

SCHEDULE 12 TO THE URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ12**

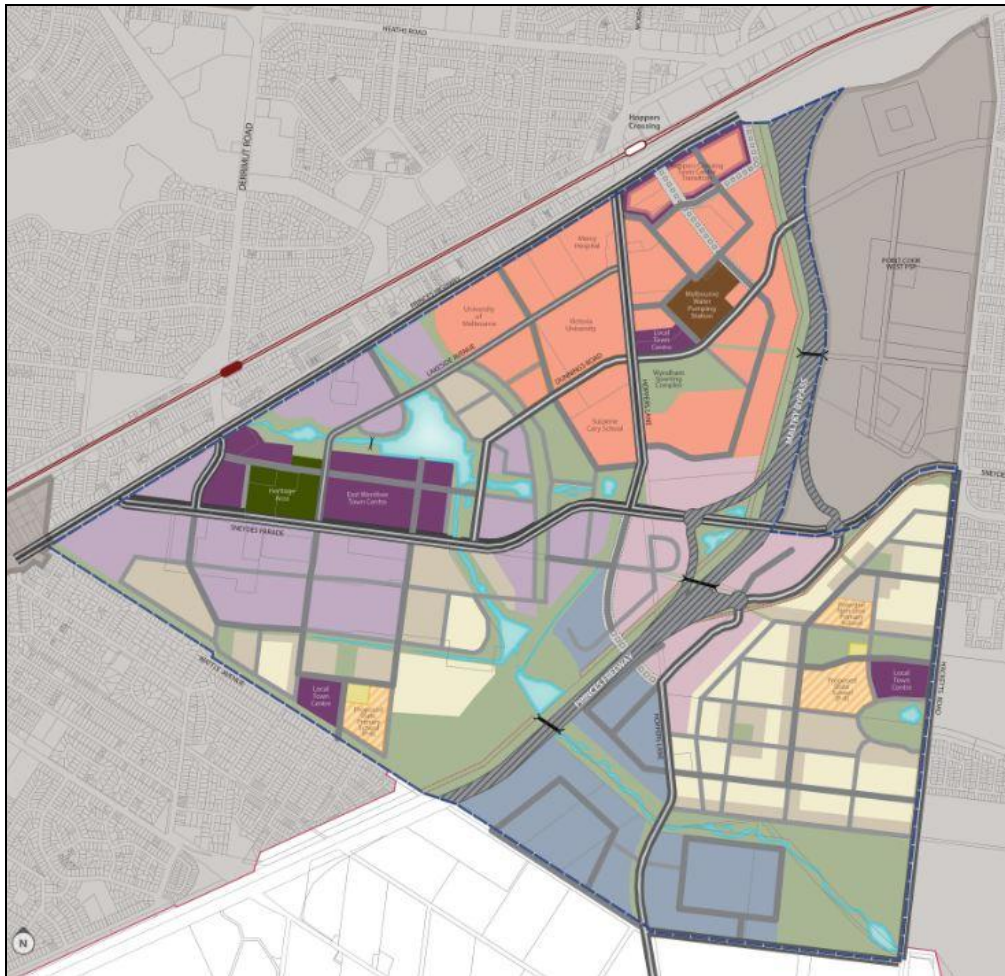
East Werribee Employment Precinct

1.0

The plan

Map 1 shows the future urban structure proposed for the *East Werribee Employment Precinct Structure Plan*. It is a reproduction of Plan 2 in the *East Werribee Employment Precinct Structure Plan*.

Map 1 to Schedule 12 to Clause 37.07



2.0 Use and development

2.1 The land

The use and development provisions specified in this schedule apply to the land as depicted on Maps 1 and 2 and shown as UGZ12 on the planning scheme maps.

The land comprises the following precincts referred to in the Precinct Structure Plan and depicted on Map 2:

Precinct 1 - Health and Learning

Precinct 2 - Commercial

Precinct 3 - Sneydes Road Interchange Business

Precinct 4 - East Werribee Town Centre

Precinct 5 - Enterprise

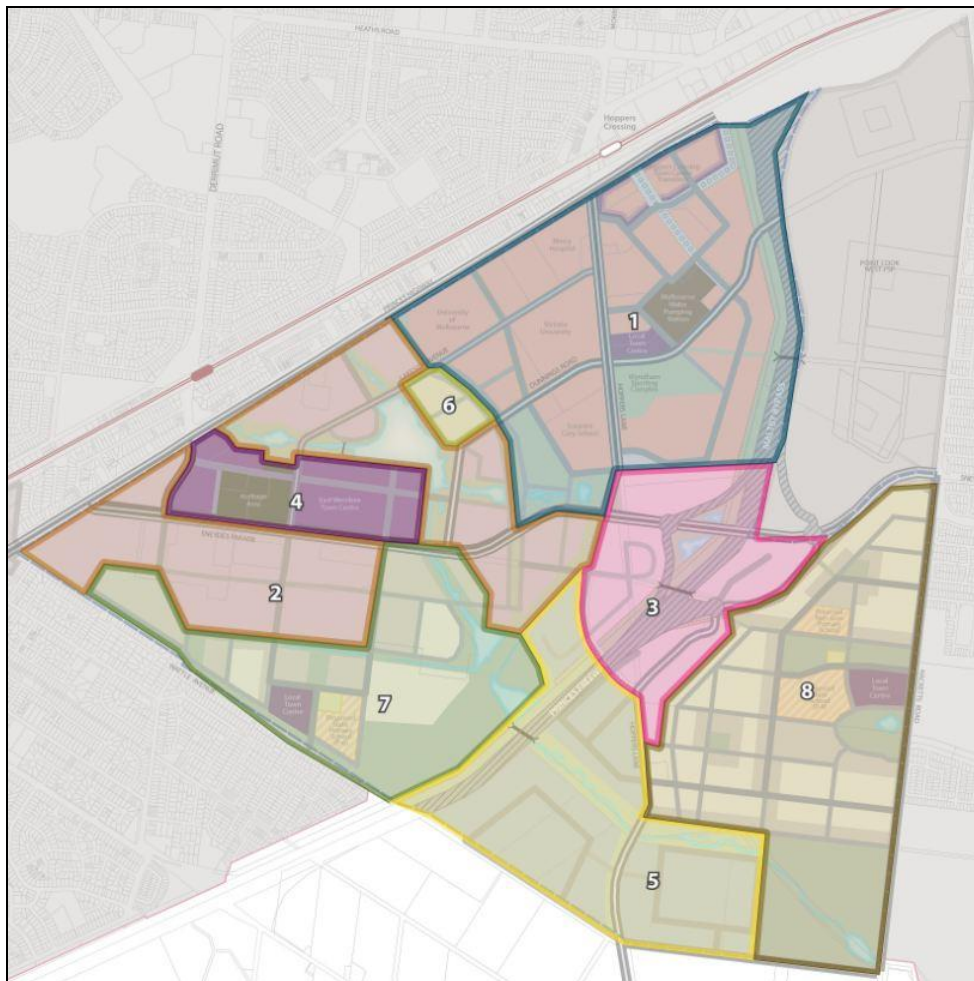
Precinct 6 - Lakeside

Precinct 7 - Residential (Wattle Avenue)

Precinct 8 – Residential (Point Cook West)

Note: If land shown on Map 2 is not zoned UGZ, the provisions of this zone do not apply.

Map 2 to Schedule 12 to Clause 37.07



2.2 Applied zone provisions

The provisions of the following zones in this scheme apply to the use and subdivision of land, the construction of a building, construction or carrying out of works as set out in Table 1.

Table 1: Applied zones

PRECINCT	Applied zone provisions
Precinct 7 (all land outside Local Town Centre)	Clause 32.01 – Residential 1 Zone
Precinct 8 (all land outside Local Town Centre)	

2.3 Specific provisions – Use of land within the applied Residential 1 Zone

The following provisions apply to the use of land where the Residential 1 Zone is applied by this Schedule.

Table 2: Use

USE	CONDITION
Office	A permit may be granted to use land for office if the leasable floor area does not exceed 100 square metres.
Primary school	A permit is not required to use land for a Primary school on land shown as Potential Non Government Primary School.

2.4 Table of uses for precincts 1 – 6 and Local Town Centres in Precincts 7 and 8

Section 1 - Permit not required

USE	CONDITION
Child care centre	Must be located in Precincts 1 or 4 or adjacent to a Local Town Centre in Precincts 7 or 8.
Education centre	Must be located in Precinct 1. Must not be a primary or secondary school.
Food and drink premises (other than Hotel, Restaurant and Tavern)	Must be located in Precinct 4, the Hoppers Crossing Town Centre Transition area in Precinct 1 or a Local Town Centre in Precinct 1, 7 or 8.
Hospital	Must be located in Precinct 1.
Informal outdoor recreation	
Library	Must be located in Precincts 1 or 4 or within/adjacent a Local Town Centre in

USE	CONDITION
	Precincts 7 or 8.
Medical centre	Must be located in Precinct 1.
Minor sports and recreation facility	
Minor utility installation	
Office (other than Medical centre)	<p>Must not be located in Precinct 6.</p> <p>In Precinct 4, or the Hoppers Crossing Town Centre Transition area in Precinct 1, any frontage at ground floor level must not exceed 2 metres, unless the office is a bank, real estate agency, travel agency, or any other office where the floor space adjoining the frontage is a customer service area accessible to the public.</p>
Research and development centre	<p>Must be located in Precincts 1, 2, 3 or 5.</p> <p>In Precinct 1, must be associated with health and/or education uses.</p>
Research centre	<p>Must be located in Precincts 1, 2, 3 or 5.</p> <p>In Precinct 1, must be associated with health and/or education uses.</p>
Shop (other than Adult sex bookshop and Restricted retail premises)	<p>Must be located in Precinct 4, the Hoppers Crossing Town Centre Transition area in Precinct 1 or a Local Town Centre in Precinct 1, 7 or 8.</p> <p>In Precinct 4 or the Hoppers Crossing Town Centre Transition area in Precinct 1, must be located at ground floor level, but is not limited to ground floor level.</p> <p>Within the Precinct 1 Local Town Centre the maximum combined leasable floor area must not exceed 5000 square metres.</p> <p>Within the Precinct 7 Local Town Centre the maximum combined leasable floor area must not exceed 5000 square metres.</p> <p>Within the Precinct 8 Local Town Centre the maximum combined leasable floor area must not exceed 8000 square metres.</p>
Warehouse (other than Fuel depot)	<p>Must be located in Precinct 3 or 5.</p> <p>Must not be a purpose listed in the table to Clause 52.10.</p> <p>Must be associated with one or more other uses.</p>

Section 2 - Permit required

USE	CONDITION
Aquaculture	
Crop raising	
Dwelling	Must be in Precinct 1, 2, 4 or 6
Freeway service centre	Must be located in Precinct 3. The land must be at least 30 metres from land (not a road) used for residential purposes, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or education centre.
Group accommodation	Must be located in Precinct 1, 2 or 4.
Industry (other than Materials recycling, Refuse disposal, Research and development centre or Transfer station)	Must be located in Precincts 1, 2, 3 or 5. Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 52.10.
Restricted retail premises	
Trade supplies	Must be located in Precincts 3 or 5 or the Hoppers Crossing Town Centre Transition area in Precinct 1.
Warehouse (other than Fuel depot) if the Section 1 condition is not met	Must be located in Precinct 1, 2, 3 or 5. Must not be a purpose listed in the table to Clause 52.10.
Any other use not in Sections 1 or 3	

Section 3 - Prohibited

USE
Adult sex bookshop
Brothel
Extractive industry
Fuel depot
Materials recycling
Mineral exploration
Mining
Refuse disposal
Transfer station
Any section 2 use if the condition is not met

3.0 Exemption

A permit is not required for the use or development of public land by the relevant public land manager provided the use or development is in accordance with the incorporated East Werribee Employment Precinct Structure Plan (date).

4.0 Use of land

Amenity of the neighbourhood

A use must not have a detrimental impact on the amenity of the neighbourhood or surrounding uses, 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, as appropriate:

- The purpose of the use and the types of activities which will be carried out.
- The likely effects, if any, on adjoining land including noise levels, traffic, the hours of delivery and dispatch of goods and materials, hours of operation and light spill, solar access and glare.
- Maintenance of areas not required for immediate use.

5.0 Subdivision

A permit is required to subdivide land.

5.1 Subdivision – residential development

In addition to the requirements of Clause 56.01-2, a Subdivision Design Response for a residential subdivision of less than 60 lots must show the proposed use and development of each part of the land, and the staging of the development for all land in contiguous ownership with the land under application.

An application for a residential subdivision of 10 lots or more must be accompanied by:

- A written statement that sets out how the subdivision implements the incorporated East Werribee Employment Precinct Structure Plan.
- Subdivision and Housing Design Guidelines, prepared to the satisfaction of the Responsible Authority, in accordance with the incorporated East Werribee Employment Precinct Structure Plan.
- A table setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields.

- A Traffic Impact Assessment Report to the satisfaction of the relevant road management authority.

Any application for residential subdivision must be accompanied by:

- Potential bus route and bus stop locations prepared to the satisfaction of the Director of Public Transport.
- An assessment of the existing surface and subsurface drainage conditions on the site including any potential impacts on the proposed development, prepared by a suitably qualified professional. The assessment must include any measures required to mitigate the impacts of the development on groundwater and drainage.

6.0 Buildings and works

General

A permit is required to construct a building or to construct or carry out works in Precincts 1, 2, 3, 4, 5 or 6.

No permit is required to construct a building or to construct or carry out works in Precinct 1, 2, 3 or 5 if in accordance with an approved development plan.

Primary school

A permit is required to construct a building or construct or carry out works associated with a Primary School on land shown as Potential Non Government Primary School unless exempt under Clauses 62.02-1 and 62.02-2.

Application requirements

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

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

Maintenance

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

Construction or extension of one dwelling on a lot less than 300 square metres in area

No permit is required to construct or extend one dwelling on a lot with an area less than 300 square metres where:

- an approved building envelope as defined in Part 4 of the Building Regulations 2006 applies to the lot; and
- the building envelope complies with the Small Lot Housing Code incorporated in the Wyndham Planning Scheme; and
- the dwelling is constructed or extended in compliance with the building envelope.

7.0

Application requirements

Use or develop land for a Local Town Centre

An application to use, subdivide land, construct a building or construct or carry out works for a Local Town Centre must be generally in accordance with the role and function of the Local Town Centre set out in the East Werribee Employment Precinct Structure Plan.

An application to use, subdivide land, construct a building or construct or carry out works for a Local Town Centre must also include the following information, as appropriate, to the satisfaction of the responsible authority:

- A design response report and plans that:
 - Address the relevant town centre design requirements and guidelines contained within the East Werribee Employment Precinct Structure Plan;
 - Address any relevant design guidelines prepared by the Victorian Government or the Wyndham City Council;
 - Demonstrate how the proposal relates to existing or approved development in the area;
 - Demonstrate site responsive architecture and urban design;
 - Demonstrate how the proposal will contribute to the urban character of the Local Town Centre;
 - Explain how the proposal responds to feedback received following consultation with relevant infrastructure agencies such as the Department of Transport;
 - Include environmental sustainability initiatives including integrated water management and energy conservation;
 - Address the relevant provisions in the planning scheme for car parking including the location and design of car parking areas and car parking rates for proposed uses within the centre;
 - Address the relevant provisions in the planning scheme for any proposed advertising signs;
 - Include arrangements for the provision of service areas and for deliveries and waste disposal including access for larger vehicles and measures to minimise the impact on the amenity of the centre and adjoining neighbourhoods; and

- Demonstrate how opportunities for medium and higher density housing and future commercial expansion can be incorporated into the centre (including on future upper levels and through future car park redevelopments).
- An overall landscape concept/master plan for the centre including a design of the town square/ public space.

Public infrastructure plan

An application for subdivision and/ or use and development of land must be accompanied by a Public Infrastructure Plan which addresses the following:

- What land may be affected or required for the provision of infrastructure works.
- The provision, staging and timing of 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 East Werribee Employment Development Contributions Plan 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.
- Any other matter relevant to the provision of public infrastructure required by the Responsible Authority.

8.0 Development plan – Precinct 1, 2, 3 and 5

A development plan for each precinct, or part of a precinct, including an amendment to a development plan, may be submitted to the responsible authority for approval and may be approved with or without conditions.

A development plan must be to the satisfaction of the responsible authority, be generally in accordance with the East Werribee Precinct Structure Plan, and must include as appropriate:

- A site analysis and design response, including the boundaries and dimensions of the site, adjoining buildings and roads, generally in accordance with the provisions of Clause 52.35.
- A detailed assessment against the Vision, objectives and requirements contained within the East Werribee Precinct Structure Plan.
- The location and height of all buildings and works, including the relevant ground levels and building heights to Australian Height Datum (AHD).
- Detailed elevations and sections drawn to scale including heights to Australian Height Datum (AHD).
- A coloured set of elevations and or perspectives including a samples board detailing the colours and materials to be used.
- The proposed uses for each building.
- The number and layout of all car parking spaces and access lanes.
- The number and location of all bicycle parking and associated facilities.
- The location of all loading areas and access to and from these areas.
- Detailed engineering plans of all proposed public works must be submitted to and approved by the responsible authority prior to the commencement of works.

- The location of all vehicle, bicycle and pedestrian accessways.
- The location and details of all open space, including areas available to the public.
- An operations plan including the following, as appropriate:
 - General amenity provisions.
 - Set out proposals for the permanent management and upkeep of public areas.
 - The maintenance of undeveloped land on the site.
 - The operation of waste collection.
 - The operation and management of car parking spaces.
 - Litter management.
- A landscape plan including the following, as appropriate:
 - All existing vegetation to be retained or removed.
 - The location, quantity and size at maturity of all proposed plants - as far as possible this should include indigenous species and exclude exotic species closest to the river environs.
 - The botanical name of all new plantings.
 - Details of all proposed design features such as paths, paving and fencing.
 - Management requirements for significant vegetation during the construction phase, watering and maintenance methods for new vegetation.
 - A schedule of park furniture, public lighting and embellishments.
- A wind assessment for new developments of four storeys or more, excluding a basement.
- For development within the Precinct 1 Local Town Centre, a design response report addressing the relevant matters in accordance with Clause ## of this schedule.
- Details of waste collection, storage and removal facilities and areas.
- Details of external lighting treatment.
- The indicative location, type and design of proposed signs.

9.0 Approval of development plan

Further information must be required within 14 days after the plan is received by the responsible authority.

The responsible authority must make a decision on the plan or amendment within 42 days of the receipt of the application, or within 42 days of the receipt of further information if further information is required.

The responsible authority may approve a minor amendment to a development plan.

10.0 Specific provisions – East Werribee Town 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 the East Werribee Town 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 the East Werribee Town 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 the East Werribee Town Centre as set out in the East Werribee Employment 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.

11.0 Specific provisions – Referral of applications

Any application to subdivide land must be referred in accordance with section 55 of the Act to the Growth Areas Authority.

12.0 Conditions and requirements for permits

Applied Residential 1 Zone – Precinct 7 and Precinct 8

The boundary of the applied Residential 1 Zone must be identified on the plan of subdivision to the satisfaction of the Responsible Authority.

Ensuring the Small Lot Housing Code is an approved building envelope under Part 4 of the Building Regulations 2006

The Small Lot Housing Code incorporated into the Wyndham Planning Scheme is endorsed under this planning permit.

The Small Lot Housing Code must be shown as a restriction (on a plan of subdivision certified under the Subdivision Act 1988) that is recorded on the register under the Transfer of Land Act 1958 in relation to an allotment that is less than 300 square metres in area ensuring that:

- the Small Lot Housing Code to apply to each relevant lot, and
- all buildings to conform to the Small Lot Housing Code on the relevant lot, and
- the Small Lot Housing Code to cease to apply to any building on the lot affected by the envelope after the issue of a certificate of occupancy for the whole of a dwelling on the land.

Construction management plan

Prior to the commencement of any works, including demolition, a construction management plan must be approved by and then implemented to the satisfaction of the responsible authority. The plan must provide for any relevant matter to the satisfaction of the responsible authority.

The construction management plan may be amended to the satisfaction of the responsible authority.

Use or develop land for a sensitive purpose – Environmental Site Assessment

Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, a Phase 2 Environmental Site Assessment, including soil and groundwater investigation as per the recommendations of the *Phase 1 Environmental Site Assessment – Werribee Employment Precinct* (22 March 2009) prepared by Compass Environmental, must be carried out to the satisfaction of the responsible authority.

Upon receipt of the Phase 2 Environmental Site Assessment the owner must comply with any further requirements made by the Responsible Authority after having regard to the guidance set out in the General Practice Note on Potentially Contaminated Land June 2005 (DSE). The use or construction or carrying out of buildings and works must not commence until the responsible authority is satisfied that the land is suitable for the intended use.

This requirement does not apply to land shown as 'Hoppers Crossing Town Centre Transition' shown on the future urban structure at Map 1 and in the *East Werribee Precinct Structure Plan*.

Kangaroo management plan

Prior to the commencement of any works in a stage of subdivision of land a Kangaroo Management Plan must be submitted for approval to the Department of Sustainability and Environment. The plan must include:

- Strategies (e.g. staging) to avoid land locking Kangaroos, or where this is not practicable, management solutions and action to respond to their containment in an area with no reasonable likelihood of their continued safe existence

The subdivision and associated works must implement the Kangaroo Management Plan in the timeframes set out in the plan by:

- Proceeding in the order of stages as shown on the plan; and
- Implementing the management solutions and actions of the Plan;

all to the satisfaction of the Department of Sustainability and Environment and the responsible authority.

Compensatory habitat fees

Any permit which would allow subdivision, buildings or works that will impact on an area identified on Plan 8 - Threatened Species Action Plan of the East Werribee Employment PSP as Golden Sun Moth habitat or Growling Grass Frog Category 2 habitat or Spiny Rice Flower habitat must contain the following condition unless otherwise agreed to in writing by the Department of Sustainability and Environment:

- Prior to the commencement of any buildings or works or the certification of a plan of subdivision under the *Subdivision Act 1988*, whichever comes first, compensatory habitat fees for Golden Sun Moth habitat or Growling Grass Frog Category 2 habitat or Spiny Rice Flower habitat (as relevant) within the lot must be provided to the satisfaction of the Department of Sustainability and Environment. The fee for Golden Sun Moth habitat or Growling Grass Frog Category 2 habitat or Spiny Rice Flower habitat (include as relevant) within a lot is to be calculated based on the habitat area illustrated in Plan 8 - Threatened Species Action Plan of the East Werribee Employment PSP.

Salvage and translocation requirements

Any permit which would allow subdivision, buildings or works that will impact on an area identified on Plan 8 - Threatened Species Action Plan of the East Werribee Employment PSP as Growling Grass Frog Category 2 habitat or Striped Legless Lizard habitat must contain the following conditions (as relevant) unless otherwise agreed to in writing by the Department of Sustainability and Environment:

- Prior to the commencement of any buildings or works, a fully costed Growling Grass Frog translocation/ salvage plan must be prepared to the satisfaction of the Department of Sustainability and Environment and be submitted to and approved by the responsible authority. The approved Growling Grass Frog translocation / salvage plan must be implemented to the satisfaction of the Department of Sustainability and Environment and the responsible authority.
- The Salvage and Translocation of Striped Legless Lizard in the Urban Growth Areas of Melbourne: Strategic Approach (DSE 2011) and Salvage and Translocation of Striped Legless Lizard in the Urban Growth Areas of Melbourne: Operational Plan (DSE 2011) must be implemented to the satisfaction of the Secretary of the Department of

Sustainability and Environment before, during and after the carrying out of any buildings or works or native vegetation removal and all specifications and requirements of the approved plan must be complied with.

13.0 No exemption from notice and review

An application to use land for an Office on land in Precincts 7 or 8 is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.