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SCHEDULE 3 TO THE URBAN GROWTH ZONE

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

Manor Lakes Precinct Structure Plan

1.0

The Plan

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Map 1 shows the future urban structure proposed in the *Manor Lakes Precinct Structure Plan*. It is a reproduction of Plan 5 in the *Manor Lakes 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 as shown in Map 1 and shown as UGZ3 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/Local Centre	Clause 34.01 – Commercial 1 Zone
Employment	Clause 34.01 – Commercial 1 Zone
Mixed Use	Clause 32.04 – Mixed Use Zone
All other land	Clause 32.08 – General Residential Zone

Table 2: Use

Use	Requirement
Shop where the applied zone is Commercial 1 Zone	<p>A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds the following area for the relevant centre as described in the Manor Lakes Precinct Structure Plan</p> <ul style="list-style-type: none"> ▪ 8000 square metres for land shown as a local town centre ▪ 1500 square metres for land shown as a local centre

2.3 Specific provisions – Use and development of future public land

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A permit is not required to use or develop land shown in the *Manor Lakes Precinct Structure Plan* as open space (active or passive) or community facilities provided the use or development is carried out generally in accordance with the *Manor Lakes Precinct Structure Plan* and with the prior written consent of the Responsible Authority.

2.4 Specific provisions – Dwellings on a lot less than 300 square metres

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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.

2.5 Specific provisions - Referral of applications

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An application to develop land for a sensitive use within 500 metres of the property boundary of the land containing the Barro Group Quarry, Argoona Road, Mambourin subject to Work Authority 43 (WA43) under the *Mineral Resources (Sustainable Development) Act 1990*, must be referred to the Department of Primary Industries (DPI). DPI may request a risk assessment prepared by a suitably experienced and qualified consultant that acknowledges the existing and future land use at the Barro Quarry and provides sufficient confidence that a sensitive use can be safely developed within 500 metres of the Barro Quarry. The application and risk assessment (if required) must be referred to the Program Manager - Planning in the Earth Resources Regulation Branch at the Department of Primary Industries.

2.6 Specific provisions - Referral of subdivision to the Director of Public Transport - Consistency with the Manor Lakes Precinct Structure Plan for the purpose of under Clause 52.36-1

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Clause 52.36 requires referral of some applications to the Director of Public Transport. For the purpose of Clause 52.36-1 of the Victoria Planning Provisions a development is consistent with the *Manor Lakes Precinct Structure Plan* where the following requirements are met:

- A road nominated on Plan 12 – Public Transport in the Manor Lakes Precinct Structure Plan as a potential bus route is constructed in accordance with its corresponding cross section in the Manor Lakes Precinct Structure Plan;
- Any roundabouts or other road management devices on potential bus routes are constructed to accommodate ultra low floor buses in accordance with the Public Transport Guidelines for Land Use and Development; and
- Prior to the issue of a Statement of Compliance for any subdivision stages bus stop hard stands with direct and safe pedestrian access to a pedestrian path must be constructed:
 - in accordance with the Public Transport Guidelines for Land Use and Development and
 - compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002 at locations approved by the Director of Public Transport;
 - at no cost to the Director of Public Transport and to the satisfaction of the Director of Public Transport.

3.0 Application requirements

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3.1 Subdivision - residential development

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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;
- 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 traffic report or assessment;
- the landscaping of any land;
- what, if any, infrastructure set out in the Manor Lakes Development Contributions Plan is sought to be provided as "works in lieu" subject to the consent of Wyndham City Council;

- the provision of public open space and land for any community facilities; and
- any other matter relevant to the provision of public infrastructure required by the responsible authority.

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.

4.0 Conditions and requirements for permits

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Conditions for subdivision or building and works permits where land is required for community facilities, public open space and road widening.

Land required for community facilities, as set out in the *Manor Lakes Precinct Structure Plan* or the *Manor Lakes Development Contributions Plan*, must be transferred to or vested in Council at no cost to Council unless the land is funded by the *Manor Lakes Development Contributions Plan*.

Land required for public open space as a local or district park, as set out in the *Manor Lakes Precinct Structure Plan* or the *Manor Lakes Development Contributions Plan*, must be transferred to or vested in Council at no cost to Council unless the land is funded by the *Manor Lakes Development Contributions Plan*.

Land required for road widening including right of way flaring for the ultimate design of any intersection within an existing or proposed arterial road must be transferred to or vested in Council at no cost to the acquiring agency unless funded by the *Manor Lakes Development Contributions Plan*.

4.1 Conditions for subdivision permits that allow for the creation of a lot of less than 300 square metres

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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; 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.

4.2 Construction of connector street creek crossings

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Unless arrangements for the construction of any connector street creek crossings as shown in the *Manor Lakes Precinct Structure Plan* have been made to the satisfaction of the responsible authority, a permit for subdivision of land which requires access via a creek crossing must provide for the construction of the creek crossing, or include a requirement that the owner of the land under permit enter into an agreement under Section 173 of the *Planning and Environment Act 1987* to contribute towards the construction of the creek crossing.

4.3**Biodiversity**28/06/2012
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Any permit granted for subdivision must contain the following conditions unless otherwise agreed to in writing by the Department of Sustainability and Environment:

- Prior to the commencement of any works in a stage of subdivision an Eastern Grey Kangaroo Management Plan must be submitted for approval to the Department of Sustainability and Environment. The plan must include:
 - Strategies (e.g. staging) to avoid land locking Eastern Grey Kangaroos; and
 - Management solutions and action to respond to their containment in an area with no reasonable likelihood of their continued safe existence.
- The subdivision and associated works must implement the Eastern Grey Kangaroo Management Plan in the timeframes set out in the plan by:
 - Proceeding in the order of stages as shown on the plan; and
 - Implementing the management solutions and actions of the Plan,

all to the satisfaction of the Department of Sustainability and Environment and the Responsible Authority.

Offsets and translocation

Any permit granted for subdivision, buildings and/or works must contain the following conditions unless otherwise agreed to in writing by the Department of Sustainability and Environment:

- Prior to the commencement of any buildings or works within non-native vegetation that is Golden Sun Moth habitat (as shown on Plan 10 – Threatened Species/Communities Action Plan of the Manor Lakes Precinct Structure Plan), offsets for the removal of Golden Sun Moth habitat within the land that is non-native vegetation must be provided to the satisfaction of the Secretary of the Department of Sustainability and Environment.
- Prior to the commencement of any buildings or works, a fully costed Striped Legless Lizard salvage and translocation plan must be prepared to the satisfaction of the Department of Sustainability and Environment.
- The Striped Legless Lizard salvage and translocation plan must be implemented to the satisfaction of the Responsible Authority.

Development within 50m of native vegetation to be protected

Prior to commencement of works within 50 metres of native vegetation 'to be protected' in the *Native Vegetation Precinct Plan* applying to the land (see the Schedule to Clause 52.16 of the Wyndham Planning Scheme), a Construction Management Plan must be prepared to the satisfaction of the Responsible Authority which addresses the following matters:

- A highly visible vegetation protection fence to be erected around twice the canopy distance of each scattered tree identified to be protected, unless otherwise agreed in writing by the Department of Sustainability and Environment.
- Any construction stockpiles, fill and machinery to be located away from areas supporting native vegetation and drainage lines to the satisfaction of the Responsible Authority.

5.0**Advertising signs**28/06/2012
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The following advertising sign categories in this scheme apply by reference to Map 1 of this Schedule.

Table 3: Advertising signs

Land shown on plan 1 of this schedule	Advertising sign category
Residential	Category 3
Local Town Centre	Category 1
Employment	Category 2
Local Centre	Category 1
All other land	Category 4

5.1**Land and home sales signs**28/06/2012
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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.

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