

Proposed C219

SCHEDULE 16 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ16**.

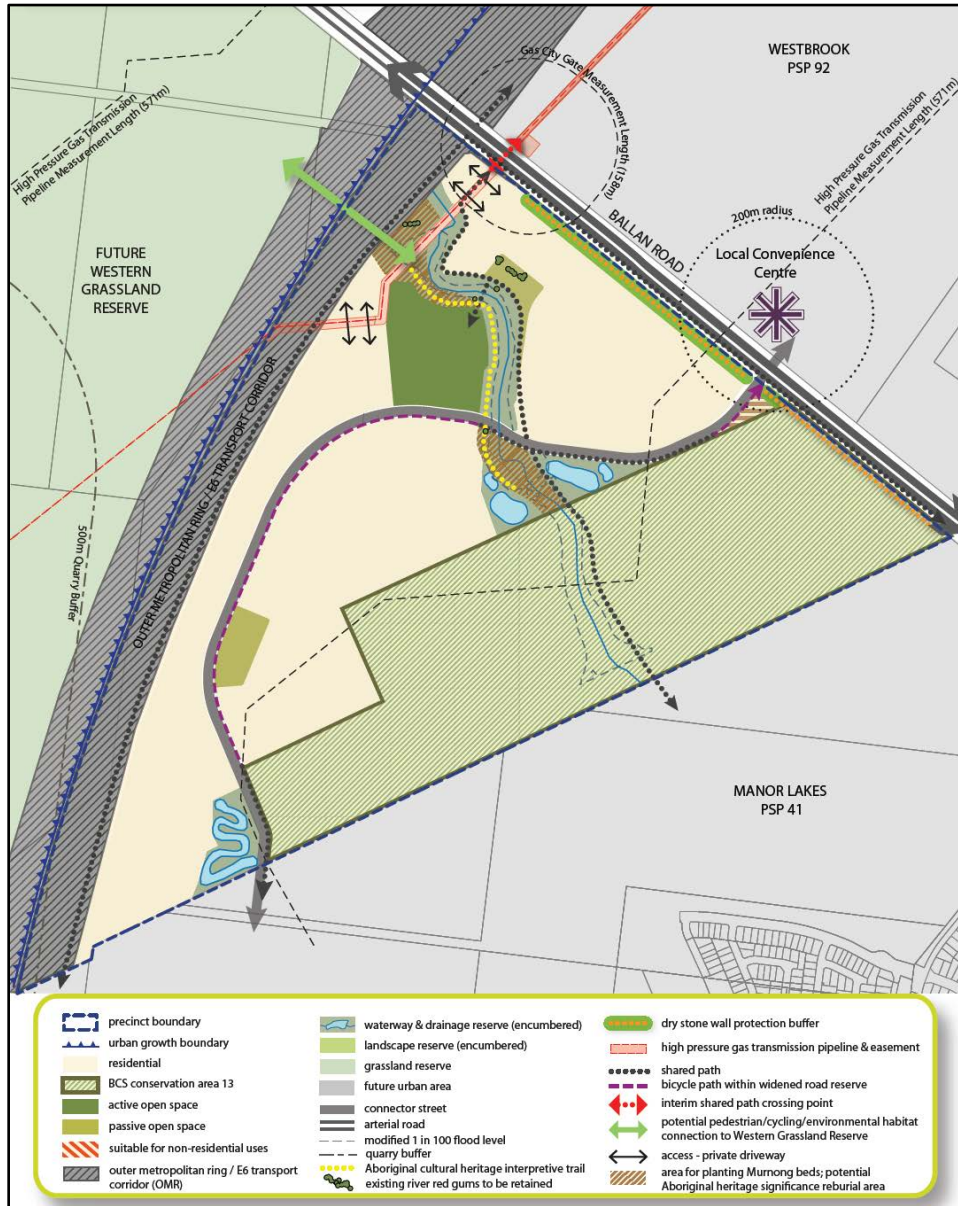
QUANDONG PRECINCT STRUCTURE PLAN

1.0 The Plan

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Plan 1 below shows the future urban structure proposed in the *Quandong Precinct Structure Plan, November 2018*. It is a reproduction of Plan 3 in the *Quandong Precinct Structure Plan, November 2018*.

Plan 1 to Schedule 16 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 within the 'precinct boundary' on Plan 1 of this schedule and shown as UGZ16 on the planning scheme maps.

Note: If land shown on Plan 1 is not zoned UGZ, the provisions in this schedule do not apply.

2.2 Applied zone provisions

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Table 1 allocates the land use/development shown on Plan 1 of this schedule with a corresponding zone from this scheme.

Where the use/development in the left column is carried out or proposed generally in accordance with the incorporated *Quandong Precinct Structure Plan, November 2018*, the use, subdivision, construction of a building and construction and carrying out of works provisions of the corresponding zone in the right column apply.

Table 1: Applied zone provisions

Land shown on Plan 1 of this schedule Arterial road Outer metropolitan ring / E6 transport corridor (OMR)	Applied zone provisions Clause 36.04 – Road Zone – Category 1
Land shown on Plan 1 of this schedule Connector street	Applied zone provisions Clause 36.04 – Road Zone – Category 2
Land shown on Plan 1 of this schedule Waterway & drainage reserve	Applied zone provisions Clause 36.03 – Public Conservation and Resource Zone
Land shown on Plan 1 of this schedule All other land	Applied zone provisions Clause 32.08 – General Residential 1 Zone

A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.

Note: e.g. The General Residential 1 Zone specifies 'Car wash' as a Section 2 Use with the condition, 'The site must adjoin, or have access to, a road in a Road Zone.' In this instance the condition should be read as, 'The site must adjoin, or have access to, a road in a Road Zone or an applied Road Zone in the Urban Growth Zone schedule applying to the land'.

2.3 Specific provisions – Use of land

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Section 1 - Permit not required

Use	Condition
Any use listed in Clause 62.01	Must meet requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
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Accommodation (other than dwelling, dependent person's unit)	On land within the 'high pressure gas transmission pipeline measurement length' and/or within the 'gas city gate measurement length', as shown on Plan 3 of the <i>Quandong Precinct Structure Plan, November 2018</i> and the applied zone is General Residential 1 Zone.
Residential aged care facility	
Medical centre	
Place of worship	

Section 3 – Prohibited

Use

2.4 Specific provisions - Subdivision

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None specified.

2.5 Specific provisions - Buildings and works

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The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

Dwellings on a lot less than 300 square metres

No permit is required to construct or extend one dwelling on a lot with an area less than 300 square metres where the lot is identified as one to be assessed against the Small Lot Housing Code via a restriction on title, and it complies with the *Small Lot Housing Code* incorporated into the *Wyndham Planning Scheme*.

3.0 Application requirements

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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 - Residential development

In addition to the requirements of Clause 56.01-2, a Subdivision Design Response for a residential subdivision of less than 60 lots must show the proposed use and development of each part of the land, and the staging of the development for all land in contiguous ownership with the land under application.

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

- A written statement that sets out how the subdivision implements the *Quandong Precinct Structure Plan, November 2018*.
- A land budget table in the same format and methodology as that within the *Quandong Precinct Structure Plan, November 2018*, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields.
- A demonstration of how the property will contribute to the achievement of the residential density outcomes in the precinct structure plan applying to the land.
- A demonstration of lot size diversity by including a colour-coded lot size plan, reflecting the lot size categories outlined in Table 2 of the *Quandong Precinct Structure Plan, November 2018*.
- A plan showing any lots proposed as multi-dwelling sites, labelling these lots as a 'multi-dwelling site'.
- A Traffic Impact Assessment Report to the satisfaction of the relevant road management authority.

- A hydrogeological assessment of the groundwater conditions on the site and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater on the development and the impact of the development on groundwater.

Traffic Impact Assessment

An application that proposes to create or change access to a six lane or four lane arterial road 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 the relevant road management authority (Roads Corporation or Wyndham City Council), as required.

Bushfire management

An application for subdivision must be accompanied by a Site Management Plan that addresses bushfire risk during, and where necessary, after construction. The plan must specify, amongst other things:

- The staging of development and the likely bushfire risks at each stage.
- An area of land between the development edge and non-urban areas consistent with the separation distances specified in AS3959-2009, where bushfire risk is managed to enable the development, on completion, to achieve a BAL-12.5 rating under AS3959-2009.
- The measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape and protect residents and property from the threat of fire.
- How adequate opportunities for access and egress will be provided for early residents, construction workers and emergency vehicles.

The Site Management Plan must be to the satisfaction of the responsible authority.

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Conditions and requirements for permits

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Conditions – Subdivision permits that allow the creation of a lot 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 to and approved by 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 into 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.

Condition – Subdivision permits for land within the High Pressure Gas Transmission Pipeline Measurement Length

A permit to subdivide land within the 'high pressure gas transmission pipeline measurement length' shown on Plan 3 in the *Quandong Precinct Structure Plan, November 2018* must include the following condition:

- Before certification of a Plan of Subdivision for the relevant stage of the subdivision under the Subdivision Act 1988, a restriction must be added to any lots on the Plan of Subdivision within the 'high pressure gas transmission pipeline measurement length' as shown in the *Quandong Precinct Structure Plan, November 2018*. The wording of the restriction must be to the satisfaction

of the owner and operator of the high pressure gas transmission pipeline and the responsible authority and must include the following:

- The lot is within the 571m measurement length of a high pressure gas transmission pipeline. Any buildings or works associated with a nominated sensitive use will require a planning permit whilst the high pressure gas transmission pipeline remains operational, and may be subject to restrictions and/or conditions on use, building and works, including those recommended by the owner and operator of the high pressure gas transmission pipeline;
- A nominated sensitive use includes Accommodation (other than Dwelling), a Child care centre, Cinema based entertainment facility, Education centre, Hospital, Place of assembly, Retail premises and Service station as well as any other use set out in Australian Standard AS2885.

Condition – Subdivision permits for land within the Gas City Gate Measurement Length

A permit to subdivide land within the ‘gas city gate measurement length’ shown on Plan 3 in the *Quandong Precinct Structure Plan, November 2018* must include the following condition:

- Before certification of a Plan of Subdivision for the relevant stage of the subdivision under the Subdivision Act 1988, a restriction must be added to any lots on the Plan of Subdivision within the ‘gas city gate measurement length’ as shown in the *Quandong Precinct Structure Plan, November 2018*. The wording of the restriction must be to the satisfaction of the owner and operator of the gas city gate and the responsible authority and must include the following:
 - The lot is within the 158m measurement length of a gas city gate. Any buildings or works associated with a nominated sensitive use will require a planning permit whilst the gas city gate remains operational, and may be subject to restrictions and/or conditions on use, building and works, including those recommended by the owner and operator of the gas city gate;
 - A nominated sensitive use includes Accommodation (other than Dwelling), a Child care centre, Cinema based entertainment facility, Education centre, Hospital, Place of assembly, Retail premises and Service station as well as any other use set out in Australian Standard AS2885.

Condition - Gas pipeline construction management plan required

A permit for subdivision, buildings or works on land within, or within 50 metres of, the boundary of the high pressure gas transmission pipeline easement on Plan 3 in the *Quandong Precinct Structure Plan*, must include the following condition:

- Prior to the commencement of any works, including demolition, on land within, or within 50 metres of the boundary of the high pressure gas transmission pipeline easement on Plan 3 in the *Quandong Precinct Structure Plan*, a construction management plan must be submitted to and approved by the responsible authority. The plan must:
 - Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the owner and operator of the high pressure gas transmission pipeline; and
 - Be endorsed by the owner and operator of the high pressure gas transmission pipeline prior to being submitted to the responsible authority.

The construction management plan must be implemented to the satisfaction of the responsible authority.

The construction management plan may, with the prior approval of the pipeline owner and operator, be amended to the satisfaction of the responsible authority.

Conditions – Subdivision or buildings and works permits where land is required for community facilities, public open space or road widening

A permit for subdivision or buildings and works, where land is required for community facilities, public open space or road widening must include the following conditions:

- The costs associated with effecting the transfer or vesting of land required for community facilities, public open space or road widening must be borne by the permit holder.
- Land required for community facilities, public open space or road widening must be transferred to or vested in the relevant public agency with any designation (e.g. road, reserve or lot) nominated by the relevant agency.

Conditions – Kangaroo Management

A permit for subdivision of land involving works must include the following conditions:

- Before the certification of the relevant stage of the plan of subdivision, a Kangaroo Management Plan must be approved by the Secretary to the Department of Environment, Land, Water and Planning. Once approved, the Kangaroo Management Plan will be endorsed by the responsible authority and form part of the permit.
- The endorsed Kangaroo Management Plan must be implemented to the satisfaction of the responsible authority.

Condition – Salvage and Translocation

A planning permit for uses, buildings or works, and/or subdivision must include the following condition:

- Salvage and translocation of threatened flora and fauna species and ecological communities must be undertaken prior to the commencement of any use, buildings or works, and/or subdivision (as allowed by this permit) to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

Conditions – Protection of conservation areas and native vegetation during construction

A permit to subdivide land where construction or works are required to carry out the subdivision, or a permit to construct a building or carry out works on land including or abutting a conservation area or patch of native vegetation or scattered tree identified for retention in the *Quandong Precinct Structure Plan, November 2018*, must ensure that:

- Before the commencement of construction or carrying out of works in or around a conservation area, scattered tree or patch of native vegetation identified for retention in the *Quandong Precinct Structure Plan, November 2018*, the developer of the land must erect a conservation area/vegetation protection fence that is:
 - highly visible
 - at least 2 metres in height
 - sturdy and strong enough to withstand knocks from construction vehicles
 - in place for the whole period of construction
 - located the following minimum distance from the element to be protected:

Element	Minimum distance from element
Conservation area	2 metres
Scattered tree	Twice the distance between the tree trunk and the edge of the tree canopy
Patch of native vegetation	2 metres

- Construction stockpiles, fill, machinery, excavation and works or other activities associated with the buildings or works must:
 - be located not less than 15 metres from a waterway;
 - be located outside the vegetation protection fence;
 - be constructed and designed to ensure that the conservation area, scattered tree or patches of native vegetation identified for retention in the *Quandong Precinct Structure Plan, November 2018* are protected from adverse impacts during construction;
 - not be undertaken if it presents a risk to any vegetation within a conservation area; and
 - be carried out under the supervision of a suitably qualified ecologist or arborist.

Conditions – Public transport

Unless otherwise agreed to by Transport for Victoria, prior to the issue of a statement of compliance for any subdivision stage containing the connector street, bus stops must be constructed, at full cost to the permit holder as follows:

- Generally in the location identified by Transport for Victoria;
- In accordance with the *Public Transport Guidelines for Land Use and Development* with a concrete hard stand area, and in activity centres a shelter must also be constructed;
- Be compliant with the *Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002*; and
- Be provided with direct and safe pedestrian access to a pedestrian path.

All to the satisfaction of Public Transport Victoria and the responsible authority.

Condition – Environmental Audit

A permit to use, develop or subdivide land for a sensitive use (residential use, child care centre, pre-school centre or primary school) must include the following condition:

- The approved use and/or development must not commence, and/or the plan of subdivision must not be certified, until the responsible authority is satisfied that the land is suitable for the intended use.
- If a Statement of Environmental Audit was lodged with the application, all the Conditions of the Statement must be carried out to the satisfaction of the responsible authority prior to the commencement of the use and/or development, and/or prior to the certification of a Plan of Subdivision or a stage of subdivision under the *Subdivision Act 1988*. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.
- Where there are conditions on a Statement of Environmental Audit that require significant ongoing maintenance and/or monitoring, the responsible authority may require the applicant to enter into a Section 173 Agreement under the *Planning and Environment Act 1987*. The Agreement must be executed on title prior to the commencement of the use and prior to the issue of a Statement of

Compliance under the *Subdivision Act 1988*. The applicant must meet all costs associated with drafting and execution of the Agreement, including those incurred by the responsible authority.

- Any further requirements made by the responsible authority after having regard to the guidance set out in the *General Practice Note on Potentially Contaminated Land June 2005* (DSE) must also be carried out to the satisfaction of the responsible authority.

5.0 Exemption from notice and review

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An application for a use listed in Section 2 of the General Residential Zone or in Section 2 of Specific Provisions – Use of land of this Clause 37.07, on land where the applied zone listed at Table 1 of this schedule is the General Residential Zone, is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

6.0 Decision guidelines

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None specified.

7.0 Signs

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Sign requirements are at Clause 52.05. All land is in the category specified in the applied zone.

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 an 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; and
- The sign is setback a minimum of 750mm from the property boundary.

A permit may be granted to display a sign with an area greater than 10 square metres promoting the sale of land or homes on the land (or on adjoining land in the same ownership).

If the sign does not meet all of the requirements listed above, it must comply with the provisions of Clause 52.05.