

30/10/2020  
C230wsea**SCHEDULE 38 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**Shown on the planning scheme map as **DPO38****VEARINGS ROAD EMPLOYMENT AREA DEVELOPMENT PLAN****1.0**30/10/2020  
C230wsea**Objectives**

To guide the orderly use and development of the land for employment purposes ensuring appropriate infrastructure, including roads and drainage, is provided.

To ensure, manage and protect appropriate interface treatments to the quarry at 375 O'Herns Road (the Quarry), gas easement, transmission easement, Conservation Area 33 and Craigieburn Grasslands Nature Conservation Area.

To encourage high quality built form that is attractive and articulated, particularly when viewed from roads, existing and proposed public open spaces and conservation areas.

To manage the interface between the ongoing operations of the Quarry and adjoining land uses and development within the Development Plan area.

To ensure use and development within 500m of the Quarry extractive industry work authority boundary include design or other solutions that mitigate risks and amenity impacts associated with blasting and other operational activities of the Quarry.

**2.0**30/10/2020  
C230wsea**Requirement before a permit is granted**

A permit may be granted to use or subdivide land, construct a building or construct or carry out works prior to the approval of the development plan provided that the responsible authority is satisfied that the grant of a permit will not prejudice the future use or development of the land.

**3.0**30/10/2020  
C230wsea**Conditions and requirements for permits**

The following conditions and requirements apply to permits.

An application to use, develop or subdivide land should be accompanied by the following, as appropriate, to the satisfaction of the responsible authority:

**Infrastructure**

- Details of upgrades to roads, utilities and services required to accommodate proposed future development.
- Timing for the construction of the infrastructure as identified within the Development Plan or any Section 173 Agreement.
- For applications involving subdivision of land, in addition to the above, details of any infrastructure required on land directly adjoining the developable land within the Development Plan area and costings for that infrastructure, prepared by a suitably qualified professional to the satisfaction of the responsible authority.

**Landfill Gas Risk Assessment**

- A Landfill Gas Risk Assessment is required for all buildings and works, including subdivision works unless deemed not required by the responsible authority.
- The Landfill Gas Risk Assessment is to be undertaken by a suitably qualified person and must determine the potential for landfill gas presence and migration into any development including road infrastructure.
- The Landfill Gas Risk Assessment is to be undertaken in accordance with the provisions listed within EPA publication: *788.3- Siting, Design, Operation and Rehabilitation of Landfills* or other documents implementing EPA guidance.

**Design Response**

## WHITTLESEA PLANNING SCHEME

- A report and/or plan that demonstrates how the development/subdivision responds to and implements the provisions of the Development Plan including the Design Guidelines set out in the Development Plan.

### Landscape Plan

- A Landscape Plan that includes the following:
  - Open space and car parking areas within development sites. With respect to car parking areas, provision should be made where practical for the inclusion of canopy trees, unless inconsistent with reasonable requirements for access and parking on site.
  - An indicative area allocation in accordance with the Water Sensitive Urban Design strategies identified as part of the Drainage Strategy. Landscaping and species selection should be consistent with the landscape theme for the site.
  - Species selection in accordance with the landscaping theme and maintenance schedules which consider the need to manage weeds and prevent the potential for exotic and invasive species to seed in nearby conservation areas.

### Environmental Site Assessment

- An application to subdivide land, construct a building, carry out works or use land must demonstrate compliance with requirements specified in any Environmental Site Assessment, where relevant.

### Conservation Interface Plan

- An application to subdivide land, construct a building or carry out works with a direct interface with a conservation area must:
  - Be accompanied by a Conservation Interface Plan which demonstrates appropriate interface treatments to the satisfaction of the Secretary of the Department administering the *Planning and Environment Act 1987*.
  - Have regard to the relevant Environmental Protection Authority Environmental Guidelines
  - Provide for a minimum 20 metre setback from the conservation area to the nearest built up areas in accordance with the Biodiversity Conservation Strategy for Melbourne's Growth Corridors, 2013.

### Quarry Interface Assessment

- An application to use or develop land within 200m of the Quarry extractive industry works authority boundary must:
  - Be accompanied by a Quarry Interface Assessment undertaken by a suitably qualified professional demonstrating that the application satisfactorily responds to the Quarry Interface Guidelines set out in the Development Plan.

### High Pressure Gas Pipeline and Electrical Transmission Line

- An application to subdivide land, construct a building or carry out works on land identified within or adjacent to the High Pressure Gas Pipeline or electrical transmission line easement must address the interface treatment of the high pressure gas pipeline and /or electrical transmission line easement throughout the land.

A planning permit to subdivide land, construct a building, or construct or carry out works on or within 20 metres of land shown as a conservation area in the Biodiversity Conservation Strategy June 2013 must include the following conditions:

- The subdivision, building or works must not commence until an Environmental Management Plan has been approved to the satisfaction of the Secretary to the Department of Environment, Land, Water, and Planning.

## WHITTLESEA PLANNING SCHEME

- Before the commencement of buildings and works on or within 20 metres of land abutting a conservation area, the permit holder must erect a vegetation protection fence around any conservation area, patch of native vegetation or scattered tree identified for retention, or vegetation identified for salvage.
- The fence must be:
  - Highly visible.
  - At least 2 metres in height.
  - Sturdy and strong enough to withstand knocks from construction vehicles.
  - In place for the whole period of construction occurring within 20m of the conservation area, patch of native vegetation or scattered tree.
  - Located at a minimum distance from:

Element	Distance
Conservation Area	0.5 metres
Scattered Tree	12 times the diameter at breast height
Patch of Native Vegetation	2 metres

- During the undertaking of buildings or works, all activities must be excluded from occurring within the protection fencing, unless otherwise agreed to by the Secretary to the Department of Environment, Land, Water and Planning.
- Construction stockpiles, fill, machinery, vehicle parking, excavation and works or other activities associated with the buildings or works must be designed and constructed to ensure that the conservation area, scattered trees or patches of native vegetation identified for retention are protected from adverse impacts during construction.

### Kangaroo Management Plan

A planning permit to subdivide land must include the following conditions, as appropriate, to the satisfaction of the responsible authority:

- Before the certification of a plan of subdivision, a Kangaroo Management Plan must be prepared and approved by the Secretary to the Department of Environment, Land, Water and Planning which includes:
  - Strategies to avoid land locking kangaroos, including staging of subdivisions.
  - Strategies to minimise animal and human welfare risks.
  - Management and monitoring actions to sustainably manage a population of kangaroos within a suitable location.
  - Actions to address the containment of kangaroos and to ensure adequate animal welfare.
- The approved Kangaroo Management Plan must be implemented to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

### Land Management Co-operative Agreement

A planning permit to subdivide land on land shown in the Biodiversity Conservation Strategy June 2013 as including the conservation area must include the following conditions, as appropriate, to the satisfaction of the responsible authority:

- Before the issue of a statement of compliance for the last stage of the subdivision, the owner of the land must:

## WHITTLESEA PLANNING SCHEME

- Enter into a Land Management Co-operative Agreement with the Secretary to the Department of Environment, Land, Water and Planning under Section 69 of the *Conservation Forests and Lands Act 1987*, which:
  - Must provide for the conservation and management of that part of the land.
  - May include any matter that such an agreement may contain under the *Conservation Forests and Lands Act 1987*.
- Make an application to the Registrar of Titles to register the agreement on the title to the land.
- Pay the reasonable costs of the Secretary to the Department of Environment, Land, Water and Planning in the preparation, execution and registration of the agreement.
- The requirement for a Land Management Co-operative Agreement in this condition does not apply to land of any lot or part of a lot within a conservation area that:
  - Is identified in a Development Plan as public open space and is vested, or will be vested, in the council as a reserve for the purposes of public open space.
  - Is identified in a Development Plan as a drainage reserve and is vested, or will be vested, in Melbourne Water Corporation or the council as a drainage reserve.
  - Is the subject of an agreement with the Secretary to the Department of Land, Water and Planning to transfer or gift that land to:
    - The Secretary to the Department of Environment, Land, Water and Planning.
    - The Minister for Environment and Climate Change.
    - Another statutory authority to the satisfaction of the Secretary to the Department of Land, Water and Planning.

A planning permit for the use, development or subdivision of land must contain conditions as appropriate to implement the relevant provisions of the Development Plan.

### 4.0

30/10/2020  
C230wsea

#### Requirements for development plan

Only one development plan is to be approved for the whole of the land. The approved Development Plan may be amended with the approval of the responsible authority.

The development plan must explain how the development of the land will achieve the following key objectives:

- To provide for a future site layout that responds positively to interfaces, buffers and adjoining land uses.
- To provide for a subdivision layout and road hierarchy that supports a mix of industrial and employment generating uses that consider the neighbouring activities.
- To facilitate the co-ordinated delivery of infrastructure.
- To manage interfaces to non-industrial land uses including conservation areas and adjoining land if applicable at time of development.
- To achieve high quality built form and landscaped developments throughout the development plan area commensurate with the high visibility of this precinct along O'Herns Road and Vearings Road.
- To provide a highly connected and integrated road network with pedestrian and cycling provisions.

## WHITTLESEA PLANNING SCHEME

- To restrict the establishment of Restricted Retail and sensitive uses throughout the precinct, particularly along arterial roads and within area that may be adversely affected by adjoining land uses.
- To ensure that development/subdivision responds to the environmental values and constraints on the land, manages bush fire risk and considers the potential for contamination of land as a result of historical and surrounding land uses.
- To consider the environmental performance of the proposal including water conservation, stormwater management and waste management.
- To facilitate development in a manner that responds to the site's natural features such as waterways, drainage reserves, conservation area and scattered trees.
- To appropriately integrate the transmission line easement into future development of the site as part of an open space network or contained within development areas.

A development plan must include and address the following requirements as appropriate to the satisfaction of the responsible authority:

- Site Context Plan that:
  - Identifies existing natural features of the development site including trees and other significant vegetation, threatened species habitat, drainage lines, water courses, stony knolls wetlands, ridgelines and hill tops.
  - Includes a Survey Plan that identifies existing easements and reserves.
  - Identifies other elements relevant to the site, such as any landfill gas buffers, the Quarry buffers, easements and buffers to conservation areas and reserves.
  - Identifies areas liable to flooding, the relevant flood levels and future freeboard requirements.
  - Includes the findings and recommendations of any relevant Flora and Fauna analysis, European and Cultural Heritage analysis, Integrated Stormwater and Drainage Management Plan or Strategy, Geotechnical matters and the Environment Site Assessment.
- Design Response Plan that:
  - Identifies the preferred location for sensitive uses.
  - Considers any need for interface treatments having regard to the adjoining land uses.
  - Identifies land within 200m and 500m of the work authority boundary of the Quarry.
  - Includes Quarry Interface Guidelines for use and development of land within 200m and, for use of land, within 500m of the Quarry extractive industry work authority boundary.
  - Includes a separation buffer of at least 20 metres between Conservation Area 33 and the Craigieburn Grassland Nature Conservation Area, and any built areas in accordance with the Biodiversity Conservation Strategy for Melbourne's Growth Areas.
  - Identifies and shows the existing natural features of the site and incorporates them into the street layout and landscape design response, with consideration given to setback distances from sensitive interfaces, fencing, access, species selection and fire management needs.
  - Identifies tree retention and removal.
- An outline of the proposed mix of land uses that:
  - Considers any limits on land uses as a result of environmental constraints from the adjoining extractive industry or resource recovery activities to the south.
  - Identifies and shows any separation distances appropriate to the adjoining land uses.
  - Considers how proposed land uses may impact on existing adjoining industry.

## WHITTLESEA PLANNING SCHEME

- Staging Plan that includes:
  - Indicative staging of infrastructure, services, and future development and/or subdivision.
  - Proposed roads, intersections and drainage infrastructure.
  - Demonstration of overall integration of development/subdivision with other parts of the wider Cooper Street West Employment Area.
  - A high level plan for each stage of development that specifies the timing for delivery of vehicular access points, road infrastructure works and traffic management, including a trigger point assessment in relation to when infrastructure is required to be provided.
- Road and Pedestrian Network Plan that shows:
  - Proposed pedestrian and cycling connections both within and external to the site.
  - Vehicle access points.
  - Location of existing roads and intersections.
  - Proposed road network hierarchy internal to the land and connections with the external road network.
  - Location of proposed intersections and road upgrades.
- A Road and Pedestrian Network Plan that should provide for:
  - The location of existing roads and intersections.
  - The location of future required roads and intersections.
  - Typical road cross sections.
  - The nature and operation of any service roads fronting arterial roads.
  - The upgrade of the existing O'Herns Road carriageway abutting the subject land, including intersection treatments.
  - The movement of pedestrians and cyclists through the precinct. The plan may also include provisions for connections to neighbouring land and surrounding road network such as shared paths and on road bicycle.
  - A high degree of permeability in the road network with good internal and external connectivity.
  - Vehicular access points, road infrastructure works and traffic management for each stage of development, including a trigger point assessment in relation to when infrastructure is required to be provided.
- Traffic Report to accompany the Road and Pedestrian Network Plan and include:
  - Indicative traffic generation rates for future land uses and its distribution within the road network.
  - Traffic volumes anticipated for the internal local road network and connections to the external road network, including upgrade works as required.
  - Indicative street cross sections.
  - Proposed traffic management works, including identification of intersection types.
  - The Traffic Report should make recommendations for the provisions of intersection treatments and the upgrade of the surrounding roads abutting the land covered by this schedule.
- Design response to the Electrical Transmission Line and High-Pressure Gas Pipeline Easement:

## WHITTLESEA PLANNING SCHEME

- Which addresses the treatment of the electrical transmission line easement throughout the land.
- Includes the design of the subdivision and proposed buildings which must reflect consideration of the risks to people, the environment and property associated with the High Pressure Gas Pipeline to ensure that potential impacts from the high pressure gas pipeline are within acceptable levels having regard to the relevant guidelines for planning and development of land in the vicinity of high pressure gas pipelines.
- Integrated Stormwater and Drainage Management Plan or Strategy which:
  - Incorporates Water Sensitive Urban Design principles.
  - Provides for the protection of natural systems, integration of stormwater treatment into the landscape, protection of water quality and reduction of run off and peak flows.
  - Responds to the standard in Biodiversity Conservation Strategy for Melbourne's Growth Corridors 2013 that natural or pre-development hydrological patterns, both surface and groundwater flows, should be maintained in all conservation areas where practicable.
  - Has regard to the relevant Environmental Protection Authority Environmental Guidelines pertaining to construction techniques for sediment pollution control.
- Cultural Heritage Management Plan prepared by a suitably qualified heritage consultant which details the impact of development on Aboriginal cultural heritage.
- Arborist Report that provides a survey of all existing mature trees on site, including their habitat value and safe useful life expectancy. The Report should contain:
  - A Flora and Fauna Assessment prepared having regard to existing ecological reports/plans for land parcels within the area, and Victoria's Guidelines for the removal, destruction or lopping of native vegetation and other legislative requirements relating to the removal of native vegetation and threatened species conservation.
- Archaeological survey and heritage assessment which includes recommendations for the future interpretation of significant individual sites.
- Native Vegetation Removal Plan and Offset Assessment of any native vegetation to be removed, having regard to Victoria's Guidelines for the removal, destruction or lopping of native vegetation, including the location of any necessary vegetation offsets and the requirements under the *Flora and Fauna Guarantee Act 1988* and *Environment Protection Biodiversity Conservation Act 1999*.
- Bushfire Management Plan prepared by a suitably qualified consultant that demonstrates how bushfire risk will be mitigated.
- Landscape Concept Plan which shows:
  - Areas of open space (if required) which retain any existing native vegetation.
  - Location of the gas easement and electrical transmission line easement.
  - Indicative landscape areas within the site, including any trees to be retained and tree protection zones in accordance with City of Whittlesea's River Red Gum Protection Policy.
  - Proposed road cross sections, with street tree species selected with reference to City of Whittlesea's street planting policies.

## WHITTLESEA PLANNING SCHEME

- Indicative species schedule/list of preferred species for permit applications.
- Incorporation of existing natural features of the site into street layout and landscape design responses, with consideration given to setback distances from sensitive interfaces, fencing, access, species selection and fire management needs.
- Quarry Interface Guidelines, which must be prepared with appropriate technical input and address the following principles:
  - Any risks to the environment, to members of the public, or to land, property or infrastructure arising from the ongoing activities of the Quarry.
  - Measures to ensure that the use and development of land within 200 metres and 500 metres of the Quarry extractive industry works authority boundary eliminates or minimises these risks as far as reasonably practicable.
  - Classes of use and development that are incompatible with the Quarry operations and which should not be located within 200 metres of the Quarry extractive industry works authority boundary.
  - Classes of use that are incompatible with the Quarry operations and which should not be located within 500 metres of the Quarry extractive industry works authority boundary.
  - Decision guidelines for use and development applications on land within 200 metres and for use applications on land within 500 metres of the Quarry extractive industry works authority boundary.

The Quarry Interface Guidelines must be prepared in consultation with, and to the satisfaction of the Secretary of the Department administering the *Mineral Resources (Sustainable Development) Act 1990*.

- Design Principles which address:
  - The delivery of high quality building finishes with consideration to materials and finishes.
  - Built form at an appropriate scale which respects the natural landscape setting of the site including presence of the conservation reserves, drainage features and scattered trees.
  - Built form to enable passive surveillance to public open space, transmission line easement and high-pressure gas pipeline easement, with perimeter road/s abutting each space where practical.
  - Screening of roof plant and other infrastructure structures.
  - High quality built form interface to O'Herns Road.
  - Car parking areas that are located to minimise visibility to the road network, with car parking to be located to the rear of buildings where possible or sleeved so as not to dominate the view from the street.
  - Minimising the visibility of loading and unloading facilities from streets and open space.
  - Landscaping treatments that screen or limit visual impact of buildings, car parks, etc. on key interfaces including the central conservation reserve and the conservation reserve abutting the site to the west.
  - Limitation of boundary fencing within the front setback of lots and encouraging landscaping within lots, particularly within the front setback.
  - Preferred fencing heights and transparency requirements, materials and other designs between lots and key interfaces such as open spaces.
  - Signage that avoids visual clutter, and which are integrated with the building façade and are compatible with the preferred development scale and character of the site.

## WHITTLESEA PLANNING SCHEME

- Site amenity, lighting and waste management.
- The environmental performance of the proposal, including: building design and construction materials, water conservation and stormwater management and waste management.

*Note: Operation of Commonwealth Environmental Laws. On 5 September 2013 an approval under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) was issued by the Commonwealth Minister for Environment, Heritage and Water. The approval applies to all actions associated with urban development in growth corridors in the expanded Melbourne 2010 Urban Growth Boundary as described in page 4 in the Biodiversity Conservation Strategy for Melbourne's Growth Corridors (Department of Environment and Primary Industries, 2013). The Commonwealth approval has effect until 31 December 2060. The approval is subject to conditions specified at Annexure 1 of the approval. Provided the conditions of the EPBC Act approval are satisfied individual assessment and approval under the EPBC Act is not required.*