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C166**SCHEDULE 10 TO THE DEVELOPMENT PLAN OVERLAY**Shown on the planning scheme map as **DPO10****Ballarat West Employment Zone****Land to which this schedule applies**

This schedule applies to land in Mitchell Park and Cardigan known as the Ballarat West Employment Zone (BWEZ), generally bounded by Sturt Street and Blind Creek Road to the south, Ring Road and Learmonth Road to the east, Sunrasia Drive to the north and Ballarat Airport to the west and being the land identified in the map to Schedule 14 of Clause 37.01.

Vision

The BWEZ is an employment precinct which is coherent and connected with exceptional access, services and infrastructure. BWEZ delivers development opportunities for small and large industry and business. It combines timeless and sustainable design with entrepreneurial spirit. It enhances environmental features to create a sense of place.

Objective of this Schedule

To ensure that development of the BWEZ is undertaken in a manner planned in the Ballarat West Employment Zone Master Plan Document 2012, particularly through:

- Fostering employment generating uses, primarily in the manufacturing, construction, transport and logistics, wholesale trade and enabling industries sectors, by limiting the use of land in the BWEZ for retailing, offices and warehouses.
- Staging of the development of the BWEZ in an orderly manner, having regard to essential infrastructure and services, transport facilities, environmental and hydrological considerations, and the proximity of Ballarat Airport.
- Making provision for key landmark sites and catalyst development sites in the subdivision of the BWEZ.
- Encouraging robust and contemporary architectural form within a high quality landscape setting.
- Requiring sustainable design which includes building energy management, water sensitive urban design, construction methods and materials, internal environments, and waste management.
- Safeguarding and providing sufficient buffers and interfaces to minimise adverse amenity impacts and further residential encroachment.
- Enhancing the environmental values of the surrounding area and the BWEZ site.
- Respecting the visual and landscape attributes of the BWEZ site.
- Protecting and managing of the heritage values within the BWEZ site and surrounding area, including aboriginal cultural heritage.
- Integrating with the land uses and road/pedestrian network of the surrounding area and the Ballarat West Growth Area.

1.0**Requirement before a permit is granted**27/06/2013
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A permit may be granted for the use of land, to construct a building, or construct or carry out works before a development plan is approved to the satisfaction of the responsible authority if the responsible authority is satisfied that the permit:

- is consistent with the Ballarat West Employment Zone Master Plan Document 2012;
- achieves the design objectives in Clause 3.0 of this Schedule; and

- will not prejudice the integrated future use and development of the land.

A permit granted under this section must include, where appropriate, the conditions contained in Clause 2.0 of this Schedule.

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Conditions and requirements for permits

A permit must contain conditions that give effect to the provisions and requirements of the approved development plan.

Development Contributions

Where a Development Contributions Plan in respect of the land has not been incorporated into this scheme:

- a Statement of Compliance in respect of subdivision of land must not be issued; and
- the construction of buildings and the carrying out of works whether under a permit or not must not be commenced -

unless appropriate arrangements for the provision and funding of necessary physical and social infrastructure reasonably necessary for development to occur are made to the satisfaction of the Responsible Authority.

Land Adjacent to Ballarat Western Link Road

Any proposal to create direct access from land adjacent to the Ballarat Western Link Road (other than access to a service road) is deemed:

- to be inconsistent with the Ballarat West Employment Zone Master Plan Document 2012; and
- to create the potential for detrimental effects on on the operation of the Ballarat Western Link Road and on public safety.

Environmental Assessment

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 may be, 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 a sensitive use (with or without conditions on the use of the site).

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Requirements for the Development Plan

A development plan must be generally in accordance with the Ballarat West Employment Zone Master Plan Document 2012.

The development plan may be approved in stages provided that the first development plan to be approved includes a Services and Infrastructure Provision Plan and Drainage Strategy Plan that applies to the whole of the BWEZ area. A staged development plan should be prepared for a minimum area of approximately 20 hectares of developable land and must address the interface with any adjoining environmental land.

Any development plan for the BWEZ Core Precinct (Precinct A shown on the map to schedule 14 of clause 37.01) must require that

- the nominal alignment and/or 'footprint' of the E-W runway is retained (at least in part) in the BWEZ. This retention could be expressed as a void and/or as part of proposed vehicular access. Some creativity should be demonstrated in the retention/expression of this feature; and
- the Radio/Radar ruins and the USAAF Camp remnant foundations and footpath are recorded and where possible retained and incorporated, with interpretation, into the future layout of the BWEZ.

The development plan must include the following documents, reports, guidelines and plans to the satisfaction of the responsible authority:

Planning Report

A planning report that includes:

- An existing conditions plan.
- A development strategy, indicating the preferred staging of the development of the site.
- An adverse amenity impacts analysis which addresses potential impacts both within the BWEZ and on adjoining industrial and residential areas.

The planning report must demonstrate:

- How the proposed development plan will further the objectives of this Schedule, the relevant clauses contained in the SPPF and MSS, and the purposes of Clause 37.01-14.
- How any relevant findings and recommendations of the various plans required by this Schedule and the Ballarat West Employment Zone Master Plan Document 2012 have been incorporated into the proposed development of the land.

Transport Management Plan

A Transport Management Plan (**TMP**) which provides the following details:

- The likely traffic generation of the proposed development;
- The likely traffic impacts of the proposed development and any mitigation measures required;
- Road layout, road widths and reserves and site access;
- The design of footpaths, bicycle paths, and shared pathway networks;
- Internal and external intersections, performance and treatments;
- Traffic Management measures and signalisation;
- An integrated transport plan including public transport;
- Details of proposed car parking arrangements on street and offstreet;
- Access for High Performance Freight Vehicles to the BWEZ Freight Hub and related transport and logistics activities.
- The impact of the road design on environmental land contained within the BWEZ.

Urban Design and Landscape Guidelines and Landscape Concept Plan

Urban Design and Landscape Guidelines for each precinct shown on the map to Schedule 14 of Clause 37.01. The Urban Design and Landscape Guidelines must be informed by and address:

- each of the matters set out in Section 10 of the Ballarat West Employment Zone Master Plan Document 2012;
- the BWEZ Framework Plan in Sections 6.0 and 7.0 of the Ballarat West Employment Zone Master Plan Document 2012;

- The presentation of sites to the Skipton Rail Trail and proposed pedestrian and cycle paths and environmental land within and adjacent to the BWEZ; and
- For the Sturt Street Precinct (Precinct B shown on the map to Schedule 14 of Clause 37.01), the Ballarat West Growth Area – Avenue of Honour Urban Design Guidelines (prepared by Hansen Partnership in association with Laidlaw and Laidlaw Designs for Ballarat City Council November 2010).
- Best practice Environmentally Sustainable Design principles for buildings, landscaping, internal environments, and construction practices.

A Landscape Concept Plan which includes:

- An overall landscape master plan for the land in the Development Plan, including a street tree master plan for the land;
- Landscape concepts for proposed public open space, including the open space positioned through the centre of the site;
- Typical street cross-sections;
- A written description of the management of all reserves, landscaping areas and water sensitive urban design treatments.

Services and Infrastructure Provision Plan

A Services and Infrastructure Plan identifying all existing and proposed infrastructure and easements (Open space, Water, Sewerage, Gas, Electricity, Telecommunications, Drainage, Storm Water overland flow points and Water Sensitive Urban Design) required to service the proposed development. The Services and Infrastructure Plan should take into account the principles contained in any Environmental Management Plan prepared for the BWEZ site.

The Drainage Strategy Plan included in the Services and Infrastructure Plan must identify measures required to ensure that flooding is not increased and that there is no deterioration in water quality in the area surrounding BWEZ as a result of the development of BWEZ, including retarding basins, floodways, and wetlands as mitigation measures. It should identify any sites where levels are required to be raised, and the location of retarding basins required at different stages of development.

The Drainage Strategy Plan must take into account the findings of the Burrumbeet Creek Flood Study prepared by the Glenelg-Hopkins Catchment Management Authority in 2012-13.

Environmental Management Plan

In the absence of an adopted Environmental Management Plan for the BWEZ site, an Environmental Management Plan must be prepared to the satisfaction of the Department of Sustainability and Environment and the Responsible Authority, indicating the measures to be adopted to protect, enhance and manage the environmental values of the BWEZ site as identified in the Ballarat West Employment Zone Master Plan Document 2012. Environmental Assessments and Management Plans are to be prepared by a qualified consultant. The EMP must ensure compliance with all relevant legislation.

Cultural Heritage Management Plan

Cultural Heritage Management Plans prepared in accordance with the requirements of the *Aboriginal Heritage Act 2006* and Regulations 2007 for those areas of BWEZ containing areas of cultural heritage sensitivity and known Aboriginal Cultural Heritage Places.

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Decision Guidelines

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Before deciding on an application for a permit or a request to approve a development plan or a request to amend an approved development plan, the responsible authority must consider as appropriate:

- The extent to which the development plan achieves the objectives of this clause.
- Whether any staged approval of the development plan will prejudice the future use and development of the Ballarat West Employment Zone.
- The extent to which any application for a permit implements the provisions of the approved development plan.