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SCHEDULE 10 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO10**.

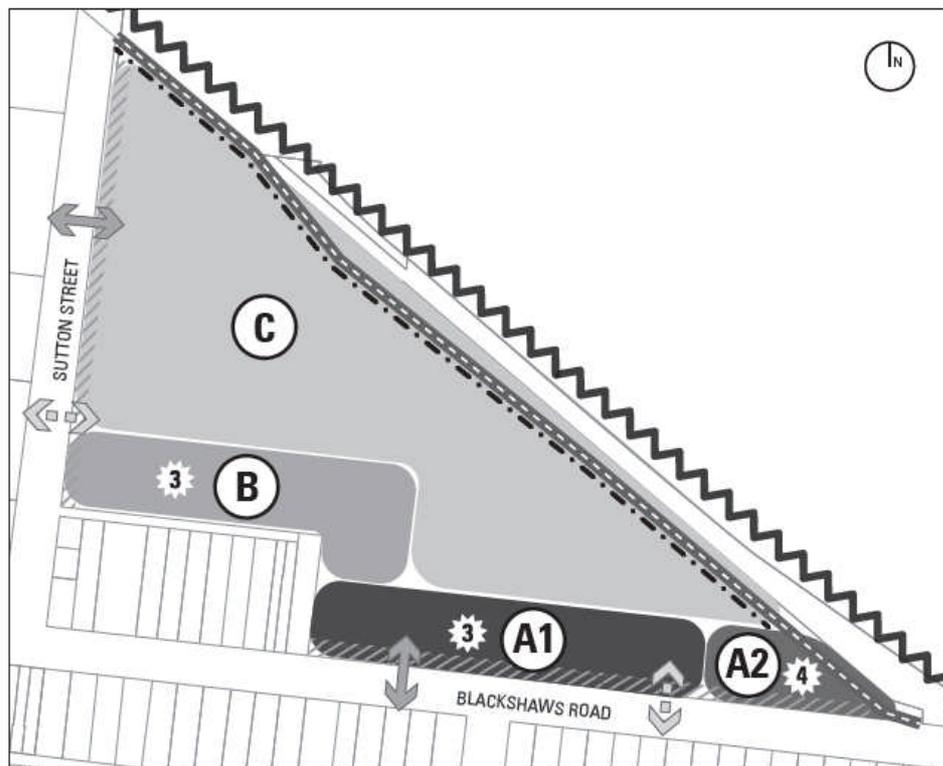
The Former Caltex Terminal

Former Caltex Terminal, Blackshaws Road and Sutton Street, South Kingsville.

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Plan 1



- | | | | |
|---|------------------------------------|---|--|
|  | PRECINCT A1 |  | BUILT FORM TO LIMIT PUBLIC VIEWS TOWARDS NORTH EAST AND TO PROVIDE ACOUSTIC AND VIBRATION PROTECTION FROM THE RAILWAY AND THE SMC. |
|  | PRECINCT A2 |  | PIPELINE BUFFER |
|  | PRECINCT B | | *NB. Boundaries of Precincts Indicative Only |
|  | PRECINCT C | | ** NB. All development must meet the Objectives of Clause 55.02-1 and Clause 55.02-5. |
|  | RAILWAY INTERFACE | | ***NB. The number of access points to Blackshaws Road is yet to be determined. |
|  | PRIMARY ACCESS | | |
|  | SECONDARY ACCESS | | |
|  | MAXIMUM BUILDING HEIGHT IN STOREYS | | |
|  | MINIMUM 4M SETBACK | | |

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Design objectives

The design objectives for the area are:

- To encourage urban renewal which delivers increased housing affordability, diversity and density within the site.

- To create a residential area that is responsive to its context and provides a transition in character at its interfaces with existing adjoining residential areas and industrial operations.
- To ensure residential development provides a reasonable level of amenity for future occupiers of the site, including but not limited to protecting future residents from the adverse impacts of industrial and traffic noise, odour, dust, vibration and the visual impact of the railway line and industrial development north-east of the railway line.
- To ensure development does not unreasonably affect the amenity of adjoining residential properties.
- To protect the operations of the state and nationally significant Spotswood Locomotive Maintenance Centre located to the north-east (including normal operations, upset and worst case conditions and reasonably foreseen planned future operations) from any potentially adverse effects of residential encroachment.
- To encourage development which achieves site responsive high-quality architectural and urban design outcomes.
- To create a new and attractive streetscape character in Blackshaws Road and Sutton Street.
- To ensure that development does not adversely impact the continued operation and maintenance of the Somerton to Altona Licensed Pipeline.
- To ensure that any additional social and community infrastructure required by reason of the proposed development is provided.
- To minimise the number of access points from the site to Blackshaws Road.
- To ensure that the development does not compromise the safe and efficient operation of Blackshaws Road and the surrounding local road network.
- To ensure that driveway access to lots fronting Blackshaws Road is provided from a local road or rear lanes only.
- To limit the total number of residential dwellings on the site to ensure the cumulative impact of proposed developments along Blackshaws Road and within the Newport/Williamstown peninsula does not compromise the capability of the arterial road network and particularly Melbourne Road and that there is ample opportunity to provide a high quality of residential amenity.
- To include a shared pedestrian/bicycle path within the site linking the eastern corner of the development on Blackshaws Road and the north-west corner of the site at Sutton Street with the ultimate goal of extending the path to the Vernon Street neighbourhood shopping centre via Moresby Street.
- To comply with the conditions relating to the urban density and construction constraints involved in the redevelopment of the site as set out in the three statements of Environmental Audit issued under the Environment Protection Act 1970 Part IXD by the environmental auditor in his reports dated October (Areas 3 & 4) and November 2011 (areas 1 & 2).

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Master Plan

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A permit must not be granted to subdivide land, construct a building or construct or carry out works until a Master Plan has been prepared and approved to the satisfaction of the responsible authority. The purpose of the Master Plan is to guide and inform future development of the site.

The Master Plan must be generally in accordance with Plan 1 and must include:

- A detailed analysis of the features of the land and its context, including existing conditions and the conditions set out in the three statements of Environmental Audit issued for the site.
- A detailed design response, including:
 - The location of new streets within the site.
 - The location of new public open space within the site.
 - Design principles for new built form within Precincts A1 and A2.
 - Design principles for new built form within Precinct B.
 - Design principles for new built form within Precinct C.
 - The location and height of building envelopes.
 - Design principles and built form measures for reasonable residential amenity and protection from sources of air emissions, noise and vibration from the railway line, nearby industry including the Spotswood Maintenance Centre and Blackshaws Road.
 - The staging of development and details of an appropriate built form/sound-barrier(s) to be provided, progressively and prior to the completion of each corresponding stage of the development along the whole of the north-east boundary of the site.
 - The detailed resolution of the northern interface having regard to the bicycle path, pipeline, acoustic and built form issues.
 - Design principles that address neighbourhood character and integration with the streets to give effect to "NB" on Plan 1.
- Domestic waste management principles.
- Prior to the responsible authority adopting the Master Plan, the proponent is to provide a 'preferred concept plan' showing proposed building envelopes including heights and indicating acoustic and vibration treatments to all buildings and facades facing the Spotswood Maintenance Centre and Blackshaws Road and to carry out a peer-reviewed assessment of potential acoustic and vibration effects and their amelioration, consistent with the requirements of clause 5.0, including the staging (if any) of development and details of an appropriate sound barrier(s) to be provided, progressively and prior to the completion of each corresponding stage of the development, along the north-east boundary of the site. The report must be prepared on the basis of, among other things, a comprehensive assessment of the activities – both worst case current and planned future activities – of the Spotswood Maintenance Centre generally in accordance with the SLR report dated 18 May 2012 and must specify the built form measures required to meet clause 5.0. This assessment is to be verified by a peer review by a specialist for the Responsible Authority.
- Any permit application must be generally in accordance with the 'preferred concept plan'. If not, the noise and vibration assessment in the above point must be repeated and the approved Concept Plan and Master Plan revised accordingly prior to the consideration of the permit application
- A Network Fit Assessment Report (NFA) to the satisfaction of VicRoads and the Responsible Authority which addresses:
 - Details of existing conditions surrounding the site.
 - Details of the parking demand likely to be generated by the development.
 - Details of the traffic generation characteristics of the development.
 - Proposed access arrangements for the site.

- The impact of the development on the existing traffic arrangements (including roads, intersections, traffic situations, pedestrian and cycle paths) including reference to safety.
- Details of whether any works or upgrades will be required as a result of the development.
- Timing and construction responsibility of any required works and upgrades.
- The NFA is to take into account the cumulative impact of other possible/proposed developments along Blackshaws Road and on the Newport and Williamstown Peninsula on the arterial road network particularly Melbourne Road.
- A report which provides an assessment of the adequacy of existing social and community infrastructure, and details any additional social infrastructure or affordable housing to be provided.
- A report which provides an assessment of the adequacy of physical infrastructure (water supply, sewerage, electricity supply, gas supply, stormwater drainage, telecommunications and road infrastructure) and any necessary amelioration or upgrading required as a result of the proposed development, which must include:
 - Details of the existing infrastructure capacity.
 - Details of the impacts the proposed development will have on existing infrastructure.
 - Identification of any upgrades required.
 - Timing and construction responsibility of any required works and upgrades.
 - Details of facilities to be installed as part of water sensitive urban design to ensure that the capacity of the existing or upgraded stormwater systems within the surrounding area are not exceeded in respect of the volumetric capacity or water quality parameters as a consequence of the urban development to be implemented.
- The impact of the proposed development during construction and post-construction on the Somerton to Altona Licensed Pipeline, in the context of a pipeline risk assessment, and any measures required to ensure its ongoing maintenance and operation.
- A landscaping and public infrastructure plan, including details of street lighting and furniture and bicycle and footpaths.
- A report which certifies that the proposed development is consistent with any statements of environmental audit which relate to the site and demonstrates compliance with the conditions set out in the statements of Environmental Audit.
- A report identifying the Environmentally Sustainable Design (ESD) features of the proposed development.

The Master Plan may be amended at any time upon application to, and the satisfaction of, the responsible authority provided it complies with the requirements of this clause.

Notice of application for approval of Master Plan

The responsible authority must give notice of an application for approval of a Master Plan, or approval of an amendment of an approved Master Plan, submitted to it under this overlay to:

- the licensee and operator (from time to time) authorised under pipeline licence No PL118 (Somerton to Altona Licensed Pipeline), Energy Safe Victoria and the Minister with responsibility for administering the *Pipelines Act 2005*;
- owners of properties fronting Blackshaws Road between Schutt Street and Johnston Street, Newport;
- owners of properties fronting Sutton Street South Kingsville;

- the owner and operator of the Spotswood Locomotive Maintenance Centre;
- The owner and operator of the adjacent freight railway line; and,
- VicRoads.

The responsible authority must, prior to approving any Master Plan (or amendment of a Master Plan), consider any written responses, provided that such responses are received within 21 days after service of such notice.

Agreement under s 173 of the Act

The responsible authority must not approve a Master Plan until an agreement, made under s 173 of the Act, has been recorded on the titles of the land contained within the area the subject of this schedule under which the owner of that land is required to:

- provide, or pay for, works services or facilities that the responsible authority considers on, or to, the land or other land as a result of the approval of the Master Plan.
- give notice of any relevant statement of environmental audit to prospective purchasers of all, or any part, of that land.
- include a statement to the following effect and require the owner include such statement in any contract of sale for any part of the land.

‘This land is in close proximity to nearby industrial land in Sutton Street, South Kingsville and the State and nationally significant Spotswood Locomotive Maintenance Centre located to the north east. Consequentially, the land may be affected by noise or other amenity impacts associated with the operations and activities conducted in those areas. The purchaser should be aware of these industrial uses and potential amenity impacts.’

Provision must be made for this aspect of the Section 173 Agreement to end when the industrial use of each of the above sites ceases.

The Section 173 Agreement once executed must be registered on the title of the land contained within the area the subject of this schedule pursuant to section 181 of the Planning and Environment Act 1987.

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Buildings and works

Buildings and works must be generally in accordance with the approved Master Plan.

A permit must not be granted for buildings and works not generally in accordance with the requirements of this schedule.

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Noise and Vibration Attenuation

Any development that will accommodate residential or other noise-sensitive uses must be designed and constructed to include noise attenuation measures. These noise attenuation measures must ensure that:

- Industrial noise received at new residential or other noise-sensitive uses complies with the requirements of *State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No N-1* (SEPP N-1). Where the nature of the development is such that it is not practical or reasonable to undertake an outdoor measurement of the industrial noise level, the measurement point for a noise sensitive area must be indoors in accordance with SEPP N-1 Schedule A1, 4. The indoor adjustment (Schedule A2, 4, (d)) should not be greater than 15 dB. The assessment of noise emanating from the Spotswood Maintenance Centre must include a comprehensive assessment of the activities – both current and reasonably foreseen planned future activities (and address worst case and upset conditions) – of the Spotswood Maintenance Centre generally in accordance with the SLR report dated 18 May 2012.

- Train airborne noise received at new residential or other noise sensitive uses is attenuated to achieve a noise level of 55 dBA, Lmax in bedrooms and a noise level of 60 dBA, Lmax in living areas. These noise levels are to be measured internally near the centre of habitable rooms, with the doors, windows and ventilation closed. The measurements should be undertaken using a ‘fast’ meter time weighting, and must be achieved for 95% of train pass-bys (i.e. 5%, 1 in 20 trains may exceed).
- Train ground borne noise received at new residential or other noise sensitive uses is attenuated to achieve a noise level of 35 dBA, Lmax, slow, in bedrooms and 40 dBA, Lmax, slow, in living areas. These noise levels are to be measured internally near the centre of habitable rooms. The measurements should be undertaken using a ‘slow’ meter time weighting, and must be achieved for 95% of train pass-bys (i.e. 5%, 1 in 20 trains may exceed). This assessment of train ground borne noise is only to be applied for new residential or other noise sensitive uses where train ground borne noise is the dominant source of noise (i.e. higher than the train airborne noise).
- Road traffic noise received at new residential or other noise sensitive uses is attenuated to achieve the recommended design sound levels provided in Australian / New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*. These noise levels are to be measured internally near the centre of habitable rooms, with the doors, windows and ventilation closed.
- Truck pass-by noise received at new residential or other noise sensitive uses is attenuated to achieve an internal maximum noise level of 55 dBA Lmax, in bedrooms, during the night. These noise levels are to be measured internally near the centre of the room, with the doors, windows and ventilation closed.

Any development that will accommodate residential or other vibration-sensitive uses must be designed and constructed to include vibration attenuation measures. These vibration attenuation measures must ensure that:

- Train vibration received at new residential or other vibration-sensitive uses complies with the requirements of Table 2, Annex A of Australian Standard AS2670.2-1990 *Evaluation of human exposure to whole-body vibration, Part 2: Continuous and shock-induced vibration in buildings (1 to 80 Hz)*. Train vibration received at new residential or other vibration-sensitive uses should comply with the combined direction Curve 20, adjusted by the number of events ‘trade-off’ given by Note 5 to the Table based on the number of railway movements, but not in any case, lower than Curve 4. Train vibration is to be measured between 4–80 Hz using an accelerometer fixed to the floor near the centre of any habitable room.

The responsible authority must include in any permit granted a condition in the following terms:

“Prior to the occupation of any building, a report prepared by a suitably qualified acoustic and vibration consultant which certifies compliance with the noise and vibration attenuation criteria set out in clause 5.0 of Schedule 10 to the Design and Development Overlay must be provided to the satisfaction of the responsible authority.”

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Subdivision

A permit must not be granted to allow a subdivision which is not generally in accordance with the approved Master Plan.

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Notice of permit application

In accordance with section 52(1)(c) of the Act, notice of an application for a permit under this overlay must be given to the:

- licensee and operator (from time to time) authorised under pipeline licence No PL118 (Somerton to Altona Licensed Pipeline), Energy Safe Victoria and the Minister with responsibility for administering the *Pipelines Act 2005*; and
- owner and operator of the Spotswood Locomotive Maintenance Centre.

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Decision guidelines

Before deciding on an application for a permit, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

- The design objectives in Clause 2.0 of this schedule.
- Whether the proposal complies with the approved Master Plan required in Clause 3.0 of this schedule.
- The Guidelines for Higher Density Residential Development and clauses 55.02-1 and 55.02-5 of the scheme.
- Improved Housing Choices for Residents on Low Incomes (Affordable Housing) Policy Statement (8 February 2011, as amended from time to time).
- Preparing Social Impact Assessments Applicant Guidelines (22 March 2011, as amended from time to time).