

SCHEDULE 10 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO10**.

Nyora Urban Residential Growth Area (South of Glovers Road)

The subject land is identified in the Planning Scheme as a preferred location for Nyora's urban residential expansion. The land's size (approximately 100ha), consolidated ownership pattern, close proximity to the town centre and gently undulating landform contribute to this site being a strategic development land parcel capable of achieving a high quality, staged residential subdivision over an extended period of time.

The accommodating topography offering views of surrounding rural landscapes, combined with the natural waterways and native vegetation stands, will allow a site responsive subdivision design to capture a 'rural sense of place' that can distinguish this development from typical greenfield subdivisions on the fringe of Melbourne. A responsive subdivision design must build on the land's natural features consistent with the existing rural township character of Nyora.

Staging the release of residential lots for new dwelling development will be critical to ensure that Nyora's development and community infrastructure is adequately provided for as the township expands and is able to respond to growing population.

1.0 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 for the following:

- A minor extension, minor addition or minor modification to an existing development that does not prejudice the future orderly development of the general area affected by the Development Plan Overlay to the satisfaction of the Responsible Authority.
- Minor drainage works.
- Minor earthworks.
- The use and development of land for agriculture that does not prejudice the future residential use and development of the land, or the residential amenity of surrounding areas.
- The use, development or subdivision of land by a public authority or utility provider.
- A subdivision of existing lots provided the number of lots is not increased.
- A fence.
- To remove, destroy or lop vegetation.

2.0 Conditions and requirements for permits

- A planning permit application for the subdivision or development of the land in accordance with the approved Development Plan must include a town planning report prepared by a suitably qualified person demonstrating how the permit application addresses the requirements of the Planning Scheme and the approved Development Plan.
- All lots within a residential subdivision (excluding a balance lot to be further subdivided at a future time) must be connected to a reticulated sewerage system to Council's satisfaction.
- A planning permit creating residential lots containing clusters or lineal stands of native vegetation (particularly vegetation adjoining Glovers Road and riparian vegetation) must include a condition requiring the identification of building envelopes on the titles, located in areas free of native vegetation and appropriately separated from the vegetation to reduce bushfire risk to building and occupant. These lots must not be further subdivided. These requirements must be registered on the lot titles via covenant,

Section 173 Agreement or restriction on a plan of subdivision unless specifically varied or set-aside by the Responsible Authority.

- The subdivision lot size, configuration and setback requirements set out in the 'Requirements for development plan' below, or special subdivision design requirements identified in the approved Development Plan, must be included as a planning permit condition for the subdivision of the land and executed via a covenant, Section 173 Agreement or restriction on a plan of subdivision unless specifically varied or set-aside by the Responsible Authority.
- The planning permit for the first residential subdivision adjoining (fronting) Lang Lang Poowong Road or service road, must include a condition requiring the construction of a shared pathway no less than 2.5m wide along Lang Lang Poowong Road between the subject land and Forster Drive.
- Where development is proposed over or adjoining dams, permit conditions must set out requirements to remediate the dams and require an engineer's report to confirm that remediated dams are suitable for intended use or development.
- Planning permits must include a condition requiring the provision of infrastructure, open space and landscaping maintenance periods in accordance with Council's Infrastructure Design Manual.
- A planning permit application for residential subdivision must include a report providing information on the quantity of undeveloped residential lots within the DPO area and demonstrating the need for the release of additional residential land.
- Regardless of the approval of a whole of site Development Plan setting out the general configuration of the main features of the subdivision of the land, a permit for the subdivision of land must not be approved until the detailed requirements of this DPO schedule (as set out below) have been fulfilled and a detailed Development Plan stage approved to the satisfaction of the Responsible Authority

3.0 Requirements for development plan

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The Development Plan must be prepared to the satisfaction of the Responsible Authority.

A Development Plan must be prepared for the entire land parcel to which this schedule applies to Council's satisfaction. The Development Plan must be informed by a detailed site analysis and design response (addressing as a starting point the requirements of Clause 56.01-1 & 2) that responds to the natural, cultural and strategic context of the site to the satisfaction of the Responsible Authority. The Development Plan must display the location and layout of all key features of the subdivision of the land, and all matters set out below, however may (subject to subdivision staging) postpone the provision of highly specific subdivision design detail (e.g. proposed lot sizes, boundary dimensions, drainage requirements) for a subsequent Development Plan approval stage.

The Development Plan must show / provide (unless set aside or varied by the Responsible Authority):

Subdivision layout

- The overall subdivision of the area, including the proposed size and density of allotments. The layout shall include:
 - Larger lots (greater than 800sqm) with frontages of not less than 20m should be located along the southern boundary (adjoining Lang Lang – Poowong Road) and the western boundary (adjoining Yannathan Road) of the subject land and adjoining internal 'Connector Streets'. Buildings on these lots should have a minimum front setback of 7m and 3m setback from any side road boundary.
 - Subdivision design should allow for the creation of very large lots in areas containing native vegetation stands (particularly adjoining Glovers Road), providing building envelopes to protect vegetation, provide a bushfire buffer and restrict further subdivision.

- Lots along Lang Lang Poowong Road and Yannathan Road designed to allow dwellings to front (address) these roads and strongly discourage internally facing subdivisions with backyards and/or fencing addressing these roads to Council's satisfaction.
- The provision of a sensitive residential interface with established residential land. The subdivision layout should create no more than two new lots directly adjoining the boundary of established residential lots along Hatches Road. Along this boundary, buildings within the DPO area must be setback a minimum of 7m from the Low Density Residential Zone boundary and provide for a 4m wide amenity buffer for landscape planting.
- A subdivision layout that sympathetically responds to the existing waterways, riparian vegetation and other native vegetation stands across the land.

Development Plan / Subdivision Staging Plan

Details of the proposed staging of subdivision land releasing across the entire area. The first Development Plan stage to be approved by the Responsible Authority should contain no more than 200 lots designed to be used for dwellings. Each Development Plan / subdivision stage should consist of a logical land unit bound by roads, waterways or natural features, or based on servicing / engineering design, or the boundaries of the Development Plan Overlay map area.

The land identified in the Nyora Framework Plan map as 'Long Term Residential Area' (east of the waterway) should be identified as 'later stages' in the development of the land at Lot 12 LP148069B.

General

Infrastructure Services / Stormwater & Drainage

- A comprehensive Traffic Impact Assessment Report (based on a full development scenario) prepared by a suitably qualified person to the satisfaction of the Responsible Authority and VicRoads. The report must address/detail (unless set aside or varied by the Responsible Authority):
 - The impact of the development on the existing road network and intersections surrounding the land and improvements necessary to the facilitate the development of the land, including road widening, access points, pedestrian crossing points and safety refuges, cycle lanes etc.
 - Costings for all off site infrastructure upgrades required as a direct consequence of the development. This includes intersections and road treatments adjoining the land and at locations distant from the land if a full development scenario development may require road / intersection upgrading.
 - A Road Hierarchy Plan for the internal road network across the entire DPO area detailing all roads 'Access Street – Level 1' and above.
 - The Road Hierarchy Plan should identify 'Connector Street' road / intersection access to both Lang Lang Poowong Road and Yannathan Road, to Council and VicRoads satisfaction.
 - The Road Hierarchy Plan should allow for pedestrian / cycle connectivity to both Hatches Road and Forster Drive however should restrict vehicle movements to both roads (if proposed as a long term option) until such time as they are upgraded to an appropriate service level.
 - Provision for a continuous east / west vehicle, pedestrian and cycle movement across the land (at 'Connector Street' standard) with a design / configuration to minimise the use of the internal roads as an alternate vehicle route to the existing main road network. If the continuous east / west route does not cross the main waterway traversing the land, then a road, pedestrian, cycling crossing of the

waterway must be provided approximately midpoint along the length of the waterway (at 'Connector Street' Standard) to service the eastern corner of the land.

- The long term need to retain or close the unmade road reserve to vehicles between the northern end of Hatchs Road and Yannathan Road.
- A subdivision design providing a reserve capable of becoming a long term future 'Connector Street' with an access point onto Glovers Road along the boundary of Lot 12 LP148069B. The reserve should allow for logical integration with the proposed subdivision's road network however should remain unconstructed and untrafficable until such time as Glovers Road is appropriately constructed or the land to the north of Glovers Road is developed in the very long term.
- A pathway design allowing at least three pedestrian access points into Glovers Road at appropriate separation distances.
- A pedestrian / cycle pathway network that responds to the waterways and riparian vegetation network across the subject land.
- A street network that supports building frontages with two way surveillance.

Stormwater / Drainage

- A stormwater and drainage management plan prepared by a suitably qualified person that demonstrates/provides:
 - Integrated stormwater management planning across the subject land, including consideration of impacts outside of the subject area likely to occur as a result of development.
 - Water Sensitive Urban Design principles (in accordance with Melbourne Water requirements) where appropriate.
 - A response to Council's Infrastructure Design Manual and detailed costings for all stormwater drainage works to occur on public land or outside of the DPO area if directly related to the development.

Open Space and Landscaping

- The location and size of the proposed open spaces that can cater for a range of uses providing active and passive recreation opportunities, as appropriate.
 - An area of not less than 4ha should be located on Lot12 LP148069 in a flatter area of land not affected by waterlogging. The identified area should allow the potential for a sports ground where minimal earthworks will be required. The Development Plan and/or Staging Plan must identify / commit to the provision of the open space no later than approximately mid development of the residential subdivision of the land at Lot 12 LP148069. Active open space areas such as sports grounds (if required) are to be made flat and usable by the subdivider / developer prior to their transfer to Council.
 - Open space details must identify active, passive and drainage affected (or waterlogged) areas.
 - A small park (passive recreation area) on Lot 2 LP213970.
- Public open spaces designed to provide:
 - The inclusion of pedestrian and cycle paths and play equipment, that encourage active recreational opportunities. The planning, provision and payment of these open space features shall be made at the agreement of the Council and the subdivider / developer prior to the approval of the Development Plan.
 - Opportunities for visual surveillance to promote safety of users, through encouraging active frontages, using buildings to frame public spaces.
- A landscaping master plan, prepared by a suitably qualified person, identifying all proposed landscaping with particular regard to the interface with surrounding residential developments, open spaces and the existing and proposed road network. The

landscape plan must include canopy tree plantings within the internal road network to soften the visual impact of new development when viewed from within and outside the development area. The landscape plan must provide a high level of detail where new development is to adjoin Lang Lang Poowong Road and Yannathan Road.

- An arborists report identifying native vegetation to be retained in public spaces and detailing works required for public safety and suitability for open space areas.

Bushfire

For vegetated areas an indicative subdivision plan and building envelope plan which address and responds to the 'Application requirements' of Clause 52.47 and the 'Subdivision objectives' of Clause 52.47-2.4. The information must be sufficiently detailed to identify bushfire safe habitable building footprints on lots to be created within 150m of vegetation stands as required. This information is required to inform the identification of the bushfire building envelopes required in the 'Conditions and requirements for permits'.

Cultural Heritage

A cultural heritage assessment including details of how any cultural heritage values on the land will be managed.

Land Contamination

A limited desktop assessment must be undertaken by an appropriately qualified person that considers the potential location and forms of land contamination resulting from previous land uses. In any case where contamination is identified, the report will consider the measures to address contamination in areas where sensitive land uses are proposed. The investigation must consider, but not be limited to, agricultural chemical use, informal land dumping, industrial or mining activities.

Other matters

Any other matter, as deemed appropriate by the Responsible Authority, which the Development Plan should take account of based on the specific character of the land.

4.0 Decision guidelines for development plan

Before deciding on a Development Plan (or Development Plan Stage), the Responsible Authority must be satisfied that the plan has regard to the requirements of the Planning Scheme, its Incorporated and Reference documents and particularly:

- Nyora Structure Plan - June 2013
- South Gippsland Shire Council Paths and Trails Strategy 2010
- Healthy by Design ®, A guide to planning environments for active living in Victoria, Melbourne: National Heart Foundation of Australia, updated June 2012 (as amended), National Heart Foundation of Australia (Victoria Division)
- Infrastructure Design Manual (version 4, March 2013)(as amended)
- The views of the CFA, Melbourne Water and VicRoads.