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C243morn**SCHEDULE 24 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**Shown on the planning scheme map as **DPO 24****MORNINGTON PENINSULA (SOMERVILLE) TECHNOLOGY, INDUSTRY & BUSINESS PARK PRECINCT****1.0 Objectives**xx/xx/xx  
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To facilitate the use and development of the Mornington Peninsula (Somerville) Technology, Industry and Business Park.

To encourage and support the establishment and co-location of technology-based industries, manufacturing, strategic industries and research & development.

To ensure that lots and buildings with a diverse range of sizes are available to suit the needs of different industries and businesses.

To ensure the use and development of the land in a way which achieves a high standard of sustainability and amenity, including through the retention of areas of significant biodiversity value, high standards of environmentally sustainable design, and the provision of open space and facilities that will enhance the experience of people working within the precinct and which will also be available to the public.

To ensure that use and development within the precinct has proper regard to the safety and amenity of adjoining roads and areas.

**2.0 Requirement before a permit is granted**xx/xx/xx  
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A permit may be granted for minor works necessary for the continuation of an existing use of the land before a development plan has been approved.

A permit may be granted for the use and development of buildings and works, but not for any further subdivision of the land before a development plan has been approved.

**3.0 Conditions and requirements for permits**xx/xx/xx  
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The following conditions and/or requirements apply to permits:

All proposals to commence a use or construct or carry out buildings or works before a Development Plan is approved must be accompanied by:

- A report which demonstrates that the proposal addresses the requirements outlined in Sections 3.0 and 4.0 of this schedule and will not prejudice the proper future development of the precinct, including the provision of all required infrastructure, land transfers and development contributions to the satisfaction of the responsible authority.
- An Intrusive Soil Contamination Assessment to assess the potential for impact to human health and ecological receptors and appropriate mitigation measures to the satisfaction of the responsible authority.
- An Ecological Assessment and Native Vegetation Management Plan that must include the identification and assessment of the ecological value of flora, fauna and habitat areas on the land and recommendations for the retention, conservation and management of native vegetation, and the provision of offsets for the removal of vegetation where necessary, to the satisfaction of the responsible authority.
- A Construction Environmental Management Plan as set out in Section 4.0 of this schedule as relevant to the proposal and to the satisfaction of the responsible authority.

#### 4.0 Requirements for development plan

A development plan must include the following requirements:

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##### **Ecological assessment and native vegetation management plan**

An Ecological Assessment and Native Vegetation Management Plan that must include the identification and assessment of the ecological value of flora, fauna and habitat areas on the land and recommendations for the retention, conservation and management of native vegetation, and the provision of offsets for the removal of vegetation where necessary, to the satisfaction of the responsible authority. The recommendations of the approved Native Vegetation Management Plan must be incorporated into the Master Plan to the satisfaction of the responsible authority.

##### **Master Plan**

A Master Plan that must include, to the satisfaction of the responsible authority:

- A site context and survey plan noting the location of the site and incorporating:
  - existing buildings and works.
  - existing easements and major pipelines.
  - natural features such as vegetation, topography, drainage lines, areas subject to flooding, and
  - the relationship between the site and existing or proposed uses on adjoining land.
  
- A list of the preferred uses that are proposed or likely to be developed, including specific provisions relating to 83 Bungower Road. The list should encourage the establishment of technology-based industries, manufacturing, strategic industries, and research & development and exclude:
  - offensive or dangerous industries,
  - bitumen/concrete batching plant, shipping container storage, transfer station and vehicle recycling or disposal
  - retail premises (other than convenience shop, landscape garden supplies, trade supplies, manufacturing sales, takeaway food shop and restaurant),
  - supermarkets and shops on land within 30 metres of land in a Transport Zone.
  - Restricted retail premises where such uses will limit the availability of land for technology-based industries and advanced manufacturing
  
- Provision for the retention of the heritage listed property at 83 Bungower Road, Somerville (HO269).
  
- A subdivision and development plan including:
  - A subdivision layout having regard to the types of uses that are proposed and the provision of suitable lot sizes, and including provision for all required easements, road widenings and other land transfers to the satisfaction of the responsible authority.
  - No subdivision of the land to the west of the existing gas pipeline.
  - The provision of a tree reserve along the Lower Somerville Road frontage to prevent direct access except in emergencies.
  - No development of the land to the west of the existing gas pipeline, or of any land within 30 metres of Lower Somerville Road. These areas are to be used and developed only for the purpose of a landscaped buffer area, or for open space.
  - A diverse range of lots within the precinct across the following lot size ranges:

- 2,000sqm to 5,000sqm
- 5,000sqm to 10,000 sqm
- 10,000sqm and above

At least half the developable land should be used for lots with an area of 5,000 square metres or greater.

The creation of vacant lots with an area of less than 2,000sqm, which may limit the availability of land for larger scale uses is strongly discouraged and all development must make adequate provision for landscaping, waste storage, access and on site carparking. Limited sites for the provision of smaller premises and associated subdivision into smaller lots may be considered as part of the overall master plan.

- Where lots with an area of less than 2000 sqm are proposed, they must not be located adjacent to Bungower Road or on the main internal roads serving the precinct.
- Provisions to ensure that, to the satisfaction of the responsible authority, the majority of lots created with an area of more than 5000 sqm will be retained as larger lots and not further subdivided or developed for small scale factoryette development i.e., premises with a floor area of less than 500 sqm.
- A minimum building setback of 50 metres from the Bungower Road frontage, with the first 15 metres of the setback landscaped.
- A minimum setback of 30 metres from Lower Somerville Road with at least the first 15 metres landscaped.
- The proposed access points to Bungower Road and entry/intersection treatments to the satisfaction of the Department of Transport and the responsible authority.
- Access to all lots within the subdivision provided via the internal roads with no direct access to Bungower Road.
- No direct access to Lower Somerville Road, except for an emergency access if required.
- The proposed internal road network, including provision for heavy vehicle movements within the precinct, the design of internal intersections and proposed kerbside parking bays.
- Details of pedestrian and bicycle network, including provision for the construction of a bicycle path connection within the Bungower Road reserve from the site to Frankston Flinders Road and the provision of end of trip facilities within the precinct.
- The areas set aside for drainage, surcharge routes, retarding basins and water sensitive urban design (WSUD) infrastructure as per the approved Stormwater Management Strategy and Environmentally Sustainable Development Strategy.
- The areas set aside for vegetation retention and restoration, landscape buffers and landscaping.
- The areas proposed to be set aside for passive recreational space for the benefit of persons employed within the precinct.

### **Stormwater Management Strategy**

A Stormwater Management Strategy (SWMS) to the satisfaction of Melbourne Water and the responsible authority:

- Identifying site’s internal and external drainage catchments, the potential downstream stormwater impacts from development and any necessary flood mitigation measures.
- Including proposals for the protection of natural systems the treatment of stormwater and water quality and the reduction of run-off and downstream flows having regard to Best Practice Environmental Management (BPEM) objectives and Integrated Water Management (IWM) opportunities in accordance with the Smart Water Plan (Mornington Peninsula (2018).
- Incorporating Water Sensitive Urban Design principles and the “major/minor” approach to stormwater management, in accordance with the latest Australian Rainfall & Run-off 2019 (ARR19).
- Integrating stormwater management within the precinct design, with identification of the key drainage infrastructure required, including relevant surcharge routes, retarding basins and water storage and recycling infrastructure.

**Environmentally Sustainable Development Strategy**

An Environmentally Sustainable Development Strategy, to the satisfaction of the responsible authority, outlining proposed measures in relation to:

- Building materials and construction practices
- Building orientation and energy conservation
- Use of renewable energy, including provision for the use of solar energy and electric vehicle recharging
- Water conservation and recycling
- Indoor environment quality
- Integrated Water Management and Water Sensitive Urban Design (WSUD)
- Sustainable Transport
- Waste minimisation and waste and resource recovery
- Urban ecology and Green Infrastructure including landscaping considerations
- Climate resilience
- Universal design for access and mobility

**Development design guidelines**

Development design guidelines, to the satisfaction of the responsible authority, for all land within the precinct which provide guidance and requirements for future development, having regard to the implementation of the approved Environmentally Sustainable Development Strategy, the visual impact of development on adjoining roads and surrounding areas and appropriate provision for parking, loading and storage. In addition to the Environmentally Sustainable Development Strategy, the guidelines should address:

- the appropriate scale, form, height and materials of construction of buildings
- building setbacks and the siting and orientation of buildings,
- treatment of visual appearance of development adjacent to the precinct boundaries through a combination of built form and elevations, materials, fencing and landscaping.
- site access and on-site manoeuvring
- the location and design of car parking areas,
- provision for loading and unloading areas
- provision for servicing and waste storage,
- signage, lighting and fencing

### **Transport and movement plan**

A Transport and movement plan to the satisfaction of the responsible authority including:

- An integrated transport plan in accordance with Clause 18.01-1S of the Planning Policy Framework.
- A Traffic Engineering Report to the satisfaction of the responsible authority including:
  - Indicative traffic volumes anticipated on local and arterial roads.
  - Identification of a suitable location and intersection treatment providing access to the site from Bungower Road. The design of the intersection must be suitable to accommodate future signalisation.
  - Identification of all required road widenings and road works to the satisfaction of the Department of Transport and the responsible authority.
  - The location and design of all existing and proposed future roadworks, road widenings and intersections, including provision for a bus stop on the Bungower Road frontage
- Provision for the transfer of all land required for road widenings and other road improvements to the relevant road authority free of cost and to the satisfaction of the responsible authority.
- A car parking provision and management strategy, having regard to the range of potential uses and the need to ensure adequate on-site carparking and to address potential changes in car parking demand resulting from changes in use over time.
- Provision to encourage and support access by public transport to and within the site by provision for future bus stop infrastructure.
- A pedestrian and cycling network plan, indicating the location of shared paths within the site and provision for future connections, including the provision for the construction of a bicycle path connection within the Bungower Road reserve from the site to Frankston Flinders Road and publicly accessible toilet and changing facilities, all to the satisfaction of the responsible authority and at the cost of the landowner.

### **Open space plan**

A plan and details indicating the location of all open space areas and facilities intended to serve the precinct and which will also be made available to the public, and the provision for future maintenance and management of these spaces and facilities.

### **Landscape plan**

A landscape plan to the satisfaction of the responsible authority, including:

- Details of vegetation and natural features to be retained, having regard to the ecological assessment and native vegetation management plan.
- Indicative landscape areas including land within front setbacks and road reserves, with indicative planting layouts and cross-sections.
- Landscaped buffer areas where required to adjoining properties, waterways, or natural features. The buffer area must be established and landscaped in conjunction with the initial subdivision or development of the land but may be incorporated within the private lots, to be maintained as part of those sites
- Tree species list, which is to predominantly consist of locally indigenous and other native species, planting and maintenance requirements to the satisfaction of the responsible authority.

### **Staging Plan**

A Staging Plan indicating:

- The indicative staging of development including road, infrastructure, servicing, public realm, and landscape works, including the trigger points for the provision of all required infrastructure.
- That, except with the approval of the responsible authority, the development of No 79 Bungower Road (part lot 2, LP200254), as approved under Special Control Overlay 10, must be included in the first stage of the development and must be commenced, with a commitment to completion to the satisfaction of the responsible authority, before the issue of any statement of compliance for further subdivision of the land within the precinct.
- A mixture of lot sizes to be provided within each stage.

### **Construction Environmental Management Plan**

The construction environmental management plan must include:

- Details of any staging of the proposed construction.
- Details of how the site is to be accessed during construction.
- Details of tree protection zones for significant trees to be retained on the land.
- The location of any site office, off-street parking for construction vehicles and employees.
- Details for the collection and disposal of construction waste and the storage of construction materials.
- The methods to control adverse environmental effects including erosion and sediment run-off. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses. Appropriate pollution or litter traps must be provided on the land at appropriate points along the drainage system or drainage lines.
- Details of how the amenity of the surrounding area is to be protected during construction, including consideration of hours of work.

### **Section 173 Agreement**

As part of the development plan, the owners of the land to which the plan applies must enter into a Section 173 Agreement with the responsible authority that makes provision for the construction of all identified infrastructure works, the transfer of all required lands and the payment of all required contributions, with respect to, but not limited to:

- The provision of required road works on Bungower Road to the satisfaction of the Department of Transport and the responsible authority. This must include the provision of traffic signals at the new intersection within three years of the date of completion of the new entry road, or at such other time agreed to the satisfaction of the responsible authority.
- Provision for the construction drainage infrastructure and payment of drainage contributions to the satisfaction of Melbourne Water and South East Water.
- Provision of all other infrastructure and contributions to the satisfaction of all other relevant servicing authorities and the responsible authority.
- Provision for the ongoing protection of vegetation with high biodiversity value in accordance with the recommendations of the approved Native Vegetation Management Plan
- Payment of a public open space contribution, as per Clause 53.01 of the Mornington Peninsula Shire Planning Scheme and to the satisfaction of the responsible authority.

All to the satisfaction of the responsible authority.