

## 6 Ordinary Business

### 6.1 Town Planning Reports

## 6.1.1 Planning Scheme Amendment C266 & Planning Permit T200105 - 39 Wattletree Road, Bunyip

**Responsible GM:** Lili Rosic  
**Author:** Celeste Grossi

### Recommendation(s)

That Council:

1. Resolve to seek the authorisation of the Minister for Planning under Section 8A(2) of the *Planning and Environment Act 1987* to prepare Amendment C266card to the Cardinia Planning Scheme to:
  - Rezone the land at 39 Wattletree Road, Bunyip from Low Density Residential Zone – Schedule 2 (LDRZ2) to Low Density Residential Zone – Schedule 3 (LDRZ3);generally in accordance with Attachment 1.
2. Consider Planning Application No. T200105 for:
  - subdivision of the subject land into two (2) lots;
  - removal of vegetation; and,
  - creation of restrictions on the plan of subdivision;
  - concurrently with Amendment C266card pursuant to Section 96B 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 C266card and Proposed Planning Permit No. T200105 containing conditions generally in accordance with Attachment 2, under Section 96C of the *Planning and Environment Act 1987*.
4. That the proponent be advised of Council's decision.

### Attachments

1. Planning Scheme Amendment C266 Documentation [6.1.1.1 - 10 pages]
2. Proposed Planning Permit [6.1.1.2 - 9 pages]
3. Proposed Plan of Subdivision [6.1.1.3 - 1 page]

### Executive Summary

Council has received a request to rezone the land at 39 Wattletree Road, Bunyip from Low Density Residential Zone – Schedule 2 (LDRZ2) to Low Density Residential Zone – Schedule 3 (LDRZ3). The request also seeks consent to concurrently consider a planning permit application to subdivide the land into two (2) lots for residential purposes.

The Amendment is consistent with the *Bunyip Township Strategy (September 2009)* by protecting the township's landscaped rural character whilst supporting subdivision inside the township boundary. The Amendment also proposes a habitat corridor for the Southern Brown Bandicoot (SBB) within the front setback of the new lots, and 38 new indigenous plants to be planted to replace 22 trees proposed to be removed. Officers consider that an appropriate net community benefit would be derived from these outcomes.

Council officers have considered the merits of the request and conclude there is strategic justification for Council to support progressing the proposal to commence the planning scheme amendment process.

### Background

Council received a request from Kyle O'Brien (Three-Thirds Group) on behalf of the landowner, Ryan Muley, to rezone the land known as 39 Wattletree Road, Bunyip (Lot 1 on PS525720M) from LDR22 to LDRZ3.

In association with this amendment request, Planning Permit application T200105 has also been lodged for a 2 lot subdivision of the land and removal of vegetation. It is proposed that this application be considered concurrently with the proposed amendment in order to facilitate timely development of the land for residential purposes.

### The Land and surrounds



Figure 1. 39 Wattletree Road, Bunyip

The subject land is located on the northern side of Wattletree Road approximately 221 metres east of Hope Street. The land is almost square with a frontage of 63.14 metres, depth of 63.67 metres and an overall site area of 4,001m<sup>2</sup>.

The land slopes approximately 2 metres, rising from the north-east up to the south-west. An existing single storey weatherboard dwelling, ancillary shed and mixture of vegetation are currently located on the subject land.

The land is surrounded on all sides by residential development; 2,000m<sup>2</sup> lots to the north, east and west; traditional sized (700-1,900m<sup>2</sup>) lots to the south-west and south-east; and larger (0.88-1.5 ha) lots to the south.

The land is currently zoned Low Density Residential Zone Schedule 2 (LDRZ2) and is affected by the Design and Development Overlay Schedule 1 (DDO1) and the Vegetation Protection Overlay Schedule 1 (VPO1). Under the current zoning the minimum subdivision size is 0.4ha (4000 square metres), the proposed rezoning will allow for a minimum subdivision size of 0.2ha (2000 square metres), which will facilitate a residential subdivision of two lots on the subject site which is consistent with the zoning of the adjoining land.

### **The proposal**

The amendment request and planning permit application have been lodged under Section 96A of the *Planning and Environment Act 1987* (the Act). Section 96 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 Low Density Residential Zone - Schedule 2 (LDRZ2) to Low Density Residential Zone - Schedule 3 (LDRZ3); and
- Subdivide the land into 2 lots and remove vegetation.

In addition, Council will require the creation of restrictions on the plan of subdivision to ensure provision of the bandicoot habitat corridor and setbacks in accordance with the Township Strategy.

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 provide a net community benefit beyond the provision of standard urban services and amenity to the new subdivision. In addition to retaining 19 trees, including indigenous canopy trees 1, 2, 3, 5 and 9, Council's Environment Team has requested a 10 metre wide front building setback with 50% (5 metres) of the front setback planted out for the purposes of Southern Brown Bandicoot (SBB) habitat corridor (similar to the adjoining properties), and that the vegetation approved for removal under the VPO1 be replaced. Negotiations with the proponent were undertaken to achieve the planting of a SBB corridor as well as 38 new indigenous plants to replace the vegetation that is proposed to be removed. Officers consider that an appropriate net community benefit would be derived from these outcomes.

### **Policy Implications**

The full strategic planning policy assessment is provided in the Explanatory Report contained in Attachment 1. A summary is provided here.



**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 11.01-1S - Settlement
- Clause 11.02-1S - Supply of urban land
- Clause 11.03-3S - Peri-Urban Areas
- Clause 12.01-1S - Protection of biodiversity
- Clause 13.02-1S - Bushfire Planning
- Clause 15.01-1S - Urban Design
- Clause 15.01-3S - Subdivision Design
- Clause 15.01-5S - Neighbourhood Character
- Clause 16.01-1S – Housing Supply

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

- consolidating new residential development into an existing settlement within the existing Bunyip township boundary.
- Enabling development of residential land within an established growth boundary, reducing sprawl, and enhancing consistency of the character of the surrounding area having regard to the established pattern of subdivision.
- Not negatively impacting local biodiversity by retaining many trees on site and undertaking additional plantings, including planting for the purpose of a Southern Brown Bandicoot habitat corridor.
- Ensuring appropriate bushfire mitigation measures are in place and a construction standard of Bushfire Attack Level (BAL)12.5 can be achieved.
- Aligning with the Design and Development Overlay Schedule 1 (DDO1) which currently affects the site. Any future development must respond to the DDO1 in relation to siting and materiality.
- Seeking to enhance the landscape character of the area.
- Being consistent with the existing and emerging pattern of subdivision within Bunyip.

**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:

- Enhancing and maintaining a wildlife corridor for the Southern Brown Bandicoot and planting additional trees to replace vegetation proposed to be removed (21.02-3).

- Supporting the redevelopment and subdivision of land located inside the existing Bunyip township boundary and already included within the Low Density Residential Zone (21.03-1).
- Supporting the protection of existing township character through reinforcing the 0.2 hectares minimum lot size of adjoining properties which are currently included within the LDRZ3 (21.03-3).
- Applying the prevailing zone consistent with land that abuts to the north, east and west (21.08-2).
- Proposing a development that is consistent with the Bunyip Township Strategy 2009 which is an Incorporated Document via Clause 21.08-2 of the Cardinia Planning Scheme (21.08-2).

## 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 C266card documents and the proposed Planning Permit will be exhibited to the public for a period of one month. 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 of the amendment. 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 policies and is consistent with the directions of *Plan Melbourne*, relevant Ministerial Directions.

It is recommended that Council resolve to seek authorisation to prepare and exhibit Amendment C266card concurrently with proposed Planning Permit T200105.

*Planning and Environment Act 1987*

## **CARDINIA PLANNING SCHEME**

### **AMENDMENT C266card**

## **PLANNING PERMIT APPLICATION T200105**

### **EXPLANATORY REPORT**

#### **Who is the planning authority?**

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

The amendment has been made at the request Three Thirds Group on behalf of Ryan Muley.

#### **Land affected by the amendment**

The Amendment applies to the land at 39 Wattletree Road, Bunyip.

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 39 Wattletree Road, Bunyip.

A mapping reference table is provided at Attachment 1 to this Explanatory Report.

#### **What the amendment does**

The Amendment proposes to rezone the land at 39 Wattletree Road from Low Density Residential Zone - Schedule 2 (LDRZ2) to Low Density Residential Zone - Schedule 3 (LDRZ3) to allow subdivision of the land into two residential lots.

Specifically, the Amendment proposes to:

- Amend planning scheme map ZN24 to apply the Low Density Residential Zone – Schedule 3 (LDRZ3) to the subject land.

The planning permit application seeks approval for:

- subdivision of the land into two (2) lots
- removal of vegetation
- creation of restriction

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 facilitate subdivision of the land by amending the minimum lot size from 0.4 to 0.2 hectares. By rezoning the land from LDRZ2 to LDRZ3 the purpose of this land remains consistent with the strategic directions and outcomes sought by the Bunyip Township Strategy (September 2009).

Amendment C188 (gazetted on 27 October 2016) rezoned land adjoining the subject site to LDRZ3, such that the subject site is an island of LDRZ2 land in a predominantly LDRZ3 area.

As demonstrated by the various reports submitted by the proponent, the subject land is not more impeded through either its physical context or location to services than the surrounding land; and so this Amendment facilitates a zoning correction that brings about a fair and orderly planning outcome.

**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 remaining consistent with the strategic intent of the *Bunyip Township Strategy (September 2009)*. The Amendment responds to environmental 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.

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

The Amendment is not considered to have any significant negative effects on the environment. An Arboricultural Report assessing all vegetation on the property has been undertaken by Bluegum. Many of the trees on site are proposed to be retained and replacement planting for the removal of some trees is also proposed.

The Amendment is not considered to have any negative social or economic effects. The Amendment only allows for the land to create one additional residential lot.

**Does the amendment address relevant bushfire risk?**

The Bushfire Management Overlay does not affect the land and is not within 950 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 Fire Risk Consultants. The bushfire assessment identified hazardous vegetation classified as Woodland to the south of the subject site. To ensure the bushfire risk associated with this classified vegetation is properly managed, the CFA have requested a 19 metre setback from this vegetation be provided. Given the 19 metres is provided for within the 20 metre road reserve, a requirement for defendable space on the subject property is not required.

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 notation on the endorsed plans stating that the 20 metre road reserve will provide for the 19 metre defendable space distance from the hazardous vegetation on the south side of Wattletree Road.

**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. 18 – Victorian Planning Authority Advice on Planning Scheme Amendments** the purpose of this Direction is to provide consistent and coordinated urban development of places in relation to which the VPA is, or has been, approved or directed by the Minister to provide advice, to ensure that the advice of the VPA has been taken into consideration and to ensure that amendments remain generally in accordance with approved strategic plans and policies.

The advice of the VPA is not required to be obtained for the purposes of this amendment as the VPA does not have an interest in this area.

**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 planning scheme amendments that could result in use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste.

The views of the EPA were not required to be sought for this Amendment as there is no proposed change of use. The land is already zoned for residential purposes and the rezoning will not allow an alternative use. The amendment will allow a reduced lot size an existing low density residential area.

#### **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 the subdivision of the subject land 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 in an existing settlement within the urban growth boundary of the Bunyip Township.

**Clause 11.03-3S Peri-urban Areas** - The Amendment will enable development of residential land within an established growth boundary, reduce sprawl, and enhance consistency of the character of the surrounding area having regard to the established pattern of subdivision.

**Clause 12.01-1S Protection of Biodiversity** – The Amendment facilitates a proposed subdivision which will not negatively impact on the continued protection of local biodiversity. The proposal seeks the removal of 22 trees, while 19 trees are proposed to be retained on the site. Off-set planting under Clause 52.17 is not required. Replacement plantings on the site, including planting for the purpose of a Southern Brown Bandicoot corridor, will be required as part of the Proposed Planning Permit.

**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 coming from the Woodland vegetation to the south of Wattletree Road. A construction standard not greater than BAL12.5 can be achieved for the proposed lot and the required defendable space from the hazard is provided within the existing road reserve.

**Clause 15.01-1S Urban Design** - The Amendment aligns with the Design and Development Overlay Schedule 1 (DDO1) which currently affects the site. Any future development must respond to the DDO1 in relation to siting and materiality.

**Clause 15.01-3S Subdivision Design** – The Amendment will result in an outcome that is consistent with the pattern of subdivision in the immediate area and both lots will be able to be adequately serviced.

**Clause 15.01-5S Neighbourhood Character** – The Amendment responds to the existing pattern of local urban structure and subdivision and seeks to enhance the landscape character of the area.

**Clause 16.01-1S Housing Supply** – The Amendment and the proposed subdivision responds to the existing and emergent pattern of subdivision.

**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 following clauses in the Local Planning Policy Framework and Municipal Strategic Statement are relevant to this amendment:

**Clause 21.02-3 Biodiversity** identifies key issues including maintaining and re-establishing wildlife corridors. Strategies to achieve this include protecting and enhancing the habitat of threatened flora and fauna species, including the growling grass frog and southern brown bandicoot.

The proposal seeks the removal of 22 trees, while 19 trees are proposed to be retained on the site. Off-set planting under Clause 52.17 is not required. Replacement plantings on the site, including planting for the purpose of a Southern Brown Bandicoot corridor, will be required as part of the Proposed Planning Permit.

**Clause 21.03-1 Housing** identifies key issues including providing for a diversity of housing types and densities and balancing this diversity in rural townships while ensuring consistency with the character of the township. Future strategic work identified in this section includes applying the Low Density Residential Zone to existing and future land that is located within the urban growth boundary and within townships where development can be adequately serviced.

The Amendment responds to this clause by supporting redevelopment and subdivision of land located inside a township urban growth boundary and already included within the Low Density Residential Zone.

**Clause 21.03-3 Rural Townships** identifies the key issues for townships as retaining and enhancing the existing rural township character, setting clear limits for development for the townships, and acknowledging that the capacity for growth varies depending on the environmental and infrastructure capacities of each of the towns. Strategies to achieve this include limiting residential development,

including rural residential subdivision, in the hills towns unless provided for by the township strategies or the development results in significant environmental or community benefit.

The Amendment responds to this clause by supporting the protection of existing township character through reinforcing the 0.2 hectares minimum lot size of adjoining properties which are currently included within Schedule 3 to the LDRZ.

**Clause 21.08-2 Bunyip** requires that any proposed use or development in Bunyip is in accordance with the *Bunyip Township Strategy (September 2009)*. Residential development is to accommodate growth within the existing urban growth boundary, maintain the existing street grid pattern, and ensure infill development respects the existing character.

This Amendment responds to this clause by applying the prevailing zone consistent with land that abuts to the north, east and west.

#### **Does the amendment make proper use of the Victoria Planning Provisions?**

The Amendment makes proper use of the Victoria Planning Provisions by rezoning the land from Low Density Residential Zone - Schedule 2 (LDRZ2) to the Low Density Residential Zone - Schedule 3 (LDRZ3), and allows the land to be developed commensurate with its locational and policy contexts.

The rezoning of the subject land ensures that land that is well serviced can provide residential development at a density consistent with the subdivision pattern of adjoining lots and the existing character. 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 relevant requirements for this amendment under the *Transport Integration Act 2010*.

#### **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

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 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](http://www.planning.vic.gov.au/public-inspection).

Council's website, [www.cardinia.vic.gov.au](http://www.cardinia.vic.gov.au)

**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 C266card  
PO Box 7  
Pakenham VIC 3810

or emailed to:

[mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au)

Subject line: Strategic Planning – Amendment C266card 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 1 - Mapping reference table**

<b>Location</b>	<b>Land /Area Affected</b>	<b>Mapping Reference</b>
Bunyip	39 Wattletree Road	Cardinia C266 001znMap24 Exhibition

*Planning and Environment Act 1987*

**CARDINIA PLANNING SCHEME**

**AMENDMENT C266**

**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 1 attached map sheet.

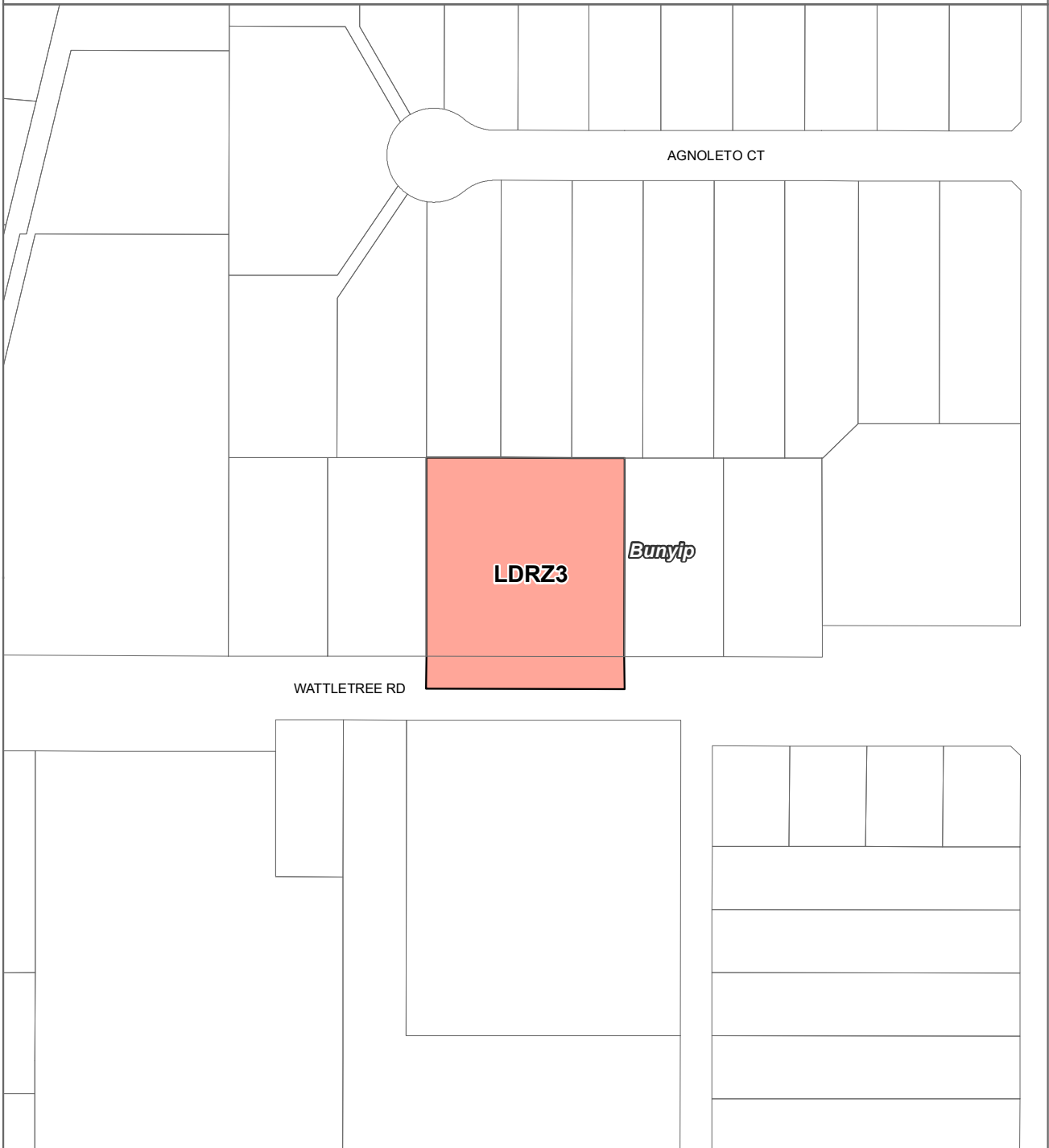
**Zoning Maps**

1. Amend Planning Scheme Map No 24 in the manner shown on the attached map 1 marked "Cardinia Planning Scheme, Amendment C266".



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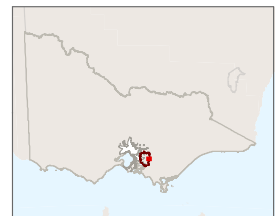


CARDINIA PLANNING SCHEME - LOCAL PROVISION  
**AMENDMENT C266**



**LEGEND**

-  LDRZ - Low Density Residential Zone
-  Local Government Area

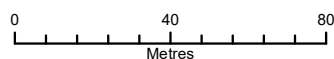


Part of Planning Scheme Map 24

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Planning Group  
 Print Date: 12/03/2020  
 Amendment Version: 1



Environment,  
 Land, Water  
 and Planning

**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 C266card****Planning Permit Application T200105**

The Cardinia Shire Council has prepared Amendment C266 to the Cardinia Planning Scheme.

The land affected by the amendment is at 39 Wattletree Road, Bunyip.

The amendment proposes to rezone the land from Low Density Residential Zone - Schedule 2 (LDRZ2) to Low Density Residential Zone – Schedule 3 (LDRZ3).

The planning permit application seeks approval for the subdivision of land into 2 lots, removal of vegetation and creation of restriction.

The applicant for the permit is Ryan Muley.

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](http://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 March 2022**. A submission must be sent to the Cardinia Shire Council at: [mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au) or Cardinia Shire Council, Amendment C266, 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

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# PROPOSED PLANNING PERMIT

Permit No.: T200105

Planning Scheme: Cardinia Planning Scheme

Responsible Authority: Cardinia Shire Council

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

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**ADDRESS OF THE LAND:**      **LOT 1 PS525720M,  
39 WATTLETREE ROAD, BUNYIP**

**THE PERMIT ALLOWS:**      **SUBDIVISION OF LAND INTO TWO (2) LOTS,  
REMOVAL OF VEGETATION AND CREATION OF  
RESTRICTIONS**

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

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Conditions 1-34 (inclusive)

### Subdivision Master Plan

1. Prior to certification, an amended subdivision master plan 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 one (1) 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 location of the patch of Woodland vegetation on the property on the south side of Wattletree Road that has been identified as a bushfire hazard.
  - b. A 19 metre distance from the patch of Woodland vegetation.
  - c. A notation stating that the 19 metre bushfire defendable space distance from the hazardous Woodland vegetation is located within the 20 metre wide road reserve.
  - d. A notation stating that the design and siting of future buildings must achieve a construction standard no greater than BAL12.5.
  - e. Vehicle access to both Lots 1 and via suitably located new concrete crossovers, ensuring adequate sightlines are provided along Wattletree Road in accordance with Australian Standard requirements.

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**Date issued:**

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**Signature for the responsible authority:**

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- f. Building setbacks in accordance with condition 6.
- g. A minimum 5-metre-wide vegetated Bandicoot corridor along the front boundary of both lots in accordance with the Bandicoot Corridor Plan required by condition 2.
- h. All trees 'to be removed' and 'to be retained' to be clearly identified.
- i. The location of replacement planting in accordance with the Replacement Planting Plan required by condition 3 of this permit.

**Bandicoot Corridor Plan**

- 2. Prior to certification, a detailed Bandicoot Corridor Plan must be submitted to and approved by the Responsible Authority. The plan must include the following within the 10 metre front building setback along Wattletree Road:
  - a. Landscaping that conforms to the standard for habitat for the Southern Brown Bandicoot and covers a minimum depth of 5 metres along the front boundary. Landscaping must be maintained at a height no greater than 1 metre with minimal breaks between bandicoot shrubs. Landscaping and planting must be in accordance with the species (Lowland Forest EVC 16) and density of the Southern Brown Bandicoot Habitat Protection Strategy and Environmental Significance Overlay, prepared by Ecology Australia (14 July 2017).
  - b. Any proposed fencing along the boundary of the bandicoot buffer must meet the following requirements:
    - i. The fence must have a gap of at least 10cm between the ground and the first strand/rail or bottom of the fence;
    - ii. The fence must be of permeable design and construction;
    - iii. The posts must be spaced at least 20cm apart;
    - iv. At least 90% of the fence line must be open at ground level;
    - v. Barbed wire must not be used.

**Replacement Planting Plan**

- 3. The permit holders must prepare and submit a Replacement Planting Plan to compensate for the removal of vegetation approved under this permit, to the satisfaction of the Responsible Authority. When approved by the Responsible Authority, the plan will be endorsed and will form part of this permit. The plan must show:
  - a. All existing trees 'to be retained' to clearly identified.
  - b. 38 indigenous plants are to be planted prior to the issue of a Statement of Compliance to compensate for the loss of 22 trees to the satisfaction of the Responsible Authority.

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- c. Plantings must include a range of indigenous trees, shrubs and grasses with a minimum of one canopy tree planted per every tree removed.
- d. A list of indigenous plant species to be used and the name of the indigenous nursery where plants will be sourced from.
- e. Show area of replacement planting on a site plan.
- f. Actions and timing of all planting preparation and follow up maintenance works including tree guards and mulch.
- g. Photographic evidence must be submitted to Council prior to the issue of a Statement of Compliance that shows the indigenous plants have been planted to the satisfaction of the Responsible Authority.
- h. The replacement planting must be protected and maintained for a minimum of 2 years to ensure healthy establishment of the plants to the satisfaction of the Responsible Authority.

**Secondary consents**

- 4. The layout of the subdivision, and access as shown on the endorsed plans, must not be altered or modified without the prior written consent of the Responsible Authority.

**Section 173 Agreements**

- 5. Prior to the issue of a Statement of Compliance, the owner must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the *Planning and Environment Act 1987*, and make the application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act, which provides for the following:
  - a. A 10-metre building setback from the front boundary on all lots which abut Wattletree Road.
  - b. The planting/works shown on the approved Bandicoot Corridor Plan must be maintained, including weed control, to the satisfaction of the Responsible Authority and any dead or diseased plants replaced as soon as practicable.
  - c. Any re-vegetation with this area must be undertaken in accordance with the approved Bandicoot Corridor Plan.
  - d. Except where necessary for fire control or management, no slashing may be carried out within the bandicoot buffer.
  - e. Any proposed fencing within the bandicoot corridor area or along the boundary of the bandicoot corridor must meet the following requirements:
    - i. The fence must have a gap of at least 10cm between the ground and the first strand/rail or bottom of the fence;

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- ii. The fence must be of permeable design and construction;
  - iii. The posts must be spaced at least 20cm apart;
  - iv. At least 90% of the fence line must be open at ground level;
  - v. Barbed wire must not be used.
- f. No buildings may be constructed and no earthworks other than required for landscaping may be undertaken within the bandicoot buffer.

**Prior to Certification:**

6. 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 10-metre building setback from the primary frontage.
  - b. At least a 5 metre building setback from a side and rear boundaries.

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

7. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be prepared by a suitably qualified land surveyor showing all bearings, distances, levels, street names, lot numbers, lot sizes, reserves, and easements.
8. 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.
9. 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:**

10. Prior to the issue of a Statement of Compliance the following works must be completed in accordance with plans approved by and to the satisfaction of the Responsible Authority:
- a. Removal of any structure located on Lot 1.
  - b. Removal of any structure constructed over a boundary line.
  - c. Removal of vegetation to enable access to Lot 1 as shown on the endorsed plans.

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- d. Appropriate driveway access and drainage connection points must be provided to all lots in accordance with the approved plans under condition 1 and to the satisfaction of the Responsible Authority.
  - e. A residential standard concrete vehicle crossing/s as shown on the approved plans under Condition 1 must be constructed to the approval and satisfaction of the Responsible Authority.
  - f. 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.
11. Prior to the issue of a Statement of Compliance it must be demonstrated that all works required by the Bandicoot Corridor Plan endorsed under condition 2 has been carried out to the satisfaction of the Responsible Authority.
  12. Prior to the issue of a Statement of Compliance it must be demonstrated that all works required by the Replacement Planting Plan endorsed under condition 3 has been carried out to the satisfaction of the Responsible Authority.

**Engineering Condition:**

13. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
14. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.
15. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
16. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.

**Tree Protection Fencing**

17. Before the development (including demolition) starts, a tree protection fence must be erected around the existing street trees (identified as trees 1 & 2 on the arborist report) outside the canopy zone of the tree to define a "Tree Protection Area". The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Area. Any pruning that is required to be done to the canopy or roots of any tree to be retained is to be done with permission by Council's Arborist by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-2007.

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18. Before the development (including demolition) starts, a fence must be erected around any tree shown for retention within 15 metres of the accessway/ crossover works for each Lot. This fence will protect the trees by demarcating the tree protection zone and must be erected at a radius of  $12 \times$  the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the trees, excepting the approved area of encroachment for construction as shown on endorsed plans to the satisfaction of the Responsible Authority. The protection fence must be constructed of chain mesh or similar to the satisfaction of the Responsible Authority. The protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority. Except with the written consent of the Responsible Authority, within the tree protection zone, the following are prohibited:
- a. vehicular access.
  - b. trenching or soil excavation.
  - c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
  - d. entry and exit pits for underground services.
  - e. any other actions or activities that may result in adverse impacts to retained native vegetation.

**Reticulated Services**

19. The owner of the subject land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority’s requirements and relevant legislation at the time.

**Mandatory Clause 66.01-1 Conditions**

20. 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.
21. All existing and proposed easements and sites for existing or required utility services and roads on the 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.
22. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

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**Melbourne Water Conditions:**

23. Prior to the commencement of any works associated with the subdivision 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
24. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
25. All local drainage must be to Council's satisfaction.
26. All new lots must achieve appropriate freeboard in relation to local overland flow paths to Council's satisfaction.
27. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

**AusNet Conditions:**

28. The Plan of Subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the Subdivision Act 1988.
29. The applicant must –
  - a. Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
  - b. Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.

**South East Water Conditions:**

30. 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.
31. The owner of the subject land must enter into an agreement with South East Water for the provision of recycled water supply and fulfil all requirements to its satisfaction.
32. 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.
33. All lots on the Plan of Subdivision are to be provided with separate connections to our drinking water supply and sewerage systems.

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34. Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the Subdivision Act 1988.

**Expiry**

35. 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.

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.
- A 'Vehicle Crossing Permit' must be obtained from the Responsible Authority prior to the commencement of any works associated with the proposed vehicle crossing.

**AusNet Notes:**

- It is recommended that, at an early date the applicant commences negotiations with AusNet Services for a supply of electricity in order that supply arrangements can be worked 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).
- 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 the 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.

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**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?**

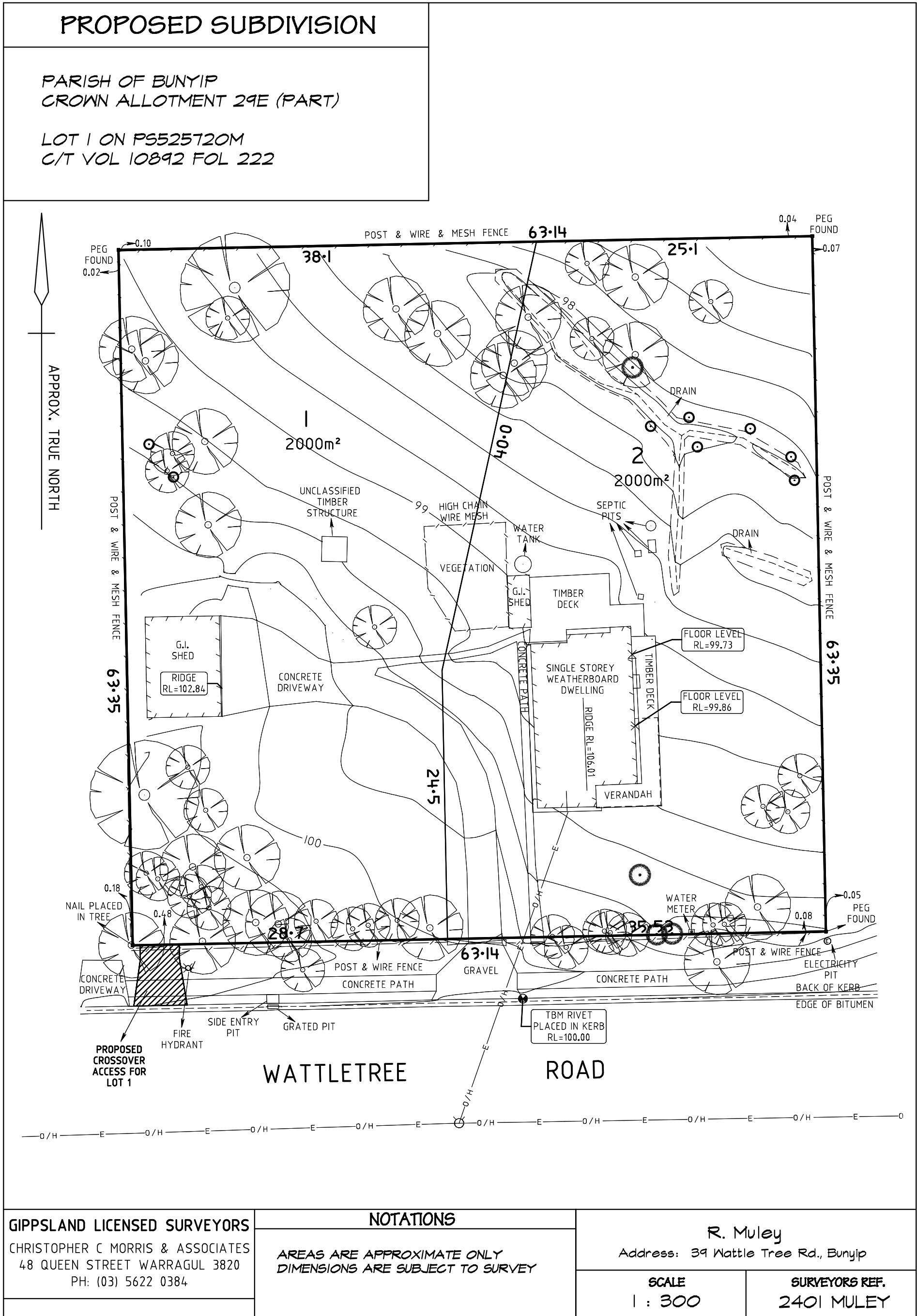
The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

**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.



<p><b>GIPPSLAND LICENSED SURVEYORS</b> CHRISTOPHER C MORRIS &amp; ASSOCIATES 48 QUEEN STREET WARRAGUL 3820 PH: (03) 5622 0384</p>	<p><b>NOTATIONS</b></p> <p>AREAS ARE APPROXIMATE ONLY DIMENSIONS ARE SUBJECT TO SURVEY</p>	<p style="text-align: center;"><b>R. Muley</b> Address: 39 Wattle Tree Rd., Bunyip</p>	
	<p style="text-align: center;"><b>SCALE</b> 1 : 300</p>	<p style="text-align: center;"><b>SURVEYORS REF.</b> 2401 MULEY</p>	