

6.1.3 Amendment C262 Planning Permit T190728 11 Thom Road, Lang Lang

Responsible GM: Lili Rosic
Author: Celeste Grossi

Recommendation(s)

That Council:

1. Seek the authorisation of the Minister for Planning under Section 8A(2) of the *Planning and Environment Act 1987* to prepare Amendment C262card to the Cardinia Planning Scheme to:
 - Rezone part of the land at 11 Thom Road, Lang Lang from Farming Zone – Schedule 1 (FZ1) to Neighbourhood Residential Zone – Schedule 1 (NRZ1);generally in accordance with Attachment 1.
2. Consider Planning Permit Application No. T190728 for:
 - a staged subdivision of the subject land into residential lots;
 - creation of two (2) Reserves; and,
 - creation of restrictions on the plan of subdivision;concurrently with Amendment C262card under Section 96A of the *Planning and Environment Act 1987*.
3. Subject to receiving the authorisation of the Minister for Planning under Part 1, Council gives notice of Amendment C262card and Proposed Planning Permit No. T190728 containing conditions generally in accordance with Attachment 2, under Section 96C of the *Planning and Environment Act 1987*.
4. Prior to considering Amendment C262card for adoption, the owner of the land must enter into an agreement with Council under Section 173 of the *Planning and Environment Act 1987* to provide for the timely (prior to the issue of a statement of compliance for the first stage of the proposed subdivision) construction of pedestrian paths along the existing section of Thom Road (western side) and Tresize Court (southern side).
5. Advise the proponent of Council's decision.

Attachments

1. Planning Scheme Amendment C 262 card Documents [6.1.3.1 - 10 pages]
2. Proposed Planning Permit [6.1.3.2 - 21 pages]
3. Proposed Subdivision Plan [6.1.3.3 - 1 page]

Executive Summary

Council has received a request to rezone part of the land at 11 Thom Road, Lang Lang from Farming Zone – Schedule 1 (FZ1) to Neighbourhood Residential Zone - Schedule 1 (NRZ1).

The request also seeks Council's consent to concurrently consider a planning permit application for a staged subdivision of the land into twenty-eight lots (28) for residential purposes, the creation of two (2) reserves and creation of restrictions on the plan of subdivision.

The *Lang Lang Township Strategy (July 2009)* provides in principle support for the rezoning of the land at 11 Thom Road, Lang Lang for residential purposes, subject to additional reports being prepared. Council officers have considered the merits of the request and believe there is strategic justification for Council to support the proposal.

Prior to Council considering the amendment for adoption it is recommended that the proponent be required to enter into an agreement under Section 173 of the *Planning and Environment Act 1987* to provide for the timely construction of a pedestrian path along the existing section of Thom Road (western side) and Tresize Court (southern side). This path will be constructed outside the proposed subdivision site, providing a missing link in the pedestrian network between the proposed subdivision and the town centre. The provision of this path will fulfill the net community benefit that is required to be provided by a proposed planning scheme amendment.

Background

Council received a request from Phil Walton (XWB consulting) on behalf of the landowner, Greg Thom, to rezone part of the land known as 11 Thom Road, Lang Lang (Lot 11 on PS548063T) from FZ1 to NRZ1.

In association with the amendment request, planning permit application T190728 has also been lodged for a staged 28 lot residential subdivision of the land, creation of two (2) reserves and creation of restrictions on the plan of subdivision. It is proposed that this application be considered concurrently with the proposed amendment to facilitate timely development of the land for residential purposes.

The Land and surrounds



Figure 1. 11 Thom Road, Lang Lang

The subject land is located at the end of Thom Road approximately 200m north east of the Lang Lang Town Centre. The land is an irregular shaped parcel with a frontage of 17m to Thom Road and an area of 5.364ha.

The subject land is bounded by the Lang Lang River (north), the South Gippsland Railway Line (west), established residential properties (south) and farming land (east).

The subject land is currently zoned Farming Zone – Schedule 1 (FZ1) and Green Wedge Zone Schedule 1 (GWZ1) and part of the land is affected by the Land Subject to Inundation Overlay (LSIO).

The proposal

The amendment request and planning permit application have been lodged under Section 96A of the *Planning and Environment Act 1987* (PE Act). Section 96A allows Council to consider a planning permit application concurrently with a planning scheme amendment, even though the proposed subdivision would otherwise be prohibited under the current planning controls.

- In summary, the amendment request and planning permit application propose to:
- Rezone land from Farming Zone – Schedule 1 (FZ1) to Neighbourhood Residential Zone - Schedule 1 (NRZ1);
- Subdivide the land into twenty-eight (28) lots, create two (2) Reserves and create restrictions on the plan of subdivision.

A map of the proposed planning zone is contained in Attachment 1, the Proposed Planning Permit is contained in Attachment 2, while the proposed subdivision plan is contained in Attachment 3.

Net Community Benefit

As with any planning scheme amendment, the rezoning of the subject land must result in a net community benefit beyond the provision of standard urban services and amenity to the new subdivision. In addition to the community benefits that will be provided by the proposed Bushland Reserve and Recreation Reserve at the northern end of Thom Road, it is also proposed to construct a missing link in the pedestrian path network along the existing section of Thom Road (western side) and Tresize Court (southern side). This path is in addition to the pedestrian path that will be constructed within the proposed subdivision along the western side of Thom Road.

It is recommended that the landowner be required to enter into a Section 173 Agreement with Council, prior to Council considering the amendment for adoption, to provide for the timely construction of this pedestrian path.

Policy Implications

Plan Melbourne 2017-2050 - Melbourne Metropolitan Planning Strategy

The amendment is consistent with Ministerial Direction No. 9 – Metropolitan Strategy which requires a Planning Authority to have regard to the Metropolitan Strategy (Plan Melbourne 2017-2050). It is considered the amendment assists in achieving the following directions of Plan Melbourne:

- Direction 2.1: Managing the supply of new housing in the right locations to meet population growth and create a sustainable city.
- Direction 2.5: Provide greater choice and diversity of housing.
- Direction 4.3: Achieve and promote design excellence.
- Direction 5.1: Create a city of 20-minute neighbourhoods.
- Direction 5.2: Create neighbourhoods that support safe communities and healthy lifestyles.

Planning Policy Framework

- The following PPF provisions are relevant:
- Clause 11.01-1R – Green Wedges – Metropolitan Melbourne
- Clause 11.02-1S - Supply of urban land
- Clause 12.01-1S – Protection of biodiversity
- Clause 12.01-2S – Native Vegetation Management
- Clause 13.02-1S – Bushfire Planning
- Clause 13.03-1S – Floodplain management
- Clause 14.02-1S – Catchment planning and management
- Clause 15.01-5S - Neighbourhood character
- Clause 15.03-2S – Aboriginal cultural heritage
- Clause 16.01-1S - Integrated housing
- Clause 16.01-2S - Location of residential development

The proposed amendment and subdivision are consistent with these policies by:

- Providing land supply for residential development consistent with, and facilitating the strategic intentions of, the *Lang Lang Township Strategy 2009*.
- Protecting the remnant native vegetation on the subject land in proximity to the Lang Lang River through the provision of a Bushland Reserve, whilst also facilitating growth within the Lang Lang Township.
- Implementing appropriate bushfire mitigation measures and achieving a construction standard of BAL12.5.
- Accurately identifying and responding to land affected by flooding, as advised by Melbourne Water.
- Protecting the corridor along the Lang Lang River to provide for the passage of floodwaters and the protection of remnant trees. The protection of the corridor through the creation of a bushland reserve will allow for the protection and restoration of the river environment.
- Providing a development that reflects the preferred neighbourhood character as expressed in the *Lang Lang Township Strategy 2009*.
- Implementing the requirements of an approved Cultural Heritage Management Plan (CHMP) as required by the *Aboriginal Heritage Act 2006* which applies to the land. To ensure the requirements of the CHMP are achieved, appropriate conditions are included on the Proposed Planning Permit.
- Releasing land for residential purposes and facilitating the strategic intentions of the *Lang Lang Township Strategy 2009*. Providing a variety of lots to improve housing diversity and choice to help meet the demands for varying household types.

Local Planning Policy Framework

The following LPPF provisions are relevant:

- Clause 21.02 – Environment
- Clause 21.03 – Settlement and Housing
- Clause 21.08 – Local Areas

The proposed amendment and subdivision are consistent with these policies by:

- Providing for appropriate management of floodwater along the Lang Lang River (21.02-1)
- Providing for the retention of native vegetation in a Bushland Reserve along the Lang Lang River (21.02-3)
- Mitigating the bushfire risks to the future subdivision and dwellings (21.02-4)
- Providing open space for recreational purposes and environmental protection (21.02-5)
- Protecting an Aboriginal Cultural Heritage site identified on the land within a Bushland Reserve as set out in the Cultural Heritage Management Plan for the land (21.02-7)
- Protecting and maintaining the rural township character as detailed in the *Lang Lang Township Strategy 2009* (21.03-3) and (21.08-1).

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

2.1.1 Advocate, plan for and deliver accessible community infrastructure and services that address community need.

2.1.2 Plan and maintain safe, inclusive and connected open spaces, places and active travel routes.

2.1.3 Plan for housing diversity that meets community need, is affordable and delivers environmental sustainability, safety and healthy living outcomes.

Climate Emergency Consideration

The proposed amendment and planning permit facilitate housing to be located within the urban growth boundary. This will contribute to housing consolidation within a rural township, reducing the amount of urban sprawl and pressure on Cardinia's main growth front, thereby helping to mitigate the effects on climate change.

Consultation/Communication

The Amendment C262card documents and the Proposed Planning Permit will be exhibited to the public for a period one month in early 2022. Adjoining landowners and occupiers, community groups, referral agencies and authorities will be sent notification in accordance with the requirements of the *Planning and Environment Act 1987*.

Financial and Resource Implications

There are no additional resource implications associated with undertaking the amendment. The statutory fees and any planning panel costs will be paid for by the proponent. Any additional costs associated with this process are provided for by the current and proposed Planning Strategy budget.

Conclusion

It is considered that the proposal is supported by both State and Local planning policy and is consistent the directions of *Plan Melbourne* and the relevant Ministerial Directions.

It is recommended that Council resolve to seek authorisation to prepare and exhibit Amendment C262card to the Cardinia Planning Scheme, concurrently with Proposed Planning Permit T190728.

Planning and Environment Act 1987

CARDINIA PLANNING SCHEME

AMENDMENT C262card

PLANNING PERMIT APPLICATION T190728

EXPLANATORY REPORT

Who is the planning authority?

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

The Amendment has been made at the request of XWB Consulting on behalf of Greg Thom and Denise Gilbert.

Land affected by the Amendment

The Amendment applies to part of the land at 11 Thom Road, Lang Lang.

The Amendment is a combined planning permit application and planning scheme amendment under section 96A of the *Planning and Environment Act 1987*.

The planning permit application applies to the land at 11 Thom Road, Lang Lang.

What the amendment does

The Amendment proposes to rezone part of the land at 11 Thom Road that is currently within the Farming Zone – Schedule 1 (FZ1) to Neighbourhood Residential Zone - Schedule 1 (NRZ1) to allow the subdivision and development of the land for residential purposes.

Specifically, the Amendment proposes to:

- Amend planning scheme map ZN31 to apply the Neighbourhood Residential Zone - Schedule 1 (NRZ1) to the portion of the land within the Urban Growth Boundary.

The planning permit application seeks approval for:

- a staged subdivision of the land into 28 lots
- the creation of 2 reserves
- the creation of restrictions on the Plan of Subdivision.

The planning permit is attached as a separate document to this Explanatory Report.

Strategic assessment of the Amendment

Why is the Amendment required?

The Amendment is required to allow the subdivision of the land for residential purposes. Rezoning the land from FZ1 to NRZ1 is consistent with the strategic directions and outcomes sought by the Lang Lang Township Strategy (July 2009).

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

The Amendment implements the following objectives of planning in Victoria in section 4(1) of the *Planning and Environment Act 1987*:

- (a) *to provide for the fair, orderly, economic and sustainable use, and development of land;*

- (b) *to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- (c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- (d) *to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*
- (e) *to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;*
- (f) *to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);*
- (g) *to balance the present and future interests of all Victorians.*

The Amendment meets these objectives by implementing the strategic intent of *Lang Lang Township Strategy (July 2009)* which seeks to balance the interests of existing and future residents. The Amendment responds to environmental and cultural values on the land and seeks to protect these as part of the future development of the land. The Amendment and concurrent Proposed Planning Permit will ensure that new development is integrated into the existing residential area and that provision is made for future road connections to the east to facilitate the orderly development of the adjoining land.

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

Environmental

The Amendment is not considered to have any significant negative effects on the environment. A biodiversity assessment of the property has been undertaken by Shepherd Ecological. The assessment concludes that the majority of the site consists of farmland that comprises little native vegetation and is not considered important habitat for any rare or threatened species. The areas of remnant native vegetation on the property are proposed to be retained and vested to Council within Reserve 1 adjoining the Lang Lang River.

An Aboriginal Cultural Heritage Assessment of the land has been undertaken by Jem Archaeology, and a Cultural Heritage Management Plan (CHMP) has been approved. There is a significant Aboriginal cultural heritage site on the northern part of the site along the Lang Lang River. It is proposed that this site will be protected within Reserve 1. In relation to another area of significance the CHMP requires the artefacts to be salvaged. This approach is consistent with the objective of conserving and enhancing areas of special cultural value.

Social and Economic

The Amendment is also not considered to have any negative social or economic effects. The amendment allows for limited growth of the Lang Lang Township in accordance with the Lang Lang Township Strategy.

Does the Amendment address relevant bushfire risk?

The Bushfire Management Overlay does not affect the land and is not within 750 metres of the land. The land is within a Bushfire Prone Area under the Building Regulations 2018.

As required by Clause 13.02-1S of the Cardinia Planning Scheme, a bushfire risk assessment has been undertaken by XWB Consulting. The bushfire risk assessment concludes that the bushfire risk to the land is low. The bushfire risk is from surrounding grassland to the north and east and some scrub within the railway reserve to the west. A Bushfire Attack Level of BAL12.5 can be achieved for the proposed lots in the subdivision subject to appropriate mitigation measures including building envelopes and requirements to manage vegetation within a defensible space. These are to be implemented via restrictions of the plan of subdivision and Section 173 Agreements to be registered on each title. The following mitigation measures are conditioned on the proposed planning permit:

- As required by Clause 13.02-1S of the Cardinia Planning Scheme, dwellings must be able to be constructed to a Bushfire Attack Level that is no higher than BAL12.5.
- A minimum 27m bushfire defensible space from the scrub vegetation to the west within the railway reserve to the building envelopes on lots 1-20.

- A minimum 19m bushfire defendable space from the grassland vegetation to the east from the building envelopes on lots 1-13.
- Stage 2 of the proposed subdivision (lots 21-28) cannot proceed until:
 - the adjoining land to the east is subdivided thereby reducing the bushfire risk to an acceptable level; or,
 - the adjoining landowner to the east enters into an agreement under Section 173 of the *Planning and Environment Act 1987* (to be placed on the adjoining land title) requiring that a fire break is maintained adjacent to lots 21-28 to ensure these lots can achieve a BAL12.5 construction; or,
 - a minimum 19m bushfire defendable space from the grassland to the east from building envelopes on lots 21-28 is provided.
- Non-combustible fencing (e.g. Colourbond fencing) along boundaries of new residential lots within bushfire defendable spaces.

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

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

The Amendment is consistent with the **Ministerial Direction on the Form and Content of Planning Schemes** pursuant to Section 7(5) of the *Planning and Environment Act 1987*.

The Amendment is consistent with **Ministerial Direction No. 9 – Metropolitan Planning Strategy** which requires a Planning Authority to have regard to the Metropolitan Strategy (*Plan Melbourne 2017-2050*). It is considered the Amendment assists in achieving the following directions of *Plan Melbourne*:

- Direction 2.1: Managing the supply of new housing in the right locations to meet population growth and create a sustainable city.
- Direction 2.5: Provide greater choice and diversity of housing.
- Direction 4.3: Achieve and promote design excellence.
- Direction 5.1: Create a city of 20-minute neighbourhoods.
- Direction 5.2: Create neighbourhoods that support safe communities and healthy lifestyles.

Ministerial Direction No. 11 - Strategic Assessment of Amendments requires a comprehensive strategic evaluation of the amendment and its outcomes, to determine whether an amendment supports or implements the Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF) of the relevant planning scheme. The Amendment complies with the requirements of this Ministerial Direction as set out in this explanatory report.

Ministerial Direction No. 15 - The Planning Scheme Amendment Process sets out timeframes for completing each step in the planning scheme amendment process. This Amendment will follow the requirements of this Direction.

Ministerial Direction No. 19 – Part A: Ministerial Direction On The Preparation And Content Of Amendments That May Significantly Impact The Environment, Amenity And Human Health, and Part B: Ministerial Requirement For Information For Authorisation Or Preparation Of Amendments That May Significantly Impact The Environment, Amenity And Human Health recognises the preventative value of EPA’s early involvement in strategic land use planning. MD19 requires planning authorities to seek early advice from EPA when undertaking strategic planning processes.

EPA advised that their preliminary assessment raises no concerns with the proposed planning scheme amendment and permit application provided that the land is deemed suitable for the proposed use through an environmental site assessment.

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

The Planning Policy Framework (PPF) seeks to ensure the objectives of planning in Victoria, as set out in Section 4(1) of the *Planning and Environment Act 1987*, are fostered through appropriate planning policies and practices that integrate environmental, social and economic factors in the interests of net community benefit and sustainable development. Planning authorities must take into account, and give effect to, the general principles and specific policies contained in the PPF.

This Amendment will facilitate development of an area identified in the Lang Lang Township Strategy for residential purposes and is consistent with a range of policies contained in the PPF.

The relevant policies of the PPF include:

- **Clause 11.01-1S (Settlement)** and **Clause 11.02-1S (Supply of urban land)** - the Amendment consolidates new residential development into an existing settlement within the urban growth boundary of the Lang Lang Township.
- **Clause 12.01-1S (the protection of biodiversity)** and **Clause 12.01-2S (native vegetation management)** - the Amendment seeks to protect the remnant native vegetation on the land in proximity to the Lang Lang River through the provision of a bushland reserve to be vested to Council. Apart from this remnant native vegetation, the biodiversity assessment undertaken by Shepherd Ecological concluded that the remainder of the site consists of farmland that comprises vegetation that is not considered important habitat for any rare or threatened species.
- **Clause 13.02-1S (Bushfire Planning)** - the land is not within a higher bushfire risk area as identified by the Bushfire Management Overlay, with the bushfire risk to future lots and dwellings coming from surrounding grassland to the north and east and scrub within the railway reserve to the west. A bushfire attack level of BAL12.5 can be achieved for the proposed lots in the subdivision subject to appropriate mitigation measures including building envelopes and requirements to manage vegetation within a defensible space. These are to be implemented via restrictions of the plan of subdivision and Section 173 Agreements to be registered on each title.
- **Clause 13.03-1S (Floodplain management)** and **Clause 14.02-1S (catchment planning and management)** - the Amendment seeks to protect the corridor along the Lang Lang River to provide for the passage of floodwaters and the protection of remnant trees. The protection of the corridor through the creation of a bushland reserve will allow for the protection and restoration of the river environment.
- **Clause 15.01-5S (Neighbourhood Character)** - the development to be allowed by the Amendment will reflect the preferred neighbourhood character as expressed in the Lang Lang Township Strategy.
- **Clause 15.03-2S (Aboriginal Cultural Heritage)** - the land will be developed in accordance with the Cultural Heritage Management Plan approved for the land. An Aboriginal Cultural Heritage site identified on the land will be protected within a bushland reserve along the Lang Lang River. In relation to another area of significance the CHMP requires the artefacts to be salvaged.
- **Clause 16.01-1S (Housing Supply)** – land will be released for residential purposes and facilitate the strategic intentions of the *Lang Lang Township Strategy*.
- **Clause 16.01-2S (Housing affordability)** – the Amendment will provide a variety of lot sizes, to improve housing diversity and choice to help meet the demands for varying household types.

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

The Amendment will facilitate a well-designed and serviced subdivision. The rezoning and subsequent subdivision represents a logical and orderly expansion of the Lang Lang Township. Specifically, the Amendment and subdivision are consistent with the following relevant local policies:

- **Clause 21.02-1 (Catchment and coastal management)** - the Amendment provides for appropriate flood management along the Lang Lang River.
- **Clause 21.02-3 (Biodiversity)** - the Amendment provides for the retention of native vegetation in a bushland reserve along the Lang Lang River.
- **Clause 21.02-4 (Bushfire management)** - the risk of bushfire to future dwellings has been considered as part of the proposed planning scheme amendment. The risk is considered to be acceptable and manageable subject to appropriate mitigation measures.

- **Clause 21.02-5 (Open space)** - the Amendment provides unencumbered land for open space for recreational purposes as well as a bushland reserve for environmental protection of remnant native vegetation.
- **Clause 21.02-7 (Aboriginal cultural heritage)** - an Aboriginal Cultural Heritage site identified on the land will be protected within a bushland reserve as set out in the Cultural Heritage Management Plan for the land. In relation to another area of significance the CHMP requires the artefacts to be salvaged.
- **Clause 21.03-3 (Urban Growth Area) and Clause 21.08-1 (Lang Lang)** - Lang Lang is identified as a large rural township with capacity for growth. Sustainable growth of townships is to occur in accordance with township strategies, and the local planning policy in relation to Lang Lang seeks to ensure that proposed development is generally consistent with *the Lang Lang Township Strategy 2009*. The framework plan in the Cardinia Planning Scheme and the Lang Lang Township Strategy shows the land to be rezoned as being within 'Precinct 5 – New Residential Estates'. The Amendment is considered to be consistent with policy guidelines which seek to create an attractive rural township and maintain the rural township character.

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

The Amendment makes proper use of the Victorian Planning Provisions (VPP) by rezoning the to the Neighbourhood Residential Zone - Schedule 1. The zone and schedule are both existing provisions under the Cardinia Planning Scheme and are the appropriate provisions for this Amendment.

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

The views of relevant agencies have been sought to inform the conditions that have been included on the Proposed Planning Permit. Relevant agencies will be able to make further comments by making a submission during the formal exhibition of the planning scheme amendment.

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

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

Resource and administrative costs

The Amendment and Proposed Planning Permit will have no significant impact on the resource and administrative costs of the responsible authority.

Where you may inspect this Amendment

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

Cardinia Shire Council
20 Siding Avenue
Officer VIC 3809

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

Submissions

Any person who may be affected by the Amendment and/or planning permit may make a submission to the planning authority. Submissions about the Amendment and/or planning permit must be received by Friday 18 February 2022.

A submission must be sent to:

Cardinia Shire Council
Strategic Planning – Amendment C262card
PO Box 7
Pakenham VIC 3810

or emailed to:

mail@cardinia.vic.gov.au

Subject line: Strategic Planning – Amendment C262card submission

Panel hearing dates

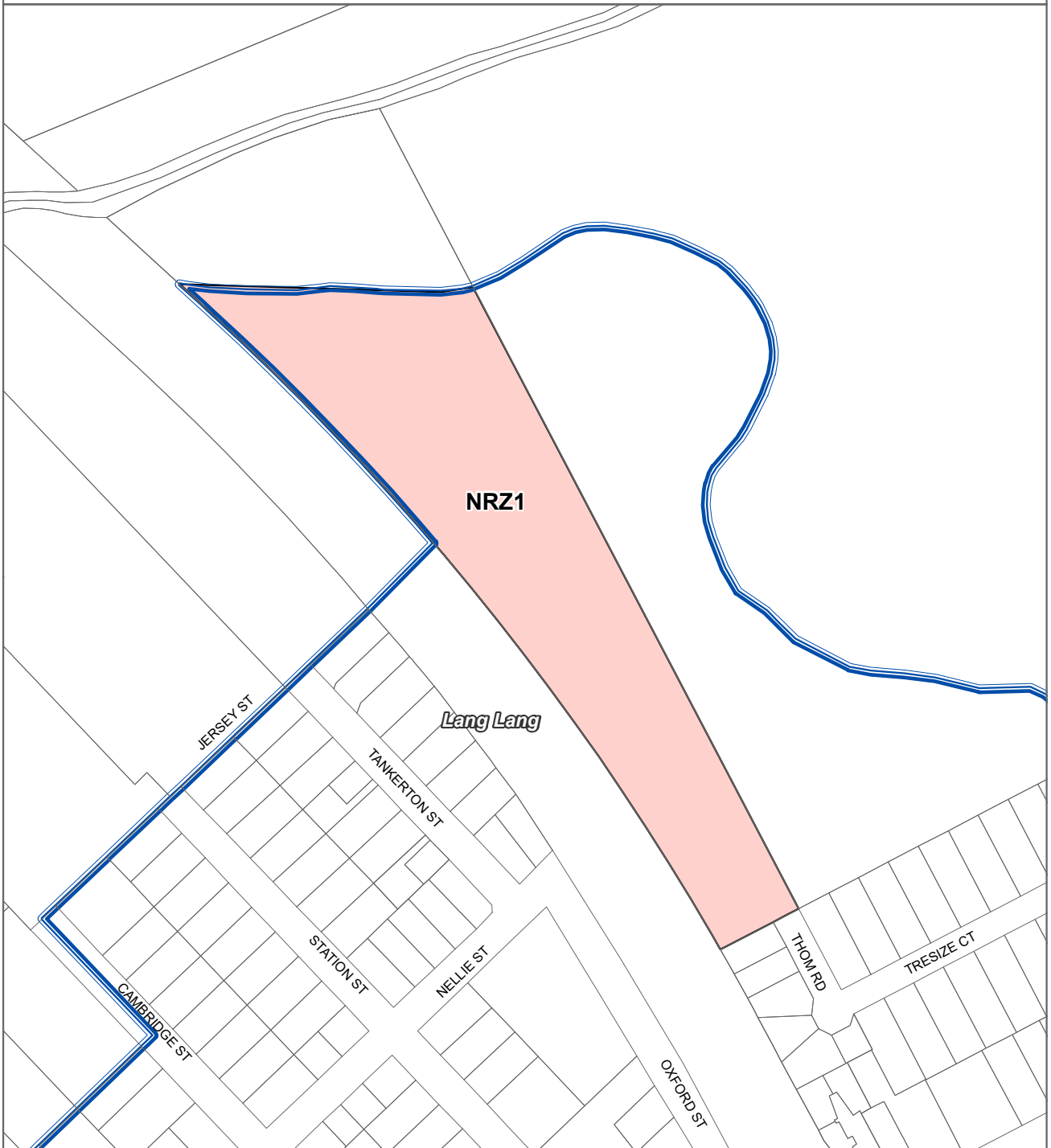
In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: TBC
- panel hearing: TBC

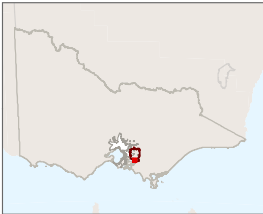
ATTACHMENT A - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Lang Lang	11 Thom Road	Cardinia 001znMap31 Authorisation

CARDINIA PLANNING SCHEME - LOCAL PROVISION
AMENDMENT C262



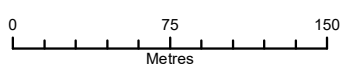
- LEGEND**
- NRZ - Neighbourhood Residential Zone
 - Local Government Area
 - Urban Growth Boundary



Part of Planning Scheme Map 31

Disclaimer
 This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Planning Group
 Print Date: 26/11/2019
 Amendment Version: 1



Environment,
 Land, Water
 and Planning

Planning and Environment Act 1987

CARDINIA PLANNING SCHEME

AMENDMENT C262card

INSTRUCTION SHEET

The planning authority for this amendment is the Cardinia Shire Council.

The Cardinia Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of one attached map sheet.

Zoning Maps

Amend Planning Scheme Map No 31 in the manner shown on the attached map marked "Cardinia Planning Scheme, Amendment C262card".

End of document

Planning and Environment Act 1987**CARDINIA PLANNING SCHEME****Notice of the Preparation of an Amendment to a Planning Scheme and
Notice of an Application for a Planning Permit Given Under Section 96C of the
*Planning and Environment Act 1987*****Amendment C262****Planning Permit Application T190728**

The Cardinia Shire Council has prepared Amendment C262 to the Cardinia Planning Scheme.

The land affected by the amendment is part of the land at 11 Thom Road, Lang Lang.

The amendment proposes to rezone the land from Farming Zone – Schedule 1 (FZ1) to Neighbourhood Residential Zone – Schedule 1 (NRZ1).

The planning permit application seeks approval for the subdivision of land into 28 lots, the creation of 2 reserves and the creation of restrictions on the Plan of Subdivision.

The applicant for the permit is XWB Consulting.

You may inspect the amendment, any documents that support the amendment and the explanatory report about the amendment, free of charge, at the following locations:

- during office hours, at the office of the planning authority, Cardinia Shire Council. 20 Siding Avenue, Officer 3809;
- at the Department of Environment, Land, Water and Planning website www.delwp.vic.gov.au/public-inspection.

Any person who may be affected by the amendment may make a submission to the planning authority about the amendment. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for council to consider submissions and to notify such persons of the opportunity to attend council meetings and any public hearing held to consider submissions. The closing date for submissions is **Friday, 18 February 2022**. A submission must be sent to the Cardinia Shire Council at: mail@cardinia.vic.gov.au or Cardinia Shire Council, Amendment C262, PO Box 7, Pakenham, Victoria 3810.

The planning authority must make a copy of every submission available at its office for any person to inspect free of charge for two months after the amendment comes into operation or lapses.

Luke Connell
Manager Policy, Design & Growth Area Planning

Planning and Environment Regulations 2015 - Form 9, Section 96J

PROPOSED PLANNING PERMIT

Permit No.: T190728

Planning Scheme: Cardinia Planning Scheme

Responsible Authority: Cardinia Shire Council

GRANTED UNDER SECTION 96I OF THE
PLANNING AND ENVIRONMENT ACT 1987

ADDRESS OF THE LAND: Lot 11, PS548063T,
11 Thom Road, Lang Lang

THE PERMIT ALLOWS: Staged Subdivision of Land and Creation of Restrictions

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Conditions 1-66 inclusive

Subdivision Masterplan

1. Before the plan of subdivision for the first stage is certified, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. The stages of the subdivision.
 - b. Road reserve and road pavement widths, location of vehicle crossovers to each lot and a pedestrian path with a minimum 1.5 metre width on the western side of the proposed north-south road.
 - c. A pedestrian path with a minimum 1.5m width in accordance with the Agreement under Section 173 of the *Planning and Environment Act 1987* that effects the land and was executed prior to Council's Adoption of Amendment C262 to the Cardinia Planning Scheme, along:
 - i. The western side of the existing section of Thom Road.
 - ii. The southern side of the existing section of Tresize Court.
 - d. Building envelopes in accordance with the *Lang Lang Township Strategy 2009* and bushfire defensible space requirements as approved under conditions 3 and 13 of this permit.

Date issued:

Date permit comes into operation:

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the responsible authority:

Permit No.: T190728

Page 1 of 21

Planning and Environment Regulations 2015 - Form 9, Section 96J

Environmental Site Assessment

2. Before the plan of subdivision for each stage of the subdivision is certified under the *Subdivision Act 1988*, an Environmental Site Assessment Report must be submitted to and approved by the Responsible Authority. The report must be prepared by a suitably qualified environmental professional to the satisfaction of the Responsible Authority and at the expense of the owner/permit holder. The report must include:

- Details of the nature of the previous and existing land uses and activities on the land;
- An assessment of the potential level and nature of contamination on the land;
- Clear advice on whether the environmental condition of the land is suitable for the intended use/s and development/s having regards to *Planning Practice Note 30: Potentially Contaminated Land*, Department of Environment, Land, Water and Planning, July 2021 (or as amended).
- Any necessary remediation measures to address the contamination of the land.

When approved, the report will be endorsed and will then form part of the permit.

Bushfire Management Plan

3. Before certification of the plan of subdivision for each stage, a Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. The plan must show the following information, unless otherwise agreed in writing by the CFA and the Responsible Authority:

- Bushfire defensible space setbacks as follows:
 - A 2 metre bushfire defensible space setback from the front boundary of lots 1-13.
 - A 5 metre bushfire defensible space setback from the western boundary of lots within Stage 1.
 - A bushfire defensible space setback from the eastern boundary of lots within Stage 2 in accordance with condition 15.
- The design and layout of the subdivision, including;
 - lot layout.
 - road design.
 - pedestrian and vehicular access points.
 - building setbacks for each lot in accordance with the building envelope plan.
- The location of nearby hazards within 150m of the subdivision boundary.
- The location of any bushfire hazards that will be retained or created on the land within the subdivision.

Date issued:

Date permit comes into operation:

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the responsible authority:

Planning and Environment Regulations 2015 - Form 9, Section 96J

- The location of any areas of vegetation within the subdivision not located on private land that will be managed to a low threat condition, including the reserves.
- The minimum setback distance of any development from the bushfire hazard for defendable space purposes where vegetation will be managed.
- Notations of vegetation management standards and when vegetation management will occur i.e. annually, quarterly, during the fire danger period.
- Vegetation must be managed within any area of defendable space to the following standard:
 - Grass must be short cropped and maintained during the declared fire danger period.
 - All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
 - Shrubs must not be located under the canopy of trees.
 - Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
 - Trees must not overhang or touch any elements of buildings.
 - The canopy of trees must be separated by at least 5 metres.
 - There must be a clearance of at least 2 metres between the lowest tree branches and ground level.
- Details of any other bushfire protection measures that are to be adopted at the site.
- Nominate that any building on a new lot will be required to be designed and constructed to a minimum standard of Bushfire Attack Level (BAL) 12.5.

Date issued:

Date permit comes into operation:

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the responsible authority:

Planning and Environment Regulations 2015 - Form 9, Section 96J

Integrated Land Management Plan

4. Before the plan of subdivision for the first stage of the subdivision is certified, an Integrated Land Management Plan must be submitted to and approved by the Responsible Authority for the 'Reserve 1' and 'Reserve 2' area that will be vested to council. The Integrated Land Management Plan must be prepared by a suitably qualified professional, to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Integrated Land Management Plan must be in accordance with Council's Landscape Developer Guidelines and include the following to the satisfaction of the Responsible Authority:
- a. A site plan drawn to scale with boundaries, vegetation zones and scattered trees, Lang Lang River including the high water mark, wetlands, Aboriginal place Thom Road AS1 (8021-0437 [VAHR]), and any other assets provided in an approved electronic format (PDF and CAD).
 - b. Location of Water Sensitive Urban Design elements and any other relevant actions that will ensure the retention and treatment of stormwater to prevent impacts to water quality in Lang Lang River.
 - c. Relevant information from the approved Aboriginal Cultural Heritage Management Plan Number: 15815 by Jem Archaeology (31/01/2019), specifically for the Thom Road AS1 (8021-0437 [VAHR]) area of significance.
 - d. Relevant information from the Biodiversity Assessment, 11 Thom Road, Lang Lang October 2018 by Mark Shepherd Ecological Consulting including native flora and fauna lists, habitat elements, identified threats, trees to be retained, tree protection zones, and any other information that will be useful for reserve management.
 - e. Control of noxious weeds listed in the Biodiversity Assessment including:
 - i. weed control methods and timing to remove all existing noxious weeds to a maximum 1 per cent cover.
 - f. Revegetation of indigenous plants to restore vegetation in the subject property within 30 metres of the top of bank of Lang Lang River.
 - i. List of indigenous plant species and densities suitable for revegetation of the understory.
 - ii. Planting densities to be calculated in accordance with Native vegetation revegetation planting standards (Department of Sustainability and Environment, 2006).
 - iii. Any proposed plantings must be indigenous plants of local provenance.
 - iv. No planting of cultivars or environmental weeds as listed in schedule 1 to the Environmental Significance Overlay.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:

Planning and Environment Regulations 2015 - Form 9, Section 96J

- g. Any paths must not be located within tree protection zones or canopies of existing trees unless agreed.
- h. Signs must be installed at all entrances that include the reserve name and regulatory signage. Additional signage may be required depending on the size and shape of the reserve.
- i. Fuel breaks around the perimeter of all reserves where they back onto residential properties. Firebreaks are not required where a road separates houses from the reserve. The firebreak must be maintained to a standard sufficient for mowing.

Landscape Masterplan

- 5. Before the plan of subdivision for the first stage of the subdivision is certified under the *Subdivision Act 1988*, a Landscape Masterplan for the entire estate to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format (PDF and CAD). The plan must show and include:
 - a. How the proposed development is responsive to the Cardinia Shire Council Developer Landscape Guidelines, including the Landscape Masterplan checklist (as amended from time to time).
 - b. Key themes, landscape principles and character that will define the subdivision.
 - c. The type of species to be used for street tree planting in various stages of the subdivision, considering existing species of neighbouring developments.
 - d. Street trees within the drainage corridor and creek reserve are to be indigenous species selected from Council’s tree planting palette.
 - e. All plant species within the protected vegetation area must be indigenous species.
 - f. Locations of substations.
 - g. Entrance treatments.
 - h. Locations of any protected trees or patches of protected native vegetation to be retained
 - i. The tree protection zone for each protected tree must be clearly shown on the site plan.
 - j. Location of any waterway or waterbody on or adjoining the land.
 - k. The principles and graphical concepts of the proposed treatment of the open space and drainage reserves; and
 - l. How any landscape requirements or guidelines of the Lang Lang Township Strategy are proposed to be implemented.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
---------------------	---	---

Planning and Environment Regulations 2015 - Form 9, Section 96J

- m. Proposed pathway locations.
- n. The principles and graphical concepts of the treatment of the open space reserves, including the gas pipeline easement. All landscaping within the gas easement is to be to the satisfaction of APA Group.

Functional Layout Plan

6. Before the submission and approval of detailed design construction plans (engineering plans) and the certification of the relevant plan of subdivision for each stage, a Functional Layout Plan for the subdivision or stage of subdivision, generally in accordance with the standards nominated in the Cardinia Shire Council “Guidelines for the Development & Subdivision of Land”, “Development Construction Specification” and the Water Sensitive Urban Design (WSUD) Guidelines, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the Functional Layout Plan will be endorsed and will then form part of the permit. Three copies of the Functional Layout Plan must be drawn to a scale of 1:500 to acceptable drafting standards and an electronic copy (pdf) must be provided. The functional layout plan must show:
- a. A fully dimensioned subdivision layout, including proposed street names, approximate lot areas, lot numbers and widths of street reservations,
 - b. Topography and existing features, including contours for the subject land and any affected adjacent land,
 - c. Identification by survey of all trees (or group of trees) existing on the subject land, including dead trees and those that overhang the subject land from adjoining land,
 - d. Details of tree protection zones (TPZs) for all trees to be retained on the subject land,
 - e. All trees proposed for removal from the subject land clearly designated,
 - f. Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements identified in the Development Plan,
 - g. Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls,
 - h. The proposed minor drainage network and any spatial features requiring access,
 - i. The major drainage system, including any watercourse, lake, wetland, sediment pond rain gardens, bio-infiltration system and/or piped elements showing preliminary sizing,
 - j. Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination,
 - k. Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for the construction and maintenance,

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
---------------------	---	---

Planning and Environment Regulations 2015 - Form 9, Section 96J

- l. A table of offsets for all utility services and street trees,
- m. Preliminary location of reserves for electrical kiosks and
- n. Traffic management plan showing sufficient notional (unmarked) on-street car parking spaces, at the rate of one space per lot, traffic control devices and large vehicle turning overlays.
- o. The relationship between the subject subdivision stage and surrounding land,
- p. Proposed linkages to future streets, open space, regional path network and upstream drainage,
- q. Works external to the subdivision, including both interim and ultimate access requirements,
- r. Intersections with Category 1 roads showing interim and ultimate treatments,
- s. Drainage and sewerage outfalls including any easements required over other property.

Waste Management Plan

7. Prior to certification, a Waste Management Plan prepared by a person suitably qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be prepared utilising Council's template but updated to show:
 - a. Maps of sufficient size (to scale 1:100 and/or 1:200) showing:
 - i. Adequate access and turning circles for Councils waste Vehicles for Aus Roads 8.8 Service vehicle;
 - ii. Location, type, size and number of dwellings proposed at the site, including the number of bedrooms within each dwelling;
 - iii. Location of waste and recycling for storage and collection (specifying number and size of bins);
 - iv. Collection hazards on street, e.g. traffic slow point device, or nearby intersections;
 - v. Gradients of the development and/or street;
 - vi. Sight distance requirements;
 - vii. Existing or proposed parking bays (both within property and/or on street);
 - viii. Existing or proposed parking signage (both within property and/or on street);

Date issued:
Date permit comes into operation:

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the responsible authority:

Planning and Environment Regulations 2015 - Form 9, Section 96J

- ix. Any other existing or proposed feature(s) or hazard(s) that has or will have the potential to affect waste & recycling collections in any way, whether within the property, on the nature strip or the roadway;
- x. Designated hard waste collection area.

Construction Environmental Management Plan (CEMP)

- 8. At least 14 days before any works start, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved CEMP. The CEMP must address all environmental risks and include:
 - a. Before works begin, the location and description of tree protection fencing in accordance with Australian Standard AS4970-2009 Protection of Trees on Development Sites must be shown on the Construction Environment Management Plan (CEMP) and endorsed by the Responsible Authority.
 - b. Before works begin, tree protection fencing must be installed in accordance with the CEMP and approved by the Responsible Authority.
 - c. The tree protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority.
 - d. Temporary stormwater management including sedimentation control,
 - e. Provision of pollution and contamination controls including noise and dust,
 - f. Location of stockpiles and stockpile management,
 - g. Location of site office and facilities
 - h. Equipment, materials and goods management.
 - i. Tree protection zones, trees to be retained and trees to be removed.

Secondary Consents

- 9. The plans and document endorsed to form part of this permit must not be altered or modified without the prior written consent of the Responsible Authority.
- 10. The subdivision of the land must proceed in the order of stages shown on the endorsed plans except with the prior written consent of the responsible authority.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
---------------------	---	---

Planning and Environment Regulations 2015 - Form 9, Section 96J

Section 173 Agreements

11. Before the issue of a statement of compliance for each stage of the subdivision under the *Subdivision Act 1988* the owner must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must:
- Incorporate the Bushfire Management Plan prepared in accordance with Condition 3 of this permit and approved by the Responsible Authority.
 - State that if any dwelling is constructed on the land the bushfire protection measures set out in the Bushfire Management Plan incorporated into the agreement must be implemented and maintained to the satisfaction of the Responsible Authority on a continuing basis.

The landowner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

Prior to Certification

12. Prior to certification of each stage of the plan of subdivision under the *Subdivision Act 1988* must include a creation of restriction on a separate sheet showing the building envelopes in accordance with the endorsed plan.
13. Before a plan of subdivision is certified for each stage of the subdivision, a restriction must be included on the plan of subdivision which states that dwellings and associated outbuildings must be located inside of the prescribed building envelope, unless with the prior written consent of the Responsible Authority. The building envelopes must be designed to consider the provision of solar access and any other requirements provided on the plans endorsed to the permit as relevant, and must show:
- a. At least a 7-metre building setback from the primary frontage to all lots (note: the first 2 metres of the front boundary building setbacks of lots 1-13 is a bushfire defendable space setback).
 - b. At least a 5 metre building setback from the western side boundary of proposed lot 20 (Note: this setback is also the bushfire defendable space setback).
 - c. At least a 2.5 metre building setback from a side boundary of all lots except the western side boundary of proposed lot 20.
 - d. At least a 2.5 metre building setback from the rear boundaries of lots adjoining the eastern boundary of the subject land. This distance is subject to the bushfire defendable space setback requirements set out under Condition 15 and may be required to be increased.

Date issued:

Date permit comes into operation:

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the responsible authority:

Planning and Environment Regulations 2015 - Form 9, Section 96J

- e. A least a 5 metre building setback from the rear boundary of lots adjoining the western boundary of the subject land (Note: this setback is also the bushfire defendable space setback).

These building envelopes cannot be varied except with the consent of the Responsible Authority.

14. Before Stage 1 of the subdivision is certified, the land shown as 'Reserve 1' and 'Reserve 2' must be vested in Cardinia Shire Council to the satisfaction of the Responsible Authority.
15. Prior to certification of the Plan of Subdivision for Stage 2 one of the following requirements must be satisfied:
- A 19 metre bushfire defendable space setback provided from the eastern boundary of lots within Stage 2. Lots must be reconfigured to ensure each lot can accommodate at least a 10 metre by 15 metre rectangle within the building envelope.
 - The land adjoining the eastern boundary is developed and thereby removing the bushfire hazard
 - The owner of the land adjoining the eastern boundary enters into an agreement with Council under Section 173 of the Planning and Environment Act 1987, registered on the land title, to maintain a firebreak to CFA standards and the satisfaction of the Responsible Authority.
16. Before each stage of the plan of subdivision is certified, the street names proposed for the subdivision must be submitted to and approved by the Responsible Authority.
17. All existing and proposed easements and sites for existing or required utility services and roads on the subject land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
18. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authorities in accordance with Section 8 of that Act.

Prior to Statement of Compliance

19. Before the issue of a Statement of Compliance under the *Subdivision Act 1988* for each stage of the subdivision under the *Subdivision Act 1988*, any recommended remediation measures identified by the Environmental Site Assessment endorsed under Condition 2 of this permit must be implemented to the satisfaction of the Responsible Authority.
20. Before the Statement of Compliance is issued, outfall drainage for the subdivision must be designed and constructed to a satisfactory point of discharge in accordance with plans and specifications approved by the Responsible Authority.
21. Before the Statement of Compliance is issued under the *Subdivision Act 1988*, appropriate driveway access and drainage connection points must be provided to all lots.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:

Planning and Environment Regulations 2015 - Form 9, Section 96J

22. Before the Statement of Compliance is issued under the *Subdivision Act 1988*, all road and drainage infrastructure must be designed and constructed in accordance with plans and specifications approved by the Responsible Authority. The works must comply with the standards nominated in the Cardinia Shire Council “Guidelines for the Development & Subdivision of Land”, “Development Construction Specification” and the “Water Sensitive Urban Design (WSUD) Guidelines”.
23. Before a Statement of Compliance is issued under the *Subdivision Act 1988*, all services, including drainage and/or sewerage, servicing any existing dwelling or building on the lot(s), must be relocated (if required) to the satisfaction of the Responsible Authority, to ensure that they do not cross the boundaries between the proposed lots.
24. Before a Statement of Compliance is issued under the *Subdivision Act 1988* for stage 1, a pedestrian path must be constructed in accordance with the plans and specifications contained in the Section 173 Agreement under the *Planning and Environment Act 1987* that effects the land and was executed prior to Council’s Adoption of Amendment C262 of the Cardinia Planning Scheme.
25. Before a Statement of Compliance is issued under the *Subdivision Act 1988* the permit holder must:
- a. Provide survey enhanced “as constructed” GIS data for the drainage, road and footpath information components of the subdivision, in accordance with the current version of D-SPEC and R-SPEC. Council’s preferred format for the submission of the graphical data is in “MapInfo Native Format”. A secondary format is “MapInfo MID/MIF”. Grid Co-ordinates must be MGA zone 55 (GDA 94). Please refer to the A-SPEC website for further information: www.a-specstandards.com.au
26. Before a Statement of Compliance is issued for the subdivision, the works identified by the Integrated Land Management Plan endorsed under condition 4 must be carried out and completed to the satisfaction of the Responsible Authority.
27. Prior to statement of compliance being issued for the subdivision, any reserve or land set aside for public open space or any tree reserve or the like must be graded, top dressed and sown to grass in accordance with the endorsed landscape plan.
28. Before a statement of compliance is issued for each stage of the subdivision, a detailed landscape works plan must be submitted to and approved by the Responsible Authority. The detailed landscape works plan must be prepared by a person suitably qualified or experienced in landscape design to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The landscape works plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format (PDF and CAD). The detailed landscape works plan must be consistent with the endorsed landscape master plan and must show and include to the satisfaction of the Responsible Authority:
- a. How the proposed design responds to the requirements of the Cardinia Shire Council developer landscape guidelines, including checklist 2 (as amended from time to time). http://www.cardinia.vic.gov.au/landscaping_guidelines

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:

Planning and Environment Regulations 2015 - Form 9, Section 96J

- b. New plantings, including their layout to be provided in any road reserves and municipal reserves.
- c. A detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant. The plant schedule must be consistent with adjoining sites where roads are continued through.
- d. The proposed road reservation widths and the treatment of interfaces with surrounding road reserves, including areas within the road reserves set aside for the retention of existing vegetation.
- e. The removal of existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds.
- f. The implementation of any landscape principles and guidelines contained in any relevant Precinct Structure Plan.
- g. The public open space area to be provided within the development, including the embellishment works within the public open space.
- h. All pathway locations, including linking pathways to neighbouring estates, within the drainage buffer, reserve and other relevant reserves.
- i. Vehicle exclusion mechanisms to the satisfaction of the Responsible Authority.

All species selected must be to the satisfaction of the Responsible Authority and should be drought tolerant and proven hardy cultivars suitable to the local conditions. Plantings are not to impact sight lines for vehicles or pedestrians.

- 29. Lighting of streets and pedestrian/cycle paths must be designed and provided (prior to the issue of a Statement of Compliance for the relevant stage) in accordance with Australian Standard 1158.1 to the satisfaction of the Responsible Authority.
- 30. Before a statement of compliance is issued for each stage of the subdivision, the landscape works shown on the approved detailed landscape plan for that stage must be carried out and completed to the satisfaction of the Responsible Authority or by agreement with the Responsible Authority, bond landscaping works incomplete at the completion of civil works. Payment can be made in the form of a cash bond or bank guarantee. The bond will be released upon satisfactory completion of works. Refer to the Cardinia Shire Council developer landscape guidelines, (as amended from time to time) for bond calculation details. *Please note: At practical completion the outstanding landscape works bond will be released and only a landscape maintenance bond will be retained.*

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
---------------------	---	---

Planning and Environment Regulations 2015 - Form 9, Section 96J

31. Before a statement of compliance is issued for each stage of the subdivision, bonding must be provided to the Responsible Authority to cover all landscaping works for a twenty four (24) month maintenance period. Payment can be made in the form of a cash bond or bank guarantee. Refer to the Cardinia Shire Council developer landscape guidelines, (as amended from time to time) for bond calculation details. A Certificate of Final Completion will be issued by the Responsible Authority and the bond released, less any moneys retained for imperfect works, following the satisfactory completion and satisfactory maintenance of the landscaping for a minimum of 24 months. Final completion will not be granted between 1 November and 31 March.

Engineering Conditions

32. All roads used for the purpose of haulage of imported or exported materials for construction must be:
- Approved in writing by the Responsible Authority for the submitted haulage strategy, at least seven days prior to the commencement of use,
 - Maintained in accordance with the Responsible Authority's maintenance intervention levels, or as requested by the Responsible Authority if the road deteriorates during the haulage period, and
 - Reinstated to the satisfaction of the Responsible Authority.
33. Before a certificate of practical completion is issued, CCTV results for the full length of all stormwater drainage pipes where Council is the responsibility authority, must be submitted for assessment. The submitted information is to be to the satisfaction of the Responsible Authority.
34. Before a certificate of practical completion is issued, "as constructed" digital road and drainage information in AutoCAD format with all Xrefs binded into the drawings and showing any amendments during construction, must be submitted for all civil works where Council is the Responsibility Authority.

Environment Conditions

35. The permit holder must notify Council's Environment Department a minimum of seven (7) days before commencing works associated with the permitted subdivision so that surveillance of the works can be undertaken.
36. The works shown in the endorsed Integrated Land Management Plan must be maintained to the satisfaction of the Responsible Authority for a minimum of two (2) years from the date of practical completion of the works described in the Integrated Land Management Plan.
37. All native vegetation and wetlands that occur in association with the Lang Lang River within the Green Wedge Zone in the northern sector of the site must be protected in Reserve 1.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:

Planning and Environment Regulations 2015 - Form 9, Section 96J

Landscaping Conditions

38. Before the installation of trees to be planted within the streetscape, an inspection of the plant stock must be undertaken by Council's Landscape Development Department. Any trees deemed unsuitable must not be planted within the streetscape.
39. The permit holder must notify Council's Landscape Development Department a minimum of seven (7) days before commencing street tree planting and landscaping so that surveillance of the works can be undertaken.
40. The landscaping shown on the endorsed landscape plan must be maintained to the satisfaction of the Responsible Authority for a minimum of 24 months from the date of practical completion of the landscaping. All maintenance activities are to be undertaken until a Certificate of Final Completion is issued by the Responsible Authority. During this period:
- any dead, diseased or damaged plants or landscaped areas must be repaired or replaced except for within the final 12 months of the maintenance period whereby trees must not be replaced. In accordance with the Cardinia Shire Council developer landscape guidelines (http://www.cardinia.vic.gov.au/landscaping_guidelines) (as amended from time to time) funds will be retained from the landscape maintenance bond for the works to be undertaken by Council following issuing of final completion; and
 - the Responsible Authority may direct maintenance activities to be undertaken.

The direction to undertake maintenance activities must be completed within 14 days of the written notification being received from the Responsible Authority.

Cultural Heritage Management Plan (CHMP)

41. All activities carried out on the subject land must comply with the requirements of the approved Cultural Heritage Management Plan 15815 dated the 31 January 2019.
42. The Green Wedge Zone in the northern sector of the site contains the Thom Road AS1 (8021-0437 [VAHR]) Aboriginal site of significance and must not be disturbed.

Reticulated Services

43. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
44. Lots within the subdivision must be provided with reticulated water and sewerage, gas, underground power and telecommunications connections to the satisfaction of the Responsible Authority.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
---------------------	---	---

Planning and Environment Regulations 2015 - Form 9, Section 96J

Mandatory Clause 66.01 Conditions

45. The owner of the land must enter into an agreement with:
- a. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirement and relevant legislation at the time.
 - b. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
46. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988* written confirmation must be provided to the Responsible Authority from:
- a. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b. suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Melbourne Water Conditions:

47. Prior to the issue of a Statement of Compliance, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
48. Prior to Certification of any stage of this subdivision, Melbourne Water requires that the applicant submit a detailed Drainage and Stormwater Management Strategy for approval, which demonstrates how stormwater runoff from the subdivision will achieve flood protection standards and State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater. The strategy should also include information regarding the future ownership and maintenance requirements of any proposed assets.
49. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.
50. All new lots must be filled to a minimum of 600mm above the 1 in 100 year flood level associated with any existing or proposed Melbourne Water wetland, retarding basin or waterway.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:

Planning and Environment Regulations 2015 - Form 9, Section 96J

- 51. Prior to the issue of a Statement of Compliance, a certified survey plan prepared by or under the supervision of a licensed land surveyor, showing levels of the road and lots adjacent to the flood extent, reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the land has been filled in accordance with Melbourne Water's requirements.
- 52. Prior to the development plans being endorsed and the commencement of works, a detailed landscape plan to scale for the waterway corridor must be submitted to Melbourne Water for approval.

The plan must show:

- a. Top of bank and provision of a visual and physical buffer from the waterway;
- b. Existing vegetation to be retained and/or removed;
- c. Details of surface finishes of pathways and/or boardwalks;
- d. A vegetated buffer of a minimum 30 metres from the bank of the Lang Lang River to the satisfaction of Melbourne Water.
- e. A planting schedule of all proposed trees, shrubs and ground covers, including: botanical names; common names; pot sizes; life-form; quantities of each plant; planting density (plants per square metre) planting zones/locations (in plan and cross section form in colour).
- f. A weed management plan, which must include the following information: botanical name of species targeted; location or percentage cover; method of control and timing of control.
- g. Landscape treatment with specification of products such as mulching and erosion control matting, if required.

Note that planting zones must match with those in the planting schedule and that local indigenous plants should only be used. Weed control information should also be presented in tabular format.

- 53. Prior to the issue of a Statement of Compliance, engineering plans of the subdivision (in electronic format) are to be forwarded to Melbourne Water for approval.
- 54. Any vehicular and/or pedestrian access must be designed and constructed to comply with the following safety criteria associated with the applicable flood level.
 - a. Depth of flow does not exceed 0.3m;
 - b. Velocity of flow does not exceed 2.0m/s;
 - c. The Depth Velocity product does not exceed 0.3 m²/s.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:

Planning and Environment Regulations 2015 - Form 9, Section 96J

55. Prior to the commencement of works, a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for approval. The SEMP must show the location and nature of environmental values identified through site environmental assessments, and includes details of measures to protect or mitigate risk to those values. The SEMP must include a site map detailing the location and design of all measures in relation to significant site values including the following:
- a. Silt fencing;
 - b. Access tracks;
 - c. Spoil stockpiling;
 - d. Trenching locations;
 - e. Machinery/ Plant locations; and
 - f. Exclusion fencing around native vegetation/ habitat.
56. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for approval of any new or modified stormwater connection to Melbourne Water's drains or watercourses, and/or waterway crossing.

VicTrack Conditions:

57. The permit holder must, at all times, ensure that the common boundary with railway land is fenced at no cost to VicTrack. Fencing of railway land must be a minimum of 1.8 metres high black chain mesh or paling construction with the orientation of any supporting rails on the railway side to prohibit unauthorised access to the rail corridor.
58. The permit holder must not, at any time:
- a. Allow any drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or
 - b. Store or deposit any waste, soil or other materials on the railway land.

CFA Conditions:

59. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:
- Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
 - The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Date issued:
Date permit comes into operation:

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the responsible authority:

 Permit No.: T190728

 Page 17 of 21

Planning and Environment Regulations 2015 - Form 9, Section 96J

60. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
 - Curves must have a minimum inner radius of 10 metres.
 - Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
 - Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

South East Water Conditions:

61. The owner of the subject land must enter into an agreement with South East Water for the provision of drinking water supply and fulfil all requirements to its satisfaction.
62. The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.
63. Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the Subdivision Act 1988.
64. The certified Plan of Subdivision will need to show sewerage supply easements over all existing and/or proposed South East Water sewer mains located within the land, to be in favour of South East Water Corporation pursuant to Section 12(1) of the Subdivision Act.
65. The certified Plan of Subdivision should show water supply easements over all existing and/or proposed South East Water water mains located within the land, to be in favour of South East Water Corporation pursuant to Section 12(1) of the Subdivision Act.

Date issued:

Date permit comes into operation:

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the responsible authority:

Permit No.: T190728

Page 18 of 21

Planning and Environment Regulations 2015 - Form 9, Section 96J

Expiry

66. This permit will expire if:

- a. The subdivision is not commenced within two (2) years of the date of this permit; or
- b. The subdivision is not completed within five (5) years of the date of commencement.

Where the subdivision is to be developed in stages, the time specified for the commencement of the first stage is two years from the date of this permit. The time specified for the commencement of any subsequent stage is ten (10) years from the date of this permit and the time specified for the completion of each stage is five years from the date of its commencement.

In accordance with [Section 69](#) of the [Planning and Environment Act 1987](#), an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Notes:

- The starting of the subdivision is regarded by Section 68(3A) of the *Planning and Environment Act 1987* as the certification of a plan, and completion is regarded as the registration of the plan.
- The landscaping works shown on the endorsed landscape master plan/s are to be used to inform the final construction drawings and landscape specifications developed for construction and approved by open space. The landscaping works shown on the approved landscape plan/s must be carried out and completed to the satisfaction of the Responsible Authority.
- Please contact Council's Landscape Development Department in relation to the of the cash bond or bank guarantee amount.
- Practical completion for landscape works will not be granted until 'as constructed' plans are provided in AutoCAD as well as digital landscape information in accordance with the current version of A-SPEC. All graphical information is to be provided in the datum of GDA94 and projection of MGA Zone 55. Refer to A-SPEC website www.a-specstandards.com.au/o-spec for minimum Council requirements. The submitted information is to be to the satisfaction of the Responsible Authority.
- Please contact Council's Open Space Department in relation to the costs of the cash bond or bank guarantee.

AusNet Notes:

- It is recommended that at an early date the applicant commences negotiations with Ausnet for a supply of electricity in order that supply arrangements can be work out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:

Planning and Environment Regulations 2015 - Form 9, Section 96J

- Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply lots and for any tree clearing.
- Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.
- Where the filling material for a development is to be carted in from off site, the permit holder must obtain further written approval from Council’s Engineering Department, at least seven days prior to the cartage works commencing.

CFA Notes:

- CFA’s requirements for identification of hydrants are specified in ‘Identification of Street Hydrants for Firefighting Purposes’ available under publications on the CFA web site (www.cfa.vic.gov.au)

South East Water Notes:

- The owner of the subject land is required to obtain a ‘Notice of Agreement’ from South East Water. All requirements must be fulfilled to its satisfaction prior to South East Water consenting to the issuing of a Statement of Compliance.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
---------------------	---	---

Planning and Environment Regulations 2015 - Form 9, Section 96J

IMPORTANT INFORMATION ABOUT THIS PERMIT**WHAT HAS BEEN DECIDED?**

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C262 to the Cardinia Planning Scheme.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

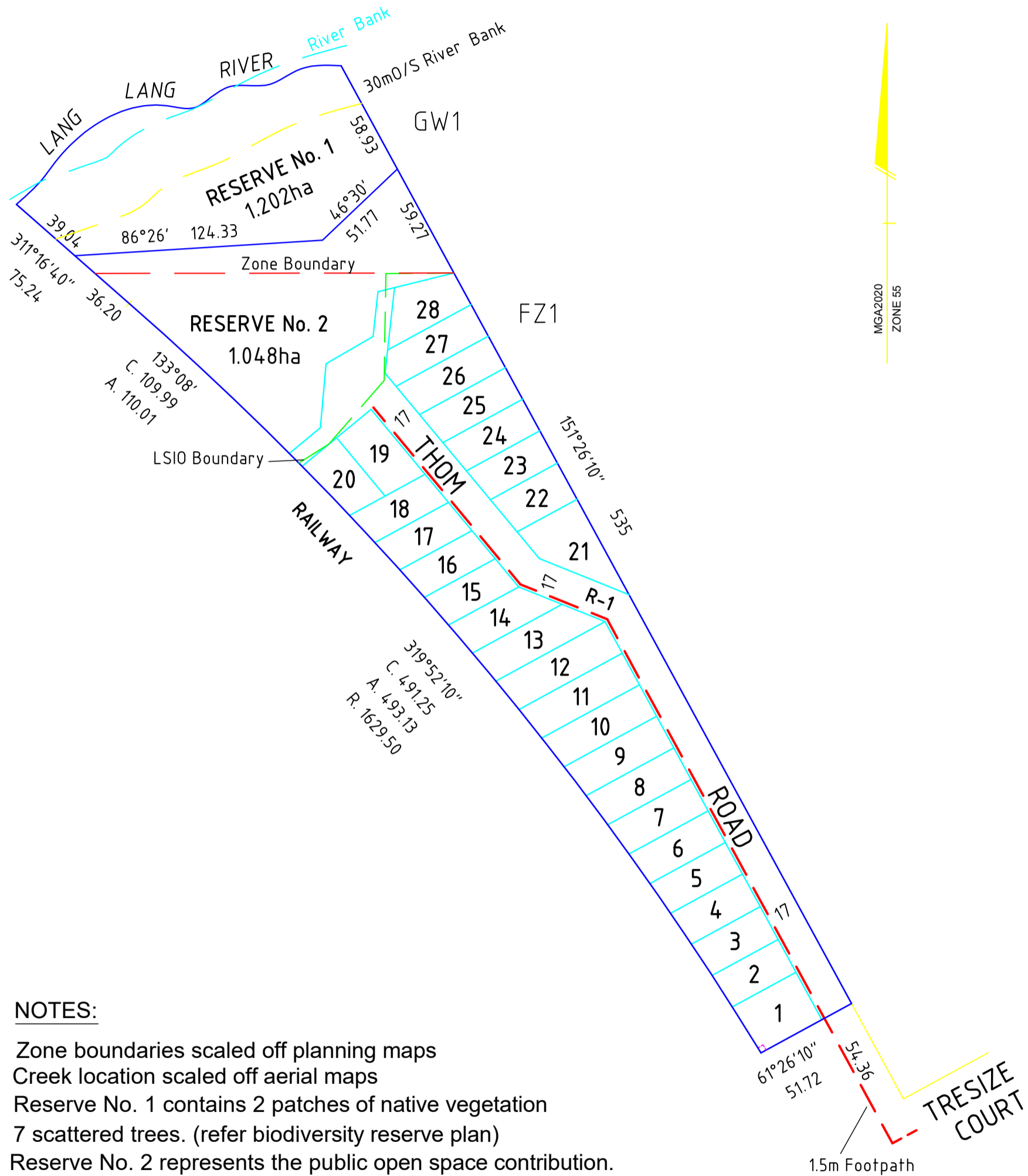
WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.

PS 838146 X



NOTES:

- Zone boundaries scaled off planning maps
- Creek location scaled off aerial maps
- Reserve No. 1 contains 2 patches of native vegetation
- 7 scattered trees. (refer biodiversity reserve plan)
- Reserve No. 2 represents the public open space contribution.
- No trees are to be retained outside the proposed Reserve No. 1 & Reserve No. 2.

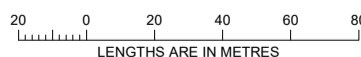
WARNING: This plan is unregistered.
See Sheet 1 for Explanatory Note

NOBELIUS LAND SURVEYORS



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

SCALE
1:2000



ORIGINAL SHEET
SIZE: A3

SHEET 2

LICENSED SURVEYOR: B. S. NOBELIUS
VERSION 2