

CARDINIA PLANNING SCHEME

12/01/2012
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SCHEDULE 4 TO THE URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ4**.

OFFICER PRECINCT STRUCTURE PLAN (SEPTEMBER 2011, Amended March 2018) – OFFICER TOWN CENTRE

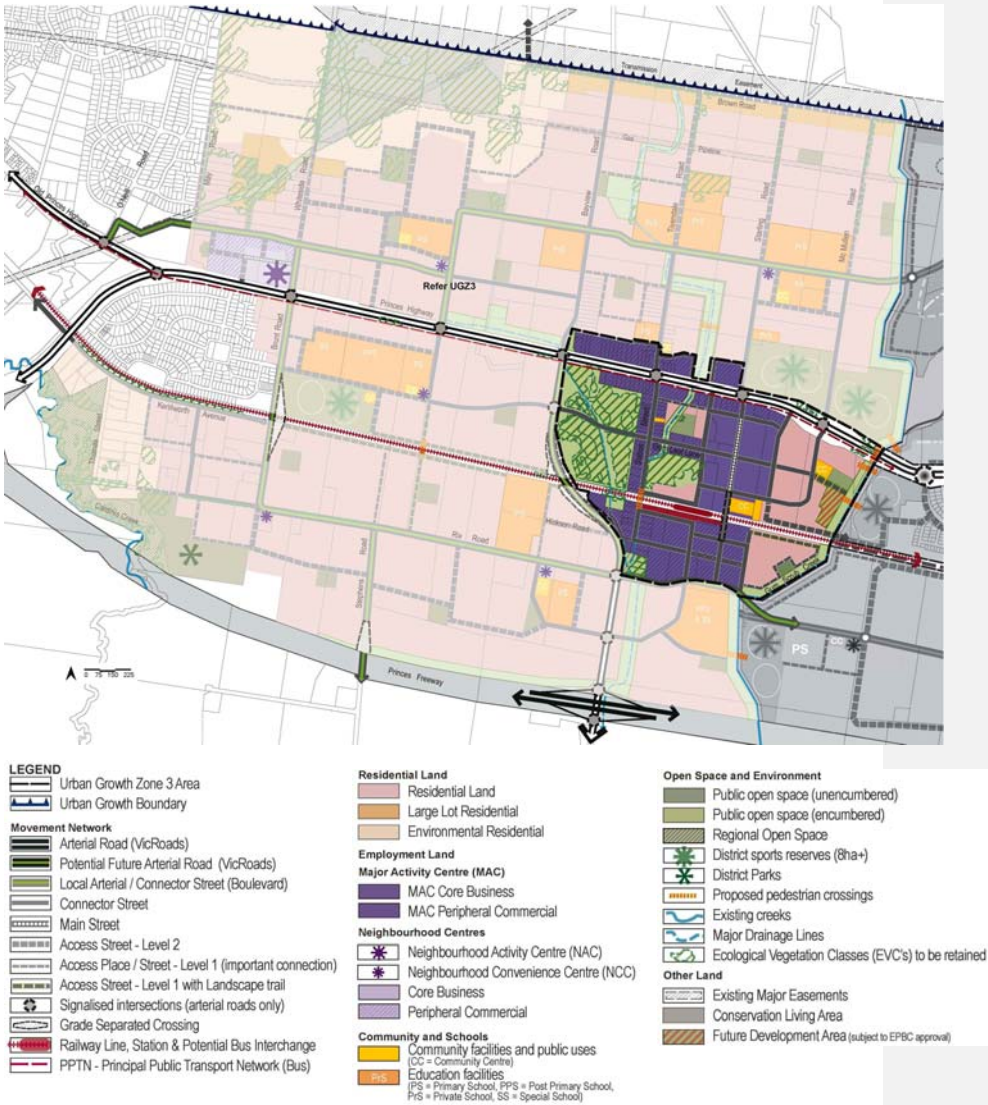
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The Plan

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Plan 1 shows the future urban structure proposed in the *Officer Precinct Structure Plan (September 2011, Amended March 2018)*.

Plan 1 of Schedule 4 to Clause 37.07



2.0 Use and development

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


2.1 The Land

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The use and development provisions specified in this schedule apply to the land shown in Plan 2 of this schedule and shown as UGZ4 on the planning scheme maps.

Plan 2



-  officer town centre boundary
-  gateway
-  core
-  mixed use
-  local business
-  residential
-  open space
-  separation distance

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2.2 Applied zone provisions

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Table 1 allocates the land use/development shown on Plan 1 of this schedule with a corresponding zone from this scheme.

Where the use/development in the left column is carried out or proposed generally in accordance with the incorporated *Officer Precinct Structure Plan*, the use, subdivision, construction of a building and construction and carrying out of works provisions of the corresponding zone in the right column apply.

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 Commercial 2 Zone specifies 'Shop' as a Section 1 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'

Table 1: Applied zone provisions

Conservation land	Public Conservation and Resource Zone
Core	Commercial 1 Zone
Gateway	Commercial 2 Zone
Mixed Use	Mixed Use Zone
Residential	Residential Growth Zone
Local Business	Commercial 1 Zone

Where a public land zone is applied in Table 1 and the land is in private ownership the bodies specified below are the public land manager for the purposes of the applied zone.

Public Conservation and Resource Zone (adjacent to Gum Scrub Creek)	Melbourne Water or Cardinia Shire Council as appropriate
Public Conservation and Resource Zone (all other land)	Cardinia Shire Council

2.3 Specific provisions – Use of land

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Section 1 - Permit not required

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

Section 2 - Permit required

Use	Condition
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Accommodation	On land where the applied zone is Commercial 4 Zone within the noise and odour buffer area surrounding the Hygain site shown on Plan 2 of this Schedule and Figure 6 in the incorporated Officer Precinct Structure Plan.
Child care centre	On land where the applied zone is Commercial 4 Zone within the noise and odour buffer area surrounding the Hygain site shown on Plan 2 of this Schedule and Figure 6 in the incorporated Officer Precinct Structure Plan.
Education centre	On land where the applied zone is Commercial 4 Zone within the noise and odour buffer area surrounding the Hygain site shown on Plan 2 of this Schedule and Figure 6 in the incorporated Officer Precinct Structure Plan.
<u>Informal outdoor recreation</u>	On land where the applied zone is Commercial 4 Zone within the noise and odour buffer area surrounding the Hygain site shown on Plan 2 of this Schedule and Figure 6 in the incorporated Officer Precinct Structure Plan.
Hospital	On land within the 'separation distance' area from the existing Hygain site at 10 Hickson Rd, Officer shown on Plan 2 of this Schedule and Figure 6 in the incorporated Officer Precinct Structure Plan.
Place of worship	On land within the 'separation distance' area from the existing Hygain site at 10 Hickson Rd, Officer shown on Plan 2 of this Schedule and Figure 6 in the incorporated Officer Precinct Structure Plan.

Any other use not in Section 1 or 3 in the Table of uses in the applicable applied zone

Section 3 – Prohibited

Use	
Industry (except 'Service industry' and 'Research and development')	On land where the applied zone is Mixed Use Zone within the 'Mixed Use' sub precinct shown on Plan 2 of this Schedule and Figure 6 in the incorporated Officer Precinct Structure Plan.

Any use listed in Section 3 in the Table of uses of the applicable applied zone

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Specific provisions – Subdivision

An application to subdivide must be consistent with any urban design framework approved under this schedule.

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Specific provisions - Buildings and works

Construction of one dwelling on a lot with an area under 300m square metres

In the area shown as 'Residential' where the applied zone is Residential Growth Zone and 'Mixed use' where the applied zone is Mixed Use Zone on Plan 2 of this Schedule, a permit is not 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.

Buildings and works on Encumbered Open Space

A permit is required for buildings and works on land shown as Encumbered Open Space in Plan 1 of this Schedule except works carried out by or on behalf of the public land manager.

Modification or removal of Existing Turkeys Nest Dams

A permit is required for buildings and works to modify or remove any existing waterbody on Lot 1 TP134961.

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Application requirements

If the responsible authority is satisfied that a requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement unless otherwise indicated below.

Urban Design Framework

Except with the consent of the responsible authority and the Victorian Planning Authority, a permit must not be granted to use or subdivide land, or construct a building and carry out works until an urban design framework for the area has been prepared to the satisfaction of the responsible authority and the Victorian Planning 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 identified 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 in the *Officer 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 and the Victorian Planning Authority. Public transport requirements

For the purpose of Clause 52.36-1 of the scheme a development is generally in accordance with the *Officer Precinct Structure Plan* where the following requirements are met:

- A road nominated on *Plan 17 – Public Transport* in the *Officer Precinct Structure Plan* as a potential bus route is constructed in accordance with its corresponding cross section in the *Officer Precinct Structure Plan*; and
- Signalised intersections that contain a proposed Principal Public Transport Network (PPTN) route in the *Officer Precinct Structure Plan* include bus priority measures to mitigate delays to bus travel times, to the satisfaction of the Director of Public Transport; and
- Any roundabouts or other road management devices on potential bus routes are constructed to accommodate ultra-low floor buses in accordance with the Public Transport Guidelines for Land Use and Development; and
- The proposal includes the construction of the bus stops shown on *Plan 16 – Public Transport* in the *Officer Precinct Structure Plan*, including bus stop hard stands with direct and safe pedestrian access to a pedestrian path (all in accordance with the Public Transport Guidelines for Land Use and Development and compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002) at no cost to the Director of Public Transport, all to the satisfaction of the Director of Public Transport.

A responsible authority may address any of the above matters through planning permit conditions.

General subdivision

All applications for subdivision must be accompanied by the following information to the satisfaction of the responsible authority.

- Details of the proposed use and development of each part of the land.
- A table setting out:
 - the amount of land allocated for the proposed uses; and
 - the mix of lot sizes.
- An indication of staging of subdivision and timing.
- Details of how the road connections, open space, pedestrian and bicycle linkages and drainage networks of the proposed development integrates with and responds to existing and planned developments on adjacent sites.
- Details of how the land use pattern and urban structure provides appropriate buffers between sensitive land uses, in terms of open space, road reserves and landscape treatments.
- Include a Transport Impact Assessment Report to the satisfaction of the relevant roads authority (be it VicRoads or Council).

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- The proposed road and street network, including pedestrian and cycling routes, intersection treatments, proposed bus routes and the interface treatment with arterial roads.
- A plan showing access arrangements for properties adjacent to all existing and future arterial roads.
- A Public Infrastructure Plan which addresses:
 - The extent of any stormwater drainage works and road works proposed or required under this permit.
 - The land which is required to be set aside for infrastructure identified in the *Officer Development Contributions Plan (September 2011, Amended March 2018)* or the *Officer Precinct Structure Plan (September 2011, Amended March 2018)* including land required for public open space and community facilities and any proposed reconciliation payment in respect of the land having regard to its value set out in the *Officer Development Contributions Plan (September 2011, Amended March 2018)*.
 - An estimate of the extent of equalization which is required in respect of public open space to be provided having regard to the *Officer Precinct Structure Plan (September 2011, Amended March 2018)* and the *Officer Development Contributions Plan (September 2011, Amended March 2018)*.
 - Subject to the consent of the Collecting Agency, any infrastructure works set out in the *Officer Development Contributions Plan (September 2011, Amended March 2018)* which can be provided “in lieu” of development contributions in accordance with the *Officer Development Contributions Plan (September 2011, Amended March 2018)*.
 - The effects of the provision of infrastructure on the land or any other land.
 - Any other relevant matter related to the provision of infrastructure reasonably required by the responsible authority.
- An overall landscape concept for the development. This should be consistent with best practice Water Sensitive Urban Design techniques.
- A hydrogeological assessment of groundwater conditions on the site and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions on the development.
- An approved Cultural Heritage Management Plan that is endorsed by the future public land manager/s of any reserve to be created as part of the development or advice from a suitably qualified cultural heritage professional that confirms that a Cultural Heritage Management Plan is not required. This requirement may not be waived.
- A site assessment of the land by a suitably qualified environmental professional including:
 - detail of 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 Potentially Contaminated Land General Practice Note June 2005, DSE, as amended from time to time.

Residential subdivision

In addition to the general subdivision requirements, an application that includes subdivision of land shown as ‘Residential’ where the applied zone is Residential Growth Zone and ‘Mixed use’ where the applied zone is Mixed Use Zone on Plan 2 of this Schedule must:

- include an overall masterplan for all land in contiguous ownership of the landowner demonstrating the lot yield, diversity and distribution across the subject area, consistent with the principles outlined in the *Officer Precinct Structure Plan (September 2011, Amended March 2018)*.

- demonstrate how the proposed subdivision layout meets the requirements of Clause 56 (other than an application to subdivide land into lots each containing an existing dwelling or car parking space).

to the satisfaction of the responsible authority.

Buildings and works

All applications for buildings and works must be accompanied by following information to the satisfaction of the responsible authority:

- A Transport Impact Assessment Report to the satisfaction of the relevant roads authority.
- An overall landscape concept, including location of private open space of surrounding properties and the location of trees, fences and other landscape elements.

All applications for buildings and works (other than dwellings and residential buildings) must be accompanied by a design response report that demonstrates the following:

- how the layout and design of buildings contributes towards an attractive and safe public realm environment and complements adjacent uses, addressing active frontages, site servicing, car parking, lighting, landscaping and signage.
- how the design of buildings, including heights, massing and articulation, contributes to an attractive and cohesive built form environment, a diverse, interesting and complementary architectural form and responds to surrounding land uses.
- location and height of existing and proposed buildings on the site and surrounding properties.
- traffic and pedestrian circulation through and around the site.
- surrounding land uses.

If the responsible authority is satisfied that a requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

Sustainability statement requirements

An application for subdivision of 60 or more lots, or to construct a building must be accompanied by a Sustainability Statement as set out in the *Officer Precinct Structure Plan (September 2011, Amended March 2018)*.

If the responsible authority is satisfied that this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.

Specific requirements – Lot 1 TP134961 (PSP Property Number 217)

Any application to remove and/or modify the existing turkey nest dams on Lot 1 TP134961 (Princes Highway, Officer) shown as 'Existing Turkeys Nest Dams (Growling Grass Frog Habitat)' on Plan 13 of the *Officer Precinct Structure Plan (September 2011, Amended March 2018)* must include written approval from the Commonwealth Department of Sustainability Environment Water Population and Communities.

HyGain 250m separation distance area

An application to use land within the 'separation distance' area to the existing HyGain site at 10 Hickson Rd, Officer for Accommodation, Childcare centre, Education centre, or Informal outdoor recreation must be accompanied by an Amenity Impact Plan which includes, as appropriate:

- A site plan identifying the proposal site in relation to the existing HyGain Feed site;
- An assessment of the amenity impact of the existing use at HyGain Feeds upon the proposed use;
- Measures to mitigate potential amenity impacts from the existing use.

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4.0 Conditions and requirements for permits

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Native Vegetation Precinct Plan Implementation

Any:

- Works carried out in respect of any subdivision;
- Construction of buildings and associated works; and
- Removal, lopping or destruction of native vegetation on the land as authorised by the Native Vegetation Precinct Plan (NVPP) applying to the land -

must be carried out in accordance with all of the requirements set out in the incorporated NVPP applying to the land to the satisfaction of the responsible authority.

Only the native vegetation which is identified for removal in the incorporated NVPP applying to the land may be removed, lopped or destroyed without a permit.

Before the removal, destruction or lopping of any native vegetation within any property (identified by the PSP Property Number in Map 1 of the Officer NVPP) the owner of the land from which the native vegetation is being removed must provide offsets consistent with the incorporated NVPP by either:

- providing an allocated credit extract issued by the Department of Sustainability and Environment; or
- preparing and submitting an Offset Plan to the satisfaction of the Department of Sustainability and Environment and have the Offset Plan approved by responsible authority.

Where an Offset Plan is approved:

- before the removal, destruction or lopping of any native vegetation, the owner of the land from which the native vegetation is being removed must provide on-title security for the Offset Site to the satisfaction of Department of Sustainability and Environment that provides for the implementation of the Offset Plan and pay the reasonable costs of the preparation, execution and registration of any on-title agreement; and
- offsets must be initiated within 12 months of approval of the Offset Plan or before the removal of Very High Conservation Significance vegetation, whichever is earlier, and be implemented according to the schedule of works in the Offset Plan to the satisfaction of the responsible authority.

Environmental Assessment of Potentially Contaminated Land

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 *Potentially Contaminated Land General Practice Note June 2005, DSE*, as amended from time to time.

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

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

whichever is the earlier of or in respect of all or that part of the land as the case may, 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 Environmental 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 conditions of the relevant land are 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;

- implementation of and 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.

Construction Environmental Management Plan Requirements

Prior to the commencement of any buildings or works a Construction Environmental Management Plan (CEMP) is to be prepared, where appropriate

The CEMP must specifically address significant flora and fauna where the buildings or works are within:

- 50 metres of any native vegetation to be retained in the *Officer Precinct Native Vegetation Precinct Plan (September 2011)*; and/or
- 100 metres of any waterbody (including creeks, drains, dams and wetlands) under the provisions of the *Officer Precinct Structure Plan Conservation Management Plan (excluding Cardinia Creek) (September 2011)*.

The CEMP must address all requirements specified in the *Officer Native Vegetation Precinct Plan (September 2011)* and the relevant Conservation Management Plan and be to the satisfaction of the responsible authority.

Conservation Management Plan

Where the *Officer Precinct Structure Plan Conservation Management Plan (excluding Cardinia Creek) (Ecology Partners, 15 September 2011)* or the *Officer Precinct Structure Plan Cardinia Creek Conservation Management Plan (Ecology Australia, 8 September 2011)* has been approved by the Secretary to the Department of Sustainability and Environment and it applies to the land (refer Plan 13 of the *Officer Precinct Structure Plan (September 2011, Amended March 2018)*), any permit granted for subdivision or the construction of a building or the carrying out of works must include the following conditions:

- The actions which identify the responsible agent as the "landowner" or "developer" in the Conservation Management Plan (CMP) must be implemented to the satisfaction of the Department of Sustainability and Environment.

and the following conditions, where appropriate:

- Prior to any works commencing within 100 metres of the edge of any waterbody which is to be retained, a highly visible fence is to be installed 20 metres from the edge of the water body.
- No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses.
- Pollution or litter traps must be provided on the land at appropriate points along the drainage system or drainage lines.

- A salvage and translocation plan must be prepared and implemented to the satisfaction of the Department of Sustainability and Environment and the approval of the responsible authority.

Where the land is identified to have suitable habitat approved to be removed in Appendix 8 of the *Officer Precinct Structure Plan: Cardinia Creek Conservation Management Plan (8 September 2011)*, any permit granted for subdivision or development must contain the following condition:

- Prior to the issue of a Statement of Compliance under the Subdivision Act, the landowner must enter into a legally binding agreement (or an alternative agreement approved by DSE) for the payment to implement the *Officer Precinct Structure Plan: Cardinia Creek Conservation Management Plan (8 September 2011)* in accordance with Section 2.3.1 Management Responsibilities and Funding and Appendix 8 to the satisfaction of the Department of Sustainability and Environment. The landowner must pay the reasonable costs of the preparation, execution, and registration of the agreement.

Subdivision permits

Any permit for subdivision must contain the following conditions as appropriate:

- The setback from the rail reserve and interface between the rail line and the proposed subdivision is to be to the satisfaction of the Department of Transport and the approval of the responsible authority.
- If any part of the land is shown in the incorporated *Officer Precinct Structure Plan (September 2011, Amended March 2018)* as unencumbered passive public open space that land must be transferred to Council subject to equalisation in accordance with the equalisation provisions in the incorporated *Officer Precinct Structure Plan (September 2011, Amended March 2018)*. This requirement does not apply if the responsible authority advises the owner that it does not require the land.
- Land required for road widening must be transferred to or vested in the relevant roads authority at no cost to the relevant road authority unless the land is funded by the *Officer Development Contributions Plan (September 2011, Amended March 2018)*.

Small lot housing code

Any permit for subdivision of land in the area shown as 'Residential' where the applied zone is Residential Growth Zone and 'Mixed use' where the applied zone is Mixed Use Zone on Plan 2 of this Schedule must contain the following conditions:

- The Small Lot Housing Code forming part of the *Officer Precinct Structure Plan (September 2011, Amended March 2018)* applies to the subdivision of the land under this permit and the application of the Small Lot Housing Code must be shown on any endorsed plans which are part of this planning permit.
- Before a plan is certified for a subdivision (or the relevant stage of a subdivision) where a building envelope is proposed, the plans endorsed under this planning permit must show a building envelope for each lot with an area less than 300 square metres that is in accordance with the Small Lot Housing Code forming part of the *Officer Precinct Structure Plan (September 2011, Amended March 2018)* to the satisfaction of the responsible authority.
- The building envelopes must be applied as a restriction on the plan of subdivision or through an agreement under section 173 of the Act that is registered on the title to the land. The restriction or the agreement must provide for:
 - the building envelope plan to apply to each relevant lot;
 - all buildings being constructed in accordance with the building envelope on the relevant lot;
 - the construction of a building outside the building envelope only with the written consent of the Responsible Authority; and

- a building envelope 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 and any garage or carport on the land.

Where a building envelope is to be applied to the land through an agreement with the responsible authority under Section 173 of the Act, the building envelope plan may be approved after the plan of subdivision has been certified.

5.0 Exemption from notice and review

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None specified.

6.0 Decision Guidelines

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Before deciding on an application to use land for Accommodation, Child care centre, Education centre, Informal outdoor recreation within the 'separation distance' area from the existing HyGain site at 10 Hickson Rd, Officer, the responsible authority must consider whether the proposal includes appropriate mitigation measures to protect against offsite amenity impacts from the HyGain facility.

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7.0 Advertising signs

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Land is in the category specified in the applied zone.

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 advertisement 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 750mm from the property boundary.