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Proposed C108moor

SCHEDULE 9 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO9**.

BALLAN PRECINCT 5

1.0 Objectives

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To guide and facilitate staged, master-planned development of the land.

To ensure the identification and effective protection of environmental, cultural, heritage and landscape significance.

To ensure the coordinated, efficient, and timely provision of physical and community infrastructure and public open space that enhances the amenity, safety and liveability of the precinct and surrounds.

To ensure a diverse and appropriate mix of lot sizes, including appropriate interfaces with adjoining rural land, Western Freeway, Geelong-Ballan Road, Old Melbourne Road and Werribee River.

To facilitate an appropriate supply of housing diversity including opportunities for social and affordable housing.

2.0 Requirement before a permit is granted

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A permit may be granted for the following before a development plan has been prepared to the satisfaction of the responsible authority:

- Removal, variation or creation of easements or restrictions.
- Advertising signs.
- Rehabilitation works to the creek corridor.
- Any works required to undertake or satisfy a Statement of Environmental Audit under the *Environment Protection Act 2017*.
- Subdivision:
 - If it is the re-subdivision of existing lots and the number of lots is not increased; or
 - If it is by a public authority or utility service provider to create a lot for a utility installation.

Any application for a permit lodged before the development plan has been prepared must be accompanied by a report demonstrating that approval will not prejudice the long-term future of the land as set out in this schedule and will be constructed in accordance with the Construction Management Plan and/or Environmental Management Plan prepared in accordance with this schedule.

Development Contributions

Where a development contributions plan has not been incorporated into this scheme, the landowner must enter into an agreement under section 173 of the *Planning and Environment Act 1987* (section 173 agreement), providing for development contributions to the satisfaction of the responsible authority.

The costs of preparation and registration of the section 173 agreement are to be borne by the landowner.

3.0 Conditions and requirements for permits

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Except for a permit granted in accordance with Clause 2.0, the following conditions and/or requirements apply to permits to subdivide land, construct a building or construct or carry out works, as appropriate:

- The construction of transport infrastructure, in accordance with the Integrated Transport Management Plan.

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- The implementation of development contribution obligations, in accordance with a relevant agreement.
- The construction of drainage infrastructure, in accordance with the Integrated Water Management Plan.
- The implementation of any relevant recommendations of the Wetland / Retarding Basin Management Plan.
- The construction of public open space/s, landscaping and community infrastructure, in accordance with the Masterplan, Public Open Space and Landscape Masterplan.
- Bushfire risk mitigation measures in accordance with the Bushfire Management Plan.
- The management of vegetation and provision of native vegetation offsets, in accordance with the Biodiversity Management Plan and Arboricultural Assessment.
- The protection of any sites of Aboriginal cultural heritage, in accordance with an approved Cultural Heritage Management Plan.
- The retention and interpretation of heritage elements and archaeological records, in accordance with the Heritage Assessment.
- The design and construction of any relevant acoustic treatments, in accordance with the Acoustic Design Response Report.
- A section 173 agreement or restriction on the title to ensure that future buildings, as identified in the Acoustic Design Response Report, are designed and constructed with appropriate noise attenuation measures.
- A section 173 agreement or a restriction on the title to ensure that the future development and use of land is for affordable or social housing, in accordance with the Affordable and Social Housing Assessment.
- Prior to the certification of a plan of subdivision and/or prior to any development, a Construction Management Plan and/or Environmental Management Plan must be submitted to and approved by the responsible authority. The plan must include:
 - Details regarding the staging of construction;
 - How the land is to be accessed during the construction period;
 - Details relating to the collection and disposal of construction waste during the construction period;
 - Details of tree/vegetation protection zones and any other measures to be implemented, to ensure that construction activity does not impact on any trees/vegetation to be retained;
 - Measures to ensure that disturbance to native fauna habitat is avoided;
 - Soil erosion and sediment control provisions to protect existing local stormwater infrastructure and Werribee River;
 - Details relating to the storage of all plant, equipment and materials during the construction period;
 - Measures to be implemented to ensure the containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside of the site; and
 - Methods designed to ensure that the amenity of the surrounding area is protected throughout the construction period.
- All works conducted on the land must be in accordance with the approved construction management plan and/or environmental management plan.

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Requirements for development plan

A development plan must include the following requirements:

- A Site and Context Analysis.
- A Masterplan.
- An Affordable and Social Housing Assessment.
- A Public Open Space and Landscape Masterplan.
- A Biodiversity Management Plan.
- Wetland / Retarding Basin Management Plan.
- An Arboricultural Assessment.
- An Acoustic Design Response Report.
- An Integrated Transport Management Plan.
- An Integrated Water Management Plan.
- An Infrastructure Servicing Plan.
- A Cultural Heritage Management Plan.
- A Heritage Assessment.
- A Bushfire Management Plan.

SITE AND CONTEXT ANALYSIS

A **Site and Context Analysis** that identifies the key attributes of the land and its surrounds (including the existing Ballan township and future growth precincts) and demonstrates how the proposed layout and design responds to this context, including:

- Contours of the land at 1.0 metre intervals and shading of 5 degree slope class intervals.
- Identification of areas of potential geotechnical instability;
- Land affected by the 1% annual exceedance probability (AEP) flood extent;
- Existing and proposed land uses and developments on adjoining land;
- Any areas of cultural, historic, social or environmental significance within and around the site;
- The location of community infrastructure (existing and planned);
- The location of public open space (existing and planned);
- The location of transport infrastructure and systems, including public transport (existing and planned);
- The location of cycling and pedestrian networks (existing and planned);
- Key view lines and corridors to the surrounding landscape;
- A response to relevant state and local planning policies.

MASTERPLAN

A **Masterplan** generally in accordance with Map 1 to this schedule, that includes:

- A subdivision layout that responds to the natural topography of the land and integrates with the established Ballan township, future growth precincts and the surrounding rural landscape.
- An integrated transport network, in accordance with the recommendations of the Integrated Transport Management Plan.
- Appropriate treatment of key view lines and corridors to the surrounding landscape.

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- Appropriate interface treatments between proposed development areas and waterways and public open space, including provision of road frontages and appropriate orientation of development, to ensure passive surveillance opportunities.
- Setbacks to the Werribee River in accordance with the requirements of Melbourne Water.
- Annotations or colour-coding to identify a variety of lot sizes across the development area including potential medium density, conventional density and interface residential lots.
- Annotations or colour-coding to identify potential locations for affordable and social housing in accordance with the recommendations of the Affordable and Social Housing Assessment.
- Annotations or colour-coding to identify appropriate land uses, and an associated table showing the overall land use budget for each category.
- Appropriate land uses and setbacks from vegetated areas, in accordance with the recommendations of the Bushfire Management Plan.
- Public open space in accordance with the recommendations of the Public Open Space and Landscape Masterplan, in accordance with Map 1.
- An active open space reserve and sports pavilion/community facility, consistent with Map 1 and the agreements and obligations of the section 173 Agreement.
- An appropriate response to flood risk.
- Overland flow paths and drainage infrastructure (such as retarding basins, water quality wetlands and enhanced stormwater management facilities) in accordance with the Integrated Water Management Plan.
- An appropriate response to any areas of cultural, historic, or environmental significance.
- Buffer areas and other measures to protect any sites of Aboriginal cultural heritage in accordance with the recommendations of an approved Cultural Heritage Management Plan.
- Retention of patches of remnant native vegetation and scattered trees in accordance with the recommendations of the Biodiversity Management Plan and Arboricultural Assessment. Any patches of remnant native vegetation or scattered trees identified for retention should be contained within Public Open Spaces or widened road reserves.
- Identification of areas where noise attenuation measures are required, in accordance with the recommendations of the Acoustic Design Response Report.
- Details of staging of development for the effective and early provision of the active open space reserve, sports pavilion/community facility, district playground and associated infrastructure.
- The future commercial area not exceeding 1,000 square metres of net floor area.

AFFORDABLE AND SOCIAL HOUSING

An **Affordable and Social Housing Assessment** that includes:

- An assessment of the future demand for affordable and social housing in Ballan Precinct 5, proportionate to the demand for such housing in the existing township.
- Recommendations for increasing choice in housing type (including alternative housing models, such as co-housing and eco-villages), tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.
- Recommendations for facilitating appropriate provision of affordable and social housing, such as:
 - Quantification of the land area requirements.
 - Identification of potential locations.

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- A mechanism for implementation, such as a section 173 agreement or a restriction on the title to ensure that future development and use of the land is for the intended purpose.

PUBLIC OPEN SPACE AND LANDSCAPING

A **Public Open Space and Landscape Masterplan** that:

- Includes a statement explaining how the landscape design complements the Werribee River corridor and provides for the protection and enhancement of native flora and fauna values including consideration of species and communities listed under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and the Flora and Fauna Guarantee Act 1988 (FFG Act).
- Provides details of the public open space network consistent with the agreements and obligations of the section 173 Agreement, including:
 - Provision for a range of active and passive recreational opportunities for future residents, either onsite or offsite.
 - Multiple unencumbered local parks located generally in accordance with Map 1 to this schedule.
 - Land encumbered by waterways, drainage infrastructure, overland flow paths, 1% AEP flood extents, steep slopes, heritage values or remnant vegetation, as required by Melbourne Water or the responsible authority.
 - Details of the onsite active open space reserve and associated playing fields.
 - Details of a connected network of shared paths for walking and cycling.
- Provides concept details of community infrastructure, such as sports pavilion / community facility, recreation facilities, district playground, local playgrounds, picnic areas and toilets.
- Provides urban design concepts, public art, community flexible spaces and interpretive information that will provide a sense of place, drawing on themes such as cultural heritage, environment or landscape features.
- Identifies significant vegetation to be protected and retained.
- Identifies landscape treatments for public open space and road reserves, including planting themes, species and planting densities. Preference should be given to indigenous and drought tolerant native vegetation to enhance local habitat values, and respond to water sensitive urban design objectives.
- Identifies revegetation of the Werribee River reserve and wetlands/retarding basins, consistent with the Biodiversity Management Plan.
- Identifies landscape treatments for Geelong–Ballan Road and Old Melbourne Road, appropriate for the role of these roads as gateways to the Ballan township.
- Includes details of any fencing treatments proposed for land abutting public open space.
- Includes details of staging and timing of all landscape works.

ENVIRONMENT

A **Biodiversity Management Plan**, prepared to the satisfaction of the Department of Energy, Environment and Climate Action and Melbourne Water, that:

- Includes targeted field surveys of flora and fauna species listed under the EPBC Act and the FFG Act.
- Identifies risks to biodiversity values, during and post development of the land.
- Makes recommendations for:

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- Avoiding and minimising native vegetation removal (e.g. protection within public open space or widened road reserves where possible).
- The retention of patches of remnant native vegetation and scattered native trees (including roadside vegetation) including species and communities listed under the EPBC Act and the FFG Act.
- Vegetation protection zones and buffers around scattered trees and native vegetation patches to be retained.
- The maintenance and management of remnant native vegetation and scattered native trees to be retained.
- Offsetting any native vegetation removal that cannot be avoided.
- Management of the Werribee River reserve and wetlands/retarding basins, including:
 - The protection and enhancement of biodiversity values.
 - Revegetation of the reserve to a high rainfall Plains Grassy Woodlands and a Swampy Woodland complex vegetation community.
 - Identification of key pest plant and animal species.
 - Identification of risks to environmental values from adjoining land uses and construction activities.
 - Appropriate risk mitigation measures and management regimes.

A **Wetland / Retarding Basin Management Plan**, prepared to the satisfaction of the Department of Energy, Environment and Climate Action and Melbourne Water, that:

- Describes how the wetlands/retarding basins will be designed and constructed in accordance with best practice, to provide appropriate structure and native vegetation diversity to attract native wildlife (insects, fish and birds in particular).
- Identifies risks to the Werribee River, resulting from water released from the wetlands / retarding basins. Risks to be considered include water quality, erosion potential, flow regime/volume changes and impacts to biodiversity.
- Recommends appropriate risk mitigation measures and management regimes.

An **Arboricultural Assessment** that:

- Assesses all remnant trees on the subject land and adjoining road reserves, in accordance with Australian Standard AS4970-2009 Protection of Trees on Development Sites.
- Identifies trees to be retained, based on tree health and ecological or landscape values.

AMENITY

An **Acoustic Design Response Report**, prepared to the satisfaction of the Environment Protection Authority, by a qualified acoustic engineer or other suitably skilled person that:

- Identifies lots that require mitigation measures on the basis that combined noise levels from the surrounding roads (Western Freeway, Geelong-Ballan Road and Old Melbourne Road) exceed the objectives for ambient sound defined in the Environment Reference Standard for:
 - Land use Category 1 for lots within 50 metres of the Western Freeway road reserve and its ramps; and
 - Land use category 3 for lots more than 50m from the Western Freeway road reserve and all other lots.
- Recommends a suite of mitigation measures for the identified lots, that:

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- Prioritise benefits to both outdoor and indoor areas, by considering siting, orientation, and internal layout before setting building envelope performance requirements; and
- Achieve the following internal noise levels, when considering the combined noise from all relevant external sources:
 - Not greater than 35 dB(A) for bedrooms, assessed as an LAeq,8h from 10pm and 6am.
 - Not greater than 40 dB(A) for living areas, assessed as an LAeq,16h from 6am and 10pm.
 - Not greater than the median value of the range of recommended design sound levels of Australian Standard AS/NZ 2107:2016 for internal areas, other than sleeping and living areas, assessed as a (LAeq,16h) from 6am and 10pm or an 8 hour equivalent continuous daily noise exposure level (LAeq,8h) from 10pm and 6am, as relevant to the normal period of occupancy of the area considered.

MOVEMENT AND TRANSPORT

An **Integrated Transport Management Plan**, prepared to the satisfaction of the Department of Transport and Planning (and Melbourne Water as appropriate) and in accordance with the Infrastructure Design Manual (IDM), that:

- Provides for an integrated transport network including roads, public transport and pedestrian and bicycle paths.
- Provides for multi-modal transport network connectivity within the site, and to future growth precincts and the existing Ballan township.
- Provides a network of walking and cycling paths, including shared paths (including along the Werribee River corridor), that provides connectivity between key destinations.
- Provides road reserve widths and indicative cross-sections.
- Identifies site access points, including details of appropriate intersection treatments.
- Identifies traffic management controls for the internal road network.
- Provides details of necessary upgrades to the road, pedestrian and bicycle path infrastructure beyond the site and the trigger points for implementation of such works (linked to stages of development).
- Discourages cul-de-sacs and ensures that any street will be connected through to other streets by a wide reserve and shared path for safe pedestrian and bicycle access.
- Avoids additional direct access to lots from Geelong-Ballan Road and Old Melbourne Road.
- Includes concept details of any shared path waterway crossings, prepared in accordance with 'Constructing Waterway Crossings' (Melbourne Water, 2011).
- Provides for the integration of land use with transport provision.

UTILITIES AND DRAINAGE

An **Integrated Water Management Plan** prepared to the satisfaction of Melbourne Water and in accordance with the Infrastructure Design Manual (IDM), that reflects best practice and includes:

- Concept plans and details of the proposed stormwater drainage system.
- Protection of natural systems and water quality.
- Water conservation, harvesting, and re-use of stormwater particularly for open space irrigation.
- Integration of stormwater treatment into the landscape including the provision of retarding basins, water quality wetlands and enhanced stormwater management facilities within drainage and public open space reserves, and other water sensitive urban design treatments as appropriate.

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- Reduction of run-off and peak flows, including the removal of sediment, litter and other urban wastes from stormwater prior to discharge.
- Overland flow paths that provide for storm events up to and including 1% AEP.
- A functional design of stormwater drainage assets to ensure that:
 - Stormwater drainage assets are feasible in their proposed locations and sizes, without negatively impacting the escarpment.
 - The Werribee River reserve is of adequate dimensions to contain the stormwater drainage assets, while providing adequate setbacks from the river.
 - Stormwater drainage assets will meet the required flow regime and water quality requirements at the outfall into the Werribee River.
- The staging of stormwater drainage works (linked to stages of development), both internal and external to the site.

An **Infrastructure Servicing Plan**, prepared to the satisfaction of the relevant agencies, that includes:

- Concept plans and details of proposed utility infrastructure (e.g. reticulated water and sewerage).
- The staging of infrastructure, linked to stages of development.

HERITAGE

A **Cultural Heritage Management Plan** prepared to the satisfaction of Wadawurrung Traditional Owners Aboriginal Corporation.

A **Heritage Assessment** that includes the following:

- An interpretation of the history of the site.
- An assessment of non-indigenous trees and recommendations for retention.
- Recommendations for the recording and retention of heritage elements of the site.
- Recommendations for meaningful interpretation of heritage elements and archaeological records within an appropriate setting (e.g. interpretive signage within public open space).

BUSHFIRE MANAGEMENT

A **Bushfire Management Plan**, prepared to the satisfaction of the Country Fire Authority (CFA) and including:

- A description of the fire risk and management for the area.
- An amended Bushfire Hazard Site Assessment including consideration of the ultimate revegetated state of the Werribee River corridor and wetlands/retarding basins, as required by Melbourne Water. The revegetated waterway corridor must be classified as “forest” or “woodland”, other than stormwater treatment assets which will have lower bushfire threat.
- The identification of setbacks for the purposes of defensible space between classified vegetation and future development to ensure that radiant heat exposure is less than 12.5kW/m² under AS3959 for new dwellings and lower exposure for vulnerable uses.
- Requirements for land identified as defensible space to ensure that vegetation is managed and maintained to the standard specified by the CFA.
- Future open space, or landscaping areas within the subject land to be managed and maintained to a low threat state in perpetuity to ensure a bushfire risk doesn’t increase over time.
- Recommendations for appropriate land uses to avoid positioning vulnerable and hazardous uses where there is a direct interface with unmanaged vegetation.

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- Notation that planting, landscape and vegetation management within landscape buffers, easements and areas of open space do not increase the risk of fire, including allowing for appropriate emergency service vehicle access.
- Recommendations for bushfire risk mitigation at the various stages of subdivision development.

MAP 1 TO SCHEDULE 9 TO CLAUSE 43.04

