

28/08/2014
C95

SCHEDULE 1 TO THE URBAN GROWTH ZONE

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

LOCKERBIE PRECINCT STRUCTURE PLAN

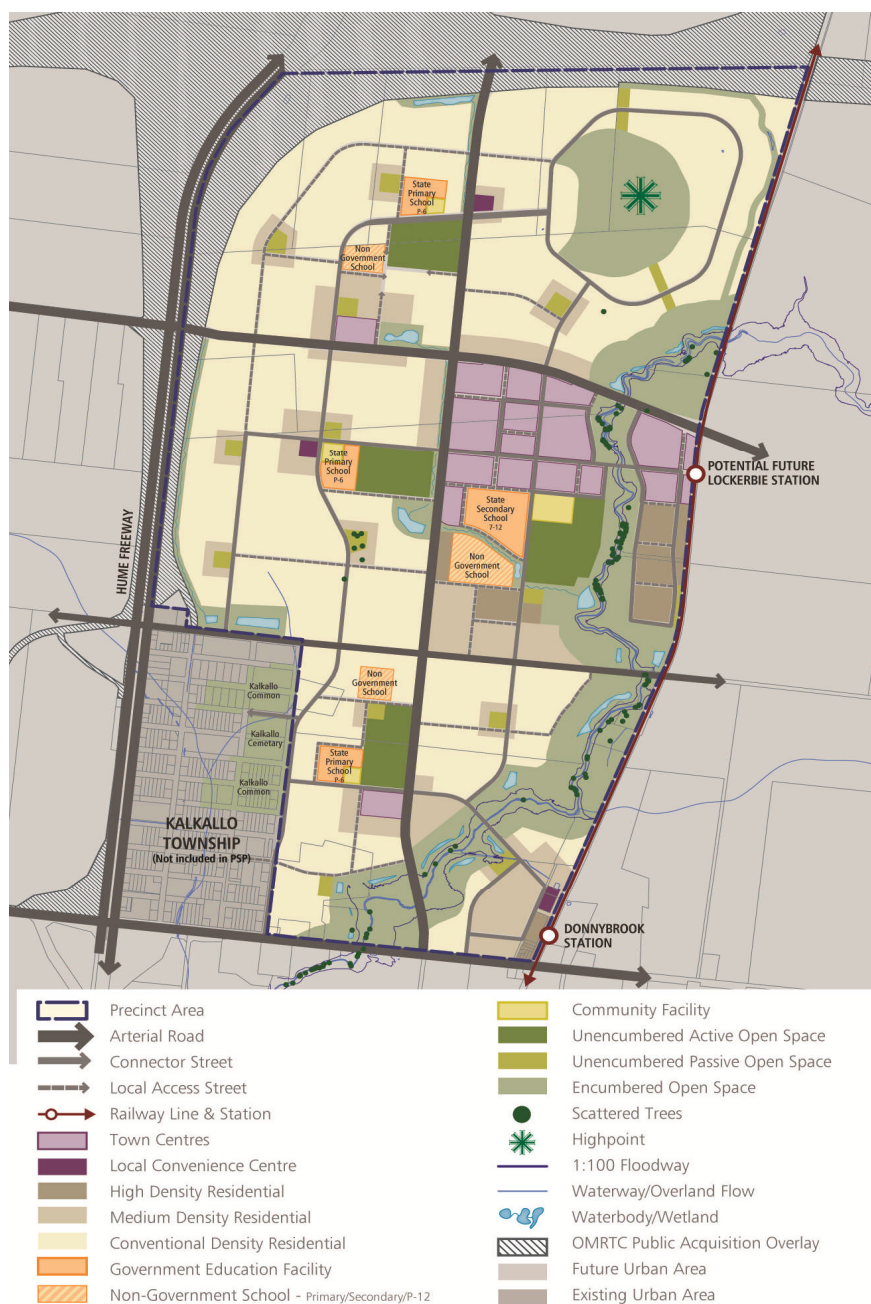
1.0

The Plan

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Map 1 below shows the future urban structure proposed for the *Lockerbie Precinct Structure Plan (PSP)* area. It is a reproduction of Plan 2 in the *Lockerbie Precinct Structure Plan*.

Map 1 to Schedule 5 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 shown 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 UGZ, the provisions of this zone do not apply.

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

Table 1: Applied zones

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
Principal Town Centre	Clause 34.01 – Commercial 1 Zone
Local Town Centre	
Local Convenience Centre (Donnybrook Station)	
All other land	Clause 32.08 – General Residential Zone

2.3 Specific provisions – Use of land

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The following provisions apply to the use of land.

Table 2: Use of land within the applied General Residential Zone

Use	Requirement
Car Wash	The site must adjoin or have access to a road identified in the Precinct Structure Plan as an existing or future arterial road.
Convenience Restaurant	
Office	Leasable floor area must not exceed 100 square metres.
Service Station	<p>The site must either:</p> <ul style="list-style-type: none"> ▪ Adjoin land with an applied zone provision for a commercial zone; or ▪ Adjoin or have access to a road identified in the Precinct Structure Plan as an existing or future arterial road. <p>The site must not exceed either:</p> <ul style="list-style-type: none"> ▪ 3,000 square metres; or ▪ 3,600 square metres if it adjoins two boundaries in a road zone or roads identified in the Precinct Structure Plan as an existing or future arterial road.

Use	Requirement
Shop (other than Convenience Shop identified in this schedule)	The combined leasable floor area for shop must not exceed 100 square metres

Table 3: Use of land within the applied Commercial 1 Zone

Use	Requirement
Shop	<p>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 in the Lockerbie Precinct Structure Plan:</p> <ul style="list-style-type: none"> ▪ 3000 square metres for land shown as a Local Town centre

2.428/08/2014
C95**Specific provisions - Dwellings on a lot less than 300 square metres**

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 Mitchell Planning Scheme.

2.528/06/2012
C81**Specific Provisions – Buildings and works on land where the Lockerbie Growling Grass Frog Conservation Management Plan applies**

Development on land in the Conservation Management Plan Area shown on Map 1 of this Schedule and Plan 6- Biodiversity and Threatened Species Action Plan in *the Lockerbie Precinct Structure Plan* must be undertaken in accordance with the relevant actions as outlined in the approved Conservation Management Plan.

The Lockerbie Conservation Management Plan may be amended to the satisfaction of the Department of Sustainability and Environment.

The subdivision of land within or adjoining the Conservation Management Plan area must accord with the Conservation Management Plan boundary as shown on Plan 6 - Biodiversity and Threatened Species Action Plan in *the Lockerbie Precinct Structure Plan*.

3.001/08/2013
C101**Application requirements**

If in the opinion of the Responsible Authority an application requirement listed at 3.1, 3.2, 3.3 or 3.4 is not relevant to the assessment of an application, the Responsible Authority may waive or reduce the requirement.

3.128/06/2012
C81**Subdivision – residential development**

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.

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 Lockerbie Precinct Structure Plan;
- Subdivision and Housing Design Guidelines, prepared to the satisfaction of the Responsible Authority, in accordance with the Lockerbie Precinct Structure Plan;

- A table setting out the amount of land allocated to the proposed uses and expected population, dwelling and employment yields;
- A Traffic Impact Assessment Report to the satisfaction of the relevant road management authority;

Any application for residential subdivision must be accompanied by:

- Potential bus route and bus stop locations prepared in consultation with the Department of Public Transport; and
- An assessment of the existing surface and subsurface drainage conditions on the site including any potential impacts on the proposed development, prepared by a suitably qualified professional. The assessment must include any measures required to mitigate the impacts of the development on groundwater and drainage.

3.2

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Public Infrastructure Plan

An application for subdivision and/or use and development of land 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 Lockerbie Development Contributions Plan is sought to be provided as "works in lieu" subject to the consent of the collecting agency;
- 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.

3.3

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Lockerbie Principal Town Centre

An application to use, subdivide land, construct a building or construct or carry out works for the Lockerbie Principal Town Centre must be generally in accordance with Lockerbie Precinct Structure Plan, the Lockerbie Principal Town Centre Urban Design Framework Plan set out in Section 3.3 of the Lockerbie Precinct Structure Plan and any Ministerial Direction.

An application to use, subdivide land, construct a building or construct or carry out works for the Lockerbie Principal Town Centre must also include the following information, as appropriate, to the satisfaction of the responsible authority:

- An Urban Design Precinct Plan that shows:
 - Designated land use precincts, responding to the objectives and guidelines contained within the Lockerbie Principal Town Centre Urban Design Framework Plan.
 - The internal road layout, including traffic management and control works considered necessary in adjoining and nearby roads when the development or any stage is completed.
 - The proposed bicycle and pedestrian pathways.
 - An overall scheme for landscaping of the public realm and private development.
 - The location of individual trees which are to be retained.

- The provision of regional and local public open space in accordance with the requirements of the Lockerbie Precinct Structure Plan and to the requirements of the responsible authority.
- The provision and location of land for community purposes in accordance with the requirements of the Lockerbie Precinct Structure Plan and to the requirements of the responsible authority.
- A built form response plan for the development showing massing, elevations, and external materials and finishes.
- How the application addresses the location and integration of community facilities, public spaces and services.
- An appropriate built form design response that addresses the guidelines of the Lockerbie Principal Town Centre Urban Design Framework Plan.
- An explanation of how the application responds to any VicRoads and/or Department of Transport requirements.
- An explanation of how the interface between conservation areas and development areas will be designed to minimise disturbance to conservation areas.
- How the development relates to existing and/or approved development in the area.
- The location and treatment of public spaces, including parks, conservation reserves and squares.
- How the development will address environmental sustainability including integrated water management, energy conservation and where appropriate, the biodiversity objectives of the Merri Creek Growling Grass Frog open space corridor.
- How public transport will be integrated within the development.
- Provisions for car parking including the location and design of car parking areas (on and off street) and car parking rates for proposed uses.
- Advertising signage in the design of the built form.
- 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 town centre and adjoining neighbourhoods.
- Treatment and design of medium and higher density housing in appropriate locations.

3.4

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Use or develop land for a Local Town Centre (North and South)

An application to use or subdivide land, construct a building or construct or carry out works for a Local Town Centre must be generally in accordance with the role and function of the Local Town Centre set out in the Lockerbie Precinct Structure Plan.

An application to use, subdivide land, construct a building or construct or carry out works for a Local Town Centre must also include the following information, as appropriate, to the satisfaction of the Responsible Authority:

- A design response report and plans that:
 - Address the potential future structure of the whole site;
 - Address the Local Town Centre Design Requirements in Section 3.4, the Local Town Centre General Guidelines in Section 3.4 and the Local Town Centre Concept in Figures 1 & 2 (as relevant) of *the Lockerbie Precinct Structure Plan*;
 - Address any relevant design guidelines prepared by the Victorian Government or the Mitchell Shire Council;

- Demonstrate how the proposal relates to existing or approved development in the area;
- Demonstrate site responsive architecture and urban design;
- demonstrate how the proposal will contribute to the urban character of the Local Town Centre;
- Explain how the proposal responds to feedback received following consultation with relevant infrastructure agencies including VicRoads (where appropriate) and the Department of Transport;
- Include guidelines to positively address environmental sustainability including integrated water management and energy conservation;
- Include provisions for car parking including the location and design of car parking areas and car parking rates for proposed uses within the centre;
- Include design guidelines for the provision of advertising signs;
- Include arrangements for the provision of service areas and for deliveries and waste disposal including access for larger vehicles and measures to minimise the impact on the amenity of the centre and adjoining neighbourhoods; and
- Demonstrate how opportunities for medium and higher density housing and future commercial expansion can be incorporated into the centre (including on future upper levels and through future car park redevelopments)
- An overall landscape concept/master plan for the centre.

3.528/06/2012
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Develop land where the Lockerbie Conservation Management Plan applies as shown on Plan 6 – Biodiversity and Threatened Species Action Plan in the Lockerbie Precinct Structure Plan

An application for development of land in the Conservation Management Plan area as shown on Plan 6 – Biodiversity and Threatened Species Action Plan in the *Lockerbie Precinct Structure Plan*, must demonstrate that it is in accordance with the approved Lockerbie Conservation Management Plan.

3.601/08/2013
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Use or develop land for a sensitive purpose – Environmental Site Assessment - All land (except 1450 Hume Highway, Kalkallo, 1440 Hume Highway, Donnybrook, 40 Dwyer Street Kalkallo, 300 Hume Highway, Beveridge)

An application to use land for a sensitive use or to subdivide land where General Residential Zone is the applied zone must be accompanied by a preliminary assessment of the potential for contaminated land as a result of the previous land uses, carried out by a suitably qualified person.

3.728/06/2012
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Public transport referral requirements

For the purpose of Clause 52.36-1 of the scheme a development is generally in accordance with the *Lockerbie Precinct Structure Plan* where the following requirements are met:

- A road nominated on Plan 8– Road Network in the Lockerbie Precinct Structure Plan as a potential bus route is constructed in accordance with its corresponding cross section in the Lockerbie Precinct Structure Plan;
- Signalised intersections that contain a proposed Principal Public Transport Network (PPTN) route in the Lockerbie Precinct Structure Plan include bus priority measures to mitigate delays to bus travel times, to the satisfaction of the Director of Public Transport;

- 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
- The proposal includes the construction of bus stops as agreed with the Department of Transport, including bus stop hard stands with direct and safe pedestrian access to a pedestrian path (all 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 no cost to the Director of Public Transport all to the satisfaction of the Director of Public Transport.

4.0 Conditions and requirements for permits

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4.1 General requirements

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A planning permit must include a condition or conditions which ensure that any requirements or conditions set out in the *Lockerbie Precinct Structure Plan* and the *Lockerbie Native Vegetation Precinct Plan* are implemented as part of the planning permit or the plans endorsed under the permit.

4.2 Principal Town Centre and Local Town Centres

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The boundary of the Principal Town Centre, Local Town Centres and Local Convenience Centre (Donnybrook Station) with the applied Commercial 1 Zone must be identified on the plan of subdivision to the satisfaction of the Responsible Authority.

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

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

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

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

Land required for a community facility, road or public open space must be shown on a Plan of Certification as a reserve in favour of Mitchell Shire Council or the relevant agency.

4.4 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 Mitchell 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.

4.528/06/2012
C81**Use or develop land for a sensitive purpose – Environmental Site Assessment - All land (except 1450 Hume Highway, Kalkallo, 1440 Hume Highway, Donnybrook, 40 Dwyer Street Kalkallo, 300 Hume Highway, Beveridge)**

Before the plan of subdivision is certified under the *Subdivision Act 1988*, further testing in accordance with the recommendations of the preliminary site assessment lodged with the application, must be carried out, as relevant, to the satisfaction of the responsible authority. Upon receipt of the further testing report the owner must comply with any further requirements made by the responsible authority after having regard to the guidance set out in the General Practice Note on Potentially Contaminated Land June 2005 (DSE). The plan of subdivision must not be certified until the responsible authority is satisfied that the land is suitable for the intended use.

4.628/06/2012
C81**Use or develop land for a sensitive purpose - 1450 Hume Highway, Kalkallo, 1440 Hume Highway, Donnybrook, 40 Dwyer Street Kalkallo, 300 Hume Highway, Beveridge - Contamination assessment where no Environmental Audit Overlay (EAO) applies**

Before the development associated with the subdivision starts, (this requirement does not apply to bore holes and excavation associated with an environmental site assessment), an environmental site assessment of the land by a suitably qualified environmental professional must be undertaken which provides information including:

- The nature of the previous and existing land use/ activities on the land.
- An assessment of the potential level and nature of contamination on the land.
- Advice on whether the environmental condition of the land is suitable for the proposed uses/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.

If an environmental assessment recommends an environmental audit of all or part of the land, then:

- Before the commencement of any use for a sensitive purpose; or
- Before any buildings or works; or
- Before the certification of a plan of subdivision;

whichever is earlier, in respect of all or that part of the land as the case may be, the following must be provided to the responsible authority, either:

- A certificate of environmental audit issued for the relevant land in accordance with Part 1XD of the Environmental Protection Act 1970, or
- A statement by an environmental auditor appointed under the Environment Protection Act 1970, in accordance with Part 1XD of that Act that the environmental condition of the relevant land is suitable for a sensitive use (with or without conditions on the use of the site).

If a Statement of Environmental Audit is provided rather than a Certificate of Environmental Audit and the Statement of Environmental Audit indicates that the environmental conditions of the relevant land are suitable for a sensitive use subject to conditions, the owner of the land must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987* before the issue of

a Statement of Compliance or before the construction of any building on the relevant land, whichever is the earlier which details:

- Implementation of an on-going compliance with all conditions in the Statement of Environmental Audit; and
- The responsible authority's reasonable legal costs and expenses of drafting/ reviewing and registering the agreement to be borne by the owner of the relevant land.

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Biodiversity

Eastern Grey Kangaroo

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, or where this is not practicable, 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.

Growling Grass Frog

Any permit which would allow subdivision, buildings or works that will impact on an area identified as Growling Grass Frog Category 2 habitat on Plan 6 – Biodiversity and Threatened Species Action Plan in the *Lockerbie Precinct Structure Plan* 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 or the removal of any vegetation, offsets for Growling Grass Frog Category 2 habitat on the land must be provided or agreed 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 Growling Grass Frog translocation/ salvage plan must be prepared to the satisfaction of the Department of Sustainability and Environment and be submitted to and approved by the Responsible Authority. The approved Growling Grass Frog translocation / salvage plan must be implemented to the satisfaction of the Department of Sustainability and Environment and the Responsible Authority.

Any permit which would allow subdivision, buildings or works that will impact on an area where the Lockerbie Growling Grass Frog Conservation Management Plan (CMP) applies as shown on Plan 6 – Biodiversity and Threatened Species Action Plan in the *Lockerbie Precinct Structure Plan* must contain the following conditions unless otherwise agreed to in writing by the Department of Sustainability and Environment:

Works on land in the CMP area shown on Plan 6 – Biodiversity and Threatened Species Action Plan in the *Lockerbie Precinct Structure Plan* must be undertaken in accordance with the approved CMP.

Unless the land included within the CMP area as shown on Plan 6 - Biodiversity and Threatened Species Action Plan of the *Lockerbie Precinct Structure Plan* has been voluntarily transferred into the Crown Reserve System, the Owner must:

- Enter into a legally, binding on-title agreement with the Secretary of the Department of Sustainability and Environment under Section 69 of the Conservation Forest and Lands Act 1987 prior to the commencement of works on the land. The agreement must provide for the following:
 - Protection of the conservation area
 - The landowner to undertake all pre-construction maintenance and monitoring (Phase One) actions in accordance with the approved CMP
 - The landowner granting Department of Sustainability and Environment (or its nominee) rights of access to undertake habitat works (Phase Two) and any additional actions as required.
 - The landowner to undertake ongoing maintenance and monitoring activities (Phase Three) in perpetuity as outlined in the approved CMP.

The land owner must pay the reasonable costs of preparation, execution and registration of the agreement.

Striped Legless Lizard

Any permit which would allow subdivision, buildings or works that will impact on an area of land identified as potential habitat for Striped Legless Lizard habitat on Plan 6 – Biodiversity and Threatened Species Action Plan in the *Lockerbie Precinct Structure Plan* must contain the following condition unless otherwise agreed to in writing by the Department of Sustainability and Environment:

The Salvage and Translocation of Striped Legless Lizard in the Urban Growth Areas of Melbourne: Strategic Approach (DSE 2011) and Salvage and Translocation of Striped Legless Lizard in the Urban Growth Areas of Melbourne: Operational Plan (DSE 2011) must be implemented to the satisfaction of the Secretary of the Department of Sustainability and Environment before, during and after the carrying out of any buildings or works or native vegetation removal and all specifications and requirements of the approved plan must be complied with.

Golden Sun Moth

Any permit which would allow subdivision, buildings or works that will impact on land identified as Golden Sun Moth habitat on Plan 6 – Biodiversity and Threatened Species Action Plan in the *Lockerbie Precinct Structure Plan* must contain the following condition unless otherwise agreed to in writing by the Department of Sustainability and Environment:

Prior to the commencement of any buildings or works or the removal of any vegetation offsets for Golden Sun Moth habitat on land, must be provided, to the satisfaction of the Secretary of the Department of Sustainability an Environment.

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Advertising signs

Land is in the category specified in the applied zone.

5.128/06/2012
C81**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.

5.228/06/2012
C81**Education / Community Promotion signs**

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 above two square metres in area that promotes a community facility or education centre on the land identified as education, community and active open space on Map 1 to this schedule.

6.028/06/2012
C81**Referral of applications**

An application to subdivide land, or construct a building or carry out works (where the value of those works is in excess of \$500,000) on land in the Lockerbie Principal Town Centre and within the local town centres must be referred in accordance with section 55 of the Act to the Growth Areas Authority.

7.001/08/2013
C101**No exemption from notice and review**

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.