

07/11/2019
C133bawb

SCHEDULE 2 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as UGZ2.

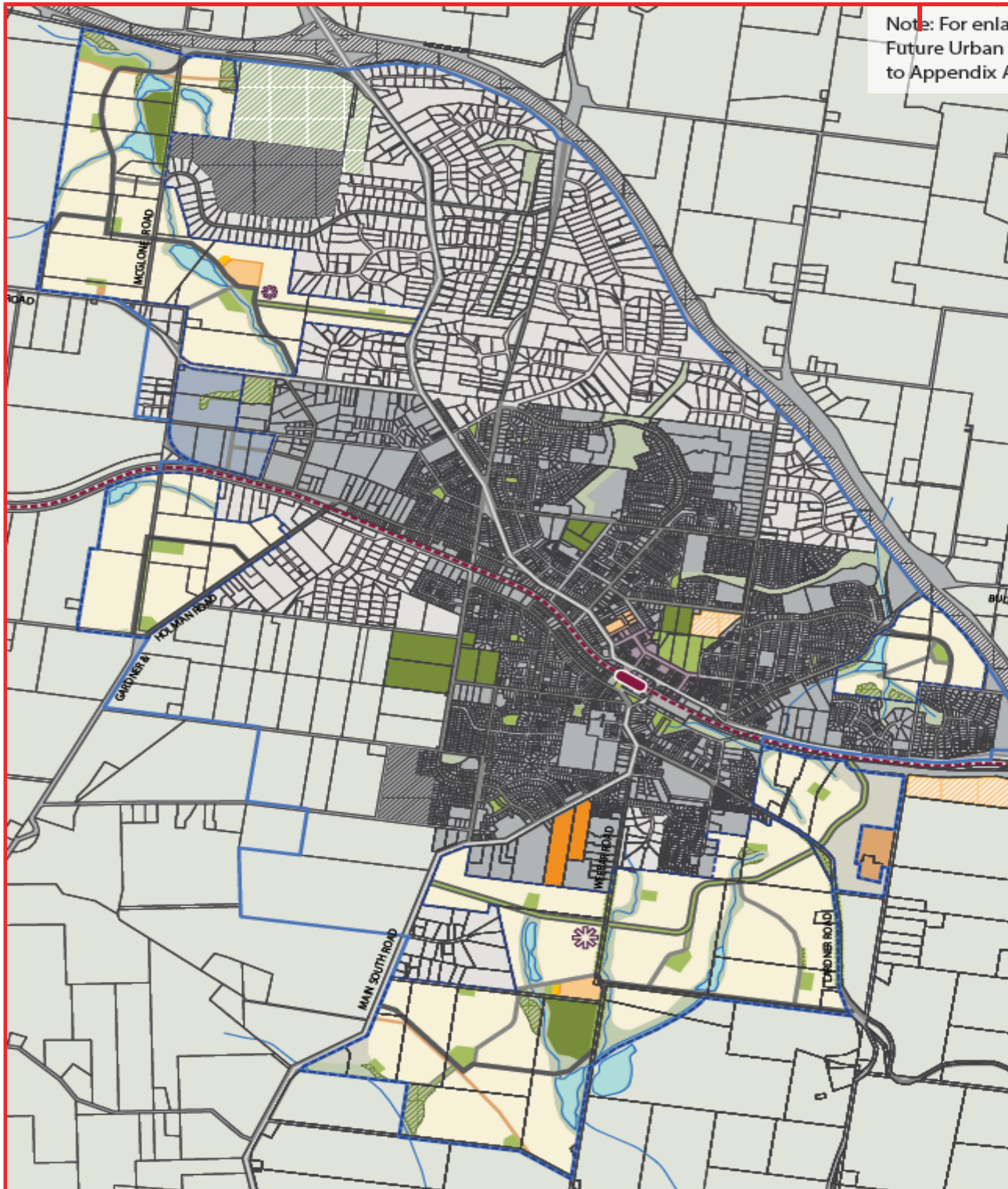
DROUIN PRECINCT STRUCTURE PLAN

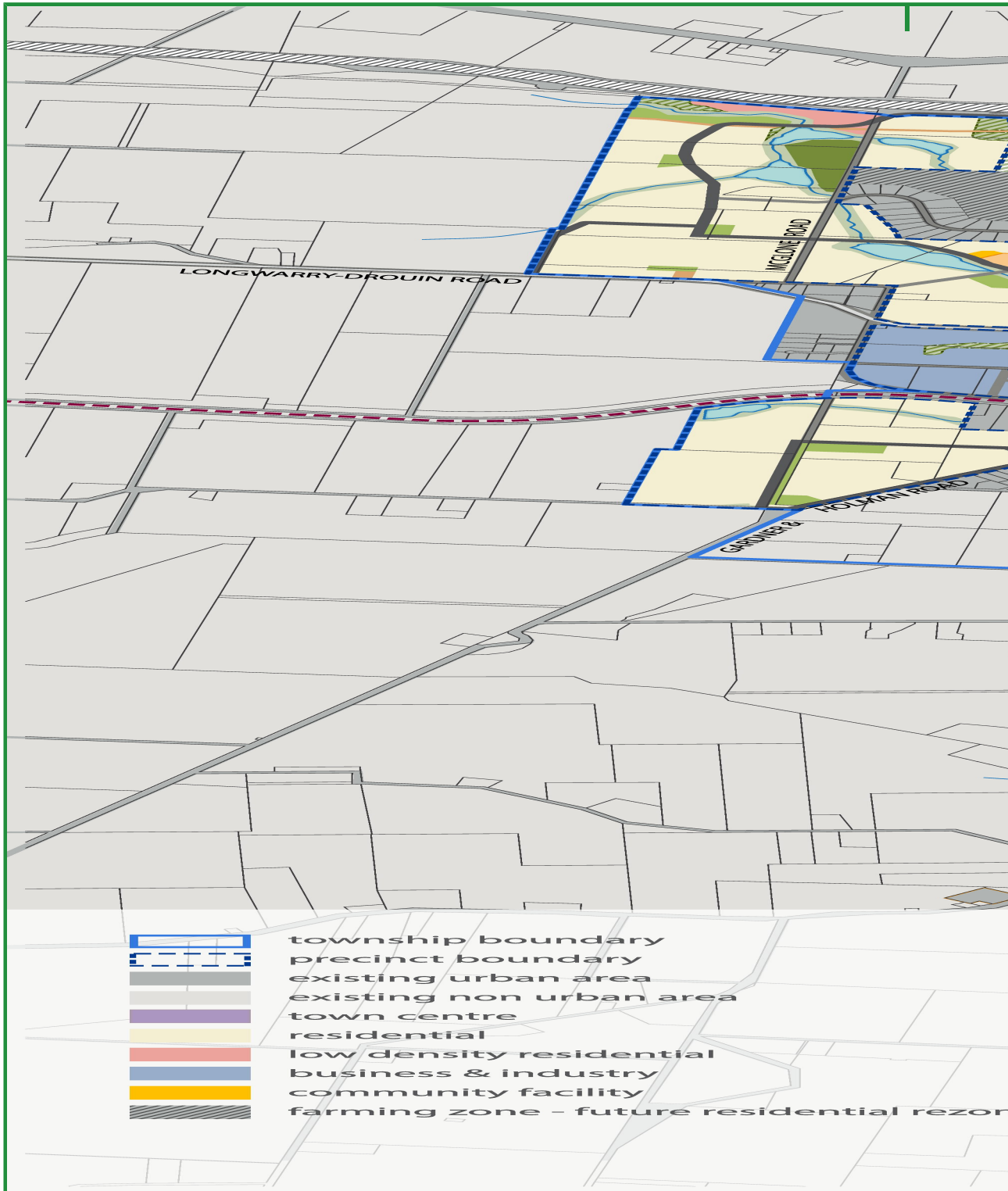
1.0

The Plan ~~(1)~~

~~07/11/2019~~ ~~C133bawb~~ Proposed C139bawb Map Plan 1 shows the future urban structure proposed in the *Drouin Precinct Structure Plan*. It is a reproduction of Plan 2 in the *Drouin Precinct Structure Plan*.

Map Plan 1 to Schedule 2 to Clause 37.07





2.0

Use and development

07/11/2019
C133bawb

2.1

The Land ~~(+)~~

07/11/2019
G133bawb Proposed C139bawb

The use and development provisions specified in this schedule apply to the land as shown on Map Plan 1 and shown as UGZ2 on the planning scheme maps.

2.2

Applied zone provisions ~~(1)~~

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

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 map Plan 1)	Applied zone provisions
Industrial Land	Clause 33.03 – Industrial 3 Zone (southern, western and northern sections of precinct that adjoin residential areas) 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 Drouin 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

2.3

Specific provisions – Use of land ~~(1)~~

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

Table 2: Use

Section 1 - Permit not required

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

Section 2: Permit required

Use	Requirement
Shop where the applied zone is Commercial 1 Zone	A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds: <ul style="list-style-type: none"> ▪ 2,000 square metres for land shown as a neighbourhood centre in the incorporated Drouin Precinct Structure Plan: 2,000 square metres for land shown as a neighbourhood centre in the incorporated Drouin Precinct Structure Plan. ▪ 1,500 square metres for land shown as a village convenience centre in the incorporated Drouin Precinct Structure Plan: 1,500 square metres for land shown as a village convenience centre in the incorporated Drouin Precinct Structure Plan.
Any other use not in Section 1	

Use and development of future public land

Section 3 - Prohibited

Use
None specified

2.4 Specific provisions - Subdivision

07/11/2019
C133bawb

None specified.

2.5 Specific provisions - Buildings and works

--/--/--
Proposed C139bawb

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

~~A permit is not required to use or develop land shown in the *Drouin 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 *Drouin Precinct Structure Plan* and with the prior written consent of Baw Baw Shire Council.~~

- To use or develop land shown in the *Drouin 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 *Drouin Precinct Structure Plan* and with the prior written consent of Baw Baw Shire Council.

~~**2.4 Specific provisions - Subdivision**~~

~~07/11/2019
C133bawb~~

~~None specified~~Dwellings on a lot less than 300 square metres.

~~**2.5 Specific provisions - Buildings and works**~~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 ~~and works (1)~~*Small Lot Housing Code* via a restriction on title, and it complies with the *Small Lot Housing Code* incorporated pursuant to Clause 72.04 of the Baw Baw Planning Scheme.

~~None specified.~~

3.0 Application requirements-(1)

07/11/2019 --/--/--
C133bawb Proposed C139bawb

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 ~~3-13.0~~ is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

~~**3.1 Subdivision - residential development**~~

In addition to any requirement in 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~~A stormwater management strategy that makes provision for the staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Melbourne Water and Baw Baw Shire Council;
- ~~what~~What land may be affected or required for the provision of infrastructure works;
- ~~the~~The provision, staging and timing of stormwater drainage works;

BAW BAW PLANNING SCHEME

- ~~the~~The provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment~~;~~.
- ~~the~~The landscaping of any land~~;~~.
- ~~what~~What, if any infrastructure set out in the ~~Warragul & Drouin Growth Areas Development Contributions Plan~~ 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~~The provision of public open space and land for any community facilities~~;~~.
- ~~any~~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 Regional Roads Victoria.

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- *Desktop Environmental, Hydrogeological and Geotechnical Study: Warragul and Drouin Precinct* ~~Structure~~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 ~~Potentially Contaminated Land General Practice Note June 2005~~ 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.

3.2-Specific provisionsprovision - Land- adjacent to Egg Farm, 359 McGlone Road.

An application to use or develop land for a sensitive use within 500 metres of the impact source (identified on Plan 1 of- *Drouin Precinct Structure Plan*) of the Egg Farm at 359 McGlone Road, Drouin must be accompanied by a risk assessment prepared by a suitably experienced and qualified person. The risk assessment must acknowledge the existing egg farm operations and assess the adverse amenity impacts of the egg facility on the future use or development of the land for a sensitive use, providing sufficient confidence of the suitability of any sensitive use within the buffer designated in the- *Drouin- Precinct Structure Plan*.

Depending on the recommendations of the assessment a permit granted under this Schedule may 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 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 Egg Farm and the potential for impact from odour and other real and perceived amenity impacts~~;~~~~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.

3.3 Specific provision - Use or develop land for a sensitive purpose - Contamination assessment where no Environmental Audit Overlay (EAO) applies – Egg Farm 359 McGlone Road

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 ~~uses~~ 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).

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; ~~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.

3.4 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 *Drouin 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.

4.0 Conditions and requirements for permits

07/11/2019
C133bawb

Refer to the precinct structure plan applying to the land.

5.0 Exemption from notice and review

07/11/2019
C133bawb

None specified.

6.0 Decision guidelines ~~(7)~~

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

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 following decision guidelines~~:

- The local catchment and Precinct Structure Plan catchment demand for the proposed increase of retail floor area; ~~and~~.
- The effect on existing Drouin town centre.

7.0 Signs ~~(4)~~

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

The sign category for the land is the category specified in the ~~zone~~ 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~~The display area for each sign does not exceed 10 square metres;
- ~~only~~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~~The sign is not animated, scrolling, electronic or internally illuminated sign;
- ~~the~~The sign is not displayed longer than 21 days after the sale (not settlement) of the last lot; and the sign is setback a minimum of 750 millimetres from the property boundary.
- ~~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.

8.0 Reference to a planning scheme zone is a reference to an applied zone

~~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 ‘Car wash’ as a Section 2 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’.

9-0

Specific provisions – 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 pursuant to Clause 72.04 of the Baw Baw Planning Scheme.