

Proposed C278ggee

**SCHEDULE 7 TO CLAUSE 37.07 URBAN GROWTH ZONE**

Shown on the planning scheme map as **UGZ7**.

**MARSHALL PRECINCT STRUCTURE PLAN**

**1.0**

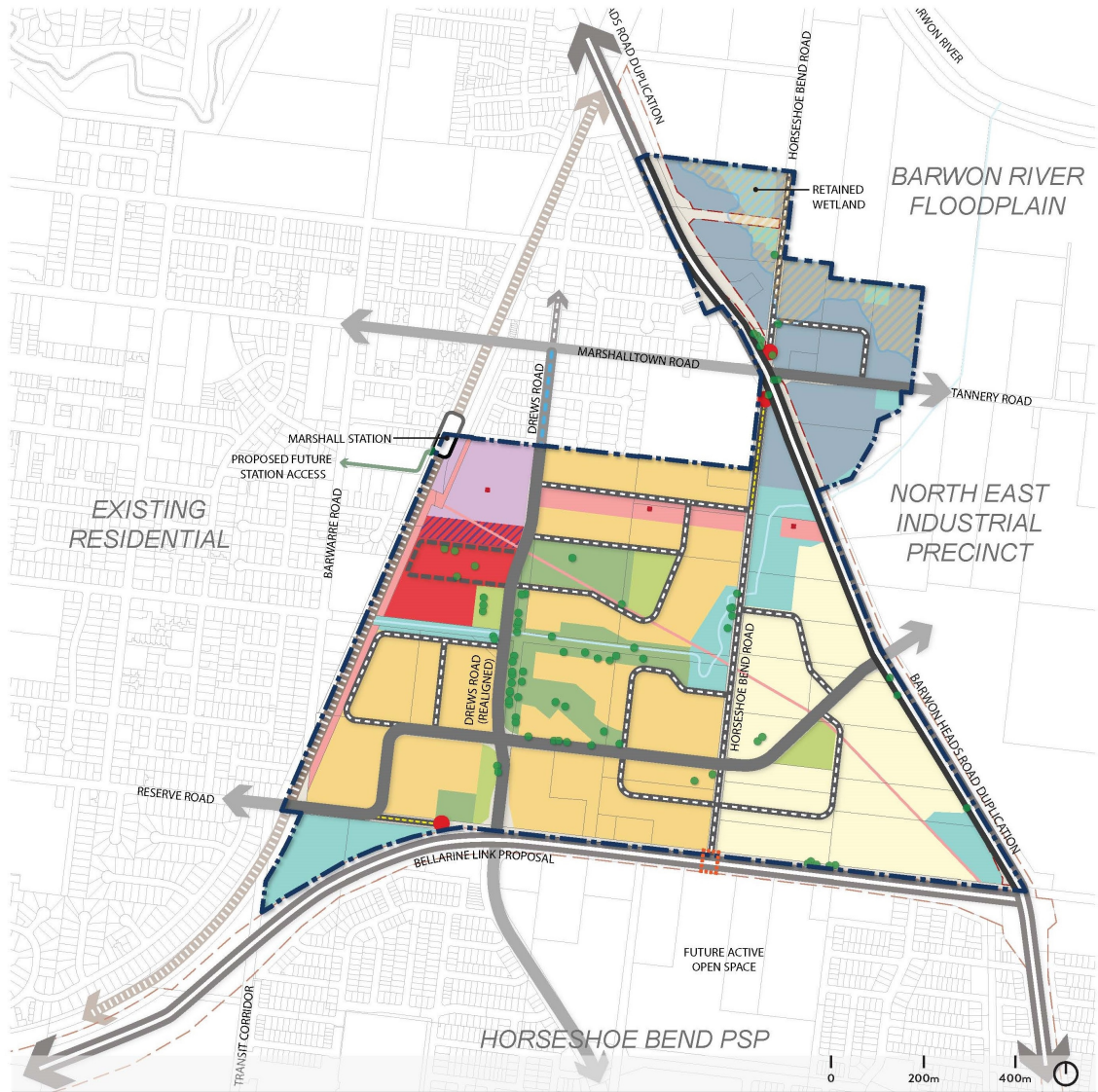
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**The Plan**

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

**Plan 1 to Schedule 7 to Clause 37.07**

**Marshall Precinct Structure Plan**



**KEY**

The Future Urban Structure Plan sets out the land uses and primary street network of the precinct.

**CONTEXT**

- Precinct Boundary
- Existing trees to be retained
- Railway and Station
- Flood Overlay
- Electrical Transmission Tower
- Station Carpark - TRZ 1
- Property Boundary

**LAND USE**

- Conventional Residential
- Medium/High Density Residential
- Mixed Use - High Density Residential
- Mixed Use - High Density Residential (subject to DTP approval: may be required for transport purposes until further advised by DTP)
- Road Reserve
- Commercial/Bulky Goods
- Credited (Unencumbered) Open Space
- Conservation Reserve
- Utilities Easements
- Drainage Reserve
- Constructed Waterway (Marshall Creek)

**MOVEMENT**

- Arterial Road
- Connector Street
- Connector Street (Modified)
- Local Access Street
- Station Precinct Road (Refer to Concept Plan)
- Local Access Street (No through Road)
- Road Truncation
- Major Road Project
- Signaled Crossing

**2.0 Use and development**

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**2.1 The Land**

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The provisions specified in this schedule only apply to land within the Marshall Precinct shown on Plan 1 of this schedule and zoned UGZ7. This schedule must be read in conjunction with the incorporated Marshall Precinct Structure Plan (PSP).

*Note: If land shown on Plan 1 is not zoned UGZ7, the provisions of this zone do not apply.*

**2.2 Applied zone provisions**

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The provisions of the following zones in this scheme apply to the use and subdivision of land, construction of a building and construction and carrying out of works, by reference to Plan 1 of this schedule.

**Table 1: Applied zone provisions**

Land shown on plan 1 of this schedule	Applied zone provisions
Conventional Residential	Clause 32.08 – General Residential Zone Schedule 1
Land shown on plan 1 of this schedule	Applied zone provisions
Medium/Higher Density Residential	Clause 32.07 – Residential Growth Zone Schedule 1
Land shown on plan 1 of this schedule	Applied zone provisions
Mixed Use – High Density Residential	Clause 32.04 – Mixed Use Zone
Land shown on plan 1 of this schedule	Applied zone provisions
Commercial/Bulky Goods	Clause 34.02 – Commercial 2 Zone
Land shown on plan 1 of this schedule	Applied zone provisions
Conservation Reserve	Clause 36.02 – Public Park and Recreation Zone
Credited (Unencumbered) Open Space	
Drainage Reserves	
Constructed Waterway	
Land shown on plan 1 of this schedule	Applied zone provisions
Utilities Easement	Underlying zone
Land shown on plan 1 of this schedule	Applied zone provisions
Road Reserve	Underlying zone

**2.3 Specific provisions – Use of land**

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**Section 1 - Permit not required**

Use	Condition
Shop (other than Supermarket and Adult sex product shop) - where the applied zone is Mixed Use	The combined leasable floor area of all shops must not exceed a leasable floor area of 750 square metres.

Use	Condition
Supermarket - where the applied zone is Mixed Use	The leasable floor area must not exceed 2,000 square metres.
Office - where the applied zone is Mixed Use	The combined leasable floor area of all offices must not exceed 500 square metres.
<b>Any use listed in Clause 62.01</b>	Must meet requirements of Clause 62.01.

**Section 2 - Permit required**

Use	Condition
Education centre	On land west of Barwon Heads Road
<b>Any other use not in Section 1 or 3</b>	

**Section 3 – Prohibited**

Use
Supermarket - where the applied zone is Commercial 2
Education centre - where the applied zone is Commercial 2 and on land east of Barwon Heads Road
Gaming premises
<b>Any use listed in Section 3 in the Table of uses of the applicable applied zone</b>

**2.4**

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**Specific provisions - Subdivision**

**Station Precinct Urban Design Framework**

A permit must not be granted to subdivide land within the Station Precinct shown on Plan 18 ‘Station Concept Design Intention’ of the incorporated *Marshall Precinct Structure Plan* until an Urban Design Framework (UDF) has been prepared for the precinct to the satisfaction of the Responsible Authority.

Unless the Responsible Authority agrees otherwise, the UDF must:

- address all of the land in the Station Precinct
- be generally in accordance with the incorporated *Marshall Precinct Structure Plan*
- address and respond to Section 3.0 (Implementation) and Section 4.2 (Station Precinct Urban Design Framework Requirements and Guidelines) of the incorporated *Marshall Precinct Structure Plan*.

A permit may be granted to subdivide land within the Station Precinct prior to approval of an UDF if, in the opinion of the Responsible Authority, the granting of the permit will assist in achieving the objectives, the relevant planning and design guidelines and provisions of Section 4.2 as set out in the incorporated *Marshall Precinct Structure Plan*.

The UDF may be amended to the satisfaction of the Responsible Authority.

Subdivision applications must be generally in accordance with the approved UDF.

**Commercial/Bulky Goods Precinct east of Barwon Heads Road**

A permit must not be granted to subdivide land designated as Commercial/Bulky Goods on Plan 1 of this schedule until a separate Masterplan has been prepared for each of the following sub-precincts to ensure integrated development, to the satisfaction of the Responsible Authority:

- Sub-precinct A - land between Barwon Heads Road and Horseshoe Bend Road, north of Tannery Road; correlates to Catchment G of *Marshall Precinct Structure Plan, Plan 17*.
- Sub-precinct B - land with direct frontage to the north side of Tannery Road; correlates to Catchment H of *Marshall Precinct Structure Plan, Plan 17*.
- Sub-precinct C - land between Barwon Heads Road and the south side of Tannery Road; correlates to Catchment J of *Marshall Precinct Structure Plan, Plan 17*.

A Masterplan must:

- be supported and informed by any relevant technical report prepared by a suitably qualified person
- be generally in accordance with the incorporated *Marshall Precinct Structure Plan*
- address and respond to Section 3.0 (Implementation) of the incorporated *Marshall Precinct Structure Plan*
- be reviewed and approved by the Head, Transport for Victoria

For Sub-precincts A and B, subdivision must be designed to restrict access or use of Flood Overlay land designated in the incorporated *Marshall Precinct Structure Plan, Plan 14*.

Subdivision applications must be generally in accordance with the approved Masterplan.

A Masterplan may be amended to the satisfaction of the Responsible Authority.

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### Specific provisions - Buildings and works

#### Station Precinct Urban Design Framework

A permit must not be granted to construct a building or construct or carry out works within the Station Precinct shown on Plan 18 'Station Concept Design Intention' of the incorporated *Marshall Precinct Structure Plan* until an Urban Design Framework (UDF) has been prepared for the precinct to the satisfaction of the Responsible Authority.

Unless the Responsible Authority agrees otherwise, the UDF must:

- address all of the land in the Station Precinct
- be generally in accordance with the incorporated *Marshall Precinct Structure Plan*; and,
- address and respond to Section 3.0 (Implementation) and Section 4.2 (Station Precinct Urban Design Framework Requirements and Guidelines) of the incorporated *Marshall Precinct Structure Plan*.

A permit may be granted to construct a building or construct and carry out works for land within the Station Precinct prior to approval of an UDF if, in the opinion of the Responsible Authority, the granting of the permit will assist in achieving the objectives, the relevant planning and design guidelines and provisions of Section 4.2 as set out in the incorporated *Marshall Precinct Structure Plan*.

The UDF may be amended to the satisfaction of the Responsible Authority.

Buildings and works applications must be generally in accordance with the approved UDF.

#### Commercial/Bulky Goods Precinct east of Barwon Heads Road

A permit must not be granted to construct a building or construct or carry out works on land designated as Commercial/Bulky Goods on Plan 1 of this schedule until a separate Masterplan has been prepared for each of the following sub-precincts to ensure integrated development, to the satisfaction of the Responsible Authority:

- Sub-precinct A - land between Barwon Heads Road and Horseshoe Bend Road, north of Tannery Road; correlates to Catchment G of *Marshall Precinct Structure Plan, Plan 17*.
- Sub-precinct B - land with direct frontage to the north side of Tannery Road; correlates to Catchment H of *Marshall Precinct Structure Plan, Plan 17*.
- Sub-precinct C - land between Barwon Heads Road and the south side of Tannery Road; correlates to Catchment J of *Marshall Precinct Structure Plan, Plan 17*.

A Masterplan must:

- be supported and informed by any relevant technical report prepared by a suitably qualified person
- be generally in accordance with the incorporated *Marshall Precinct Structure Plan*
- address and respond to Section 3.0 (Implementation) of the incorporated *Marshall Precinct Structure Plan*
- be reviewed and approved by the Head, Transport for Victoria

For Sub-precincts A and B, the Masterplan must not locate any buildings on Flood Overlay land designated in the incorporated *Marshall Precinct Structure Plan, Plan 14*.

Buildings and works applications must be generally in accordance with the approved Masterplan.

A Masterplan may be amended to the satisfaction of the Responsible Authority.

#### **Dwellings on a lot less than 300 square metres**

A permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where a site is identified as a lot to be assessed against the Small Lot Housing Code via a restriction on title, and it complies with the Small Lot Housing Code incorporated into this Scheme pursuant to Clause 72.04.

#### **Recycled Water**

All newly created lots and buildings must be connected to a reticulated recycled water supply system for toilet flushing and garden watering. Where a reticulated recycled water supply system is not available to the building, a development scale water collection, reuse and sharing strategy is encouraged. Where this is not possible, all dwellings must be connected to a rainwater tank with a minimum capacity of 2500 litres for toilet flushing, washing machines, and garden watering or an alternative grey water recycling system to the satisfaction of the Responsible Authority.

### **3.0**

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#### **Application requirements**

The following application requirements apply to an application for a permit under Clause 37.07, in addition to those specified in Clause 37.07 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the Responsible Authority.

If in the opinion of the Responsible Authority an application requirement listed below is not relevant to the assessment of an application, the Responsible Authority may waive, vary or reduce the requirement.

#### **Subdivision – General Subdivision**

For any application to subdivide land a subdivision design response must include to the satisfaction of the Responsible Authority:

- A written report that sets out how the application implements the objectives, requirements and guidelines within the incorporated *Marshall Precinct Structure Plan*.
- A Subdivision Staging Plan.
- The location of proposed planned community infrastructure, public open space areas and their recreation function where appropriate.

- A street network plan that addresses;
  - Access arrangements of properties to all existing and future arterial roads
  - Potential bus route and bus stop locations in consultation with the Head, Transport for Victoria
  - Walking catchment to activity centres, which nominates key transport stops, active and passive open space, schools and community facilities
  - Cross sections proposed in accordance with Section 4.3 (Road Design and Cross Sections) of the *Marshall Precinct Structure Plan*.
- A land use budget table in the same format and methodology as those within the *Marshall Precinct Structure Plan*, setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yield.
- A response to the incorporated *Marshall Native Vegetation Precinct Plan* (NVPP) and how the proposal addresses this including trees marked for retention and removal. If trees marked as ‘to be retained’ within the NVPP are proposed for removal, an arboricultural report prepared by a suitably qualified person must be submitted.
- A canopy cover plan that demonstrates that a proposal meets the minimum requirements set out in Section 4.4.1 (Canopy Cover Targets and Calculations) of the *Marshall Precinct Structure Plan*.
- Upon request, tree location and species data should be made available in a GIS or vector format.
- A Bushfire Management Plan that addresses bushfire risk at the site. The plan must be prepared in accordance with Section 3.6 (Climate Resilient Communities) of the *Marshall Precinct Structure Plan*.
- A Zero Carbon Operational Energy Plan which addresses Section 3.9 (Energy and Technology) of the *Marshall Precinct Structure Plan*.
- An Integrated Water Management Plan (IWMP) which must:
  - Respond to the requirements and guidelines of Section 3.5 (Integrated Water Management) and the relevant requirements and guidelines of Section 3.10 (Delivery) of the *Marshall Precinct Structure Plan*;
  - Assess the existing surface and subsurface drainage conditions on the site; and,
  - Address the provision, staging and timing of stormwater drainage infrastructure.

### **Subdivision – Residential Development**

For an application to subdivide land into three or more lots, in addition to the above General Subdivision requirements, a subdivision design response for residential subdivision must include to the satisfaction of the Responsible Authority:

- A Density Plan or written response which applies to the entire subject site for the application. The Density Plan should include a table which identifies the land use budget, net developable area, number of lots proposed, average lot size, overall density achieved, and whether a variation is being sought.
- A Social and Affordable Housing Delivery Strategy that demonstrates how the proposal achieves the social and affordable housing requirements and guidelines in Section 3.1 (Character, Heritage and Housing) of the *Marshall Precinct Structure Plan* to the satisfaction of the Responsible Authority.

### **Requirement – Commercial/Bulky Goods**

An application to use or subdivide land, construct a building, or construct or carry out works for land shown in Plan 1 as Commercial/Bulky Goods – Flood Overlay must be accompanied by a letter from the floodplain management authority confirming that the authority does not object to the permit application.

**Requirement – Retail Economic Impact Assessment**

An application to use land for a Supermarket or Shop in the applied Mixed Use Zone where the leasable floor area exceeds the figure shown in the land use table at Clause 2.3 of this Schedule must be accompanied by a retail economic impact assessment prepared by a suitably qualified person.

The Responsible Authority may waive the requirement for the submission of a retail economic impact assessment where the development is for a Shop (excluding a Supermarket) that exceeds the combined leasable floor area figure shown in the land use table at Clause 2.3 of this Schedule.

**Requirement - Preliminary Risk Screen Assessment**

An application to use or subdivide land, construct a building, or construct or carry out works for a sensitive use (residential use, child care centre, pre-school centre, primary school, children’s playground/local park, caretaker’s house or residential hotel) on land identified in the *Marshall Precinct Preliminary Environmental Assessment Update September 2023* as having ‘Medium’ Potential for Contamination, and described in Table 2, must be accompanied by a Preliminary Risk Screen Assessment or environmental audit in accordance with the *Environment Protection Act 2017*. The assessment must be issued stating that an environmental audit is not required for the application.

**Table 2: Preliminary Risk Screen Assessment**

<b>Address</b>	<b>Legal Description</b>
422-430 Barwon Heads Road, Charlemont 3217	Pt CA 20 Sec 1
432-442 Barwon Heads Road, Charlemont 3217	Pt CA 20 Sec 1
444 Barwon Heads Road, Charlemont 3217	Pt CA 20 Sec 1
450-454 Barwon Heads Road, Charlemont 3217	Pt CA 20 Sec 1
470-480 Barwon Heads Road, Charlemont 3217	Lot 12 PS 849540
35 Drews Road, Marshall 3216	Lot A PS 528440
40-60 Drews Road, Marshall 3216	Lot 2 PS 631720
62-84 Drews Road, Marshall 3216	Lot 3 PS 631720
22-30 Horseshoe Bend Road, Marshall 3216	Lot 2 LP 86080
61-69 Horseshoe Bend Road, Marshall 3216	Pt CA 20 Sec 1
62-80 Horseshoe Bend Road, Marshall 3216	CA 13 Sec 2
71-79 Horseshoe Bend Road, Marshall 3216	Lot 1 TP 19665
81-89 Horseshoe Bend Road, Marshall 3216	Pt CA 30 Sec 1
82-90 Horseshoe Bend Road, Marshall 3216	Lot 1 TP 6652
181-203 Horseshoe Bend Road, Marshall 3216	Pt CA 30 Sec 1
86-100 Reserve Road, Marshall 3216	Lot A PS 838517

Address	Legal Description
91-109 Reserve Road, Marshall 3216	Lot 1 TP 84691
157-159 Reserve Road, Marshall 3216	Pt CA 20 Sec 2
161-167 Reserve Road, Marshall 3216	Lot 1 TP 947680
321-329 Barwon Heads Road, Charlemont 3217	Lot 2 PS 849540
331-343 Barwon Heads Road, Charlemont 3217	Lot 3 PS 849540
345 Barwon Heads Road, Charlemont 3217	Lot 1 PS 849519
391-399 Barwon Heads Road, Charlemont 3217	Lot 8 PS 849540
1-5 Tannery Road, Charlemont 3217	Lot 5 PS 849540
7-9 Tannery Road, Charlemont 3217	Lot 1 TP 8333
11-19 Tannery Road, Charlemont 3217	Lot 1 TP 958789 and Lot 1 TP958845
21-29 Tannery Road, Charlemont 3217	Lot TP 958789
8 Tannery Road, Charlemont 3217	Lot 7 PS 849540

**Requirement - Preliminary Site Investigation**

An application to use or subdivide land, construct a building, or construct or carry out works for a non-sensitive use on land affected by an Environmental Audit Overlay must be accompanied by a Preliminary Site Investigation prepared by a suitably qualified person. The assessment must be issued stating that a Preliminary Risk Screen Assessment or environmental audit is not required for the application.

**Requirement - Acoustic Assessment**

An application to use or subdivide land, construct a building, or construct or carry out works for accommodation, childcare centre, kindergarten or education centre (other than Tertiary institution and Employment training centre) must be accompanied by an Acoustic Assessment report, prepared by a qualified acoustic engineer or other suitably qualified 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.
- Noise levels should be assessed:
  - Considering the cumulative noise from all sources impacting on the proposal including industry and road traffic, as well as potential 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.
- For areas other than sleeping and living areas, the median value of the range of recommended design sound levels of Australian Standard AS/NZ 2107:2016 (Acoustics – Recommended design sound level and reverberation times for building interiors).

- Includes recommendations for any noise attenuation measures required to meet the applicable noise level objectives, which is consistent with Clause 13.05-1 and can be implemented through subdivision with measures such as:
  - Land use separation, appropriate setback distances, use of barriers, and orientation and positioning of lots so that private open space is shielded from noise from railway line, the Marshall Train Station and Barwon Heads Road; and,
  - Clearly identifies areas where any attenuation measures are required.
- Includes additional considerations, where relevant, to address:
  - potential noise character (tonality, impulsiveness or intermittency);
  - noise with high energy in the low frequency range;
  - vibration; and,
  - transient or variable noise.

**Requirement - Traffic Impact Assessment Report**

An application that proposes to create or change access to any existing or planned road must be accompanied by a Traffic Impact Assessment Report (TIAR).

The TIAR, including functional layout plans and a feasibility/concept road safety audit, must be to the satisfaction of the Responsible Authority and the Department of Transport and Planning, as required.

**Requirement - Social and Affordable Housing Delivery Strategy**

An application for buildings and works for residential purposes must submit a Social and Affordable Housing Delivery Strategy that demonstrates how the proposal achieves the social and affordable housing requirements and guidelines, in accordance with Section 3.1 (Character, Heritage and Housing) of the *Marshall Precinct Structure Plan* and to the satisfaction of the Responsible Authority.

**Requirement - Public Infrastructure Plan**

An application to use or subdivide land, construct a building, or construct or carry out works 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 development contributions plan applying to the land is sought to be provided as "works in lieu" subject to the consent of the collecting agency;
- The provision 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.

**Requirement – Public Realm**

Where relevant, an application to use or subdivide land, construct a building, or construct or carry out works within the areas of Public Realm within the Station Precinct as shown on *Marshall Precinct Structure Plan, Plan 18* must be accompanied by a written report to the satisfaction of the Responsible Authority detailing how the proposal responds to the following elements:

- Built form
- Sustainable design
- Signage

- Public transport
- Public art
- Street furniture
- Public lighting
- Paving
- Street trees and landscaping
- Utility installations
- Pedestrian crossings and priority zones
- Public/private way finding
- Compliance with the *Disability Discrimination Act 1992* (Cth)
- Cycling facilities

An application to use or subdivide land, construct a building, or construct or carry out works must also outline how the proposal responds to the Station Precinct Urban Design Framework and Section 4.2 (Urban Design Framework Requirements and Guidelines) of the *Marshall Precinct Structure Plan*.

**Requirement – Staging Plan**

An application to subdivide land, construct a building, or construct or carry out works must be accompanied by a report which addresses how the application responds to the staging plan.

**Requirement - Bicycle parking reductions**

A Bicycle Parking Demand Assessment must accompany any permit application that does not provide bicycle parking, in accordance with Sections 3.1 and 3.4 of the *Marshall Precinct Structure Plan*.

**Requirement – Zero Carbon Construction**

An application to subdivide land, construct a building or construct or carry out works must be accompanied by a Zero Carbon Operational Energy Plan which address Section 3.6 (Climate Resilient Communities) to the satisfaction of the Responsible Authority.

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**Conditions and requirements for permits**

**General Requirements**

A planning permit must include a condition or conditions as appropriate to give effect to any requirements or conditions set out in the *Marshall Precinct Structure Plan* and the *Marshall Native Vegetation Precinct Plan*.

**Condition - Subdivision permits that allow the creation of a lot of less than 300 square metres - Small lot housing code**

Any permit for subdivision that allows the creation of a lot less than 300 square metres must contain the following conditions:

- Prior to Certification of the Plan of Subdivision for the relevant stage, a plan must be submitted for approval to the satisfaction of the Responsible Authority. The plan must identify the lots that will include a restriction on title providing for the application of the *Small Lot Housing Code* (Victorian Planning Authority, November 2019 or as amended); and
- The Plan of Subdivision submitted for certification must identify whether Type A or Type B of the *Small Lot Housing Code* (Victorian Planning Authority, November 2019 or as amended) applies to each lot to the satisfaction of the Responsible Authority.

**Condition – Subdivision or buildings and works permits where land is required for community facilities, public open space or road widening**

A permit for development, 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 the permit holder; and
- 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 – Public transport**

A permit for subdivision must include the following condition:

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

- In accordance with the Public Transport Guidelines for Land Use and Development and compliant with the *Disability Discrimination Act 1992* – Disability Standards for Accessible Public Transport 2002; and
- At locations approved by Public Transport Victoria, at no cost to Public Transport Victoria, and to the satisfaction of the Head, Transport for Victoria.

**Condition – Social and Affordable Housing**

A permit for subdivision, buildings or works for land to be used for residential purposes must include the following condition:

A permit for subdivision, buildings or works associated with a residential land use must comply with the Social and Affordable Housing Delivery Strategy for the land as outlined and approved by the Responsible Authority.

**Condition – ESD Residential Design Guidelines**

A permit for subdivision must include the following condition:

Unless otherwise approved in writing by the Responsible Authority, prior to the certification of a plan of subdivision for the first stage of subdivision, all residential subdivision applications including mixed use must prepare and submit Residential ESD Design Guidelines in accordance with Section 3.1 of the *Marshall Precinct Structure Plan*. The Residential ESD Design Guidelines must be applied as a restriction on the relevant plan of subdivision.

**Condition – ESD Requirements for Community Facilities, Commercial and Mixed-Used Buildings**

A permit for subdivision or buildings and works for any new community facilities, commercial or mixed-use building must include the following condition:

Unless otherwise approved in writing by the Responsible Authority, prior to commencement of works or certification, the subdivision or development must ensure suitable carbon neutral outcomes, commit to the use of a relevant best practice environmental performance rating tool (such as a Green Star Buildings rating of 6 stars), or an equivalent rating achieved through a similar tool. The chosen tool must be applied via a restriction on the relevant plan of subdivision.

**Condition – Environmental Audit**

Any permit for the use and development of land listed in Table 2 of this Schedule for a sensitive use (residential use, child care centre, pre-school centre, primary school, children’s playground/local park, caretaker’s house or residential hotel) and where the Preliminary Risk Screen Assessment requires an environmental audit, must contain the following condition:

Prior to the commencement of the use or buildings and works associated with the use (or the certification or issue of a statement of compliance under the *Subdivision Act 1988*) the permit holder must provide:

- An environmental audit statement under Part 8.3, Division 3 of the *Environment Protection Act 2017* which states that the site is suitable for the use and development allowed by this permit; or
- An environmental audit statement under Part 8.3, Division 3 of the *Environment Protection Act 2017* which states that the site is suitable for the use and development allowed by this permit if the recommendations made in the statement are complied with.

All the recommendations of the environmental audit statement must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental consultant or other suitable person acceptable to the responsible authority.

Compliance sign off must be in accordance with any requirements in the environmental audit statement recommendations regarding verification of works.

**Condition – Acoustic Report**

The following conditions and/or requirements apply to permits:

A permit must contain conditions which give effect to the Acoustic Assessment Report, where the land has been identified as a lot that requires mitigation measures against noise impacts.

**Condition – Circular Economy**

A permit for subdivision must include the following condition:

Unless otherwise approved in writing by the Responsible Authority, prior to certification of a plan of subdivision for the first stage, the permit holder must demonstrate, through ISCA Materials Calculator 2.1 or another life cycle assessment tool such as eTool or similar, how the proposal responds to the *requirements within Section 3.7 (Circular Economy) of the Marshall Precinct Structure Plan*.

**Condition – Construction Management Plan**

A permit to subdivide land, construct a building, or construct or carry out works must include the following condition:

Prior to works commencing, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must address Section 3.7 (Circular Economy) of the *Marshall Precinct Structure Plan*.

**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 conservation area in the incorporated *Marshall Precinct Structure Plan* must include the following condition:

Before works start, a Construction Environmental Management Plan consistent with 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 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 Responsible Authority.

**Condition – No Gas Subdivision and Buildings and Works**

A permit for subdivision and/or buildings and works must include the following condition:

Unless otherwise approved in writing by the Responsible Authority:

- Any subdivision and/or buildings and works within the *Marshall Precinct Structure Plan* must not connect to any existing or future reticulated gas networks; and
- Prior to the issue of a Statement of Compliance for any stage of subdivision, a utilities plan showing no connection to gas must be submitted to the satisfaction of the Responsible Authority.

**Condition – Functional Layout Plans**

A permit for subdivision must include the following condition:

Prior to the issue of a statement of compliance, a detailed functional layout plan of that stage must be submitted to and approved by the Responsible Authority. The plan is to include locations of underground services, crossovers, tree placement (including root growth zones to achieve required canopy targets), bike racks, shared pedestrian and bicycle paths, streetlights, future bus stops, all local area traffic management items along with maintenance vehicle access points and tracks, tree protection measures, footpaths and utility installations on or adjacent to public reserves in accordance with relevant requirements of the *Marshall Precinct Structure Plan*.

The plan should provide details of how canopy cover targets outlined in Section 4.4.1 Canopy Cover Targets and Calculations of the *Marshall Precinct Structure Plan* have been met. The functional layout plan must ensure that all reserves and vegetation to be retained are not compromised with services listed above.

**Condition – Land Management Plan for Conservation Area**

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

Prior to the commencement of development, a land management plan for the conservation area land must be prepared by a suitably qualified consultant, submitted to, and approved by the Responsible Authority. The land management plan must outline how the biodiversity values for the land identified in the *Marshall Native Vegetation Precinct Plan* will be maintained, managed and improved, including:

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

Once approved the plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority.

**Condition – Security of Conservation Land**

A permit to subdivide land containing a 'conservation reserve' (or any part thereof) as shown in the *Marshall Precinct Structure Plan* must include the following condition:

The owner of the land must, as part of the plan of subdivision (or the first plan of subdivision submitted for registration, in the case of any staged subdivision), create the whole of the 'conservation reserve' as a separate lot or reserve. The boundaries of the lot or reserve on the plan of subdivision are subject to the prior satisfaction of the Responsible Authority. 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 CCMA. The transfer or vesting must either be for no or nominal consideration. The Secretary and the person or body to whom the land is to be transferred or vested must also be

a party to the agreement. The terms of the agreement must include that the owner pays the reasonable costs of the other parties to the agreement that were incurred for the preparation, execution, and registration of the agreement. The owner must cause the agreement to be registered prior to lodgement of the plan of subdivision for registration; or

Prior to a statement of compliance being issued for the plan of subdivision (or, in the case of a staged subdivision, the plan of subdivision or masterplan which implements the first stage of the subdivision), enter into an agreement with the Secretary under section 69 of the *Conservation, Forests and Lands Act 1987*, which provides for the conservation and management of the conservation area by or on behalf of the owner in perpetuity. The terms of the agreement must include that the owner pays the reasonable costs of the Secretary incurred for the preparation, execution, and registration of the agreement. The owner must cause the agreement to be registered prior to lodgement of the plan of subdivision for registration.

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

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

**Condition - Protection of Conservation Areas and Native Vegetation During Construction**

A permit to construct a building or carry out works or to subdivide land on land including or abutting a conservation area or patch of native vegetation or scattered tree identified for retention in the incorporated *Marshall Precinct Structure Plan* or *Marshall Native Vegetation Precinct Plan* must include the following condition:

The development allowed by this permit must be conducted to 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 the following minimum distance from the element to be protected:

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.
- 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 Responsible Authority, and the Responsible Authority confirms it is satisfied by the evidence.

## 5.0 Exemption from notice and review

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Proposed C278ggee

None specified.

## 6.0 Decision guidelines

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Proposed C278ggee

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:

- Whether the application is generally in accordance with the incorporated *Marshall Precinct Structure Plan* including any approved Urban Design Frameworks.
- Whether the application is generally in accordance with the incorporated *Marshall Native Vegetation Precinct Plan*.
- Whether the application is generally in accordance with the incorporated *Marshall Development Contributions Plan*.
- Whether the application contributes towards the provision of affordable housing (including social housing) in accordance with the incorporated *Marshall Precinct Structure Plan*, and the Ministerial Notice under 3AA(2) of the *Planning and Environment Act 1987*, as amended from time to time.
- Whether the application contributes towards the achievement of a carbon neutral neighbourhood in accordance with the incorporated *Marshall Precinct Structure Plan*.

## 7.0 Signs

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Proposed C278ggee

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

- The height or width of a promotion sign does not exceed 6 metres and the total advertisement area does not exceed 8 square metres.
- Only one sign is displayed per road 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.

All other signs are subject to the permit requirements of Clause 52.05. All land located within the area on Plan 1 marked Commercial/ Bulky Goods is in Category 1. All other land is in Category 3.