

22/11/2018
C221

SCHEDULE 4 TO THE URBAN GROWTH ZONE

Shown on the planning scheme map as **UGZ4**.

Merrifield West Precinct Structure Plan

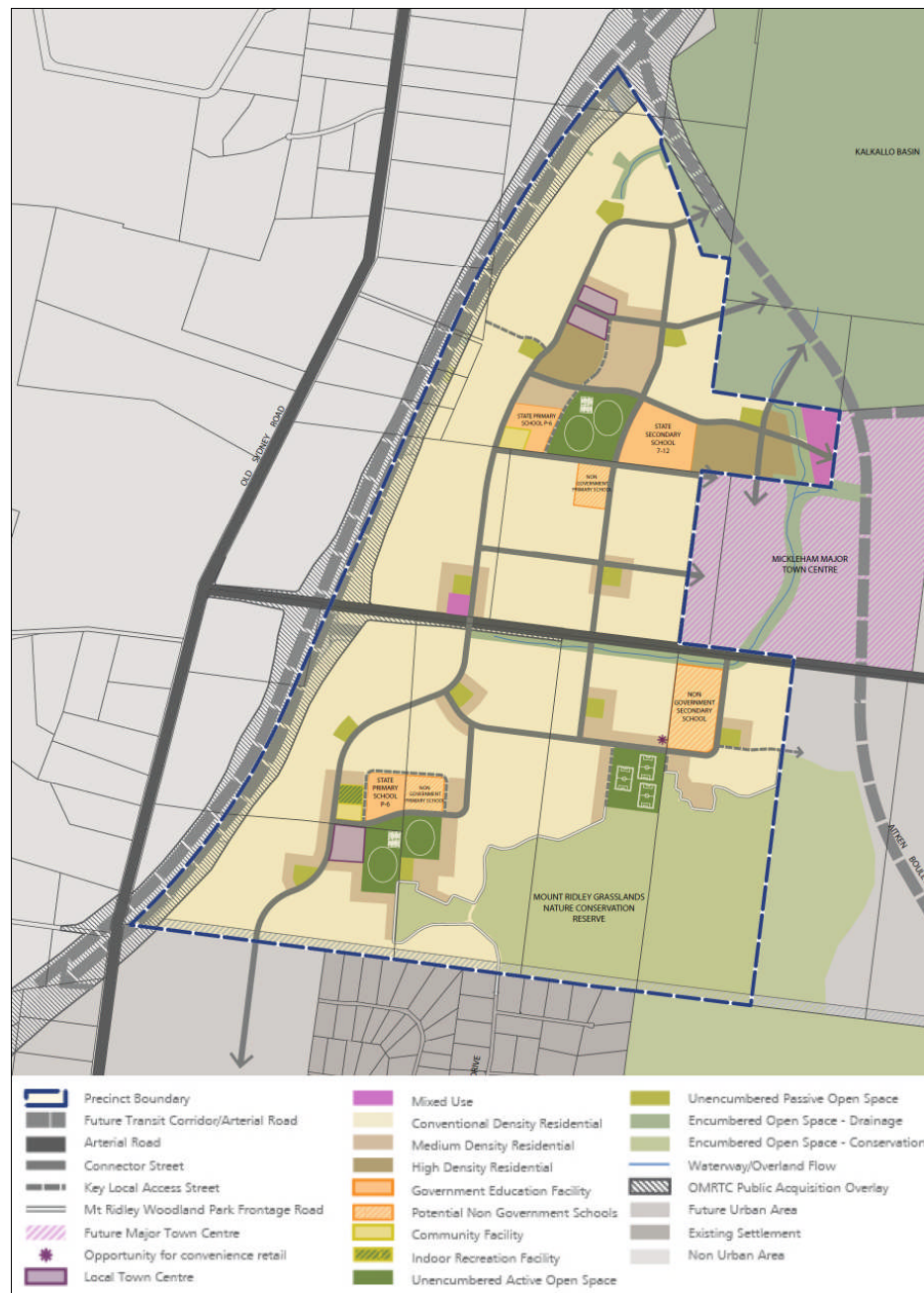
1.0

The Plan

22/11/2018
C221

Map 1 below shows the future urban structure proposed for the Merrifield West Precinct Structure Plan (PSP) area. It is a reproduction of Plan 2 in the Merrifield West PSP, March 2012 (updated June 2018).

Map 1 to Schedule 4 to Clause 37.07



2.0 Use and Development

07/08/2014
C180
2.1

The Land

27/06/2012
C162

The use and development provisions specified in this schedule apply to the land shown within the 'Precinct Boundary' on Map 1 of this schedule and shown as UGZ4 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

01/08/2013
C185

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 zone provisions

Land Use/Development (carried out or proposed) generally in accordance with the Precinct Structure Plan applying to the land	Applied Zone Provisions
Local Town Centre	Clause 34.01 – Commercial 1 Zone
Mixed Use	Clause 32.04 – Mixed Use Zone
All other land	Clause 32.08 – General Residential Zone

2.3 Specific provisions – Use of land

22/11/2018
C221

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 may be granted to use land for a shop if the combined leasable floor area of all shops exceed: 7200 square metres for land shown as the southern local town centre in the incorporated Merrifield West Precinct Structure Plan 6900 square metres for land shown as the northern local town centre in the incorporated Merrifield West Precinct Structure Plan
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 Specific Provisions - Dwellings on a lot less than 300 square metres

07/08/2014
C180

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 Application requirements

27/06/2012
C162

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

3.1 Subdivision – residential development

27/06/2012
C162

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 incorporated Merrifield West PSP
- Subdivision and Housing Design Guidelines, prepared to the satisfaction of the Responsible Authority, in accordance with the incorporated Merrifield West PSP
- 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
- 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.

Any application for residential subdivision within 150 metres of the 'Fire Threat Edge', as defined in Plan 5 of the Merrifield West PSP, must be accompanied by an assessment of the classification of vegetation in the Mt Ridley Grasslands Nature Conservation Reserve in accordance with the Australian Standard AS:3959-2009.

This assessment should take into account both existing conditions and anticipated future vegetation conditions as a consequence of the management regime set out in the Mt Ridley Grassland Nature Conservation Reserve Conservation Management Plan.

The assessment must define a defensible space and Bushfire Attack Level regime for land within 150m of the 'Fire Threat Edge', based on the relevant vegetation classifications. This assessment must be to the satisfaction of the relevant fire authority.

3.2 Public Infrastructure Plan

27/06/2012
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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 Merrifield West 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 Use or develop land for a Local Town Centre

27/06/2012
C162

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 Merrifield West PSP.

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 3.3, the Local Town Centre General Guidelines in Section 3.3 and the Local Town Centre Concept in figures 1 & 2 of the Merrifield West PSP;
 - address any relevant design guidelines prepared by the Victorian Government or the City of Hume;
 - 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.

3.4 Use or develop land for a sensitive use at 425 Donnybrook Road, Mickleham (Vol. 9829 Fol.356)

27/06/2012
C162

An application to use or develop land for a sensitive use, or to construct a building or construct and carry out works associated with a sensitive use on land at 425 Donnybrook Road, Mickleham (Vol.9829 Fol.356) must be accompanied by a Phase 1 Environmental Site Assessment report prepared by a suitably qualified environmental professional to the satisfaction of the Responsible Authority.

The report must contain:

- Clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the General Practice Note on Potentially Contaminated Land June 2005 (DSE); and
- Recommended remediation actions for any contaminated land.

3.5 Public transport referral requirements

27/06/2012
C162

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

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

07/08/2014
C180
4.1

Conditions and requirements for permits

General requirements

27/06/2012
C162

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

4.2

01/08/2013
C185

Local town centres and convenience centres

The boundary of a local town centre with the applied Commercial 1 Zone or a convenience centre with an applied Mixed Use Zone must be identified on the plan of subdivision to the satisfaction of the Responsible Authority.

4.3

27/06/2012
C162

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

Land required for community facilities, as set out in the Merrifield West PSP or the Merrifield West Development Contributions Plan (DCP) must be transferred to or vested in Council at no cost to Council unless the land is funded by the Merrifield West DCP.

Land required for public open space as a local or district park as set out in the Merrifield West PSP or the Merrifield West DCP must be transferred to or vested in Council at no cost to Council unless funded by the Merrifield West DCP.

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 Merrifield West DCP.

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 Hume City Council or the relevant agency.

4.407/08/2014
C180**Conditions for subdivision permits that allow for the creation of a lot of less than 300 square metres**

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; 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.

4.527/06/2012
C162**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 on the Threatened Species Action Plan in the Merrifield West PSP as Growling Grass Frog Category 2 habitat 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.

Golden Sun Moth

Any permit which would allow subdivision, buildings or works that will impact on an area identified on the Threatened Species Action Plan in the Merrifield West PSP as Golden Sun Moth habitat 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 the land must be provided to the satisfaction of the Secretary of the Department of Sustainability and Environment.

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 the Threatened Species Action Plan in the Merrifield West PSP 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.

Conservation Management Plan

Any permit which would allow subdivision, buildings or works that will impact on an area where the approved Merrifield West CMP applies as identified on the Threatened Species Action Plan in the Merrifield West PSP must contain the following conditions unless otherwise agreed to in writing by the Department of Sustainability and Environment:

- The actions of the Merrifield West CMP in respect of that land must be implemented before, during and after the carrying out of buildings and works to the satisfaction of the Responsible Authority.
- If the Merrifield West CMP contains specifications or recommendations that will need to continue to be implemented after the land has been subdivided, the Owner must enter into a legally binding agreement with the Department of Sustainability and Environment to provide for those continuing obligations prior to the issue of a Statement of Compliance in respect of the plan of subdivision for the land.

Threatened Flora Salvage and Translocation

Any permit which would allow subdivision, buildings or works that will impact on an area of land where Matted Flax Lily on the Threatened Species Action Plan in the Merrifield West PSP must contain the following condition unless otherwise agreed to in writing by the Department of Sustainability and Environment:

- Prior to the commencement of any works, a fully costed Matted Flax Lily translocation and/or propagation and ex situ conservation plan must be prepared to the satisfaction of the Department of Sustainability and Environment. The Plan must be submitted to and endorsed by the Responsible Authority. When approved, the Plan will be endorsed and will then form part of the permit;
- The approved Matted Flax Lily translocation / propagation plan must be implemented to the satisfaction of the Department of Sustainability and Environment.

4.6

27/06/2012
C162

Use or develop land for a sensitive use at 495 Donnybrook Road and 555 Donnybrook Road, Mickleham (Vol. 9829 Fol. 357 and Vol. 9829 Fol. 358)

Prior to the certification of a Plan of Subdivision under the Subdivision Act 1988, further testing in accordance with the recommendations of the Parsons Brinckerhoff Phase 1 and preliminary Phase 2 Environmental Site Assessment (9 June 2011) must be carried out to

the satisfaction of the Responsible Authority. Upon completion of the testing the landowner must submit the results and comply with any additional requirements to the satisfaction of the Responsible Authority, 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.

4.7 Use or develop land for a sensitive use at 425 Donnybrook Road, Mickleham (Vol. 9829 Fol.356)

27/06/2012
C162

Prior to the issue of a Statement of Compliance for a Plan of Subdivision under the Subdivision Act 1988, further testing in accordance with the recommendations of the Phase 1 Environmental Site Assessment (application requirement) must be carried out to the satisfaction of the Responsible Authority. Upon completion of the testing the landowner must submit the results and comply with any additional requirements to the satisfaction of the Responsible Authority, 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.

4.8 Subdivision of 450A Donnybrook Road, Mickleham (Vol. 11520 Fol. 131) and 210 Old Sydney Road, Mickleham (Lot 4, LP126752) (Properties 2 and 4 of Merrifield West Precinct Structure Plan)

22/11/2018
C221

Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 for any subdivision of Properties 2 and 4 of the Merrifield West Precinct Structure Plan, the owner must enter into a Section 173 Agreement for payment of a development contribution under the Merrifield West Precinct Structure Plan Development Contributions Plan (DCP) calculated on the basis that the total Net Developable Area, including the area above 124.49 hectares (for Property 2) and 0.33 hectares (for Property 4), is deemed to be included in the DCP.

The preparation and execution of an agreement must be at no cost to the Responsible Authority.

5.0 Advertising signs

27/06/2012
C162

Land is in the category specified in the applied zone.

5.1 Land and home sales signs

27/06/2012
C162

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.

5.2 Education/community promotion signs

27/06/2012
C162

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 greater than 2 square metres in area that

promotes a community facility or education centre on land identified as education, community and active open space on Map 1 to this schedule.

6.0 Referral of applications

27/06/2012
C162

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 a local town centre must be referred to the Growth Areas Authority in accordance with Section 55 of the Act.

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.