

6 Ordinary Business

6.1 Town Planning Reports

6.1.1 Amendment C268 - Rezone and Subdivide Land at 49 Garfield Road, Garfield

Responsible GM: Lili Rosic
Author: Teresa Hazendonk

Recommendation(s)

That Council:

1. Receive and consider all submissions made to Planning Scheme Amendment C268card.
2. In accordance with 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. Advise the proponent and submitters of Council's decision.

Attachments

1. Amendment C268 Summary of Submissions and Officer Responses [6.1.1.1 - 23 pages]
2. Amendment Documentation Authorisation (as exhibited) [6.1.1.2 - 10 pages]
3. Proposed Subdivision Plan (as exhibited) [6.1.1.3 - 2 pages]
4. Proposed Planning Permit T190104 with proposed post exhibition changes [6.1.1.4 - 29 pages]

Executive Summary

Council received a request to rezone part of the land at 49 Garfield Road, Garfield (Lot 1 PS436250U and Lot 1 PS531590N) from Low Density Residential Zone Schedule 2 (LDRZ2) to Low Density Residential Zone Schedule 3 (LDRZ3) and Green Wedge Zone Schedule 1 (GWZ1).

The request also sought Council's consent to concurrently consider a planning permit application for a staged subdivision of the land into thirty-seven lots for low density residential purposes, removal of native vegetation, creation of various reserves, creation/variation of easements, and creation of restrictions on the plan of subdivision.

The *Garfield Township Strategy 2002* (GFTS) identifies the subject land to be developed with low density residential housing, it also identifies the 'existing significant vegetation' in the northwest corner be protected and Ti-Tree Creek to form part of public open space.

At its meeting on 21 February 2022, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C268 concurrently with Proposed Planning Permit T190104. On 22 August 2022 Council received authorisation to proceed.

Amendment C268 was exhibited from 13 October to 14 November 2022 in accordance with the requirements of the *Planning and Environment Act 1987*. Thirteen submissions have been received.

Some matters raised by submissions are not able to be resolved, it is therefore recommended to refer all submissions to a Ministerial Planning Panel for consideration.

Background

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

In association with the amendment request, planning permit application T190104 was also lodged for a staged subdivision of the land into 37 low density residential lots and reserves, removal of native vegetation, creation/variation of easements, and creation of restriction on the plan of subdivision. Council resolved on 21 February 2022 to consider this application concurrently with the amendment to facilitate development of the land for residential purposes.

In 2013, the state government changed the Low Density Residential Zone to allow a minimum lot size of 2,000 sqm where land is connected to reticulated sewerage disposal, in addition to the minimum lot size of 4,000 sqm which continues to apply to land where reticulated sewerage disposal is not available.

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

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

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

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

The land and surrounds

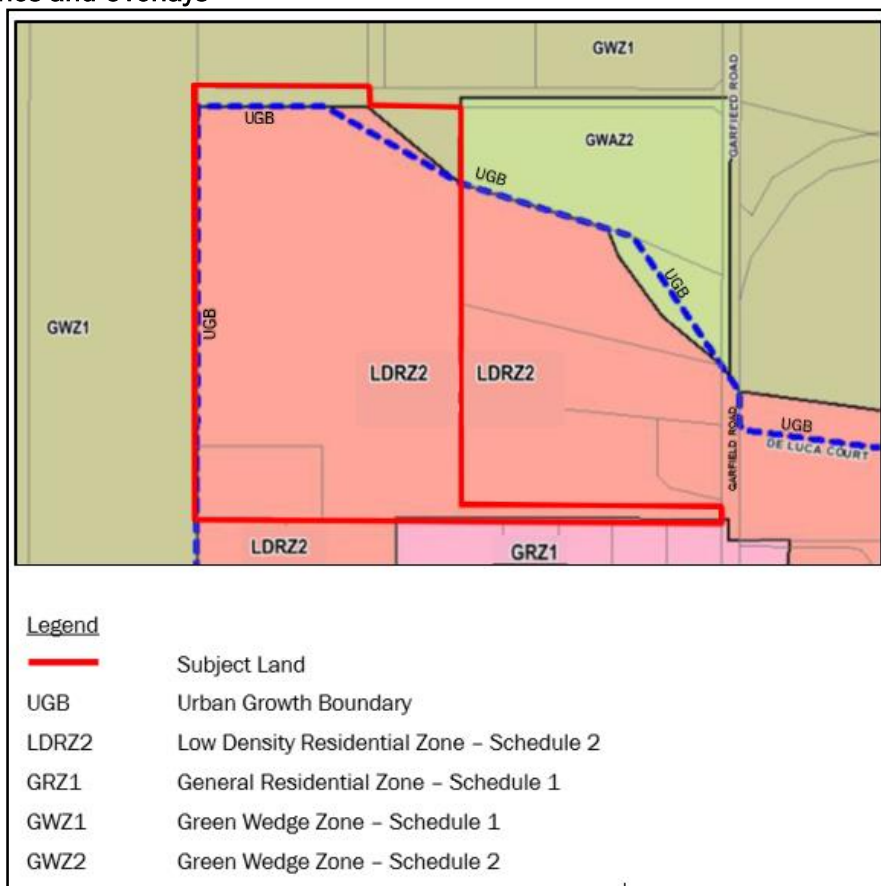
The land is located on the north-west fringe of Garfield township approximately 900 metres from the town centre and has an area of 14.075 hectares. Ti Tree Creek traverses the northeast corner of the land.

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



Locality Map

Current Zones and Overlays



Zone Map

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

The delineation between the LDRZ2 and the GWZ1 does not align with the UGB which traverses the land. This is an anomaly.

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

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

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 seeks:
- Rezoning of the land inside the UGB from LDRZ2 to LDRZ3.
- Rezoning of part of the land outside the UGB from LDRZ2 to GWZ1.
- Staged subdivision of the land into 37 low density residential lots ranging in size from 2,000m² to 8,749m².
- Creation of Reserves to be transferred to Council and Melbourne Water.
- Removal of native vegetation.
- Removal/variation of existing easements.
- Creation of restrictions on the plan of subdivision.

A map of the proposed planning zone is contained in Attachment 2, the Proposed Planning Permit has been amended in response to submissions and is contained in Attachment 4, while the proposed subdivision plan is contained in Attachment 3.

Policy Implications

Strategic Assessment

The full strategic assessment is provided in the Explanatory Report contained in Attachment 2.

The strategic assessment demonstrates that the proposal is consistent with the relevant planning provisions of the *Plan Melbourne Metropolitan Planning Strategy 2017-2050*, State and Local planning policy contained in the Cardinia Planning Scheme, and the *Garfield Township Strategy 2002*.

Relevance to Council Plan

2.1 We support the creation of liveable spaces and places

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

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

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

Climate Emergency Consideration

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

Consultation/Communication

Notification (formal exhibition)

Amendment C268 was formally exhibited for one month from 13 October to 14 November 2022 in accordance with the requirements of the *Planning and Environment Act 1987*.

Owners and occupiers adjoining and surrounding the subject land, community groups, relevant public authorities, and Prescribed Ministers were notified of the exhibition of the Amendment. A total of 121 letters were sent out.

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

- Public Notice in the Pakenham Gazette – 12 October 2022.
- Public Notice in the Government Gazette – 13 October 2022.
- Display on DELWP website.
- Display on Cardinia Shire Council website.
- Hard copy of the Amendment documents made available for viewing at Cardinia Shire Council Civic Centre Customer Service.

Submissions and responses

Thirteen (13) submissions were received. Eleven (11) were from nearby owners, occupiers and traders, and two (2) from public authorities.

Six (6) submissions provide full support and request no changes, five (5) submissions provide conditional support and seek changes, and two (2) submissions object to the proposal.

The supporting comments can be summarised as follows:

- 2000sqm blocks will be attractive to future residents
- Additional housing will be beneficial to local businesses
- The proposed development is well designed
- New development will improve local infrastructure and community assets
- The connection to reticulated sewer will be a good environmental outcome
-
- Concerns raised by submissions can be summarised as follows:
- No development to be allowed until Garfield Township Strategy has been reviewed and adopted by Council.
- Loss of privacy and security
- Noise and amenity
- Provision of utility services and driveways to land external to the proposed subdivision
- Treatment and maintenance of Road A reservation prior to commencement of stage 2 works.
- Drainage along Road A
- Increased traffic and associated pedestrian safety,
- Intersection sightlines and designs.
- Provision of water tanks and solar panels

- One dwelling restriction on titles
- Southern Brown Bandicoot habitat

A full summary of issues raised by submissions and officer responses is included in Attachment 1.

Next Steps

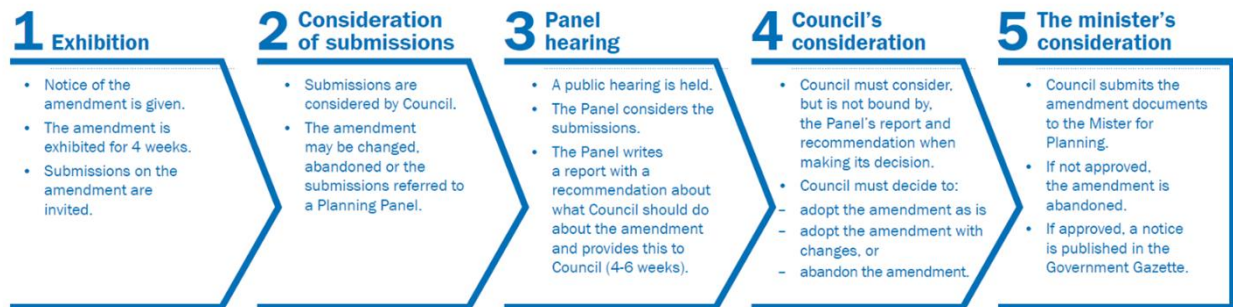


Figure 1. Steps in the Planning Scheme Amendment process

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 pre-set to occur during the week commencing 24 April 2023. 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

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

Conclusion

Planning Scheme Amendment C268card is supported by both State and local planning policy including the *Garfield Township Strategy 2002*).

Amendment C268, including concurrent Proposed Planning Permit T190104, was exhibited in accordance with the *Planning and Environment Act 1987* and a total of thirteen (13) submissions were received.

As some 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.

Attachment 1 – Summary of submissions and responses - Council Report 20 February 2023

Amendment C268card to the Cardinia Planning Scheme – Rezone and subdivide 49 Garfield Road Garfield

No	Submitter	Position	Matters raised	Officer response
Submissions from residents and traders				
1	Garfield resident & trader	Support	<p>1. I would like to provide my enthusiasm for this rezoning of land and quality development. My husband and I along with our two young children have lived in Garfield township for over 15 years and have been hoping for some larger rural size blocks to become available. The 2000sqm blocks appeal to our family, an attractive size – not too big, not too small. With the proposed development on the fringe of the township and walking distance from the main street and railway line, would provide our family with the perfect building block and an opportunity to build our forever home.</p> <p>I am also a business owner in the Main Street operating for over 12 years. I believe the proposed development will not only give people the opportunity to build a new home but will also be beneficial to the local business owners bringing in new custom and will continue to keep our special little town vibrant.</p>	1. Support for the Amendment is noted.
2	Garfield resident	Support	<p>1. I would like to congratulate the Council on having the vision in keeping the rural feel in Garfield and maintaining the towns Strategic Plan committed to some years ago. 2000sqm blocks fulfill a rural perspective without wasting land on larger lots mandated by the current zoning. The proposed layout plan</p>	1. Support for the Amendment is noted.

			<p>appears to be a quality development and I'm sure it will be an attraction not only to locals looking for a quality lot, but to those new residents looking to move to this unique country town.</p> <p>Having lived in the area for most of my life and I am excited that a quality development will become available in the very near future. I have children living in Garfield with their young families and hoping this development may entice other family members to move to Garfield.</p> <p>the township of Garfield offers a wonderful lifestyle for young families having excellent sporting facilities, a local pre-school and primary school as well as a unique shopping strip.</p> <p>Together with the Monash freeway and the V-line services available, Garfield is only an hour from the CBD, another attraction to a potential new resident.</p> <p>Once again, I thank the Council for its vision and for giving our family and friends the opportunity to hopefully secure one of the quality blocks in our local area.</p>	
3	Bunyip residents & traders	Support	<p>1. We as a local family run business in the area support this amendment on the following grounds:</p> <ul style="list-style-type: none"> • We feel that the ½ acre lots are great rather than be limited to suburban lots, leaves Garfield with a rural feel but provides more opportunity for people to move into the town. 	<p>1. Support for the Amendment is noted.</p>

			<ul style="list-style-type: none"> • We would like to congratulate the Council on having the vision not to waste the land on larger lots mandated by the current zoning. • Its good to see Garfield getting some attention as other urban areas of the shire boom with development that is not necessarily catering for what locals and new residents want on the peri-urban fringe of Melbourne. • It is great to see the landowners are locals and clearly have the best interests of the local communities at heart investing heavily in services such as sewer to ensure the risks to the environment are limited by not having any more septic tanks in the area near the creek. • As a local business, we encourage further growth to our neighbouring communities to not only help support our business but all of the small local businesses around the townships from Nar Nar Goon through to Bunyip. 	
4	Garfield trader	Support	<p>1. I fully support the Amendment.</p> <p>This is a visionary application that helps to seal the next generation of residents and the future of what many see as a dynamic rural town. It is my view that it looks to have ticked all of the boxes from a planning perspective. It appears to have plenty of detail in the plan that addresses the numerous statutory conditions that would apply or be required by the relevant authorities.</p> <p>As a long term resident of a small rural town in West</p>	<p>1. Support for the Amendment is noted.</p>

			Gippsland over the past 40 years and as a trader in Garfield for in excess of 10 years I can only see positive outcomes for our local residents, community and sporting organisations and traders. This application can only help to improve our local infrastructure and the building of new community assets.	
5	Bunyip trader	Support	<p>1. I support the amendment on the following grounds:</p> <ul style="list-style-type: none"> • Being a local business owner we support the landowners who are also locals in their commitment to the project over a long period of time. They have always done what's best for the local towns. • It's great to have some larger lots in a rural setting, but not too big to waste the land. • Good to see the owners investing in services to prevent any risk to the environment. 	1. Support for the Amendment is noted.
6	Garfield resident & trader	Support	<p>I am pleased to advise my support for this application.</p> <p>The Garfield township is rare in having a defined boundary. Development has only been able to occur in areas serviced by the sewerage system. This has resulted in most subdivisions having a southerly aspect making it harder to attain good solar orientation while taking in the rural views. Many small blocks dig into the slope and rely on retaining walls. With fences atop these walls houses get no beneficial winter sun.</p> <p>This proposed subdivision takes advantage of being located on the South side and facing the Bunyip State Forrest. We enjoy the</p>	1. Support for the Amendment is noted.

		<p>same orientation with our property which has aided me, as an architect, to achieve a very efficient and comfortable house with stunning views.</p> <p>The provision of a sewerage system for lots of 2000 square metres is far superior to 4000 square metre lots with septic systems as is generally the case in the low-density residential areas. The system will help to keep Ti Tree Creek unaffected. The large lots will hopefully encourage more young families to settle in the area, adding vibrancy to the town.</p> <p>I would hope that SE Water may follow up with a strategy for sewer infrastructure to the Northern part of the town. When we obtained permission for our 4000+ square metre property SE Water advised that they did not have any plans for the township in the areas not already sewered.</p> <p>I see little impact on Garfield Road traffic as most vehicle movements are through traffic. We notice very few vehicles from Archer Road or Barker Road, even though they have a good number of residences.</p> <p>The development may however, signal to the Shire the importance of Garfield Road and the need for an upgrade. We get a lot of large vehicles and trucks using this road to access the township and beyond and yet the bitumen is very narrow and the drained sides in poor condition. A lot of our local minor roads have been much better formed and are in better condition.</p> <p>I hope that this development spurs others to add to the sewer infrastructure and provide more lots. There is quite a bit of vacant</p>	
--	--	---	--

			land in higher density residential zones that rely on sewerage connections to subdivide.	
7	Garfield residents	Conditional support	<p>1. Raises concerns about loss of privacy and security due to increased numbers of cars and people along the rear boundary of their property located in Oreti Court.</p> <p>Notwithstanding these concerns, the submitters state they are happy to support all aspects of the proposed planning scheme amendment and subdivision, on the proviso that the proponent provides all utility services and driveways to the rear of the submitters' property to assist with the future subdivision of their land whereby three new lots would provide privacy and security to their existing house from the proposed road.</p>	<p>1. Support for the Amendment is noted.</p> <p><u>Privacy:</u></p> <p>While the significant distance between the submitter's house and the proposed road would help reduce impacts on privacy, the submitter and the proponent of Amendment C268 can agree to construct a paling fence to replace the post and wire fence, however this is a civil matter between the two property owners.</p> <p><u>Security:</u></p> <p>There is no evidence that the security of the submitter's property would be compromised by the construction of a road along the rear boundary any more the existence of the road at the front of the property.</p> <p><u>Utility services and driveways for subdivision:</u></p> <p>To make these significant changes would require withdrawal of the current C268 rezoning and subdivision proposal, and new documentation would need to be submitted to include details of subdivision of the submitter's land, thereby allowing Council to properly assess such a subdivision. The proponent has indicated they are not interested in withdrawing their rezoning and subdivision proposal.</p>

8	Garfield residents	Conditional support	<p>1. Raises concerns about loss of privacy and exposure to noise and intruders along the rear of their property located in Oreti Court. Notwithstanding these concerns, the submitters state they are happy to support all aspects of the proposed planning scheme amendment and subdivision, on the proviso that the proponent provides all utility services and driveways to the rear of the submitters property to assist with the future subdivision of the submitter's land whereby three new lots would provide privacy to their existing house from the proposed road, and protection from noise and intruders.</p>	<p>1. . Support for the Amendment is noted.</p> <p><u>Privacy:</u></p> <p>While the significant distance between the submitter's house and the proposed road would help reduce impacts on privacy, the submitter and the proponent of Amendment C268 can agree to construct a paling fence to replace the post and wire fence, however this is a civil matter between the two property owners.</p> <p><u>Noise:</u></p> <p>The noise generated by vehicles and pedestrians travelling along the proposed road along the rear boundary of the submitter's property will not exceed allowable limits.</p> <p><u>Intruders (Security):</u></p> <p>There is no evidence that the security of the submitter's property would be compromised by the construction of a road along the rear boundary any more the existence of the road at the front of the property.</p> <p><u>Utility services and driveways for subdivision:</u></p> <p>To make these significant changes would require withdrawal of the current C268 rezoning and subdivision proposal, and new documentation would need to be submitted to include details of subdivision of the submitter's land, thereby allowing Council to properly asses such a subdivision. The proponent has indicated they are not interested in withdrawing their rezoning and subdivision proposal.</p>
---	--------------------	---------------------	---	---

9	Garfield residents	Conditional support	1. Supports the rezoning and subdivision in general but raises the following concerns relating to the proposed subdivision permit and plans.	1. Noted.
			2. It is proposed that the current driveway be truncated in Stage 1 of the subdivision and used only for pedestrian access. What standard of construction is proposed for the pedestrian access and what is proposed for the existing large open road side drain that discharges into the Garfield Road drain, and over Garfield Road pavement in times of heavy rainfall?	2. The existing gravel driveway will remain as it is and will be utilised as a pedestrian, and the open drain will remain as it until the construction of Stage 2 commences. The water flowing into this drain from Sleeper Rise will decrease because most of this water will be redirected to flow northward to Ti-tree Creek via the proposed Stage 1 development.
			3. The current driveway has not been designated as road reservation on the subdivision layout plan, as other streets have. So what will be the status of the driveway on completion of Stage 1, and who will be responsible for its ongoing maintenance, which will include the pedestrian access, the open earth drain and the large trees along the north side of the laneway?	3. This land will be transferred to Council as a road reserve in stage 1. Additional words have been now been added to the Proposed Planning Permit (Conditions 9f and 15a) to provide clarity about the treatment and maintenance of the Road A reservation after the completion of stage 1 and prior to the commencement of stage 2 construction works. Conditions 43 and 81 of the Proposed Planning Permit require the developer to maintain the landscaped areas for two years as well as a bond to be paid so that Council can

				complete these works should the developer neglect to do so.
			<p>4. It is proposed that temporary access for stage 1 of the subdivision be gained along Sleeper Rise. The Sleeper Rise subdivision has only recently been completed and it is likely that when the development at 49 Garfield Road proceeds, there will be residents residing in newly constructed homes in Sleeper Rise. It is not clear from the application documents whether the Sleeper Rise road reservation actually abuts the property at 49 Garfield Road.</p>	<p>4. The stage 1 vehicle access via Sleeper Rise is not proposed to be temporary. It is the proposed vehicle access to stage 1 of the subdivision. Vehicle access into the final subdivision at the completion of stage 2 will be via both Sleeper Rise and proposed Road A which will connect directly onto Garfield Road.</p> <ul style="list-style-type: none"> • Stage 1 vehicle access = 'interim' • Stage 2 vehicle access = 'ultimate' <p>At the completion of the Sleeper Rise Stage 2 subdivision works the road reservation will connect to the boundary of 49 Garfield Road.</p>
			<p>5. The additional traffic generated along Sleeper Rise by the proposed development at 49 Garfield Road will be directed into Barker Road and in turn to the intersection of Barker Road with Garfield Road. There are currently sight distance limitations at the crest in the Sleeper Rise road pavement and also in Garfield Road just north of the Barker Road intersection. Garfield Road is the main access road into the town from the Princes Freeway and carries considerable traffic. The additional traffic in Barker Road will result in an additional risk of there being an accident at the intersection.</p>	<p>5. Sight distances and intersection designs will be assessed through the detailed design process as per the usual process with all subdivisions.</p> <p>The speed limit along Garfield Road and Barker Road is 50 klm per hour and there are currently traffic signs advising drivers travelling south on Garfield Road that there is a T intersection just over the crest. The detailed design process may reveal that additional safety measures are required.</p>

			<p>6. The proposed access along Sleeper Rise in stage 1, has been labelled as temporary access until the current driveway is constructed as a road in stage 2, but over time (no time frame is given for stage 2) it is likely that Sleeper Rise will become the main access into the development due to the proposed road configuration providing a straight through connection.</p>	<p>6. The stage 1 vehicle access via Sleeper Rise is not proposed to be temporary. It is the proposed vehicle access to stage 1 of the subdivision. Vehicle access into the final subdivision at the completion of stage 2 will be via both Sleeper Rise and proposed Road A which will connect directly onto Garfield Road.</p> <ul style="list-style-type: none"> • Stage 1 vehicle access = 'interim' • Stage 2 vehicle access = 'ultimate' <p>Sight distances and intersection designs will be assessed through the detailed design process as per the usual process with all subdivisions. The detailed design process may reveal that additional safety measures are required.</p> <p>Additional words have been now been added to the Proposed Planning Permit (Condition 15b) to make it clear that at the completion of stage 2 works the intersection of Sleeper Rise and Road A must give priority to Road A.</p> <p>Condition 115 of the Proposed Planning Permit makes requirements relating to timeframes for stages of subdivision works.</p>
			<p>7. The current driveway is proposed to be constructed as a road as part of stage 2 of the development. The documents reveal that the current driveway has sufficient width to construct a sealed roadway with kerb and channel and concrete footpath</p>	<p>7. Officers agree with this statement.</p>

			on the south side. The driveway has good visibility and no sight distance limitations at its intersection with Garfield Road.	
			8. If the current driveway was constructed as a road in stage 1 it would provide permanent vehicle and pedestrian access into the development, and would reduce the safety issues with sight distance limitations at the crest in Sleeper Rise and at the intersection of Barker Road and Garfield Road. The current driveway has no such limitations and has good visibility at its intersection with Garfield Road.	<p>8. The current driveway is proposed to be constructed as a road in stage 2 of the development and will provide permanent vehicle and pedestrian access into the completed subdivision.</p> <p>Sight distances and intersection designs will be assessed through the detailed design process as per the usual process with all subdivisions. The detailed design process may reveal that additional safety measures are required.</p>
			9. Sleeper Rise could still act as a secondary access, ideally with some form of traffic control device at the entry into the development to discourage vehicles from travelling straight through. This will essentially stop the bulk of the traffic from the proposed development from travelling through what will be a built-up area and thus impacting on the amenity of the Sleeper Rise residents.	<p>It is proposed that both Sleeper Rise and Road A will both provide vehicle access into the entire subdivision at the completion of Stage 2.</p> <p>Sight distances and intersection designs will be assessed through the detailed design process as per the usual process with all subdivisions. The detailed design process may reveal that additional safety measures are required.</p> <p>Additional words have been now been added to the Proposed Planning Permit (Condition 15b) to make it clear that at the completion of stage 2 works the intersection of Sleeper Rise and Road A must give priority to Road A.</p>

				<p>The projected traffic volumes expected to travel via Sleeper are considered to be within acceptable limits and will not cause unreasonable detriment to the residents living in Sleeper Rise or Barker Road.</p>
			<p>10. As an adjoining land-owner to the proposed amendment, I was disappointed at not receiving notification from Council of the application, as most of my neighbours did, and it was only through notification by a neighbour that I was made aware of the proposed amendment application.</p>	<p>9. Council's records indicate that two separate Notices of Amendment C268 were mailed to the submitter because Council records show two addresses for the submitter's property.</p> <p>During a recent visit to the subject land and surrounding area it was noted that there is no street number attached to the submitter's mailbox which could explain why the letters did not reach the intended destinations.</p>
10	Garfield resident	Objects	<p>1. <i>"This Cardinia Shire absolutely astounds me. To receive a planning scheme amendment C268 at 49 Garfield road Garfield. We ... had a new estate built opposite our house and not once were we consulted about the construction and destruction of our area. To take so much vegetation out to leave our front nature strip a disgrace. To build the road so high to now not have any privacy. To have water and mud pour down the driveway and through our garage. To be told 'think of the finished product' and now to have this proposed</i></p>	<p>1. Noted.</p> <p>This submission does not raise any issue relating directly to the proposed rezoning and subdivision of the land at 49 Garfield Road.</p> <p>This submission raises issues relating to the recent subdivision constructed at 24 Barker Road (now Sleeper Rise). Council records show that the appropriate Council officers dealt with these concerns at the time they were initially raised.</p>

			<i>subdivision paperwork sent to us, this shire is an absolute joke."</i>	These issues are considered separate to proposed Amendment C268.
11	Garfield resident	Objects	<p>1. <u>"Cardinia Township Strategy</u> <i>Council has agreed to review the Garfield Township Strategy in the next few years.</i> <i>Any future planning for Garfield including any proposed developments and the types of development (residential or commercial) in Garfield should be done in the context of a reviewed updated (as determined) and current Garfield Township Strategy.</i> <i>This proposed planning scheme amendment and the proposed re-zoning of the Site and any development of the Site should be deferred until the Garfield Township Strategy has been reviewed and updated (as determined) as part of a comprehensive review and planning of Garfield. This process allows the community of Garfield to work with Council to determine the future planning and development of Garfield in a comprehensive and cohesive way."</i></p>	<p>1. Council has resolved to review the <i>Garfield Township Strategy 2002</i> (and several other township strategies) over the coming years, in the meantime it remains as a current Reference Document in the Cardinia Planning Scheme. The <i>Garfield Township Strategy 2002</i> was prepared with full and proper consultation with the community and resulted in identification of the subject land for low density housing development. Council is not able to halt all planning considerations and decisions indefinitely until an updated Township Strategy is finalised. Council's responsibility and ability to consider and make decisions on planning matters is not dependant on the age of a Reference Document such as a township strategy, or if one exists at all.</p>
			<p>2. <u>"Cardinia Planning Scheme</u> <i>Any amendments to the Cardinia Planning Scheme affecting Garfield should be made in a comprehensive manner once the review and update (as determined) of the agreed Garfield Township Strategy has been carried out."</i></p>	<p>2. See previous comment.</p>

			<p>3. <i><u>“Traffic and Safety - the Garfield exit off the Princes Highway on to Garfield Road Garfield is very close to the Site. The Princes Highway is an extremely busy and dangerous freeway.</u></i></p> <p><i>The entries and exits on to and off the Princes Highway between Nar Nar Goon and Longwarry – specifically at Snell Road / Maryknoll, Tynong / Tynong North, Gumbuya World, / Brew Road, Garfield North Road, Garfield and Bunyip are all very busy and the levels of traffic at most times of the day and night make it difficult to safely judge and carry out entering and exiting the freeway at these exits.</i></p> <p><i>Therefore any future planning and development of towns along the freeway (including Garfield) needs to be carefully considered to properly and safely manage traffic on the freeway, on secondary roads and within the streets of the towns (including Garfield).</i></p> <p><i>Garfield Road is already busy and the proposed entry/exit road to the Site from and to Garfield is at a busy section of the road and on a hill – which would cause additional visibility, speed and safety issues. This should be carefully considered and appropriate expert reports obtained before any future development is considered and whether it is appropriate.”</i></p>	<p>3. A Traffic Impact Assessment (TIA) was submitted by the proponent. Council's Traffic Engineers have assessed the TIA and agree with the traffic movement projections and that effects on the existing surrounding road network are well within acceptable limits.</p>
			<p>4. <i><u>“Site – Street Access and Traffic</u></i></p> <p><i>The Site is proposed to be accessed from a street off Garfield Road.</i></p>	<p>4. See previous comment.</p>

		<p><i>Garfield Road is already busy and the proposed entry/exit road to the Site from and to Garfield is at a busy section of the road and on a hill (which would cause additional visibility speed and safety issues).</i></p> <p><i>Garfield Road provides vehicle access to Garfield to and from the Princes Highway. Footpaths are well used by walkers, family groups, people walking dogs, and school children walking to catch a school bus or walking to and from the nearby Garfield primary School. Garfield Kindergarten is on Garfield Road and close to the proposed access to the Site. The proposed development of the Site would significantly increase traffic in the area. It would also mean cars entering and exiting the proposed lots on an already busy street. Typically households have more than one car per household and many also have caravans, boats etc.</i></p> <p><i>And there would also be extra vehicles of visitors to the lots on the Site.</i></p> <p><i>All of this would pose serious traffic and safety issues on an already busy road.</i></p> <p><i>This proposed development will create traffic and safety problems which would be adverse to Garfield and its residents and visitors."</i></p>	
	5. <i>"Proposed development of the Site – the proposed amendment to the Cardinia Planning Scheme, the proposed re-zoning of the Site and proposed development of the Site in</i>	5. The <i>Garfield Township Strategy 2002</i> was prepared with full and proper consultation with the community and remains as a current Reference Document in the Cardinia Planning	

			<p><i>to 37 low density residential lots should only be considered and determined whether this is appropriate as part of a review of the Garfield Township Strategy and as part of a current cohesive plan for Garfield.</i></p> <p><i>Otherwise, if this proposed amendment, proposed re-zoning and proposed Planning Permit for 37 low density residential lots (2000 sq m) is approved in isolation of a cohesive proper planning process for Garfield then it will set a precedent and 'open the door' to other similar developments within Garfield. This will prevent the community of Garfield from being properly consulted and involved in the proper planning and development of Garfield. This would include considering if the necessary infrastructure is in place for future development – safe well maintained roads, education facilities, shops and other amenities.”</i></p>	<p>Scheme. The <i>Garfield Township Strategy 2002</i> identifies the subject land for low density housing development.</p> <p>Officers do not recommend that Council halt all planning considerations and decisions until an updated Township Strategy is finalised. Development of a Township Strategy can take several years.</p> <p>Council's responsibility and ability to consider and make decisions on planning matters is not dependant on the age of a Reference Document such as a township strategy, or if one exists at all</p>
			<p>6. <i>“<u>Water tanks</u> – 10,000 litres – 5,000 litre – for re-use and 5000 for detention. This seems extremely small capacity requirement for a 2000 sq m lot in a country town. The lots would have the size to accommodate substantial water tanks to encourage prudent water capture and use. And why is there a sunset clause of 15 years on the 10,000 litre water tank requirement? Why is it not a permanent requirement?”</i></p>	<p>6. A Storm Water Management Plan (SWMP) was submitted by the proponent which has been assess by Melbourne Water and Council's Drainage Engineer. In addition to a water storage basin proposed to be constructed in the north-east corner of the subject land, the SWMP also requires 10,000 litre water tanks to assist with water detention and drainage of the subject land. The water storage basin will be the main method of water detention and will provide for sedimentation before water proceeds to enter Ti-tree Creek.</p>

				<p>This requirement should not 'sunset' after 15 years.</p> <p>Additional words have been added to the proposed Planning Permit (Condition 26b) to ensure the water tanks are provided in accordance with the Storm Water Management Plan in perpetuity.</p>
			<p>7. <i><u>"Solar panels"</u> – why are these not compulsory to encourage sustainable living on 2000 sq m lots in a country town? The lots could and should be required to instal a solar system to assist with and encourage self-sufficiency and sustainability"</i></p>	<p>7. Solar panels are not a compulsory requirement of the planning scheme for subdivision proposals.</p>
			<p>8. <i><u>"One house per lot/ no future and further subdivision of each lot"</u> – any planning permit should include a requirement for a restrictive covenant on the title to each lot that only one dwelling can be built on each lot and each lot cannot be further subdivided in the future."</i></p>	<p>8. Under the Low Density Residential Zone Schedule 3 (LDRZ3) the proposed lots will not be able to be further subdivided, except Lot A.</p> <p>While the construction of a second dwelling can be permitted as a section 2 use under the LDRZ3, second dwellings will not be permitted for at least 15 years in accordance with the proposed 'Building Design Guidelines and Fencing Controls'. Beyond this time frame, even if a second dwelling were permitted, the lot would not be able to be further subdivided.</p>
			<p>9. <i><u>"Southern Brown Bandicoots"</u> – I moved to Garfield in 2011. For the first year or so I regularly had Southern Brown Bandicoots coming in to my backyard. They are delightful fascinating creatures. Sadly I have only seen a few bandicoots</i></p>	<p>9. The Biodiversity Assessment submitted by the proponent has been assessed by both DELWP's and Council's Environment Teams. The assessment indicated a moderate likelihood of Southern Brown Bandicoot (SBB) occurrence on the site due</p>

			<p><i>in and around Garfield in the last 5-9 years. The housing development in Garfield in the past 5-9 years has severely restricted the places where bandicoots can safely live survive and reproduce. I also understand that cats and foxes have also adversely impacted the numbers and safety of bandicoots. I am very concerned that the proposed development of the Site will further decimate the bandicoot habitat and population. I am concerned that any development of the Site will be very disruptive to the bandicoots and their habitat. I am also concerned that the area proposed to be set aside for the bandicoots as part of the proposed development of the Site will be adequate to safely house and protect the Southern Brown Bandicoots."</i></p>	<p>to the presence of suitable habitat and numerous recent records in proximity, therefore the requirements of the federal EPBC Act are also triggered.</p> <p>Except for blackberry thickets, the proposal does not include significant removal of bandicoot habitat, rather, the proposal will provide a significant net increase in bandicoot habitat including very important linear connecting corridors to assist and protect SBB travelling between their habitat patches.</p>
			<p><i>10. "How the opposer would be affected – The Opposer opposes to this proposed Amendment to the Cardinia Planning Scheme as:</i></p> <ul style="list-style-type: none"> <i>• An owner and occupier of Garfield residential land near the Site; and</i> <i>• A proud resident and member of the Garfield community. I regularly walk my dog around Garfield including in the vicinity of the Site. Many Garfield residents are regular walkers around the town – singly, in groups, with dogs and with children. People are friendly and respectful of others. It is important to our community that people can safely walk around our town and enjoy its country atmosphere.</i> 	<p>10. The proposal is not considered to be an overdevelopment nor an inappropriate development of the subject land.</p> <p>The Traffic Impact Assessment (TIA) submitted by the proponent has been assessed by Council's Traffic Engineers who agree with the traffic movement projections and that effects on the existing surrounding road network are well within acceptable limits.</p> <p>It is considered that the proposed low density residential development will provide a very attractive streetscape, as well as a significant and attractive extension to Garfield's shared path network.</p>

			<p><i>Overdevelopment and inappropriate development will jeopardize this vital sense of community and compromise its safety.</i></p> <p><i>I am concerned for the safety of cars and pedestrians and the Garfield streetscape if this large Site is overdeveloped – negatively impacting Garfield and its community and compromising its safety.</i></p> <p><i>Garfield is a family friendly town. I want to ensure that its community is maintained and protected.”</i></p>	
No	Submitter	Position	Matters raised	Officer response
Submissions from public authorities				
12	South East Water	Conditional support	<p>1. South East Water has no objection with the rezoning for this site for future developments and the proposed planning scheme amendment.</p> <p>Upon development, the owner of the subject land must enter into an agreement with South East Water for the provision of sewerage & water supply and fulfil all requirements to its satisfaction.</p> <p>Detailed servicing requirements will be assessed when the land is developed. Note that due to the contours of the land, a booster pump station will likely be required to service some of the future subdivided land parcels.</p>	<p>1. Noted.</p> <p>The requested conditions and notes have already been included on the exhibited Proposed Planning Permit.</p>

13	APA	Conditional support	<p>As per APA's previous letter dated 6 April 2021 regarding Amendment C268, and on the basis of the information provided, APA does not object to the proposal subject to the following conditions being included within any approval issued for the proposal:</p> <ol style="list-style-type: none"> 1. Buildings, structures, roadway, pavement, pipeline, cable, fence or any other improvement on or under the land within the gas transmission pipeline easement must not be constructed without prior consent in writing from the pipeline licensee/operator (APA VTS Australia (Operations) Pty Ltd). No structure or vegetation will be permitted on the easement that prohibits maintenance of line of sight along the pipeline easement. 2. Prior to the commencement of any works within the gas transmission pipeline easement, the proponent must enter a Third Party Works Authorisation agreement with the pipeline licensee/operator (APA VTS Australia (Operations) Pty Ltd). Works within the easement must comply with any conditions attached to a third party works approval. 3. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to APA VTS Australia (Operations) Pty Ltd in accordance with section 8 of that Act. 4. Any lots directly abutting the gas transmission pipeline easement must not rely upon the gas transmission pipeline easement as their accessway to the lot. Any carriageway or 	<ol style="list-style-type: none"> 1. Noted. The requested conditions and notes have already been included on the exhibited Proposed Planning Permit.
----	-----	---------------------	--	--

			<p>road required to provide direct access to lots must be located off the gas transmission pipeline easement.</p> <p>5. No civil infrastructure providing for water, sewer, electric, telecommunications and other like services will be accepted within the gas pipeline easement, other than service crossings to the satisfaction of the pipeline licensee/operator (APA VTS Australia (Operations) Pty Ltd).</p> <p>6. Prior to the approval of any landscape plans depicting any planned landscaping, including the planting of vegetation, species details, surface treatments, furniture structures or improvements on or immediately abutting the gas transmission pipeline easement the Responsible Authority will seek the view of the pipeline licensee / operator APA VTS Australia (Operations) Pty Ltd) in this matter.</p> <p>7. Prior to the approval of any detailed engineering plans for the proposed road crossings over the gas transmission pipeline/ transmission gas pipeline easement the Responsible Authority will seek the view of the pipeline licensee / operator APA VTS Australia (Operations) Pty Ltd) in this matter. These crossings must not result in any reduction in the cover over the pipeline asset.</p> <p>8. The existing ground cover level over the high pressure gas pipeline easement is not to be reduced and must be maintained to the satisfaction of the pipeline licensee/operator (APA VTS Australia (Operations) Pty Ltd).</p>	
--	--	--	---	--

			<p>9. Prior to the commencement of any works, including demolition, within the easement or on land within 50 metres of the gas transmission pipeline easement, a Construction Management Plan must be submitted to and approved by the responsible authority. The plan must:</p> <ul style="list-style-type: none"> • Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the operator of the gas transmission pipeline. • Avoid significant vibration, heavy loadings stored over the pipeline and Heavy vehicle / plant crossings of the pipeline within the easement. • Be endorsed by the operator of the gas transmission pipeline where the works are within or crossing the relevant gas transmission easement. • Include any other relevant matter to the satisfaction of the responsible authority. <p>The responsible authority must be satisfied that the gas transmission pipeline licensee (APA VTS Australia (Operations) Pty Ltd) has reviewed and approved the Construction Management Plan. The Construction Management Plan must be implemented to the satisfaction of the responsible authority. The Construction Management Plan may be amended to the satisfaction of the responsible authority.</p> <p>Notations to be included on permit</p>	
--	--	--	--	--

			<p>1. If you are planning on undertaking any physical works on property containing or proximate to a pipeline, or are seeking details on the physical location of a pipeline, please contact Dial Before you Dig on 1100, or APA directly on APAprotection@apa.com.au</p> <p>2. An early works agreement from APA is required for any assessments/approvals that require greater than 3 days assessment or supervision. Lead in times for agreements can be up to 12 weeks. Please contact APA at APAprotection@apa.com.au or 1800 103 452 to discuss the issue.</p> <p>3. Where access to the pipeline will not be readily available because of the proposed development e.g. significantly obstructed by pavement etc an assessment of the condition of the pipeline coating will be required prior to development commencing. Any re-coating works required as a result of this assessment or due to future inaccessibility will be at the developers expense and to the satisfaction of the pipeline licensee/operator (APA VTS Australia (Operations) Pty Ltd).</p>	
--	--	--	--	--

Planning and Environment Act 1987

CARDINIA PLANNING SCHEME
AMENDMENT C268card
PLANNING PERMIT APPLICATION T190104
EXPLANATORY REPORT

Who is the planning authority?

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

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

Land affected by the Amendment

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

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

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

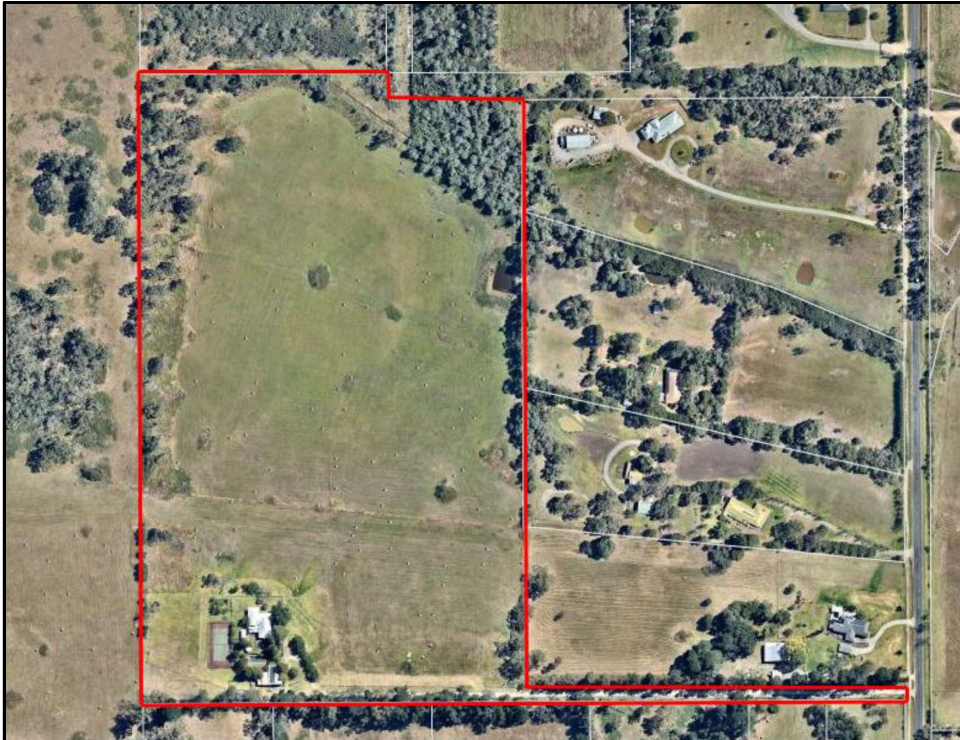


Figure1: Land affected by the amendment

What the amendment does

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

Specifically, the Amendment proposes to:

- Amend planning scheme map ZN22.

The planning permit application seeks approval for:

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

Strategic assessment of the Amendment

Why is the Amendment required?

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

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

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

The Garfield Township Strategy (2002) is a reference document in the Cardinia Planning Scheme. It identifies the subject land to be developed with Low Density Residential housing, however, it still identifies 4,000m² lots because the Strategy was prepared prior to the major zone reforms in 2013 which introduced the ability to create 2,000m² lots in the Low Density Residential Zone if reticulated sewerage is connected to the land. The Strategy also identifies that the 'existing significant vegetation' in the northwest corner be protected, and that Ti-Tree Creek form part of public open space.

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

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

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

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

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

Environmental

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

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

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

Social and Economic

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

Does the Amendment address relevant bushfire risk?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

conditions on the Proposed Planning Permit.

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

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

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

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

Clause 15.03-2S (Aboriginal cultural heritage):

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

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

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

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

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

Clause 18.02-3S (Road system):

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

Clause 19.02-6S (Open space):

The subject land has an area of 14.075 hectares (140,750m²). Approximately 24% of the site is proposed for the purpose of Reserves (public land). Apart from the area proposed for a playground and shared paths, all the land (listed in the table below) is encumbered. Therefore the requirements of Clause 53.01 (Public Open Space Contribution and Subdivision) are not satisfied. Clause 53.01 requires a person who subdivides land must make an open space contribution to Council of 8% of unencumbered land, or a cash in lieu of land contribution equivalent to 8% of the value of the unencumbered land. As such, a cash in lieu contribution is required for the shortfall of unencumbered land contribution for public open space. Cash contributions are used by Council to embellish existing recreation reserves owned by Council in the vicinity.

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

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

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

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

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

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

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

Clause 21.02-1 (Catchment and Coastal Management)

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

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

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

Clause 21.02-4 (Bushfire management)

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

Clause 21.02-5 (Open space)

The subject land has an area of 14.075 hectares (140,750m²). Approximately 24% of the site is proposed for the purpose of Reserves (public land). Apart from the area proposed for a playground and shared paths, all the land is encumbered. Therefore the requirements of Clause 53.01 (Public Open Space Contribution and Subdivision) are not satisfied. Clause 53.01 requires a person who subdivides land must make an open space contribution to Council of 8% of unencumbered land, or a cash in lieu of land contribution equivalent to 8% of the value of the unencumbered land. As such, a cash in lieu contribution is required for the shortfall of unencumbered land contribution for public open space. Cash contributions are used by Council to embellish existing recreation reserves owned by Council in the vicinity.

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

Clause 21.02-7 (Aboriginal cultural heritage)

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

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

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

Clause 21.05-3 (Local roads)

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

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

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

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

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

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

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

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

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

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

Resource and administrative costs

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

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

Where you may inspect this Amendment

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

Cardinia Shire Council Offices
20 Siding Avenue
OFFICER

The Amendment can also be inspected free of charge at:

- Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

- Council's website, www.cardinia.vic.gov.au

Submissions

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

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

or emailed to:

mail@cardinia.vic.gov.au

Subject line: Strategic Planning – Amendment C268card submission

Panel hearing dates

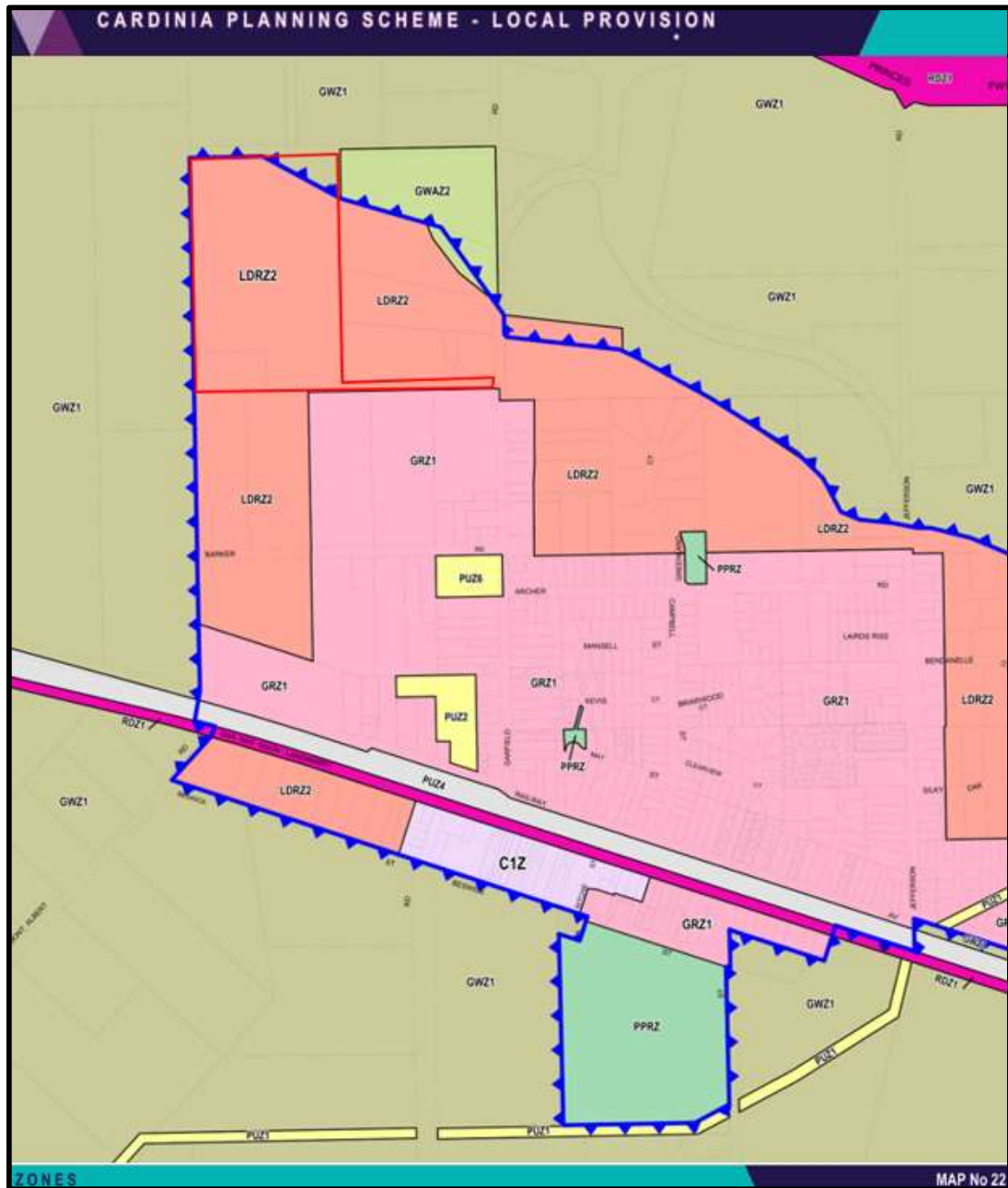
In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

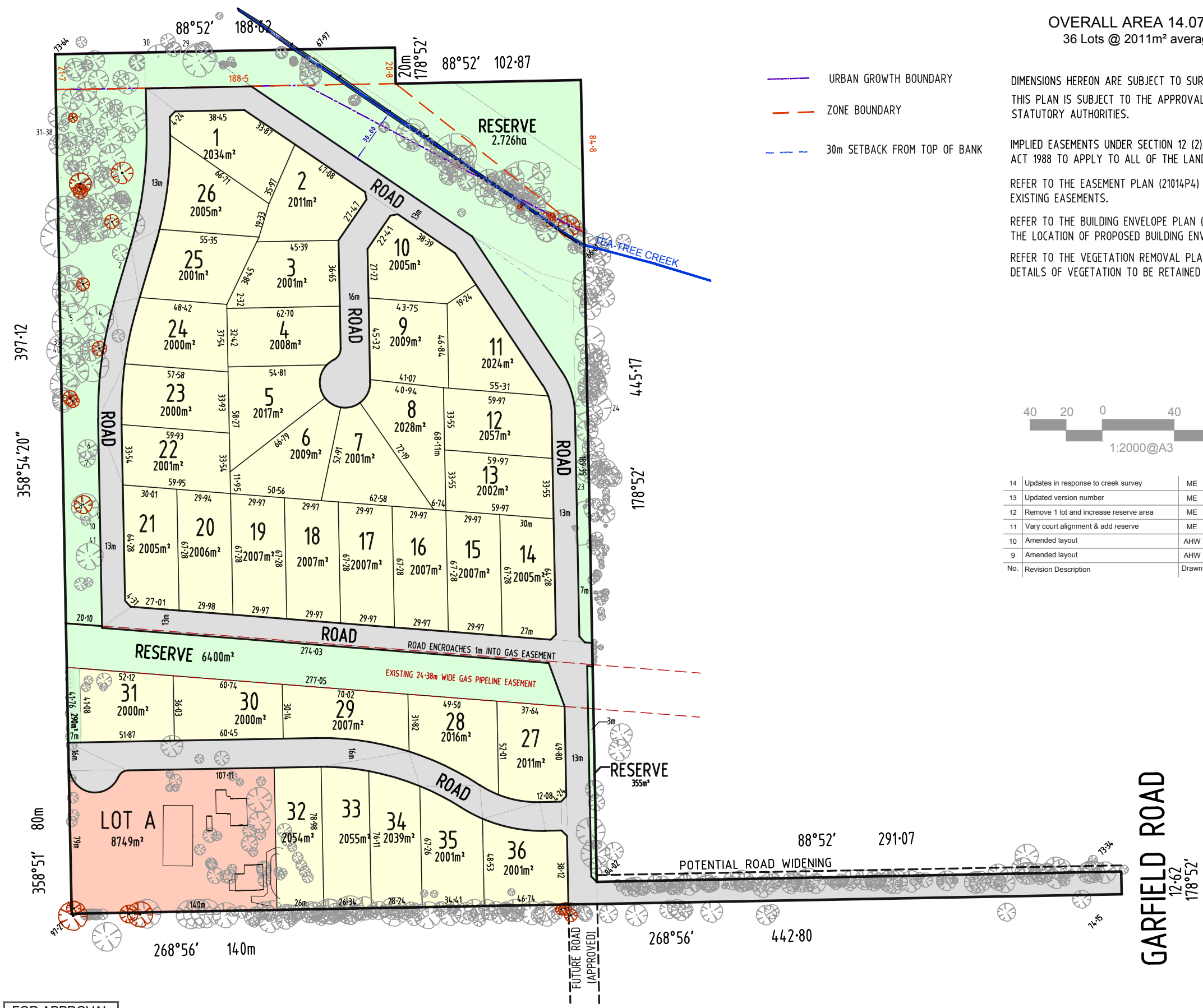
- directions hearing: [dd/mm/2022 \(TBA\)](#)
- panel hearing: [dd/mm/2022 \(TBA\)](#)

ATTACHMENT 1 - Mapping reference table

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

**Cardinia C268card
Proposed Zone Map ZN22**





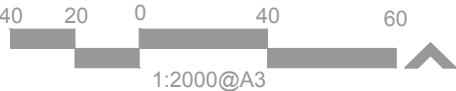
DIMENSIONS HEREON ARE SUBJECT TO SURVEY.
THIS PLAN IS SUBJECT TO THE APPROVAL OF VARIOUS STATUTORY AUTHORITIES.

IMPLIED EASEMENTS UNDER SECTION 12 (2) OF THE SUBDIVISION ACT 1988 TO APPLY TO ALL OF THE LAND IN THE PLAN.

REFER TO THE EASEMENT PLAN (21014P4) FOR DETAILS OF EXISTING EASEMENTS.

REFER TO THE BUILDING ENVELOPE PLAN (21014P7) FOR THE LOCATION OF PROPOSED BUILDING ENVELOPES.

REFER TO THE VEGETATION REMOVAL PLAN (21014P5) FOR DETAILS OF VEGETATION TO BE RETAINED / REMOVED.



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

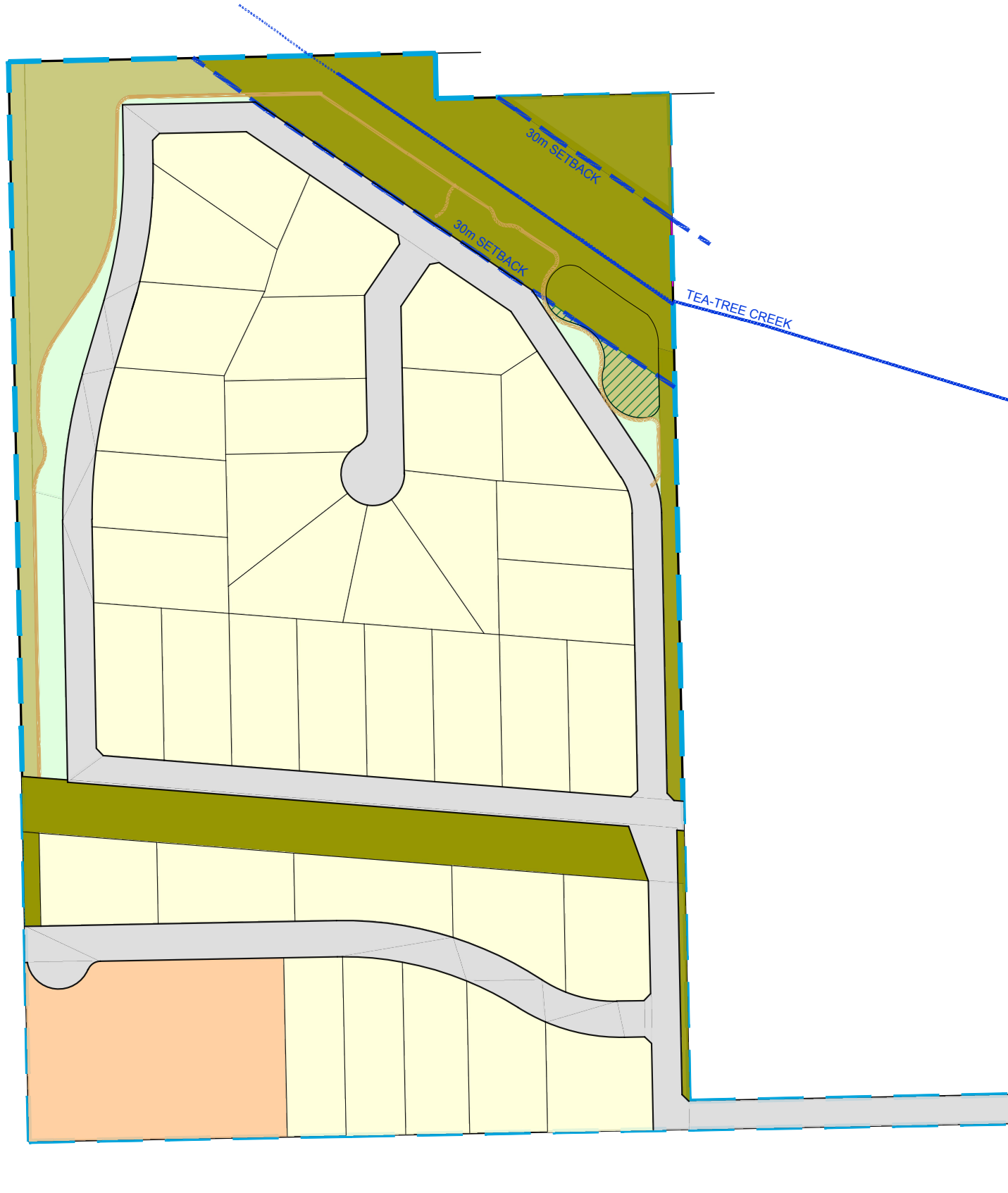
PROPOSED SUBDIVISION PLAN

LOT 1 ON PS531590 & LOT 1 on PS436250
Vol:11035 Fol:942 & Vol:10784 Fol:754
49 Garfield Road, Garfield
Cardinia Shire Council
21014P2 Version 14
Date: June 2021

NBA Group Pty Ltd ABN 194 748 327 43
Morwell 156 Commercial Road, 3840
Sale 10 Dawson Street, 3850
Mail P O Box 1170, Sale 3850
M 0418 402 240 T (03) 5143 0340
F (03) 5143 1244
nick@nbagroup.com.au
nbagroup.com.au

Millar & Merrigan Pty Ltd ACN 005 541 668
Metro 2/126 Merrindale Drive, Croydon 3136
Regional 156 Commercial Road, Morwell 3840
Mail PO Box 247 Croydon, Victoria 3136
T (03) 8720 9500 F (03) 8720 9501
Ausdoc DX 13608 Croydon
admin@millarmerrigan.com.au
millarmerrigan.com.au

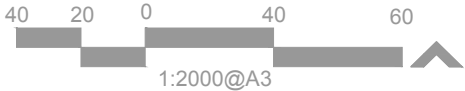




LAND BUDGET			
	SITE AREA	14.08ha	
ENCUMBERED LAND			
	AREA	% SITE	
	CREEK RESERVE	1.19ha	8.48%
	GAS EASEMENT RESERVE	0.65ha	4.61%
	CONSERVATION & HABITAT RESERVES	1.10ha	7.85%
	TOTAL	2.95ha	20.94%
NET DEVELOPABLE AREA			
	11.13ha	79.06%	
LAND USES			
		% NET DEV. AREA	
	LOCAL ROADS	2.53ha	22.69%
	UNENCUMBERED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

- SITE BOUNDARY
- ENCUMBERED RESERVE
- UNENCUMBERED RESERVE

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



LAND BUDGET

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

21014P3 Version 14
Date: June 2021

NBA Group Pty Ltd ABN 194 748 327 43
Morwell 156 Commercial Road, 3840
Sale 10 Dawson Street, 3850
Mail P O Box 1170, Sale 3850
M 0418 402 240 **T** (03) 5143 0340
F (03) 5143 1244
nick@nbagroup.com.au
nbagroup.com.au

Millar & Merrigan Pty Ltd ACN 005 541 668
Metro 2/126 Merindale Drive, Croydon 3136
Regional 156 Commercial Road, Morwell 3840
Mail PO Box 247 Croydon, Victoria 3136
T (03) 8720 9500 **F** (03) 8720 9501
Ausdoc DX 13608 Croydon
admin@millarmerrigan.com.au
millarmerrigan.com.au

NBAgroup
M | M

FOR APPROVAL

Millar & Merrigan and the NBA Group authorise the use of this drawing only for the purpose described by the status stamp shown hereon. This drawing should be read in conjunction with all relevant contracts, specifications, reports and drawings. © Millar & Merrigan Pty. Ltd. and the NBA Group.

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

PROPOSED PLANNING PERMIT

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

Permit No.: T190104

Planning Scheme: Cardinia Planning Scheme

Responsible Authority: Cardinia Shire Council

ADDRESS OF THE LAND: Lot 1 PS436250U, and Lot 1 PS531590N
49 Garfield Road, Garfield.THE PERMIT ALLOWS: Staged subdivision of the Land, Removal of Native Vegetation, Removal /
Variation of Easements, and Creation of Restrictions on Plan of Subdivision

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Conditions 1-114 inclusive

PLANS TO BE ENDORSED PRIOR TO CERTIFICATION

Staged Subdivision Masterplan

1. Before the plan of subdivision for the first stage is certified, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and form part of the permit. The plans must be drawn to scale with dimensions and provided in an electronic format. The plans must be generally in accordance with the Proposed Subdivision Plan 21014P2 Version 14 (June 2021) but modified to show:
 - a. The stages of the subdivision.
 - b. All proposed Reserves clearly delineated, named and numbered including:
 - i. A Drainage Reserve containing the wetlands.
 - ii. A Drainage Reserve containing Ti-Tree Creek extending to 30 metres on each side or to the property boundary whichever is lesser and excluding the wetlands.
 - iii. Conservation Reserves containing native vegetation to be retained and enhanced, and Southern Brown Bandicoot habitat corridors.
 - iv. Linear Recreation Reserve adjacent to the perimeter road and
 - v. Recreation Reserve containing the gas transmission pipeline easement.
 - c. Road reserve and road pavement widths, location of vehicle crossovers to each lot, pedestrian paths and shared paths.
 - d. Delineation of a 30 metre setback from the top of bank on both sides of Ti Tree Creek, and delineation of a 10 metre setback from the top of bank on the southern side of Ti-Tree Creek.

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

Permit No.: T190104

Page 1 of 29

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

- e. The required building setback line for bushfire defensible space on all new lots that interface with hazardous vegetation, including Lot A, to achieve a Bushfire Attack Level construction standard of BAL-12.5 for future dwelling.
- f. Interim vehicle access for the early stages of subdivision that comprise lots A, 14 to 21 and 27 to 36:
 - i. via Sleeper Rise connecting to Barker Road and vehicle access via the existing east-west driveway to be truncated and allow only pedestrian access.
- g. Ultimate vehicle access for the later stages of subdivision that comprise lots 1 to 13 and 22 to 26 via the proposed east-west access road (Road A) connecting to Garfield Road with adequate splays, sight lines and turn treatments.

Public Open Space Contribution and Land Use Budget Plan

2. A Public Open Space Contribution must be made to satisfy the requirements of the schedule to Clause 53.01 of the Cardinia Planning Scheme as follows:
 - a. Conservation Reserves (encumbered) equating to 1.100 hectares.
 - b. Drainage Reserve (encumbered) containing a wetland stormwater retarding basin 0.064 hectares.
 - c. Drainage Reserve (encumbered) containing Ti Tree Creek and a fenced play space and shared path equating to 1.190 hectares.
 - d. APA Gas Pipeline Easement Reserve (encumbered) equating to 0.650 hectares.
 - e. Recreation Reserve (unencumbered) containing shared paths equating to 0.420 hectares.
3. Before the plan of subdivision for the first stage is certified, an amended Land Use Budget Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Land use Budget Plan will be endorsed and form part of the permit. The plan must be drawn to scale with dimensions and provided in an electronic format. The plans must be generally in accordance with the Land Budget Plan, 21014P3 Version 14 (June 2021) but modified to show:
 - a. The land containing the Conservation Reserves including the location of the Southern Brown Bandicoot Habitat Corridors.
 - b. The land containing the wetland stormwater retarding basin in a Drainage Reserve, and Ti Tree Creek in a Drainage Reserve which must extend 30 metre on each side of the creek (or to property boundaries whichever is lesser) on the north and south sides of the creek.
 - c. The land containing the Gas Pipeline Easement Reserve.
 - d. The land containing Recreation Reserve (unencumbered public open space).
 - e. The Authority each Reserve will be vested in.

Building Envelope Plan

4. Before the plan of subdivision for the first stage is certified, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and form part of the permit. The plans must be drawn to scale with dimensions and provided in an electronic format. The plans must be generally in accordance with the Building Envelope Plan, 21014P7 Version 14 (June 2021) but modified to show:

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:
<hr/>	<hr/>	<hr/>

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

- a. The required building setback for bushfire defensible space consistent with the endorsed Bushfire Management Plan for all proposed lots (including Lot A) to achieve a Bushfire Attack Level construction standard of BAL-12.5 for future dwellings.
- b. The following building setbacks where bushfire defensible space setbacks are not required:
 - i. Minimum front building setback of 10 metres.
 - ii. Minimum side and rear building setback of 5 metres.

Lot Schedule Plan

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

Bushfire Management Plan

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

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

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

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

Environmental Landscape Concept Plan

7. Before the plan of subdivision for the first stage is certified, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and form part of the permit. The plans must be drawn to scale with dimensions and provided in an electronic format. The plans must be generally in accordance with the Landscape Concept Plan prepared by Millar and Merrigan Pty Ltd (21014 Landscape Concept Plan Sheet 1 and Sheet 2 Version 14 (June 2021) but modified to show an Environmental Concept Landscape Plan and include the following:
- a. Four environmental management areas:
 - i. The Ti Tree Creek Drainage Reserve including:
 - A vegetated creek buffer zone of 30 metres on the north side of the creek, or to the property boundary, whichever is lesser. This distance is measured from the top of the bank.
 - A vegetated creek buffer zone of 10 metres on the south side of the creek. This distance is measured from the top of the bank.
 - A minimum 2.5 metre wide concrete shared path delineating the 10 metre wide vegetated creek buffer zone on the south side of the creek from the bushfire defendable space area that will be accommodated within the remaining 20 metres of the Ti Tree Creek Drainage Reserve. The treatment of this area will be addressed in the Landscape Concept Plan.
 - ii. The Bushland Conservation Reserves including:
 - Conservation areas as shown in the Land Budget Plan, 21014P3 Version 14 (June 2021) that are outside the Ti Tree Creek Drainage Reserve and the Southern Brown Bandicoot Habitat Corridors.
 - A minimum 2.5 metre wide concrete shared path delineating the Bushland Reserves from the bushfire defendable space area that will be accommodated on the adjacent Recreation Reserve (unencumbered public open space). Treatment of the Recreation Reserve adjacent to the Bushland Reserve must be addressed in the Landscape Concept Plan.
 - iii. The Southern Brown Bandicoot Habitat Corridor Conservation Reserves including:

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

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

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

Environmental Landscape Masterplan

8. Before the plan of subdivision for the first stage is certified under the Subdivision Act 1988, an Environmental Landscape Masterplan for the entire estate to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format. The plan must generally be in accordance with the Environmental Landscape Concept Plan endorsed under condition 7 of this permit and include:
- a. Trees and vegetation patches to be retained including:
 - i. The location of indigenous trees to be retained and removed across the entire site area.
 - ii. Tree protection zones for retained trees within 15 metres of any proposed works or development.
 - iii. Trees that require works in accordance with the endorsed Tree Management Plan.
 - b. Southern Brown Bandicoot Habitat Corridors including:
 - i. The location of the 7 metre wide habitat corridors that must be planted in accordance with planting standards defined in the Environmental Landscape Works Plan, along the eastern and western boundaries, and the 3 metre wide habitat corridor along the eastern boundary (limited to the area within and south of the gas easement).
 - ii. The location of the paths and roads that will form the edge of the Southern Brown Bandicoot Habitat Corridors in accordance with the defendable space distances defined in the Bushfire Management Plan.

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

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

- iii. The location of a fauna underpass to be installed underneath the eastern entrance road to provide connection from the southern end of the eastern Southern Brown Bandicoot habitat corridor to the new subdivision adjoining the southern boundary.
- iv. The location of Southern Brown Bandicoot interpretive signs.
- c. Bushland Reserves including:
 - i. The location of the Bushland Reserves.
 - ii. The location of paths that will form the edge of the Bushland Reserve in accordance with the defendable space distances defined in the Bushfire Management Plan.
 - iii. Weed control management zones, indicating the location of individuals or extent of patches of noxious weeds that must be removed to achieve a cover of less than 1%.
 - iv. Revegetation management zones, indicating where indigenous planting will be required to achieve the minimum planting standards defined in the DSE Native Vegetation Revegetation Planting Standards (2006) for the Ecological Vegetation Class EVC 16 Lowland Forest
 - v. The location of signs to be installed at the entrances to the Bushland Reserve area that include the reserve name and regulatory symbols.
- d. Ti Tree Creek Drainage Reserve including:
 - i. The surveyed location of the creek including the centre line of the creek, top of banks, and 30 metre buffers measured from the top of banks.
 - ii. The location of the vegetated creek buffer area 30 metres to the north of the creek, taken from the top of bank, or to the property boundary, whichever is lesser.
 - iii. The location of the vegetated creek buffer area 10 metres to the south of the creek, taken from the top of bank, including areas of existing vegetation that will be retained.
 - iv. The location of the path approximately 10 metres south of the creek that will form the edge of the Creek Reserve, in accordance with the defendable space distances defined in the Bushfire Management Plan.
 - v. Location of redundant fencing that will be removed.
 - vi. Weed control management zones, indicating the location of individuals or extent of patches of noxious weeds that must be removed to achieve a cover of less than 1%.
 - vii. Revegetation management zones, indicating where indigenous planting will be required to achieve the minimum planting standards defined in the DSE Native Vegetation Revegetation Planting Standards (2006) for the Ecological Vegetation Class EVC 937 Swampy Woodland.

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

Landscape Concept Plan

9. Before the plan of subdivision for the first stage is certified, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and form part of the permit. The plans must be drawn to scale with dimensions and provided in an electronic format. The plans must be generally in accordance with the Landscape Concept

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

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

Plan prepared by Millar and Merrigan Pty Ltd (21014 Landscape Concept Plan Sheet 1 and Sheet 2 Version 14 (June 2021) but modified to show:

- a. A path network consistent with the Environmental Landscape Concept Plan endorsed under condition 7 of this permit.
- b. A playspace for children within the Ti Tree Creek Drainage Reserve and outside the 10 metre wide vegetated creek buffer zone on the south side of the creek.
- c. Fencing around the playspace.
- d. Any public land that will accommodate bushfire defensible space must be planted with indigenous plants that maximise the requirements of Table 6 of Clause 53.02 (Bushfire Planning) of the Planning Scheme. This land will be maintained in a low-threat condition by Council.
- e. The Wetland Drainage Reserve.
- f. The treatments for the Road A reservation at the completion of stage 1 and stage 2.
- g. Locations of any protected trees or patches of protected native vegetation to be retained.
- h. Any Reserve that abuts an area that forms part of the Environmental Management Concept Plan must be landscaped with indigenous species, this includes the area surrounding the playspace. Examples can be found on page 14 and 15 of the *Cardinia Shire Council Developer Landscape Guidelines*.
- i. All paths within reserves must be a minimum of 2.5 metres and are to be constructed of concrete to the satisfaction of the Responsible Authority.

Commented [TH1]: Additional words in response to Point 3 of Submission 9.

Landscape Masterplan

10. Before the plan of subdivision for the first stage is certified under the Subdivision Act 1988, a landscape masterplan for the entire estate to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format. The plan must generally be in accordance with the Landscape Concept Plan endorsed under condition 9 of this permit and include:
 - a. A response to the Cardinia Shire Council Developer Landscape Guidelines, including the Landscape Masterplan checklist (as amended from time to time) https://www.cardinia.vic.gov.au/landscaping_guidelines.
 - b. Key themes, landscape principles and character (including graphical concepts) of the proposed treatment that will define the subdivision.
 - c. Any road reserves or public open space areas within the defensible space as outlined in Condition 6 must be planted in accordance with Table 6 of Clause 53.02 (Bushfire Planning) of the Planning Scheme.
 - d. Street trees along any streets abutting protected vegetation are to be indigenous species selected from Council's tree planting palette.
 - e. All plant species within the protected vegetation area must be indigenous species.
 - f. A meandering 2.5m wide concrete pathway is to be shown within the gas easement. All landscaping within the gas pipeline easement is to be to the satisfaction of APA VTS and the Responsible Authority.

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:
<hr/>	<hr/>	<hr/>

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

- g. Locations of any protected trees or patches of protected native vegetation to be retained.
- h. The wetland Drainage Reserve.
- i. Location of any waterway or waterbody on or adjoining the land.
- j. How any landscape requirements or guidelines within the Garfield Township Strategy are proposed to be implemented.
- k. Tree Management Plan as approved by this permit.
- l. Indigenous planting in the defendable space area within the 30 metre creek buffer zone (between the path and the road on the south side of the creek) must maximise biodiversity outcomes, while also complying with the defendable space requirements defined in the Bushfire Management Plan. This includes:
 - i. Trees at maturity must have a 5 metre separation between canopies.
 - ii. Shrubs must not be located under the canopy of trees.
 - iii. Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
 - iv. Grass will be short cropped and maintained during the declared fire danger period.

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

Tree Management Plan

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

Building Design Guidelines and Fencing Controls

12. Before the plan of subdivision for the first stage is certified under the Subdivision Act 1988, Building Design Guidelines and Fencing Controls, for the entire estate to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The guidelines must be consistent with the

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:
<hr/>	<hr/>	<hr/>

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

Bushfire Management Plan endorsed under condition 6 of this permit, and address and include measures to ensure:

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

Hydrogeological Assessment

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

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

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

Stormwater Management Plan

14. Before the plan of subdivision for each stage is certified under the Subdivision Act 1988, a stormwater management plan showing the stormwater works to the nominated point of discharge must be submitted to and approved by the Responsible Authority. The stormwater management plan must be prepared by a suitably qualified person and show details of the proposed stormwater works including all existing and proposed features that may have impact (including trees to be retained, crossings, services, fences, abutting buildings, existing boundary levels etc). The stormwater management plan must be generally in accordance with the drainage strategy prepared by Millar & Merrigan Pty Ltd Version 3 (30 October 2020) and include the mandatory provision of a 10,000 litre water tank for each lot. 5,000 litre for re-use and 5,000 litre for detention for each dwelling. All works must be undertaken in accordance with the approved stormwater management plan.

Functional Layout Plan

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

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:
<hr/>	<hr/>	<hr/>

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

Responsible Authority. When approved, the functional layout plan will be endorsed and will then form part of the permit. Three copies of the functional layout plan must be drawn to a scale of 1:500 to acceptable drafting standards and an electronic copy (pdf) must be provided. The plan must address the approved hydrogeological assessment endorsed under condition 13 of this permit and be generally in accordance with the Functional Layout Plan prepared by Millar & Merrigan Pty Ltd, 21014E 00 E1-E6 (30 Oct 2020) but modified to show:

- a. The interim vehicle access to cater for up to 50% of the sites development (Lots A, 14 to 21 and 27 to 36) and must include:
 - i. the proposed arrangement of the access intersection with Sleeper Rise via the subdivision to the south; and,
 - ii. the temporary truncation of the existing access driveway onto Garfield Road. This road reservation (Road A) is to be used for pedestrian access only until works commence to provide ultimate vehicle access.
- b. The ultimate vehicle access to cater for above 50% of the sites development and must include:
 - i. Road A pavement width to be 5.5 metres from lip to lip of kerb.
 - ii. The intersection of Sleeper Rise and Road A designed an Alternate priority T favouring Road A.
 - iii. Footpath on the southern side of Road A.
 - iv. Kerbs are to be flared at the Garfield Road intersection to allow passing of a B99 and Service (8.8m) vehicle.
 - v. Kerb radius to suit turning movements at bends and intersections.
 - vi. Clearance envelopes for vehicles to be shown on the turning templates.
 - vii. Any services and batters on adjoining properties. This would need the neighbouring properties approval.
 - viii. Pedestrian connectivity to the existing path network on the west side of Garfield Road, and the widening of the road reserve if/where required.
- c. A fully dimensioned subdivision layout, including proposed street names, approximate lot areas, lot numbers and widths of street reservations.
- d. Topography and existing features, including contours for the subject land and any affected adjacent land.
- e. Identification by survey of all trees (or group of trees) existing on the subject land, including dead trees and those that overhang the subject land from adjoining land.
- f. Details of tree protection zones (TPZs) for all trees to be retained on the subject land or adjoining land.
- g. All trees proposed for removal from the subject land clearly designated.
- h. Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements.
- i. Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and, traffic management devices and traffic controls.

Commented [TH2]: Additional words in response to Point 3 of Submission 9.

Commented [TH3]: Additional words in response to Point 6 of Submission 9.

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:
<hr/>	<hr/>	<hr/>

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

- j. The proposed minor drainage network and any spatial features requiring access.
- k. The major drainage system, including any watercourse, lake, wetland, sediment pond rain gardens, bio-infiltration system and/or piped elements showing preliminary sizing.
- l. Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination.
- m. Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for the construction and maintenance.
- n. A table of offsets for all utility services and street trees.
- o. Preliminary location of reserves for electrical kiosks.
- p. Sufficient notional (unmarked) on-street car parking spaces, at the rate of at least one space per lot, traffic control devices and large vehicle turning overlays.
- q. Sites that are not adjacent to existing or approved infrastructure will be required to show the following information in addition to the above standard requirements:
 - i. The relationship between the subject subdivision stage and surrounding land.
 - ii. Proposed linkages to future streets, open space, regional path network and upstream drainage.
 - iii. Works external to the subdivision, including both interim and ultimate access requirements.
 - iv. Intersections with Category 1 roads showing interim and ultimate treatments.
 - v. Drainage and sewerage outfalls including any easements required over other property.

Waste Management Plan

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

Land Management Plan

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

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

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

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

PLANS TO BE ENDORSED PRIOR TO COMMENCEMENT OF WORKS**Construction Management Plan – Gas Pipeline Easement**

18. Prior to the commencement of any works, including demolition, within the gas transmission pipeline easement or on land within 50 metres of the gas transmission pipeline easement, a Construction Management Plan must be submitted to and approved by the responsible authority in accordance with condition 103 and 104 of this permit.

Construction Environment Management Plan

19. At least 14 days before any works start, a site-specific Construction Environment Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will form part of the permit. All works must be undertaken in accordance with the approved CEMP. The CEMP must address all environmental risks including:
- The requirements stipulated under conditions 85, 92 and 93 of this permit.
 - Control of erosion and sediment flows during construction.
 - Pollution and contamination controls including noise and dust.
 - Location of stockpiles and stockpile management.
 - Location of site office and facilities.
 - Equipment, materials and goods management.
 - Demarcation between trees to be retained and trees to be removed.
 - Tree protection zones and location of tree protection fencing for all trees and vegetation to be retained.
 - Rehabilitation of any disturbed areas that may result from construction activities within any areas of native vegetation to be retained.
 - Measures to ensure that any soil and equipment is free from noxious weed seeds and other vegetative material that can grow prior to transporting any soil and equipment to or from the site.
 - Management of weed spread within the site due to construction activities.
 - Protection of any sites required to be protected under the Aboriginal Heritage Act 2006.

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

20. Before the statement of compliance for the first stage is issued under the *Subdivision Act 1988*, a Environmental Landscape Works Plan for all areas included in the Environmental Landscape Masterplan (not including works within the Landscape Masterplan) must be submitted to and approved by the Responsible Authority. The detailed Environmental Landscape Works Plan must be prepared by a person suitably qualified or experienced in bushland management to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Environmental Landscape Works Plan must be drawn to scale with dimensions and one (1) copy must be provided in an

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:
<hr/>	<hr/>	<hr/>

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

approved electronic format (PDF and CAD). The detailed Environmental Landscape Works Plan must be consistent with the endorsed Environmental Masterplan and must show:

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

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

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

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

Landscape Works Plan

21. Before the issue of a Statement of Compliance for each stage of the subdivision under the Subdivision Act 1988, a detailed landscape works plan for all areas not included within the Environmental Landscape Concept Plan must be submitted to and approved by the Responsible Authority. The detailed landscape works plan must be prepared by a person suitably qualified or experienced in landscape design to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The landscape works plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format (PDF and CAD). The detailed landscape works plan must be consistent with the endorsed Landscape Master Plan and must show and include to the satisfaction of the Responsible Authority:
- a. A detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant. The plant schedule must be:
 - i. Consistent with adjoining sites where roads are continued through.
 - ii. Drought tolerant and proven hardy cultivars suitable to the local conditions.

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:
<hr/>	<hr/>	<hr/>

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

- iii. Indigenous plant species (where possible)
- b. Any road reserves or public open space areas within the defensible space must be planted in accordance with Table 6 of Clause 53.02 (Bushfire Planning) of the Planning Scheme.
- c. The wetland Drainage Reserve.
- d. Plantings are not to impact sight lines for vehicles or pedestrians.
- e. The type and location of new plantings in the road reserves and public open space areas (excluding any area subject to the Environmental Landscape Management Plan associated with this permit).
- f. A detailed schedule of any landscaping on the gas pipeline easement. All landscaping within the gas pipeline easement is to be to the satisfaction of APA VTS and the Responsible Authority.
- g. Locations of any protected trees or patches of protected native vegetation to be retained.
- h. 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.
- i. The tree protection zone for each protected tree must be clearly shown on the site plan.
- j. The removal of existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds.
- k. WSUD interpretive signage.
- l. Locations of substations.
- m. Entrance treatments.
- n. Location of any waterway or waterbody on or adjoining the land.
- o. Tree Management Plan as approved by this permit.

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

SECONDARY CONSENT

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

SECTION 173 AGREEMENTS**Bushfire Management**

23. Before the plan of subdivision for each stage is certified under the Subdivision Act 1988, the owner must enter into an agreement with the responsible authority under Section 173 of the Planning & Environment Act 1987 which is recorded on the Certificate of Title of the land. The agreement must:
- a. Incorporate the building envelopes endorsed under this permit.
 - b. Incorporate the Bushfire Management Plan endorsed under this permit.

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

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

- c. State that the owner of the land must implement the bushfire protection measures set out in the Bushfire Management Plan incorporated into the agreement to the satisfaction of the responsible authority on a continuing basis.

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

Building Design Guidelines and Fencing Controls

24. Before the plan of subdivision for each stage is certified under the Subdivision Act 1988 the Building Design Guidelines and Fencing Controls must be implemented in the form of either a Notice of Restriction on the certified Plan of Subdivision or through an agreement with the Responsible Authority under Section 173 of the Planning & Environment Act 1987, which is recorded on the Certificate of Title of the land. The restriction or agreement must provide that:
- Except with the written consent from the Responsible Authority, the registered proprietor or proprietors of any burdened lot must not build or allow to be built on the land any dwelling (and/or associated works), other than in accordance with the Building Design Guidelines and Fencing Controls approved under Condition 12.
 - Only one (1) single dwelling is permitted on each lot.
 - Include an appropriate sunset clause being 15 years after the plan of subdivision is registered and expressed as a date (e.g. 31 December 2036).

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

Commented [TH4]: Moved to condition 26b

CERTIFICATION

25. The certification of each stage of the plan of subdivision under the *Subdivision Act 1988* must include a creation of restriction on a separate sheet showing the building envelopes in accordance with the endorsed Building Envelope Plan.
26. Before a plan of subdivision is certified for each stage of the subdivision, restrictions must be included on the plan of subdivision which state that:
- dwellings and associated outbuildings must be located inside of the prescribed building envelope, unless with the prior written consent of the Responsible Authority. The building envelopes must be in accordance with the endorsed Building Envelope Plan and designed to consider the provision of solar access and any other requirements provided on the plans endorsed to this permit as relevant. The building envelopes and associated restrictions cannot be varied except with the consent of the Responsible Authority.
 - a 10,000 litre water tank, 5,000 litre for re-use and 5,000 litre for water detention, must be installed with each dwelling within the subdivision in accordance with the Storm Water Drainage Strategy endorsed under Condition 14.
27. All existing and proposed easements and sites for existing or required utility services, roads, public open space and other infrastructure on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

Commented [TH5]: Additional words in response to Point 6 of Submission 11.

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:
<hr/>	<hr/>	<hr/>

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

28. The plan of subdivision submitted for certification under the Subdivision Act 1988, must show land for Reserve vested to the relevant Responsible Authority, generally in accordance with the plans approved under this permit.
29. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authorities in accordance with Section 8 of that Act.

ENVIRONMENT CONDITIONS – COUNCIL (SEE ALSO DELWP ENVIRONMENT CONDITIONS)**Vegetation Removal**

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

Tree Protection

35. Before any site works and before the removal, destruction or lopping of any native vegetation, all vegetation approved for removal must be clearly marked on site as retained or removed in accordance with this permit, to the satisfaction of the Responsible Authority.
36. Before the commencement of any works, tree protection fencing must be erected in accordance with the Australian Standard AS4970-2009 Protection of Trees on Development Sites to the satisfaction of the Responsible Authority. The tree protection fencing must remain in place until the completion of any works approved by this permit.
37. No earthworks, compaction or modification of existing drainage patterns may be undertaken which present a risk to any vegetation to be retained, remnant trees, understorey or revegetated areas.

Environmental Landscaping Timeframe for Completion (stages)

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

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

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:
<hr/>	<hr/>	<hr/>

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

Environmental Landscaping Maintenance Bond

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

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

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

Surveillance

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

Landscaping Timeframe for Completion (stages)

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

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

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

Landscaping Maintenance Bond

43. Before the issue of a Statement of Compliance for each stage of the subdivision under the Subdivision Act 1988, bonding must be provided to the Responsible Authority to cover all landscaping works (excluding works included in the Environmental Landscape Masterplan and detailed Environmental Landscape Works

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

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

Plan associated with this permit) for a twenty four (24) month maintenance period. Payment can be made in the form of a cash bond or bank guarantee. Refer to the Cardinia Shire Council Developer Landscape Guidelines, (as amended from time to time) for bond calculation details. A Certificate of Final Completion will be issued by the Responsible Authority and the bond released, less any moneys retained for imperfect works, following the satisfactory completion and satisfactory maintenance of the landscaping for a minimum of 24 months. Final completion will not be granted between 1 November and 31 March. Contact Council's Open Space Department in relation to the costs of the cash bond or bank guarantee.

Fencing to Public Open Space

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

ENGINEERING CONDITIONS**Implementation of Technical Report**

45. The recommendations and mitigation measures as set out in the following reports must be implemented to the satisfaction of the Responsible Authority. All works must be carried out in accordance with the following reports:
- a. Drainage Strategy, 49 Garfield Road, Garfield Multi-Lot Subdivision, Millar & Merrigan (V3 30/10/2020) (Reference 24661)
 - b. Traffic Impact Assessment, 49 Garfield Road, Garfield, Proposed Residential Subdivision (V3 19/07/2021) O'Brien Traffic (Reference 18107)

Land Management Plan Implementation

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

Intersection

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

Relocation of Existing Services

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

Compliance with DSPEC

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

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:
<hr/>	<hr/>	<hr/>

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

Fire Hydrants

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

Street Lighting

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

Fill & Removal of excavated material

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

Geotechnical Certificate

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

Construction Plans

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

Minimal Soil Erosion

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

Batters

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

Filling of Land – Residential Use

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

Haulage on Council roads

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

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:
<hr/>	<hr/>	<hr/>

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

- c. Reinstated to the satisfaction of the Responsible Authority.

Fill & Removal of excavated material

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

Temporary Turn Around Areas

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

Service substations, kiosk sites etc

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

Street Number Markers

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

Works & Matters to be Completed

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

To the satisfaction of the Responsible Authority

Outfall Drainage

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

Stormwater sediment control during construction - small scale projects

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

Control of run-off

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

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:
<hr/>	<hr/>	<hr/>

Permit No.: T190104

Page 21 of 29

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

Stormwater Overflows

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

Waste Management Plan Implementation

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

Provision of Services

70. 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.
71. Before the plan of subdivision for the first stage is certified under the Subdivision Act 1988, the permit holder must nominate the telecommunications fibre to the premises (FTTP) network provider to Council's Subdivision Department.

FOREIGN INVESTOR TAX

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

CERTIFICATE OF PRACTICAL COMPLETION**Roads & Drainage**

73. Before a certificate of practical completion is issued, all road and drainage infrastructure must be designed and constructed in accordance with plans and specifications approved by the Responsible Authority. The works must comply with the standards nominated in the Cardinia Shire Council "Engineering Design and Construction Manual (EDCM)", and the "Water Sensitive Urban Design (WSUD) Guidelines".

Closed-Circuit Television (CCTV)

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

"As constructed" Drawings

75. 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.

GENERAL

76. The subdivision and development of land must be generally in accordance with the plans endorsed under this permit and subject to the conditions set out in this permit.
77. The subdivision of the land must proceed in the order of stages shown on the endorsed plan/s except with the prior written consent of the Responsible Authority.
78. Once the subdivision/development of each stage starts, it must be continued and completed to the satisfaction of the Responsible Authority.

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

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

79. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
80. Within four (4) weeks of the registration of the plans at the Land Titles Office the following must be sent to the Responsible Authority:
- A Certificate of Title for all land vested in the Responsible Authority on the plan of subdivision.
 - A clear A3-size photocopy of the Title Office approved Plan of Subdivision.

MAINTENANCE**Landscaping Ongoing Maintenance**

81. The landscaping shown on the endorsed landscape plans (excluding works included within the Bushland Reserve or Creek Reserve Management Plans associated with this permit) must be maintained to the satisfaction of the Responsible Authority for a minimum of 24 months from the date of practical completion of the landscaping. All maintenance activities are to be undertaken until a Certificate of Final Completion is issued by the Responsible Authority. During this period:
- Any dead, diseased or damaged plants or landscaped areas must be repaired or replaced except for within the final 12 months of the maintenance period whereby trees must not be replaced. In accordance with the Cardinia Shire Council developer landscape guidelines (https://www.cardinia.vic.gov.au/landscaping_guidelines) (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.
 - The Responsible Authority may direct maintenance activities to be undertaken.

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

Environmental Landscaping Ongoing Maintenance

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

MANDATORY CLAUSE 66 CONDITIONS

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:
<hr/>	<hr/>	<hr/>

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

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

OTHER AUTHORITY CONDITIONS**DELWP Environment Conditions - Native Vegetation Removal and Offset Planting**

85. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
86. The total area of native vegetation permitted to be removed totals 0.884 hectares, comprised of:
- 7 patches of native vegetation with a total area of 0.432 hectares [containing 4 large trees]
 - 4 large scattered trees
 - 7 small scattered trees
87. To offset the permitted clearing in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure a general offset of 0.237 general habitat units as defined in Native Vegetation Removal Report ID IND 2021 026:
- located within the Port Phillip and Westernport Catchment Management boundary or Cardinia Shire Council municipal area
 - with a minimum strategic biodiversity score of at least 0.405
 - The offset(s) secured must also protect 8 large trees.
88. Before any native vegetation is removed evidence that the offset required by this permit has been secured must be provided to the satisfaction of the Responsible Authority. This evidence must be one or both of the following:
- an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site,
- AND/OR

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

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

- b. credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
89. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Port Phillip regional office.
90. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
91. Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land, Water and Planning.
92. A suitably qualified wildlife handler or zoologist is to be present when felling trees/removing native vegetation, to ensure affected wildlife is not harmed. If displaced wildlife that cannot be relocated on site to an appropriate location away from the construction footprint, or injured wildlife is captured, please contact DELWP on 136 186 for further advice.
93. Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
- Any vehicle or pedestrian access, trenching or soil excavation, and
 - Storage or dumping of any soils, materials, equipment, vehicles, machinery, or waste products, and
 - Entry or exit pits for underground services, and
 - Any other actions or activities that may result in adverse impacts to retained native vegetation.

Ausnet

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

APA

95. Buildings, structures, roadway, pavement, pipeline, cable, fence or any other improvement on or under the land within the gas transmission pipeline easement must not be constructed without prior consent in writing from the pipeline licensee/operator (APA VTS Australia (Operations) Pty Ltd). No structure or vegetation will be permitted on the easement that prohibits maintenance of line of sight along the pipeline easement.
96. Prior to the commencement of any works within the gas transmission pipeline easement, the proponent must enter a Third Party Works Authorisation agreement with the pipeline licensee/operator (APA VTS Australia (Operations) Pty Ltd). Works within the easement must comply with any conditions attached to a third party works approval.
97. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to APA VTS Australia (Operations) Pty Ltd in accordance with section 8 of that Act.
98. Any lots directly abutting the gas transmission pipeline easement must not rely upon the gas transmission pipeline easement as their accessway to the lot. Any carriageway or road required to provide direct access to lots must be located off the gas transmission pipeline easement.

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:
<hr/>	<hr/>	<hr/>

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

99. No civil infrastructure providing for water, sewer, electric, telecommunications and other like services will be accepted within the gas pipeline easement, other than service crossings to the satisfaction of the pipeline licensee/operator (APA VTS Australia (Operations) Pty Ltd).
100. Prior to the approval of any landscape plans depicting any planned landscaping, including the planting of vegetation, species details, surface treatments, furniture structures or improvements on or immediately abutting the gas transmission pipeline easement the Responsible Authority will seek the view of the pipeline licensee / operator APA VTS Australia (Operations) Pty Ltd) in this matter.
101. Prior to the approval of any detailed engineering plans for the proposed road crossings over the gas transmission pipeline/ transmission gas pipeline easement the Responsible Authority will seek the view of the pipeline licensee / operator APA VTS Australia (Operations) Pty Ltd) in this matter. These crossings must not result in any reduction in the cover over the pipeline asset.
102. The existing ground cover level over the high pressure gas pipeline easement is not to be reduced and must be maintained to the satisfaction of the pipeline licensee/operator (APA VTS Australia (Operations) Pty Ltd).
103. Prior to the commencement of any works, including demolition, within the easement or on land within 50 metres of the gas transmission pipeline easement, a Construction Management Plan must be submitted to and approved by the responsible authority. The plan must:
- Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the operator of the gas transmission pipeline.
 - Avoid significant vibration, heavy loadings stored over the pipeline and Heavy vehicle / plant crossings of the pipeline within the easement.
 - Be endorsed by the operator of the gas transmission pipeline where the works are within or crossing the relevant gas transmission easement.
 - Include any other relevant matter to the satisfaction of the responsible authority.
104. The responsible authority must be satisfied that the gas transmission pipeline licensee (APA VTS Australia (Operations) Pty Ltd) has reviewed and approved the Construction Management Plan. The Construction Management Plan must be implemented to the satisfaction of the responsible authority. The Construction Management Plan may be amended to the satisfaction of the responsible authority.

South East Water

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

Water supply

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

Sewerage supply

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

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

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

Melbourne Water

109. Prior to Certification, 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.
110. Prior to issue of a Statement of Compliance, 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. The connection of the wetland outfall to Tea Tree Creek should be at 45 degrees to the flow in Tea Tree Creek.
111. The setback to Tea Tree Creek should include a minimum area of 10 metres from the top of bank vegetated with naturally occurring native species.

Country Fire Authority**Water Hydrants**

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

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

Roads

113. 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 metres. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
 - Curves must have a minimum inner radius of 10 metres.
 - Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
 - Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

Fuel management

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

Expiry

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:
<hr/>	<hr/>	<hr/>

Permit No.: T190104

Page 27 of 29

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

115. This permit will expire if:

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

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

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

Notes:

Cultural Heritage Management Plan

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

APA

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

South East Water

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

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

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.