

SCHEDULE 4 TO CLAUSE 37.02 COMPREHENSIVE DEVELOPMENT ZONE

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

AURORA COMPREHENSIVE DEVELOPMENT PLAN**Land**

That part of Epping North known generally as Aurora and being north of O'Herns Road, south of Craigieburn Road East and east of the Hume Freeway (Craigieburn Bypass).

Purpose

- To designate land suitable for urban development.
- To provide for development of land generally in accordance with the relevant comprehensive development plan.
- To pursue a more sustainable form of greenfield development based on traditional neighbourhood design principles.
- To engender a positive sense of place through incorporation of diverse streetscapes and good urban design in the public realm.
- To implement a high standard of contemporary architectural and urban design outcomes.
- To encourage a reduction in the use of natural resources such as potable water through the provision and utilisation of recycled water provided to future residents of the area to achieve the sustainability objectives identified in the Aurora Sustainability Covenant.
- To protect, retain and enhance the natural and cultural features of the land.
- To facilitate a mix of land uses, including residential, community, retail, commercial and recreational, to support a sustainable community.
- To facilitate a range of lot sizes with generally increased development densities and dwelling types to meet a diversity of lifestyle choices and to provide the opportunity for high quality and sustainable public transport.
- To assist in protecting and enhancing the Edgars Creek (as part of the larger Merri Creek Catchment) as an environmental, conservation and recreation asset of local significance, through sensitive design and landscaping.
- To provide for a range of pedestrian scale retail, commercial and community facilities of appropriate sizes to serve the needs of existing and future residents of the area.
- To provide a safe, efficient, highly permeable, multi modal and attractive movement network.
- To ensure that non-residential uses do not cause an unreasonable loss of amenity to people in areas set aside and used for dwellings.

1.0**Table of uses****Section 1 - Permit not required**

Use	Condition
Animal keeping (other than Animal boarding)	Must not be more than 2 animals.
Bed and breakfast	No more than 6 persons may be accommodated away for their normal place of residence unless the site is in an activity centre (primary, tertiary or local) identified in a development plan approved under a Development Plan Overlay.

WHITTLESEA PLANNING SCHEME

Use	Condition
	At least 1 car parking spaces must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Caretaker's house	The site is identified for the use or is in an activity centre, in a development plan approved under a Development Plan Overlay.
Car wash	The site is identified for the use or is in an activity centre (secondary, tertiary or local), in a development plan approved under a Development Plan Overlay.
Child care centre	<p>The site is identified for the use or is in an activity centre, in a development plan approved under a Development Plan Overlay.</p> <p>Any frontage at ground level must not exceed 2 metres and access must not be shared with a dwelling (other than a caretaker's house), in an activity centre (primary and local) in a development plan approved under a Development Plan Overlay.</p>
Cinema	The site is identified for the use or is in an activity centre (primary or secondary), in a development plan approved under a Development Plan Overlay.
Cinema-based entertainment facility	The site is identified for the use or is in an activity centre (primary or secondary), in a development plan approved under a Development Plan Overlay.
Dependent person's unit	Must be the only dependent person's unit on the lot.
Dwelling (other than Bed and breakfast and Caretaker's house)	
Education centre	<p>The site is identified for the use or is in an activity centre, in a development plan approved under a Development Plan Overlay.</p> <p>Any frontage at ground level must not exceed 10 metres and access must not be shared with a dwelling (other than a caretaker's house), in an activity centre in a development plan approved under a Development Plan Overlay.</p>
Food and drink premises	The site is identified for the use or is in an activity centre, in a development plan approved under a Development Plan Overlay.
Home based business	
Indoor recreation facility	The site is identified for the use or is in an activity centre, in a development plan approved under a Development Plan Overlay.
Informal outdoor recreation	
Medical centre	The site is identified for the use or is in an activity centre, in a development plan approved under a Development Plan Overlay.
Office (other than Medical centre)	The site is identified for the use or is in an activity centre (primary, tertiary or local), in a development plan approved under a Development Plan Overlay.
Open sports ground	

WHITTLESEA PLANNING SCHEME

Use	Condition
Place of assembly (other than Amusement parlour, Carnival, Circus and Nightclub)	The site is identified for the use or is in an activity centre, in a development plan approved under a Development Plan Overlay.
Railway	
Restricted retail premises	The site is identified for the use or is in an activity centre (primary or secondary), in a development plan approved under a Development Plan Overlay.
Retail premises (other than Adult sex product shop, Food and drink premises, Shop and Trade supplies)	The site is identified for the use or is in an activity centre (primary, secondary or local), in a development plan approved under a Development Plan Overlay.
Service station	The site is identified for the use or is in an activity centre (primary, secondary or local), in a development plan approved under a Development Plan Overlay.
Shop (other than Adult sex product shop, Convenience shop and Restricted retail premises)	The site is identified for the use or is in an activity centre (primary or local), in a development plan approved under a Development Plan Overlay.
Trade supplies	The site is identified for the use or is in an activity centre (primary or secondary), in a development plan approved under a Development Plan Overlay.
Tramway	
Warehouse	The site is identified for the use or is in an activity centre (primary or secondary), in a development plan approved under a Development Plan Overlay. Must not be for a purpose listed in the table to Clause 53.10.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Accommodation (other than Bed and breakfast, Caretaker's house, Dependent person's unit, Dwelling and Corrective institution)	
Adult sex product shop	The site is identified for the use or is in an activity centre (primary), in a development plan approved under a Development Plan Overlay. The site is at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential area identified in a development plan approved under a Development Plan Overlay, land used or intended to be

WHITTLESEA PLANNING SCHEME

Use	Condition
	used for a hospital or education facility or land in a public acquisition overlay to be acquired for a hospital or education facility.
Agriculture (other than Animal boarding, Animal keeping, Animal training, Apiculture, Horse stables and Intensive animal husbandry)	
Amusement parlour	The site is identified for the use or is in an activity centre (primary or secondary), in a development plan approved under a Development Plan Overlay.
Animal keeping (other than Animal boarding) - if the section 1 condition is not met	Must be no more than 5 animals.
Caretaker's house - if the section 1 condition is not met	
Car park	
Car wash - if the section 1 condition is not met	<p>The site must either:</p> <ul style="list-style-type: none"> ▪ adjoin an activity centre in a development plan approved under a Development Plan Overlay; ▪ adjoin or have access to a Main Street as identified in the relevant comprehensive development plan
Child care centre - if the section 1 condition is not met	
Convenience restaurant	The site must adjoin or have access to a Main Street as identified in the relevant comprehensive development plan.
Convenience shop	
Display home	
Education centre - if the section 1 condition is not met	
Food and drink premises (other than Convenience restaurant and Take away food premises) - if the section 1 condition is not met	
Hotel	
Indoor recreation facility - if the section 1 condition is not met	
Industry (other than Car wash)	<p>The site is identified for the use or is in an activity centre (primary or secondary), in a development plan approved under a Development Plan Overlay.</p> <p>Must not be a purpose listed in the table to clause 53.10.</p>

WHITTLESEA PLANNING SCHEME

Use	Condition
<p>Leisure and recreation facility (other than Indoor recreation facility, Informal outdoor recreation, Motor racing track and Open sports ground)</p> <p>Market</p> <p>Medical centre - if the section 1 condition is not met</p>	
<p>Nightclub</p>	<p>The site is identified for the use or is in an activity centre (primary or secondary), in a development plan approved under a Development Plan Overlay.</p>
<p>Office (other than Medical centre) - if the section 1 condition is not met</p>	<p>The site is identified for the use or is in an activity centre (secondary), in a development plan approved under a Development Plan Overlay.</p>
<p>Place of assembly (other than Amusement parlour, Carnival, Circus and Nightclub) - if the section 1 condition is not met</p> <p>Plant nursery</p>	
<p>Service station - if the section 1 condition is not met</p>	<p>The site must either:</p> <ul style="list-style-type: none"> ▪ be in an activity centre (tertiary) in a development plan approved under a Development Plan Overlay; ▪ adjoin an activity centre in a development plan approved under a Development Plan Overlay; ▪ adjoin or have access to a Main Street as identified in the relevant comprehensive development plan. <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 Main Street as identified in the relevant comprehensive development plan.
<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>Take away food premises</p>	<p>The site must adjoin or have access to a Main Street as identified in the relevant comprehensive development plan.</p>
<p>Transport terminal</p>	<p>The site is identified for the use or is in an activity centre (primary, secondary, tertiary or local), in a development plan approved under a Development Plan Overlay.</p> <p>The site must adjoin a railway line or equivalent reservation and be for the purposes of a railway station or bus terminal.</p>

Use	Condition
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
Animal boarding
Animal training
Brothel
Cinema - if the section 1 condition is not met
Cinema-based entertainment facility - if the section 1 condition is not met
Corrective institution
Extractive industry
Horse stables
Intensive animal husbandry
Motor racing track
Retail premises (other than Adult sex product shop, Convenience restaurant, Convenience shop, Hotel, Market, Restaurant, Take away food premises and Tavern) - if the section 1 condition is not met
Saleyard
Warehouse - if the section 1 condition is not met

2.0

29/11/2007
C41(Part 1)

Use of land

The use of land must be generally in accordance with the provisions of any relevant development plan approved under a Development Plan Overlay.

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

- transport or 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.

2.1

29/11/2007
C41(Part 1)

Application requirements

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

- The purpose of the use and the type of activities which will be carried out.
- The likely effects, if any, on adjoining land, 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.
- If an industry or warehouse:

- the type and quantity of goods to be stored, processed or produced;
 - whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority;
 - whether a licence under the Dangerous Goods Act 1985 is required.
- The likely effects on adjoining land including air-borne emission and emissions to land and water.

2.2

29/11/2007
C41(Part 1)

Exemption from notice and review

An application for a section 2 use on a site that is identified for the use or is in an activity centre, in any relevant development plan approved under a Development Plan Overlay 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.

2.3

27/05/2019
C239wsea

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:

- any relevant comprehensive development plan;
- any relevant development plan approved under a Development Plan Overlay;
- the effect that existing uses may have on the proposed use;
- for non-residential uses, the potential amenity impact on areas set aside and used for dwellings;
- the effect on the values of any relevant conservation area;
- the drainage of the land;
- the availability of and connection of services;
- the effect of traffic to be generated on roads;
- the interim use of those parts of the land not required for the proposed use;
- any other matters which relate to the use of the land.

3.0

29/11/2007
C41(Part 1)

Subdivision

3.1

29/11/2007
C41(Part 1)

Permit requirement

A permit may be granted to subdivide land where the responsible authority is satisfied that the proposed subdivision is generally in accordance with any relevant development plan approved under a Development Plan Overlay and where services can be provided to meet the requirements of authorities specified as referral authorities.

Where a development plan has not been approved, the responsible authority may grant a permit for subdivision provided that the responsible authority is satisfied that the subdivision will not prejudice the future development or use of the land having regard to the purpose of the zone or any other relevant aspect of the Scheme.

3.2

29/11/2007
C41(Part 1)

Application requirements

An application to subdivide land must be accompanied by the following information, as appropriate.

- A plan drawn to scale which shows:
 - the boundaries of the site;

- areas of subdivision;
- street types.

3.3

29/11/2007
C41(Part 1)

Exemption from notice and review

An application to subdivide land which is generally in accordance with any relevant development plan approved under a Development Plan Overlay 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.

3.4

27/05/2019
C239wsea

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:

- any relevant comprehensive development plan;
- any relevant development plan approved under a Development Plan Overlay;
- the relationship of the proposed subdivision to the existing and proposed subdivision and use of adjoining land;
- the effect on the values of any relevant conservation area;
- the requirements of authorities specified as referral authorities in clause 66;
- the need for financial or other contributions towards the provision of reticulated service infrastructure, community facilities and transport systems as set out in any relevant development plan approved under a Development Plan Overlay and appropriate agreements, conditions or other arrangements to guarantee those contributions.

4.0

29/11/2007
C41(Part 1)

Construction and extension of one dwelling on a lot

4.1

29/11/2007
C41(Part 1)

Permit requirement

A permit is required to construct or extend one dwelling on a lot if the lot is less than 300 square metres.

The construction or extension of a dwelling includes a front fence within 3 metres of a street if the fence exceeds the maximum height specified in clause 54.06-2.

A development must meet the requirements of clause 54.

4.2

29/11/2007
C41(Part 1)

No permit required

No permit is required to construct or extend:

- works normal to a dwelling;
- an open-sided pergola or verandah with a finished floor level not more than 800 mm above natural ground level and a maximum building height not more than 3 metres above natural ground level;
- an outbuilding with a gross floor area not more than 10 square metres and a maximum building height not more than 3 metres above natural ground level;
- a deck with a finished floor level not more than 800 mm above natural ground level;
- a domestic swimming pool or spa and associated mechanical equipment and safety fencing.

This does not apply to the construction or extension of a garage or carport.

4.329/11/2007
C41(Part 1)**Exemption from notice and review**

An application to construct or extend one dwelling on a lot which is generally in accordance with any relevant development plan approved under a Development Plan Overlay 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.

4.427/05/2019
C239wsea**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:

- any relevant comprehensive development plan;
- any relevant development plan approved under a Development Plan Overlay;
- the objectives, standards and decision guidelines of clause 54.

5.029/11/2007
C41(Part 1)**Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings****5.1**29/11/2007
C41(Part 1)**Permit requirement**

A permit is required to:

- construct a dwelling if there is at least one dwelling existing on the lot;
- construct two or more dwellings on a lot;
- extend a dwelling if there are two or more dwellings on the lot;
- construct or extend a dwelling on common property;
- construct or extend a residential building.

The construction or extension of a dwelling or a residential building includes a front fence within 3 metres of a street if the fence exceeds the maximum height specified in clause 55.06-2.

A development must meet the requirements of clause 55. This does not apply to a development of four or more storeys, excluding a basement.

A permit is not required to construct one dependent person's unit on a lot.

5.229/11/2007
C41(Part 1)**Exemption from notice and review**

An application to construct or extend two or more dwellings on a lot which is generally in accordance with any relevant development plan approved under a Development Plan Overlay 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.

5.327/05/2019
C239wsea**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:

- any relevant comprehensive development plan;
- any relevant development plan approved under a Development Plan Overlay;
- the effect that existing uses may have on the proposed use;
- the drainage of the land;
- the availability of and connection of services;

- the effect of traffic to be generated on roads;
- the interim use of those parts of the land not required for the proposed use;
- any other matters which relate to the use of the land;
- the objectives, standards and decision guidelines of clause 55.

6.0

29/11/2007
C41(Part 1)

Buildings and works (other than for Dwelling and Residential building)

6.1

29/11/2007
C41(Part 1)

Permit requirement

A permit is required to construct a building or construct or carry out works. This includes the internal rearrangement of a building if the existing leasable floor area is exceeded.

This does not apply to a building or works which are a modification necessary to comply with a direction or licence under the Dangerous Goods Act 1985 or a Waste Discharge Licence, Works Approval or Pollution Abatement Notice under the Environment Protection Act 1970.

6.2

29/11/2007
C41(Part 1)

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 where relevant:
 - the boundaries and dimensions of the site;
 - adjoining roads;
 - the location and purpose of buildings and works on adjoining land;
 - relevant ground levels;
 - the layout of existing and proposed building and works;
 - all driveways, car parking and loading areas;
 - proposed landscape areas;
 - all external storage and waste treatment areas;
 - all external storage and waste treatment areas;
 - areas not required for immediate use.
- Elevation drawings to scale showing the colour and materials and finishes of all buildings and works.
- A landscape layout that 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.

6.3

29/11/2007
C41(Part 1)

Exemption from notice and review

An application to construct a building or to construct or carry out works for a use in Section 1 or Section 2 of clause 1.0 of this schedule on a site that is identified for the use or is in an activity centre, in any relevant development plan approved under a Development Plan Overlay 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.

6.4

27/05/2019
C239wsea

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:

- any relevant comprehensive development plan;
- any relevant development plan approved under a Development Plan Overlay;
- the effect of traffic to be generated on roads;
- the effect on the values of any relevant conservation area;
- any other matters which relate to the use of the land.

7.0

27/05/2019
C239wsea

Signs

Sign requirements are at Clause 52.05. All land included in an activity centre in any relevant development plan approved under a Development Plan Overlay is in Category 1. All other land is in Category 3.