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SCHEDULE 1 TO THE URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ1**.

TRUGANINA SOUTH COMMUNITY PRECINCT STRUCTURE PLAN

1.0

The Plan

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Map 1 shows the future urban structure proposed in the Truganina South Community Precinct Structure Plan. It is a reproduction of Plan 5 in the Truganina South Community Precinct Structure Plan.

Map 1 to Schedule 1 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 in Map 1 and shown as UGZ1 on the planning scheme maps.

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, the construction of a building, and the construction or carrying out of works as set out in Table 1.

Table 1: Applied zone provisions

Land use/development (carried out or proposed) generally in accordance with the precinct structure plan applying to the land (refer map 1)	Applied zone provisions
Local town centre & Business Centre	Clause 34.01 – Commercial 1 Zone
Conservation site	Clause 35.07 – Farming Zone (Schedule 3)
Leakes Road	Clause 36.04 – Road Zone – Category 2
All other land	Clause 32.08 – General Residential Zone

2.3 Reference to a planning scheme zone is a reference to an applied zone

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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 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.’

2.4 Specific provisions - Use of land

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Table 2: Retail premises uses within the Business Centre shown on Map 1

Use	Condition
Equestrian supplies, lighting shop and party supplies	Prohibited.
Food and drink premises (other than convenience restaurant, hotel, tavern)	The total combined leasable floor area for all food and drink premise (other than convenience restaurant, hotel, tavern) must not exceed 1,000 square metres.
Hotel	Must be ancillary to a reception and/or conference centre.
Restricted retail premises (other than equestrian supplies, lighting shop and party supplies)	Must only be used to sell or hire office equipment and supplies. The total combined leasable floor area for all restricted retail premises must not exceed 3000 square metres.

Use	Condition
Shop (other than restricted retail premises)	The total combined leasable floor area for all shops must not exceed 1,000 square metres.
Tavern	Must be ancillary to a reception and/or conference centre.

Table 2: Retail premises uses within the Town Centre shown on Map 1

Use	Condition
Shop	A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds 7000 square metres.

A permit may be granted for a shop (other than adult sex bookshop) if the gross leasable floor area does not exceed 250 square metres.

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Specific Provision – Construction of single dwellings on small lots

A permit is not required to construct or extend one dwelling on a lot between 250 square metres 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 Wyndham Planning Scheme.

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Specific provisions – matters of national environmental significance

Conservation Site – Conservation Management Plan

A permit must not be granted to use or subdivide land, or to construct a building or construct and carry out works on or immediately adjacent to land shown as ‘Conservation Site’ on Map 1 until a Conservation Management Plan is approved to the satisfaction of the Department of Sustainability and Environment.

A Conservation Management Plan may be amended by a landowner, or person proposing to develop the land, to the satisfaction of the Department of Sustainability and Environment.

Conservation Site - management and security requirements

Subdivision of land within the ‘Conservation Site’ and within 30m of the ‘Conservation Site’ must be in accordance with the requirements of a Conservation Management Plan approved to the satisfaction of the Department of Sustainability and Environment. Before subdivision or where appropriate concurrent with subdivision, the person developing the land must:

- permanently secure the site for the conservation of the threatened species; and
- carry out the management actions specified in the Conservation Management Plan in the timeframes specified in the Conservation Management Plan.

Where a management action specified in the Conservation Management Plan is not completed during the course of the development, the person developing the land must, before the issue of a certificate of compliance, provide for the completion of those actions by one or more of:

- registered on-title agreement under Section 173 of the Planning and Environment Act 1987 with the responsible authority and the Department of Sustainability and Environment that provides for the completion of management actions;
- registered on-title agreement under Section 69 of the Conservation Forests and Lands Act 1987;
- a conservation covenant under the Victorian Conservation Trust Act 1972; or
- transfer of the land to public ownership as a reserve for the purposes of conservation under the Crown Land (Reserves) Act 1978 as a park under the National Parks Act 1975.

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Application requirements

Subdivision

An application must be accompanied by a Public Infrastructure Plan which addresses the following:

- 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 the 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 Truganina South Community Development Contributions Plan is sought to be provided as "works in lieu" subject to the consent of the collecting agency; and
- any other matter relevant to the provision of public infrastructure required by the responsible authority.

Urban Design Framework - activity centres

A permit must not be granted to use or subdivide land, or to construct a building or construct and carry out works on, or immediately adjacent to land shown as 'town centre' on Map 1 until an Urban Design Framework for the relevant activity centre has been approved by the responsible authority.

The Urban Design Framework must be generally in accordance with the Truganina South Community Precinct Structure Plan.

The responsible authority may reduce or waive the requirement to prepare an Urban Design Framework if it is satisfied that the proposal will not prejudice the achievement of the objectives and planning and design guidelines for the activity centre set out in the Truganina South Community Precinct Structure Plan.

An Urban Design Framework may be prepared in stages and amended to the satisfaction of the responsible authority.

Subdivision - residential development

In addition to the requirements of Clause 56, an application for subdivision must be accompanied by the following information for all of the land in the contiguous ownership of the landowner forming part of the development:

- the proposed use and development of each part of the land;
- the staging of the development.

In addition to the requirements of Clause 56, 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. The guidelines must address the following:

- how development of the lots will support environmental sustainability and reduce reliance on non-renewable energy sources; and
- where vehicle entrance to a lot is from the rear, detailed design of the rear laneway and access arrangements in accordance with Council's guidelines.

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

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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 Truganina South Community Precinct Structure Plan and the Truganina South Native Vegetation Precinct Plan are implemented as part of the planning permit or the plans endorsed under the permit.

Land required for community facilities, public open space or public roads must be shown on a plan of certification as a reserve in favour of Wyndham City Council or another relevant person or body.

Before a plan is certified for a 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 Act 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; and
 - 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 Wyndham 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 Act which specifies the infrastructure required to be provided as part of the development. The agreement must give effect to the approved Public Infrastructure Plan.

Requirements for subdivision and development associated with the Conservation Site

A road interface should be provided between any residential development (excepting the drainage reserve) and the Conservation Site. If there are compelling reasons for an alternative to this treatment, then this alternative treatment must:

- provide sufficient separation distances from residential dwellings to the Conservation Site;
- predominantly be an impervious hard surface that minimises the potential for weed invasion;
- provide cycle and pedestrian connectivity;
- ensure passive surveillance and have residential dwellings that positively address the Conservation Site; and
- be approved by the Department of Sustainability and Environment.

Before the commencement of works the following actions are to be undertaken in accordance with the approved Conservation Management Plan for the Conservation Site:

- a fence must be erected along any boundary of the Conservation Site;
- controlled access points must be established along the boundary fence;
- signs must be erected at regular intervals on all fences identifying the Conservation Site and any relevant access limitations; and
- existing fencing within the Conservation Site must be removed.

A Construction Management Plan is to be prepared to the satisfaction of the Department of Sustainability and Environment prior to the subdivision or development of land within 30m the Conservation Site. The Construction Management Plan is to address any requirements of the Conservation Management Plan and ensure that the Conservation Site is protected.

Biodiversity - offsets and translocation

Prior to the commencement of works on that part of a property within which Golden Sun Moth habitat has been identified, offsets for the removal of Golden Sun Moth habitat within the land must be provided to the satisfaction of the Department of Sustainability and Environment or an agreement entered into to provide offsets to the satisfaction of the Department of Sustainability and Environment.

Prior to the commencement of works in respect of any plan of subdivision within which Striped Legless Lizard native habitat has been identified offsets for removal of Striped Legless Lizard native habitat and the means to achieve these offsets, must be approved by the Secretary of the Department of Sustainability and Environment.

Prior to the commencement of any buildings or works, a fully costed Striped Legless Lizard translocation / salvage plan must be prepared to the satisfaction of the Department of Sustainability and Environment.

The Striped Legless Lizard translocation / salvage plan must be implemented to the satisfaction of the responsible authority.

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Exemption from notice and review

The exemption from notice and review under Clause 37.07-13 does not apply in residential areas outside the Peripheral Area shown in Plan 8: Housing Plan of the Truganina South Community Precinct Structure Plan incorporated in this scheme:

- if the use is listed under Section 2 of Clause 32.08-1;
- to buildings and works associated with a use listed under Section 2 of Clause 32.08-1;

except where the use is shown in the Truganina South Community Precinct Structure Plan incorporated in this scheme.

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Advertising signs

The following advertising sign categories in this scheme apply by reference to Map 1 of this Schedule.

Table 3: Advertising signs

Land shown on map 1 of this schedule	Advertising sign category
Residential	Category 3
Local town centre / Business centre	Category 1
All other land	Category 4