SCHEDULE 1 TO CLAUSE 37.07 URBAN GROWTH ZONE

Shown on the planning scheme map as UGZ1.

LENEVA-BARANDUDA PRECINCT STRUCTURE PLAN

1.0

The Plan

Map 1 shows the future urban structure proposed in the Leneva Baranduda Precinct Structure Plan. It is a reproduction of Plan 2 in the Incorporated Document, Leneva-Baranduda Precinct Structure Plan.

Map 1 to Schedule 1 to Clause 37.07

2.0

Use and development

The Land

The use and development provisions specified in this schedule apply to the land within the 'precinct area' on Map 1 of this schedule and shown as UGZ1 on the planning scheme maps.

Note

If land shown on Map 1 is not zoned UGZ1, the provisions of this zone do not apply.

2.2

Applied zone provisions

The provisions of the following zones in this scheme apply to the use and subdivision of land, construction of a building, and construction and carrying out of works, by reference to Map 1 of this schedule.
### Table 1: Applied zone provisions

<table>
<thead>
<tr>
<th>Land shown on map 1 of this schedule</th>
<th>Applied zone provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial road (VicRoads)</td>
<td>Clause 36.04 - Road Zone - Category 1</td>
</tr>
<tr>
<td>Arterial road (Council)</td>
<td>Clause 36.04 - Road Zone - Category 2</td>
</tr>
<tr>
<td>Connector street - boulevard</td>
<td></td>
</tr>
<tr>
<td>Connector street</td>
<td></td>
</tr>
<tr>
<td>Local town centre</td>
<td>Clause 34.01 - Commercial 1 Zone</td>
</tr>
<tr>
<td>Wodonga Retained Environmental Network (category 3 land within the Leneva Valley and Baranduda Native Vegetation Precinct Plan)</td>
<td>Clause 36.02 - Public Park and Recreation Zone</td>
</tr>
<tr>
<td>Future Cemetery/Crematorium</td>
<td>Clause 36.01 Public Use Zone 5</td>
</tr>
<tr>
<td>Property 36 at plan 3 of the PSP</td>
<td>Clause 35.03 - Rural Living Zone</td>
</tr>
<tr>
<td>All other land</td>
<td>Clause 32.08 - General Residential Zone</td>
</tr>
</tbody>
</table>

### Note

A reference to a planning scheme zone (as shown in Table 1) in an applied zone must be read as if it were a reference to an applied zone under this schedule. E.g. The General Residential 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’.

### Specific provisions – Use of land

The following provisions apply to the use of the land.

#### Section 1 - Permit not required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwellings where the applied zone is Rural Living Zone</td>
<td>Must be the only dwelling on the lot. Must be on a lot created in accordance with the specific provision for subdivision of land in a Landscape Values area at Clause 2.4 of this schedule.</td>
</tr>
<tr>
<td>Leisure and recreation (other than Motor racing track)</td>
<td>A permit is not required to use land shown as Baranduda Sports and Recreation Facility, but which is outside of the 1.5km Green Waste Facility Odour Buffer, in the</td>
</tr>
</tbody>
</table>
### Section 2 - Permit required

<table>
<thead>
<tr>
<th>Use</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling where the applied zone is Rural Living Zone</td>
<td>If the Section 1 condition is not met</td>
</tr>
<tr>
<td>Shop where the applied zone is Commercial 1 Zone</td>
<td>A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds the following areas for the relevant centre as described in the Leneva-Baranduda Precinct Structure Plan:</td>
</tr>
<tr>
<td></td>
<td>1,500 sqm for land shown as Leneva Local Centre</td>
</tr>
<tr>
<td></td>
<td>10,000 sqm for land shown as the Baranduda Town Centre</td>
</tr>
<tr>
<td>Accommodation (including dwelling)</td>
<td>A permit is required if the land is within the 100m Concreate Batching Plan Air Emissions Buffer, 500m Landfill Gas Migration Buffer or 1.5km Green Waste Facility Odour Buffer in the incorporated Leneva-Baranduda Precinct Structure Plan</td>
</tr>
<tr>
<td>Child care centre</td>
<td></td>
</tr>
<tr>
<td>Education centre</td>
<td></td>
</tr>
<tr>
<td>Informal outdoor recreation</td>
<td></td>
</tr>
<tr>
<td>Office where the applied zone is Commercial 1 Zone</td>
<td>A permit is required to use land shown as Baranduda Town Centre and Leneva Local Centre in the incorporated Leneva Baranduda Precinct Stucture Plan if the combined leasable floor area of all offices exceeds:</td>
</tr>
<tr>
<td></td>
<td>200 sqm at the Baranduda Town Centre</td>
</tr>
<tr>
<td></td>
<td>100 sqm for all other Local and Neighbourhood Activity Centres</td>
</tr>
<tr>
<td></td>
<td>Car parking, loading bays and bicycle provision must be provided to the satisfaction of the responsible authority</td>
</tr>
<tr>
<td>Office where the applied zone is General Residential Zone</td>
<td>A permit is required to use land for an office on land shown as Baranduda Sports and Recreation Facility in the incorporated Leneva-Baranduda Precinct Structure Plan. Gross floor area of an office must not exceed 100 sqm.</td>
</tr>
</tbody>
</table>

### Any other use not in Section 1 or 3

### Section 3 – Prohibited

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Industry</td>
<td></td>
</tr>
</tbody>
</table>
Use and development of future local parks and community facilities

A permit is not required to use or develop land shown in the Leneva-Baranduda Precinct Structure Plan as local park or community facilities provided the use or development is carried out generally in accordance with the Leneva-Baranduda Precinct Structure Plan and with the prior written consent of the Wodonga City Council.

2.4
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Specific provisions - Subdivision

A permit to subdivide land must include the following conditions:

- between the date of this permit and the time of transfer of any land identified as category 2 or category 3 conservation reserve land within the Leneva Valley and Baranduda Native Vegetation Precinct Plan (LVBNVPP) that is to be vested in Council the owner must manage, or cause to be managed, that land in accordance with the objectives outlined in the LVBNVPP, including the following as appropriate:
  - Effective exclusion of any development activity or disturbance (such as vehicle or machinery access, earthworks, placement of fill or storage of materials)
  - Work to control exotic flora and fauna and
  - Any necessary fire hazard reduction activities.

- Prior to a statement of compliance the owner must fence, in a style approved by the responsible authority, any land identified as category 2 or category 3 land within the LVBNVPP that is to be vested in council and provide maintenance access points, at the owners expense prior to the transfer of the land.

Subdivision of land in a Landscape Values area

A permit may be granted for the subdivision of Lot 36 in the Landscape Values area shown on Plan 3 of the incorporated Leneva-Baranduda Precinct Structure Plan provided the following requirements are met:

- The subdivision must create a maximum of one additional lot per parent lot.

- The owner of the land must enter into an agreement under section 173 of the Planning and Environment Act 1987 with the responsible authority preventing the further subdivision of the land. The agreement must be prepared and registered at no cost to the responsible authority and contain a covenant to be registered on the Certificate of Title of the property so as to run with the land.

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Specific provisions - Buildings and works

A permit is required to construct a building or construct or carry out works within the 500 metre Landfill Gas Migration Buffer shown on Map 1 of this schedule.

A permit is not required for non-intrusive works. Non-intrusive works means the construction of a building or the carrying out of works that do not involve enclosed structures, excavation or significant ground disturbance. They include:

- Alterations to buildings and structures that do not require ground disturbance
- Fencing
- Street and park furniture
- Vehicle crossovers
- Satellite dishes
- Minor signage
- Garden sheds and greenhouses that do not require extensive footings or foundations.
Application requirements

If in the opinion of the responsible authority an application requirement for "Subdivision" or "Public Infrastructure" 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 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 subject land under application and must include:

- A written statement that sets out how the subdivision implements and is consistent with the Leneva-Baranduda Precinct Structure Plan
- A land budget table in the same format and methodology as those within the Leneva-Baranduda Precinct Structure Plan, setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields
- Where land slopes 5% or greater Subdivision and Housing Design Guidelines must be prepared to the satisfaction of the responsible authority, which demonstrate how the proposal responds to and achieves the objectives and planning and design requirements and guidelines in accordance with the incorporated Leneva-Baranduda Precinct Structure Plan, including provisions relating to development on sloping allotments
- The specific built form requirements arising out of the design guidelines prepared as part of the application for subdivision for lots on slopes greater than 5% must be implemented via a restriction on title or any other alternative deemed satisfactory by the responsible authority
- A mobility plan that demonstrates how the local street, road connections and movement network (including open space, pedestrian and cycling access) integrates with adjacent urban development and is capable of integrating with future development on adjacent land parcels
- A demonstration of how the subdivision will contribute to the delivery of a diversity of housing
- A site analysis plan which demonstrates the subdivision is designed and oriented to maximise energy efficiency on both flat and sloping land
- A Transport Impact Assessment Report to the satisfaction of the relevant road management authority
- For the purposes of Clause 13.02, a site analysis plan which demonstrates the subdivision is designed and oriented to ensure a BAL rating of no greater than BAL 12.5 is achieved.

Any application for residential subdivision within 150 metres of the ‘Fire Threat Edge’ as defined in Plan 4 of the Leneva-Baranduda Precinct Structure Plan, must be accompanied by an assessment of the classification of vegetation in the Leneva Valley and Baranduda Native Vegetation Precinct Plan (LVBNVPP) conservation reserves, in accordance with the Australian Standard AS:3959-2009 (Vegetation Assessment).

The Vegetation Assessment should take into account both existing conditions and anticipated future vegetation conditions as a consequence of the management objectives as set out in the LVBNVPP and any associated conservation management plans.

The Vegetation Assessment must define a defendable space and Bushfire Attack Level regime for land within 150 metres of the ‘Fire Threat Edge’ defined in Plan 4 of the Leneva-Baranduda Precinct Structure Plan based on the relevant vegetation classifications.

The Vegetation Assessment must be to the satisfaction of the responsible authority and relevant fire authority.

Public Infrastructure Plan

An application must be accompanied by a Public Infrastructure Plan which addresses the following:
What land may be affected or required for the provision of infrastructure works such as stormwater and drainage

The effects of the provision of infrastructure on the land or any other land

The provision, staging and timing of stormwater drainage works

The provision, staging and timing of road works internal and external to the land consistent with any relevant transport plan or assessment

Landscaping of any land and details of public art proposed within open space and activity centres

What, if any, infrastructure set out in the Leneva-Baranduda Development Contributions Plan is sought to be provided as "works in kind" subject to the consent of the Collecting Agency

The provision of public open space and land for any community facilities

Any other matter relevant to the provision of public infrastructure required by the responsible authority.

Applications within the Landfill Gas Migration Buffer

Any application to subdivide land, use land or construct a building or carry out works on land within the 500m Landfill Gas Migration Buffer as shown on Plan 2 of the incorporated Leneva-Baranduda Precinct Structure Plan must be accompanied by a landfill gas risk assessment undertaken by a suitably qualified person in relation to the site, or a section 53V (risk of harm) audit under the Environment Protection Act 1970, at the discretion of the responsible authority in consultation with the Environment Protection Authority. A landfill gas risk assessment should include:

- A conceptual site model, based on the characteristics of the landfill and proposal and the likely pathways of gas migration and exposure
- Sufficient environmental monitoring from the proposal site to inform the assessment and enable the environmental risks to be characterised (magnitude and likelihood of hazard)
- An assessment of the environmental risk posed by the landfill
- Site-specific recommendations for further action, including what, if any, mitigation measures are required; and what, if any, further assessment is required (such as monitoring or the need to complete a section 53V Audit).

Applications within the Green Waste Facility Odour Buffer

An application to develop land for a sensitive use (including Accommodation, Child care centre, Pre-school, Primary school, Education centres or Informal outdoor recreation sites) located within the 1.5 kilometre Green Waste Facility Odour Buffer shown on Map 1 of this Schedule and Plan 2 of the incorporated Leneva-Baranduda Precinct Structure Plan must be accompanied by an Odour Environmental Risk Assessment prepared by a suitably qualified person to the satisfaction of the responsible authority, in consultation with the Environment Protection Authority. The Odour Environmental Risk Assessment must be prepared in accordance with the State Environment Protection Policy (Air Quality Management) and assess the potential adverse amenity impacts of the green waste facility on the future proposed sensitive use of the land.

Applications within the Concrete Batching Plant Air Emissions Buffer

An application to develop land for a sensitive use (including Accommodation, Child care centre, Pre-school, Primary school, Education centres or Informal outdoor recreation sites) within the 100 metre Concrete Batching Plant Air Emissions Buffer shown in Map 1 of this schedule and Plan 2 of the incorporated Leneva-Baranduda Precinct Structure Plan must be accompanied by a report prepared by a suitably qualified person that assesses the air quality, noise and amenity impacts...
arising from the concrete batching plant at 33 Kiewa Valley Highway, Bandiana (including future expansions to the facility), and demonstrates that the site is suitable for development for sensitive land uses.

**Note**

Notice of an application of the kind listed below must be given in accordance with section 52(1)(c) of the Act to the person or body specified in the Schedule to Clause 66.06.

An application, on land within the ‘100 metre Concrete Batching Plant Air Emissions Buffer’ on ‘Plan 2 – Future Urban Structure’ in the incorporated Leneva-Baranduda Precinct Structure Plan, where the application is to use land for, or to construct a building to accommodate, any of the following:

- Accommodation
- Child care centre
- Education centre
- Hospital
- Medical centre
- Place of assembly

**Transport Impact Assessment**

An application that proposes to create or change access to a secondary arterial road must be accompanied by a Transport Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility / concept road safety audit, must be to the satisfaction of VicRoads or the Wodonga City Council, as required.

**Applications on land containing or abutting a conservation reserve (as identified as Category 3 land within the Leneva Valley and Baranduda Native Vegetation Precinct Plan)**

An application to develop land containing or abutting Category 3 land as shown in the LVBNVPP must be accompanied by a plan that shows:

- Relevant natural features within and immediately adjacent to the area to be developed, including trees and other significant vegetation, habitat for protected species, drainage lines, water courses, wetlands, ridgelines and hill tops.
- Proposed interface treatments to the Category 3 Land generally in accordance with the requirements of the LVBNVPP and Municipal Strategic Statement
- The retention and removal of vegetation and any re-vegetation
- The proposed location of cycle and pedestrian pathways including demonstration of how the alignment of pathways avoids native vegetation removal within category 3 land and their location
- Any unreserved Category 3 Land to be vested in Council in accordance with the LVBNVPP. The plan must including the proposed timing of such vesting.

**Applications for use or development of land for a sensitive purpose – Environmental Site Assessment**

An application to develop land, including subdivision, defined as an Assessment Level ‘A’ or ‘B’ Property on Map 2 of this schedule for Accommodation, Child care centre, Kindergarten, Primary school or public open space (sensitive use) must be accompanied by a site assessment complying with the Potentially Contaminated Land General Practice Note June 2005, DSE (and as amended).

An application to develop land, including subdivision, for land defined as Assessment Level ‘A’ or Assessment Level ‘B’ must also provide the following information:
• A detailed assessment of potential contaminants on the relevant land;

• Clear advice from an appropriately qualified person 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 (and as amended);

• A detailed assessment of surface and subsurface water conditions and geotechnical characteristics on the relevant land and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions and geology on the development and the impact of the development on surface and subsurface water; and

• A recommended remediation actions for any potentially contaminated land – all to the satisfaction of the responsible authority.

If the site assessment recommends an environmental audit, the environmental audit must accompany the application.
Conditions and requirements for permits

A planning permit must include a condition or conditions which ensure that any requirements or conditions set out in the Leneva-Baranduda Precinct Structure Plan or the LVBNVPP are implemented as part of the planning permit or the plans endorsed under the permit.
Subdivision and housing design guidelines - slope
An application for subdivision for lots on slopes greater than 5% must demonstrate compliance with the Subdivision and Housing Design Guidelines, with required measures to be implemented via a restriction on title or any other alternative deemed satisfactory by the responsible authority.

Subdivision or buildings and works permits where land is required for community facilities
Land required for community facilities as set out in the Leneva-Baranduda Precinct Structure Plan must be transferred to or vested in Council at no cost to Council unless the land is funded by the relevant Development Contribution Plan.

Protection of Category 3 land within the Leneva Valley and Baranduda Native Vegetation Precinct Plan (WREN) during construction
A permit granted to subdivide land where construction or works are required to carry out the subdivision, or a permit granted to construct a building or carry out works, within 15 metres of Category 3 Land must include the conditions set out in section 6.2 of the Leneva Valley and Baranduda Native Vegetation Precinct Plan.

Protection of Category 2 land within the Leneva Valley and Baranduda Native Vegetation Precinct Plan (WREN) during construction
A permit granted to subdivide land where construction or works are required to carry out the subdivision, or a permit granted to construct a building or carry out works, within 15 metres of Category 2 Land must include the conditions set out in section 5.2 of the Leneva Valley and Baranduda Native Vegetation Precinct Plan.

Bushfire risk
Before the commencement of works for any stage of subdivision a Site Management Plan that addresses bushfire risk during, and where necessary, after construction must be submitted to and approved by the responsible authority. 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, such as the Conservation reserve network, consistent with the separation distances specified in AS3959-2009, where bushfire risk is managed to enable the development, on completion, to achieve a maximum 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 appropriate opportunities for access and egress will be provided for early residents, construction workers and emergency vehicles
- How the plan complies with any approved Bushfire Management Strategy for environmental lands management.

The requirements of the approved Site Management Plan must be carried out to the satisfaction of the responsible authority.

Use or develop land for a sensitive purpose – Environmental Site Assessment
Before a Statement of Compliance is issued under the Subdivision Act 1988 which allows a subdivision of land which is likely to be used for a sensitive use, the recommendations of the relevant Environmental Site Assessment submitted with the application must be carried out to the satisfaction of the responsible authority.

A planning permit must include conditions or requirements which give effect to any relevant recommendation of the Statement or Certificate of Environmental Audit or Environmental Site Assessment.
**Road Network**

Any permit for subdivision must contain the following condition:

Prior to the certification of a stage of any plan of subdivision for that stage (excluding superlots) must show the land within or abutting that stage affected by the widening of the road reserve for the ultimate design of any relevant intersection.

Land required for road widening including for intersection must be transferred to or vested in council at no cost to the acquiring agency unless otherwise funded by the relevant Development Contributions Plan.

**Precinct Infrastructure Plan**

Any permit for subdivision must contain the following condition:

Prior to the certification of a plan of subdivision or at such other time which is agreed between Council and the owner and if required by the responsible authority or the owner, the owner must enter into an agreement or agreements under section 173 of the *Planning and Environment Act 1987* which provides for:

- The implementation of the Public Infrastructure Plan approved under this permit.
- The purchase and/or reimbursement by the responsible authority for any provision of public open space in excess of the amount specified in the Schedule to Clause 53.01.
- The timing of any payments to be made to the owner having regard to the availability of funds in the open space account.

**Exemption from notice and review**

None specified.

**Decision guidelines**

The following decision guidelines 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 which must be considered, as appropriate, by the responsible authority:

- Wodonga Retained Environment Network – A threatened species and habitat conservation strategy
- Leneva Valley and Baranduda Native Vegetation Precinct Plan

**Signs**

Sign requirements are at Clause 52.05. All land shown in Map 1 as "Baranduda Sport and Recreation Facility" is in Category 2.

All other land shown in Map 1 is in the category specified in the zone applied to the land at Clause 2.2 of this Schedule.