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SCHEDULE 10 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

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

RURAL LIVING GROWTH AREA – TOONGABBIE**1.0 Objectives**

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- To ensure development of the land is occurring in an orderly manner having regards to the timing and staging of development of the land and provision of essential services and roads.
- To ensure the interface between proposed and existing nearby developments reduces the chance of conflicting developments.
- To minimise access points to designated Category 1 Roads.
- To ensure the design of any proposed subdivision and buildings enhance and reinforce the character of the area.
- To ensure that lots created can be developed in a manner that appropriately mitigates bushfire risk and ensures the protection of property and life.

2.0 Requirement before a permit is granted

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A permit may be granted to use or subdivide land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the responsible authority for a minor extension, minor addition or minor modification to an existing building or works that does not prejudice the future orderly development of the general area affected by the Development Plan Overlay.

3.0 Conditions and requirements for permits

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Preliminary site investigation

An application to subdivide land or use or develop land for a sensitive land use (residential use, child care centre, pre-school centre or primary school) and is ranked as having a 'Medium' Potential for Contamination as described in Table 2 to the Potentially Contaminated Land General Practice Note June 2005, DSE (PPN30) must be accompanied by a Preliminary Site Investigation of the land prepared by a suitably qualified environmental professional to the satisfaction of the responsible authority, that:

- Takes account of the report titled Potentially Contaminated Land Report 2020.
- Is prepared in accordance with Schedule B2 of the National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) (NEPM); and
- Provides a determination as to whether the environmental condition of the land is suitable for the proposed use/s or whether an environmental audit of the land is recommended having regard to the PPN30.

The following conditions and/or requirements apply to permits:

- Effluent from each lot must be treated, retained and disposed of within each individual lot boundary, in accordance with the background document *Code of Practice – Onsite Wastewater Management* (Environment Protection Authority, July 2016).
- Defendable space must be maintained in accordance with the vegetation management requirements provided in Table 6 in Clause 53.02 with the following variation:
 - The canopy trees must be separated by at least 2 metres.

Any permit to subdivide land or use and develop land for a sensitive use (residential use, childcare centre, pre-school, centre or primary school) and where the Preliminary Site Investigation recommends that an environmental audit is required, must contain the following conditions:

- Prior to the commencement of the sensitive land use or buildings and works associated with the sensitive use (or the certification of the plan or issue of a statement of compliance under the Subdivision Act 1988) the applicant must provide:
 - A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970; or
 - A Statement of Environmental Audit under Section 53Z of the Environment Protection Act 1970. A Statement must state that the site is suitable for the use and development allowed by this permit.
 - All the conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the responsible authority. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.

4.0 Requirements for development plan

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A development plan must include the following requirements:

Treatment of wastewater and stormwater

- Effluent from each lot must be treated, retained and disposed of within each individual lot boundary, in accordance with the background document *Code of Practice – Onsite Wastewater Management* (Environment Protection Authority, July 2016) (as amended).
- Stormwater from each lot must be retained and treated on the lot (or within a subdivision-scale integrated stormwater treatment system) so as to ensure that there are no adverse drainage or stormwater quality impacts on adjoining properties.
- The nominated connection points for stormwater drainage infrastructure.
- A Land Capability Assessment report must be submitted demonstrating:
 - The capability of the site to sustainably manage wastewater within lot boundaries.
 - Compliance with State and local policies on effluent disposal.
 - Consideration of all environmental constraints on the site, including but not limited to soil profiling; existing dams; erosion; drainage lines and depressions; water logging; slopes; and contours.
- The proposed building envelopes and effluent disposal areas within an indicative lot layout for the overall development plan area.
- A Wastewater Management Plan must also be prepared that identifies preferred wastewater systems and a maintenance program to minimise the health and environmental impacts of on-site wastewater.

Land use and subdivision

- The proposed boundaries of the development area, and provide the strategic justification for those boundaries.
- A staging plan that demonstrates that the development of land is occurring in an orderly manner having regard to essential services, community facilities, roads and bushfire risk.
- The overall subdivision area, including the proposed size and density of allotments.
- The proposed building envelopes and effluent disposal field areas within an indicative lot layout for the overall development plan area. Future lots proposed to be created by way of subdivision will be formalised at the planning permit application stage.
- The overall pattern of development, including the location of any vegetation that requires protection measures.
- Street networks.

- Regard must be had to the background document *Design Guidelines Settlement Planning at the Bushfire Interface* (Country Fire Authority and Department of Environment, Land, Water and Planning 2020).

Waterways

- Unless otherwise agreed by the relevant Catchment Management Authority, a buffer zone of 30 meters each side of waterways designated under the *Water Act 1989* or a buffer based on a flood study which identifies the 100 year flood extent must be set aside for ecological purposes.
- Unless otherwise agreed by the relevant Catchment Management Authority, the waterway buffer zone must be revegetated to provide for native plant and animal habitat, and improved waterway health and ecological outcomes consistent with the objectives of the background document *West Gippsland Regional Catchment Strategy*. Revegetation must accord with the relevant State Government standards for re-establishment of the relevant Ecological Vegetation Class using only indigenous plant species, to the satisfaction of the relevant State Government department and the responsible authority.
- Revegetation works must be undertaken in a way that will not increase bushfire risk for any future dwellings.

Infrastructure services

- An integrated stormwater management plan that incorporates water sensitive urban design techniques which provides for the protection of natural systems, integration of stormwater treatment into the landscape, improved water quality, and reduction and mitigation of run-off and peak flows, including consideration of downstream impacts.
- The pattern and location of the surrounding road network supported by a traffic impact assessment for the area showing the location and details of any required:
 - Road widening.
 - Intersection concept plans.
 - Vehicle access points.
- The pattern and location of any internal road system based on a safe and practical hierarchy of roads in accordance with the *Infrastructure Design Manual* (Local Government Infrastructure Design Association, 2018).
- In consultation with relevant agencies and authorities, plans for works on any Arterial Road intersection must be prepared in accordance with the relevant Department of Transport standards.
- Regard must be had to the background document *Infrastructure Design Manual* (Local Government Infrastructure Design Association, 2018).

Flora and fauna and landscape values

- In consultation with relevant agencies and authorities, a flora and fauna assessment including, but not limited to, a plan for all existing natural and ecological features and landscape values and how these have been considered in the design and layout of the development plan and how flora and fauna values will be preserved, if required.
- An assessment of any native vegetation to be removed having regard to the background document *Guidelines for the Removal, Destruction or Lopping of Native Vegetation* (Department of Environment, Land, Water and Planning 2017), including how it is proposed to protect and manage any appropriate native vegetation.
- Regard must be had to the background document *West Gippsland Native Vegetation Plan 2003*.
- Regard must be had to the background document *Permitted Clearing of Native Vegetation, Biodiversity Assessment Guidelines* (Department of Environment and Primary Industries, September 2013).

- Any management plan should take into account the Strzelecki Bioregion as one of Victoria's most fragmented bioregions and address this as a consideration.
- Consideration must also be given to adjoining or adjacent properties to the development area that have been identified as having conservation, heritage or archaeological significance.

Cultural heritage

- In consultation with relevant agencies and authorities, a cultural heritage assessment including how cultural heritage values will be managed if required.

Bushfire risk

- The location, design and construction of development that considers the need to implement bushfire protection measures.
- Building envelopes that ensure development will be setback from a bushfire hazard to ensure the radiant heat exposure is equal to or not greater than 12.5kw/m² or alternatively at least the minimum distance specified in Table 1 at Column A of Clause 53.02 based on a vegetation and slope assessment undertaken against Australian Standard AS3959:2009.
- Identify areas for the provision of defensible space that will achieve radiant heat benchmarks consistent with Column A of Table 2 at Clause 53.02-5.
- Vehicle access to each lot that is of good condition, in a suitable location that provides a route that is suitable for safe and efficient egress before and after a bushfire. Dead-end roads are discouraged.
- Staging plans that demonstrate that completed lots will not directly abut unmanaged vegetation.
- The development plan must adequately address the objectives and strategies identified at Clause 13.02-1S of the Planning Scheme.
- The development must adequately address the *Design Guidelines Settlement Planning at the Bushfire Interface* (Department of Environment, Land, Water and Planning 2020), as appropriate.

Potentially contaminated land

Current and previous uses and activities which could have potentially caused contamination to land must be identified, and further assessment undertaken in the form of a Preliminary Site Investigation where required. Details must also be provided as to how any potential contamination will be addressed as part of the Development Plan to ensure all land is suitable for its intended use.

Process and outcomes

Before deciding to approve a development plan, the responsible authority must consult with potentially affected parties. This must include direct notification of the development plan to all adjoining and adjacent landowners and occupiers, relevant agencies and authorities.

The responsible authority must consider the views of all submitters, agencies and authorities prior to making a decision in respect to the development plan.

An implementation plan must be submitted as part of the development plan, indicating the proposed staging of the entire development plan area.

The approved development plan may be amended to the satisfaction of the responsible authority.