

15/05/2014  
C128**SCHEDULE 16 TO THE DEVELOPMENT PLAN OVERLAY**

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

**Orica deer park development plan****1.0**15/05/2014  
C128**Requirement before a permit is granted**

A permit may be granted before a development plan has been approved for the following:

- Any buildings or works, including the demolition or construction of part of any building, associated with the remediation of the land in accordance with or for the purpose of obtaining a Certificate or Statement of Environmental Audit under the *Environment Protection Act 1970*.
- Any buildings or works associated with an existing use being carried out on the site.
- Alterations or additions to existing site infrastructure such as car parking and internal access roads.
- Subdivide land.
- Removal, variation or creation of easements, restrictions or reserves.
- Removal of vegetation.
- Site offices or display suites.
- Advertising signs.

A planning report must be submitted as part of any application for a planning permit and should demonstrate that the buildings and works and/or subdivision of land will not prejudice or conflict with:

- The long term future use and development of the land.
- The preparation of a Development Plan, or
- The provisions and requirements of any approved Development Plan.

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C128**Requirements for development plan**

The Development Plan must include the following matters (as relevant if the Development Plan is approved in stages):

**Health and Safety**

The identification of any area of the land subject to the Development Plan Overlay which falls within a planning advisory area published by WorkSafe Victoria in accordance with the *Advisory Note Major Hazard Facilities: Land use planning near a major hazard facility*.

If no advisory area has been published, and unless otherwise advised by WorkSafe Victoria, the inner advisory area is 100m, and the outer advisory area is 300m both measured from the hazard source.

## **Odour Assessment**

An odour assessment for the area of the land subject to the Development Plan Overlay which falls within 300m of the nearest lease of the Gate 3 Precinct industries (765 Ballarat Road, Deer Park).

The odour assessment requirements must be developed in consultation with the Environment Protection Authority and the occupiers of nearby industries.

## **Infrastructure**

An Infrastructure Analysis Report which addresses the following, as appropriate:

- Location of existing infrastructure on the site.
- Drainage.
- Pedestrian/ shared paths, including Kororoit Creek and Ballarat Road.
- Public open space.
- Traffic management.
- Details of how the need or otherwise for infrastructure relates to the proposed use and development of the land and, where need is identified, how the necessary infrastructure will be provided for, including works-in-kind, and payments towards new infrastructure.

## **Siting and Staging Plan**

A site context plan and an indicative staging plan.

The site plan should identify:

- The indicative future use of land within each precinct.
- Indicative lot sizes, building heights and setbacks.
- The interface treatments within the site and the interface and address to Ballarat Road, and the Western Ring Road (M80).
- Infrastructure assets.
- Adjoining and nearby land uses, including open space, community facilities and existing industries.
- Transport networks, including vehicular, pedestrian and bicycle, as well as emergency evacuation routes and access for emergency services.
- If required by the Department of Transport Planning and Local Infrastructure (Freight Logistics and Marine Division), identification of a railway corridor generally along the eastern boundary of the site to connect to a Western Interstate Freight Terminal Facility.

The indicative staging plan should identify:

- The proposed sequencing of development, the timing of the provision of infrastructure and services and overall integration with other development stages, and
- Vehicular access points, road infrastructure works and traffic management for each stage of development.

## Services

A Stormwater Management Plan, prepared by a suitably qualified person(s) that addresses:

- The control of flows in and around the site for discharges up to and including the 1 in 100 year flows and addresses the need for retention storage to control flows and water quality treatments to a best practice standard. Details of the physical infrastructure required to accommodate the subdivision, use and/or development including the provision of water, sewerage, drainage, electricity, gas and telecommunication services and whether services will be provided above or below ground.
- The location of existing and proposed easements.

## Traffic

A Traffic Management Plan prepared by a suitably qualified person(s). The Plan must include the following:

- The location of existing roads into, within and around the site.
- A traffic assessment which addresses the impact of the proposed subdivision, use and development on the arterial and local road networks and identifies mitigating works, including potential road widening, other road treatments/improvements on those networks to the satisfaction of the responsible authority and VicRoads.
- A new centralised north – south access route with a secondary road network which creates an active and attractive public realm with amenity provided for vehicles, cyclists and pedestrians.
- Potential for connections to the west, towards Station Street and the Deer Park activity area and railway station, having regard to the Heritage Overlay.
- The incorporation of a grid street pattern for the internal road network, that will accommodate public transport facilities and pedestrian and cyclist infrastructure. Required future road improvements and signalisation of intersections based on the outcomes of Road Safety Audits at ingress and egress points along Ballarat Road.
- Emergency evacuation routes and access for emergency services.
- Indicative cross-sections of the street network, including provision for footpaths, bicycle paths and other infrastructure as appropriate.

The views of the Department of Transport Planning and Local Infrastructure (Freight Logistics and Marine Division), Public Transport Victoria, VicRoads, the Metropolitan Fire Brigade and State Emergency Services, must be sought prior to the approval of the Traffic Management Plan.

## Access

An Access Plan, prepared by a suitably qualified person(s) which must include the following:

- Convenient and safe access to and from the site to facilitate staged and/or final site access arrangements.
- Linkages to the pedestrian and bicycle corridor along Kororoit Creek in appropriate locations having regard to flooding and safety issues.
- A Cycling and Walking Plan, having regard to the Brimbank Walking and Cycling Strategy 2008 (as amended), including existing vehicle, pedestrian and bicycle routes into, within and around the site, details of how pedestrian and bicycle connectivity is to be provided (including future links to Deer Park Station and Deer Park Activity Centre)

and connections provided to the surrounding Principal Bicycle Network (BPN) and including a pedestrian path along the Ballarat Road frontage of the site.

- A cycle link from the existing off and on-road lanes along the northern side of Ballarat Road through the site.

The views of the Department of Transport Planning and Local Infrastructure (Freight Logistics and Marine Division), Public Transport Victoria and VicRoads, must be sought prior to the approval of the Access Plan.

### **Flora and Fauna**

- Information that responds to the recommendations of the Summary of Ecological Values, Orica Deer Park Site, Deer Park, Victoria Ecology and Heritage Partners, December 2012.
- A plan showing the indicative removal and or retention of vegetation to the satisfaction of the Responsible Authority.
- Information that addresses the interface between any proposed development of the site and the Kororoit Creek corridor including the protection and enhancement of riparian vegetation.

### **Open Space and Landscaping**

A landscaping and open space plan prepared by a suitably qualified person(s) to the satisfaction of the Responsible Authority that includes:

- The location and species of existing trees over 3 metres in height.
- A landscape concept plan for the land.
- The preferred species of street trees, including concepts for roadway and kerbside planting based on Council's preferred planting lists, including native vegetation where appropriate, and
- The location and indicative design of landscape treatments of the connecting roadways to create legible entries/exits to the site.

### **Heritage**

- Information that responds to the recommendations of the Interpretation Plan, Orica Explosives Factories Complex, Ballarat Road, Deer Park prepared by Lovell Chen, dated December 2012 including the Orica Explosives Factories Complex, Landscape Conservation Analysis, John Patrick Pty Ltd, August 2012. This represents the Heritage Interpretation Plan defined in an Agreement between Brimbank City Council and Orica Australia Pty Ltd made on 3 April 2012 further to Section 173 of the Planning and Environment Act 1987 and is registered on title to the land.
- Details of how development will incorporate, interpret, retain and/or reuse identified heritage elements into the development of the site, and
- Information that responds to the recommendations of the Environmental Contamination Works, Commercial/Industrial Subdivision & Development, Orica Site, Deer Park: Voluntary Cultural Heritage Management Plan – 10825 of 9 March 2010 prepared by Golder Associates for Orica Australia Pty Ltd.

## Design, Layout and Built Form

Information that shows how the development of the site or a stage will achieve the integrated development of the site as a whole, by the preparation of Design Guidelines. The Design Guidelines should address the following as appropriate and be implemented as part of the Development Plan:

- Provision of high-quality, site-responsive design outcomes and architectural styles.
- Orientation of buildings to face the primary street frontage and building entry points to have a relationship with the public realm.
- Avoidance of blank walls or large loading docks facing Kororoit Creek or other areas of public open space and the primary road network.
- Principles of Crime Prevention Through Environmental Design (CPTED).
- Indicative building height.
- Preferred front, side and rear building setbacks, including landscaping.
- Indicative cross-sections of the street network, including concepts for roadway and kerbside planting.
- Preferred fencing styles which are appropriate to the various land uses and locations within the site, taking into account the need for security.
- Screening of plant and equipment areas and waste storage.
- Ensuring new buildings and works are sited to maximise solar access.
- Providing for a diversity of lot sizes to accommodate a range of building types and land uses.
- A preference for below-ground services.
- Providing safe, well lit and convenient pedestrian and vehicular access throughout the site.
- A preferred landscaping theme and incorporation of new canopy trees and reference to Council's preferred planting lists including native vegetation where appropriate, and
- An avoidance of visual clutter and signage to consider the requirements of Clause 52.05 of the Planning Scheme.
- The interface with nearby existing industrial uses.

If a rail corridor is identified on the site, the Design Guidelines should require an appropriate response to any proposed adjacent sensitive land uses. The response should ensure development is designed to address potential amenity impacts from unrestricted freight use of the railway and include an Adverse Amenity Impacts Report by a suitably qualified person(s).

## Decision guidelines

Before approving a Development Plan (or amendment to the plan) the responsible authority must consider the following, as appropriate:

- The State and local planning policy frameworks.
- The purpose of the applicable Zone.
- The need for safe and attractive pedestrian linkages within the site and to the surrounding residential and public open space areas.

- Whether the proposed development responds appropriately to the context of the site in terms of the use of land and the form of development.
- Whether the location of proposed uses within the 'Health and Safety' area are appropriate having regard to the intensity of the use (i.e. number of people), the vulnerability of the proposed population and the ability of the proposed population to respond to an emergency if required.
- The findings and recommendations of the Odour Assessment.

Before approving a Development Plan (or amendment to the plan) the responsible authority must seek the views of:

- Melbourne Water.
- VicRoads.
- Department of Transport, Planning and Local Infrastructure, Freight Logistics and Marine Division.
- The Metropolitan Fire Brigade and State Emergency Services.
- WorkSafe Victoria, and
- Environment Protection Authority.

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### Conditions and requirements for permits

#### *Economic Impact Assessment Requirements*

If required by the Responsible Authority considering the proposed scale, use and extent of shop floorspace proposed and already permitted on the land subject to this Development Plan Overlay, applications for permits for the use of the land as "shop" should be accompanied by an economic impact assessment. The economic impact assessment should (as appropriate) demonstrate how the proposed use:

- may impact existing or proposed activity centres in the area: and
- responds to the state and local planning policy framework.

#### *Health and Safety Assessments*

The following requirements apply to use and building and works applications for permits on land subject to the Development Plan Overlay which fall within the 'Health and Safety' area:

- The application must demonstrate that the proposal is appropriately designed and located having regard to any health and safety risks associated with the location of the Major Hazard Facility.
- The application must consider (as appropriate) risk management requirements, including emergency evacuation procedures, any open space to the east, robust building materials, air ventilation systems capable of isolation and building orientation with ingress and egress orientated to the east.

Before granting a planning permit (or amendment to a planning permit) for a use, building or works application within the 'Health and Safety' area the Responsible Authority must give notice of the application to WorkSafe Victoria in accordance with clause 66.06.

#### Odour Assessment

All applications for the following uses, or buildings and works associated with the following uses, within 300m of the nearest lease boundary of the Gate 3 Precinct industries (765 Ballarat Road, Deer Park) must be accompanied by an air emissions report to determine the impacts (if any) of air emissions from the Gate 3 Precinct on the proposed use:

- Accommodation
- Agriculture
- Child care centre
- Cinema-based entertainment.
- Education centre.
- Leisure and recreation.
- Office.
- Place of assembly.
- Retail premises.

Before granting a permit (or an amendment to a planning permit) for a use or buildings and works associated with a use of the type listed above within 300m of the nearest lease boundary of the Gate 3 Precinct industries (765 Ballarat Road Deer Park) the Responsible Authority must give notice of the application to the Environment Protection Authority in accordance with clause 66.06.