

SCHEDULE 9 TO THE URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ9**

WESTBROOK PRECINCT STRUCTURE PLAN

1.0 The Plan

Map 1 to Schedule 9 to Clause 37.07 shows the Future Urban Structure for Westbrook. It is a reproduction of Plan 2 in the Westbrook Precinct Structure Plan.

MAP 1 TO SCHEDULE 9 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 shown as ‘Precinct Structure Plan Area’ in Map 1 of this schedule and shown as UGZ9 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

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 or development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land	Applied zone provisions (Applied reformed zone provisions)
Local town centre	Clause 34.01 – Business 1 Zone
Local convenience centre	(Clause 34.01 – Commercial 1 Zone)
Employment areas	Clause 34.02 – Industrial 1 Zone
Arterial road	Clause 36.04 – Road Zone Category 1
All other land	Clause 32.01 – Residential 1 Zone (Clause 32.08s1 – General Residential Zone 1)

2.3 Specific provision – Use and development of future active or passive public open space and community facilities

A permit is not required to use or develop land shown in the *Westbrook 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 *Westbrook Precinct Structure Plan* and with the prior written consent of the responsible authority.

2.4 Specific provisions – Use of land

The following provisions apply to the use of land.

Table 2: Use

USE	REQUIREMENT
Shop where the applied zone is Business 1 Zone or 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"> ▪ 5,000 square metres for land shown as a local town centre in the incorporated Westbrook Precinct Structure Plan. ▪ 500 square metres for land shown as a local convenience centre in the Westbrook Precinct

USE	REQUIREMENT
	Structure Plan.
Any use in an applied zone with the condition, 'The site must adjoin, or have access to, a road in a Road Zone.'	At the end of the condition add the words, 'or any arterial road described in the Westbrook Precinct Structure Plan'.
Primary school Secondary school	A permit is not required to use land for a primary or secondary school on land shown as Non Government School P-12 in the Westbrook Precinct Structure Plan.

2.5 Specific provisions - referral of applications to the Director of Public Transport

Clause 52.36 requires referral of specified applications to the Director of Public Transport. Clause 52.36-1 exempts an application from the referral requirement where the application is consistent with an adopted Structure Plan that has been prepared in consultation with and endorsed by the Public Transport Division of the Department of Transport.

For the purpose of Clause 52.36-1 of this planning scheme a development is consistent with the *Westbrook Precinct Structure Plan* where the following requirements are met:

- A road nominated on the *Public Transport & Trail Network Plan* in the *Westbrook Precinct Structure Plan* as a potential bus route is constructed (including any partial construction where relevant) in accordance with its corresponding cross section in the *Westbrook Precinct Structure Plan*; 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
- Prior to the issue of a Statement of Compliance for any subdivision stage bus stop hard stands with direct and safe pedestrian access to a pedestrian path are constructed unless otherwise agreed by the Director of Public Transport:
 - 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*; and
 - At locations approved by the Director of Public Transport, at no cost to the Director of Public Transport and to the satisfaction of the Director of Public Transport.

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

2.5 Specific provisions – Management of urban development impacts on Growling Grass Frog Habitat – Category 1

Prior to the commencement of works for any road, bicycle pathway, trail or bridge on land shown as *Growling Grass Frog Habitat – Category 1* in the *Westbrook Precinct Structure Plan* a detailed *Management of Environmental Impacts Plan* must be prepared by a suitably qualified professional and submitted to and approved by the Department of Sustainability and Environment. The plan must include:

- An assessment of the likely impacts of the works on existing or proposed Growling Grass Frog Habitat – Category 1; and
- Demonstration of how the bridge design avoids and, where avoidance is impracticable, minimises and offsets impacts on Growling Grass Frog Habitat – Category 1; and
- A Construction Management Plan.

Once approved the plan must be implemented before, during and after the relevant works to the satisfaction of the Department of Sustainability and Environment.

2.6 Specific provisions – Construction of one dwelling on a lot less than 300 square metres in area

A permit is not required to construct 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 in the Wyndham Planning Scheme, and
- the dwelling is constructed in compliance with the building envelope.

2.7 Specific provisions – Buildings and works for a school

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.

3.0 Application requirements

3.1 Residential subdivision

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.
- A mobility plan that demonstrates how the local street and movement network integrates with adjacent urban development or is capable of integrating with future development on adjacent land parcels.

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

- The provision, staging and timing of stormwater drainage works
- What land may be affected or required for the provision of infrastructure 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
- The provision of public open space and land for any community facilities
- What, if any, infrastructure set out in the development contributions plan applying to the land is sought to be provided as "works in lieu" subject to the consent of the collecting agency
- The provision, staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Melbourne Water.
- 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 Ison Road or Westbrook 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 use land for a sensitive use or to subdivide land where Residential 1 Zone is the applied zone must be accompanied by a preliminary assessment of the potential for contaminated land as a result of the previous land uses, carried out by a suitably qualified person that provides the following information:

- A 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, 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 Development applications on land containing or abutting the Werribee River, its tributaries and environs

A application to develop land containing or abutting the Werribee River, 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 and hill tops.
- Recreation facilities to be provided within public open space.
- Storm water facilities that are compliant with the relevant approved drainage strategy.
- The retention and removal of vegetation and any re-vegetation.

4.0 Conditions and requirements for permits

4.1 Tree reserve and landscape buffer requirement

Land set aside for tree reserves or landscape buffers as set out in the *Westbrook Precinct Structure Plan* must be transferred to or vested in Council at no cost to Council unless the land is funded by an incorporated Development Contributions Plan.

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

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.

4.3 Eastern Grey Kangaroo conditions

A permit for subdivision must contain the following conditions unless otherwise agreed to in writing by the Department of Sustainability and Environment:

- 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 Department of Sustainability and Environment. 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 Department of Sustainability and Environment and the Responsible Authority.

4.4 Nationally threatened species and communities conditions

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 Department of Sustainability and Environment.
- Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* fees for the clearing of threatened species habitat and/or native vegetation within the lot must be provided in accordance with the [compensatory habitat fee document] current at the date that the permit is granted to the satisfaction of the Department of Sustainability and Environment.

These conditions are not required to be included in a permit where the Department of Sustainability and Environment has confirmed in writing that the conditions has previously been met.

4.5 Land for road flaring/widening requirement

Prior to the certification of a plan of subdivision, the plan of subdivision must show the land affected by the widening of the road reserve which is required to provide road widening and/or right of way flaring for the ultimate design of any adjacent intersection.

The land required for road flaring must be transferred to or vested as 'road' in the Roads Corporation (in the case of Westbrook) or in Wyndham City Council (in the case of other roads) at no cost unless the road widening land is funded by an incorporated Development Contributions Plan.

4.6 Public Infrastructure Plan implementation condition

Prior to the certification of a plan of subdivision or at such other time which is agreed between Council and the owner, if required by the responsible authority or the owner, the owner must enter into an agreement or agreements under section 173 of the Planning and Environment Act 1987 which provides for:

- The implementation of the Public Infrastructure Plan approved under this permit;
- The purchase and/or reimbursement by the responsible authority for any provision of public open space in excess of the amount specified in the schedule to clause 52.01 in accordance with any relevant development contributions plan applying to the land at the land value provided for any relevant development contributions plan applying to the land;
- The timing of any payments to be made to the owner having regard to the availability of funds in the open space account.

5.0 Advertising signs

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

5.1 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.

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.