

11/04/2013  
C67(Part 2)**SCHEDULE 16 TO THE DEVELOPMENT PLAN OVERLAY**

Shown on the planning scheme map as **DPO16**.

**NEW GISBORNE GROWTH AREA**

This schedule aims to ensure the co-ordinated and sequential development of the land to provide for immediate and longer term residential development in New Gisborne. The Gisborne / New Gisborne Outline Development Plan Revised Final Report, September 2009 (ODP) provides the basis for the development of the New Gisborne Growth Area. Any development plan that is prepared for the area should implement the following 'key principles' from that document:

- Encourage housing choice and the development of a variety of lot sizes and types within the context of a semi-rural township.
- Establish open space networks that provide both pedestrian and cycling links, passive and active recreation needs, and protection of environmental features and drainage functions.
- Limit the visual intrusion of development around key township entrances and the Calder Freeway.
- Protect areas of remnant indigenous and significant exotic vegetation.
- Recognise and protect cultural, environmental, landscape and heritage assets.
- Increase stormwater capture and reuse to reduce water usage and impacts on existing drainage infrastructure.
- Provide for physical and social infrastructure and the orderly staging of development.
- Encourage sustainable development principles and high quality urban design.

**1.0**11/04/2013  
C67(Part 2)**Requirement before a permit is granted**

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

- Construct buildings and works associated with an alteration or addition to an existing dwelling; or
- Subdivide or consolidate land into super lots.

**2.0**11/04/2013  
C67(Part 2)**Conditions and requirements for permits**

An application for a planning permit must be accompanied by the following (where appropriate):

- A report outlining how the proposed development is consistent with the objectives of the approved development plan.
- A preliminary site assessment of the potential for land contamination as a result of previous agricultural or other land uses, carried out by a suitably qualified person. The landowner must submit the results and comply with any additional requirements or testing identified in the preliminary site assessment to the satisfaction of the Responsible Authority, having regard to the guidance set out in the General Practice Note on Potentially Contaminated Land June 2005 (DSE).

Where relevant, and to the satisfaction of the responsible authority, any permit granted must also include the following conditions:

- Conditions required to give effect to relevant provisions of the approved development plan.
- All lots must be connected to reticulated sewerage.
- Any permit in respect to land containing a place of cultural heritage significance which is shown on an approved development plan to be retained or similar, must contain a condition which gives effect to any recommendation for the protection, restoration and interpretation of the place as contained or referred to in the approved development plan.
- A condition that states:

Prior to the commencement of any works associated with the subdivision of the land a Construction Environmental Management Plan (CEMP) must be approved and implemented to the satisfaction of the responsible authority. The CEMP must describe, as appropriate, how the site will be managed during the construction of the subdivision to minimise the effects of works on the Gisborne Racecourse Marshlands Reserve and waterbodies, areas of native flora and fauna to be retained, and should set out requirements for the following:

- Managing erosion and sedimentation in accordance with the EPA Victoria.
- Managing dust.
- Managing run-off.
- Managing litter, concrete and construction waste, chemical contamination.
- Managing vehicle access.
- Fencing of all waterbodies, habitat areas and trees to be retained on the site (at least 12 times the Diameter at Breast Height (DBH) around canopy trees and two metres from native vegetation patches) during construction works (unless the works are associated with the removal of an existing dam).
- Methods to restrict access to the Marshlands reserve.
- Protecting vegetation and natural features planned for retention.
- Weed monitoring and control measures to prevent the establishment of invasive weed species in temporarily disturbed ground and the spread of those weeds into the Marshlands Reserve.
- Mitigation measures identified in any approved Stormwater Management Report, Flora, Fauna and Net Gain Assessment and Conservation Management Plan(s) for Growling Grass Frog and Migratory Water Birds.
- Where relevant, before a plan of subdivision is certified the following must be submitted to and approved by the Responsible Authority:
  - An updated Flora, Fauna and Net Gain Assessment, generally in accordance with the assessment submitted with the approved Development Plan but updated to incorporate a final inventory of vegetation and trees proposed to be removed (including tree numbers, species and area).
  - A detailed Landscape/Revegetation Plan, which outlines measures to increase habitat for native flora and fauna and use of indigenous plants associated with the relevant Ecological Vegetation Class (Plains Swampy Woodland, Plains Grassy Wetland or Plains Grassy Woodland) as part of any landscaping works.
  - A Weed Management Plan to control weeds (particularly noxious species), targeting areas adjacent to native vegetation and waterbodies.
  - A Vegetation Offset Management Plan over a 10-year offset period (and beyond) specifying the type and location of the offsets to be provided. Offset strategies to

consider include protecting indigenous vegetation (i.e. onsite-offset), undertaking appropriate revegetation works within the Development Plan area, and/or locating a third-party off-site offset.

- Where relevant, a permit for the subdivision of land must contain a condition which requires the owner of the land to enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to provide for the following:
  - Ongoing implementation of the approved Conservation Management Plan for Growling Grass Frog and Migratory Water Birds and Weed Management Plan.
  - Auditing and ongoing secure implementation of the approved Revegetation/Landscape and Vegetation Offset Management Plans.

### **Development Contributions**

Any permit in respect of a subdivision which in the opinion of the responsible authority creates a new residential lot must contain a condition which requires the owner of the land to enter into an agreement to pay a development contribution to Macedon Ranges Shire Council and appropriately providing for the following matters:

- The amount of the contribution is to be determined by the council.
- Unless the parties agree otherwise, one of the requirements of the agreement must be that if an approved Development Contribution Plan commences before a specified date, any monetary contribution required to be paid under the agreement must be adjusted upwards or downwards to be consistent with that approved Development Contribution Plan (reconciliation).
- The payment under the reconciliation is to be made to or by the person who entered into the agreement with Council or a subsequent transferor of the parent land and not the subsequent residential lot owners.
- The costs of the agreement are to be paid by the owner of the land.
- This provision expires 2 years after the approval of Amendment C67 (part 2).

### **3.0**

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### **Requirements for development plan**

A development plan should be consistent with the provisions of Clause 21.07-1.1 of this Planning Scheme and must have regard to the Gisborne / New Gisborne Outline Development Plan, Revised Final Report, September 2009

A development plan must show or include, as appropriate, the following matters to the satisfaction of the responsible authority:

- A written report detailing how the plan responds to clause 21.07-1.1 of this Planning Scheme and the 'key principles' contained in this schedule.
- A detailed site analysis of the natural, cultural and strategic context of the site.
- The proposed subdivision layout which shows:
  - The provision of a variety of lot sizes across the development area.
  - How development interfaces with and relates to environmentally significant and landscape sensitive areas.
  - The transition between the proposed development and low density residential lots and land in rural zones.
  - Consideration of the topography of the land, particularly with regard to the provision of useable open space, site features such as vegetation, significant view lines, waterways, and places of cultural heritage significance.

- Physical infrastructure such as roads and reticulated services (water, sewer, gas and drainage etc).
- The use of solar orientation development principles to promote energy efficient housing.
- A conceptual urban design for the development of a Local Neighbourhood Activity Centre that includes:
  - The location and size (including indicative floor space) of community and commercial facilities and services required to support local needs in New Gisborne.
  - A design focussed on the provision of active frontages and walkability principles with priority given to pedestrian and cycling access.
- An image and character report showing:
  - How the development plan responds to the established village character and semi-rural setting of New Gisborne.
  - How key site features are integrated into the development plan.
  - Consideration of the need for future built form, design and siting controls needed to address the landscape sensitivity of the site.
  - Priority given to the orientation of the subdivision and future buildings to take advantage of and reinforce view lines to Mount Macedon.
- The proposed movement network which:
  - Provides convenient internal and external access / linkages within and between neighbourhoods and key destinations.
  - Retains the potential for a north-south connector road west of Station Road to alleviate traffic congestion on Station Road.
  - Allows for the future provision of public transport, including accommodating bus movements and bus stop facilities at strategic locations.
  - Provides attractive, convenient, safe and legible pedestrian and bicycle networks.
  - Provides for wide road verge widths to allow for landscaping, footpaths and create the overall appearance of openness and a landscaped setting for new development
  - Consideration of possible future urban development of land adjoining to the west.
- A travel to work report that explains how residents are likely to travel to work and how use of public transport, cycling and walking will be encouraged within the development plan area.
- The proposed public open space network which:
  - Provides links to existing or proposed open space areas.
  - Is fronted by roads or lots, to enhance passive surveillance of the area where possible.
  - Integrates with areas and corridors of habitat significance where possible.
  - Incorporates passive and active recreation opportunities, including shared pedestrian/bicycle paths, urban art and playgrounds.
  - Is not encumbered by any constraints, such as drainage reserves or land slope. Any encumbered open space areas must be provided in addition to an unencumbered public open space contribution of at least 5% of the development plan area.
- Landscape concept plans for the development that show:
  - How significant view corridors have been considered.

- Significant vegetation that is to be protected and retained.
- Public open space landscaping, including landscaping of roads and streets, to create key public spaces, landscape corridors and contribute to Gisborne and New Gisborne's attractive semi-rural environment
- Details of the staging and timing of all landscape works.
- The location of major drainage lines, water features, proposed retarding basins and floodways, and the means by which they will be managed in accordance with the principles of water sensitive urban design.
- The location of major infrastructure easements or installations.
- The stages, if any, by which the land is to be subdivided and developed.
- The provision and timing of physical and social infrastructure including retail, community, open space and recreational facilities (where required); clearly demonstrating the ability to provide any reticulated service or infrastructure item required by the proposed development.

Unless agreed in writing by the responsible authority, the development plan must include the following information to the satisfaction of the responsible authority:

- A flora and fauna assessment and, where necessary, an arboriculture assessment, which identifies existing vegetation (including grasses), fauna and natural drainage lines required to be protected and enhanced in the subdivision design. The assessment must include appropriate management recommendations in accordance with Victoria's Native Vegetation Management Framework and an offset plan showing appropriate offsets to compensate for the removal of native vegetation associated with the proposed development. Management recommendations must address public open space usage, how remnant vegetation will be protected from informal access, which may be detrimental to the long term survival of that vegetation and how identified fauna will be protected including consideration of the need for wildlife corridors and fencing controls.
- A cultural heritage assessment, which identifies the location and significance of any pre and post European contact heritage sites. This assessment must include recommendations for the protection, restoration and interpretation of significant sites and appropriate design measures to sensitively integrate sites into the development.
- A stormwater management plan, which reflects best practice and provides for:
  - Protection of natural systems and water quality.
  - Water conservation and re-use of stormwater, where possible.
  - Integration of stormwater treatment into the landscape including the provision of water detention basins and, water quality treatment wetlands within open space areas, bioretention systems within the local street network and other water sensitive urban design treatments.
  - Reduction of run-off and peak flows, including the removal of sediment, litter and other urban wastes from stormwater prior to discharge.
  - Appropriate hydrological regimes for the Gisborne Racecourse Marshlands Reserve based on expert ecological assessment. The Plan should include stormwater management measures, including stormwater storage and water quality improvement devices downstream of the Reserve.
  - A water retarding basin and associated drainage reserves in accordance with Melbourne Water requirements.
  - An overland flow path from storm water for the Gisborne Racecourse Marshlands Reserve through to Ferrier Road generally along the existing drainage line through the area.

- A detailed traffic assessment and management plan addressing the impact of the development on the arterial and local road network, including mitigation works required on the road network in addition to funding responsibilities. The plan must show typical road cross sections and integration with the existing and proposed road, bicycle and pedestrian networks and public transport.
- A Conservation Management Plan which includes:
  - Consideration of the impacts of the proposed development on flora, fauna and surface and groundwater hydrology of the Gisborne Racecourse Marshlands Reserve.
  - Identification of buffers between the edge of the swamp in Gisborne Racecourse Marshlands Reserve and habitat linkages through the development plan area, and the development interface. Buffer distances, management and use must be based on wetland values and threatened species habitat requirements. The buffer is to be bound by a road reserve.
  - Measures to be adopted to protect, enhance and manage identified environmental values of Gisborne Racecourse Marshlands Reserve from impacts of the proposed development during pre-construction, construction and post-development.
  - Management actions and pre-construction / construction protocols for the development plan area to ensure there are no significant impacts on the Growling Grass Frog and migratory water birds, and their habitats during or post-development. The Plan must include treatments, habitat creation and linkages, monitoring measures and ongoing management for the development plan area.
  - Methods to explain the environmental values of the Gisborne Racecourse Marshlands Reserve to the community and encouraging responsible pet management, litter, rubbish and garden waste control.
  - Any other matters as required by the responsible authority in conjunction with the Department of Sustainability and Environment.
  - The Conservation Management Plan must be prepared in consultation with the Department of Sustainability and Environment and submitted to and approved by the responsible authority. If the development has been determined by Federal Department of Environment, Water, Heritage and the Arts as having a significant impact on a matter of National Environmental Significance under the Federal Environment Protection and Biodiversity Conservation Act 1999, the assessment must be approved by the Federal Department of Environment, Water, Heritage and the Arts.

The responsible authority must seek the opinion of any relevant agencies under Section 52 of the Planning and Environment Act that may be affected by the proposed development plan.

An approved development plan may be amended to the satisfaction of the responsible authority. The responsible authority must seek the opinion of any relevant agencies that may be affected by the proposed change.

#### 4.0

#### Process Requirements

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The development plan and any amendment to the plan must be publicly exhibited for a period of two weeks prior to approval. The responsible authority must take into account any comments received when considering the development plan or any amendment to the plan.