### **Local Town Centre**

An application to use, subdivide land, construct a building or construct or carry out works for a Local Town Centre must also include the following information, as appropriate, to the satisfaction of the responsible authority:

- A design response report and plans that:
  - Address the Local Town Centre requirements, the Local Town Centre Guidelines, Appendix B (Local Town Centre Design Principles) and the Local Town Centre Concept Plan in the incorporated *Pakenham East Precinct Structure Plan*;

## CARDINIA PLANNING SCHEME

- Address any relevant urban design guidelines prepared by the Victorian Government or Cardinia Shire Council;
  - Demonstrate how the proposal integrates with existing or approved development in the area;
  - Demonstrate site responsive architecture and urban design;
  - Demonstrate how the proposal will contribute to the urban character of the Local Town Centre;
  - Explain how the proposal responds to feedback received following consultation with relevant infrastructure agencies such as the Transport for Victoria;
  - Include environmental sustainability initiatives including integrated water management and energy conservation;
  - Include provisions for car parking including the location and design of car parking areas and car parking rates for proposed uses within the centre;
  - Address the provision of advertising signs;
  - Include arrangements for the provision of service areas and for deliveries and waste disposal including access for larger vehicles and measures to minimise the impact on the amenity of the centre and adjoining neighbourhoods; and
  - Demonstrate how opportunities for medium and higher density housing and future commercial expansion can be incorporated into the centre (including on future upper levels and through future car park redevelopments).
- An overall landscape concept/master plan for the centre including a design of the town square/public space.

### **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 road works internal and external to the land consistent with any relevant traffic report or assessment;
- What, if any, infrastructure set out in the infrastructure 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 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.

### **Environmental Site Assessment**

An application to subdivide land or to use or develop land identified in Table 2 of this schedule (these properties are identified as Assessment Level 'B' in Table 2 of Appendix I of the report titled *CSC – PEP - ESA, Pakenham East Precinct, GHD, June 2013*), for a sensitive use (residential use, child care centre, pre-school centre or primary school) must be accompanied by an Environmental Site Assessment prepared by a suitably qualified environmental professional to the satisfaction of the responsible authority which takes account of the report titled *CSC – PEP - ESA, Pakenham East Precinct (GHD, June 2013)* and provides information including:

- Further detailed assessment of potential contaminants on the relevant land;
- 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*;

- Further detailed assessment of surface and subsurface water conditions and geotechnical characteristics (including access to locked structures, intrusive works, soil and groundwater sampling and analysis) on the relevant land and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions and geology on the development and the impact of the development on surface and subsurface water; and
- Recommended remediation actions for any potentially contaminated land.

**Table 2**

<b>Properties requiring an environmental site assessment</b>
Lot 1 TP709442, 155 Dore Road, Pakenham
Lot 2, LP93961, 325 Seymour Road Nar Nar Goon North
Lot 1, LP55512, 85 Mount Ararat North Road, Nar Nar Goon North
Lot 2, PS422931, Dore Road, Nar Nar Goon North
Lot 1, PS422931, 40 Dore Road, Nar Nar Goon North
Lot 1, PS436254, 15 Mount Ararat North Road, Nar Nar Goon North
Lot 1-2, PS547978, Lot 3 PS607403, Lot 1 PS613913, 1550 Princes Highway, Nar Nar Goon
Lot 3 PS308950, 1560 Princes Highway, Nar Nar Goon
Lot 1, PS425398, 32 Mount Ararat South Road, Nar Nar Goon
Lot 2 PS439920, 35 Canty Lane, Pakenham
Lot 1, LP56549, 100 Ryan Road, Pakenham
Lot 5, PS 4255422, 40 Ryan Road, Pakenham
Lot 5, PS 425422, 36 Ryan Road, Pakenham
Lot 3, PS425421, 30 Ryan Road, Pakenham

**4.0**

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**Conditions and requirements for permits**

**Conditions - Small lot housing code**

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 – Heritage - *Pyrus communis* (Pear Tree) 40 Dore Road, Pakenham**

Any permit for the subdivision of land at 40 Dore Road, Pakenham must contain the following conditions:

- Prior to the certification of a plan of subdivision for the first stage of the subdivision, a Conservation Management Plan must be approved for the heritage place to ascertain cultural value/significance, appropriate site boundaries, required restoration works, possible future uses and interpretative signage.
- Before the commencement of works for any stage of subdivision or development, the heritage place must be appropriately secured against damage as a result of works, deterioration, and the effects of weather, trespassing or vandalism to the satisfaction of the Responsible Authority
- Prior to the issue of a statement of compliance for the first stage of subdivision the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 which provides for works to the heritage places for the purposes of restoration and repair are in accordance with the timeframes and requirements of the approved Conservation Management Plan.

**Conditions - Subdivision or buildings and works permits where land is required for community facilities, public open space and road widening**

A permit for subdivision or buildings and works, where land is required for community facilities, public open space or road widening, must include the following conditions:

- The costs associated with effecting the transfer or vesting of land required for community facilities, public open space or road widening must be borne by permit holder.
- Land required for community facilities, public open space or road widening must be transferred to or vested in the relevant public agency with any designation (e.g. road, reserve or lot) nominated by the relevant agency.

**Requirements - Protection of conservation areas and native vegetation during construction**

A permit granted to subdivide land where construction or 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 or patch of native vegetation or scattered tree identified for retention in the incorporated *Pakenham East Precinct Structure Plan* or incorporated *Pakenham East Native Vegetation Precinct Plan* must ensure that:

- Before the start of construction or carrying out of works in or around a conservation area, scattered native tree or patch of native vegetation the developer of the land must erect a conservation area/vegetation protection fence that is:
  - highly visible
  - at least 2 metres in height
  - sturdy and strong enough to withstand knocks from construction vehicles
  - in place for the whole period of construction
  - located at a minimum distance from the identified elements in Table 3:

**Table 3**

Element	Minimum distance from element
Conservation area	2 metres
Scattered tree	Twice the distance between the tree trunk and the edge of the tree canopy
Patch of native vegetation	2 metres

- Construction stockpiles, fill, machinery, excavation and works or other activities associated with the buildings or works must:
  - be located not less than 15 metres from a waterway;
  - be located outside the vegetation protection fence;
  - be constructed and designed to ensure that the conservation area, scattered tree or patches of native vegetation are protected from adverse impacts during construction;
  - not be undertaken if it presents a risk to any vegetation within a conservation area; and
  - be carried out under the supervision of a suitable qualified ecologist or arborist.

**Conditions - Public transport**

Unless otherwise agreed to by Public Transport Victoria, prior to the issue of a statement of compliance for any subdivision stage, bus stops must be constructed, at full cost to the permit holder as follows:

- Generally in the location identified by Public Transport Victoria
- In accordance with the Public Transport Guidelines for Land Use and Development with a concrete hard stand area, and in activity centres a shelter must also be constructed
- Be compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002; and
- Be provided with direct and safe pedestrian access to a pedestrian path.

All to the satisfaction of Public Transport Victoria and the responsible authority.

**Conditions - Environmental Site Assessment**

Any permit to subdivide land or to use or develop land, identified in Table 2 of this schedule (these properties are identified as Assessment Level ‘B’ in Table 2 of Appendix I of the report titled CSC – PEP - ESA, Pakenham East Precinct ,GHD, June 2013) for a sensitive use (residential use, child care centre, pre-school centre or primary school) must contain the following conditions:

- Prior to the commencement of the development associated with a sensitive use, or the certification of a Plan of Subdivision, or a stage of subdivision, under the Subdivision Act 1988 associated with a sensitive use , the recommendations of the Environmental Site Assessment submitted with the application must be carried out to the satisfaction of the responsible authority.
- Upon receipt of the further testing report the owner must comply with any further requirements made by the responsible authority after 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 authority is satisfied that the land is suitable for the intended use.
- The use or development for a sensitive use must not commence, or the plan of subdivision must not be certified until the responsible authority is satisfied that the land is suitable for the intended use.

**5.0**

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**Exemption from notice and review**

None specified.

**6.0**

21/01/2021  
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**Decision guidelines**

Before deciding on an application to create floorspace in excess of any cap in a town centre or local convenience centre, in addition to the decision guidelines at Clause 37.07-14, the responsible authority must consider, as appropriate:

- The local catchment and PSP catchment demand for the additional floor area; and
- The effect on existing and future major town centres within Shire of Cardinia.

**7.0**

21/01/2021  
C234card

**Signs**

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

01/08/2024  
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**SCHEDULE 6 TO CLAUSE 37.07 URBAN GROWTH ZONE**

Shown on the planning scheme map as UGZ6

**PAKENHAM SOUTH EMPLOYMENT PRECINCT STRUCTURE PLAN**

**1.0**

01/08/2024  
C265card

**The Plan**

Plan 1 shows the future urban structure proposed in the *Pakenham South Employment Precinct Structure Plan*. It is a reproduction of Plan 4 in the *Pakenham South Employment Precinct Structure Plan*.

**Plan 1 to Schedule 6 to Clause 37.07**



**2.0**

01/08/2024  
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**Use and development**

**2.1**

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**The Land**

The use and development provisions specified in this schedule apply to the land within the 'precinct boundary' on Plan 1 and shown as UGZ6 on the planning scheme maps.

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

**2.2**

01/08/2024  
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**Applied zone provisions**

The provisions of the following zones in this scheme apply to the use and subdivision of land, construction of a building, and construction and carrying out of works, by reference to Plan 1 of this schedule.

*Note:*

*e.g. 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 Road Zone.' In this instance the condition should be read as, 'The site must adjoin, or have access to, a road in a Road Zone or an applied Road Zone in the Urban Growth Zone schedule applying to the land'*

**Table 1: Applied zone provisions**

Land shown on plan 1 of this Schedule	Applied zone provisions
Industrial	Clause 33.01 - Industrial 1 Zone
Land shown on plan 1 of this Schedule	Applied zone provisions
Arterial Road	Clause 36.04 - Transport Zone 2
Land shown on plan 1 of this Schedule	Applied zone provisions
All other land	Clause 33.01 - Industrial 1 Zone

The precise boundary of the zone is to be determined by the designation of land in a relevant plan of subdivision to the satisfaction of the responsible authority.

**2.3**

01/08/2024  
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**Specific provisions – Use of land**

**Section 1 - Permit not required**

Use	Condition
Convenience shop	<ul style="list-style-type: none"> <li>Must not be on land within the Pakenham Water Recycling Plant and O'Connor odour buffers shown on Plan 1 of this Schedule and at Appendix B in the incorporated <i>Pakenham South Employment Precinct Structure Plan</i>.</li> </ul>
Crop raising	
Informal outdoor recreation	
Service station	<ul style="list-style-type: none"> <li>Must meet the conditions associated with these land uses under Section 1 of Clause 33.01-1.</li> </ul>
Take away food premises	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01
Any other use listed in Section 1 in the table of uses of the applicable applied zone.	

**Section 2 - Permit required**

Use	Condition
Any other use not in Section 1 or 3 in the table of uses in the applicable applied zone.	

**Section 3 - Prohibited**

Use
Any use listed in Section 3 in the table of uses of the applicable applied zone

**2.4**

01/08/2024  
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**Specific provisions - Subdivision**

Heritage Site - 40 Greenhills Road, Pakenham South

The location of any new lot boundary must include all contributory elements of the heritage place on the one private title (or one private title and parkland).

**2.5**

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C265card

**Specific provisions - Buildings and works**

None specified.

**3.0**01/08/2024  
C265card**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 the responsible authority is satisfied that a requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement unless otherwise indicated below.

**Subdivision and/or development**

Any applications for subdivision and/or development must include:

- 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 the responsible authority;
- A hydrogeological assessment of groundwater conditions on the site and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions on the development and the impact of the development on groundwater;
- A Bushfire Management Plan that demonstrates the bushfire protection measures to be implemented at the site to reduce bushfire risk, including:
  - The staging of the subdivision and identification of any interim bushfire hazards that must be managed
  - The provision of a 50 metre wide buffer where vegetation must be managed to a low threat condition around any interim bushfire hazard
  - The location of any permanent bushfire hazards within 150 metres of the site
  - The provision of a 50 metre wide buffer where vegetation must be managed in accordance with Table 6 of Clause 53.02 from any permanent bushfire hazard
  - Vegetation within the powerline easement must be managed in a low threat condition
  - How development will meet the following minimum setback requirements:
    - At least 19 metres from the east, south and west PSP boundary; and
    - At least 33 metres from the woodland vegetation to the north west PSP boundary, unless otherwise agreed with the relevant fire authority;
- A landscape masterplan showing vegetation management as per the Bushfire Risk Management Plan; and
- A Traffic Impact Assessment, including functional layout plans and feasibility / concept road safety audit, must be to the satisfaction of the *Head, Transport for Victoria* or the responsible authority, as required.

**Heritage Places**

An application to subdivide land or to construct a building or construct and carry out works on land containing an identified heritage place must:

- Address the proposed future use or adaptive reuse of the affected heritage place;
- Include a Heritage Conservation Management Plan for the heritage place to the satisfaction of the responsible authority;
- Provide interpretative signage and where possible preserve interpretative items and vegetation for incorporation into the development; and
- Include the provision of sufficient space around the heritage building to allow its adaptive reuse to comply with other planning requirements, such as car parking and landscaping.

### Subdivision

All applications for subdivision must include:

- A subdivision design which demonstrates how the proposal responds to and achieves the objectives, planning and design requirements and guidelines shown within the *Pakenham South Employment Precinct Structure Plan* incorporated in this scheme;
- A design response which 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; and
- 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.

### Environmental sustainable design statement

An application for the development of land must be accompanied by a sustainable design assessment report prepared by a suitably qualified professional that demonstrates how the development will achieve best practice sustainable design, using the Built Environment Sustainability Scorecard (BESS) or other comparable sustainable design tool to demonstrate best practise environmental design for the development.

### Public Infrastructure Plan

All applications must be accompanied by a Public Infrastructure Plan which addresses the following:

- The proposed funding mechanism for waterway management by the future owners above and beyond any responsibilities of the authorities consistent with the stormwater management strategy;
- Any land that may be affected or required for the provision of infrastructure works;
- The provision, staging and timing of road works, pedestrian and cycling routes, intersection treatments and proposed bus routes internal and external to the land consistent with any relevant traffic report or assessment;
- The landscaping of any land not in private ownership;
- Any infrastructure set out in the *Pakenham South Employment Infrastructure Contributions Plan* that is sought to be provided as work in lieu subject to the written consent of Cardinia Shire Council;
- The provision of public open space; and
- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

## 4.0

01/08/2024  
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### Conditions and requirements for permits

#### Conditions - Public Transport

Any permit for subdivision must contain the following condition:

- Unless otherwise agreed by *Head, Transport for Victoria*, prior to the issue of a 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 compliant with with the Disability Discrimination Act - Disability Standards for acceptable Public Transport 2002.
  - At locations approved by the Department of Transport and Planning, at no cost to the Department of Transport and Planning, and to the satisfaction of *Head, Transport for Victoria*.

**Conditions - Road network**

Any permit for subdivision requiring vesting of land for road must include the following conditions:

- The plan of subdivision submitted for certification under the Subdivision Act 1988 must show any land which is required to provide road widening and/or right of way flaring for the ultimate design of any adjacent intersection; and
- Land required for road widening including right of way flaring for the ultimate design of any intersection must be transferred to or vested in Council at no cost to the acquiring agency unless funded by the *Pakenham South Employment Infrastructure Contributions Plan*.

**Conditions - Public open space**

Any permit for subdivision where land is required for public open space must include the following condition:

- The costs associated with effecting the transfer or vesting of land required for public open space must be borne by the permit holder.

**5.0**

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**Exemption from notice and review**

None specified

**6.0**

01/08/2024  
C265card

**Decision guidelines**

None specified

**7.0**

01/08/2024  
C265card

**Signs**

Sign requirements are at Clause 52.05. Land is in the category specified in the applied zone at Clause 2.2 of this schedule.

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**SCHEDULE 7 TO CLAUSE 37.07 URBAN GROWTH ZONE**

Shown on the planning scheme map as **UGZ7**.

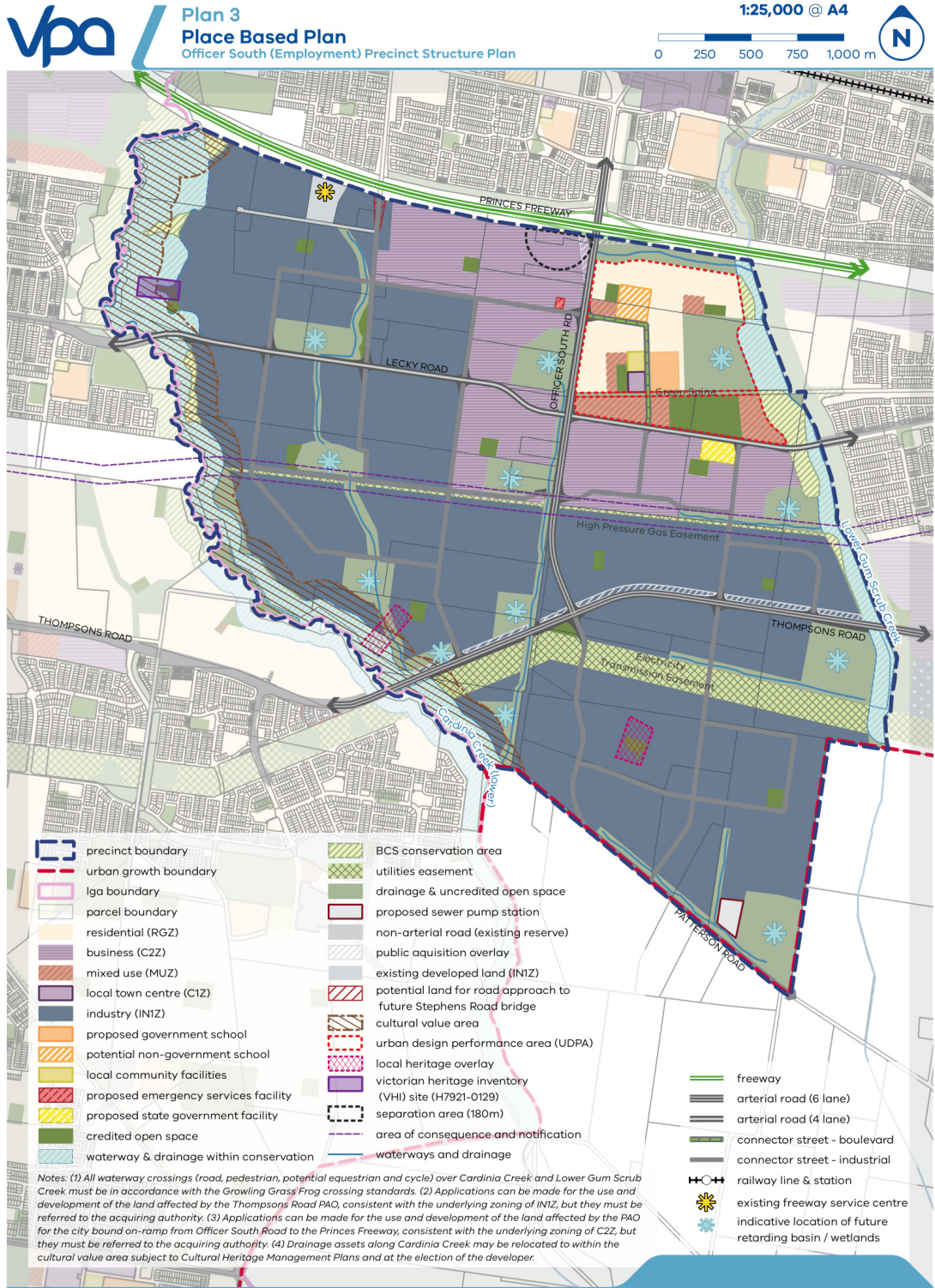
**OFFICER SOUTH (EMPLOYMENT) PRECINCT STRUCTURE PLAN**

**1.0**

27/02/2025  
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**The Plan**

Plan 1 shows the future urban structure proposed in the incorporated *Officer South (Employment) Precinct Structure Plan*.



**2.0**

27/02/2025  
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**Use and development**

**2.1**

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**The Land**

The use and development provisions specified in this schedule apply to the land within the ‘precinct boundary’ on Plan 1 and shown as UGZ7 on the planning scheme maps. This schedule must be read in conjunction with the incorporated Officer South (Employment) Precinct Structure Plan (PSP).

**Note:**

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

**2.2**

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**Applied zone provisions**

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

Where the use/development in the left column is carried out or proposed generally in accordance with the incorporated Officer South (Employment) 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.

**Note:**

*e.g. The General Residential Zone specifies ‘Place of worship’ as a Section 1 Use with the condition, ‘The site must adjoin, or have access to, a road in a Transport Zone.’ In this instance the condition should be read as, ‘The site must adjoin, or have access to, a road in a Transport Zone or an applied Transport Zone in the Urban Growth Zone schedule applying to the land’.*

**Table 1: Applied zone provisions**

Land shown on plan 1 of this schedule	Applied zone provisions
Local town centre	Clause 34.01 – Commercial 1 Zone
Land shown on plan 1 of this schedule	Applied zone provisions
Business	Clause 34.02 – Commercial 2 Zone
Land shown on plan 1 of this schedule	Applied zone provisions
Industry	Clause 33.01 – Industrial 1 Zone
Existing developed land	
Waterway and drainage	
Land shown on plan 1 of this schedule	Applied zone provisions
Mixed use	Clause 32.04 - Mixed Use Zone
Land shown on plan 1 of this schedule	Applied zone provisions
Freeway	Clause 36.04 – Transport Zone 2
Arterial road	
Land shown on plan 1 of this schedule	Applied zone provisions

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Public acquisition overlay on Officer South Road	Clause 34.02 – Commercial 2 Zone
Land shown on plan 1 of this schedule	Applied zone provisions
Public acquisition overlay on Thompsons Road	Clause 33.01 – Industrial 1 Zone
Land shown on plan 1 of this schedule	Applied zone provisions
Residential	Clause 32.07 – Residential Growth Zone
All other land	

### 2.3

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## Specific provisions – Use of land

### Section 1 - Permit not required

Use	Condition
Art Gallery - where the applied zone is Commercial 2 Museum - where the applied zone is Commercial 2	Must not be on land identified within the South East Water 'separation area (180m) on Plan 3 - Place Based Plan of the incorporated <i>Officer South (Employment) Precinct Structure Plan</i>
Cinema - where the applied zone is Commercial 2 Cinema based facility - where the applied zone is Commercial 2	Must not be on land shown within the 'area of consequence and notification' depicted on Plan 13 - Utilities of the incorporated <i>Officer South (Employment) Precinct Structure Plan</i> The site must adjoin, or have access to, a road in a Transport Zone 2 or Transport Zone 3 Must not be on land identified within the South East Water 'separation area (180m) on Plan 3 - Place Based Plan of the incorporated <i>Officer South (Employment) Precinct Structure Plan</i>
Child care centre Hall Indoor recreation centre Library Medical centre Restricted recreation facility	The location of the use must generally accord with the location of 'local community facilities' in the incorporated <i>Officer South (Employment) Precinct Structure Plan</i> and with prior written consent of Cardinia Shire Council
Dwelling - where the applied zone is Mixed Use	Any frontage at ground floor level must not exceed 2 metres
Education centre (other than child care centre, Tertiary institution and Employment training centre)	The location of the use must generally accord with the location of 'potential non-government school' in the incorporated <i>Officer South (Employment) Precinct Structure Plan</i> and with prior written consent of Cardinia Shire Council
Emergency services facility	On land identified as 'proposed emergency services facilities' on Plan 3 - Place Based Plan of the incorporated <i>Officer South (Employment) Precinct Structure Plan</i>
Food and drink premises - where the applied zone is Commercial 2	Must not be on land identified within the South East Water 'separation area (180m) on Plan 3 - Place Based Plan of the incorporated <i>Officer South (Employment) Precinct Structure Plan</i>

## CARDINIA PLANNING SCHEME

Use	Condition
Hospital	On land identified as 'proposed state government facility' on on Plan 3 - Place Based Plan of the incorporated <i>Officer South (Employment) Precinct Structure Plan</i>
Minor sports and recreation facility	<p>The location of the use must generally accord with the location of 'local sports reserve' in the incorporated <i>Officer South (Employment) Precinct Structure Plan</i> and with prior written consent of Cardinia Shire Council</p> <p>Must not be on land identified within the South East Water 'separation area (180m) on Plan 3 - Place Based Plan of the incorporated <i>Officer South (Employment) Precinct Structure Plan</i></p>
Rural industry (other than Abattoir and Sawmill) - where the applied zone is Industrial 1	<p>On land identified as 'Gin Gin Bean sub-precinct' in the incorporated <i>Officer South (Employment) Precinct Structure Plan</i></p> <p>Must not have a gross floor area of more than 200 square metres</p> <p>Must not be within 100 metres of a dwelling</p> <p>Must not be a purpose listed in the table to Clause 53.10 with no threshold distance</p> <p>The land must be the following distances from land (not a road) which is in a Commercial 1 Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:</p> <ul style="list-style-type: none"> <li>▪ The threshold distance, for a purpose listed in the table to Clause 53.10</li> <li>▪ 30 metres, for a purpose not listed in the table to Clause 53.10</li> </ul> <p>Must not:</p> <ul style="list-style-type: none"> <li>▪ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2021</li> <li>▪ Require a notification under the Occupational Health and Safety Regulations 2017</li> <li>▪ Require a licence under the Dangerous Goods (Explosives) Regulations 2011</li> <li>▪ Require a licence under the Dangerous Goods (HCDG) Regulations 2016</li> </ul>
Service station - where the applied zone is Industrial 1	<p>Must not be on land shown within the 'area of consequence and notification' depicted on Plan 13 - Utilities of the incorporated <i>Officer South (Employment) Precinct Structure Plan</i></p> <p>The land must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution.</p> <p>Must not adversely affect the amenity of the neighbourhood, including through the:</p> <ul style="list-style-type: none"> <li>▪ Transport of materials, goods or commodities to or from the land.</li> </ul>

## CARDINIA PLANNING SCHEME

Use	Condition
	<ul style="list-style-type: none"> <li>▪ Appearance of any stored goods to materials.</li> <li>▪ Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam soot, ash, dust, waste water, waste products, frit or oil</li> </ul>
Shop - where the applied zone is Commercial 1 Zone	The combined leasable floor area on land identified as 'local town centre' in the incorporated <i>Officer South (Employment) Precinct Structure Plan</i> must not exceed 2,300 sqm
Supermarket - where the applied zone is Commercial 1 Zone	The leasable floor area on land identified as 'local town centre' in the incorporated <i>Officer South (Employment) Precinct Structure Plan</i> must not exceed 1,200 sqm
<b>Any use listed in Clause 62.01</b> Must meet requirements of Clause 62.01.	

### Section 2 - Permit required

Use	Condition
Rural industry - where the applied zone is Commercial 2	
Supermarket - where the applied zone is Commercial 2 or Mixed use	The leasable floor area must not exceed 500 sqm
<b>Any other use not in Section 1 or 3 in the table of uses in the applicable applied zone</b>	

### Section 3 – Prohibited

Use	Condition
Caretaker's house Education Centre	On land identified within the South East Water 'separation area (180m) on Plan 3 - Place Based Plan of the incorporated <i>Officer South (Employment) Precinct Structure Plan</i>
Child care centre - where the applied zone is Commercial 2 or Industrial 1	
Gaming premise - where the applied zone is Commercial 1	
Primary school - where the applied zone is Commercial 2	
Residential hotel - where the applied zone is Commercial 2	
Restricted retail premises - where the applied zone is Industrial 1	
Secondary school - where the applied zone is Commercial 2	
<b>Any use listed in Section 3 in the Table of uses of the applicable applied zone</b>	

### Specific provisions - Subdivision

None specified

## 2.4

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**2.5**27/02/2025  
C274card**Specific provisions - Buildings and works****Buildings and works for future local parks and community facilities**

A permit is not required to construct a building or construct or carry out works for a local park, sport reserve or community facility provided the use or development is carried out generally in accordance with the incorporated *Officer South (Employment) Precinct Structure Plan* and with the prior written consent of Cardinia Shire Council.

**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.

**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 as a 'potential non-government school' on Plan 3 of the incorporated *Officer South (Employment) Precinct Structure Plan*, unless exempt under Clauses 62.02-1 and 62.02-2.

**Buildings and works within 50 metres of the gas pipeline easement**

A permit is required to construct a building or construct or carry out works within 50 metres of the boundary of the high-pressure gas easement shown on Plan 3 – Place Based Plan in the incorporated *Officer South (Employment) Precinct Structure Plan*.

**Bulk Earthworks**

A permit is required for bulk earthworks.

**3.0**27/02/2025  
C274card**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 (or for any application requirement expressed as requiring approval / endorsement by, or being required to the satisfaction of an agency, in the opinion of that agency and the responsible authority) an application requirement listed below is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

### General Subdivision

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

- A written statement that sets out how the application implements the incorporated *Officer South (Employment) Precinct Structure Plan*.
- A land use budget table in the same format and methodology as those within the *Officer South (Employment) Infrastructure Contributions Plan* applying to the land setting out the amount of land allocated to the proposed uses, mix of lot sizes (including estimated superlots) and expected population, dwelling and employment yields if relevant.
- Where a parcel is proposed to be subdivided or developed in stages, an overall masterplan for the parcel must be provided showing the proposed staging and lot size diversity by including a lot size plan, generally in accordance with the lot size categories in the incorporated *Officer South (Employment) Precinct Structure Plan*.
- 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 on the development and the impact of the development on groundwater.
- An arboricultural report identifying all trees on the site and a tree retention plan identifying how the application proposes to retain the retained vegetation set out in Plan 7 Native Vegetation Retention and Removal and any tree protection requirements and guidelines within the incorporated *Officer South (Employment) Precinct Structure*.
- A landscape master plan prepared by a suitably qualified professional 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;
  - - Recognises and responds to sodic or dispersive soils;
  - - Shows recreation facilities to be provided within public open space (with the exception of the active open space);
  - - Identifies how it is proposed to retain the retained vegetation and trees set out in Plan 7 – Native Vegetation Retention and Removal of the incorporated *Officer South (Employment) Precinct Structure Plan*;
  - - Shows storm water facilities that are compliant with the relevant approved drainage strategy and Integrated Water Management plan; and
  - - Identifies all re-vegetation which is proposed.

### Subdivision - Residential development

In addition to the general subdivision requirements and the requirements of Clause 56.01-2, a subdivision design response for a residential subdivision of 10 lots or more must be accompanied by the information listed below. An application for the construction of 10 or more dwellings on a lot must be accompanied by the same information:

- Subdivision and Housing Design Guidelines, in accordance with the incorporated *Officer South (Employment) Precinct Structure Plan*, that demonstrates how the proposal responds to and achieves the objectives and planning and design requirements and guidelines within the viable densities section of the PSP.

## CARDINIA PLANNING SCHEME

- A demonstration of how the application will contribute to the achievement of the residential density outcomes in Table 4 of the incorporated *Officer South (Employment) Precinct Structure Plan*.
- Written statement outlining how the proposal will contribute to the delivery of affordable housing including social housing (as defined in the *Planning and Environment Act 1987*) in the precinct, including proposed delivery mechanisms.

### **Environmentally sustainable development**

An application in the categories described below must be accompanied by a Sustainable Design Assessment (SDA) report or a Sustainability Management Plan (SMP), whichever is specified.

The SDA or SMP must be prepared by a suitably qualified professional that demonstrates how the development will achieve best practice sustainable design. This includes encouraging energy performance, integrated water management, indoor environment quality, transport, waste management and urban ecology. Best practice environmental design for the development can use the Built Environment Sustainability Scorecard (BESS) or other comparable sustainable design tool.

An SDA (including an assessment using BESS, STORM or other methods) is required for development in the following categories of development:

#### **Category - Residential**

- 2-9 dwellings or:
- A building used for accommodation other than dwellings with a gross floor area between 100 square metres and 999 square metres.

#### **Category - Non-residential**

- A non-residential building with a gross floor area of 300 square metres to 999 square metres.
- An extension to an existing non-residential building creating between 300 square metres to 999 square metres of additional gross floor area (excluding outbuildings).

A SMP (including an assessment using BESS/Green star, STORM/MUSIC or other methods) and a Green Travel Plan are required for the following categories of development:

#### **Category - Residential**

- 10 or more dwellings or:
- A building used for accommodation other than dwellings with a gross floor area equal to or more than 1000 square metres.

#### **Category - Non-residential**

- A non-residential building with a gross floor area equal to or more than 1000 square metres (excluding outbuilding).
- An extension to an existing non-residential building equal to or creating more than 1000 square metres of additional gross floor area (excluding outbuildings).

#### **Category - Mixed use**

Applicable assessments for the residential and non-residential components of the development.

## CARDINIA PLANNING SCHEME

Consider as relevant the following tools to support a SDA or a SMP

- *Sustainable Design Assessment in the Planning Process* (IMAP, 2015).
- *Built Environment Sustainability Scorecard 'BESS'* (Council Alliance for a Sustainable Built Environment 'CASBE').
- *Green Star* (Green Building Council of Australia).
- *Model for Urban Stormwater Improvement Conceptualisation 'MUSIC'* (Melbourne Water).
- *Nationwide House Energy Rating Scheme 'NatHERS'* (Department of Climate Change and Energy Efficiency).
- *Stormwater Treatment Objective - Relative Measure 'STORM'* (Melbourne Water).
- *Urban Stormwater Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).
- *Waste Management and Recycling in Multi-Unit Developments - Better Practice Guide* (Sustainability Victoria, 2018).

In determining an application, the responsible authority will consider as appropriate:

- Whether an ESD plan or framework has previously been approved by the responsible 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 road works internal and external to the land consistent with any relevant traffic report or assessment;
- What, if any, infrastructure set out in the infrastructure 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 of Inner Purpose Land including 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.

A public infrastructure plan must be consistent with any Traffic Impact Assessment approved under this schedule

### **Transport impact assessment**

An application that proposes to create or change access to a road in the Transport Zone 2 must be accompanied by a Traffic Impact Assessment (TIA). The TIA must be to the satisfaction of the relevant road authority and Cardinia Shire Council and include:

- Functional layout plans.
- A feasibility / concept road safety audit that demonstrates how the local street and movement network integrates with adjacent urban development or can integrate with future development on adjacent land parcels.
- How the application responds to existing approved development within the precinct, and whether the capacity of any existing infrastructure requires upgrading.
- A plan showing the proposed road and street network, that addresses the interface treatments adjacent to arterial roads, open space and environmentally sensitive areas.

- A plan showing access arrangements for properties adjacent to all existing and future arterial roads.
- Potential bus route and bus stop locations prepared in consultation with the Head, Transport for Victoria.

### **Retail impact assessment**

An application to use land for a Shop on land in the Local Town Centre shown on Plan 1 of this schedule must be accompanied by a retail economic impact assessment prepared by a suitably qualified professional if the combined leasable floor area of all shops exceeds the figure shown in the land use table at clause 2.3 of this schedule.

### **Acoustic assessment report**

Any application for subdivision and/or use or development of land for Accommodation, Education centre (other than Tertiary institution and Employment training centre) or Hospital, must be accompanied by an acoustic assessment report prepared by a qualified acoustic consultant or other suitably skilled person to the satisfaction of the responsible authority which:

- Applies the following noise objectives:
  - Not greater than 35 dB LAeq,8h when measured within a sleeping area between 10pm and 6am.
  - Not greater than 40 dB LAeq,16h when measured within a living area between 6am and 10pm.
  - For areas other than sleeping and living areas, not greater than the median value of the range of recommended designed sound levels of Australian Standard AS/NZ 2107:2016 (*Acoustics – Recommended design sound level and reverberation times for building interiors*).
- Noise levels should be assessed:
  - Considering the cumulative noise from all sources impacting on the proposal including road traffic noise and industry noise, as well as other potential noise sources; and
  - In unfurnished rooms with a finished floor and the windows closed and be based on average external noise levels measured as part of a noise level assessment.
- Identifies lots and/or buildings requiring mitigation from noise (including vibration as relevant) from all sources impacting on the proposal, including road traffic noise and industry noise. If lots and/or buildings requiring acoustic mitigation are identified, the report should include recommendations for any noise attenuation measures required to meet the applicable noise level objectives. These recommendations should prioritise measures that benefit both outdoor and indoor spaces, and should address:
  - Noise compatible design for buildings, with siting, orientation, and internal layout, to be considered prior to setting building envelope performance requirements;
  - Potential noise character (tonality, impulsiveness or intermittency);
  - Noise with high energy in the low frequency range;
  - Transient or variable noise; and
  - Vibration.

This requirement does not apply if the permit applicant provides, to the satisfaction of the responsible authority, a statement in writing supported by verifiable evidence from a qualified acoustic consultant or other suitably skilled person and having regard to Clause 13.05 and to the environmental values for ambient sound defined in the Environment Reference Standard (ERS). The statement must demonstrate that:

- The proposed development is not prejudiced;
- Community amenity and human health is not adversely impacted by noise emissions; and
- No noise attenuation measures are required.

### **South East Water pump station amenity area**

An application to use land within the South East Water 'separation area (180m)' on Plan 1 of this schedule must be accompanied by an amenity impact assessment prepared by a suitably qualified professional that assesses the potential for odour impacts from the South East Water Sewage pumping station on the proposed use. The amenity impact assessment must make recommendations on a suitable design response to ensure the use within the proposed buildings will experience an appropriate level of amenity.

### **Sodic and dispersive soils management plan**

An application to subdivide land or construct or carry out bulk earthworks must be accompanied by a sodic and dispersive soils management plan prepared by a suitably qualified professional, that describes:

- The existing site conditions, including:
  - extent of sodic and dispersive soils based on topsoil and subsoil samples in the works area.
  - land gradient
  - erosion risk mapping.
  - the extent of any existing erosion, landslip or other land degradation.
- Soils investigation, undertaken by a soil scientist;
- The extent of any proposed earthworks;
- Recommendations for soil management practices (including fill) with consideration of anticipated sodic and dispersive soil exposure;
- The management of drainage during all stages of development (including run-off);
- The staging of development;
- Any training and supervision processes proposed for construction contractors to ensure compliance with the sodic and dispersive soils management plan;
- Proposed document monitoring and reporting processes that ensure works are undertaken in accordance with the sodic and dispersive soils management plan;
- Any treatment of soil proposed to be removed from the site;
- Any post-construction monitoring and/or management requirements; and
- Recommendations that inform a site management plan including:
  - The management, volume and location of any stockpiles.
  - Vehicle access and movement within the site area.
  - Any treatment to manage the soil while works are undertaken.

- Treatments to rehabilitate areas that are disturbed during site works.
- Any soil treatment to manage the soil to reduce risk to existing or current infrastructure and dwellings.
- Ensuring potential environmental impacts are properly quantified.
- Adequacy addressing both surface and subsurface erosion.
- Site specific recommendations for management practices of sodic soils.
- The collection and treatment of stormwater.

### **Integrated water management**

An application to subdivide land must be accompanied by an Integrated Water Management Strategy (IWMS). The IWMS must be prepared to the satisfaction of the Responsible Authority and Melbourne Water and include details of:

- Drainage servicing, including assessment of the existing surface and subsurface drainage conditions on the site;
- The provision, staging and timing of stormwater drainage works in accordance with the applicable Melbourne Water Development Services Scheme(s);
- The provision, decommissioning, staging and timing of any temporary drainage works (including but not limited to outfall detention, treatment and / or volume control infrastructure);
- Flow rate and flow volume management measures to ensure no additional downstream inundation impacts, duration impacts and flood impacts are caused by the development, to the satisfaction of Melbourne Water.

### **Bushfire management plan**

An application to subdivide land adjacent to a Bushfire Hazard Areas shown on Plan 8 Bushfire Hazard Areas of the *Officer South (Employment) Precinct Structure Plan* must be accompanied by a Bushfire Management Plan that demonstrates how the application will address bushfire risk at the site. The plan must be prepared in accordance with table 3 - Bushfire hazard vegetation management & setback requirements, of the *Officer South (Employment) Precinct Structure Plan*, unless otherwise agreed in writing by the Responsible Authority and CFA. The plan must include:

- The design and layout of the subdivision, including lot layout, road design and access points, both vehicular and pedestrian.
- The location of any bushfire hazard areas.
- The details of any bushfire protection measures required for individual lots.
- The identification of any areas to form the setback between a bushfire hazard and built form.
- The details of any vegetation management in any area of defendable space including information on how vegetation will be managed and when the vegetation management will occur i.e., annually, quarterly, during the fire danger period.
- Notation that indicated what authority is responsible for managing vegetation within open space areas and public realms; and
- Notation that ensures that the areas of classified vegetation in the nominated bushfire hazard areas must be managed to a level that will ensure the vegetation classification under AS3959-2018 will not be altered.

The responsible authority and fire authority may waive this requirement if a plan has been approved for the land.

**4.0**27/02/2025  
C274card**Conditions and requirements for permits**

The following conditions and requirements apply to a permit issued pursuant to this schedule, as appropriate, to the satisfaction of the responsible authority.

If in the opinion of the responsible authority (or for any condition or requirement expressed as requiring approval / endorsement by, or being required to the satisfaction of an agency, in the opinion of that agency and the responsible authority) a condition or requirement listed below is not required, the responsible authority may waive or reduce the condition or requirement.

**Conditions - 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 - Heritage sites**

Any permit for the subdivision of land at 410 and 425 Officer South Road must contain the following conditions:

- Prior to the certification of a stage of the subdivision, a Conservation Management Plan must be approved for the heritage place and describe the cultural value value/significance, appropriate site boundaries, any required restoration works, possible future uses and interpretative signage.
- Before the commencement of works for the relevant stage of subdivision, containing the heritage place, the heritage place must be appropriately secured against damage as a result of the proposed works, to the satisfaction of the Responsible Authority.
- Prior to the issue of a statement of compliance for the first stage of subdivision the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 which provides for any works to the heritage places for the purposes of restoration and repair, as recommended in the approved Conservation Management Plan are in accordance with the timeframes and requirements of the approved Conservation Management Plan.

Any permit for the subdivision of land at 185 Officer South Road must include the following condition:

- Prior to the demolition of the dairy shed at 185 Officer South Road, the remnant water trough and tin feed room must be photographed and recorded on the Victorian Heritage data base.

**Condition - Construction environmental management plan**

A permit to subdivide land, construct a building, or construct or carry out works on or within 50 metres of land shown as a BCS conservation area 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 Energy, Environment and Climate Action (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.

**Condition - Land management plan for conservation area**

A permit to subdivide land containing a BCS conservation area as shown on Plan 1 in this schedule 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 Energy, Environment and Climate Action (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 land management plan will form part of the permit and must be implemented to the satisfaction of the Secretary and the responsible authority.

**Condition - Public transport**

Any permit for subdivision must include the following condition:

Unless otherwise agreed by Head, Transport for Victoria, prior to the issue of a 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 compliant with the Disability Discrimination Act – Disability Standards for accessible Public Transport 2002.
- At locations approved by the Department of Transport and Planning, at no cost to the Department of Transport and Planning, and to the satisfaction of Head, Transport for Victoria.

**Condition - Road network**

Any permit for subdivision or buildings and works must include the following conditions:

- 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.

## CARDINIA PLANNING SCHEME

- Land required for road widening (excluding widening under a Public Acquisition Overlay 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 *Officer South (Employment) Infrastructure Contributions Plan*.
- Roads and intersections identified as bus capable on Plan 5 of the incorporated *Officer South (Employment) Precinct Structure Plan* must:
  - Be constructed to accommodate ultra-low floor buses, in accordance with the Public Transport Guidelines for Land Use and Development and to the satisfaction of Transport for Victoria and the responsible authority.
  - Be compliant with the *Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002*; and
  - Be provided with direct and safe pedestrian access to a pedestrian path to the satisfaction of Public Transport Victoria and the responsible authority.

### **Condition - Public infrastructure plan**

Any permit for subdivision must include the following conditions:

- Prior to the certification of a plan of subdivision or at such other time which is agreed between the council and the owner, if required by the responsible authority, the owner must enter into an agreement or agreements under section 173 of the *Planning and Environment Act 1987* which provide for:
  - The implementation of the Public Infrastructure Plan approved under this permit.
  - The timing and amount of any payments to be made to a person in respect of any infrastructure project having regard to the availability of funds collected under the Infrastructure Contributions Plan.

### **Conditions - Subdivision or buildings and works permits where land is required for community facilities, public open space, or road widening**

A permit for subdivision or buildings and works, where land is required for community facilities, public open space or road widening (excluding widening under a Public Acquisition Overlay for road widening) must include the following conditions:

- The costs associated with effecting the transfer or vesting of land required for community facilities, public open space or road widening must be borne by the permit holder.
- Land required for community facilities, public open space or road widening must be transferred to or vested in the relevant public agency with any designation (e.g. road, reserve or lot) nominated by the relevant agency.

### **Condition - Integrated water management plan**

A permit to subdivide land, must include the following condition:

- Unless otherwise agreed by the Responsible Authority and Melbourne Water, before certification of the plan of subdivision the Integrated Water Management Plan must be approved by Melbourne Water and approved and endorsed by the Responsible Authority.

**Condition - Bushfire management plan**

A permit to subdivide land adjacent to a Bushfire Hazard Area shown on Plan 8 Bushfire Hazard Areas, must include the following condition:

- Unless otherwise agreed by the Responsible Authority and the Country Fire Authority, before certification of the plan of subdivision the Bushfire Management Plan must be endorsed by the Responsible Authority.

**Condition - Security of conservation land**

A permit to subdivide land containing a 'BCS conservation area' as shown in Plan 1 in this schedule 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 'BCS conservation area' as shown in the Place Based Plan in the *Officer South (Employment) Precinct Structure Plan* as a separate lot or reserve (which may or may not include the cultural value area as shown on Plan 3 of the *Officer South (Employment) Precinct Structure Plan*. 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 Energy, Environment and Climate Action 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 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 - Fencing of conservation areas**

A permit to subdivide land where works are required to carry out the subdivision, or a permit to construct a building or carry out works, on land including or abutting a BCS conservation area as shown on Plan 1 of this schedule, 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 Energy, Environment and Climate Action (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 at the minimum distance from the element to be protected as specified in the following table:

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 Energy, Environment and Climate Action and the responsible authority.

Stockpiles, fill, machinery, vehicle parking, excavation and construction activity of any kind must not be brought 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**

A permit to subdivide land where works are required to carry out the subdivision, or a permit to construct a building or carry out works, on land including or abutting a BCS conservation area as shown on Plan 1 in this schedule, must include the following condition:

- 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 Energy, Environment and Climate Action (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 - Protection of native vegetation during construction**

A permit to subdivide land or to construct a building or carry out works, on land including or abutting patch of native vegetation or scattered tree identified for retention in the incorporated *Officer South (Employment) Precinct Structure Plan* must include the following conditions:

## CARDINIA PLANNING SCHEME

- Before the start of construction or carrying out of works in or around a scattered native tree or patch of native vegetation the developer of the land must erect a vegetation protection fence that is:
  - Highly visible.
  - At least 2 metres in height.
  - Sturdy and strong enough to withstand knocks from construction vehicles.
  - In place for the whole period of construction.
  - Located at a minimum distance from the identified elements as specified in the following table.

Element	Minimum distance from element
Scattered tree	Twice the distance between the tree trunk and the edge of the tree canopy
Patch of native vegetation	2 metres

- Construction stockpiles, fill, machinery, excavation and works or other activities associated with the buildings or works must:
  - Be located outside the vegetation protection fence;
  - Be constructed and designed to ensure that the conservation area, scattered tree or patches of native vegetation are protected from adverse impacts during construction;
  - Not be undertaken if it presents a risk to any vegetation within a conservation area; and
  - Be carried out under supervision of a suitably qualified ecologist or arborist.

### Condition - Acoustic report

A permit for subdivision and/or use or development of land where an acoustic assessment report has identified that mitigation from noise sources is required, must include the following condition:

- Any recommendations of the acoustic assessment report submitted with the application to implement noise attenuation measures must be implemented to the satisfaction of the responsible authority.

### Condition - Sodic and dispersive soil site management plan

A permit to subdivide land or to undertake earthworks must include the following condition:

- Any recommendations identified in the approved sodic and dispersive soil management plan must be implemented to the satisfaction of the Responsible Authority.

### Condition - Gas pipeline construction management plan

A permit to subdivide and/or develop land within 50 metres of the boundary of the high pressure gas easement on Plan 3 – Place Based Plan in the incorporated *Officer South (Employment) Precinct Structure Plan* must include the following condition:

- Prior to the construction of a building or the carrying out of works, including demolition, on land within 50 metres of the boundary of the high pressure gas easement shown on Plan 3 – Place Based Plan in the incorporated *Officer South (Employment) Precinct Structure Plan*, a

Construction Management Plan must be submitted to and approved by the responsible authority. The plan must:

- Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the operator of the gas transmission pipeline.
- Be endorsed by the operator of the gas transmission pipelines where the works are within or crossing the relevant gas transmission easement.
- Include any other relevant matter to the satisfaction of the responsible authority.
- Land required for community facilities, public open space or road widening must be transferred to or vested in the relevant public agency with any designation (e.g. road, reserve or lot) nominated by the relevant agency.

The responsible authority must be satisfied that the gas transmission pipeline licensee has reviewed and approved the Construction Management Plan.

The Construction Management Plan must be implemented to the satisfaction of the responsible authority.

The Construction Management Plan may be amended to the satisfaction of the responsible authority.

#### **Condition - Freeway noise wall**

Any permit for subdivision, use or development adjacent to the Princes Freeway must include the following condition:

- Any subdivision (or, in the case of a staged subdivision, the first stage of subdivision), use or development of land directly abutting the Princes Freeway boundary and between Officer South Road and Lower Gum Scrub Creek must comply with the *VicRoads Traffic Noise Reduction Policy, 2005* to the satisfaction of, and at no cost to, the Head, Transport for Victoria.

#### **5.0**

27/02/2025  
C274card

#### **Exemption from notice and review**

None specified

#### **6.0**

27/02/2025  
C274card

#### **Decision guidelines**

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:

#### **Traffic and transport impacts**

Before deciding on an application under this schedule the responsible authority must consider as appropriate:

- How the application responds to the traffic and transport impacts identified in the Traffic Impact Assessment submitted with the application.

#### **Local town centre**

Before deciding on an application to create floorspace in excess of any cap in a local town centre, in addition to the decision guidelines at Clause 37.07-14 and Clause 65, the responsible authority must consider, as appropriate:

- The local catchment and Officer South (Employment) Precinct Structure Plan catchment demand for the additional floor area; and
- The effect on existing and future town centres within Cardinia Shire Council.

### **Acoustic attenuation**

Before deciding on an application under this schedule the responsible authority must consider, as appropriate:

- If Accommodation, Hospital or Education centre (other than Tertiary institution and Employment training centre) is proposed, whether the proposal minimises the impact on human health and amenity from noise exposure near the transport system and other noise emission sources having regard to:
  - whether the impact of potential noise sources have been mitigated through siting, orientation design, layout, and location and whether this reduces the need for acoustic treatment of buildings or compromises the useability of the building by its occupant;
  - any building façade treatments that are required to mitigate noise impacts; and
  - any relevant recommendations of an Acoustic Assessment Report for the application.

### **Affordable housing**

Before deciding on an application to develop or subdivide land for dwellings, the responsible authority must consider, as appropriate:

- Whether the proposed subdivision application contributes towards the provision of affordable housing and social housing within the meaning of the Act.
- The Ministerial Notice under 3AA(2) of the Act, as amended from time to time.

### **South East Water separation area**

Before deciding on an application to use land within the South East Water ‘separation area (180m)’ on Plan 3 – Place Based Plan of the incorporated *Officer South (Employment) Precinct Structure Plan*, the responsible authority must consider, as appropriate

- Whether the proposed use may be affected by potential unintended odour impacts from the pump station; and
- The view of South East Water Ltd (or their successors).

### **Princes Freeway service centre**

Before deciding on an application to use land associated with the ‘existing Freeway Service Centre site’ on Plan 3 – Place Based Plan of the incorporated *Officer South (Employment) Precinct Structure Plan*, the responsible authority must consider as appropriate:

- The existing access to the Princes Freeway will terminate in accordance with the Department of Transport and Planning (Transport) terms of access agreement for the site.

## **7.0**

27/02/2025  
C274card

### **Signs**

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

**37.08**

31/07/2018  
VC148

**ACTIVITY CENTRE ZONE**

Shown on the planning scheme map as **ACZ** with a number.

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To encourage a mixture of uses and the intensive development of the activity centre:

- As a focus for business, shopping, working, housing, leisure, transport and community facilities.
- To support sustainable urban outcomes that maximise the use of infrastructure and public transport.

To deliver a diversity of housing at higher densities to make optimum use of the facilities and services.

To create through good urban design an attractive, pleasant, walkable, safe and stimulating environment.

To facilitate use and development of land in accordance with the Development Framework for the activity centre.

**37.08-1**

17/09/2009  
VC59

**Operation**

A schedule to this zone comprises the Development Framework for the activity centre.

A schedule to this zone must contain:

- A framework plan for the activity centre.
- A statement of the activity centre land use and development objectives to be achieved.

A schedule to this zone may contain:

- Centre-wide provisions.
- Precinct provisions.

**37.08-2**

17/09/2009  
VC59

**Table of uses**

**Section 1 - Permit not required**

Use	Condition
Any use in Section 1 of the schedule to this zone	Must comply with any condition in Section 1 of the schedule to this zone.

**Section 2 - Permit required**

Use	Condition
Any use in Section 2 of the schedule to this zone	Must comply with any condition in Section 2 of the schedule to this zone.

**Section 3 - Prohibited**

Use
Any use in Section 3 of the schedule to this zone

**37.08-3**

17/09/2009  
VC59

**Use of land**

Any requirement in the schedule to this zone must be met.

**37.08-4**

14/12/2023  
VC253

**Subdivision**

A permit is required to subdivide land.

Any requirement in the schedule to this zone must be met.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> <li>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul>	Clause 59.02
Subdivide land into 2 lots if: <ul style="list-style-type: none"> <li>▪ The construction of a building or the construction or carrying out of works on the land:                             <ul style="list-style-type: none"> <li>- Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>- Has started lawfully.</li> </ul> </li> <li>▪ The subdivision does not create a vacant lot.</li> </ul>	Clause 59.02

**37.08-5**

31/07/2018  
VC148

**Buildings and works**

A permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.

An apartment development must meet the requirements of Clause 58.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
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Construct a building or construct or carry out works with an estimated cost of up to \$500,000 and the land is not:

- Within 30 metres of land (not a road) which is in a residential zone.
- Used for a purpose listed in the table to Clause 53.10.

**Transitional provisions**

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

**37.08-6**

17/09/2009  
VC59

**Design and development**

A schedule to this zone may include requirements relating to:

- Building setbacks.
- Building height.
- Building materials.
- Access.
- Landscaping.
- Public realm.
- Any other requirements or guidelines relating to the design or built form of new development.

A permit may be granted to construct a building or construct or carry out works which is not in accordance with any design and development requirement in the schedule to this zone unless the schedule to this zone specifies otherwise.

**37.08-7**

14/01/2025  
VC237

**Application requirements**

**Use**

An application to use land must be accompanied by the following information, as appropriate:

- A description of the proposed use and the types of activities which will be carried out and any proposed staging of use and activities on the land.
- Plans drawn to scale and dimensioned which show:
  - The siting and use of buildings.
  - Areas not required for immediate use.
  - Adjacent buildings and uses.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access, glare, air-borne emissions and emissions to land and water.
- If an industry or warehouse:
  - The type and quantity of goods to be stored, processed or produced.

## CARDINIA PLANNING SCHEME

- Whether a Development Licence, Operating Licence, Permit or Registration is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the *Dangerous Goods Act 1985* is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2022 is exceeded.
- Any other information specified in the schedule to this zone.

### **Subdivision**

An application to subdivide land must be accompanied by the following information, as appropriate:

- Plans drawn to scale and dimensioned which show:
  - Site shape, size, dimensions and orientation.
  - The pattern of subdivision of the surrounding area.
  - Easements.
  - Location of drainage and other utilities.
  - Street frontage features such as poles, street trees and kerb crossovers.
  - Access points.
  - Any natural features.
- Any other information specified in the schedule to this zone.

### **Buildings and works**

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- Plans drawn to scale and dimensioned which show:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and use of buildings and works on adjoining land.
  - Levels of the site and the difference in levels between the site and surrounding properties to a defined point at the site boundaries or to Australian Height Datum (AHD).
  - Any contaminated soils and filled areas, where known.
  - The layout of existing and proposed buildings and works.
  - The internal layout and use of the proposed development.
  - All access and pedestrian areas.
  - All driveway, car parking and loading areas.
  - Existing vegetation and proposed landscape areas.
  - All external storage and waste treatment areas.
  - The location of easements and services.
- Elevation plans drawn to scale and dimensioned which show:
  - The building form and scale.

- Setbacks to property boundaries.
- Finished floor levels and building heights to a defined point at the site boundaries or to Australian Height Datum (AHD).
- Shadow diagrams based on the equinox shown for existing conditions and the proposed development.
- A schedule of finishes for the proposed development detailing materials and colours of external surfaces including walls, roofs and fences.
- A written statement providing an assessment of the proposal against the relevant sections of the Planning Policy Framework, Activity Centre Zone and any relevant overlays.
- An assessment of the characteristics of the area including:
  - Any environmental features such as vegetation, topography and significant views.
  - Street design and landscape.
  - The pattern of development.
  - Building form, scale and rhythm.
  - Architectural style, building details and materials.
  - Connection to the public realm.
  - Any significant noise, odour, fume and vibration sources to and/or from the development.
- A landscape plan which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
- An urban context report and design response as required in Clause 58.01 for an application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development.
- Any other information specified in the schedule to this zone.

**37.08-8**

31/07/2018  
VC148

**Exemption from notice and review**

An application under Clauses 37.08-2, 37.08-4, 37.08-5 or 37.08-6 is 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 unless the schedule to this zone specifies otherwise.

A schedule to this zone may specify an application in respect of land in an Activity Centre Zone under any other specified provision of this scheme is 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.

**37.08-9**

08/09/2025  
VC282

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

**General**

- The Municipal Planning Strategy and the Planning Policy Framework.
- The development framework plan set out in the schedule to this zone.
- The land use and development objectives set out in the schedule to this zone.

## CARDINIA PLANNING SCHEME

- The extent that the layout and design of the new use or development minimises the potential for off-site impacts, including from noise, fumes, odour or vibrations, ensuring that:
  - existing uses are not compromised by a new development, or
  - a new development is designed to address amenity impacts from existing uses.
- Any requirements set out in the schedule to this zone.
- Any other decision guidelines specified in the schedule to this zone.

### Access

- Movements systems through and around the site including the movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking, loading of vehicles and access to parking spaces and loading bays.

### Use

- The interim use of those parts of the land not required for the proposed use.
- Whether the use is compatible with adjoining and nearby land uses.

### Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

### Design and built form

- The design, scale, height, setback, appearance and material of the proposed buildings and works.
- The provision for solar access to the building and on the public realm.
- The design of the public realm.
- The relationship between the proposed building and the public realm.
- The streetscape, including the conservation of buildings, the design of verandas, access from the street front, provision of active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The interface with adjoining zones, especially the relationship with residential zones.
- The objectives, standards and decision guidelines of Clause 54. Clause 55 and Clause 57. This does not apply to an apartment development.
- For an apartment development, the objectives, standards and decision guidelines of Clause 58.
- The storage of rubbish and materials for recycling.

### Transitional provisions

The objectives, standards and decision guidelines of Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clauses 55 and 58 of this scheme, as in force immediately before the approval date of Amendment VC174, continue to apply to:

## CARDINIA PLANNING SCHEME

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 55 of this planning scheme, as in force immediately before the approval date of Amendment VC267, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 54 of this planning scheme, as in force immediately before the commencement of Amendment VC282, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

### **37.08-10**

31/07/2018  
VC148

#### **Signs**

Sign requirements are at Clause 52.05. This zone is in Category 1 unless a schedule to this zone specifies a different category.

### **37.08-11**

17/09/2009  
VC59

#### **Other provisions of the scheme**

The schedule to this zone may specify that other provisions of the scheme do not apply.

30/09/2021  
C228card

**SCHEDULE 1 TO CLAUSE 37.08 ACTIVITY CENTRE ZONE**

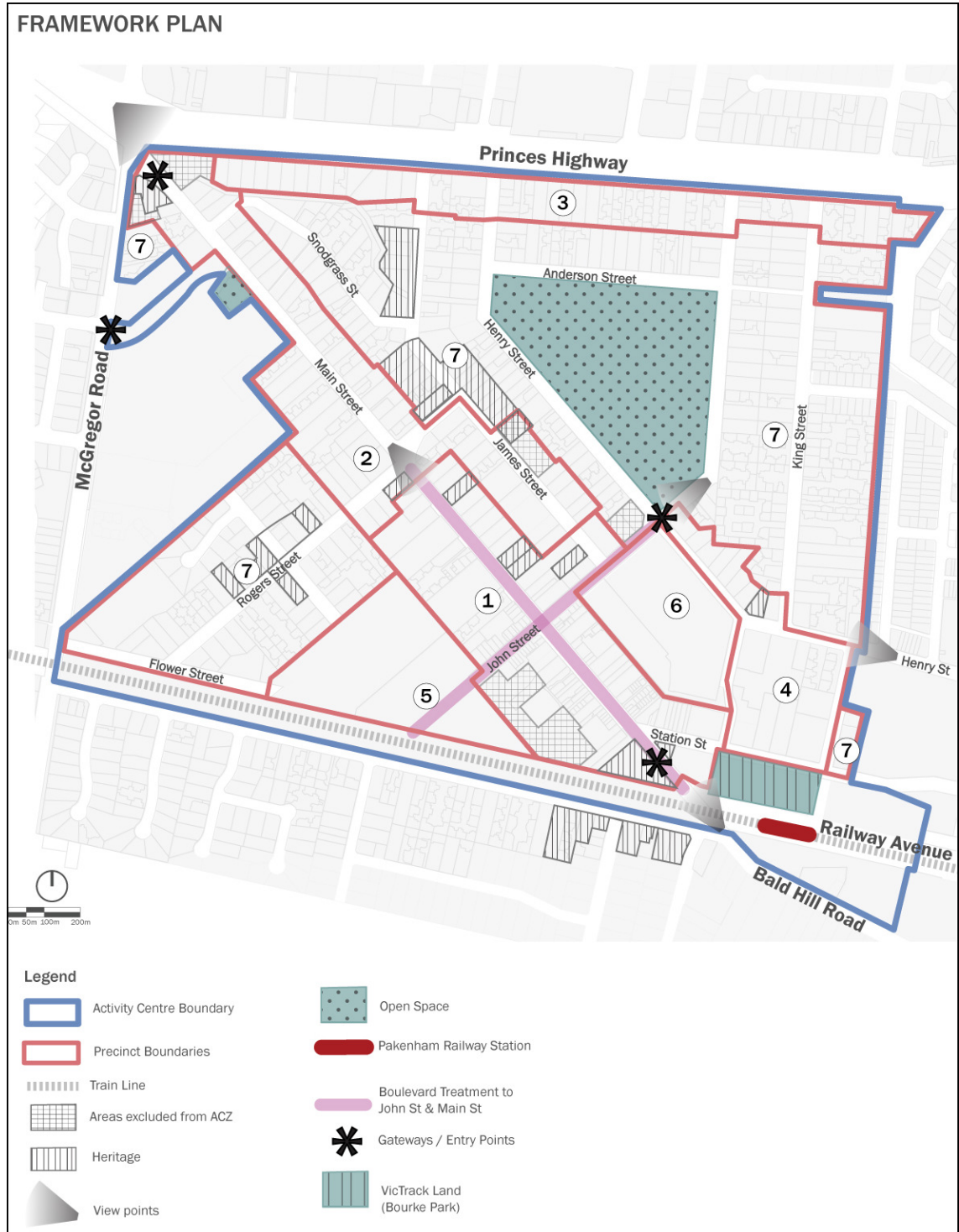
Shown on the planning scheme map as ACZ1.

**PAKENHAM MAJOR ACTIVITY CENTRE**

**1.0**

30/09/2021  
C228card

**Pakenham Major Activity Centre Framework Plan**



**2.0**

30/09/2021  
C228card

**Land use and development objectives to be achieved**

**Activities and land use**

- Support and ensure the provision of diverse well-designed housing that caters to all members of the community.

## CARDINIA PLANNING SCHEME

- Reinforce the Pakenham Major Activity Centre's role as a regional hub promoting and encouraging a diverse and compatible mix of land uses that includes retail, commercial, residential as well as civic and community services.
- Provide appropriate transitions and interfaces between different land use and development including surrounding residential, heritage or significant sites.
- Protect and restore the built heritage of the activity centre through the conservation, reuse and restoration of heritage buildings.
- Encourage the co-location or centralisation of community services to support the needs of the local and regional area.
- Facilitate consolidation of land to create viable development sites for the activity centre.

### **Transport and movement**

- Ensure safe and convenient vehicle, pedestrian and cycle networks that facilitates movement through and to the activity centre.
- Encourage active transport on streets, within car parking areas and arcades, in open space and along the creek network.
- Provide a clear, efficient and logical vehicle network and ensure access to convenient and safe car parking in the activity centre.

### **Public realm**

- Create a safe and high-quality cohesive open space network that provides opportunities for a range of activities and users, and assists in creating a sense of place for the activity centre.
- Ensure a network of attractive, safe and accessible streets that cater for and enhance the different activities and land uses within the activity centre.
- Promote human scale and pedestrian focused streets to encourage a vibrant and lively public realm in the retail core, including evening activities.
- Create a sense of arrival to the activity centre at identified key gateway sites through the provision of high quality landscape and/or architectural treatments.

### **Built form and environment**

- Develop a well-integrated built form and neighbourhood character which respects and responds to local context, streetscape character, landscape values, historical and significant developments.
- Ensure contemporary architecture of any new development responds to any adjoining heritage places and precincts and provides appropriate interfaces.
- Ensure all development within the activity centre provides high quality innovative design consistent with the principles of environmentally sustainable design reducing climate change impacts.
- Reinforce and enhance the 'fine grain' built form pattern established within the retail core of the activity centre.
- Provide built form elements that contribute to the pedestrian amenity of users in the retail core of the activity centre.
- Ensure ground floor facades addressing a street or any other public realm space are activated and provide passive surveillance of the public realm.
- Create an urban pattern that establishes an appropriate transition between the core retail, commercial and mixed development areas, and the residential areas within the activity centre.
- Ensure development and public realm are accessible for persons of all abilities and incorporate the principles of Crime Prevention Through Environmental Design (CPTED).

## Table of uses

## Section 1 - Permit not required

Use	Condition
<b>Automated collection point</b>	<p>Must meet the requirements of Clause 52.13-3 and 52.13-5.</p> <p>The gross floor area of all buildings must not exceed 50 square metres.</p>
<b>Child care centre</b>	<p>Must be located in Precincts 1 or 4.</p> <p>Any frontage at ground floor level must not exceed 2 metres, except entry foyers which must not exceed 4 metres. Access must not be shared with a dwelling (other than a caretaker's house).</p>
<b>Cinema</b>	<p>Must be located in Precincts 1, 4 or 5.</p> <p>Any frontage must not exceed 2 metres located at ground floor level along street frontages, except for entry foyers which must not exceed 4 metres.</p>
<b>Convenience shop</b>	<p>Must be located at ground level.</p> <p>In Precincts 3 or 7:</p> <ul style="list-style-type: none"> <li>▪ Must be located within 100 metres of land in precincts 1, 2, 4, 5 or 6 of the Activity Centre Zone and must adjoin, or have access to a road in a Transport Zone 2 or a Transport Zone 3.</li> <li>▪ The leasable floor area for each tenancy must not exceed 100 square metres.</li> </ul>
<b>Dwelling</b>	<p>Must be located in Precincts 1, 2, 3, 4 or 7.</p> <p>In Precincts 1 or 4:</p> <ul style="list-style-type: none"> <li>▪ Any frontage must not exceed 2 metres located at ground floor level along street frontages, except for entry foyers which must not exceed 4 metres.</li> </ul>
<b>Dependent persons unit</b>	Must be located in Precincts 2, 3, or 7.
<b>Domestic animal husbandry</b>	Must be no more than 2 animals.
<b>Education centre (other than Child care centre)</b>	Must be located in Precinct 4.
<b>Food and drink premises (other than Hotel and Bar)</b>	<p>In Precincts 3 or 7:</p> <ul style="list-style-type: none"> <li>▪ Must be located within 100 metres of land in precincts 1, 2, 4, 5 or 6 of the Activity Centre Zone and must adjoin, or have access to a road in a Transport Zone 2 or a Transport Zone 3.</li> <li>▪ The leasable floor area for each tenancy must not exceed 100 square metres.</li> </ul>
<b>Home based business</b>	
<b>Indoor recreation facility</b>	<p>Must be located in Precincts 1, 5 or 6.</p> <p>Any frontage must not exceed 2 metres located at ground floor level along street frontages, except for entry foyers which must not exceed 4 metres.</p>

## CARDINIA PLANNING SCHEME

Use	Condition
<b>Medical Centre</b>	<p>Must be located in Precinct 2, 3 or 4.</p> <p>The gross floor area of each tenancy must not exceed 250 square metres.</p>
<b>Office (other than Medical centre)</b>	<p>Must be located in Precincts 1, 2, 3, 4, 5 or 6.</p> <p>In Precinct 1 or 6:</p> <ul style="list-style-type: none"> <li>▪ Any frontage must not exceed 2 metres located at ground floor level along street frontages, except for entry foyers or unless the office is a bank, real estate agency, travel agency.</li> </ul>
<b>Postal agency</b>	Must be located in Precincts 1 or 4.
<b>Residential aged care facility</b>	Must be in Precinct 3.
<b>Railway</b>	
<b>Shop (other than Adult sex product shop, Convenience shop and Restricted retail premise)</b>	Must be located in Precincts 1, 2, 4, 5 or 6.
<b>Any use listed in Clause 62.01</b>	Must meet requirements of Clause 62.01.

### Section 2 - Permit required

Use	Condition
<b>Accommodation (other than Dwelling, Dependent persons unit, Host farm, Corrective institution, Camping and caravan park and Residential aged care facility)</b>	Any frontage in Precincts 1 or 4 must not exceed 2 metres located at ground floor level along street frontages, except for entry foyers which must not exceed 4 metres.
<b>Adult sex product shop</b>	<p>Must be located in Precincts 1, 4, 5 and 6.</p> <p>Must be at least 200 metres measured by the shortest public pedestrian access route from Precinct 3 or 7, a residential zone, land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.</p>
<b>Bar</b>	Must be located in Precinct 1 or 4.
<b>Child care centre - if the Section 1 condition is not met</b>	<p>Must be located in Precincts 2, 3 or 7.</p> <p>The site must adjoin, have access to, a road in a Transport Zone 2 or a Transport Zone 3.</p>
<b>Cinema – if the Section 1 condition is not met</b>	<p>Must be located in Precinct 6.</p> <p>Any frontage must not exceed 2 metres located at ground floor level along street frontages, except for entry foyers which must not exceed 4 metres.</p>
<b>Commercial display area</b>	Must be located in Precinct 4.

## CARDINIA PLANNING SCHEME

Use	Condition
	Must be in conjunction with a use in Section 1 or 2.
<b>Convenience shop – if the Section 1 condition is not met</b>	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
<b>Dwelling – if the Section 1 condition is not met</b>	In Precincts 5 or 6, must not be located at ground level.
<b>Dependent persons unit– if the Section 1 condition is not met</b>	In Precincts 1 or 4 must not be located along street frontages.
<b>Domestic animal husbandry – if the Section 1 condition is not met</b>	Must be no more than 5 animals.
<b>Indoor recreation facility– if the Section 1 condition is not met</b>	Must be located in Precinct 2 or 4. In Precinct 4: <ul style="list-style-type: none"> <li>▪ Any frontage must not exceed 2 metres located at ground floor level along street frontages, except for entry foyers which must not exceed 4 metres.</li> </ul>
<b>Industry (other than Materials recycling, Refuse disposal, Rural industry or Transfer station)</b>	Must be located in Precincts 1, 4, 5 or 6. Must not be a use specified in Clause 53.10. In Precinct 1 or 4: <ul style="list-style-type: none"> <li>▪ Must be in conjunction with a use in Section 1 or 2.</li> </ul>
<b>Mail centre</b>	Must be located in Precinct 4. Must be in conjunction with a use in Section 1 or 2.
<b>Medical Centre – if the Section 1 condition is not met</b>	Must be located in Precinct 1, 2, 3 or 4. In Precinct 1: any frontage must not exceed 2 metres located at ground floor level along street frontages, except for entry foyers which must not exceed 4 metres. In Precinct 3: the gross floor area of each tenancy must not exceed 250 square metres.
<b>Nightclub</b>	Must be in Precinct 1.
<b>Office (other than Medical centre) – if the Section 1 condition is not met</b>	In Precinct 7: <ul style="list-style-type: none"> <li>▪ The land must be located within 100 metres of an adjoining precinct of the Activity Centre Zone.</li> <li>▪ The leasable floor area for each tenancy must not exceed 100 square metres.</li> </ul>
<b>Place of assembly (other than Cinema, Nightclub and Place of worship)</b>	Must be located in Precincts 3, 4 or 7. The site must adjoin, have access to, a road in a Transport Zone 2 or a Transport Zone 3.
<b>Place of worship</b>	Must be located in Precincts 2, 3 or 7. The gross floor area of all buildings associated with the use must not exceed 250 square metres.

## CARDINIA PLANNING SCHEME

Use	Condition
	The site must adjoin, have access to, a road in a Transport Zone 2 or a Transport Zone 3.
<b>Restricted recreation facility</b>	<p>Must be located in Precinct 1, 2, 3, 5 or 6.</p> <p>In Precinct 1: any frontage must not exceed 2 metres located at ground floor level along street frontages, except for entry foyers which must not exceed 4 metres.</p>
<b>Restricted retail premises</b>	<p>Must be located in Precinct 1, 4, 5 or 6.</p> <p>The gross floor area of each tenancy must not exceed 1000 square metres.</p>
<b>Residential aged care facility – if the Section 1 condition is not met</b>	Must be located in Precinct 2 or 7.
<b>Retail premises (other than Adult sex product shop, Convenience shop, Food and drink premises, Restricted retail premises or Shop)</b>	
<b>Shop (other than Adult sex product shop, Convenience shop or Restricted retail premises) – if the Section 1 condition is not met</b>	<p>In Precinct 7:</p> <ul style="list-style-type: none"> <li>▪ The land must be located within 100 metres of land in adjoining precincts 1, 2, 4, 5 or 6 in this Schedule 1 to the Activity Centre Zone.</li> </ul>
<b>Any other use not in Section 1 or 3</b>	

### Section 3 – Prohibited

Use
<b>Agriculture (other than Domestic animal husbandry)</b>
<b>Camping and caravan park</b>
<b>Corrective institution</b>
<b>Drive-in theatre</b>
<b>Earth and energy resources industry</b>
<b>Host farm</b>
<b>Leisure and recreation (other than Indoor recreation facility, Informal outdoor recreation and Restricted recreation facility)</b>
<b>Materials Recycling</b>
<b>Refuse disposal</b>
<b>Rural Industry</b>
<b>Saleyard</b>
<b>Service Station</b>
<b>Transfer station (other than Automated collection point)</b>
<b>Transport terminal (other than Rail station or Bus terminal)</b>
<b>Warehouse (other than a Commercial display area or Mail Centre)</b>

**4.0**30/09/2021  
C228card**Centre-wide provisions****4.1**30/09/2021  
C228card**Use of land**

A permit is not required to use land for public purposes providing the use is carried out by, or on behalf of, the public land manager.

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

**4.2**30/09/2021  
C228card**Subdivision**

An application to subdivide residential land, other than an application to subdivide land into lots each containing an existing dwelling or car parking spaces, must meet the requirements of Clause 56.

**4.3**30/09/2021  
C228card**Buildings and works****Permit Exemptions**

No permit is required to construct a building or construct or carry out works for the following:

- The installation of an automatic teller machine.
- The alteration to an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 70 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
- Construct a building or carry out works for the purpose of public utility and community facilities or any associated use that is consistent with the intent of the public land reservation or purpose as it carried out by, or on behalf of, the public land manager.
- Construct or extend one dwelling on a lot more than 300 square metres. This exemption does not apply to:
  - Construct a dwelling if there is at least one dwelling existing on the lot.
  - Extend a dwelling if there are two or more dwellings on a lot.
  - Construct or extend a dwelling if it is on common property.
- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot, provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with:
  - one dwelling on a lot less than 300 square metres, or
  - two or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 54.06-2 and Clause 55.06-2.

**4.4**30/09/2021  
C228card**Design and development**

The following design and development requirements apply to an application to construct a building or construct and carry out works:

**Dwelling requirements**

- A development must meet the requirements of Clause 54 if it proposes to:
  - Construct or extend one dwelling; or
  - Construct or extend a front fence within 3 metres of a street if the fence exceeds the maximum height of specified in Clause 54.06-2
- A development must meet the requirements of Clause 55, except Clause 55.07-1 to 55.07-15 (inclusive), if it proposes to:
  - Construct a dwelling if there is at least one dwelling existing on the lot.
  - Construct two or more dwellings on a lot.
  - Extend a dwelling if there are two or more dwellings on the lot.
  - Construct or extend a dwelling if it is on common property.
  - Construct or extend a residential building.
  - Construct or extend a front fence within 3 metres of street if:
    - The fence is associated with 2 or more dwellings on a lot or residential building; and
    - The fence exceeds the maximum height specified in Clause 55.06-2.

Clause 55 does not apply to an application to construct or extend an apartment development, or to construct or extend a dwelling in or forming part of an apartment development.

**Commercial and mixed use requirements and guidelines**

- Buildings should be designed to address street frontages and respond to their urban context by:
  - Addressing roads and public spaces for passive surveillance, and minimise overlooking of private spaces.
  - Providing visual interest and avoid blank walls.
  - Minimise casting shadows on public space and open space.
- Buildings with ground-level frontages to streets, pedestrian areas and/or passive open spaces should contribute to the appearance and function of these areas by providing:
  - At least 70% of the street frontage as transparent entries or display windows.
  - Clear glazing (tinted, or obscured glazing should not be used) with any security screens open in design and located behind glass in windows.
  - The provision of awnings / all-weather protection canopies over footpaths (extending at least 2.5 metres from the building façade) unless it is demonstrated that due to particular circumstances this distance can not be achieved or there is not a requirement for this element.
  - Direct access from the footpath to ground level premises with minimal change of level and is universally accessible.
  - Floor to ceiling heights at ground level of a minimum of 3.5 metres to accommodate changes of use over time.

## CARDINIA PLANNING SCHEME

- Ground floor level car parking areas should be located at the rear of buildings or sleeved behind built form at street frontages; otherwise car parks should be located above ground level active uses or below ground level as basement or semi-basement parking areas.
- Crossovers providing vehicle access to sites should be designed to minimise their impact on ground level street frontages and pedestrian movement.
- Large format developments and uses should be sleeved by smaller retail and commercial uses which present fine grain activated frontages to the street.
- Buildings should be designed to respond to the solar orientation of the site.
- New buildings adjoining a residential property or Precinct 7 not on or within 200mm of a boundary should be set back from side or rear boundaries:
  - At least 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre of height over 6.9 metres.
- New buildings adjoining a residential property or Precinct 7 should respect the existing or preferred urban context and respond to the features of the site. Buildings should be set back from side and rear boundaries, and other buildings within the site to:
  - Ensure adequate daylight into new habitable room windows.
  - Ensure that where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.  
If existing sunlight to the secluded private open space of an existing dwelling is less than this requirement, the amount of sunlight should not be further reduced.
  - Avoid direct views into habitable room windows and private open space of new and existing dwellings. Developments should avoid relying on screening to reduce views.
  - Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.

### Heritage guidelines

New buildings on sites containing heritage buildings or sites adjoining heritage sites should be designed to:

- be visually recessive and not visually dominate the heritage building and the heritage streetscape.
- respond sympathetically by transitioning heights and minimise massing.
- retain the primacy of the three-dimensional form of the heritage building as viewed from the public realm to avoid 'facadism'.
- incorporate simple architectural detailing that does not detract from significant elements of the heritage building and the heritage streetscape.

### Building height requirements

Preferred building heights are specified for each precinct in section 5.0 of this Schedule.

### Building height guidelines

Buildings and works which exceed a height of 14 metres should:

- Be environmentally sustainable.
- Reduce visual impact by transitioning height to adjoining properties, public realm and streetscape.
- Provide a maximum Street Wall Height of 15 metres.

- Setback the upper levels of buildings.
- Provide sufficient solar penetration throughout the development.
- Not adversely impact key public spaces, pedestrian routes and adjoining properties with overshadowing as measured on 21 March/September (Equinox) between 10.30am and 2.00pm.

A development with a height of 14 metres or less on a site large enough to accommodate a substantially taller development should be constructed to structurally accommodate a taller building in the future.

The building height guidelines do not apply to service equipment including plant rooms, lift overruns, solar collectors and other such equipment provided the following criteria are met:

- No more than 50% of the roof area is occupied by the equipment.
- The equipment is located in a position on the roof so as to minimise additional overshadowing of neighbouring properties and public spaces.
- The equipment is designed, screened and finished in a non-reflective material and of a colour to the satisfaction of the responsible authority.

### **Building setback requirements**

Preferred setbacks for new development are specified for each precinct in section 5.0 of this Schedule.

### **Building setback guidelines**

Buildings and works such as balconies, verandahs, architectural features, sunshades, screens and artworks may be constructed within setback areas, and should not encroach more than 2 metres within the preferred setback areas.

Buildings and works which exceed the preferred maximum building height should be designed so the upper levels cannot be seen from the street.

### **Landscape design guidelines**

Landscape elements and treatments should:

- Be provided within the front and side setbacks, and along the rear boundary on multi-level apartment and townhouse developments.
- Be provided within the front setbacks, the streetscape and public open space areas that are accessible, safe, attractive and functional.
- Allow for passive surveillance.
- Provide screening of driveways and car parks.

### **Environmentally Sustainable Design (ESD) guidelines**

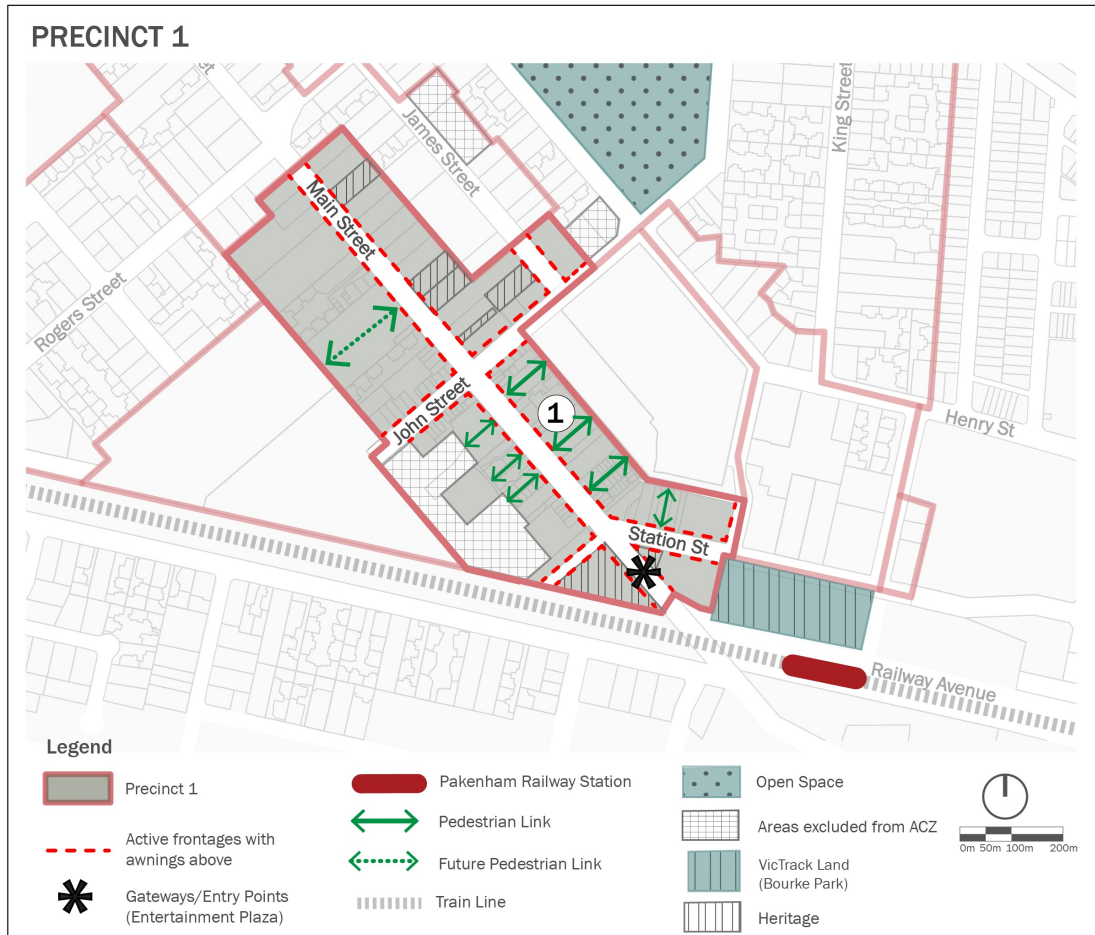
Developments should incorporate best practice environmentally sustainable design (ESD), including water sensitive urban design (WSUD), thermal performance, energy efficiency, stormwater management, facilitating active transport and materials.

5.0  
30/09/2021  
C228card

**Precinct provisions**

**5.1 Precinct 1 – Core Retail**

**5.1-1 Precinct map**



**5.1-2 Precinct objectives**

- Create a pedestrian focused and prioritised Entertainment Plaza in the south east corner of the precinct which provides outdoor dining, civic facilities and space for community activities/festivals.
- Reinforce the character of the precinct by encouraging active frontages with fine grain built form.
- Create attractive streetscapes on main thoroughfares that enhance and create a sense of place for the precinct.

- Facilitate the re-development of the pedestrian links including arcades located along Main Street, which enhances and activates access to and from the retail core.
- Facilitate activation of the street in the evening by encouraging outdoor dining areas and active uses throughout the precinct.

**5.1-3 Precinct requirements**

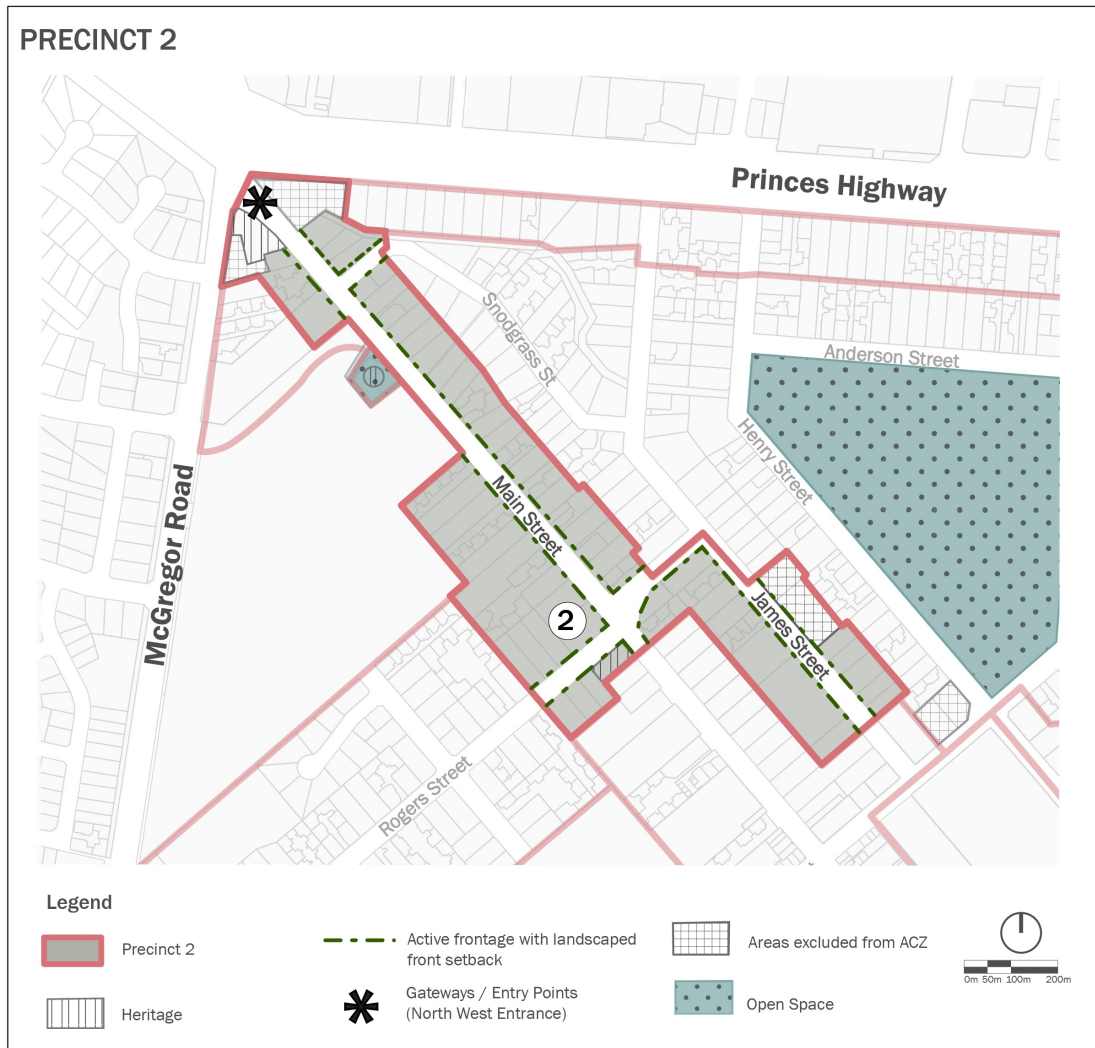
Preferred building height	Preferred building setbacks
None specified	0 metre front setback  0 metre setback from the road reserve of any adjoining street or laneway

**5.1-4 Precinct guidelines**

- Provide effective weather protection through a continuous canopy treatment along building frontages.
- Main entrances for developments and uses located on John and Main Streets should address the street.
- Uses in upper storeys should be compatible with the ground floor uses.
- Uses and developments should provide passive surveillance that supports safe linkages throughout the activity centre.
- Development should provide visually permeable treatments along facades fronting streets, laneways and/or arcades.
- Development should provide strong built form that integrates and overlooks the gateway sites.
- Building heights in the retail core are measured from ground level and should reflect a typical height of 3.5 metres between levels.
- Development adjoining heritage is to continue the fine grained character and provide transition of setbacks from boundary and height from heritage sites.
- Development on land within a heritage overlay and on land immediately adjoining a heritage building on Main Street, Pakenham to consider the context of the nil metre front setback with regards to design which reduces visually dominant massing.
- Larger format retail uses should be sleeved with fine grain built form which addresses the street.
- Provide pedestrian access from the street and avoid creating any internalised malls.
- Locate entrance foyers to upper storeys which are accessible from the street.
- Commercial and mixed use development on Main Street to provide zero side boundary setback and no windows, where appropriate.
- Ensure development addresses all street frontages and the rear boundary, where appropriate.

5.2 Precinct 2 – West Commercial and Mixed Use

5.2-1 Precinct map



5.2-2 Precinct objectives

- Provide mixed use, community, commercial and residential opportunities within the precinct.
- Encourage retail premises at ground floor level which activates the street, office uses in upper levels and the rear of the development, and residential uses located within the upper levels of the development.
- Improve pedestrian amenity by contributing to the establishment of attractive streetscapes for all streets in the precinct.

- Improve the interface with Main Street by encouraging the redevelopment of sites and/or adaptive reuse of existing buildings, including the preservation and protection of heritage places and precincts to activate the streetscape.
- Development that interfaces with a gateway site should support and contribute to the enhancement of the public realm and reinforce the entrance to Pakenham Major Activity Centre.

**5.2-3 Precinct requirements**

Preferred building height	Preferred building setbacks
None specified	2 metre front setback

**5.2-4 Precinct guidelines**

- Development should address and interface with all streets by providing active frontages including entrance canopies to the street.
- Developments should provide sympathetic interface treatments and articulation to any adjoining residential precincts and heritage places or precincts.
- Development should consolidate lots to achieve a range of mixed use developments.
- Developments should provide a transition between the retail uses and commercial uses whilst being sympathetic to the current streetscape character.
- Development should provide passive surveillance of the street.
- Buildings should respond appropriately to heritage elements and the landscape.
- Development should provide strong built form that integrates with gateway sites.
- Developments should provide highly activated frontages with windows and entrances as the predominant elements of the ground floor façade.
- Balcony’s and living areas of any residential component of a development is to address the public realm that adjoins the site.
- Development on land within a heritage overlay and on land immediately adjoining a heritage building on Main Street, Pakenham to consider the context of the 2 metre setback with regards to design which reduces visually dominant massing.

**5.3 Precinct 3 – Princes Highway**

**5.3-1 Precinct map**



**5.3-2 Precinct objectives**

- Encourage complementary residential uses such as including aged care, medical and health-related services, child care and offices.
- Encourage a mix of residential types within the precinct to transition from a traditional residential development to higher density.
- Encourage the consolidation of sites to facilitate a broader range of medium and higher density residential developments.
- Encourage non-residential uses in mixed use developments.
- Establishes a built form that is responsive, in terms of scale and orientation, to its interface with a major transport corridor and the urban structure of adjoining precincts of the activity centre.

**5.3-3 Precinct requirements**

Preferred building height	Preferred building setbacks
13.5 metres	4 metres front setback

**5.3-4 Precinct guidelines**

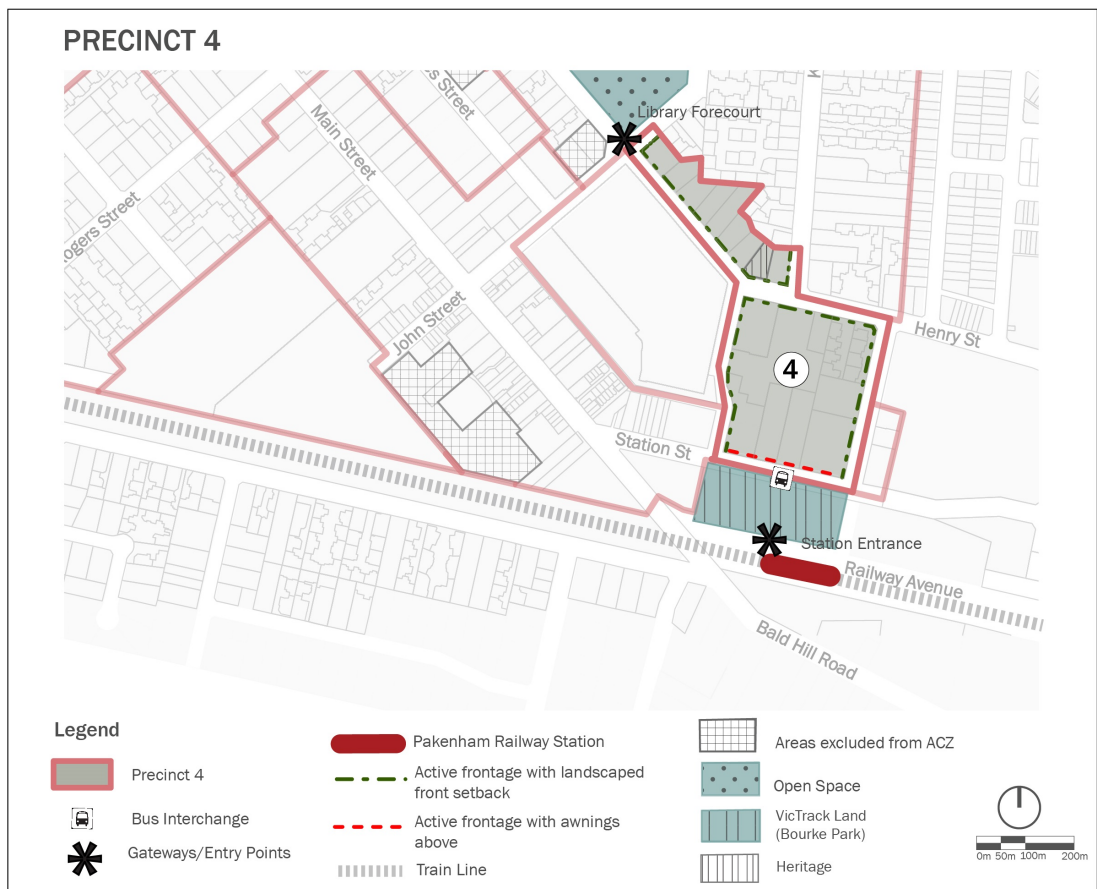
- Buildings and works should not exceed a height of 13.5 metres.
- On-site parking should not be provided in the front setback.
- New commercial uses should be compatible with nearby residential development.

## CARDINIA PLANNING SCHEME

- Development should be sympathetic to the scale of adjoining residential areas through urban design, screening, articulation, and built form responses.
- Buildings should address the street with entrances clearly visible from the street and upper storey elements providing passive surveillance to the street.
- Screen car parking areas and all loading and all other service areas from the public realm.
- Entrances to developments should address the street.
- Developments with non-residential uses at ground floor level to provide activated frontages with windows and entrances as the predominant features.

### 5.4 Precinct 4 – East Commercial and Mixed Use

#### 5.4-1 Precinct map



#### 5.4-2 Precinct objectives

- Provide employment opportunities that maximise the precinct's proximity to public transport, the core retail area and community facilities.
- Encourage the consolidation of sites for commercial development and entertainment activities to facilitate a broader range of medium and higher density mixed use developments.
- Ensure development and built form innovatively and appropriately responds to flooding extents on Station Street.

- Ensure street frontages and land uses activate the precinct and provide passive surveillance of public open space and the public realm.
- Ensure street amenity and access priorities pedestrian movements by minimising vehicle crossovers around the perimeter of the precinct.

**5.4-3 Precinct requirements**

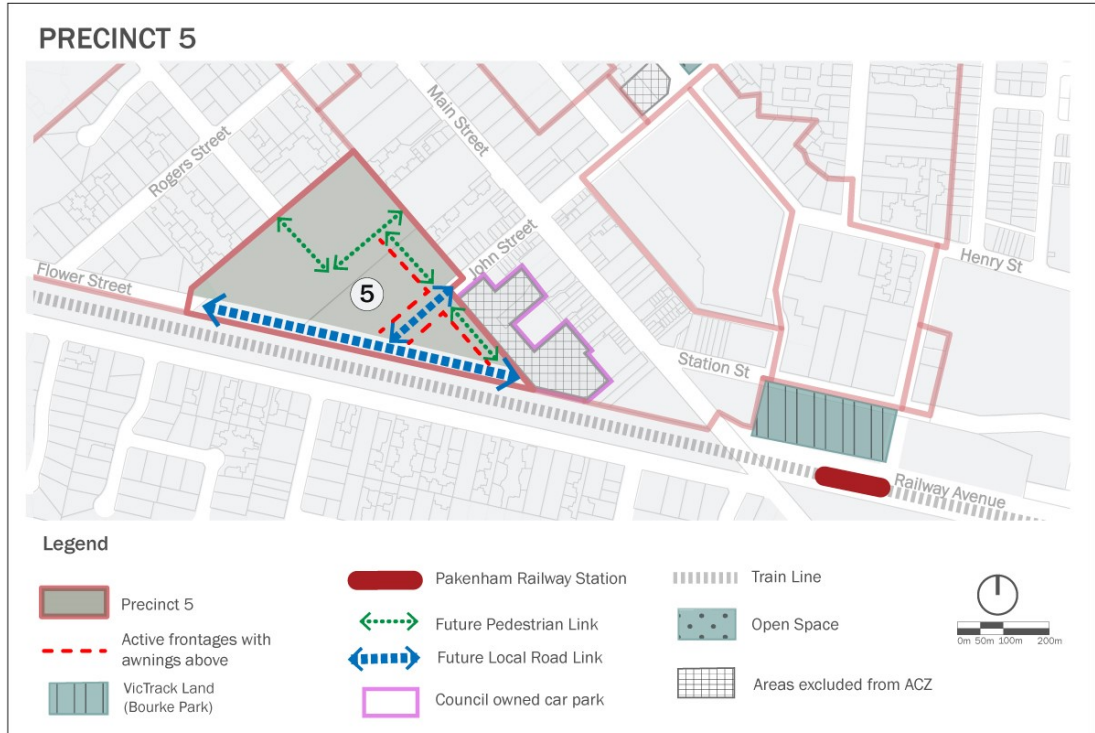
Preferred building height	Preferred building setbacks
None specified	Minimum 2 metres front setback
	0 metres front setback from Station Street

**5.4-4 Precinct guidelines**

- Development to provide visually permeable frontages at ground floor level addressing the street.
- Development to provide active frontages and weather protection through a continuous canopy treatment along building frontages on Station Street.
- Developments to provide a scale that is responsive to any sensitive uses or precinct boundary that adjoins the site.
- Car parking is to be located at the rear of the development and is to be sleeved by built form.
- Developments to provide a range of fine grain commercial uses at ground floor level with residential and office uses above.
- Larger retail and commercial developments to provide active uses and fine grain retail that address the street and sleeves the larger format use.
- Developments fronting Slattery Place, Cook Drive, and Henry Street to provide a landscaped setback.
- Developments should provide highly activated frontages with windows and entrances as the predominant elements of the ground floor façade.
- Balconies and living areas of any residential component of a development is to address the public realm that adjoins the site.
- Locate entrances to the upper storeys in the primary street façade or a façade interfacing with a public realm space.

**5.5 Precinct 5 – Pakenham Place - Key Development Site**

**5.5-1 Precinct map**



**5.5-2 Precinct objectives**

- Create a shopping street typology that supports anchor and specialty retail functions of the precinct.
- Encourage an appropriate range of retail, entertainment and commercial facilities.
- Create an interconnected precinct with passive surveillance, interactive uses, increased pedestrian linkages and active frontages that address streets.
- Create a strong pedestrian and cycle environment within the precinct, particularly along Wadsley Avenue and to and from Council owned car parks.
- Provide new local road connections by extending Flower Street to Drake Place and John Street to Flower Street.

**5.5-3 Precinct requirements**

Preferred building height	Preferred building setbacks
None specified	0 metres front setback

**5.5-4 Precinct guidelines**

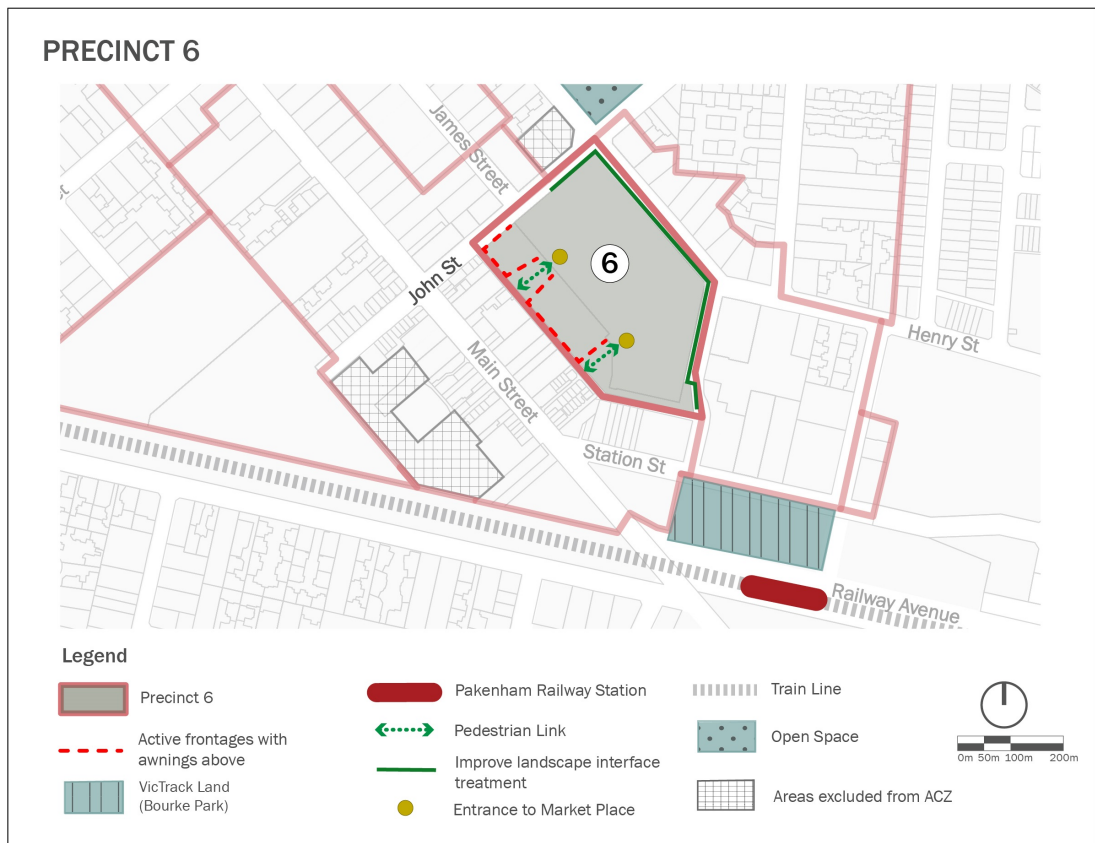
- Ensure the redevelopment of the precinct has minimal impact on the amenity of the surrounding residential areas.
- Redevelopment of this precinct should provide activated frontages along John Street, and Drake Place.

## CARDINIA PLANNING SCHEME

- Development interfacing with the Flower Street future local road link to provide intermittent breaks within the building design to prevent a long stretch of loading bays and/or blank walls.
- Limit any expanse of blank wall in a ground floor façade to a maximum width of 2 metres.
- Provide well-designed, landscaped and pedestrian dominated car parking located to the rear of the development.
- Any new development to sleeve larger format retail by continuing the fine grain and general built form of the existing shops in the core retail area at ground floor level.
- Larger format retail use is to avoid creating internalised malls.
- Entrance foyers to upper storeys to be accessible from the street.
- Provide continuous weather protection canopy along the ground floor facades.
- Ensure pedestrian connections from the development to the Council owned car parks.

### 5.6 Precinct 6 – Marketplace

#### 5.6-1 Precinct map



#### 5.6-2 Precinct objectives

- Provide for the expansion of the development providing comprehensive retail and commercial uses.
- Support the redevelopment of the Council owned car park as a multi-deck car park and commercial development.

- Improve pedestrian connections from Pakenham Central Marketplace to Main Street via the laneway and arcade network.
- Encourage retail and commercial uses at ground floor level that do not conflict with the core retail area.
- Encourage improved interfaces and pedestrian connectivity to the adjacent residential areas.

**5.6-3 Precinct requirements**

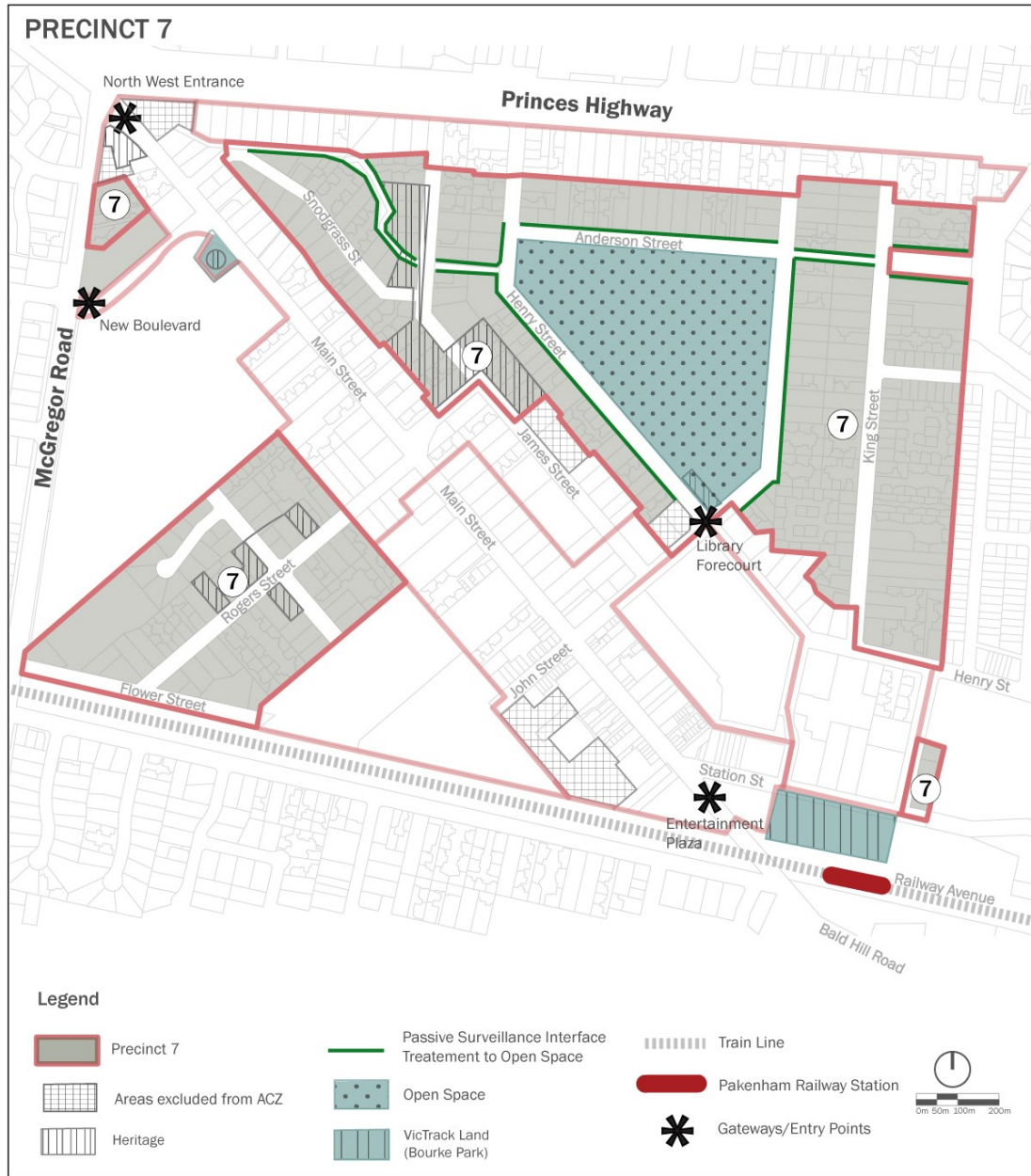
Preferred building height	Preferred building setbacks
None specified	0 metres front setback

**5.6-4 Precinct guidelines**

- New development should consider multi-level car parking and commercial development to be located adjacent to Treloar Lane.
- Retail and commercial floor spaces should be located on the ground floor of the site.
- Pedestrian connections should connect with the laneway and arcade network through to Main Street and John Street.
- Future development should provide clear pedestrian sightlines to Main Street, John Street and Treloar Lane.
- Locate entrances to upper storeys accessible from the street.
- Any new development should be sympathetic to the scale of the surrounding residential neighbourhood and height is to be stepped down to adjoining residential areas
- Development is to maximise the extent of building frontages addressing streets and laneways presenting highly activated frontages.
- Any redevelopment of the Pakenham Central Marketplace Shopping Centre or Council owned car parks should include streetscape improvements and activation of the existing building treatments to Henry Street, John Street and Treloar Lane.
- Provide a continuous weather protection canopy above the full length of all ground floor facades with an interface to a street and are to extend out over the footpath a minimum of 2.5 metres.

5.7 Precinct 7 – Residential

5.7-1 Precinct map



5.7-2 Precinct objectives

- Achieve a higher density precinct predominately residential with mixed use components.
- Create a contemporary urban character which protects and preserves heritage places and precincts and is well integrated with the public realm and open space.
- Encourage high quality design of residential development which provides a transition in scale from the boundary of the retail core precinct of the activity centre to surrounding residential areas.

- Encourage lot consolidation for a focus on medium density development at a higher scale to the centre of the Activity Centre and lower scale to the boundary edge.
- Encourage residential areas adjoining open spaces to be designed with an active interface with passive surveillance of public spaces.

**5.7-3 Precinct requirements**

Preferred building height	Preferred building setbacks
13.5 metres	4 metres front setback

**5.7-4 Precinct guidelines**

- Buildings and works should not exceed a building height of 13.5 metres.
- Development should consist of medium density housing comprising a variety of housing types and layouts which responds to the evolving urban character of this precinct.
- Encourage lot consolidation to deliver increased housing densities close to the retail core of the activity centre.
- Developments should integrate with the Pakenham Creek and open space as key features.
- Buildings on corner sites to address the two street frontages and demonstrate built form that provides a sense of arrival to the activity centre.
- Development should provide landscaping in the front and rear setback.
- Development adjoining heritage properties or precincts to provide setbacks and height transition which respects the heritage character.
- Encourage the inclusion of verandas and/or balconies in the front set back to improve articulation and passive surveillance.

**6.0 Application requirements**

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In addition to the application requirements set out at Clause 37.08, and elsewhere in the scheme, the following must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Plans drawn to scale and dimensioned which show:
  - Illustrations of sight lines from balcony edges to demonstrate the extent of passive surveillance and overlooking.
  - Cross sections of the proposed building.
- A three-dimensional plan of the proposed development in the context of the surrounding development including:
  - Potential overshadowing impact of the development on open space, pedestrian routes, streetscape and habitable rooms of adjoining properties and within the proposed development; and
  - How the design minimises impacts and ensures maximum solar access internally for dwellings, to neighbouring properties and the public realm.
  - Potential impact of the development on the public realm adjacent to the proposal ensuring that overshadowing of major pedestrian routes, heritage sites, reserves and other public spaces is minimised.
- A Waste Management Plan.

- A Landscape Plan.
- A Construction Management Plan which sets out the principal construction issues and how the anticipated process will be managed.
- A certified access and inclusion report for applications for use or construction of a publicly accessible building confirming that the development complies with the *Disability Discrimination Act 1992*.
- An Environmentally Sustainable Design Report which outlines the ESD initiatives included within the proposal and address the ESD provisions in sub-section 4.4 of this Schedule.
- An application for subdivision must demonstrate that they support consolidation of lots and the objectives for Pakenham Major Activity Centre to facilitate the creation of viable development sites.
- An application for a development at 56-62 Station Street, Pakenham must include:
  - A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* stating that an environmental audit is not required for the proposed use, or;
  - An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* stating that the land is suitable for the proposed use.
- An application which does not meet the preferred building heights or design requirements set out in sub-section 4.4 and section 5.0 of this schedule must provide a Design Response and Urban Context Report that demonstrates how the built form transition, height, setbacks, massing, shadow diagrams and detail of the development achieves the relevant objectives, requirements and guidelines in this Schedule.
- A Heritage Report from a suitably qualified heritage consultant that assesses the impact of the application on a heritage place on the land or adjoining land which demonstrates built form transition of height, setbacks, massing and articulation.
- An application for a permit on public land by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:
  - To the application for permit being made and/or to the proposed use of development.

## 7.0

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### Notice and review

An application to construct a building or carry out works 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 if:

- The application is in Precinct 3 or 7 and exceeds the precinct requirements including the preferred building heights or preferred building setbacks contained within section 5.0 of this schedule, or;
- The application is in Precinct 1, 2, 4, 5 or 6 and exceeds the preferred building setbacks contained within section 5.0 of this schedule, or;
- The application exceeds a height of 14 metres.

## 8.0

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### Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.08, in addition to those specified in Clause 37.08 and elsewhere in this scheme which must be considered, as appropriate, by the responsible authority:

### Use

Whether the proposal provides for:

- An appropriate scale of development in order to accommodate the mix and intensity of uses envisaged for each precinct.
- The compatibility of uses within a mixed use development.

### Environmental Audit

For land at 56-62 Station Street, Pakenham, the findings and recommendations of:

- A preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017*.
- An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017*.

### Design and built form

Whether the proposed development:

- Creates a strong visual interest by providing building types based on innovative and current day architecture, urban design and environmentally sustainable development principles.
- Provides weather protection to adjoining key pedestrian footpaths or shared pathways, and main boulevards.
- Provides access points that minimise disruption to the continuity of the public realm and pedestrian routes.
- Provides car parking, loading and other service areas that is screened from view of the public realm or located at the rear of the site.
- Provides passive surveillance of the public realm.
- Achieves the preferred building height and setbacks having regard to lot size, dimensions (width and depth) and/or those sites within or adjoining the Heritage Overlay.
- Represents an underdevelopment of a site.
- Provides upper level setbacks when the preferred height is exceeded.
- Provides a sensitive interface with residential dwellings or Precinct 7 in relation to built form, overlooking and overshadowing.
- Reduces overlooking of adjacent property and uses minimal screening.
- Provides an increased upper level setback and transitional heights having regard to the heritage significance of the site or an adjoining site within the Heritage Overlay.
- Provides elements of Environmentally Sustainable Design.

### Subdivision

Whether the subdivision:

- Is associated with a development proposal that supports the objectives promoted by this schedule.
- Consolidates lots to support the medium density development objectives of this schedule.

### Transport and movement

Whether the proposed development:

- Integrates car parking requirements into the design of the buildings and land form by discouraging ground floor car parks seen at the street frontage.
- Provides vehicular access to buildings fronting key boulevards off side streets or via rear access.
- Limits the number of vehicle crossing to each development.

### **Non-residential uses and development in Precinct 7**

Whether:

- The use and/or development is compatible with residential use.
- The use generally serves local community needs.
- The impact on the amenity of nearby residential uses.
- The design, height, setback and appearance of the proposed buildings and works and its impact on the character of the surrounding area.
- The proposed landscaping.
- The proximity to a designated public transport route.
- The capacity of the road servicing the site and provision of car and bicycle parking and associated access ways.
- The proposed loading and refuse collecting facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.
- The proposal will segregate a single dwelling or a collection of dwellings from the surrounding residential area.

#### **9.0**

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#### **Signs**

Sign requirements are at Clause 52.05. All land located within Precinct 7 and 3 is in Category 3. All other land is in Category 1.

#### **10.0**

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#### **Other provisions of the scheme**

None specified

#### **11.0**

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#### **Reference documents**

*Cardinia Shire Pakenham Major Activity Centre Structure Plan, 15 February 2021*

*Cardinia Shire Pakenham Major Activity Centre Urban Design Framework, 15 February 2021*