

23/06/2023
C138latr

SCHEDULE 11 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO11**.

BALDWIN ROAD, TRARALGON

1.0

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Objectives

To ensure development of the land is occurring in an orderly manner having regard to the timing and staging of the development of the land and provision of essential services, community facilities, open space and roads.

To ensure the design of any proposed subdivision and buildings enhance and reinforce the character of the area

To minimise crossings over existing pipeline infrastructure.

2.0

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Requirement before a permit is granted

A permit may be granted for minor buildings and works before a development plan has been prepared to the satisfaction of the responsible authority. Minor buildings and works means a minor extension, minor addition or minor modification to an existing building(s) and works that do not prejudice the future, orderly development of the general area affected by the Development Plan Overlay.

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Conditions and requirements for permits

Infrastructure contributions condition

The following conditions and/or requirements apply to permits:

Except for a permit granted for Minor Buildings and Works; for boundary realignments; or for a subdivision along a zone boundary to correct a split zone, a permit must contain the following condition:

- Prior to the commencement of any development, the owner(s) of the land must enter into an agreement under section 173 of the Planning & Environment Act 1987. The agreement must provide for infrastructure contributions to be paid prior to the commencement of any development of the land or prior to the issue of a statement of compliance in respect of the subdivision of land. The agreement must require the payment of infrastructure contributions for:
 - The acquisition of any land required for a road reserve for a road that Council proposes to be funded by the contributions agreement. Where that road is proposed to be wider than what presently exists, the infrastructure payment required must only relate to the additional width of the required road reserve. The contributions must be in the proportions set out in the development contributions tables in the approved development plan.
 - The construction of any road that Council proposes is to be funded by the contributions agreement. If widening is to an existing road, then the infrastructure payment required must only relate to the difference between a road comprising the existing pavement width and a road comprising a widened pavement and associated facilities in the proportions set out in the development contributions tables in the approved development plan.
 - The design and construction of stormwater drainage infrastructure including main drainage, wetlands, and retarding basins as described in the approved development plan.
 - The improvement of public open space, including active open spaces as identified in the approved development plan.

- The acquisition of land for public open space, including active open spaces and community facilities, in the proportions set out in the development contributions tables in the approved development plan.
- A contribution towards the development of community facilities in the proportions set out in the development contributions tables in the approved development plan.
- The acquisition of land for stormwater drainage purposes in the proportions set out in the development contributions tables in the approved development plan.
- Infrastructure associated with the proposed bus route.
- Traffic calming treatments.
- The walking and cycling network including safe crossing points on the abutting arterial roads (excluding footpaths along roads).

The agreement must be prepared at the cost of the owner(s) and be to the satisfaction of the responsible authority.

Bushfire Management Plan

A Bushfire Management Plan that demonstrates how the application will address bushfire risk at the site and implement required bushfire protection measures. The plan must be prepared in accordance with requirements of the DPO, unless otherwise agreed in writing by the Responsible 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 that are to be created within the DPO or areas within a site boundary of any land that is partly covered by the DPO;
- The location of any reserves within or adjacent to the DPO;
- The details of any required bushfire protection measures;
- 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.
- Notations that indicate what authority is responsible for managing vegetation within open space areas.
- Notations that ensure that the reserves will be managed in a low threat condition.

Development Permit Decision Guidelines

Before deciding on an application to subdivide land, construct buildings, or carry out works, the responsible authority must consider, as appropriate:

- Whether the development of the land is occurring in an orderly manner having regard to essential services, community facilities, open space and roads.
- The potential for future re-subdivision.
- The interface between proposed and existing nearby developments, to reduce the chance of conflicting developments.
- The need to minimise access points to designated Category 1 Roads.
- The measures to mitigate the impact of new development on the operation and safety of licensed pipeline infrastructure.
- The design of any proposed buildings to enhance and reinforce the character of the area.

- The timing and staging of the development of the land.
- The consistency of the proposed development with the approved development plan.
- The consistency of the proposed development with adopted structure plans, where relevant.

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Requirements for development plan

A development plan must include the following requirements:

- A single Development Plan must be prepared for the whole of the land to which this schedule applies.

Land Use and Subdivision

- The proposed boundaries of the development area, and provide the strategic justification for those boundaries.
- The overall subdivision of the area, including where possible, the proposed lot layout, sizes and density of lots which provide opportunities for a diverse range of housing types.
- Larger residential lot sizes located in proximity to licensed transmission pipeline corridor and associated gas facility.
- An additional 15m either side of the gas and oil transmission pipeline easements and any associated gas facility must be included in a public reserve to provide adequate separation distance from sensitive land uses.
- The overall pattern of development of the area, including any land use activity areas.
- Street networks that:
 - support building frontages with two way surveillance; and
 - have no direct access to lots from Traralgon - Maffra Road (arterial road). Direct access to these lots will need to be provided by internal road networks of the subdivision area.
- An accessible and integrated network of walking and cycling routes for safe and convenient travel to adjoining communities (including existing and future areas included in the DPO), local destinations or points of local interest, activity centres, community hubs, open spaces and public transport.
- Avoid community facilities, including but not limited to accommodation (other than dwelling, camping and caravan park, group accommodation, host farm, residential hotel, rooming house, rural worker accommodation and residential village) children's playground, education centres, places of assembly, fuel depots and hospitals within 180m of a major LPG licensed pipeline corridor and with 85m of a major gas licensed pipeline corridor.

Infrastructure Services

- An integrated stormwater management plan that incorporates water sensitive urban design techniques which provides for the protection of natural systems, integration of stormwater treatment into the landscape, improved water quality, and reduction and mitigation of run-off and peak flows, including consideration of downstream impacts.
- Provision of a road network providing a high degree of connectivity and external and internal permeability.
- A Traffic Impact Assessment approved by the Department of Transport which shows the location of the major arterial network of the area and which supports the location and details of any required:
 - road widening
 - intersections

- access points (which are to be minimised)
- pedestrian crossings or safe refuges
- cycle lanes
- bus lanes and stops
- The pattern and location of any internal road system based on a safe and practical hierarchy of roads including safe pedestrian and bicycle connections and crossing points in accordance with the background document Latrobe City Bicycle Plan 2007-2010 (as amended).
- In consultation with relevant agencies and authorities, provision of public transport stops where appropriate within easy walking distance to residential dwellings and key destinations. Stops should also be located near active areas where possible.
- Provision of adequate access and clear space along the licensed pipeline corridors for the purposes of pipeline operations and maintenance activities.

Open Space

- A landscape concept plan for all open space areas, indicating the location of plantings, pathways, shade, shelter and seating at activity areas as well as at intervals along pathways.
- The location and size of the proposed open spaces that cater for a range of user groups and provide a variety of functions that perform both an active and passive role for recreation, as appropriate.
- Public open spaces designed to:
 - Provide public spaces of a minimum of 0.5 hectares within a 500 metre walking distance of all residents in accordance with the background document Latrobe City Public Open Space Plan 2007 (as amended).
 - Incorporate all licensed pipeline corridors within linear reserves with road frontages.
 - Include pedestrian and cycle paths and play equipment, that encourage active recreational opportunities.
 - Provide opportunities for visual surveillance to promote safety of users, through encouraging active frontages.

Community Hubs and Meeting Places

- In consultation with relevant agencies and authorities, the provision of appropriate community facilities, including schools, pre-schools, maternal child health centres, senior citizen centres and general community centres within a walkable range of 400-800 metres across large subdivisions.
- The location and general dimensions of a government school site must be in accordance with the Victorian Government School Site Selection Criteria and to the satisfaction of the Department of Education.
- Provision for access and social interaction, particularly where this encourages physical activity. For example:
 - Consider the need for public amenities, including toilets and bicycle parking at key destinations in accordance with the background documents Latrobe City Public Toilet Strategy 2006 (as amended) and Latrobe City Bicycle Plan 2007-2010 (as amended).
 - The pattern and location of pedestrian and bicycle paths should provide safe and practical access to and from community hubs and meeting places.
 - Spaces should be designed to accommodate community events and cultural programs including local arts activities and other festivals.

Flora and Fauna

- A flora and fauna survey, prepared by a suitably qualified consultant and with the approval of the Department Environment, Energy and Climate Action and other relevant agencies and authorities, which includes but is not limited to species surveys for:
 - Growling Grass Frog and avifauna;
 - Eastern Grey Egret;
 - Blue - Billed Duck;
 - Dwarf Galaxias;
 - Australian Grayling;
 - White - Bellied Sea Eagle;
 - Southern Brown Bandicoot;
 - Glossy Grass Skink;
 - Strzelecki Gums;
 - Matted Flax Lily;
 - Grey Billy Buttons; and
 - Forest Red Gum Grassy Woodland Community

and measures required to protect the identified species.

- An assessment of any native vegetation to be removed having regard to the background document Protecting Victoria's Environment - Biodiversity 2037, including how it is proposed to protect and manage any appropriate native vegetation.
- Identification of any existing native vegetation and how it responds to the Guidelines for the Removal, Destruction or Lopping of Native Vegetation, 2017.
- Regard must be had to the background document West Gippsland Native Vegetation Plan 2003.
- Any management plan should take into account that the Strzelecki Bioregion is one of Victoria's most fragmented Bioregions and address this as a consideration.

Cultural Heritage

- A cultural heritage assessment including how cultural heritage values will be managed.

Infrastructure Asset Risk Management

- Identify sensitive land uses that need to be risk assessed due to proximity to major pipeline infrastructure and any associated gas facility (Accommodation (other than dwelling, camping and caravan park, group accommodation, host farm, residential hotel, rooming house, rural worker accommodation and residential village) education centres, places of assembly, fuel depots and hospitals) via a Safety Management Study.
- Preparation of a Safety Management Study in accordance with Australian Standard AS2885 (Pipelines – Gas and Liquid Petroleum) in consultation with the relevant pipeline owner/operator and to the satisfaction of the relevant authority. The findings of the Safety Management Study are to be incorporated into any approved development plan and corresponding planning controls.
- Any proposed works including any temporary or permanent road or infrastructure crossings of the gas pipeline easements will require consultation with and consent from the pipeline owner/operator.

LATROBE PLANNING SCHEME

- Clear access on and either side of the major pipeline corridors shall be maintained, with any vegetation other than light grasses along the corridor subject to pipeline owner / operator consent.
- Provisions for the re-coating, protective slabbing of the impacted pipelines to the satisfaction of the relevant authority. The degree and nature of the re-coating and / or protective slabbing shall be determined as an outcome of the Safety Management Study for the affected pipeline(s).
- Any structures within 3m of a licensed transmission pipeline shall obtain consent from the Minister administering the Pipelines Act.

Sensitive Land Use

- Preparation of an assessment on the potential for noise and air pollution impacts from the Traralgon Maffra Road considering the Environment Reference Standards for Ambient Sound and Guidelines for Minimising Air Pollution in Victoria (EPA publication 1961)
- Any proposed mitigating measures that are required to be included as part of the noise and air pollution assessment.

Bushfire Protection Measures

- The subdivision design must appropriately consider publication 'Design Guidelines Settlement Planning at the Bushfire Interface' (Country Fire Authority and Department of Environment, Land and Planning, 2020)
- Provision of perimeter roads along any bushfire hazard interface.
- All lots to achieve a minimum construction standard of BAL-12.5.
- All lots must be setback a minimum of 22m from a bushfire hazard.
- Non combustible fencing must be utilised.
- The landscape concept plans to demonstrate that all reserves will be developed and maintained to low threat conditions and subsequently no increased bushfire hazard.
- Municipal reserves outside the extent of the DPO as shown in the draft concept plan be developed and maintained to low threat conditions and subsequently no increased bushfire hazard.
- Measures to manage grassfire hazard interfaces while residential areas remain undeveloped.
- A site management plan is required to be prepared to address interim bushfire hazard management for stages of the subdivision. This plan is to identify the likely bushfire risks at each stage, identify how these will be managed.

Development Contributions

- Development contributions tables including an equalisation table which identifies the proportion of each lot which is to be provided for road purposes, open space and stormwater drainage purposes. Once the Development Plan is approved incorporating the development contributions tables, the Development Plan (and the various tables) must not be amended without specific consideration of the impacts that changes to the Development Plan and the various tables will have on the ability of Council to deliver the road, public open space and stormwater infrastructure.
- A clause which explains how the equalisation of land and contributions for the various items of infrastructure is to operate.

Process and Outcomes

- An implementation plan must be submitted as part of the development plan, indicating the proposed staging of the development.