

Planning and Environment Act 1987

Government Land Standing Advisory Committee

Tranche 28 Report

2 Osborne Street, Flora Hill

1 February 2021

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List of Abbreviations

DPO	Development Plan Overlay
DELWP	Department of Environment, Land, Water and Planning
GLSAC	Government Land Standing Advisory Committee
HO	Heritage Overlay
RGZ	Residential Growth Zone

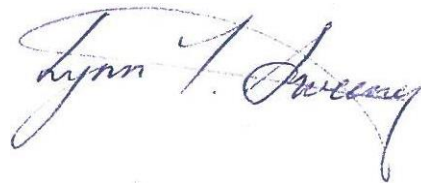
About this report

On 23 March 2020, the Minister for Planning referred 2 Osborne Street, Flora Hill to the Government Land Standing Advisory Committee as Tranche 28. Progress of this matter was affected by COVID-19 restrictions.

This is the report under Section 151 of the *Planning and Environment Act 1987* of the Government Land Standing Advisory Committee for 2 Osborne Street, Flora Hill.



Lester Townsend, Chair



Lynn Sweeney, Member

1 February 2021

1 Summary and recommendation

1.1 The site

The site is located in Flora Hill, a suburb of Bendigo. Bendigo, a regional city, which caters to a growing population of more than 110,000 residents is in central Victoria, approximately 150 kilometres north-west of Melbourne.

The site is located approximately 2.5 kilometres south-east of the Bendigo Central Business District and close to the La Trobe University campus, Solomon Gully Nature Conservation Reserve and Greater Bendigo National Park.

The site is irregular in shape and has an area of 7.37 hectares. The site is bound by Retreat Road to the west, Osborne Street to the north and east, and Cook Street to the south. A proposed road bounds the subject site part to the west and south, separating it from the excised Bendigo Athletics facility (sold to Council in 2017). The site contains an existing homestead, known as Eumana.

Figure 1: Site location



1.2 Issues raised in submissions

The Committee considered all written submissions as well as submissions presented to it during the Hearing. In addressing the issues raised in those submissions the Committee has been assisted by the information provided to it as well as its observations from photographs of the site and surrounding area.

Issues raised in submissions that are beyond the scope of the Committee included:

- not selling or rezoning the site, but retaining it in public ownership and public zoning

- retain the site as open space or bushland
- concerns about local drainage infrastructure
- use sale funds within Bendigo
- waste collection
- support for affordable housing, and public housing.

Issues raised that are addressed in this report relate to:

- infrastructure capacity for medium density
- drainage
- cultural heritage
- protection and reuse of Eumana historic building
- contaminated land
- tree retention and management
- bushfire risk
- traffic and parking
- management of kangaroos
- height of residential development of medium density
- the need for more framework plan detail.

1.3 Committee conclusions

The site owner (La Trobe University) proposes to rezone the subject land from Public Use Zone Schedule 4 (Education) to Residential Growth Zone (RGZ). The Committee agrees that this is an appropriate zone if the land is to be sold:

- the site's existing and emerging physical and policy context confirms support for the RGZ and an infill, mixed-density residential future (including medium density housing)
- the provision of medium density housing will provide affordable housing choice and a product that is not yet common in Bendigo.

As well as rezoning the land, the proposed Amendment proposes introducing a Development Plan Overlay (DPO). The Committee supports this, noting that:

- the DPO is appropriately drafted – subject to some additional text, to provide objectives and controls on future development
- because the site owner is not the end developer, further detailed framework planning is not appropriate at this time
- future approvals of a Development Plan and subdivision application provide sufficient control of issues such as infrastructure and open space provision.

The proposed planning provisions make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the *Ministerial Direction on The Form and Content of Planning Schemes*.

Table 1: Existing and proposed controls

Current planning scheme controls	Exhibited planning scheme	Advisory Recommendation	Committee
Public Use Zone (Schedule 4) (PUZ4)	Residential Growth Zone (Schedule 2) (RGZ2)	Residential Growth Zone (Schedule 2) (RGZ2)	
	Development Plan Overlay (Schedule 30 – new) (DPO30)	Development Plan Overlay (Schedule 30 – new) (DPO30)	
	Heritage Overlay (Schedule XX – new, applying only to the ‘Eumana’ building) (HOXX)	Heritage Overlay (Schedule XX – new, applying only to the ‘Eumana’ building) (HOXX)	

1.4 Recommendations

The Committee recommends that an amendment to the Greater Bendigo Planning Scheme be prepared and approved for 2 Osborne Street, Flora Hill to:

1. **Rezone the site to apply the Residential Growth Zone (Schedule 2).**
2. **Apply the Development Plan Overlay to the site with the Committee’s preferred version of the schedule as exhibited but modified as proposed by the site owner and shown in Appendix D.**

2 Process issues for this site

The following tables set out the details of the process for this matter.

Table 2: Proposal summary

Proposal summary	
Tranche	28
Site address	2 Osborne Street, Flora Hill
Previous use	Student accommodation and university services
Site owner	La Trobe University
Council	City of Greater Bendigo
Exhibition	28 September to 20 November 2020
Submissions	23

Table 3: Exhibited planning scheme changes

Existing controls	Exhibited changes
Public Use Zone (Schedule 2 – Education) (PUZ2)	Residential Growth Zone (Schedule 2) (RGZ2)
	Development Plan Overlay (Schedule 30) (DPO30)
	Heritage Overlay (Schedule XX – applying only to the ‘Eumana’ building) (HOXX)

Table 4: Committee process

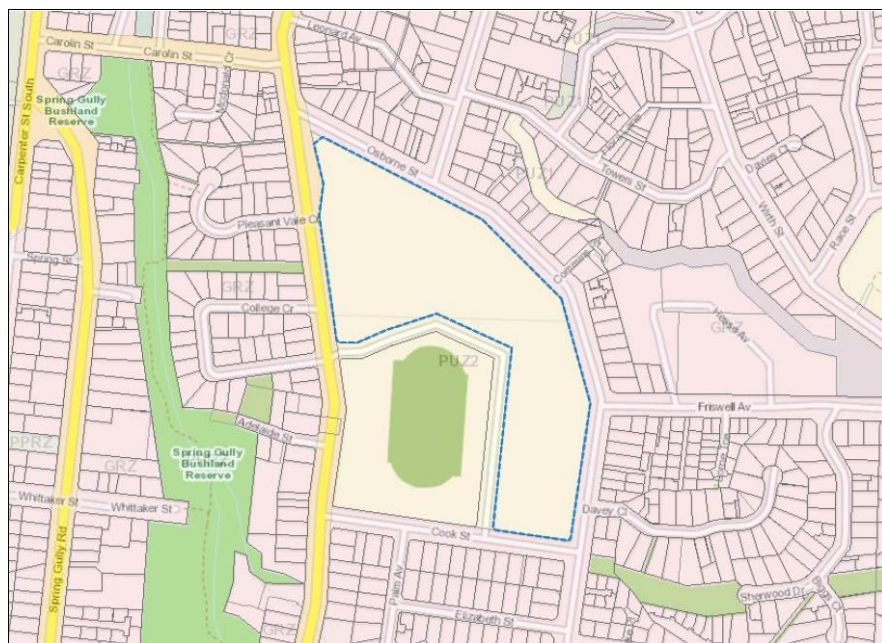
Committee process	
Members	Lester Townsend (Chair) and Lynn Sweeney
Directions Hearing	2 December 2020 by video conference
Hearing	17 December 2020 by video conference
Site inspections	7 January 2021 for Ms Sweeney and 19 January 2021 for Mr Townsend
Appearances	La Trobe University represented by Jane Kelly and Billy Greenham of Urbis City of Greater Bendigo represented by Rebecca Fisher Alanah Ellen Brand
Date of this Report	1 February 2021

3 Site constraints and opportunities

3.1 Planning context

Figure 2 shows the current zonings of the site and surrounds.

Figure 2: Current zoning



3.2 History of the site

The site owner has owned the site together with an adjoining athletics track since 1999. The site was used for student housing which has since moved to another location. The former buildings have been demolished except the period homestead.

In 2019 Council and the site owner agreed that Council would purchase the athletics track. A subdivision created separate lot for athletics track and balance of land (subject of this amendment), and a future road to be constructed by future land owner.

Rezoning of athletics track to Public Park and Recreation Zone is being undertaken by Council via Amendment C247gben.

3.3 Site constraints and opportunities

A range of background studies have been completed:

- Infrastructure Assessment Report prepared by Tomkinson Group, 19 January 2016
- Cultural Heritage Assessment – preliminary advice prepared by ACHM, 19 January 2015
- Eumana Heritage Assessment prepared by Ray Tonkin, November 2016
- Environmental Site Assessments prepared by Geotechnical Testing Services Southern P/L:
 - Phase 1, 4 December 2015
 - Phase 2, 30 January 2017

- Arboricultural Assessment prepared by TreeLogic, 26 February 2019
- Flora and Fauna Assessment prepared by Biosis, 9 August 2019
- Bushfire Risk Assessment prepared by Tomkinson Group, September 2019
- Transport Impact Assessment prepared by GTA Consultants, 19 January 2016.

Aside from the Arboricultural assessment and the Flora and Fauna report, the reports include the athletics facility.

(i) Infrastructure

Infrastructure capacity was assessed at a density of 25 dwellings per developable hectare for the site and adjoining athletics track. Services capacity exists or can be upgraded to service this level of lot yield.

(ii) Drainage

A number of submissions raised relating to drainage and flooding issues in the area.

Council submitted:

... the development of the subject site may provide an opportunity for further drainage works to be undertaken in this area. It appears that the photos provided by one of the submissions are from a major flood event several years ago, and whilst some upgrade has recently been undertaken further up Osborne Street, it is likely that intensification of this site will require further works. Development of the site may trigger the need for an upgrade to the existing overflow outlet in Cook Street. This upgrade is currently on the City's investigations list but is not yet on the City's capital works list.

As part of plans for developing the site, the applicant will be required to provide a stormwater management plan, including water sensitive urban design and on-site detention, and the existing open channel within the site will be required to be piped. Council advised that it is intended that during major flood events, roads and the athletics track basin would accommodate some of the overflow of water when the capacity of the surrounding drainage network is exceeded.

(iii) Cultural Heritage

The subject site comprises two scarred trees in the northern portion of the site.

The rezoning of the land is not considered a high impact activity under the *Aboriginal Heritage Regulations 2018* and therefore does not require a Cultural Heritage Management Plan to be prepared. Any future development which is a high impact activity under the regulations will require a Cultural Heritage Management Plan to be prepared.

(iv) Heritage

The Heritage Assessment identifies the existing residence on-site, known as Eumana, as being of local significance to the City of Greater Bendigo. The residence is considered to be of local historical, architectural, technical and social heritage significance as it was designed by prominent local architect William Beebe (who also became a Bendigo City Councillor and Mayor) and breaks from the more traditional forms of Federation architecture of the time and adopts a Federation Bungalow style type. The residence is also of significance as it included a septic tank sewerage system which was an innovative achievement for Bendigo.

Figure 3: Eumana house



(v) Contaminated land

Assessment has been made of the potential soil contamination on the site. While there appears to be negligible concerns with the natural soil at the site there are potential issues with imported material, in particular imported mine sands (grey) were found to have been used in construction.

The DPO schedule will require a site audit to address this issue.

(vi) Arboricultural Assessment

An Arboricultural report assessed 171 trees on the site, as being a mix a mixture of exotic species planted for garden and amenity purposes, introduced Australian and Victorian native specimens and naturally occurring trees which are indigenous to the local area.

Fifty-two trees were assessed as indigenous specimens which would require a planning permit for their removal under Clause 52.17 of the planning scheme, if they were to be removed as part of any future development.

(vii) Flora and Fauna Assessment

The Flora and Fauna Assessment (Biosis, 9 August 2019) provided a broader assessment of ecological value against Clause 52.17 and other relevant legislation, and concluded:

- No referrals under *Environmental Protection and Biodiversity Conservation Act 1999* (Cmth) or other legislation is warranted.
- The site contains some native vegetation, including large scattered trees. The extent of ecological values does not suggest the rezoning is inappropriate.
- Key ecological values identified within the study area are as follows:
 - 1.251 ha of native vegetation. The areas of highest quality include remnant scattered Grey Box trees (9).

- 50 scattered trees and one 0.037 ha patch of Plains Woodland EVC¹ 803 which is endangered within the Goldfields Bioregion.
- Potential habitat for Swift Parrot, Painted Honeyeater and Grey-headed Flying-fox.
- Exotic pasture within the study area provides grazing habitat for Eastern Grey Kangaroos.
- Remnant eucalypt trees may act as a wildlife corridor for mobile fauna species, however the study area is not likely to act as a critical wildlife corridor for any fauna species as there are more suitable wildlife corridors to the east, south and west.

(viii) Bushfire Risk Assessment

The site is a low risk landscape and is unlikely to result in any increase to the risk of life, property, community infrastructure and the natural environment from bushfire. A Bushfire Attack Level of BAL12.5 applies to part of the site.

(ix) Access, traffic and parking

There is significant capacity in the existing network identified in the traffic impact report, and the immediate area has not had any intensive development since 2016.

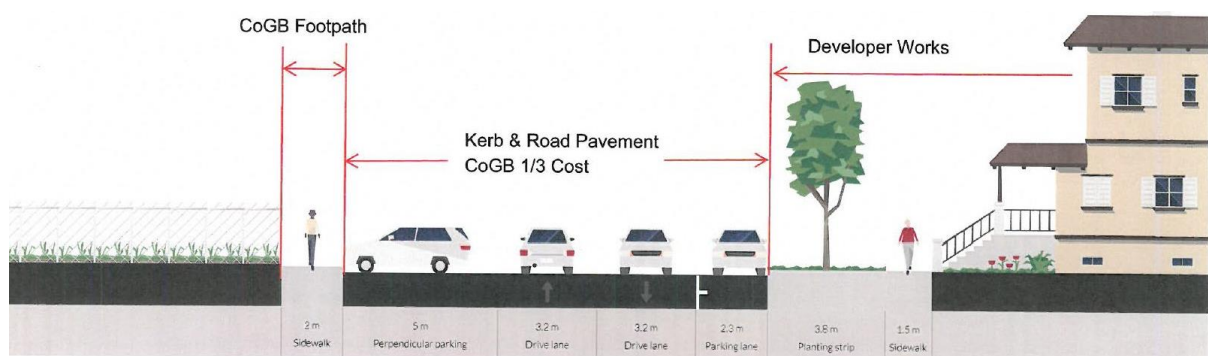
The traffic report does not consider parking for new development, as future development will need to address parking under Clause 52.06.

The DPO Schedule requires a traffic management report to be prepared with the Development Plan.

While the traffic report does not address parking, the subject site has sometimes provided overflow parking on athletic events.

At the time of the sale of the athletics track land, a S173 agreement was entered into, requiring provision of the future road and car parking on the boundary between the subject site and the athletics track, at the time of development.

Figure 4: Proposed road cross section



(x) Interface with surrounds

There are no direct site abutments to adjoining properties.

¹ Ecological Vegetation Class

(xi) Topography

The site slopes gently to the east; this may make it more attractive for a residential development as there is the potential to capture views. The slope makes the site less appropriate for large scale commercial or industrial development which would require flat topography to accommodate large floor plates.

(xii) Strategic

The subject site has been identified as a Key Development Site in the *Greater Bendigo Residential Strategy* (2014) and the *Greater Bendigo Housing Strategy* (2016, amended 2018). Key development sites are those that might be suitable for higher density housing due to land size, access to services, facilities and transport. Council supports the development of this land for higher density housing and supports the proposal to rezone the land from the Public Use Zone to enable its sale and redevelopment.

4 Issues with the proposed changes

4.1 What zone is suitable

(i) Evidence and submissions

The landowner presented a table justifying the choice of the Residential Growth Zone (see Table 5). Council supported the application of this zone. As discussed above, the site is identified as a strategic redevelopment site in the planning scheme.

Table 5: Assessment of appropriate zone

Criteria	Applicable to:			Subject Site
	Neighbourhood Residential Zone	General Residential Zone	Residential Growth Zone	
Character				
Is the site subject to any character controls	Yes	Part	No	No
Is the site subject to any risk factors? (fire, flood, salinity)	Yes	Part	No	Part (Bushfire Prone Area)
Are there any environmental values?	Yes	Part	No	No
Is it within the buffer to an industry?	Yes	Part	No	No
Strategic				
Is the site greater than 1ha?	No	Yes (not vacant)	Yes (vacant)	Yes (mostly vacant)
Accessibility				
Proximity to public transport (metres)	801+	401-800	0-400	0-400
Proximity to a separated walking / cycling track (metres)	801+	401-800	0-400	0-400
Proximity to passive open space (metres)	801+	401-800	0-400	0-400
Proximity to a major road (metres)	801+	401-800	0-400	0-400
Proximity of the site to a current or proposed railway station (metres)	801+	401-800	0-400	801+
Context				
Is reticulated infrastructure available? (sewerage, water, etc.)	No	Upgrade required	Yes	Yes
Proximity to an activity centres node? (metres)	801+	401-800	0-400	0-400
Proximity to health services	801+	401-800	0-400	401-800
Proximity to educational services	801+	401-800	0-400	0-400

(ii) Discussion

The Committee agrees that the RGZ is the appropriate zone for the site. It is identified as a strategic redevelopment site in the planning scheme and is well located within the urban context.

The Committee notes that this zone would allow for a range of community and commercial activity which some submissions sought for the land.

(iii) Recommendation

The Committee recommends that:

- 1. Rezone the site to apply the Residential Growth Zone (Schedule 2).**

4.2 What overlays are suitable

(i) Evidence and submissions

It is proposed to apply two overlays:

- the Development Plan Overlay
- the Heritage Overlay.

Development Plan Overlay

The site owner submitted that the proposed DPO schedule has been prepared specific to the subject site and seeks to achieve the following:

- achieve a high quality, integrated residential development that considers the site's context and existing features, and adopts a form and density that is consistent with the identification of the site as a key infill and major development site
- ensure that the new development provides good internal and external amenity for future residents without compromising the amenity of adjacent community uses
- facilitate a high quality landscape outcome that integrates with the overall layout and design of the site and recognises and protects existing significant vegetation
- requires a certificate of environmental audit/ or statement from an environmental auditor before use or development associated with a sensitive use
- requires the provision of a Kangaroo Management Plan and a Construction Management Plan before works or development.

Heritage overlay

The Heritage Overlay is proposed to protect Eumana house.

(ii) Discussion and conclusion

The Committee agrees that it is appropriate to apply the DPO to the site. The site is relatively large and would benefit from a master planning approach ahead of issuing permits for individual developments.

The Committee notes that there is no ability to formally include third party rights to the approval of the development plan. In this case the Committee believes that the benefits of a master planned approach to the whole site outweigh the disbenefit of excluding third parties from formal input. The Committee notes there is nothing preventing Council from informally engaging with surrounding residents. The site does not directly abut any

neighbouring premises and as such the potential for direct amenity impact on adjoining properties is limited.

The Committee agrees it is appropriate to apply the Heritage Overlay.

4.3 Form of the Development Plan Overlay

The site owner presented a revised and updated DPO schedule at the Hearing – this schedule addressed a number of the issues raised in submissions from residents and referral authorities.

There remain a number of matters which are not agreed upon between Council and the Site owner namely:

- the need for a Strategic Framework Plan
- a preferred two storey scale of development in the northwest corner.

No controversial changes

The Committee supports proposed changes to the DPO schedule to the conditions required on a permit, namely:

- changes to the language around the audit for contaminated land
- changes to the language for the Kangaroo Management Plan
- requirement of a Tree Management Plan
- on the Indicative framework Plan:
 - modify the boundary of the medium density area, to exclude the scarred tree – no legend modification required.
 - show the Heritage Overlay extent and include it as an item in the legend
 - add 'key heritage viewline' arrow and legend item.

Strategic Framework Plan

Council submitted:

The requested framework would be expected to include a report and an indicative layout plan of the site, which could show, among other details, precincts of different heights and densities including how the scale of buildings would interface with surrounding residential development and the on-site heritage building and provide higher density in the centre of the site around the athletics track. The plan could also show the drainage corridor and possible open space. The strategic framework would inform the key principles of the overlay schedule, with the framework becoming a background document to the amendment and the Greater Bendigo Planning Scheme.

The site owner submitted:

The DPO provides guidance to Council, the community and future purchaser regarding development expectations, and matters to be addressed for a future development. Development plan will be worked through with Council and the future purchaser.

The Committee does not see the need for a strategic framework plan in this case. Strategic framework plans are most useful when there are elements of the development that need to be determined in advance in order to secure an acceptable outcome, for example, the location of intersections or open space or pedestrian links. In this case the Committee cannot identify critical strategic elements of the development that need to be determined in advance of the development plan. A number of different approaches to the development of the land could yield acceptable outcomes and the overall layout of the site should be left to the development plan process.

Building height in northern corner of the site

Council recommended a two storey height in the northern corner of the site:

Whilst the inclusion of the Indicative Framework Plan to the Development Plan Overlay schedule goes some way to giving guidance as to where heights should be limited, there is a lack of detail as to how buildings of varying heights will interface with the established neighbourhood surrounding the site and the on-site heritage building. As such, we are recommending that the four storey height limit in the northwest corner of the site be reduced to a two storey height limit to fit better with surrounding character and views from Retreat Road.

The site owner submitted:

Our view that a development of 4 storeys can be sensitive to the Eumana house, and dwellings on Osborne Street and Retreat Road. Properties on north side of Osborne Street are on higher elevation, so unaffected.

Properties on Retreat Road are substantially separated from future development are set back 34-40 m from the front setback of development.

Proposed DPO modifications to confirm development up to 4 storeys is subject to design analysis to achieve sensitive built form.

Requirement for key views of heritage house to be protected.

Addition of wording in DPO schedule to specify conditions where 4 storeys may be appropriate.

Having inspected the site the Committee agrees with the site owner that development up to four storeys, subject to detailed design analysis, is potentially appropriate on parts of the site. The site does not directly abut adjoining properties and is separated by relatively wide roads. The Committee also notes that four storey development is likely to be below the top of the tree canopy of the taller trees in the area. The Committee accepts that four storey development would result in a change in the character of the area but does not consider that there is a strategic need or merit to maintain the low scale character of the area. Having said that, it will be important that the new development respond to the existing character even though it potentially delivers a taller built form.

Conclusion

The Committee concludes it is appropriate to:

- Modify northwest wedge to be a third ‘residential development’ colour, noting “Potential medium-high density (up to 4 storeys) development, subject to design analysis to achieve sensitive built form”

Recommendation

The Panel recommends that the exhibited schedule be changed to:

- 2. Apply the Development Plan Overlay to the site with Committee’s preferred version of the schedule as exhibited but modified as proposed by the site owner and shown in Appendix D.**

Appendix A: About the Government Land Standing Advisory Committee

The Government Land Planning Service is a 2015 initiative to deliver changes to planning provisions or correct planning scheme anomalies for land owned by the Victorian Government. The Government Land Standing Advisory Committee (the Committee) was initially appointed under Part 7, section 151 of the *Planning and Environment Act 1987* in July 2015.

A revised Terms of Reference for the Committee was approved in April 2018.

The Committee currently consists of:

- Chair: Lester Townsend
- Deputy Chairs: Lisa Kendal, Mandy Elliott, Trevor McCullough and Annabel Paul
- Members: Elissa Bell, Meredith Gibbs, Jonathan Halaliku, Prue Mansfield, Elizabeth McIntosh, Cazz Redding and Lynn Sweeney.

The Committee is assisted by Chris Brennan, Project Officer in Planning Panels Victoria.

The Committee's Terms of Reference state that the purpose of the Advisory Committee is to:

- a. advise the Minister for Planning on the suitability of new changes to planning provisions for land owned, proposed to be acquired or to land required to facilitate the delivery of priority projects by the Victorian Government, and
- b. provide a timely, transparent and consultative process to facilitate proposed changes to land owned or proposed to be acquired; or to support delivery of priority projects by the Victorian Government.

The Advisory Committee must produce a written report for the Minister for Planning providing:

- a. an assessment of the appropriateness of any changes of planning provisions in the context of the relevant planning scheme and State and Local Planning Policy Frameworks,
- b. consideration of whether the proposed planning provisions make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on The Form and Content of Planning Schemes,
- c. an assessment of whether planning scheme amendments could be prepared and adopted for each proposal, including the recommended planning provisions,
- d. an assessment of submissions to the Advisory Committee,
- e. any other relevant matters raised during the hearing(s),
- f. a list of persons who made submissions considered by the Advisory Committee,
- g. a list of persons consulted or heard,
- h. endorsement by the Chair or the Deputy Chair.

Appendix B: List of submitters

No.	Submitter
1	Michele Dedman
2	George Belardinelli
3	Margaret M Woodward
4	Alanah Ellen Brand
5	Danny Richard Lynch
6	Jill Ely
7	Bendigo Uniting Churches Social Justice Group
8	Peter John Beaton
9	Environment Protection Authority Victoria
10	AusNet Transmission Group
11	Civil Aviation Safety Authority
12	Rosemary Elizabeth Porter
13	Greater Bendigo City Council
14	Wendy Holland
15	Coliban Region Water Corporation
16	Nigel Preston
17	Department of Environment, Land, Water and Planning (Loddon Mallee)
18	RA & KD Chandler
19	Graeme Watts
20	Darren Scherg
21	Dr John Bardsley and Wendy Radford
22	Country Fire Authority
23	Pam Scherger

Appendix C: Document list

Number	Description	Presented By
1	Letter advising that DoT does not have any comments	Department of Transport
2	Submission on behalf of Council	Rebecca Fisher
3	Council changes to the DPO schedule	— " —
4	Submission of behalf of the site owner	Jane Kelly
5	Site owner preferred DPO schedule	— " —

Appendix D: Committee preferred version of the Development Plan Overlay

Post exhibition insertions: blue

~~Post exhibition deletions: red~~

DD/MM/YYYY
Proposed
C255gben

SCHEDULE 30 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO30**

2 OSBORNE STREET, FLORA HILL

This schedule applies to 2 Osborne Street, Flora Hill (Lot 1 PS712432). The land is bound by Osborne Street, Retreat Road, the Bendigo Athletics Track and Cook Street, Flora Hill.

1.0 Objectives

DD/MM/YYYY
Proposed
C255gben

The development plan should demonstrate how the future use and development of the land responds to and achieves the following objectives:

- To provide for a range of dwelling types with a range of heights up to four storeys, a range of densities and a range of bedroom numbers.
- To provide an environmentally sustainable and efficient use of the site, retaining mature canopy vegetation where possible.
- To ensure site design, building frontages, design articulation and internal layout achieve a high-quality interface with and surveillance of the public realm, particularly adjoining the athletics track and the existing heritage building.
- To ensure good residential amenity with building massing, separation and orientation to optimise solar access to living rooms and open space areas of new buildings, and communal public spaces and pathways within the site.
- To prioritise pedestrian and cycle movements over vehicle movements within the site.

2.0 Requirement before a permit is granted

DD/MM/YYYY
Proposed
C255gben

A permit may be granted before a development plan has been approved to use, subdivide, construct or carry out works on the land to the satisfaction of the responsible authority.

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

3.0 Conditions and requirements for permits

DD/MM/YYYY
Proposed
C255gben

A permit must contain the following conditions and/or requirements:

- Prior to the commencement of the use or buildings and works associated with the use (or the certification or issue of a Statement of Compliance under the Subdivision Act 1988) the applicant must provide:
 - (a) A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970; or
 - (b) 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, prior to commencement of use of the site. 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.

- Where there are conditions on a Statement of Environmental Audit that require significant ongoing maintenance and/or monitoring, the following condition might also be used:
- The applicant must enter into a Section 173 Agreement under the Planning and Environment Act 1987. The Agreement must be executed on title prior to the commencement of the use and prior to the issue of a Statement of Compliance under the Subdivision Act 1987. The applicant must meet all costs associated with drafting and execution of the Agreement, including those incurred by the responsible authority. ~~Before a sensitive use commences or before the construction or carrying out of buildings or works in association with a sensitive use commences:~~
 - ~~a) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or~~
 - ~~b) An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of that land are suitable for the sensitive use.~~
- A Kangaroo Management Plan must be submitted to, and approved by the responsible authority, following consultation with the Department of Environment, Land, Water and Planning prior to the commencement of works or development. ~~A Kangaroo Management Plan must be provided, to the satisfaction of the responsible authority, before the commencement of works or development.~~
- A Construction Management Plan ~~(including addressing tree retention)~~ must be submitted and approved, to the satisfaction of ~~the Department of Environment, Land, Water and Planning~~ the responsible authority, before the commencement of works or development.
- A Tree Management Plan must be submitted and approved to the satisfaction of the Department of Environment, Land, Water and Planning, before the commencement of works or development.

4.0

Requirements for development plan

DD/MM/YYYY
Proposed
C255gben

A development plan must be prepared for the whole of the site.

A development plan must include the following:

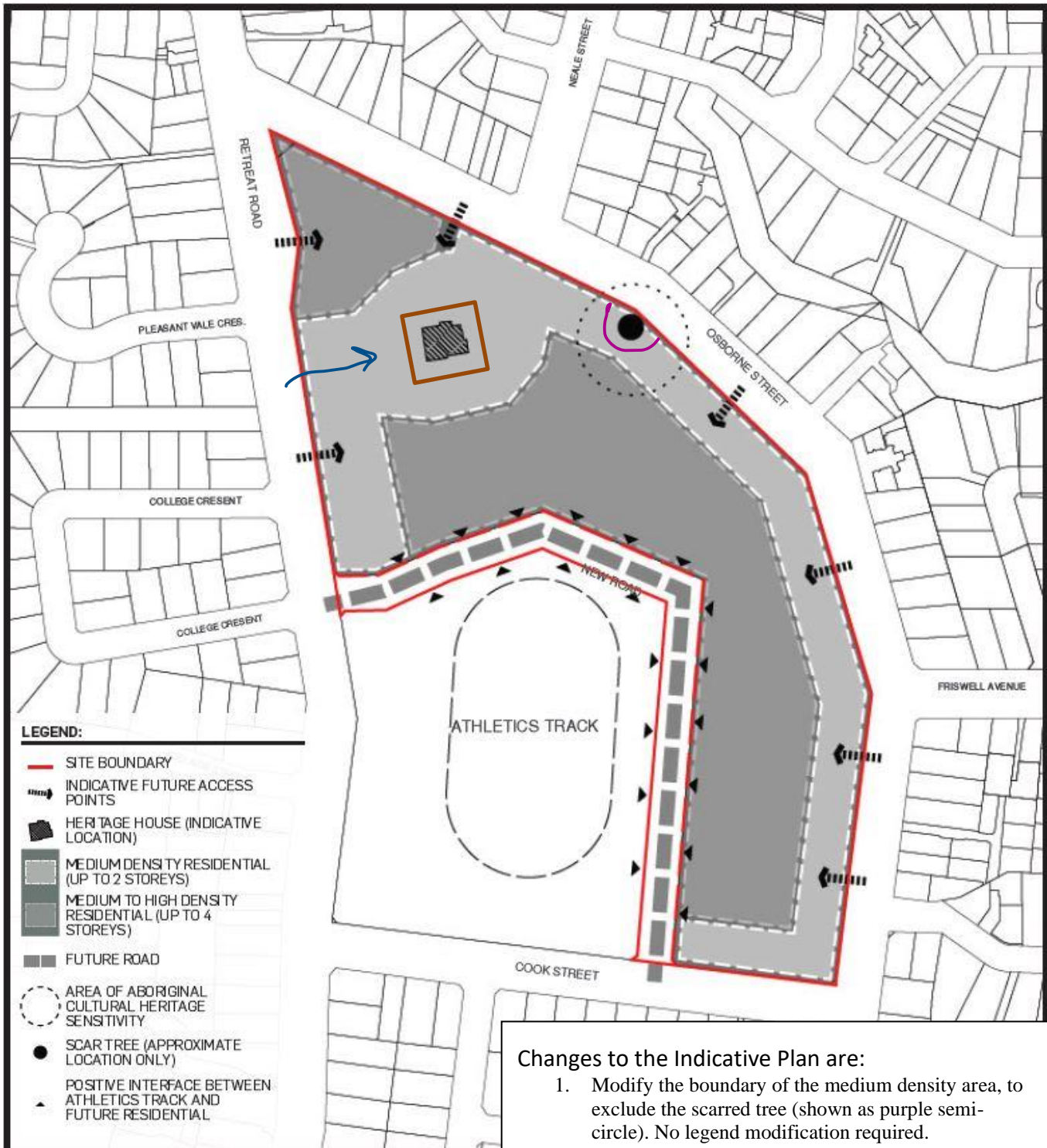
- An existing conditions plan showing key attributes of the land, its context, existing features to be retained, topography, adjoining roads, and details of surrounding land uses.
- Concept plans for the site generally in accordance with the Indicative Framework Plan (Figure 1) which show:
 - Proposed lot and road layout, public roads, vehicle access locations and pedestrian and bicycle paths.
 - Indicative height and scale of any proposed development, showing a gradation in height generally in accordance with the Indicative Framework Plan (Figure 1):
 - Lower scale (up to two storeys) interfacing the external site boundaries to Retreat Road, Osborne Street (except north west gateway) and Cook Street, and interfacing the heritage building.
 - Taller built form (up to four storeys) centrally within the site, at the north-west gateway, and interface to the athletics track.
- How the cultural heritage significance of the site (significant trees) will be protected.
- How the setting, key viewlines and context of the heritage building will be protected.
- A mix of dwelling sizes to provide for a diversity of housing.
- The design and location of public open space to best meet the needs of residents within the new development and existing development.
- The dwellings to be fronted towards public open space and the external boundaries of the site, and to provide active frontages with garages behind the front facades.

- Proposed earthworks and levels for future development.
- Tree Protection Zones for trees identified of significance and worthy of retention by an arborist.
- A proposed movement network which must:
 - Allow for the safe and efficient operation of emergency vehicles.
 - Provide attractive, convenient, safe and legible pedestrian and bicycle networks within the site, which connect to the external walking, cycling and public transport network.
 - Provide footpaths on both sides of a street.
- A traffic management report prepared by a suitably qualified person(s), which identifies as relevant:
 - Road, pedestrian, cyclist and vehicle access locations.
 - The expected traffic volumes associated with the proposed development including trip generations.
 - The impact of estimated traffic volumes on the surrounding road network.
 - Location and linkages to public transport.
 - Traffic management measures, where required.
- An Arboricultural Assessment which assess all trees on the site and identifies which trees are of significance and worthy of retention, based on their health, structure and amenity value.
- A Landscape Concept Plan which shows the landscape concept for the site and includes appropriate landscape theme(s) for nature strips and public open space areas, using predominantly native and indigenous plants and showing any existing vegetation to be retained and protected.
- A Flora and Fauna Assessment of the land by a suitably qualified person that identifies any areas of biodiversity conservation significance.

The development plan may be amended with the approval of the responsible authority.

The responsible authority may waive the need to provide any of the information detailed above that is not relevant to a particular development plan or part of a development plan.

Figure 1 - Indicative Framework Plan



Changes to the Indicative Plan are:

1. Modify the boundary of the medium density area, to exclude the scarred tree (shown as purple semi-circle). No legend modification required.
2. Show Heritage Overlay extent (brown square) and include as an item in the legend.
3. Modify NW wedge to be a third 'residential development' colour, noting "Potential medium-high density (up to 4 storeys) development, subject to design analysis to achieve sensitive built form"
4. Add 'key heritage viewline' arrow and legend item