

SCHEDULE 4 TO CLAUSE 37.02 COMPREHENSIVE DEVELOPMENT ZONE

Shown on the planning scheme map as **CDZ4**.

MERRIFIELD MAJOR TOWN CENTRE

Land

This Schedule applies to land generally bounded Donnybrook Road to the south, Merrifield Employment Node to the east, Merrifield West Precinct Structure Plan area to the west and Kalkallo Retarding Basin to the north.

Purpose

To provide for the development of the land as an integrated, contemporary Major Town Centre.

To provide for the development of the land for a range of uses including retail, residential, commercial, employment, community and recreation purposes.

To provide for the comprehensively planned development of land, in a way that has efficient linkages with nearby existing and planned urban land.

To provide for the orderly planning and development of new roads and other physical infrastructure, to complement existing and proposed road networks, and to provide ease of access into and out of the area.

To provide for the use and development of land generally in accordance with the Merrifield Comprehensive Development Plan, Merrifield Town Centre Development Co-ordination Plan and relevant Precinct Concept Plans.

To protect and conserve areas of environmental and heritage significance.

To encourage the development of a high amenity town centre, mixed commercial environment and residential area with high standards of building design in attractively landscaped streetscapes.

To encourage community facilities to support the resident and business population.

1.0

Table of uses

Section 1 - Permit not required

Use	Condition
Accommodation (other than Residential building)	Must be consistent with an approved Precinct Concept Plan.
Cinema based entertainment facility	The site must be identified for the use within an activity centre in a precinct concept plan. Must be consistent with any relevant precinct concept plan.
Cinema	The site must be identified for the use within an activity centre in a precinct concept plan. Must be consistent with any relevant precinct concept plan.
Convenience shop	Must be consistent with any relevant precinct concept plan.
Electoral office	Must be used for only 4 months before an election and 2 weeks after an election. The site must be identified for the use within an activity centre in a precinct concept plan. Must be consistent with any relevant precinct concept plan.

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Use	Condition
Home based business	
Informal outdoor recreation	
Office (other than Electoral office)	The site must be identified for the use within an activity centre in a precinct concept plan. Must be consistent with any relevant precinct concept plan.
Postal agency	
Railway station	
Restaurant	
Shop (other than Adult sex product shop and Convenience Shop)	The site must be identified for the use within an activity centre in a precinct concept plan. Must be consistent with any relevant precinct concept plan.
Tramway	
Any uses listed in Clause 62.01	Must meet the requirements of Clause 62.01

Section 2 - Permit required

Use	Condition
Agriculture (other than Apiculture, Animal keeping, and Intensive animal husbandry)	
Child care centre	
Display home	
Education centre	
Hospital	
Leisure and recreation (other than Informal outdoor recreation and Motor racing track)	
Medical centre	
Motor vehicle, boat or caravan sales	Must not be in an area identified for predominantly residential use in the relevant precinct concept plan
Place of assembly (other than Circus and Carnival and Cinema)	
Residential building	
Retail premises (other than Motor vehicle, boat or caravan sales, Postal agency, Restaurant, Shop)	
Service Station	
Utility Installation (other than Minor utility installation and Telecommunications facility)	
Veterinary centre	
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use**Abattoir****Adult sex product shop****Animal keeping****Airport****Brothel****Cemetery****Crematorium****Extractive industry****Intensive animal husbandry****Liquid fuel depot****Materials recycling****Motor racing track****Refuse disposal****Transfer station****2.0**02/05/2013
C167**Merrifield Major Town Centre Development Co-ordination Plan**

Prior to the approval of any Precinct Concept Plan/s for the site, a Development Co-ordination Plan for the entire site must be prepared and endorsed by the responsible authority, who must have regard to the views and requirements of the Department of Sustainability and Environment, Department of Transport, Public Transport Victoria, VicRoads and the Growth Areas Authority. The endorsed development co-ordination plan must be generally in accordance with the Merrifield Comprehensive Development Plan.

The Development Co-Ordination Plan may be amended to the satisfaction of the Responsible Authority.

This plan must show and include to the satisfaction of the responsible authority:

- The proposed access points into the land from Donnybrook Road and other existing or proposed transport infrastructure taking into account Federal and State Government transport objectives;
- The proposed internal connector street network including proposed linking points to surrounding land;
- The articulation of urban design principles that support and deliver activation of buildings within the street network;
- Identify the town centre core and provide for a mix and intensity of uses and housing within a walkable distance, ;
- Identify the general form and function of the town centre including the proposed use and development of each part of the town centre;
- Arrangements for the provision of reticulated infrastructure;
- Arrangements for the provision of water sensitive urban design;
- Indicative staging for development of the site;
- The precinct areas that are to be developed;

- The location and size of the retail, commercial, residential and other land use areas proposed;
- Open space networks to be provided;
- Community infrastructure to be provided;
- Remnant indigenous trees to be removed or retained and, where possible, included in public open space;
- Identify areas of moderate or high salinity risk, where management measures will be required;
- Identify how public transport will be integrated within the town centre including the provision of suitable bus access, routes and stops in accordance with the Public Transport Guidelines for Land Use and Development;
- An Integrated Transport Plan (ITP) which must consider and report on the following to the satisfaction of the responsible authority:
 - The proposed street and pedestrian movement network;
 - The needs for non-motorised travel, including access by walking and cycling and links to the Principle Bicycle Network (PBN) and Metropolitan Trail Network (MTN), facilities for cyclists and internal circulation of cyclists and pedestrians;
 - How the proposal makes better use of existing transport assets including arterial roads, public transport or new pedestrian links or cycle paths;
 - The integration of land use with transport provision;
 - How the proposal will promote and facilitate the use of public transport;
 - Linkages between key destinations and trip generating activities for vehicles, pedestrians and cyclists;
 - The requirements of commercial vehicles;
 - How the plan responds to State government transport objectives; and
 - The details relating to the upgrading of Donnybrook Road.

3.0

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Precinct Concept Plan/s

Prior to any use or development commencing, other than works required for physical infrastructure to service the land, Precinct Concept Plan/s must be prepared for the site which are generally in accordance with the Merrifield Comprehensive Development Plan and the Merrifield Town Centre Development Co-ordination Plan.

A Precinct Concept Plan may be endorsed for a part or whole of the land within the Merrifield Comprehensive Development Plan to the satisfaction of the responsible authority. Before deciding whether to approve a Precinct Concept Plan/s, the responsible authority may consider the views of any relevant authority or agency as appropriate.

Upon application by the owner of the land the precinct concept plan/s may be amended to the satisfaction of the responsible authority.

A permit must be generally in accordance with an approved Precinct Concept Plan.

Content of the Precinct Concept Plan/s

The precinct concept plan/s must show and demonstrate to the satisfaction of the responsible authority the following, where applicable:

- Consistency with any relevant approved Merrifield Town Centre Development Co-ordination Plan for the site;
- The land to which the precinct concept plan applies;

- The proposed uses of each part of the land;
- Identify how the Precinct Concept Plan responds to activity centre, safer design or other relevant design guidelines incorporated or referenced in the Hume Planning Scheme;
- Identify and respond to surrounding land use context and show the relationship and interface arrangements to existing and proposed development surrounding the site;
- Road layout and design, including road reserve widths;
- The proposed arterial and neighbourhood connector street network including proposed linking points to surrounding land;
- Pedestrian and cycle paths;
- How provision will be made for access to existing or proposed public transport facilities;
- The location of any vegetation required to be retained;
- Any sites of environmental, cultural or heritage significance and the means by which they will be managed;
- Open space, community facilities and recreation facilities/functions;
- Proposed retarding basins, lakes, water features, water courses and drainage lines and the means by which these will be managed and water quality maintained;
- The indicative development sequence for the land;

An Urban Design Framework for the proposed commercial and retail areas precinct. The Urban Design Framework must be generally in accordance with the Merrifield Comprehensive Development Plan and the Merrifield Major Town Centre Development Co-ordination Plan and include, as relevant;

- an overall landscape concept;
- principles for the provision for car parking including the location and design of car parking areas and car parking rates for proposed uses;
- principles 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;
- a highly permeable street block structure;
- preferred building heights;
- an ability to accommodate and promote vertically mixed land uses where appropriate;
- incorporate, as appropriate, design requirements from infrastructure agencies;
- building design guidelines;

4.0

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Use of land

A use must meet the objectives of the Comprehensive Development Zone and be generally in accordance with the Merrifield Town Centre Development Co-ordination Plan and any relevant Precinct Concept Plan, to the satisfaction of the responsible authority.

A use must not adversely 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, stored goods or materials;
- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.

4.1

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Application requirements

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

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

4.2

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Exemption from notice and review

An application 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.

4.3

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Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The Municipal Planning Strategy and Planning Policy Framework
- The extent to which the proposal complies with the Merrifield Comprehensive Development Plan, the Merrifield Town Centre Development Co-ordination Plan and any relevant Precinct Concept Plan;
- The effect that existing uses may have on the proposed use;
- The drainage of the land;
- The availability of and connection to services;
- The effect of traffic to be generated by the proposed use;
- The provision of adequate connection and road infrastructure to provide for future growth and public transport provision;
- The interim use and management of those parts of the land not required for the proposed use;
- If an industry or warehouse, the effect that the use may have on nearby or proposed residential areas or other uses which are sensitive to industrial off-site effects;

5.0

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Subdivision

A permit is required to subdivide land.

Subdivision of the land must be generally in accordance with the Development Co-ordination Plan and any relevant Precinct Concept Plan to the satisfaction of the responsible authority. Subdivision of lots may occur in stages.

Where no Development Co-ordination Plan or Precinct Concept Plan has been approved, the responsible authority may grant a permit to subdivide land, provided it is satisfied that the subdivision will not prejudice the preparation of the Development Co-ordination Plan or Precinct Concept Plan.

Any application for subdivision that intends to apply the Small Lot Housing Code and allows the creation of a lot less than 300 square metres must ensure that:

- 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 72.04 of the Hume 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.

5.1

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Application requirements

An application for subdivision must be accompanied by the following information to the satisfaction of the responsible authority:

- A plan drawn to scale which shows:
 - The boundaries and dimensions of the site;
 - Adjoining roads;
 - Relevant ground levels;
 - Areas of subdivision, including any areas of common property;
 - Construction details of all drainage works and cross over points to all lots;
 - The constructed level of any road to provide all weather safe access and egress to all allotments at all times;
 - The location and staging of road works to be undertaken either by dates or stages;
 - The stages by which development of the land is proposed to proceed;
 - The proposed internal road layout pattern and traffic management measures including the provision of traffic control works in existing or proposed roads;
 - The provision of all necessary infrastructure including access to surrounding roads; and
 - The location of all footpaths and pedestrian links within the site and how they link with surrounding areas.

5.2

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Exemption from notice and review

An application 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.

5.3

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Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.02, in addition to those specified in Clause 37.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The suitability of all the proposed lots for the uses that are preferred in the precincts described in the Merrifield Comprehensive Development Plan, the Merrifield Town Centre Development Co-ordination Plan and any relevant Precinct Concept Plan;
- The extent to which the proposal is consistent with the Development Co-ordination Plan;
- The effect the subdivision will have on the potential area to accommodate the uses which will maintain or enhance its competitive strengths;
- The effect of the proposed subdivision on any areas of environmental, cultural or heritage significance identified in any relevant Precinct Concept Plan;
- The appropriateness of the road layout and integration with the existing road network;

- The provision of adequate connection and road infrastructure to provide for future growth and public transport provision;
- Streetscape character;
- Landscape character;
- The interface with surrounding zones; and
- The comments and requirements of authorities specified as referral authorities in Clause 66.

6.0

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Buildings and works

Buildings and works must generally be in accordance with the Merrifield Comprehensive Development Plan, Development Co-ordination Plan and any relevant Precinct Concept Plan to the satisfaction of the responsible authority.

A permit is not required to construct or extend one dwelling on a lot of 300 square metres or more.

A permit is required to construct or extend one dwelling on a lot of less than 300 square metres except where a site is identified as a lot to be assessed against the Small Lot Housing Code via a restriction on title and it meets all of the standards of the Small Lot Housing Code incorporated pursuant to Clause 72.04 of the Hume Planning Scheme.

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.

6.1

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Application requirements

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

- 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;
 - 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; and
 - Areas not required for immediate use.
- Elevation drawings to scale showing the colour and materials of all buildings and works;
- Layout plans of all drainage works, driveways, vehicle parking and loading areas; and
- 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.

6.2

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Exemption from notice and review

An application 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.

6.3

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Decision guidelines

Before deciding on an application for buildings and works, the responsible authority must consider:

- The consistency of the proposed works with the objectives of the Merrifield Comprehensive Development Zone, the Development Co-ordination Plan and any relevant Precinct Concept Plan;
- The effect of the proposed buildings and works on any areas of environmental, cultural or heritage significance identified in any relevant Precinct Concept Plan;
- The appropriateness of the proposed building form and its effect on adjoining properties and the streetscape;
- The appropriateness of the materials and finishes of the proposed buildings and works;
- The provision of adequate connection and road infrastructure to provide for future growth and public transport provision;
- The appropriateness of the proposed landscaping treatment;
- The appearance of the buildings and works from main roads including Donnybrook Road.

7.0

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Signs

Sign requirements are at Clause 52.05. This zone is in Category 1 for land shown on the Merrifield Town Centre Development Co-ordination Plan for commercial and Category 3 for land shown as Residential.