

2.0 Use and development

07/08/2014
C180

2.1 The land

18/11/2010
C120

The use and development provisions specified in this schedule apply to the land as shown in Map 1 of this schedule.

2.2 Applied zone provisions

01/08/2013
C185

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 | Applied zone provisions |
|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| Neighbourhood Activity Centre | Clause 34.01 – Commercial 1 Zone |
| Local Centre | |
| Mixed Use/Employment | Clause 32.04 – Mixed Use Zone |
| Biodiversity Protection Area/Stormwater Management | Clause 35.06 – Rural Conservation Zone (Schedule 2) |
| All other land | Clause 32.08 – General Residential Zone |

The precise boundary of applied Commercial 1 Zone for local centres is to be determined by the designation of land in a relevant plan of subdivision as a local centre to the satisfaction of the responsible authority.

The precise boundary of the applied Commercial 1 Zone associated with each neighbourhood activity centre will be determined by the Urban Design Framework Plan approved under Clause 3.0 of this schedule.

2.3 Specific provisions – Use of land

01/08/2013
C185

The following provisions apply to the use of land.

Table 2: Use

| Use | Requirement |
|------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Shop where the applied zone is Commercial 1 Zone | A permit is required to use land for a shop if the combined leasable floor area of all shops exceeds the following areas (square metres) for the relevant centre as described in the Craigieburn R2 Precinct Structure Plan: 5250 – Neighbourhood Activity Centre (north) 5750 – Neighbourhood Activity Centre (south) 1000 – Local Centre (north) 500 – Local Centre (south) |
| 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

07/08/2014
C180

Specific provisions – Construction of single dwellings on small lots

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 not required to construct a front fence within 3 metres of a street on a lot of between 250 and 300 square metres provided that 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.

3.0

18/11/2010
C120

Application requirements

Subdivision

In addition to the requirements of Clause 56.01-2, a Subdivision Design Response for a residential subdivision of less than 60 lots 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 land under application. The responsible authority may waive or reduce these application requirements.

An application for a residential subdivision of 10 lots or more must be accompanied by:

- A written statement that sets out how the subdivision implements the Housing Plan in the incorporated Craigieburn R2 Precinct Structure Plan.
- Subdivision and Housing Design Guidelines, prepared to the satisfaction of the responsible authority, in accordance with the incorporated Craigieburn R2 Precinct Structure Plan.
- A table setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields.

The responsible authority may waive or reduce these application requirements.

Any application for residential subdivision must be accompanied by:

- A site assessment of the potential for contaminated land as a result of previous land uses.
- An arboricultural report on the condition of any trees proposed for retention in the public realm.
- Potential bus route and bus stop locations prepared in consultation with the Department of Transport.
- An assessment of the existing surface and subsurface drainage conditions on the site by a suitably qualified professional and the potential impacts on the proposed development, including any measures required to mitigate the impacts of springs on the development and the impact of the development on drainage.

The responsible authority may waive or reduce these application requirements.

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 Craigieburn R2 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.

Neighbourhood activity centre urban design frameworks

A permit must not be granted to use or subdivide land, or to construct a building or construct and carry out works within land identified as a Neighbourhood Activity Centre in the Craigieburn R2 Precinct Structure Plan until an Urban Design Framework for the activity centre has been prepared to the satisfaction of the responsible authority.

The Urban Design Framework must be generally in accordance with the Craigieburn R2 Precinct Structure Plan and must address and respond to Section 4.5 of the Craigieburn R2 Precinct Structure Plan.

A permit may be granted to subdivide land or to construct a building or construct and carry out works prior to the approval of an urban design framework if, in the opinion of the responsible authority, the grant of the permit will not prejudice the achievement of the objectives and planning and design guidelines for the activity centre set out in the incorporated 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 affect the achievement of the objectives and planning and design guidelines for the activity centre set out in the Craigieburn R2 Precinct Structure Plan.

The Urban Design Framework may be amended to the satisfaction of the responsible authority.

Sensitive uses

An application to use or subdivide land, or to construct a building or construct and carry out works associated with a sensitive use on the land must be accompanied by an Environmental Site Assessment Report, prepared to the satisfaction of the responsible authority.

Biodiversity

An application for the subdivision of land that does not abut a linear corridor in or intended to be in public ownership must be accompanied by an Eastern Grey Kangaroo Management Plan that includes:

- Strategies (ie staging) to avoid land locking Eastern Grey Kangaroos; and where this is not practicable,
- 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.

An application for development or works on land at 575 Craigieburn Road, Craigieburn must identify the location of the Matted Flax Lily identified in 'Craigieburn R2 Precinct Structure Plan: Flora and Fauna- Existing Conditions Report, Practical Ecology Pty Ltd'

Smedley et al. (2009) and demonstrate protection of the Matted Flax Lily by retention of the rock wall in which the plant is growing and provision of an 2m exclusion area surrounding the Matted Flax Lily.

4.0

07/08/2014
C180

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 Craigieburn R2 Precinct Structure Plan and the Craigieburn R2 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 Hume 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
- 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 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.

Biodiversity

Where an Eastern Grey Kangaroo Management Plan has been prepared as part of a subdivision application, the subdivision must implement the Eastern Grey Kangaroo

Management Plan to the satisfaction of the Department of Sustainability and Environment by either:

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

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.

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 and implemented to the satisfaction of the responsible authority.

Prior to the commencement of works on land identified as Properties 7, 8, 12, 13 and 14 in the Craigieburn R2 Precinct Structure Plan a Growling Grass Frog Conservation Management Plan must be prepared to the satisfaction of the Department of Sustainability and Environment and implemented to the satisfaction of the responsible authority.

Prior to the commencement of any works on land at 575 Craigieburn Road, Craigieburn, a highly visible protection fence must be erected around an exclusion area a minimum of 2 metres from the Matted Flax Lily which has been identified to be protected unless otherwise agreed to in writing by the Department of Sustainability and Environment.

5.0

18/11/2010
C120

Advertising signs

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

Table 3: Advertising signs

| Land shown on plan 1 of this schedule | Advertising Sign category |
|---------------------------------------|---------------------------|
| Local centre | Category 1 |
| Residential | Category 3 |
| All other land | Category 4 |

5.1

18/11/2010
C120

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.

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.

5.2 Education promotion signs

18/11/2010
C120

Despite the provisions of Clause 52.05, a permit may be granted, for a period of not more than 5 years, to display an advertising sign that promotes an education centre on land identified as education, community and district sports reserve on Map 1 to this schedule.

6.0 Referral of applications

18/11/2010
C120

An application to use, subdivide or consolidate land, to construct a building or construct or carry out works, or to demolish a building or works at 575 Craigieburn Road, Craigieburn must be referred in accordance with section 55 of the Act to the referral authority specified in Clause 66.04. This does not apply to an application for a sign, fence, road works or unenclosed building or works ancillary to a dwelling.

7.0 No exemption from notice and review

01/08/2013
C185

An application to use land for a convenience shop or office, on land where the applied zone is General Residential Zone, is not 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.