

07/11/2019
C133bawb

SCHEDULE 1 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ1**.

WARRAGUL PRECINCT STRUCTURE PLAN

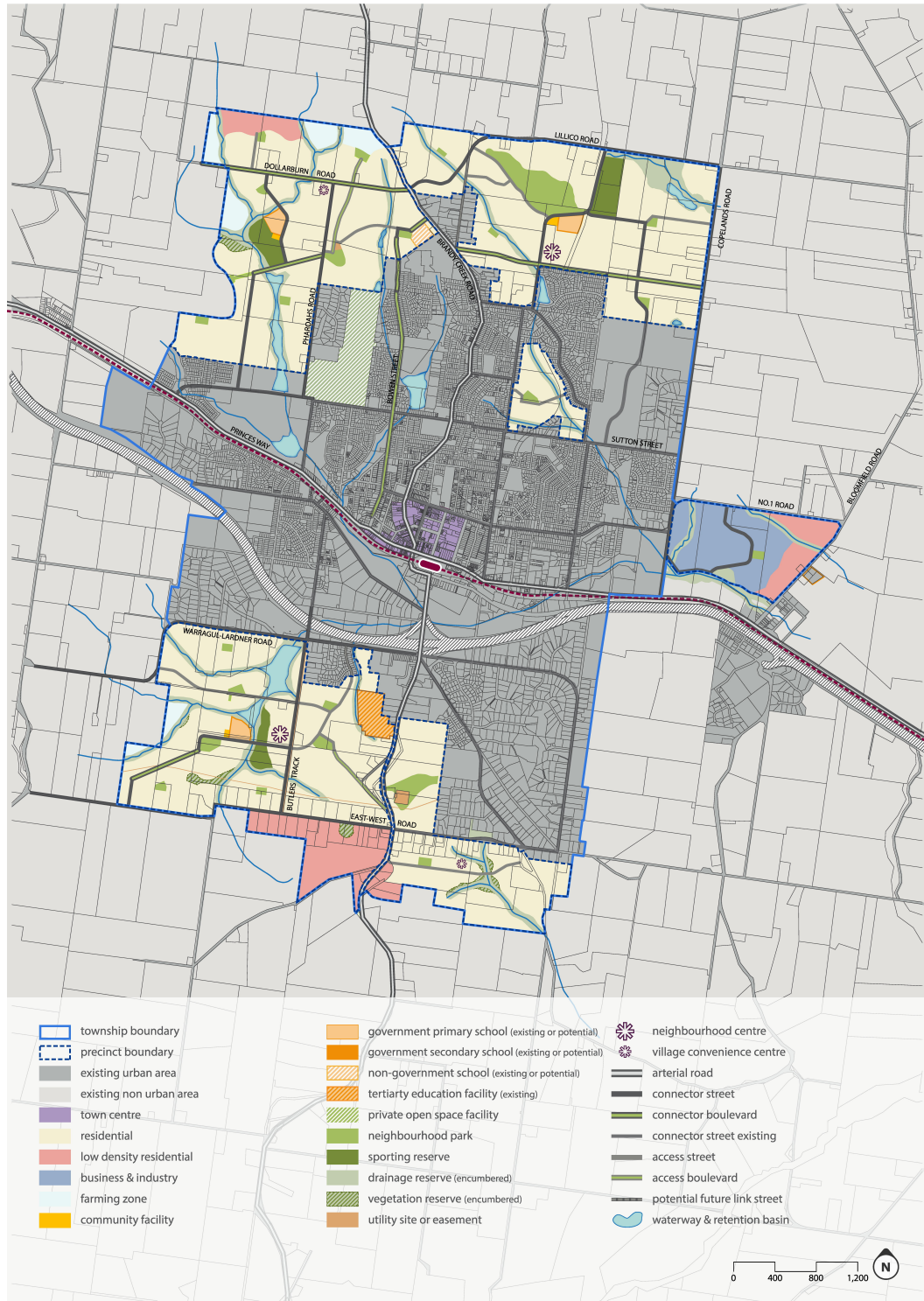
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The Plan

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

Plan 1 to Schedule 1 to Clause 37.07



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C133bawb**Use and development****2.1**

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The Land

The use and development provisions specified in this schedule apply to the land as shown on Plan 1 and shown as UGZ1 on the planning scheme maps.

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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.

Table 1: Applied zone provisions

Land use/development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land (refer Plan 1)	Applied zone provisions
Farm	Clause 35.07 – Farming Zone
Industrial Land	Clause 33.03 – Industrial 3 Zone (western and eastern edges of precinct that adjoin residential land) Clause 33.01 – Industrial 1 Zone (for remainder of precinct)
Low Density Residential	Clause 32.02 – Low Density Residential Zone
Natural waterway as described on Plan 9 of the incorporated Warragul Precinct Structure Plan	Clause 36.03 – Public Conservation and Resource Zone
Neighbourhood centre Village Convenience Centre	Clause 34.01 – Commercial 1 Zone
All other land	Clause 32.01 – General Residential Zone

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Specific provisions – Use of land**Table 2: Use**

Use	Requirement
Shop where the applied zone is Commercial 1 Zone	<p>A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds:</p> <ul style="list-style-type: none"> 5,000 square metres for land shown as a neighbourhood centre in the incorporated <i>Warragul Precinct Structure Plan</i>. 1,500 square metres for land shown as a village convenience centre in the incorporated <i>Warragul Precinct Structure Plan</i>.

Use and development of future public land

A permit is not required to use or develop land shown in the Warragul Precinct Structure Plan as open space (active or passive) or community facilities provided the use or development is carried out generally in accordance with the Warragul Precinct Structure Plan and with the prior written consent of Baw Baw Shire Council.

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Specific provisions - Subdivision

None specified.

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Specific provisions - Buildings and works

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

- Use or develop land shown in the *Warragul Precinct Structure Plan* as open space (active or passive) or community facilities provided the use or development is carried out generally in accordance with the *Warragul Precinct Structure Plan* and with the prior written consent of Baw Baw Shire Council.

Dwellings on a lot less than 300 square metres

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* (June 2013) via a restriction on title, and it complies with the *Small Lot Housing Code* (June 2013) incorporated pursuant to Clause 72.04 of the Baw Baw Planning Scheme.

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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 at Clause 3.0 is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

Subdivision - residential development

In addition to any requirement in Clause 56.01-2, a subdivision design response must include:

- A land budget table in the same format and methodology as those within the precinct structure plan applying to the land, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields.

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

- A stormwater management strategy that makes provision for the staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of the Catchment Management Authority and Baw Baw Shire Council.
- What land may be affected or required for the provision of infrastructure works; the provision, staging and timing of stormwater drainage works.
- The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment.
- The landscaping of any land.
- What, if any infrastructure set out in the *Warragul & Drouin Growth Areas Development Contributions Plan* is sought to be provided as "works in lieu" subject to the written consent of Baw Baw Shire Council.

- The provision of public open space and land for any community facilities.
- Any other matter relevant to the provision of public infrastructure required by the responsible authority.

An application that proposes to create or change access to a primary arterial road must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility / concept road safety audit, must be to the satisfaction of VicRoads.

An application to subdivide land, 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 by a suitably qualified environmental professional to the satisfaction of the responsible authority which takes account of the background document *Desktop Environmental, Hydrogeological and Geotechnical Study: Warragul and Drouin Precinct Structure Plan Areas Growth Areas Authority* (SKM, April 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 background document *Potentially Contaminated Land General Practice Note June 2005* (DSE).
- Further detailed assessment of surface and subsurface water conditions and geotechnical characteristics 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.
- Recommended remediation actions for any potentially contaminated land.

Specific provision – 234 Lillico Road and local connector street between Lillico Road and the extension of Mills Road Warragul

- The north-south connector street between Lillico Road and the extension of Mills Road, as shown on Plan 7 of the *Warragul Precinct Structure Plan*, must be constructed along the boundary line between the Sporting Reserve SR-02, with half of the road width on the SR-02 Sporting Reserve land and half of the road width on the property at 234 Lillico Road (Lot 2 PS311698 and marked as NE-11).

Specific provision – Use or develop land for a sensitive purpose - Contamination assessment where no Environmental Audit Overlay (EAO) applies – 280 Brandy Creek Road Warragul

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 the background document *Potentially Contaminated Land General Practice Note June 2005* (DSE).

If an environmental assessment recommends an environmental audit of all or part of the land, then:

- Before the commencement of any use for a sensitive purpose; or
- Before any buildings or works; or
- Before the certification of a plan of subdivision.

whichever is earlier, 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 *Environment 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 condition of the relevant land is 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 which details:

- Implementation of an on-going compliance with all conditions in the Statement of Environmental Audit.
- 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.

Neighbourhood and Village Convenience Centre Urban Design Framework

Except with the consent of the responsible authority, a permit must not be granted to use or subdivide land, or construct a building and carry out works on land shown as a Neighbourhood or Village Convenience Centre until an urban design framework for the centre has been prepared to the satisfaction of the responsible authority.

An urban design framework approved under this schedule must be generally in accordance with the precinct structure plan applying to the land.

An application for use and/or development on land shown as a Neighbourhood or Village Convenience Centre 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, the permit is consistent with the requirements for the urban design framework and the permit implements the objectives for a Neighbourhood or Village Convenience Centre as set out in the *Warragul 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.

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Conditions and requirements for permits

Refer to the precinct structure plan applying to the land.

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Exemption from notice and review

None specified.

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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:

Permit applications to increase the retail floor area within the neighbourhood and village convenience centres must address and be assessed against:

- The local catchment and PSP catchment demand for the proposed increase of retail floor area.
- The effect on existing Warragul town centre.

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Signs

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

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 750 millimetres 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.