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SCHEDULE 3 TO THE URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ3**.

GREENVALE WEST R3 PRECINCT STRUCTURE PLAN

1.0

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The Plan

Map 1 shows the future urban structure in the Greenvale West R3 Precinct Structure Plan. It is a reproduction of Plan 5 in the Greenvale West R3 Precinct Structure Plan.

Map 1 to Schedule 3 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 shown as the Precinct Structure Plan area on Map 1 to this schedule.

2.2 Applied zone provisions

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The provisions of the following zones in this Scheme apply to the use and subdivision of land, construction of a building, construction and carrying out of works, by reference to Map 1 of this Schedule.

Table 1: Applied zone provisions

| Land as shown on map 1 of this schedule | Applied zone provisions |
|---|---|
| All land | Clause 32.08 – General Residential Zone |

2.3 Specific provisions – Use of land

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The following provisions apply to the use of land.

Table 2: Use

| Use | Requirement |
|---|---|
| Office where the applied zone is General Residential Zone | A permit may be granted to use land for an office if the leasable floor area of the office does not exceed 100 square metres. |

2.4 Specific provisions – Construction of single dwellings on small lots

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A permit is not required to construct one dwelling on a lot of between 250 and 300 square metres where an approved building envelope (as defined in Part 4 of the Building Regulations 2006) applies to the lot.

A permit is required to construct a front fence within 3 metres of a street unless the Front Fence Height Standard in Table A2 to Clause 54.06-2 is met.

Or

A permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where a site is identified as a lot to be assessed against the Small Lot Housing Code via a restriction on title, and it complies with the Small Lot Housing Code incorporated pursuant to Clause 81 of the Hume Planning Scheme.

2.5 Specific provisions – Resolution of doubt

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If any doubt arises as to whether a provision specified in this schedule applies to land, a planning permit may be granted for any use or development if the responsible authority is satisfied that the use or development is generally in accordance with the incorporated Greenvale West R3 Precinct Structure Plan.

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Application requirements

3.1

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Residential Subdivision

An application for subdivision must be accompanied by the following:

- A site analysis and design response as detailed in Clause 56.01.
- 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 road works internal and external to be 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 Greenvale West R3 Development Contributions Plan is sought to be provided as “works in lieu” subject to the consent of the collecting agency.
 - Any other matter relevant to the provision of public infrastructure required by the responsible authority.
 - A table setting out the amount of land allocated to proposed uses and expected population, dwelling and employment yields.
- An application for a residential subdivision of 10 lots or more must be accompanied by Subdivision and Housing Design Guidelines, prepared to the satisfaction of the responsible authority, in accordance with the incorporated Greenvale West R3 Precinct Structure Plan.
- A preliminary assessment of the potential for contaminated land as a result of previous land uses, carried out by a suitably qualified person.
- For subdivision applications that do not abut the Urban Growth Boundary, an Eastern Grey Kangaroo Management Plan. The Plan must include:
 - Staging of subdivision which identifies strategies to avoid land locking Eastern Grey Kangaroos; or
 - Management solutions and actions to respond to their containment in an area with no reasonable likelihood of their continued safe existence.

The plan must be to the satisfaction of the Department of Sustainability and Environment.

The responsible authority may waive or reduce these applications requirements.

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Conditions and requirements for permits

General

A planning permit must include a condition which ensures that any requirements or conditions set out in the Greenvale West R3 Precinct Structure Plan, including the Native Vegetation Precinct Plan, must be implemented as part of the relevant planning permit or the plans endorsed under a permit.

Land required for community facilities, public open space or public roads must be shown on a certified plan in favour of Hume City Council.

Prior to the issue of a Statement of Compliance for the subdivision (or the relevant stage of a subdivision) where building envelopes are proposed, each lot between 250 square metres and 300 square metres in area must contain a building envelope (in accordance with Part 4 of the Building Regulations) to the satisfaction of the responsible authority.

If an approved building envelope applies to a lot between 250-300 square metres under section 2.4 of this schedule, a planning permit must contain a condition that requires the approved building envelopes be applied as a restriction on the plan of subdivision or through an Agreement under Section 173 of the *Planning and Environment Act 1987* that is registered on the title to the land. The restriction or the Agreement must provide for:

- The building envelope plan to apply to each relevant lot.
- All buildings to conform to the building envelope on the relevant lot.
- The construction of a building outside the building envelope only with the written consent of the responsible authority.
- A building envelope to cease to apply to any building on the lot affected by the envelope after the issue of a certificate of occupancy for the whole of a dwelling on the land.

Or

If construction of a single dwelling on a lot is to be assessed against the Small Lot Housing Code under section 2.4 of this schedule, 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 for approval to the satisfaction of 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 pursuant to Clause 81 of the Hume Planning Scheme.
- 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.

Prior to the issue of a Statement of Compliance for the first stage of a development, the owner must, if required, enter into an agreement or agreements under Section 173 of the *Planning and Environment Act 1987* which specifies the infrastructure required to be provided as part of the development. The agreement must give effect to the approved Public Infrastructure Plan.

Before the plan of subdivision is certified under the *Subdivision Act 1988*, further testing in accordance with the recommendations of the preliminary site assessment lodged with the application must be carried out to the satisfaction of the Responsible Authority. Upon receipt of the further testing report the owner must comply with 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). The plan of subdivision must not be certified until the responsible authority is satisfied that the land is suitable for the intended use.

Biodiversity

Where an Eastern Grey Kangaroo Management Plan has been prepared as part of the application requirements, the subdivision must implement the Eastern Grey Kangaroo Management Plan by either:

- Proceeding in the order or stages as shown on the plan; or
- Implementing the management solutions and actions of the plan.

The plan must be prepared and implemented to the satisfaction of the Department of Sustainability and Environment.

Prior to the commencement of works on that part of the site within which Golden Sun Moth habitat has been identified on Plan 10 – Threatened Species Action Plan, in the Greenvale West R3 Precinct Structure Plan, offsets for removal of Golden Sun Moth habitat within the land must be provided to the satisfaction of the Secretary to the Department of Sustainability and Environment.

Prior to the commencement of any buildings or works on land that has been identified as potential Striped Legless Lizard habitat on Plan 10 – Threatened Species Action Plan in the Greenvale West R3 Precinct Structure Plan, a fully costed Striped Legless Lizard translocation / salvage plan must be prepared to the satisfaction of the Department of Sustainability and Environment and submitted to and approved by the responsible authority. The approved Striped Legless Lizard translocation/ salvage plan must be implemented to the satisfaction of the Department of Sustainability and Environment and the responsible authority.

5.0

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Advertising signs

The following advertising sign category in this scheme applies by reference to Map 1 of this Schedule.

Table 3: Advertising signs

| Land as shown on map 1 of this schedule | Advertising sign category |
|---|---|
| Residential | Category 3 (except for display village) |

5.1

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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 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.
- The sign is setback a minimum of 750mm from the property boundary.
- No fittings or wiring are visible from adjacent streets or properties.

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

5.2

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Office and convenience shop signs in residential areas

A permit may be granted for a business identification sign of no more 2 square metres on land where the applied zone is General Residential Zone provided:

- The application for a permit is lodged concurrently with an application for
- The sign is not illuminated.
- No fittings or wiring are visible from adjacent streets or properties.