

27/05/2019
C239wsea**SCHEDULE 35 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**

Shown on the planning scheme map as **DPO35**.

BARRY ROAD THOMASTOWN DEVELOPMENT PLAN

This schedule applies to land known as 135-161 Barry Road and part of the former Downs Road Reserve, Thomastown. The objective of this schedule is to ensure that the development of the land establishes high quality housing with density and lot sizes that are generally compatible with the predominant residential character in the surrounding area, has proper regard to the Downs Road reserve and high pressure gas easement, and provides high quality native vegetation and environmental conservation outcomes.

1.027/05/2019
C239wsea**Objectives**

None specified.

2.027/05/2019
C239wsea**Requirement before a permit is granted**

The responsible authority must not grant a permit to use or subdivide land, construct a building or construct or carry out works until the owner has entered into an agreement or agreements under section 173 of the *Planning and Environment Act 1987*, or as otherwise agreed in writing, to the satisfaction of the responsible authority, to provide for:

- Offsets for the loss of native vegetation which details the location of all offsets and ongoing management requirements.
- Development contributions to satisfy needs generated by the development as follows:
 - community infrastructure for projects proximate to the development site.
 - construction of road connections (including road and intersection treatments) to Barry Road, Main Street, Cardiff Street and Downs Road Reserve to facilitate access to the land.
 - construction of boundary treatments (including but not limited to fencing) to the existing Crown Land reserve and any on-site native conservation reserve(s).
 - provision of two pedestrian links to connect with the Hume Freeway Shared Path and the subject land.
 - landscaping treatments and embellishments of reserves on the subject site (including easements) in accordance with the landscape concepts developed.
 - construction of a bicycle connection in Main Street between Victoria Drive and the subject site.
- Any detailed requirements of Energy Safe Victoria and APA Group with respect to the high pressure gas easement.

3.027/05/2019
C239wsea**Conditions and requirements for permits**

None specified.

4.027/05/2019
C239wsea**Section 173 Agreement**

Prior to the approval of the development plan, the owners of the land to which the development plan applies must enter into an agreement under section 173 of the *Planning and Environment Act 1987* with the responsible authority and the airport lessee company of Melbourne Airport. The agreement must be registered on title and make provision for the following:

- An acknowledgement that the land is in an area affected by airport noise.

- Following the initial subdivision of the land to create lots for accommodation use, the land must not be further subdivided to create additional lots for accommodation use.
- All buildings on the land subject to this overlay which are to be used for accommodation must be attenuated in accordance with the Australian Standard AS2021-2000, Acoustics – Aircraft Noise Intrusion-Building Siting and Construction.

Prior to the approval of the development plan, the owners of the land to which the development plan applies must enter into an agreement under section 173 of the *Planning and Environment Act 1987* with the responsible authority and the company responsible for the management of the high pressure gas pipeline that runs through the site. The agreement must be registered on title and make provision for the following:

- An acknowledgement that the land is encumbered by a high pressure gas pipeline, which may restrict certain development and/or use in the future.
- Following the initial subdivision of the land to create lots for accommodation use, the land must not be further subdivided to create additional lots for accommodation use.

The two Section 173 Agreements may be prepared and registered as a single agreement, provided all parties consent.

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27/05/2019
C239wsea

Requirements for development plan

A development plan must be prepared to the satisfaction of the responsible authority. Only one development plan may be approved for the entire area covered by this schedule. The development plan must be generally in accordance with the concept development plan that forms part of this schedule and include the following plans and strategies:

A **Stormwater Management Plan and Drainage Strategy**, which:

- Is prepared by a suitably qualified expert to the satisfaction of Melbourne Water.
- Provides for the protection of natural systems and water quality, integration of stormwater treatment into the landscape, the application of principles of water sensitive urban design and the reduction of runoff and peak flows.
- Demonstrates that the existing drainage network has sufficient capacity to accommodate run off from the land associated with any development on the land. Where the existing drainage network does not have sufficient capacity to accommodate run off from the land, the Stormwater Management Plan and Drainage Strategy must detail the proposed solutions necessary to accommodate run off from the land.

An **Environmental Management Plan** which is prepared by a suitably qualified expert and includes:

- A Native Vegetation Management Plan for the on-site (1.83 hectare minimum land area) and any other identified conservation reserve(s);
- An Offset Management Plan for native vegetation to be removed to facilitate development of the land that includes:
 - the offsets required.
 - locations, within the municipal district in which the land is situated, where offsets will be provided.
 - the types of offsets to be provided for each location.
 - details of revegetation and means of interim protection for newly established vegetation until established.
 - any earthworks, drainage and other works associated with the provision of offsets;
 - methods of permanent protection for the offsets.
 - persons responsible for implementing and monitoring the offsets.
 - time frames for implementing the offsets.
- A Translocation Plan for Matted Flax-lily translocation and any other species to the satisfaction of Victorian Department of Environment, Land Water and Planning and Commonwealth Department of the Environment.

A **Traffic Management Plan**, which:

- Is prepared by a suitably qualified expert.
- Is supported by a traffic study that addresses the need for traffic management infrastructure or roadworks on or adjacent to the land.

A **Road Layout Plan**, which:

- Includes any features necessary to give effect to the Traffic Management Plan.
- Includes a road along the common boundary with the existing Parks Victoria managed Crown Land Reserve and onsite conservation reserve to ensure an appropriate interface with the open space corridor and avoidance of residential lots directly adjacent to this reserve.
- Shows typical cross sections for all internal roads.
- Includes any requirements as required by APA Group with respect to the high pressure gas line, to the satisfaction of APA Group.
- In relation to the eastern boundary of the land includes a reservation to accommodate council services and necessary clearance for the high voltage power lines.
- Provides for integration with the existing road network, including at a minimum:
 - Three vehicular access points from Barry Road, Main Street and Cardiff Street and the construction of a road abutting properties on the eastern boundary of the land.
 - An integrated bicycle and pedestrian network.
- Includes Paper Roads for any dwellings that front directly onto reserves adjacent to the gas easement to provide ‘Street Address’ and pedestrian access.
- Detailed arrangements for vehicle, pedestrian and emergency vehicle access, frontage treatments, parking (including visitor) and installation of services.
- Proposed street lighting for roads and park edges.

A **Subdivision Layout Plan**, which:

- Shows an on-site conservation reserve with a minimum area of 1.83 hecatres.
- Includes a range of lot sizes that are predominately no smaller than 300 square metres and generally compatible with the residential character of the surrounding area. The average area of all lots must not be less than 300 square metres.
- Shows the position of any lot in the vicinity of the high pressure gas easement ensuring that no residential lot is created over the high pressure gas easement.
- Shows building envelopes demonstrating the following:
 - Building heights and setbacks.
 - Maximum site coverage of buildings.
 - Relationship between buildings and public spaces.
 - Access control for dwellings.
 - Parking provision and configuration.
 - Shows treatments of residential interfaces with reserves.
- Has regard to City of Whittlesea’s subdivision guidelines “*Your guide to Planning and Development*” or subsequent updated version.
- Ensures that ‘sensitive’ land uses (as defined by AS2885) including a medical facility, place of worship or an aged care facility, are not permitted within the measurement length of the high pressure gas pipeline. The measurement length is determined by the pipeline diameter, and can be obtained from the relevant pipeline management authority.

A **Pedestrian and Cycling Network Plan**, which includes the provision of two links from the land to connect with the Hume Freeway Shared Path to the west.

An **Energy Efficiency and Water Conservation Statement**, which sets out the energy efficiency and water conservation principles to be applied to the design and construction of the development and how it is proposed to give effect to this statement of principles.

A Landscape Concept Plan, which:

- Identifies landscape concepts for all open space areas within the development including the gas and electricity easements, any car parking and surrounding land and ensuring a connection between RGC Cooke Reserve and Whittlesea Gardens.
- Shows landscaping along the easement, in particular bike paths, planting of shrubs, creation of mounds to satisfaction of APA Group and the responsible authority.
- Shows fencing treatments throughout the land, including on or adjacent to the Crown Land, to the satisfaction of Parks Victoria.
- Shows the location and layout of the high pressure gas and electricity lines, to the satisfaction of the relevant authorities, including APA Group and Energy Safe Victoria.

6.0

27/05/2019
C239wsea

Decision Guidelines

Before deciding on a request to approve or amend a development plan or an application for a permit the responsible authority must consider, as appropriate:

- The objectives and requirements of this schedule.
- The Municipal Planning Strategy and Planning Policy Framework.
- The views of any Government Department or statutory authority.
- Any submissions made in response to any public notice of the proposed development plan.

Map 1 to the Schedule to Clause 43.04

