

05/06/2014
GC6**SCHEDULE 1 TO THE COMPREHENSIVE DEVELOPMENT ZONE**Shown on the planning scheme map as **CDZ1****LYNDHURST NEIGHBOURHOOD ACTIVITY CENTRE COMPREHENSIVE DEVELOPMENT PLAN****Land**

This Schedule applies to the land in the Lyndhurst Neighbourhood Activity Centre located on at the north-west corner of Thompsons Road and Marriott Boulevard, Lyndhurst.

Purpose

- To provide for the use and development of land generally in accordance with the Lyndhurst Neighbourhood Activity Centre Comprehensive Development Plan.
- To complement the residential development provided as part of the Lynbrook and Lyndhurst Development Plan.
- To provide for the integrated planning, development or subdivision of residential areas in and adjacent to the Lyndhurst Neighbourhood Activity Centre with a mix of community, education, retail, residential and recreational activities.

1.005/06/2014
GC6**Table of uses****Section 1 - Permit not required**

Use	Condition
Apiculture	Must meet the requirements of the Apiary Code of Practice, May 1997
Betting agency	
Caretaker's house	
Carnival	Must meet the requirements of 'A Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
Circus	Must meet the requirements of A 'Good Neighbour' Code of Practice for a Circus or Carnival, October 1997.
Dwelling	Must not be located within the buffer for uses with adverse amenity potential. Must be in the higher density residential area as shown in Figure 1 of the Lyndhurst Neighbourhood Activity Centre Comprehensive Development Plan. Within the area identified as core retail in Figure 1 of the Lyndhurst Neighbourhood Activity Centre Comprehensive Development Plan the frontage at ground floor level must not exceed 2 metres.
Electoral office	May be used for only 4 months before an election and 2 weeks after an election.

Use	Condition
Food and drink premises (other than Convenience restaurant, Hotel, Restaurant and Tavern)	Must be located within the area identified as core retail in Figure 1 of the Lyndhurst Neighbourhood Activity Centre Comprehensive Development Plan.
Home occupation	
Informal outdoor recreation	
Mineral exploration	
Minor utility installation	
Natural systems	
Office (other than Electoral office)	Must be located within the area identified as core retail in Figure 1 of the Lyndhurst Neighbourhood Activity Centre Comprehensive Development Plan. and Any frontage at ground floor level must not exceed 2 metres and access must not be shared with a dwelling (other than a caretaker's house), unless the office is a bank, real estate agency, travel agency, medical centre, or any other office where the floor space adjoining the frontage is a customer service area accessible to the public;
Postal agency	
Railway	
Restaurant	
Road	
Search for stone	Must not be costeaning or bulk sampling.
Shop (other than Adult sex bookshop)	Must be located within the area identified as core retail in Figure 1 of the Lyndhurst Neighbourhood Activity Centre Comprehensive Development Plan.
Telecommunications facility	Buildings and works must meet the requirements of Clause 52.19.
Take away food premises	The site must adjoin, or have access to, a road in a Road Zone.
Tramway	

Section 2 - Permit required

Use	Condition
Accommodation	
Agriculture (other than Apiculture, Intensive Animal Husbandry)	
Bed and Breakfast	
Child care centre	
Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility, and Motor racing track)	

Use	Condition
<p>Mineral, stone, or soil extraction (other than Extractive industry, Mineral exploration, Mining, and Search for stone)</p> <p>Place of assembly</p> <p>Retail premises (other than Betting agency, Food and drink premises, Postal agency, and Shop)</p>	
<p>Service station</p>	<p>The site must either be in the area identified as highway related uses in Figure 1 of the Lyndhurst Neighbourhood Activity Centre Comprehensive Development Plan.</p> <p>The site must not exceed either:</p> <ul style="list-style-type: none"> ▪ 3000 square metres. ▪ 3600 square metres if it adjoins on two boundaries a road in a Road Zone.
<p>Store</p>	<p>Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.</p>
<p>Tavern</p> <p>Utility installation (other than Minor utility installation and Telecommunications facility)</p> <p>Any other use not in Section 1 or 3</p>	
<p>Section 3 - Prohibited</p>	
<p>Use</p>	
<p>Adult sex bookshop</p> <p>Animal boarding</p> <p>Animal training</p> <p>Brothel</p> <p>Cinema based entertainment facility</p> <p>Corrective institution</p> <p>Extractive industry</p> <p>Horse stables</p> <p>Industry (other than Car wash)</p> <p>Intensive animal husbandry</p> <p>Major sports and recreation facility</p> <p>Motor racing track</p> <p>Saleyard</p> <p>Transport terminal</p> <p>Warehouse (other than Store)</p>	

2.0**Urban Design Framework**03/02/2010
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A permit must not be granted to use or subdivide land, or to construct a building or construct and carry out works until an Urban Design Framework for the whole of the land subject to this schedule has been prepared to the satisfaction of the responsible authority.

A permit must be generally in accordance with the approved Urban Design Framework.

The Urban Design Framework must not be prepared in stages.

The Urban Design Framework may be amended with the approval of the responsible authority.

The responsible authority may grant a permit to use, subdivide land, or to construct a building or construct and carry out works prior to the approval of an Urban Design Framework if it is satisfied that the proposal will not affect the outcomes for the land sought by the Comprehensive Development Plan.

The Urban Design Framework must:

- Be generally in accordance with the Lyndhurst Neighbourhood Activity Centre Comprehensive Development Plan.
- Address the role of the centre as defined in the Casey Activity Centre Strategy (Draft 2009).
- Set out the form and function of the activity centre including the proposed use and development of each part of the activity centre in the short and longer term.
- Include a traffic impact assessment report to the satisfaction of VicRoads.
- Show:
 - A Main Street Based Centre.
 - A highly permeable street block structure.
 - Minimum heights in the main street core.
 - A substantial multi-purpose urban space with a taller enclosed building perimeter.
 - A mixture of uses both vertically and horizontally to facilitate a wide range of uses.
 - A compact urban core which maximises developable area / plot ratio, mix and intensity of activity and housing within walkable distance of the main street heart.
 - Community and business services in the main street which integrates a community centre space and business incubator as appropriate.
 - Multi-purpose, mixed-use buildings in the main street.
 - Individual tenancies through subdivision to facilitate evolution and change in the centre over time.
- Set out how the design responds to feedback received from consultation with infrastructure agencies or landowners within the centre.
- Set out how it has responded to any activity centre, safer design or other relevant design guidelines incorporated or referenced in the planning scheme.
- Show the relationship to existing and proposed development surrounding the activity centre.
- Set out building design guidelines to ensure appropriate interface with streets and other public spaces.
- Set out the design of streets including street design and widths, pedestrian access and areas, car parking, paving materials and street furniture.

- Show arrangements for access to the activity centre from adjoining arterial roads to the satisfaction of the relevant roads authority.
- Set out the location of community facilities and public spaces.
- Include an overall landscape concept for the activity centre.
- Include guidelines to improve environmental sustainability including integrated water management and energy conservation.
- Set out provisions for car parking including the location and design of car parking areas and car parking rates for proposed uses within the activity centre.
- Set out how public transport will be integrated with the activity centre including the provision of suitable bus access, routes and stops in accordance with the Public Transport Guidelines for Land Use and Development to the satisfaction of the Director of Public Transport.
- Set out design guidelines for the provision of advertising signs.
- Set out arrangements for the provision of service areas for deliveries and waste disposal including access for larger vehicles and measures to minimise the impact on the amenity of the activity centre and adjoining neighbourhoods.
- Show how opportunities for housing are incorporated as a core component of the activity centre.

The responsible authority may waive or reduce a requirement of this clause if it is satisfied that it is not relevant to the assessment of the application or has been previously satisfied.

3.0

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Use of land

Amenity of the neighbourhood

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Application requirements

An application to use land must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of activities which will be carried out.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of goods and materials, hours of operation and light spill, solar access and glare.
- The means of maintaining land not required for immediate use.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The requirements of this Schedule, the State and Local Planning Policy Frameworks, and the Lyndhurst Neighbourhood Activity Centre Comprehensive Development Plan at Clause 81 and the approved Urban Design Framework.
- The effect that existing uses may have on the proposed use.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

4.0

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Subdivision

Permit requirement

A permit is required to subdivide land.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The requirements of this Schedule, the State and Local Planning Policy Frameworks, the Lyndhurst Neighbourhood Activity Centre Comprehensive Development Plan at Clause 81 and the approved urban design framework.
- Provision for vehicles providing for supplies, waste removal and emergency services and public transport.
- The interface with adjoining zones, especially the relationship with residential areas.
- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.

5.0

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Buildings and works

Permit Requirement

A permit is required to construct a building or construct or carry out works.

This does not apply to:

- The internal rearrangement of a building if the floor area is not increased.
- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
 - The alteration does not include the installation of an external roller shutter.
 - At least 80 per cent of the building façade at ground floor is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.

Application requirements

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:

- The boundaries and dimensions of the site.
- Adjoining roads.
- The location, height and purpose of buildings and works on adjoining land.
- Relevant ground levels.
- The layout of existing and proposed buildings and works.
- All driveway, car parking and loading areas.
- Proposed landscape areas.
- All external storage and waste treatment areas.
- Areas not required for immediate use.
- Identification of proposed bus routes and bus stop locations to the satisfaction of the Department of Transport.
- Elevation drawings to scale showing the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.
- A traffic impact assessment for the land.

Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The requirements of this Schedule, the State and Local Planning Policy Frameworks, the Lyndhurst Neighbourhood Activity Centre Comprehensive Development Plan at Clause 81 and the approved urban design framework.
- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The interface with adjoining zones, especially the relationship with residential areas.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- The availability of and connection to services.
- The design of buildings to provide for solar access.
- The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to a development of four or more storeys, excluding a basement.

Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

6.0

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Neighbourhood and site description and design response

An application for any of the following must be accompanied by a neighbourhood and site description and a design response as described in Clause 54.01:

- Construction or extension of one dwelling on a lot of less than 300 square metres.
- Construction of a dwelling if there is at least one dwelling existing on the lot.
- Construction of two or more dwellings on a lot.
- Extension of a dwelling if there are two or more dwellings on the lot.
- Construction or extension of a dwelling on common property.
- Construction or extension of a residential building.

Satisfactory neighbourhood and site description and design response before notice and decision

The responsible authority must inform the applicant in writing:

- Before notice of an application is given, or
- If notice of an application is not required to be given, before deciding the application, that the neighbourhood and site description meets the requirements of Clause 54.01 and is satisfactory or does not meet the requirements of Clause 54.01 and is not satisfactory.

If the responsible authority decides that the neighbourhood and site description is not satisfactory, it may require more information from the applicant under Section 54 of the Act.

The responsible authority must not decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 54.01 and is satisfactory.

This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.

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Advertising signs

Advertising sign requirements are at Clause 52.05. All land is in Category 1.

8.0

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Exemption from notice and review

An application under any provision of this scheme which is generally in accordance with the Lyndhurst Neighbourhood Activity Centre Comprehensive Development Plan is 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.

Notes:

Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

Other requirements may also apply. These can be found at Particular Provisions.