

6 Ordinary Business

6.1 Town Planning Reports

6.1.1 28 Beaconsfield-Emerald Road, Beaconsfield Upper

Responsible GM: Lili Rosic
Author: Frances Stipkovic

Recommendation(s)

That Council issue a Notice of Decision to Grant Planning Permit T210780 for a three (3) lot subdivision and removal of native vegetation at 28 Beaconsfield – Emerald Road, Beaconsfield Upper 3808 subject to the following conditions:

Plans required:

1. Before the plan of subdivision is certified under the Subdivision Act 1988, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application prepared by Brian Watson Surveying, Version 4 but modified to show:
 - a. A 2.0m wide drainage easement, in favour of Council, aligned along the northern boundaries of Lots 1 and 2, and extending 2.0m into Lot 3 to allow lots to drain and connect to Council's existing drainage network at the western boundary
 - b. Location of minimum width 3.5m crossover to Lot 2 and 3, extending to minimum width 4.7m at the edge of the road, and associated amendments to the Arborist Report and associated assessment of impacts to TPZ/SRZ. If required, alternate construction methods must be advised within the contents of the Arborist Report.
 - c. An amended Bushfire Management Plan to reflect consistency of lot sizes and dimensions in accordance with the proposed Plan of Subdivision (Version 4).

General Conditions

2. The layout of the subdivision, as shown on the approved plans, must not be altered or modified without the consent in writing of the Responsible Authority.
3. 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.
4. 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.
5. 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.

6. Reticulated water supply, drainage, sewerage facilities and underground electricity, gas and telecommunication services and fibre optic cable conduits must be provided to each lot shown on the endorsed plan.
7. 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 requirements and relevant legislation at the time; and
 - 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 (NBN) will not be provided by optical fibre.
8. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation 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. A suitably qualified person that fibre ready telecommunications 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.
9. The slope of batters, both cut and fill, must not exceed 2:1 (horizontal: vertical) or, where this is not practicable, batters must be stabilised by other means to the satisfaction of the Responsible Authority.

Public Open Space Contribution

10. Before a statement of compliance is issued under the Subdivision Act 1988, a sum equivalent to 5% per cent of the site value of all the subject land in the subdivision must be paid to the Responsible Authority.

Vegetation Removal

11. Before any native vegetation is removed and prior to the issuing of a Statement of Compliance, to offset the removal of 0.057 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:
 - a. A general offset of 0.009 general habitat units:
 - i. located within the Port Phillip and Westernport CMA boundary or the Cardinia Shire municipal district
 - ii. with a minimum strategic biodiversity score of at least 0.104. iii. and 12 large trees
 - b. Evidence that the required offset for the development has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is one or both of the following:
 - i. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site. The applicant must provide the annual offset site report to the responsible

authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority. AND/OR

- ii. credit extract(s) allocated to the permit from the Native Vegetation Credit Register. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.

Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning

Tree Protection

12. During subdivision works and before vehicle access works start, 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.
13. Tree protection measures described in Section 8 of the Arborist Report prepared by Bluegum Consulting (VER: 02/22) must be followed and form part of this permit.

Engineering

14. Before the Statement of Compliance is issued, appropriate driveway access and drainage connection points must be provided to all lots to the satisfaction of the Responsible Authority.
15. Before a Statement of Compliance is issued, 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.

Bushfire Management/Country Fire Authority

16. Before the statement of compliance is issued 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:
 - State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Cardinia Planning Scheme.
 - Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.

- State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

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

Endorsement of Bushfire Management Plan

17. The Bushfire Management Plan, Version 1, dated 06/10/2021 and prepared by Firefront Consultancies, must be endorsed by the Responsible Authority, be included as an annexure to the Section 173 Agreement prepared to give effect to Clause 44.06-5 of the Planning Scheme and must not be altered unless agreed to in writing by CFA and the Responsible Authority

Additional matters to be set out in the Section 173 agreement

18. In addition to the requirements of Clause 44.06-5 of the Scheme, the Section 173 Agreement prepared in accordance with that clause must also:
 - a. Explicitly exclude Lot 1 from the following exemption under Clause 44.06-2 of the Scheme
“A building or works consistent with an agreement under Section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-5”.

AusNet

19. 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.
20. 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

Potable water

21. 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.

Sewer

22. 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.

General

23. All lots on the Plan of Subdivision are to be provided with separate connections to our drinking water supply and pressure sewerage systems.
24. The certified Plan of Subdivision should show E1 to be a water supply easement over the existing 100mm South East Water water main located within the land, to be in favour of South East Water Corporation pursuant to Section 12(1) of the Subdivision Act.

Expiry:

25. 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.

(Note: 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.)

.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.

Permit NotesAmended Plans

Upon receipt of amended plans in accordance with Condition 1(c), consent will be obtained from the CFA prior to endorsement in accordance with Condition 17.

Council Engineering

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

AusNet

- 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.
- For all enquiries please email: subdivisions@ausnetservices.com.au

South-East Water

- The following is offered for information only:
 - 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.
- Agreement Options
The following South East Water agreement options are available:
 - 1) Application to enter into a Development Agreement-Works – If South East Water reticulated sewer/water/recycled water (as applicable) is required to be extended to service lots within the development

- 2) Application For Notice of Agreement Subdivision-Non Works – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner only requires Statement of Compliance to release the titles (i.e. subdivision prior to building)
- 3) Plumbing Industrial, Commercial, Units & Private Water application – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner wishes to commence construction of the building/s (i.e. building prior to subdivision)

To lodge an application please visit our website: www.southeastwater.com.au.
If you have any enquires please contact Kate Kennedy on +613 9552 3243.

Attachments

Nil

Executive Summary

Application no.:	T210780
Applicant:	Brian Watson Surveying Pty Ltd
Land:	28 Beaconsfield – Emerald Road, Beaconsfield Upper 3808
Proposal:	Three (3) lot subdivision and removal of vegetation
Planning controls:	Clause 32.09 - Neighbourhood Residential Zone (Schedule 1) Clause 42.02 - Vegetation Protection overlay (Schedule 2) Clause 43.01 - Heritage Overlay (Schedule 71) Clause 43.02 - Design and Development Overlay (Schedule 2) Clause 44.06 - Bushfire Management Overlay (Schedule 2)
Notification & objections:	Pursuant to Section 52 of the Planning and Environment Act 1987, the application was advertised by placing signs on site and sending notices to nearby property owners and occupiers. A total of 61 objections received at the time of writing this report.
Key planning considerations:	<ul style="list-style-type: none"> • Subdivision pattern • Vegetation removal • Heritage • Bushfire particulars
Recommendation:	That a Notice of Decision to Grant a Planning Permit be issued, subject to conditions within this report.

Background

2017 - Planning Application T170509 for removal of native vegetation was lodged in August 2017, and subsequently issued in December 2017. This vegetation regarded vegetation within the front setback to Beaconsfield – Emerald Road, and the permit has been acted on and is

deemed complete. Vegetation discussed within this report is separate to the vegetation considered under T170509.

2021 - Planning Application T210527 for the use of the land for the sale and consumption of liquor was lodged in July 2021 and issued in October 2021.

2021 - Planning Application T210780 (this application) which sought approval for a three lot subdivision and removal of native vegetation was submitted on 12th October 2021 and was subsequently amended via Section 50A of the *Planning and Environment Act* to include removal of native vegetation on 29th April 2022.

The application proceeded to Notice (advertising) in June 2022 and a total of 61 objections have been received at the time of writing this report.

2022 - Planning Application T220102 for extension to a red line area associated with the existing liquor licence for the food and drink premises was lodged in February 2022 is currently under assessment. This application has no bearing on the application forming part of this report.

Subject Site

The 1,738 sqm subject site is situated on eastern side of Beaconsfield – Emerald Road (and associated service road) with a frontage of 30.48m and is located on the north-east side of the Beaconsfield – Emerald Road and Halford Street intersection. The secondary frontage to Halford Street is 75.20m in length.

The site is presently subject to a single-storey weatherboard building, used as a food and drink premises known as *'Over the Road'* with associated outbuildings and outdoor dining areas focused on the western portion of the land closest to Beaconsfield – Emerald Road. The remaining central and eastern portions are generally vacant except for a small outbuilding located along the southern property boundary in the south – east corner (denoted as a 'cage' on the existing survey plan).

There is an approximate 2m fall from south to north across the site, and a 4.86m wide easement is located along the southern property boundary. It is noted there is a discrepancy between the location of existing fencing and the property boundaries as noted on title.



Figure 1 - Aerial imagery of the subject site (in blue) and the immediate surrounds (Nearmap, February 2022)

To the immediate west is Beaconsfield – Emerald Road (and associated service Road), and further west are additional commercial buildings reflecting the zoning of the land and eclectic lot sizes.

To the immediate north and east of the site is 30 Beaconsfield – Emerald Road, being the Upper Beaconsfield CFA Fire Station which incorporates dual access to both Beaconsfield – Emerald Road and Halford Street. Further north and east are dwellings reflecting the zoning of the surrounds.

To the immediate south is Halford Street which incorporates several canopy trees within an extended road reserve. This vegetation is detailed further within this report. Further south are additional dwellings reflecting the zoning of the land.



Figure 2 - Aerial imagery of subject site (blue) and the wider surrounds (Nearmap, February 2022)

Relevance to Council Plan

5.1 We practise responsible leadership

5.1.1 Build trust through meaningful community engagement and transparent decision-making.

Proposal

The proposal regards subdivision of land into three lots, and removal of native vegetation,

Subdivision

The proposed subdivision is to result in three lots as follows:

- Lot 1 – A 737m² lot located on the corner of Beaconsfield – Emerald Road and Halford Street, to incorporate the existing buildings associated with the food and drink premises.
- The lot will have a frontage of 30.48m to Beaconsfield – Emerald Road, and a secondary 37.10m frontage to Halford Road
- Lot 2 – A 500m² rectangular lot, with a frontage of 19.55m to Halford Street, with a lot depth of 25.58m
- Lot 3 – A 500m² rectangular lot, with a frontage of 19.55m to Halford Street, with a lot depth of 25.58m

Each lot is to be burdened by the existing 4.88m wide easement along the southern boundary of the parent lot.

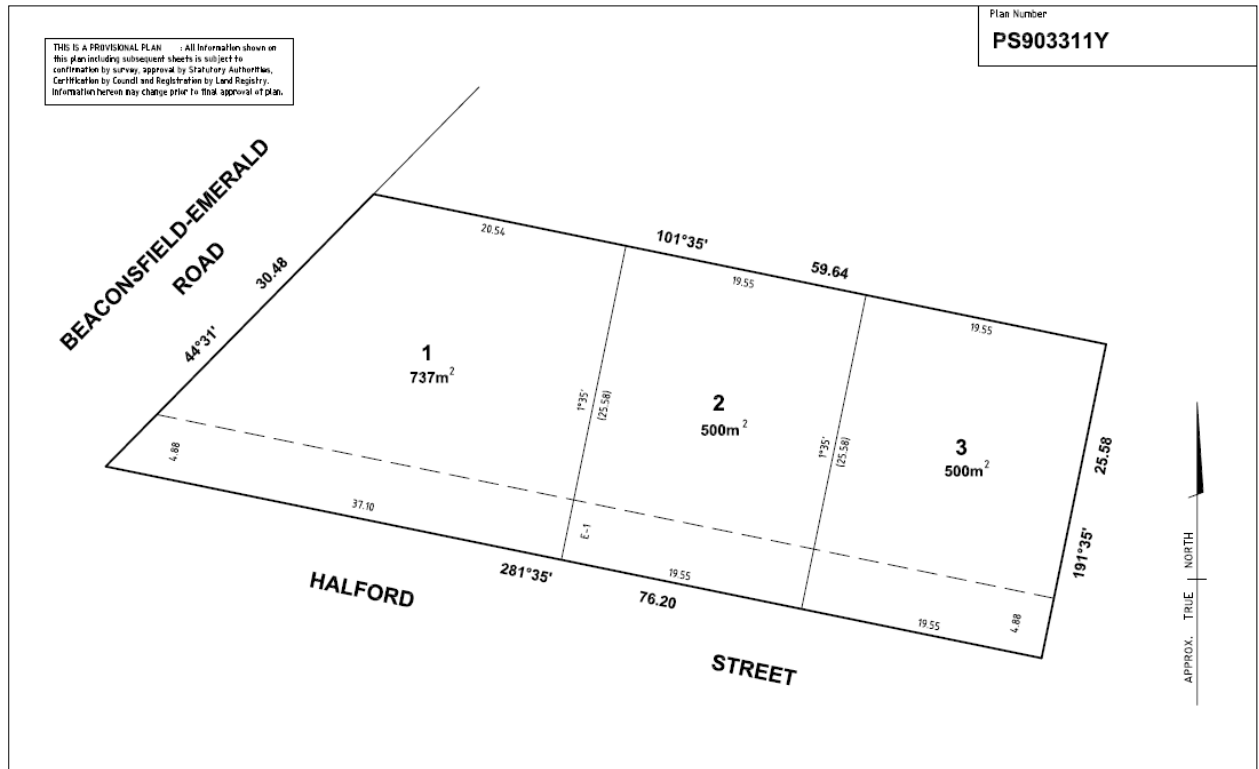


Figure 3 - Proposed plan of subdivision, prepared by Brian Watson Surveying (Version 4).

Vegetation Removal

A total of 28 trees have been assessed as part of this application, inclusive of all trees within the subject site, all relevant trees within the road reserve within proximity to proposed crossovers, and within adjoining properties located near to shared property boundaries.

A total of 10 trees are proposed to be removed, inclusive of seven (7) trees (trees 7, 10, 11, 13, 14, 15, 16) within the Halford Street Road Reserve to accommodate proposed crossovers to service the subdivision. The remaining three (3) trees to be removed (Trees 23, 24, 25) are located within the subject site. These trees vary in specimen, age, condition, life expectancy and retention value, and it is noted not all trees proposed to be removed require a planning permit.

The provision of tree removal is best reflected by Table 1 of the provided Arborist Report, prepared by Bluegum Consultancy (Version 02/22, dated 15th February 2022) forming part of the application material:

Table 1: Trees to be removed:

Tree #	Common & Botanical names	Origin	Age	ULE	Retention value	Comments	Recommendations	Permit required
7	<i>Acacia dealbata</i> (Silver Wattle)	Locally occurring	Late mature	Removal (0-5 years)	3rd Party Tree	ST	Remove tree	Yes
10	<i>Acacia spp</i> (Wattle)	Australian native	Mature	Short (5-15 years)	3rd Party Tree	ST	Remove tree	Yes
11	<i>Prunus cerasifera</i> (Green leaf Cherry)	Environmental weed	Early mature	Medium (15-40 years)	3rd Party Tree	ST	Remove tree	No
13	<i>Acacia dealbata</i> (Silver Wattle)	Locally occurring	Mature	Medium (15-40 years)	3rd Party Tree	ST	Remove tree	Yes
14	<i>Acacia dealbata</i> (Silver Wattle)	Locally occurring	Mature	Medium (15-40 years)	3rd Party Tree	ST, Bifurcated main trunk	Remove tree	Yes
15	<i>Acacia melanoxylon</i> (Blackwood)	Locally occurring	Early mature	Medium (15-40 years)	3rd Party Tree	ST	Remove tree	Yes
16	<i>Acacia implexa</i> (Lightwood)	Locally occurring	Over-mature	Removal (0-5 years)	3rd Party Tree	ST	Remove tree	Yes
23	<i>Ilex aquifolium</i> (Holly)	Environmental weed	Mature	Medium (15-40 years)	Low		Remove and replace	No
24	<i>Aesculus hippocastanum</i> (Horse Chestnut)	Introduced	Mature	Short (5-15 years)	Low	Lower & mid trunk decay	Remove and replace	Yes
25	<i>Pittosporum undulatum</i> (Sweet Pittosporum)	Environmental weed	Early mature	Medium (15-40 years)	Low		Remove and replace	No

Figure 4 - Arborist Report identifying trees to be removed (Bluegum Consultancy, 15/02/2022)

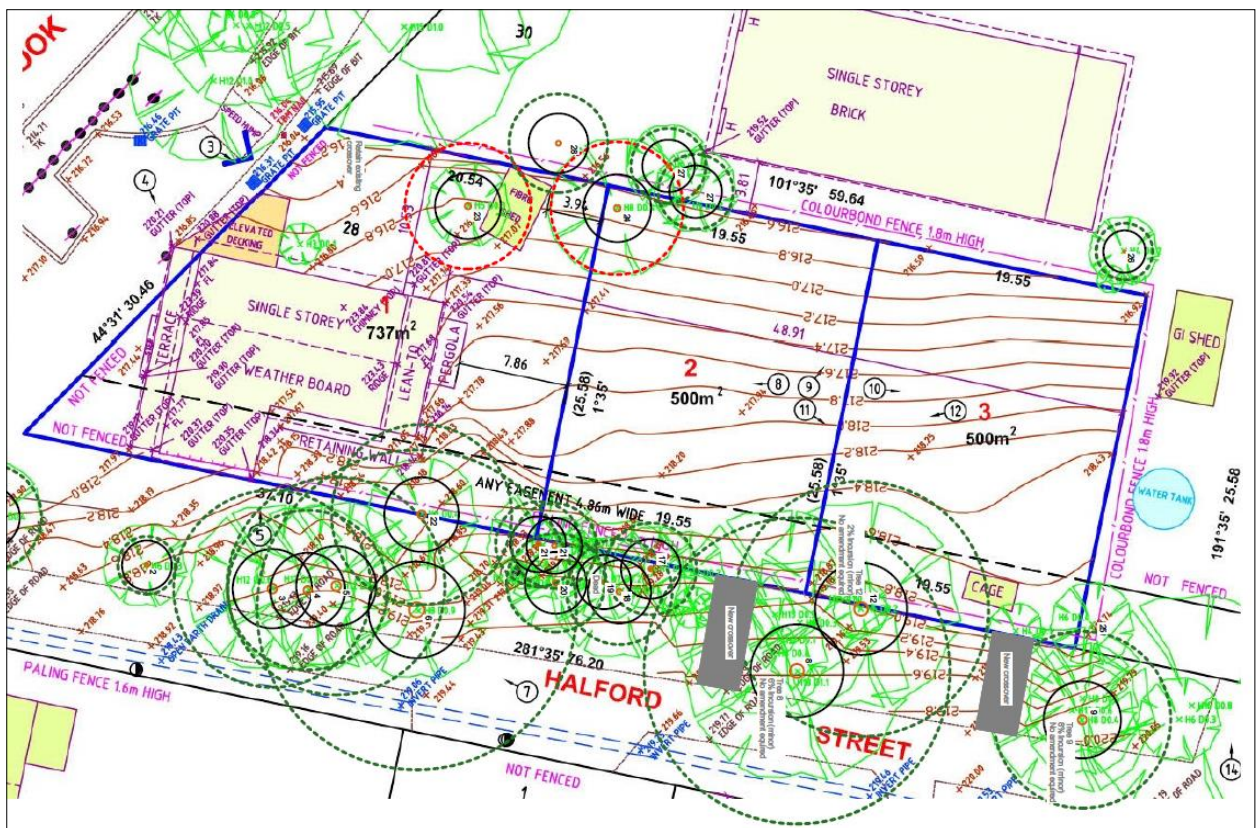
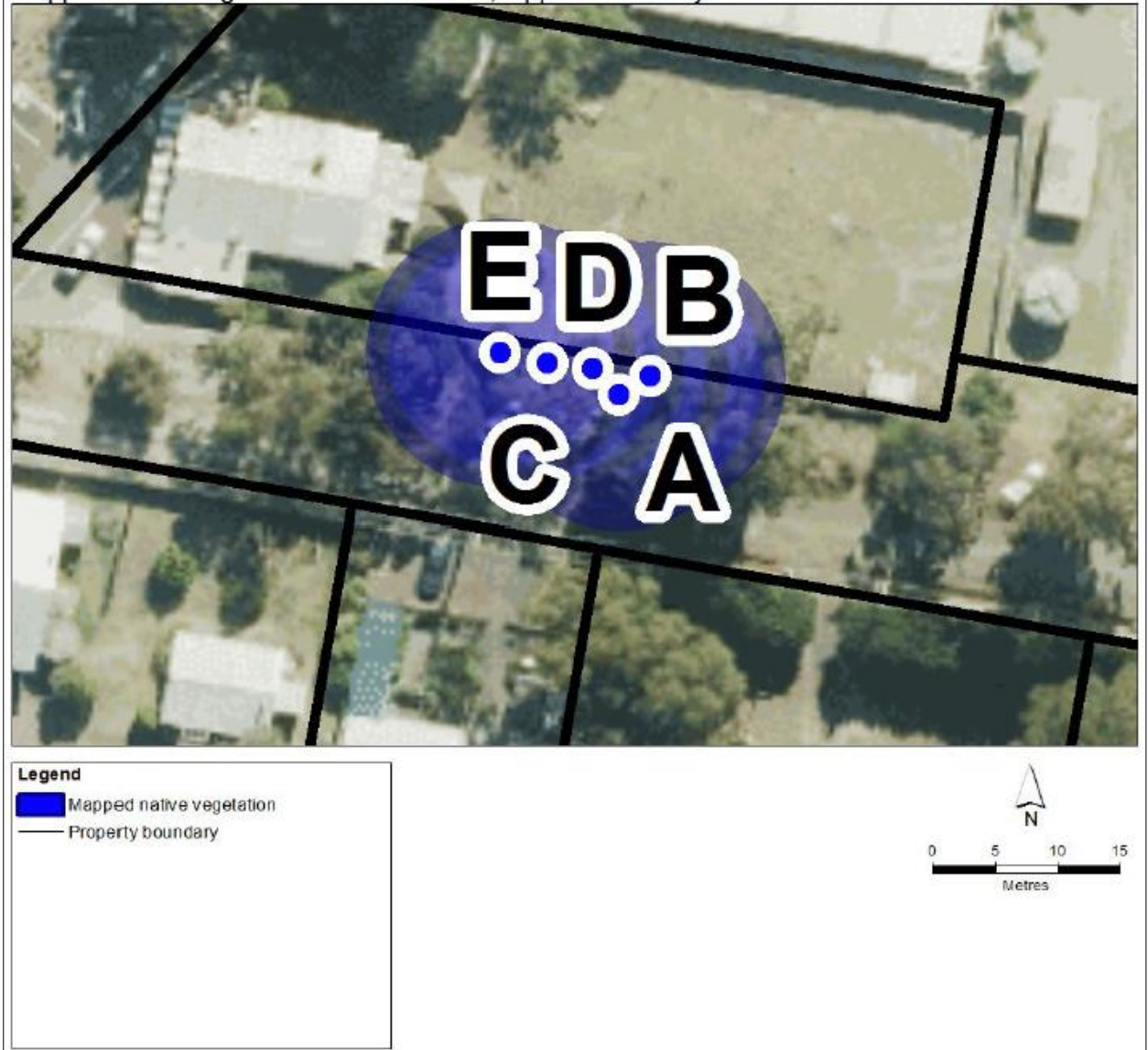


Figure 5 - Plan identifying location of trees with proposed crossover locations shown in grey (Bluegum Consultancy, 15/02/2022)

Some of the proposed vegetation to be removed also required vegetation removal offset requirement in accordance with the *Guidelines for the Removal, Destruction or Lopping of native Vegetation (DELWP)*.

The offset requirement for this proposal regards 0.009 general habitat units, with a minimum strategic biodiversity score of 0.104. This matter is detailed later within this report.

Mapped native vegetation to be removed, lopped or destroyed



Planning Scheme Provisions

Zone

The land is subject to the following zones:

- Neighbourhood Residential Zone – Schedule 1

Overlays

The land is subject to the following overlays:

- Bushfire Management Overlay – Schedule 2
- Design and Development Overlay – Schedule 2
- Heritage Overlay – Schedule 71
- Vegetation Protection Overlay – Schedule 2

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 11 Settlement, and specifically Clause 11.01-1S Settlement and Clause 11.02-1S Supply of Urban Land

- Clause 12 Environmental and Landscape Values, and specifically Clause 12.01-1S Protection of Biodiversity and Clause 12.01-2S Native Vegetation Management
- Clause 13 Environmental Risks and Amenity, and specifically Clause 13.02-1S Bushfire Planning
- Clause 15 Built Environment and Heritage, and specifically Clause 15.01-3S Subdivision Design, Clause 15.01-4S Healthy Neighbourhoods and Clause 15.03-1S Heritage Conservation
- Clause 16 Housing, and specifically Clause 16.01-1S Housing Supply
- Clause 19 Infrastructure, and specifically Clause 19.03-2S Infrastructure Design and Provision, and Clause 19.03-3S Integrated Water Management.

Local Planning Policy Framework (LPPF)

The relevant clauses of the PPF are:

- Clause 21 Municipal Strategic Statement, and specifically Clause 21.01 Cardinia Shire Key Issues and Strategic Vision, Clause 21.02 Environment, Clause 21.03 Settlement and Housing, Clause 21.05 Infrastructure and Clause 21.07-4 Upper Beaconsfield.

Particular / .General Provisions and Incorporated / Reference Documents

The relevant provisions / documents are:

- Clause 52.12 Bushfire Protection Exemptions
- Clause 52.17 Native Vegetation
- Clause 52.29 Land Adjacent to the Principal Road Network
- Clause 53.01 Public Open Space Contribution and Subdivision
- Clause 53.02 Bushfire Planning
- Clause 53.18 Stormwater Management in Urban Development
- Clause 56 Residential Subdivision
- Clause 65 Decision Guidelines
- Clause 66 Referral and Notice Provisions
- Upper Beaconsfield Township Strategy, July 2009 (Incorporated Document)

Planning Permit Triggers

The proposal to subdivide land into three (3) lots and remove native vegetation requires a planning permit under the following clause of the Cardinia Planning Scheme:

- Pursuant to Clause 32.09-3 of the Neighbourhood Residential Zone, a planning permit is required to subdivide land.
- Pursuant to Clause 44.06-2 of the Bushfire Management Overlay, a planning permit is required to subdivide land
- Pursuant to Clause 43.02-3 of the Design and Development Overlay, a planning permit is required to subdivide land
- Pursuant to Clause 43.01-1 of the Heritage Overlay, a planning permit is required to subdivide land
- Pursuant to Clause 42.02-2 of the Vegetation Protection Overlay, a planning permit is required to remove vegetation
- Pursuant to Clause 52.17-1 of Clause 52.17 Native Vegetation, a planning permit is required to remove, destroy or lop native vegetation.
- Pursuant to Clause 52.29-2 of Clause 52.29 Land Adjacent to the Principal Road Network, a planning permit is required to subdivide land adjacent to a road in a Transport 2 Zone

Public Notification

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by:

- Sending notices to the owners and occupiers of adjoining and nearby land; and
- Placing a sign on site.

The notification has been carried out correctly, and the statutory declaration has been submitted to Council on 27 June 2022.

Council has received 61 submissions at the time of writing this report.

The key themes and issues raised in the objections are summarised and paraphrased below:

- Proposed lot sizes are too small and not in keeping with the surrounding neighbourhood subdivision pattern
- Access concerns for newly created lots
- Halford Street being able to accommodate additional traffic
- Reduction in wildlife habitat
- Lack of appropriate infrastructure to service additional lots

A number of matters raised that are not relevant to the application at hand (or those that do not have planning merit) are summarised and paraphrased below:

- Road widths, Council's capital works program and pedestrian safety in Beaconsfield Upper
- Future design of built form occupying the lots
- Use parameters for the current food and drink premises located on the site
- Impact on CFA operations
- The site should be subject to different zones and overlays
- Impact to property values

One (1) submission has been submitted in support of the proposal for the following reason:

- The proposal responds to strategies within the Upper Beaconsfield Township Strategy 2009 to provide diverse housing opportunities to respond to aging-in-place consideration

Referrals

External Referrals/Notices:

Referrals/ Notice	Referral Authority	Brief summary of response
Section 55 Referrals	APA	Provided unconditional consent
	APA VTS	Provided unconditional consent
	AusNet	Provided consent, subject to conditions.
	CFA	Provided consent, subject to conditions.
	Melbourne Water	Provided unconditional consent
	South East Water	Provided consent, subject to conditions.
	Department of Transport (DoT)	No objections with no conditions.

Internal Referrals/Notices:

Internal Council Referral	Advice/ Response/ Conditions
Engineering	Provided consent, subject to conditions.

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Discussion

The application has been assessed against the relevant state and local policy, relevant zones, overlays, guidelines and strategies of the Cardinia Planning Scheme.

On balance, the proposal responds to and is supported by the relevant decision-making tools and mechanisms. This discussion chapter focuses on the core planning matters by way of themes, and touches on several more minor relevant considerations.

The main issues for consideration for this application include:

- The response to existing and preferred subdivision pattern, and the associated strategic justification and consistency with the relevant policies in the Planning Policy Framework and Local Planning Policy Framework
- Whether the vegetation proposed to be removed is appropriate
- Does the proposal appropriately mitigate bushfire risk?
- Response to other considerations captured within the zones and overlays that apply to the site
- Particular and General Provisions of the Cardinia Planning Scheme
- Clause 56 Subdivision
- Reasons for objection

Subdivision

The consideration of subdivision pattern, character and associated growth is duly considered in a number of provisions within the Cardinia Planning Scheme.

Clause 11 Settlement identifies that planning is to recognise the need for health, wellbeing and safety, diversity of choice and opportunity (Clause 11, Clause 11.01-1S), encourage appropriate densities and to supply urban land to accommodate appropriate projected population growth (Clause 11.01-1S, Clause 11.02-1S).

Clause 15.01-3S Subdivision Design further expands on this, seeking to ensure the design of subdivisions achieve attractive, safe, accessible, diverse and sustainable neighbourhoods. Strategies to reflect this objective include to create compact neighbourhoods, create a sense of place that is functional and attractive, to provide a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people, and to facilitate well-located and diverse future housing opportunities (Clause 15.01-3S, Clause 15.01-4S, Clause 16 Housing, Clause 16.01-1S Housing Supply).

Local Policy reflects these key considerations regarding subdivision, as noted in Clause 21.01 which seeks to ensure that the character of townships and precincts is retained (Clause 21.01-2) yet allowing and balancing for a maturing housing market seeking for diverse living opportunities (Clause 21.03-1). Beaconsfield Upper is specifically mentioned at Clause 21.03-4, noted as a large rural township, with consideration for subdivision and development to include retaining and enhancing character, acknowledging environmental considerations and infrastructure.

The Neighbourhood Residential Zone and Design and Development Overlay (Schedule 2) that apply to the site also seek for decision makers to consider diversity in housing/lot types and neighbourhood character.

The proposal regards a three lot subdivision, with two lots to be 500m² vacant lots with 19.55m wide frontages to provide for future development opportunities – likely to be

residential in nature reflecting the zoning of the land however some other limited opportunities may apply.

Lot dimensions and area are appropriate from a built form perspective, noting that a significant number of volume builder product can fit on such a lot, whilst bespoke design also achievable with such a lot typology.

The lot frontage width reflects a portion of the existing subdivision pattern of the area, noting lots immediately opposing the site on Halford Street (1, 3 and 5 Halford Street) all measuring approximately 19m in width, whilst others within the immediate vicinity such a number of lots on Salisbury Road, Paul Grove and St Georges Road all have similar road frontage widths.

A select number of lots are also within the vicinity of 500m², such as 2 and 2A Salisbury Road. Whilst the proposed lot areas do depart from the bulk of the residential lots within the vicinity, this is indeed supported by the above-mentioned policy which seeks to provide a diversity in dwelling size where appropriate. The term 'where appropriate' is key to consider, and it is noted the site is not encumbered by extensive slope, is not subject to a minimum subdivision area, is not subject to extensive vegetation or any other key factor. Further, the site is located centrally to the township in a more suitable location for a slight increase in density. Approval of such an application does not provide precedent for this type of subdivision or lot size throughout Upper Beaconsfield, as each site is assessed on its merits and context.

Clause 21.07-4 focuses on Upper Beaconsfield, which references the incorporated Upper Beaconsfield Township Strategy (July 2009). The Township Strategy has strategic objectives listed to:

- Facilitate development respectful of the township character and rural lifestyle
- Provide a range of lot sizes and types of accommodation to house different household sizes
- Enhance and strengthen the existing town centre

Figure 5: Upper Beaconsfield Framework Plan identifies the site as being in the "Potential Commercial Precinct", reflecting its proximity to the town core and as such is not specifically considered as part of a residential precinct. Notwithstanding, Chapter 4.3 reflects on the dominance and significance of separately detached dwellings and due to a lack of servicing that future subdivision should occur *"in a controlled manner that takes into account the existing township character, amenity and environmental features of the area, without placing additional impact on, or altering the environment, landscape setting and character of the township"* (Chapter 4.5), or summarised as that subdivision should be limited to *"appropriate locations and densities"* (Chapter 4.7)."

As the site is not subject to a specific residential precinct or character guide, consideration of the proposal falls back to the relevant Planning Policy Framework and Local Planning Policy Framework discussed above which generally seek to support diverse housing opportunities in appropriate locations. Whilst a 500m² lot may depart from the bulk of the lot sizes within the township, the proposal provides diversity to the predominant lot typology as sought by policy. Further, a 500m² lot is more than capable of providing a detached dwelling (or other permissible uses) and appropriate built form. This is further reflected by *Figure 10: Town Centre Framework Plan* which identifies the site as being capable of accommodating other permissible uses, ensuring the historic character of the existing building on the site is retained.

As such, an assessment of the relevant policy to consider highlights that considered subdivision is appropriate subject to the site in question. In this instance, a proposal of this nature is supported by policy and the site is not otherwise inhibited by slope, vegetation, minimum subdivision area requirements, subdivision design guidelines or infrastructure issues (discussed further in the report) that otherwise limit the subdivision potential of the land. It is

therefore deemed that the proposed subdivision into three lots is appropriate in this specific instance.

Vegetation

Another key consideration to the subdivision is the appropriateness of the vegetation to be removed that requires a planning permit.

Clause 12 Environmental and Landscape Values identifies that planning should help to protect the health of ecological systems, as well as biodiversity (Clause 12.01-1S). Objectives to support this strategy includes to ensure there is no net loss of biodiversity as a result of the removal of native vegetation (Clause 12.91-2S), and to firstly avoid and/or secondly minimise impacts and removal of native vegetation accordance with the *Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017)*. Vegetation protection is also discussed at Clause 21.01-3 (key issues regarding the protection and management of biodiversity) and Clause 21.02-02 and 21.02-03.

The Vegetation Protection Overlay at Clause 42.02 also reflects these considerations and objectives, with Schedule 2 noting that:

The Hills Townships contain substantial areas of remnant indigenous, and mature exotic vegetation, which are important elements of the character of these residential areas This vegetation is often of environmental or landscape significance due to topography and view lines and contributes to the visual amenity of these areas.

Some residential areas contain remnant native vegetation, however due to the size of some lots, it is not protected by the native vegetation controls in Clause 52.17. This remnant vegetation is of particular importance as it provides both flora and fauna habitat and enhances local biolinks.

The vegetation in these areas also plays an important function in managing environmental conditions by providing habitat and biolinks, supporting soil stability, reducing stormwater runoff, limiting erosion and salinity and siltation of creeks and watercourses.

Clause 52.17 also directs for the Responsible Authority to consider the *Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017)*.

The application material includes an Arborist Report and Native Vegetation Removal Report prepared by a suitably qualified professional that identifies the proposed location of crossovers as identified have sought to minimise impact on vegetation, and that tree protection measures can be implemented to ensure there are no additional adverse impacts on the health of vegetation from the proposed subdivision.

The reports detail that the vegetation proposed to be removed are predominantly an Acacia species which are known for the short useful life expectancy, and that many of the trees to be removed have a low retention value due to their life expectancy and current condition (structure issues, trunk decay etc). As such, these trees are not deemed valuable to the fabric of the landscape. Further, the NVR highlights that offsets can be appropriately captured.

Importantly, the subdivision will not impact on third party trees within adjoining lots and that the above mentioned conditions regarding tree protection during subdivision works can ensure of no resulting impact. Further, it is not foreseen that the vegetation to be removed will have no subsequent impacts on erosion, salinity or watercourses which is a key consideration of the Vegetation Protection Overlay. The vegetation to be removed is limited and will not adversely impact on the character of the street.

Bushfire

Similarly, to environment and vegetation, bushfire risk is captured within both the Planning Policy Framework (Clause 13.02-1S) and the Local Planning Policy Framework (Clause 21.01-3, Clause 21.02-4). Strengthening the resilience of communities, prioritisation of protecting human life, property and the environment, as well as directing new development opportunities to low risk areas are the reoccurring themes of these policies. The Bushfire Management overlay at Clause 44.06 further reflects these considerations.

The application is supported by a Bushfire Management Statement prepared by FireFront Consultancies (Ver 01 06/10/21). The detailed report notes that much of the immediate surrounds has modified, low level threat landscaped garden areas and that future dwellings are capable of achieving BAL 29 requirements to accommodate required defensible space areas. Further, the report notes that CFA vehicle access and distance to existing fire hydrants meets required standards, and that future residential development must be supported by 5,000lt water tanks for personal firefighting purposes.

An assessment of Clause 53.02 Bushfire Planning is undertaken within the Bushfire Management Statement, identifying compliance with this Clause. The application was referred to the CFA who do not object to the proposal subject to conditions.

Zones and Overlays

Several other considerations that have not yet been discussed are captured under the zone and overlays that apply to the site. It is noted:

- The purposes of the Neighbourhood Residential Zone are to recognise areas of predominantly single and double-storey residential development, and to manage development that respects identified neighbourhood character. Decision guidelines regarding subdivision include considering the pattern of existing subdivision in the area, which has been discussed in detail above.
- Bushfire Management Overlays have been discussed in detail above.
- The Design and Development Overlay Schedule 2 regards “Hills Townships” with relevant objectives including “to maintain the diversity in lot sizes and ensure that subdivision of land has regard to the existing subdivisional characteristics of the area” and references that subdivision should seek to protect or enhance character and natural environments. These matters have been discussed in detail above.
- The Vegetation Protection Overlay seeks for protection and conservation of existing vegetation as an important element of character. This matter has been discussed in detail above.
- A permit under the Heritage Overlay is required for subdivision. Purposes of the overlay include to “conserve and enhance heritage places” with key decision includes including whether the proposed subdivision will adversely affect or result in development which will adversely affect the significance of the heritage place. These considerations are also reflected in the Planning Policy Framework at Clause 15.03-1S Heritage Conservation.

The Cardinia Heritage Study Vol 3 (Graeme Butler & Associates 1996) identifies the site and existing building dated from the early 1090s (“Beaconsfield Upper Milk Bar, Former Cormore Tea Rooms”) has having local heritage significance. The core heritage characteristic of the site is the example of a popular team room and billiard room from the time.

The proposal does not seek to alter the building in any fashion, and the newly created lots will front to a different street compared to the existing building. Future development of the lots will need to duly consider and be assessed against the relevant policy.

The subdivision is considered to have no adverse heritage impacts to the existing building.

Particular and General Provisions of the Cardinia Planning Scheme

A number of other considerations that have not yet been discussed are captured under the zone and overlays that apply to the site. Of these provisions not discussed elsewhere in this report, it is noted:

- Clause 52.29 Land Adjacent to the Principal Road Network seeks to ensure appropriate subdivision of land adjunct to the Principal Road Network is considered.
- Clause 53.01 Public Open Space Contribution and Subdivision applies to subdivide land. No exemptions at Clause 53.01-1 are relevant, and as such an appropriate condition will be applied to any permit issued.
- Clause 53.18 Stormwater Management in Urban Development applies, which seeks to *“ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.”* Pursuant to Clause 53.18-3, an application for subdivision must consider Clause 53.18-4 and Clause 53.18-6.

Clause 53.18-4 seeks to:

- To minimise damage to properties and inconvenience to the public from stormwater.
- To ensure that the street operates adequately during major storm events and provides for public safety.
- To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.
- To encourage stormwater management that maximises the retention and reuse of stormwater.
- To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.

Clause 53.18-6 seeks to:

- To protect drainage infrastructure and receiving waters from sedimentation and contamination.
- To protect the site and surrounding area from environmental degradation prior to and during construction of subdivision works.

The application has been referred to the relevant water authorities as well as Council's internal engineering department who have provided consent to the proposal subject to conditions. Further, standard conditions to be placed on any permit issued will incorporate and cover required works needed prior to both certificate and Statement of Compliance to ensure compliance with site management objectives and impacts from stormwater

- Clause 65 Decision Guidelines seek to ensure the appropriate considerations are made prior to a decision being made on a planning application. As noted throughout this chapter of the report, the application complies with the relevant Planning Policy Framework, Local Planning Policy Framework, Zones, Overlays and General/Particular provisions that apply to the site for a subdivision application. On balance, the subdivision will not unreasonably compromise the amenity or character of the surrounding residential area, and the site can accommodate the subdivision. As such,

it is considered that the application has appropriate regard to the decision guidelines and should be supported.

Clause 56 Subdivision

Pursuant to Clause 32.09-3 Subdivision, an application for subdivision must the objectives and should meet the standards of all Clause 54 clauses except for Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6. The assessment of Clause 56 is to be read in conjunction with the wider discussion chapter of this report.

Standards of Clause 56 of the Cardinia Planning Scheme Subdivisions.	Comments
<p>CLAUSE 56.03-5 - STANDARD C6: Neighbourhood character objective To design subdivisions that respond to neighbourhood character.</p> <p>Standard C6 Subdivision should:</p> <ul style="list-style-type: none"> • Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme. • Respond to and integrate with the surrounding urban environment. • Protect significant vegetation and site features. 	<p>Complies</p> <p>A subdivision site and context description and design response plan have been provided a part of this application, as well as a detailed written description within the accompanying town planning submission, outlining the existing conditions of the subject site as well as its surrounding environs.</p> <p>The land of the subject site has the capability of supporting two additional vacant lots subject to the proposed conditions to be placed on any permit issued.</p> <p>The corner lot provides for appropriate access opportunities, so each lot has a frontage to a road, and vegetation removal is minimised to accommodate the proposed crossovers.</p> <p>The lot layout respects elements of the existing neighbourhood character and responds to the preferences within the Township Strategy which seeks for additional diversity in lots and housing opportunities.</p>
<p>CLAUSE 56.04-2 - STANDARD C8: Lot area and building envelopes objective To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</p> <p>Standard C8 (relevant provisions)</p> <p>Lots of between 300 square metres and 500 square metres should:</p> <ul style="list-style-type: none"> • Contain a building envelope that is consistent with a development of the lot approved under this scheme, or • If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope. <p>If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are</p>	<p>Complies</p> <p>All lots are greater than 500m².</p> <p>Lots 2 and 3 are capable of accommodating a 10m x 15m envelope.</p>

<p>significant physical constraints that make this difficult to achieve.</p> <p>Lot dimensions and building envelopes should protect:</p> <ul style="list-style-type: none"> • Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations. • Existing or proposed easements on lots. • Significant vegetation and site features. 	
<p>CLAUSE 56.04-3 - STANDARD C9: Solar orientation of lots objective To provide good solar orientation of lots and solar access for future dwellings. Standard C9 Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation. Lots have appropriate solar orientation when:</p> <ul style="list-style-type: none"> • The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south. • Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north. • Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street. 	<p>Complies</p> <p>Given the size and dimensions of all lots, it is considered that appropriate solar orientation for any future dwellings can be achieved.</p>
<p>CLAUSE 56.04-5 - STANDARD C11: Common area objectives To identify common areas and the purpose for which the area is commonly held. To ensure the provision of common area is appropriate and that necessary management arrangements are in place. To maintain direct public access throughout the neighbourhood street network. Standard C11 An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:</p> <ul style="list-style-type: none"> • The common area to be owned by the body corporate, including any streets and open space. • The reasons why the area should be commonly held. • Lots participating in the body corporate. • The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held. 	<p>Not applicable</p> <p>No common property is proposed.</p>
<p>CLAUSE 56.06-8 - STANDARD C21: Lot access objective To provide for safe vehicle access between roads and lots. Standard C21 Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.</p>	<p>Complies</p> <p>All lots will have appropriate access as the site benefits from being a corner lot and multiple access point opportunities.</p>

<p>Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets. The design and construction of a crossover should meet the requirements of the relevant road authority.</p> <p>Please refer to Table C1 for full details.</p>	
<p>CLAUSE 56.07-1 - STANDARD C22: Drinking water supply objectives To reduce the use of drinking water. To provide an adequate, cost-effective supply of drinking water. Standard C22 The supply of drinking water must be:</p> <ul style="list-style-type: none"> • Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. • Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority. 	<p>Complies</p> <p>The site currently has access to a reticulated water supply. The owner is required to enter an agreement with the relevant authority for the provision of water supply to each lot.</p>
<p>CLAUSE 56.07-2 - STANDARD C23: Reused and recycled water objective To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water. Standard C23 Reused and recycled water supply systems must be:</p> <ul style="list-style-type: none"> • Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services. • Provided to the boundary of all lots in the subdivision where required by the relevant water authority. 	<p>Complies</p> <p>The use of water tanks and other water saving measures can be implemented by future land owners.</p>
<p>CLAUSE 56.07-3 - STANDARD C24: Waste water management objective To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner. Standard C24 Waste water systems must be:</p> <ul style="list-style-type: none"> • Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority. • Consistent with any relevant approved domestic waste water management plan. <p>Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	<p>Complies</p> <p>The site benefits from reticulated sewer and will require connection prior to the issue of a Statement of Compliance.</p>
<p>CLAUSE 56.07-4 - STANDARD C25: Urban run-off management objectives To minimise damage to properties and inconvenience to residents from urban run-off. To ensure that the street operates adequately during major storm events and provides for public safety. To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off. Standard C25 The urban stormwater management system must be:</p>	<p>Complies</p> <p>Storm-water management and outfall will be to the satisfaction of the Council as required via permit conditions.</p>

- Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.
- Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed.
- Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended.
- Designed to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.

The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design. For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:

- Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.
- Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.

For storm events greater than 20% AEP and up to and including 1% AEP standard:

- Provision must be made for the safe and effective passage of stormwater flows.
- All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.
- Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria $V_{ave} < 0.35 \frac{m^2}{s}$ (where, d_a = average depth in metres and V_{ave} = average velocity in metres per second).

The design of the local drainage network should:

- Ensure run-off is retarded to a standard required by the responsible drainage authority.
- Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, run-off should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.
- Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner.
- Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.

<p>Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.</p>	
<p>CLAUSE 56.08-1 - STANDARD C26: Site management objectives To protect drainage infrastructure and receiving waters from sedimentation and contamination. To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works. To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable. Standard C26 A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:</p> <ul style="list-style-type: none"> • Erosion and sediment. • Dust. • Run-off. • Litter, concrete and other construction wastes. • Chemical contamination. • Vegetation and natural features planned for retention. <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>	<p>Complies</p> <p>The level of construction on the site is considered minimal for the three-lot subdivision as each lot will have direct frontage to the street. Conditions on any permit issued can appropriately capture site management particulars.</p>
<p>CLAUSE 56.09-1 - STANDARD C27: Shared trenching objectives To maximise the opportunities for shared trenching. To minimise constraints on landscaping within street reserves. Standard C27 Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.</p>	<p>Complies</p> <p>Most of the infrastructure exists, however where possible shared trenching on the site will be conducted.</p>
<p>CLAUSE 56.09-2 - STANDARD C28: Electricity, telecommunications and gas objectives To provide public utilities to each lot in a timely, efficient and cost effective manner. To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources. Standard C28 The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority. Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged. The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the</p>	<p>Complies</p> <p>Electricity is already connected to the existing dwellings on proposed Lot 1, and will be supplied to Lot 2 and 3 to the satisfaction of the relevant authority and to the relevant authority's requirements.</p>

<p>boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.</p> <p>Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.</p>	
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Reasons for objection

A response to reasons for objection with valid planning considerations not covered within the discussion chapter above is provided below:

Reason For Objection	Comments
Lot Character and Subdivision Pattern	This item is covered within the above sections of this report.
Access to new lots and Halford Street being unable to accommodate additional traffic	<p>Council's internal engineering unit have assessed the proposal and have not raised concerns with lot access arrangements or the ability for Halford Street to accommodate the minimal increase in traffic.</p> <p>Access arrangement meet the required standards of the Cardinia Planning Scheme and relevant Engineering Design Manuals, and Halford Street can accommodation the additional traffic.</p> <p>Further to this, the application was referred to Department of Transport who do not object to the proposal (no conditions imposed).</p>
Vegetation Removal	This item is covered within the above sections of this report.
Lack of Infrastructure	<p>Infrastructure is covered within the considerations of Clause 56, as well as Planning Policy and Local Planning Policy Framework such as Clause 19, Clause 19.03-2S, Clause 19.03-3S and Clause 21.05.</p> <p>The addition of two vacant lots (and assumed subsequent development) is not expected to burden existing infrastructure provision. The application has referred to relevant servicing authorities who have not objected to the proposal, whilst appropriate conditions will be placed on any permit issued to ensure the subdivision is provided with appropriate infrastructure and servicing.</p>

Conclusion

The proposed subdivision is considered consistent with the relevant Planning Policy Framework, Local Planning Policy Framework, Zones, Overlays and General/Particular Provisions of the Cardinia Planning Scheme.

It is therefore recommended that a Notice of Decision to Grant a Planning Permit be issued for the subdivision of land and removal of native vegetation, subject to conditions outlined below.

Conditions

That Council having caused notice of Planning Application No. T210780 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Notice of Decision to Grant a Permit in respect of the land known and described as Lot 1 TP381279, 28 Beaconsfield – Emerald Road, Beaconsfield Upper 3808, for a three (3) Subdivision and removal of Native Vegetation generally in accordance with the endorsed plans, subject to the following conditions:

Plans required:

1. Before the plan of subdivision is certified under the *Subdivision Act 1988*, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application prepared by Brian Watson Surveying, Version 4 but modified to show:
 - a. A 2.0m wide drainage easement, in favour of Council, aligned along the northern boundaries of Lots 1 and 2, and extending 2.0m into Lot 3 to allow lots to drain and connect to Council's existing drainage network at the western boundary
 - b. Location of minimum width 3.5m crossover to Lot 2 and 3, extending to minimum width 4.7m at the edge of the road, and associated amendments to the Arborist Report and associated assessment of impacts to TPZ/SRZ. If required, alternate construction methods must be advised within the contents of the Arborist Report.
 - c. An amended Bushfire Management Plan to reflect consistency of lot sizes and dimensions in accordance with the proposed Plan of Subdivision (Version 4).

General Conditions

2. The layout of the subdivision, as shown on the approved plans, must not be altered or modified without the consent in writing of the Responsible Authority.
3. 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.
4. 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.
5. 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.
6. Reticulated water supply, drainage, sewerage facilities and underground electricity, gas and telecommunication services and fibre optic cable conduits must be provided to each lot shown on the endorsed plan.
7. 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 requirements and relevant legislation at the time; and
 - 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 (NBN) will not be provided by optical fibre.

8. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation 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. A suitably qualified person that fibre ready telecommunications 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.
9. The slope of batters, both cut and fill, must not exceed 2:1 (horizontal: vertical) or, where this is not practicable, batters must be stabilised by other means to the satisfaction of the Responsible Authority.

Public Open Space Contribution

10. Before a statement of compliance is issued under the *Subdivision Act 1988*, a sum equivalent to 5% per cent of the site value of all the subject land in the subdivision must be paid to the Responsible Authority.

Vegetation Removal

11. Before any native vegetation is removed and prior to the issuing of a Statement of Compliance, to offset the removal of 0.057 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:
 - a. A general offset of 0.009 general habitat units:
 - i. located within the Port Phillip and Westernport CMA boundary or the Cardinia Shire municipal district
 - ii. with a minimum strategic biodiversity score of at least 0.104. iii. and 12 large trees
 - b. Evidence that the required offset for the development has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is one or both of the following:
 - i. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site. The applicant must provide the annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority. AND/OR
 - ii. credit extract(s) allocated to the permit from the Native Vegetation Credit Register. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.

Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning

Tree Protection

12. During subdivision works and before vehicle access works start, 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:
- f. vehicular access.
 - g. trenching or soil excavation.
 - h. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
 - i. entry and exit pits for underground services.
 - j. any other actions or activities that may result in adverse impacts to retained native vegetation.
13. Tree protection measures described in Section 8 of the Arborist Report prepared by Bluegum Consulting (VER: 02/22) must be followed and form part of this permit.

Engineering

14. Before the Statement of Compliance is issued, appropriate driveway access and drainage connection points must be provided to all lots to the satisfaction of the Responsible Authority.
15. Before a Statement of Compliance is issued, 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.

Bushfire Management/Country Fire Authority

16. Before the statement of compliance is issued 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:
- State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Cardinia Planning Scheme.
 - Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.
 - State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

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

Endorsement of Bushfire Management Plan

17. The Bushfire Management Plan, Version 1, dated 06/10/2021 and prepared by Firefront Consultancies, must be endorsed by the Responsible Authority, be included as an annexure to the Section 173 Agreement prepared to give effect to Clause 44.06-5 of the

Planning Scheme and must not be altered unless agreed to in writing by CFA and the Responsible Authority

Additional matters to be set out in the Section 173 agreement

18. In addition to the requirements of Clause 44.06-5 of the Scheme, the Section 173 Agreement prepared in accordance with that clause must also:
- a. Explicitly exclude Lot 1 from the following exemption under Clause 44.06-2 of the Scheme
“A building or works consistent with an agreement under Section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-5”.

AusNet

19. 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.
20. 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

Potable water

21. 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.

Sewer

22. 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.

General

23. All lots on the Plan of Subdivision are to be provided with separate connections to our drinking water supply and pressure sewerage systems.
24. The certified Plan of Subdivision should show E1 to be a water supply easement over the existing 100mm South East Water water main located within the land, to be in favour of South East Water Corporation pursuant to Section 12(1) of the Subdivision Act.

Expiry:

25. 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.

(Note: 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.)

.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.

Permit Notes

Amended Plans

Upon receipt of amended plans in accordance with Condition 1(c), consent will be obtained from the CFA prior to endorsement in accordance with Condition 17.

Council Engineering

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

AusNet

- 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.
- For all enquiries please email: subdivisions@ausnetservices.com.au

South-East Water

- The following is offered for information only:
 - 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.
- Agreement Options
The following South East Water agreement options are available:
 - 1) Application to enter into a Development Agreement-Works – If South East Water reticulated sewer/water/recycled water (as applicable) is required to be extended to service lots within the development
 - 2) Application For Notice of Agreement Subdivision-Non Works – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner only requires Statement of Compliance to release the titles (i.e. subdivision prior to building)
 - 3) Plumbing Industrial, Commercial, Units & Private Water application – If South East Water reticulated sewer/water/recycled water (as applicable) is available to the development and the owner wishes to commence construction of the building/s (i.e. building prior to subdivision)

To lodge an application please visit our website: www.southeastwater.com.au.

If you have any enquires please contact Kate Kennedy on +613 9552 3243.