

16/06/2016  
C97**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 Nyora Urban Residential Growth Area is a strategic development land parcel capable of achieving a high quality, staged residential development over an extended period of time.

**1.0**16/06/2016  
C97**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.
- Minor drainage works.
- Minor earthworks.
- The use and development of land for agriculture.
- The use, development or subdivision of land by a public authority or utility provider.
- The re-subdivision of existing lots (boundary realignment), provided the number of lots is not increased.
- A fence.
- The removal, destruction or lopping of vegetation.

**2.0**16/06/2016  
C97**Conditions and requirements for permits**

- Planning permit applications for the subdivision or development of the land must include a town planning report prepared by a suitably qualified person demonstrating how the permit application addresses the relevant requirements of the Planning Scheme and the approved Development Plan.
- Planning permit applications for residential subdivision must include a report prepared by a suitably qualified person demonstrating the need for the release of additional residential land.
- Planning permits for residential subdivision (excluding lots to be further subdivided at a future stage) must include a condition requiring all lots to be connected to a reticulated sewerage system to the satisfaction of the responsible authority.
- Planning permits for residential subdivision which creates lots that retain clusters of native vegetation (particularly vegetation adjoining Glovers Road and riparian vegetation) must include the following conditions:
  - Building envelopes must be identified for each lot. The building envelopes must be located in areas free of native vegetation and appropriately separated from the vegetation to reduce bushfire risk to building and occupant. The building envelopes must be registered on the title to each lot via covenant, Section 173 Agreement or restriction on a plan of subdivision.
  - The lots which retain native vegetation stands/clusters that adjoin Glovers Road must not be further subdivided. This restriction must be registered on the title to each lot via covenant, Section 173 Agreement or restriction on a plan of subdivision.
- Planning permits for the subdivision of land which create lots directly adjoining the boundary of established residential lots along Hatches Road must include a condition requiring a 4 metre wide amenity buffer. The amenity buffer must be registered on the title to each lot via covenant, Section 173 Agreement or restriction on a plan of subdivision.

- Planning permits for the residential subdivision of land which creates lots immediately adjoining lots within the Low Density Residential Zone must include a condition requiring fencing along the boundary of these lots. Unless specifically agreed otherwise with an adjoining landowner, fencing must be a minimum of 1.8 metre high solid fence. The fence is to be constructed at the developer's expense and constructed prior to the issue of Statement of Compliance for the subdivision of the land.
- 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.
- 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 2.5 metres wide along Lang Lang Poowong Road between the subject land and Forster Drive.
- Planning permits for development over or adjoining dams must include conditions that:
  - Set out requirements to remediate the dams.
  - Require the submission of an engineer's report to confirm that remediated dams are suitable for the intended development.
- Planning permits for the subdivision of land must include a condition requiring the provision of infrastructure, open space and landscaping maintenance periods in accordance with the Infrastructure Design Manual (as amended).
- Planning permits for the development of land on lots greater than 800sqm must include a condition requiring a minimum front setback of 7 metres and 3 metres setback from any side road boundary.

### **3.0**

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#### **Requirements for development plan**

The development plan must be prepared to the satisfaction of the responsible authority.

The development plan must:

- Be prepared for the entire land parcel to which this schedule applies.
- Be informed by a detailed site analysis and design response and include the requirements of Clause 56.01-1 and 2. The site analysis and design response should respond to the natural, cultural and strategic context of the site.

The Development Plan must include/show:

#### **Layout**

- The location of lots, lot sizes and density.
- A diversity of lot sizes, with the overall development having an average lot size of 700 – 800 sqm.
- The location and layout of all key features of the land.
- The provision of larger lots (greater than 800 square metres and with frontages of not less than 20 metres) 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 Street'.
- Allowance for the creation of lots in excess of 2,000sqm in areas containing good quality native vegetation stands particularly adjoining Glovers Road.

## SOUTH GIPPSLAND PLANNING SCHEME

- Building envelopes on lots that retain clusters of native vegetation must be appropriately separated from the vegetation to reduce bushfire risk.
- The provision of lots along Lang Lang Poowong Road and Yannathan Road must front and address these roads and are strongly discouraged from being side or rear facing lots.
- The provision of lots within the area directly adjoining the boundary of the established residential lots along Hatches Road must include:
  - A minimum building setback of 7 metres from the adjoining Low Density Residential Zone boundary.
  - A 4 metre wide amenity buffer for landscape planting.
  - No more than two new lots directly adjoining the rear boundary of established residential lots fronting Hatches Road.
  - A lot size of no less than 1,000 square metres.
  - One new lot directly adjoining the rear boundary of 16 Hatches Road (Lot 2 PS543620).
- A layout which responds to the existing waterways, riparian vegetation and other native vegetation stands across the land.
- A layout which ensures the retention of prominent stands of existing native vegetation on public land (i.e within road reserves, drainage reserves or local parks), where appropriate including:
  - Along the major drainage line through the site.
  - Within the road reserve of Lang Lang Poowong Road and Yannathan Road.
  - At the north-west corner of Lot 1 LP213970 that is visible along Yannathan Road when approaching the town.
  - Within the Glovers Road road reserve.
- At prominent high points of the land, a subdivision road layout which provides for road reserves configured to allow canopy tree planting in widened verge strips or central median strips to soften the visual impact of buildings when viewed from surrounding areas. This does not apply if high points are located within proposed open space areas.
- A layout which provides for a 'Connector street level 1' road and a intersection with Lang Lang Poowong Road and Yannathan Road to the satisfaction of VicRoads and the responsible authority.
- A layout which provides for a 2.5 metre wide pedestrian/cycle path along Lang Lang Poowong Road between the subject land and Forster Drive.
- A layout which provides for a minimum of two pedestrian/cycle connections to Glovers Road, one of which is to be located from Lot 12 LP148069B.
- A layout which provides for a road network that delivers a safe, permeable and convenient road network. Cul-de-sacs should only be provided where necessary and should not detract from convenient pedestrian and vehicular connections.

### **Staging Plan**

- Details of the proposed staging of subdivision land releasing across the entire area with the land identified in the Nyora Framework Plan map as 'Long Term Residential Area' (east of the waterway) to be identified as 'later stages' in the development of the land at Lot 12 LP148069B. Each identified 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.
- Stage 1 should contain no more than 200 lots designed to be used for dwellings.

### Infrastructure Services

- 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 include:
  - The impact of the development on the existing road network and intersections surrounding the land.
  - Improvements necessary to facilitate the development of the land, including road widening, access points, pedestrian crossing points and safety refuges, cycle lanes etc.
  - All intersections and roads impacted as a direct consequence of a full development scenario and costings for intersection and road treatments associated with those impacts.
- A Road Hierarchy Plan for the internal road network across the entire development plan area detailing all roads 'Access Street – Level 1' and above. The Road Hierarchy Plan:
  - Should identify a 'Connector Street level 1' road and intersection with Lang Lang Poowong Road and Yannathan Road to VicRoads and the responsible authority's satisfaction.
  - Must identify a shared pathway no less than 2.5m wide along Lang Lang Poowong Road between the subject land and Forster Drive.
  - Must identify a minimum of two pedestrian/cycle connections to Glovers Road one of which is to be located from Lot 12 LP148069B. The access paths should restrict vehicle movements (if proposed as a long term option) until such time as they are upgraded to an appropriate service level.
  - Must provide for a continuous east/west vehicle, pedestrian and cycle movement across the land (at 'Connector Street level 1' 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 level 1' Standard) to service the eastern corner of the land.
  - Must address the long term need to retain or close the unmade road reserve to vehicles between the northern end of Hatches Road and Yannathan Road.
- A subdivision design providing an appropriately sited reserve (justified by the Traffic Impact Assessment Report) capable of becoming a long term future 'Connector Street' with an access point onto Glovers Road. The reserve should allow for logical integration with the subdivision 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. The subdivision design should also ensure:
  - 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 natural surveillance of the street.

### Stormwater and Drainage

- A stormwater and drainage management plan prepared by a suitably qualified person that demonstrates:
  - 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.
  - A response to the Infrastructure Design Manual (as amended) and detailed costings for all stormwater drainage works to occur on public land or outside of the development plan area if directly related to the development.

### Open Space and Landscaping

- The location and size of proposed open spaces that can cater for a range of uses for active and passive recreation, including:
  - An area of not less than 4 hectares located on Lot 12 LP148069 in a flatter area of land not affected by waterlogging. The identified area should allow for a sports ground which can accommodate a full size football field where minimal earthworks will be required. The development plan or Staging Plan must identify and commit to the provision of the open space to be delivered at a time to the satisfaction of the responsible authority.
  - Active open space areas, which are to be made flat and safe for public use by the subdivider/developer prior to their transfer to the responsible authority.
  - Identification of open space areas that are affected by drainage or waterlogging.
  - The provision of a local park between 0.35-0.5 hectares in size on Lot 2 LP213970.
  - Pedestrian and cycle paths and play equipment that encourage active recreational opportunities.
  - Opportunities for visual surveillance of public open space to promote safety of users, through encouraging active frontages, using buildings to frame public spaces.
  - Low scale and visually permeable fencing of open space (whether encumbered or unencumbered).
- Provision for the planning and payment of open space features, which must be made by agreement between the responsible authority and the subdivider/developer prior to the approval of the development plan.
- A landscape masterplan prepared by a suitably qualified person, identifying:
  - All proposed public landscaping (with particular regard to the interface with surrounding residential developments) of all open space areas.
  - Proposed landscaping along the road network and shared paths within or abutting the development plan area.
  - The location of canopy tree plantings within the proposed road network to soften the visual impact of new development when viewed from within and outside the development area.
  - Planting to enable practical maintenance and plants suitable to the local climate and soil conditions.
  - Plantings integrated with the proposed waterways and drainage reserves.
  - All existing vegetation to be retained and removed.
- An arborists report identifying native vegetation to be retained and protected in public spaces and works required for public safety and suitability of retention for open space areas.
- Retention of the treed entry into Nyora along Lang Lang Poowong and Yannathan Roads by incorporating the trees in public land within nature strips or boulevards where appropriate.
- A diversity of streetscape outcomes across the development plan area.

### Bushfire

For vegetated areas to be retained, 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 building envelopes on lots to be created within 150m of vegetation stands. This information is required to inform the identification of the bushfire building envelopes required in the 'Conditions and requirements for permits'.

### **Cultural Heritage**

Unless otherwise agreed by the responsible authority, a cultural heritage assessment prepared by a suitably qualified heritage consultant.

### **Land Contamination**

A desktop assessment undertaken by an appropriately qualified person that considers the potential location and forms of land contamination resulting from previous land uses. In the case where contamination is identified, the report must 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.

### **Environment**

A flora and fauna report prepared by a suitably qualified person. The report(s) must consider:

- Vegetation on the land, its health and significance to the locality, measures required to protect vegetation and the identification of any vegetation to be removed.
- A survey and assessment of impacts of the proposed development plan layout on the Giant Gippsland Earthworm habitat. This assessment must be conducted by a suitably qualified person to the satisfaction of the Department of Environment, Land, Water and Planning and the responsible authority.

## **4.0**

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### **Decision guidelines for development plan**

Before approval of the development plan (or development plan stage) or an amendment to the Development Plan, the responsible authority must consider:

- 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 4.2, October 2015)( as amended).
- The views of the Country Fire Authority, Melbourne Water, Department of Environment, Land, Water and Planning and VicRoads, as relevant.