


Notice of Application for a Planning Permit

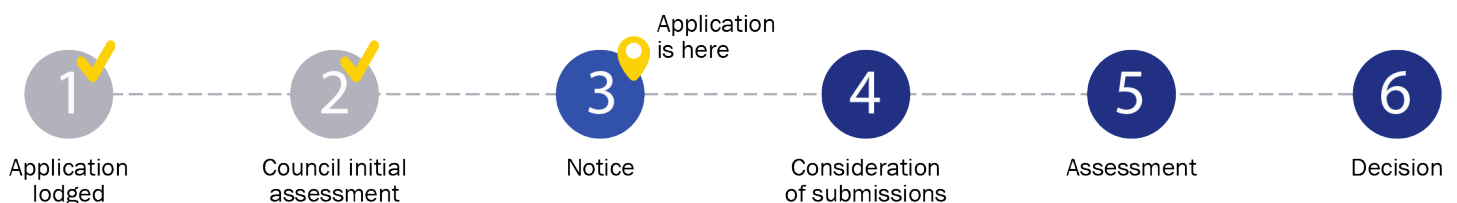
The land affected by the application is located at:	PC371859 V11160 F844 38 Railway Avenue, Tynong VIC 3813
The application is for a permit to:	Subdivision of land into four (4) lots and removal of native vegetation

APPLICATION DETAILS

The applicant for the permit is:	Nobelius Land Surveyors
Application number:	T230340
You may look at the application and any documents that support the application at the office of the Responsible Authority: Cardinia Shire Council, 20 Siding Avenue, Officer 3809. This can be done during office hours and is free of charge. Documents can also be viewed on Council's website: cardinia.vic.gov.au/advertisedplans or by scanning the QR code.	

HOW CAN I MAKE A SUBMISSION?

This application has not been decided. You can still make a submission before a decision has been made. The Responsible Authority will not decide on the application before:	26 July 2024	
WHAT ARE MY OPTIONS? Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.	An objection must: <ul style="list-style-type: none">• be made to the Responsible Authority in writing;• include the reasons for the objection; and• state how the objector would be affected. If you object, the Responsible Authority will notify you of the decision when it is issued.	The Responsible Authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.



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Application Summary

Portal Reference	A323948Q
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Basic Information

Proposed Use	The subdivision of the land into four (4) lots and the removal of vegetation
Current Use	A single storey dwelling and outbuilding occupies the southern portion of the land (which will become Lot 4). The northern portion of the site is predominately cleared
Site Address	38 Railway Avenue Tynong 3813

Covenant Disclaimer

Does the proposal breach, in any way, an encumbrance on title such as restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?	No such encumbrances are breached
<input type="checkbox"/> Note: During the application process you may be required to provide more information in relation to any encumbrances.	

Contacts

Type	Name	Address	Contact Details
Applicant	[REDACTED] Nobelius Land Surveyors	20 Henry Road Henry Street, Pakenham VIC 3810	W: 5941-4112 E: julie@nobelius.com.au
Owner	[REDACTED]		
Preferred Contact	[REDACTED] Nobelius Land Surveyors	20 Henry Road Henry Street, Pakenham VIC 3810	W: 5941-4112 E: julie@nobelius.com.au

Fees

Regulation Fee Condition	Amount	Modifier	Payable
9 - Class 20 To subdivide land (4 Lots)	\$1,360.80	100%	\$1,360.80
	Total		\$1,360.80

Meetings

Meeting Type	Officer Name	Date of Meeting
Pre Application	[REDACTED]	23 Feb 2023



Civic Centre
20 Siding Avenue, Officer, Victoria

Council's Operations Centre (Depot)
Purton Road, Pakenham, Victoria

Postal Address
Cardinia Shire Council
P.O. Box 7, Pakenham VC, 3810

Email: mail@cardinia.vic.gov.au

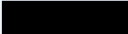
Monday to Friday 8.30am–
5pm
Phone: 1300 787 624
After Hours: 1300 787 624
Fax: 03 5941 3784

Documents Uploaded


Date	Type	Filename
13-07-2023	Subdivision Plan	Plan of Sub PC371859W dated 29 June 2023.pdf
13-07-2023	Subdivision Plan	Title PC371859W dated 29 June 2023.pdf
13-07-2023	Encumbrance	Instrument AG219599M dated 29 June 2023.pdf
13-07-2023	Encumbrance	Discharge of Mortgage dated 29 June 2023.pdf
13-07-2023	Encumbrance	Mortgage dated 29 June 2023.pdf
13-07-2023	Encumbrance	Transfer of Land dated 29 June 2023.pdf
13-07-2023	Explanatory Letter	Cover letter - Initial submission of 38 Railway Ave Tynong.pdf
13-07-2023	Explanatory Letter	Town Planning Report - 38 Railway Ave Tynong.pdf
13-07-2023	Additional Document	23-01-30RailwayTynong.pdf
13-07-2023	Additional Document	Concept Plan Ver 6 02-2023.pdf
13-07-2023	Additional Document	Railway Avenue Updated F+L Plan.pdf
13-07-2023	Additional Document	Sub(BN) Permit Ver 1.pdf
13-07-2023	Additional Document	Sub(BN) Permit Ver 1 - Indicative Building Envelope Plan.pdf

Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit

Lodged By

Site User	 Nobelius Land Surveyors	20 Henry Road Henry Street, Pakenham VIC 3810	W: 5941-4112 E: julie@nobelius.com.au
Submission Date	13 July 2023 - 10:33:AM		

Declaration

By ticking this checkbox,  declare that all the information in this application is true and correct; and the Applicant and/or Owner (if not myself) has been notified of the application.

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Civic Centre
20 Siding Avenue, Officer, Victoria

Council's Operations Centre (Depot)
Purton Road, Pakenham, Victoria

Postal Address
Cardinia Shire Council
P.O. Box 7, Pakenham VC, 3810

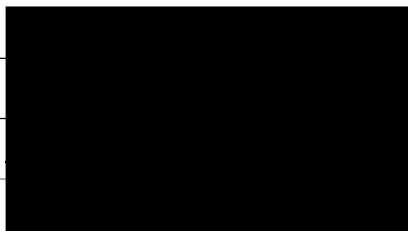
Email: mail@cardinia.vic.gov.au

Monday to Friday 8.30am–
5pm
Phone: 1300 787 624
After Hours: 1300 787 624
Fax: 03 5941 3784

Application to amend a current planning application

Application number:	T230340
Address of subject site	38 Railway Avenue, Tynong

Pursuant to which section of the Planning and Environment Act 1987 is this amendment being made?	
Section 50 – Amendment to application at request of applicant before notice:	<input type="checkbox"/>
Section 50A - Amendment to application at request of responsible authority before notice:	<input type="checkbox"/>
Section 57A – Amendment to application after notice is given:	<input checked="" type="checkbox"/>

Applicant:	
Phone:	
Email:	
Postal Address:	

What is the purpose of the amendment? Please list all changes:
The proposed Development Plans that show the subdivision will be revised to update encroachment of development into the TPZ of Tree 14; the configuration of the turning circle within the Howitt street Reserve will be altered to accommodate an 8.8m vehicle (Waste and Emergency services); the width of the Drainage and Sewerage Easement from 2m wide to 3m wide.

--

Declaration	
I declare that all the information in this application is true and correct and the owner (if not myself) has been advised of the planning permit application.	
Print name:	
Signature:	

Fees	
Amendment in accordance with Section 50 or 50A	Nil
Amendment pursuant to Section 57A	40% of the fee applicable to the original permit class plus the difference in fees if the amendment changes the class of permit to that with a higher application fee.

Lodgement of application

Your application can then be sent via email, mail or submitted in person at Council's Civic Centre.

Assistance

If any assistance in completing this form is required, we recommend you contact Council's Statutory Planning Unit on **1300 787 624** before lodging an application. Insufficient or unclear information may delay the processing of your application.

Note: Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the Planning and Environment Act 1987.

Cardinia Shire Council
Civic Centre
20 Siding Avenue, Officer

PO Box 7
Pakenham 3810 (DX 81006 Pakenham)

Phone: 1300 787 624
Email: mail@cardinia.vic.gov.au
Web: cardinia.vic.gov.au

National Relay Service (NRS)
TTY: 133 677 (ask for 1300 787 624)
Speak and Listen (speech-to-speech relay): 1300 555 727 (ask for 1300 787 624)

Translator Interpretation Service
131 450 (ask for 1300 787 624)

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

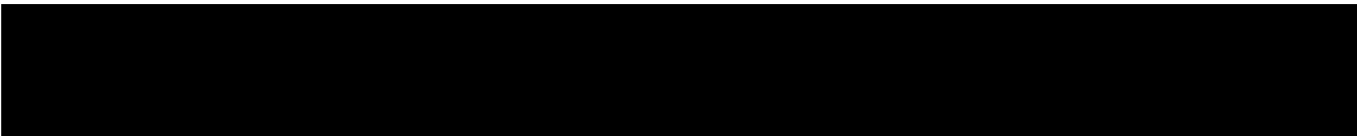
VOLUME 11160 FOLIO 844

Security no : 124114238338W
Produced 17/04/2024 11:59 AM

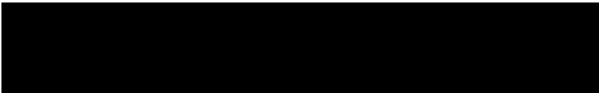
LAND DESCRIPTION

Land in Plan of Consolidation 371859W.
PARENT TITLES :
Volume 03723 Folio 587 Volume 10975 Folio 436
Created by instrument PC371859W 30/09/2009

REGISTERED PROPRIETOR



ENCUMBRANCES, CAVEATS AND NOTICES



Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PC371859W FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AX896380P (E)	REMOVAL OF AGREEMENT	Registered	16/04/2024

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 38 RAILWAY AVENUE TYNONG VIC 3813

ADMINISTRATIVE NOTICES

NIL



DOCUMENT END

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PLAN OF CONSOLIDATION					LRS use only EDITION 1	Stage No. /	Plan Number PC 371859 W
LOCATION OF LAND Parish: Bunyip Township: --- Section: --- Crown Allotment: 6(part) Crown Portion: --- Title Reference: V. 10975 F. 436 & V. 3723 F. 587 Last Plan Reference: Lot 2 TP 896146 G & Lot 1 TP 896493 J Postal Address: 38 Railway Avenue (at time of subdivision) Tynong 3813 MGA94 Co-ordinates: E 379 720 (of approx. centre of land in plan) N 5 783 950 Zone: 55					COUNCIL CERTIFICATION AND ENDORSEMENT COUNCIL NAME : CARDINIA REF: 1. This plan is certified under section 6 of the Subdivision Act 1988. 2. This plan is certified under section 11(7) of the Subdivision Act 1988. Date of original certification under section 6 / / 3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988. Council Delegate Council Seal Date / / Re-certified under section 11(7) of the Subdivision Act 1988 Council Delegate Council Seal Date / /		
Vesting of Roads or Reserves							
Identifier	Council / Body / Person						
Nil	Nil						
Notations							
Depth Limitation: DOES NOT APPLY					Staging This is not a staged subdivision Planning Permit No.		
This is a Spear Plan					Survey This plan is not based on Survey This survey has been connected to permanent marks no(s) In Proclaimed Survey Area No. 71		
Easement Information							<u>LRS use only</u>
Legend: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)							Statement of Compliance/ Exemption Statement
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of			Received <input checked="" type="checkbox"/>
							DATE 21 / 9 / 09
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							PLAN REGISTERED TIME 2.06pm. DATE 30 / 9 / 09
							... Rod Speer Assistant Registrar of Titles
							Sheet 1 of 2 sheets
NOBELIUS LAND SURVEYORS P.O. BOX 461 PAKENHAM 3810 Ph 03 5941 4112 Fax 03 5941 7359 rob@nobelius.com.au				LICENSED SURVEYOR: R. P. NOBELIUS SIGNATURE.....DIGITALLY SIGNED..... REF: 7757 VERSION A		 DATE / / COUNCIL DELEGATE SIGNATURE Original sheet size A3

PLAN OF CONSOLIDATION

Stage No.

Plan Number

PC 371859 W

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APPROXIMATE
TRUE NORTH

GOVT. ROAD

HOWITT STREET

RAILWAY AVENUE

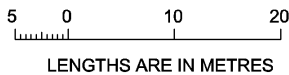
2490m²

NOBELIUS LAND SURVEYORS

P.O. BOX 461
PAKENHAM 3810
Ph 03 5941 4112
Fax 03 5941 7359
rob@nobelius.com.au

ORIGINAL
SCALE
1 : 500

SHEET
SIZE
A3



LICENSED SURVEYOR: R. P. NOBELIUS

SIGNATURE.....DIGITALLY SIGNED.....

REF: 5438

VERSION

Sheet 2

DATE / /

COUNCIL DELEGATE SIGNATURE

FEATURE & LEVEL PLAN

38 Railway Avenue

TYNONG

SCALE 1:500 (A3)

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NOTE:

- THIS PLAN IS TO BE READ IN CONJUNCTION WITH THE 'RECORD OF HAVING RE-ESTABLISHED A PARCEL'. INFORMATION REGARDING TITLE BOUNDARIES AND/OR EASEMENTS SHOULD BE TAKEN FROM RE-ESTABLISHMENT PLAN.

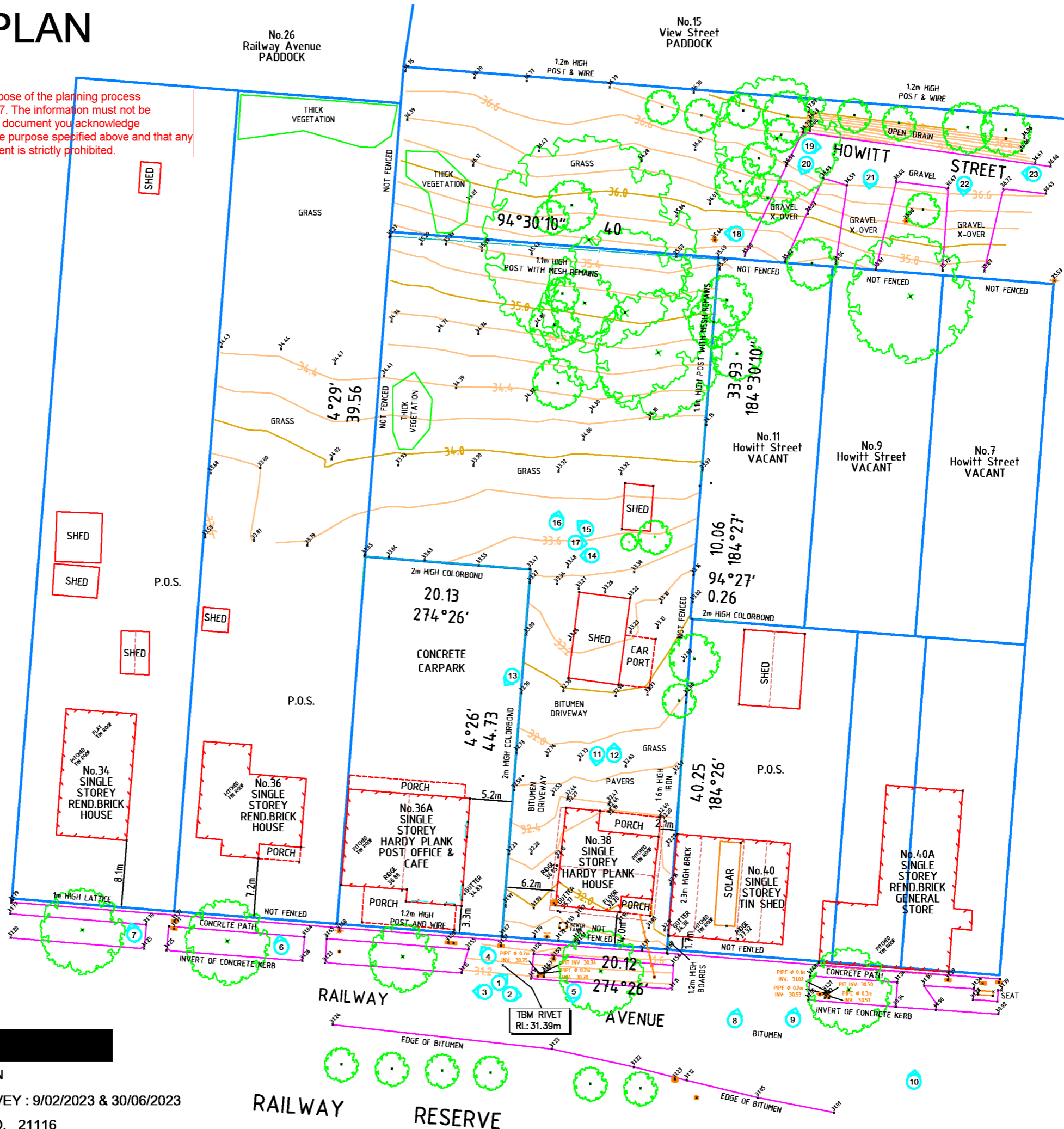
THIS IS A CADASTRAL PLAN PREPARED UNDER THE SUPERVISION OF A LICENSED SURVEYOR.

NOTE:

- LEVELS SHOWN ON THIS PLAN ARE TO A.H.D BASED ON BUNYIP PM 30 (R.L. 70.545)
 - P.O.S DENOTES PRIVATE OPEN SPACE

LEGEND

- SEWER PIT
- LIGHT POLE
- WATER METER
- PIT
- TELSTRA PIT
- POWER POLE
- SIGN
- HYDRANT
- DRAINAGE PIT
- ELEC. PIT
- GAS METER
- PHOTO POSITION & DIRECTION
- DENOTES OVERHEAD ELECTRICAL LINE
- DENOTES GROUND FLOOR HABITABLE WINDOWS



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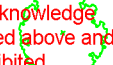






DRAWN BY [REDACTED]
 CHECKED : L.N
 DATE OF SURVEY : 9/02/2023 & 30/06/2023
 SURV. REF. NO. 21116

PROPOSED DEVELOPMENT PLAN

38 Railway Avenue

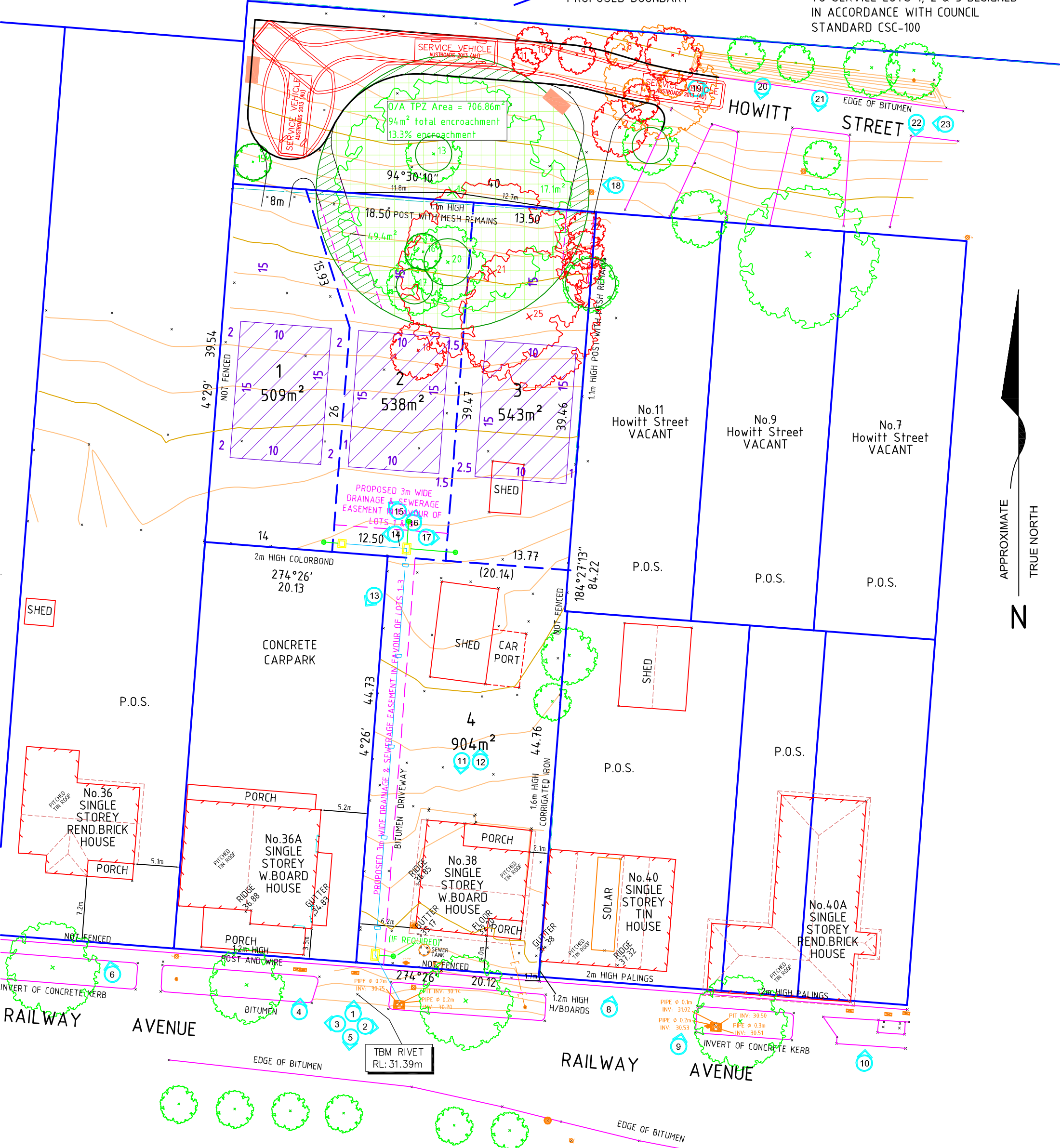
TYNONG

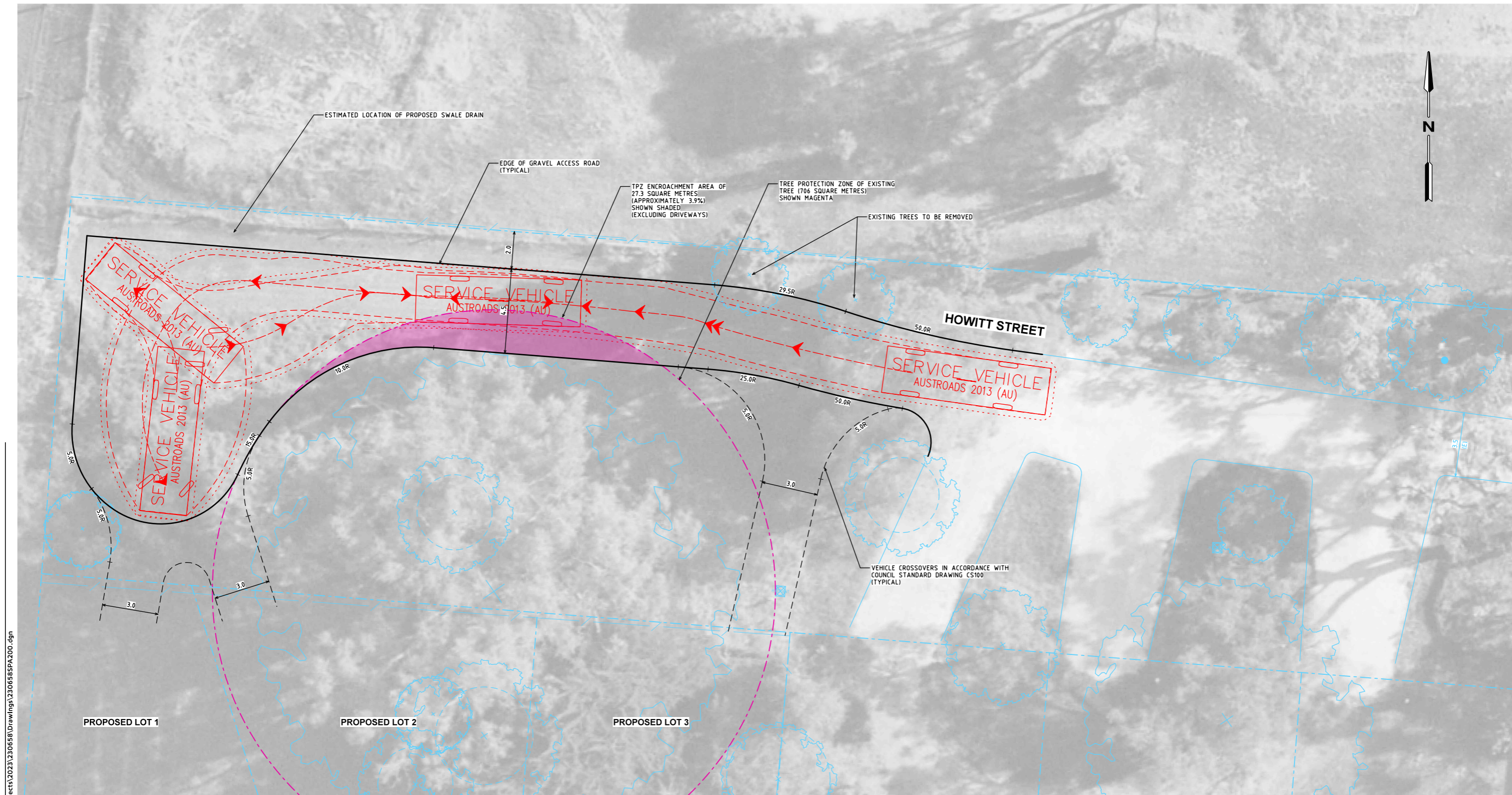
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-  PROPOSED BUILDING ENVELOPE
-  MINOR TPZ INTRUSION
-  TREE PROTECTION ENVELOPE
-  LOTS 1 + 2 + 3 BIN COLLECTION AREA
-  TREES TO BE RETAINED
-  INDIGENOUS TREES TO BE REMOVED REQUIRING OFFSETS (3)
-  NON-INDIGENOUS TREES TO BE REMOVED (13)
-  TREE PROTECTION ZONE (TPZ)
-  PROPOSED BOUNDARY
-  PROPOSED UNDERGROUND DRAINAGE
-  PROPOSED DRAINAGE PROPERTY CONNECTION

HOWITT STREET CONSTRUCTED WITH ALL-WEATHER SURFACE (MIN. LOAD LIMIT 15 TONNES)

RURAL STANDARD VEHICLE CROSSING TO SERVICE LOTS 1, 2 & 3 DESIGNED IN ACCORDANCE WITH COUNCIL STANDARD CSC-100

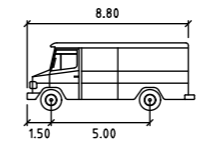




CAD File: N:\Project\2023\230658\Drawings\230658SPA200.dgn

Date Plotted: 30-04-2024 12:12:24 PM

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SERVICE VEHICLE	metres
Width	: 2.50
Track	: 2.50
Lock to Lock Time	: 6.0
Steering Angle	: 38.7

SWEPT PATH LEGEND

- DESIGN VEHICLE SWEEP PATHS SHOWN DASHED
- 300mm CLEARANCE ENVELOPE SHOWN DOTTED



Wurundjeri Woiwurrung Country
 56 Down Street, Collingwood, VIC 3066
 Email: info@onemilegrid.com.au Web: www.onemilegrid.com.au
 Phone: (03) 9939 8250

Scale: 1:200 @ A3

Drawing Title
**38 RAILWAY AVENUE, TYNONG
 WASTE AND FIRE TRUCK ACCESS
 SWEEP PATH ANALYSIS**

Designed CM	Approved RBH	Metway Ref 320 G10
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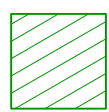
Project Number 230658	Drawing Number SPA200	Revision B
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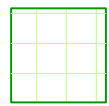
onemilegrid operates from Wurundjeri Woiwurrung Country of the Kulin nation.
 We acknowledge and extend our appreciation to the Wurundjeri People, the Traditional Owners of the land.
 We pay our respects to leaders and Elders past, present and emerging for they hold the memories,
 the traditions, the culture, and the hopes of all Wurundjeri Peoples.

Aerial Photography
 Aerial photography provided by Nearmap

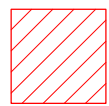
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DENOTES MINOR TPZ INTRUSION



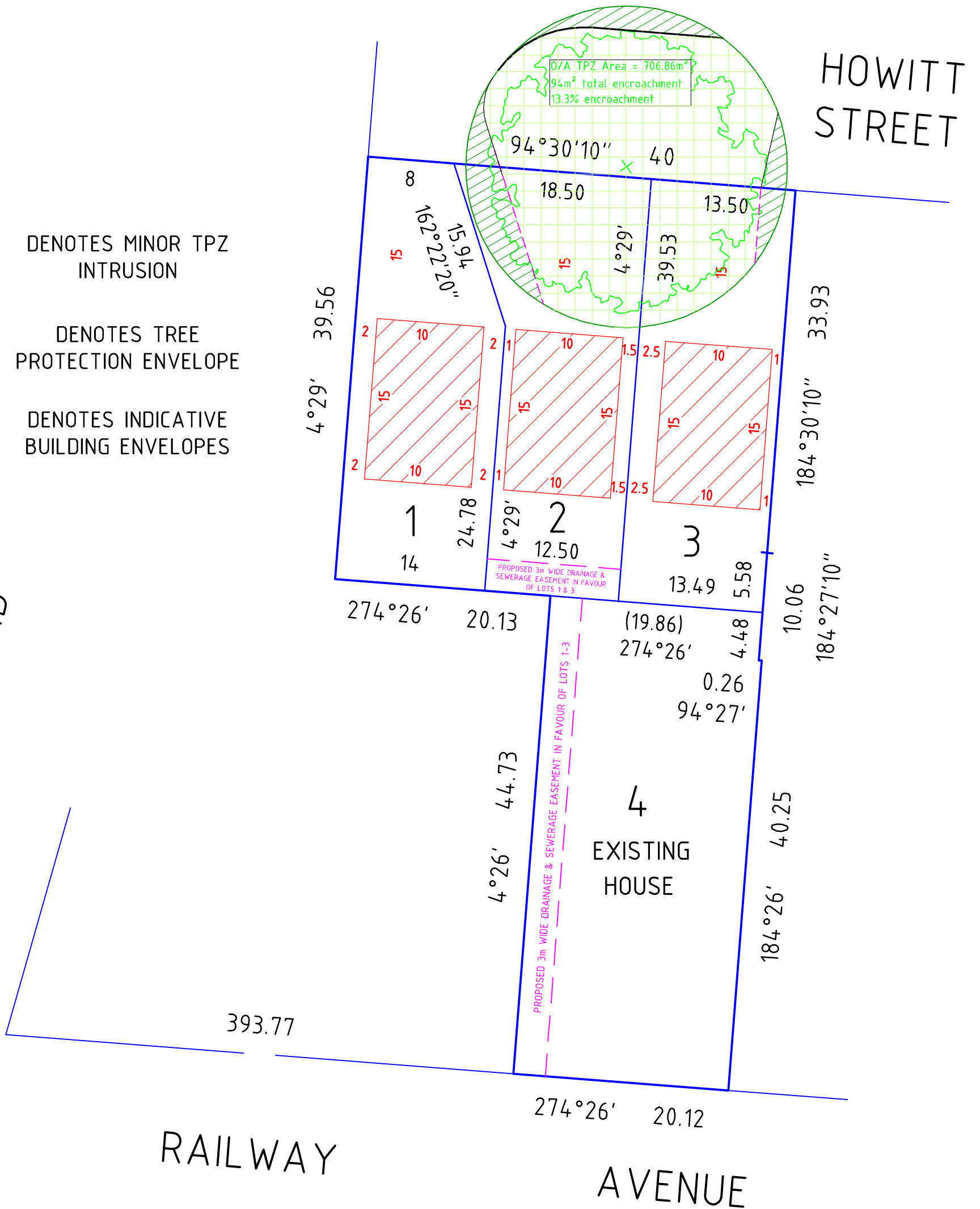
DENOTES TREE PROTECTION ENVELOPE



DENOTES INDICATIVE BUILDING ENVELOPES

TYNONG ROAD

HOWITT STREET

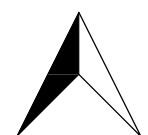


PROPOSED 3m WIDE DRAINAGE & SEWERAGE EASEMENT IN FAVOUR OF LOTS 1 & 3

PROPOSED 3m WIDE DRAINAGE & SEWERAGE EASEMENT IN FAVOUR OF LOTS 1-3

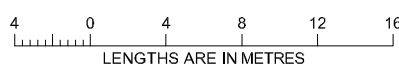
O/A TPZ Area = 706.86m²
94m² total encroachment
13.3% encroachment

NOBELIUS LAND SURVEYORS



P.O. BOX 461
PAKENHAM 3810
Ph 03 5941 4112
mail@nobelius.com.au

SCALE
1:400



ORIGINAL SHEET
SIZE: A3

SHEET

LICENSED SURVEYOR: B. S. NOBELIUS
VERSION 1

PLAN OF SUBDIVISION

EDITION 1

PS 916971 F

LOCATION OF LAND

PARISH: Bunyip

TOWNSHIP: ---

SECTION: ---

CROWN ALLOTMENT: 6 (Pt)

CROWN PORTION: ---

TITLE REFERENCE: Vol. Fol.

LAST PLAN REFERENCE: PC 371859 W

POSTAL ADDRESS: 38 Railway Avenue, Tynong 3813
(at time of subdivision)

MGA CO-ORDINATES: E: 379 710 ZONE: 55
(of approx centre of land in plan) N: 5 783 970 GDA 2020

Council Name: Cardinia Shire Council

EXPLANATORY NOTE:

WARNING: This plan is unregistered.
Alterations may be required by Council and the Registrar of Titles prior to Registration, Nobelius Land Surveyors accepts no responsibility whatsoever for any loss or damage suffered.

VESTING OF ROADS AND/OR RESERVES

NOTATIONS

IDENTIFIER	COUNCIL/BODY/PERSON
NIL	NIL

NOTATIONS

DEPTH LIMITATION: DOES NOT APPLY

SURVEY:
This plan is based on survey.

STAGING:
This is not a staged subdivision.
Planning Permit No.

This survey has been connected to permanent marks No(s).
In Proclaimed Survey Area No. 71

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EASEMENT INFORMATION

LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of

NOBELIUS LAND SURVEYORS



P.O. BOX 461
PAKENHAM 3810
Ph 03 5941 4112
mail@nobelius.com.au

SURVEYORS FILE REF: 21116

LICENSED SURVEYOR: B. S. NOBELIUS
VERSION 1

ORIGINAL SHEET
SIZE: A3

SHEET 1 OF 2



TYNONG ROAD



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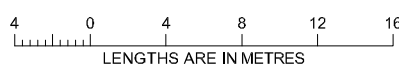
WARNING: This plan is unregistered.
See Sheet 1 for Explanatory Note

NOBELIUS LAND SURVEYORS



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Ph 03 5941 4112
mail@nobelius.com.au

SCALE
1:400



ORIGINAL SHEET
SIZE: A3

SHEET 2

LICENSED SURVEYOR: B. S. NOBELIUS
VERSION 1



TOWN PLANNING REPORT

**SUBDIVISION OF THE LAND INTO FOUR (4) LOTS, THE
REMOVAL OF NATIVE VEGETATION, CREATION OF AN
EASEMENT AND THE ENDING OF AGREEMENT AG_{219599M}**

38 Railway Avenue, Tynong



PROPOSED BY

NOBELIUS LAND SURVEYORS

**WWW.NOBELIUS.COM.AU
03 5941 4112**

PRELIMINARY

ADDRESS	PC371859W, 38 Railway Avenue, Tynong, 3813, Volume 11160, Folio 844
RESPONSIBLE AUTHORITY	Cardinia Shire Council
ZONE	Mixed Use Zone
OVERLAY	Not applicable
BUSHFIRE PRONE AREA	Yes
CULTURAL HERITAGE	Not applicable
EASEMENTS, RESTRICTIONS, ENCUMBRANCES	No Easements Restrictions recorded on the title: Section 173 Agreement AG219599M
PROPOSAL	The subdivision of the land into four (4) lots and the removal of native vegetation and to end Agreement AG219599M
PERMIT TRIGGERS	<ul style="list-style-type: none"> • Pursuant to clause 32.04-3 of the Mixed Use Zone a permit is required to subdivide the land. • Pursuant to clause 52.17 Native vegetation a permit is required to remove Native Vegetation. • Pursuant to clause 52.02 Easement, Restrictions and Reserves a permit is required to create an easement and remove a restriction
RELEVANT PLANNING CONTROLS AND INCORPORATED DOCUMENTS	<p>Clause 11 Settlement Clause 13 Environmental Risks & Amenity Clause 15 Built Environment & Heritage Clause 19 Infrastructure Clause 32.04 Mixed Use Zone Clause 52.17 Native Vegetation Clause 52.02 Easements, Restrictions and Reserves Clause 56 Residential Subdivision Clause 65.02 Approval of an application to subdivide land Clause 71.03 Integrated decision making</p> <p><i>Cardinia Railway Towns – Economic, Social & Land use Assessment (draft under consideration, June 2023)</i></p>
SUBMITTED DOCUMENTS	<ul style="list-style-type: none"> • Feature and Levels Plan – Nobelius Land Surveyors • Plan of Survey – Nobelius Land Surveyors • Copy of Title & Title Plan • Arboricultural Impact Assessment – ARBKey, February 2023 • NVIM

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1. INTRODUCTION

This town planning report has been prepared by Nobelius Land Surveyors on behalf of the landowner and is submitted to Cardinia Shire Council to support an application for the subdivision of the land into four (4) lots and the removal of vegetation. It is the intent to create an easement for the passage of drainage and services and end the Section 173 Agreement AG219599M dated 28/11/2008.

The subject site is located in a mixed use area of Tynong and has historically been associated with residential use. The land is able to connect to all services and provides an excellent opportunity to provide residential land in a township forecast to grow with anticipated demand for residential lots.

The purpose of this report is to assess the proposed subdivision of four (4) lots against the relevant provisions of the Cardinia Planning Scheme, local and state planning policies, with consideration of the Cardinia Railway Towns -Economic, Social & Land Use Assessment (in its Draft format). The proposed subdivision has undergone an extensive design process and is informed by a suit of technical assessments to ensure that the proposal is responsive to key site constraints and considerations, such as access, the provision of services and vegetation retention. The site presents an excellent strategic location for further residential allotments and the proposal responds to and integrates with surrounding residential developments along Railway Avenue and Howitt Street. The listed requirements in Agreement AG219599M (28/11/2008) have been satisfied and the ending of the agreement has been recommended by Council.

This report aims to demonstrate that the proposal is:

- Consistent with the State and Local Planning Policy framework;
- Consistent with the requirements of the Cardinia Planning Scheme;
- Consistent with the requirements of clause 52.02 regarding the provision of an easement;
- Consistent with the requirements of clause 52.02 and Part 7 (section 55) of the Planning and Environment Regulations 2015;
- Consistent with the requirements of Clauses 56;
- Meets the requirements of Clause 52.17; and
- Will satisfactorily integrate with surrounding lot sizes and land uses.

The proposal is entirely appropriate to be granted a planning permit and receive Council's full support on the basis that the proposal supports Cardinia's vision for future residential development on the site and is appropriate for the locality.

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2. SUBJECT SITE AND SURROUNDING LOCALITY

SITE ANALYSIS

The land is formally described on Plan of Consolidation 371859, 38 Railway Avenue, Tynong and is contained within Volume 11160 and Folio 844. The land is an irregular shaped allotment, with dual frontages to Railway Avenue to the south and Howitt Street to the north. The site fronts Railway Avenue for a length of 20.12m, and Howitt Street for a length of 40.24m. The site has a total area of 2,490m².



38 RAILWAY AVENUE, TYNONG (IMAGE COURTESY OF METROMAPS, 2023)

The land is developed with one dwelling which has been described below.



The existing dwelling is located in the southern portion of the site and is accessed via a single width gravel crossover and gravel driveway from Railway Avenue.

The dwelling is a single storey weatherboard home, with an internal floor area measuring 16.13 squares and an internal layout that includes three bedrooms, two bathrooms, kitchen, living and lounge area. There is a two car garage that has a floor area of 10m by 5 m and an open car port to the north of the dwelling. The majority of the land north of the dwelling and shed has been cleared. The internal layout and site plan are provided below.



A review of the Certificate of Title indicates that the land is not impacted by any encumbering easements however, an Agreement under Section 173 of the *Planning and Environment Act 1987* AG219599M dated 9th October 2008 is registered to the title.

- Section 173 Agreement AG21999M dated 28th November 2008 between Cardinia Shire Council and Tasman Jeff Williams and Lynette Grace Williams has regard to the consolidation of land in certificate of title volume 10975 folio 435 and land formally abutting Railway Avenue in volume 3723 folio 587. Part 6.1 states the owner covenants, acknowledges and agrees that the subject land is to be consolidated. The required consolidation has been registered and the land is now identified as Plan of Consolidation 371859, 38 Railway Avenue, Tynong and is contained within Volume 11160 and Folio 844. Part 6.2 of Agreement AG21999M states the owner of the land will not subdivide the subject land without first obtaining the written consent of Council. This proposal does not contravene the conditions of this agreement and indeed seeks the written consent of Council to subdivide the land as per the covenants of the agreement. Advice from Council (Statutory Planner Alicia Brown) dated 1st September 2023 recommends ending the agreement via section 178A of the Planning and Environment Act 1987.
- A copy of the Certificate of Title and Plan of Consolidation has been provided as part of this submission.




SURROUNDS

Tynong is a small pocket of urban development surrounded land cleared for the purpose of agricultural production. To the south west of the site is the Pakenham Racecourse and to the north on Tynong North Road is the Fulton Hogan Quarry, both significant economic resources.

The main thoroughfares include Nar Nar Goon-Longwarry Road, which provide east to west connections with Tynong Road providing a north to south orientation and connection to the Princes Freeway to the north. Railway Avenue is a residential road in Tynong that connects to Tynong Road in the west and a railway crossover providing access to Nar Nar Goon Road with the townships of Nar Nar Goon to the west and Bunyip and Garfield to the east. These townships are referred to as the Railway Towns and provide residents with access to modest commercial centres and services. The character of these townships and their proximity to larger service centres such as Pakenham make them attractive housing options for peri-urban residents.

Tynong does not feature an Urban Growth Boundary which may be due to the susceptibility of land south of the railway line to inundation and the risk of bushfire largely emanating from the Bunyip State Forest to the north. In addition to the environmental risks associated with the township, the lack of reticulated infrastructure such as sewer is a limiting factor to development. As such, Tynong's population is likely to experience modest population growth and retain its rural residential character. It is noted however that reticulated sewer is available in Railway Avenue.

The land immediately adjoining the subject site has been summarised below:

NORTH		<ul style="list-style-type: none"> To the north of the site is Howitt Street, a gravel access road with large lots subject to the Green Wedge Zone further north accessible via View Street.
EAST		<ul style="list-style-type: none"> To the east of the subject site is No. 40 Railway Avenue, an old stock feed outlet with the post office and general store and further east are similarly zoned lots featuring detached dwellings.
SOUTH		<ul style="list-style-type: none"> Directly south of the subject lot is the Tynong Railway Station and Nar Nar Goon-Longwarry Road is further south. Beyond the road are larger lots subject to the Low Density Residential Zone.



PARCELS IN RELATION TO THE SUBJECT SITE (IMAGE COURTESY OF VICPLAN, 2023).

ENVIRONMENTAL CONSIDERATIONS

TOPOGRAPHY

Topographically, the land falls from the north to the south-east. The topography does not pose a constraint to the proposed subdivision of the land.

CULTURAL HERITAGE

The land is not mapped within an area of potential cultural significance.

BIODIVERSITY

No listed flora or fauna species are recorded on the subject site.

VEGETATION

The landscape is modified, and the land has been extensively cleared. The vegetation in the road reserve to the north features several significant trees and the access has been designed to retain these trees where possible, as part of this proposal.

ArbKey was engaged to prepare a *Preliminary Arboricultural Assessment* in May 2022 which contains the following information:

- The identification and assessment of trees, including their location, species, dimensions, useful life expectancy and health and structural conditions.
- The arboricultural value of each tree, indicating its merit for retention in the landscape throughout nearby disturbance.
- The size of the TPZ for each tree, in accordance with the *Australian Standard 4970, Protection of Trees on Development Sites*.
- Recommendations on protective measures for any trees adjacent to development.

The Preliminary Arboricultural Assessment assessed 37 trees on the site and 20 trees on adjacent properties and within the Howitt Street reserve. The table below identifies the tree species on and adjacent to the site and is extracted from Table 1, page 5 of the Preliminary Arboricultural Assessment. Subdivision of the subject site is found to represent little to no detriment to the assessed flora with trees of higher arboricultural value identified to be retained in the Concept Plan. The development of Howitt Street will require the removal of ten (10) trees identified as 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, with trees 18, 21, 22, 23, 24, and 25 proposed to be removed from the subject site. Of these trees 4, 5, and 6 are Indigenous however, only the removal of tree 4 requires offsetting trees 5 and 6 are exempt (regrowth).

Genus Species	Common Name	Species Origin	Count of Trees	Tree IDs
<i>Populus nigra "Italica"</i>	Lombardy Poplar	Exotic	5	7, 8, 9, 10, 11
<i>Coprosma repens</i>	Mirror Bush	Exotic	4	17, 18, 29, 30
<i>Azara microphylla</i>	Azara	Exotic	3	34, 35, 36
<i>Melaleuca ericifolia</i>	Swamp Paperbark	Australian Native	3	15, 19, 20
<i>Prunus cerasifera</i>	Cherry Plum	Exotic	3	16, 22, 31
<i>Crataegus monogyna</i>	Hawthorn	Exotic	2	23, 24
<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	Exotic	2	21, 25
<i>Acacia pycnantha</i>	Golden Wattle	Indigenous	1	13
<i>Banksia integrifolia</i>	Coast Banksia	Indigenous	1	6
<i>Callistemon salignus</i>	Willow Bottle Brush	Australian Native	1	2
<i>Callistemon viminalis</i>	Weeping Bottle Brush	Australian Native	1	3
<i>Corymbia maculata</i>	Spotted Gum	Australian Native	1	28
<i>Eriobotrya japonica</i>	Loquat	Exotic	1	32
<i>Eucalyptus camaldulensis</i>	River Red Gum	Indigenous	1	4
<i>Eucalyptus fulgens</i>	Dandenong Scent-bark	Indigenous	1	14
<i>Eucalyptus leucoxylon subsp. connata</i>	Yellow Gum	Australian Native	1	26
<i>Eucalyptus melliodora</i>	Yellow Box	Indigenous	1	5
<i>Eucalyptus viminalis</i>	Manna Gum	Indigenous	1	1
<i>Fraxinus ornus</i>	Manna Ash	Exotic	1	27
<i>Ligustrum sp.</i>	Privet	Exotic	1	33
<i>Melaleuca styphelioides</i>	Prickly Paperbark	Australian Native	1	37
<i>Syzygium paniculatum</i>	Magenta Cherry	Exotic	1	12

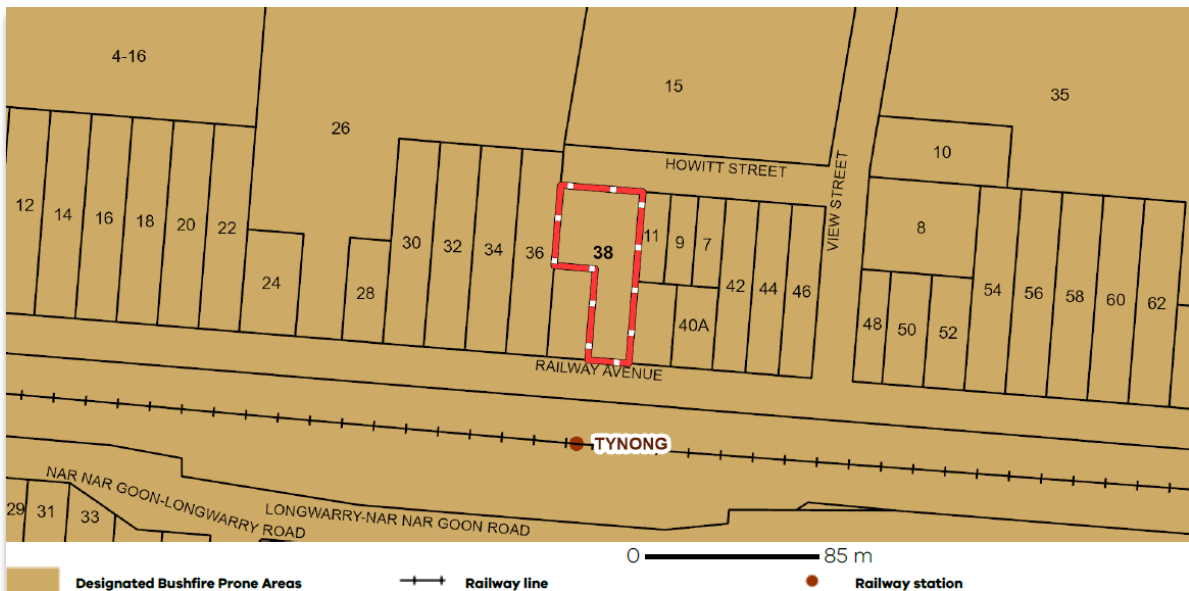
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*Please note: Third Party tree identified as 28 has subsequently been removed by the adjoining neighbour. Please refer to the below site photo taken 30 June 2023.



BUSHFIRE PRONE AREA

The entirety of the subject site is mapped as a designated Bushfire Prone Area. Further information on how the proposal has considered the implications of being mapped within a designated bushfire prone area has been provided in the response to Clause 13.02 in the State and Local Planning Policy section of this report.



DESIGNATED BUSHFIRE PRONE AREA (IMAGE COURTESY OF VICPLAN, 2023)

3. THE PROPOSAL

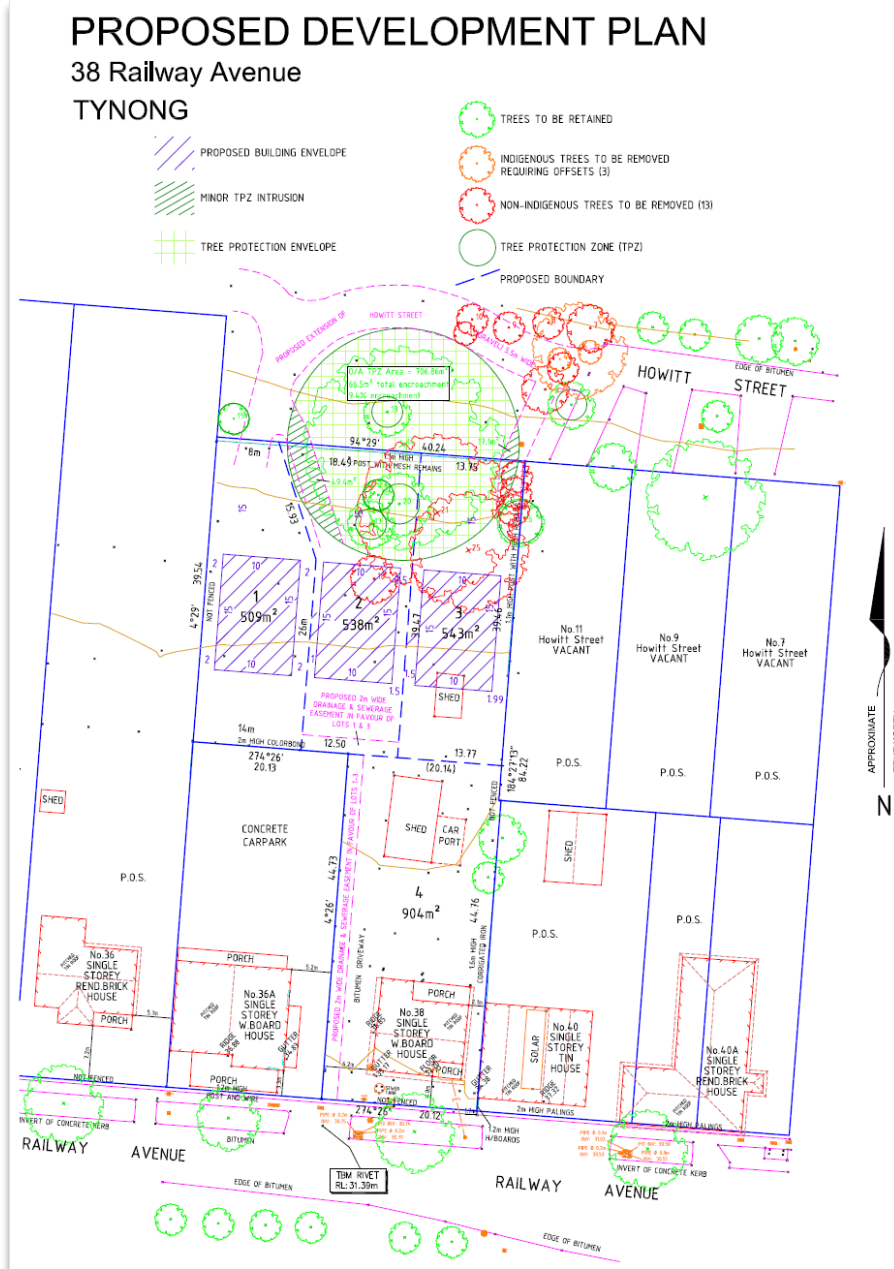
The applicant seeks approval for the subdivision of land into four (4) lots and the removal of sixteen (16) trees; ten (10) of which are third party trees with three (3) identified as indigenous and one (1) tree (tree 5) requiring offsetting; the creation of an easement and the removal of a restriction.

SUBDIVISION PROPOSAL

The proposed lot configuration is as per the Plan of Subdivision prepared by Nobelius Land Surveyors (extract at bottom). The purpose of the Building Envelopes (hereafter BEs) is to illustrate the capacity of the lots to accommodate a standard building with an area of 150sqm. These BE's are indicative in nature and not to be considered as restrictions. The details of the proposed lots are contained in the table below:

LOTS	AREA	BUILDING ENVELOPE
1	509sqm	150sqm (29.5% of site)
2	539sqm	150sqm (27.8% of site). The widened northern boundary is designed to avoid encroachment into the TPZ of third party tree #13.
3	533sqm	150sqm (28.1% of site)
4	899sqm	Features the existing dwelling and associated outbuilding

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CREATION OF EASEMENT - SERVICE PROVISION

Confirmation from service providers including APA, AusNet, South-East Water indicates connection capacity of these services to the lot. An easement measuring 2 metres in width will be located at the southern end of Lot 2 for the benefit of Lots 1 and 3. The 2 metre wide easement runs adjacent to the western side boundary of Lot 4 for the purpose of connecting Lots 1, 2, and 3 to the reticulated services located in the road reserve of Railway Avenue. This benefits sewer and stormwater given the fall of the land, with a 2 metre wide easement providing enough space to also cater for electricity and telecommunications.

Please note: As per Amendment VC221 gazetted on 4th August 2022 we wish to advise that this development will not be connected to reticulated gas.

ROAD PROVISION AND CONSTRUCTION

An extension of Howitt Street in a westerly direction is required to provide vehicular access to the three lots located at the rear (north) of the site. This road has been designed to meander around the Tree Protection Zone third party trees contained within the road reserve, particularly Tree 14. However, the removal of trees numbered 2 to 11 cannot be avoided. These trees have been detailed below. The road has a 5.5 metre width and is designed to meet the requirements of an 'Access Street', as per the Engineering Design & Construction Manual, VicRoads and Austroads. As previously stated there is a turning point at the western most end of Howitt Street to facilitate manoeuvrability of waste and emergency service vehicles so they can exit Howitt Street in a forward facing direction.

VEGETATION REMOVAL

Of the 37 onsite and third party trees assessed, the development of Howitt Street will require the removal of ten (10) trees identified as 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, with trees 18, 21, 22, 23, 24, and 25 proposed to be removed from the subject site. Of these, trees 4, 5, and 6 are identified as indigenous however, only the removal of tree 5 requires offsetting in accordance with the requirements of Clause 52.17 as trees 4 and 6 are exempt (regrowth).

Third party trees 2 to 11 will require removal and need Councils permission to do so. Onsite trees identified as trees 18, 21 to 25 require removal though not permission. Please refer to Appendix 1 – Tree detail on page 9 of the accompanying Arborist Assessment by ArbKey for details, and below for summary.

Tree ID	Genus Species	Common Name	Species Origin	Height (m)	Crown Spread (m)	Total DBH (cm)	DAB (cm)	Health	Structure	Maturity	ULE (years)	Significance	Arboricultural Value	Notes
2	<i>Callistemon salignus</i>	Willow Bottle Brush	Australian Native	7	4	25.1	26	Good	Fair	Mature	5 to 15	Third Party Ownership	Third Party Ownership	
3	<i>Callistemon viminalis</i>	Weeping Bottle Brush	Australian Native	5	3	19.67	24	Fair	Fair	Mature	5 to 15	Third Party Ownership	Third Party Ownership	
4	<i>Eucalyptus camaldulensis</i>	River Red Gum	Indigenous	7	2	15	18	Poor	Poor	Immature	<5	Third Party Ownership	Third Party Ownership	
5	<i>Eucalyptus melliodora</i>	Yellow Box	Indigenous	16	12	49	65	Good	Good	Mature	>40	Third Party Ownership	Third Party Ownership	
6	<i>Banksia integrifolia</i>	Coast Banksia	Indigenous	4	5	16	20	Good	Fair	Semi-mature	15 to 40	Third Party Ownership	Third Party Ownership	
7	<i>Populus nigra "Italica"</i>	Lombardy Poplar	Exotic	20	5	51.42	65	Good	Fair	Mature	5 to 15	Third Party Ownership	Third Party Ownership	
8	<i>Populus nigra "Italica"</i>	Lombardy Poplar	Exotic	8	3	41	55	Fair	Poor	Over-mature	0	Third Party Ownership	Third Party Ownership	Has failed at base and hung up in adjacent tree
9	<i>Populus nigra "Italica"</i>	Lombardy Poplar	Exotic	16	5	61.21	70	Good	Fair	Mature	5 to 15	Third Party Ownership	Third Party Ownership	
10	<i>Populus nigra "Italica"</i>	Lombardy Poplar	Exotic	8	3	44	60	Poor	Poor	Mature	0	Third Party Ownership	Third Party Ownership	Large cavities on trunk
11	<i>Populus nigra "Italica"</i>	Lombardy Poplar	Exotic	8	2	15	20	Good	Fair	Semi-mature	5 to 15	Third Party Ownership	Third Party Ownership	
18	<i>Coprosma repens</i>	Mirror Bush	Exotic	4	4	22.07	25	Fair	Poor	Mature	<5	Low	None	
21	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	Exotic	10	14	90	105	Fair	Fair	Mature	15 to 40	Medium	Medium	Suppressed a bit by adjacent scent bark. Large branch failure on eastern side
22	<i>Prunus cerasifera</i>	Cherry Plum	Exotic	4	2	9	12	Good	Fair	Semi-mature	5 to 15	Low	Low	
23	<i>Crataegus monogyna</i>	Hawthorn	Exotic	4	2	10.63	13	Fair	Fair	Mature	<5	Low	None	Noxious weed
24	<i>Crataegus monogyna</i>	Hawthorn	Exotic	6	5	19.1	21	Good	Fair	Mature	<5	Low	None	Noxious weed
25	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	Exotic	8	10	64	75	Fair	Fair	Mature	5 to 15	Medium	Medium	Top has fallen out and hanging in tree.

NATIVE VEGETATION REMOVAL

The provision of the road and the lot configuration requires the removal of vegetation. Whilst all efforts have been made to retain as much vegetation as possible on the site and within the road reserve, Councils permission is sought for the removal of several trees that were unable to be accommodated in the proposed road design.

- 16 trees are proposed for removal under the current plans.
- 10 trees within the road reserve require Council's permission to remove.
- 6 trees are located on the subject site and do not require permission to remove.
- Trees 7 to 12, 18, and 21 to 25 are exotic species.
- Tree 4 is indigenous and requires permission for removal and needs to be offset.

Offsets identified via the NVR which is provided in Section 7 of this report.

END SECTION 173 AGREEMENT – AG219599M, 28/11/2008

Section 173 Agreement AG21999M dated 28th November 2008 between Cardinia Shire Council and Tasman Jeff Williams and Lynette Grace Williams has regard to the consolidation of land in certificate of title volume 10975 folio 435 and land formally abutting Railway Avenue in volume 3723 folio 587. Part 6.1 states the owner covenants, acknowledges and agrees that the subject land is to be consolidated. The required consolidation has been registered and the land is now identified as Plan of Consolidation 371859, 38 Railway Avenue, Tynong and is contained within Volume 11160 and Folio 844. Part 6.2 of Agreement AG21999M states the owner of the land will not subdivide the subject land without first obtaining the written consent of Council. Part 6.3 of the agreement requires the owner covenants no objection to rezoning of adjoining land, the subject land without first obtaining the written consent of the Council. The covenants of the owner have been actioned and it is the preference of Council that the agreement be ended. An email from Council dated 1 September 2023 (authored by Alicia Brown) confirms "permission to proceed with delegated authority to end the Section 173 Agreement, with councillors notified via the Councillor Bulletin (8th September 2023).

As required we have written to Council (mail@cardinia.vic.au dated 2 September 2023) requesting to end the Section 173 Agreement under Section 178A of the Planning and Environment Act and have included the necessary information required by Part 7 (section 55) of the Planning and Environment Regulations. A receipt of payment for the additional Planning fee (Reg 16) of \$707.60 to end the Section 173 Agreement is forthcoming.

4. RELEVANT PLANNING CONTROLS

The following section addresses the objectives and requirements of the zoning and overlay controls relevant to the subject site identifying how these planning controls relate to the proposal, trigger an assessment and how we have addressed the requirements of planning provisions.

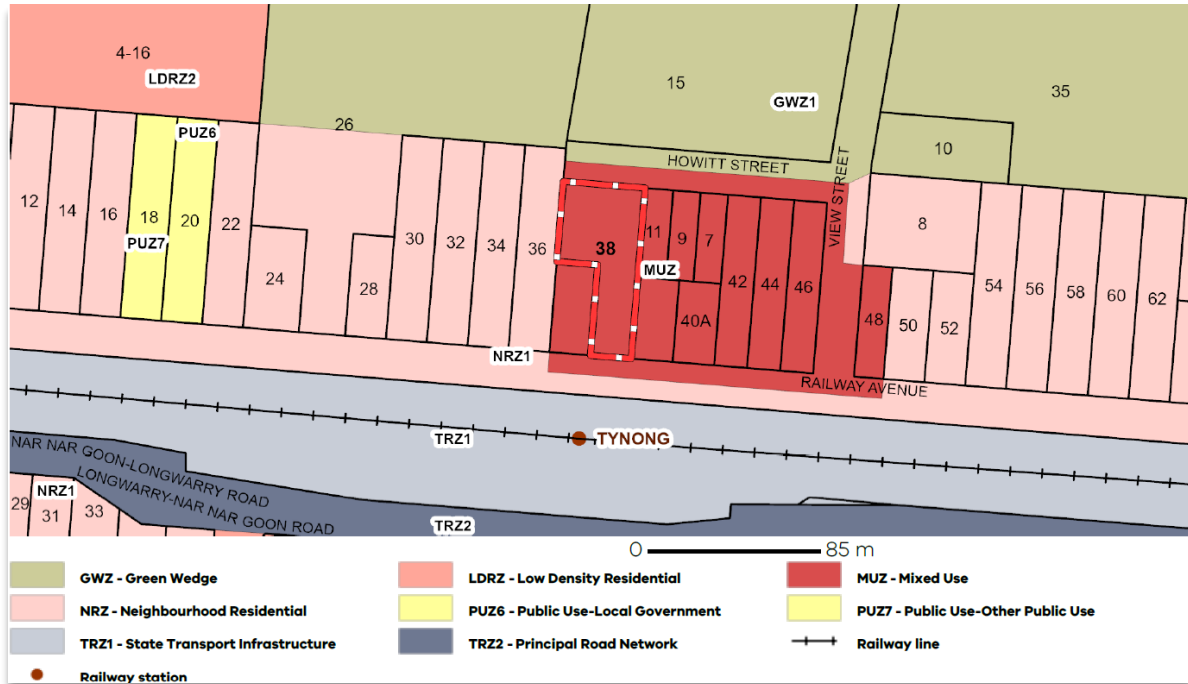
ZONING CONTROLS

The following provides a brief summary of the planning controls relevant to the subject site identifying how these planning controls relate to the proposal.

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MIXED USE ZONE

The subject site and all surrounding land is mapped within the Mixed Use Zone (MUZ).



The Mixed Use Zone has the following purposes relevant to this proposal:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
- To provide for housing at higher densities.
- To encourage development that responds to the existing or preferred neighbourhood character of the area.
- To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

Pursuant to **Clause 32.04-4**, a permit is required to subdivide land.

An application to subdivide land must meet the requirements of Clause 56 (for 16-59 lots, the objectives and standards of all Clauses except Clause 56.021, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6. An assessment of the proposal against the requirements of clause 56 is presented in Section 7 of this report.

SCHEDULE TO THE MIXED USE ZONE

The schedule is silent on specific objectives, application requirements or decision guidelines.

MIXED USE ZONE - DECISION GUIDELINES

The decision guidelines contained in Clause 32.04-14 have been considered in the proposed design. An assessment of the proposal against each relevant guideline is provided below:

General

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The objectives set out in a schedule to this zone.*
- *Any other decision guidelines specified in a schedule to this zone.*
- *The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*

Subdivision

- *The pattern of subdivision and its effect on the spacing of buildings.*
- *For subdivision of land for residential development, the objectives and standards of Clause 56.*

In summary, the proposal meets the requirements of the Municipal Planning Strategy and the Planning Policy Framework as addressed in Sections 5 and 6 (below). The proposal contemplates the subdivision of land into four (4) lots ranging in size from 904sqm (Lot 4) to 509sqm (Lot 1), which are generally consistent in area to similarly zoned lots directly east of the site on Howitt Street and to the southeast on Railway Avenue. Schedule 1 is silent on additional objectives and decision guidelines to those nominated in the zone. While impacts of overshadowing will be determined in the event planning applications are lodged for residential development on the lots, it should be noted that building envelopes feature setbacks that range between 2 metres and 1.5 metres (2m from the western side boundary on Lot 1 and from the BE on Lot 2; a 1 metre and 1.5 me setback between the BE on Lot 2 and title boundaries; and a 1.5m and 1.99m setback of the BE on Lot 3 from the title boundaries) with all new lots featuring a 15 metre setback from the Howitt Street road reserve. These building envelopes are generally consistent with the minimum side setbacks of development on adjoining lots and parcels in the vicinity and will contribute to the avoiding adverse impacts on any rooftop solar systems on adjoining land. Battle-axe lot configurations have been avoided to ensure street frontages and passive surveillance opportunities. Trees have been preserved where possible.

As such, the proposed subdivision is appropriate for the Mixed Use Zone.

OVERLAYS

No overlays directly affect the land, as demonstrated in the image derived from VicPlan (2023) below:



5. MUNICIPAL PLANNING STRATEGY

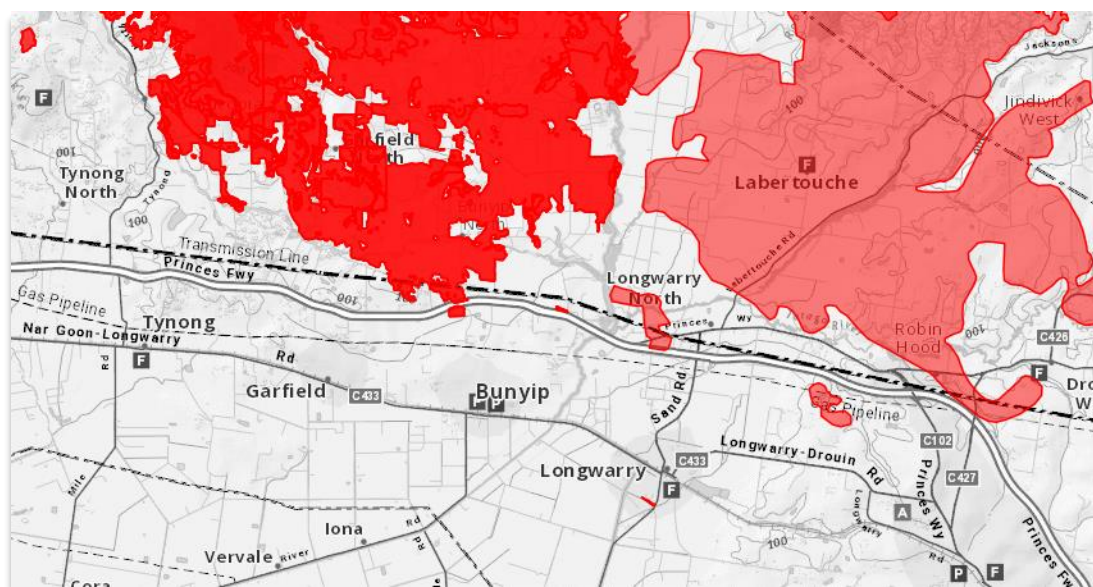
CLAUSE 21.01-2 KEY INFLUENCES AND CLAUSE 21.01-3 KEY ISSUES

The Cardinia Shire seeks to be recognised as a unique place of environmental significance where our quality of life and sense of community is balanced by sustainable and sensitive development, population and economic growth. The proposal is sensitive to the key issues facing Cardinia that have regard to preserving environmental heritage significant areas, mitigating risks associated with flooding and bushfire, providing housing and services for a growing community, and facilitating economic development. The subject site is located within the strategic residential area of Tynong and is consistent with the Cardinia Shire Strategic framework plan at clause 21.01-5.

CLAUSES 21.02 ENVIRONMENT, 21.02-2 LANDSCAPE AND 21.02-3 BIODIVERSITY

Clause 21.02 Environment has the objective, among others, to manage development to mitigate impacts on the operation and health of waterway systems via the provision of retention and treatment of domestic wastewater. **Clause 21.02-2 Landscape** and **Clause 21.02-3 Biodiversity** seek to avoid eroding the existing biodiversity of the Shire and its significant contribution to the landscape. The vegetation contained within the site has been assessed by *ARBkey Urban Forest Professionals*. Please read in conjunction with the *Arboricultural Assessment dated February 2, 2023*. The arboricultural assessment included 37 trees (17 on the subject site and 20 within adjacent properties) where the high value trees have been protected and preserved through considered design of the proposed subdivision.

Clause 21.02-3 Bushfire management acknowledges the high risk associated with some of the areas within the shire. Tynong has modest slope with vegetation coverage akin to grazed paddocks (AS3959-2018) as opposed to the more steeply sloped and densely vegetated areas associated with the Bunyip State Reserve to the north of the Princess freeway, which has experienced fire damage as a result of the 2009 and 2019 fires (refer below). Locating subdivision and infill development in existing low risk areas such as Tynong meets the primary objective of all planning provisions that seek to mitigate bushfire risk.



Tynong has topographic and vegetation characteristics that make it a low risk area as evidenced by the Victorian Fire Risk mapping above, 2022.

CLAUSES 21.03 SETTLEMENT AND HOUSING, 21.03-4 RURAL TOWNSHIPS

Clause 21.03 Settlement and Housing and more specifically **Clause 21.03-4 Rural Townships** identifies Tynong as a small rural township, and highlights the key issues facing rural townships that are relevant to our submission:

- *Retaining and enhancing the existing rural township character.*
- *Setting clear limits for development for the townships*
- *Acknowledging that the capacity for growth varies depending on the environmental and infrastructure capacities of each of the towns.*
- *Designing with regard to the surrounding unique characteristics of the townships.*

The proposed subdivision addresses these key issues through ensuring that the lot sizes are respectful and consistent with the existing subdivision patterns, lifestyle and amenity values of the surrounding neighbourhood. High value vegetation will be preserved through design with servicing constraints catered to.

6. STATE AND LOCAL PLANNING POLICY FRAMEWORK

This part of the report assesses and responds to the legislative and policy requirements for the project outlined in the Cardinia Planning Scheme and in accordance with the Planning and Environment Act 1897. The relevant clauses of the State & Local Planning Policy Framework for subdivisions of the type presented in this report are largely contained in Clauses 11, 13, 15, 18 and 19.

An assessment against the relevant clauses of the Cardinia Planning Scheme has been provided below:

CLAUSE 11 SETTLEMENT

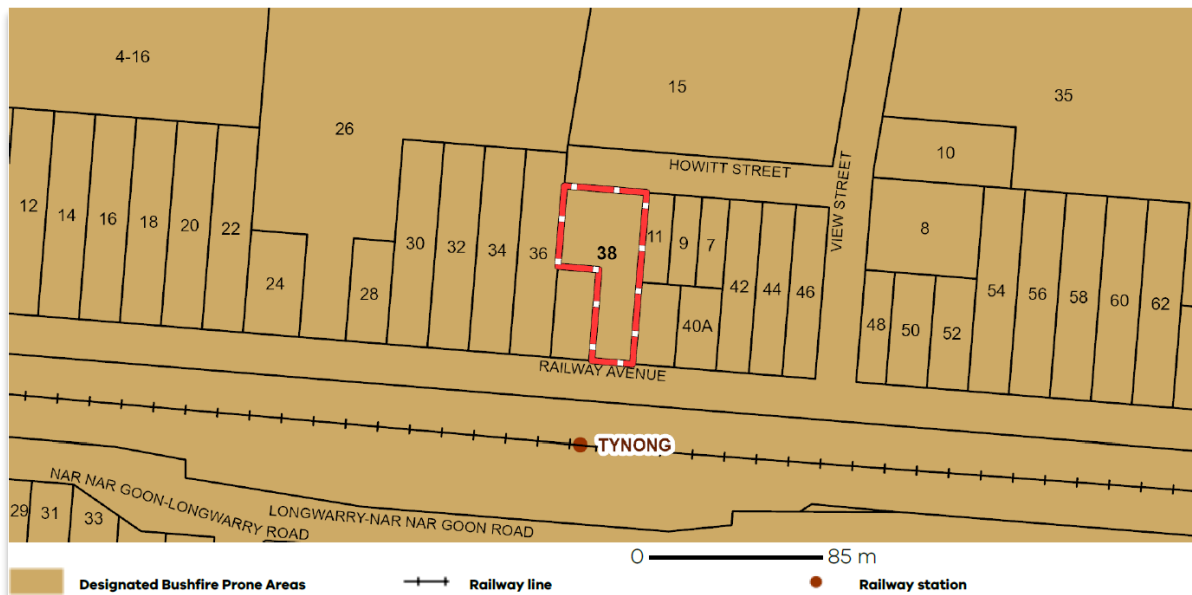
Clause 11.01-1S Settlement and **Clause 11.02-1S Supply of urban land** have regard for the development of sustainable growth and development that preserves the distinction between the residential areas of townships such as Tynong and the green wedge zoned land that surrounds such communities. They have the shared objective to ensure a sufficient supply of land is available for residential, commercial, retail, industrial recreational, institutional, and other community uses, with the intensification of existing urban areas nominated as a viable option. Our proposal is consistent with this objective.

CLAUSE 13 ENVIRONMENTAL RISKS AND AMENITY

Clause 13.01-1S Natural hazards and climate change is a recently introduced planning mechanism (VC216, 10/06/2022) that seeks to prioritise risk-based planning in an effort to minimise the impacts of natural hazards associated with climate change. One strategy that has salience here is the directive to focus growth and development to low-risk locations. The subject sites are not vulnerable to

flooding, nor are they subject to the intensified risks associated with bushfire (though they are identified as Bushfire Prone). The proposal contemplates the subdivision of land within an existing residential area and the development (extension) of an existing road that facilitates access and egress, which is consistent with risk mitigation policies.

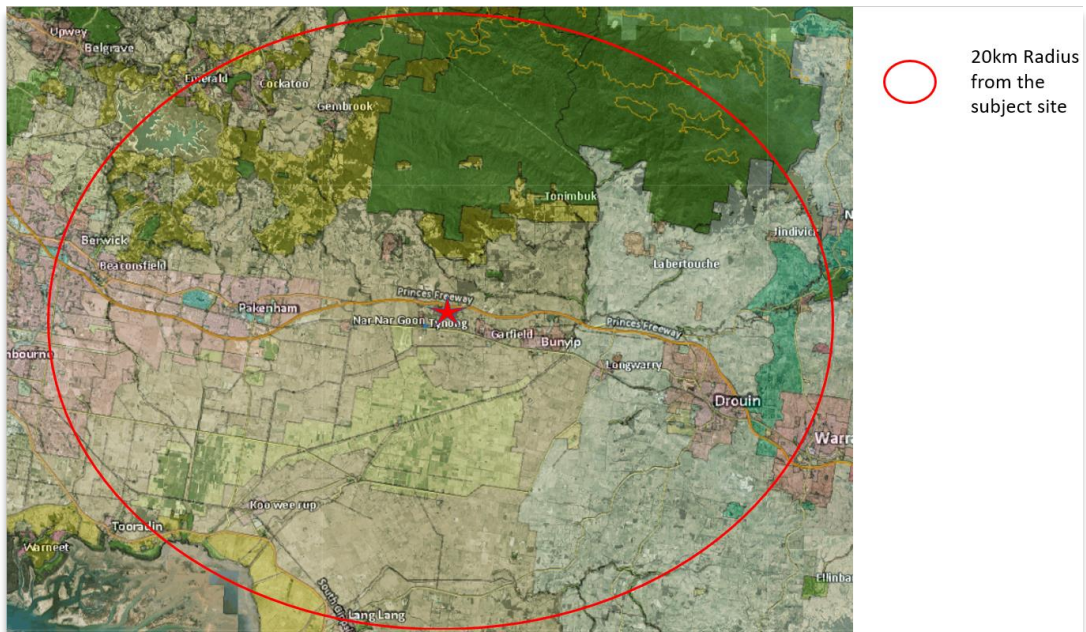
Clause 13.02-1S Bushfire Planning relates to land within a designated bushfire prone area; subject to the Bushfire Management Overlay; and/or proposed to be used or development in a way that may create a bushfire hazard. The objective of Clause 13.02-1S is to “strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life” achieved through strategies that prioritise the protection of human life over all other policy considerations; “directing population growth and development to low-risk locations” and “ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire” with low risk location being those that are assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS3959-2018 (Construction of Buildings in Bushfire Prone Areas (Standards Australia, 2020); and reducing community vulnerability to bushfire through the consideration of bushfire risk at all stages of the planning process. The subject site is within an identified Bushfire Prone Area as per the VicPlan extract below.



As such, an assessment of the landscape conditions within 20 kilometres of the site; the local condition within 1 kilometre of the site; the neighbourhood conditions within 400 metres of the site; and on the subject site is presented below in accordance with the requirements of clause 13.02 for a subdivision proposal of more than 10 lots.

- Landscape conditions (as indicated below) – The area within a 20km radius of the site features a combination of landscapes consisting of cleared farming and grazing; rural/urban development, dense urban development and densely forested areas. To the north are the Dandenong Ranges which exhibit extensive pockets of dense vegetation consistent with the Forest and Woodland classifications of AS3959-2018 *Construction of Buildings in bushfire-prone areas* and steep topography. The site is surrounded by a patchwork of farming and grazing land interspersed with rural development in all directions. A fire threat during ‘bushfire conditions’ is likely to emanate from the north, northwest where a fire could build up intensity in the Bunyip State Park and the Dandenong Ranges. The 5-6,000metres between the site and the classifiable vegetation to the north of the site provides defensible space and

setback from ember attack, which significantly mitigates the fire threat from the north. The surrounding road network features principal transport corridors including Princes Freeway (having a west to east orientation), Nar Nar Goon-Longwarry Road (East to west orientation), Tynong and Nine Mile Roads (both with a north to south orientation). The relevance of the road network is that they are most likely those roads that will become the main access points and thoroughfares during an emergency situation.



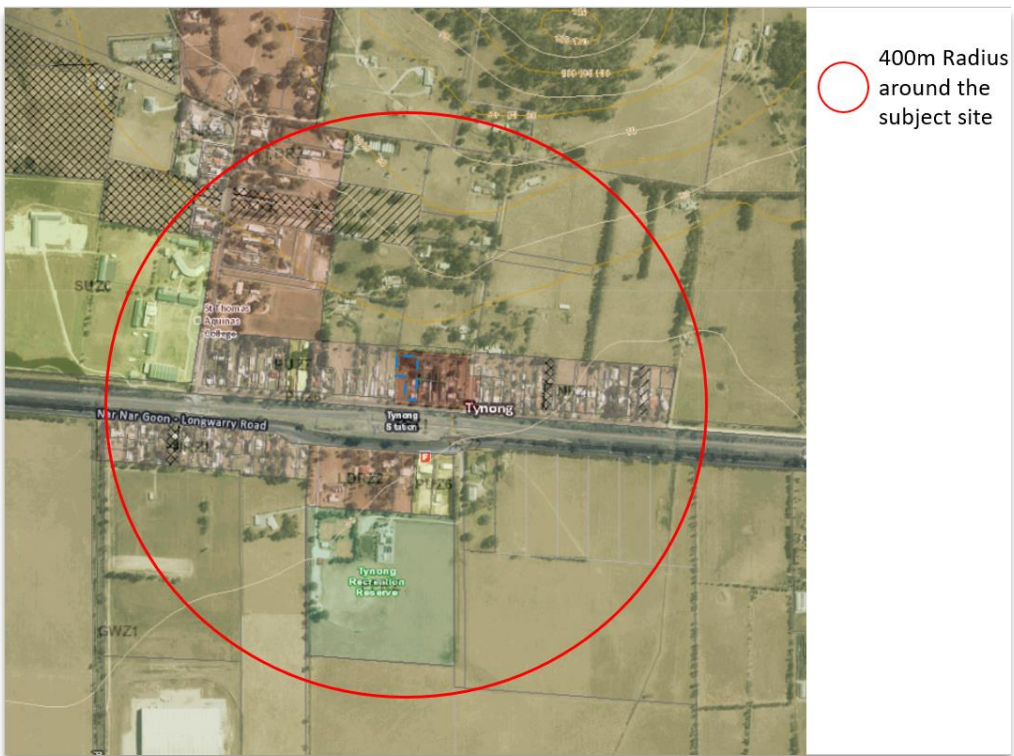
- Local conditions (please refer to the map below) – The area within a 1km radius of the subject site features a combination of land use and development consistent with rural residential zones and general residential zones. To the north is land subject to the LDRZ2 and GWZ1 accessed via a local road network. Vegetation is consistent with grazed paddocks that often qualifies as ‘excludable vegetation’ when paddocks are continually stocked and grass is kept below 100m and is well irrigated. Native vegetation is confined to remnant trees adjacent to fence lines and within road reserves, provisioning limited ‘fire run’ potential. The land is generally employed for rural residential land use in all directions with Green Wedge zoned land within 20metres to the north and north east, and 200m to the south and 620m to the

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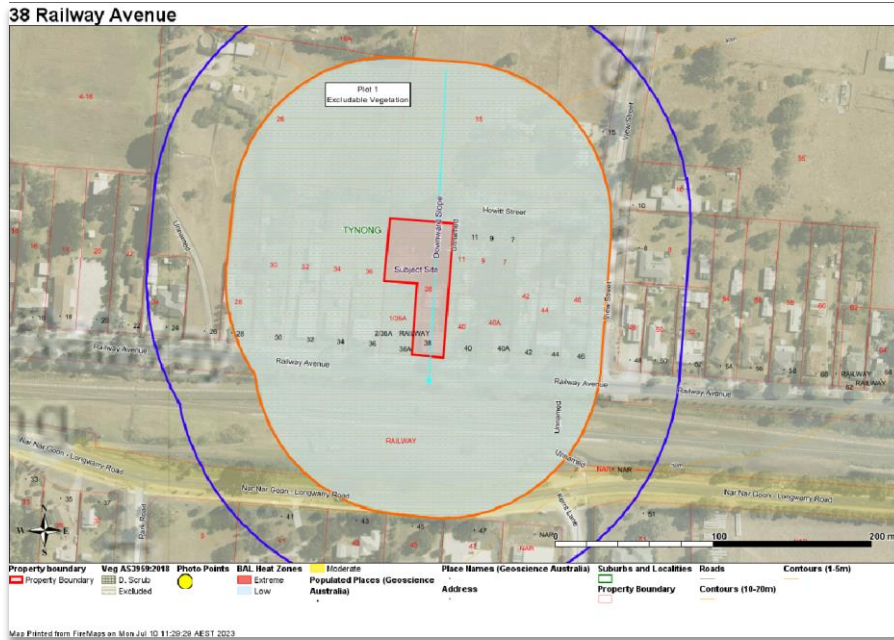
south, south-west. Tynong features gentle topography that flattens out to the south.



- Neighbourhood conditions within 400m of the site (please refer to the map below) – The subject site is surrounded by land characterised as rural residential land that is subject to residential development and low intensity farming. Land to the north is subject to the Green Wedge Zone. Land directly to the east, west and south features residential development with little remnant vegetation that could sustain a fire run.



- Site conditions – The site features a gentle downward slope from the high point adjacent to Howitt Street adjacent to the north of the site down toward Railway Road. The site is dominated by cleared land in a Low Threat state consistent with 2.2.3.2 (f), AS3959:2018 *Construction of buildings in Bushfire Prone Areas*. Please read in conjunction with the Bushfire Attack Level Report provided by *Nobelius Land Surveyors*, dated 10 July 2023.



The site is a low risk location having a radiant heat flux of less than 12.5 kilowatts/square metre under AS3959-2018 (Construction of Buildings in Bushfire Prone Areas, Standards Australia, 2020) as indicated by the BAL Heat Level Map above, generated by FireMaps, 2023.

Access for emergency services to the site, and egress options from the site are consistent with the standards of **clause 53.02** and the strategies of **clause 21.02-4 Bushfire management**. Railway Avenue is a sealed road providing east -west orientation and Howitt Street adjacent to the north of the site is a gravel cess road. The proposed subdivision implies a modest increase to the residential population of Tynong in an area that provides service provision, interconnected road networks and classified as a Low BAL area where the risk of bushfire is mitigated.

CLAUSE 15 BUILT ENVIRONMENT AND HERITAGE

Clause 15 Built Environment and Heritage has the objective to ensure planning delivers built form that is of high quality and efficient, responsive to the surrounding landscape and character including its associated risks, protective of heritage and provides the functionality required by the community. The proposal aligns with the objective of **Clause 15.01-3S Subdivision design**, which is:

- *To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.*

The proposal contemplates the subdivision of the land to produce 4 residential lots and the westward extension of Howitt Street. The subdivision seeks to balance the provision of attractive lot design through generously sized allotments that retain that vegetation identified as significant and structurally viable. Access to Howitt Street provides entry and exit points favoured by bushfire

mitigation strategies. The subject sites are conveniently located within walking range of reserves and sporting facilities, which promotes the objective of **Clause 15.01-4S Healthy neighbourhoods**.

Clause 15.01-5S Neighbourhood character has the objective to:

- *..recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

The immediate area is consistent with residential land use with the capacity to accommodate the projected growth of residential (infill) development within Tynong while preserving existing township character through lot size mechanisms. Vegetation will be preserved where possible.

CLAUSE 18 TRANSPORT

Clause 18 Transport has regard to the provision of ‘connectivity’ for residents to social and economic opportunity which facilitates reliable movement for people and goods and supports environmental sustainability, health and wellbeing. Of salience here are the strategies of Clause 18.0-1S Land use and transport integration that seeks to reduce distances people have to travel between their place of residence and their employment, education, service providers, which promotes mobility within and between communities. Our proposal implies infill residential development within Tynong whereby residents would be within 20metres of the ‘commercial centre’ of Tynong and 30m from the Tynong Railway Station. This promotes non-car dependant mobility and supports active living and improved wellbeing synonymous with the 20-minute neighbourhood (**Clause 18.01-2S Transport system**) and sustainable and safe transport (**Clause 18.01-3S**), and the strategies of **Clause 18.02-1S Walking**, **Clause 18.02-2S Cycling** and **Clause 18.02-3S Public Transport**.

CLAUSE 19 INFRASTRUCTURE

Clause 19 has regard to the provision of infrastructure to our growing community. **Clauses 19.03-2S Infrastructure design and provision** and **19.03-3S Integrated water management** has the objective to provide timely, efficient and cost-effective development infrastructure that meets the community needs by integrating planning and engineering design of new subdivisions and development. All infrastructure provisioning will be via the proposed 2m easement that links the three proposed lots to the north with the services available in the Railway Avenue Road Reserve. The provision of services will be conditioned by a Planning Permit should one be supported by the Council and responsible authorities.

Please note: As per Amendment VC221 gazetted on 4th August 2022 we wish to advise that this development will not be connected to reticulated gas.

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RELEVANT & INCORPORATED DOCUMENTS

CARDINIA RAILWAY TOWNS: ECONOMIC, SOCIAL & LAND USE ASSESSMENT 9NAR NAR GOON, TYNONG, GARFELD AND BUNYIP) DRAFT DOCUMENT 2018.

In the absence of any incorporated document that guides the land use and development of Tynong, we have advanced a proposal that takes into consideration the above mentioned preliminary assessment.

Of the four 'Railway Towns', Tynong has the smallest population with a modest population growth forecast of 0.9% per annum (Page 53, Tract). It does feature significant economic growth capacity given the proximity of the Pakenham Racecourse, St Thomas Aquinas College and the mines to the north.

Tynong does not feature a permanent Urban Growth Boundary which is likely due to the limited growth and development capacity of the area with land subject to inundation to the south of the railway line and the bushfire risk to the north. The lack of infrastructure is also a limiting factor. Despite this, Tynong is an attractive option for 'tree-changers' where the capacity to work from home can be taken advantage of.

The subject site is zoned Mixed use and is unencumbered by any overlays that identify specific values or risks associated with the land., Given this, the subject site is considered suitable for subdivision and residential develop (though it is to be noted that development is not proposed here).

7. PARTICULAR PROVISIONS

The relevant Particular Provisions that will be addressed are identified below:

- Clause 52.02 Easement, Restrictions and reserves
- Clause 52.12 Bushfire exemptions
- Clause 52.17 Native vegetation
- Clause 53.01 Public open space contribution and subdivision
- Clause 53.18 Stormwater management in urban development
- Clause 56 Residential Subdivision

CLAUSE 52.02 ESASEMENTS, RESTRICTIONS AND RESERVES

The proposal to end the Section 173 Agreement will proceed under Section 178A of the Planning and Environment Act 1987, and Section 55, part 7 of the Planning and Environment Regulations. The proposal to create an easement for the purpose of water, stormwater, sewer, telecommunications and electricity from Railway Avenue triggers the requirements of clause 52.02. Please note: As per Amendment VC221 gazetted on 4th August 2022 we wish to advise that this development will not be connected to reticulated gas.

Decision guidelines requires the responsible authority to consider the interests of affected people, therefore the proposal will be subject to Notification requirements.

CLAUSE 52.12 BUSHFIRE EXEMPTIONS

Clause 52.12 Bushfire protection exemptions seek to facilitate the removal of vegetation in specific circumstances to support and protect human life and property. **Clause 52.12-1 Exemptions to create defensible space around buildings used for accommodation** and **Clause 52.12-2 Exemption for vegetation removal along a fence line** provide exemptions that enable the removal, destruction or lopping of vegetation within 10m metres of an existing building to create defensible space and along a boundary fence between properties and in different ownership if all the requirements are met:

- *The fence must be located in an area that is designated as a bushfire prone area under the Building Act 1993.*
- *The fence must have been constructed before 10 September 2009. The internal fencing has been on the prior to 2009.*
- *The clearing alongside both sides of the fence when combined must not exceed 4 metres in width, except where land has already been cleared 4 metres or more along one side of the fence, then up to 1 metre can be cleared along the other side of the fence.*

While the site is located within the BPA (as indicated previously, refer to the assessment to the requirements of clause 13.02-1S) and the existing dwelling and fence lines were constructed prior to 10 September 2009, the location of the trees that require removal (and offsetting) do not meet the requirements of clause 52.12-2.

Please read in conjunction with the *Arboricultural Impact Assessment dated February, 2023* provided by ARBkey.

CLAUSE 52.17 NATIVE VEGETATION

Clause 52.17 has the following purposes:

- *To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the guidelines):*
 1. *Avoid the removal, destruction or lopping of native vegetation.*
 2. *Minimise the impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
 3. *Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*
- *To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.*

Pursuant to Clause 52.17 Native Vegetation, locally indigenous, non-planted vegetation requires a permit (and offset) to remove, destroy or lop. ArbKey have prepared a *Preliminary Arboricultural Assessment* and a *Construction Impact Assessment* of all vegetation on the subject site and adjacent to the subject site and have found that Clause 52.17 will apply to one tree identified as No.4, a *Eucalyptus camaldulensis* (River Red Gum). This tree is a third party tree located in the Howitt Street (road) reserve.

Please refer to the highlighted circle below for location of Tree #4.



A Native Vegetation Report has been undertaken and Tree #4 requires an Basic Pathway Assessment, and requires offsetting.

*Please note: The NVIM extract and report has been provided.

CLAUSE 53.01 PUBLIC OPEN SPACE CONTRIBUTION AND SUBDIVISION

A subdivision of the land attracts the requirement of a contribution to the council for (the provision of) Public Open Space the value of which is calculated as a percentage of the value of the land intended to be used for residential development. Clauses 53.01-1 and 53.02-2 (under section 18 (8)(a) of the Subdivision Act 1988) set out exemptions from Public Open Space requirements specified in the scheme including where the subdivision is:

- *of a building used for residential purposes where each lot contains part of the building. The building must have been constructed or used for residential purposes immediately before 30 October 1989 or a planning permit must have been issued for the building to be constructed or used for residential purposes immediately before that date.*
- *a commercial or industrial building provided each lot contains part of the building.*
- *for the purpose of excising land to be transferred to a public authority, council or a Minister for a utility installation.*
- *subdivides land into two lots and the council considers it unlikely that each lot will be further subdivided.*

The proposal does not qualify for any of the above-mentioned exemptions therefore the subdivision of land will attract a Public Open Space Contribution of the value of 8 per cent of the total value of the land, as per the requirements of the schedule to clause 53.01.

CLAUSE 53.18 STORMWATER MANAGEMENT IN URBAN DEVELOPMENT

The purpose of clause 53.18 is to ensure that stormwater in urban development is managed in a way that mitigates the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits. Clause 53.18-1 states that this clause applies to an application under a provision of a zone to subdivide land, construct a building, or construct or carry out works, other than for an application to *subdivide land in a residential zone for residential purposes*. Given this application is to subdivide land in a residential zone for residential purposes, an assessment of the proposal against the requirements of clauses 53.18-4 to 53.18-6 is not required.

CLAUSE 56 RESIDENTIAL SUBDIVISION

Clause 56 is applicable to this proposal, and has the following purposes:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create liveable and sustainable neighbourhoods and urban places with character and identity.*
- *To achieve residential subdivision outcomes that appropriate respond to the site and its context for:*
 - *Metropolitan Melbourne growth areas.*
 - *Infill sites within established residential areas.*
 - *Regional cities and towns.*
 - *To ensure residential subdivision design appropriately provides for:*
 - *Policy implementation*
 - *Liveable and sustainable communities.*
 - *Residential lot design.*
 - *Urban landscape.*
 - *Access and mobility management.*
 - *Integrated water management.*
 - *Site management.*
 - *Utilities.*

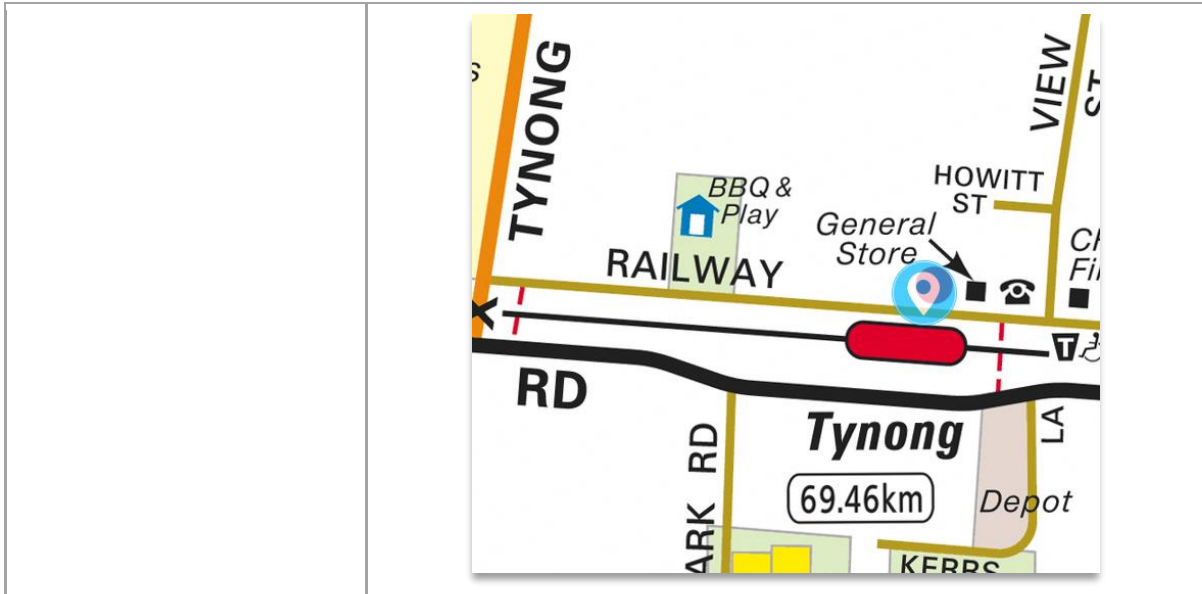
Clause 32.04-4 Mixed Use Zone states that applications for the subdivision of land into 3-15 lots must meet all objectives and standards in Clause 56, except for Clauses 56.02-1, 56.03-1 to 56.03-3, 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.

An assessment of the proposal against the relevant objectives and standards contained within Clause 56 is provided below:

CLAUSE	RESPONSE
56.01 SUBDIVISION SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE	

56.01-1 Subdivision site and context description	Please refer to Section 2 Subsite site and surrounding locality within the report (above) and the Feature Plan lodged in conjunction with this proposal.
56.01-2 Subdivision design response	Please refer to Section 3 The Proposal and Section 4 Planning Controls and our response to clause 15.01-3S within the report (above) and the proposed plan of subdivision lodged in conjunction with this proposal.
56.02 POLICY IMPLEMENTATION	
56.02-1 Strategic implementation objective	NA as per Clause 32.04-4
56.03 LIVEABLE AND SUSTAINABLE COMMUNITIES	
56.03-1 Compact and walkable neighbourhoods' objective	NA as per Clause 32.04-4
56.03-2 Activity Centre objective	NA as per Clause 32.04-4
56.03-3 Planning for community facilities objective	NA as per Clause 32.04-4
56.03-4 Built environment objective	Complies with Standard C5 A description of the elements that contribute to the identity and character of Tynong have been provided in Section 2 Subsite site and surrounding locality and a response of the proposal to the existing character has been provided in Sections 5 and 6 .
56.03-5 Neighborhood character objective	Complies with Standard C6 The proposal complies with the relevant standards and objectives under this clause. Please read in conjunction with our response to Clause 15.01-5S Neighbourhood character, and Clause 21.03-4 Local Townships (Sections 5 and 6 above).
56.04 LOT DESIGN	
56.04-1 Lot diversity and distribution objectives	Complies with Standard C7 The proposal provides for four (4) lots that range between 509sqm to 904sqm and are comparable to lot sizes in the vicinity, notably No. 7-11 Howitt Street, 48 and 68 Railway Avenue. The subject site is located within 30ms of the Tynong Railway Station.

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56.04-2 Lot area and building envelopes objective

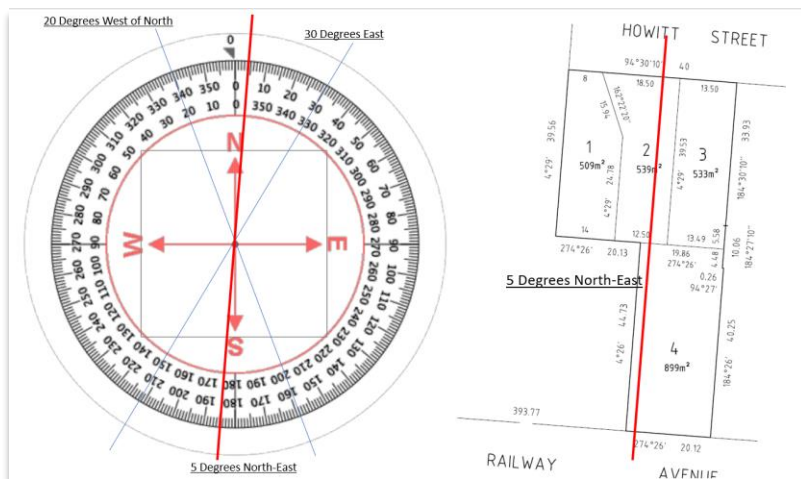
Complies with Standard C8

Each lot measures in excess of 500sqm. Indicative building envelopes have been shown to evidence the capacity of the lots to accommodate a 10m by 15m rectangle which is setback from Howitt Street by 15m with minimum 2 metre side setbacks (Lot 1). The building envelopes indicate that any subsequent built form with a maximum of two storeys can achieve setbacks that protect solar access of existing dwellings and any future onsite development; avoid easements and protects existing onsite vegetation.

56.04-3 Solar orientation of lots objective

Complies with Standard C9

The lots have been orientated to conform to the existing subdivision pattern in the neighbourhood and the dimensions of the lots are adequate to protect solar access to the lot.



The above diagram indicates the long axis of each lot is within the range of north 20 degrees west to north 30 degrees east. Lots are adequately sized with BE's suitably setback from boundaries to ensure solar access.

56.04-4 Street orientation objective	Complies with Standard C10 The proposed lots are orientated to either Howitt Street (lots 1-3), or to Railway Avenue (lot 4). The proposal avoids a battle-axe design
56.04-5 Common Area objective	Standard C11. NA - No Common Property is proposed.
56.05 URBAN LANDSCAPE	
56.05-1 Integrated urban landscape objective	Complies with Standard C12 The extension of Howitt Street is proposed to meander around existing trees to provide access and egress to the proposed lots. The road is designed to extend the existing road conditions (i.e. above-grade permeable surfacing) westward and retain third party trees, where possible; offsetting Tree #1 where removal cannot be avoided.
56.05-2 Public open space provision objectives	Standard C13 NA – No public Open Space is proposed
56.06 ACCESS AND MOBILITY MANAGEMENT	
56.06-1 Integrated mobility objectives	NA as per Clause 32.04-4
56.06-2 Walking and cycling network objectives	Standard C15 – Non compliant (due to lack of existing infrastructure) An existing footpath runs parallel to Railway Avenue providing pedestrian access in a westerly direction up to Tynong Road and in an easterly direction to No.80 Railway Avenue. Pedestrian access is provided to Tynong Railway Station directly south of the site. The surrounding street network does not feature interlinked pavements or footpaths. Given footpaths are not an existing feature of Howitt Street, they will not be provided as part of the westerly road extension. *It is noted that the provision of footpaths was not required by Council for the boundary realignment of lots to the east.
56.06-3 Public transport network objective	NA as per Clause 32.04-4
56.06-4 Neighbourhood street network objective	Complies with Standard C17 The Concept Plan provided by Nobelius Land Surveyors shows the westerly extension of Howitt Street, the design of which takes it cues from the existing road development consisting of an above-grade gravel access road. This is consistent with the areas' character and identity and preserves as many trees as is possible. A turning bay has been provided at the western end of Howitt Street to facilitate turning of a waste and emergency service vehicle with a swept path assessment provided.

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<p>56.06-5 Walking and cycling network detail objectives</p>	<p>Standard C18 – Partially compliant As per our response to clause 56.06-2 there are no footpaths proposed to be incorporated into the westward extension of Howitt Street. this is consistent with the roads in the vicinity including the easterly portion of Howitt Street and View Street. The extension of Howitt Street will be constructed to the requirements of Table C1 and employ a durable surface capable to discharging run off, preserving all-weather access for a minimum 20 year lifespan.</p>
<p>56.06-6 Public transport network detail objectives</p>	<p>NA as per Clause 32.04-4</p>
<p>56.06-7 Neighbourhood street network detail objectives</p>	<p>Complies with Standard C20 The westerly extension of Howitt Street can accommodate a 5.5 metre wide carriageway, it has not however been noted on the plans. The area between the TPZ for Tree 14 and the northern title boundary is capable of accommodating emergency and waste vehicles however the road will only be constructed to a width of 3.5 metres to ensure the Tree 14 TPZ is not encroached upon. The road is designed to accommodate minimum corner splays at the intersections with View Street, consistent with which meets the minimum requirements in Table C1. Please read in conjunction with the Concept Plan for the proposal by <i>Nobelius Land Surveyors</i> and the Swept Path Assessment.</p>
<p>56.06-8 Lot access objective</p>	<p>Complies with Standard C21. The proposed lots have vehicular street access consistent with those requirements for Access Lane (Table C1). Crossovers will be provided as per council requirements. The crossovers will be located within the TPZ of Tree 14, as will the driveways and access however, revisions to the Development Plan ensures all works that encroach into this TPZ are contained as minor encroachment which measure 66.5sqm and equate to a 9.3% (minor) encroachment.</p>
<p>56.07 INTEGRATED WATER MANAGEMENT</p>	
<p>56.07-1 Drinking water supply</p>	<p>Complies with Standard C22</p>

objectives	The supply of drinking water will be designed and constructed in accordance with the requirements, and provided to the boundary of all lots, to the satisfaction of the relevant water authority.
56.07-2 Reused and recycled water	Complies with Standard C23 The supply of reused and recycled water will be designed, constructed and managed in accordance with the requirements, and provided to the boundary of all lots to the satisfaction of the relevant water authority.
56.07-3 Wastewater management objective	Complies with Standard C24 Wastewater systems will be designed, constructed and managed in accordance with the requirements, consistent with the relevant approved domestic wastewater management plan, and provided to the boundary of all lots, to the satisfaction of the relevant water authority. An easement measuring 2 metres in width is proposed adjacent to the southern (rear) boundary for Lot 2 to facilitate connection to services for lots 1 and 3. This then joins a 2 metre wide easement adjacent to the western (side) boundary of Lot 4 to facilitate connection for lots 1, 2 and 3 to the reticulated services (stormwater, waste water, sewerage) provided from Railway Avenue. Connection of services via this easement design to Railway Avenue is appropriate given the fall of the land from the high point in the northern portion of the site to the low point adjacent to Railway Avenue. This trenching design also avoids any further encroachment into the TPZ of Tree 14.
56.07-4 Stormwater management objectives	Complies with Standard C25 The proposed stormwater drainage system will be seamlessly integrated with the existing stormwater drainage infrastructure in the area and will accommodate flood modelling events specified within the standards. As per above, stormwater management has been designed to 'drain' from lots 2, 3, and 4 via an easement to Railway Avenue where reticulated connections are available.
56.08 SITE MANAGEMENT	
56.08-1 Site Management objective	Compliance with Standard C26 The proposal contemplates subdivision however, trenching to facilitate service provision and access construction will avoid TPZ's of any vegetation identified to be retained as per the recommendations of the assessing arborist, <i>ARBkey, dated February, 2023</i> . Waterways and drainage channels will be protected from runoff via the employment of sediment traps. Litter and construction waste will be collected and removed from site.

56.09 UTILITIES	
56.09-1 Shared trenching objectives	<p>Compliant with Standard C27</p> <p>Shared trenching will be prioritised where appropriate and achievable. As per above, the above mentioned services will share a trench contained within the proposed 2 metre wide easement that joins lots 1, 2, and 3 with the reticulated services connections available in the Railway Avenue Road reserve. This easement is sufficiently wide enough to cater to the provision of electricity avoids any further encroachment into the TPZ of Tree 14.</p>
56.09-2 Electricity, telecommunications and gas objectives	<p>Complies with Standard C28</p> <p>Electricity, telecommunications and reticulated water supply systems will be provided in shared trenches located in the proposed 2-metre wide easement and governed by the requirements of the relevant servicing agency stipulated in any planning permit issued and provided to the satisfaction of the relevant authority.</p> <p><i>Please note: As per Amendment VC221 gazetted on 4th August 2022 we wish to advise that this development will not be connected to reticulated gas.</i></p>
56.09-3 Fire hydrant objective	<p>Complies with standard C29</p> <p>Fire hydrants will be provided not more than 120metres from the rear of each lot and no more than 200metres apart, to the satisfaction of the relevant authority.</p>
56.09-4 Public lighting objective	<p>Standard C30 - NA</p> <p>Public lighting has not been provided in Howitt Street. Public lighting will be provided in a consistent manner to that which exists.</p>

8. GENERAL PROVISIONS

The relevant general provisions that will be addressed in this section are identified below:

- Clause 65 Decision Guidelines
- Clause 65.01 Approval of an Application or Plan
- Clause 65.02 Approval of an application to subdivide land
- Clause 71.02-1 Purpose of the Planning Policy Framework
- Clause 71.02-3 Integrated decision making

CLAUSE 65 DECISION GUIDELINES

Clause 65 states that the Responsible Authority must decide whether the proposal will provide acceptable outcomes in terms of the decision guidelines of this Clause. The decision guidelines of

Clause 65.01 and 65.02 relating to the approval of an application or plan and an application to subdivide the land respectfully are relevant to this application.

CLAUSE 65.01 APPROVAL OF AN APPLICATION OR PLAN

The decision guidelines outlined in Clause 65.01 are applicable to this proposal, in particular:

- *The matters set out in Section 60 of the Act.*
- *Any significant effects the environment, including the contamination of the land, may have on the use or development.*

The land is not identified as being contaminated. The site constraints and considerations of the land including native vegetation, topography and any overland flows have been responded to throughout the design process.

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*

The planning considerations have been adequately addressed within this report in sections 4-6.

- *The effect on the environment, human health and amenity of the area.*

The proposed subdivision does not pose any foreseeable adverse impacts to the environment, human health or the amenity of the area. Any potential adverse impacts have been identified and responded to throughout the design process.

- *The proximity of the land to any public land.*

The proposed subdivision does not adversely impact any public land within the vicinity of the site. Access to Tynong Recreation Reserve is via Kerrs Lane and located some 330m to the south.

- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*

No foreseeable factors that may cause or contribute to land degradation, salinity or reduced water quality have been identified during the design process.

- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*

Stormwater and drainage will be provided as per permit conditions to the satisfaction of the responsible authority.

- *The extent and character of native vegetation and the likelihood of it's destruction.*

Native vegetation is proposed to be removed and will be offset as per the requirements of Clause 52.17 Native vegetation. The subject site in it's existing state is a highly modified landscape, with the majority of the site cleared for residential land use. Tree #1 is indigenous to the area and its removal is unavoidable; required to provide access to the lots via Howitt Street. Tree 31 will be offset.

- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*

The proposed subdivision provides landscaping buffers and lot sizes with dimensions appropriate for the planting and establishment of native vegetation.

- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

The subject site is not prone to flood or erosion. The site is mapped as a designated bushfire prone area and the risk has been further addressed in Clause 13.02.

- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

Loading and unloading facilities are not relevant to this proposal.

- *The impact the use or development will have on the current and future development and operation of the transport system.*

The proposed subdivision does not adversely impact on the current and future development and operation of the transport system.

CLAUSE 65.02 APPROVAL OF AN APPLICATION TO SUBDIVIDE LAND

The decision guidelines outlined in Clause 65.02 have been considered in the proposed design. A response has been provided where applicable to demonstrate how the proposal meets the decision guidelines outlined below:

- *The suitability of the land for subdivision.*
- *The existing use and possible future development of the land and nearby land.*
- *The availability of subdivided land in the locality and the need for the creation of further lots.*

The land is zoned for residential purposes. Lot sizes and street network of the proposed subdivision will integrate with and compliment the character of the area.

- *The effect of development on the use or development of other land which has a common means of drainage.*

Stormwater and drainage will be developed to support the proposed subdivision to ensure that overland flows do not adversely affect any other land with common means of drainage.

- *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.*

The subdivision is responsive to the constraints and considerations posed by the site, including native vegetation.

- *The density of the proposed development.*

The density of the proposed subdivision is appropriate for the locality and reflects the subdivision patterns seen on surrounding land.

- *The area and dimensions of each lot in the subdivision.*

The proposed subdivision has achieved lots with areas and dimensions consistent with those in the vicinity.

- *The layout of roads having regard to their function and relationship to existing roads.*

- *The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.*

The proposed street layout is functional in design and integrates with the existing street network.

The movement of pedestrians and vehicles is facilitated through the east-west streets located at the north and south of the subject site.

- *The provision and location of reserves for public open space and other community facilities.*

The proposal does not include reserves for public open space or other community facilities.

- *The staging of the subdivision.*

The subdivision is not a staged subdivision.

- *The design and siting of buildings have regard to safety and the risk of spread of fire.*

The risk of fire to the proposed subdivision is mitigated by the highly modified landscapes surrounding the subject site. The site has been assessed as having a BAL 12.5. Please refer to the submitted BAL Heat Map, NLS 2023.

- *The provision of off-street parking.*

All lots are able to support off-street parking.

- *The provision and location of common property.*
- *The functions of any body corporate.*

No common property is proposed as part of this subdivision.

- *The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.*
- *If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.*

The subject site is able to connect to all services.

- *Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.*

An Arboricultural Impact Assessment has been undertaken that has outlined where native vegetation can be retained. All efforts have been made to retain as much vegetation as possible.

- *The impact the development will have on the current and future development and operation of the transport system.*

The proposed subdivision does not adversely impact on the current and future development and operation of the transport system.

CLAUSE 71.02-3 INTEGRATED DECISION MAKING

Clause 71.02-3 Integrated decision making seeks to balance the needs and expectations of the community in terms of the provision of built form to accommodate a growing population, protection of the environment, economic wellbeing, various social needs, management of resources and infrastructure.

Clause 71.02-3 has been recently updated (February, 2022) and aims to balance these needs and expectations through the employment of the Planning Scheme to ensure conflicting objectives are balanced in favour of net community benefit and sustainable development for the benefit present and future generations. It states that in bushfire affected areas, planning must prioritise the protection of human life over all other policy considerations.

Our proposal contemplates the subdivision of land in an area identified as low risk (BAL 12.5) to the threat of bushfire and on land that is north of that which is subject to inundation. The subdivision of the subject site presents an opportunity to balance a modest demand for residential lots in Tynong by the growing population, mitigate the risks associated with the land and preserve the environmental assets on and around the lot.

9. CONCLUSION

It is submitted that the proposal is consistent with the relevant policies and provisions of the Cardinia Planning Scheme and should receive Council's support for the following reasons:

- The proposal is consistent with the Municipal Planning Strategy and the Planning Policy Framework.
- The proposal is consistent with the purpose of the Mixed Use Zone.
- As stated in this report, the matters for consideration under the *Planning and Environment Act, 1987* and associated *Planning and Environment Regulations 2015* has been satisfactorily addressed through compliance with the Cardinia Planning Scheme, demonstrating the subdivision is compatible with the existing subdivision and development pattern in the surrounding area.
- Onsite and third party vegetation has been assessed. Detailed assessments have been provided for each tree with high value vegetation preserved where possible and offset where unavoidable.
- The proposed lot sizes have dimensions appropriate for building envelopes that will provide for future dwellings that will not overshadow the existing rooftop solar energy systems on dwellings on adjoining residential lots.
- The proposal is respectful of the neighbourhood character and subdivision pattern evident in surrounding residential developments.
- The proposal has satisfied all relevant objectives and standards of Clause 56.
- Reticulated Services will be provided via an easement, the application of which is subject to notification and the implementation of which will be subject to permit conditions in the event a permit is issued.
- The proposal to end Section 173 Agreement is subject to notification requirements, has been made under Section 178A of the Planning and Environment Act and is consistent with the requirements of Part 7, Section 55 of the Planning and Environment Regulations.

The proposal provides an excellent opportunity for further residential development in an area designated for residential growth in Tynong.

The constraints and considerations of the subject site have been appropriately responded to in the design process, and the proposal integrates into the surrounding subdivision pattern and street network.

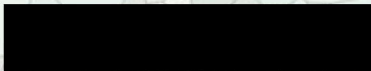
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Arboricultural Impact Assessment

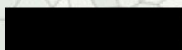
Location:

38 Railway Avenue, Tynong

Report Commissioned by:



Author:



Grad. Cert. Arb.

Arbkey ref: 23-01-30IMPACTRailwayTynongv3.docx

Date submitted: May 17, 2024

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1 Introduction

Arbkey has been engaged by Mandeep Premi to provide an Arboricultural Impact Assessment for trees likely to be affected by a proposed development at 38 Railway Avenue, Tynong. Arboricultural Impact Assessments are a procedure for determining the viability of trees at the design and review stage of a project. For the report arbkey has:

- Identified and assessed the trees, providing their location, species, dimensions, useful life expectancy and health and structural condition.
- Allocated each tree an arboricultural value, indicating its merit for retention throughout nearby disturbance.
- Calculated the size of the Tree Protection Zone (TPZ) in accordance with Australian Standard 4970, Protection of Trees on Development Sites.
- Calculated and provided comment regarding the impact of the proposed development to the trees TPZs and assessed the suitability for retention of all trees against the current development plans.
- Provided recommendations to protect any trees through the proposed developments.

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2 Site Details

The subject site is an approx. 2500m² property featuring a house building in its southern section and an area of pasture and scattered trees within its northern section (Figure 1). Mid to large size trees, greater than 5m in height, are common within the northern section of the site and the private and public property of the surrounds.



Figure 1: Subject site – Railway Avenue frontage

2.1 Development Proposal

Subdivision of the northern section of the property into three (3) lots, development of entranceways and building envelopes for each lot, and extension of an existing council managed road is proposed.

2.2 Planning and Policy Context

The subject site is located within Mixed Use Zone of the Cardinia Planning Scheme (DEWLP 2023). The vegetation protection related planning or policy controls for the site and how they affect the assessed trees has been provided in Table 1.

Table 1: Vegetation controls at site

Planning/Policy Control	Applied to site?	Overview of control	Trees affected
52.17 Native Vegetation	No, only surrounding council managed crown land	A permit is required to remove, destroy, or lop non-planted locally indigenous vegetation.	Tree ID 5, 14 and 15

Due to their ownership, any trees within adjacent third-party owned property must remain viable throughout works at the subject site unless under agreement with the tree’s respective owner. Modification of trees in adjacent property may also be subject to permit approval.

2.3 Site Map

A site map detailing existing conditions and tree locations has been provided in Appendix 1: Site Map

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3 Methodology

On the 31 January 2023 [REDACTED] undertook inspection of trees greater than 3m in height located at, or with tree protection zones (AS4970 2009) likely to intersect the property at, 38 Railway Avenue, Tynong. The following information was collected for the trees:

- Tree Species
- Tree Location
- Height (m)
- Crown Spread (m)
- Diameter at Breast Height (DBH) at 1.4m (cm)
- Diameter at Base (DAB) at just above the root flare (cm)
- Health
- Structure
- Significance
- Photographs of tree

Only a ground based visual inspection was undertaken of all trees according to the principles of Visual Tree Assessment and tree hazard assessment described in Harris, Clark and Matheny (1999) and Mattheck and Breloer (1994).

Tree location has been derived using a feature survey provided by the client or if not present aligned using an RTK corrected GNSS receiver.

Height was measured on site using an impulse laser accurate to +/- 30cm. Crown spread values or drawings are indicative of crown size only, not shape or form.

A diameter tape was used to measure DBH. To prevent trespass, DBH has been estimated on adjacent sites.

Health, Structure and Significance are qualitative values derived from visual indicators and the authors experience and qualifications.

Encroachment of TPZs by the development has been calculated using GIS software.

Full data collection definitions are available in Appendix 6: Data Definitions.

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3.1 Documents Reviewed

Table 2: Documents reviewed to assist in the compilation of this report

Document Name	DWG/Document #	Author	Document Description	Date compiled/drawn
Proposed Development Plan Ver 3_UC Drainage	Ver 3	Nobelius Land Surveyors	Development Plans	NA (Received 13 May 2024)

4 Observations

4.1 Tree Details

37 trees were assessed, 17 on the site itself and 20 within adjacent third-party managed property (Table 3). Full details of the assessed trees have been provided in Appendix 2: Tree Details.

Table 3: Count of assessed species and their respective species origin

Genus Species	Common Name	Species Origin	Count of Trees	Tree IDs
<i>Populus nigra "Italica"</i>	Lombardy Poplar	Exotic	5	7, 8, 9, 10, 11
<i>Coprosma repens</i>	Mirror Bush	Exotic	4	17, 18, 29, 30
<i>Azara microphylla</i>	Azara	Exotic	3	34, 35, 36
<i>Melaleuca ericifolia</i>	Swamp Paperbark	Australian Native	3	15, 19, 20
<i>Prunus cerasifera</i>	Cherry Plum	Exotic	3	16, 22, 31
<i>Crataegus monogyna</i>	Hawthorn	Exotic	2	23, 24
<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	Exotic	2	21, 25
<i>Acacia pycnantha</i>	Golden Wattle	Indigenous	1	13
<i>Banksia integrifolia</i>	Coast Banksia	Indigenous	1	6
<i>Callistemon salignus</i>	Willow Bottle Brush	Australian Native	1	2
<i>Callistemon viminalis</i>	Weeping Bottle Brush	Australian Native	1	3
<i>Corymbia maculata</i>	Spotted Gum	Australian Native	1	28
<i>Eriobotrya japonica</i>	Loquat	Exotic	1	32
<i>Eucalyptus camaldulensis</i>	River Red Gum	Indigenous	1	4
<i>Eucalyptus fulgens</i>	Dandenong Scent-bark	Indigenous	1	14
<i>Eucalyptus leucoxylon subsp. connata</i>	Yellow Gum	Australian Native	1	26
<i>Eucalyptus melliodora</i>	Yellow Box	Indigenous	1	5
<i>Eucalyptus viminalis</i>	Manna Gum	Indigenous	1	1
<i>Fraxinus ornus</i>	Manna Ash	Exotic	1	27
<i>Ligustrum sp.</i>	Privet	Exotic	1	33
<i>Melaleuca styphelioides</i>	Prickly Paperbark	Australian Native	1	37
<i>Syzygium paniculatum</i>	Magenta Cherry	Exotic	1	12

5 Discussion

5.1 Arboricultural Value

All the assessed trees have been attributed an arboricultural value (Table 4). Arboricultural value is a calculated rating indicating the arboricultural merit of the tree for retention through any nearby disturbance. It is a qualitative combination of the trees ULE and significance values. Trees of higher arboricultural value should be prioritised for retention through works that may impact trees. Conversely, trees of low or no arboricultural value can often be removed to facilitate a development with little or no effect on wider landscape value.

Trees attributed an arboricultural value of 'Third Party Ownership' are located on adjacent land to the assessment. It is assumed that the owner of the tree attributes it a 'High' arboricultural value and requires its retention in the landscape.

Table 4: Overview of arboricultural value

Arboricultural Value	Count	Tree IDs
Medium	2	21, 25
Low	9	19, 20, 22, 29, 30, 32, 34, 35, 36
None	6	16, 17, 18, 23, 24, 33
Third Party Ownership	20	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 26, 27, 28, 31, 37

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5.2 Tree Protection Zone (TPZ) and Structural Root Zone (SRZ)

AS4970 (2009) specifies areas drawn radially from each tree's stem which indicate the area required for its stability (SRZ) and viability (TPZ) throughout nearby disturbance such as development. Further information on TPZs and SRZs has provided in Appendix 7: Tree Protection Zones and Encroachment

5.2.1 TPZ and SRZ details

TPZ and SRZ details for all trees has been supplied in Appendix 3: TPZ and SRZ details.

5.3 Arboricultural Impact, TPZ Encroachment and Viability

5.3.1 Tree removal

20 trees are proposed for removal under the current development plans (Table 5):

- Planning permit approval is required for the removal of one (1) of these trees, Tree 5.
- 10 of the trees proposed for removal, Trees 2-11, are located within the council managed road reserve, Permission from these tree's manager, Cardinia Shire Council, will be required prior to their removal.
- One (1) of the trees proposed for removal, Tree 28, is located within adjacent private property. It has been reported to arbkey, with photo evidence, that this tree has been removed by its respective owner in the time since arbkey's site visit. As such, no approval will be required for the removal of this tree.

Table 5: Trees proposed for removal, arboricultural value, and permit requirements.

Tree ID	Genus Species	Common Name	Arboricultural Value	Height (m)	Total DBH (cm)	DAB (cm)	Planning Permit Required?
2	<i>Callistemon salignus</i>	Willow Bottle Brush	Third Party Ownership	7	25.1	26	
3	<i>Callistemon viminalis</i>	Weeping Bottle Brush	Third Party Ownership	5	19.67	24	
4	<i>Eucalyptus camaldulensis</i>	River Red Gum	Third Party Ownership	7	15	18	
5	<i>Eucalyptus melliodora</i>	Yellow Box	Third Party Ownership	16	49	65	Yes
6	<i>Banksia integrifolia</i>	Coast Banksia	Third Party Ownership	4	16	20	
7	<i>Populus nigra "Italica"</i>	Lombardy Poplar	Third Party Ownership	20	51.42	65	
8	<i>Populus nigra "Italica"</i>	Lombardy Poplar	Third Party Ownership	8	41	55	
9	<i>Populus nigra "Italica"</i>	Lombardy Poplar	Third Party Ownership	16	61.21	70	
10	<i>Populus nigra "Italica"</i>	Lombardy Poplar	Third Party Ownership	8	44	60	
11	<i>Populus nigra "Italica"</i>	Lombardy Poplar	Third Party Ownership	8	15	20	
18	<i>Coprosma repens</i>	Mirror Bush	None	4	22.07	25	
19	<i>Melaleuca ericifolia</i>	Swamp Paperbark	Low	3	9	12	
21	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	Medium	10	90	105	
22	<i>Prunus cerasifera</i>	Cherry Plum	Low	4	9	12	
23	<i>Crataegus monogyna</i>	Hawthorn	None	4	10.63	13	
24	<i>Crataegus monogyna</i>	Hawthorn	None	6	19.1	21	
25	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	Medium	8	64	75	
28	<i>Corymbia maculata</i>	Spotted Gum	Third Party Ownership	16	85	100	
29	<i>Coprosma repens</i>	Mirror Bush	Low	4	13	15	
30	<i>Coprosma repens</i>	Mirror Bush	Low	4	18.57	23	

5.3.2 Impact of design on trees to be retained

To assess the viability of the trees to be retained throughout the design’s implementation, their TPZ and SRZ has been calculated and mapped as per AS4970 (2009). Where a development’s footprint overlaps a TPZ it is termed ‘encroachment’ within AS4970 (2009).

Three (3) trees have TPZ encroached by the proposed development’s footprint (Table 6).

Trees 14, 15 and 26, have TPZ encroached by more than 10% of their respective area by the proposal. Where encroachment of the standard TPZ exceeds 10% of a TPZ it is termed ‘Major Encroachment’. Major encroachment and corresponding variations to a TPZ can be considered acceptable providing the following conditions are met:

- The project arborist demonstrates the tree will remain viable through the encroachment.
- The lost area is compensated elsewhere while still being contiguous with the TPZ.

Table 6: Trees to be retained with TPZ encroached by development footprint (AS4970 2009)

Tree ID	Genus Species	Common Name	TPZ Encroachment (%)	SRZ Encroachment?	Encroachment Classification
14	<i>Eucalyptus fulgens</i>	Dandenong Scent-bark	14.1	No	Major
15	<i>Melaleuca ericifolia</i>	Swamp Paperbark	12	Yes	Major
26	<i>Eucalyptus leucoxylon subsp. connata</i>	Yellow Gum	14.2	Yes	Major

The remaining trees to be retained are not encroached by the design footprint and will remain viable throughout its implementation.

5.3.3 TPZ, SRZ and Encroachment Map

Maps detailing the TPZ, SRZ and Encroachment have been provided in Appendix 4: TPZ, SRZ and Encroachment Map.

5.3.4 Mitigation measures

Trees 14, 15, and 26 are third party managed trees with TPZ majorly encroached by proposed entranceway driveways. These trees all have TPZ encroached by less than 20% of their area by the proposal, a level considered acceptable by Moore (2018). If the below ground disturbance is limited during the entranceway construction works, all these trees will remain viable throughout the works. Within the TPZ of Trees 14, 15 and 26:

- Wherever possible, the entrance driveways and their subgrade must utilize low-profile and at-grade construction methods.
 - The design, materials and method of installation for the entranceway driveways must be approved by an arborist qualified to a minimum of AQF level V prior to installation.
- Where excavation is necessitated, it must be made by ‘scraping’ small layers of substrate off the existing grade using a non-toothed mechanical tool.
 - Any roots below the required grade must be left in-situ, undamaged
 - Any excavation must be supervised by an arborist qualified to a minimum of AQF level V in arboriculture.

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6 Conclusions and Recommendations

Subdivision of the northern section of the property into three (3) lots, development of entranceways and building envelopes for each lot, and extension of an existing council managed road is currently proposed at 38 Railway Avenue, Tynong. Arbkey has been engaged to assess the impact of the development on the trees at or adjacent to the site. 37 trees were assessed, 17 on the site and 20 within adjacent property.

20 of the assessed trees are proposed for removal under the current development plans:

- Planning permit approval, under section 52.17 of the Cardinia Planning Scheme, is required for the removal of one (1) of these trees, Tree 5.
- 10 of the trees proposed for removal, Trees 2-11, are located within the council managed road reserve, Permission from their tree's manager, Cardinia Shire Council, will be required prior to their removal.
- One (1) of the trees proposed for removal, Tree 28, is located within adjacent private property. It has been reported to arbkey, with photo evidence, that this tree has been removed by its respective owner in the time since arbkey's site visit. As such, no approval will be required for the removal of this tree.

To assess the viability of the trees to be retained throughout the design's implementation, their tree protection zone (TPZ) and structural root zone (SRZ) has been calculated and mapped as per AS4970 (2009). Where a development's footprint overlaps a TPZ it is termed 'encroachment' within AS4970 (2009).

Three (3) of the trees to be retained have TPZ encroached by the proposed design footprint: Trees 14, 15 and 26, have TPZ encroached by greater than 10% of their respective TPZ area, a level considered major and generally intolerable under AS4970 (2009). Trees 14, 15, and 26 are third party managed trees with TPZ majorly encroached by proposed entranceway driveways. These trees all have TPZ encroached by less than 20% of their area by the proposal, a level considered acceptable by Moore (2018). If the below ground disturbance is limited during the entranceway construction works, all these trees will remain viable throughout the works. Within the TPZ of Trees 14, 15 and 26:

- Wherever possible, the entrance driveways and their subgrade must utilize low-profile and at-grade construction methods.
 - The design, materials and method of installation for the entranceway driveways must be approved by an arborist qualified to a minimum of AQF level V prior to installation.
- Where excavation is necessitated, it must be made by 'scraping' small layers of substrate off the existing grade using a non-toothed mechanical tool.
 - Any roots below the required grade must be left in-situ, undamaged
 - Any excavation must be supervised by an arborist qualified to a minimum of AQF level V in arboriculture.

The remaining trees to be retained are not encroached by the design footprint and will remain viable throughout its implementation. It is recommended that:

- Trees that are unable to be retained through the development are removed prior to the commencement of construction but after the approval of final plans by the relevant authority.
- Prior to the commencement of any construction or demolition activities:
 - A Tree Protection Management Plan (TPMP) in accordance with AS4970 (2009) is prepared outlining the procedure for protecting any impacted trees throughout the implementation of the endorsed design.

7 References

AS 4970, 2009, Australian Standard, Protection of Trees on Development Sites, Standards Australia

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8 Appendix 1: Site Map



Figure 2: Site Map – Existing Condition

9 Appendix 2: Tree Details

Table 7: Details of assessed trees

Tree ID	Genus Species	Common Name	Species Origin	Height (m)	Crown Spread (m)	Total DBH (cm)	DAB (cm)	Health	Structure	Maturity	ULE (years)	Significance	Arboricultural Value	Notes
1	<i>Eucalyptus viminalis</i>	Manna Gum	Indigenous	8	3	16	20	Good	Good	Semi-mature	>40	Third Party Ownership	Third Party Ownership	
2	<i>Callistemon salignus</i>	Willow Bottle Brush	Australian Native	7	4	25.1	26	Good	Fair	Mature	5 to 15	Third Party Ownership	Third Party Ownership	
3	<i>Callistemon viminalis</i>	Weeping Bottle Brush	Australian Native	5	3	19.67	24	Fair	Fair	Mature	5 to 15	Third Party Ownership	Third Party Ownership	
4	<i>Eucalyptus camaldulensis</i>	River Red Gum	Indigenous	7	2	15	18	Poor	Poor	Immature	<5	Third Party Ownership	Third Party Ownership	
5	<i>Eucalyptus melliodora</i>	Yellow Box	Indigenous	16	12	49	65	Good	Good	Mature	>40	Third Party Ownership	Third Party Ownership	
6	<i>Banksia integrifolia</i>	Coast Banksia	Indigenous	4	5	16	20	Good	Fair	Semi-mature	15 to 40	Third Party Ownership	Third Party Ownership	
7	<i>Populus nigra "Italica"</i>	Lombardy Poplar	Exotic	20	5	51.42	65	Good	Fair	Mature	5 to 15	Third Party Ownership	Third Party Ownership	
8	<i>Populus nigra "Italica"</i>	Lombardy Poplar	Exotic	8	3	41	55	Fair	Poor	Over-mature	0	Third Party Ownership	Third Party Ownership	Has failed at base and hung up in adjacent tree
9	<i>Populus nigra "Italica"</i>	Lombardy Poplar	Exotic	16	5	61.21	70	Good	Fair	Mature	5 to 15	Third Party Ownership	Third Party Ownership	
10	<i>Populus nigra "Italica"</i>	Lombardy Poplar	Exotic	8	3	44	60	Poor	Poor	Mature	0	Third Party Ownership	Third Party Ownership	Large cavities on trunk
11	<i>Populus nigra "Italica"</i>	Lombardy Poplar	Exotic	8	2	15	20	Good	Fair	Semi-mature	5 to 15	Third Party Ownership	Third Party Ownership	
12	<i>Syzygium paniculatum</i>	Magenta Cherry	Exotic	6	5	25	30	Poor	Poor	Over-mature	<5	Third Party Ownership	Third Party Ownership	
13	<i>Acacia pycnantha</i>	Golden Wattle	Indigenous	4	5	16	21	Good	Good	Semi-mature	5 to 15	Third Party Ownership	Third Party Ownership	
14	<i>Eucalyptus fulgens</i>	Dandenong Scent-bark	Indigenous	16	24	177	190	Good	Fair	Mature	>40	Third Party Ownership	Third Party Ownership	Magnificent tree
15	<i>Melaleuca ericifolia</i>	Swamp Paperbark	Australian Native	4	1	12	16	Fair	Fair	Mature	5 to 15	Third Party Ownership	Third Party Ownership	Part of clump
16	<i>Prunus cerasifera</i>	Cherry Plum	Exotic	6	5	20.74	30	Dead	Poor	Over-mature	0	Low	None	
17	<i>Coprosma repens</i>	Mirror Bush	Exotic	3	4	16.58	20	Fair	Poor	Mature	<5	Low	None	
18	<i>Coprosma repens</i>	Mirror Bush	Exotic	4	4	22.07	25	Fair	Poor	Mature	<5	Low	None	
19	<i>Melaleuca ericifolia</i>	Swamp Paperbark	Australian Native	3	1	9	12	Fair	Fair	Mature	5 to 15	Low	Low	In clump

Tree ID	Genus Species	Common Name	Species Origin	Height (m)	Crown Spread (m)	Total DBH (cm)	DAB (cm)	Health	Structure	Maturity	ULE (years)	Significance	Arboricultural Value	Notes
20	<i>Melaleuca ericifolia</i>	Swamp Paperbark	Australian Native	6	5	22	30	Fair	Fair	Mature	5 to 15	Low	Low	
21	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	Exotic	10	14	90	105	Fair	Fair	Mature	15 to 40	Medium	Medium	Suppressed a bit by adjacent scent bark. Large branch failure on eastern side
22	<i>Prunus cerasifera</i>	Cherry Plum	Exotic	4	2	9	12	Good	Fair	Semi-mature	5 to 15	Low	Low	
23	<i>Crataegus monogyna</i>	Hawthorn	Exotic	4	2	10.63	13	Fair	Fair	Mature	<5	Low	None	Noxious weed
24	<i>Crataegus monogyna</i>	Hawthorn	Exotic	6	5	19.1	21	Good	Fair	Mature	<5	Low	None	Noxious weed
25	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	Exotic	8	10	64	75	Fair	Fair	Mature	5 to 15	Medium	Medium	Top has fallen out and hanging in tree.
26	<i>Eucalyptus leucoxylon subsp. connata</i>	Yellow Gum	Australian Native	9	4	23	28	Fair	Fair	Semi-mature	15 to 40	Third Party Ownership	Third Party Ownership	Stressed canopy
27	<i>Fraxinus ornus</i>	Manna Ash	Exotic	7	8	36	40	Good	Fair	Mature	15 to 40	Third Party Ownership	Third Party Ownership	
28	<i>Corymbia maculata</i>	Spotted Gum	Australian Native	16	12	85	100	Good	Fair	Mature	>40	Third Party Ownership	Third Party Ownership	
29	<i>Coprosma repens</i>	Mirror Bush	Exotic	4	5	13	15	Fair	Poor	Mature	5 to 15	Low	Low	Has fallen over
30	<i>Coprosma repens</i>	Mirror Bush	Exotic	4	5	18.57	23	Fair	Fair	Mature	5 to 15	Low	Low	
31	<i>Prunus cerasifera</i>	Cherry Plum	Exotic	6	5	35	45	Fair	Fair	Mature	5 to 15	Third Party Ownership	Third Party Ownership	Roots previously cut
32	<i>Eriobotrya japonica</i>	Loquat	Exotic	5	3	11.4	15	Fair	Fair	Semi-mature	5 to 15	Low	Low	
33	<i>Ligustrum sp.</i>	Privet	Exotic	4	4	18	20	Fair	Fair	Mature	<5	Low	None	Large clump. Can't decipher single stem. L.japonicum
34	<i>Azara microphylla</i>	Azara	Exotic	3	5	18.19	20	Fair	Fair	Mature	5 to 15	Low	Low	
35	<i>Azara microphylla</i>	Azara	Exotic	3	3	13	16	Fair	Fair	Mature	5 to 15	Low	Low	
36	<i>Azara microphylla</i>	Azara	Exotic	3	4	14.66	16	Good	Fair	Mature	5 to 15	Low	Low	
37	<i>Melaleuca styphelioides</i>	Prickly Paperbark	Australian Native	6	10	95	105	Good	Fair	Mature	15 to 40	Third Party Ownership	Third Party Ownership	

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10 Appendix 3: TPZ and SRZ details

Table 8: TPZ and SRZ details of assessed trees (AS4970 2009)

Tree ID	Genus Species	Common Name	SRZ radius (m) AS4970	TPZ radius (m) AS4970	TPZ Area AS 4970 (m2)
1	<i>Eucalyptus viminalis</i>	Manna Gum	1.68	2	12.566
2	<i>Callistemon salignus</i>	Willow Bottle Brush	1.88	3.01	28.463
3	<i>Callistemon viminalis</i>	Weeping Bottle Brush	1.82	2.36	17.497
4	<i>Eucalyptus camaldulensis</i>	River Red Gum	1.61	2	12.566
5	<i>Eucalyptus melliodora</i>	Yellow Box	2.76	5.88	108.619
6	<i>Banksia integrifolia</i>	Coast Banksia	1.68	2	12.566
7	<i>Populus nigra "Italica"</i>	Lombardy Poplar	2.76	6.17	119.597
8	<i>Populus nigra "Italica"</i>	Lombardy Poplar	2.57	4.92	76.047
9	<i>Populus nigra "Italica"</i>	Lombardy Poplar	2.85	7.35	169.717
10	<i>Populus nigra "Italica"</i>	Lombardy Poplar	2.67	5.28	87.583
11	<i>Populus nigra "Italica"</i>	Lombardy Poplar	1.68	2	12.566
12	<i>Syzygium paniculatum</i>	Magenta Cherry	2	3	28.274
13	<i>Acacia pycnantha</i>	Golden Wattle	1.72	2	12.566
14	<i>Eucalyptus fulgens</i>	Dandenong Scent-bark	4.33	15	706.858
15	<i>Melaleuca ericifolia</i>	Swamp Paperbark	1.53	2	12.566
16	<i>Prunus cerasifera</i>	Cherry Plum	2	2	12.566
17	<i>Coprosma repens</i>	Mirror Bush	1.68	2	12.566
18	<i>Coprosma repens</i>	Mirror Bush	1.85	2.65	22.062
19	<i>Melaleuca ericifolia</i>	Swamp Paperbark	1.5	2	12.566
20	<i>Melaleuca ericifolia</i>	Swamp Paperbark	2	2.64	21.896
21	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	3.38	10.8	366.435
22	<i>Prunus cerasifera</i>	Cherry Plum	1.5	2	12.566
23	<i>Crataegus monogyna</i>	Hawthorn	1.5	2	12.566
24	<i>Crataegus monogyna</i>	Hawthorn	1.72	2.29	16.475
25	<i>Hesperocyparis macrocarpa</i>	Monterey Cypress	2.93	7.68	185.299
26	<i>Eucalyptus leucoxylon subsp. connata</i>	Yellow Gum	1.94	2.76	23.931
27	<i>Fraxinus ornus</i>	Manna Ash	2.25	4.32	58.63
28	<i>Corymbia maculata</i>	Spotted Gum	3.31	10.2	326.851
29	<i>Coprosma repens</i>	Mirror Bush	1.5	2	12.566
30	<i>Coprosma repens</i>	Mirror Bush	1.79	2.23	15.623
31	<i>Prunus cerasifera</i>	Cherry Plum	2.37	4.2	55.418
32	<i>Eriobotrya japonica</i>	Loquat	1.5	2	12.566
33	<i>Ligustrum sp.</i>	Privet	1.68	2.16	14.657
34	<i>Azara microphylla</i>	Azara	1.68	2.18	14.93
35	<i>Azara microphylla</i>	Azara	1.53	2	12.566
36	<i>Azara microphylla</i>	Azara	1.53	2	12.566
37	<i>Melaleuca styphelioides</i>	Prickly Paperbark	3.38	11.4	408.281

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11 Appendix 4: TPZ, SRZ and Encroachment Map

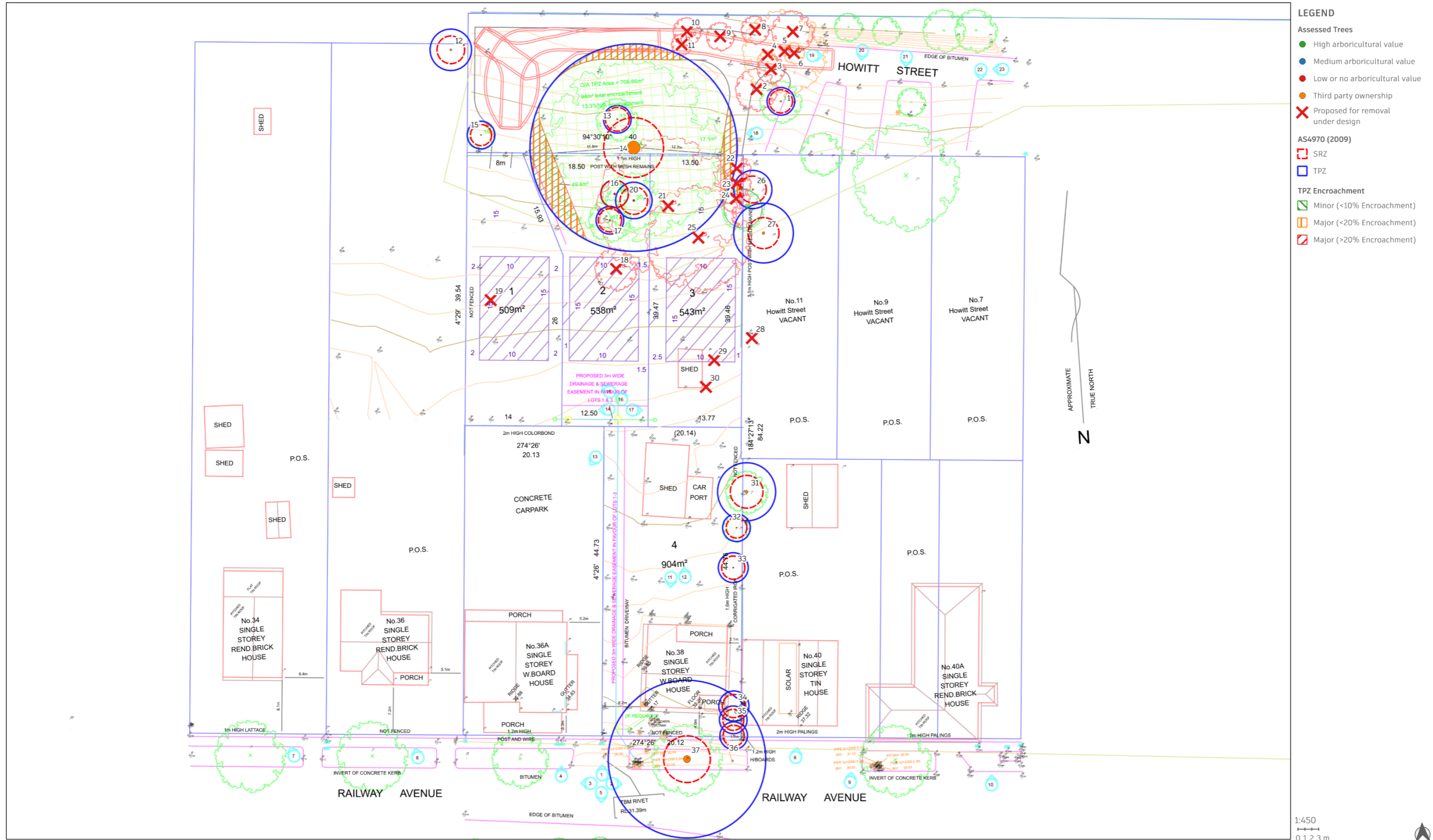


Figure 3: TPZ, SRZ and Encroachment Map

12 Appendix 5: Tree Photos

Tree ID: 1



Tree ID: 2



Tree ID: 3



Tree ID: 4



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Tree ID: 5



Tree ID: 6



Tree ID: 7



Tree ID: 8



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Tree ID: 9



Tree ID: 10



Tree ID: 11



Tree ID: 12



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Tree ID: 13



Tree ID: 14



Tree ID: 15



Tree ID: 16



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Tree ID: 17



Tree ID: 18



Tree ID: 19



Tree ID: 20



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Tree ID: 21



Tree ID: 22



Tree ID: 23



Tree ID: 24



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Tree ID: 25



Tree ID: 26



Tree ID: 27



Tree ID: 28



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Tree ID: 29



Tree ID: 30



Tree ID: 31



Tree ID: 32



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Tree ID: 33



Tree ID: 34



Tree ID: 35



Tree ID: 36



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Tree ID: 37



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13 Appendix 6: Data Definitions

DBH (Diameter at Breast Height) is measured at 1.4 m above ground level or calculated from the total stem area if the tree was multi-stemmed at 1.4m above ground level in accordance with AS 4970 (2009).

DAB (Diameter at Base) is measured just above the root collar of a tree in accordance with AS 4970 (2009)

Health summarises qualitative observations of tree health and vigour made in the field:

Structure summarises qualitative observations of tree structure and stability made in the field:

Maturity summarises the life stage of the tree.

- Juvenile – The tree is in approximately the first 10% of its expected lifespan in its current environment
- Semi-mature – Tree is 10%-20% through its expected lifespan in its current environment and has not yet reached its mature dimensions.
- Mature – The tree is through 20%-90% of its expected lifespan in its current environment.
- Over-mature – The tree is through approximately 90% of its expected lifespan in its current environment

ULE (Useful Life Expectancy) indicates the anticipated remaining years of lifespan of the tree in its existing surroundings. The tree's lifespan is the time that it will continue to provide amenity value without undue risk or hazard and with a reasonable amount of maintenance.

Significance indicates the importance a tree may have on a respective site. The following descriptors are used to derive this value (adapted from IACA 2010):

High -

- Tree is good condition and good vigour
- The tree has a form typical for the species
- The tree is a remnant specimen or is rare or uncommon in the local area or of botanical interest or substantial age
- The tree is listed as a heritage item or threatened species or listed on a municipal significant tree register
- The tree is visually prominent and visible from a considerable distance when viewed from most directions due to its size and scale. The tree makes a positive contribution to the local amenity.
- The tree supports social or cultural sentiments or spiritual associations or has commemorative values
- The tree is appropriate to the site conditions

Medium -

- The tree is in fair condition and good or low vigour
- The tree has form typical or atypical of the species
- The tree is a planted locally indigenous taxa or a common species within the area.
- The tree is visible from surrounding properties, although not visually prominent
- as partially obstructed by other vegetation or buildings when viewed from a public space. The tree provides a moderate contribution to the amenity and character of the local area
- The tree is often partially restricted by above or below ground influences and/or resources.

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Low –

- The tree is in fair condition and good or low vigour
- The tree has form atypical of the species.
- The tree is not visible or is partly visible from surrounding properties due to obstructions.
- The tree provides a minor contribution or has a negative impact on landscape amenity or character of the local area.
- The tree is a juvenile specimen that can easily be replaced.
- The trees growth is severely restricted by above or below ground influences and/or resources.
- The tree has a feature that has potential to become structurally unsound.
- The tree is listed as a noxious or environmental weed under state, federal or municipal policy

Dead/Irreversible Decline -

- The tree is structurally unsound or unstable
- The tree is dead or in irreversible decline

Third Party Ownership

- The tree is located on adjoining land to the assessment.

A tree is to meet several or all the criteria in a category to be classified in that group

Arboricultural Value is a calculated value indicating the merit of the tree for retention through any nearby developments. It is a qualitative combination of the trees ULE and Significance Values (Table 9).

Table 9: Matrix for the calculation of Arboricultural Value

ULE	Significance Value					
	High	Medium	Low	Dead/Irreversible Decline	Third Party Ownership	
>40 years	High	Medium	Low	Low	Third Party Ownership	
15-40 years	High	Medium	Low	Low	Third Party Ownership	
5-15 years	High	Medium	Low	None	Third Party Ownership	
<5 years	Medium	Low	None	None	Third Party Ownership	
0 years	Low	None	None	None	Third Party Ownership	

- High – Trees attributed a ‘High’ arboricultural value are generally of strong visual amenity and significant in the landscape. The utmost level of consideration should be given for the retention of these trees throughout development activities and/or nearby disturbance
- Medium – Trees attributed a ‘Medium’ arboricultural value are of moderate amenity value and have been attributed some value in the landscape. Trees attributed a ‘Medium’ arboricultural value should be retained and designed around during developments or nearby disturbance. If retention is not possible for these trees, removal and replacement can be often considered as an acceptable compromise.
- Low – Trees attributed a Low arboricultural value are of poor arboricultural merit. Removal and replacement is an acceptable compromise if designing around these trees is not possible.
- None – Trees attributed an arboricultural value of none have no arboricultural merit. Removal is usually acceptable or required for these trees.
- Third Party Ownership – The tree is located on adjacent land to the assessment. It is assumed that the owner of the tree attributes it a High arboricultural value and requires its retention in the landscape.

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14 Appendix 7: Tree Protection Zones and Encroachment

14.1 Structural Root Zones (SRZ)

SRZs are an indication of the area surrounding the base of a tree that is required for its stability. AS 4970 (2009) provides a method to calculate the SRZ of trees: The SRZ is calculated as

$$(DAB \times 50)^{0.42} \times 0.64$$

For grass like trees such as palms or tree ferns; SRZs are not calculated.

14.2 Tree Protection Zone (TPZ)

A Tree Protection Zone (TPZ) is considered one of the most effective ways to ensure the retention of trees throughout development. The aim of a TPZ is to secure the space around the tree so that no above or below ground activities or developments can affect the integrity of the tree's root system or above ground parts.

AS 4970 (2009) provides a method for calculating the standard area of TPZ's. For all broadleaf trees, the radius of the TPZ is calculated as:

$$12 * DBH$$

For grass like trees such as palms or tree ferns; TPZs are calculated as:

$$\text{Radius of extent of canopy} + 1\text{m,}$$

Dead trees are attributed a TPZ of the same size as their SRZ as only their stability can now be protected and not their vigour

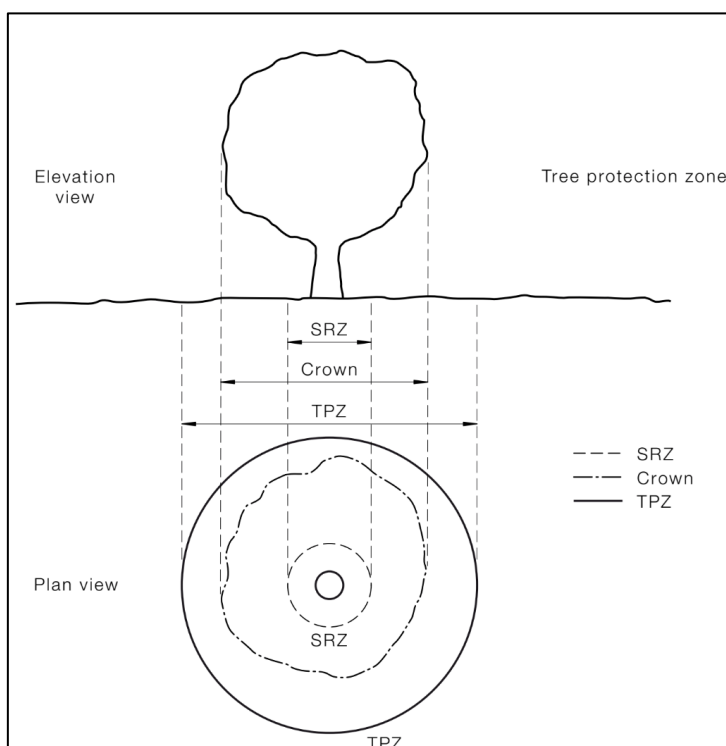


Figure 4: Diagram of TPZ and SRZ (AS 4970 2009)

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14.2.1 TPZ Encroachment:

AS 4970 (2009) allows the extents of ‘calculated’ TPZs to be varied, under certain conditions, to allow varying levels encroachment into TPZs. Encroachment is the term given to the level of impact of the footprint of a disturbance (such as a development or construction activity) on the calculated TPZ of a tree. Two levels of encroachment are classified within AS 4970:

14.2.1.1 Minor Encroachment

Where encroachment of a respective TPZ is limited to less than 10% of a TPZs area it is termed ‘Minor Encroachment’. Minor encroachment and corresponding variations to a TPZ is considered acceptable while the lost area is compensated elsewhere while still being contiguous with the TPZ.

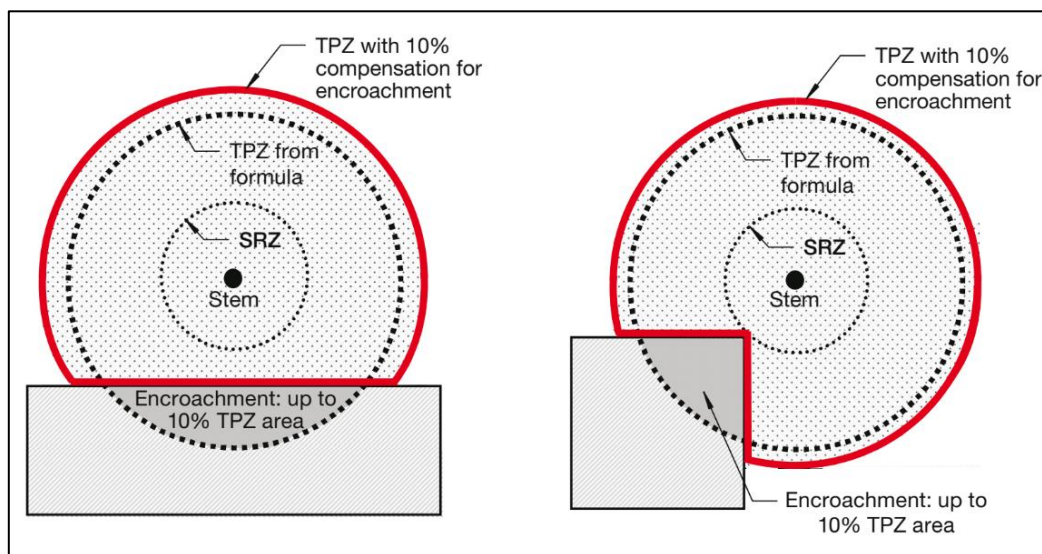


Figure 5: Examples of Minor TPZ encroachment and contiguous TPZ compensation (AS 4970 2009)

14.2.1.2 Major Encroachment

Where encroachment of the standard TPZ exceeds 10% of a TPZ it is termed ‘Major Encroachment’. Major encroachment and corresponding variations to a TPZ can be considered acceptable providing the following conditions are met:

- The project arborist demonstrates the tree will remain viable through the encroachment.
- The lost area is compensated elsewhere while still being contiguous with the TPZ.

Regardless of encroachment, final TPZs and tree protection requirements should be clear to all parties during the entire construction process. Ideally all tree protection requirements should be outlined within a Tree Protection Management Plan (TPMP), prepared by a suitably qualified arborist, prior to the commencement of any construction activities

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14.2.2 Tree Protection Fencing

Tree protection fencing should be installed around the final area of the TPZs of trees to be retained. Fencing should always be installed before the commencement of any construction activities and secured for the life of the construction. TPZ fencing should consist of chain mesh fencing of a minimum of 1.8m in height connected by temporary concrete footings. Where applicable, a finer mesh such as shade cloth should be applied to prevent airborne contaminants entering the TPZ. Warning signs should be erected at regular intervals along the entire length of any TPZ fencing.

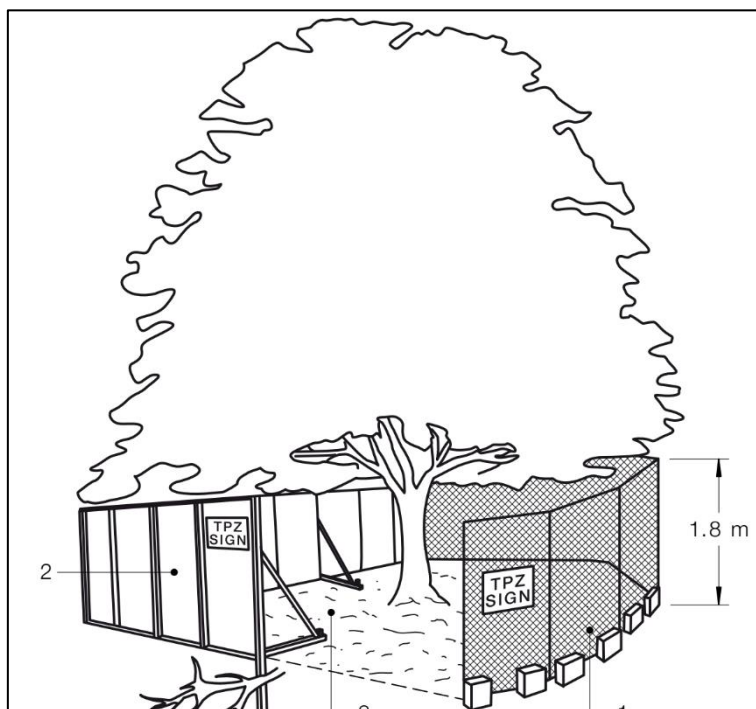


Figure 6: Examples of TPZ fencing (AS 4970 2009)

If the installation of tree protection fencing is not possible; alternative methods for protection of above and below grounds tree parts such a ground protection and physical barriers can be considered at the discretion of the project arborist.

14.2.2.1 General Tree Protection Guidelines

The following recommendations have been provided to as best practice guidelines to the establishment of a TPZ during the length of construction activities.

Exclude the following from taking place within any TPZ (adapted from AS 4970-2009):

- built structures or hard landscape features (i.e. paving, retaining walls)
- materials storage (i.e. equipment, fuel, building waste or rubble)
- soil disturbance (i.e. stripping or grade changes)
- excavation works including soil cultivation (specifically surface-dug trenches for underground utilities)
- placement of fill
- lighting of fires
- preparation of chemicals, including preparation of cement products
- pedestrian or vehicular access (i.e. pathways).

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This report provides information to support an application to remove, destroy or lop native vegetation in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation*. The report **is not an assessment by DELWP** of the proposed native vegetation removal. Native vegetation information and offset requirements have been determined using spatial data provided by the applicant or their consultant.

Date of issue: 01/09/2023

Report ID: GEN_2023_646

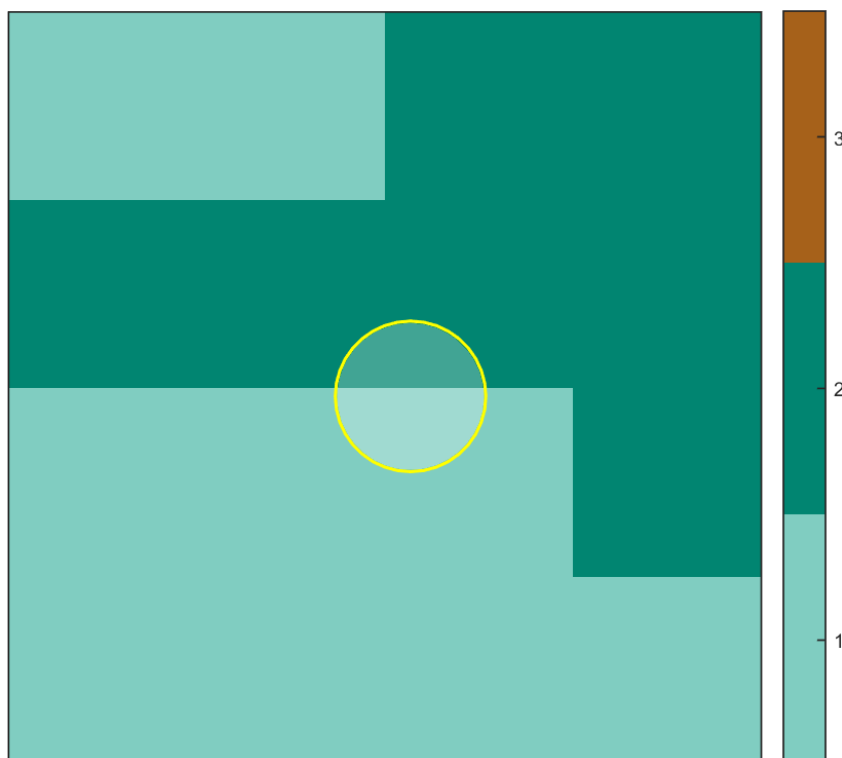
Time of issue: 11:23 am

Project ID	featureclass_combined
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Assessment pathway

Assessment pathway	Intermediate Assessment Pathway
Extent including past and proposed	0.031 ha
Extent of past removal	0.000 ha
Extent of proposed removal	0.031 ha
No. Large trees proposed to be removed	0
Location category of proposed removal	Location 2 The native vegetation is in an area mapped as an endangered Ecological Vegetation Class (as per the statewide EVC map). Removal of less than 0.5 hectares of native vegetation in this location will not have a significant impact on any habitat for a rare or threatened species.

1. Location map



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Offset requirements if a permit is granted

Any approval granted will include a condition to obtain an offset that meets the following requirements:

General offset amount¹	0.006 general habitat units
Vicinity	Port Phillip and Westernport Catchment Management Authority (CMA) or Cardinia Shire Council
Minimum strategic biodiversity value score ²	0.168
Large trees	0 large trees

NB: values within tables in this document may not add to the totals shown above due to rounding

Appendix 1 includes information about the native vegetation to be removed

Appendix 2 includes information about the rare or threatened species mapped at the site.

Appendix 3 includes maps showing native vegetation to be removed and extracts of relevant species habitat importance maps

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¹ The general offset amount required is the sum of all general habitat units in Appendix 1.

² Minimum strategic biodiversity score is 80 per cent of the weighted average score across habitat zones where a general offset is required

Next steps

Any proposal to remove native vegetation must meet the application requirements of the Intermediate Assessment Pathway and it will be assessed under the Intermediate Assessment Pathway.

If you wish to remove the mapped native vegetation you are required to apply for a permit from your local council. Council will refer your application to DELWP for assessment, as required. **This report is not a referral assessment by DELWP.**

This *Native vegetation removal report* must be submitted with your application for a permit to remove, destroy or lop native vegetation.

Refer to the *Guidelines for the removal, destruction or lopping of native vegetation* (the Guidelines) for a full list of application requirements. This report provides information that meets the following application requirements:

- The assessment pathway and reason for the assessment pathway
- A description of the native vegetation to be removed (met unless you wish to include a site assessment)
- Maps showing the native vegetation and property
- The offset requirements determined in accordance with section 5 of the Guidelines that apply if approval is granted to remove native vegetation.

Additional application requirements must be met including:

- Topographical and land information
- Recent dated photographs
- Details of past native vegetation removal
- An avoid and minimise statement
- A copy of any Property Vegetation Plan that applies
- A defensible space statement as applicable
- A statement about the Native Vegetation Precinct Plan as applicable
- An offset statement that explains that an offset has been identified and how it will be secured.

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Obtaining this publication does not guarantee that an application will meet the requirements of Clauses 52.16 or 52.17 of the Victoria Planning Provisions and Victorian planning schemes or that a permit to remove native vegetation will be granted.

Notwithstanding anything else contained in this publication, you must ensure that you comply with all relevant laws, legislation, awards or orders and that you obtain and comply with all permits, approvals and the like that affect, are applicable or are necessary to undertake any action to remove, lop or destroy or otherwise deal with any native vegetation or that apply to matters within the scope of Clauses 52.16 or 52.17 of the Victoria Planning Provisions and Victorian planning schemes.

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Appendix 1: Description of native vegetation to be removed

All zones require a general offset, the general habitat units each zone is calculated by the following equation in accordance with the Guidelines:

$$\text{General habitat units} = \text{extent} \times \text{condition} \times \text{general landscape factor} \times 1.5, \text{ where the general landscape factor} = 0.5 + (\text{strategic biodiversity value score}/2)$$

The general offset amount required is the sum of all general habitat units per zone.

Native vegetation to be removed

Information provided by or on behalf of the applicant in a GIS file						Information calculated by EnSym						
Zone	Type	BioEVC	BioEVC conservation status	Large tree(s)	Partial removal	Modelled Condition score	Polygon Extent	Extent without overlap	SBV score	HI score	Habitat units	Offset type
1-A	Scattered Tree			0	no	0.200	0.031	0.031	0.210		0.006	General

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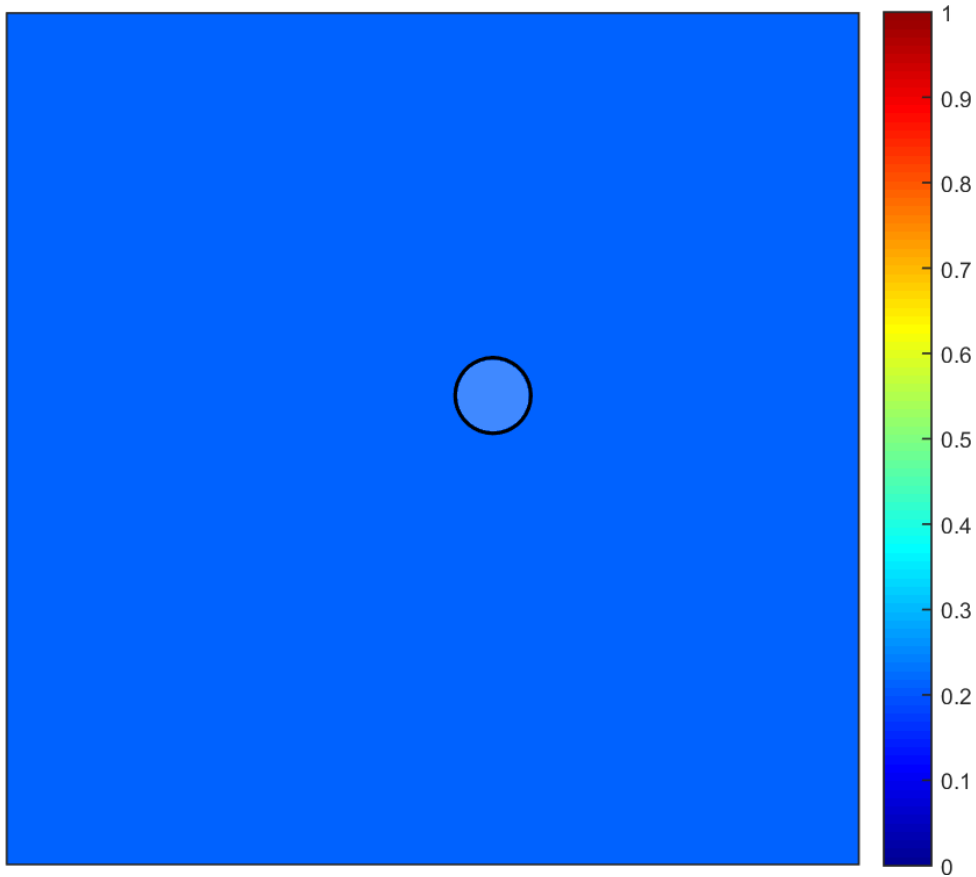
Appendix 2: Information about impacts to rare or threatened species' habitats on site

This is not applicable in the Intermediate Assessment Pathway.

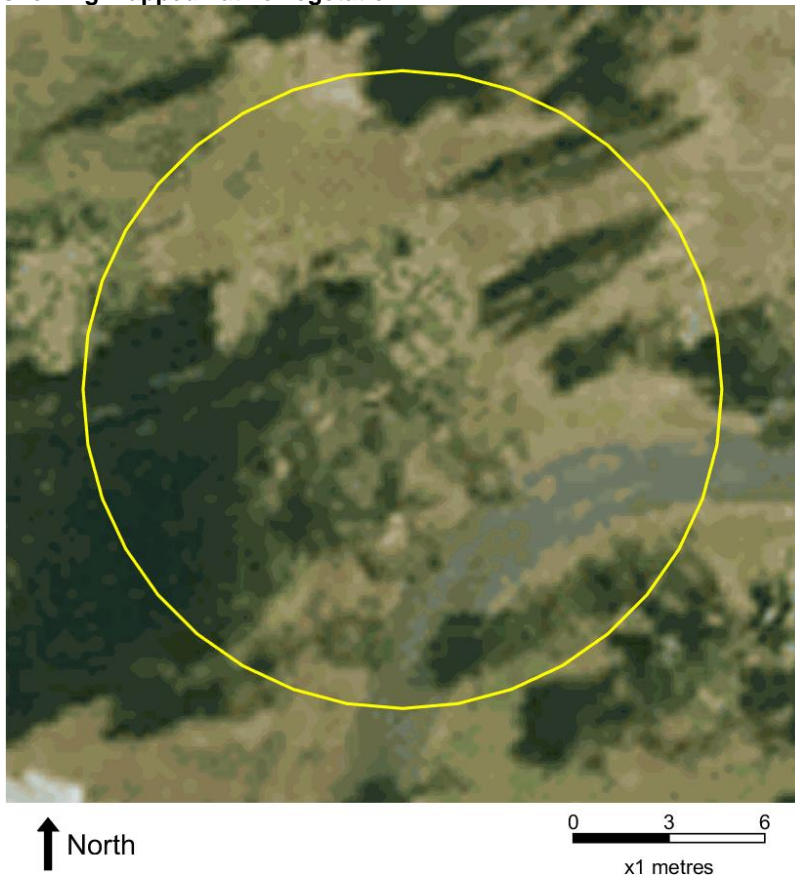
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Appendix 3 – Images of mapped native vegetation

2. Strategic biodiversity values map



3. Aerial photograph showing mapped native vegetation



4. Map of the property in context



Yellow boundaries denote areas of proposed native vegetation removal.

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