

SCHEDULE 5 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ5**.

WARRAGUL EAST BULKY GOODS PRECINCT**Purpose**

To provide for the development of bulky goods retailing and associated business services.

To encourage a high quality standard of urban design and architecture that recognises the land as a highly visible gateway site into Warragul.

To complement the retail services provided in the Warragul town centre.

To recognise the role of the Warragul Town Centre as the main business area for the town by limiting the range of retail uses available in the Warragul East Bulky Goods Precinct.

To ensure that any development on land abutting or in close proximity to the Warragul Waste Water Treatment Plant is designed to minimise potential impacts to and from the Warragul Waste Water Treatment Plant.

1.0**Table of uses ~~(3)~~****Section 1 - Permit not required**

Use	Condition
Bottle shop	Must have a minimum floor area of 1000m2 Must be the only Bottle shop on site
Department store	Must have a minimum floor area of 5000m2
Electoral office	May be used for only 4 months before an election and 2 weeks after an election.
Industry (other than Materials recycling, Refuse disposal, Rural industry and Transfer station)	Must be directly associated with a restricted retail premises located on land affected by this schedule. Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.
Informal outdoor recreation	
Restricted retail premises	
Trade supplies	
Warehouse (other than Fuel depot, Milk depot, Mail centre and Shipping container storage)	Must be directly associated with a restricted retail premises located on land affected by this schedule. Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.
Any use listed Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Bottle shop	Must have a minimum floor area of 500m2 Must be the only Bottle shop on site

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Use	
Cinema	
Convenience restaurant	Must be the only Convenience restaurant on the site
Convenience shop	
Department store	Must have a minimum floor area of 4000m ²
Exhibition centre	
Function centre	
Industry (other than Materials recycling, Refuse disposal, Rural industry and Transfer station)	Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.
Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility, and Motor racing track)	
Mail centre	
Manufacturing sales	
Office (other than Bank, Electoral office, Real estate agency and Travel agency)	
Retail premises (other than Gambling premises, Hotel and Primary produce sales)	
Service station	
Utility installation (other than Minor utility installation and Telecommunications facility)	
Warehouse (other than Fuel depot, Milk depot and Shipping container storage)	Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use
Accommodation
Agriculture
Bank
Fuel depot
Gambling premises
Hospital
Major sports and recreation facility
Materials recycling
Milk depot
Motor racing track
Place of assembly (other than Cinema, Exhibition centre and Function centre)

Use

Primary produce sales

Real estate agency

Refuse disposal

Rural industry

Shipping container storage

Shop (other than Bottle shop, Convenience shop, Department store and Restricted retail premises)

Stone extraction

Travel agency

Transfer station

Any other use not in Section 1 or 2

2.0

Use of land ~~(3)~~

07/11/2019 - / - / - -
6433bawb Proposed C139bawb

~~Amenity of the neighbourhood~~

~~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.~~

~~Application requirements~~

~~An application to use land must be accompanied by the following information~~ 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:

- The purpose of the use and the types of activities which will be carried out.
- The likely effects, if any, on nearby 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 areas not required for immediate use.
- An assessment by an appropriately qualified persons of the potential for the proposal and its users to be impacted upon by odour sources and noise, including from the Warragul Waste Water Treatment Plant, and the ability for any design response to minimise those potential amenity impacts upon the proposal and the Precinct. The assessment must be prepared to the satisfaction of the Responsible Authority.
- If an industry or warehouse:
 - The type and quantity of goods to be stored, processed or produced.
 - 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 1995* is required,

or a fire protection quantity under the *Dangerous Goods (Storage and Handling) Regulations 2000* is exceeded.

- The likely effects on adjoining land, including air-borne emissions and emissions to land and water.

Decision guidelines

~~Before deciding on an application~~ The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to ~~the decision guidelines in Clause 65, the responsible authority must consider~~ those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

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

- ~~The Planning Policy Framework, including the Municipal Planning Strategy and local planning policies:~~
 - Transport of materials, goods or commodities to or from the land.
- ~~The effect that existing adjacent uses may have on the proposed use:~~
 - Appearance of any building, works or materials.
- ~~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:~~
- ~~The proximity of the proposed use to the Warragul Waste Water Treatment Plant:~~
- ~~The sensitivity of the proposal and the persons reasonably expected to attend the proposal and the Precinct to noise and odour that may be generated by the Warragul Waste Water Treatment Plant, including during periods of unscheduled process disruptions:~~
- ~~The ability for any design response to minimise potential amenity impacts, including from noise and odour emissions from the Warragul Waste Water Treatment Plant, including during periods of unscheduled process disruptions. The design response must be to the satisfaction of the Responsible Authority:~~
 - Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - The effect that existing adjacent 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.
 - The proximity of the proposed use to the Warragul Waste Water Treatment Plant.

- The sensitivity of the proposal and the persons reasonably expected to attend the proposal and the Precinct to noise and odour that may be generated by the Warragul Waste Water Treatment Plant, including during periods of unscheduled process disruptions.
- The ability for any design response to minimise potential amenity impacts, including from noise and odour emissions from the Warragul Waste Water Treatment Plant, including during periods of unscheduled process disruptions. The design response must be to the satisfaction of the Responsible Authority.

Any permit granted under this Schedule must contain a condition that the owner of the land to which the application applies enter into a Section 173 Agreement with the responsible authority and the relevant water, drainage or sewerage authority and make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act. The agreement must:

- Acknowledge the existence of the Warragul Waste Water Treatment Plant and the potential for impact from odour and other real and perceived amenity impacts during periods of unscheduled process disruptions.
- Require the owner to disclose to any intended purchaser, transferee, assignee, mortgagee, lessee, tenant or occupier the existence and nature of the agreement.

The relevant land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

3.0

Subdivision ~~(9)~~

~~07/11/2019~~ ~~Proposed C139bawb~~
G433bawb

Permit requirement

~~A permit is required to subdivide land.~~

Exemption from notice and review

An application for the subdivision of 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. ~~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.~~

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.

~~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:

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

- ~~The Planning Policy Framework, including the Municipal Planning Strategy and local planning policies.~~
- 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.
- The interface with adjoining zones.

Any permit granted under this Schedule must contain a condition that the owner of the land to which the application applies enter into a Section 173 Agreement with the responsible authority and the relevant water, drainage or sewerage authority and make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act. The agreement must:

- Acknowledge the existence of the Warragul Waste Water Treatment Plant and the potential for impact from odour and other real and perceived amenity impacts during periods of unscheduled process disruptions; and
- Require the owner to disclose to any intended purchaser, transferee, assignee, mortgagee, lessee, tenant or occupier the existence and nature of the agreement.

The relevant land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

4.0

Buildings and works ~~(3)~~

07/11/2019 - / - / - - -
G133bawb Proposed C139bawb

Permit requirement

~~A~~No permit is required to construct a building or construct or carry out works: for the following:

This does not apply to:

- ~~The installation of an automatic teller machine:~~
The installation of an automatic teller machine.
- ~~An alteration to an existing building façade provided:~~
An alteration to an existing building façade provided:
 - ~~The alteration does not include the installation of an external roller shutter.~~
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.~~
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 awning that projects over a road if it is authorised by the relevant public land manager.

Application requirements

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

- ~~A comprehensive site analysis and design response:~~
A comprehensive site analysis and design response.
- ~~A plan drawn to scale which shows:~~
A plan drawn to scale which shows:
 - ~~The boundaries and dimensions of the site:~~
The boundaries and dimensions of the site.
 - ~~Adjoining roads:~~
Adjoining roads.
 - ~~The location, height and purpose of buildings and works on adjoining land:~~
The location, height and purpose of buildings and works on adjoining land.
 - ~~Relevant ground levels:~~
Relevant ground levels.
 - ~~The layout of existing and proposed buildings and works:~~

- The layout of existing and proposed buildings and works.
- ~~All driveway, car parking and loading areas:~~
All driveway, car parking and loading areas.
- ~~Proposed landscape areas:~~
Proposed landscape areas.
- ~~All external storage and waste treatment areas:~~
All external storage and waste treatment areas.
- ~~Areas not required for immediate use:~~
Areas not required for immediate use.
- ~~Elevation drawings to scale showing the colour and materials of all buildings and works:~~
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.
- ~~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:~~
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 assessment by an appropriately qualified person of the potential for the proposal and its users to be impacted upon by odour sources and noise, including from the Warragul Waste Water Treatment Plant, and the ability for any design response to minimise those potential amenity impacts upon the proposal and the Precinct. The assessment must be to the satisfaction of the responsible authority:~~
An assessment by an appropriately qualified person of the potential for the proposal and its users to be impacted upon by odour sources and noise, including from the Warragul Waste Water Treatment Plant, and the ability for any design response to minimise those potential amenity impacts upon the proposal and the Precinct. The assessment must be to the satisfaction of the responsible authority.
- ~~In preparing the design response, plans, elevation drawings, construction details and landscape layout, the following requirements must be considered:~~
In preparing the design response, plans, elevation drawings, construction details and landscape layout, the following requirements must be considered:
 - ~~Development of the land should complement high-profile of the site, eastern gateway location on the eastern entrance into Warragul:~~
Development of the land should complement high-profile of the site, eastern gateway location on the eastern entrance into Warragul.
 - ~~Building frontages should be orientated towards Hazel Drive, Queen Street, internal roads and car parking areas.—~~
Building frontages should be orientated towards Hazel Drive, Queen Street, internal roads and car parking areas.
 - ~~Landscaping along road frontages is required to soften the impact of car parking areas and buildings.—~~
Landscaping along road frontages is required to soften the impact of car parking areas and buildings.
 - ~~Building design, including services and air-conditioning, should include measures to minimise potential amenity impacts from odour and noise sources upon the proposal and the Precinct.~~
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Building design, including services and air-conditioning, should include measures to minimise potential amenity impacts from odour and noise sources upon the proposal and the Precinct.

- ~~Designated pedestrian paths/walkways and pedestrian crossing points should be provided in car parking areas and across vehicle access lanes/roads.~~
Designated pedestrian paths/walkways and pedestrian crossing points should be provided in car parking areas and across vehicle access lanes/roads.
- ~~Outdoor storage areas and loading bays should be screened from view. Goods or materials should not be stored or displayed in a setback area and all rooftop structures, including air conditioning units and fans, must be appropriately screened to address any visual amenity issues.~~
Outdoor storage areas and loading bays should be screened from view. Goods or materials should not be stored or displayed in a setback area and all rooftop structures, including air conditioning units and fans, must be appropriately screened to address any visual amenity issues.
- ~~Apart from a freestanding sign (no greater than 10 metres in height) identifying the bulky goods retail site, signage shall be confined to simple, clear business identification signs on premises. Other than a freestanding sign for the bulky goods retailing centre, no other signs will be permitted within the landscape setbacks. Lighting of signage will only be acceptable when businesses are open.~~
Apart from a freestanding sign (no greater than 10 metres in height) identifying the bulky goods retail site, signage shall be confined to simple, clear business identification signs on premises. Other than a freestanding sign for the bulky goods retailing centre, no other signs will be permitted within the landscape setbacks. Lighting of signage will only be acceptable when businesses are open.

In addition to the above, consideration should also be given to the guidelines, as appropriate, contained in the background document *Interim Design Guidelines for Large Format Retail Premises, Department of Planning and Community Development* (2007).

Exemption from notice and review

An application to 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 an application for a building or works 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.~~

~~Decision guidelines~~ 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, 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. ~~Before deciding on an application~~ The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to ~~the decision guidelines in Clause 65, the responsible authority must consider~~ those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- ~~The Planning Policy Framework, including the Municipal Planning Strategy and local planning policies.~~
- The design response submitted with the application.-
- How the proposed building and works respond to the application requirements.
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.

- Defining the responsibility for the maintenance of buildings, landscaping and paved areas. ~~The availability of and connection to services.~~
- ~~The availability of and connection to services:~~
- Any natural or cultural values on or near the land.
- Interface with non industrial areas.
- ~~Outdoor storage, lighting and storm water discharge:~~
- ~~Outdoor storage, lighting and storm water discharge.~~ The design of buildings to provide for solar access.
- The proximity of the proposed development to the Warragul Waste Water Treatment Plant.
- The assessment and related design response to minimising potential amenity impacts to the proposal and its users, including from noise and odour emissions from the Warragul Waste Water Treatment Plant during periods of unscheduled process disruptions.

Maintenance

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

Section 173 Agreement

Any permit granted under this Schedule must contain a condition that the owner of the land to which the application applies enter into a Section 173 Agreement with the responsible authority and the relevant water, drainage or sewerage authority and make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act. The agreement must:

- ~~acknowledge~~Acknowledge the existence of the Warragul Waste Water Treatment Plant and the potential for impact from odour and other real and perceived amenity impacts during periods of unscheduled process disruptions; ~~and.~~
- ~~require~~Require the owner to disclose to any intended purchaser, transferee, assignee, mortgagee, lessee, tenant or occupier the existence and nature of the agreement.

The relevant land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

5.0 Signs ~~(3)~~

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Sign requirements are at Clause 52.05. All land located ~~located~~ within this Schedule to this zone is in Category 1.

~~Notes: Refer to the Planning Policy Framework, including the Municipal Planning Strategy and local planning policies for strategies and policies which may affect the use and development of land.~~

~~Check whether an overlay also applies to the land.~~

~~Other requirements may also apply. These can be found at Particular Provisions.~~