

3 PLANNING SCHEME AMENDMENT C222 - REZONING OF 85 MCNAMARA ROAD, BUNYIP

FILE REFERENCE INT1886115

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Genna Walkley

RECOMMENDATION

1. That Council seek the authorisation of the Minister for Planning under Section 8A(2) of the *Planning and Environment Act 1987* to prepare Amendment C222 to the Cardinia Planning Scheme which seeks to rezone the land from Farming Zone to Low Density Residential Zone Schedule 3, apply the Development Plan Overlay Schedule 21, apply the Design and Development Overlay Schedule 1, and delete the Environmental Significance Overlay Schedule 1, generally in accordance with Attachment 1.
2. That Council give notice of Amendment C222 to the Cardinia Planning Scheme under Section 19 of the *Planning and Environment Act 1987*, subject to receiving the authorisation of the Minister for Planning under Part 1

Attachments

- 1 Planning Scheme Amendment documentation 10 Pages

EXECUTIVE SUMMARY

The *Bunyip Township Strategy (September 2009)* identifies the land located at 85 McNamara Road, Bunyip for potential low density residential development site at the edge of the town. The proposed Amendment implements the development requirements for the site identified in the Strategy through a proposed Development Plan Overlay.

The proposed Amendment rezones the land from Farming Zone(FZ) to Low Density Residential Zone Schedule 3 (LDRZ3), applies the Development Plan Overlay Schedule 21 (DPO21), applies the Design and Development Overlay Schedule 1 (DDO1), and deletes the Environmental Significance Overlay Schedule 1 (ESO1).

The proposed Amendment facilitates the implementation of new planning controls with the future development of the site, being subject to a planning permit application. The proposal will assist with the facilitation of a future development that will:

- Provides approximately 30 residential lots
- Open space of approximately 5,000 square metres adjacent to significant vegetation on the site
- Protection of the Southern Brown Bandicoot corridors and Tree Protection Reserves
- Retarding basins and constructed wetlands
- Shared pathways connecting open space to the town centre
- Upgrades and widens McNamara Road between Wattletree Road to Petty Road Reserve
- Upgrade and widen the unsealed portion of Wattletree Road that connects to McNamara Road

BACKGROUND

The subject land 85 McNamara Road, is located on the west side of McNamara at the western end of Wattletree Road. The land is 11.09ha and has a frontage of approximately 596 metres to

McNamara Road. There is an existing dwelling on the southern part of the lot, the land mainly comprises of cleared paddocks and remnant woodland area.

The subject site is currently zoned Farming Zone and is affected by ESO1. The site also has an identified Aboriginal Cultural Heritage Sensitivity area.

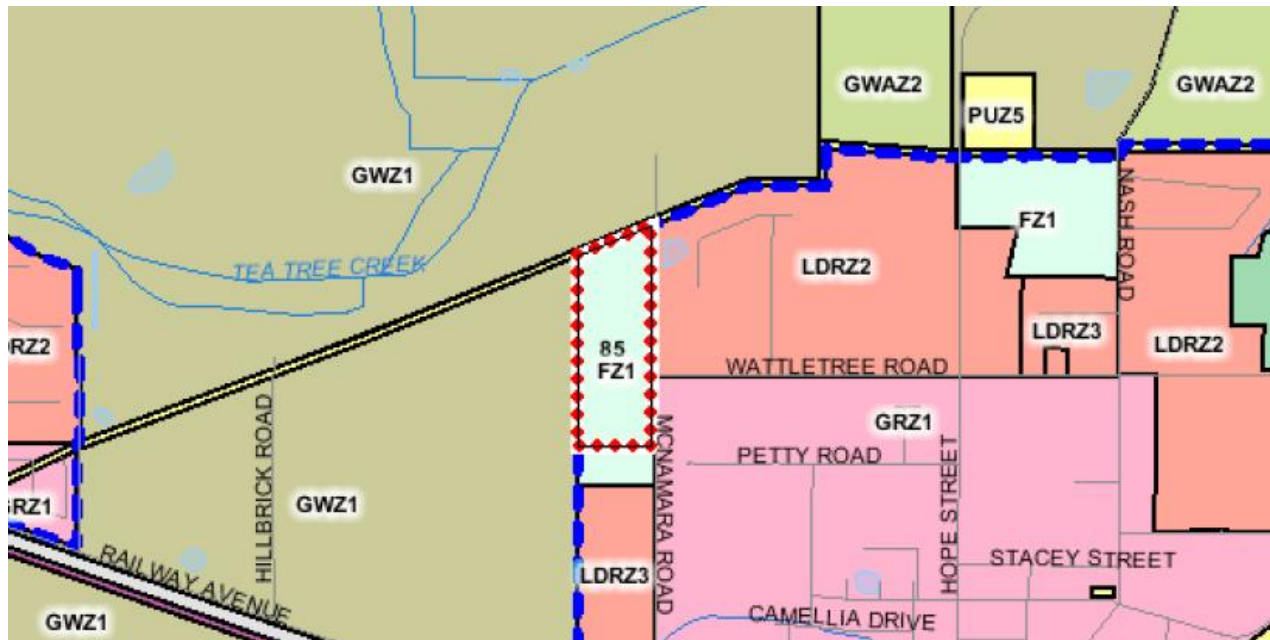


Figure 1. 85 McNamara Road, Bunyip

The Proposal

The proposed Amendment rezones the land from Farming Zone to Low Density Residential Schedule 3 (LDRZ3). LDRZ3 facilitates the low density style of residential development that is consistent with the style of development currently occurring on the edges of the Bunyip. It is also considered an acceptable zone that appropriately transitions to the adjoining Green Wedge Zone to the west and transition to the urban centre of Bunyip to the east.

The proposed application of the DDO1 to the site, in-conjunction with the LDRZ3, ensures the low density design of residential buildings, incorporates the environmental features and constraints of the land, and has regard to the existing pattern of subdivision in the area.

An ecological assessment of the site has also been undertaken and recommends the protection of the remnant woodland area in the south-west corner of the site, protection of the Aboriginal Cultural Heritage site, provision of open space and tree protection zones within lots abutting McNamara Road and the western property boundary, the protection of the Southern Brown Bandicoot habitat. This has resulted in no direct access to residential lots from McNamara Road and a considerable protective corridor on the northern boundary of the site.

As the proposal seeks to remove the ESO1, the application of DPO21 must ensure the significant landscape and environmental values are adequately protected and preserved.

DPO21 provides guidance for internal road networks, subdivision layout, open space, environment and landscaping, traffic and transport, infrastructure and drainage, and urban design and character.

During the statutory Planning Scheme Amendment process external referrals will be sent to the relevant Referral Authorities and any additional development plan requirements will be added to DP021.

The proposed Amendment will facilitate the following:

- Provides approximately 30 residential lots
- Open space of approximately 5,000 square metres adjacent to significant vegetation on the site
- Protection of the Southern Brown Bandicoot corridors and Tree Protection Reserves
- Retarding basins and constructed wetlands
- Shared pathways connecting open space to the town centre
- Upgrades and widens McNamara Road between Wattletree Road to Petty Road Reserve
- Upgrades and widens the unsealed portion of Wattletree Road that connects to McNamara Road

Background Reports

The following is a summary of the background reports provided with the request for a Planning Scheme Amendment.

- *Cultural Heritage Management Plan (CHMP)* (February 2015) -Jem Archaeology.
 - The CHMP identified a significant site in the mid-western section of the subject land which requires a management plan and protection of the Aboriginal cultural heritage place of significance.
 - *Flora and Fauna Assessment (July 2017)* - Ecology Australia
- The biodiversity assessment identified remnant Lowland Forest and Healthy Woodland in the South west corner of the land. These remnant areas of vegetation have been identified as habitat for the Southern Brown Bandicoot. Council's own assessment also identifies McNamara Road as a key corridor for the Bandicoots. A referral under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is required to assess the potential impacts of the changes to the site. Any requirements received from the Federal Government will be integrated into the proposed Development Plan.
- *A Stormwater Management Plan (January 2018)* - Afflux Consulting
- The plan considered the drainage and stormwater issues for the subject site. The strategy recommends two basins, one at the north of the site and one at the south as a temporary treatment until the construction of the Bunyip West Drainage Scheme through Melbourne Water's infrastructure.

Planning Scheme Amendment

Specifically, the amendment will:

- Insert Schedule 21 to Clause 43.04 Development Plan Overlay
- Amend Planning Scheme Map Nos. 20 and 24 rezoning from Farming Zone to Low Density Residential Zone Schedule 3.
- Apply Clause 43.02 Design and Development Overlay Schedule 1.
- Delete Schedule 1 to the Environmental Significance Overlay.

Next Steps

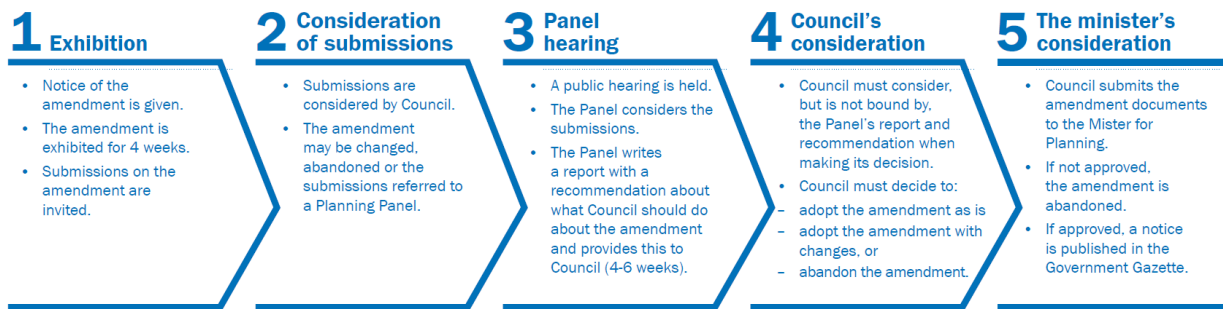


Figure 2. Steps in the Planning Scheme Amendment process

We are at **Stage 1** of the process. If Council resolves to seek Authorisation from the Minister for Planning at the 19 November 2018 General Council Meeting, the sub stages within Stage 1 will be undertaken and public exhibition of the Amendment will commence.

POLICY IMPLICATIONS

Plan Melbourne 2017-2050 - Melbourne Metropolitan Planning Strategy

The relevant directions and policies of Plan Melbourne are as follows:

- Direction 2.2. *Deliver more housing closer to jobs and public transport*
- Policy 2.2.5. *Require development in growth areas to be sequences and stages to better link infrastructure delivery to land release.*
- Direction 2.5. *Provide greater choice and diversity of housing*
- Policy 2.5.1. *Facilitate housing that offers choice and meets changing household needs*

Planning Policy Framework

- *Clause 11 Settlement* - to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlement.
- *Clause 12 Environmental and landscape values* - to protect the health and ecological systems and the biodiversity they support and conserve areas with identified environmental and landscape values.
- *Clause 13 Environment risks and amenity* - to avoid and minimise environmental degradation and hazards. Planning should identify and manage the potential for the potential impact for the environment, and environmental changes, to impact upon the economic, environmental or social wellbeing of society. Adjoining land owners, community groups, statutory referrals to affected agencies and authorities will be sent notifications of the proposed amendment.. *Clause 13.02 Bushfire* - to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
- *Clause 14 Natural resource management* - to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development.
- *Clause 15 Built environment and heritage* - ensure all new land use and development appropriately responds to its surrounding landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.
- *Clause 16 Housing* - provide for housing diversity, and ensure the efficient provision of supporting infrastructure.
- **Local Planning Policy**
- *Clause 21.01-5* - identifies the locations of the rural townships and the urban growth area.
- *Clause 21.02-7* - provide for the protection and management of significant Aboriginal heritage sites, material culture, and places of historical and spiritual significance to relevant contemporary Aboriginal people.
- *Clause 21.03-3* - classifies Bunyip as a Large Rural Township which needs to provide a diversity of housing types and densities while ensuring the consistency of the character of the township.

- *Clause 21.03-4* - recognising rural residential and rural living development impacts on the environmental characteristics and constraints of the area, encroachment on agricultural land and integration with the urban area or township.
- *Clause 21.06-1* - recognising design issues in the rural townships including the need to protect and enhance the character and appearance of the town centres and associated sites of cultural and heritage significance.
- *Clause 21.07-6* provides local area implementation for Bunyip. Ensure that any proposed use or development within or around the Bunyip Township is generally consistent with the *Bunyip Township Strategy (September 2009)*.
- *Clause 72.04 - Bunyip Township Strategy (September 2009)* is an incorporated document in the Cardinia Planning Scheme which guides the development in Bunyip Township. The Strategy specifically mentions the development potential of 85 McNamara Road, Bunyip.

RELEVANCE TO COUNCIL PLAN

3. Our Environment

3.5. *Balanced needs of development, the community and the environment*

3.5.2. Plan for the development of the urban growth area with a mix of residential, commercial, employment, recreational and community activities to meet the needs of our growing community in a sustainable way.

CONSULTATION/COMMUNICATION

Planning Scheme Amendment C222 documents will be exhibited to the public for a period of 4 weeks early 2019. Adjoining land owners, community groups, statutory referrals to affected agencies and authorities will be sent notifications of the proposed amendment.

The intention to rezone 85 McNamara Road was identified by the *Bunyip Township Strategy (September 2009)* which was exhibited to the community via Planning Scheme Amendment process for C124.

RISK ASSESSMENT

By preparing a Planning Scheme Amendment and resolving a number of matters through the proposed DPO21, the constraints and opportunities of the site and high level development outcomes are clear. This will assist with a more efficient and timely future planning permit application process.

The site is also in a Bushfire Prone Area which has been assessed through the Planning Report and currently meets the 12.5 BAL rating. There needs to be further assessment to ascertain the BAL rating when the site is developed in order to satisfy the requirements of Clause 13.02- Bushfire. Advice from Department of Land, Water and Planning (DELWP) has been that there may be further information required from the proponent prior to authorisation to satisfy Clause 13.02 or authorisation may be provided with conditions.

FINANCIAL AND RESOURCE IMPLICATIONS

There are no additional resource implications associated with undertaking the Planning Scheme Amendment and costs associated with this process are paid for by the proponent of the amendment. The rezoning and application of DPO21 Overlay provides a clear framework to assist Council planners when assessing and making decisions for the subject site.

CONCLUSION

The proposed amendment rezones the land from FZ to LDRZ3, applies DP021, applies the DDO1, and deletes the ESO1. *The Bunyip Township Strategy (September 2009)* supports the rezoning and development of this subject site for residential dwellings. DP021 provides a framework for the development of the site and has considered the sites opportunities and constraints.

It is recommended that Council support the recommendation to seek authorisation from the Minister for Planning to prepare Amendment C222 to the Cardinia Planning Scheme to rezone the land 85 McNamara Road, Bunyip.

Planning and Environment Act 1987

CARDINIA PLANNING SCHEME

AMENDMENT C222

EXPLANATORY REPORT

Who is the planning authority?

This Amendment has been prepared by the Cardinia Shire Council who is the planning authority for this amendment.

The Amendment has been made at the request of XWB Consulting on behalf of Leigh Hartwig and Robert Perkins.

Land affected by the Amendment

The Amendment applies to the land at 85 McNamara Road, Bunyip as shown below in Figure 1.

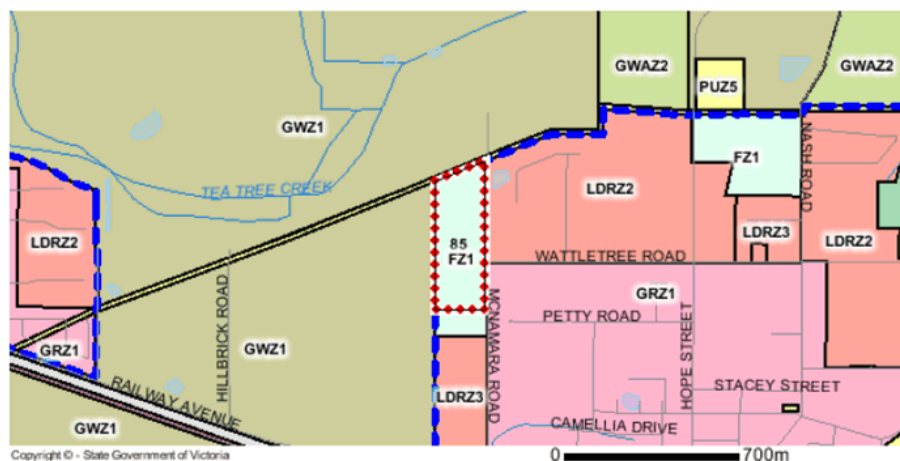


Figure 1: Subject site

What the amendment does

The Amendment proposes to rezone the land to Low Density Residential Zone – Schedule 3, deletes the Environmental Significance Overlay -Schedule 1 applies a Design and Development Overlay - Schedule 1 - and Development Plan Overlay -Schedule 21 to the land to allow for the subdivision and development of the land for low density residential purposes.

The Amendment:

- Rezones 85 McNamara Road Bunyip from a Farming Zone to a Low Density Residential Zone (Schedule 3) and amends planning scheme map 20 and 24.
- Amends planning scheme maps 20ESO and 24ESO to delete the Environmental Significance Overlay (Schedule 1) applying to 85 McNamara Road, Bunyip.
- Amends planning scheme maps 20DDO and 24DDO to include 85 McNamara Road in a Design and Development Overlay (Schedule 1).
- Amends planning scheme maps 20DPO and 24DPO to include 85 McNamara Road in a Development Plan Overlay (Schedule 21).
- Inserts the Design and Development Overlay Schedule 1 and Development Plan Overlay Schedule 21.

Strategic assessment of the Amendment

Why is the Amendment required?

The Amendment is to allow the subdivision of the land for low density residential purposes consistent with the strategic direction set out in the *Bunyip Township Strategy (September 2009)*.

How does the Amendment implement the objectives of planning in Victoria?

The Amendment implements the following objectives of planning in Victoria:

- (a) *to provide for the fair, orderly, economic and sustainable use, and development of land;*
- (b) *to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- (d) *to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*
and
- (g) *to balance the present and future interests of all Victorians.*

The Amendment meets these objectives by implementing the strategic intent of *Bunyip Township Strategy (September 2009)* which seeks to balance the interests of existing and future residents. The proposed amendment responds to environmental and cultural values on the land and seeks to protect these as part of the future development of the land. Provision is made for future road connections to the south and west if required to facilitate the orderly development of the area.

How does the Amendment address any environmental, social and economic effects?**Environmental**

The Amendment is not considered to have any significant negative effects on the environment. A biodiversity assessment of the property has been undertaken by Ecology Australia and has identified remnant Lowland Forest and Heathy Woodland in the south west corner of the land and along McNamara Road which have been identified as habitat for the Southern Brown Bandicoot. Consistent with the recommendations of the biodiversity assessment, the Amendment provides for the retention of these habitat areas through the provision of open space in the south west corner of the land containing the remnant woodland area and for the protection of the vegetation along McNamara Road by limiting access to McNamara Road and providing a tree protection zone which is also a bandicoot corridor. A similar tree protection zone is provided for remnant trees on the adjoining property to the west. The wetland area to the north will be retained in part as part of the drainage outfall for the land.

An Aboriginal Cultural Heritage Assessment of the land has been undertaken by Jem Archaeology, and a Cultural Heritage Management Plan (CHMP) has been approved. There is a significant Aboriginal cultural heritage site on the western part of the site and it is proposed to protect this site within an area of open space. Existing structures within this area are proposed to be removed under the CHMP using techniques to minimise disturbance to the Aboriginal site. This approach is consistent with the objective of conserving and enhancing areas of special cultural value.

Social and Economic

The low density residential development allowed by the proposed amendment will create a pleasant and attractive living environment for future residents. The development will contribute to housing diversity in the context of Bunyip and the broader area of Cardinia Shire offering the choice of a low density residential living in a rural township as opposed to urban housing within the urban growth area.

The Amendment is also not considered to have any negative social or economic effects. The Amendment allows for limited growth of the Bunyip Township in accordance with the *Bunyip Township Strategy (September 2009)* which is considered to have positive social and economic effects by strengthening the township and supporting the provision of commercial and community services.

Does the Amendment address relevant bushfire risk?

The land is not within a Bushfire Management Overlay and there are no areas affected by the Bushfire Management Overlay within reasonable proximity to the land. However, the land is located within a bushfire prone area. The land is predominantly surrounded by grassland with small patches of bushland to the south west and south east. Residential development has occurred on part of the land to the east, and further development is planned to the east and south further lessening the risk from these aspects in the future.

The land to the west, north and east is grassland which is flat relative to the site. Future lots adjoining this grassland will need to provide defendable space of 19m to achieve the BAL12.5 rating under state planning policy.

The land to the south is also currently grassland with a downslope of 4° relative to the site, although is envisaged to be developed for residential purposes in the future. Future lots adjoining this grassland will need to provide defendable space of 22m to achieve the BAL12.5 rating under state planning policy. The woodland area in the south west corner of the property is proposed to be included within an open space reserve and the residential development to the east is proposed to be separated from this reserve by a road providing increased bushfire protection.

The development allowed by the amendment can be undertaken in a manner which achieves a BAL12.5 rating for future dwellings. The land is considered to be a low risk location which can provide access safe areas in the Bunyip Township east along Wattletree Road or south along McNamara Road for residents in the event of a bushfire.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

Under Section 12 of the *Planning and Environment Act 1987*, in preparing a planning scheme amendment, regard must be given to Ministerial Directions. The follow Ministerial Directions are applicable to the proposed amendment:

- Ministerial Direction on the Form and Content of Planning Schemes pursuant to Section 7(5) of the *Planning and Environment Act 1987*.
- Ministers Direction No. 9 – Metropolitan Planning Strategy.
- Ministerial Direction No. 11 - Strategic Assessment of Amendments.
- Ministerial Direction No. 15 - The Planning Scheme Amendment Process.

These directions primarily relate to the preparation and processing of a planning scheme amendment by the planning authority. The matters set out in this explanatory report address the matters set out in Ministerial Direction No. 11 - Strategic Assessment of Amendments.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The Amendment is considered to be consistent with the state planning policy framework as set out below:

- Consistent with policy in relation to green wedges (Clause 11.01-1R) and the protection of agricultural land (Clause 14.01-1R) the proposed amendment consolidates new residential development into an existing settlement being the Bunyip Township. The land is located within the urban growth boundary for the Bunyip Township.
- Consistent with policy in relation to the protection of biodiversity (Clause 12.01-1S) and native vegetation management (Clause 12.01-2S), the proposed amendment seeks to protect remnant lowland forest and heathy woodland in the south west corner of the land, along McNamara Road and adjacent to the western property boundary. These areas of remnant vegetation have also been identified potential habitat for the Southern Brown Bandicoot and the proposed amendment seeks to maintain the links for the bandicoot in the Bunyip area.
- Consistent with policy in relation to bushfire (Clause 13.02), the land is not within a higher bushfire risk area as identified by the Bushfire Management Overlay, with the risk to future lots and dwellings coming from surrounding paddocks which would be classified as grassland under AS3959 Building in Bushfire Prone Areas. Defendable space can be provided on future lots interfacing with the adjoining grassland areas to achieve a bushfire attack level of BAL12.5. Good access is available from the site into the Bunyip Township via Wattletree Road and McNamara Road.
- Consistent with policy in relation to urban design (Clause 15.01-1R) and cultural identity and neighbourhood character (Clause 15.01-5S), the development allowed by the proposed amendment will have a strong sense of place and neighbourhood character through its location in the Bunyip Township, its landscape setting and the retention of native vegetation within and adjoining the site.
- Consistent with policy in relation to Aboriginal cultural heritage (Clause 15.03-2S), the Aboriginal site identified on the land will be protected within an open space reserve.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Amendment is considered to be consistent with the local planning policy framework as set out below:

- Consistent with policy in relation to biodiversity (Clause 21.02-3), the proposed amendment provides for the retention of native vegetation and the protection and enhancement of habitat for threatened flora species being the Southern Brown Bandicoot.
- Consistent with policy in relation to wildfire management (Clause 21.02-4), the risk of bushfire in relation to the future subdivision has been considered as part of the proposed planning scheme amendment. The risk is considered to be acceptable and manageable.
- Consistent with policy in relation to open space (Clause 21.02-5), the proposed amendment provides for open space for passive recreational purposes and environmental protection.
- Consistent with policy in relation to Aboriginal cultural heritage (Clause 21.02-7), the Aboriginal site identified on the land will be protected within an open space reserve.
- In terms of policy in relation to rural townships (Clause 21.03-3) and Bunyip (Clause 21.07-6), Bunyip is identified as a large rural township with capacity for growth. Sustainable growth of townships is to occur in accordance with township strategies. The framework plan in the Cardinia Planning Scheme and referenced from the Bunyip Township Strategy shows the land as a low density residential area. The proposed amendment is considered to be consistent with policy guidelines which seek to create an attractive rural township, maintain a road grid pattern and protecting existing roadside vegetation.

Does the Amendment make proper use of the Victoria Planning Provisions?

The proposed amendment makes proper use of the Victorian Planning Provisions by:

- Including the land Low Density Residential Zone (Schedule 3). The zone and schedule are both existing provisions under the Cardinia Planning Scheme and no new zones or schedules are proposed.
- Including the land in a Design and Development Overlay (Schedule 1). The overlay and schedule are both existing provisions under the Cardinia Planning Scheme and no new overlay or schedules are proposed.
- Including the land in a Development Plan Overlay. The overlay is an existing provision under the zone, however a new schedule will be required to address key development requirements.

The purpose of the Development Plan Overlay is to identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land, the inclusion of an additional schedule specific to the land is considered to be an entirely proper use of the Victorian Planning Provisions.

How does the Amendment address the views of any relevant agency?

The views of Melbourne Water was sought and have provided in principle acceptance of the proposed Amendment and the Stormwater Management Strategy.

The statutory consultation and referrals from all relevant agencies will occur as part of the exhibition stage of the Planning Scheme Amendment process.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

There are no requirements of the *Transport Integration Act 2010* that are relevant to this amendment.

Resource and administrative costs

The Amendment will have limited impact on the resource and administrative costs of the responsible authority. Council will have to consider future applications for approval of a development plan and a subdivision of the land. A planning permit is unlikely to be required for the construction of dwellings on future lots subject to compliance with the provisions of the LDRZ3 Zone and the exemption criteria set out under the schedule to DDO1.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Cardinia Shire Council
20 Siding Avenue
Officer VIC 3809

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment [and/or planning permit] may make a submission to the planning authority. Submissions about the Amendment [and/or planning permit] must be received by [insert submissions due date].

A submission must be sent to:

Cardinia Shire Council
Strategic Planning – Amendment C222
PO Box 7
Pakenham VIC 3810

or email:

mail@cardinia.vic.gov.au

Subject line: Strategic Planning – Amendment C222 Submission

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: [insert directions hearing date]
- panel hearing: [insert panel hearing date]

CARDINIA PLANNING SCHEME

Proposed C222

SCHEDULE 21 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO21**.

85 McNamara Road, Bunyip**1.0 Objectives**

Proposed C222

- To integrate with the surrounding area by responding to existing or preferred neighbourhood character, enhancing the public realm and existing open space networks.
- To provide landscaping, open space, recreation and pedestrian/bicycle path facilities that is well connected, sustainable and meets the needs of the local residents.
- To create a subdivision layout and residential dwellings that protects Bunyip's environmental amenity.
- To create a development which is generally in accordance with the objectives and strategies of the *Bunyip Township Strategy, September 2009*.

2.0 Requirement before a permit is granted

Proposed C222

The Responsible Authority can consider an application for minor works before a development plan has been approved. All proposals for minor works must be accompanied by a report demonstrating that they will not prejudice the future development of the land in an integrated manner.

Before granting a permit the responsible authority must be satisfied that the permit will not prejudice the future use and development of the land in an integrated manner.

3.0 Conditions and requirements for permits

Proposed C222

The following conditions and/or requirements apply to permits and development plan, to the satisfaction of the Responsible Authority:

- Building envelopes must be provided to achieve front and side building setbacks identified in Section 4.0 of this Schedule and be implemented in the form of either a Notice of Restriction or through an agreement with the Responsible Authority on a certified Plan of Subdivision which is recorded on the Certificate of Title of the land. The owner of the land or permit holder must pay all reasonable costs of the preparation, execution and registration of the restriction including the reasonable costs of the Responsible Authority.
- Construction and road widening of McNamara Road, Bunyip including drainage from Petty Road Reserve to Wattletree Road, Bunyip during the earliest stage of development.
- Construction of the intersections at Wattletree Road and McNamara Road, and at Petty Road and McNamara Road during the earliest stage of development.
- Construction of the unmade portion of Wattletree Road during the earliest stage of development.

4.0 Requirements for development plan

Proposed C222

A single development plan must be prepared for the whole of the land to which this schedule applies.

CARDINIA PLANNING SCHEME

The development plan must include the following requirements:

Subdivision layout and staging

- A site layout generally in accordance with the Concept Plan labelled Diagram 1 in this Schedule.
- An indicative lot layout showing the size and dimension of lots, and the location of vehicle crossings with no direct access to lots provided from McNamara Road.
- A design that implements the findings of the Flora and Fauna Assessment.
- A design that protects and manages the Southern Brown Bandicoots natural habitat and the tree protection zone as a tree reserve that provides a minimum 10 metre wide corridor along McNamara Road.
- A design that protects and manages the Southern Brown Bandicoots natural habitat and the tree protection zone that provides a minimum 10 metre wide corridor along the western boundary, and sufficient width to accommodate a shared path adjacent to the road reserve.
- A design that protects the Aboriginal Cultural Heritage site located on the west of the lot at 85 McNamara Road by providing a 10 metre buffer that surrounds the identified site as per *Aboriginal Cultural Heritage Management Plan Number 13227, Jem Archaeology, February 2015* (or updated version).
- A building envelope for each lot, indicating how the subdivision addresses the following:
 - A minimum front setback of 10 metres or no less than the average setback of the adjoining two dwellings.
 - A minimum side setbacks of 5 metres.
 - A minimum lot width of 20 metres.
 - A design that avoids battle-axe blocks.
 - The protection of remnant vegetation.
- Details on staging of the subdivision, anticipated timing of development and provision of the local road network.

Infrastructure

- A **Stormwater Management Plan** to be carried out to the satisfaction of the Water Authority incorporating water sensitive urban design principles and a drainage and servicing assessment addressing all relevant drainage, flooding and water quality issues, and provides:
- A **Construction Management Plan** which includes the protection of the tree protection zones and bandicoot corridors, the aboriginal cultural site and remnant vegetation during construction.
- Provide a clear plan for the inclusion of retarding basins including location and timing of construction to the satisfaction of the Responsible Authority.
- The land must be connected to a reticulated sewerage system to the satisfaction of the Responsible Authority.

CARDINIA PLANNING SCHEME

Traffic and Transport

- A **Transport Impact Assessment Report** to be carried out to the satisfaction of the responsible authority. Any mitigation works for McNamara Road shall be determined in consultation with the road authority.
- A **Traffic Management Plan** to be carried out to the satisfaction of the responsible authority, showing arrangements for vehicle ingress and egress to the development, including the road layout, construction standards, traffic management and emergency vehicle access.
- Design of local roads to the satisfaction of the Responsible Authority which is generally in accordance with the Concept Plan labelled Diagram 1 to this schedule and provides:
 - A clear legible and convenient road network and pedestrian/bicycle network within and leading to the development demonstrating appropriate road layout, traffic management, and construction standards to the satisfaction of the Responsible Authority.
 - A four way intersection at Wattletree Road and/or Petty Road is to be avoided.
 - A road widening and upgrade plan for McNamara Road from Petty Road intersection to Wattletree Road intersection, Bunyip.
 - An ingress and egress to the site.

Environment and Landscaping

- An **Environmental Site Assessment** prepared by a suitably qualified professional, indicating the current state of the land is suitable for the proposed use, and whether an environmental audit of the land is required in accordance with Part IXD of the *Environment Protection Authority Act 1970*.
- A **Vegetation Management Plan** that addresses vegetation and trees to be retained and how vegetation removal on site will be avoided, and if it cannot be avoided, minimised or offset, including roadside vegetation, measures to protect the trees, including buffer and tree protection zones, and includes:
 - A **Flora and Fauna Assessment** including a habitat hectare assessment of the site prepared to the satisfaction of the Responsible Authority upon the advice of the Department of Environment Land Water and Planning.
- A **Landscaping Plan** that protects remnant vegetation, wetlands and manages the bandicoot habitat and the identified public open space, and provides:
 - The measures to implement Southern Brown Bandicoot protection including landscaping as per the requirements of the *Environment Protection and Biodiversity Conservation Act 1999*.
 - The location of landscaped areas and landscape themes for the site including the use of majority local indigenous species in all landscape plantings.
 - An explanatory statement illustrating landscape maintenance of the site including the Aboriginal Cultural Site and the public open space.
 - The retention of mature remnant native trees within existing road reserves and areas of public space and incorporates a consistent streetscape theme through the new development.
- Protect and conserve the remnant vegetation located at the site which includes along the boundary and adjacent road verge.
- Provide tree protection zones within the lots abutting McNamara Road and the western property boundary identified by the Vegetation Management Plan.

CARDINIA PLANNING SCHEME

Open Space

- Open space to be fronted by a street which provides pedestrian linkages with adjacent residential developments.
- The siting and layout of the public open space to be positioned on the site in response to the location of any significant remnant vegetation on site.
- The siting and layout of the public open space to be positioned on the site in response to the location of any identified conservation, heritage or archaeological significance.

Urban Design and Character

- Orientate dwellings to maximize retention of existing vegetation and allow only one access driveway to the site.
- Maintain a sense of spaciousness between allotments of the residential areas.
- Maintain a high level of quality in the design and construction of new buildings which responds to the existing built form character of the Bunyip Township.
- Lot boundaries adjoining tree protection and bandicoot corridors to provide transparent bandicoot fencing.
- Avoid front fences to allow gardens and nature strips to merge. If fenced provide low and transparent bandicoot fences.
- The development to provide wide streets, footpaths and easements.

CARDINIA PLANNING SCHEME

Diagram 1 to Schedule 21 to Clause 43.04: Concept Plan

