

**6 Ordinary Business**  
**6.1 Town Planning Reports**

## **6.1.1 Planning Scheme Amendment C268 - 49 Garfield Road, Garfield**

**Responsible GM:** Lili Rosic  
**Author:** Teresa Hazendonk

### **Recommendation(s)**

1. That Council resolve to seek the authorisation of the Minister for Planning under Section 8A(2) of the *Planning and Environment Act 1987* to prepare Amendment C268card to the Cardinia Planning Scheme to:

- Rezone part of the land at 49 Garfield Road, Garfield from Low Density Residential Zone – Schedule 2 (LDRZ2) to Low Density Residential Zone – Schedule 3 (LDRZ3).
- Rezone part of the land at 49 Garfield Road, Garfield from Low Density Residential Zone – Schedule 2 (LDRZ2) to Green Wedge Zone – Schedule 1 (GWZ1).

generally in accordance with Attachment 1.

2. That Council consider Planning Application No. T190104 for:

- Staged subdivision of the subject land into low density residential lots
- Removal of native vegetation
- Removal of easements
- Creation of restrictions on the plan of subdivision.

concurrently with Amendment C268card under Section 96A of the *Planning and Environment Act 1987*.

3. That Council, subject to receiving the authorisation of the Minister for Planning, gives notice of Amendment C268card and Proposed Planning Permit T190104 containing conditions generally in accordance with Attachment 2, under Section 96C of the *Planning and Environment Act 1987*.
4. That the proponent be advised of Council's decision.

### **Attachments**

1. Amendment Documentation Authorisation [6.1.1.1 - 10 pages]
2. Proposed Planning Permit T190104 Authorisation [6.1.1.2 - 36 pages]
3. Proposed Subdivision Plan [6.1.1.3 - 2 pages]

### **Executive Summary**

In 2019, Council received a request to rezone part of the land at 49 Garfield Road, Garfield from LDRZ2 (which has a minimum lot size of 4,000 sqm) to LDRZ3 (which has a minimum lot size of 2,000 sqm), and part of the land which falls outside the Urban Growth Boundary (UGB) from LDRZ2 to GWZ1.

The request also seeks consent to concurrently consider a planning permit application to subdivide the land for residential purposes, remove native vegetation, remove and vary easements, and create restrictions on the plan of subdivision.

The original proposal fell far short of addressing the significant constraints affecting the land. The proposal has progressed through several iterations in an effort to satisfy the requirements of the relevant planning provisions. Council officers consider that, subject to planning permit conditions, the proposal now addresses all the critical elements affecting the land which include, bushfire hazard, native vegetation, vehicle access, Ti Tree Creek, drainage, the Southern Brown Bandicoot, a gas pipeline easement, and interface with Green Wedge land.

## Background

Council received a request from NBA Group Pty Ltd on behalf of the landowners Oakhouse Nominees Pty Ltd to amend the Cardinia Planning Scheme to rezone the land at 49 Garfield Road, Garfield (Lot 1 PS436250U and Lot 1 PS531590N) from Low Density Residential Zone Schedule 2 (LDRZ2) to Low Density Residential Zone Schedule 3 (LDRZ3) and Green Wedge Zone Schedule 1 (GWZ1).

In association with the amendment request, planning permit application T190104 has also been lodged under section 96A of the *Planning and Environment Act 1987*, seeking approval for subdivision of the land into low density residential lots and reserves, removal of native vegetation, creation/variation of easements, and creation of restriction on the plan of subdivision. It is proposed that this application be considered concurrently with the amendment to facilitate development of the land for residential purposes.

In 2013, the state government made changes to the Low Density Residential Zone allowing a new minimum lot size of 0.2 hectares (2,000 sqm) where land is connected to reticulated sewerage, in addition to the existing minimum lot size of 0.4 hectares (4,000 sqm) which would continue to apply to land where reticulated sewerage was not available.

In the Cardinia Planning Scheme the 0.4 hectare minimum lot size continued to apply to all land in the Low Density Residential Zone at the request of Council until we could carry out the necessary strategic work considering all planning matters (not just availability of reticulated sewerage) to justify reduction of the minimum lot size to 0.2 hectares in appropriate locations.

In 2016, Amendment C188 reviewed the application of the Low Density Residential Zone across the Shire and rezoned land from LDRZ2 to LDRZ3 to allow subdivision to a minimum lot size of 2,000 sqm where lots could be connected to reticulated sewerage and no other planning issues were apparent to prevent the reduced lot size. There was insufficient strategic justification at that time to support rezoning of the subject land.

The proponent of Amendment C268 lodged a submission to Amendment C188 requesting to be included in the proposed rezoning. Council responded as follows:

*Council Officers consider that this land could be considered for inclusion in Schedule 3 to the Low Density Residential Zone, allowing the minimum lot size for subdivision to be reduced to 0.2 hectares, however, given that this land has not been part of a public notification process, it should be undertaken as part of a separate planning scheme amendment which should also include an application for planning permit to allow Council Officers to appropriately consider the potential impacts on Ti tree Creek and the gas pipeline easement.*

Several background reports have been provided by the landowner to address the site constraints and the potential impacts. These reports have informed this combined planning scheme amendment request and planning permit application.

**The land and surrounds**

The land is located on the north-west fringe of Garfield township approximately 900 metres from the town centre and has an area of 14.075 hectares. Ti Tree Creek traverses the northeast corner of the land.

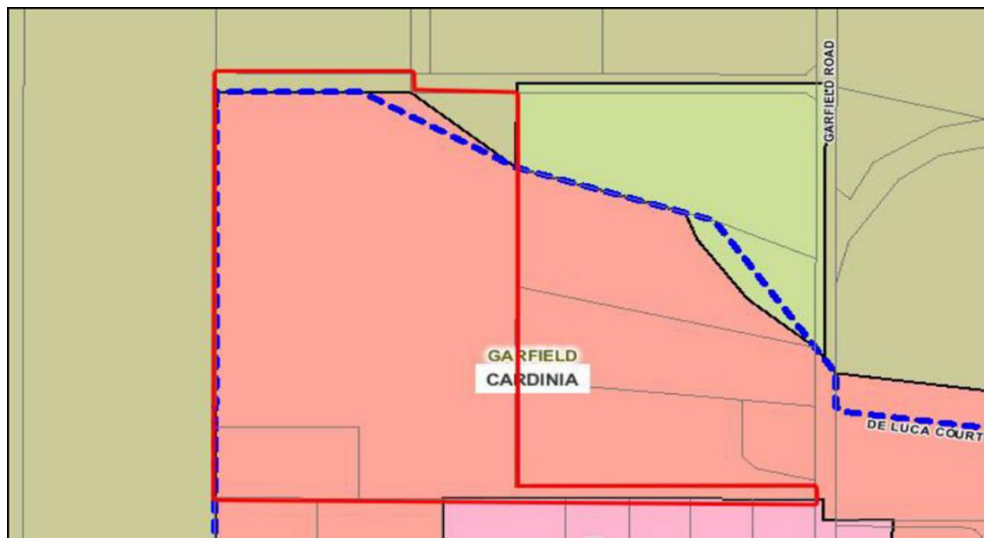
Land to the north and west is zoned GWZ1, land to the south and east is zoned LDRZ2, and land to the southeast is zoned General Residential Zone – Schedule 1 (GRZ1).



*Locality Map*

**Current Zones and Overlays**

Most of the land is inside the Urban Growth Boundary (UGB) and is zoned LDRZ2 which has a minimum lot size of 4,000 sqm. A smaller part of the land is outside the UGB and is partly zoned LDRZ2 and partly zoned GWZ1.



*Zone Map*

The land is traversed by the UGB, however, it does not align with the current delineation between the LDRZ2 and the GWZ1. This is an anomaly.

The land inside the UGB is affected by the Design and Development Overlay Schedule 1 (DDO1).

The land outside the UGB is affected by the Environmental Significance overlay – Schedule 1 (ESO1).

### **The proposal**

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

In summary, the amendment request and planning permit application propose to:

- Rezone the land inside the UGB from LDRZ2 to LDRZ3.
- Rezone part of the land outside the UGB from LDRZ2 to GWZ1.
- Staged subdivision of the land into 37 low density residential lots ranging in size from 2,000m<sup>2</sup> to 8,749m<sup>2</sup>.
- Create Reserves to be transferred to Council and Melbourne Water.
- Remove native vegetation.
- Remove/vary existing easements.
- Create restriction on the plan of subdivision.

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

### **Policy Implications**

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

### **Garfield Township Strategy**

The Garfield Township Strategy (2002) is a reference document in the Cardinia Planning Scheme. It identifies the subject land to be developed with Low Density Residential housing, however, it still identifies 4,000m<sup>2</sup> lots because the strategy was prepared prior to the major



zone reforms in 2013 which introduced the ability to create 2,000m<sup>2</sup> lots in the Low Density Residential Zone if reticulated sewerage is connected to the land.

The strategy also identifies that the 'existing significant vegetation' in the northwest corner be protected, and that Ti-Tree Creek form part of public open space.

### **Bushfire**

The land is located within a Bushfire Prone Area under the *Building Act* 1993 and therefore bushfire risk to the site and surrounding area needs to be considered and addressed.

The CFA does not object to the proposal. As a result of several revisions of the proposal, CFA and Council officers are now satisfied that appropriate bushfire mitigation measures will be put in place. An appropriate defendable space will be provided which will have implications for the maintenance of the proposed reserves within the subdivision area. The defendable space area together with the building envelopes shown on each lot will ensure the future dwellings will achieve the construction standard required by Clause 13.02-1S (Bushfire planning) of the planning scheme - 'Bushfire Attack Level' of BAL-12.5.

### **Native vegetation removal**

Whilst much native vegetation is to be retained within the proposed Conservation Reserves which have a combined area of 1.1 hectares, it is proposed to remove 0.88 hectares of native vegetation from the land to accommodate the proposed lots and sufficient bushfire defendable space. To satisfy the requirements of Clause 52.17 of the planning scheme, a permit condition will require the land owner to enter into an agreement under Section 173 of the *Planning Environment Act 1987* to ensure offset planting will be carried out to compensate for this vegetation loss.

### **Conservation Reserves**

There are two Conservation Reserves proposed, one in the northwest corner that extends along part of the northern boundary and parts of the western boundary, and one in the northeast corner that extends along parts of the eastern boundary. As well as retaining existing native vegetation, these Conservation Reserves will be enhanced by weed removal and additional planting of native vegetation, and will be maintained for two years before the maintenance of the land is handed over to Council. These Reserves will also contain the proposed Southern Brown Bandicoot habitat corridors (discussed below).

### **Southern Brown Bandicoot (SBB)**

The SBB is listed as an endangered species under the *Environment Protection and Biodiversity Act 1999* (EPBC Act). The SBB has managed to endure around some of Cardinia's rural townships in the Western Port region, including Garfield. A referral under the EPBC Act to the Federal government will be triggered by the proposal. To ensure no detriment is caused to the SBB, the proposal will provide 7 metre wide bandicoot habitat corridors around the periphery of the subdivision, linking up gaps in the habitat currently used by the SBB and creating new habitat.

### **Aboriginal cultural heritage**

A Cultural Heritage Management Plan (CHMP) has been prepared and approved by Aboriginal Affairs Victoria. A condition will be placed on the Proposed Planning Permit to assist in ensuring the requirements of the CHMP are complied.

### **Interface with Green Wedge land**

The evolution of the proposal has significantly improved its interface with the adjoining green wedge. The overall number of lots has been reduced, lots face forward no longer turning their back on the green wedge land, and conservation areas will be protected along most of the

periphery of the subject land. These measures provide an attractive and sympathetic transition between the urban and rural uses.

#### **Gas pipeline easement**

Ownership of the land containing the gas pipeline easement is proposed to be transferred to Council. This land is encumbered and can only be embellished with paths for safety reasons. At the request of APA VTS Australia (gas pipeline authority) conditions will be placed on the proposed planning permit ensuring all manner of development and works on the easement must first be referred to them for approval. Conditions will be placed on the proposed planning permit requiring future development on lots abutting the easement to comply with design guidelines which will address a range of matters including building setbacks, built form, and fencing design.

#### **Ti Tree Creek**

The subdivision has been designed to respond to Ti Tree Creek. The creek will be included within a Drainage Reserve extending 30 metres on each side of the creek. Native vegetation along the waterway will be retained, protected and enhanced with weed removal and additional planting which will support movement of the Southern Brown Bandicoot. A 20m wide strip within the Drainage Reserve closest to the proposed lots will be maintained as bushfire defendable space with short grass.

#### **Drainage**

The development will also provide water quality treatment by way of a stormwater retention wetland adjacent to the creek at its south-eastern end. Together with revegetation along the creek, these measures will result in significant benefits to the waterway.

#### **Road and pedestrian access**

The proposed road layout provides for needs within the proposed subdivision, connects well to the adjoining residential subdivision, and provides for future road connections to adjoining undeveloped land. Shared paths are to be provided through and around the proposed subdivision and will connect to Garfield's existing path network. This will provide pedestrians and cyclists relatively easy access to the Garfield train station and town centre, both located approximately 900 metres (1200 metres walking distance) to the south

#### **Public open space contribution**

The subject land has an area of 14.075 hectares (140,750m<sup>2</sup>). Approximately 24% of the site is proposed for the purpose of Reserves (public land). Apart from the area proposed for a playground and shared paths, all the land (listed in the table below) is encumbered. Therefore, the requirements of Clause 53.01 (Public Open Space Contribution and Subdivision) are not satisfied. Clause 53.01 requires a person who subdivides land must make an open space contribution to Council of 8% of unencumbered land, or a cash in lieu of land contribution equivalent to 8% of the value of the unencumbered land. As such, a cash in lieu contribution is required for the shortfall of unencumbered land contribution for public open space. Cash contributions are used by Council to embellish existing recreation reserves owned by Council in the vicinity.

The proponent proposes to carry out landscape works, construct a fenced playground and an extensive concrete shared path network, in addition to the environmental enhancements of the Drainage and Conservation Reserves. It is considered that the value of these embellishments and the extent of rehabilitation and planting of native vegetation is commensurate with the required cash in lieu contribution. It is on this basis that no further public open space contribution in the form of cash payment will be required for this subdivision proposal.

Proposed Reserves	Area (hectares   square metres   %)	To be vested in
Drainage Reserve - Ti Tree Creek (Encumbered)	1.190 ha   11,900m <sup>2</sup>   8.45%	Melbourne Water / Council
Drainage Reserve - water retarding basin (Encumbered)	0.064 ha   640m <sup>2</sup>   0.45%	Melbourne Water / Council
Conservation Reserves (2) (Encumbered)	1.100 ha   11,000m <sup>2</sup>   7.82%	Council
APA Gas pipeline easement Reserve (Encumbered)	0.650 ha   6,500m <sup>2</sup>   4.62%	Council
Recreation Reserve - Passive open space (for playground and shared paths) (Unencumbered)	0.420 ha   4,200m <sup>2</sup>   2.98%	Council
<b>Total</b>	<b>3.424 ha   34,240m<sup>2</sup>   24.32%</b>	

### Net community benefit

It is considered that the environmental and biodiversity benefit that will be achieved through this proposal will derive a significant net community benefit.

### Relevance to Council Plan

#### 2.1 We support the creation of liveable spaces and places

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

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

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

### Climate Emergency Consideration

Climate change will increase the risk to land in Cardinia Shire from bushfires and flood. The proposal introduces management provisions to addresses both drainage and bushfire risk which will reduce the future impact of climate change on this site. The proposal also facilitates new housing within the existing township boundary for Garfield. This will contribute to housing consolidation within a rural township, reducing the amount of urban sprawl and pressure on Cardinia's main growth front, thereby helping to mitigate the effects on climate change.

### Consultation/Communication

There has been a significant level of consultation and collaboration with other business units as well as key external authorities. Once authorisation has been received from the Minister for Planning, the Amendment C268card documents and the Proposed Planning Permit will be exhibited to the public for a period one month. Adjoining landowners and occupiers, community groups, referral agencies and authorities will be sent notification in accordance with the requirements of the *Planning and Environment Act 1987*.

### Financial and Resource Implications

The statutory fees and any planning panel costs will be paid for by the proponent. Resourcing and any additional costs associated with the planning scheme amendment process are provided for by the current and proposed Planning Strategy budget.

### **Conclusion**

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

It is recommended that Council submit an application to the Minister for Planning seeking authorisation to prepare and exhibit Amendment C268card concurrently with Proposed Planning Permit T190104 generally in accordance with the attachments to this report.



*Planning and Environment Act 1987*

**CARDINIA PLANNING SCHEME**  
**AMENDMENT C268card**  
**PLANNING PERMIT APPLICATION T190104**  
**EXPLANATORY REPORT**

**Who is the planning authority?**

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

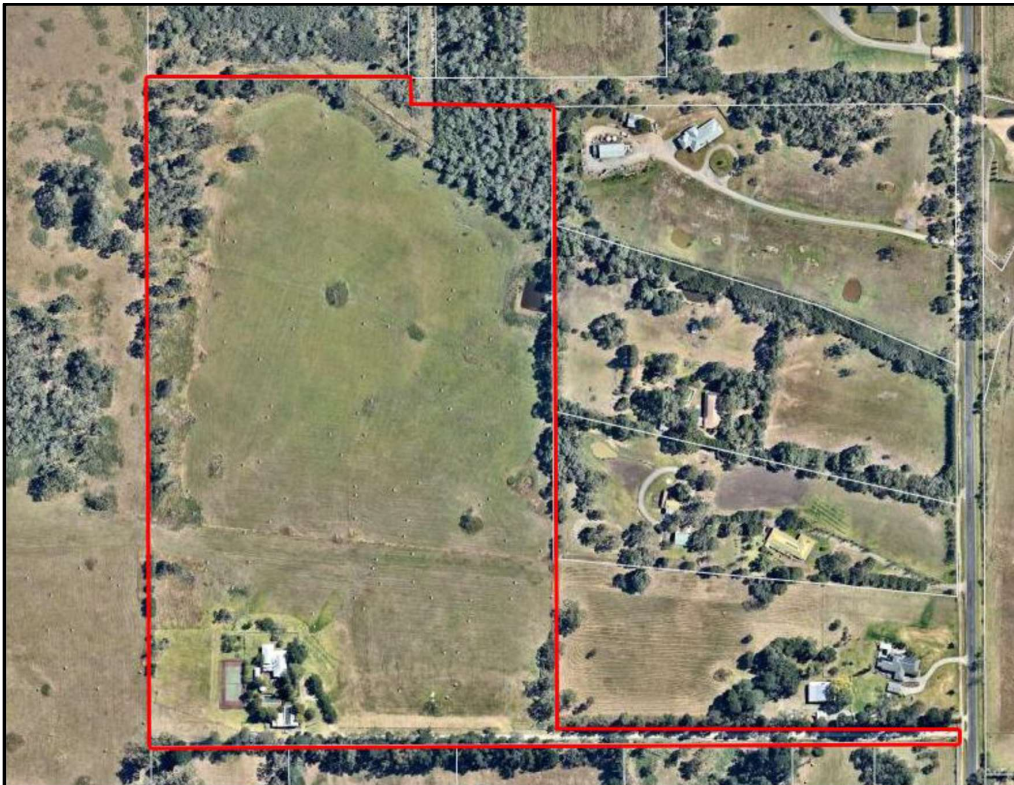
The Amendment has been made at the request of NBA Group Pty Ltd on behalf of Oakhouse Nominees Pty Ltd, and Alan and Vicki Ross.

**Land affected by the Amendment**

The Amendment applies to the land at 49 Garfield Road, Garfield, comprising two allotments formally identified as Lot 1 PS436250U and Lot 1 PS531590N.

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

The planning permit application applies to the land at 49 Garfield Road, Garfield, comprising two allotments identified as Lot 1 PS436250U and Lot 1 PS531590N.



*Figure1: Land affected by the amendment*

### What the amendment does

The amendment proposes to rezone the part of the land that is inside the Urban Growth Boundary (UGB) from Low Density Residential – Schedule 2 (LDRZ2) to Low Density Residential – Schedule 3 (LDRZ3), and rezone part of the land outside the UGB from Low Density Residential – Schedule 2 (LDRZ2) to Green Wedge Zone – Schedule 1 (GWZ1). The location of the UGB remains unchanged.

Specifically, the Amendment proposes to:

- Amend planning scheme map ZN22.

The planning permit application seeks approval for:

- the subdivision of the land into 37 residential lots
- removal of native vegetation
- creation and removal of easements
- creation of restrictions on the plan of subdivision

### Strategic assessment of the Amendment

#### Why is the Amendment required?

In 2013 the State government made changes to the Low Density Residential Zone allowing a new minimum lot size of 0.2 hectares (2,000 sqm) where land is connected to reticulated sewerage, in addition to the existing minimum lot size of 0.4 hectares (4,000 sqm) which would continue to apply to land where reticulated sewerage was available. In the Cardinia Planning Scheme the 0.4 hectare minimum lot size continued to apply to all land in the Low Density Residential Zone until Council could carry out strategic work considering all planning matters (not just availability of reticulated sewerage) to justify reduction of the minimum lot size to 0.2 hectares in appropriate locations.

In 2016 Amendment C188 reviewed the application of the Low Density Residential Zone across Cardinia Shire and rezoned land from LDRZ2 to LDRZ3 to allow subdivision to a minimum lot size of 0.2 hectares where lots could be connected to reticulated sewerage and no other planning issues were apparent to prevent the reduced lot size. There was insufficient strategic justification at that time to support rezoning the subject land.

Amendment C268card seeks to apply LDRZ3 to the part of the subject land that is inside the UGB to facilitate the proposed subdivision of the land into 0.2 hectare lots. The site is fully serviceable, can be connected to reticulated sewerage, the environmental constraints can be adequately addressed, and the bushfire risk can be adequately mitigated.

The Garfield Township Strategy (2002) is a reference document in the Cardinia Planning Scheme. It identifies the subject land to be developed with Low Density Residential housing, however, it still identifies 4,000m<sup>2</sup> lots because the Strategy was prepared prior to the major zone reforms in 2013 which introduced the ability to create 2,000m<sup>2</sup> lots in the Low Density Residential Zone if reticulated sewerage is connected to the land. The Strategy also identifies that the 'existing significant vegetation' in the northwest corner be protected, and that Ti-Tree Creek form part of public open space.

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

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

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

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

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

##### ***Environmental***

The Amendment addresses the relevant environmental effects through site specific design. Detailed environmental analysis has informed the proposed rezoning and subdivision design response.

The northeast corner the subject land in the location of Ti Tree Creek, and the northwest corner extending part way along the western boundary in a southerly direction, contain biodiversity of high environmental significance. The native vegetation in these locations provide faunal habitat. These areas will be included in Conservation Reserves with an area of 1.1 hectares and vested in Council to ensure ongoing protection. The Conservation Reserves will be enhanced with the removal of weeds and planting of additional native vegetation to improve habitat for fauna such as the Southern Brown Bandicoot.

The proposal includes the loss of 0.88 hectares of native vegetation across the remainder of the land to accommodate the proposed housing lots and to provide those lots with adequate defensible space from the bushfire hazard. A condition is included on the Proposed Planning Permit requiring this vegetation to be appropriately offset to ensure that there is no net loss to Victoria's Biodiversity.

##### ***Social and Economic***

The Amendment is also not considered to have any negative social or economic effects. The amendment allows for controlled growth of the Garfield township generally in accordance with the Garfield Township Strategy. The future development of the land will provide lifestyle living in an area which can be fully serviced with extensions to infrastructure services and is well located to access the services provided in the existing town centre. The additional population will invest in the local economy.

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

The Bushfire Management Overlay does not affect the land and is not within 820 metres of the land. The land is within a designated Bushfire Prone Area (BPA) under the Building Regulations 2018

Protection of life and property is a matter of utmost importance in land use planning and Clause 13.02-1S (Bushfire Planning) of all planning schemes must be considered in all planning decisions.

As required by Clause 13.02-1S a bushfire risk assessment has been undertaken by Millar Merrigan Pty Ltd. The bushfire risk assessment concludes that a Bushfire Attack Level of BAL-12.5 can be achieved for the proposed lots in the subdivision subject to appropriate mitigation measures. These measures will include construction standards to BAL-12.5, building envelopes and requirements to manage vegetation within a defensible space. These are to be implemented via restrictions on the plan of subdivision and Section 173 Agreements to be registered on each land title. These issues will be addressed via conditions on the Proposed Planning Permit.

Note: While the proponent proposes an enhanced construction standard of BAL-19 for interface lots to increase resilience to bushfire risk, the proposed defensible space ensures a BAL-12.5 can be achieved as required by Clause 13.02-1S.

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

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

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

The Amendment is consistent with ***Ministerial Direction No. 9 – Metropolitan Planning Strategy*** which

requires a Planning Authority to have regard to the Metropolitan Strategy (Plan Melbourne 2017-2050). It is considered the Amendment assists in achieving the following directions of Plan Melbourne:

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

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

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

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

EPA advised they have no concerns with the proposed planning scheme amendment and permit application.

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

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

This Amendment is consistent with a range of policies contained in the PPF including:

#### **Clause 11.01-1S (Settlement), Clause 11.01-1R (Green wedges – Metropolitan Melbourne) and Clause 11.02-1S (Supply of urban land):**

The Amendment seeks to consolidate new low density residential development on land within the urban growth boundary of an existing settlement with access to infrastructure and services, whilst protecting and enhancing an area of environmental value. It also seeks to rectify an anomaly by rezoning part of the land outside the UGB from LDR22 to GWZ1 thereby extending the GWZ1 to encompass Ti Tree Creek where environmental values are significant.

#### **Clause 12.01-1 (Protection of biodiversity) and Clause 12.01-2S (Native vegetation management):**

Vegetation removal has been avoided and minimised as far as practical with 1.1 hectares of significant vegetation along the creek, northern and western boundary retained and protected within Conservation Reserves to be vested in Council. Whilst 0.88 hectares of native vegetation will be lost to accommodate the proposed lots and bushfire defendable space, the extent of vegetation removal has been minimised, is considered appropriate and planting offsets will be required via permit conditions.

#### **Clause 12.03-1S (River corridors, waterways, lakes and wetlands):**

The subdivision has been designed to respond to Ti Tree Creek by providing a 30m setback to proposed development and encompassing the creek within a Drainage Reserve. Existing native vegetation is to be retained and revegetation along the waterway will occur.

#### **Clause 13.01-1S (Natural hazards and climate change) and Clause 13.02-1S (Bushfire planning):**

The bushfire risk assessment concludes that a Bushfire Attack Level of BAL-12.5 can be achieved for the proposed lots in the subdivision subject to appropriate mitigation measures. These measures will include construction standards to BAL-12.5, building envelopes and requirements to manage vegetation within a defendable space. These are to be implemented via restrictions on the plan of subdivision and Section 173 Agreements to be registered on each land title. These issues will be addressed via



conditions on the Proposed Planning Permit.

**Clause 14.02-1 (Catchment planning and management) and Clause 14.02-2 (Water quality):**

The subdivision has been designed to respond to Ti Tree Creek and will encompass the creek within a Drainage Reserve and ensure a 30m setback is maintained. The development will provide water quality treatment by way of a stormwater retention wetland adjacent to the creek at its south-eastern end. Together with revegetation of the creek corridor, these measures will result in significant benefits to the waterway.

**Clause 15.01-3S (Subdivision design) and Clause 15.01-4S (Healthy neighbourhoods):**

The proposal will provide an attractive, liveable neighbourhood which offers lifestyle lots within an existing rural community. The subdivision provides for potential future links with neighbouring land. The Conservation Reserves, playground, and shared paths through and around the proposed subdivision will assist in fostering healthy and active living.

**Clause 15.03-2S (Aboriginal cultural heritage):**

The land is located within an area of Aboriginal Cultural Heritage Sensitivity. A Cultural Heritage Management Plan (CHMP) has been prepared and approved by Aboriginal Affairs Victoria. A condition is included on the Proposed Planning Permit to assist in ensuring the requirements of the CHMP are complied.

**Clause 16.01-1S (Housing supply) and Clause 16.01-2S (Housing affordability):**

The proposal increases housing opportunities within Garfield through the provision of lifestyle lots to cater for the diverse housing needs of the population.

**Clause 18.01-1S (Land use and transport planning), Clause 18.01-2S (Transport system) and Clause 18.02-1S (Sustainable personal transport):**

Shared paths are to be provided through and around the proposed subdivision, and will connect to the existing path network providing pedestrians and cyclists with relatively easy access to the Garfield train station and town centre both located approximately 900 metres (1200 metres walking distance) to the south.

**Clause 18.02-3S (Road system):**

The proposed road layout provides for the needs of the proposed subdivision, connects well to the adjoining residential subdivision, provides for future road connections to adjoining undeveloped land, and will not negatively impact on surrounding roads or residents.

**Clause 19.02-6S (Open space):**

The subject land has an area of 14.075 hectares (140,750m<sup>2</sup>). Approximately 24% of the site is proposed for the purpose of Reserves (public land). Apart from the area proposed for a playground and shared paths, all the land (listed in the table below) is encumbered. Therefore the requirements of Clause 53.01 (Public Open Space Contribution and Subdivision) are not satisfied. Clause 53.01 requires a person who subdivides land must make an open space contribution to Council of 8% of unencumbered land, or a cash in lieu of land contribution equivalent to 8% of the value of the unencumbered land. As such, a cash in lieu contribution is required for the shortfall of unencumbered land contribution for public open space. Cash contributions are used by Council to embellish existing recreation reserves owned by Council in the vicinity.

The proponent proposes to carry out landscape works, and construct a fenced playground and an extensive concrete shared path network, in addition to the environmental enhancements of the Drainage and Conservation Reserves. It is considered that the value of these embellishments and the extent of rehabilitation and planting of native vegetation is commensurate with the required cash in lieu contribution. It is on this basis that no further public open space contribution in the form of cash payment will be required for this subdivision proposal. The embellishments on both the encumbered and unencumbered Reserves will be accepted rather than the cash in lieu contribution for the shortfall in the unencumbered land contribution.

Proposed Reserves	Area (hectares   square metres   %)	To be vested in
Drainage Reserve - Ti Tree Creek (Encumbered)	1.190 ha   11,900m <sup>2</sup>   8.45%	Melbourne Water / Council
Drainage Reserve - water retarding basin (Encumbered)	0.064 ha   640m <sup>2</sup>   0.45%	Melbourne Water / Council
Conservation Reserves (4) (Encumbered)	1.100 ha   11,000m <sup>2</sup>   7.82%	Council



APA Gas pipeline easement Reserve (Encumbered)	0.650 ha   6,500m <sup>2</sup>   4.62%	Council
Recreation Reserve - Passive open space (for playground and shared paths) (Unencumbered)	0.420 ha   4,200m <sup>2</sup>   2.98%	Council
Total	3.424 ha   34,240m <sup>2</sup>   24.32%	

**Clause 19.03-2S (Infrastructure design and provision), Clause 19.03-3S (Integrated water management) and Clause 19.03-4S (Telecommunications):**

The proposal is supported by an Infrastructure Servicing Report that details how the land can be fully serviced in accordance with authority requirements. Conditions will be included on the Proposed Planning Permit requiring the provision of infrastructure, including reticulated water, reticulated sewer, electricity, telecommunications, and stormwater drainage to all lots.

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

The Amendment will facilitate a well designed and serviced subdivision. The rezoning and subsequent subdivision will facilitate low density residential development of an area identified in the Garfield Township Strategy for this purpose. This will be a logical and orderly expansion of the Garfield township. Specifically, the Amendment and subdivision are consistent with the following relevant local policies:

**Clause 21.02-1 (Catchment and Coastal Management)**

The subdivision has been designed to respond to Ti Tree Creek and will encompass the creek within a Drainage Reserve and ensure a 30m setback is maintained. The development will provide water quality treatment by way of a stormwater retention wetland adjacent to the creek at its south-eastern end. Together with revegetation of the creek corridor, these measures will result in significant benefits to the waterway.

**Clause 21.02-2 (Landscape) and Clause 21.02-3 (Biodiversity)**

Vegetation removal has been avoided and minimised as far as practical with 1.1 hectares of significant vegetation along the creek, northern and western boundary retained and protected within Conservation Reserves to be vested in Council. Whilst 0.88 hectares of native vegetation will be lost to accommodate the proposed lots and bushfire defendable space, the extent of vegetation removal has been minimised and planting offsets will be required via permit conditions to ensure there will be no net loss. The Drainage and Conservation Reserves provide for revegetation and Southern Brown Bandicoot habitat corridors, while the Recreation Reserve provides for new landscaping.

**Clause 21.02-4 (Bushfire management)**

The bushfire risk assessment concludes that a Bushfire Attack Level of BAL-12.5 can be achieved for the proposed lots in the subdivision subject to appropriate mitigation measures. These measures will include construction standards to BAL-12.5, building envelopes and requirements to manage vegetation within a defendable space. These are to be implemented via restrictions on the plan of subdivision and Section 173 Agreements to be registered on each land title. These issues will be addressed via conditions on the Proposed Planning Permit.

**Clause 21.02-5 (Open space)**

The subject land has an area of 14.075 hectares (140,750m<sup>2</sup>). Approximately 24% of the site is proposed for the purpose of Reserves (public land). Apart from the area proposed for a playground and shared paths, all the land is encumbered. Therefore the requirements of Clause 53.01 (Public Open Space Contribution and Subdivision) are not satisfied. Clause 53.01 requires a person who subdivides land must make an open space contribution to Council of 8% of unencumbered land, or a cash in lieu of land contribution equivalent to 8% of the value of the unencumbered land. As such, a cash in lieu contribution is required for the shortfall of unencumbered land contribution for public open space. Cash contributions are used by Council to embellish existing recreation reserves owned by Council in the vicinity.

The proponent proposes to carry out landscape works, and construct a fenced playground and an extensive concrete shared path network, in addition to the environmental enhancements of the Drainage and Conservation Reserves. It is considered that the value of these embellishments and the extent of rehabilitation and planting of native vegetation is commensurate with the required cash in lieu contribution. It is on this basis that no further public open space contribution in the form of cash payment will be required for this subdivision proposal. The embellishments on both the encumbered and unencumbered Reserves will be accepted rather than the cash in lieu contribution for the shortfall in the unencumbered land contribution.

**Clause 21.02-7 (Aboriginal cultural heritage)**

The land is located within an area of Aboriginal Cultural Heritage Sensitivity. A Cultural Heritage Management Plan (CHMP) has been prepared and approved by Aboriginal Affairs Victoria. A condition is included on the Proposed Planning Permit to assist in ensuring the requirements of the CHMP are complied.

**Clause 21.03-1 (Housing) and Clause 21.03-4 (Rural townships)**

The proposal increases housing opportunities within the rural township of Garfield through the provision of lifestyle lots to cater for the diverse housing needs of the population, whilst maintaining the towns character and environmental qualities.

**Clause 21.05-3 (Local roads)**

The proposed road layout provides for the needs of the proposed subdivision, connects well to the adjoining residential subdivision, provides for future road connections to adjoining undeveloped land, and will not negatively impact on surrounding roads or residents.

**Clause 21.06-1 (Urban Design) and Clause 21.06-2 (Community Safety)**

The proposal will provide an attractive, spacious neighbourhood which offers lifestyle lots within an existing rural town. The subdivision provides for potential future links with neighbouring undeveloped land. The playground and shared paths through and around the proposed subdivision provide opportunities for active living.

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

The Amendment makes appropriate use of the Victoria Planning Provisions by rezoning the land from the existing Low Density Residential Zone – Schedule 2 (LDRZ2) to Low Density Residential Zone – Schedule 3 (LDRZ3), resulting in a zone which provides opportunity for slightly higher density development of fully serviceable land within the township boundary, whilst also providing for protection of the low density residential environment. The zone and schedule are both existing provisions under the Cardinia Planning Scheme and are the appropriate provisions for this Amendment.

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

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

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

The amendment is not considered to have any impact on the transport system, as defined by Section 3 of the *Transport Integration Act 2010*.

There are no applicable statements of policy principles prepared under Section 22 of the *Transport Integration Act 2010*.

**Resource and administrative costs**

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

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

**Where you may inspect this Amendment**

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

Cardinia Shire Council Offices  
20 Siding Avenue  
OFFICER

The Amendment can also be inspected free of charge at:

- Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

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

**Submissions**

Any person who may be affected by the Amendment and/or planning permit may make a submission to the planning authority. Submissions about the Amendment and/or planning permit must be received by [dd/mm/2022 \(TBA\)](#)

A submission must be sent to:  
Cardinia Shire Council  
Strategic Planning – Amendment C268card  
PO Box 7  
Pakenham VIC 3810

or emailed to:

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

Subject line: Strategic Planning – Amendment C268card submission

**Panel hearing dates**

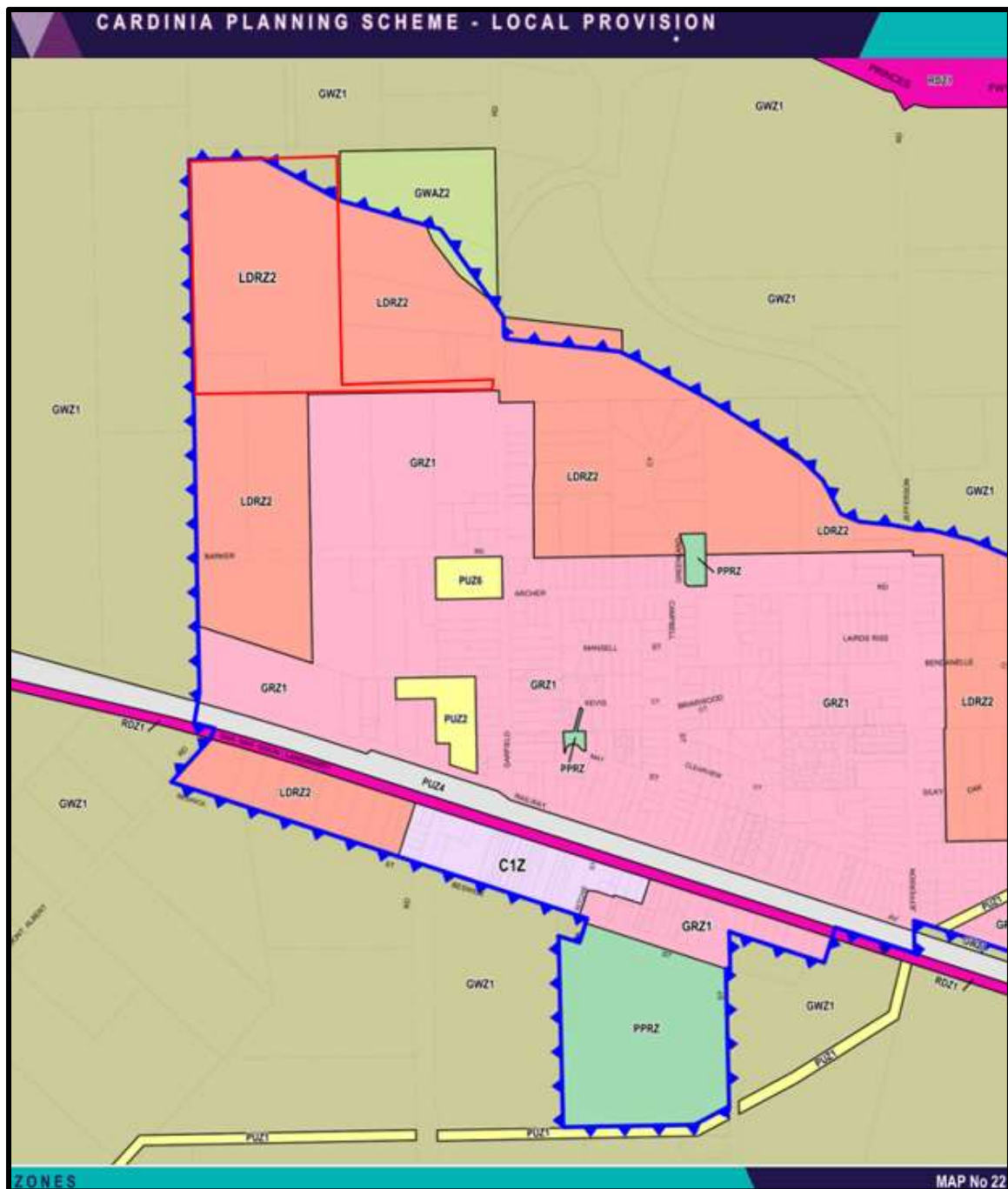
In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: [dd/mm/2022 \(TBA\)](#)
- panel hearing: [dd/mm/2022 \(TBA\)](#)

**ATTACHMENT 1 - Mapping reference table**

Location	Land /Area Affected	Mapping Reference
Garfield	49 Garfield Road	Cardinia C268card 001znMap22 Authorisation

**Cardinia C268card  
Proposed Zone Map ZN22**





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

# PROPOSED PLANNING PERMIT

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

Permit No.: T190104

Planning Scheme: Cardinia Planning Scheme

Responsible Authority: Cardinia Shire Council

**ADDRESS OF THE LAND:** Lot 1 PS436250U, and Lot 1 PS531590N  
49 Garfield Road, Garfield.

**THE PERMIT ALLOWS:** Staged subdivision of Land, Removal of Native Vegetation, Removal of Easements, and Creation of Restrictions

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

Conditions 1-123 inclusive

## PLANS TO BE ENDORSED PRIOR TO CERTIFICATION

### Staged Subdivision Masterplan

1. Before the plan of subdivision for the first stage is certified, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and form part of the permit. The plans must be drawn to scale with dimensions and provided in an electronic format. The plans must be generally in accordance with the Proposed Subdivision Plan 21014P2 Version 14 (June 2021) but modified to show:
  - a. The stages of the subdivision.
  - b. All proposed Reserves clearly delineated, numbered and named.
  - c. Road reserve and road pavement widths, location of vehicle crossovers to each lot, pedestrian paths and shared paths.
  - d. The location of a 30 metre setback from the top of bank on both sides of Ti Tree Creek
  - e. The required building setback line for bushfire defensible space on all new lots that interface with hazardous vegetation, including Lot A, to achieve a Bushfire Attack Level construction standard of BAL-12.5 for future dwelling.
  - f. Interim vehicle access for the early stages of subdivision that include lots A, 14 to 21 and 27 to 36 via Sleeper Rise connecting to Barker Road and vehicle access via the existing east-west driveway to be truncated and allow only pedestrian access.

<b>Date issued:</b>	<b>Date permit comes into operation:</b> (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	<b>Signature for the responsible authority:</b>
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Permit No.: T190728

Page 1 of 36

## Planning and Environment Regulations 2015 - Form 9. Section 96J

- g. Ultimate vehicle access for the later stages of subdivision that include lots 1 to 13 and 22 to 26 via the proposed east-west access road (Road A) connecting to Garfield Road with adequate splays, sight lines and turn treatments.

**Land Use Budget Plan**

2. Before the plan of subdivision for the first stage is certified, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and form part of the permit. The plans must be drawn to scale with dimensions and provided in an electronic format. The plans must be generally in accordance with the Land Budget Plan, 21014P3 Version 14 (June 2021) but modified to show:
  - a. The land allocated for the Bushland Reserves including the location of the Southern Brown Bandicoot Habitat Corridors.
  - b. The land allocated for stormwater retarding basin Drainage Reserve and the Ti Tree Creek Drainage Reserve which must include the 30 metre creek buffer zone (or to property boundaries whichever is lesser) on the north and south sides of the creek.
  - c. The land allocated for the Gas Pipeline Easement Reserve.
  - d. The land allocated for Recreation Reserve (unencumbered public open space).
  - e. The Authority each Reserve will be vested in.

**Building Envelope Plan**

3. Before the plan of subdivision for the first stage is certified, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and form part of the permit. The plans must be drawn to scale with dimensions and provided in an electronic format. The plans must be generally in accordance with the Building Envelope Plan, 21014P7 Version 14 (June 2021) but modified to show:
  - a. The required building setback for bushfire defendable space consistent with the endorsed Bushfire Management Plan for all proposed lots (including Lot A) to achieve a Bushfire Attack Level construction standard of BAL-12.5 for future dwellings.
  - b. The following building setbacks where bushfire defendable space setbacks are not required:
    - i. Minimum front building setback of 10 metres.
    - ii. Minimum side and rear building setback of 5 metres.

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

**Lot schedule Plan**

4. A Lot Schedule Plan identifying the range of lots sizes created to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Lot Schedule Plan must identify:
- all land within the approved subdivision.
  - the number and lot size of lots created in each stage together with the cumulative total of any lots created in previous stages.
  - the trigger for 50% of the development of the site which will require the delivery of the construction of Road A with Garfield Road.

**Bushfire Management Plan**

5. Before the certification of the plan of subdivision, a Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. The plan must show the following information, unless otherwise agreed in writing by the CFA and the Responsible Authority:
- The design and layout of the subdivision, including lot layout, road design and access points, both pedestrian and vehicular.
  - The location of nearby hazards within 150m of the subdivision boundary.
  - The location of any bushfire hazards that will be retained or created on the land within the subdivision.
  - The location of any areas of vegetation within the subdivision not located on private land that will be managed to a low threat condition, including drainage reserves and areas of open space.
  - The setback distance of any development from the bushfire hazard for defendable space purposes where vegetation will be managed on all proposed lots (including Lot A) that are located within the minimum setbacks as follows:
    - 48 metres from the Forest Vegetation to the north.
    - 27 metres from the Scrub Vegetation to the north.
    - 33 metres from the Woodland Vegetation to the west.
    - 19 metres from the Grassland Vegetation to the west, east and south.
  - Notations of vegetation management standards and when vegetation management will occur i.e. annually, quarterly, during the fire danger period.
  - Vegetation must be managed within any area of defendable space to the following standard:

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

- i. Grass must be short cropped and maintained during the declared fire danger period this excludes areas where Southern Brown Bandicoot Habitat has been identified as a corridor in consultation with CFA.
- ii. All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- iii. Shrubs must not be located under the canopy of trees.
- iv. Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- v. Trees must not overhang or touch any elements of the building.
- vi. The canopy of trees must be separated by at least 2 metres.
- h. Details of any other bushfire protection measures that are to be adopted at the site.
- i. Nominate that any building on a new lot will be required to be designed and constructed to a minimum standard of Bushfire Attack Level (BAL) 12.5.

**Environmental Landscape Concept Plan**

6. Before the plan of subdivision for the first stage is certified, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and form part of the permit. The plans must be drawn to scale with dimensions and provided in an electronic format. The plans must be generally in accordance with the Landscape Concept Plan, 21014C01 Sheet 1 and Sheet 2 Version 14 (June 2021) but modified to show an Environmental Concept Landscape Plan for the following:
- a. Four environmental management areas:
    - i. The Ti Tree Creek Drainage Reserve that includes:
      - A vegetated creek buffer zone of 30 metres on the north side of the creek, or to the property boundary, whichever is lesser. This distance is measured from the top of the bank.
      - A vegetated creek buffer zone of 10 metres on the south side of the creek. This distance is measured from the top of the bank.
      - A minimum 2.5 metre wide concrete shared path delineating the 10 metre wide vegetated creek buffer zone on the south side of the creek from the bushfire defendable space area that will be accommodated within the remaining area of the 30 metre Ti Tree Creek Drainage Reserve. The treatment of this area will be addressed in the Landscape Concept Plan.
    - ii. The Bushland Reserves that include:

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

- Conservation areas as shown in the Land Budget Plan, 21014P3 Version 14 (June 2021) that are outside the Ti Tree Creek Drainage Reserve and the Southern Brown Bandicoot Habitat Corridors.
  - A minimum 2.5 metre wide concrete shared path delineating the Bushland Reserves from the bushfire defendable space area that will be accommodated on the adjacent Recreation Reserve (unencumbered public open space). Treatment of the Recreation Reserve adjacent to the Bushland Reserve will be addressed in the Landscape Concept Plan.
- iii. Southern Brown Bandicoot Habitat Corridors that includes:
- The area shown as proposed habitat corridors on the Landscape Concept Plan 21014C01 Sheet 1 Version 14 (June 2021).
  - A road reserve delineating the eastern Southern Brown Bandicoot Habitat Corridor from the bushfire defendable space area that will be accommodated on the road reserve. Treatment of the road reserve adjacent to the Southern Brown Bandicoot Habitat Corridor will be addressed in the Landscape Concept Plan
  - A minimum 2.5 metre wide concrete shared path delineating the western Southern Brown Bandicoot Habitat Corridor from the bushfire defendable space area that will be accommodated on the adjacent Recreation Reserve (unencumbered public open space). Treatment of the Recreation Reserve adjacent to the Southern Brown Bandicoot Habitat Corridor will be addressed in the Landscape Concept Plan.
  - The path delineating the western Southern Brown Bandicoot Reserve must be a minimum of 2.5 metres wide and constructed of concrete.
  - Public open space adjacent to the western Southern Brown Bandicoot Reserve will be addressed in the Landscape Concept Plan.
- iv. Location of existing native trees and vegetation patches that are to be retained or removed.
- b. Land within the Ti Tree Creek Drainage Reserve, Bushland Reserves, and Southern Brown Bandicoot Habitat Corridors will be managed to a bushland standard, in accordance with the plant species and densities defined in the Environmental Landscape Masterplan.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
Permit No.: T190728		Page 5 of 36



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

**Environmental Landscape Masterplan**

7. Before the plan of subdivision for the first stage is certified under the Subdivision Act 1988, an Environmental Landscape Masterplan for the entire estate to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format. The plan must generally be in accordance with the environmental landscape concept plan referred to at condition 1c and include:
- a. Trees and vegetation patches to be retained
    - i. The location of indigenous trees to be retained and removed across the entire site area.
    - ii. Tree protection zones for retained trees within 15 metres of any proposed works or development.
    - iii. Trees that require works in accordance with the endorsed Tree Management Plan.
  - b. Southern Brown Bandicoot Habitat Corridors
    - i. The location of the 7 metre wide habitat corridors that must be planted in accordance with planting standards defined in the Environmental Landscape Works Plan, along the eastern and western boundaries, and the 3 metre wide habitat corridor along the eastern boundary (limited to the area within and south of the gas easement).
    - ii. The location of the paths and roads that will form the edge of the Southern Brown Bandicoot Habitat Corridors in accordance with the defensible space distances defined in the Bushfire Management Plan.
    - iii. The location of one Southern Brown Bandicoot interpretive sign.
  - c. Bushland Reserves
    - i. The location of the Bushland Reserves.
    - ii. The location of paths that will form the edge of the Bushland Reserve in accordance with the defensible space distances defined in the Bushfire Management Plan.
    - iii. Weed control management zones, indicating the location of individuals or extent of patches of noxious weeds that must be removed to achieve a cover of less than 1%.
    - iv. Revegetation management zones, indicating where indigenous planting will be required to achieve the minimum planting standards defined in the DSE Native Vegetation Revegetation Planting Standards (2006) for the Ecological Vegetation Class EVC 16 Lowland Forest
    - v. The location of signs to be installed at the entrances to the Bushland Reserve area that include the reserve name and regulatory symbols.

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

## d. Ti Tree Creek Drainage Reserve

- i. The surveyed location of the creek including the centre line of the creek, top of banks, and 30 metre buffers measured from the top of banks.
- ii. The location of the vegetated creek buffer area 30 metres to the north of the creek, taken from the top of bank, or to the property boundary, whichever is lesser.
- iii. The location of the vegetated creek buffer area 10 metres to the south of the creek, taken from the top of bank, including areas of existing vegetation that will be retained.
- iv. The location of the path approximately 10 metres south of the creek that will form the edge of the Creek Reserve, in accordance with the defendable space distances defined in the Bushfire Management Plan.
- v. Location of redundant fencing that will be removed.
- vi. Weed control management zones, indicating the location of individuals or extent of patches of noxious weeds that must be removed to achieve a cover of less than 1%.
- vii. Revegetation management zones, indicating where indigenous planting will be required to achieve the minimum planting standards defined in the DSE Native Vegetation Revegetation Planting Standards (2006) for the Ecological Vegetation Class EVC 937 Swampy Woodland.

Note: Separate landscape requirements will be included within the Landscape Masterplan required as part of this permit.

**Landscape Concept Plan**

8. Before the plan of subdivision for the first stage is certified, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and form part of the permit. The plans must be drawn to scale with dimensions and provided in an electronic format. The plans must be generally in accordance with the Landscape Concept Plan, 21014C01 Sheet 1 and Sheet 2 Version 14 (Nov 2021) but modified to show:
  - a. A path network consistent with the Environmental Landscape Concept Plan endorsed under this permit.
  - b. A playspace for children within the Ti Tree Creek Drainage Reserve and outside the 10 metre wide vegetated creek buffer zone on the south side of the creek.
  - c. Fencing around the playspace.
  - d. Any public land that will accommodate bushfire defendable space must be planted with indigenous plants that maximise the requirements of Table 6 of Clause 53.02 (Bushfire Planning) of the Planning Scheme. This land will be managed to a natural standard.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
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## Planning and Environment Regulations 2015 - Form 9, Section 96J

- e. Any Reserve that abuts an area that forms part of the Environmental Management Concept Plan must be landscaped with indigenous species, this includes the area surrounding the playspace. Examples can be found on page 14 and 15 of the *Cardinia Shire Council Developer Landscape Guidelines*.
- f. All paths within reserves must be a minimum of 2.5 metres and are to be constructed of concrete to the satisfaction of the Responsible Authority.

**Landscape Masterplan**

- 9. Before the plan of subdivision for the first stage is certified under the Subdivision Act 1988, a landscape masterplan for the entire estate to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format. The plan must generally be in accordance with the landscape concept plan prepared by Millar and Merrigan Pty Ltd (21014 Landscape Concept Plan Sheet 1 and Sheet 2 Version 14 (June 2021) and must include:
  - a. A response to the Cardinia Shire Council Developer Landscape Guidelines, including the Landscape Masterplan checklist (as amended from time to time) [https://www.cardinia.vic.gov.au/landscaping\\_guidelines](https://www.cardinia.vic.gov.au/landscaping_guidelines).
  - b. Key themes, landscape principles and character (including graphical concepts) of the proposed treatment that will define the subdivision.
  - c. Any road reserves or public open space areas within the defendable space as outlined in Condition X must be planted in accordance with Table 6 of Clause 53.02 (Bushfire Planning) of the Planning Scheme.
  - d. Street trees along any streets abutting protected vegetation are to be indigenous species selected from Council's tree planting palette.
  - e. All plant species within the protected vegetation area must be indigenous species.
  - f. A meandering 2.5m wide concrete pathway is to be shown within the gas easement. All landscaping within the gas pipeline easement is to be to the satisfaction of APA VTS and the Responsible Authority.
  - g. Locations of any protected trees or patches of protected native vegetation to be retained.
  - h. Location of any waterway or waterbody on or adjoining the land.
  - i. How any landscape requirements or guidelines within the Garfield Township Strategy are proposed to be implemented.
  - j. Tree Management Plan as approved by this permit.

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

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

- k. Indigenous planting in the defendable space area within the 30 metre creek buffer zone (between the path and the road on the south side of the creek) must maximise biodiversity outcomes, while also complying with the defendable space requirements defined in the Bushfire Management Plan. This includes:
  - i. Trees at maturity must have a 5 metre separation between canopies.
  - ii. Shrubs must not be located under the canopy of trees.
  - iii. Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
  - iv. Grass will be short cropped and maintained during the declared fire danger period.

Note: Separate landscape requirements will be included within the Environmental Landscape Masterplan required as part of this permit.

**Tree Management Plan**

- 10. Before the plan of subdivision for the first stage is certified under the Subdivision Act 1988, a Tree Management Plan prepared by a suitably qualified arborist must be submitted to and approved by the Responsible Authority. The Tree Management Plan must include the following to the satisfaction of the Responsible Authority:
  - a. Scaled site plan that identifies tree protection zones of all retained trees within 15 metres of any works, and location of tree protection fencing in accordance with AS4970-2009 Protection of trees on development sites.
  - b. Structural assessment of all retained trees.
  - c. Hazard assessment for all trees within falling distance of paths, reserve assets, and adjacent properties that details pruning or other measures to ensure trees are safe.
  - d. Direction for management activities to improve the health of the retained trees over the long term.
  - e. Recommendations relating to proposed construction methodology for services under retained vegetation.
  - f. The Tree Management Plan must be attached as an appendix to the Environmental Landscape and Landscape Masterplans.

**Building Design Guidelines and Fencing Controls**

- 11. Before the plan of subdivision for the first stage is certified under the Subdivision Act 1988, Building Design Guidelines and Fencing Controls, for the entire estate to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The guidelines must be consistent with the Bushfire Management Plan as at condition 2 and address and include measures to ensure:

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
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## Planning and Environment Regulations 2015 - Form 9. Section 96J

- a. Dwellings, not garages, dominate the streetscape.
- b. Dwelling design provides for passive surveillance and attractive streetscapes.
- c. Topography is suitably addressed through dwelling, fencing and retaining wall design.
- d. Fencing visible from the public realm is minimised and, provides for passive surveillance and attractive streetscapes.
- e. Landscaping provides for passive surveillance and attractive streetscapes.
- f. Where applicable, a Tree or Vegetation Protection Envelope to include the following notation: *Native vegetation shown within this area must not be lopped, destroyed or removed without the written consent of the Responsible Authority. No buildings or construction works are permitted to occur within the Tree or Vegetation Protection Envelope.*

**Functional Layout Plan**

12. Before the submission and approval of detailed design construction plans (engineering plans) and before the plan of subdivision for the first stage is certified under the Subdivision Act 1988, a functional layout plan for the subdivision or stage of subdivision, generally in accordance with the standards, specifications and processes in the *'Engineering Design and Construction Manual for Subdivision in Growth Areas'* dated December 2019 and *Water Sensitive Urban Design Guidelines (South Eastern Councils)* prepared by Melbourne Water, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority.

When approved, the functional layout plan will be endorsed and will then form part of the permit. Three copies of the functional layout plan must be drawn to a scale of 1:500 to acceptable drafting standards and an electronic copy (pdf) must be provided.

The plan must address the approved hydrogeological assessment (Condition 7) and be generally in accordance with the Functional Layout Plan prepared by Millar & Merrigan Pty Ltd, 21014E 00 E1-E6 (30 Oct 2020) but modified to show:

- a. The interim access which is to cater for up to 50% of the sites development (Lots A, 14 to 21 and 27 to 36) and must include:
  - i. the proposed arrangement of the access intersection via the subdivision to the south and
  - ii. the temporary truncation of the access driveway onto Garfield Road (pedestrian access only, southern side of future carriageway)
- b. The ultimate access which is to cater for above 50% of the sites development and must include:
  - i. Road A pavement width to be 5.5 metres from lip to lip of kerb.

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



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

- ii. Footpath on the southern side of Road A.
- iii. Kerbs are to be flared at the Garfield Road intersection to allow passing of a B99 and Service (8.8m) vehicle.
- iv. Kerb radius to suit turning movements at bends and intersections.
- v. Clearance envelopes for vehicles to be shown on the turning templates.
- vi. Any services and batters on adjoining properties. This would need the neighbouring properties approval.
- vii. Pedestrian connectivity to the existing path network on the west side of Garfield Road, and the widening of the road reserve if/where required.
- c. A fully dimensioned subdivision layout, including proposed street names, approximate lot areas, lot numbers and widths of street reservations.
- d. Topography and existing features, including contours for the subject land and any affected adjacent land.
- e. Identification by survey of all trees (or group of trees) existing on the subject land, including dead trees and those that overhang the subject land from adjoining land.
- f. Details of tree protection zones (TPZs) for all trees to be retained on the subject land or adjoining land.
- g. All trees proposed for removal from the subject land clearly designated.
- h. Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements.
- i. Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls.
- j. The proposed minor drainage network and any spatial features requiring access.
- k. The major drainage system, including any watercourse, lake, wetland, sediment pond rain gardens, bio-infiltration system and/or piped elements showing preliminary sizing.
- l. Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination.
- m. Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for the construction and maintenance.
- n. A table of offsets for all utility services and street trees.
- o. Preliminary location of reserves for electrical kiosks.

Date issued:

Date permit comes into operation:

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

Signature for the responsible authority:

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

- p. Traffic management plan showing sufficient notional (unmarked) on-street car parking spaces, at the rate of one space per lot, traffic control devices and large vehicle turning overlays.
- q. Sites that are not adjacent to existing or approved infrastructure will be required to show the following information in addition to the above standard requirements:
  - i. The relationship between the subject subdivision stage and surrounding land.
  - ii. Proposed linkages to future streets, open space, regional path network and upstream drainage.
  - iii. Works external to the subdivision, including both interim and ultimate access requirements.
  - iv. Intersections with Category 1 roads showing interim and ultimate treatments.
  - v. Drainage and sewerage outfalls including any easements required over other property.

**Waste Management Plan**

- 13. Before the plan of subdivision for each stage is certified under the Subdivision Act 1988 a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must:
  - a. Be prepared by a suitably qualified expert.
  - b. Provide detail of the proposed arrangements for collection of waste from the land.
  - c. Be consistent with relevant guidelines prepared by Cardinia Shire Council with respect to waste management.

**Land Management Plan**

- 14. Before the plan of subdivision for the first stage is certified under the Subdivision Act 1988, a Land Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Land Management Plan must clearly show:
  - a. Interim management of the land until ultimate development is completed.
  - b. Details about the placement of fill and prevention of dumping of materials.
  - c. Dust control measures.
  - d. Weed and pest control measures.
  - e. Mowing, slashing and fire risk management.
  - f. Details about grazing and other agricultural activity.

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

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

- g. Access management (e.g. limiting access to the land from existing public roads until their construction to an urban standard) and construction access.

**PLANS TO BE ENDORSED PRIOR TO COMMENCEMENT OF WORKS****Construction Environmental Management Plan**

15. At least 14 days before any works start, a site-specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will form part of the permit. All works must be undertaken in accordance with the approved CEMP. The CEMP must address all environmental risks and include:
  - a. Temporary stormwater management including sedimentation control.
  - b. Provision of pollution and contamination controls including noise and dust.
  - c. Location of stockpiles and stockpile management.
  - d. Location of site office and facilities.
  - e. Equipment, materials and goods management.
  - f. Demarcation between trees to be retained and trees to be removed.
  - g. Tree protection zones and location of tree protection fencing for all trees or vegetation patches to be retained, within 15 metres of any works.

**PLANS TO BE ENDORSED PRIOR TO STATEMENT OF COMPLIANCE****Environmental Landscape Works Plan**

16. Before the statement of compliance for the first stage is issued under the *Subdivision Act 1988*, a Environmental Landscape Works Plan for all areas included in the Environmental Landscape Masterplan (not including works within the Landscape Masterplan) must be submitted to and approved by the Responsible Authority. The detailed Environmental Landscape Works Plan must be prepared by a person suitably qualified or experienced in bushland management to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Environmental Landscape Works Plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format (PDF and CAD). The detailed Environmental Landscape Works Plan must be consistent with the endorsed Environmental Masterplan and must show:
  - a. Tree Management Plan as approved by this permit.
    - i. Locations of any protected trees or patches of native vegetation to be retained consistent with the approved Tree Removal Plan endorsed under this permit.

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

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

- ii. The tree protection zone for each retained tree within 15 metres of any proposed works or development must be clearly shown on the site plan.
- iii. Demarcation of trees that require works in accordance with the endorsed Tree Management Plan.
- b. The removal of existing disused structures, redundant fencing, foundations, pipelines or stockpiles.
- c. Southern Brown Bandicoot Habitat Corridors
  - i. Southern Brown Bandicoot Habitat Corridors must be planted with a combination of the following indigenous plant species, at a density of 6 plants per square metre:
    - Carex appressa, Tall Sedge
    - Gahnia filium, Chaffy Saw-sedge
    - Gahnia sieberiana, Red-fruit saw sedge
    - Juncus pallidus, Pale Rush
    - Lepidosperma laterale var. majus, Variable Sword-sedge
    - Lomandra longifolia ssp. longifolia, Spiny-headed Mat-rush
    - Poa labillardieri var. labillardieri, Common Tussock-grass
    - Goodenia ovata, Swamp Goodenia
    - Correa reflexa, Common Correa
  - ii. Provide a costed schedule of works to maintain the Southern Brown Bandicoot Corridors for a minimum of 2 years. Include watering, weed control, and infill plantings.
  - iii. Southern Brown Bandicoot Habitat Corridors must achieve a minimum 50% plant cover at maturity.
  - iv. Any dead or diseased plants must be replaced as soon as practicable.
  - v. Southern Brown Bandicoot Habitat Corridor interpretive signage. Consult with Council's Environment and Heritage Department to determine suitable content for signage.
- d. Removal of noxious weeds to less than 1% cover in the Bushland Reserve, Creek Reserve, and Southern Brown Bandicoot Habitat Corridors.
  - i. Identification of all noxious weed species present on site which that are listed in the Catchment and Land Protection Act.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
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Permit No.: T190728

Page 14 of 36

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

- ii. Identification of the extent of noxious weed cover.
- iii. Detail methods for removal, including a schedule of proposed works.
- iv. Precision control methods that minimise off-target impacts must be used in environmentally sensitive areas near native vegetation and waterways.
- v. Staged weed removal will be required for large patches of weeds, to prevent loss of habitat that may be providing refuge for native fauna.
- vi. Provide a costed schedule of works for all weed removal works, including follow up maintenance for a minimum period of 2 years following weed removal.
- e. Revegetation using indigenous plant species based on the requirements of the appropriate bioregional EVC benchmark defined in the Biodiversity Assessment Report for Garfield Road, Garfield – Updated October 2021 by Indigenous Design Environmental Management for the Bushland Reserve (EVC 16 Lowland Forest) and Creek Reserve (EVC 937 Swampy Woodland), including:
  - i. Description of any site preparation works that will be required prior to planting.
  - ii. Planting densities to be calculated in accordance with the DSE Native Vegetation Revegetation Planting Standards (2006), at a minimum.
  - iii. Provide an indigenous plant species list including quantities, based on the requirements of the appropriate bioregional EVC benchmark.
  - iv. Provide a costed schedule for staged revegetation, associated works, and follow up maintenance for a minimum period of 2 years following planting.
  - v. Any dead or diseased plants must be replaced as soon as practicable.
- f. Measures to manage all erosion to ensure no active of movement of soil into the creek.
- g. Removal of rubbish and debris, including any temporary fencing.
- h. Details of signs to be installed at the entrances to the Bushland Reserve area that include the reserve name and regulatory symbols using the Open Space and Bushland Naming Template in the Cardinia Shire Council Corporate Signage Manual. The naming of the Bushland Reserve must be determined by Cardinia Shire Council's place names committee. Where this has not been determined prior to the implementation of this action, this permit condition may be satisfied through the transfer of the current day cost at the time of transfer of funds, to Cardinia Shire Council that will cover the cost of signage development, manufacture and installation, once the reserve name has been determined.

**Landscape Works Plan**

17. Before the issue of a Statement of Compliance for each stage of the subdivision under the Subdivision Act 1988, a detailed landscape works plan for all areas not included within the

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

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

Environmental Landscape Concept Plan must be submitted to and approved by the Responsible Authority. The detailed landscape works plan must be prepared by a person suitably qualified or experienced in landscape design to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The landscape works plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format (PDF and CAD). The detailed landscape works plan must be consistent with the endorsed landscape master plan and must show and include to the satisfaction of the Responsible Authority:

- a. A detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant. The plant schedule must be:
  - i. Consistent with adjoining sites where roads are continued through.
  - ii. Drought tolerant and proven hardy cultivars suitable to the local conditions.
  - iii. Indigenous plant species (where possible)
- b. Any road reserves or public open space areas within the defensible space must be planted in accordance with Table 6 of Clause 53.02 (Bushfire Planning) of the Planning Scheme.
- c. Plantings are not to impact sight lines for vehicles or pedestrians.
- d. The type and location of new plantings in the road reserves and public open space areas (excluding any area subject to the Environmental Landscape Management Plan associated with this permit).
- e. A detailed schedule of any landscaping over the gas pipeline easement. All landscaping within the gas pipeline easement is to be to the satisfaction of APA VTS and the Responsible Authority.
- f. Locations of any protected trees or patches of protected native vegetation to be retained.
- g. The proposed road reservation widths and the treatment of interfaces with surrounding road reserves, including areas within the road reserves set aside for the retention of existing vegetation.
- h. The tree protection zone for each protected tree must be clearly shown on the site plan.
- i. The removal of existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds.
- j. WSUD interpretive signage.
- k. Locations of substations.
- l. Entrance treatments.

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



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

- m. Location of any waterway or waterbody on or adjoining the land.
- n. Tree Management Plan as approved by this permit.

Note: The landscaping works shown on the endorsed landscape masterplan/s are to be used to inform the final construction drawings and landscape specifications developed for construction and approved by open space. The landscaping works shown on the approved landscape plan/s must be carried out and completed to the satisfaction of the Responsible Authority. Separate landscape requirements will be included within the Environmental Landscape Concept required as part of this permit.

**SECONDARY CONSENT**

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

**SECTION 173 AGREEMENTS****Bushfire Management**

- 19. Before the plan of subdivision for each stage is certified under the Subdivision Act 1988, the owner must enter into an agreement with the responsible authority under Section 173 of the Planning & Environment Act 1987 which is recorded on the Certificate of Title of the land. The agreement must:
  - a. Incorporate the building envelopes endorsed under this permit.
  - b. Incorporate the Bushfire Management Plan endorsed under this permit.
  - c. State that the owner of the land must implement the bushfire protection measures set out in the Bushfire Management Plan incorporated into the agreement to the satisfaction of the responsible authority on a continuing basis.

The owner must pay for all reasonable costs (including legal costs) associated with preparing, reviewing, executing and registering the agreement on the certificate of title to the land (including those incurred by the Responsible Authority).

**Environmental Landscape Works**

- 20. Before the issue of a Statement of Compliance for the first stage of the subdivision under the Subdivision Act 1988, the owner must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987, which provides for the implementation of the endorsed Environmental Landscape Concept Plan, Masterplan and Works Plan of this permit and specifies that:
  - a. All works within the Environmental Landscape Concept Plan, Masterplan and Works Plan must be implemented and maintained for a minimum of 2 years to the satisfaction of the Responsible Authority.

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

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

The owner must pay for all reasonable costs (including legal costs) associated with preparing, reviewing, executing and registering the agreement on the certificate of title to the land (including those incurred by the Responsible Authority).

**Building Design Guidelines and Fencing Controls**

21. Before the plan of subdivision for each stage is certified under the Subdivision Act 1988 the Building Design Guidelines and Fencing Controls must be implemented in the form of either a Notice of Restriction on the certified Plan of Subdivision or through an agreement with the Responsible Authority under Section 173 of the Planning & Environment Act 1987, which is recorded on the Certificate of Title of the land. The restriction or agreement must provide (as appropriate):
- Except with the written consent from the Responsible Authority, the registered proprietor of proprietors of any burdened lot must not, build or allow to be built on the land any dwelling (and/or associated works), other than in accordance with the approved design guidelines as approved by Cardinia Shire Council.
  - Only one (1) single dwelling is permitted on each lot.
  - Mandatory provision of a 10,000 litre water tank for each lot. 5,000 litre for re-use and 5,000 litre for detention as outlined in the drainage strategy prepared by Millar & Merrigan Pty Ltd, dated 30 October 2020 to be installed with each dwelling development.
  - Include an appropriate sunset clause being 15 years after the plan of subdivision is registered and expressed as a date (e.g. 31 December 2036).

The owner must pay for all reasonable costs (including legal costs) associated with preparing, reviewing, executing and registering the agreement on the certificate of title to the land (including those incurred by the Responsible Authority).

**CERTIFICATION**

22. The certification of each stage of the plan of subdivision under the *Subdivision Act 1988* must include a creation of restriction on a separate sheet showing the building envelopes in accordance with the endorsed Building Envelope Plan.
23. Before a plan of subdivision is certified for each stage of the subdivision, a restriction must be included on the plan of subdivision which states that dwellings and associated outbuildings must be located inside of the prescribed building envelope, unless with the prior written consent of the Responsible Authority,
24. Before a plan of subdivision is certified for each stage of the subdivision, a restriction must be included on the plan of subdivision which states that dwellings and associated outbuildings must be located inside of the prescribed building envelope, unless with the prior written consent of the Responsible Authority. The building envelopes must be in accordance with the endorsed Building Envelope Plan and designed to consider the provision of solar access and any other requirements provided on the plans endorsed to this permit as relevant. The building envelopes

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

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

and associated restrictions cannot be varied except with the consent of the Responsible Authority.

25. All existing and proposed easements and sites for existing or required utility services, roads, public open space and other infrastructure on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
26. The plan of subdivision submitted for certification under the Subdivision Act 1988, must show land for Reserve vested to the relevant Responsible Authority, generally in accordance with the plans approved under this permit.
27. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authorities in accordance with Section 8 of that Act.

**ENVIRONMENT CONDITIONS****Native Vegetation Offsets**

28. Before the issue of a Statement of Compliance for the first stage of the subdivision under the *Subdivision Act 1988*, to offset the removal of 0.884 hectares of native vegetation and 8 large trees the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017). The offset requirement I defined in Native Vegetation Removal Report ID IND 2021 026 and specified:
  - a. A general offset of 0.237 general habitat units:
    - i. located within the Port Phillip and Westernport CMA boundary or the Cardinia Shire municipal district
    - ii. with a minimum strategic biodiversity score of at least 0.405
    - iii. and 8 large trees
  - b. Evidence that the required offset for the subdivision has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is one or both of the following:
    - i. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site. The applicant must provide the annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

AND/OR

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

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

- ii. credit extract(s) allocated to the permit from the Native Vegetation Credit Register. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.
- c. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

**Vegetation Removal**

- 29. The extent of vegetation removal as shown on the endorsed plan/s must not be altered or modified without the further written consent of the Responsible Authority.
- 30. Once the vegetation removal has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
- 31. Except where specified on the endorsed plan, no vegetation may be removed, destroyed or lopped without the written consent of the Responsible Authority.
- 32. Vegetation removal and disposal must not cause damage to vegetation stands to be retained or to drainage lines or watercourses.
- 33. All fallen timber and debris from the works must be cleaned up to the satisfaction of the Responsible Authority within three (3) months of the completion of works and may not remain on the subject land in a manner, which may constitute a fire hazard.

**Tree Protection**

- 34. Before any site works and before the removal, destruction or lopping of any native vegetation, all vegetation approved for removal must be clearly marked on site as retained or removed in accordance with this permit, to the satisfaction of the Responsible Authority.
- 35. Before the commencement of any works, tree protection fencing must be erected in accordance with the Australian Standard AS4970-2009 Protection of Trees on Development Sites to the satisfaction of the Responsible Authority. The tree protection fencing must remain in place until the completion of any works approved by this permit.
- 36. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Area without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Area.
- 37. No earthworks, compaction or modification of existing drainage patterns may be undertaken which present a risk to any vegetation to be retained, remnant trees, understorey or revegetated areas.
- 38. Any construction stockpiles, fill and machinery must be placed away from areas supporting native vegetation and drainage lines to the satisfaction of the Responsible Authority.

**Fauna salvage**

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

Permit No.: T190728

Page 20 of 36

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

39. Prior to, and for the duration of, any vegetation removal or works within 30 metres of the creek, an appropriately qualified zoologist or registered wildlife carer must be present onsite to determine the presence or otherwise of any native fauna living or nesting in the tree/s. If any native animals are living or nesting in the tree/s they must be caught and relocated to the satisfaction of the Responsible Authority.

**Tree Management Plan Implementation**

40. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, all works directed under the Tree Management Plan must be completed to the satisfaction of the Responsible Authority.

**Environmental Landscaping Timeframe for Completion (stages)**

41. Before the issue of a Statement of Compliance for each stage of the subdivision under the Subdivision Act 1988, the works shown on the approved detailed Environmental Landscape Works Plan for that stage (excluding works included in the Landscape Masterplan and detailed Landscape Works Plan associated with this permit) must be carried out and completed to the satisfaction of the Responsible Authority, or by agreement with the Responsible Authority bond environmental landscaping works incomplete at the completion of civil works. Payment can be made in the form of a cash bond or bank guarantee. The bond will be released upon satisfactory completion of works. Refer to the Cardinia Shire Council Developer Landscape Guidelines, (as amended from time to time) for bond calculation details.

Note: At practical completion, the outstanding environmental landscape works bond will be released and only an environmental landscape maintenance bond will be retained. Contact Council's Environment and Heritage Department in relation to the cash bond or bank guarantee amount.

**Environmental Landscaping Maintenance Bond**

42. Before the issue of a Statement of Compliance for each stage of the subdivision under the Subdivision Act 1988, bonding must be provided to the Responsible Authority to cover all environmental landscaping works (excluding works included in the Landscape Masterplan and detailed Landscape Works Plan associated with this permit) for a twenty four (24) month maintenance period. Payment can be made in the form of a cash bond or bank guarantee. Refer to the Cardinia Shire Council Developer Landscape Guidelines, (as amended from time to time) for bond calculation details. A Certificate of Final Completion will be issued by the Responsible Authority and the bond released, less any moneys retained for imperfect works, following the satisfactory completion and satisfactory maintenance of the environmental landscaping for a minimum of 24 months. Final completion will not be granted between 1 November and 31 March. Contact Council's Environment and Heritage Department in relation to the costs of the cash bond or bank guarantee.

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

**LANDSCAPING AND PUBLIC OPEN SPACE CONDITIONS****Stock Inspection**

43. Before the installation of trees to be planted within the streetscape, an inspection of the plant stock must be undertaken by Council's Landscape Development Department. Any trees deemed unsuitable must not be planted within the streetscape.

**Surveillance**

44. The permit holder must notify Council's Landscape Development Department a minimum of seven (7) days before commencing street tree planting and landscaping (excluding works included in the Environmental Landscape Masterplan and detailed Environmental Landscape Works Plan associated with this permit) so that surveillance of the works can be undertaken.

**Landscaping Timeframe for Completion (stages)**

45. Before the issue of a Statement of Compliance for each stage of the subdivision under the Subdivision Act 1988, the landscape works shown on the approved detailed landscape works plan for that stage (excluding works included in the Environmental Landscape Masterplan and detailed Environmental Landscape Works Plan associated with this permit) must be carried out and completed to the satisfaction of the Responsible Authority or by agreement with the Responsible Authority, bond landscaping works incomplete at the completion of civil works. Payment can be made in the form of a cash bond or bank guarantee. The bond will be released upon satisfactory completion of works. Refer to the Cardinia Shire Council Developer Landscape Guidelines, (as amended from time to time) for bond calculation details.

Note: At practical completion the outstanding landscape works bond will be released and only a landscape maintenance bond will be retained. Contact Council's Landscape Development Department in relation to the cash bond or bank guarantee amount.

Practical completion for landscape works will not be granted until 'as constructed' plans are provided in AutoCAD as well as digital landscape information in accordance with the current version of A-SPEC. All graphical information is to be provided in the datum of GDA94 and projection of MGA Zone 55. Refer to A-SPEC website [www.a-specstandards.com.au/o-spec](http://www.a-specstandards.com.au/o-spec) for minimum Council requirements. The submitted information is to the satisfaction of the Responsible Authority.

**Landscaping Maintenance Bond**

46. Before the issue of a Statement of Compliance for each stage of the subdivision under the Subdivision Act 1988, bonding must be provided to the Responsible Authority to cover all landscaping works (excluding works included in the Environmental Landscape Masterplan and detailed Environmental Landscape Works Plan associated with this permit) for a twenty four (24) month maintenance period. Payment can be made in the form of a cash bond or bank guarantee. Refer to the Cardinia Shire Council Developer Landscape Guidelines, (as amended from time to time) for bond calculation details. A Certificate of Final Completion will be issued by the Responsible Authority and the bond released, less any moneys retained for imperfect works, following the satisfactory completion and satisfactory maintenance of the landscaping

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



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

for a minimum of 24 months. Final completion will not be granted between 1 November and 31 March. Contact Council's Open Space Department in relation to the costs of the cash bond or bank guarantee.

**Fencing to Public Open Space**

47. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, or at any other time agreed to by the Responsible Authority, all fencing along a common boundary with land which is or is intended to become public open space must be provided to the satisfaction of the Responsible Authority.

**ENGINEERING CONDITIONS****Implementation of Technical Report**

48. The recommendations and mitigation measures as set out in the following reports must be implemented to the satisfaction of the Responsible Authority. All works must be carried out in accordance with this report.
- a. Drainage Strategy, 49 Garfield Road, Garfield Multi-Lot Subdivision, Millar & Merrigan (date) (Reference 24661)
  - b. Traffic Impact Assessment, 49 Garfield Road, Garfield, Proposed Residential Subdivision (date) O'Brien Traffic (Reference 18107)

**Land Management Plan Implementation**

49. All parts of the land must be maintained in accordance with Council's Guidelines for Land Management During Development.

**Intersection**

50. Before the issue of a Statement of Compliance for the stage comprising more than 50% of the subdivision under the Subdivision Act 1988 is issued, the intersection of Garfield Road must be designed and constructed in accordance with plans and specifications approved by the Responsible Authority.

**Relocation of Existing Services**

51. Before the issue of a Statement of Compliance for the each stage of the subdivision under the Subdivision Act 1988, all services, including drainage and/or sewerage, servicing any existing dwelling or building on the lot(s), must be relocated (if required) to the satisfaction of the Responsible Authority, to ensure that they do not cross the boundaries between the proposed lots.

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

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

**Compliance with DSPEC**

52. Before the issue of a Statement of Compliance for each stage of the subdivision under the Subdivision Act 1988, the permit holder must provide survey enhanced “as constructed” GIS data for the drainage, road and footpath information components of the subdivision, in accordance with the current version of D-SPEC and R-SPEC. Council’s preferred format for the submission of the graphical data is in “MapInfo Native Format”. A secondary format is “MapInfo MID/MIF”. Grid Co-ordinates must be MGA zone 55 (GDA 94). Please refer to the A-SPEC website for further information: [www.a-specstandards.com.au](http://www.a-specstandards.com.au) .

**Fire Hydrants**

53. Before the issue of a Statement of Compliance for each stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide Council with written confirmation from a suitably qualified professional that the requirements of Clause 56.09-3 (Fire Hydrants Objectives Standard C29) of the Cardinia Planning Scheme have been provided on the land.

**Street Lighting**

54. Before the issue of a Statement of Compliance for each stage of the subdivision under the Subdivision Act 1988, lighting of streets and pedestrian/cycle paths must be designed and provided in accordance with Australian Standard 1158.1 to the satisfaction of the Responsible Authority.

**Fill & Removal of excavated material**

55. No fill or excavated material for or from this development is to be carted/hailed into or from the site without first obtaining the further written consent from Council’s Engineering Department at least seven (7) days prior to the cartage/haulage works commencing to the satisfaction of the Responsible Authority.

**Geotechnical Certificate**

56. Before the issue of a Statement of Compliance for the subdivision, a certificate from a geotechnical engineer must be submitted to and approved by the Responsible Authority certifying that the filling of any dam on the subject land has been undertaken in accordance with acceptable engineering standards.

**Construction Plans**

57. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, all works specified on the approved construction plans must be constructed or carried out in accordance with those plans to the satisfaction of the Responsible Authority.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
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## Planning and Environment Regulations 2015 - Form 9, Section 96J

**Minimal Soil Erosion**

58. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.

**Batters**

59. The slope of batters, both cut and fill, must not exceed 2:1 (horizontal: vertical) or, where this is not practicable, batters must be stabilised by other means to the satisfaction of the Responsible Authority.

**Filling of Land – Residential Use**

60. Land to be filled must be filled and compacted (in accordance with AS 3798/1996) to comply with fill density tests in order to support residential house foundations. The results of the tests must be to the satisfaction of the Responsible Authority.

**Haulage on Council roads**

61. All roads used for the purpose of haulage of imported or exported materials for construction must be:
- Approved in writing by the Responsible Authority for the submitted haulage strategy, at least seven days prior to the commencement of use.
  - Maintained in accordance with the Responsible Authority's maintenance intervention levels, or as requested by the Responsible Authority if the road deteriorates during the haulage period.
  - Reinstated to the satisfaction of the Responsible Authority.

**Fill & Removal of excavated material**

62. No fill or excavated material for or from this development is to be carted/hailed into or from the site without first obtaining the further written consent from Council's Engineering Department at least seven (7) days prior to the cartage/haulage works commencing to the satisfaction of the Responsible Authority.

**Temporary Turn Around Areas**

63. Any temporary vehicle turning areas provided on roads which are intended to be continued at a future time must be constructed in accordance with engineering construction plans approved by the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.
64. A sign of at least one (1) sqm in area must be displayed in a prominent position near the temporary vehicle turning area while a temporary turning area is in operation advising that it is a temporary turning area only. The sign must be removed after the temporary vehicle turning area is removed.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
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## Planning and Environment Regulations 2015 - Form 9, Section 96J

**Service substations, kiosk sites etc**

65. All service substations, kiosk sites and the like must not be located on/address/front any land identified as public open space (including encumbered open space) or land to be used for any municipal purpose unless otherwise agreed by the Responsible Authority.

**Street Number Markers**

66. Reflective street number markers must be provided on the kerb in front of each lot to the satisfaction of the Responsible Authority.

**Works & Matters to be Completed**

67. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988 the following must be completed to the satisfaction of the Responsible Authority:
- a. Power and telephone lines placed underground from the main point of service supplied by the relevant authority outside the boundaries of the land must be provided to all new dwellings/lots.
  - b. All driveways must be designed and constructed in accordance with Cardinia Shire Council's specifications.

To the satisfaction of the Responsible Authority

**Hydrogeological Assessment**

68. Before the submission and approval of detailed design construction plans (engineering plans) and/or functional layout plans and before the first stage of development is certified under the Subdivision Act 1988, a hydrogeological assessment and design plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

The assessment must address groundwater and salinity conditions on the subject land detail the potential impacts on the proposed development and include a design plan that includes measures required to mitigate the impacts of groundwater and soil salinity conditions on the development. The design plan must detail how the mitigation measures will inform the development of the construction plan and development on the private lots and how they will be managed through the permit process.

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

**Stormwater Management Plan (90)**

69. Before the plan of subdivision for each stage is certified under the Subdivision Act 1988, a stormwater management plan showing the stormwater works to the nominated point of discharge must be submitted to and approved by the Responsible Authority. The stormwater management plan must be prepared by a suitably qualified person and show details of the proposed stormwater works including all existing and proposed features that may have impact

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
Permit No.: T190728		Page 26 of 36

## Planning and Environment Regulations 2015 - Form 9. Section 96J

(including trees to be retained, crossings, services, fences, abutting buildings, existing boundary levels etc). The stormwater management plan must be generally in accordance with the drainage strategy prepared by Millar & Merrigan Pty Ltd Version 3 (30 October 2020) and include the mandatory provision of a 10,000 litre water tank for each lot. 5,000 litre for re-use and 5,000 litre for detention for each dwelling. All works must be undertaken in accordance with the approved stormwater management plan.

**Outfall Drainage**

70. Before the plan of subdivision for each stage is certified under the Subdivision Act 1988, outfall drainage for the subdivision must be designed and constructed to a satisfactory point of discharge in accordance with plans and specifications approved by the Responsible Authority.

**Stormwater sediment control during construction - small scale projects**

71. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.

**Control of run-off**

72. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses.

**Stormwater Overflows**

73. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.

**Waste Management Plan Implementation**

74. All waste generated by the use of the land must be managed in accordance with the Waste Management Plan for the land approved by the Responsible Authority.

**GENERAL****Provision of Services**

75. Lots within the subdivision must be provided with reticulated water and sewerage, gas, underground power and telecommunications connections to the satisfaction of the Responsible Authority.

**Agreements with Authorities**

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

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
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## Planning and Environment Regulations 2015 - Form 9, Section 96J

77. Before the plan of subdivision for the first stage is certified under the Subdivision Act 1988, the permit holder must nominate the telecommunications fibre to the premises (FTTP) network provider to Council's Subdivision Department.

**Mandatory Clause 66 Conditions**

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

**FOREIGN INVESTOR TAX**

80. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, a Foreign Resident Capital Gains Withholding Clearance Certificate in accordance with Section 14-220(1) of the Tax Act must be provided to Council along with a current copy of title. The copy of title must have been produced no more than 14 days prior to the day the Statement of Compliance is to be issued by Council. The owner of the land as listed on the title must match the vendor name listed on the Clearance Certificate.

**GENERAL**

81. The subdivision and development of land must be generally in accordance with the plans endorsed under this permit and subject to the conditions set out in this permit.
82. The subdivision of the land must proceed in the order of stages shown on the endorsed plan/s except with the prior written consent of the Responsible Authority.

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



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

83. Once the subdivision/development of each stage starts, it must be continued and completed to the satisfaction of the Responsible Authority.

**Information for the Responsible Authority**

84. Within four (4) weeks of the registration of the plans at the Land Titles Office the following must be sent to the Responsible Authority:
- a. A Certificate of Title for all land vested in the Responsible Authority on the plan of subdivision.
  - b. A clear A3-size photocopy of the Title Office approved Plan of Subdivision.

**CERTIFICATE OF PRACTICAL COMPLETION****Road & Drainage**

85. Before a certificate of practical completion is issued, all road and drainage infrastructure must be designed and constructed in accordance with plans and specifications approved by the Responsible Authority. The works must comply with the standards, specifications and processes in the *'Engineering Design and Construction Manual for Subdivision in Growth Areas' dated December 2019 and Water Sensitive Urban Design Guidelines (South Eastern Councils)* prepared by Melbourne Water,

**Closed-Circuit Television (CCTV)**

86. Before a certificate of practical completion is issued, CCTV results for the full length of all stormwater drainage pipes where Council is the responsibility authority, must be submitted for assessment. The submitted information is to be to the satisfaction of the Responsible Authority.

**"As constructed" Drawings {DM} (338)**

87. Before a certificate of practical completion is issued, "as constructed" digital road and drainage information in AutoCAD format with all Xrefs binded into the drawings and showing any amendments during construction, must be submitted for all civil works where Council is the Responsibility Authority.

**Certificate of Title**

88. Within four (4) weeks of the registration of the plans at the Land Titles Office, a Certificate of Title for all land vested in the Responsible Authority on the plan of subdivision must be sent to the Responsible Authority.

**Landscaping Ongoing Maintenance (complex) [EC]**

89. The landscaping shown on the endorsed landscape plan (excluding works included within the Bushland Reserve or Creek Reserve Management Plans associated with this permit) must be maintained to the satisfaction of the Responsible Authority for a minimum of 24 months from the date of practical completion of the landscaping. All maintenance activities are to be

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
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## Planning and Environment Regulations 2015 - Form 9, Section 96J

undertaken until a Certificate of Final Completion is issued by the Responsible Authority.  
During this period:

- a. Any dead, diseased or damaged plants or landscaped areas must be repaired or replaced except for within the final 12 months of the maintenance period whereby trees must not be replaced. In accordance with the Cardinia Shire Council developer landscape guidelines ([https://www.cardinia.vic.gov.au/landscaping\\_guidelines](https://www.cardinia.vic.gov.au/landscaping_guidelines)) (as amended from time to time) funds will be retained from the landscape maintenance bond for the works to be undertaken by Council following issuing of final completion.
- b. The Responsible Authority may direct maintenance activities to be undertaken.

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

**Environmental Landscaping Ongoing Maintenance (complex)**

90. The environmental landscaping shown on the endorsed Environmental Landscape Masterplan and Environmental Landscape Works Plan (excluding works included within the Landscape Plans associated with this permit) must be maintained to the satisfaction of the Responsible Authority for a minimum of 24 months from the date of practical completion of the environmental landscaping. All maintenance activities are to be undertaken until a Certificate of Final Completion is issued by the Responsible Authority. During this period:
  - a. Any dead, diseased or damaged plants or environmental landscaped areas must be repaired or replaced except for within the final 12 months of the maintenance period whereby trees must not be replaced. In accordance with the Cardinia Shire Council developer landscape guidelines ([https://www.cardinia.vic.gov.au/landscaping\\_guidelines](https://www.cardinia.vic.gov.au/landscaping_guidelines)) (as amended from time to time) funds will be retained from the environmental landscape maintenance bond for the works to be undertaken by Council following issuing of final completion.
  - b. The Responsible Authority may direct maintenance activities to be undertaken.
  - c. The direction to undertake maintenance activities must be completed within 14 days of the written notification being received from the Responsible Authority.

**REFERRAL AUTHORITY CONDITIONS****Ausnet (382)**

91. Enter into an agreement with AUSNET Electricity Pty Ltd for supply of electricity to each lot on the endorsed plan.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
Permit No.: T190728		Page 30 of 36

## Planning and Environment Regulations 2015 - Form 9. Section 96J

**APA**

92. Buildings, structures, roadway, pavement, pipeline, cable, fence or any other improvement on or under the land within the gas transmission pipeline easement must not be constructed without prior consent in writing from the pipeline licensee/operator (APA VTS Australia (Operations) Pty Ltd). No structure or vegetation will be permitted on the easement that prohibits maintenance of line of sight along the pipeline easement.
93. Prior to the commencement of any works within the gas transmission pipeline easement, the proponent must enter a Third Party Works Authorisation agreement with the pipeline licensee/operator (APA VTS Australia (Operations) Pty Ltd). Works within the easement must comply with any conditions attached to a third party works approval.
94. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to APA VTS Australia (Operations) Pty Ltd in accordance with section 8 of that Act.
95. Any lots directly abutting the gas transmission pipeline easement must not rely upon the gas transmission pipeline easement as their accessway to the lot. Any carriageway or road required to provide direct access to lots must be located off the gas transmission pipeline easement.
96. No civil infrastructure providing for water, sewer, electric, telecommunications and other like services will be accepted within the gas pipeline easement, other than service crossings to the satisfaction of the pipeline licensee/operator (APA VTS Australia (Operations) Pty Ltd).
97. Prior to the approval of any landscape plans depicting any planned landscaping, including the planting of vegetation, species details, surface treatments, furniture structures or improvements on or immediately abutting the gas transmission pipeline easement the Responsible Authority will seek the view of the pipeline licensee / operator APA VTS Australia (Operations) Pty Ltd in this matter.
98. Prior to the approval of any detailed engineering plans for the proposed road crossings over the gas transmission pipeline/ transmission gas pipeline easement the Responsible Authority will seek the view of the pipeline licensee / operator APA VTS Australia (Operations) Pty Ltd in this matter. These crossings must not result in any reduction in the cover over the pipeline asset.
99. The existing ground cover level over the high pressure gas pipeline easement is not to be reduced and must be maintained to the satisfaction of the pipeline licensee/operator (APA VTS Australia (Operations) Pty Ltd).
100. Prior to the commencement of any works, including demolition, within the easement or on land within 50 metres of the gas transmission pipeline easement, a Construction Management Plan must be submitted to and approved by the responsible authority. The plan must:
  - a. Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the operator of the gas transmission pipeline.
  - b. Avoid significant vibration, heavy loadings stored over the pipeline and Heavy vehicle / plant crossings of the pipeline within the easement.

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

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

- c. Be endorsed by the operator of the gas transmission pipeline where the works are within or crossing the relevant gas transmission easement.
  - d. Include any other relevant matter to the satisfaction of the responsible authority.
101. The responsible authority must be satisfied that the gas transmission pipeline licensee (APA VTS Australia (Operations) Pty Ltd) has reviewed and approved the Construction Management Plan. The Construction Management Plan must be implemented to the satisfaction of the responsible authority. The Construction Management Plan may be amended to the satisfaction of the responsible authority.

**South East Water (383)**

102. The certified Plan of Subdivision will need to show sewerage supply easements over all existing and/or proposed South East Water sewer mains located within the land, to be in favour of South East Water pursuant to Section 12 (1) of the Subdivision Act.
103. The certified Plan of Subdivision should show water supply easements over all existing and/or proposed South East Water water mains located within the land, to be in favour of South East Water pursuant to Section 12 (1) of the Subdivision Act.

***Water supply***

104. The owner of the subject land must enter into an agreement with South East Water Limited for the provision of water supply and fulfill all requirements to its satisfaction.

***Sewerage supply***

105. The owner of the subject land must enter into an agreement with South East Water Limited for the provision of sewerage and fulfill all requirements to its satisfaction.

**Melbourne Water (384)**

106. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
107. The land owner must enter into and comply with an agreement with Melbourne Water for the acceptance of surface and stormwater runoff directly or indirectly into Melbourne Water's drainage system in accordance with Section 269A of the Melbourne and Metropolitan Board of Works Act 1958.
108. Prior to the issue of a Statement of Compliance for the subdivision, as constructed plans detailing any Water Sensitive Urban Design (WSUD) treatment measures must be submitted.

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

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

**Country Fire Authority*****Water Hydrants***

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

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

***Roads***

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

***Fuel management***

111. Areas of public open space or common property must be managed to a minimum fuel condition during the declared Fire Danger Period.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
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## Planning and Environment Regulations 2015 - Form 9, Section 96J

**Expiry**

112. This permit will expire if:

- a. The plan of subdivision for the first stage is not certified within two (2) years of the date of this permit; or
- b. The plan of subdivision for the last stage of the subdivision is not certified within 10 years of the date of this permit; or
- c. The registration of the last stage of the subdivision is not completed within five (5) years from the date of certification of that plan of subdivision.

The starting of the subdivision is regarded by section 68(3A) of the Planning and Environment Act 1987 as the certification of a plan, and completion is regarded as the registration of the plan.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with section 69 of the *Planning and Environment Act 1987*.

**Notes:****Cultural Heritage Management Plan**

- All activities carried out on the site must comply with the approved Cultural Heritage Management Plan for all stages on plan identifier CHMP 15483 dated 31 October 2019.
- Works must cease immediately upon the discovery of any Aboriginal cultural material, and Aboriginal Affairs Victoria must immediately be notified of any such discovery.
- Development on the land subject to this permit must cease immediately upon the discovery of any suspected human remains. The Police or State Coroner must be informed of the discovery without delay. If there are reasonable grounds to suspect that the remains are Aboriginal, the discovery must also be reported to Aboriginal Affairs Victoria.

**APA**

- If you are planning on undertaking any physical works on property containing or proximate to a pipeline, or are seeking details on the physical location of a pipeline, please contact Dial Before you Dig on 1100, or APA directly on [APAProtection@apa.com.au](mailto:APAProtection@apa.com.au)
- An early works agreement from APA is required for any assessments/approvals that require greater than 3 days assessment or supervision. Lead in times for agreements can be up to 12 weeks. Please contact APA at [APAProtection@apa.com.au](mailto:APAProtection@apa.com.au) or 1800 103 452 to discuss the issue.
- Where access to the pipeline will not be readily available because of the proposed development e.g. significantly obstructed by pavement etc an assessment of the condition of the pipeline coating will be required prior to development commencing. Any re-coating works required as a result of

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

this assessment or due to future inaccessibility will be at the developers expense and to the satisfaction of the pipeline licensee/operator (APA VTS Australia (Operations) Pty Ltd).

**South East Water**

- Detailed servicing requirements will be assessed when the land is developed. Note that due to the contours of the land, a booster pump station will likely be required to service some of the future subdivided land parcels.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
Permit No.: T190728		Page 35 of 36

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

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

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

**WHEN DOES THE PERMIT BEGIN?**

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

**WHEN DOES A PERMIT EXPIRE?**

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

**WHAT ABOUT REVIEWS?**

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



OVERALL AREA 14.075ha  
36 Lots @ 2011m<sup>2</sup> average

14	Updates in response to creek survey	ME		June 2021
13	Updated version number	ME		Nov 2020
12	Remove 1 lot and increase reserve area	ME	AW	July 2020
11	Vary court alignment & add reserve	ME		Feb 2020
10	Amended layout	AHW	ME	16.12.2019
9	Amended layout	AHW		12.11.2019
No.	Revision Description	Drawn	Chk'd	Date

# PROPOSED SUBDIVISION PLAN

Date: June 2021

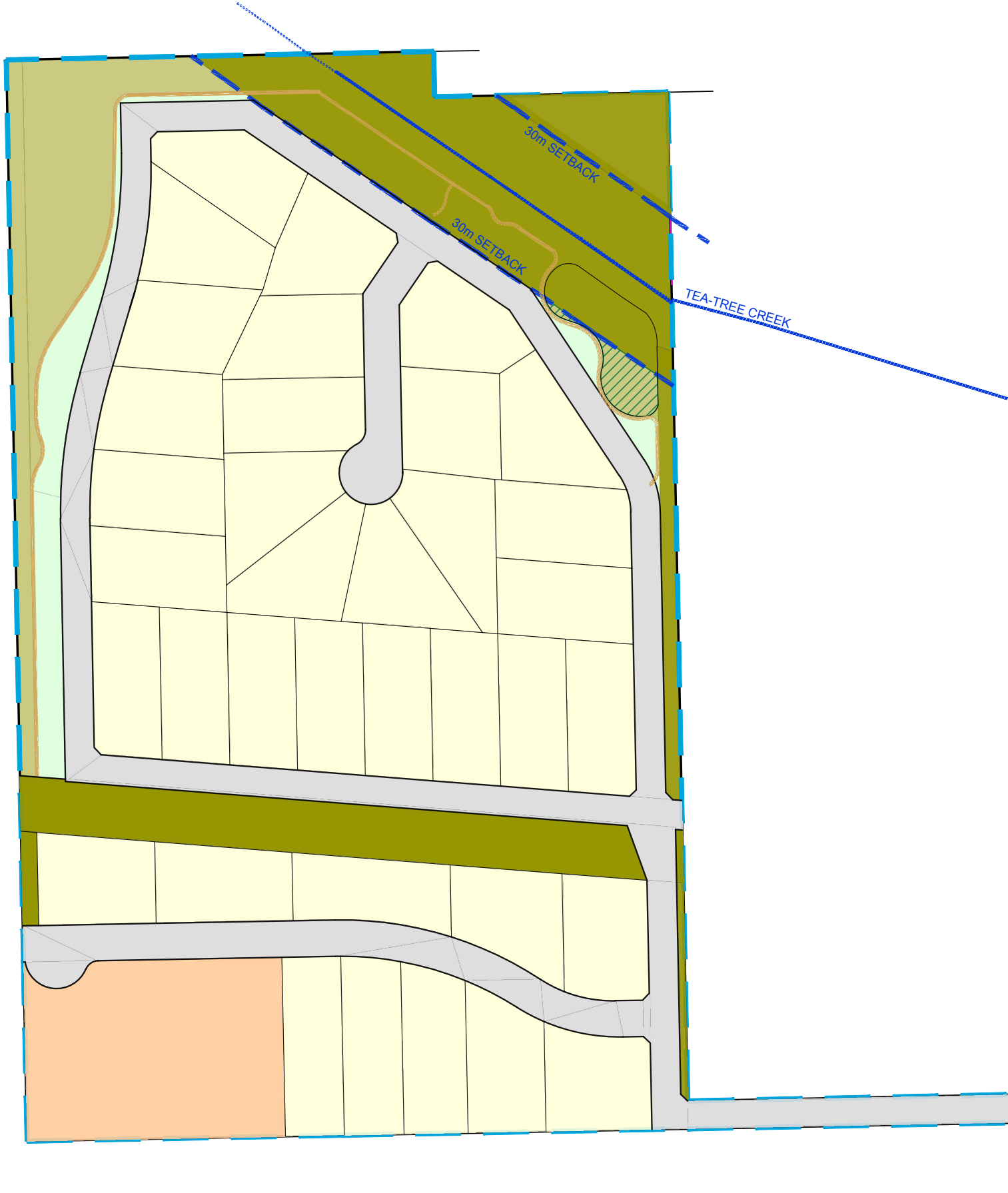
**Ausdoc** DX 13608 Croydon  
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**F** (03) 5143 1244

**F** (03) 5143 1244  
nick@nbagroup.com.au

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NBAgroup  
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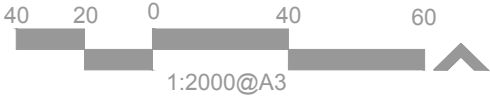


LAND BUDGET			
	SITE AREA	14.08ha	
	ENCUMBERED LAND	AREA	% SITE
	CREEK RESERVE	1.19ha	8.48%
	GAS EASEMENT RESERVE	0.65ha	4.61%
	CONSERVATION & HABITAT RESERVES	1.10ha	7.85%
	TOTAL	2.95ha	20.94%
	NET DEVELOPABLE AREA	11.13ha	79.06%
	LAND USES		% NET DEV. AREA
	LOCAL ROADS	2.53ha	22.69%
	UNENCUMBERED OPEN SPACE	0.42ha	3.78%
	OPEN SPACE ENCUMBERED BY RETARDING BASIN	.064	0.57%
	EXISTING LOT	0.87ha	7.86%
	RESIDENTIAL LOTS	7.24ha	65.08%
	TOTAL AREA	11.13ha	100%

NOTE: The gas easement within proposed road reserves has been excluded from the encumbered land calculations

- SITE BOUNDARY
- ENCUMBERED RESERVE
- UNENCUMBERED RESERVE

14	Updates in response to creek survey	ME		June 2021
13	Minor variation to retarding basin	ME		Nov 2020
5	Include conservation reserves as encumbered	ME		July 2020
4	Amendment to Land Budget	AHW		11/02/2020
3	Layout amended	AHW	ME	16/12/2019
2	Amend land budget	AHW		19/11/2019
1	Prepared for town planning purposes	AHW	BB	20.02.2019
No.	Revision Description	Drawn	Chk'd	Date



LAND BUDGET

LOT 1 ON PS531590 & LOT 1 on PS436250  
49 Garfield Road, Garfield  
Cardinia Shire Council

21014P3 Version 14  
Date: June 2021

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