

**System Note: The following schedule will be inserted after Sub-Clause:43.04
DEVELOPMENT PLAN OVERLAY, Schedule:SCHEDULE 30 TO CLAUSE 43.04
DEVELOPMENT PLAN OVERLAY**

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SCHEDULE 31 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO31**.

MERRIFIELD SOUTH DEVELOPMENT PLAN 225-285 DONNYBROOK ROAD, MICKLEHAM**1.0**

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Objectives

To guide development of the site in a way that ensures protection of the amenity enjoyed by adjoining and surrounding residential land.

To provide for use and development which compliments and does not detract from the Merrifield City Centre.

To provide the planning framework for the use and development of Merrifield South.

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Requirement before a permit is granted

A permit may be granted before a development plan has been approved provided the responsible authority is satisfied that it will not prejudice the future use and development of the land.

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Conditions and requirements for permits

A permit for subdivision or development of the land in the Special Use Zone, as shown on the plan at sub-clause 5 of this schedule, must manage the interface between residential and non-residential development and use to minimise amenity impacts.

Any permit should include conditions which address, where appropriate, the following matters to the satisfaction of the responsible authority:

- Implementation of the approved Merrifield South Development Plan.
- The physical relationship between residential and non-residential land uses.
- The provision of infrastructure.
- The maintenance of all landscaping, buildings and works.
- Compliance with a Fire Management Plan that has been prepared to the satisfaction of the Country Fire Authority.

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Requirements for development plan

The Approved Merrifield South Development Plan must be generally in accordance with Map 1 in sub-clause 5.0 of this schedule and may consist of plans or other documents. It must include and provide for the following, to the satisfaction of the Responsible Authority:

General requirements

- The approved Merrifield South Development Plan must be generally consistent with the plan at sub clause 5 of this schedule and any relevant Native Vegetation Precinct Plan for the site.
- The relationship of the development of the land to the existing and proposed land uses in the Merrifield West Precinct Structure Plan, the Merrifield Employment Area, the inter-urban break, the land to the east and the Mount Ridley Grasslands Nature Conservation Reserve.
- The indicative sequence of development and infrastructure provision.
- An overall landscape strategy for the site.
- Proposed retarding basins, lakes, water features, water courses and drainage lines and how these will be managed and water quality maintained incorporating the principles of Water Sensitive Urban Design and ensuring consistency with any approved Integrated Water Cycle Management Plan.

- A servicing concept plan detailing how infrastructure will be provided and integrated with other infrastructure such as roads, drainage, streets, lighting and landscaping.

Residential requirements

A plan that shows the proposed subdivision layout for the development which:

- Provides a variety of lot sizes and densities allowing for a variety of housing types.
- Provides an appropriately designed interface with Merrifield West PSP, Donnybrook Road, Aitken Boulevard and the Mount Ridley Grasslands Nature Conservation Reserve.
- Provides for vehicle, pedestrian and cycling links to the land to the west.
- Provides road frontage to Mount Ridley Grasslands Nature Conservation Reserve.
- Provides road links to the Merrifield West PSP to the west.
- Details the proposed public open space, including relevant proposed playgrounds.
- Provides an appropriately designed fence along the common boundary between the General Residential Zone and the Mount Ridley Grasslands Nature Conservation Reserve.

Transport

A plan and added text which shows or explains:

- The proposed street and pedestrian movement network.
- Links to the Principle Bicycle Network (PBN) and Metropolitan Trail Network (MTN) and 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.
- A road layout that facilitates efficient and effective public transport to the site.
- Linkages between key destinations and trip generating activities for vehicles, pedestrians and cyclists.
- The requirements accommodate or manage freight and commercial vehicles.
- The proposed arterial and neighbourhood connector street network including proposed linking points to surrounding land.
- The details relating to the upgrading of Donnybrook Road and the construction of Aitken Boulevard.
- Road layout and design, including road reserve widths and indicative cross-sections.

Neighbourhood activity centre

A Neighbourhood Activity Centre is proposed on the land in the Commercial 1 Zone that will serve the local residential and employment catchment. The Neighbourhood Activity Centre must be planned to complement the Mickleham (Merrifield) Town Centre, located to the north, which will serve the broader catchment.

An Activity Centre Concept Plan for Neighbourhood Activity Centre within the Commercial 1 Zone must be prepared to the satisfaction of the Responsible Authority. It should include:

- The proposed use and development of the land including building envelopes, site layout, proposed building setbacks and a set of design objectives for all development.
- Details of how it is proposed to deal with the interface of the Neighbourhood Activity Centre and surrounding land uses and the interface with open space links and Aitken Boulevard.
- The areas of any proposed at grade car parking.

- Location of proposed vehicle crossovers including for loading areas and footpaths.
- An explanation of how the Activity Centre Concept Plan is consistent with the vision, principles and directions for Activity Centres contained within the Metropolitan Strategy (Plan Melbourne 2017- 2050, Plan Melbourne 2017-2050 Addendum 2019), and the performance criteria for Activity Centres.

Open space

An open space plan which details how and where the open space network is to be provided. The open space network to be provided must:

- Integrate with the Mount Ridley Grasslands and Woodlands to the west and south including the provision of a 2.5m wide linear shared path for walking and cycling within the Council 15 metre unencumbered open space adjacent to the woodlands and road reserve.
- Include the provision of a 2.5m wide shared path for walking and cycling along drainage reserves with an explanation of how these will be designed to link with other areas within the site.

Urban design

- Urban design guidelines indicating preferred siting and built form outcomes for land abutting or opposite Donnybrook Road, Aitken Boulevard and the north-south connector road, open space areas and different zones.
- Details of how the transmission line easement to the south of the site will be integrated with the Mount Ridley Grasslands and surrounding existing and proposed land uses.
- Details of built form and siting measures to address amenity impacts from industrial development on properties in the residential area, including measures to address:
 - 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.

Residential interface

A plan of the southern boundary and urban design guidelines are to be prepared for the interface with existing rural living properties to the south to the satisfaction of the Responsible Authority including:

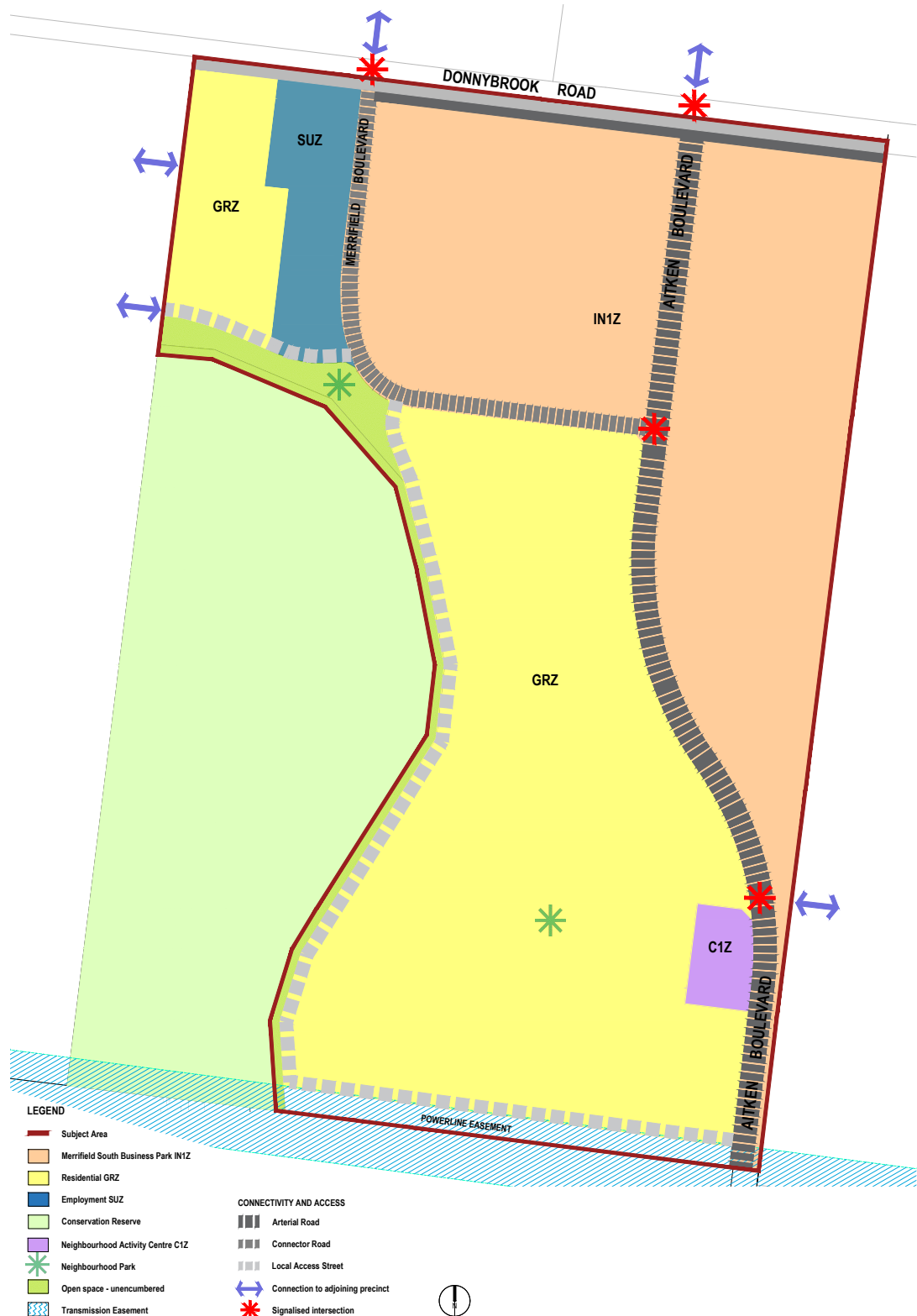
- Preferred siting and built form outcomes.
- Landscaping treatments including land forming to buffer and minimize the visual impact of development on adjoining residential properties.

Cultural heritage

- Any sites of cultural or heritage significance and the means by which they will be managed.
- Completion of further investigations by a suitably qualified cultural heritage expert to locate any physical evidence of the former road that extended through the site east of the Newgrove Ruins and the completion of any management measures that may result from these investigations.
- An assessment of the need to prepare a Cultural Heritage Management Plan under the Aboriginal Heritage Regulations 2007 and preparation of a Plan if required.

5. Concept plan

Map 1 to the Schedule to Clause 43.04 225 - 285 Donnybrook Road Concept Plan



System Note: The following schedule will be inserted after Sub-Clause:37.01 SPECIAL USE ZONE, Schedule:SCHEDULE 11 TO CLAUSE 37.01 SPECIAL USE ZONE

SCHEDULE 12 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ12**.

MERRIFIELD SOUTH BUSINESS AND EMPLOYMENT AREA**Purpose**

To provide for employment including offices, industries and associated uses as a buffer between the industrial 1 Zone and local communities.

To allow limited retail opportunities including convenience shops and takeaway food premises in appropriate locations.

To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.

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

Use	Condition
Convenience shop Crop raising Grazing animal production Home based business Informal outdoor recreation Mail centre Office Railway	
Service industry	Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified. The land must be at least the following distances 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: ▪ The threshold distance, for a purpose listed in the table to Clause 53.10. ▪ 30 metres, for a purpose not listed in the table to Clause 53.10. Must not: ▪ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012. ▪ Require a notification under the Occupational Health and Safety Regulation 2017. ▪ Require a licence under the Dangerous Goods (Explosives) Regulations 2011. ▪ Require a licence under Dangerous Goods (HCDG) Regulations 2016.
Service station	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.
Take away food premises Tramway	

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Use	Condition
Warehouse (other than Fuel depot, Mail centre or Shipping container storage)	Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified. The land must be at least the following distances 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: ▪ The threshold distance, for a purpose listed in the table to Clause 53.10. ▪ 30 metres, for a purpose not listed in the table to Clause 53.10. Must not: ▪ Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012. ▪ Require a notification under the Occupational Health and Safety Regulations 2017. ▪ Require licence under under the Dangerous Goods (Explosives) Regulations 2011. ▪ Require a licence under the Dangerous Goods (HCDG(Regulations 2016. Must not adversely affect the amenity of the neighborhood, 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.
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01

Section 2 - Permit required

Use	Condition
Adult sex product shop	Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.
Agriculture (other than Apiculture, Crop raising, Grazing animal production, Intensive animal production, Pig farm and Poultry farm) Caretakers house	
Education Centre	Must not be a primary or secondary school.
Industry (other than Service industry) Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility, and Motor racing track) Place of assembly (other than Informal outdoor recreation, Major sports and recreation facility, and Motor racing track) Restricted retail premises Retail premises (other than Shop and Take away food premises)	

Use	Condition
Utility installation (other than Minor utility installation and Telecommunications facility)	
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use
Accommodation (other than Caretaker's house)
Cinema based entertainment facility
Hospital
Intensive animal production
Major sports and recreation facility
Motor racing track
Pig farm
Poultry farm
Shop (other than Adult sex product shop, Convenience shop, Restricted retail premises)

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Use of land

Amenity of the neighbourhood

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 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.

Application requirements

An application to use land for an industry or warehouse must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of processes to be utilized.
- The type and quantity of goods to be stored, processed or produced.
- How the land not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the *Dangerous Goods Act 1985* is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
- The likely effects, if any, on the neighbourhood, including:
 - Noise levels.
 - Air-borne emissions.
 - Emissions to land or water.
 - Traffic, including the hours of delivery and despatch.
 - Light spill or glare.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
- The effect that nearby industries 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 on roads.
- The interim use of those parts of the land not required for the proposed use.
- The effect on the nearby industries.

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Subdivision

The following application requirements apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Be generally in accordance with the approved development plan applying to the land.
- Include any conditions or requirements specified in the Development Plan Overlay
- Where no development plan has been approved, the responsible authority may grant a permit to subdivide land, provided it is satisfied that the subdivision of land will not prejudice the preparation of a Development Plan.

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Buildings and works

A permit is required to construct a building or construct or carry out works.

This does not apply to:

- A building or works which rearrange, alter or renew plant if the area or height of the plant is not increased.
- A building or works which are used for crop raising or informal outdoor recreation.
- A rainwater tank with a capacity of more than 10,000 litres if the following requirements are met:
 - The rainwater tank is not located within the building's setback from a street (other than a lane).
 - The rainwater tank is no higher than the existing building on the site.
 - The rainwater tank is not located in an area that is provided for car parking, loading, unloading or accessway.
- A building or works which are used for grazing animal production, except for permanent or fixed feeding infrastructure for seasonal or supplementary feeding constructed within 100 metres of:
 - A waterway, wetland or designated flood plain.

- A dwelling not in the same ownership.
- A residential or urban growth zone.

Application requirements

The following application requirements apply to an application for a permit to construct a building or carry out works under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme and must accompany an application, 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.
 - Relevant ground levels.
 - The layout of existing and proposed buildings and works.
 - Driveways and vehicle parking and loading areas.
 - Proposed landscape areas.
 - External storage and waste treatment areas.
 - Mechanisms to mitigate noise, odour and other adverse amenity impacts of, and on, nearby industries.
- Elevation drawings to scale which show the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways and vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 37.01, in addition to those specified in Clause 37.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any natural or cultural values on or near the land.
- Streetscape character.
- Built form.
- Landscape treatment.
- Interface with non-industrial areas.
- Parking and site access.
- Loading and service areas.
- Outdoor storage.
- Lighting.
- Stormwater discharge.
- The effect on nearby industries.
- The effect of nearby industries.

Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

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Signs

Sign requirements are at Clause 52.05. All land located within this zone is in Category 2.