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SCHEDULE 6 TO THE URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ6**.

Black Forest Road South Precinct Structure Plan

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The Plan

Map 1 shows the future urban structure proposed in the *Black Forest Road South Precinct Structure Plan*. It is a reproduction of Plan 2 in the *Black Forest Road South Precinct Structure Plan*.

Map 1 to Schedule 6 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 as shown on Map 1 and shown as UGZ6 on the planning scheme maps.

Note: If land shown on Map 1 is not zoned UGZ, the provisions of this zone do not apply.

2.2 Applied zone provisions

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

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 1)	Applied zone provisions
Mixed Use	Clause 32.04 – Mixed Use Zone
Local Town Centre Mixed Use-Commercial	Clause 34.01 – Commercial 1 Zone
Employment	Clause 34.02 – Commercial 2 Zone
Regional Rail Link	Clause 36.01 – Public Use Zone 4
All other land	Clause 32.08 – General Residential Zone

Table 2: Use

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 8000 square metres.
Shop, supermarket and restricted retail premises where the applied zone is Commercial 2 Zone	A permit is required to use land for a shop, supermarket and restricted retail premises.
Primary school	A permit is not required to use land for a Primary School on land shown as Potential Non-Government Primary School.

2.3 Buildings and works associated with Non Government Education Facility

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

2.4 Specific provisions – Use and development of future public land

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A permit is not required to use or develop land shown in the *Black Forest Road South 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 *Black Forest Road*

South Precinct Structure Plan and with the prior written consent of Wyndham City Council.

2.5 Specific Provisions - Dwellings on a lot less than 300 square metres

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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 81 of the Wyndham Planning Scheme.

2.6 Specific provisions – Referral of applications – Holcim Quarry

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An application to develop land for a sensitive use within 480 metres of the property boundary of the land containing the Holcim Quarry, 780 Bulban Road, Mambourin subject to Work Authority 240 (WA240) under the *Mineral Resources (Sustainable Development) Act 1990*, must be referred to the Department of Environment and Primary Industries (DEPI). DEPI may request a risk assessment prepared by a suitably experienced and qualified consultant that acknowledges the existing and future land use at the Holcim Quarry and provides sufficient confidence that a sensitive use can be safely developed within 480 metres of the Holcim Quarry. The application and risk assessment (if required) must be referred to the Program Manager - Planning in the Earth Resources Regulation Branch at the DEPI.

An application for the construction of a building within 200 metres of the property boundary of the land containing the Holcim Quarry, 780 Bulban Road, Mambourin subject to Work Authority 240 (WA240) under the *Mineral Resources (Sustainable Development) Act 1990*, must include a risk assessment prepared by a suitably experienced and qualified consultant that acknowledges the existing and future land use at the Holcim Quarry and provides sufficient confidence that a building can be safely developed within 200 metres of the Holcim Quarry. The application and risk assessment must be referred to the Program Manager - Planning in the Earth Resources Regulation Branch at the DEPI.

3.0 Application requirements

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If in the opinion of the responsible authority an application requirement listed at 3.1 is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

3.1 Subdivision - residential development

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An application for subdivision must address the requirements of Clause 56 of the Wyndham Planning Scheme. In addition to any requirement in 56.01-2 a subdivision design response must include:

- A land budget table, to the same format and methodology as those within the Black Forest Road South Precinct Structure Plan, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields.

An application for subdivision 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 Wyndham West Development Contributions Plan is sought to be provided as "works in lieu" subject to the consent of Wyndham City 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, or will allow, residential buildings within 80 metres of a rail track within the Melbourne-Geelong Rail Line land must be accompanied by an assessment of noise and vibration impacts on the development from the rail operations at the time of the application.

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Specific provision – Land adjacent to Egg Farm, 170-198 Bulban Road, Werribee

An application to use or develop land for a sensitive use within 500 metres of the egg farm at 170-198 Bulban Road, Werribee 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 *Black Forest Road South Precinct Structure Plan*.

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Specific provision – Lollypop Creek Corridor

A planning permit application on land containing or abutting the Lollypop Creek Corridor its tributaries and environs should be accompanied by a plan that shows:

- Natural features including trees and other significant vegetation, habitat for protected species, drainage lines, water courses, wetlands, ridgelines, hill tops and features of geomorphic significance.
- Recreation facilities to be provided within public open space.
- Stormwater facilities that are compliant with the relevant approved drainage strategy.
- The retention and removal of vegetation and any revegetation.

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Specific Requirements – Growling Grass Frog Conservation Area

An application which includes construction of a road or pedestrian bridge within the area on Map 1 of this Schedule labelled 'Encumbered land for conservation' must be accompanied by an Environmental Assessment Plan which addresses the following:

- A detailed environmental assessment to inform the alignment of any proposed road or pedestrian crossing of the Growling Grass Frog Category 1 habitat. The Environmental Assessment must show the location of all bridge footings and impacts of the siting and construction works to the satisfaction of the DEPI.

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Conditions and requirements for permits

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Conditions for subdivision or building and works permits where land is required for community facilities, public open space and road widening.

Land required for community facilities, as set out in the *Black Forest Road South Precinct Structure Plan* or the *Wyndham West Development Contributions Plan*, must be transferred

to or vested in Council at no cost to Council unless the land is funded by the *Wyndham West Development Contributions Plan*.

Land required for public open space as a local or district park, as set out in the *Black Forest Road South Precinct Structure Plan* or the *Wyndham West Development Contributions Plan* must be transferred to or vested in Council at no cost to Council unless the land is funded by the *Wyndham West Development Contributions Plan*.

Land required for road widening including right of way flaring for the ultimate design of any intersection within an existing or proposed arterial road must be transferred to or vested in Council at no cost to the acquiring agency unless funded by the *Wyndham West Development Contributions Plan*.

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Conditions for subdivision permits that allow for the creation of a lot of less than 300 square metres

Any permit for subdivision that allows the creation of a lot less than 300 square metres must contain the following conditions:

- Prior to the certification of the plan of subdivision for the relevant stage, a plan must be submitted for approval to the satisfaction of the responsible authority. The plan must identify the lots that will include a restriction on title allowing the use of the provisions of the Small Lot Housing Code incorporated pursuant to Clause 81 of the Wyndham Planning Scheme; and
- The plan of subdivision submitted for certification must identify whether type A or type B of the Small Lot Housing Code applies to each lot to the satisfaction of the responsible authority.

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Melbourne – Geelong Rail Corridor

Any recommendations contained in an assessment of noise and vibration impacts from the Melbourne – Geelong Rail Line operations on the development must be implemented by the developer of the relevant land as far as is reasonably practicable to the satisfaction of the responsible authority.

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Biodiversity

Compensatory Habitat Fees

Any permit which would allow subdivision, buildings or works that will impact on a parcel of land containing Golden Sun Moth habitat as identified on Plan 6 – Threatened Species Action Plan of the *Black Forest Road South Precinct Structure Plan* as Golden Sun Moth habitat must contain the following condition unless otherwise agreed to in writing by the DEPI:

- Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 compensatory habitat fees for Golden Sun Moth habitat within the lot must be provided to the satisfaction of the DEPI. The fee for Golden Sun Moth habitat within a lot to be calculated based on the habitat area illustrated on Plan 6 – Threatened Species Action Plan of the Black Forest Road South Precinct Structure Plan.

Any permit which would allow subdivision, buildings or works that will impact on a parcel of land containing Growling Grass Frog Category 2 habitat as illustrated on Plan 6 – Threatened Species Action Plan in the *Black Forest Road South Precinct Structure Plan* must contain the following condition unless otherwise agreed to in writing by the DEPI:

- Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 compensatory habitat fees for Growling Grass Frog Category 2 habitat within the lot must be provided to the satisfaction of the DEPI. The fee for Growling Grass Frog

Category 2 habitat within a lot to be calculated based on the habitat area identified on Plan 6 – Threatened Species Action Plan of the Black Forest Road South Precinct Structure Plan.

Salvage and Translocation Requirements

A permit for subdivision, or to construct a building or construct or carry out works must contain the following condition:

- The Protocol for the Salvage Translocation of Threatened Species in Melbourne's Growth Corridors (Department of Sustainability and Environment, 2012) must be implemented to the satisfaction of the DEPI.

Growling Grass Frog

Any permit granted for subdivision that will impact on land that includes 'Area for Growling Grass Frog Category 1 habitat' as identified in Plan 6 – Threatened Species Action Plan of the Black Forest Road South Precinct Structure Plan must contain the following conditions unless otherwise agreed to in writing by the DEPI:

- Unless the land included within the 'Area for Growling Grass Frog Category 1 habitat' identified on Plan 6 – Threatened Species Action Plan of the Black Forest Road South Precinct Structure Plan has been voluntarily transferred into the Crown Reserve System, the Owner must enter into a legally binding, in perpetuity, on-title agreement with the Secretary to the DEPI under Section 69 of the Conservation Forests and Lands Act 1987 prior to the commencement of works on the land unless otherwise agreed to in writing by the DEPI. The agreement must provide for the protection of the conservation area.

The landowner must pay the reasonable costs of preparation, execution and registration of the agreement.

Any permit which would allow construction of a road or pedestrian bridge within the area on Map 1 of this Schedule labelled 'Encumbered Land for Conservation' must contain the following conditions unless otherwise agreed to in writing by the DEPI:

- Before any works associated with a road or pedestrian bridge crossing of the Growling Grass Frog conservation area start, a Construction Environmental Management Plan must be prepared to the satisfaction of the DEPI and be approved by the responsible authority. The Construction Environmental Management Plan must include:
 - Overall environmental objectives for construction and techniques for achieving the environmental objectives
 - Construction timing and management techniques to protect environmental values before, during and after construction
 - Management of construction impacts on habitat types present in the work zone
 - Proposed monitoring systems
 - Identification of possible risks of operational failure and response measures to be implemented.
 - Day to day management requirements for development works.
- The development must be conducted in accordance with the endorsed Construction Environmental Management Plan at all times. All actions specified in the endorsed plan must be completed and/or implement within the specified timeframes to the satisfaction of the responsible authority and the DEPI.

Eastern Grey Kangaroo Management Plan

Any permit granted for subdivision must contain the following condition unless otherwise agreed to in writing by the DEPI:

- Prior to the commencement of any works in a stage of subdivision an Eastern Grey Kangaroo Management Plan must be submitted for approval to the DEPI. The plan must include:
 - Strategies (e.g. staging) to avoid land locking Eastern Grey Kangaroos; and
 - 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 Eastern Grey 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 DEPI and the responsible authority.

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Exemption from notice and review not to apply to certain applications

In accordance with section 52(1)(c) of the Act, notice of an application to use or develop land for a sensitive use within 500 metres of the egg farm at 170-198 Bulban Road, Werribee must be given to the owner/operator of the egg farm at 170-198 Bulban Road, Werribee.

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Advertising signs

The following advertising sign categories in this scheme apply by reference to Map 1 of this Schedule.

Table 4: Advertising signs

Land shown on plan 1 of this schedule	Advertising Sign category
Residential/Mixed Use	Category 3
Local Town Centre/Local Convenience Centre/Mixed Use-Commercial	Category 1
Employment	Category 2
All other land	Category 4

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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;

- 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 750mm 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.