

6 Ordinary Business

6.1 Town Planning Reports

6.1.1 Amendment C262 Planning Permit T190728 11 Thom Road Lang Lang

Responsible GM: Lili Rosic
Author: Celeste Grossi

Recommendation(s)

That Council:

1. Receive and consider all submissions made to Planning Scheme Amendment C262card.
2. As per Section 23 of the *Planning and Environment Act 1987*, refer all submissions for consideration to a Planning Panel to be appointed by the Minister for Planning.
3. Endorses a change to include part b to Council's previously adopted position at the 15 November 2021 Council meeting to amend the requirement for the owner of the land to enter into an agreement with Council under Section 173 of the *Planning and Environment Act 1987* as follows:
 - a) Prior to considering Amendment C262card for adoption, Council requires that the owner of the land must enter into an agreement with Council under Section 173 of the Planning and Environment Act 1987 to provide for the construction of:
 - b) pedestrian paths along the existing section of Thom Road (western side) and Tresize Court (southern side); and
 - c) road widening of the inside corner of the right-angle bend of Tresize Court to ensure adequate road width to allow an 8.8 metre long Service Vehicle to pass a B99 car on the bend.
4. The construction of the pedestrian paths and the road widening must be completed prior to the issue of a Statement of Compliance for the first stage of the proposed subdivision. The owner must pay the costs of the preparation, execution and registration of the Section 173 agreement.
5. That the proponent be advised of Council's decision.

Attachments

1. Planning Scheme Amendment C 262 Documents with Post- Exhibition Changes for Panel [6.1.1.1 - 10 pages]
2. Proposed Planning Permit T 190728 with Post- Exhibition Changes for Panel [6.1.1.2 - 21 pages]
3. Proposed Subdivision Plan [6.1.1.3 - 1 page]
4. Summary of Submissions & Officers Responses [6.1.1.4 - 8 pages]

Executive Summary

Council received a request to rezone part of the land at 11 Thom Road, Lang Lang from Farming Zone – Schedule 1 (FZ1) to Neighbourhood Residential Zone - Schedule 1 (NRZ1). The request also sought Council's consent to concurrently consider a planning permit application for a staged subdivision of the land into twenty-eight lots (28) for residential purposes, the creation of two (2) reserves and creation of restrictions on the plan of subdivision.

The *Lang Lang Township Strategy (July 2009)* provides in principle support for the rezoning of the land for residential purposes. Council officers have considered the merits of the request and believe the proposal has strategic justification.

At its meeting on 15 November 2021, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C262 concurrently with Proposed Planning Permit T190728. On 17 January 2022 Council received authorisation to proceed.

Amendment C262 was exhibited from Thursday, 10 March to Monday, 11 April 2022 as per the requirements of the *Planning and Environment Act 1987*. Eleven (11) submissions were received. The matters raised by submitters are not able to be resolved, it is therefore recommended to refer all submissions to a Ministerial planning panel and update Council's previous resolution dated 15 November 2021.

Prior to Council considering the amendment for adoption it is recommended that the proponent be required to enter into an agreement under Section 173 of the *Planning and Environment Act 1987* to provide for the timely construction of a pedestrian path along the existing section of Thom Road (western side) and Tresize Court (southern and western side) and road widening of the inside corner of the right-angle bend on Tresize Court. The path will be constructed outside the proposed subdivision site, providing a missing link in the pedestrian network between the proposed subdivision and the town centre and will fulfill the net community benefit that is required to be provided by a proposed planning scheme amendment. The widening of the bend on Tresize Court, also outside the proposed subdivision site, is required to ensure adequate road width to allow an 8.8 metre long Service Vehicle to pass a B99 car.

Background

Council received a request from XWB consulting on behalf of the landowner, Greg Thom, to rezone part of the land known as 11 Thom Road, Lang Lang (Lot 11 on PS548063T) from FZ1 to NRZ1.

In association with the amendment request, planning permit application T190728 was also lodged for a staged 28 lot residential subdivision of the land, creation of two (2) reserves and creation of restrictions on the plan of subdivision. Council resolved on 15 November 2021 to consider this application concurrently with the proposed amendment to facilitate timely development of the land for residential purposes.

The Land and surrounds



Figure 1. 11 Thom Road, Lang Lang

The subject land is located at the end of Thom Road approximately 200m north east of the Lang Lang Town Centre. The land is an irregular shaped parcel with a frontage of 17m to Thom Road and an area of 5.364ha.

The subject land is bounded by the Lang Lang River (north), the South Gippsland Railway Line (west), established residential properties (south) and farming land (east).

The subject land is currently zoned Farming Zone – Schedule 1 (FZ1) and Green Wedge Zone Schedule 1 (GWZ1) and part of the land is affected by the Land Subject to Inundation Overlay (LSIO).

What the Amendment does

The amendment request and planning permit application were 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 and Proposed Planning Permit seek to:
- Rezone land from Farming Zone – Schedule 1 (FZ1) to Neighbourhood Residential Zone - Schedule 1 (NRZ1);
- Subdivide the land into twenty-eight (28) lots, create two (2) Reserves and create restrictions on the plan of subdivision.

A map of the proposed planning zone is contained in Attachment 1, the Proposed Planning Permit has been amended in response to submissions and is contained in Attachment 2, while the proposed subdivision plan is contained in Attachment 3.

Net Community Benefit

As with any planning scheme amendment, the rezoning of the subject land must result in a net community benefit beyond the provision of standard urban services and amenity to the new subdivision. In addition to the community benefits that will be provided by the proposed Bushland Reserve and Recreation Reserve at the northern end of Thom Road, it is also proposed to construct a missing link in the pedestrian path network along the existing section

of Thom Road (western side) and Tresize Court (southern and western side). This path is in addition to the pedestrian path that will be constructed within the proposed subdivision along the western side of Thom Road.

It is recommended that the landowner be required to enter into a Section 173 Agreement with Council, prior to Council considering the amendment for adoption, to provide for the timely construction of this pedestrian path.

Policy Implications

Strategic Assessment

The full strategic assessment is provided in the Explanatory Report contained in Attachment 1.

The strategic assessment demonstrates that the proposal is consistent with the relevant planning provisions of the *Plan Melbourne Metropolitan Planning Strategy 2017-2050*, State planning policy contained in the Planning Policy Framework (PPF) in the Cardinia Planning, and Local planning policy contained in the Local Planning Policy Framework (LPPF) in the Cardinia Planning Scheme.

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

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

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

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

Climate Emergency Consideration

The proposed amendment and planning permit facilitate housing to be located within the urban growth boundary. This will contribute to housing consolidation within a rural township, reducing the amount of urban sprawl and pressure on Cardinia's main growth front, thereby helping to mitigate the effects on climate change.

Consultation/Communication

Notification (formal exhibition)

Amendment C262 was formally exhibited for one month from 10 March to 11 April 2022 as part of the planning scheme amendment process in accordance with the requirements of the *Planning and Environment Act 1987*.

Owners and occupiers adjoining and surrounding the site, community groups, relevant public authorities, and Prescribed Ministers were notified of the exhibition of the Amendment. A total of 99 letters were sent out.

In addition, the Amendment was exhibited using the following methods:

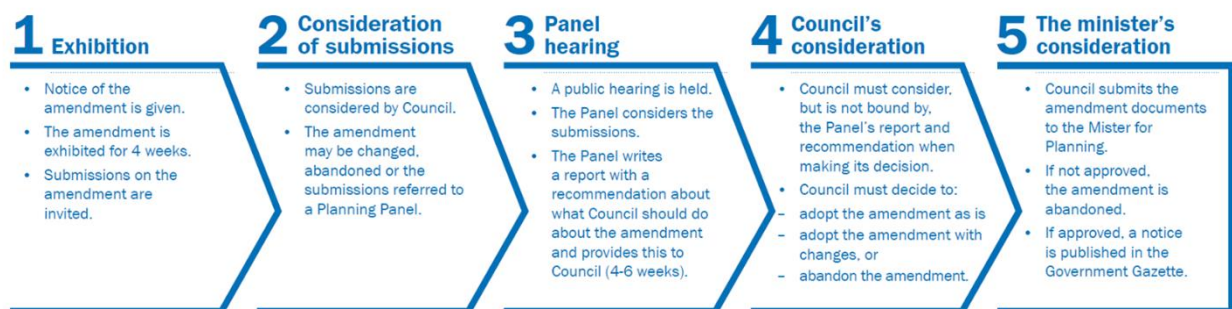
- Public Notice in the Pakenham Gazette – 9 March 2022.
- Public Notice in the Government Gazette – 10 March 2022.
- Display on Cardinia Shire Council website.
- Display on DELWP website.
- Hard copy of the Amendment documents made available for viewing at Cardinia Shire Council Civic Centre Customer Service.

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- **Submissions and responses**
Eleven (11) submissions were received. Seven (7) were from nearby owners and occupiers, one (1) from the proponent and three (3) late submissions from public authorities (Environment Protection Authority Victoria (EPA) and Country Fire Authority (CFA)) and a nearby property owner.
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- The matters raised by submissions can be summarised as follows:
- An increase in traffic to Tresize Court.
- Tresize Court is not wide enough for construction vehicles.
- The proposed lot sizes are too small and will negatively affect the country town character.
- Destruction of farmland and native vegetation.
- Existing sewerage and rainwater issues will be made worse by additional development, and whether the existing sewerage system can accommodate the additional load.
- Increased noise, dust and litter caused by the construction of the proposed subdivision and housing.
- Increase in crime encouraged by the proposed reserves.
- Concerns about several conditions on the Proposed Planning Permit.
- An Environment Site Assessment (ESA) is no longer the required form of assessment for the proposed land use under Ministerial Direction 1 and Planning Practice Note 30.

After analysing the submissions which raised concerns in relation to the width of Tresize Court, it is Council's Traffic Engineer view that the right-angle bend located on Tresize Court needs to be widened to allow for Service Vehicles to pass a car on the bend. It is considered that widening of the whole extent of Tresize Court is not required and the current width of 5.5 metres is adequate to service both the existing residential lots and the proposed subdivision.

It is recommended that Council's previous resolution relating to Amendment C262 which requires the land owner to enter into an agreement with Council under Section 173 of the *Planning and Environment Act 1987* to provide for the construction of a pedestrian path along the existing section of Thom Road (western side) and Tresize Court (southern and western side) prior to the adoption of Amendment C262, Council endorses a requirement to widen the road on the inside corner of the right-angle bend of Tresize Court. This will ensure that the bend is widened prior to the issue of a Statement of Compliance for the first stage of the proposed subdivision and ensure an 8.8 metre long Service Vehicle can adequately pass a B99 car on the bend.

A full summary of the issues raised by submissions and a response to these is included in Attachment 4.



- **Next Steps**

Figure 1. Steps in the Planning Scheme Amendment process

We are at Stage 2 of the Planning Scheme Amendment process as detailed in Figure 1. As it is not possible to resolve all matters raised by submissions, it is recommended that all submissions are referred to an independent ministerial planning panel, thereby moving the Amendment on to Stage 3 of the process.

A Panel Hearing is proposed to occur during the week commencing 31 October 2022. Following the hearing, the Panel will prepare a report with recommendations on how to proceed with the Amendment. The Panel Report will then be considered by Council at a future Council meeting (Stage 4).

Financial and Resource Implications

There are no additional resource implications associated with undertaking the amendment. The statutory fees and any planning panel costs will be paid by the proponent. Any additional costs associated with this process are provided for by the current and proposed Planning Strategy budget.

Conclusion

Planning Scheme Amendment C262card is supported by both state and local planning policy including the *Lang Lang Township Strategy (July 2009)*. Amendment C262, including concurrent Proposed Planning Permit T190728, was exhibited in accordance with the *Planning and Environment Act 1987* and a total of Eleven (11) submissions were received.

As the matters raised by submissions cannot be resolved, it is recommended that Council refer all submissions to a Planning Panel, to be appointed by the Minister for Planning, for consideration.

It is also recommended that Council amends its previous resolution relating to Amendment C262card from the Council meeting held on 15 November 2021.

Planning and Environment Act 1987

CARDINIA PLANNING SCHEME

AMENDMENT C262card

PLANNING PERMIT APPLICATION T190728

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 XWB Consulting on behalf of Greg Thom and Denise Gilbert.

Land affected by the amendment

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

The amendment applies to part of the land at 11 Thom Road, Lang Lang and the planning permit application applies to the land at 11 Thom Road, Lang Lang (see Figure 1 below).



Figure: 1 – 11 Thom Road, Lang Lang
light blue (subject site), red (part affected by amendment) and dark blue (Urban Growth Boundary)

What the amendment does

The amendment proposes to rezone part of the land at 11 Thom Road, Lang Lang that is currently within the Farming Zone – Schedule 1 (FZ1) to Neighbourhood Residential Zone - Schedule 1 (NRZ1) with a concurrent planning permit application for lot subdivision to allow the subdivision and development of the land for residential purposes. The Green Wedge Zone Schedule 1 (GWZ1) applies to the part of the land which is located outside the Urban Growth Boundary and is not proposed to be changed through this amendment.

Specifically, the amendment proposes to:

- Amend planning scheme map ZN31 to apply the Neighbourhood Residential Zone - Schedule 1 (NRZ1) to the portion of the land within the Urban Growth Boundary.

The planning permit application seeks approval for:

- a staged subdivision of the land into 28 lots
- the creation of 2 reserves
- the creation of restrictions on the Plan of Subdivision.

Strategic assessment of the Amendment

Why is the amendment required?

The amendment is required to allow the subdivision of the land for residential purposes. Rezoning the land from FZ1 to NRZ1 is consistent with the strategic directions and outcomes sought by the Lang Lang Township Strategy (July 2009) which is listed as an [Incorporated background Document](#) in the Cardinia Planning Scheme.

Lang Lang is identified as a large rural township with capacity for housing growth. Sustainable growth of townships is to occur in accordance with township strategies and the local planning policy. The framework plan in the Cardinia Planning Scheme and the Lang Lang Township Strategy (2009) identifies the land to be rezoned within 'Precinct 5' (New Residential Estates). The amendment is required to implement the policy guidelines which seek to create an attractive rural township and maintain the rural township character.

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 *Lang Lang Township Strategy (July 2009)* 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 east to facilitate the orderly development of the adjoining land.

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

Environmental

The amendment is not considered to have any significant negative effects on the environment. A biodiversity assessment of the property has been undertaken by Shepherd Ecological (2020). The assessment concludes that the majority of the site consists of farmland that comprises little native

vegetation and is not considered important habitat for any rare or threatened species. The areas of remnant native vegetation on the property are proposed to be retained and vested to Council within Reserve 1 adjoining the Lang Lang River.

An Aboriginal Cultural Heritage Assessment of the land has been undertaken by Jem Archaeology, and an Aboriginal Cultural Heritage Management Plan (CHMP) has been approved by the Registered Aboriginal Party (RAP) for the area, the Bunurong Land Council Aboriginal Corporation (Bunurong). There is a significant Aboriginal cultural heritage site on the northern part of the land along the Lang Lang River. The CHMP proposes that this site will be protected within Reserve 1. In relation to another area of significance the CHMP requires the artefacts to be recovered. This approach is consistent with the objective of conserving and enhancing areas of special cultural value.

Social and Economic

The amendment is expected to have positive social and economic impacts including:

- Enabling the land to be redeveloped for a variety of dwelling sizes and layouts to meet the needs of the local community and contribute to housing diversity in the locality; and
- Growing the population of the area, supporting local jobs, services, and community facilities.

Does the amendment address relevant bushfire risk?

The Bushfire Management Overlay does not affect the land and is not within 750 metres of the land. The land is within a Bushfire Prone Area under the Building Regulations 2018.

As required by Clause 13.02-1S (Bushfire planning) of the Cardinia Planning Scheme, a bushfire risk assessment has been undertaken by XWB Consulting. The bushfire risk assessment concluded that the bushfire risk to the land is low. The bushfire risk is from surrounding grassland to the north and east and some scrub within the railway reserve to the west. A Bushfire Attack Level of BAL12.5 can be achieved for the proposed lots in the subdivision subject to appropriate mitigation measures including building envelopes and requirements to manage vegetation within a defendable space. These are to be implemented via restrictions of the plan of subdivision and Section 173 Agreements to be registered on each title. The following mitigation measures are conditioned on the proposed planning permit:

- *As required by Clause 13.02-1S of the Cardinia Planning Scheme, dwellings must be able to be constructed to a Bushfire Attack Level that is no higher than BAL12.5.*
- *A minimum 27m bushfire defendable space from the scrub vegetation to the west within the railway reserve to the building envelopes on lots 1-20.*
- *A minimum 19m bushfire defendable space from the grassland vegetation to the east from the building envelopes on lots 1-13.*
- *Stage 2 of the proposed subdivision (lots 21-28) cannot proceed until:*
 - *the adjoining land to the east is subdivided thereby reducing the bushfire risk to an acceptable level; or,*
 - *the adjoining landowner to the east enters into an agreement under Section 173 of the Planning and Environment Act 1987 (to be placed on the adjoining land title) requiring that a fire break is maintained adjacent to lots 21-28 to ensure these lots can achieve a BAL12.5 construction; or,*
 - *a minimum 19m bushfire defendable space from the grassland to the east from building envelopes on lots 21-28 is provided.*
- *Non-combustible fencing (e.g. Colourbond fencing) along boundaries of new residential lots within bushfire defendable spaces.*

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*.

Ministerial Direction No. 1 – Potentially Contaminated Land is required to ensure that potentially contaminated land is suitable for a use which is proposed to be allowed under an amendment to a planning scheme and which could be significantly adversely affected by contamination. EPA did not object to the planning scheme amendment and planning permit application during preliminary referrals. However, they advised that there is a potential for contamination to have occurred at this site as a result of farming and ancillary activities and that further investigations should occur. As such Council ~~has~~ placed a condition on the permit for an ~~E~~environmental ~~s~~Site ~~a~~Assessment (ESA). During exhibition of the amendment EPA advised that MD1 and Planning Practice Note 30 (PPN30) had been updated requiring the planning authority to be satisfied that the land is suitable for the use up front rather than deferring this to the Planning Permit stage. As such, Council required the proponent to undertake a Preliminary Site Investigation (PSI) which determined that the site had no potential for contamination and that neither an e~~E~~nvironmental ~~a~~Audit (EA) nor a Preliminary Risk Screen Assessment (PRSA) is required for the site for its intended residential use. This amendment will therefore follow the requirements of this Direction.

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 that their preliminary assessment raises no concerns with the proposed planning scheme amendment and permit application provided that the land is deemed suitable for the proposed use through an environmental site assessment.

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.

The amendment will facilitate development of an area identified in the Lang Lang Township Strategy (2019) for residential purposes and is consistent with a range of policies contained in the PPF.

The relevant policies of the PPF include:

- **Clause 11.01-1S (Settlement)** and **Clause 11.02-1S (Supply of urban land)** - the Amendment consolidates new residential development into an existing settlement within the urban growth boundary of the Lang Lang Township.
- **Clause 12.01-1S (Protection of biodiversity)** and **Clause 12.01-2S (Native vegetation management)** - The amendment seeks to protect the remnant native vegetation on the land in proximity to the Lang Lang River through the provision of a bushland reserve to be vested to Council. Apart from this remnant native vegetation, the biodiversity assessment undertaken by Shepherd Ecological concluded that the remainder of the site consists of farmland that comprises vegetation that is not considered important habitat for any rare or threatened species.
- **Clause 13.02-1S (Bushfire Planning)** - the land is not within a higher bushfire risk area as identified by the Bushfire Management Overlay, with the bushfire risk to future lots and dwellings coming from surrounding grassland to the north and east and scrub within the railway reserve to the west. A bushfire attack level of BAL12.5 can be achieved for the proposed lots in the subdivision subject to appropriate mitigation measures including building envelopes and requirements to manage vegetation within a defendable space. These are to be implemented via restrictions of the plan of subdivision and Section 173 Agreements to be registered on each title.
- **Clause 13.03-1S (Floodplain management)** and **Clause 14.02-1S (Catchment planning and management)** - The Amendment seeks to protect the corridor along the Lang Lang River to provide for the passage of floodwaters, and the protection of remnant trees. The protection of the corridor through the creation of a bushland reserve will allow for the protection and restoration of the river environment.
- **Clause 15.01-5S (Neighbourhood character)** - the development to be allowed by the Amendment will reflect the preferred neighbourhood character -as expressed in the Lang Lang Township Strategy.
- **Clause 15.03-2S (Aboriginal cultural heritage)** - The land will be developed in accordance with the Cultural Heritage Management Plan approved for the land. An Aboriginal Cultural Heritage site identified on the land will be protected within a bushland reserve along the Lang Lang River. In relation to another area of significance the CHMP requires the artefacts to be salvaged.
- **Clause 16.01-1S (Housing supply)** - land will be released for residential purposes and facilitate the strategic intentions of the *Lang Lang Township Strategy*.
- **Clause 16.01-2S (Housing affordability)** - The Amendment will provide a variety of lot sizes, to improve housing diversity and choice to help meet the demands for varying household types.

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 represents a logical and orderly expansion of the Lang Lang Township. Specifically, the Amendment and subdivision are consistent with the following relevant local policies:

- **Clause 21.02-1 (Catchment and coastal management)** - The Amendment provides for appropriate flood management along the Lang Lang River.
- **Clause 21.02-3 (Biodiversity)** - The Amendment provides for the retention of native vegetation in a bushland reserve along the Lang Lang River.
- **Clause 21.02-4 (Bushfire management)** - The risk of bushfire to future dwellings has been considered as part of the Amendment. The risk is considered to be acceptable and manageable subject to appropriate mitigation measures.
- **Clause 21.02-5 (Open space)** - The Amendment provides unencumbered land for open space for recreational purposes as well as a bushland reserve for environmental protection of remnant native vegetation.
- **Clause 21.02-7 (Aboriginal cultural heritage)** - an Aboriginal Cultural Heritage site identified on the land will be protected within a bushland reserve as set out in the Cultural Heritage Management Plan for the land. In relation to another area of significance the CHMP requires the artefacts to be salvaged.

- **Clause 21.03-3 (Urban Growth Area) and Clause 21.08-1 (Lang Lang)** - Lang Lang is identified as a large rural township with capacity for growth. Sustainable growth of townships is to occur in accordance with township strategies, and the local planning policy in relation to Lang Lang seeks to ensure that proposed development is generally consistent with *the Lang Lang Township Strategy 2009*. The framework plan in the Cardinia Planning Scheme and the Lang Lang Township Strategy shows the land to be rezoned as being within 'Precinct 5' (New Residential Estates). The amendment is considered to be consistent with policy guidelines which seek to create an attractive rural township and maintain the rural township character.

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

The amendment makes proper use of the Victorian Planning Provisions (VPP) by rezoning the to the Neighbourhood Residential Zone - Schedule 1. The zone and schedule are both existing provisions under the Cardinia Planning Scheme and are the appropriate provisions for this amendment.

How does the amendment address the views of any relevant agency?

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

Does the amendment address relevant requirements of the Transport Integration Act 2010?

There are no requirements of the *Transport Integration Act 2010* that are relevant to this amendment.

Resource and administrative costs

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

The amendment and proposed planning permit will have no significant impact on the resource and administrative costs of the responsible authority.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Cardinia Shire Council website at www.cardinia.vic.gov.au/haveyoursay

And/or

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

Cardinia Shire Council
20 Siding Avenue
Officer VIC 3809

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection.

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 Monday 11 April 2022.~~

~~A submission must be sent to:~~

~~Cardinia Shire Council
Strategic Planning—Amendment C262card
PO Box 7
Pakenham VIC 3810~~

or emailed to: mail@cardinia.vic.gov.au

Subject line: Strategic Planning – Amendment C262 card submission

Panel hearing dates

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

- directions hearing: week commencing Monday, 26 September ~~18 July~~ 2022
- panel hearing: week commencing Monday, 31 October ~~29 August~~ 2022

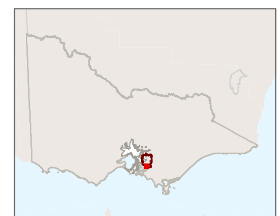
CARDINIA PLANNING SCHEME - LOCAL PROVISION

AMENDMENT C262



LEGEND

- NRZ - Neighbourhood Residential Zone
- Local Government Area
- Urban Growth Boundary



Part of Planning Scheme Map 31

Disclaimer

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Amendment Version: 1



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Environment,
Land, Water
and Planning

Planning and Environment Act 1987

CARDINIA PLANNING SCHEME

AMENDMENT C262card

INSTRUCTION SHEET

The planning authority for this amendment is the Cardinia Shire Council.

The Cardinia Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of one attached map sheet.

Zoning Maps

Amend Planning Scheme Map No 31 in the manner shown on the attached map marked "Cardinia Planning Scheme, Amendment C262card".

End of document

Planning and Environment Act 1987**CARDINIA PLANNING SCHEME****Notice of the Preparation of an Amendment to a Planning Scheme and
Notice of an Application for a Planning Permit Given Under Section 96C of the
*Planning and Environment Act 1987*****Amendment C262****Planning Permit Application T190728**

The Cardinia Shire Council has prepared Amendment C262 to the Cardinia Planning Scheme.

The land affected by the amendment is part of the land at 11 Thom Road, Lang Lang.

The amendment proposes to rezone the land from Farming Zone – Schedule 1 (FZ1) to Neighbourhood Residential Zone – Schedule 1 (NRZ1).

The planning permit application seeks approval for the subdivision of land into 28 lots, the creation of 2 reserves and the creation of restrictions on the Plan of Subdivision.

The applicant for the permit is XWB Consulting.

You may inspect the amendment, any documents that support the amendment and the explanatory report about the amendment, free of charge, at the following locations:

- during office hours, at the office of the planning authority, Cardinia Shire Council. 20 Siding Avenue, Officer 3809;
- at the Department of Environment, Land, Water and Planning website www.delwp.vic.gov.au/public-inspection.

Any person who may be affected by the amendment may make a submission to the planning authority about the amendment. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for council to consider submissions and to notify such persons of the opportunity to attend council meetings and any public hearing held to consider submissions. The closing date for submissions is Monday, 11 April 2022. A submission must be sent to the Cardinia Shire Council at: mail@cardinia.vic.gov.au or Cardinia Shire Council, Amendment C262, PO Box 7, Pakenham, Victoria 3810.

The planning authority must make a copy of every submission available at its office for any person to inspect free of charge for two months after the amendment comes into operation or lapses.

Luke Connell
Manager Policy, Design & Growth Area Planning

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

PROPOSED PLANNING PERMIT

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

Permit No.: T190728

Planning Scheme: Cardinia Planning Scheme

Responsible Authority: Cardinia Shire Council

ADDRESS OF THE LAND: Lot 11, PS548063T,
11 Thom Road, Lang Lang

THE PERMIT ALLOWS: Staged Subdivision of Land and Creation of Restrictions

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Conditions 1-66 inclusive

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 will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. The stages of the subdivision ~~showing lots 21-28 to be retained as~~ in a ~~s~~Superlot to later be subdivided under stage 2.
 - b. Road reserve and road pavement widths, location of vehicle crossovers to each lot and a pedestrian path with a minimum 1.5 metre width on the western side of the proposed north-south road.
 - c. A pedestrian path with a minimum 1.5m width in accordance with the Agreement under Section 173 of the *Planning and Environment Act 1987* that effects the land and was executed prior to Council's Adoption of Amendment C262 to the Cardinia Planning Scheme, along:
 - i. The western side of the existing section of Thom Road.
 - ii. The southern side of the existing section of Tresize Court.
 - d. Building envelopes in accordance with the *Lang Lang Township Strategy 2009* and bushfire defendable space requirements as approved under conditions ~~23~~ and ~~123~~ of this permit.

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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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~~d.e. Bin collection locations on the north-south portion of Thom Road for lots 19, 20, 27 and 28 to ensure waste vehicles can collect bins without reversing.~~

Environmental Site Assessment

~~2. Before the plan of subdivision for each stage of the subdivision is certified under the Subdivision Act 1988, an Environmental Site Assessment Report must be submitted to and approved by the Responsible Authority. The report must be prepared by a suitably qualified environmental professional to the satisfaction of the Responsible Authority and at the expense of the owner/permit holder. The report must include:~~

- ~~• Details of the nature of the previous and existing land uses and activities on the land;~~
- ~~• An assessment of the potential level and nature of contamination on the land;~~
- ~~• Clear advice on whether the environmental condition of the land is suitable for the intended use/s and development/s having regards to Planning Practice Note 30: Potentially Contaminated Land, Department of Environment, Land, Water and Planning, July 2021 (or as amended);~~
- ~~• Any necessary remediation measures to address the contamination of the land.~~

~~When approved, the report will be endorsed and will then form part of the permit.~~

Bushfire Management Plan

~~3.2.~~ Before certification of the plan of subdivision for each stage, 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:

- Bushfire defensible space setbacks as follows:
 - A 2 metre bushfire defensible space setback from the front boundary of lots 1-13.
 - A 5 metre bushfire defensible space setback from the western boundary of lots within Stage 1.
 - A bushfire defensible space setback from the eastern boundary of lots within Stage 2 in accordance with condition 15.
- The design and layout of the subdivision, including;
 - lot layout.
 - road design.
 - pedestrian and vehicular access points.
 - building setbacks for each lot in accordance with the building envelope plan.
- The location of nearby hazards within 150m of the subdivision boundary.

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- 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 the reserves.
- The minimum setback distance of any development from the bushfire hazard for defendable space purposes where vegetation will be managed.
- 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:
 - Grass must be short cropped and maintained during the declared fire danger period.
 - All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
 - Shrubs must not be located under the canopy of trees.
 - Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
 - Trees must not overhang or touch any elements of buildings.
 - The canopy of trees must be separated by at least 5 metres.
 - There must be a clearance of at least 2 metres between the lowest tree branches and ground level.
- Details of any other bushfire protection measures that are to be adopted at the site.
- 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.

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Integrated Land Management Plan

4.3. Before the plan of subdivision for the first stage of the subdivision is certified, an Integrated Land Management Plan must be submitted to and approved by the Responsible Authority for the 'Reserve 1' and 'Reserve 2' areas that will be vested to council. The Integrated Land Management Plan must be prepared by a suitably qualified professional, to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Integrated Land Management Plan must be in accordance with Council's Landscape Developer Guidelines and include the following to the satisfaction of the Responsible Authority:

- a. A site plan drawn to scale with boundaries, vegetation zones and scattered trees, Lang Lang River including the high water mark, wetlands, Aboriginal place Thom Road AS1 (8021-0437 [VAHR]), and any other assets provided in an approved electronic format (PDF and CAD).
- b. Location of Water Sensitive Urban Design elements and any other relevant actions that will ensure the retention and treatment of stormwater to prevent impacts to water quality in Lang Lang River.
- c. Relevant information from the approved Aboriginal Cultural Heritage Management Plan Number: 15815 by Jem Archaeology (31/01/2019), specifically for the Thom Road AS1 (8021-0437 [VAHR]) area of significance.
- d. Relevant information from the Biodiversity Assessment, 11 Thom Road, Lang Lang October 2018 by Mark Shepherd Ecological Consulting including native flora and fauna lists, habitat elements, identified threats, trees to be retained, tree protection zones, and any other information that will be useful for reserve management.
- e. Control of noxious weeds listed in the Biodiversity Assessment including:
 - i. weed control methods and timing to remove all existing noxious weeds to a maximum 1 per cent cover.
- f. Revegetation of indigenous plants to restore vegetation in the subject property within 30 metres of the top of bank of Lang Lang River.
 - i. List of indigenous plant species and densities suitable for revegetation of the understory.
 - ii. Planting densities to be calculated in accordance with Native vegetation revegetation planting standards (Department of Sustainability and Environment, 2006).
 - iii. Any proposed plantings must be indigenous plants of local provenance.
 - iv. No planting of cultivars or environmental weeds as listed in schedule 1 to the Environmental Significance Overlay.

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- g. Any paths must not be located within tree protection zones or canopies of existing trees unless agreed.
- h. Signs must be installed at all entrances that include the reserve name and regulatory signage. Additional signage may be required depending on the size and shape of the reserve.
- i. Fuel breaks around the perimeter of all reserves where they back onto residential properties. Firebreaks are not required where a road separates houses from the reserve. The firebreak must be maintained to a standard sufficient for mowing.

Landscape Masterplan

~~5.4.~~ Before the plan of subdivision for the first stage of the subdivision 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 (PDF and CAD). The plan must show and include:

- a. How the proposed development is responsive to the Cardinia Shire Council Developer Landscape Guidelines, including the Landscape Masterplan checklist (as amended from time to time).
- b. Key themes, landscape principles and character that will define the subdivision.
- c. The type of species to be used for street tree planting in various stages of the subdivision, considering existing species of neighbouring developments.
- d. Street trees and trees within the drainage corridor and creek reserve 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.~~ Locations of substations.

~~f.g.~~ Bin collection locations on the north-south portion of Thom Road for lots 19, 20, 27 and 28 to ensure waste vehicles can collect bins without reversing.

~~g-h.~~ Entrance treatments.

~~h-i.~~ Locations of any protected trees or patches of protected native vegetation to be retained

~~i-j.~~ The tree protection zone for each protected tree must be clearly shown on the site plan.

~~j-k.~~ Location of any waterway or waterbody on or adjoining the land.

~~k-l.~~ The principles and graphical concepts of the proposed treatment of the open space and drainage reserves. and

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~~4-m.~~ How any landscape requirements or guidelines of the Lang Lang Township Strategy are proposed to be implemented.

~~4-n.~~ Proposed pathway locations.

~~4-o.~~ The principles and graphical concepts of the treatment of the open space reserves, including the gas pipeline easement. All landscaping within the gas easement is to be to the satisfaction of APA Group.

Functional Layout Plan

~~6-5.~~ Before the submission and approval of detailed design construction plans (engineering plans) and the certification of the relevant plan of subdivision for each stage, a Functional Layout Plan for the subdivision or stage of subdivision, generally in accordance with the standards nominated in the Cardinia Shire Council "Guidelines for the Development & Subdivision of Land", "Development Construction Specification" and the Water Sensitive Urban Design (WSUD) Guidelines, 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 functional layout plan must show:

- a. A fully dimensioned subdivision layout, including proposed street names, approximate lot areas, lot numbers and widths of street reservations,
- b. Topography and existing features, including contours for the subject land and any affected adjacent land,
- c. 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,
- d. Details of tree protection zones (TPZs) for all trees to be retained on the subject land,
- e. All trees proposed for removal from the subject land clearly designated,
- f. Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements identified in the Development Plan,
- g. Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls,
- h. The proposed minor drainage network and any spatial features requiring access,
- i. The major drainage system, including any watercourse, lake, wetland, sediment pond rain gardens, bio-infiltration system and/or piped elements showing preliminary sizing,
- j. Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination,

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- k. Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for the construction and maintenance,
- l. A table of offsets for all utility services and street trees,
- m. Preliminary location of reserves for electrical kiosks and
- n. 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.
- o. The relationship between the subject subdivision stage and surrounding land,
- p. Proposed linkages to future streets, open space, regional path network and upstream drainage,
- q. Works external to the subdivision, including both interim and ultimate access requirements,
- r. Intersections with Category 1 roads showing interim and ultimate treatments,
- s. Drainage and sewerage outfalls including any easements required over other property.
- t. Adequate access and turning circles for Councils waste Vehicles for Aus Roads 8.8 Service ~~Vehicle~~;
- u. Bin collection locations on the north-south portion of Thom Road for lots 19, 20, 27 and 28 to ensure waste vehicles can collect bins without reversing.

Waste Management Plan

7. ~~Prior to certification, a Waste Management Plan prepared by a person suitably qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be prepared utilising Council's template but updated to show:~~
- a. ~~Maps of sufficient size (to scale 1:100 and/or 1:200) showing:~~
 - i. ~~Adequate access and turning circles for Councils waste Vehicles for Aus Roads 8.8 Service vehicle;~~
 - ii. ~~Location, type, size and number of dwellings proposed at the site, including the number of bedrooms within each dwelling;~~
 - iii. ~~Location of waste and recycling for storage and collection (specifying number and size of bins);~~
 - iv. ~~Collection hazards on street, e.g. traffic slow point device, or nearby intersections;~~

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- ~~v. Gradients of the development and/or street;~~
- ~~vi. Sight distance requirements;~~
- ~~vii. Existing or proposed parking bays (both within property and/or on street);~~
- ~~viii. Existing or proposed parking signage (both within property and/or on street);~~
- ~~ix. Any other existing or proposed feature(s) or hazard(s) that has or will have the potential to affect waste & recycling collections in any way, whether within the property, on the nature strip or the roadway;~~
- ~~x. Designated hard waste collection area.~~

Construction Environmental Management Plan (CEMP)

8-6. 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 then 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. Before works begin, the location and description of tree protection fencing in accordance with Australian Standard AS4970-2009 Protection of Trees on Development Sites must be shown on the Construction Environment Management Plan (CEMP) and endorsed by the Responsible Authority.
- b. Before works begin, tree protection fencing must be installed in accordance with the CEMP and approved by the Responsible Authority.
- c. The tree protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority.
- d. Temporary stormwater management including sedimentation control,
- e. Provision of pollution and contamination controls including noise and dust,
- f. Location of stockpiles and stockpile management,
- g. Location of site office and facilities
- h. Equipment, materials and goods management.
- i. Tree protection zones, trees to be retained and trees to be removed.

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Construction Management Plan

7. Before the development starts, a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plan must detail how the development will be managed throughout the process to mitigate offsite amenity impacts to the surrounding area and must not detrimentally affect the amenity of the area, through the:

- a. Transport of materials, goods or commodities to or from the land.
- b. Inappropriate storage of any works or construction materials.
- c. Waste disposal.
- d. Hours of construction activity.
- e. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.
- f. Presence of vermin.
- g. In any other way.

Secondary Consents

~~9.8.~~ The plans and documents endorsed to form part of this permit must not be altered or modified without the prior written consent of the Responsible Authority.

~~10.9.~~ The subdivision of the land must proceed in the order of stages shown on the endorsed plans except with the prior written consent of the responsible authority.

Section 173 Agreements

~~11.10.~~ Before the issue of a statement of compliance for each 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*. The agreement must:

- Incorporate the Bushfire Management Plan prepared in accordance with Condition ~~23~~ of this permit and approved by the Responsible Authority.
- State that if any dwelling is constructed on the land the bushfire protection measures set out in the Bushfire Management Plan incorporated into the agreement must be implemented and maintained to the satisfaction of the Responsible Authority on a continuing basis.

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

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Prior to Certification

~~12.11.~~ Before a plan of subdivision is ~~Prior to~~ certified ~~edation of for~~ each stage of the ~~plan of~~ subdivision under the *Subdivision Act 1988*, ~~the plan must include a separate sheet for the purpose of a~~ creation of restrictions, ~~on a separate sheet~~ showing the building envelopes in accordance with the plans endorsed under condition 1 ~~plan and the requirements of Conditions 2 and 12~~, and the ~~locations of waste bin collection points for lots 19, 20, 27 and 28 in accordance with the Functional Layout Plan endorsed under Condition 5~~ ~~2~~.

~~13.12.~~ Before a plan of subdivision is certified for each stage of the subdivision, a restriction must be included on the plan of subdivision which states that dwellings and associated outbuildings must be located inside of the prescribed building envelope, unless with the prior written consent of the Responsible Authority. The building envelopes must be designed to consider the provision of solar access and any other requirements provided on the plans endorsed to the permit as relevant, and must show:

- a. At least a 7-metre building setback from the primary frontage to all lots (note: the first 2 metres of the front boundary building setbacks of lots 1-13 is a bushfire defendable space setback).
- b. At least a 5 metre building setback from the western side boundary of proposed lot 20 (Note: this setback is also the bushfire defendable space setback).
- c. At least a 2.5 metre building setback from a side boundary of all lots except the western side boundary of proposed lot 20.
- d. At least a 2.5 metre building setback from the rear boundaries of lots adjoining the eastern boundary of the subject land. This distance is subject to the bushfire defendable space setback requirements set out under Condition 15 and may be required to be increased.
- e. A least a 5 metre building setback from the rear boundary of lots adjoining the western boundary of the subject land (Note: this setback is also the bushfire defendable space setback).

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

~~14.13.~~ Before a plan of subdivision is certified for each stage of the subdivision, a restriction must be included on the plan of subdivision which requires the waste bin collection points for lots 19, 20, 27 and 28 to be located on the north-south portion of Thom Road to ensure waste vehicles can collect all waste bins without reversing.

~~15.14.~~ Certification of ~~Before~~ Stage 1 of the plan of subdivision ~~is certified~~, must provide for the land shown as 'Reserve 1' and 'Reserve 2' ~~must to~~ be vested in Cardinia Shire Council to the satisfaction of the Responsible Authority.

~~16.15.~~ Prior to certification of the Plan of Subdivision for Stage 2 one of the following requirements must be satisfied:

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- A 19 metre bushfire defendable space setback provided from the eastern boundary of lots within Stage 2. Lots must be reconfigured to ensure each lot can accommodate at least a 10 metre by 15 metre rectangle within the building envelope.
- The land adjoining the eastern boundary is developed and thereby removing the bushfire hazard
- The owner of the land adjoining the eastern boundary enters into an agreement with Council under Section 173 of the Planning and Environment Act 1987, registered on the land title, to maintain a firebreak to CFA standards and the satisfaction of the Responsible Authority.

~~17-16.~~ Before each stage of the plan of subdivision is certified, the street names proposed for the subdivision must be submitted to and approved by the Responsible Authority.

~~18-17.~~ All existing and proposed easements and sites for existing or required utility services and roads on the subject land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

~~19-18.~~ The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authorities in accordance with Section 8 of that Act.

Prior to Statement of Compliance

~~20-19.~~ Before the issue of a Statement of Compliance under the *Subdivision Act 1988* for each stage of the subdivision under the *Subdivision Act 1988*, any recommended remediation measures identified by the Environmental Site Assessment endorsed under Condition 2 of this permit must be implemented to the satisfaction of the Responsible Authority.

~~21-20.~~ Before the Statement of Compliance is issued, 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.

~~22-21.~~ Before the Statement of Compliance is issued under the *Subdivision Act 1988*, appropriate driveway access and drainage connection points must be provided to all lots.

~~23-22.~~ Before the Statement of Compliance is issued under the *Subdivision Act 1988*, 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 nominated in the Cardinia Shire Council "Guidelines for the Development & Subdivision of Land", "Development Construction Specification" and the "Water Sensitive Urban Design (WSUD) Guidelines".

~~24-23.~~ Before a Statement of Compliance is issued 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.

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~~25-24~~ Before a Statement of Compliance is issued under the *Subdivision Act 1988* for stage 1, a pedestrian path and the widening of the inside corner of the right-angle bend of Tresize Court must be constructed in accordance with the plans and specifications ~~to be approved by Council~~ as required by contained in the Section 173 Agreement under the *Planning and Environment Act 1987* that effects the land and was executed prior to Council's Adoption of Amendment C262 of the Cardinia Planning Scheme.

~~26-25~~ Before a Statement of Compliance is issued under the *Subdivision Act 1988* the permit holder must:

- a. 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 Coordinates must be MGA zone 55 (GDA 94). Please refer to the A-SPEC website for further information: www.a-specstandards.com.au

~~27-26~~ Before a Statement of Compliance is issued for the first stage of subdivision, the works identified by the Integrated Land Management Plan endorsed under condition 4 must be carried out and completed to the satisfaction of the Responsible Authority.

~~28-27~~ Prior to statement of compliance being issued for the subdivision, any reserve or land set aside for public open space or any tree reserve or the like must be graded, top dressed and sown to grass in accordance with the endorsed landscape plan.

~~29-28~~ Before a statement of compliance is issued for each stage of the subdivision, a detailed landscape works 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 detailed 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 ~~HLandscape~~ Master-plan and must show and include to the satisfaction of the Responsible Authority:

- a. How the proposed design responds to the requirements of the Cardinia Shire Council developer landscape guidelines, including checklist 2 (as amended from time to time). http://www.cardinia.vic.gov.au/landscaping_guidelines
- b. New plantings, including their layout to be provided in any road reserves and municipal reserves.
- c. 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 consistent with adjoining sites where roads are continued through.

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- d. 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.
- e. The removal of existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds.
- f. The implementation of any landscape principles and guidelines contained in any relevant Precinct Structure Plan.
- g. The public open space area to be provided within the development, including the embellishment works within the public open space.
- h. All pathway locations, including linking pathways to neighbouring estates, within the drainage buffer, reserve and other relevant reserves.

i. Vehicle exclusion mechanisms to the satisfaction of the Responsible Authority.

~~i-j.~~ Bin collection locations on the north-south portion of Thom Road for lots 19, 20, 27 and 28 to ensure waste vehicles can collect bins without reversing.

All species selected must be to the satisfaction of the Responsible Authority and should be drought tolerant and proven hardy cultivars suitable to the local conditions. Plantings are not to impact sight lines for vehicles or pedestrians.

~~30-29.~~ Lighting of streets and pedestrian/cycle paths must be designed and provided (prior to the issue of a Statement of Compliance for the relevant stage) in accordance with Australian Standard 1158.1 to the satisfaction of the Responsible Authority.

~~31-30.~~ Before a statement of compliance is issued for each stage of the subdivision, the landscape works shown on the approved detailed landscape plan for that stage 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. *Please note: At practical completion the outstanding landscape works bond will be released and only a landscape maintenance bond will be retained.*

~~32-31.~~ Before a statement of compliance is issued for each stage of the subdivision, bonding must be provided to the Responsible Authority to cover all landscaping works 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 for a minimum of 24 months. Final completion will not be granted between 1 November and 31 March.

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Engineering Conditions

~~33-32.~~ All roads used for the purpose of haulage of imported or exported materials for construction must be:

- a. Approved in writing by the Responsible Authority for the submitted haulage strategy, at least seven days prior to the commencement of use,
- b. 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, and
- c. Reinstated to the satisfaction of the Responsible Authority.

~~34-33.~~ 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.

~~35-34.~~ 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.

Environment Conditions

~~36-35.~~ The permit holder must notify Council's Environment Department a minimum of seven (7) days before commencing works associated with the permitted subdivision so that surveillance of the works can be undertaken.

~~37-36.~~ The works shown in the endorsed Integrated Land Management Plan must be maintained to the satisfaction of the Responsible Authority for a minimum of two (2) years from the date of practical completion of the works described in the Integrated Land Management Plan.

~~38-37.~~ All native vegetation and wetlands that occur in association with the Lang Lang River within the Green Wedge Zone in the northern sector of the site must be protected in Reserve 1.

Landscaping Conditions

~~39-38.~~ 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.

~~40-39.~~ The permit holder must notify Council's Landscape Development Department a minimum of seven (7) days before commencing street tree planting and landscaping so that surveillance of the works can be undertaken.

~~41-40.~~ The landscaping shown on the endorsed landscape plan must be maintained to the satisfaction of the Responsible Authority for a minimum of 24 months from the date of practical completion of

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the 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 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 (http://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; and
- 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.

Cultural Heritage Management Plan (CHMP)

~~42.41.~~ All activities carried out on the subject land must comply with the requirements of the approved Cultural Heritage Management Plan 15815 dated the 31 January 2019.

~~43.42.~~ The Green Wedge Zone in the northern sector of the site contains the Thom Road AS1 (8021-0437 [VAHR]) Aboriginal site of significance and must not be disturbed.

Reticulated Services

~~44.43.~~ The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

~~45.44.~~ 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.

Mandatory Clause 66.01 Conditions

~~46.45.~~ The owner of the land must enter into an agreement with:

- a. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirement and relevant legislation at the time.
- b. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

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~~47-46.~~ 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. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- b. 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.

Melbourne Water Conditions:

~~48-47.~~ Prior to the issue of a Statement of Compliance, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.

~~49-48.~~ Prior to Certification of any stage of this subdivision, Melbourne Water requires that the applicant submit a detailed Drainage and Stormwater Management Strategy for approval, which demonstrates how stormwater runoff from the subdivision will achieve flood protection standards and State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater. The strategy should also include information regarding the future ownership and maintenance requirements of any proposed assets.

~~50-49.~~ Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.

~~51-50.~~ All new lots must be filled to a minimum of 600mm above the 1 in 100 year flood level associated with any existing or proposed Melbourne Water wetland, retarding basin or waterway.

~~52-51.~~ Prior to the issue of a Statement of Compliance, a certified survey plan prepared by or under the supervision of a licensed land surveyor, showing levels of the road and lots adjacent to the flood extent, reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the land has been filled in accordance with Melbourne Water's requirements.

~~53-52.~~ Prior to the development plans being endorsed and the commencement of works, a detailed landscape plan to scale for the waterway corridor must be submitted to Melbourne Water for approval.

The plan must show:

- a. Top of bank and provision of a visual and physical buffer from the waterway;

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- b. Existing vegetation to be retained and/or removed;
- c. Details of surface finishes of pathways and/or boardwalks;
- d. A vegetated buffer of a minimum 30 metres from the bank of the Lang Lang River to the satisfaction of Melbourne Water.
- e. A planting schedule of all proposed trees, shrubs and ground covers, including: botanical names; common names; pot sizes; life-form; quantities of each plant; planting density (plants per square metre) planting zones/locations (in plan and cross section form in colour).
- f. A weed management plan, which must include the following information: botanical name of species targeted; location or percentage cover; method of control and timing of control.
- g. Landscape treatment with specification of products such as mulching and erosion control matting, if required.

Note that planting zones must match with those in the planting schedule and that local indigenous plants should only be used. Weed control information should also be presented in tabular format.

~~54.53.~~ Prior to the issue of a Statement of Compliance, engineering plans of the subdivision (in electronic format) are to be forwarded to Melbourne Water for approval.

~~55.54.~~ Any vehicular and/or pedestrian access must be designed and constructed to comply with the following safety criteria associated with the applicable flood level.

- a. Depth of flow does not exceed 0.3m;
- b. Velocity of flow does not exceed 2.0m/s;
- c. The Depth Velocity product does not exceed 0.3 m²/s.

~~56.55.~~ Prior to the commencement of works, a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for approval. The SEMP must show the location and nature of environmental values identified through site environmental assessments, and includes details of measures to protect or mitigate risk to those values. The SEMP must include a site map detailing the location and design of all measures in relation to significant site values including the following:

- a. Silt fencing;
- b. Access tracks;
- c. Spoil stockpiling;
- d. Trenching locations;

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- e. Machinery/ Plant locations; and
- f. Exclusion fencing around native vegetation/ habitat.

~~57-56.~~ Prior to the commencement of works, a separate application direct to Melbourne Water must be made for approval of any new or modified stormwater connection to Melbourne Water's drains or watercourses, and/or waterway crossing.

VicTrack Conditions:

~~58-57.~~ The permit holder must, at all times, ensure that the common boundary with railway land is fenced at no cost to VicTrack. Fencing of railway land must be a minimum of 1.8 metres high black chain mesh or paling construction with the orientation of any supporting rails on the railway side to prohibit unauthorised access to the rail corridor.

~~59-58.~~ The permit holder must not, at any time:

- a. Allow any drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or
- b. Store or deposit any waste, soil or other materials on the railway land.

CFA Conditions:

~~60-59.~~ 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.

~~61-60.~~ 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.

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- 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.

South East Water Conditions:

~~62-61.~~ The owner of the subject land must enter into an agreement with South East Water for the provision of drinking water supply and fulfil all requirements to its satisfaction.

~~63-62.~~ The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.

~~64-63.~~ Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the Subdivision Act 1988.

~~65-64.~~ 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 Corporation pursuant to Section 12(1) of the Subdivision Act.

~~66-65.~~ 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 Corporation pursuant to Section 12(1) of the Subdivision Act.

Expiry

~~67-66.~~ This permit will expire if:

- The subdivision is not commenced within two (2) years of the date of this permit; or
- The subdivision is not completed within five (5) years of the date of commencement.

Where the subdivision is to be developed in stages, the time specified for the commencement of the first stage is two years from the date of this permit. The time specified for the commencement of any subsequent stage is ten (10) years from the date of this permit and the time specified for the completion of each stage is five years from the date of its commencement.

In accordance with [Section 69](#) of the [Planning and Environment Act 1987](#), an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Notes:

- The starting of the subdivision is regarded by Section 68(3A) of the *Planning and Environment Act 1987* as the certification of a plan, and completion is regarded as the registration of the plan.
- The landscaping works shown on the endorsed landscape master plan/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

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landscape plan/s must be carried out and completed to the satisfaction of the Responsible Authority.

- Please contact Council's Landscape Development Department in relation to the of 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 for minimum Council requirements. The submitted information is to be to the satisfaction of the Responsible Authority.
- Please contact Council's Open Space Department in relation to the costs of the cash bond or bank guarantee.

AusNet Notes:

- It is recommended that at an early date the applicant commences negotiations with Ausnet for a supply of electricity in order that supply arrangements can be work out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).
- Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply lots and for any tree clearing.
- Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.
- Where the filling material for a development is to be carted in from off site, the permit holder must obtain further written approval from Council's Engineering Department, at least seven days prior to the cartage works commencing.

CFA Notes:

- 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)

South East Water Notes:

- The owner of the subject land is required to obtain a 'Notice of Agreement' from South East Water. All requirements must be fulfilled to its satisfaction prior to South East Water consenting to the issuing of a Statement of Compliance.

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

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

WHEN DOES THE PERMIT BEGIN?

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

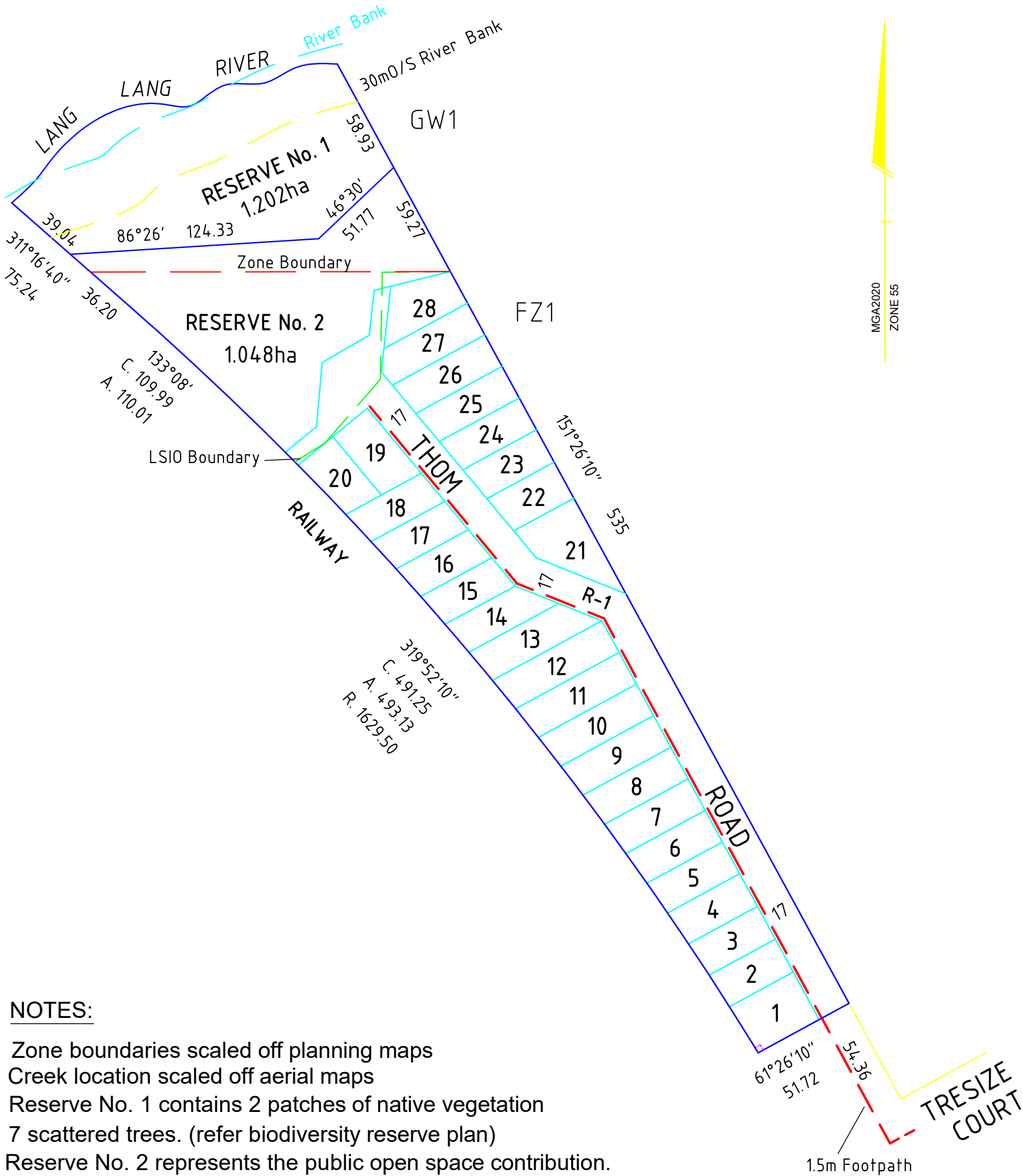
WHEN DOES A PERMIT EXPIRE?

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

WHAT ABOUT REVIEWS?

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

PS 838146 X



NOTES:

- Zone boundaries scaled off planning maps
- Creek location scaled off aerial maps
- Reserve No. 1 contains 2 patches of native vegetation
- 7 scattered trees. (refer biodiversity reserve plan)
- Reserve No. 2 represents the public open space contribution.
- No trees are to be retained outside the proposed Reserve No. 1 & Reserve No. 2.

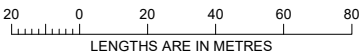
WARNING: This plan is unregistered.
See Sheet 1 for Explanatory Note

NOBELIUS LAND SURVEYORS



P.O. BOX 461
PAKENHAM 3810
Ph 03 5941 4112
mail@nobelius.com.au

SCALE
1:2000



LICENSED SURVEYOR: B. S. NOBELIUS
VERSION 2

ORIGINAL SHEET
SIZE: A3

SHEET 2

Submission #	Position	Submission summary	Council officer response	Recommendation
1	Object.	<ol style="list-style-type: none"> 1. Concerned with potential dangers arising from additional traffic on the bend in Tresize Court and traffic entering from Westernport Road onto Tresize Court. 2. Some of the proposed lots are too small for a country town and will negatively affect the aesthetics and character of the town. 3. Destruction of farmland and native bushland under the false pretence of town growth. 4. Does not want the additional traffic to be travelling through Tresize Court to get to Thom Road. 	<ol style="list-style-type: none"> 1. Partially agree. Council's traffic engineer has determined that the right-angle bend in Tresize Court must be widened as part of the future development proposed on the subject site. The intersection of Tresize Court and Westernport Road has already been appropriately flared to ensure safety. 2. Disagree. The subdivision plan proposes residential lots ranging between 691m² and 1133m². The proposed lot sizes are in accordance with the Lang Lang Township Strategy (July 2009) requirements for this area. 3. Disagree. It is Council's intention that Lang Lang remains a country town; however, some limited growth must be allowed. Unlike the Green Wedge Zone, the Farming Zone is utilised in the Cardinia Planning Scheme as a holding zone until Council deems it appropriate to undertake a rezoning to implement the directions of a Township Strategy or the like. 4. Noted. The Lang Lang Township Strategy (July 2009) is an Incorporated Document in the Cardinia Planning Scheme and went through its own formal planning scheme amendment process whereby the future rezoning and development of this land for residential growth was identified. 	Refer to Panel
2	<p>Supportive of the proposed Amendment C262.</p> <p>Not supportive of all conditions on the Proposed Planning Permit T190728.</p>	<p><u>Amendment C262</u></p> <ol style="list-style-type: none"> 1. Supportive of proposed Amendment C262. <p><u>Proposed Planning Permit conditions</u></p> <ol style="list-style-type: none"> 1. The subdivision permit treats the subdivision like it is a large multistage subdivision when in reality it is a relatively small residential subdivision which could have been subject to a simpler suite of conditions. 2. We have concerns with the building envelopes as previously raised with Council, particularly Condition 1d and 13c (now 12c). We say building envelopes should be consistent with recent multi 	<ol style="list-style-type: none"> 1. Noted 1. Disagree. The subdivision is a multi-staged subdivision with many constraints that need to be resolved by conditions forming part of the planning permit in order to facilitate appropriate and suitable development of the site. 2. Disagree. The Lang Lang Township Strategy (July 2009) is an Incorporated document in the Cardinia Planning Scheme and requires 2.5 metre side setback. A 2.5 metre side setback plays a large role in maintaining neighbourhood character. Although there have been some inappropriate decisions in the 	Refer to Panel

		<p>lot subdivisions within the Lang lang Township which have allowed for a 1.25m side setback.</p> <p>3. We question the need for a bushfire management plan under condition 3 [now 2] and 11 [now 10]. The bushfire management plan refers to matters such as defendable space which is set out in Clause 53.02. Clause 53.02 clearly states that it applies to land within a Bushfire Management Overlay, which the land is not! All that needs to be demonstrated is that the building envelopes provide sufficient separation distance under AS3959 to achieve a bushfire attack level of BAL12.5.</p> <p>4. We say it is unnecessary to have a Landscape Masterplan under condition 5 [now 4] and a detailed landscape plan under condition 28 for a small subdivision. A single landscape plan for the subdivision would surely be adequate. We question where the APA gas easement is under Condition 5n?</p> <p>5. We question the need for the waste management plan under condition 7? The conditions suggest that this is a medium density site condition and not for a subdivision (eg 7a ii which asks for the number of bedrooms in each dwelling).</p> <p>6. Does condition 13 [now 12] override condition 12 [now 11] and make it unnecessary?</p>	<p>past in relation to side setbacks, Council needs to ensure that the requirements of the township strategy are continued to be implemented to ensure the character of the area is not at risk of being compromised.</p> <p>3. Disagree. This condition was a requirement of the CFA during preliminary referrals. While the site is not in a BMO it is subject to the higher standards of Clause 13.02-1S. The requirements outlined by this condition is the standard approach of the CFA and Councils at the planning scheme amendment stage. It is the CFA's and Council's obligation to ensure measures are put in place now to ensure all new lots can satisfactorily achieve a BAL12.5 and that all future houses are constructed to BAL12.5 and vegetation within the defendable space is appropriately managed. The requirement of a Bushfire Management Plan is the approach the CFA and Council's have been routinely implementing at the planning scheme amendment stage to ensure this outcome.</p> <p>4. Disagree. It is Council's standard approach to seek a Landscape Masterplan before certification and a detailed landscape works plan before Statement of Compliance. Apart from a few additional requirements, condition 5 [now 4] is a standard Landscape Masterplan condition that puts in place the overarching plan. Council has removed reference to APA gas easement from condition 4n as there is no such easement affecting the site. Condition 28 is also a standard condition and puts in place the detailed landscaping works plan.</p> <p>5. Agree. The Waste Management Plan condition has been deleted. However, there is still the issue of lots 19, 20, 27 and 28 being required to bring their bins to the north-south portion of Thom Road to ensure waste vehicles can collect all waste bins and turn without reversing. To ensure this is the case, appropriate requirements have been included to provide for bin collection points on the Subdivision Masterplan, Functional Layout Plan, Landscape Masterplan and Detailed Landscape Works Plan, and in a restriction on the plan of subdivision.</p> <p>6. Disagree. These are two different conditions. Condition 12 [now condition 11] is simply requiring that a separate sheet is included in the plan of subdivision for the purpose of creating restrictions on the plan of</p>	
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		<p>7. We question why under Condition 14 the reserves need to be vested in Council prior to the first stage? Access to the reserves will not be available until after the completion of the second stage and I am unaware of Council seeking the transfer of reserves prior to the residential subdivision being undertaken?</p> <p>8. Why is condition 24 necessary if this matter is already covered by a Section 173 agreement?</p> <p>9. To which stage of the subdivision does Condition 26 refer? We say it should be stage 2 as this is the stage that provides access to the reserves.</p>	<p>subdivision . Condition 13 [now condition 12] lays out the details of the restriction. Council officers have amended the wording of condition 12 [now 11] to make it clearer.</p> <p>7. Disagree. Stage 1 includes construction of all the roads and reserves, and both the roads and reserves are required to be transferred to Council when new land titles are issued for the first stage of subdivision. The wording of Condition 14 requires this to occur before certification which is incorrect. The wording of Condition 14 has been corrected. It was agreed between Council, the CFA and the proponent that Stage 2 will initially comprise a Superlot thereby delaying the subdivision of lots 21-28 to allow time for the proponent to decide how they will mitigate these lots against bushfire in accordance with Condition 15. It has always been Council's and the CFA's understanding that the roads will be constructed and vested to Council along with the two Reserves as part of Stage 1.</p> <p>8. Noted. Council has included this as a safeguard to assist with transparency that the footpath and road widening of Tresize Court required by the Section 173 agreement is not inadvertently overlooked. If the panel is not comfortable with this remaining as a condition on the permit, Council agrees to transfer this to a footnote on the permit.</p> <p>9. Disagree. See response to point 7 above. Council expects roads and reserves to be vested in Council as part of Stage 1 of the subdivision. Council officers have inserted the words "for the first stage" in condition 26 to make it clear what Council's requirement is.</p>	
3, 4, 5, 7, 8 & 11	Object	<p>Sewerage and rainwater</p> <p>1. Currently experiencing sewerage and drainage issues. In 2021 17 Tresize Court was flooded with faecal matter while the property and neighbouring properties experienced blockages and sewage issues.</p>	<p>1. Noted. Council officers are not aware of any sewerage or drainage issues within properties on Tresize Court. Council officers referred the proposed amendment to South East Water during preliminary referrals , at that time South East Water stated they had no objection to the amendment and provided their standard permit conditions to be included on the Proposed Planning Permit. Since receiving submissions, Council officers have contacted South East Water to convey the concerns raised. South East Water have advised via email on 31/05/22 that the proposed subdivision will be required to be serviced by pressure sewer and discharged into the pressure sewer main along Westernport Road, thereby bypassing the existing gravity system which services Tresize Court and therefore creating no extra load within Tresize Court.</p>	Refer to Panel

		<p>2. Ongoing sewerage issues and rainwater damage should be rectified before any further consideration to additional housing in the area, whereby there will be additional strain on the sewage system.</p> <p>Increase of traffic</p> <p>1. Tresize Court should not be a thoroughfare for heavy construction vehicles or workers as it is a court and was built with this intention.</p> <p>2. Tresize Court is not wide enough for typical construction vehicles.</p> <p>3. Tresize Court is a shared accessway for local vehicles and families and the proposal will decrease accessibility.</p> <p>4. An increase of pedestrian and vehicular circulation at any time of the day or night caused by people accessing the proposed reserve.</p>	<p>2. Noted. See above response in relation to sewerage issues. With regards to the stormwater drainage issue, Council's Drainage Supervisor and Development Engineer have advised that Council records show no complaints and are not aware of any rainwater damage occurring in this area. Since receiving submission, Council's Drainage Team have inspected the drainage line affecting the properties on Tresize Court and the outfall drain into the Little Lang Lang River, and have advised they are clear of any debris.</p> <p>1. Disagree. The Lang Lang Township Strategy (July 2009) identifies this land for residential growth. The Township Strategy shows a potential local road extending from the existing portion of Thom Road through the subject site, as is now proposed.</p> <p>2. Noted. Upon further investigation in response to this submission, Council's Traffic Engineer has determined that the right-angle bend on Tresize Court is required to be widened to appropriately allow Service Vehicles to pass this bend. This will be a requirement through a Section 173 agreement to ensure this occurs in conjunction with the proposed development on the subject site. It is considered that widening of the whole extent of Tresize Court is not required and the existing width of 5.5 metres is adequate to service both the existing residential lots and the proposed subdivision. Council is also proposing an additional condition on the Proposed Planning Permit requiring a Construction Management Plan to ensure all matters relating to construction impacts are managed including traffic, hours of construction and emissions of noise.</p> <p>3. Noted. Tresize Court is a shared accessway for local vehicles and families; however, at least since 2009 it has been the intention that the existing portion of Thom Road and Tresize Court would provide access from Westernport Road through to the future residential development on the subject site. Council is proposing an additional condition on the Proposed Planning Permit requiring a Construction Management Plan to ensure all matters relating to construction impacts are managed.</p> <p>4. Noted. Yes, there will be pedestrians and cars accessing the Reserves; however, it is likely it will be accessed mostly by local residents. Any disbenefits caused by the increase in traffic will be outweighed by the benefits of the additional open space for the broader community to access.</p>	
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		<p>5. No parking spaces have been considered for people accessing the reserve, leaving people to park on the front of properties.</p> <p>6. Tresize Court need to be a standalone court. Access from Tresize Court to Thom Road needs to be closed off thereby requiring construction of an alternative accessway to Thom Road.</p> <p>Increase in noise, dust and litter</p> <p>1. 24/7 traffic and construction will disturb livelihoods by creating noise and dust. Specifically impacting sleep and the quietness of the court.</p> <p>2. Concerns in relation to many of the surrounding residents having asthma and their health being directly impacted.</p> <p>3. The cleanliness of the court will be impacted by littering from the trades during construction.</p> <p>Increase of crime</p> <p>1. Due to the lack of recreational facilities and policing in the area this will direct criminal behaviour to the river side reserve (reserve 1). Lang Lang is experiencing a large drug and youth problem.</p> <p>2. Developing an area that is secluded and not policed (reserve 1), will cause and increase in crime, destruction of property, theft and unsociable behaviour.</p>	<p>5. Disagree. Car parking for those visiting the reserve was considered in the design of the local road. Parking for the Reserves will occur along the northern boundary of the road, along the front of Reserve 2.</p> <p>6. Disagree. At least since 2009, it has not been the strategic intention that Tresize Court act as a standalone court given the existing portion of Thom Road and the potential local road shown in the Lang Lang Township Strategy (July 2009). Given the positioning of the subject site, there is no alternative accessway through to Westernport Road.</p> <p>1. Noted. There will not be construction on the site 24/7. As per the Proposed Planning Permit the applicant must submit a Construction Environment Management Plan (CEMP) and a Construction Management Plan (CMP) prior to beginning works on the site. The CEMP must address all environmental risks and include such things as:</p> <ul style="list-style-type: none"> • Hours of Operation • Provision of pollution and contamination controls including noise and dust. • Location of stockpiles and stockpile management • Equipment, materials and goods management. <p>2. Noted. See previous response.</p> <p>3. Noted. See previous response.</p> <p>1. Noted. By formalising the proposed two Reserves, it is Council's intention that these Reserves become places enjoyed by both surrounding and broader local residents. Future residential development will bring additional surveillance to the proposed Reserves.</p> <p>2. Noted. Facilitating limited growth in this area will play a part in discouraging unsociable behaviour by bringing additional people and housing into the area providing surveillance to the proposed Reserves.</p>	
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6	Object	<p>Sewerage and rainwater</p> <ol style="list-style-type: none"> 1. Currently experiencing issues with aging and problematic sewerage and drainage systems. In 2021 17 Tresize Court was flooded with faecal matter while the property and neighbouring properties experienced blockages and sewage issues. 2. Drainage for 15-19 Tresize Court must be rectified and the ageing system should be attended to as a matter of priority before considering adding extra pressure on an already ageing, overloaded and insufficient system. <p>Increase of traffic</p> <ol style="list-style-type: none"> 1. A court by definition, is a road with no throughway that ends in a loop or a cul-de-sac. As such Tresize Court was designed and built with this definition in mind. The infrastructure of our court is not wide enough for construction vehicles. 	<ol style="list-style-type: none"> 1. Noted. Council officers are not aware of any sewerage or drainage issues within properties on Tresize Court. Council officers referred the proposed amendment to South East Water during preliminary referrals, at that time South East Water stated they had no objection to the amendment and provided their standard permit conditions to be included on the Proposed Planning Permit. Since receiving submissions, Council officers have contacted South East Water to convey the concerns raised. South East Water have advised via email on 31/05/22 that the proposed subdivision will be required to be serviced by pressure sewer and discharged into the pressure sewer main along Westernport Road, thereby bypassing the existing gravity system which services Tresize Court and therefore creating no extra load within Tresize Court. 2. Noted. Council's Drainage Supervisor and Development Engineer have advised that council records show no complaints and are not aware of any rainwater damage occurring in this area. Since receiving this submission, Council's Drainage Team have inspected the drainage line affecting the properties on Tresize Court and the outfall drain into the Little Lang Lang River, and have advised they are clear of any debris. <ol style="list-style-type: none"> 1. Noted. The Lang Lang township strategy (2009) identifies this land for residential growth. The Township Strategy shows a potential local road extending from the existing portion of Thom Road through the subject site, as is now proposed. Upon further investigation in response to this submission, Council's Traffic Engineer has determined that the right-angle bend on Tresize Court is required to be widened to appropriately allow Service Vehicles to pass this bend. This will be a requirement through a Section 173 agreement to ensure this occurs in conjunction with the proposed development on the subject site. It is considered that widening of the whole extent of Tresize Court is not required and the existing width of 5.5 metres is adequate to service both the existing residential lots and the proposed subdivision. Council is also proposing an additional condition on the Proposed Planning Permit requiring a Construction Management Plan to ensure all matters relating to construction impacts are managed including traffic, hours of construction and emissions of noise. 	Refer to Panel
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		<p>2. Tresize Court is a shared accessway for local vehicles and families and the proposal will decrease accessibility.</p> <p>3. Tresize Court needs to be a standalone court. Access from Tresize Court to Thom Road needs to be closed off thereby requiring construction of an alternative accessway to Thom Road.</p> <p>Increase in noise, dust and litter</p> <p>1. 24/7 traffic and construction will disturb livelihoods by creating noise and dust.</p> <p>2. Concerns in relation to many of the surrounding residents having breathing difficulties and skin disorders.</p> <p>3. The rubbish that has enveloped the streets and properties in Lang Lang from existing housing developments has ensured that there is a decrease in liveability for existing residents with rubbish and debris strewn all over the streets and surrounding properties with little to no council or authorities policing the sites, rubbish removal or impact on local residents.</p> <p>Increase of crime</p> <p>1. Due to the lack of recreational facilities and policing in the area this will direct criminal behaviour to the river side reserve (reserve 1).</p>	<p>2. Noted. Tresize Court is a shared accessway for local vehicles and families; however, at least since 2009 it has been the intention that the existing portion of Thom Road and Tresize Court would provide access from Westernport Road through to the future residential development on the subject site. Council is proposing an additional condition on the Proposed Planning Permit requiring a Construction Management Plan to ensure all matters relating to construction impacts are managed.</p> <p>3. Disagree. At least since 2009 it has not been the strategic intention that Tresize Court act as a standalone court given the existing portion of Thom Road and the potential local road shown in the Lang Lang Township Strategy (July 2009). Given the positioning of the subject site, there is no alternative accessway through to Westernport Road.</p> <p>1. Noted. There will not be construction on the site 24/7. As per the proposed Planning Permit the applicant must submit a Construction Environment Management Plan (CEMP) and a Construction Management Plan (CMP) prior to beginning works on the site. The CEMP must address all environmental risks and include such things as:</p> <ul style="list-style-type: none"> • Hours of operation. • Provision of pollution controls including noise and dust. • Location of stockpiles and stockpile management. • Equipment, materials and good management. <p>2. Noted. See previous response.</p> <p>3. Noted. See previous response.</p> <p>1. Noted. By formalising the proposed two Reserves, it is Council's intention that these reserves become places enjoyed by both surrounding and broader</p>	
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9 (EPA)	No objection	<p>1. An Environmental Site Assessment (ESA) is not the recommended form of assessment prescribed in the updated PPN30. Council should review the updated Ministerial Direction 1 (MD1) and Planning Practice Note 30 (PPN30) with a view to determining the recommended form of assessment that applies to the proposed rezoning and future land use. If it is intended to require this assessment to be carried out by the developer at a later stage, the permit condition (or otherwise) should have regard for the updated policy framework.</p>	<p>1. Noted. Council officers have reviewed the updated MD1 and PPN30 and have required the proponent to prepare a Preliminary Site Investigation (PSI) to determine whether the site is potentially contaminated and the next steps in the process. The Explanatory Report has been updated to include the outcomes of the PSI, which determined that the site had no potential for contamination and that neither an Environmental Audit (EA) nor a Preliminary Risk Screen Assessment (PRSA) is required for the site for its intended residential use. The condition on the draft planning permit requiring an Environmental Site Assessment (ESA) has been removed as per EPA's recommendation.</p>	Refer to Panel
10 (CFA)	Supportive No objection	<p>1. The Planning Scheme Amendment and Proposed Planning Permit exhibited appear to incorporate CFA's comments raised in our letter to Council dated 28 May 2021.</p>	<p>1. Noted.</p>	Refer to Panel