

### **3 CARDINIA PLANNING SCHEME AMENDMENT C240**

FILE REFERENCE INT1816980

RESPONSIBLE GENERAL MANAGER Andrew Paxton

AUTHOR Andrew Paxton

#### **RECOMMENDATION**

That Council:

1. Resolve to seek authorisation from the Minister for Planning under Section 20 (4) of the Planning & Environment Act 1987 to prepare Planning Scheme Amendment C240 to the Cardinia Planning Scheme subject to the following conditions being met:
  - a. Council receives and approves a full set of Amendment documents to the satisfaction of Council prior to the submission of Planning Scheme Amendment C240 for authorisation.
  - b. The present Amendment documents are modified to change Schedule 2 of the Urban Growth Zone to include a Residential Village as a Section 2 (permit required use) with a condition that it applies to 7 hectares of land only (land details and map required), within the Cardinia Road Employment Precinct Structure Plan (September 2010)
  - c. Council receives advice from the Victorian Planning Authority as to how the provisions proposed by the applicant give effect to the intended outcomes sought by the Victorian Planning Authority as part of Minister Direction 15.
  - d. It is referred to all State Government Authorities to confirm no concerns
  - e. Update the Cardinia Road Employment Precinct Structure Plan (September 2010) to reflect the proposed changes associated with Planning Scheme Amendment C240

#### **Attachments**

- 1 Applicant draft amendment proposal 37 Pages

#### **EXECUTIVE SUMMARY**

This report recommends that authorisation be sought from the Minister for Planning to prepare Amendment C240 to the Cardinia Planning Scheme to allow the designation of 7 hectares of land for a residential village as a Section 2 (permit required use) within the Cardinia Road Employment Precinct Structure Plan (September 2010).

Under the Urban Growth Zone Schedule 2 (UGZ2), the proposed land use is not permitted in the current land area, which is identified for conventional residential and medium density residential in the Cardinia Road Employment Precinct Structure Plan. The amendment proposes to change the land use designation in the Schedule to the Zone, to allow the use to be permitted through a planning permit.

Amendment C240 applies to 7 hectares of land located within the northern portion of the Precinct Structure Plan area and bound by the western arterial to the north, Cardinia Road to east and Gum Scrub Creek to the west.

It is recommended that Council seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C240 to the Cardinia Planning Scheme subject to a variety of conditions being met.

This amendment was requested by Mesh Planning on behalf of Lifestyle Communities,

## **BACKGROUND**

The Cardinia Road Employment Precinct Structure Plan was incorporated into the Cardinia Planning Scheme in September 2010 (Amendment C130). The Cardinia Road Employment Precinct is approximately 590 hectares split into 30 titles owned by 16 landowners. The vision for the precinct is to provide for a multi-functional regional employment node that delivers a mix of jobs to Casey-Cardinia, interconnected with regional transport routes and rapidly growing communities. An intensely developed commercial core and residential precinct is set amid extensive wetlands and biodiversity corridors, establishing a high amenity business park setting to attract investment (Section 3.1 Vision - CREPSP)

The Precinct is located in the State-Significant industrial precinct as noted in Plan Melbourne and is planned to provide investment through a wide range of specialist and jobs via intensive industries. The Precinct facilitates the diversification of industry and employment in the corridor, by providing for a wide range of industrial and commercial development types, including:

- Offices in a campus-style business park setting for uses requiring larger land areas;
- Combined showroom and warehouse or workshop type uses to accommodate light industrial uses in high-visibility locations required by businesses with front-of-house customer service and display areas; and
- Industrial areas with well-designed road networks that offer direct connections to arterial roads and deliver greater operational efficiency for businesses.

The future urban structure of the precinct consists of some residential land, commercial, activity centre, services business and industrial along with a series of open space corridors connecting to a broader network. The commercial area and activity centre are located at the northern end of the precinct with the Princes Freeway providing central access via Cardinia Road.

At present the western arterial road is under construction as part of the 680 lot residential subdivision that has been approved for the land, which is known as Kaduna Park. Cardinia Road will be widened and upgraded to an urban arterial standard in the future. In addition, two new east west arterials are planned for the precinct. Thompsons Road and Glasscocks/Grices Road will connect the arterial road network to the City of Casey and Cardinia Shire to give access to Cardinia's employment precincts. This will enhance access between Pakenham and Officer Employment precincts which also provide an alternative access to Officer South Road, McGregor Road and Kooweerup/Racecourse Road.

The precinct contains provision of open space which is utilised through existing waterways that will be subject to extensive rehabilitation such as Gum Scrub Creek, Toomuc Creek and Deep Creek. The approved Cardinia Road Employment Precinct Structure Plan did not plan for community infrastructure like most PSPs, so the provision of community centres, active open space and primary schools were not planned to be located in this precinct. The open space network will provide north south links with new network trails that integrate into the passive open space network with active reserves throughout the Cardinia Growth Area.

## **Discussion on proposed Amendment**

The subject land is zoned Urban Growth Zone Schedule 2 (UGZ2) and subject to a Development Contributions Plan Overlay Schedule 3 (DCPO3).

The proposed planning scheme amendment is to make a change to the Schedule 2 to the Urban Growth Zone (UGZ2) to include a residential village as a Section 2 (permit required use) to facilitate the use of 7 hectares of land for a retirement village.

In the Cardinia Road Employment Precinct a range of housing options are provided within a relatively small area of the Precinct, delivering densities substantially greater than conventional residential subdivision.

The objectives for housing in the Cardinia Road Employment PSP are to:

- Facilitate the development of a residential area that accommodates sufficient population to support a full size supermarket in the neighbourhood activity centre.
- Provide at least 2000 dwellings for the precinct.
- Create a niche residential offer that provides different housing choice in Cardinia Shire by: achieving significant higher residential densities including smaller lot development; and Delivering a compact multi storey residential form.
- Provide a range of residential densities and housing types.

The PSP planned for a demographic that would attract:

- Executives who would prefer to be closer to their place of employment;
- Older working people looking for a lifestyle change;
- Couples without children; and
- Singles and young professionals employed in white collar industries, given the range of employment opportunities in the precinct.

The proposed amendment will allow for a wide range of residential housing options.

The Amendment revises Schedule 2 to the Urban Growth Zone (UGZ), specifically the Amendment makes the following changes to the Cardinia Planning Scheme:

- Insert Residential Village (accommodation) as Land Use under Section 2 of Schedule 2 to the Urban Growth Zone (UGZ2)
- Insert the land use of Residential Village as an exception to prohibited accommodation under Section 3 of Schedule 2 to the Urban Growth Zone (ugz2)
- Insert referral and notice provision requirements for the use of the land within the gas pipeline measurement length to Schedule 2 to the Urban Growth Zone (UGZ2) and
- Amend Clause 66.04 to include high pressure gas pipeline licensee as a recommending referral authority.

It is considered inappropriate to allow a Residential Village to be applicable for all residential land identified in the Cardinia Road Employment Precinct and therefore a modified Schedule and plans are required to be submitted to Council for further consideration.

### **Amendment Process**

The request from the proponent to the amendment is that the proposed planning scheme amendment occur through a Section 20(4) to the Planning and Environment act 1987. This is one

of many options to process a planning scheme amendment. The 20(4) process eliminates the ability for the community and surrounding landowners to comment and is essentially submitted straight to the Minister for Planning for approval.

A more standard amendment process would be to place the planning scheme amendment on public exhibition for a period of 1 month to allow the community to comment on the proposal and this provides Council with guidance from surrounding landowners and occupiers on their opinions of the proposal.

In this case Council Officers believe that the Minister for Planning should make a determination through this request if it is appropriate to continue with a 20 (4) process and no public consultation vs a standard exhibition period.

## **POLICY IMPLICATIONS**

The State Planning Policy Framework requires that planning anticipates and responds to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. The amendment will encourage development of land for residential dwellings, to meet housing demand, where land is designated for residential use within the Cardinia Road Employment Precinct

## **RELEVANCE TO COUNCIL PLAN**

The Council Plan seeks to balance the needs of development, the community and the environment. This balance has been a key consideration in the revision proposed to the Urban Growth Zone associated with the Cardinia Road Employment Precinct Plan. The Precinct relates to the main principles of Councils Plan:

### **Our Environment**

- The delivery of the PSP will develop transport networks that incorporate effective public transport, pedestrian and cycling facilities.
- The delivery of the PSP will manage water resources in an integrated manner, and protect and enhance biodiversity.
- The PSP will provide a built environment that supports health and wellbeing and protect natural environments

### **Our Community**

- Balanced needs of development, the community and the environment
- The PSP will plan for development of complementary land uses required to meet the needs of the future community in a sustainable manner.

### **Our Economy**

- The PSP will plan for the provision of local services that support the wellbeing of our communities.
- A local economy supporting the improved health and wellbeing of our communities.

## **CONSULTATION/COMMUNICATION**

Consultation has been undertaken with APA in relation to development of dwellings on top of a Gas Easement Pipeline. APA are supportive of the Amendment.

Further advice is required from the Victorian Planning Authority to confirm proposed Amendment C240 and the provisions proposed by the applicant give effect to the intended outcomes sought by the Victorian Planning Authority as part of Minister Direction 15.

Referral of the application to all State Government agencies is recommended to confirm no concerns with the proposal.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

It is not envisaged that the amendment will be of any financial cost to Council. Should the amendment proceed to the next stage of authorisation, all associated costs are required to be met by the proponent.

### **CONCLUSION**

That Council:

2. Resolve to seek authorisation from the Minister for Planning under Section 20 (4) of the Planning & Environment Act 1987 to prepare Planning Scheme Amendment C240 to the Cardinia Planning Scheme subject to the following conditions being met:
  - a. Council receives and approves a full set of Amendment documents to the satisfaction of Council prior to the submission of Planning Scheme Amendment C240 for authorisation.
  - b. The present Amendment documents are modified to change Schedule 2 of the Urban Growth Zone to include a Residential Village as a Section 2 (permit required use) with a condition that it applies to 7 hectares of land only (land details and map required), within the Cardinia Road Employment Precinct Structure Plan (September 2010)
  - c. Council receives advice from the Victorian Planning Authority as to how the provisions proposed by the applicant give effect to the intended outcomes sought by the Victorian Planning Authority as part of Minister Direction 15.
  - d. It is referred to all State Government Authorities to confirm no concerns
  - e. Update the Cardinia Road Employment Precinct Structure Plan (September 2010) to reflect the proposed changes associated with Planning Scheme Amendment C240



30 November 2017

Mr Andrew Paxton  
 General Manager Planning & Development  
 Cardinia Shire Council  
 PO Box 7  
 Pakenham VIC 3810

To Andrew,

**Re: Application to amend Cardinia Shire Council Planning Scheme pursuant to Section 20(4) of the Planning and Environment Act**

## 1 INTRODUCTION

Mesh has been appointed by Lifestyle Communities to submit a request to amend the Cardinia Shire Planning Scheme.

The purpose of this correspondence is to detail the proposed amendment request and will provide information on the following:

- > Overview of our client, Lifestyle Communities (the proponent) and their specific development interest in the Cardinia Road Employment Precinct Structure Plan;
- > Explanation of the proposed amendment pursuant to Section 20(4) of the *Planning and Environment Act* and why it is necessary to enable use and development of a specific site for a residential village;
- > History of discussions with Council and DELWP regarding the preferred approach to the proposed amendment and requirements of APA, a key stakeholder; and
- > Strategic justification in support of the proposed amendment.

In support of this amendment request, please find enclosed:

Attachment Reference	Supporting Documentation
1	Draft Explanatory Report
2	Proposed Schedule 2 to the Urban Growth Zone "Cardinia Road Employment Precinct Structure Plan"
3	Authorisation Application Form
4	Amendment Documents Checklist
5	Letter of support from APA

An electronic version of the application (including proposed provisions in Word format) will be provided to Council.



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## 2 OVERVIEW OF PROPONENT

Our client, Lifestyle Communities is a highly experienced “over-50’s” residential village developer and operator. Distinctly different from a retirement village, Lifestyle Communities’ *residential village* incorporates high quality boutique-style living with a primary focus on affordable living options for semi-retired and retired people. Importantly, there is no aged care component as part of Lifestyle Communities’ development model, and it is instead focussed on affordable residential living for older generations with a strong focus on generating a close knit, safe community.

Lifestyle Communities have developed and have an ongoing interest in a range of sites across metropolitan Melbourne. Successful residential villages have been delivered or in the process of being delivered across metropolitan Melbourne in places such as Lyndarum (Wollert), Ocean Grove, Geelong, Casey Fields, Berwick Waters and Melton.

In Cardinia, Lifestyle Communities’ has delivered a very successful community at 114 Rix Road, Officer which is currently home to 250 people. Lifestyle Communities have identified a lack of opportunities for this form of affordable living and as such have identified the proposed site within Kaduna Park.

## 3 PROPOSED AMENDMENT

Lifestyle Communities propose to develop approximately 7ha of land within Kaduna Park for a new residential village.

In order to allow planning and delivery of their new site, a minor amendment to the Cardinia Planning Scheme is required. It is proposed to amend the planning scheme as follows (see *Appendix 2*):

- > Make a change to Schedule 2 to the Urban Growth Zone (UGZ2) “Cardinia Road Employment Precinct Structure Plan” to include a *Residential Village* as a Section 2 (permit required use). Wording is supplied via a condition by specifying that the use is a Section 2 Use within the residential area of the Cardinia Road Employment PSP only.
- > In accordance with APA Group’s requirements for planning and development around their gas pipeline assets, it is proposed to add Clause 6.0 to the UGZ2 that will trigger a referral to APA Group if an application is lodged for use and development of any land (within the nominated residential areas) of the PSP as a *Residential Village*.
- > Include APA Group as a recommending referral authority for a *Residential Village* at Clause 66.04

Given the minor nature of this amendment request that will facilitate development of this specific site, it is proposed to request an amendment pursuant to Section 20(4) of the *Act*. As will be detailed in the next section, it is considered that the amendment approach is appropriate for two key reasons:

- > The context of the proposed development site being within the designated residential area of the PSP, and
- > The amendment provides inconsequential changes to the UGZ other than facilitate development of this site.

## 4 OVERVIEW OF DISCUSSIONS/BACKGROUND

Prior to lodgement of this amendment request, Mesh and Lifestyle Communities met with Council officers and DEWLP officers to discuss the proposal and the required planning scheme amendment in detail. The context of these discussions centred upon identifying appropriate planning mechanisms which allows development of a specific site for a residential village, and determining whether the amendment can be considered pursuant to Section 20(4) of the *Act*.

In terms of land use provisions, it was generally agreed at this meeting that whilst a residential village is not currently listed as a Section 1 or 2 use within the UGZ2, such a land use provides a complimentary/supporting role within the residential areas of the Cardinia Road Employment PSP.



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The amendment process has been of particular importance to our client given advice provided at this meeting that a general review of the Cardinia Road Employment PSP is likely in the next 1-2 years. Given this, large scale amendments to the PSP or other Planning Scheme provisions which would require exhibition would not be supported or would be considered as part of the future review, rather than pursuing incremental changes to the planning provisions.

To avoid matters that may be subject of the subsequent review, a targeted amendment request which will not trigger any third-party interest was discussed. This was in the context that narrowing the amendment to only include a Residential *Village* as a Section 2 Use, and narrowing Clause 6.0 which would require only a *Residential Village* within proximity of the gas pipeline to be referred to APA Group. This is due to the presence of their high-pressure gas pipeline asset adjacent to the proposed developments site and the need to ensure the proposed land use is compatible with the safety requirements in and around gas pipelines.

Mesh and Lifestyle Communities have since met with APA on three occasions to discuss the proposal in detail and to agree on amendments to the Cardinia Planning Scheme that satisfies their requirements and to meet the needs of Lifestyle Communities. In accordance with APA Group's commitments to its safety regulator, Clause 6.0 of the UGZ has been added as well as reference as a recommending authority in Clause 66.04. This approach is consistent with recent approved PSPs within the growth areas of Melbourne.

Discussions with APA have been positive, whereby it has been agreed to insert Clause 6.0 in the UGZ2 which requires a future application lodged by Lifestyle Communities for a residential village to be referred to APA Group for their review and comment as a recommending authority. Whilst it has been acknowledged by APA that typically the Clause is required to reference all "sensitive uses" in proximity to their gas pipeline, the reference to **only** '*residential village*' has been agreed in this instance for the following important reasons:

- > To support the overall desire to consider the amendment via Section 20(4) of the Act, providing a targeted amendment process that will facilitate the planning and delivery of the proposed residential village;
- > APA acknowledged the amendment would give effect to only Lifestyle Communities' proposal and in the context of the overall land uses within the PSP area, this was considered appropriate;
- > APA acknowledged DEWLP's imminent review of the Cardinia Road Employment PSP. To this end, it was considered that APA's broader requirements could be properly addressed through this review process. Such requirements will include:
  - o Ensuring their pipeline measurement distances are reflected within the relevant sections of the PSP report; and
  - o Amending Clause 6.0 to reflect all sensitive land uses requiring referral to APA.

A letter of support from APA Group to the amendment in its current form is provided in *Appendix 5*.

During discussions with APA Group, Lifestyle Communities have also provided an undertaking to work closely through the design and permit application process with APA Group to ensure their views and requirements are addressed in the future design of the residential village.

## 5 STRATEGIC JUSTIFICATION

It is considered the proposed amendment to include a *Residential Village* as a Section 2 use within the Cardinia Road Employment Precinct Structure Plan (UGZ2) is appropriate. In a growth area context such as this, supporting opportunities for a wide range of residential housing options is critical in ensuring diversity in housing stock and choice that reflects the changing needs of the population. In addition, if the amendment is adopted, it will also provide an affordable housing solution available older people within a safe, community-minded development.

The incorporation of a *Residential Village* as a Section 2 Use complements the objectives of the Cardinia Planning Scheme and in particular the PSP, which seeks to provide for a range of housing types. This land use complements the residential offering within the area and will create a diverse community into the future.



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In this instance, the proposed amendment requested pursuant to Section 20(4) of the Act will support delivery of this development in a timely matter and having regard to the development timeframes and the future review of the Cardinia Road Employment PSP to be undertaken by DEWLP. As such, the amendment to the Planning Scheme as detailed in previous sections, has been deliberately limited to ensure changes only give effect to the proposed development, and does not prejudice other stakeholders including developers and other interested parties. Careful consideration of APA Group's requirements has been addressed ensuring their statutory obligations are also reflected.

## 6 CONCLUSION

As detailed, the proposed amendment to the Cardinia Planning Scheme has been lodged following consultation with Council, DEWLP and APA Group. Consultation with the three key stakeholders has resulted in an outcome which is considered to provide a balanced outcome and ensure planning and delivery of this development can commence.

Having regard to the process undertaken to date, we seek Council's support to seek authorisation of a Section 20(4) or Section 20(2) amendment for the following reasons:

- > The amendment applies to a specific land use, *residential village* within the residential areas of the PSP only;
- > The amendment ensures APA Group, the key stakeholder has been consulted and their referral requirements are reflected;
- > The amendment does not change the existing planning context for the PSP, noting that it adds one land use as a Section 2 Use only; and
- > Lastly, in the context of the above points, the amendment is not considered to raise any third party interest and will assist in facilitating planning of this development within the PSP area.

We thank the Cardinia Shire Council for consideration of this application and ongoing discussions to date. I trust that the information provided is satisfactory; however, should you require any additional information, please do not hesitate to contact me on 9695 3025 or [leah@meshplanning.com.au](mailto:leah@meshplanning.com.au). I look forward to hearing from you soon regarding the outcome of the application.

Yours faithfully,

Leah Wittingslow  
Associate Director, Urban Planning



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# Application Form

Authorisation to prepare an amendment to the planning scheme under section 8A of the *Planning and Environment Act 1987*

<b>Planning Scheme:</b>	Cardinia Planning Scheme
<b>Amendment No.:</b>	TBC
<b>Planning Authority:</b>	Cardinia Shire Council
<b>Contact details</b>	
Name:	Leah
Position:	Associate Director
Phone:	+61 3 9695 3025
Email:	Leah@meshplanning.com.au
<b>Proponent:</b>	Lifestyle Communities

**1. Has council discussed the proposed amendment with the department?**

A meeting was held on 6 July 2017 between Mesh Planning, Lifestyle Communities, Cardinia Shire Council and DELWP where the proposed amendment was discussed.

**2. What land is affected by the proposed amendment?**

The Amendment applies to all land within Schedule 2 to the Urban Growth Zone within Cardinia Shire Council.

**3. What will the proposed amendment do?**

The Amendment revises Schedule 2 to the Urban Growth Zone (UGZ2). Specifically, the Amendment makes the following changes to the Cardinia Planning Scheme:

- Insert Residential Village (accommodation) as an additional Land Use under Section 2 of Schedule 2 to the Urban Growth Zone (UGZ2)
- Insert the land use of Residential Village as an exception to prohibited accommodation under Section 3 of Schedule 2 to the Urban Growth Zone (UGZ2)

**4. Is the amendment in conformity with the Strategic Assessment Guidelines?**

The amendment is in conformity with Ministerial Direction No. 11 – Strategic Assessment of Amendments.

**5. Is the amendment documentation in conformity with The Form and Content of Planning Schemes direction including Annexure 1, Annexure 2 and Annexure 3? Yes  No**

**6. Is an exemption from complying with a Ministerial Direction required? (Note you cannot be exempted from the Direction on Form and Content and the Residential Zones direction) Yes  No**

**7. Does the amendment have any effect on registered restrictive covenants? Yes  No**

**8. Does the proposed amendment affect Crown land? Yes  No**

9. Does the Amendment affect the interests or operation of any other government department or agency?  
Yes  No
10. Are you applying to the Minister for an exemption from notification requirements under section 20(1) of the Act? Yes  No
11. Does the amendment require ratification by Parliament (Green Wedge land or Strategy Plan)? Yes  No
12. To assist with the assessment of this authorisation request you must attach the following documents.
- Completed Strategic Assessment Guidelines Checklist
  - Draft Explanatory Report
  - Council report/ minutes or request for the amendment
  - Draft amendment documentation (e.g. draft zone or overlay schedule, draft policy, maps). Please list:
  - Draft permit if a s96A combined permit and amendment
  - Other documentation (please list):

**If you cannot provide all the above information please discuss the authorisation request with DELWP officers before submitting this request.**

**Please note:** you will receive the Minister's decision by email. Please confirm the email address the response to the authorisation application should be sent to:

Once your application has been received by the Minister you will receive a confirmation email.

In accordance with section 8A (7) of the Act, Council may prepare the Amendment specified in this application without authorisation 10 business days after the Minister receives the application, if the Minister has not notified Council of his or her decision within that period.

## CARDINIA PLANNING SCHEME

21/01/2016  
C161

## SCHEDULE TO CLAUSE 66.04

## Referral of permit applications under local provisions

Clause	Kind of application	Referral authority	Type of referral authority
Clause 3.0 of Schedule 3 to Clause 42.01 (ESO)	All Applications	Secretary to the Department of Environment, Land, Water and Planning	Determining referral authority
<u>Clause 6.0 of Schedule 2 to Clause 37.07 (UGZ)</u>	<u>An application required under Schedule 6 to Clause 37.07.</u>	<u>High pressure gas pipeline licensee</u>	<u>Recommending referral authority</u>
Clause 4.0 of Schedule 6 to Clause 37.01 (SUZ)	Any application within 200 metres of an existing gas pipeline.	Secretary to the Department of Economic Development, Jobs, Transport and Resources	Determining referral authority

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04/11/2010  
C130  
Proposed  
C

**SCHEDULE 2 TO THE URBAN GROWTH ZONE**

Shown on the planning scheme map as UGZ2.

**CARDINIA ROAD EMPLOYMENT PRECINCT STRUCTURE PLAN (SEPTEMBER 2010)**

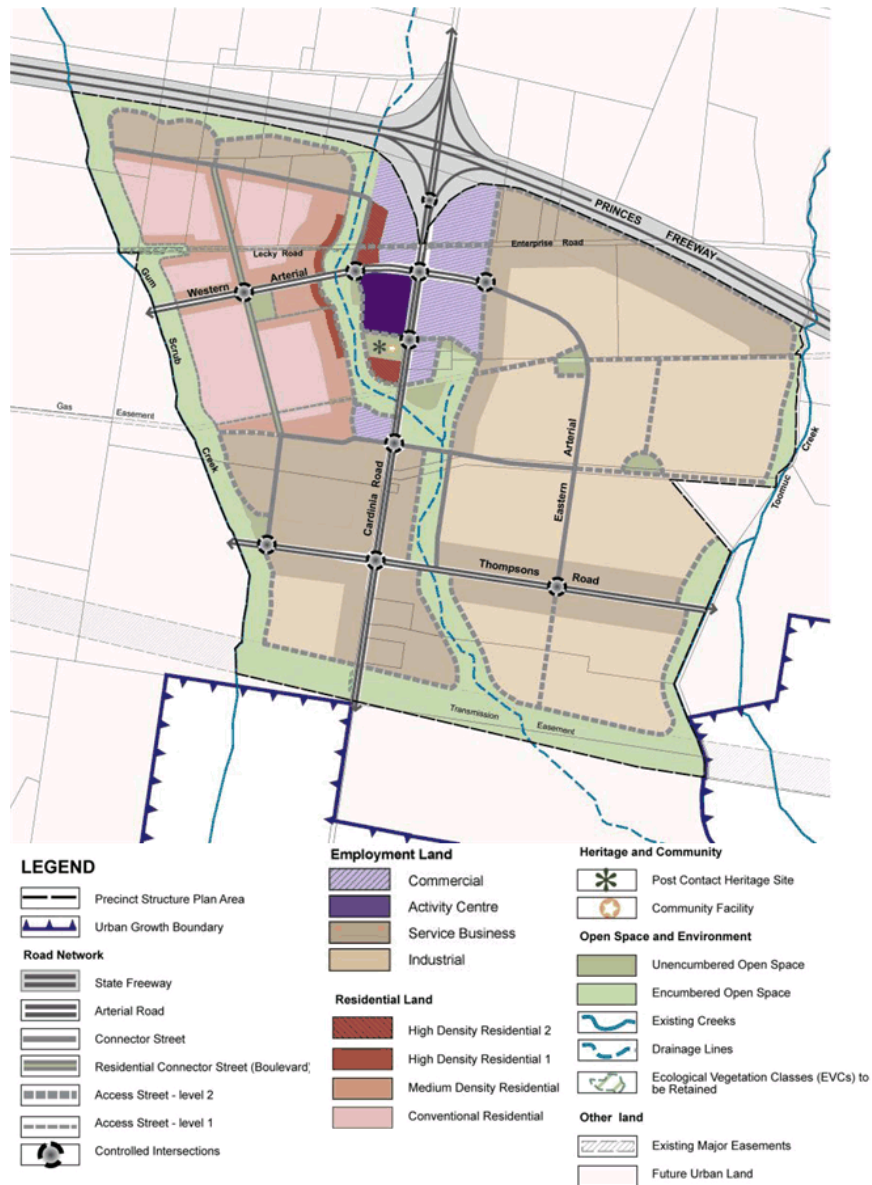
**1.0**

04/11/2010  
C130

**The Plan**

Plan 1 shows the future urban structure proposed in the *Cardinia Road Employment Precinct Structure Plan (September 2010)*.

**Plan 1**



## CARDINIA PLANNING SCHEME

**2.0 Use and development**04/11/2010  
C130**2.1 The Land**04/11/2010  
C130

The use and development provisions specified in this schedule apply to the land shown in Plan 1 of this schedule and zoned UGZ2.

**2.2 Specific provisions – Use of land**04/11/2010  
C130  
Proposed  
C

The Table of Uses below sets out the provisions for land where there are no applied zone provisions. Where reference is made to Plan 1, this refers to Plan 1 of this schedule.

**Table of uses****Section 1 - Permit not required**

USE	CONDITION
<b>Bed and breakfast</b>	<p>Must be located within an area designated as residential land in Plan 1.</p> <p>No more than 6 persons may be accommodated away from their normal place of residence.</p> <p>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</p>
<b>Dwelling (other than Bed and breakfast and Caretaker's house)</b>	<p>Must be located within an area designated as residential land in Plan 1 or the Activity Centre.</p> <p>Dwellings within the Activity Centre must be located on upper storeys and must have dedicated access independent of other uses. Any frontage at ground floor level must not exceed 4 metres.</p>
<b>Food and drink premises (other than Hotel and Tavern)</b>	Must be located within the Activity Centre as shown in Plan 1.
<b>Function centre</b>	Must be located in an area shown as Commercial in Plan 1.
<b>Home occupation</b>	
<b>Industry (other than Materials recycling, Refuse disposal, Refuse transfer station, Research and development centre, Rural industry, and Service industry)</b>	<p>Must be located in an area shown as Service Business or Industrial in Plan 1.</p> <p>Must be located at least the following distances from land (not a road) designated for residential use in Plan 1 or shown as Activity Centre or Commercial:</p> <p>The threshold distance, for a purpose listed in the table to Clause 52.10.</p> <p>30 metres, for a purpose not listed in the table to Clause 52.10.</p> <p>Must not adversely affect the amenity of the</p>

## CARDINIA PLANNING SCHEME

USE	CONDITION
	<p>neighbourhood, including through the:</p> <p>Transport of materials, goods or commodities to or from the land.</p> <p>Appearance of any stored goods or materials.</p> <p>Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.</p>
<b>Informal outdoor recreation</b>	
<b>Laundromat</b>	Must be located in the Activity Centre as shown in Plan 1 and the gross leasable floor area must not exceed 400 square metres.
<b>Manufacturing sales</b>	Must be located in an area shown as Industrial in Plan 1.
<b>Mineral exploration</b>	
<b>Mining</b>	Must meet the requirements of Clause 52.08-2.
<b>Minor utility installation</b>	
<b>Natural systems</b>	
<b>Office</b>	<p>Must be located in an area designated as employment land in Plan 1.</p> <p>Within the Activity Centre, the gross leasable floor area for any tenancy must not exceed 1000 square metres. Any frontage at ground floor level on any street must not exceed 2 metres, unless the office is a bank, real estate agency, travel agency or any other office where the floor space adjoining the frontage is a customer service area accessible to the public.</p> <p>Within the Service Business area and the Industrial area, the office must be in conjunction with another use.</p>
<b>Postal agency</b>	Must be located within the Activity Centre as shown in Plan 1.
<b>Railway station</b>	
<b>Research and development centre</b>	Must be located in an area shown as Industrial in Plan 1.
<b>Research centre</b>	Must be located in an area shown as Industrial in Plan 1.
<b>Road</b>	
<b>Search for stone</b>	Must not be costeaning or bulk sampling.

## CARDINIA PLANNING SCHEME

USE	CONDITION
Shop (other than Adult sex bookshop, Department store, Restricted retail premises)	Must be located within the Activity Centre as shown in Plan 1. The floor area of any shop must not exceed 3500 square metres leasable floor area.
Telecommunications facility	
Tramway	
Warehouse (other than Shipping container storage and Fuel depot)	Must be located in an area shown as Industrial in Plan 1.

## Section 2 - Permit required

USE	CONDITION
Amusement parlour	Must be located on an upper storey in the Activity Centre as shown in Plan 1.
Art and Craft Centre	Must be located in the Activity Centre as shown in Plan 1.
Bed and breakfast – if the section 1 condition is not met	Must be located within an area designated as residential land in Plan 1.
Bus terminal	Must be located in an area shown as Industrial in Plan 1.
Car wash	Must be located in an area shown in Plan 1 as: <ul style="list-style-type: none"> <li>▪ Activity Centre;</li> <li>▪ Service Business and have frontage to an arterial road; or.</li> <li>▪ Industrial.</li> </ul>
Child care centre	Must be located within the Activity Centre or be in conjunction with a use in the Commercial area, as shown in Plan 1.
Convenience restaurant - if the Section 1 condition is not met	Must be located within an area shown as Service Business or Industrial in Plan 1.
Convenience shop - if the Section 1 condition is not met	Must be in conjunction with a residential hotel or be located within an area shown as Service Business or Industrial in Plan 1.
Display home	Must be located within an area designated as residential land in Plan 1.
Dry cleaner	Must be located in an area shown in Plan 1 as: <ul style="list-style-type: none"> <li>▪ Activity Centre and the leasable floor area must not exceed 400 square metres; or</li> <li>▪ Industrial.</li> </ul>
Dwelling (other than Bed and breakfast and Caretaker's house) – if the Section 1 condition is not met	Must be located in an area shown as Activity Centre in Plan 1.



## CARDINIA PLANNING SCHEME

USE	CONDITION
<b>Education Centre (except Primary School and Secondary School)</b>	Must be located within or adjacent to an area designated as employment land in Plan 1.
<b>Exhibition centre</b>	Must be located within an area shown as Commercial in Plan 1, or within the Activity Centre adjacent to an arterial road.
<b>Funeral Parlour</b>	Must be located within an area shown as Service Business in Plan 1.
<b>Geothermal energy extraction</b>	Must be located in an area shown as Industrial in Plan 1.
<b>Hospital</b>	Must be located in an area shown as Commercial in Plan 1.
<b>Hotel</b>	Must be located within an area shown as Service Business in Plan 1 and have access to an arterial road.
<b>Indoor recreation facility</b>	Must be located in an area shown in Plan 1 as: Activity Centre, at an upper storey; or Service Business.
<b>Industry (other than Materials recycling, Refuse disposal, Refuse transfer station, Research and development centre, Rural industry, and Service industry) – where the Section 1 condition is not met</b>	Must be located in an area shown as Service Business or Industrial in Plan 1.
<b>Land sales centre</b>	The permit must specify an expiry date of five years from the date the permit is issued.
<b>Motor vehicle, boat and caravan sales</b>	Must be located in an area shown as Service Business or Industrial in Plan 1.
<b>Nightclub</b>	Must be located within the Activity Centre as shown in Plan 1. Any frontage at ground floor level must not exceed 2 metres.
<b>Office - if the Section 1 condition is not met</b>	Must be located within the Activity Centre as shown in Plan 1.
<b>Renewable energy facility</b>	Must be located in an area designated as employment land in Plan 1. When located in an area shown as Activity Centre, Commercial, or Service Business, must be in conjunction with another use.
<b>Research and development centre - if the Section 1 condition is not met</b>	Must be located in an area shown as Commercial or Service Business in Plan 1.
<b>Research centre - if the Section 1 condition is not met</b>	Must be located in an area shown as Commercial or Service Business in Plan 1.

## CARDINIA PLANNING SCHEME

USE	CONDITION
<b>Residential hotel</b>	Must be located in an area shown as Commercial or High Density Residential 2 in Plan 1.
<b>Restaurant - if the Section 1 condition is not met</b>	Must be located in an area shown in Plan 1 as: <ul style="list-style-type: none"> <li>▪ Commercial when in conjunction with another use;</li> <li>▪ Service Business; or</li> <li>▪ Industrial.</li> </ul>
<b>Restricted place of assembly</b>	Must be located in an area shown as Commercial in Plan 1 and be in conjunction with an office.
<b>Restricted recreation facility</b>	Must be located within an area shown in Plan 1 as: <ul style="list-style-type: none"> <li>▪ Activity Centre, at an upper storey; or</li> <li>▪ Commercial and be in conjunction with an office, residential hotel or education centre.</li> </ul>
<b>Restricted retail premises</b>	Must be located in an area shown in Plan 1 as: <ul style="list-style-type: none"> <li>▪ Activity Centre;</li> <li>▪ Commercial; or</li> <li>▪ Service Business and be:               <ul style="list-style-type: none"> <li>- automotive parts and accessories;</li> <li>- equestrian supplies; or</li> <li>- swimming pools.</li> </ul> </li> </ul>
<b>Retail premises (other than Food and drink premises, Market, Motor vehicle, boat and caravan sales, Postal agency, Primary Produce Sales, Trade supplies and Shop)</b>	Must be located in an area shown as Service Business in Plan 1.
<b>Road freight terminal</b>	Must be located in an area shown as Industrial in Plan 1.
<b>Service station</b>	Must be located in the Activity Centre as shown in Plan 1 or be located with frontage to an arterial road in areas shown as Industrial or Service Business.
<b>Shop (other than Adult sex bookshop, Convenience shop, Department store, Restricted retail premises) - if the Section 1 condition is not met</b>	Must be in conjunction with a residential hotel or office and be in an area shown as Commercial on Plan 1.
<b>Takeaway food premises - if the Section 1 condition is not met</b>	Must be located within an area shown as Service Business or Industrial and adjacent to open space.

## CARDINIA PLANNING SCHEME

USE	CONDITION
Tavern	Must be located in the Activity Centre as shown in Plan 1 or be located within an area shown as Service Business in Plan 1 and have frontage to an arterial road.
Trade supplies	Must be located in an area shown as Service Business or Industrial in Plan 1.
Utility installation (other than Minor utility installation and Telecommunications facility)	Any gas holder, or sewerage or refuse treatment or disposal works, must be at least 30 metres from land (not a road) which is designated for residential use in Plan 1, or shown as Activity Centre or Commercial.
Veterinary Centre	Must be located within an area shown in Plan 1 as: <ul style="list-style-type: none"> <li>▪ Activity Centre; or</li> <li>▪ Service Business.</li> </ul>
Warehouse (other than shipping container storage and fuel depot) if the Section 1 condition is not met	Must be located within an area shown in Plan 1 as Service Business and be in conjunction with an office.
<a href="#">Residential Village</a>	<a href="#">Must be located within an area designated as residential land in Plan 1.</a>

Any other use not in Section 1 or 3

### Section 3 - Prohibited

USE
Accommodation (other than Bed & Breakfast, Dwelling, Nurses home, Residential college, Residential hotel, <a href="#">Residential village</a> )
Adult sex bookshop
Agriculture
Brothel
Caretaker's house
Cemetery
Cinema based entertainment facility
Crematorium
Extractive Industry
Freeway service centre
Leisure and recreation (other than Indoor recreation facility, Informal outdoor recreation, Restricted recreation facility)
Place of assembly (other than Amusement parlour, Exhibition centre, Function centre, Hall, Library, Nightclub, Restricted Place of Assembly)
Pleasure boat facility
Saleyard
Winery
Any use in Section 2 where the condition is not met

The use of land must be generally in accordance with the *Cardinia Road Employment Precinct Structure Plan (September 2010)*.

## CARDINIA PLANNING SCHEME

A use must not detrimentally affect the amenity of the neighbourhood including through:

- Transport of materials or goods to or from the land.
- Traffic generated by the use.
- Appearance of any buildings, works or materials.
- Emissions from the use.

#### Use of land for a dwelling

A dwelling must be connected to a reticulated recycled water supply system for toilet flushing and garden watering where available to the lot. Where a reticulated recycled water supply system is not available to the lot, a dwelling must be connected to a rainwater tank with a minimum capacity of 2,500 litres for toilet flushing and garden watering or an alternative grey water recycling system to the satisfaction of the responsible authority.

### 2.3

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#### Specific provisions - Buildings and works

##### Construction and extension of one dwelling on a lot

A permit is required to construct or extend one dwelling on a lot less than 350 square metres.

A development must meet the requirements of Clause 54, except:

- In areas shown as Medium Density Residential on Plan 1, the maximum setback for dwellings from the front title boundary is 3 metres.
- In areas shown as High Density Residential 1 and High Density Residential 2 on Plan 1, the maximum setback for dwellings from the front title boundary is 1 metre, and where the lot is a corner lot a maximum of 1 metre set back is to be provided from both frontages.
- A permit is required to construct a front fence that exceeds 1.2 metres in height.

##### Construction of two or more dwellings on a lot or residential buildings

A permit is required to:

- Construct a dwelling if there is at least one existing dwelling on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on a lot.

A development must meet the requirements of Clause 55, except:

- In areas shown as Medium Density Residential on Plan 1, the maximum setback for dwellings from the front title boundary is 3 metres.
- In areas shown as High Density Residential 1 and High Density Residential 2 on Plan 1, the maximum setback for dwellings from the title is 1 metre, and where the lot is a corner lot a maximum of 1 metre set back is to be provided from both frontages.
- A permit is required to construct a front fence that exceeds 1.2 metres in height.

These provisions do not apply to dwellings of three storeys or more, excluding a basement.

##### Construction of a dwelling or residential building of three or more storeys

A permit is required for all buildings and works for dwellings and residential buildings of three or more storeys.

##### Uses other than dwellings on Residential land

## CARDINIA PLANNING SCHEME

A permit is required to construct a building or construct or carry out works for a non-residential use on land shown in Plan 1 as residential and any use listed in Section 2 of this schedule.

#### Buildings and works for employment land

A permit is required to construct a building or construct or carry out works on land designated for employment in Plan 1.

This does not apply to the following within an area shown as Activity Centre or Commercial in Plan 1:

- The installation of an automatic teller machine.
- An alteration to an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building façade at ground floor level is maintained as an entry or window with clear glazing.
- An awning that projects over a road if it is authorised by the relevant public land manager.

#### Removal of Existing Waterbodies

A permit is required to remove any existing waterbody, including dams and wetlands.

#### Buildings and Works on Encumbered Open Space

A permit is required for buildings and works on land shown as Encumbered Open Space in Plan 1.

### 2.4

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#### Specific provisions – Subdivision

An application to subdivide in the Activity Centre must be consistent with any urban design framework approved under this schedule.

### 2.5

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#### Requirements before a permit is granted

##### Urban design frameworks

A permit must not be granted to use or subdivide land, or to construct a building or construct and carry out works until an urban design framework has been prepared to the satisfaction of the responsible authority for the following areas as shown on Plan 1:

- The area shown as ‘Service Business’ that abuts Princes Freeway, comprising two sub-areas:
  - west of Cardinia Road, north of the residential area; and
  - east of Cardinia Road, for the area generally north of Enterprise Road, extending to Toomuc Creek in a band that is approximately 200 metres wide.
- The area defined as the ‘Commercial Core’ including the Activity Centre, which encompasses:
  - all land between Cardinia Road and the Cardinia Road Open Space Corridor; and
  - all land east of Cardinia Road shown as Commercial.

The urban design framework must be generally in accordance with the *Cardinia Road Employment Precinct Structure Plan (September 2010)* (refer section 4.2.4). The urban design framework may be amended to the satisfaction of the responsible authority.

The responsible authority may grant a permit to subdivide land or to construct a building or construct and carry out works prior to the preparation of an urban design framework if it is

## CARDINIA PLANNING SCHEME

satisfied that the subdivision, buildings or works give effect to the urban design outcomes as set out in the *Cardinia Road Employment Precinct Structure Plan (September 2010)*.

The responsible authority may allow the preparation of the urban design framework for areas shown as 'Service Business' in Plan 1 to be staged or split, reflecting the area two areas either side of Cardinia Road.

**3.0**04/11/2010  
C130**Application requirements****3.1**04/11/2010  
C130**Subdivision****General**

All applications for subdivision must be accompanied by the following information to the satisfaction of the responsible authority:

- Details of the proposed use and development of each part of the land.
- A table setting out:
  - the amount of land allocated for the proposed uses; and
  - the mix of lot sizes.
- An indication of staging of subdivision and timing.
- Details of how the proposed development complements the overarching precinct structure (roads, parks etc) with a finer-grained circulation network that facilitates the development of a higher degree of permeability and walkability.
- Details of how the road connections, open space, pedestrian and bicycle linkages and drainage networks of the proposed development integrates with and responds to existing and planned developments on adjacent sites.
- Details of how the land use pattern and urban structure provides appropriate buffers between sensitive land uses, in terms of open space, road reserves and landscape treatments.
- Include a Transport Impact Assessment Report to the satisfaction of the relevant roads authority (be it VicRoads or Council).
- The proposed road and street network, including pedestrian and cycling routes, intersection treatments, proposed bus routes and the interface treatment with arterial roads.
- A plan showing access arrangements for properties adjacent to arterial roads.
- The staging of road network development within the subject land, enabling early delivery of roads shown in Plan 1.
- A plan showing proposed encumbered and unencumbered open space areas including land designated as 'waterways – drainage corridors' in Plan 11 of the *Cardinia Road Employment Precinct Structure Plan (September 2010)*, and a description of role and purpose to the satisfaction of Melbourne Water and the responsible authority.
- An overall landscape concept for the development. This should be consistent with best practice Water Sensitive Urban Design techniques.
- An assessment of how the lot and building design responds to sensitive interfaces.
- A hydrogeological assessment of groundwater conditions on the site and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions on the development.
- A site assessment of the land by a suitably qualified environmental professional including:
  - detail of the nature of the previous and existing land use/activities on the land;
  - an assessment of the potential level and nature of contamination on the land; and

## CARDINIA PLANNING SCHEME

- advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the Potentially Contaminated Land General Practice Note June 2005, DSE.

**Residential subdivision**

In addition to the above application requirements and the requirements of Clause 56 (where relevant), an application that includes subdivision of land shown as residential on Plan 1 must be accompanied by the following information to the satisfaction of the responsible authority:

- An overall residential subdivision plan for all land in contiguous ownership of the landowner demonstrating the lot yield, diversity and distribution across the subject area, consistent with the principles outlined in the *Cardinia Road Employment Precinct Structure Plan (September 2010)*.
- Subdivision and Housing Design Guidelines prepared to the satisfaction of the responsible authority in accordance with the *Cardinia Road Employment Precinct Structure Plan (September 2010)*.
- A building envelope plan for land shown as Conventional Residential in Plan 1 that provides sufficient space to contain a dwelling, garage and canopy tree as outlined in the *Cardinia Road Employment Precinct Structure Plan (September 2010)*.

**Demonstration of Clause 56 standards**

An application to subdivide residential land (as shown in Plan 1 of this schedule), other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must demonstrate how the proposed subdivision layout is generally in accordance with the *Cardinia Road Employment Precinct Structure Plan (September 2010)*, and:

- should meet all of the objectives and standards in the clauses specified in Table 2; and
- meet the requirements of Clause 56 (except where exempted in Table 3).

**Table 2**

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

**Table 3: Specific conditions for subdivision of residential land**

Density Type	Exemptions (to Clause 56)
High Density Residential 2	56.04-2, 56.05-2, 56.06-8
High Density Residential 1	56.04-2, 56.05-2, 56.06-8
Medium Density Residential	56.04-2, 56.05-2, 56.06-8
Conventional Residential	56.05-2, 56.06-8

**3.2****Buildings and works for residential land**04/11/2010  
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## CARDINIA PLANNING SCHEME

**One dwelling on a lot**

An application to construct a building or construct or carry out works on a lot less than 350 square metres must provide all information required under Clause 54, unless otherwise exempt in this Schedule.

**Two or more dwellings on a lot or residential buildings**

An application to construct a building or construct or carry out works for two or more dwellings on a lot or residential buildings must provide all information required under Clause 55, unless otherwise exempt in this Schedule. This does not apply to dwellings of three storeys or more excluding a basement.

**Dwelling or residential building of three or more storeys**

For applications relating to residential development of three or more storeys, an urban context report addressing the matters set out in Clause 52.35 is required.

**3.3**

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**Buildings and works for employment land**

All applications for buildings and works on land shown as employment land on Plan 1 must be accompanied by the following information to the satisfaction of the responsible authority:

- A landscape layout for the site, and where appropriate, adjoining roads and public spaces, which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscaped area.
- A design response report that demonstrates the following:
  - The layout and design of buildings contributes towards an attractive and safe public realm environment and complements adjacent uses, addressing active frontages, site servicing, car parking, lighting, landscaping and signage.
  - How the design of buildings, including heights, massing and articulation, contributes to an attractive and cohesive built form environment, a diverse, interesting and complementary architectural form and responds to surrounding land uses.
  - Location and height of existing and proposed buildings on the site and surrounding properties.
  - The location of private open space of surrounding properties and the location of trees, fences and other landscape elements.
  - Traffic and pedestrian circulation through and around the site.
  - Surrounding land uses.

If in the opinion of the responsible authority a requirement of the design response report is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

**Site Context Reports**

Applications for buildings and works must be accompanied by a Site Context Report to the satisfaction of the responsible authority for the following sites:

- Cardinia Road between the Cardinia Road Open Space Corridor and Thompsons Road;
- the corners of Cardinia and Thompsons Roads, extending along Thompsons Road to the first connecting street;
- Thompsons Road adjoining Gum Scrub Creek; and
- Thompsons Road adjoining Toomuc Creek.



## CARDINIA PLANNING SCHEME

The site context report must be generally in accordance with the *Cardinia Road Employment Precinct Structure Plan (September 2010)* (specified in section 4.2.5).

### Sustainability Statement Requirements

An application to use or subdivide land, or to construct a building or construct and carry out works must be accompanied by a Sustainability Statement that demonstrates how the development meets the sustainability objectives and planning and design guidelines. The sustainability statement must be in accordance with the *Cardinia Road Employment Precinct Structure Plan (September 2010)* (refer section 4.7.5).

If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.

### Specific Requirements – Lot 1 TP542938 (PSP Property Number 22)

Any application to remove Dam 38 on Lot 1 TP542938 (270 Cardinia Road, Officer South) must include written advice from the Department of Sustainability and Environment that it is satisfied there has been successful colonisation and breeding of GGFs (defined by the presence of metamorphs) at a minimum of one waterbody shown in Plan 13 of the *Cardinia Road Employment Precinct Structure Plan (September 2010)*.

#### 4.0

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### Conditions and requirements for permits

#### 4.1

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### General

A planning permit must include a condition or conditions which ensure that any requirements or conditions set out in the *Cardinia Road Employment Precinct Structure Plan (September 2010)* are implemented as part of the planning permit or the plans endorsed under the permit.

Any permit granted for subdivision, or the construction of a building or the carrying out of works in respect of land where a Native Vegetation Precinct Plan has identified any native vegetation to be retained must contain the conditions set out in the *Cardinia Road Employment Precinct Native Vegetation Precinct Plan*.

#### 4.2

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### Environmental assessment of potentially contaminated land

If an application for a permit includes a site assessment recommending an environmental audit of all or part of the land, then the permit must contain conditions that for that part of the land recommended for the audit;

1. Either:

- A certificate of environmental audit issued for the relevant land in accordance with Part 1XD of the Environmental Protection Act 1970, or
- A statement by an environmental auditor appointed under the Environment Protection Act 1970, in accordance with Part 1XD of that Act that the environmental conditions of the relevant land are suitable for a sensitive use (with or without conditions on the use of the site);

must be provided to the responsible authority before any building on the relevant land is occupied; and

2. If a statement by an environmental auditor is provided rather than a certificate of environmental audit and the statement indicates that the environmental conditions of the relevant land are suitable for a sensitive use subject to conditions, the owner of the land must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 before any building on the relevant land is occupied to provide for;

## CARDINIA PLANNING SCHEME

- ongoing compliance with all conditions in the Statement by the Environmental Auditor;
- the responsible authority's reasonable legal costs and expenses of drafting/reviewing and registering the agreement to be borne by the owner of the relevant land.

**4.3**  
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#### **Construction Environmental Management Plan requirements**

A permit to use or subdivide land, or to construct a building or construct and carry out works must contain a condition that prior to the commencement of any buildings or works, Construction Environmental Management Plan (CEMP) is to be prepared.

The CEMP must specifically address significant flora and fauna, where the buildings or works are within:

- 50 metres of any native vegetation to be retained in the Cardinia Road Employment Precinct Native Vegetation Precinct Plan; and/or
- 200 metres of any waterbody (including creeks, drains, dams and wetlands) under the provisions of the Cardinia Road Employment Precinct Conservation Management Plan for Growling Grass Frog (GGF).

The CEMP must address all requirements specified in section 4.5.6 of the *Cardinia Road Employment Precinct Structure Plan (September 2010)* and be to the satisfaction of the Department of Sustainability and Environment and the responsible authority.

**4.4**

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#### **Conservation Management Plan - Growling Grass Frog**

Where a Conservation Management Plan (CMP) for GGF has been approved by the Secretary to the Department of Sustainability and Environment and it applies to the land, any permit granted for subdivision or the construction of a building or the carrying out of works that directly or indirectly results in the destruction of habitat for the Growling Grass Frog must include the following conditions as appropriate:

- Prior to any works commencing within 100 metres of the edge of any waterbody which is to be retained, a highly visible fence is to be installed 20 metres from the edge of the waterbody.
- No dumping of soil or materials is to occur within 30 metres of any waterbody.
- No vehicle access is permitted within 30 metres of any waterbody.
- No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses.
- Pollution or litter traps must be provided on the land at appropriate points along the drainage system or drainage lines.
- The actions which identify the responsible agent as the "landowner" in Table A2.1 of the CMP for the GGF must be implemented to the satisfaction of the Department of Sustainability and Environment.
- Water run-off from construction sites must be managed to maintain water quality of dams.
- A salvage and translocation plan must be prepared and implemented to the satisfaction of DSE and the responsible authority, in accordance with section 3.4.3 of the CMP, where:
  - construction of a building or carrying out of works is within 200 metres of an existing waterbody; or
  - an existing waterbody is being removed, as approved under the CMP.

**4.5**

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#### **Subdivision**

Any permit granted for subdivision must contain the following conditions as appropriate:

## CARDINIA PLANNING SCHEME

- Infrastructure is to be provided in accordance with Chapter 6 of the *Cardinia Road Employment Precinct Structure Plan (September 2010)*.
- Where an infrastructure funding agreement under Section 173 of the *Planning and Environment Act (1987)* for the Cardinia Road Employment Precinct has been executed for the land, in accordance with its requirements, development contributions must be paid to Cardinia Shire Council.
- At the time of subdivision, or other time as agreed with Melbourne Water, land shown as 'waterways – drainage corridor' in Plan 6 of the *Cardinia Road Employment Precinct Structure Plan (September 2010)* must be vested in Melbourne Water.
- At the time of subdivision, or other time as agreed with Cardinia Shire Council, land identified as 'Project Land' in the infrastructure funding agreement under Section 173 of the *Planning and Environment Act (1987)* for the Cardinia Road Employment Precinct must be vested in Cardinia Shire Council.
- Before the Statement of Compliance is issued under the Subdivision Act 1988, the applicant or owner must make a financial contribution to Melbourne Water to fund the management and maintenance of waterways to fulfil the requirements of the CMP for GGF.
- Bus stop facilities are to be located, designed and constructed to the satisfaction of the Director of Public Transport.

#### 4.6 Buildings and works

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Any permit granted for buildings and works must contain the following conditions as appropriate:

- Where an infrastructure funding agreement under Section 173 of the *Planning and Environment Act (1987)* for the Cardinia Road Employment Precinct has been executed for the land and no subdivision of the parent title has occurred (prior to applications for buildings and works):
  - Development contributions must be paid to Cardinia Shire Council in accordance with the requirements of the infrastructure funding agreement under Section 173 of the *Planning and Environment Act (1987)* for the Cardinia Road Employment Precinct; and
  - Land identified as 'Project Land' in the infrastructure funding agreement under Section 173 of the *Planning and Environment Act (1987)* for the Cardinia Road Employment Precinct must be vested in Cardinia Shire Council.

This does not apply where the buildings and works are associated with an existing non-urban use (as determined by the responsible authority).

#### 4.7 Creation of lots shown as Conventional Residential on Plan 1

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Before the issue of the Statement of Compliance for the subdivision (or a stage of the subdivision), a building envelope plan for each lot must be submitted to and approved by the responsible authority.

The approved building envelopes must form either a restriction on the certified plan of subdivision or be applied through an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987* that is registered on the title to the land. The restriction or agreement must provide for:

- The building envelope to apply to each relevant lot;
- All buildings to conform to the building envelope on the relevant lot;
- The construction of a building outside of a building envelope, only with the consent of the responsible authority;
- Creation of a private open space area of at least 36m<sup>2</sup> and provision of a canopy tree.

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Where a building envelope is to be applied to the land through an agreement with the responsible authority under Section 173 of the *Planning and Environment Act (1987)*, the building envelope plan may be approved after the plan of subdivision has been certified.

**5.0**04/11/2010  
C130**Advertising signs**

The following advertising sign controls apply:

LAND (shown in Plan 1)	ADVERTISING SIGN REQUIREMENTS
<b>Land shown as Residential</b>	Category 3 – except that a permit may be granted to display an advertising sign that promotes the sale of land or dwellings. The permit must specify an expiry date of 5 years from the date the permit is issued
<b>Land shown as Activity Centre</b>	Category 1 – except that a permit is required: <ul style="list-style-type: none"> <li>- for a pole sign;</li> <li>- where the land is adjacent to a residential use;</li> <li>- where a sign is over 0.2 sq m for a Bed and breakfast sign of Home occupation sign</li> </ul>
<b>Land shown as Commercial</b>	Category 2 – except that a permit is required for a pole sign
<b>Land shown as Service Business</b>	Category 2 – where land is not adjacent to land shown as Residential or Commercial in Plan 1, except that a permit is required for a pole sign Category 3 – where land is adjacent to land shown as Residential or Commercial in Plan 1
<b>Land shown as Industrial</b>	Category 2 – where land is not adjacent to land shown as Commercial in Plan 1 Category 3 – where land is adjacent to land shown as Commercial in Plan 1
<b>Land shown as Open Space, community facilities or other public use</b>	Category 3

**5.1**04/11/2010  
C130**Land and home sales signs**

Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:

- The advertisement area for each sign does not exceed 10 square metres.
- Only one sign is displayed per road frontage. Where the property has a road frontage of more than 150 metres multiple signs may be erected provided there is a minimum of 150 metres distance between each sign, with a total of not more than 4 signs per frontage.
- The sign is not animated, scrolling, electronic or internally illuminated sign.
- The sign is not displayed longer than 21 days after the sale (not settlement) of the last lot.
- The sign is setback a minimum of 750mm from the property boundary.

A permit may be granted to display a sign promoting the sale of land or homes on the land (or on adjoining land in the same ownership) with an area greater than 10 square metres.

## CARDINIA PLANNING SCHEME

**6.0** Notice to gas transmission pipeline owner and operator

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Proposed  
C

- Notice must be given to the person or body listed in the Schedule to Clause 66.04 of an application to use land for any of the following within any land **within 240m** affected by the 'gas pipeline measurement length'

- Residential village

Notice must be given to the person or body listed in the Schedule to Clause 66.04 of an application for a residential development of four or more storeys within **240m** of the 'gas pipeline measurement length' shown on *Plan 17 Physical Services* in the incorporated *Cardinia Road Employment Structure Plan*

Planning and Environment Act 1987

## CARDINIA PLANNING SCHEME

### AMENDMENT C

#### EXPLANATORY REPORT

##### Who is the planning authority?

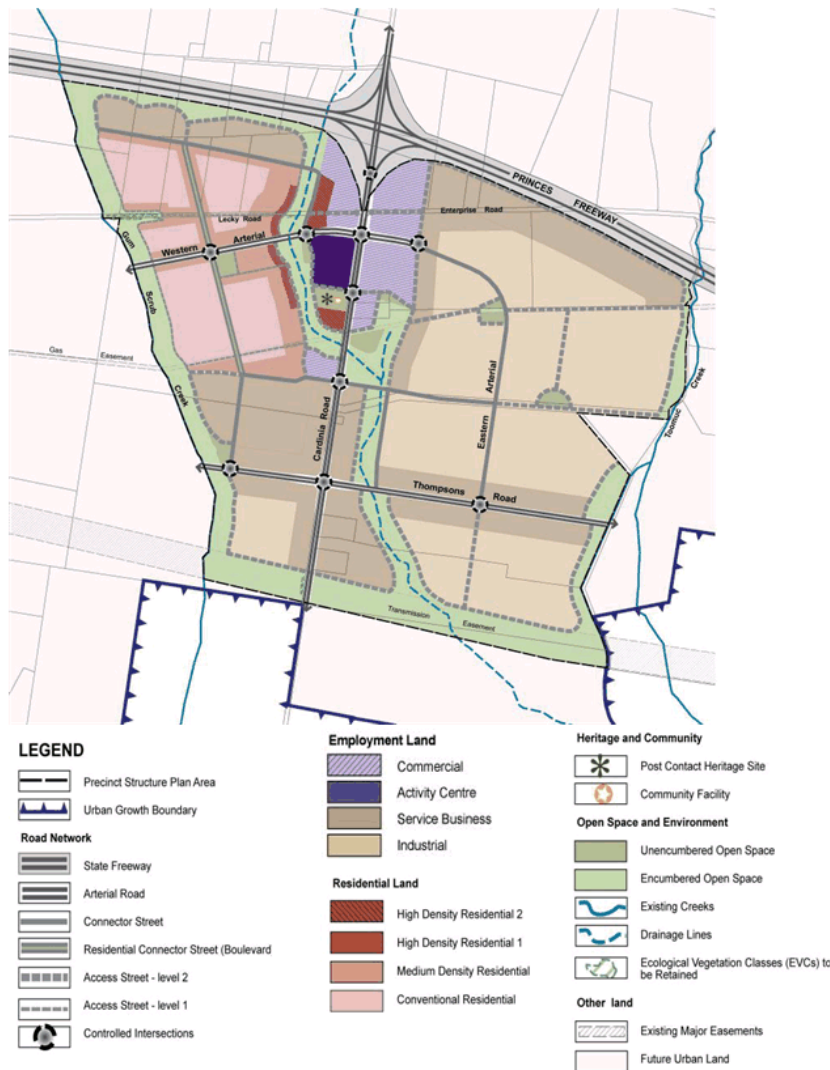
This amendment has been prepared by the Cardinia Shire Council, who is the planning authority for this amendment.

The Amendment has been made at the request of Lifestyle Communities Pty Ltd.

##### Land affected by the Amendment

The Amendment applies to all land within Schedule 2 to the Urban Growth Zone within Cardinia Shire Council. A map of the affected land is provided in figure 1.

Figure 1. Land affected by the Amendment



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

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

The Amendment revises Schedule 2 to the Urban Growth Zone (UGZ2). Specifically, the Amendment makes the following changes to the Cardinia Planning Scheme:

- Insert Residential Village (accommodation) as Land Use under Section 2 of Schedule 2 to the Urban Growth Zone (UGZ2);
- Insert the land use of Residential Village as an exception to prohibited accommodation under Section 3 of Schedule 2 to the Urban Growth Zone (UGZ2);
- Insert referral and notice provision requirements for the use of land within the 'gas pipeline measurement length' to Schedule 2 to the Urban Growth Zone (UGZ2); and
- Amend Clause 66.04 to include "high pressure gas pipeline licensee" as a recommending referral authority

#### **Strategic assessment of the Amendment**

##### **Why is the Amendment required?**

The amendment is required to allow for the development of land classified as a Residential Village within an Urban Growth Zone. Currently, Schedule 2 to the Urban Growth Zone is drafted with a single set of provisions for both employment and residential areas within the PSP. While the PSP has a primary use of employment, there are some areas allocated for residential use. The current table of uses is restrictive on what accommodation uses are permitted in the PSP, and the proposed new Section 2 use applies in isolation to the residential areas of the PSP.

The amendment will accommodate the development of a Lifestyle Communities Village. Lifestyle Communities provides affordable community living for working, semi-retired and retired people over 50. The amendment will allow for the development of a safe community that encourages a healthy and active lifestyle, which aligns with municipal strategies including:

- *Municipal Public Health and Wellbeing Plan (2013-2017)* seeks to: provide for active travel opportunities, encourage local healthy sporting environments, provide open spaces with good surveillance, safe pedestrian access, walking paths, trees for shade and accessible public amenities and allowing for an increase of physical activity.
- *Cardinia's Housing Strategy (2013-2018)* seeks to: provide residents with access to affordable, diverse and innovative housing opportunities, with provision of appropriate housing options for residents of different age groups.

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

The amendment implements the objectives of planning in Victoria, particularly:

- To provide for the fair, orderly, economic and sustainable use, and development of land.
- To secure a pleasant, efficient and safe working, living and recreational environment.

The amendment implements the objectives through encouraging the development of safe, pleasant, inviting and affordable communities that accommodate resident's needs.

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

The economic, social and environmental benefit resulting from the amendment will outweigh the financial costs of achieving the amendment. Residential villages such as Lifestyle Communities provide an affordable housing choice and incorporate several recreational facilities within the vicinity, which encourages physical activity and socialisation, and reduces the need for long commutes.

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

The subject land is currently located within a bushfire prone area, though is not covered by the Bushfire Management Overlay. As the land of UGZ2 and is designated to be developed for urban purposes, the risk of bushfire threat will be incrementally reduced and removed as the land is developed thereby removing the bushfire prone designation.

The amendment will not increase bushfire risk to life, property, community infrastructure or the natural environment.

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

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the *Planning and Environment Act 1987* (The Act).

Pursuant to Section 12 of the Planning and Environment Act 1987, the amendment complies with the following applicable Ministerial Directions:

- Ministerial Direction No. 9 – Metropolitan Strategy applies to planning schemes within Metropolitan Melbourne, including the Cardinia Planning Scheme. It requires that, in preparing a planning scheme amendment, planning authorities must have regard to the Metropolitan Strategy. Metropolitan strategic directions that are addressed by the amendment are as follows:
  - > Direction 2.1: *Manage the supply of new housing in the right locations to meet population growth and create a sustainable city*
  - > Direction 2.3: *Increase the supply of social and affordable housing*
  - > Direction 2.5: *Provide greater choice and diversity of housing*
  - > Direction 4.6: *Strengthen community participation in the planning of our city*
  - > Direction 5.2: *Create neighbourhoods that support safe communities and healthy lifestyles*
  - > Direction 5.3: *Deliver social infrastructure to support strong communities*
- Ministerial Direction No. 11 – Strategic Assessment of Amendments has been addressed in this Explanatory Report
- Ministerial Direction No. 15 – The Amendment will be processed in accordance with the directives as specified by The Planning Scheme Amendment Process.

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

The following clauses of the State Planning Policy Framework are relevant to this amendment:

Clause 11: Settlement**11.02-1 Supply of urban land**

*To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

- The amendment will encourage development of land for residential dwellings to meet housing demand, where land is designated for residential use within the PSP.

**11.02-3 Planning for growth areas**

*To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create benefits for sustainability while protecting primary production, major sources of raw materials and valued environmental areas.*



- The subject land is located 2.3km from regional/heavy rail services, and has local bus routes servicing the area. The amendment will encourage a diversity of housing type and distribution. The use of land for a residential village will provide well planned and safe streets with improved perceptions of safety, and increased levels of community participation.

#### Clause 15: Built Environment and Heritage

##### **15.01-1 Urban Design**

*To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

- The use of land for residential villages will contribute to strong community values and provide safe, liveable and good quality living environments.

##### **15.01-1 Neighbourhood and subdivision design**

*To ensure the design of subdivisions achieve attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.*

- The amendment will encourage walkable communities that are within proximity to activity centres and neighbourhood services.

##### **15.01-4 Design for safety**

*To improve community safety and encourage neighbourhood design that makes people feel safe.*

- The amendment will allow for development of residential villages that will enhance the sense of place for residents, and heighten safety and perception of safety.

#### Clause 16: Housing

##### **16.01-1 Integrated housing**

*To promote a housing market that meets community needs.*

- The amendment will encourage development of housing that accommodates the aging population.

##### **16.01-5 Housing affordability**

*To deliver more affordable housing closer to jobs, transport and services.*

- The amendment will allow for development of a Lifestyle Communities Village, which will provide affordable dwellings to meet housing demand, and will be located within proximity to a neighbourhood activity centre (figure 1).

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

The following clauses of the Local Planning Policy Framework are relevant to this amendment:

#### Clause 21.01: Cardinia Shire Key Issues and Strategic Vision

##### **21.01-3 Key Issues**

The key issues relevant to this amendment are:

- *Encouraging an attractive, functional and sustainable built form in existing and future development.*
- *The integration of health into planning communities to allow people to choose to be active in an environment that is convenient, safe and pleasant.*

The amendment will allow for development of a Lifestyle Communities Village, which will provide alternative housing outcomes that will be properly designed to integrate within the broader area.

#### 21.01-4 Strategic Vision

The Strategic Vision for the municipality is to foster the sustained wellbeing of the community and environment in the Cardinia Shire by:

- *Developing a strong economic base.*
- *Recognising and protecting the diverse and significant environmental values in the municipality.*
- *Providing opportunities to create and maintain a cohesive and robust community.*
- *Enhancing the experience of people who live, work and visit the municipality.*

The amendment is consistent with Council's strategic vision, providing a residential land use that will enhance and diversify residential offerings for the community.

#### Clause 21.03: Settlement and housing

##### 21.03-1 Housing

The key issues relevant to this amendment are:

- *Recognising the need for affordability and availability of housing choice for different income levels in both the rental and purchaser markets.*
- *Recognising the demand for specialist design housing including housing for the aged, people with a disability or mobility issues.*

Objective 1 seeks to encourage diversity in housing to meet the needs of existing future residents. The relevant strategy to achieve this objective is:

- *Ensure that new development is located within a safe, attractive and well planned environment that allows residents to maximise opportunities to undertake physical activity.*

##### 21.03-2 Urban Growth Area

The Clause identifies the subject site as being in the Cardinia Road Employment Precinct within the *Casey-Cardinia Growth Area Framework Plan*.

The objective of this clause is to create a functional, attractive, safe and sustainable urban environment for the existing and future community of the Cardinia Urban Growth Area.

The amendment supports this objective by including Residential Village within Section 2 of Schedule 2 of Urban Growth Zone. Providing for this residential land use will ensure the residential areas of the Cardinia Road Employment Precinct provide for a wide range of housing options available for both existing and future community. Insertion of this land use as a Section 2 Use will support the objectives of this Clause and will contribute to a sustainable urban environment and community. The environmental considerations will be appropriately considered throughout the permit application and development process.

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

The amendment seeks to ensure that the Victorian Planning Provisions are properly applied through the correct application of zones and overlays.

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

Consultation has been undertaken with APA in relation to development of dwellings on top of a Gas Easement Pipeline. APA is supportive of the amendment.

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

There are no relevant requirements under the *Transport Integration Act 2010* for this amendment.

**Resource and administrative costs**

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

The new planning provisions will have negligible impact on the resource and administrative costs of the Responsible Authority. The amendment is expected to result in a very limited number of additional permit applications.

**ATTACHMENT 1 - Mapping reference table**

<b>Location</b>	<b>Land /Area Affected</b>	<b>Mapping Reference</b>
Cardinia	Schedule 2 to the Urban Growth Zone	Cardinia Map 11 Exhibition
Cardinia	Schedule 2 to the Urban Growth Zone	Cardinia Map 16 Exhibition

## Strategic Assessment Guidelines Checklist

This checklist is a tool that provides a quick snapshot of the abovementioned information. It may be useful to use while preparing an amendment assessment.

**Note: In the 'Comment' field, you must click in the top left part of the field to enter any comments.**

Strategic Consideration		Yes	No	N/A	Comment
Why is an amendment required?	<ul style="list-style-type: none"> <li>• What does the amendment intend to do and what is its desired outcome?</li> <li>• How does it intend to do it?</li> <li>• Is it supported by or is it a result of any strategic study or report? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</li> <li>• Will the planning policy, provision or control result in the desired planning outcome? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</li> <li>• Will the amendment have a net community benefit? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</li> <li>• Will the community benefit outweigh the cost of the new control? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</li> <li>• Does the amendment repeat provisions already in the scheme? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</li> <li>• Is the planning scheme the most appropriate means of controlling the issue or can other existing regulatory or process mechanisms deal with the issue? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</li> <li>• Is the matter already dealt with under other regulations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</li> </ul>				
Does the amendment implement the objectives of planning and any environmental, social and economic effects?	<ul style="list-style-type: none"> <li>• Does the amendment implement the objectives of planning in Victoria? (Refer to section 4 of the <i>Planning and Environment Act 1987</i>) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</li> <li>• Does the amendment adequately address any environmental effects? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</li> <li>• Does the amendment adequately address any social effects? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</li> <li>• Does the amendment adequately address any economic effects? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</li> </ul>				

Strategic Consideration		Yes	No	N/A	Comment
Does the amendment address relevant bushfire risk?	<ul style="list-style-type: none"> <li>Does the amendment meet the objective and give effect to the strategies to address the risk to life as a priority, property, community infrastructure and the natural environment from bushfire in the State Planning Policy Framework (Clause 13.05-1 of the planning scheme)?</li> <li>Has the view of the relevant fire authority been sought in formulating the amendment?</li> <li>Is the amendment consistent with the Local Planning Policy Framework objectives and strategies that apply to bushfire risk?</li> <li>Is local policy for bushfire risk management required to support the amendment?</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Does the amendment comply with all the relevant Minister's Directions?	<ul style="list-style-type: none"> <li>Does the amendment comply with the requirements of the Ministerial Direction on the Form and Content of Planning Schemes?</li> <li>Do any other Minister's Directions apply to the amendment? If so, have they been complied with?</li> <li>Is the amendment accompanied by all of the information required by a Minister's Direction?</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Does the amendment support or implement the SPPF?	<ul style="list-style-type: none"> <li>Does the amendment support or give effect to the SPPF?</li> <li>Are there any competing SPPF objectives and how are they balanced?</li> <li>Does the amendment support or give effect to any relevant adopted state policy?</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Does the amendment support or implement the LPPF?	<ul style="list-style-type: none"> <li>Does the amendment implement or support the MSS?</li> <li>Does the amendment seek to change the objectives or strategies of the MSS? If so, what is the change?</li> <li>What effect will any change to the MSS have on the rest of the MSS: <ul style="list-style-type: none"> <li>Is the amendment consistent/inconsistent with strategic directions elsewhere in the MSS?</li> <li>Has the cumulative effect of this amendment on the strategic directions in the MSS been considered?</li> </ul> </li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Strategic Consideration	Yes	No	N/A	Comment
<ul style="list-style-type: none"> <li>• Does the new or amended local planning policy:               <ul style="list-style-type: none"> <li>– respond to a demonstrated need? <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></li> <li>– implement an objective or strategy in the MSS? <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></li> <li>– relate to a specific discretion or group of discretions in the scheme? <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></li> <li>– assist the responsible authority to make a decision? <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></li> <li>– assist any other person to understand whether a proposal is likely to be supported? <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></li> </ul> </li> <li>• Does the amendment affect any existing local planning policy? <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/></li> <li>• Is a local planning policy necessary OR is the issue covered by another planning tool? <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></li> </ul>				
<p>Does the amendment make proper use of the VPP?</p> <ul style="list-style-type: none"> <li>• Does the amendment use the most appropriate VPP tool to achieve the strategic objective of the scheme? <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></li> <li>• Does the amendment affect, conflict with or duplicate another existing provision in the planning scheme that deals with the same land, use or development? <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/></li> <li>• If so, have the provisions been reconciled? <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></li> <li>• Does the control capture matters that do not specifically relate to the purpose or objectives of the control or matters that should not be dealt with under planning? <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/></li> <li>• Does the amendment make any existing provision in the planning scheme redundant? <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/></li> <li>• Is the amendment consistent with any relevant planning practice note? <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></li> </ul>				
<p>How does the amendment address the views of any relevant agency?</p> <ul style="list-style-type: none"> <li>• Have the views of any relevant agency been addressed? <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></li> </ul>				
<p>Does the amendment</p> <ul style="list-style-type: none"> <li>• Is the amendment likely to have a significant impact on the transport <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/></li> </ul>				

Strategic Consideration		Yes	No	N/A	Comment
address the requirements of the <i>Transport Integration Act 2010</i> ?	<p>system as defined by section 3 of the <i>Transport Integration Act 2010</i>?</p> <p>If so, explain how the amendment addresses the transport system objectives and decision-making principles set out in Part 2, Divisions 2 and 3 of the TIA.</p> <ul style="list-style-type: none"> <li>Are there any applicable statements of policy principles prepared under section 22 of the <i>Transport Integration Act 2010</i>?</li> </ul> <p>If so, assess how the amendment addresses any specified policy principles that apply to the proposal.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?	<ul style="list-style-type: none"> <li>Has the council considered the cost implications in implementing and administering the new planning provisions including: <ul style="list-style-type: none"> <li>– estimated increase in number of planning permit applications</li> <li>– planning staff resources</li> <li>– other miscellaneous costs including legal or other professional advice, for example, heritage advisers</li> <li>– capacity to consider the new application within the prescribed time?</li> </ul> </li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



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16 November 2017

APA Reference: 171106 AM UGZ2 Cardinia

Att: Celia Konstas  
MESH Planning  
Level 2  
6 Riverside Quay  
SOUTHBANK VIC 3006

**EMAIL OUT:** [celia@meshplanning.com.au](mailto:celia@meshplanning.com.au)

Dear Celia,

**RE: Proposed Amendment to Schedule 2 of the UGZ and Clause 66.04 of the Cardinia Planning Scheme (Kaduna Estate).**

Thank you for providing APA with the revised draft Amendment documentation on the 3 November 2017. Given the scope of the amendment, the notification provision included and indication from Council that the Cardinia Road Employment Precinct Structure Plan will be comprehensively reviewed, APA is accepting of the proposed Amendment to the Urban Growth Zone Schedule 2(UGZ2).

The recommending referral notice provision gives APA the comfort that it will be able to review and comment on any such proposal to ensure that Council is in position to make an informed decision on any such application taking into account the technical experience of the pipeline licensee. APA is of the understanding that notification in this instance has been limited to Residential village application only (rather than the list of sensitive land uses previously listed in the initial draft of the amendment as circulated to APA on the 15 September 2017) given the amendment only seeks to introduce Residential Village as a permit trigger.

It should be noted that whilst APA does not object to the proposed Amendment, we would welcome the opportunity to be involved in any future review of the Cardinia Road Employment Precinct Structure Plan, as well as be notified of any planning applications for sensitive land uses within the measurement length.

APA would request that the Measurement Length be:

- clearly mapped on the incorporated Cardinia Road Employment Precinct Structure Plan, both on plan 5: Future Urban Structure and Plan 17 Physical Services;
- mapped on Plan 1 in the proposed Schedule 2 to the Urban Growth Zone.

This revised mapping will help provide clarity to both applicants and planners assessing future proposals.

APA Group comprises two registered investment schemes, Australian Pipeline Trust (ARSN 091 678 778) and APT Investment Trust (ARSN 115 585 441), the securities in which are stapled together. Australian Pipeline Limited (ACN 091 344 704) is the responsible entity of those trusts. The registered office is HSBC building, Level 19, 580 George Street, Sydney NSW 2000.

APA acknowledges that these mapping changes might be considered to be outside the scope of the proposed amendment and if this is the case APA would seek these mapping changes as part of any future review of the Cardina Road Employment PSP.

Please contact the APA VTS Urban Planning team at [PlanningVic@apa.com.au](mailto:PlanningVic@apa.com.au) should you have any enquiries in relation to this correspondence.

Yours faithfully,



**MICHAEL MIELCZAREK  
SENIOR URBAN PLANNER  
INFRASTRUCTURE PLANNING AND PROTECTION  
APA GROUP**