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C219wynd

SCHEDULE 16 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as UGZ16.

QUANDONG PRECINCT STRUCTURE PLAN

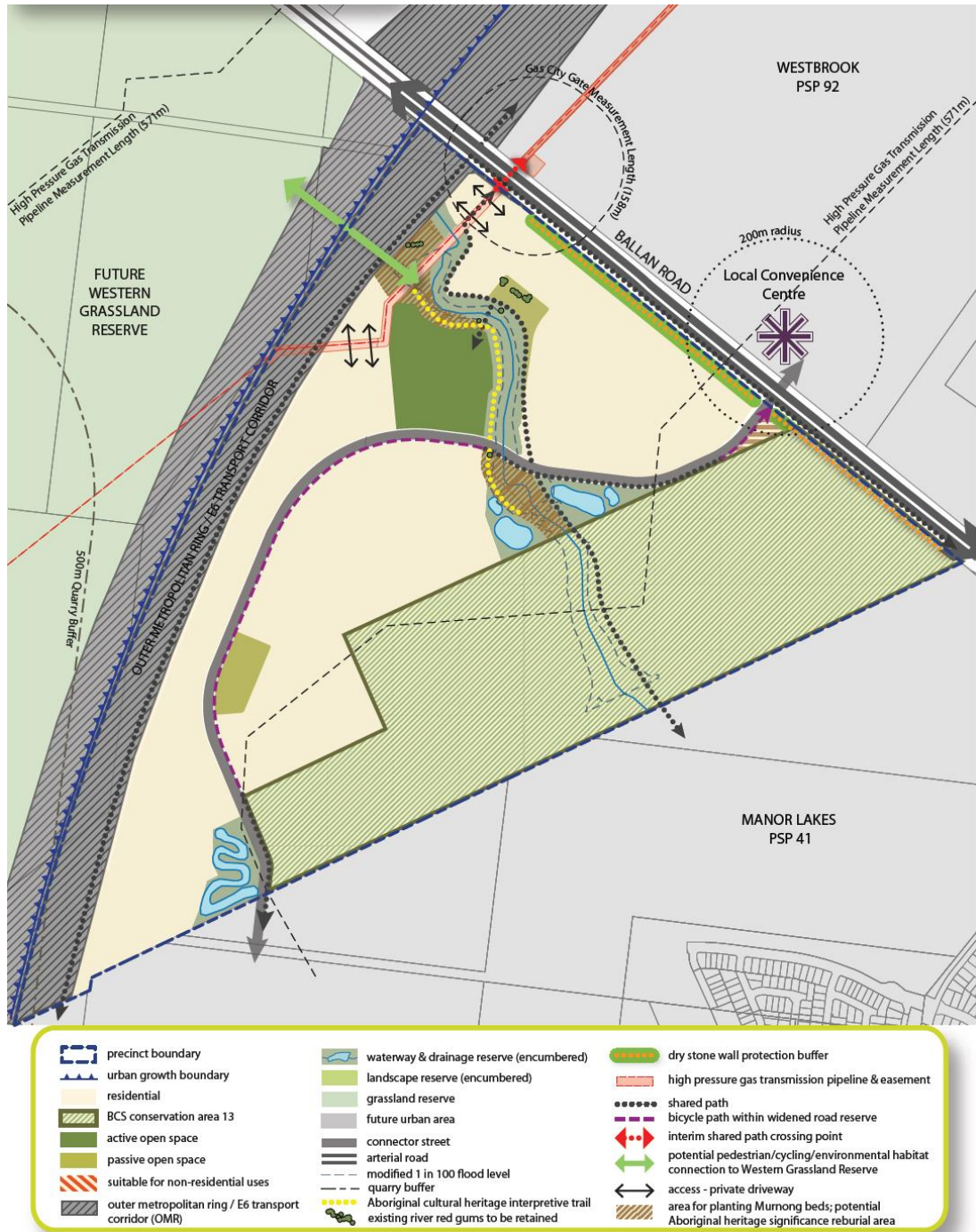
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The Plan

Plan 1 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



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Use and development

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The Land

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.

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Applied zone provisions

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

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’.

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Specific provisions – Use of land

Table 2: Use of land

Section 1 - Permit not required

Use	Condition
Accommodation (other than dwelling, dependent person's unit)	On land outside the ‘high pressure gas transmission pipeline measurement length’ and/or outside the ‘gas city gate measurement length’, as shown on Plan 3 of the <i>Quandong Precinct Structure Plan</i> ,

Use	Condition
	<i>November 2018</i> and the applied zone is General Residential Zone - Schedule 1, and meets any applicable conditions within the General Residential Zone Schedule 1.
Dependent person's unit	
Dwelling	
Medical centre Place of worship	On land outside the 'high pressure gas transmission pipeline measurement length' and/or outside 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 Zone - Schedule 1, and meets any applicable conditions within the General Residential Zone Schedule 1.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Any use not in Section 1 or 3	

Section 3 – Prohibited

Use

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Specific provisions - Subdivision

None specified.

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Specific provisions - Buildings and works

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

A permit is not 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.

Gas pipeline and Gas City Gate construction management plan required whether or not a permit is required

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 and/or the gas city gate on Plan 3 in the Quandong Precinct Structure Plan, November 2018, 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/operator of the high pressure gas pipeline; and
- Be endorsed by the owner/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.

Note:

A construction management plan will not be required for a dwelling on a lot created by a subdivision that has a construction management plan already in place in accordance with this provision.

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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:

If in the opinion of the responsible authority an application requirement listed below is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

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 Plan

An application for subdivision or development must be accompanied by a Bushfire Management Plan that provides for:

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- Where a subdivision will abut a permanent bushfire hazard:
 - A perimeter road or defined building exclusion zone must be provided on all hazard interfaces
 - The layout and design of subdivision must include a building exclusion zone adjoining a bushfire hazard as required by Column A in Table 2 to Clause 53.02 or 20m bordering a conservation area and any lots that have an interface with a bushfire hazard must front the road or building exclusion zone, orientating the rear of lots away from the hazard.
- Where a subdivision will abut an interim bushfire hazard -
 - Vegetation forming the bushfire hazard must be managed in a low threat condition for the distance specified in Column A of Table 2 of Clause 53.02 or 20m bordering a conservation area, to ensure that the risk from bushfire is reduced.
 - Where an interim hazard becomes permanent, the requirements for a permanent hazard should apply, to ensure that upon completion of the development, that vegetation will be managed for a distance to achieve a maximum construction standard of BAL 12.5.
- Vegetation on all lots and within any area of open space must be managed to reduce bushfire risk and be done in accordance with Table 6 of Clause 53.02, except for tree canopy separation which can be reduced to 2m unless otherwise agreed by the responsible authority and CFA.
- That the layout of the road network:
 - provides multiple vehicle and pedestrian entry and exit points to the subdivision and away from the bushfire risk;
 - is designed to provide access and egress opportunities that do not require traversing roads with a permanent bushfire interface.
- Any fencing of open space must not create a bushfire risk and be constructed from non combustible materials.
- The layout and design of the subdivision should ensure that all future development within the PSP area will have a separation distance from a bushfire hazard to ensure construction levels are not required to a standard greater than BAL 12.5.
- The development should be encouraged to reduce the risk from bushfire by including built form that is constructed to the relevant construction standard and managing vegetation onsite to the relevant standards.
- The design of open space, including waterways and pedestrian trails should not create new bushfire risks and consider planting and landscape themes to reduce bushfire risks.
- The road network should provide multiple evacuation routes away from the bushfire risks and areas of bushfire hazard.

The Bushfire Management Plan must be to the satisfaction of the responsible authority and relevant fire authority.

The responsible authority and relevant fire authority may waive this requirement if a plan has been previously approved for the land.

Site Management Plan - Bushfire

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 and relevant fire authority.

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Conditions and requirements for permits

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 - 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 *Quanodong 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 *Quanodong 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.

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Exemption from notice and review

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.

Notice to gas transmission pipeline licensee and gas city gate owner and operator

Notice must be given to the person or body listed in the Schedule to Clause 66.06 of an application to use land or construct a building or carry out works associated with any of the following uses within the ‘high pressure gas transmission pipeline measurement length’ and/or the ‘gas city gate measurement length’, shown on Plan 3 in the incorporated *Quandong Precinct Structure Plan, November 2018*:

- Accommodation (other than a dwelling, dependent person's unit)
- Education centre
- Hospital
- Medical centre
- Place of assembly
- Retail premises
- Service station

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Decision guidelines

None specified.

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Signs

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).