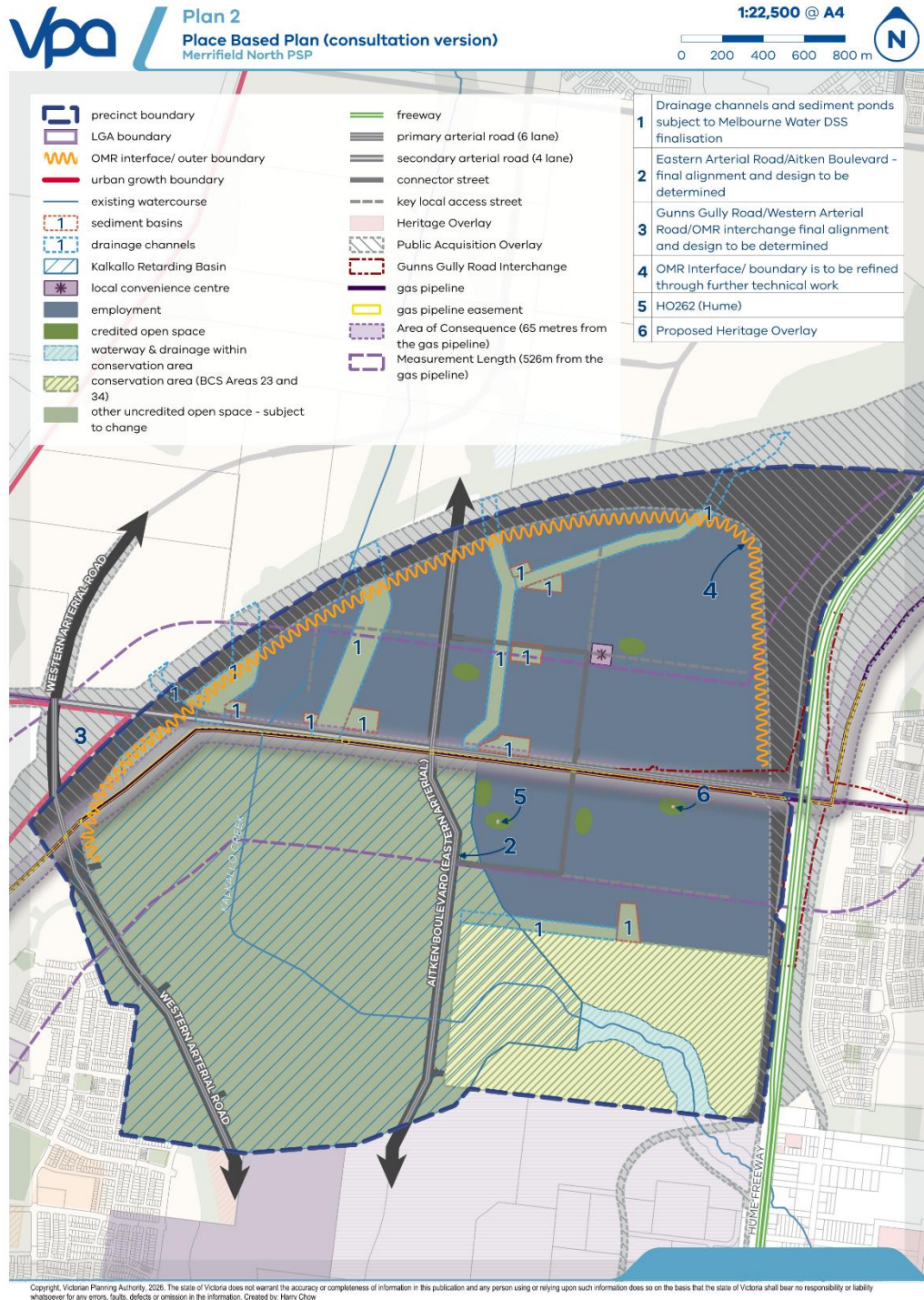


04/10/2018

SCHEDULE 6 TO CLAUSE 37.07 URBAN GROWTH ZONEShown on the planning scheme map as **UGZ6**.**MERRIFIELD NORTH PRECINCT STRUCTURE PLAN****1.0****The Plan**

30/07/2018

Plan 1 shows the future urban structure proposed in the Merrifield North Precinct Structure Plan.

2.0 Use and development

30/07/2018

2.1 The Land

30/07/2018

The use and development provisions specified in this schedule apply to the land within the 'precinct boundary' on Plan 1 of this schedule and shown as UGZ6 on the planning scheme maps. This schedule must be read in conjunction with the *Merrifield North Precinct Structure Plan*.

Note: If land shown on Plan 1 is not zoned UGZ6, the provisions of this schedule do not apply.

2.2 Applied zone provisions

19/01/2022

The provisions of the following zones in this scheme apply to the use and subdivision of land, construction of a building, and construction and carrying out of works, by reference to Plan 1 of this schedule.

Table 1: Applied zone provisions

Land shown on Plan 1 of this schedule Employment All other land	Applied zone provisions Clause 33.01 – Industrial 1 Zone
Land shown on Plan 1 of this schedule Local convenience centre	Clause 34.02 – Commercial 2 Zone
Land shown on Plan 1 of this schedule Arterial Road Gunns Gully Interchange	Applied zone provisions Clause 36.04 – Transport Zone 2

2.3

30/07/2018

Specific provisions – Use of land

Section 1 - Permit not required

Use	Condition
Shop (other than Adult sex product shop and Restricted retail premises) where the applied zone is Commercial 2 Zone	Must be generally in accordance with the location shown as 'local convenience centre' on Plan 1 of this schedule The leasable floor area must not exceed 1,000 square metres The combined leasable floor area of all Shop uses must not exceed 3,500 square metres
Cinema Cinema based entertainment facility where the applied zone is Commercial 2 Zone	Must not be on land shown within the Measurement length shown on Plan 1 of this schedule The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.

Service station where the applied zone is Industrial 1	Must not be on land shown within the Area of Consequence shown on Plan 1 of this schedule The land must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution. 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 stored goods or materials. ▪ Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
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Any use listed in Clause 62.01	Must meet requirements of Clause 62.01.
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Section 2 - Permit required

Use	Condition
Any other use not in Section 1 or 3 in the Table of uses in the applicable applied zone	

Section 3 – Prohibited

Use
Any use listed in Section 3 in the Table of uses in the applicable applied zone

2.4 Specific provisions - Subdivision

30/07/2018

None specified.

2.5 Specific provisions - Buildings and works

30/07/2018

Earthworks

A permit is required to construct or carry out earthworks.

Buildings and works for future local parks

A permit is not required to construct a building or carry out works for a local park provided the development is carried out generally in accordance with the Merrifield North Precinct Structure Plan and with the prior written consent of Mitchell Shire Council.

Buildings and works within gas pipeline Area of Consequence

A permit is required to construct a building or construct or carry out works, including demolition, within the Area of Consequence shown on Plan 1 of this schedule.

3.0 Application requirements

30/07/2018

The following application requirements apply to an application for a permit under Clause 37.07, in addition to those specified in Clause 37.07 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

All development

- A written statement that sets out how the application implements the Merrifield North Precinct Structure Plan.
- A land use budget table in the same format and methodology as those within the Merrifield North Infrastructure Contributions Plan applying to the land, setting out the among of land allocated to the proposed uses and employment yields if relevant.
- A plan showing access arrangements for properties adjacent to all existing and future arterial roads.
- A Landscape Master Plan showing the following:
 - Shows natural features including trees and other significant vegetation, habitat for protected species, drainage lines, water courses, wetlands, ridgelines, hill tops and features of geomorphic significance;
 - Identification and responses of sodic or dispersive soils;
 - Recreation facilities to be provided within public open space;
 - Storm water facilities compliant with the relevant drainage strategy;
 - Implementation of integrated water management and water sensitive design outcomes;
 - Vegetation to be retained and removed and any re-vegetation including tree species suitable to local climate and soil conditions;

Public Infrastructure Plan

An application to subdivide land, or to construct a building or construct and carry out works on 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 road works internal and external to the land consistent with any relevant traffic report or assessment;
- What, if any, infrastructure set out in the Infrastructure Contributions Plan applying to the land is south to be provided as “works in kind” 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.

A Public Infrastructure Plan must be consistent with any Traffic Impact Assessment approved under this schedule

Integrated Water Management Plan

An application to subdivide land must be accompanied by an Integrated Water Management Plan. The plan must be prepared to the satisfaction of the responsible authority and Melbourne Water and include the following information:

- Drainage servicing, including assessment of existing surface and subsurface drainage conditions on the site;
- The provision, staging and timing of stormwater drainage works, including any temporary outfall provisions, in accordance with the applicable Development Services Scheme(s);

- Flow rate and flow volume management measures.

Traffic Impact Assessment

An application that proposes to create or change access to a primary or secondary arterial road must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility and/or concept road safety audit, must be to the satisfaction of the relevant road management authority, as required.

Retail impact assessment

An application to use land for a Shop on land generally in accordance with the local convenience centre shown on Plan 1 of this schedule, and where the use would exceed the leasable floor area figures shown in the land use table at Clause 2.3 must be accompanied by a Retail Impact Economic Assessment prepared by a suitably qualified professional. The assessment must consider the impact of the proposed Shop use on function of other activity centres within the vicinity, specifically including but not limited to Merrifield Major Activity Centre and Lockerbie Metropolitan Activity Centre.

Bushfire Management Plan

An application to subdivide land adjacent to a Bushfire Hazard Area shown on Plan 8 Bushfire of the Merrifield North Precinct Structure Plan must be accompanied by a Bushfire Management Plan that demonstrates how the application will address bushfire risk at the site. The plan must be prepared in accordance with the relevant requirements and guidelines of the Merrifield North Precinct Structure Plan, unless otherwise agreed in writing by the responsible authority and relevant fire authority. The plan must include:

- The design and layout of the subdivision, including lot layout, road design and access points, both vehicular and pedestrian;
- The location of any bushfire hazard areas;
- The details of any bushfire protection measures required for individual lots;
- The identification of any areas to form the setback between a bushfire hazard and built form;
- The details of any vegetation management in any area of defendable space including, information on how vegetation will be managed and when the vegetation management will occur i.e. annually, quarterly, during the fire danger period; and
- Notation that indicated what authority is responsible for managing vegetation within open space areas.

The responsible authority and fire authority may waive this requirement if a plan has been approved for the land.

Preliminary Risk Screen Assessment

An application to subdivide land for a sensitive use (residential use, childcare centre, kindergarten, pre-school centre, primary school, even if ancillary to another use) or for a children's playground or secondary school, or to use land for a sensitive use or children's playground or secondary school, or construct or carry out buildings and works associated with these uses, and where identified as having a medium potential for contamination on Plan 11 of the Merrifield North Precinct Structure Plan and described in Table 2 must be accompanied by either:

- A Preliminary Risk Screen Assessment in accordance with the *Environment Protection Act 2017* stating that an environmental audit is not required for the proposal; or
- An environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* stating that the land is suitable for the proposal; or

- A certificate of environmental audit for the land issued in accordance with Part IXD of the *Environment Protection Act 1970*; or
- A statement of environmental audit for the land issued in accordance with Part IXD of the *Environment Protection Act 1970* stating that the environmental conditions of the land are suitable for the proposal.

Where a preliminary risk screen assessment (or environmental audit) has already been undertaken for the land, a further preliminary risk screen assessment (or environmental audit) may not be required, if the previous preliminary risk screen assessment (or environmental audit) has considered the relevant land uses.

This application requirement does not apply to the construction or carrying out of buildings and works if:

- The buildings and works are associated with an existing sensitive use, secondary school or children's playground and the soil is not disturbed;
- The buildings and works are required by the Environment Protection Authority Victoria or an environmental auditor appointed under the *Environment Protection Act 2017* to make the site suitable for use; or
- The buildings and works are reasonably required by the environmental auditor appointed under the *Environment Protection Act 2017* or the *Environment Protection Act 1970* to undertake a preliminary risk screen assessment or environmental audit.

This application requirement does not apply to buildings and works associated with a residential use established before the approval date of Amendment GC295 or to any lot where the Environmental Audit Overlay applies.

Table 2

Address	Legal description
290 Gunns Gully Road Beveridge 3753	Lot 2 PS401696
160 Gunns Gully Road Beveridge 3753	Plan PC373448
50 Gunns Gully Road Beveridge 3753	Lot 1 TP177321

Sodic, Dispersive and Acid Sulfate Soils Management Plan

An application to subdivide land or construct or carry out earthworks must be accompanied by a Sodic, Dispersive and Acid Sulfate Soils Management Plan prepared by a suitably qualified professional. The plan must include the following information:

- The existing site conditions, including:
 - extent of sodic, dispersive and acid sulfate soils based on topsoil and subsoil samples in the works area.
 - land gradient.
 - erosion risk mapping.
 - extent of any existing erosion, landslip or other land degradation.
- Soils investigation, undertaken by a soil scientist;
- The extent of any proposed earthworks;
- Recommendation for soil management practices (including fill) with consideration of anticipated sodic, dispersive and acid sulfate soil exposure.

For areas with Acid sulfate soil with net acidity concentrations exceeding 18 mole H⁺/tonne, management in accordance with EPA publication Acid sulfate soil and rock (2009, Publication 655.1 or any updated version) including:

- avoiding or minimising soil disturbance
- Preventing oxidation of acid sulfate soils
- Treatment to reduce or neutralise acidity
- Offsite reuse or disposal
- The management of drainage during all stages of development (including run-off);
- The staging of development;
- Any training and supervisions processes proposed for construction contractors to ensure compliance with the sodic and dispersive soils management plan;
- Proposed document monitoring and reporting processes that ensure works are undertaken in accordance with the sodic, dispersive and acid sulfate soils management plan;
- Any treatment of soil proposed to be removed from the site;
- Any post-construction monitoring and/or management requirements; and
- Recommendations that inform a site management plan including:
 - The management, volume and location of any stockpiles.
 - Vehicle access and movement within the site area.
 - Any treatment to manage the soil while works are undertaken.
 - Treatments to rehabilitate areas that are disturbed during site works.
 - Any soil treatment to manage the soil to reduce risk to existing or current infrastructure and dwellings.

Salvage and translocation

All applications for subdivision of land identified as 'Potential Salvage Operations' by the MSA Map Share tool must be accompanied by evidence that a salvage enquiry form has been submitted to the Department of Energy, Environment and Climate Action.

4.0 Conditions and requirements for permits

30/07/2018

The following conditions and requirements apply to a permit issued pursuant to this schedule, as appropriate, to the satisfaction of the responsible authority.

If in the opinion of the responsible authority (or for any condition or requirement expressed as requiring approval / endorsement by, or being required to the satisfaction of an agency, in the opinion of that agency and the responsible authority) a condition or requirement listed below, other than condition relating to Environmental Audit requirements, is not required, the responsible authority may waive or reduce the condition or requirement.

Conditions – Road network

A permit to subdivide land or to construct a building or construct or carry out works must include the following conditions:

- Prior to the certification of a plan of subdivision, the plan of subdivision must show the land affected by the widening of the road reserve which is required to provide road widening and/or right of way flaring for the ultimate design of any adjacent intersection.
- Land required for road widening (excluding widening under a Public Acquisition Overlay) including right of way flaring for the ultimate design of any intersection within an existing or proposed arterial road must be transferred to or vested in council at no cost to the acquiring agency unless funded by the Merrifield North Infrastructure Contributions Plan.
- Roads and intersections identified as bus capable on Plan 4 Movement & Network of the Merrifield North Precinct Structure Plan must:
 - Be constructed to accommodate ultra-low floor buses, in accordance with the Public Transport Guidelines for Land Use and Development and to

the satisfaction of the Head, Transport for Victoria and the responsible authority.

- Be compliant with the *Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002*; and
- Be provided with direct and safe pedestrian access to a pedestrian path to the satisfaction of the Head, Transport for Victoria and the responsible authority.

Conditions - Subdivision or buildings and works permits where land is required for community facilities, public open space, or road widening

A permit to subdivide land or to construct a building or construct or carry out works, where land is required for community facilities, public open space or road widening (excluding widening under a Public Acquisition Overlay) must include the following conditions:

- The costs associated with effecting the transfer or vesting of land required for community facilities, public open space or road widening must be borne by the permit holder.
- Land required for community facilities, public open space or road widening must be transferred to or vested in the relevant public agency with any designation (e.g. road, reserve or lot) nominated by the relevant agency.

Condition – Public transport

A permit to subdivide land must include the following condition:

- Unless otherwise agreed by Head, Transport for Victoria, before a Statement of Compliance is issued for any subdivision stage, bus stop hard stands with direct and safe pedestrian access to a pedestrian path must be constructed:
 - 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 locations to the satisfaction of and at no cost to the Head, Transport for Victoria.

Condition – Public Infrastructure Plan

A permit to subdivide land must include the following condition:

- Prior to the certification of a plan of subdivision or at such other time which is agreed between the council and the owner, if required by the responsible authority, the owner must enter into an agreement or agreements under section 173 of the Planning and Environment Act 1987 which provide for:
 - The implementation of the Public Infrastructure Plan approved under this permit.
 - The timing and amount of any payments to be made to a person in respect of any infrastructure project having regard to the availability of funds collected under the Infrastructure Contributions Plan.

Condition – Bushfire Management Plan

A permit to subdivide land adjacent to a Bushfire Hazard Area shown on Plan 8 of the Merrifield North Precinct Plan, must include the following condition:

- Unless otherwise agreed by the responsible authority and the relevant fire authority, before certification of the plan of subdivision the Bushfire Management Plan must be endorsed by the responsible authority.

Condition – Management of bushfire risk during subdivision works

A permit to subdivide land adjacent to a Bushfire Hazard Area shown on Plan 8 of the Merrifield North Precinct Structure Plan must include the following condition:

- Prior to the commencement of works in an area adjacent to a Bushfire Hazard Area shown on Plan 8 of the Merrifield North Structure Plan, a Site Management Plan prepared by a suitably qualified professional that addresses bushfire risk during, and where necessary, after construction must be approved by the Responsible Authority. The plan must specify:
 - The staging of development and the likely bushfire risks at each stage;
 - An area of land between the development edge and non urban areas consistent with the separation distances specified in AS3959-2018 or shown on any approved Bushfire Management Plan, where bushfire risk is managed to enable the development, on completion, to achieve a BAL-12.5 construction standard in accordance with AS3959- 2018;
 - The land management measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape to protect residents and property from the threat of fire;
 - How adequate opportunities for access and egress will be provided for early residents, construction workers and emergency vehicles.

All to the satisfaction of the responsible authority.

Condition – Integrated Water Management Plan

A permit to subdivide land where, as part of the application, an integrated water management plan has been provided to the satisfaction of the responsible authority, must include the following condition:

- Unless otherwise agreed by the responsible authority and Melbourne Water, before certification of the plan of subdivision the Integrated Water Management Plan must be approved by Melbourne Water and approved and endorsed by the responsible authority.

Condition – Salvage and translocation

Prior to the commencement of development, a salvage inquiry form must be submitted to the Secretary to the Department of Energy, Environment and Climate Action (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987) (Secretary), and where required the Secretary must be permitted to access the land to conduct salvage and translocation operations, in accordance with the requirements of the Salvage and Translocation Protocol for Melbourne's Growth Corridors (Department of Environment, Land, Water and Planning,).

Requirement – Sodic, Dispersive and Acid Sulfate Soil Site Management Plan

A permit to subdivide land must include a condition that requires a site management plan be prepared that implements the recommendations identified in the Sodic, Dispersive and Acid Sulfate soil management plan, to the satisfaction of the responsible authority.

Condition – Environmental Audit

Any permit to subdivide land, or to use land for a sensitive use (residential use, childcare centre, kindergarten, pre-school centre, primary school, even if ancillary to another use) or children's playground or secondary school, or to construct or carry out buildings and works associated with these uses, and where an environmental audit statement under Part 8.3 of the Environment Protection Act 2017 has been issued stating that the land is suitable for the use or proposed use subject to recommendations must include the following conditions:

- Any recommendations that relate to the use and development of the land must be complied with to the satisfaction of the responsible authority before the use or development commences; and
- Written confirmation of compliance with any recommendations in the environmental audit statement must be provided by a suitably qualified environmental professional (with the costs borne by the applicant) to the satisfaction of the responsible authority. Compliance sign-off must be in accordance with any requirements in the environmental audit statement recommendations regarding verifications of works.

Where recommendations of the Environmental Audit Statement require significant ongoing maintenance and/or monitoring, the applicant must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The Section 173 Agreement must be executed on the title of the relevant land prior to the grant of a permit to develop the land, unless otherwise agreed to by the responsible authority. The applicant must meet all costs associated with drafting and execution of the Agreement, including those incurred by the responsible authority.

Condition – Gas Pipeline Construction Management Plan

A permit to construct a building or construct or carry out buildings and works, including demolition, on land within the gas pipeline Area of Consequence shown on Plan 1 of this schedule must include the following condition:

- Prior to the commencement of buildings and works, a Construction Management Plan must be submitted to an approved by the responsible authority. The plan must:
 - Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the operator of the gas transmission pipeline.
 - Be endorsed by the operator of the gas transmission pipelines where the works are within or crossing the relevant gas transmission easement.
 - Land required for public open space or road widening must be transferred to or vested in the relevant public agency with any designation (e.g. road, reserve or lot) nominated by the relevant public agency.
 - Include any other relevant matter to the satisfaction of the responsible authority.

The responsible authority must be satisfied that the gas transmission pipeline licensee has reviewed and approved the Construction Management Plan.

The Construction Management Plan must be implemented to the satisfaction of the responsible authority.

The Construction Management Plan may be amended to the satisfaction of the responsible authority.

5.0 Exemption from notice and review

30/07/2018

None specified.

6.0 Decision guidelines

30/07/2018

Retail impact assessment

Before deciding on an application to create Shop floorspace on land generally in accordance with the location shown as Local Convenience Centre on Plan 1 of this schedule and where the use would exceed the leasable floor area figures shown in the land use table at Clause 2.3, the responsible authority must consider, as appropriate:

- The local catchment and PSP catchment demand for the additional floor area; and
- The effect on existing nearby activity centres.

7.0 Signs

04/10/2018

None specified.