

Notice of Application for a Planning Permit

| | |
|---|--|
| The land affected by the application is located at: | L1 PS639221 V11394 F910 1-17 Tynong Road, Tynong VIC 3813 |
| The application is for a permit to: | Use of Land for a Primary School and Secondary School, Works (Bulk Earthworks comprising Construction of a Sporting Field, Earthen Mounds, Batters and Swales), Removal of Native Vegetation and a Waiver of Bicycle Facilities Requirements of Clause 52.34-5 |

A permit is required under the following clauses of the planning scheme:

| | |
|---------|---|
| 37.01-1 | Use of the land for a (Primary School and Secondary School) |
| 37.01-4 | Construct a building or construct or carry out works, |
| 52.17-1 | Remove, destroy or lop native vegetation, |
| 52.34-2 | Vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6, |
| 43.01-1 | Construct a building or construct or carry out works |

APPLICATION DETAILS

| | |
|----------------------------------|-----------------------|
| The applicant for the permit is: | URM Australia Pty Ltd |
| Application number: | T230572 |

You may look at the application and any documents that support the application at the office of the Responsible Authority:

Cardinia Shire Council, 20 Siding Avenue, Officer 3809.

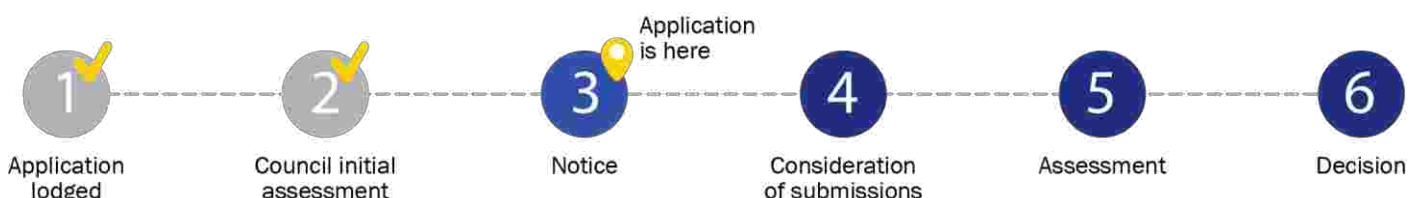
This can be done during office hours and is free of charge.

Documents can also be viewed on Council's website at cardinia.vic.gov.au/advertisedplans or by scanning the QR code.



HOW CAN I MAKE A SUBMISSION?

| | | |
|---|--|---|
| This application has not been decided. You can still make a submission before a decision has been made. The Responsible Authority will not decide on the application before: | | 26 August 2025 |
| WHAT ARE MY OPTIONS? Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority. If you object, the Responsible Authority will notify you of the decision when it is issued. | An objection must: <ul style="list-style-type: none">be made to the Responsible Authority in writing;include the reasons for the objection; andstate how the objector would be affected. | The Responsible Authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application. |



This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



Planning Enquiries
Phone: 1300 787 624
Web: www.cardinia.vic.gov.au

Clear Form

Office Use Only

Application No.:

Date Lodged: / /

Application for a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the end of this form.

⚠ Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any questions, please contact Council's planning department.

⚠ Questions marked with an asterisk (*) must be completed.

⚠ If the space provided on the form is insufficient, attach a separate sheet.

i Click for further information.

The Land **i**

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:

St. No.: 1-17

St. Name: Tynong Road

Suburb/Locality: Tynong

Postcode: 3813

Formal Land Description *

Complete either A or B.

⚠ This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A

Lot No.: 1

☐ Lodged Plan

☐ Title Plan

☒ Plan of Subdivision

No.: 639221V

OR

B

Crown Allotment No.:

Section No.:

Parish/Township Name:

The Proposal

⚠ You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

i For what use, development or other matter do you require a permit? *

Earthworks.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

Cost \$1,200,000.00

⚠ You may be required to verify this estimate. Insert '0' if no development is proposed.

If the application is for land within **metropolitan Melbourne** (as defined in section 3 of the *Planning and Environment Act 1987*) and the estimated cost of the development exceeds \$1 million (adjusted annually by CPI) the Metropolitan Planning Levy **must** be paid to the State Revenue Office and a current levy certificate **must** be submitted with the application. Visit www.sro.vic.gov.au for information.

i Estimated cost of any development for which the permit is required *


Existing Conditions

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Education - St Thomas Aquinas College

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.


 Provide a plan of the existing conditions. Photos are also helpful.

Title Information

Encumbrances on title *

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- ☐ Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- ☒ No
- ☐ Not applicable (no such encumbrance applies).

 Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

Applicant and Owner Details

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Please provide at least one contact phone number *

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:

Title:

First Name: Scott

Surname: Soutter

Organisation (if applicable) URM Australia Pty Ltd

Postal Address:

If it is a P.O. Box, enter the details here:

Unit No.:

St. No.: 29

St. Name: Marklin St

Suburb/Locality: Cranbourne

State: VIC

Postcode: 3977

Contact information for applicant OR contact person below

Business phone:

Email

Mobile phone:

Fax:

Contact person's details*

Same as applicant ☐

Name:

Title:

First

Organisation (if applicable): Taylors Development Strateigsts Pty Ltd

Postal Address:

If it is a P.O. Box, enter the details here:

Unit No.: 8

St. No.: 270

St. Name: Ferntree Gully Road


Suburb/Locality: Notting Hill

State: VIC

Postcode: 3168

Declaration

This form must be signed by the applicant *

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

I declare that this application is true and permit application.

Date: 15/11/2023

day / month / year

Need help with the Application?

General information about the planning process is available at planning.vic.gov.au

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

Has there been a pre-application meeting with a council planning officer?



No



Yes

If 'Yes', with whom?:

Date:

day / month / year

Checklist

Have you:



Filled in the form completely?



Paid or included the application fee?



Most applications require a fee to be paid. Contact Council to determine the appropriate fee.



Provided all necessary supporting information and documents?



A full, current copy of title information for each individual parcel of land forming the subject site.



A plan of existing conditions.



Plans showing the layout and details of the proposal.



Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.



If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts).



If applicable, a current Metropolitan Planning Levy certificate (a levy certificate expires 90 days after the day on which it is issued by the State Revenue Office and then cannot be used). Failure to comply means the application is void.



Completed the relevant council planning permit checklist?



Signed the declaration?

Lodgement

Lodge the completed and signed form, the fee and all documents with:

Cardinia Shire Council
PO Box 7
Pakenham VIC 3810

In person: 20 Siding Avenue, Officer

Contact information:

Telephone: 1300 787 624

Email: mail@cardinia.vic.gov.au

DX: 81006

Deliver application in person, by post or by electronic lodgement.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Request to amend a current planning permit application

This form is used to request an amendment to an application for a planning permit that has already been lodged with Council, but which has not yet been decided. This form can be used for amendments made before any notice of the application is given (pursuant to sections 50 / 50A of the *Planning and Environment Act 1987*) or after notice is given (section 57A of the Act).

PERMIT APPLICATION DETAILS

| | |
|----------------------|--------------------------|
| Application No.: | T230572 |
| Address of the Land: | 1-17 Tynong Road, Tynong |

APPLICANT DETAILS

| | | |
|---------------|---|---|
| Name: | <p>This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.</p> | |
| Organisation: | | URM Australia Pty Ltd C/O Taylors Development Strategists |
| Address: | | 8/270 Ferntree Gully Road, Notting Hill VIC 3168 |
| Phone: | | (03) 9501 2800 |
| Email: | | |

AMENDMENT TYPE


| Under which section of the Act is this amendment being made? (select one) | |
|--|-------------------------------------|
| Section 50 – Amendment to application at request of applicant before notice: | <input checked="" type="checkbox"/> |
| Section 50A – Amendment to application at request of responsible authority before notice: | <input type="checkbox"/> |
| Section 57A – Amendment to application after notice is given: | <input type="checkbox"/> |

AMENDMENT DETAILS

| What is being amended? (select all that apply) | | |
|---|--|--|
| What is being applied for <input type="checkbox"/> | Plans / other documents <input type="checkbox"/> | Applicant / owner details <input type="checkbox"/> |
| Land affected <input type="checkbox"/> | Other <input type="checkbox"/> | |
| Describe the changes. If you need more space, please attach a separate page. | | |
| <ul style="list-style-type: none"> Updated Plans prepared by Taylors Development Strategists. Landscape Plan prepared by Taylors Development Strategists. | | |
| | | |
| | | |

| | | |
|--|-----------|------------|
| | | |
| | | |
| | | |
| Specify the estimated cost of any development for which the permit is required: | | |
| Not applicable | Unchanged | New amount |

DECLARATION

| | |
|--|---|
| I declare that all the information in this request is true and correct and the owner (if not myself) has been notified of this request to amend the application. | |
| Name: | Matthew Law |
| Signature: |  |
| Date: | 21/05/2024 |

LODGEMENT

| |
|--|
| <p>Please submit this form, including all amended plans/documents, to mail@cardinia.vic.gov.au</p> <p>You can also make amendments to your application via the Cardinia ePlanning Portal at https://eplanning.cardinia.vic.gov.au/</p> <p>If you have any questions or need help to complete this form, please contact Council's Statutory Planning team on 1300 787 624.</p> |
|--|

IMPORTANT INFORMATION

| |
|--|
| <p>It is strongly recommended that before submitting this form, you discuss the proposed amendment with the Council planning officer processing the application.</p> <p>Please give full details of the nature of the proposed amendments and clearly highlight any changes to plans (where applicable). If you do not provide sufficient details or a full description of all the amendments proposed, the application may be delayed.</p> <p>No application fee for s50/s50A requests unless the amendment results in changes to the relevant class of permit fee or introduces new classes of permit fees. The fee for a s57A request is 40% of the relevant class of permit fee, plus any other fees if the amendment results in changes to the relevant class (or classes) of permit fee or introduces new classes of permit fees. Refer to the <i>Planning and Environment (Fees) Regulations 2016</i> for more information.</p> <p>The amendment may result in a request for more under section 54 of the Act and/or the application requiring notification (or re-notification). The costs associated with notification must be covered by the applicant.</p> <p>Council may refuse to amend the application if it considers that the amendment is so substantial that a new application for a permit should be made.</p> <p>Any material submitted with this request, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the <i>Planning and Environment Act 1987</i>.</p> |
|--|

Request to amend a current planning permit application

This form is used to request an amendment to an application for a planning permit that has already been lodged with Council, but which has not yet been decided. This form can be used for amendments made before any notice of the application is given (pursuant to sections 50 / 50A of the *Planning and Environment Act 1987*) or after notice is given (section 57A of the Act).

PERMIT APPLICATION DETAILS

| | |
|----------------------|--------------------------|
| Application No.: | T230572 PA |
| Address of the Land: | 1-17 Tynong Road, Tynong |

APPLICANT DETAILS

| | |
|---------------|---|
| Name: | |
| Organisation: | Taylors Development Strategists |
| Address: | 8/270 Ferntree Gully Road, Notting Hill |
| Phone: | 9501 2800 |
| Email: | |

AMENDMENT TYPE

| Under which section of the Act is this amendment being made? (select one) | |
|--|-------------------------------------|
| Section 50 – Amendment to application at request of applicant before notice: | <input checked="" type="checkbox"/> |
| Section 50A – Amendment to application at request of responsible authority before notice: | <input type="checkbox"/> |
| Section 57A – Amendment to application after notice is given: | <input type="checkbox"/> |


AMENDMENT DETAILS

| What is being amended? (select all that apply) | | |
|--|--|--|
| What is being applied for <input checked="" type="checkbox"/> | Plans / other documents <input type="checkbox"/> | Applicant / owner details <input type="checkbox"/> |
| Land affected <input type="checkbox"/> | Other <input type="checkbox"/> | |
| Describe the changes. If you need more space, please attach a separate page. | | |
| Some of the earthworks proposed fall outside of the originally endorsed masterplan. | | |
| We are therefore required to apply for a permit for a Section 2 use under the zone for use of land as an education centre, and associated buildings and works. | | |
| As a result we have updated the Town Planning Report to reflect these changes. | | |

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

| | | |
|--|-----------|------------|
| | | |
| | | |
| | | |
| Specify the estimated cost of any development for which the permit is required: | | |
| Not applicable | Unchanged | New amount |

DECLARATION

| | |
|--|---|
| I declare that all the information in this request is true and correct and the owner (if not myself) has been notified of this request to amend the application. | |
| Name: | |
| Signature: |  |
| Date: | |

LODGEMENT

| |
|--|
| <p>Please submit this form, including all amended plans/documents, to mail@cardinia.vic.gov.au</p> <p>You can also make amendments to your application via the Cardinia ePlanning Portal at https://eplanning.cardinia.vic.gov.au/</p> <p>If you have any questions or need help to complete this form, please contact Council's Statutory Planning team on 1300 787 624.</p> |
|--|

IMPORTANT INFORMATION

| |
|--|
| <p>It is strongly recommended that before submitting this form, you discuss the proposed amendment with the Council planning officer processing the application.</p> <p>Please give full details of the nature of the proposed amendments and clearly highlight any changes to plans (where applicable). If you do not provide sufficient details or a full description of all the amendments proposed, the application may be delayed.</p> <p>No application fee for s50/s50A requests unless the amendment results in changes to the relevant class of permit fee or introduces new classes of permit fees. The fee for a s57A request is 40% of the relevant class of permit fee, plus any other fees if the amendment results in changes to the relevant class (or classes) of permit fee or introduces new classes of permit fees. Refer to the <i>Planning and Environment (Fees) Regulations 2016</i> for more information.</p> <p>The amendment may result in a request for more under section 54 of the Act and/or the application requiring notification (or re-notification). The costs associated with notification must be covered by the applicant.</p> <p>Council may refuse to amend the application if it considers that the amendment is so substantial that a new application for a permit should be made.</p> <p>Any material submitted with this request, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the <i>Planning and Environment Act 1987</i>.</p> |
|--|

Request to amend a current planning permit application

This form is used to request an amendment to an application for a planning permit that has already been lodged with Council, but which has not yet been decided. This form can be used for amendments made before any notice of the application is given (pursuant to sections 50 / 50A of the *Planning and Environment Act 1987*) or after notice is given (section 57A of the Act).

PERMIT APPLICATION DETAILS

| | |
|----------------------|--|
| Application No.: | |
| Address of the Land: | |

APPLICANT DETAILS

| | |
|---------------|--|
| Name: | This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited. |
| Organisation: | |
| Address: | |
| Phone: | |
| Email: | |

AMENDMENT TYPE

| Under which section of the Act is this amendment being made? (select one) | |
|--|--|
| Section 50 – Amendment to application at request of applicant before notice: | |
| Section 50A - Amendment to application at request of responsible authority before notice: | |
| Section 57A – Amendment to application after notice is given: | |

AMENDMENT DETAILS

| What is being amended? (select all that apply) | | |
|--|-------------------------|---------------------------|
| What is being applied for | Plans / other documents | Applicant / owner details |
| Land affected | Other | |
| Describe the changes. If you need more space, please attach a separate page. | | |
| | | |
| | | |
| | | |
| | | |

Amend the application to include removal of native vegetation pursuant to Clause 52.17-1 'Native Vegetation'.

Specify the estimated cost of any development for which the permit is required:

Not applicable ☐

Unchanged ☒

New amount \$

DECLARATION

I declare that all the information in this request is true and correct and the owner (if not myself) has been notified of this request to amend the application.

Name:

Signature:

Date:

12/03/2025

LODGEMENT

Please submit this form, including all amended plans/documents, to mail@cardinia.vic.gov.au

You can also make amendments to your application via the Cardinia ePlanning Portal at <https://eplanning.cardinia.vic.gov.au/>

If you have any questions or need help to complete this form, please contact Council's Statutory Planning team on 1300 787 624.

IMPORTANT INFORMATION

It is strongly recommended that before submitting this form, you discuss the proposed amendment with the Council planning officer processing the application.

Please give full details of the nature of the proposed amendments and clearly highlight any changes to plans (where applicable). If you do not provide sufficient details or a full description of all the amendments proposed, the application may be delayed.

No application fee for s50/s50A requests unless the amendment results in changes to the relevant class of permit fee or introduces new classes of permit fees. The fee for a s57A request is 40% of the relevant class of permit fee, plus any other fees if the amendment results in changes to the relevant class (or classes) of permit fee or introduces new classes of permit fees. Refer to the *Planning and Environment (Fees) Regulations 2016* for more information.

The amendment may result in a request for more under section 54 of the Act and/or the application requiring notification (or re-notification). The costs associated with notification must be covered by the applicant.

Council may refuse to amend the application if it considers that the amendment is so substantial that a new application for a permit should be made.

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

Request to amend a current planning permit application

This form is used to request an amendment to an application for a planning permit that has already been lodged with Council, but which has not yet been decided. This form can be used for amendments made before any notice of the application is given (pursuant to sections 50 / 50A of the *Planning and Environment Act 1987*) or after notice is given (section 57A of the Act).

PERMIT APPLICATION DETAILS

| | |
|----------------------|---|
| Application No.: | T230572PA |
| Address of the Land: | 1-17 Tynong Road, Tynong and Crown Allotment 20B on Parish PI |

APPLICANT DETAILS

| | |
|---------------|--|
| Name: | This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited. |
| Organisation: | |
| Address: | |
| Phone: | |
| Email: | |
| | URM Australia Pty Ltd C/o Taylors Development Strategists |
| | 29 Marklin Street, Cranbourne |
| | 9501 2800 |
| | |

AMENDMENT TYPE

| Under which section of the Act is this amendment being made? (select one) | |
|--|-------------------------------------|
| Section 50 – Amendment to application at request of applicant before notice: | <input type="checkbox"/> |
| Section 50A – Amendment to application at request of responsible authority before notice: | <input type="checkbox"/> |
| Section 57A – Amendment to application after notice is given: | <input checked="" type="checkbox"/> |

AMENDMENT DETAILS

| What is being amended? (select all that apply) | | |
|---|---|--|
| What is being applied for <input checked="" type="checkbox"/> | Plans / other documents <input checked="" type="checkbox"/> | Applicant / owner details <input type="checkbox"/> |
| Land affected <input type="checkbox"/> | Other <input type="checkbox"/> | |
| Describe the changes. If you need more space, please attach a separate page. | | |
| Updated the plans to show the location of the proposed internal road along the southern boundary. | | |
| Amend what is being applied for to include the following: | | |
| 1. Use of the land for a 'Primary School' and 'Secondary School', removing reference to an 'Education Centre' | | |

2. Reduction of bike parking in accordance with Clause 52.34.

Specify the estimated cost of any development for which the permit is required:

Not applicable ☐

Unchanged ☒

New amount \$

DECLARATION

I declare that all the information in this request is true and correct and the owner (if not myself) has been notified of this request to amend the application.

Name:

Signature:

Date:

6/08/2025

LODGEMENT

Please submit this form, including all amended plans/documents, to mail@cardinia.vic.gov.au

You can also make amendments to your application via the Cardinia ePlanning Portal at <https://eplanning.cardinia.vic.gov.au/>

If you have any questions or need help to complete this form, please contact Council's Statutory Planning team on 1300 787 624.

IMPORTANT INFORMATION

It is strongly recommended that before submitting this form, you discuss the proposed amendment with the Council planning officer processing the application.

Please give full details of the nature of the proposed amendments and clearly highlight any changes to plans (where applicable). If you do not provide sufficient details or a full description of all the amendments proposed, the application may be delayed.

No application fee for s50/s50A requests unless the amendment results in changes to the relevant class of permit fee or introduces new classes of permit fees. The fee for a s57A request is 40% of the relevant class of permit fee, plus any other fees if the amendment results in changes to the relevant class (or classes) of permit fee or introduces new classes of permit fees. Refer to the *Planning and Environment (Fees) Regulations 2016* for more information.

The amendment may result in a request for more under section 54 of the Act and/or the application requiring notification (or re-notification). The costs associated with notification must be covered by the applicant.

Council may refuse to amend the application if it considers that the amendment is so substantial that a new application for a permit should be made.

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

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

Page 1 of 1

VOLUME 11394 FOLIO 910

Security no : 124109649733L

Produced 10/10/2023 11:41 AM

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 639221V.

PARENT TITLES :

Volume 07796 Folio 082 Volume 10266 Folio 910

Created by instrument PS639221V 13/12/2012

REGISTERED PROPRIETOR

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT as to part D577999

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

AGREEMENT Section 173 Planning and Environment Act 1987
AN251214T 08/11/2016

DIAGRAM LOCATION

SEE PS639221V FOR FURTHER DETAILS AND BOUNDARIES

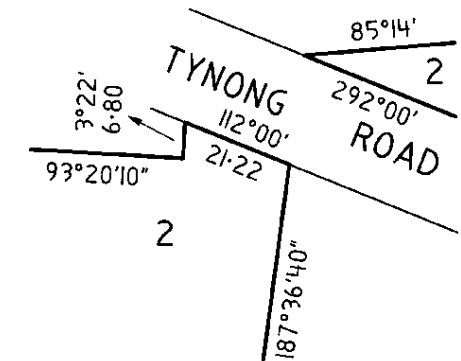
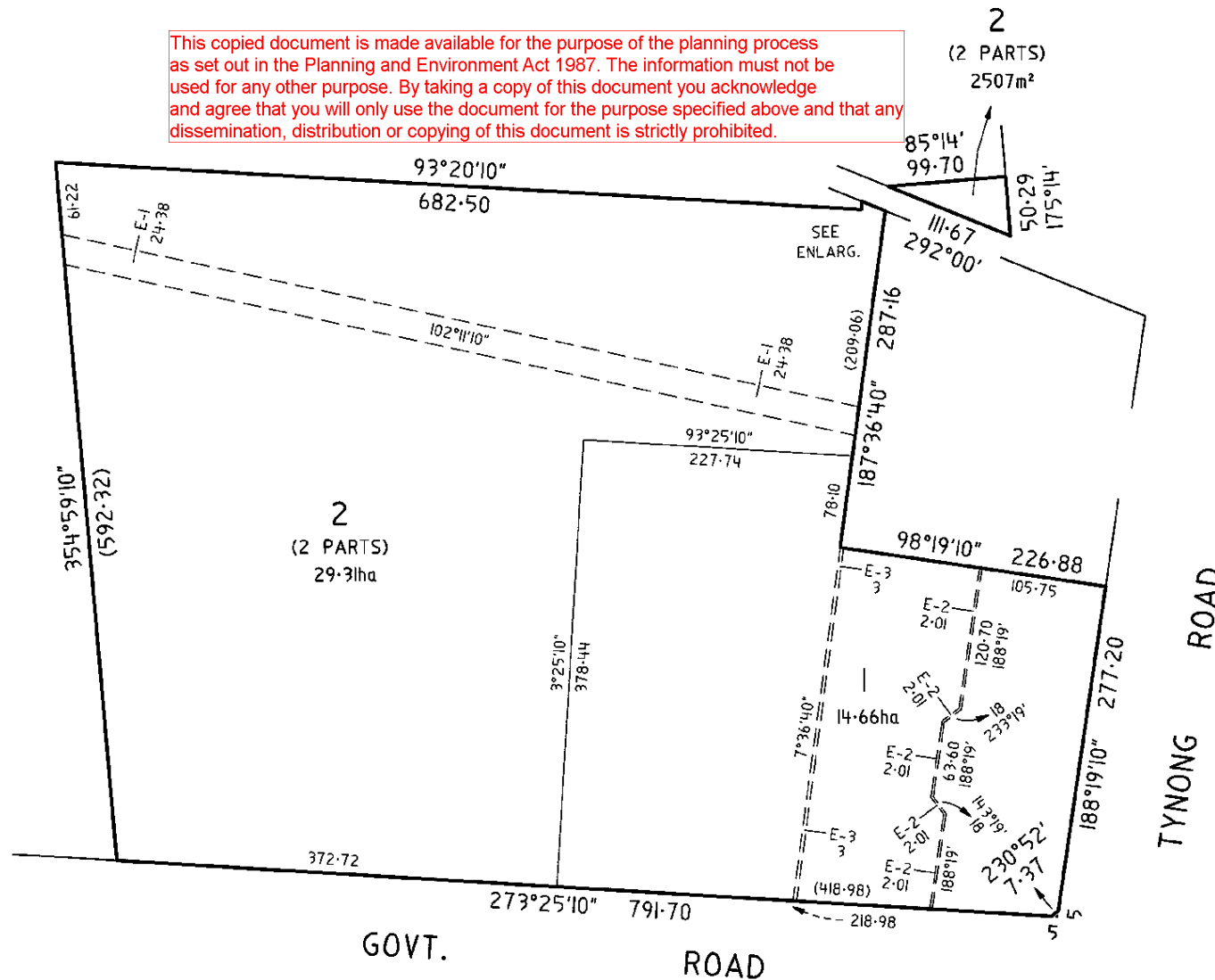
ACTIVITY IN THE LAST 125 DAYS

NIL

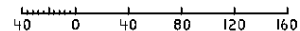
DOCUMENT END

Signed by: Jay Lyndon Barfoot (Nilsson, Noel & Holmes (Surveyors) Pty Ltd) Surveyor's Plan Version (02) SPEAR Ref: S020698T 12/06/2012, Amended: 12/12/2012.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



ENLARGEMENT
SCALE 1:1000



Plan of Subdivision PS639221V

Certification & Statement of Compliance (Form 6)

SUBDIVISION (PROCEDURES) REGULATIONS 2000

SPEAR Reference Number: S020698T

Plan Number: PS639221V

Responsible Authority Name: Cardinia Shire Council

Responsible Authority Reference Number 1: S12/026

Surveyor's Plan Version: 02

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Certification

☒ This plan is certified under section 6 of the Subdivision Act 1988

Statement of Compliance

☒ This is a statement of compliance issued under section 21 of the Subdivision Act 1988

Public Open Space

A requirement for public open space under section 18 of the Subdivision Act 1988

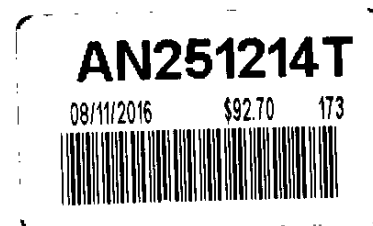
☐ Has not been made

Organisation: Cardinia Shire Council
Date: 12/06/2012

Section 181

**APPLICATION BY A RESPONSIBLE AUTHORITY FOR THE MAKING OF A
RECORDING OF AN AGREEMENT**

Planning and Environment Act 1987



Lodged at the Land Titles Office by: Richmond & Bennison Lawyers
Phone: 9580 8311
Address: 493 Main Street, Mordialloc 3195
Ref: KAM:LW:150551
Customer Code: 3513B

The Authority or council having made an agreement referred to in section 181(1) of the Planning and Environment Act 1987 requires a recording to be made in the Register for the land.


Land: Certificate of Title Volume 11394 Folio 910 and more particularly being Lot 1 plan of subdivision PS639221V, a copy of which is attached.

Authority: Cardinia Shire Council, Municipal Offices, 20 Siding Avenue, Officer, Vic

Section and Act under which agreement made: Section 173 Planning & Environment Act 1937

A copy of the Agreement is attached to this Application.

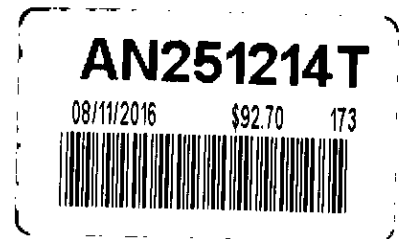
Date: 31 /10 /2016

Signed:  - Debbie Tyson.

Note: A4 size plans must be lodged with dimensions. Remove plan number from each plan.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Date 31 OCTOBER 2016



This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Agreement under Section 173 of the Planning and Environment Act 1987

Subject Land:

1-17 Tynong Road, Tynong

Cardinia Shire Council

and

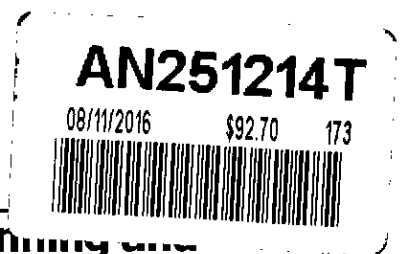
Society of St Pius X Ltd



Contents

| | | |
|-----|--|---|
| 1 | Definitions | 2 |
| 2, | Interpretation | 2 |
| 3 | Owner's specific obligations | 3 |
| 3.1 | Compliance with the Development Permit..... | 3 |
| 3.2 | Expiry of Development Permit | 3 |
| 4 | Owner's further obligations | 3 |
| 4.1 | Notice and registration | 3 |
| 4.2 | Further actions | 3 |
| 4.3 | Council's costs to be paid | 4 |
| 5. | Agreement under Section 173 of the Act | 4 |
| 6. | Owners Warranties | 4 |
| 7. | Successors in title4 | |
| 8 | General matters | 4 |
| 8.1 | Notices | 4 |
| 8.2 | No waiver | 5 |
| 8.3 | Severability | 5 |
| 8.4 | No fettering of Council's powers..... | 5 |
| 8.5 | Inspection of documents..... | 5 |
| 8.6 | Governing law | 5 |
| 9. | Commencement of Agreement..... | 5 |
| 10. | Ending of Agreement..... | 5 |

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



Agreement under section 173 of the Planning and Environment Act 1987

Dated 31 OCTOBER /2016

Parties

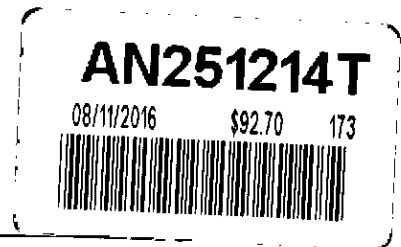
This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

| | |
|-------------------|---|
| Name | Cardinia Shire Council |
| Address | 20 Siding Ave, Officer, Victoria |
| Short name | Council |

| | |
|-------------------|---|
| Name | Society of St Pius X Ltd |
| Address | 280 West Botany St, Rockdale NSW |
| Short name | Owner |

Background

- A Council is the responsible authority for the Planning Scheme,
- B. The Owner is or is entitled to be the registered proprietor of the Subject Land.
- C. Council issued the Development Permit requiring the Owner to enter into this Agreement providing for the matters set out in Condition 4 of the Development Permit.
- D. As at the date of this Agreement, the Subject Land is not encumbered by a mortgage.
- E. The Parties enter into this Agreement:
 - to give effect to the Development Permit; and
 - to achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.



The Parties agree

1. Definitions

In this Agreement unless the context admits otherwise:

Act means the *Planning and Environment Act 1987*.

Agreement means this Agreement.

Development Permit means Development Permit No. T140662, as amended from time to time, issued on 17 March 2015, authorising the building and works associated with accommodation (convent) from an approved masterplan, generally in accordance with plans endorsed by Council.

Endorsed Plan means the plan endorsed with the stamp of Council from time to time as the plan which forms part of the Development Permit.

Owner means the person registered or entitled from time to time to be registered as proprietor of an estate in fee simple of the Subject Land or any part of it and includes a mortgagee-in-possession.

Party or Parties means the Parties to this Agreement.

Planning Scheme means the Cardinia Planning Scheme and any other planning scheme that applies to the Subject Land.

Subject Land means all of the land situation at 1-17 Tynong Road, Tynong being the land referred to in Certificate of Title Volume 11394 Folio 910 and more particularly being Lot 1 on the Endorsed Plan and any reference to the Subject Land includes any Lot created by the subdivision of the subject Land or any part of it.

2. Interpretation

In this Agreement unless the context admits otherwise:

- 2.1** the singular includes the plural and vice versa;
- 2.2** a reference to a gender includes all genders;
- 2.3** a reference to a person includes a reference to a firm, corporation or other corporate body - and that person's successors in law;
- 2.4** any agreement, representation, warranty or indemnity by 2 or more persons (including where 2 or more persons are included in the same defined term) binds them jointly and severally;

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

- 2.5 a term used has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act, it has the meaning as defined in the Act;
- 2.6 a reference to an Act, regulation or the Planning Scheme includes any Act, regulation or amendment amending, consolidating or replacing the Act, regulation or Planning Scheme;
- 2.7 the Background forms part of this Agreement;
- 2.8 the Owners obligations take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land; and
- 2.9 any reference to a clause, page, condition, attachment or term is a reference to a clause, page, condition, attachment or term of this Agreement.

3. Owner's specific obligations

3.1 Compliance with the Development Permit

Except with Council's prior written consent the Owner:

- 3.1.1 may only develop the Subject Land in accordance with the Development Permit and the conditions of the Development Permit; and
- 3.1.2 must not upon completing the development in accordance with the Development Permit, alter or extend or otherwise change the development.

3.2 Expiry of Development Permit

The Owner's obligations under clause 3.1 continue to apply:

- 3.2.1 regardless of any right conferred by the Planning Scheme;
- 3.2.2 regardless of any subdivision of the Subject Land; and
- 3.2.3 even if the Development Permit expires, is cancelled or otherwise ceases to operate.

4. Owner's further obligations

4.1 Notice and registration

The Owner must bring this Agreement to the attention of all prospective purchasers, lessees, mortgagees, chargees, transferees and assigns.

4.2 Further actions

The Owner:

- 4.2.1 must do all things necessary to give effect to this Agreement;
- 4.2.2 consents to Council applying to the Registrar of Titles to record this Agreement on the Certificate of Title of the Subject Land in accordance with section 181 of the Act and do all things necessary to enable Council to do so including:



- (a) signing any further agreement, acknowledgment or document; and
- (b) obtaining all necessary consents to enable the recording to be made.

4.3 Council's costs to be paid

Prior to this Agreement being recorded on the Certificate of Title of the Subject Land, the Owner must pay to Council, Council's reasonable costs and expenses (including legal expenses) of signing, recording and enforcing this Agreement.

5. Agreement under section 173 of the Act

Without limiting or restricting the respective powers to enter into this Agreement and, insofar as it can be so treated, this Agreement is made as a deed in accordance with section 173 of the Act.

6. Owner's warranties

The Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

7. Successors in title

Until such time as a memorandum of this Agreement is recorded on the Certificate of Title of the Subject Land, the Owner must require successors in title to:

- 7.1 give effect to this Agreement; and
- 7.2 enter into a deed agreeing to be bound by the terms of this Agreement.

8. General matters

8.1 Notices

A notice or other communication required or permitted to be served by a Party on another Party must be in writing and may be served:

- 8.1.1 personally on the person;
- 8.1.2 by leaving it at the person's current address for service;
- 8.1.3 by posting it by prepaid post addressed to that person at the person's current address for service;
- 8.1.4 by facsimile to the person's current number for service; or
- 8.1.5 by email to the person's current email address for service.

AN251214T

08/11/2016

\$92.70

173



This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

8.2 No waiver

Any time or other indulgence granted by Council to the Owner or any variation of this Agreement or any judgment or order obtained by Council against the Owner does not amount to a waiver of any of Council's rights or remedies under this Agreement.

8.3 Severability

if a court, arbitrator, tribunal or other competent authority determines that any part of this Agreement is unenforceable, illegal or void then that part is severed with the other provisions of this Agreement remaining operative.

8.4 No fettering of Council's powers

This Agreement does not fetter or restrict Council's power or discretion to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certifying any plan which subdivides the Subject Land or relating to any use or development of the Subject Land.

8.5 Inspection of documents

A copy of any Development Permit, document or plan referred to in this Agreement is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

8.6 Governing law

This Agreement is governed by and is to be construed in accordance with the laws of Victoria,

9. Commencement of Agreement

This Agreement commences on the date specified on page one or if no date is specified on page one, the date the Development Permit was issued,

-
- 10. Notwithstanding anything hereinbefore contained or implied, the parties agree that if the Education Centre closes then the accommodation approved under Development Permit T150029 must also close at the expiration of the 12 months from the date the Education Centre Closes.**

11. Ending of Agreement

- 11.1 This Agreement ends when the Owner has complied with all of the Owners obligations under this Agreement,**
- 11.2 As soon as reasonably practicable after the Agreement has ended, Council will, at the Owner's request and at the Owners cost, apply to the Registrar of Titles under section 183(1) of the Act to cancel the recording of this Agreement.**
-



AN251214T

08/11/2016

\$92.70

173



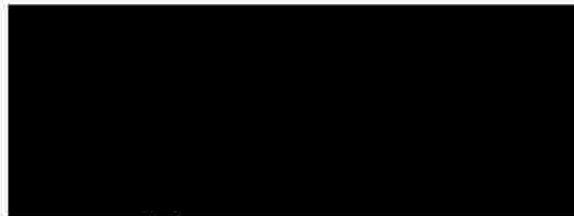
Signing Page

The common seal of **Society of St Pius X Ltd** was)
Affixed in the presence of authorised persons:)



This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Signed by and on behalf, and with)
the authority of the Cardinia Shire)
Council by **Debbie Tyson, Manager**)
of Development and Compliance)
Services in the exercise of power)
conferred by an instrument of)
of Delegation dated 24 January 2011)



In the presence of:



Copyright State of Victoria. This publication is copyright.
No part may be reproduced by any process except in accordance with
the provisions of the Copyright Act and for the purposes of Section
32 of the Sale of Land Act 1962 or pursuant to a written agreement.
The information is only valid at the time and in the form obtained
from the LANDATA REGD TM System. The State of Victoria accepts no
responsibility for any subsequent release, publication or reproduction
of the information.

AN251214T

08/11/2016

\$92.70

173



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

VOLUME 11394 FOLIO 910

Security no : 124058157623V

Produced 07/12/2015 12:57 pm

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 639221V.

PARENT TITLES :

Volume 07796 Folio 082 Volume 10266 Folio 910

Created by instrument PS639221V 13/12/2012

REGISTERED PROPRIETOR

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT as to part D577999

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

DIAGRAM LOCATION

SEE PS639221V FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

Delivered from the LANDATA® System by InfoTrack Pty Ltd.

The information supplied by InfoTrack (FilePro) has been obtained from InfoTrack Pty Limited by agreement between them. The information supplied has been obtained by InfoTrack Pty Limited who is licensed by the State to provide this information.

Delivered by LANDATA®, Land Victoria timestamp 07/12/2015 12:58 Page 1 of 6
 © State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. The State of Victoria accepts no responsibility for any subsequent release, publication or reproduction of the information.

***5.00 F RT T

0577999

90 5-21 DEC-5-69

18

0577999

WEIGALL & GROWTHER
 VICTORIA

John Jones Coles

CREATION OF EASEMENT

MYRTLE GEORGINA TAIT Married Woman

of 50 Banksia Street Yallourn.

(hereinafter called "the Owner") being registered or entitled to be registered as the proprietor of an estate in fee simple in the land secondly hereinafter described subject to the encumbrances notified hereunder in consideration of the sum of THREE HUNDRED AND TWENTY-SEVEN DOLLARS EIGHTEEN CENTS (\$327.18)

paid to me by the VICTORIAN PIPELINES COMMISSION (hereinafter called "the Commission") Do HEREBY TRANSFER AND GRANT unto the Commission and its successors and transferees registered proprietor or proprietors for the time being of ALL THAT piece of land being part of Crown Portion 93 Parish of Eumemmerring and being the whole of

the land comprised in Certificate of Title entered in the Register Book Volume 8727 Folio 144 FULL AND FREE RIGHT AND LIBERTY to and for it and them and its and their contractors servants agents and workmen at all times hereafter for the purposes of the Victorian Pipelines Commission Act 1966 :-

- (a) To ENTER AND RE-ENTER in and upon ALL THAT piece of land delineated and colored red on the plan drawn hereon or annexed hereto and marked "A" and being part of Crown Allotment 4 Parish of Bunyip and being part of the land more particularly described in Certificate of Title Volume 5783 Folio 550.

(which land is hereinafter referred to as "the servient tenement") and to bring on or remove therefrom any plant equipment or materials and to construct re-construct or demolish any works and to excavate trenches and for footings or foundations and to lay or erect or place in on under over along or across the servient tenement and from time to time to repair or renew re-lay or re-erect any pipes or systems of pipes for the conveyance of hydrocarbons in a gaseous state and any ancillary equipment and works associated with any such pipes or systems of pipes at any place or places and in any position or positions PROVIDED ALWAYS that the upper surface of any such pipes or systems of pipes when laid shall be approximately three feet below the surface of the servient tenement but any ancillary equipment and works associated therewith may extend up to or be upon or above the surface.

- (b) To erect and maintain any gates upon the servient tenement and any temporary fences during any period of construction or maintenance of works.
- (c) To fell and remove any tree or any limb or limbs of any tree and remove any obstructions upon the servient tenement and to carry out thereon any digging cutting excavating grading and re-grading.



AN251214T
 08/11/2016 \$92.70 173

- (d) To go pass and repass for all of the purposes aforesaid either with or without vehicles machines plant and equipment through over and along the servient tenement.
- (e) To use the servient tenement for all purposes of and incidental to the transmission of hydrocarbons in gaseous state.
- (f) To keep the servient tenement free of any buildings whatsoever and free from any obstructions above the surface.
- (g) To maintain inspect alter repair duplicate add to renew use take up remove and replace all works and installations.
- (h) To enter re-enter and pass on foot or on horseback or in any vehicle or machine over and along the servient tenement as often as the Commission or its officers may desire for the purpose of protecting inspecting maintaining altering repairing duplicating adding to renewing using taking up removing or replacing all works and installations.

PROVIDED ALWAYS that nothing herein contained shall be deemed in any way to restrict limit or detract from any right power authority or immunity of the Commission or its successors under or by virtue of the Victorian Pipelines Commission Act 1986 or any amendment thereof or any other statute or regulation which now or hereafter may confer any rights powers authorities or immunities on the Commission.

AND PROVIDED FURTHER that the Commission will at all times fill in any excavations made in the exercise of the powers and rights hereby granted and leave the servient tenement reasonably level and free from rubbish and debris and will pay to the Owner reasonable compensation for disturbance caused by the execution by the Commission of any works on or in the servient tenement which may be carried out after completion of the initial works to be performed and constructed thereon or therein.

AND the Owner for himself his heirs executors and administrators and transferees registered proprietor or proprietors for the time being of the servient tenement HEREBY COVENANTS with the Commission and its successors and transferees registered proprietor or proprietors for the time being of the land firstly hereinbefore described not to erect on any part of the servient tenement any building or other structure or place thereon any obstruction or to cultivate or dig or excavate any part of the surface of the servient tenement to a depth greater than one foot without the previous consent in writing of the Commission first had and obtained.

AND IT IS HEREBY AGREED AND DECLARED that in the interpretation of this Instrument the singular number shall include the plural number and vice versa and the masculine gender shall include the feminine and neuter genders.

DATED the

One

thousand nine hundred and

SIGNED SEALED AND DELIVERED by the

said MYRTLE GEORGINA TAIT

in the State of Victoria in the presence of:

AN251214T

08/11/2016

\$92.70

173



VICTORIAN PIPELINES COMMISSION

Easement required for DUTSON-DANDENONG NATURAL GAS PIPELINE

Owner MYRTLE GEORGINA TAIT

Address 50 BANKSIA STREET
YALLOURN

Part of Allotment 4 & 4A

Parish of BUNYIP

Section

County of MORNINGTON

Area 1 = $\frac{1}{2} \times 20 \times 10$

Certificat { Vol. 5783
Fol. 550

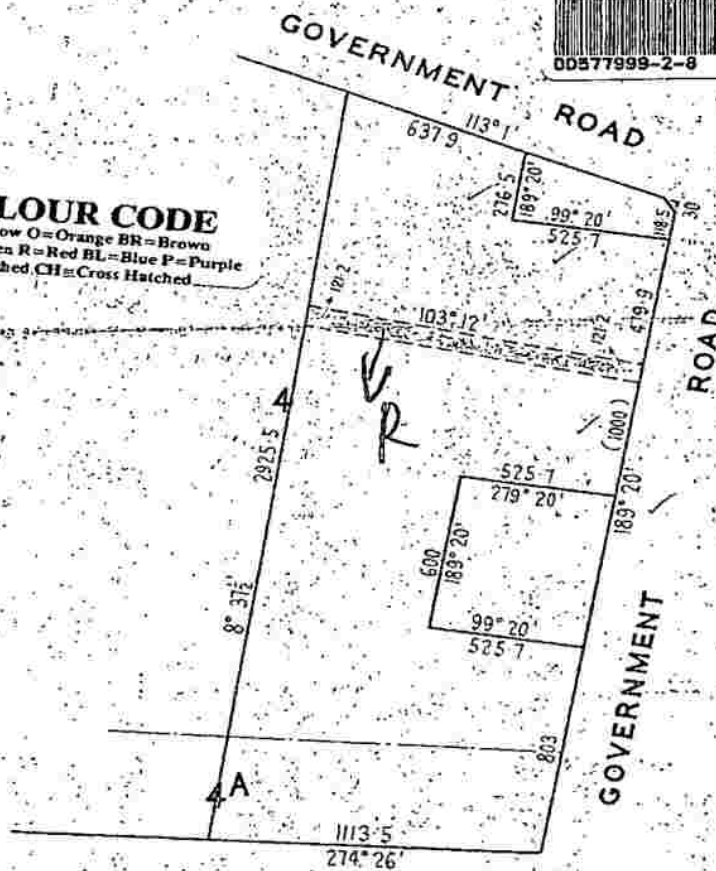
Scale: 5 CHAINS to an Inch.



00577999-2-8

COLOUR CODE
Y=Yellow O=Orange

Y=Yellow O=Orange BR=Brown
G=Green R=Red BL=Blue P=Purple
H=Hatched CH=Cross Hatched



GOVERNMENT

SSION

Measurements

Draftsman

Checked

For Vic. Pipe
Commission

DAIRY

PREPARED BY GAS & FUEL CORPORATION OF VICTORIA

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

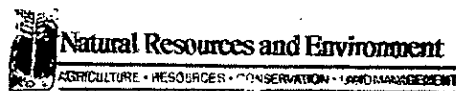
AN251214T

08/11/2016

\$92.70

173

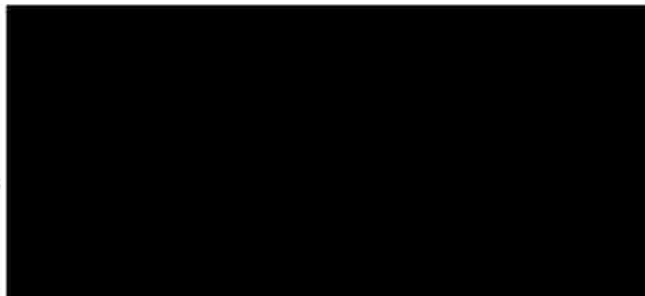




**INTENTIONALLY
BLANK**

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

THE COMMON SEAL of VICTORIAN PIPELINES
COMMISSION was hereunto affixed by the authority
of the Commission and is hereby attested by :—



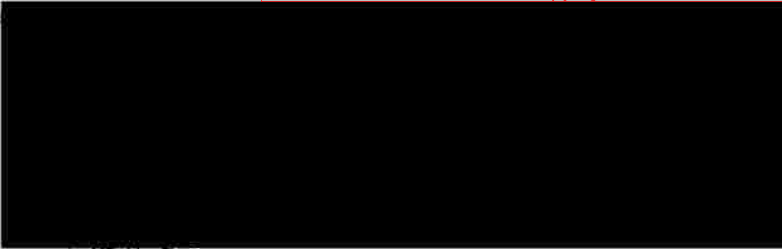
ENCUMBRANCES REFERRED TO

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Delivered by LA



DETS

Harcourt, Pritchard & Co Pty Ltd, Planning Melbourne

029121

WEIGALL & CROWTHER
SOLICITORS
83 WILLIAM STREET
MELBOURNE, 3000.

CREATION OF EASEMENT

VICTORIAN PIPELINES COMMISSION

WATER

METTLER GEORGINA TAYLOR

A memorandum of the within instrument
has been entered in the Register Book




This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Delivered by LANDATA® Land Victoria timestamp 07/12/2015 12:58 Page 1 of 3

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. The State of Victoria accepts no responsibility for any subsequent release, publication or reproduction of the information.

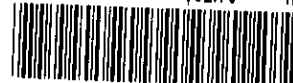
Signed by Council: Cardinia Shire Council, Council Ref: S12/026, Original Certification, 12/06/2012, S.O.C.: 12/06/2012

| | | | | |
|--|---------------------|---|---|---|
| PLAN OF SUBDIVISION | | STAGE No. | LRS use only EDITION 1 | Plan Number PS 63922IV |
| Location of Land Parish: BUNYIP Township: - Section: - Crown Allotment: 3 (PT), 4 (PT), 4A (PT) Crown Portion: - LRS Base Record: DCMB Title Reference: VOL 7796 FOL 082 & VOL 10266 FOL 910 Last Plan Reference: TP 864085F & PC 355257T Postal Address: 49 TYNONG ROAD, (at time of subdivision) TYNONG 3813 MGA Co-ordinates E 378 840 Zone 55 (of approx. centre of land in plan) N 5 784 235 | | Council Certification and Endorsement Council Name: CARDINIA SHIRE COUNCIL Ref: 1. This plan is certified under section 6 of the Subdivision Act 1988. 2. This plan is certified under section 11(7) of the Subdivision Act 1988. Date of original certification under section 6 / / 3. This is a statement of compliance issued under section 21 of Subdivision Act 1988. <u>OPEN SPACE</u> (i) A requirement for public open space under section 18 of the Subdivision Act 1988 has/has not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in Stage..... Council Delegate Council Seal Date / / Re-certified under section 11(7) of the Subdivision Act 1988. Council Delegate Council Seal Date / / | | |
| Vesting of roads and/or Reserves | | | | |
| Identifier | Council/Body/Person | | | |
| NIL | NIL | | | |
| Notations | | | | |
| Staging: This is not a staged subdivision Planning Permit No. | | | | |
| Depth Limitation: DOES NOT APPLY THIS IS A SPEAR PLAN. | | | | |
| Survey: This plan is based on survey. This survey has been connected to permanent marks no(s) 69 & 70 In proclaimed Survey Area No. 71 | | | | |
| Easement Information | | | | |
| Legend: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road) | | | | |
| Easement Reference | Purpose | Width (Metres) | Origin | Land Benefited/In Favour Of |
| E-1 | PIPELINE | 24.38 | INST. D688155 | VIC. PIPELINES COMMISSION |
| E-2 | DRAINAGE | 2.01 | LP 40033 | LOTS ON LP 40033 |
| E-2 | DRAINAGE | 2.01 | PC 3552571 | LAND IN PC 3552571 |
| E-3 | DRAINAGE & SEWERAGE | 3m | LP 209099 | LOTS ON LP 209099 |
| LRS use only Statement of Compliance/ Exemption Statement RECEIVED <input checked="" type="checkbox"/> DATE 7/12/2012 LRS use only PLAN REGISTERED TIME 9:50AM DATE 13/12/2012 J Khaouli Assistant Registrar of Titles Sheet 1 of 2 sheets | | | | |
| Nilsson, Noel & Holmes (Surveyors) Pty Ltd. A.C.N. 067 949 615 Surveyors, Engineers & Town Planners 8A Codrington Street, Cranbourne 3977 Phone (03) 5996 4133 Fax (03) 5996 6119 | | LICENSED SURVEYOR (PRINT) JAY L. BARFOOT..... SIGNATURE DIGITALLY SIGNED DATE 24/05/2012 HET 0264 DWG No. 0264S VER 02 DISK No. P:/0264 | | |
|  | | DATE / / COUNCIL DELEGATE SIGNATURE Original sheet size A3 | | |

Signed by: Jay Lyndon Barfoot (Nilsson, Noel & Holmes (Surveyors) Pty Ltd) Surveyor's Plan Version (02) SPEAR Ref: S020698T 12/06/2012, Amended: 12/12/2012

AN251214T

08/11/2016 \$92.70 173



Signed by Council, Cardinia Shire Council, Council Ref: S12/026, Original Certification: 12/06/2012, S.O.C.: 12/06/2012

Signed by: Jay Lyndon Barfoot (Nilsson, Nool & Holmes (Surveyors) Pty Ltd) Surveyor's Plan Version (02) SPEAR Ref: S020698T 12/06/2012. Amended: 12/12/2012.

AN251214T

| | | |
|------------|---------|-----|
| 08/11/2016 | \$92.70 | 173 |
|------------|---------|-----|



Plan of Subdivision PS639221V

Certification & Statement of Compliance (Form 6)

SUBDIVISION (PROCEDURES) REGULATIONS 2000

SPEAR Reference Number: S020698T

Plan Number: PS639221V

Responsible Authority Name: Cardinia Shire Council

Responsible Authority Reference Number 1: S12/026

Surveyor's Plan Version: 02



Certification

☒ This plan is certified under section 6 of the Subdivision Act 1988

Statement of Compliance

☒ This is a statement of compliance issued under section 21 of the Subdivision Act 1988

Public Open Space

A requirement for public open space under section 18 of the Subdivision Act 1988

☐ Has not been made

Organisation: Cardinia Shire Council
Date: 12/06/2012

Signed by: Carolyn Murphy (Cardinia Shire Council) 12/06/2012

***5.00 FRT

0577999

4.90 5.21 DEC-3-89

18

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

WEICALL & CROWTHER
VICTORIA

CREATION OF EASEMENT

MYRTLE GEORGINA TAIT

Married Woman

of 50 Banksia Street Yallourn.

(hereinafter called "the Owner") being registered or entitled to be registered as the proprietor of an estate in fee simple in the land secondly hereinafter described subject to the encumbrances notified hereunder in consideration of the sum of THREE HUNDRED AND TWENTY-SEVEN DOLLARS EIGHTEEN CENTS (\$327.18)

paid to me by the VICTORIAN PIPELINES COMMISSION (hereinafter called "the Commission") Do HEREBY TRANSFER AND GRANT unto the Commission and its successors and transferees registered proprietor or proprietors for the time being of ALL THAT piece of land being part of Crown Portion 93 Parish of Eumemmerring and being the whole of

the land comprised in Certificate of Title entered in the Register Book Volume 8727 Folio 144 FULL AND FREE RIGHT AND LIBERTY to and for it and them and its and their contractors servants agents and workmen at all times hereafter for the purposes of the Victorian Pipelines Commission Act 1966 :—

- (a) To ENTER AND RE-ENTER in and upon ALL THAT piece of land delineated and colored red on the plan drawn hereon or annexed hereto and marked "A" and being part of Crown Allotment 4 Parish of Bunyip and being part of the land more particularly described in Certificate of Title Volume 5783 Folio 550.

(which land is hereinafter referred to as "the servient tenement") and to bring on or remove therefrom any plant equipment or materials and to construct re-construct or demolish any works and to excavate trenches and for footings or foundations and to lay or erect or place in on under over along or across the servient tenement and from time to time to repair remove renew re-lay or re-erect any pipes or systems of pipes for the conveyance of hydrocarbons in a gaseous state and any ancillary equipment and works associated with any such pipes or systems of pipes at any place or places and in any position or positions PROVIDED ALWAYS that the upper surface of any such pipes or systems of pipes when laid shall be approximately three feet below the surface of the servient tenement but any ancillary equipment and works associated therewith may extend up to or be upon or above the surface.

- (b) To erect and maintain any gates upon the servient tenement and any temporary fences during any period of construction or maintenance of works.
- (c) To fell and remove any tree or any limb or limbs of any tree and remove any obstructions upon the servient tenement and to carry out thereon any digging cutting excavating grading and re-grading.



00577999-1-1

- (d) To go pass and repass for all of the purposes aforesaid either with or without vehicles machines plant and equipment through over and along the servient tenement.
- (e) To use the servient tenement for all purposes of and incidental to the transmission of hydrocarbons in gaseous state.
- (f) To keep the servient tenement free of any buildings whatsoever and free from any obstructions above the surface.
- (g) To maintain inspect alter repair duplicate add to renew use take up remove and replace all works and installations.
- (h) To enter re-enter and pass on foot or on horseback or in any vehicle or machine over and along the servient tenement as often as the Commission or its officers may desire for the purpose of protecting inspecting maintaining altering repairing duplicating adding to renewing using taking up removing or replacing all works and installations.

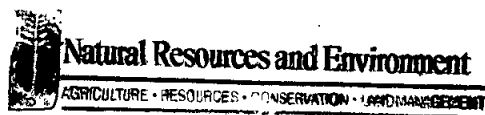
PROVIDED ALWAYS that nothing herein contained shall be deemed in any way to restrict limit or detract from any right power authority or immunity of the Commission or its successors under or by virtue of the Victorian Pipelines Commission Act 1966 or any amendment thereof or any other statute or regulation which now or hereafter may confer any rights powers authorities or immunities on the Commission.

AND PROVIDED FURTHER that the Commission will at all times fill in any excavations made in the exercise of the powers and rights hereby granted and leave the servient tenement reasonably level and free from rubbish and debris and will pay to the Owner reasonable compensation for disturbance caused by the execution by the Commission of any works on or in the servient tenement which may be carried out after completion of the initial works to be performed and constructed thereon or therein.

AND the Owner for himself his heirs executors and administrators and transferees registered proprietor or proprietors for the time being of the servient tenement HEREBY COVENANTS with the Commission and its successors and transferees registered proprietor or proprietors for the time being of the land firstly hereinbefore described not to erect on any part of the servient tenement any building or other structure or place thereon any obstruction or to cultivate or dig or excavate any part of the surface of the servient tenement to a depth greater than one foot without the previous consent in writing of the Commission first had and obtained.

AND IT IS HEREBY AGREED AND DECLARED that in the interpretation of this Instrument the singular number shall include the plural number and vice versa and the masculine gender shall include the feminine and neuter genders.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



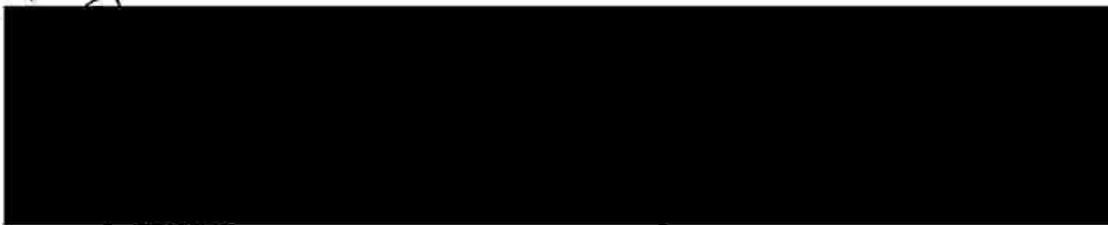
**INTENTIONALLY
BLANK**

THE COMMON SEAL of VICTORIAN PIPELINES
COMMISSION was hereunto affixed by the authority



This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.





This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

MYRTLE GEORGINA TAIT

WITH

VICTORIAN PIPELINES COMMISSION

CREATION OF EASEMENT

WIGGALL & CROWTHER

SOLICITORS

**83 WILLIAM STREET
MELBOURNE, 3000.**

DFB

626121

Harrison, Partridge & Co. Pty. Ltd., Printers, Melbourne.

A memorandum of the within instrument
has been entered in the Register Book



Our Ref: 24502/P
1-17 Tynong Road, Tynong
MLA/hse

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

6 August 2025



Dear Michael,

**1-17 Tynong Road, Tynong
Planning Permit Application T230572
Section 57A Amendment**

We continue to act on behalf of URM Australia Pty Ltd in relation to the land at 1-17 Tynong Road, Tynong ('the site') and Planning Permit Application T230572 ('the Application').

We write in response to Cardinia Shire Council's ('Council's') correspondence dated 16 July 2025 outlining further issues preventing the finalisation of this application.

This response addresses the matters raised and is accompanied by updated application material for the proposed development. To assist Council's consideration, please find herewith the following documentation in support of the application:

- Updated Earthworks Detail Plan prepared by Taylors Development Strategists.
- Completed Section 57A Amendment Form

We request that this information replace corresponding information lodged with the application pursuant to Section 57A of the Act and that this forms the basis of any decision on the application.

Additionally, we provide the following responses to the issues identified by Council below:

1. Clause 51.02 – Metropolitan Green Wedge Land: Core Planning Provisions

Please refer to the Section 57A Amendment Form which changes the wording of the use of land from Education Centre to a Primary and Secondary School as suggested by Council.

2. Use of land

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

The school has indicated they are looking to increase the number of students permitted from 100 to 300. We seek that a suitably worded condition be included on the planning permit allowing this.

Clause 52.06 (Car Parking)

The use of the land for a 'Primary' and 'Secondary' School applies a rate of 1 and 1.2 spaces per employee on the site and any time. Once the school reaches 300 students, they anticipate to employ up to around 55-60 staff, noting not all will be present at the one time. We estimate at a maximum, 65 car spaces will be required at the site, well below the current 83 spaces available on site. A planning permit is therefore not required for the reduction in car parking pursuant to Clause 52.06.

Council have requested the maximum staff numbers for each proposed use to be clearly stated and that this will be a condition on the planning permit. We welcome a suitably worded condition on permit which enforces the following maximum staff numbers in accordance with the 83 car parking spaces on site:

- Primary school = 33 staff
- Secondary School = 50 staff

Clause 52.34 (Bicycle Parking)

A bicycle parking reduction will be sought for the school. Approximately 45-63 bicycle spaces are required for the proposed Primary and Secondary School (when operating at 300 students) and currently only 5 spaces are provided on site. It is noted however that almost 100% of students attending the school are dropped off/picked up via a car given the distances between home and school. There is only a very small residential catchment that is within riding distance to the school, therefore bicycle parking is not in demand, in fact anecdotally, the 5 bicycle spaces on site are never used. The circumstances of St Thomas Aquinas College are very different to a school within an established neighbourhood or town where children can ride their bikes to school. We therefore seek for the permit to allow the reduction of bicycle parking in accordance with Clause 52.34. Please refer to the Section 57A Amendment Form which has been updated to include Clause 52.34 as a permit trigger.

3. Site Access

We understand Council will allow temporary access for construction purposes to the unmade Government Road adjacent to the railway line, however permanent access will not be permitted. To address this, an internal road is proposed along the southern boundary, connecting from the existing car park. As shown on the extract of the Updated Plans prepared by Taylors at Figure 1 below.

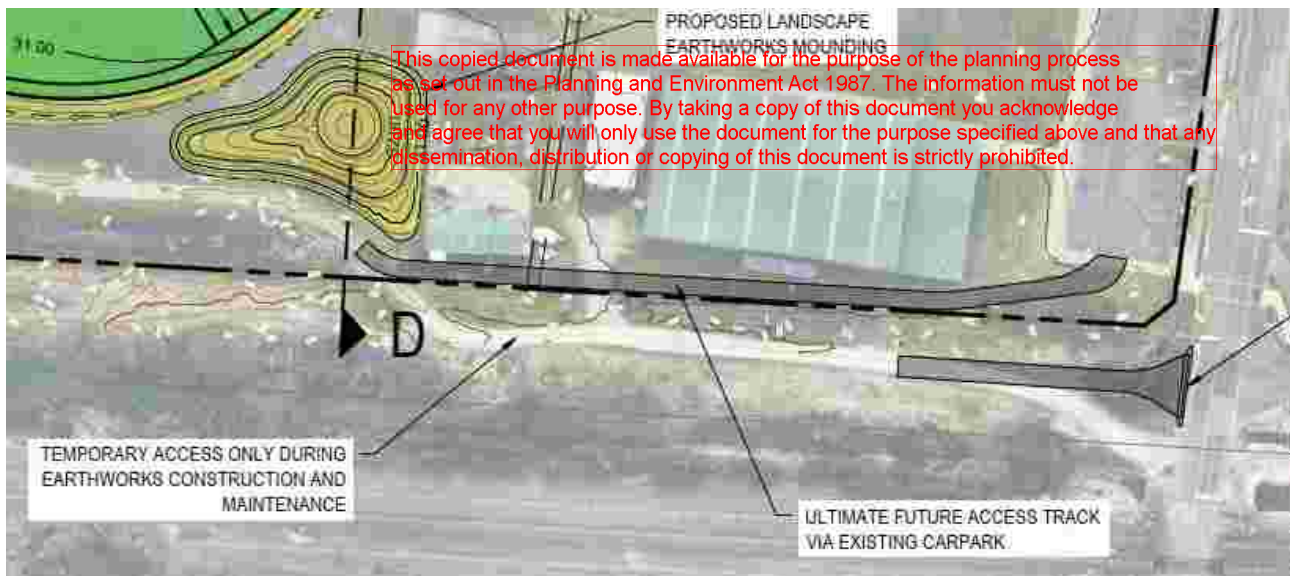


Figure 1. Extract of Plans prepared by Taylors

It is noted that there is an existing break in the kerb at the end of the car park which already allows access to the rear of the building (and has been informally used to date) – see Figure 2 below.



Figure 2. Google Street View image of existing kerb break proposed to be utilised.

It is proposed to formalize this access point through the provision of a crushed rock driveway. We have undertaken investigations on site that indicate the distance between the buildings and fence line ranges from 4.2 metres to 5.65 metres, allowing sufficient space for a road width of approximately 3 metres. Some vegetation may need to be removed, however this is all planted vegetation that has limited amenity value located behind a building. We note that Council raised no principal issues with the proposed road alignment, including the proposed vegetation removal.

We request that temporary access to the site via the unmade Government road is permitted until after the maintenance period of the newly established vegetation around the football oval and surrounding earthworks.

This would allow for larger maintenance trucks to continue the access the site until they are no longer required. We also request that any conditions associated with the construction of the crossover to Tynong Road reflect that this is only a temporary access point and the construction requirements are reflective of this, rather than a permanent access point.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Summary

We trust that the plans, supporting material and accompanying submission addresses all issues raised by Council and we look forward to instruction for re-advertisement of this application.

With respect to the application fees associated with this Section 57A Amendment, and re-advertisement, we understand that a single invoice is to be prepared and circulated to allow for the processing of these payments via one single transaction.

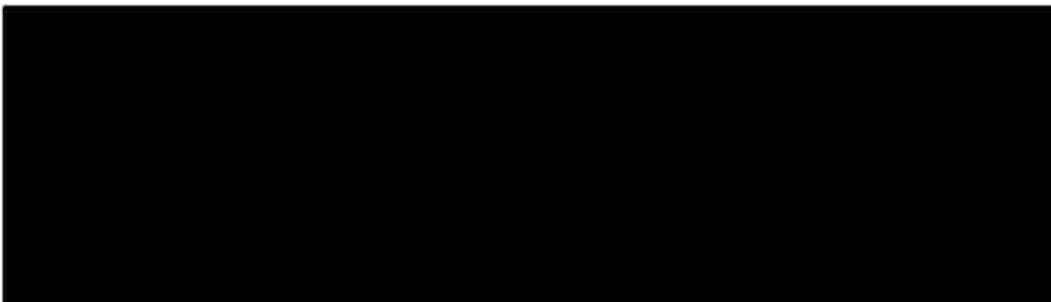
Suggested permit preamble wording

Considering a number of amendments have been made to the application, we suggest the permit preamble states the following:

*Use of Land for a **Primary School and Secondary School** and Works (Bulk Earthworks comprising Construction of a Sporting Field, Earthen Berms, Batters and Swales), **Removal of Native Vegetation pursuant to Clause 52.17 and a reduction of bicycle parking requirements in accordance with Clause 52.34.***

Of course, should you have any further queries or require any clarification in relation to the above, please do not hesitate to contact me via email or on 9501 2800.

Yours faithfully,



This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Town Planning Report

Application for Earthworks, Land use associated with an Education Centre and the associated buildings and works

1-17 Tynong Road,
Tynong

Prepared by Taylors for
URM Australia Pty Ltd

September 2024

Table of Contents

| | | |
|------------|--|-----------|
| 1.0 | Introduction..... | 3 |
| 2.0 | Subject Site and Surrounds..... | 4 |
| 2.1 | The Site | 4 |
| 2.2 | Surrounding Area | 6 |
| 3.0 | Approved Masterplan..... | 7 |
| 4.0 | Proposed Development | 8 |
| 5.0 | Planning Controls | 15 |
| 5.1 | Zone Provisions | 15 |
| 5.2 | Overlay Controls | 18 |
| 5.3 | Heritage Overlay – Schedule 123..... | 18 |
| 6.0 | Planning Policy | 19 |
| 6.1 | State Planning Policy Framework..... | 19 |
| 6.2 | Municipal Strategic Statement..... | 19 |
| 6.3 | Local Planning Policy Framework..... | 20 |
| 6.4 | Particular Provisions | 21 |
| 7.0 | Conclusion | 23 |

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

1.0 Introduction

Taylors has been engaged by URM Australia Pty Ltd to prepare this Report to accompany an Application for Planning Permit for "Earthworks" on part of the land at 1-17 Tynong Road, Tynong. The land on the site is associated with St. Thomas Aquinas College.

It is proposed to import clean fill to the site. The earthworks are proposed to level the land to allow for the provision of a football oval towards the south-eastern corner of the site. In addition, the fill will also be used to remediate existing issues associated with drainage and use of the land as a school. As the proposed buildings and works are not strictly in accordance with the previously endorsed masterplan, the use for land as an education centre requires a permit.

This planning submission describes the site and the context within which it is located, the development proposal, identifies the relevant planning controls and policies set out in the Cardinia Planning Scheme ('the Planning Scheme') and provides an assessment of the proposal's planning merits having regard to against these policies and controls.

The site is located within the Special Use Zone – Schedule 6 ('SUZ6') with a portion of the north-eastern corner is subject to the Heritage Overlay – Schedule 123 ('HO123') pursuant to the provisions of the Planning Scheme. The site is also located within a Designated Bushfire Prone Area. In addition, the Pakenham – Gippsland Railway Line immediately adjacent to the south of the site is identified as a road in a Transport Zone 1 ('TRZ1').

This submission should be read in conjunction with the Earthworks Plans prepared by Taylors.

Pursuant to the relevant provisions of the Planning Scheme, a planning permit is required for the following:

- To carry out works pursuant to Clause 37.01-4 associated with earthworks and an education centre.
- The use of land for an education centre pursuant to Clause 37.01 To carry out works pursuant to Clause 43.01-1 associated with earthworks and an education centre.

This Report outlines the proposal, provides an assessment against the provisions of the Cardinia Planning Scheme and expresses our recommendation, which is that a Permit should be granted.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

2.0 Subject Site and Surrounds

2.1 The Site

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

The subject site is commonly referred to as 1-17 Tynong Road, Tynong and comprises of all land within Lot 1 on Title Plan 639221 ('the site'). A full copy of the site's land title information accompanies this application.

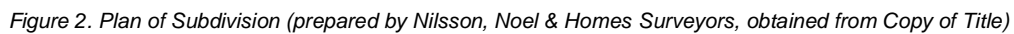
The site is located on the corner of Tynong Road to the east and the Pakenham – Gippsland Railway Line to the south. Nar Nar Goon – Longwarry Road is directly south of the Railway Line.

The subject site is irregular in shape and contains several buildings, three (3) multi-purpose courts, an outdoor play area and car parking, all of which are associated with St. Thomas Aquinas College. The site also features some vegetation and a dam in the south-western corner. The site is currently accessed via Tynong Road to the east.



Figure 1. Aerial view of Subject Site (nearmap.com)

It is acknowledged that there is a covenant affecting the site as illustrated in Figure 2 below, referenced as E-1. The proposal is not considered to contravene any requirements or restrictions placed on title in accordance with this given the location of the proposed works. E-2 and E-3 are not considered to be affected as a result of this proposal given the nature of the proposal, being fill.



This application for a Planning Permit satisfies the requirement of 'Councils prior written consent' within the Section 173 Agreement. The proposed application is therefore not required to amend the existing Section 173 Agreement which will continue to run with the land.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

2.2 Surrounding Area

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



Figure 3. Aerial view of Surrounding Area (nearmap.com)

Land use in the immediate surrounds is varied and includes land used for agricultural purposes, residential and mixed use.

To the north of the site land is predominantly used for agricultural purposes within the Green Wedge Zone ('GWZ'), with residential land use to the north-east. The residential land which directly abuts the site to the north-east is comprised of land within the Neighbourhood Residential Zone, with land further north being lower density within the Low Density Residential Zone. One (1) residential property directly abuts the site to the north-east at No. 25 Tynong Road, Tynong.

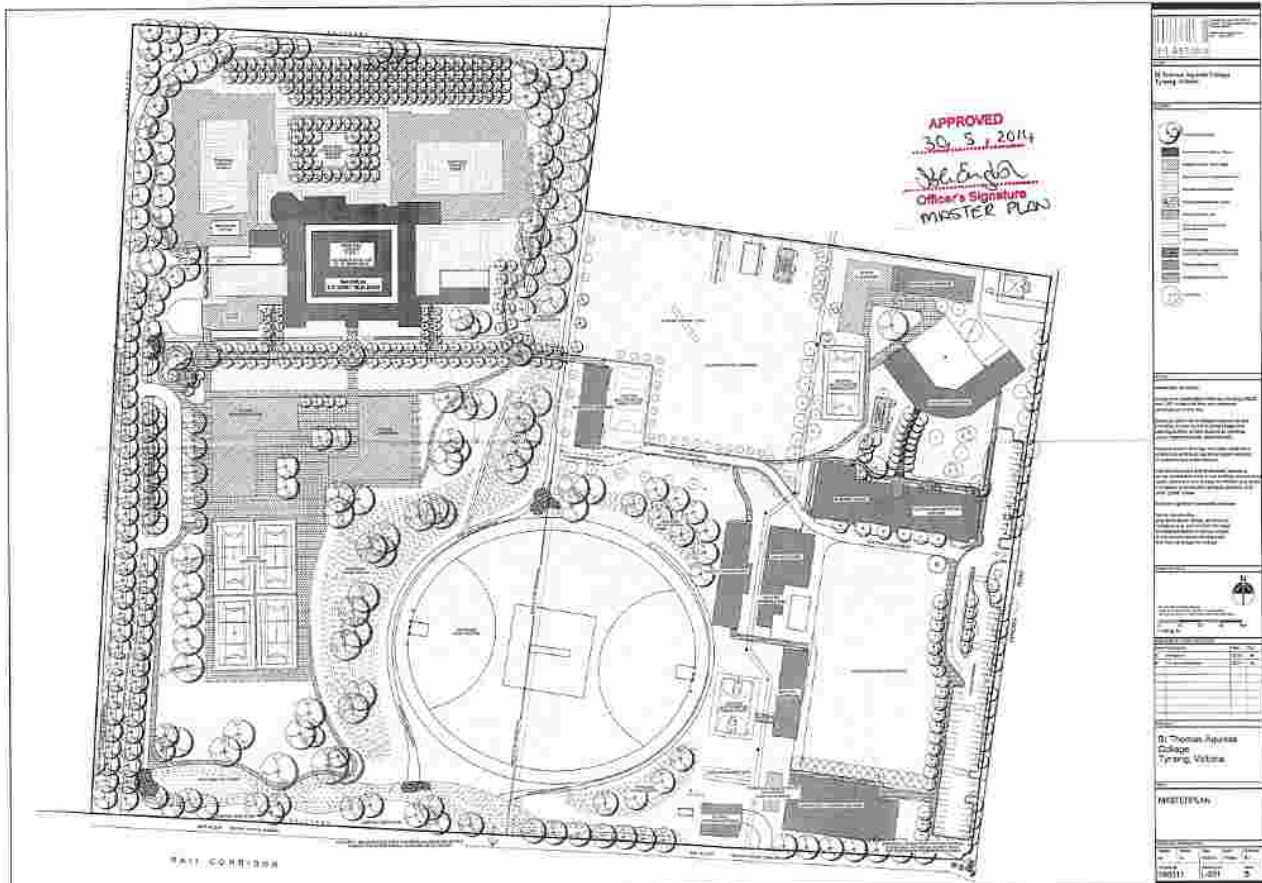
Tynong Road directly abuts the site to the east. To the east of Tynong Road is residential land, with a small mixed use area further east along Railway Avenue. The mixed-use land accommodates a café and a Pilates studio. Tynong Railway Station is located approximately 450 metres to the east of the site.

The Pakenham – Gippsland Railway Line is to the south of the site, with a 20-metre buffer of land (GWZ) separating the site from the railway. To the south (across from the railway and to the south of Nar Nar Goon – Longwaarry Road) land is predominantly used for agricultural purposes (GWZ), with some residential properties to the south-east.

To the west, land is used for agricultural purposes within the GWZ.

3.0 Approved Masterplan

Council have recently advised that a masterplan has been approved for the subject site as depicted below. The masterplan identifies the existing and future works of the school. As the proposed earthworks are not strictly in accordance with the approved masterplan, as discussed with Council during the meeting on 1 August 2024, the proposed application has been expanded to include the use of the site as an 'Education Centre' as detailed further within section 5 of this report.



This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

4.0 Proposed Development

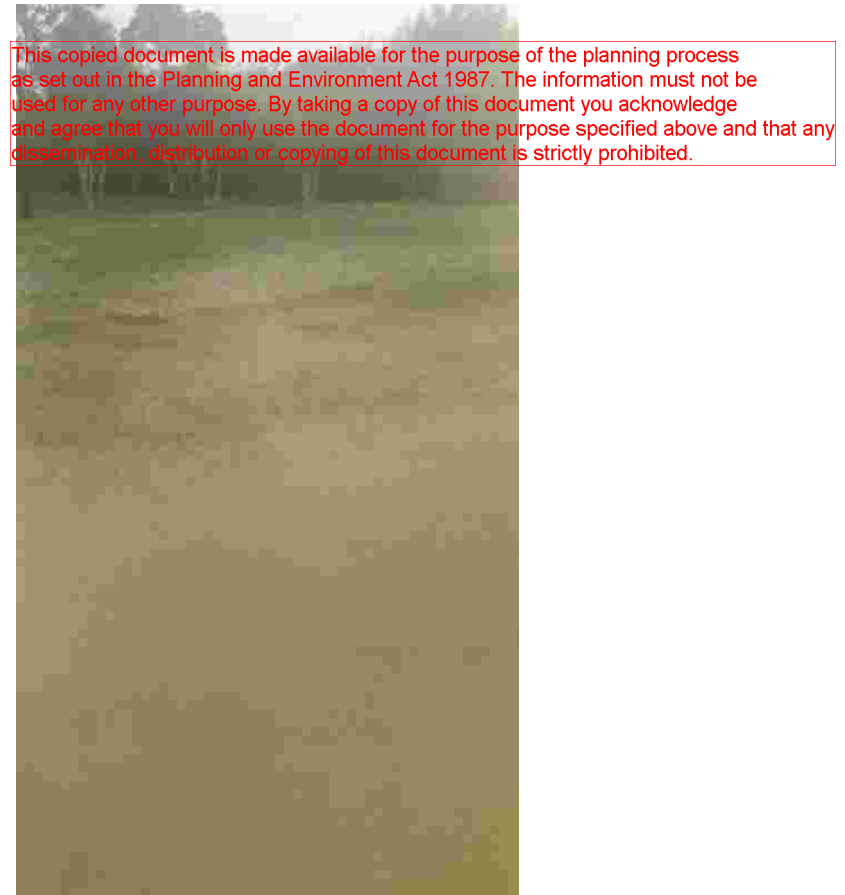
The proposed earthworks seek to allow for the development of a new football oval within St. Thomas Aquinas College. The land is currently uneven and a raised pad will be used to create the football oval for the use of the school. As depicted on figure 4 below, the earthworks also include a mound around the north-western portion of the football oval to provide a spectator viewing area.

The earthworks are also proposed to resolve the existing drainage issues associated with St. Thomas Aquinas College. The site suffers from inundation throughout the year due to ineffective drainage of the site and the existing farm drain at 31-33 Tynong Road which directly abuts the site to the north (refer to the three videos below, click 'play' to commence the video).



Video 1

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



Video 2



Video 3

As demonstrated in figure 4 below, a drainage swale and wind break mound are proposed which will direct water from areas which suffer inundation (near the existing farm drain located towards the north-eastern corner of the site) towards the existing wetland along the southern boundary of the site. This ensures the water which currently sheets across the land is appropriately directed to the dam in a formalised swale.

Other areas surrounding the football oval which suffer inundation are also proposed to be gently graded so that runoff is directed to the dam.

The proposal is considered to adequately address the current issue of inundation and provide an effective drainage solution. Moreover, the earthworks will greatly improve the amenity of the school and local community. Please refer to the Earthworks Plans prepared by Taylors for further details.

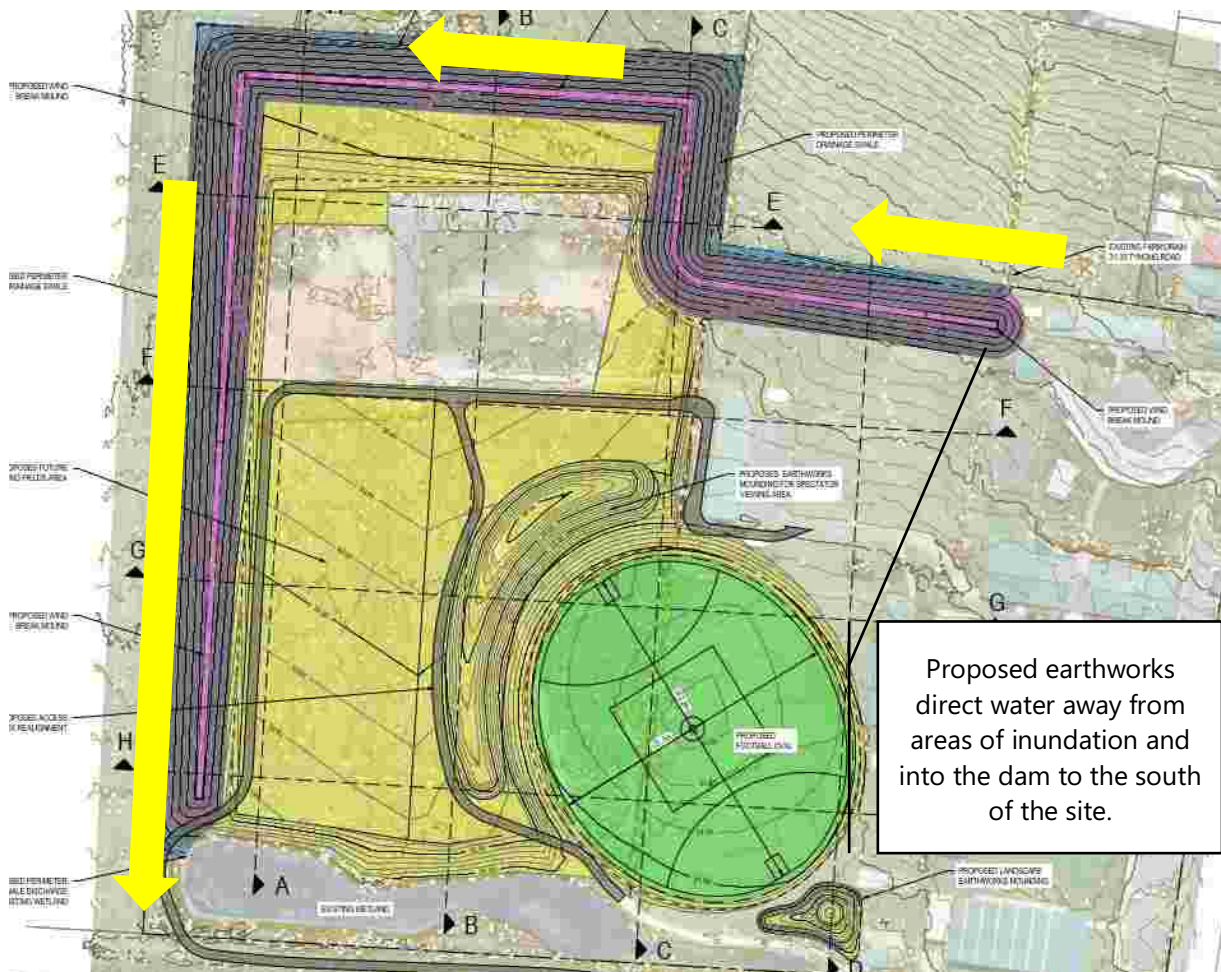


Figure 4. Marked up earthworks plan (Taylors)

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Details of the proposal

The proposed earthworks include the importation of approximately 59,930 cubic metres of clean fill from the surrounding residential areas to create the following:

- Football oval with a height of approximately 300-400mm above existing level, noting some cut is also proposed to create a flat surface with appropriate drainage.

- A spectator viewing area along the north-west end of the football oval with a height of approximately 2.45 metres.
- A general earthworks area at the centre of the site with a total height of around 1.2 metres, creating a gentle slope down to the existing dam at the south of the site.
- A wind break mound that will have a maximum height of around 3-4 metres and appropriately frames and protects the outdoor open play area of the school.

The earthworks design has been undertaken in direct consultation with the school to ensure the most appropriate outcome is achieved for their future use of the site.

About Urban Resource Management

The works are proposed to be undertaken by Urban Resource Management, who have successfully undertaken over 10 earthworks sites across Melbourne (<https://urmaustralia.com.au/>). Re-purposing clean fill is the key philosophy of URM. With surrounding residential development creating excess clean fill (associated with site scraping to achieve desired levels / foundations for a new dwellings), rather than take the excess soil to landfill, URM seek to re-purpose the fill for an improved environmental outcome. In this instance, the creation of a football oval and addressing the existing drainage issues of St. Thomas Aquinas College is fantastic means of re-purposing clean fill.

URM mould the clean fill into the landscape and then top seed with grass to create a seamless landform that integrates with the surrounding area. To demonstrate this point, please refer to the video link (<https://spaces.hightail.com/space/slZjhd96cu>) for a project at 550 Manks Road, Clyde. This is an example of a completed earthworks project that included fill of up to around 8 metres in height and a series of dams to resolve existing drainage issues. The video demonstrates how the land is moulded to the landscape and grassed so that it appears part of the natural topography.

Environmental Management

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Environmental protection treatment methods are to be implemented through a formal Environmental Management Plan (EMP). The details within the EMP demonstrate the implemented measures to ensure drainage, permeability and erosions are appropriately managed during construction. Please refer to the Environmental Management Plan provided as part of this application.

The rumble grid at the access/egress point of the site will assist in preventing weeds entering or leaving the site on the wheels or bodies of vehicles. Within the area to be filled, as landscape level are achieved, seeding will commence. A balanced program of manual weed removal, combined with a minimalist chemical spraying regime by contractors will ensure ongoing weed eradication is achieved.

Sediment runoff is managed through appropriate slope batters and re-grassing at appropriate stages to stabilise any earthworks. Silt fencing is also installed at the toe of batters to capture any sediment runoff.

In addition to the above, a daily physical inspection of the condition and effectiveness of environmental protection measures will be completed by the relevant site manager. If a moderate or heavy rain event occurs, a follow up inspection shall take place. If any breakdown in environmental measures is identified, the measures will be rectified immediately. If the maintenance cannot be undertaken immediately, all works will cease on site until confirmation protection measures are received.

Access to the site

The site has direct access via Tynong Road which connects with Princes Highway 1.5km to the north. It is anticipated that truck movements will utilise Princes Highway and Tynong Road to access the site and then turn right into Railway Avenue, ensuring that no trucks are required to drive through the town of Tynong or Nar Nar Goon. Tynong Road is a sealed two-way road that is suitable for trucks and only a handful of residential properties have frontage to Tynong Road. Railway Avenue is an unsealed road that only provides maintenance access to the school, therefore there will be no traffic along this section of access road.

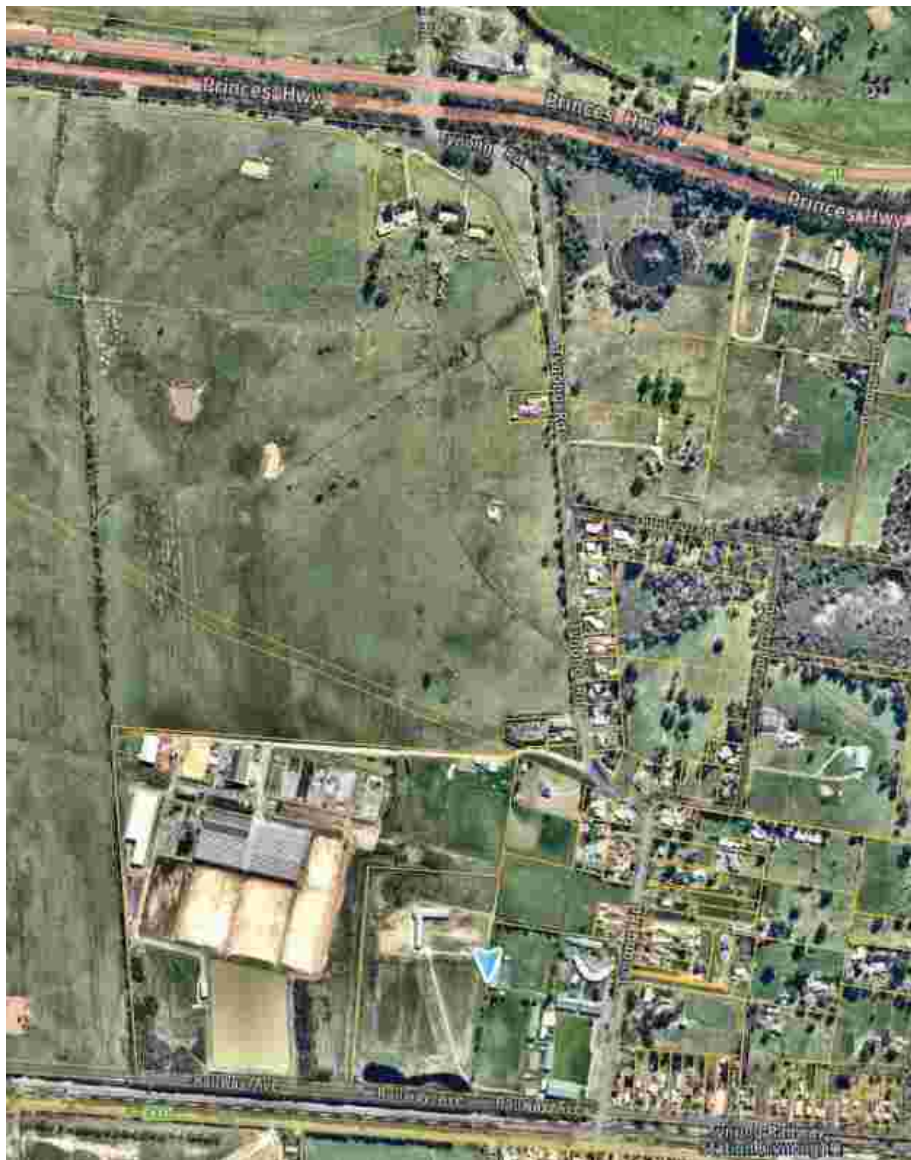


Figure 5. Subject site and the nearby Princes Highway providing truck access

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

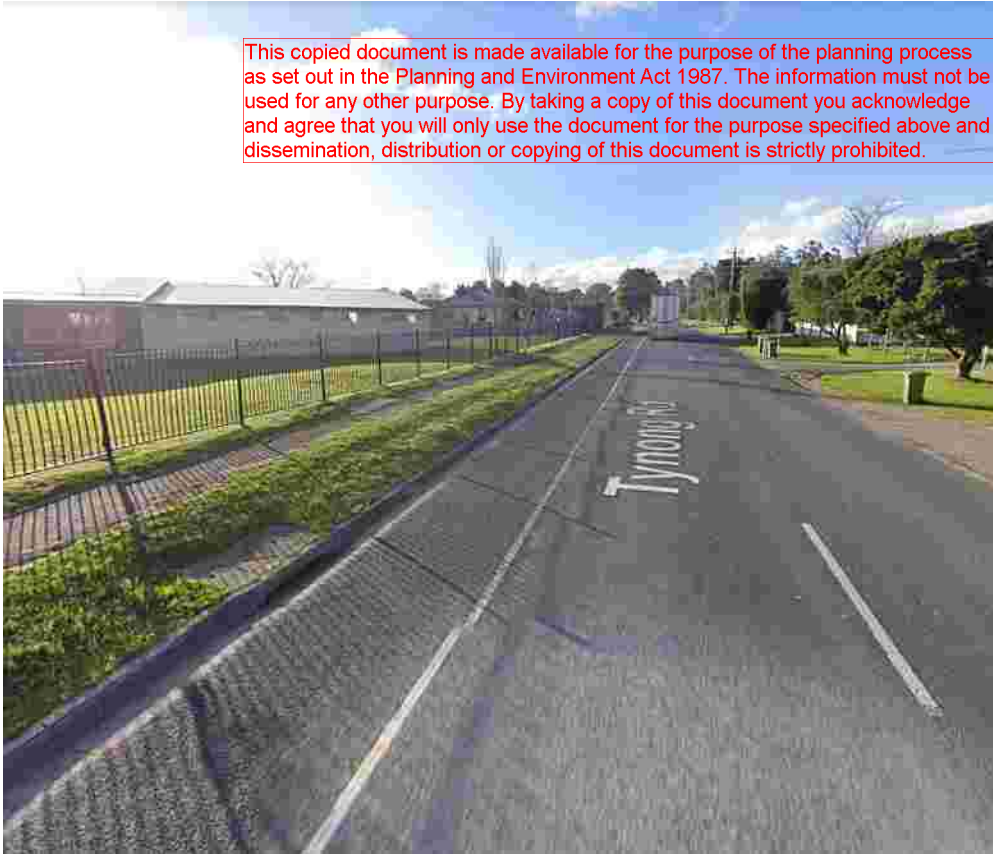


Figure 6. State of Tynong Road opposite the subject site



Figure 7 – access to site from Railway Avenue

It is noted that ongoing inspections of the road regularly take place during the construction of the earthworks with water trucks used where required to remove any dirt that is accidentally transported onto the road network. Measures such as rumble grids are implemented at the site entry and exit to remove any loose soil from a trucks wheel base so that it is not transported onto the road.

Amenity considerations

URM as part of any typical application manage the following amenity considerations:

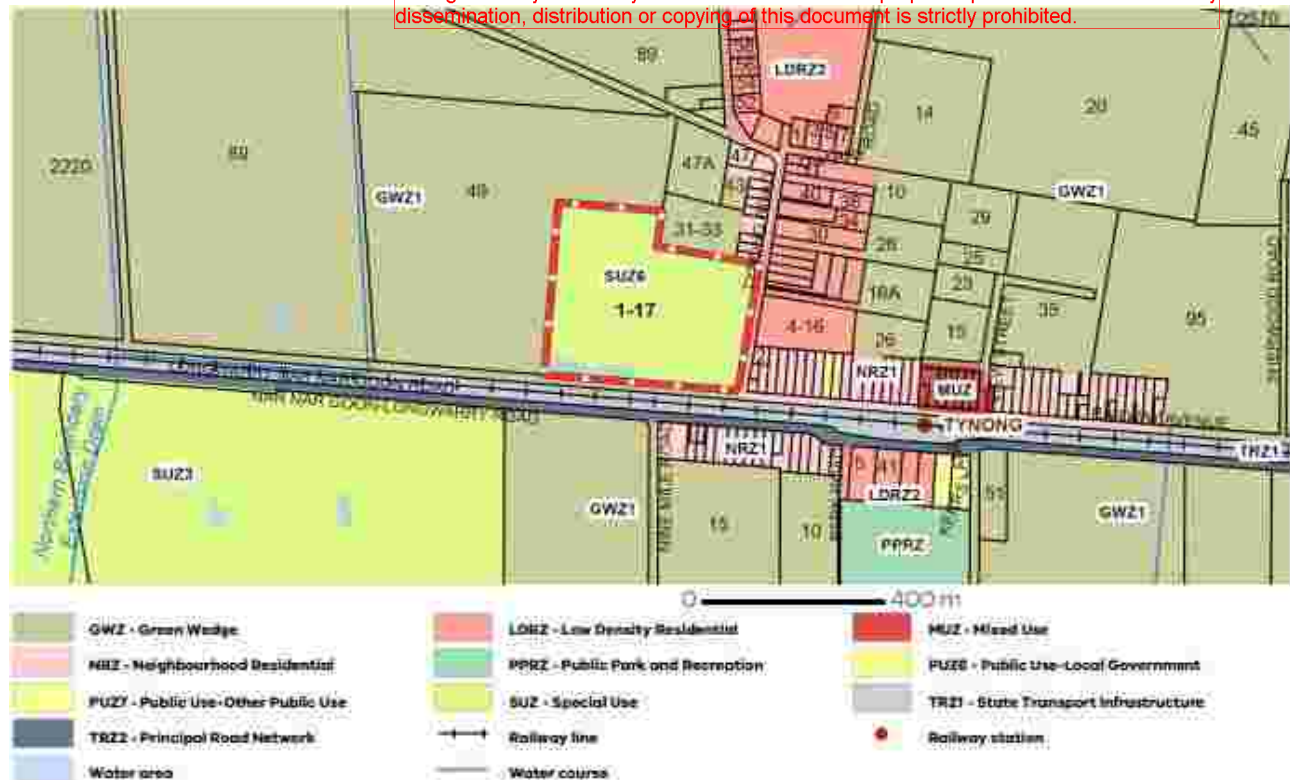
- **Dust** – as detailed in the Environmental Management Plan, dust is controlled by a combination of methods including the use of water trucks when dust issues present, staging of the works so that exposed areas can be vegetated, avoiding work during windy days and continuous monitoring by the site manager to ensure dust does not become a nuisance to the surrounding properties.
- **Noise** – In general, the noise created by trucks and machinery are akin to that of any development/construction site which is governed by the various EPA requirements. The size of the site ensures that the works are generally well offset from any sensitive neighbouring properties. The operating hours (7am-4pm) ensure that any noise created is not during the sensitive times in the evening and early morning.
- **Sediment runoff** – sediment runoff is controlled by the slope of batters, vegetation and staging of works and the use of silt fencing at the toe of batters to control sediment. All these matters are covered by the EMP.
- **Traffic** – As detailed in the section above, all traffic will enter the site along Tynong Road via the Princes Highway. Tynong Road itself has sufficient capacity to accommodate the truck movements associated with this proposal. At Railway Avenue, trucks will turn right onto an unsealed road that only provides maintenance access for the school. Based on experience at a range of other URM earthworks sites across Melbourne, typically a site receives only a few trucks per hour so that the impact on the surrounding road network is minimal. During school drop off and pick up times, the speed of Tynong Road near the school is limited to 40km per hour.
- **Road degradation** – The state of the road is regularly checked by the site manager, including any dirt that may have come from the site. Maintenance is undertaken when required. Considering the current state of Tynong Road, it is not considered there will be any issues created. Along Railway Avenue, pot holes will typically be filled prior to trucks using this section of road to minimise any erosion.
- **Hours of operation** – 7am-4pm to ensure there is no unreasonable noise/amenity issues created in the evening and early morning.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

5.0 Planning Controls

5.1 Zone Provisions

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



The site is located within the SUZ6 pursuant to the provisions of the Planning Scheme. The purpose of this zone is as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone.

The Schedule to the Overlay identifies the land as a 'private education facility'. The purpose of the SUZ6 is as follows:

- To provide for areas in private ownership to be used for an education centre.
- To ensure that the use and development of these facilities takes place in an orderly and proper manner and does not cause loss of amenity to the neighbourhood.

Buildings and Works

Pursuant to Clause 37.01-4 of the Planning Scheme, a planning permit is required to construct a building or construct or carry out works.

'Works' as defined under the Planning and Environment Act 1987 include:

- "Any change to the natural or existing condition or topography of land including the removal, destruction or lopping of trees and the removal of vegetation or topsoil."

On the basis of the above, a permit is required for the proposed earthworks associated with the Education Centre.

The following application requirements are applicable for buildings and works under this zone and schedule pursuant to Clause 34.01-4 of the Planning Scheme:

- *Any master plan for the site prepared to the satisfaction of the responsible authority and the requirements of the Roads Corporation.*
- *A plan, drawn to scale, which shows:*
 - *The boundaries and dimensions of the site.*
 - *Relevant ground levels.*
 - *Adjoining roads.*
 - *The location, height and purpose of buildings and works on adjoining land.*
 - *The layout and use of existing and proposed buildings and works including driveways and car parking and loading areas.*
 - *Elevation drawings indicating the colour and materials of all proposed buildings and works.*
 - *Construction details of all drainage works, driveways and car parking and loading areas.*
 - *Details of existing and proposed landscaping.*

Please refer to the earthworks plans prepared by Taylors which forms part of this application addressing each of the above requirements.

Clause 34.01-8 of the Planning Scheme contains the relevant decision guidelines applicable to an application to construct a building or construct or carry out works within this zone. The relevant decision guidelines contained within this provision are set out below:

- *The interface with adjoining land, especially the relationship with residential areas.*
- *The effect of the proposed buildings and works on the amenity of the neighbourhood, including the effects of noise, lighting, overshadowing and privacy.*
- *The provision of land for landscaping and beautification.*
- *The location and type of access to the site.*
- *The provision for car parking.*

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

The proposal positively responds to the decision guidelines under Clause 34.01-8, specifically noting the following:

- The land is already used as an education centre with residential land uses in the immediate surrounds of the site to the north and east.
- The proposed earthworks are directly in accordance with the purpose of the SUZ6, as the provision of a new football oval will serve to benefit the amenity school and the local area.
- The proposed earthworks will also resolve an ongoing issue with inundation on site and provide an effective drainage solution.
- The site already provides safe and convenient vehicle and pedestrian access, as well as car parking facilities, therefore the new football oval will be easily accessible for the school community.

- The earthworks proposed are at a height and scale consistent with that of the surrounding landscape. We are confident that once complete and grassed, the earthworks will blend into the natural topography of the landscape and will not appear at odds with the character of the area.

Use

A planning permit is also triggered for the use of the land as an 'Education Centre'. As identified in section 3 of this report, there is an existing approved masterplan for the subject site. The earthworks proposed are not strictly in accordance with the masterplan, therefore as discussed with Council during the meeting on 1 August 2024, this means that an Education Centre is no longer a Section 1 Use and is instead a Section 2 Use that requires a planning permit. It is noted that the site is already used as an Education Centre and therefore the inclusion of this permit trigger does not drastically alter the assessment of this application. .

We have included the following information surrounding the expanded use of the proposed oval as per Council's request:

- *Days and times the oval is proposed to be used:*

The future oval will be used by the College from Monday to Friday, 7:30am-5:00pm. There may be the occasional use by the local church, and possible weekend fundraisers run by the College.

- *Whether the oval is proposed to be used only by the school, or whether it is proposed to be leased to sporting clubs, community organisations (etc);*

In the future, the Collage may be open to considering the leasing the oval to local sporting clubs and community organisations, however currently this is not something that is proposed.

- *Whether the oval is proposed to be used for sporting events/activities only, or whether other activities (such as markets, fairs or other events)*

Aforementioned, the Collage may be open to the oval being used for sporting events, or other activities, however this is not something currently proposed.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

5.2 Overlay Controls

5.3 Heritage Overlay – Schedule 123

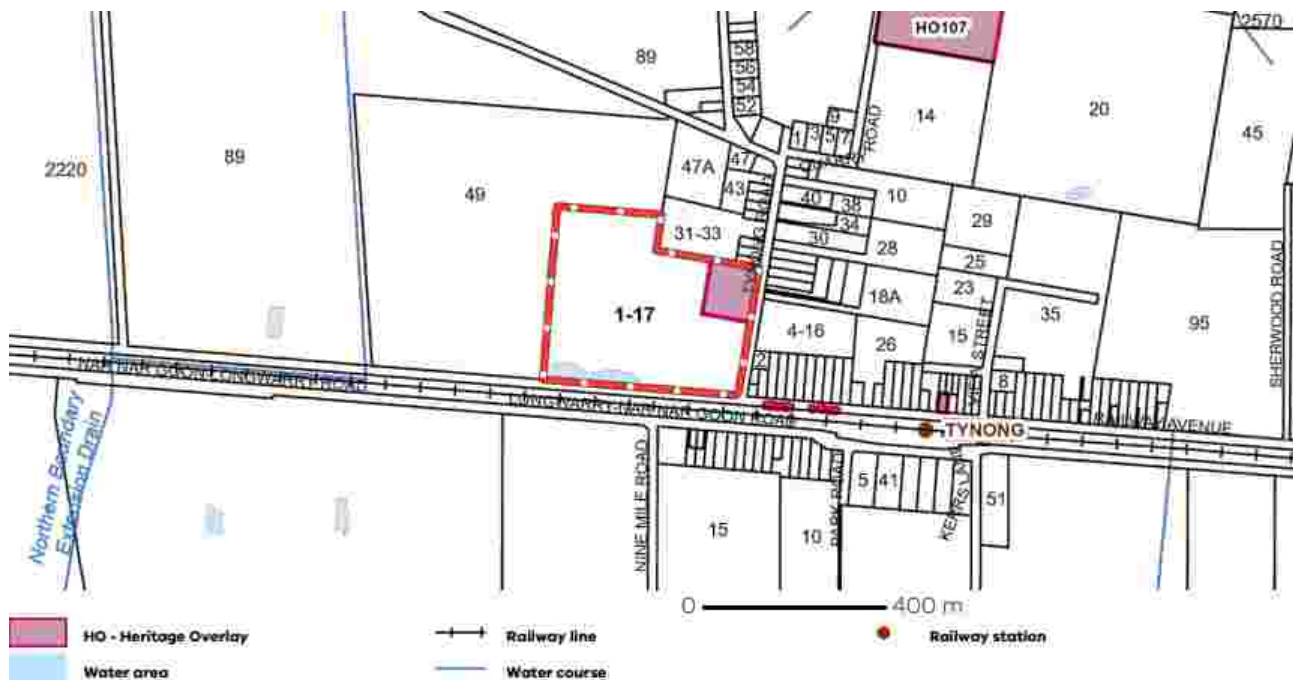


Figure 9: Overlay Map (VicPlan)

A portion of the site is subject to the HO123 pursuant to the provisions of the Planning Scheme. The purpose of this overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

Works are proposed on the boundary of the Heritage Overlay and as a conservative assessment we have assumed a planning permit is triggered for 'works' within the Heritage Overlay associated with the earthworks for the proposed Education Centre, pursuant to Clause 43.01-1. We note that the earthworks do not impact any building and structure and given the overall height of the earthworks mound (3.83 metres) adjacent to the heritage area, it is not considered to impact the significance of the heritage place.

6.0 Planning Policy

The proposed Earthworks are subject to the planning controls of the Cardinia Planning Scheme. The following sections set out and respond to the various State and Local Planning Policies that affect the site and that are relevant to this Application.

6.1 State Planning Policy Framework

The State Planning Policy Framework (SPPF) seeks to ensure that the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development. The following clauses of the SPPF are relevant to this Application:

Clause 12 – Environmental and Landscape Value

Includes aims to protect and conserve biodiversity and supporting ecological systems, as well as conserving areas with identified environmental and landscape values. Key objectives include protection of biodiversity, native vegetation management, protection of coastal areas, coastal tourism, sustainable uses and development of alpine areas, environment and landscape protection, conservation and character.

The site does not adjoin any national parks, conservation reserves, significant sites or sites containing high value biodiversity. Some vegetation is required to be removed to allow for the construction for the proposed football oval, however, the Clause 52.17-7 exemptions apply in this instance. Please refer to section 5.4 of this report for further information.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Clause 13 – Environmental Risk

Requires the adoption of a best environmental management and risk management approach which aims to avoid or minimize environmental degradation and hazards. Specifically, concerns are noted for floodplains, soil degradation, including land contamination, erosion/landslip and salinity.

The proposal positively responds to this clause as the earthworks will resolve ongoing drainage issues within the site by redirecting groundwater to the existing dam to the south-west of the site.

Clause 15 – Built Environment and Heritage

Identifies the need for Planning to ensure new use and development of land appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.

The proposed earthworks will respect the existing natural landscape and rural setting of the area and will not obstruct views and vistas within the area.

6.2 Municipal Strategic Statement

Cardinia's key issues and strategic vision have been outlined within **Clause 21.01**. The issues within Cardinia have been identified to be the need to maintain and protect areas of environmental significance and biodiversity, management of settlement and housing, provide a balanced economy, provide infrastructure and to encourage or restrict particular land uses.

The proposed earthworks will not detriment environmentally significant areas, maintain the biodiversity within the area, will not expel polluted water into the area and will not impact areas of high quality soil.

A relevant clause within the Cardinia Planning Scheme that relates to this proposal is **Clause 21.02** 'Environment' and **Clause 21.04-2** 'Agriculture'. The Clause provides local context to the statement made to Environment under the State Planning Policy Framework. The relevant components of Clause 21.02 to this Application include Landscape and Biodiversity.

Clause 21.0-2 - Landscape

Recognises that diverse landscapes are a significant attribute to Cardinia Shire. Cardinia consists of five areas of significant landscapes: Western Port Coast, Heath Hill, Cockatoo Creek, Puffing Billy Corridor and Menzies Creek Valley. The site is not located within an area of significant landscape, ridgeline, high scenic value or tourism corridor. The proposed earthworks will maintain the character of the rural landscape within the area and will enhance the amenity of railway town for the local residents.

6.3 Local Planning Policy Framework

Clause 22.05 - Western Port Green Wedge Policy

This clause applies to all land within the Western Port Green Wedge. The subject site is located within Precinct 3 – Railway Precinct of the Green Wedge as demonstrated in figure 10 below. The key policies of this area include:

The Cardinia Western Port Green Wedge will be a permanent green and rural area. It will remain an internationally significant biodiversity habitat, while also strengthening its agricultural and horticultural role to become a truly innovative and productive farming district. Agriculture, horticulture and soil based food production for the long-term food security of Victoria is at the heart of this vision.

Best practice integrated water management will lead to improved water quality and a reduced risk of flooding with improved ecological conditions in Western Port Bay and local biodiversity will be protected, as will habitats for threatened species.

The policy seeks to minimise the encroachment of residential and commercial uses within the agricultural and horticultural role of the GWZ. Specific policy for land use include:

- *Retain and protect the existing character and the unique identities of the railway towns.*
- *Protect the values and assets of the green wedge by preventing further encroachment of urban development into the Western Port Green Wedge.*
- *Ensure that there is a balance between the extraction of natural resources and the intent of the precinct and that any investigation and operation is carefully planned to ensure that it is compatible with local amenity, landscape, flora and fauna and water quality.*

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

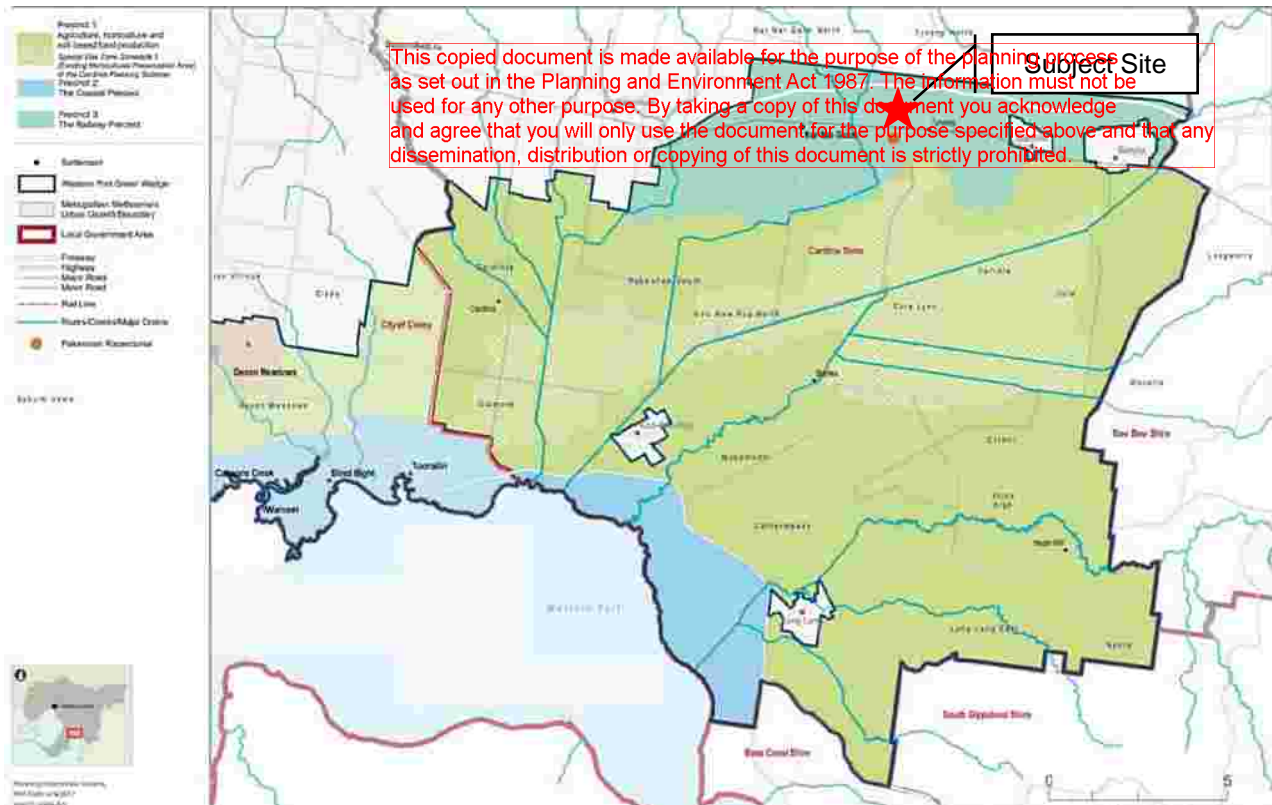


Figure 10. Western Port Green Wedge (Cardinia Planning Scheme)

Precinct 3 – Railway Precinct of the Green Wedge Zone includes a vision of minimising residential growth and protecting land for agricultural, landscape, environmental and biodiversity significance.

The proposal is consistent with Precinct 3 and the Western Port Green Wedge considering the earthworks will improve the use of the land which is encouraged through this policy. The proposal will not fragment the land or introduce an incompatible use to the area, noting that the land on site is within the SUZ and currently accommodates St. Thomas Aquinas College. Whilst the land is located within a Precinct of the Green Wedge Zone, the immediate surrounds of the site to the north and east is land used for residential purposes. The proposed earthworks will resolve an ongoing issue with inundation on site and provide an effective drainage solution. In addition, the earthworks will allow the provision of a new football oval, which will improve the amenity of the railway town.

Cardinia Western Port Green Wedge Management Plan

Section 7.6 of the Cardinia Western Port Green Wedge Management Plan identifies that flooding has historically been an issue and continues to be an issue that needs to be suitably managed. Appropriately, the proposed earthworks are sought to mitigate such issues on site.

6.4 Particular Provisions

Clause 52.17 'Native Vegetation' aims to achieve no net loss in the contribution made by native vegetation and to avoid the removal of native vegetation that makes a significant contribution to biodiversity.

Some vegetation removal is required to facilitate the construction of the proposed football oval. The

The table of exemptions pursuant to Clause 52.17-7 states that a permit is not required to remove, destroy or lop native vegetation if the vegetation has been planted or grown as a result of direct seeding. As demonstrated in figure 11 below, it is considered that the vegetation on site has been planted along the fence line and is not naturally occurring. Moreover, the scattered trees are thought to provide the school with amenity rather than contributing significantly to biodiversity. Therefore, no permit is triggered under Clause 52.17.



Figure 11. Aerial imagery of the site showing planted vegetation (nearmap.com)

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

7.0 Conclusion

It is considered that the proposal has a high level of compliance with the relevant state and local planning policies and is consistent with the purpose and objectives of the SUZ6. In conclusion the proposal is considered to:

- Enhance the amenity of the St. Thomas Aquinas College and the local area through the provision of a new football oval.
- Resolve an ongoing issue with inundation on site and provide an effective drainage solution.
- Be a create way of re-purposing clean fill created from residential subdivision within Cardinia Shire Council.
- Not be of any detriment to the local area through appropriate management of the site.

For the reasons outlined in this Report, we are recommending approval of the proposal and issuance of the Planning Permit.

Taylors Pty Ltd

September 2024

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Our Ref: 24502/P
1-17 Tynong Road, Tynong
MLA/gbu

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

08 April 2024

Dear Sam,

**1-17 Tynong Road, Tynong
Planning Permit Application T230572
Response to Council Request for Further Information**

We continue to act on behalf of URM Australia Pty Ltd in relation to the land at 1-17 Tynong Road, Tynong ('the site') and Planning Permit Application T230572 ('the Application').

We write in response to Cardinia Shire Council's ('Council's') correspondence dated 13 December 2023 requesting further information pursuant to Section 54 of the *Planning and Environment Act 1987* ('the Act').

This response addresses the matters raised in the request for further information and is accompanied by updated application material for the proposed development. To assist Council's consideration, please find herewith the following documentation in support of the application:

- Updated Plans prepared by Taylors Development Strategists.
- Landscape Plan prepared by Taylors Development Strategists.

We request that this information replace corresponding information lodged with the application pursuant to Section 50 of the Act and that this forms the basis of any decision on the application.

Additionally, we provide the following responses to Council's request for additional information in numeric order:

| Item | Request | Response |
|------|-------------------------|--|
| 1 | <u>Outstanding Fees</u> | Please note, payment of Council's fees is currently being processed by our client. |

| Item | Request | Response |
|------|---|---|
| | <i>Council's records show an outstanding amount for payment of application fees:</i> | |
| 2 | <p><u><i>Landscaping Plan</i></u></p> <p><i>In accordance with the Master Plan and decision guidelines of the Special Use Zone – Schedule 6, which requires the Responsible Authority to consider 'the provision of land for landscaping and beautification,' please submit a comprehensive landscape plan, inclusive of a planting schedule.</i></p> | <p>A Landscape Plan has been prepared by Taylors Development Strategists and has been submitted with this response.</p> <p>The Landscape Plan has been prepared in accordance with the master plan and decision guidelines contained within the SUZ6, in particular:</p> <ul style="list-style-type: none"> • Trees are proposed along the northern and western perimeter, as well as throughout the area of the site subject of this application, to aid in softening the appearance of the earthworks, among other things; and • The landscaping aids in the beautification of the earthworks and site overall. |
| 3 | <p><u><i>Ecology assessment</i></u></p> <p><i>In reference to the 'Earthworks/Detail Plan,' buildings and works have been proposed around the area of the existing wetland, which is heavily vegetated. Pursuant to this, an ecology assessment is required.</i></p> | <p>Following receipt of Council's RFI, Taylors discussed a proposed amendment in light of this request with Council. Following confirmation from Council that the proposed amendment would alleviate Council's ecological concerns, URM Australia have sought to proceed with this amendment and subsequently the amended proposal has been submitted with this response.</p> <p>The amendment includes:</p> <ul style="list-style-type: none"> • Removal of the proposed internal access road south of the existing waterbody. • Relocate the proposed internal access road to be located north of the existing waterbody, extending |

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

| Item | Request | Response |
|------|--|---|
| | | <p>west off the existing internal access road.</p> <ul style="list-style-type: none">• Providing an increased setback or the earthworks from the existing waterbody. <p>As discussed, and agreed with Council, we trust that this proposed amendment alleviates Council's preliminary ecological concerns in this regard and as such an Ecology Report is no longer required.</p> |
| 4 | <p><u>Detailed Design Plan</u></p> <p><i>Provide design details, including dimensions and materiality, for the proposed road networks and access roads (e.g., is its proposed as crushed rock?).</i></p> | <p>Please refer to the updated plans prepared by Taylors development Strategists which includes design details pertaining to the proposal.</p> |

Furthermore, we note the following responses to each of the preliminary concern/s issues raised by Council in their request for further information.

Preliminary Issue 1

Please note that the application has been referred internally. Any information/comments requested by internal authority will be raised at a later date, when received, and will form part of Council's further information request.

It is recommended that the application be revised to address these comments, and/or include a written response to them. Revising the application at this stage is likely to result in the application process being more efficient and may mitigate future concerns from relevant parties.

If the application is not revised accordingly, it will be processed in its current form and may be subject to future changes through conditions of any planning permit or may be recommended for refusal.

Response:

This is noted. At the time of writing this response no additional comments have been received.

Summary

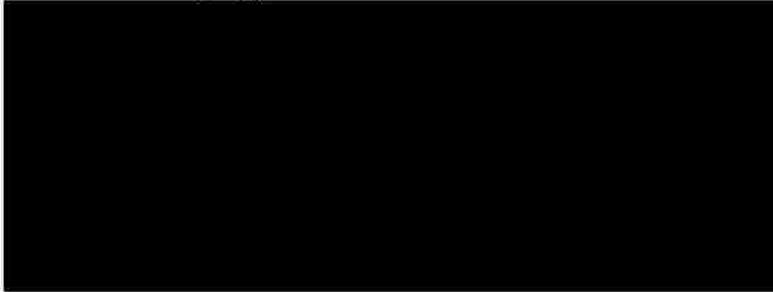
This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

We trust that the plans, supporting material and accompanying submission addresses Council's request and concerns in full and we look forward to instructions for advertising of the application.

Of course, should you have any further queries or require any clarification in relation to the above, please do not hesitate to contact me via email or on 9501 2800.

Yours faithfully,

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



Flag Status: Completed

OFFICIAL - This document is a record of a Council decision or action and MUST be stored to SharePoint or a Corporate system.

This email originates from outside of the organisation and not all emails are approved or monitored. Please ensure you recognise and verify the content is safe.

Thanks for your email.

Please see the response below in relation to the dam and overflow issues.

Hopefully this appropriately responds and we can move to permit finalisation. To that end, can we please request a copy of draft conditions once these have been prepared for our review prior to finalisation?

Thanks

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

VicTrack Raised Drainage Issue:

1. Dam (Stormwater) Overflows

VicTrack have raised significant concerns regarding the potential for overflows of the existing dam, given the proposal seeks to increase/alter the rate of existing overland flows into this body of water. This dam was approved under planning permit T140123 (see above), however has since expanded in size. Given the reliance on this dam for water storage as part of the proposal, VicTrack have raised concerns regarding discharge from this dam, as well as insufficient existing protection of the rail corridor.

I have attached the drainage documents considered as part of planning permit application T140123 (attachment 7), and while these are very limited, it appears (and is evidenced by current information) that the dam discharges to a stormwater pipe adjacent to the south-eastern corner of the dam (see blue circle below).



VicTrack's second concern relates to overflows from the dam, over the government road and into the rail corridor. As circled (red) above, this in part appears to be already occurring. VicTrack have requested measures to prevent this, best summarised as construction of a 'berm/embankment' (or similar) along the southern boundary of the site, where adjoining the dam so as to provide greater protection for the rail corridor.

Council is generally supportive of the position put forth (and further information request) by VicTrack and echoes their request for a stormwater management plan. This plan should address concerns raised by VicTrack regarding overflows of the dam to the rail corridor and any measures required to address/mitigate this, location, details and capacity of the existing dam discharge – as well as

any required upgrades. VicTrack have indicated they would be willing to attend a meeting to discuss/outline their concerns – please let me know if you would like me to arrange this.'

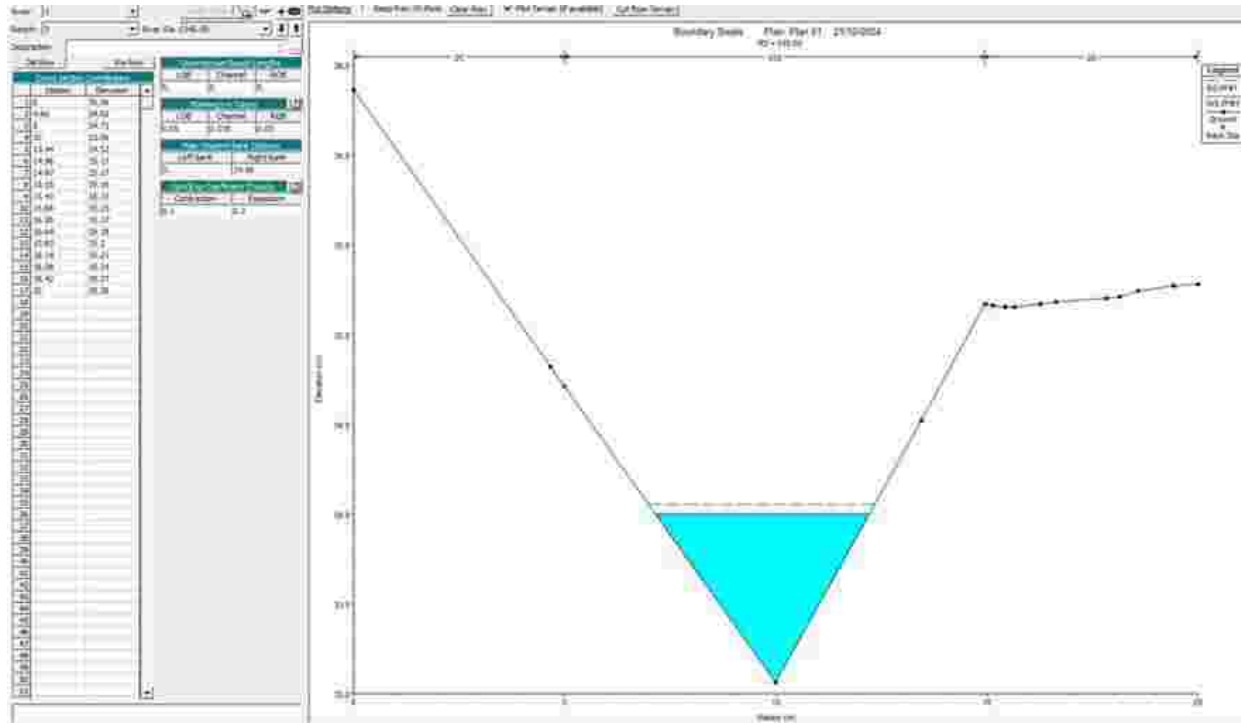
Taylor's Drainage Response:

Water Surface Depths

In response to your query, please be assured the water surface in the boundary swale at Section C-C is approximately 34.00m (AHD). The depth in the boundary swale in the 100 year storm event along the northern title boundary is uniform and approximately 1m depth. Please note, flow depths have been calculated using Hec-RAS software and cross checked with PC-Convey.

Average velocity in the channel in the 100 year storm event is 0.9m/s. In the 5 year storm event, the average velocity is 0.5m/s.

Ponding is only likely to occur in the base of the channel during very minor rainfall events at a level of 33m (AHD) being well below the invert of the gas main.



Drainage

Prior to 2015, the eastern half of the school site and external catchment to the north discharged to the rail reserve via a shallow grassed swale that traversed through the centre of the site from North to South. The western half of the school site, which was undeveloped in 2014, discharged via sheet flow to the southern title boundary.

The grassed swale through the centre of the site discharged to a swale on the north side of the railway reserve and ultimately via existing culverts under the railway line.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

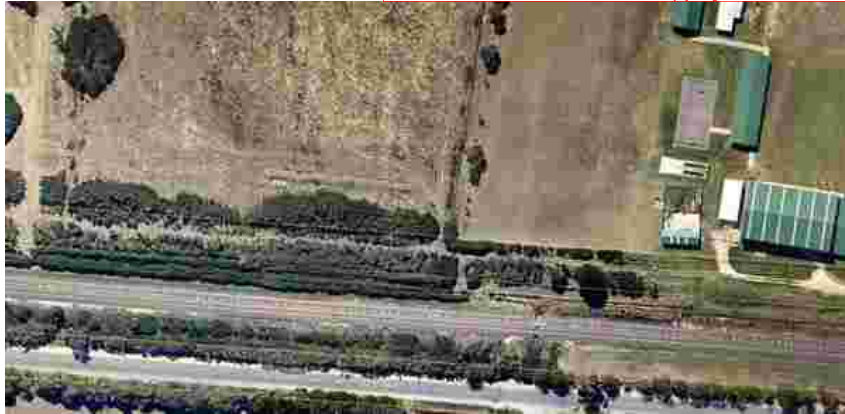


Figure 1 – Aerial Photograph, NearMap March 2014

In 2015, works began on the western half of the school site which included the construction of earthworks and foundations for an accommodation building in the north-west corner of the site, and the wetland along the southern title boundary. The outlet from the wetland is the original grassed swale through the centre of the site. There is no drainage outlet at the eastern tail of the wetland. This is supported by the original endorsed masterplan from 2014 which shows the drainage outlet from the wetland in line with the original grassed swale.

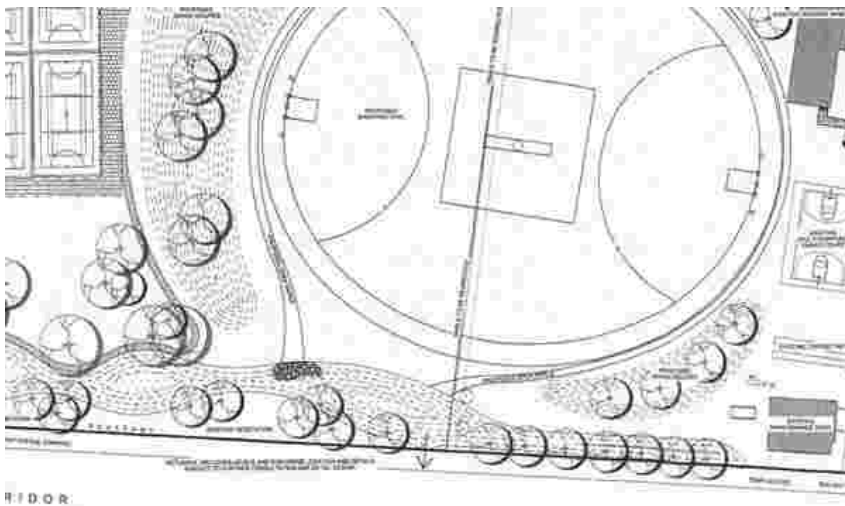


Figure 2 – Endorsed Masterplan, 2014



Figure 3 – Aerial Photograph, NearMap October 2015

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Construction works on the accommodation building were complete in 2017. No further construction works have occurred on the site since 2017.

The proposed earthworks, including perimeter earth berm, drainage swale and football oval will not impact on volume of stormwater discharged from the Subject Land as the impervious surface area will not change. The purpose of the perimeter swale is to prevent external flows from impacting on the existing school buildings.

Due to the length of the boundary swale the time of concentration for the external catchment will actually increase meaning the peak flow reaching the outlet of the wetland will be reduced. Re-routing the central grassed swale around the perimeter of the site adds approximately 580 metres to the flow path. Rational Method calculations show the 1% AEP peak flow will **reduce** by approximately 480 l/s.

We trust this appropriately responds to the concerns raised.

Thanks



Thankyou for the below submission of the amended plans for the access, as well as associated native vegetation documents – it much appreciated. These appear satisfactory to alleviate VicTrack concerns regarding access. However, prior to formally incorporating these as part of the application (via Section 57A Amendment), I have referred the plans to our Environment, Engineering and Traffic teams for consideration, with a view towards receiving in principle comments/approval before we proceed further.

This is my preferred course of action, to ensure the Section 57A Amendment required is the 'only one' – and following it we can proceed the application to decision. I do note however that further revisions/documents remain required with regard to stormwater, and overflows from the dam/lake. The required information is outlined in my October 31 email (below).

I am expecting to have received comments from our internal departments by this time next week, following which I will be in touch with advice and next steps as necessary.

Should you have any queries regarding the above or wish to discuss further, please don't hesitate to contact me.



[REDACTED]
Principal Ecologist
Ecolink Consulting Pty Ltd
PO Box 356
Northcote VIC 3070

Our Ref: 2599

24 January 2025

[REDACTED]
Dear Matthew,

**Re: Vegetation Assessment, Part of St Thomas Aquinas College,
1 Tynong Road, Tynong, Victoria**

Ecolink Consulting Pty Ltd was engaged to undertake a vegetation assessment at the St Thomas Aquinas College, 1 Tynong Road, Tynong, Victoria. The study area for the assessment includes the location of a proposed access track located between the trail line and the southern college fence (Figure 1). The proposed access track is required because the current access track is located in close proximity to a train line (including train boom gates), which presents a safety risk to users.

The Vegetation Assessment addresses the requirements of Clause 52.17 of the Planning Scheme by mapping and assessing the location, extent and quality of native vegetation within the study area, based on the requirements of the *Guidelines for the Removal, Destruction or Lopping of Native Vegetation* (the Guidelines) (Department of Environment Land Water and Planning 2017). It will identify the presence of native vegetation and determine offsets for impacts to this vegetation (if required) and is intended to be used to support a planning permit application for the proposed access track.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Methods

Desktop Assessment

A desktop assessment reviewed the following data sources:

- The Department of Energy, Environment and Climate Action's (DEECA) Victorian Biodiversity Atlas (Department of Energy Environment and Climate Action 2025d) for historical records of threatened flora species in the vicinity of the study area;
- DEECA's Nature Kit website (Department of Energy Environment and Climate Action 2025c) to determine the current and historic vegetation that is mapped within the study area;
- DEECA's Native Vegetation Information Management website (Department of Energy Environment and Climate Action 2025b) to determine the quality and risk location of any native vegetation that is modelled to occur within the study area; and
- Current and historic aerial imagery, sourced through Nearmap (Nearmap 2025) to determine landscape context, habitat extents and linkages.

Site Assessment

A site assessment was undertaken by Principal Ecologist, Simon Scott, on 17 January 2025. Simon is suitably qualified and experienced in undertaking vegetation assessments and holds a current Vegetation Quality Assessors Accreditation (Department of Energy Environment and Climate Action 2024b).

All flora species observed within the study area were recorded, with the exception of planted vegetation that was not considered a 'weed' (i.e. planted vegetation that was not spreading or reproducing). Where a species was not able to be confidently identified in the field, a sample was collected and later identified. Plants were identified to species level wherever possible, however, some plants that were planted, cultivars, hybrids, or plants that did not contain suitable fertile material used for identification were recorded to genus level. All metrics required to fulfil the requirements of the Guidelines (described below) were collected, including:

- Site-based information that can be measured or observed at a site, including:
 - Extent of native vegetation patches¹;
 - Scattered trees²;
 - Large trees³;
 - Native vegetation condition assessed in accordance with the *Vegetation Quality Assessment Manual – Guidelines for Applying the Habitat Hectares Scoring Method* (Department of Sustainability and Environment 2004) at patches of vegetation.

¹ A 'patch' is defined as an area with at least 25% cover abundance of perennial native vegetation, or a group (i.e. three or more) trees forming a continuous canopy.

² Scattered trees are defined as a native canopy tree that does not form a patch

³ Large trees are defined as meeting the size threshold specified in the bioregional EVC Benchmark

- Ecological Vegetation Classes (EVC); and
- Sensitive wetlands and coastal areas.
- Landscape scale information that cannot be measured or observed at the site and includes maps and models procured from DEECA.

Data was collected using a using a hand-held iPad mini tablet loaded with GIS software (accuracy +/- 5 metres).

Results

The Study Area

The study area is in a Green Wedge Zone, located immediately north of a Transport Zone – Schedule 1, associated with the Bairnsdale Train Line, and south of a Special use Zone – Schedule 6, which covers the school grounds. The study area is not covered by any overlays relevant to this assessment (such as Vegetation Protection, Environmental Significance or Significant Landscape Overlays) (Department of Transport and Planning 2025).

The study area is flat unused land. It is located to the south of a school fence and north of the existing access track (Plate 1). Further south is an open stormwater drain and the trainline is located south of the drain. The open areas within the study area appear to have been mown, however, an unmanaged stand of Swamp Paperbark *Melaleuca ericifolia* was present in the centre of the study area (Plate 2).

Flora Species and Vegetation Communities

The study area is located within the Gippsland Plain bioregion of Victoria. DEECA modelling of historic vegetation within the study area suggests that Ecological Vegetation Class (EVC) EVC 83: Swampy Riparian Woodland would have occurred within the study area, prior to European disturbances (Department of Energy Environment and Climate Action 2025c). EVC 83: Swampy Riparian Woodland is described as a 'woodland to 15 metres tall generally occupying low energy streams of the foothills and plains. The lower strata are variously locally dominated by a range of large and medium shrub species on the stream levees in combination with large tussock grasses and sedges in the ground layer' (Department of Energy Environment and Climate Action 2025a). It has a Conservation Status of Endangered within the bioregion (Department of Energy Environment and Climate Action 2025a).

A total of 25 flora species were recorded during the current assessment, comprising two indigenous species, 22 exotic species and one naturalised species: Sweet Pittosporum *Pittosporum undulatum*. Sweet Pittosporum is native to Victoria, although it is not indigenous to the area, and is considered an environmental weed. A list of all flora species observed is provided as Table 1.

The study area contained a stand of Swamp Paperbark that comprised a patch of native vegetation. Other midstorey species included the non-indigenous Sweet Pittosporum and

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Blackberry *Rubus fruticosus* spp. agg.. The understorey of the patch of native vegetation was dominated by Panic Veldt-grass *Ehrharta erecta*.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Table 1. Flora species recorded within the study area

| Origin | Common Name | Scientific Name |
|--------|---------------------------|--|
| * | Blackberry | <i>Rubus fruticosus</i> spp. agg. |
| * | Buck's-horn Plantain | <i>Plantago coronopus</i> |
| * | Carrot | <i>Daucus carota</i> |
| * | Clustered Dock | <i>Rumex conglomeratus</i> |
| * | Cocksfoot | <i>Dactylis glomerata</i> |
| * | Common Centaury | <i>Centaureum erythraea</i> |
| | Common Reed | <i>Phragmites australis</i> |
| * | Common Sow-thistle | <i>Sonchus oleraceus</i> |
| * | Curled Dock | <i>Rumex crispus</i> |
| * | Dove's Foot | <i>Geranium molle</i> |
| * | Drain Flat-sedge | <i>Cyperus eragrostis</i> |
| * | Flatweed | <i>Hypochaeris radicata</i> |
| * | Flaxleaf Fleabane | <i>Erigeron bonariensis</i> |
| * | Hairy Bird's-foot Trefoil | <i>Lotus subbiflorus</i> |
| * | Kikuyu | <i>Cenchrus clandestinus</i> |
| * | Panic Veldt-grass | <i>Ehrharta erecta</i> |
| * | Paspalum | <i>Paspalum dilatatum</i> |
| * | Perennial Rye-grass | <i>Lolium perenne</i> |
| * | Ribwort | <i>Plantago lanceolata</i> |
| * | Rough Sow-thistle | <i>Sonchus asper</i> |
| * | Smooth Cat's-ear | <i>Hypochaeris glabra</i> |
| * | Spear Thistle | <i>Cirsium vulgare</i> |
| | Swamp Paperbark | <i>Melaleuca ericifolia</i> |
| # | Sweet Pittosporum | <i>Pittosporum undulatum</i> |
| * | Sweet Vernal-grass | <i>Anthoxanthum odoratum</i> |
| * | Toowoomba Canary-grass | <i>Phalaris aquatica</i> |
| * | White Clover | <i>Trifolium repens</i> var. <i>repens</i> |
| * | Yorkshire Fog | <i>Holcus lanatus</i> |

* - exotic. # - naturalised

Elsewhere, the study area was dominated by exotic grasses including Kikuyu *Cenchrus clandestinus* and Toowoomba Canary-grass *Phalaris aquatica*, as well as herbaceous environmental weeds, such as Ribwort *Plantago lanceolata*, Flatweed *Hypochaeris radicata*, Carrot *Daucus carota* and Buck's-horn Plantain *Plantago coronopus* (Plate 3).

Vegetation Quality Assessment

The stand of Swamp Paperbark had a cover abundance of native vegetation exceeding 25% and therefore classified as a patch of native vegetation. It was of low quality, with poor diversity compared to the EVC 83: Swampy Woodland Benchmark. It had a Habitat Hectare Score of 14 (out of 100) (Table 2).

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Table 1. Habitat Hectare Assessment results for the patch of native vegetation

| | | | |
|--|-----------------------|-----------------|-------------|
| Patch | | 1 | |
| Bioregion | | Gippsland Plain | |
| EVC name | | Grassy Woodland | |
| EVC number | | 83 | |
| Conservation rating within bioregion | | Endangered | |
| Assessment Criteria | | Maximum Score | Patch Score |
| Site Condition | a. Large old trees | 10 | 0 |
| | b. Canopy cover | 5 | 0 |
| | c. Understorey | 25 | 5 |
| | d. Lack of weeds | 15 | 4 |
| | e. Recruitment | 10 | 1 |
| | f. Organic litter | 5 | 3 |
| | g. Logs | 5 | 0 |
| | h. Total (sum of a-g) | 75 | 13 |
| Landscape Value | j. Patch size | 10 | 1 |
| | k. Neighbourhood | 10 | 0 |
| | l. Distance to core | 5 | 0 |
| m. Habitat Score (sum of h-l) | | 100 | 14 |
| n. Habitat score out of 1 ($m \div 100$) | | | 0.14 |
| Size (ha) | | | 0.0201 |
| Large Old Trees (LOTs) | | | 0 |

No scattered trees were present within the study area.

Threatened Flora Species and Communities

There are no historic records of threatened flora species, or observations of threatened flora species within the study area. The study area is unlikely to contain any threatened flora species on the basis that:

- None were recorded during the current assessment;
- None have previously been recorded within the study area (Department of Energy Environment and Climate Action 2025d); and,
- The vegetation, and flora habitats, within the study area are highly modified due to previous land uses and land disturbances.

The vegetation within the study area was not representative of any threatened vegetation communities listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) or the *Flora and Fauna Guarantee Act 1988* (Vic).

Discussion

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Planning and Environment Act 1987 (Vic) and the Guidelines for the Removal, Destruction or Lopping of Native Vegetation

The applicant is required to demonstrate the three step approach described in the *Guidelines for the Removal, Destruction or Lopping of Native Vegetation* referenced in Clause 52.17 of the Cardinia planning scheme (Department of Environment Land Water and Planning 2017). The applicant must show that the development has iteratively attempted to:

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided; and
3. Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation (Department of Environment Land Water and Planning 2017).

Avoidance and Minimisation Statement

Avoidance is generally demonstrated through appropriate development design. It is recommended that:

- Development design is considerate of the native vegetation and that the access track, and other works associated with its construction be sited away from native vegetation where possible;
- Tree pruning be used in preference to tree removal, where feasible. Retained trees include protection of the Tree Protection Zone as per the *Australian Standards for the Protection of Trees on Development Sites* (Standards Australia 2009). Any tree pruning for the proposed development should be undertaken by a suitably qualified arborist, and should not exceed 30% of the overall tree canopy;
- Retained trees and their Tree Protection Zones must be isolated from construction works and personnel via temporary construction fencing, in accordance with a Construction Environment Management Plan;
- Equipment laydown areas to be sited away from retained native vegetation (Figure 1);
- Where native vegetation cannot be avoided, offsets will be required.

In this instance, the development design has attempted to avoid and mitigate impacts to native vegetation. However, the rail authority, VicTrack, has advised that the current track is located too close to the train line and the crossing gates. The current access track cannot continue to be used. The proposed track is located as far north as possible to improve the safety of truck movements near the train line, without impacting the current school. There is no alternative location for the proposed access track and the loss of Patch 1 is unavoidable.

The current development cannot further avoid the losses of native vegetation without jeopardising the outcomes of the project, which is to ensure the safe operation of a high-use infrastructure asset.

Offsets

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Offsets were calculated by submitting the impact to the Vegetation Information Management System (Department of Energy Environment and Climate Action 2025b) and creating a Native Vegetation Removal report (Attachment 1). This report uses the native vegetation polygons collected during the current assessment and modelled vegetation quality scores to determine offset requirements. The Native Vegetation Removal report includes the species specific offset test, which determines if the proposed vegetation removal will have a proportional impact on any Victorian rare or threatened species habitat above a specific offset threshold, which is set at 0.005 per cent of total habitat for each species. This test was applied to current proposal, and it was determined that species specific offsets would not be required. Where approved by the responsible authority, the offset for the proposed impacts to native vegetation will be:

- 0.012 General Habitat Units;
- With a minimum Strategic Biodiversity Value Score of 0.36;
- Located with the Melbourne Water Catchment Management Authority (CMA) area or the Cardinia Shire Council municipality (Attachment 1).

We have confirmed that these offsets are available through the Native Vegetation Credit Register (Department of Energy Environment and Climate Action 2024a). It is expected that offsets will be achieved a condition of a planning permit.

I trust the above meets with your expectations, but please contact me if you have any queries.

Kind regards,

A handwritten signature in blue ink, appearing to read 'Simon Scott', enclosed in a light grey rectangular box.

Simon Scott
Principal Ecologist
Ecolink Consulting Pty Ltd

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

References

- Department of Energy Environment and Climate Action (2024a). Native Vegetation Credit Register. Available at <https://nvcr.delwp.vic.gov.au/>. Accessed January 2024. Department of Energy Environment and Climate Action, Melbourne.
- Department of Energy Environment and Climate Action (2024b). Vegetation Quality Assessment list of accredited assessors. Available at https://www.environment.vic.gov.au/_data/assets/pdf_file/0026/51785/DELWP-VQA-AccreditedAssessorList8July2019.wbk.pdf. Accessed January 2024. Department of Energy Environment and Climate Action, Melbourne.
- Department of Energy Environment and Climate Action (2025a). EVC Benchmarks. Available at www.depi.vic.gov.au. Accessed January 2024. Department of Energy Environment and Climate Action, Melbourne.
- Department of Energy Environment and Climate Action (2025b). Native Vegetation Information Management System. Available at www.nvim.depi.vic.gov.au. Accessed January 2024. Department of Energy Environment and Climate Action, Melbourne.
- Department of Energy Environment and Climate Action (2025c). NatureKit. Available at <http://maps.biodiversity.vic.gov.au/viewer/?viewer=NatureKit>. Accessed January 2024. Department of Energy Environment and Climate Action, Melbourne.
- Department of Energy Environment and Climate Action (2025d). Victorian Biodiversity Atlas. Available at <https://vba.dse.vic.gov.au/vba/index.jsp>. Accessed January 2024. Department of Energy Environment and Climate Action, Melbourne.
- Department of Environment Land Water and Planning (2017). 'Guidelines for the Removal, Destruction or Lopping of Native Vegetation.' (Department of Environment Land Water and Planning: Melbourne).
- Department of Sustainability and Environment (2004). 'Habitat Hectares Native Vegetation: Sustaining a Living Landscape. Vegetation Quality Assessment Manual – Guidelines for Applying the Habitat Hectares Scoring Method. Version 1.3.' (Department of Sustainability and Environment: Melbourne).
- Department of Transport and Planning (2025). Planning Maps Online. Available at <http://services.land.vic.gov.au/maps/pmo.jsp>. Accessed January 2024. Department of Transport and Planning,
- Nearmap (2025). PhotoMaps by Nearmap. Available at <http://maps.au.nearmap.com/>. Accessed January 2025. Nearmap, Victoria.
- Standards Australia (2009). 'Australian Standard: Protection of trees on development sites (AS 4970 - 2009).' (Standards Australia: Sydney).

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Plates



Plate 1. The study area is located to the north of the existing access track



Plate 2. The study area includes a stand of Swamp Paperbark



Plate 3. Exotic grasses, particularly Kikuyu, are dominant around the Swamp Paperbarks

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



Figure 1: Results of the current assessment.

St Thomas Aquinas College,
1 Tynong Road, Tynong,
Victoria

Legend

- Study Area
- Proposed Access Track
- Patches of Native Vegetation

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



Attachment 1. Native Vegetation Removal Report

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Native Vegetation Removal Report

NVRR ID: 311_20250123_U1Q

This report provides information to support an application to remove, destroy or lop native vegetation in accordance with the [Guidelines for the removal, destruction or lopping of native vegetation](#) (the Guidelines). This report is **not an assessment by DEECA** of the proposed native vegetation removal. Offset requirements have been calculated using modelled condition scores.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Report details

Date created: 23/01/2025

Local Government Area: CARDINIA SHIRE

Registered Aboriginal Party: Bunurong

Coordinates: 145.62352, -38.08435

Address:

Regulator Notes

Removal polygons are located:

Summary of native vegetation to be removed

| Assessment pathway | Intermediate Assessment Pathway | | |
|--|---|--|--------------|
| Location category | Location 2 The native vegetation extent map indicates that this area is typically characterised as supporting native vegetation. Additionally, it is modelled as encompassing an endangered Ecological Vegetation Class, sensitive wetland or sensitive coastal area. The removal of less than 0.5 hectares of native vegetation in this area will not require a Species Offset. | | |
| Total extent including past and proposed removal (ha) <i>Includes endangered EVCs (ha): 0.02</i> | 0.02 | <i>Extent of past removal (ha)</i> | <i>0</i> |
| | | <i>Extent of proposed removal - Patches (ha)</i> | <i>0.020</i> |
| | | <i>Extent of proposed removal - Scattered Trees (ha)</i> | <i>0.000</i> |
| No. Large Trees proposed to be removed | 0 | <i>No. Large Patch Trees</i> | <i>0</i> |
| | | <i>No. Large Scattered Trees</i> | <i>0</i> |
| No. Small Scattered Trees | 0 | | |

Offset requirements if approval is granted

Any approval granted will include a condition to secure an offset, before the removal of native vegetation, that meets the following requirements:

| General Offset amount ¹ | 0.012 General Habitat Units |
|---|---|
| Minimum strategic biodiversity value score ² | 0.36 |
| Large Trees | 0 |
| Vicinity | Melbourne Water CMA or CARDINIA SHIRE LGA |

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

The availability of third-party offset credits can be checked using the Native Vegetation Credit Register (NVCR) Search Tool - <https://nvcr.delwp.vic.gov.au>

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

1. The General Offset amount required is the sum of all General Habitat Units in Appendix 1.

2. Minimum strategic biodiversity value score is 80 per cent of the weighted average score across habitat zones where a General Offset is required.



Application requirements

Applications to remove, destroy or lop native vegetation must include all the below information. If an appropriate response has not been provided the application is not complete.

Application Requirement 1 - Native vegetation removal information

If the native vegetation removal is mapped correctly, the information presented in this Native Vegetation Removal Report addresses Application Requirement 1.

Application Requirement 2 - Topographical and land information

This statement describes the topographical and land features in the vicinity of the proposed works, including the location and extent of any ridges, hilltops, wetlands and waterways, slopes of more than 20% gradient, low-lying areas, saline discharge areas or areas of erosion.

See attached Vegetation Assessment (Ecolink Consulting 2025)

Application Requirement 3 - Photographs of the native vegetation to be removed

Application Requirement 3 is not addressed in this Native Vegetation Removal Report. All applications must include recent, timestamped photos of each Patch, Large Patch Tree and Scattered Tree which has been mapped in this report.

Application Requirement 4 - Past removal

If past removal has been considered correctly, the information presented in this Native Vegetation Removal Report addresses Application Requirement 4.

Application Requirement 5 - Avoid and minimise statement

This statement describes what has been done to avoid and minimise impacts on native vegetation and associated biodiversity values.

See attached Vegetation Assessment (Ecolink Consulting 2025)

Application Requirement 6 - Property Vegetation Plan

This requirement only applies if an approved Property Vegetation Plan (PVP) applies to the property
Does a PVP apply to the proposal?

No

Application Requirement 7 - Defendable space statement

Where the removal of native vegetation is to create defendable space, this statement:

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

- Describes the bushfire threat; and
- Describes how other bushfire risk mitigation measures were considered to reduce the amount of native vegetation proposed for removal (this can also be part of the avoid and minimise statement).

This statement is not required if, If the proposed defensible space is within the Bushfire Management Overlay (BMO), and in accordance with the 'Exemption to create defensible space for a dwelling under Clause 44.06 of local planning schemes' in Clause 52.12-5.

N/A

Application Requirement 8 - Native Vegetation Precinct Plan

This requirement is only applicable if you are removing native vegetation from within an area covered by Native Vegetation Precinct Plan (NVPP), and the proposed removal is not identified as 'to be removed' within the NVPP.

Does an NVPP apply to the proposal?

No

Application Requirement 9 - Offset statement

This statement demonstrates that an offset is available and describes how the required offset will be secured. The Applicant's Guide provides information relating to this requirement.

See attached Vegetation Assessment (Ecolink Consulting 2025)

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



Next steps

Applications to remove, destroy or lop native vegetation must address all the application requirements specified in the Guidelines. If you wish to remove the mapped native vegetation you are required to apply for approval from the responsible authority (e.g. local Council). This Native vegetation removal report must be submitted with your application and meets most of the application requirements. The following requirements need to be addressed, as applicable.

Application Requirement 3 - Photographs of the native vegetation to be removed

Recent, dated photographs of the native vegetation to be removed **must be provided** with the application. All photographs must be clear, show whether the vegetation is a Patch of native vegetation, Patch Tree or Scattered Tree, and identify any Large Trees. If the area of native vegetation to be removed is large, provide photos that are indicative of the native vegetation.

Ensure photographs are attached to the application. If appropriate photographs have not been provided the application is not complete.

Application Requirement 6 - Property Vegetation Plan

If a PVP is applicable, it must be provided with the application.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Appendix 1: Description of native vegetation to be removed

General Habitat Units for each zone (Patch, Scattered Tree or Patch Tree) are calculated by the following equation in accordance with the Guidelines

General Habitat Units = extent without overlap x condition score x general landscape factor x 1.5, where the general landscape factor = 0.5 + (strategic biodiversity value score/2)

The General Offset amount required is the sum of all General Habitat Units per zone.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



Native vegetation to be removed

| Information provided by or on behalf of the applicant | | | Information calculated by NVR Map | | | | | | | |
|---|-------|----------|-----------------------------------|---------------------------------|---------------|----------------------------|---------------------|-----------------------------|-----------|-----------------------|
| Zone | Type | DBH (cm) | EVC code (modelled) | Bioregional conservation status | Large Tree(s) | Condition score (modelled) | Polygon extent (ha) | Extent without overlap (ha) | SBV score | General Habitat Units |
| 1 | Patch | - | GipP0937 | Endangered | - | 0.530 | 0.020 | 0.020 | 0.450 | 0.012 |

Appendix 2: Images of mapped native vegetation

1. Property in context



-  Proposed Removal
-  Property Boundaries




200 m

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

2. Aerial photograph showing mapped native vegetation



 Proposed Removal



35 m

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

3. Location Risk Map



Proposed Removal

Location 1

Location 2

Location 3



35 m

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

4. Strategic Biodiversity Value Score Map



Proposed Removal

0.81 - 1.00

0.61 - 0.80

0.41 - 0.60

0.21 - 0.40

0.00 - 0.20



35 m

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

5. Condition Score Map



■ Proposed Removal

■ 0.81 - 1.00

■ 0.61 - 0.80

■ 0.41 - 0.60

■ 0.21 - 0.40

■ 0.00 - 0.20



35 m

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

6. Endangered EVCs



□ Proposed Removal

□ Endangered 1750 Ecological Vegetation Classes



35 m

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

© The State of Victoria Department of Energy, Environment and Climate Action 2025



This work is licensed under a Creative Commons Attribution 4.0 International licence. You are free to re-use the work under that licence, on the condition that you credit the State of Victoria as author. The licence does not apply to any images, photographs or branding, including the Victorian Coat of Arms, the Victorian Government logo and the Department of Energy, Environment and Climate Change (DEECA) logo. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>

Disclaimer




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

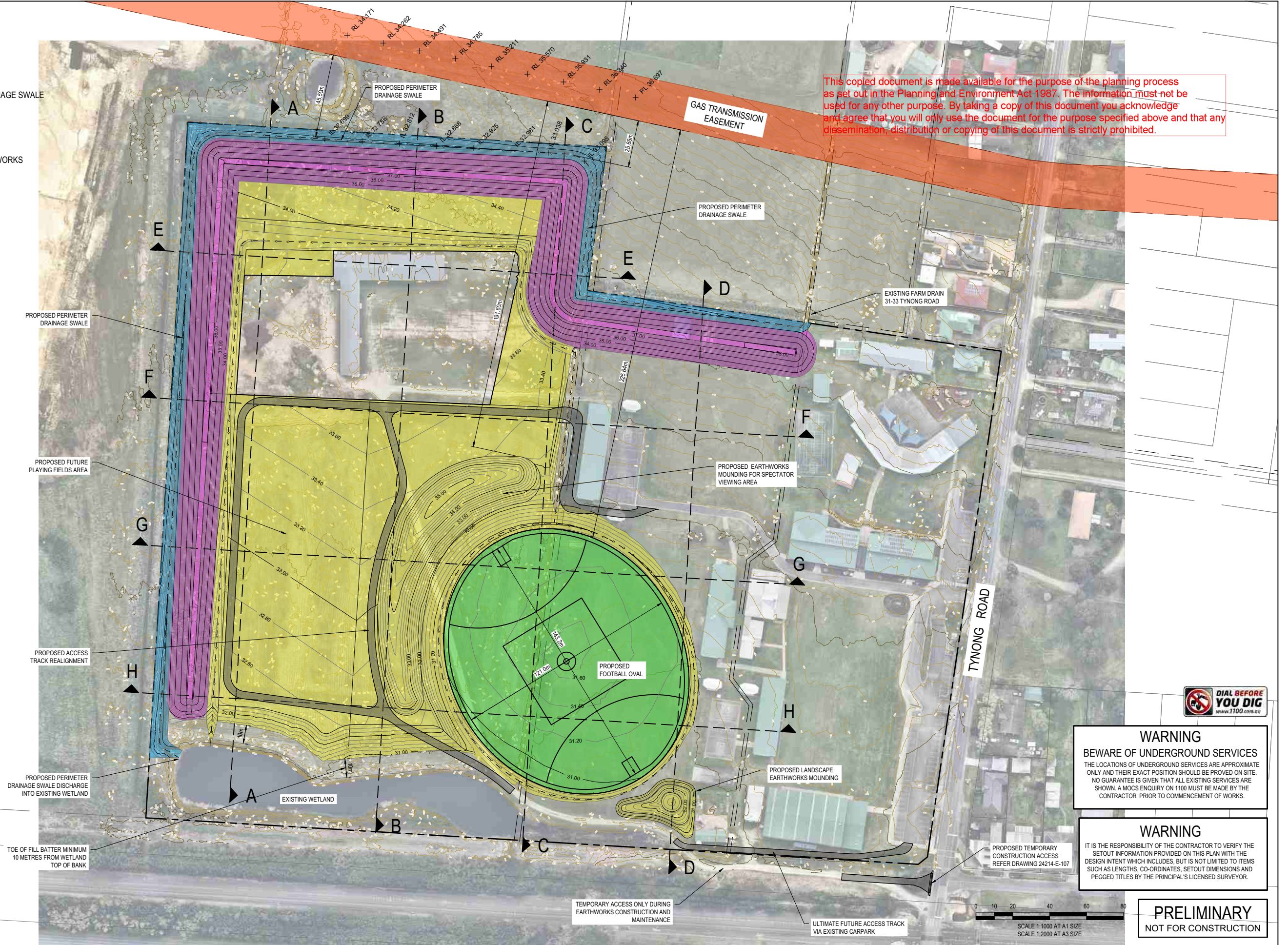
CARDINIA SHIRE COUNCIL

1-17 TYNONG ROAD


TYNONG

LEGEND

| | |
|---|--------------------------|
|  | PERIMETER DRAINAGE SWALE |
|  | FOOTBALL OVAL |
|  | GENERAL EARTHWORKS |



| VER | DATE | REVISION | APPD. |
|-----|------|----------|-------|
| | | | |
| | | | |
| | | | |
| | | | |



TAYLORS
Urban Development | Infrastructure
8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168
Tel: 61 3 9501 2800 | Web: taylorsonline.com.au

| | | |
|---------------|---------------|----------------------|
| DESIGNED: AHM | AUTHORISED: - | DRAFTED: AHM |
| CHECKED: JOY | AUTH. DATE: - | CAD REF: 24214-E-101 |

| | |
|----------------------------|-------------------------|
| CARDINIA SHIRE COUNCIL | SCALE SEE SCALE BAR |
| 1-17 TYNONG ROAD TYNONG | VERSION F |
| EARTHWORKS DETAIL PLAN | SHEET 1 OF 6 |
| | DRAWING No. 24214-E-101 |