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SCHEDULE 4 TO THE SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ4**.

SPECIAL USE ZONE GROWTH AREAS (CARDINIA ROAD EMPLOYMENT PRECINCT)

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To manage the transition of non-urban land into an urban land context in accordance with the *Cardinia Road Employment Precinct Structure Plan (September 2010)*.

To identify land within a growth area where the Growth Areas Infrastructure Contribution is not applicable.

To provide a range of uses and the development of land in accordance with the *Cardinia Road Employment Precinct Structure Plan (September 2010)*.

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The Plan

Plan 1 shows the future urban structure proposed in the Cardinia Road Employment Precinct Structure Plan (September 2010).

Plan 1



LEGEND

	Precinct Structure Plan Area		Commercial		Post Contact Heritage Site	
	Urban Growth Boundary		Activity Centre		Community Facility	
Road Network				Open Space and Environment		
	State Freeway		Industrial		Unencumbered Open Space	
	Arterial Road	Residential Land				
	Connector Street		High Density Residential 2		Existing Creeks	
	Residential Connector Street (Boulevard)		High Density Residential 1		Drainage Lines	
	Access Street - level 2		Medium Density Residential		Ecological Vegetation Classes (EVCs) to be Retained	
	Access Street - level 1		Conventional Residential	Other land		
	Controlled Intersections					Existing Major Easements
						Future Urban Land

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 1 of this Schedule and shown as Special Use Zone 4 on the planning scheme maps.

2.2 Table of uses

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Section 1 - Permit not required

USE	CONDITION
Informal outdoor recreation	
Mineral exploration	
Mining	Must meet the requirements of Clause 52.08-2.
Minor utility installation	
Natural systems	
Road	
Search for stone	Must not be costeaning or bulk sampling.
Telecommunications facility	Buildings and works must meet the requirements of Clause 52.19

Section 2 - Permit required

USE	CONDITION
Emergency services facility	Must not be located on land reserved under the National Parks Act 1975.
Renewable energy facility (other than Wind energy facility)	Must meet the requirements of Clause 52.42.
Wind energy facility	Must not be located on land reserved under the National Parks Act 1975. Must meet the requirements of Clause 52.32.
Utility installation (other than Minor utility installation and Telecommunications facility)	Any gas holder, or sewerage or refuse treatment or disposal works, must be at least 30 metres from land (not a road) which is designated for residential use in Plan 1, or shown as Activity Centre or Commercial.
Any other use not in Section 1 or 3	

Section 3 - Prohibited**USE**

Accommodation
Agriculture
Brothel
Cemetery
Freeway service centre
Industry
Leisure and recreation (other than Informal outdoor recreation)
Intensive animal husbandry
Office
Place of assembly (other than Amusement parlour, Exhibition centre, Function centre, Hall, Library, Nightclub, Restricted Place of Assembly)
Pleasure Boat Facility
Retail premises
Saleyard
Warehouse
Winery

Use of land

The use of land must be generally in accordance with the *Cardinia Road Employment Precinct Structure Plan (September 2010)*.

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Permit Requirements**Specific provisions – Removal of existing waterbodies**

A permit is required to remove any existing waterbody, including dams and wetlands.

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Application requirements**Subdivision of land**

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.
- The staging of road network development within the subject land.
- A plan showing proposed encumbered and unencumbered open space areas including land designated as ‘waterways - drainage corridors’ in Plan 11 of the *Cardinia Road Employment Precinct Structure Plan (September 2010)*, and a description of role and purpose to the satisfaction of Melbourne Water and the responsible authority.
- 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.

Specific Requirements – Lot 1 TP542938 (PSP Property Number 22)

Any application to remove Dam 38 on Lot 1 TP542938 (270 Cardinia Road, Officer South) must include written advice from the Department of Sustainability and Environment that it is satisfied there has been successful colonisation and breeding of Growling Grass Frogs (GGFs) (defined by the presence of metamorphs) at a minimum of one waterbody shown in Plan 13 of the *Cardinia Road Employment Precinct Structure Plan (September 2010)*.

4.0 Conditions for permits – general

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A planning permit must include a condition or conditions which ensure that any requirements or conditions set out in the *Cardinia Road Employment Precinct Structure Plan (September 2010)* are implemented as part of the planning permit or the plans endorsed under the permit.

Any permit granted for subdivision, or the construction of a building or the carrying out of works in respect of land where a Native Vegetation Precinct Plan has identified any native vegetation to be retained must contain the conditions set out in the *Cardinia Road Employment Precinct Native Vegetation Precinct Plan*.

Environmental Assessment of Potentially Contaminated Land

If an application for a permit includes a site assessment recommending an environmental audit of all or part of the land, then the permit must contain conditions that for that part of the land recommended for the audit;

1. 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);

must be provided to the responsible authority before any building on the relevant land is occupied; and
2. If a statement by an environmental auditor is provided rather than a certificate of environmental audit and the statement 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 any building on the relevant land is occupied to provide for:
 - ongoing compliance with all conditions in the Statement by the Environmental Auditor;
 - 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

A permit to use or subdivide land, or to construct a building or construct and carry out works must contain a condition that prior to the commencement of any buildings or works, Construction Environmental Management Plan (CEMP) is to be prepared.

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 Cardinia Road Employment Precinct Native Vegetation Precinct Plan; and/or
- 200 metres of any waterbody (including creeks, drains, dams and wetlands) under the provisions of the Cardinia Road Employment Precinct Conservation Management Plan for GGF.

The CEMP must address all requirements specified in section 4.5.6 of the *Cardinia Road Employment Precinct Structure Plan (September 2010)* and be to the satisfaction of the Department of Sustainability and Environment and the responsible authority.

Conservation Management Plan - Growling Grass Frog

Where a Conservation Management Plan (CMP) for GGF has been approved by the Secretary to the Department of Sustainability and Environment (DSE) and it applies to the land, any permit granted for subdivision or the construction of a building or the carrying out of works that directly or indirectly results in the destruction of habitat for the GGF must include the following conditions as 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 waterbody.
- No dumping of soil or materials is to occur within 30 metres of any waterbody.
- No vehicle access is permitted within 30 metres of any waterbody.
- 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.
- The actions which identify the responsible agent as the “landowner” in Table A2.1 of the CMP for the GGF must be implemented to the satisfaction of the Department of Sustainability and Environment.
- Water run-off from construction sites must be managed to maintain water quality of dams.
- A salvage and translocation plan must be prepared and implemented to the satisfaction of DSE and the responsible authority, in accordance with section 3.4.3 of the CMP, where:
 - construction of a building or carrying out of works is within 200 metres of an existing waterbody; or
 - an existing waterbody is being removed, as approved under the CMP.

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Conditions for permits - subdivision

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

- At the time of subdivision, or other time as agreed with Melbourne Water, land shown as ‘waterways – drainage corridor’ in Plan 6 of the *Cardinia Road Employment Precinct Structure Plan (September 2010)* must be vested in Melbourne Water.
- At the time of subdivision, or other time as agreed with Cardinia Shire Council, land identified as ‘Project Land’ in the infrastructure funding agreement under Section 173 of the *Planning and Environment Act (1987)* for the Cardinia Road Employment Precinct must be vested in Cardinia Shire Council.
- Before the Statement of Compliance is issued under the *Subdivision Act 1988*, the applicant or owner must make a financial contribution to Melbourne Water to fund the management and maintenance of waterways to fulfil the requirements of the CMP for GGF.

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Advertising signs

The following advertising sign controls apply:

LAND (shown in Plan 1)	ADVERTISING SIGN REQUIREMENTS
Land shown as Open Space, community facilities or other public use	Category 3