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SCHEDULE 2 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ2**.

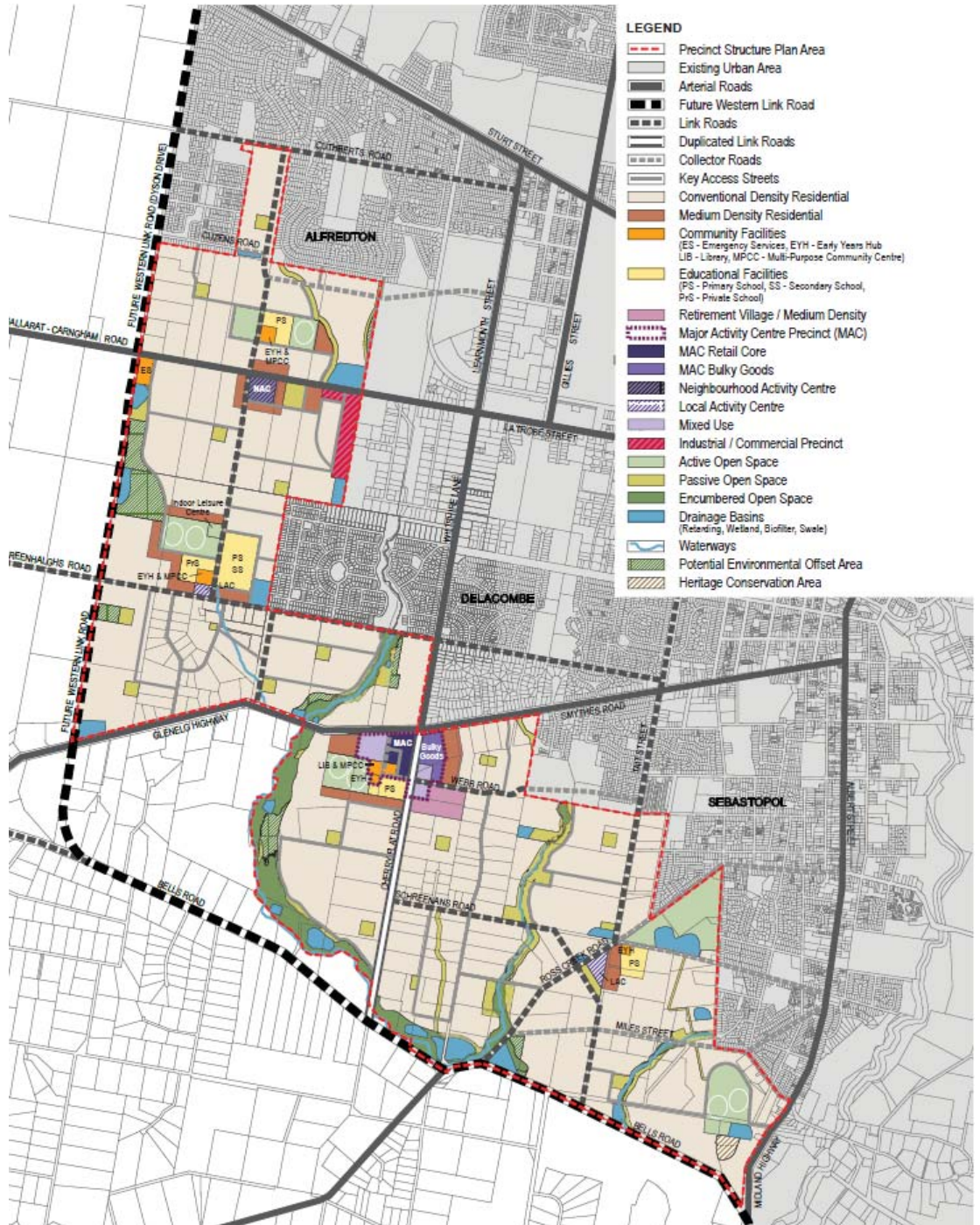
BALLARAT WEST PRECINCT STRUCTURE PLAN

1.0

The Plan

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Plan 1 shows the future urban structure proposed in the Ballarat West Precinct Structure Plan updated October 2016.



2.010/08/2017
C203**Use and development****2.1**10/08/2017
C203**The Land**

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

2.210/08/2017
C203**Applied zone provisions**

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, in accordance with Plan 1 of this schedule.

Table 1: Applied zone provisions

Land as shown on Map 1 of this schedule	Applied Zone Provisions
Active Open Space	Clause 36.02 – Public Park and Recreation Zone
Drainage Basins – immediately adjacent to any land shown as Active Open Space only	Clause 36.02 – Public Park and Recreation Zone
Drainage Basins – immediately adjacent to any land shown as Encumbered Open Space only	Clause 36.03 – Public Conservation and Resource Zone
Encumbered Open Space	Clause 36.03 – Public Conservation and Resource Zone
Industrial / Commercial Precinct	Clause 34.02 – Commercial 2 Zone
Major Activity Centre Precinct – Bulky Goods only	Clause 34.02 – Commercial 2 Zone
Major Activity Centre Precinct – Community Facilities – Library and Multi-Purpose Community Centre only	Clause 34.01 – Commercial 1 Zone
Major Activity Centre Precinct – Mixed Use only	Clause 32.04 – Mixed Use Zone
Major Activity Centre Precinct – Retail Core only, Neighbourhood Activity Centre and Local Activity Centre	Clause 34.01 – Commercial 1 Zone
Medium Density Residential	Clause 32.07 – Residential Growth Zone
All other land in the precinct on which sensitive uses are not permitted in accordance with Part 5.2 of the incorporated Ballarat West Precinct Structure Plan	Clause 34.02 – Commercial 1 Zone
All other land in the precinct	Clause 32.08 – General Residential Zone

2.310/08/2017
C203**Specific provisions – Use of land****Section 1 - Permit not required**

Use	Condition
Dwelling or dwellings in a Mixed Use Zone	The area identified for residential use is within an Urban Design Framework approved under this schedule.
Informal outdoor recreation where the applied zone is the Mixed Use Zone	The area identified for Informal outdoor recreation is within an Urban Design Framework approved under this schedule
Office where the applied zone is the Commercial 1 Zone	The area identified for office use that exceeds the maximum combined leaseable floor area stated in the schedule if the office floor area is in accordance with an Urban Design Framework approved under this schedule
Any use listed in Clause 62.01	Must meet requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Informal outdoor recreation where the applied zone is the Commercial 2 Zone	
Office where the applied zone is the Commercial 1 Zone	The combined office floor area exceeds 3,000 square metres.
Office where the applied zone is the Mixed Use Zone	The area identified for office use that exceeds the maximum combined leaseable floor area stated in the schedule if the office floor area is in accordance with an Urban Design Framework approved under this schedule
Any other use not in Section 1 or 3	

Section 3 – Prohibited

Use
Industry in the Commercial 2 Zone
Industry in the Mixed Use Zone
Warehouse in the Commercial 2 Zone
Warehouse in the Mixed Use Zone

2.410/08/2017
C203**Specific provisions – Subdivision**

A permit to subdivide land on an existing un-serviced lot to must meet the following criteria:

- Create no more than one additional lot.
- Demonstrate that each resulting parcel is capable of future serviced subdivision in accordance with the incorporated Ballarat West Precinct Structure Plan.
- The owner of the land must enter into an agreement under section 173 of the Act which:

- prohibits the construction of a further dwelling on the resulting lots prior to the land being fully serviced to the satisfaction of the Responsible Authority;
- prohibits the construction of any other structure without the consent of the Responsible Authority; and
- requires that any further subdivision of the land be fully serviced to the satisfaction of the Responsible Authority;
- Any lot used for an existing dwelling must meet the following requirements:
 - Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
 - The dwelling must be connected to a reticulated sewerage system or the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.
 - The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.

The dwelling must be connected to a reticulated electricity supply or have an alternative energy source

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Specific provisions – Buildings and works

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

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 approved building envelope complies with the Small Lot Housing Code in the Ballarat West Precinct Structure Plan; and
- The dwelling is constructed or extended in compliance with the approved building envelope.

A permit is required to construct a building or construct or carry out works for the following:

- A fence within 3 metres street on a lot of between 250 and 300 square metres unless the Front Fence Height Standard in Table A2 of Clause 54.06-2 is met.

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Application requirements

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:

Subdivision application

An application for a residential subdivision must be accompanied by a site analysis and design response as detailed in Clause 56.01. In addition, the site analysis and design response must show or address the following to the satisfaction of the Responsible Authority:

- Any planning and design guidelines in the Ballarat West Precinct Structure Plan.
- A table setting out the amount of land allocated to the proposed uses.
- Integration with existing or proposed subdivision of adjoining properties including through alignment and configuration of the street network and landscape themes.
- The staging of the development.

- Where any proposed community infrastructure or public open space areas are to be located and in respect of open space, its intended recreation function.

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

- A written statement that explains how the subdivision meets the objectives and planning and design guidelines for the Ballarat West Precinct Structure Plan
- A Transport Impact Assessment Report to the satisfaction of the Responsible Authority.
- An Integrated Water Management Statement which addresses how the objectives and planning and design guidelines of the Integrated Water Management plan (Part 5.7 of the Ballarat West Precinct Structure Plan) are achieved.
- A Public Infrastructure Plan which addresses the following, as applicable:
 - 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 roadworks 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 Ballarat West Development Contributions Plan is sought to be provided as "works in lieu" subject to the consent of the Collecting Agency; and
 - any other matter required by the Responsible Authority.

Subdivision application – Existing rural residential areas

Any application for the subdivision of land within and abutting the existing rural residential areas must:

- Create an integrated road network within the existing rural residential area and provide opportunities for road connections to abutting landholdings where possible;
- Avoid the creation of cul-de-sacs; and
- Provide through-connections (road, walking and cycling) between the existing rural residential area and surrounding parcels to integrate the rural residential area with the broader community.

Subdivision application – Rural Interface Area

Any application for subdivision within the Rural Interface Area identified on Plan 11 of the Ballarat West Precinct Structure Plan must demonstrate how the application achieves the objectives and planning and design guidelines in Part 5.2 of the Ballarat West Precinct Structure Plan and must include:

- A detailed site survey which shows existing and proposed levels.
- Details of any proposed earthworks / cut and fill.

Subdivision, use and buildings and works applications – Noise Emission Buffer

Any application for the subdivision of land, use or buildings and works for sensitive land uses within the 'Noise Emission Buffer: Night Period – No Noise Attenuation' shown on Plan 11 of the incorporated Ballarat West Precinct Structure Plan is to be accompanied by an acoustics report prepared by a suitably qualified acoustic consultant.

An acoustics report may not be required if the Responsible Authority is satisfied that an acoustic report is not required.

The report must demonstrate how the proposed subdivision and/or future sensitive use will achieve an acceptable noise environment having regard to the standards and amenity sought to be protected and achieved by SEPP N-1 and Part 5.2 of the incorporated Ballarat West Precinct Structure Plan.

Any proposed noise attenuation measures must achieve the objectives and planning and design guidelines in Part 5.2 of the incorporated Ballarat West Precinct Structure Plan.

Industrial/Commercial Precinct

Any application for restricted retail premises uses which would cause the combined leasable floor area for all restricted retail premises in the Industrial / Commercial Precinct (Commercial 2 Zone) to exceed 8,500 square metres is to be accompanied by an economic assessment of the impact of the proposal on the role and hierarchy of existing and proposed activity centres within Ballarat, to the satisfaction of the Responsible Authority.

Any application for office uses which would cause the combined leasable floor area for all offices in the Industrial / Commercial Precinct to exceed 10,000 square metres is to be accompanied by an economic assessment of the impact on the Central Business District and the hierarchy of existing and proposed activity centres within Ballarat.

Growling Grass Frog Offset Trigger Area

Any application for development within the Growling Grass Frog Offset Trigger Area shown in Figure 3 of the Ballarat West Conservation Management Plan must be accompanied by a statement detailing how the Ballarat West Conservation Management Plan has been addressed.

If future development will trigger translocation of Growling Grass Frogs the application must demonstrate how suitable compensatory habitats are to be provided in accordance with the Ballarat West Conservation Management Plan.

Prince of Wales/Bonshaw Company former gold mining site

Any application for the subdivision of land, use or buildings and works on any land adjacent to the Prince of Wales/Bonshaw Company former gold mining site (Heritage Overlay 194) is to be accompanied by a cultural heritage assessment of whether the land contains any elements of significance to the Prince of Wales/Bonshaw Company former gold mining site.

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Conditions and requirements for permits

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Any permit must contain conditions and requirements as appropriate which give effect to any relevant part of the Ballarat West Precinct Structure Plan, Ballarat West Development Contributions Plan and the Ballarat West Native Vegetation Precinct Plan as incorporated into the Ballarat Planning Scheme.

Land identified as having a Medium Potential for Contamination

Any permit issued for development of a sensitive land use on land identified as having a Medium Potential for Contamination on Plan 7 of the Ballarat West Precinct Structure Plan must contain the following conditions:

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 professional must be undertaken which provides the following information:

- 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 environment audit of all or part of the land is recommended having regard to the Potentially Contaminated Land General Practice Note Jan 2005, DSE.

If an environmental site 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 the earlier in respect of all or that part of the land as the case maybe, 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 of Environmental Audit Issued for the relevant land in accordance with Part 1XD of the Environment Protection Act 1970 stating that the environmental conditions of the relevant land are suitable for 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 construction of any building on the relevant land providing for the:

- Implementation and on-going compliance with all conditions in the Statement of Environmental Audit; and
- The payment of the responsible authority's legal costs and expenses of drafting / reviewing and registering the agreement by the owner of the relevant land.

Land where an Environmental Audit Overlay applies

If an Environmental Audit under the *Environment Protection Act 1970* is conducted and 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 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 construction of any building on the relevant land providing for the:

- Implementation and on-going compliance with all conditions in the Statement of Environmental Audit; and
- The payment of the Responsible Authority's legal costs and expenses of drafting/reviewing and registering the agreement by the owner of the relevant land.

Development Contributions Plan

Where a Development Contributions Plan has not been incorporated into this scheme, a Statement of Compliance in respect of subdivision of land must not be issued unless the owner enters into an agreement under section 173 of the *Planning and Environment Act 1987* providing for development contributions to the satisfaction of the Responsible Authority.

Noise Emission Buffer

If the noise assessment provided with an application specifies minimum construction standards for dwellings or other sensitive uses in the 'Noise Emission Buffer: Night Period – No Noise Attenuation' shown in Plan 11 of the incorporated Ballarat West Precinct Structure Plan, the permit may include a condition which requires the owner to enter into an agreement under section 173 of the Act which requires the construction of a dwelling or other sensitive use to comply with the noise attenuation recommendations of the noise assessment, or to the satisfaction of the Responsible Authority.

Growling Grass Frog Offset Trigger Area

Unless otherwise agreed with the Responsible Authority, a permit to use, subdivide land, construct a building or carry out works within the Growling Grass Frog Offset Trigger Area shown in Figure 3 of the Ballarat West Conservation Management Plan must contain the following conditions:

Prior to the commencement of works a Construction Environmental Management Plan (CEMP) prepared in accordance with the Ballarat West Conservation Management Plan is to be submitted to and approved by the Responsible Authority. The CEMP must meet all requirements of the incorporated Ballarat West Conservation Management Plan.

5.0 Exemption from notice and review

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None specified.

6.0 Decision guidelines

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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:

- The appropriate staging of development and provision of infrastructure.
- The Ballarat West Precinct Structure Plan updated October 2016.
- The Ballarat West Development Contributions Plan 2014
- The Ballarat West Native Vegetation Precinct Plan 2012.
- The Ballarat West Conservation Management Plan 2011.
- Any Urban Design Framework or Masterplan approved under this Schedule.

7.0 Advertising signs

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Advertising sign requirements are at Clause 52.05.

A permit may be granted, for a period of not more than 5 years, to display an advertising sign that promotes the sale of land or dwellings, whether or not the advertising sign is located on the land for sale.