

6.1.2 Amendment C262 Planning Permit T190728 11 Thom Road, Lang Lang

Responsible GM: Lili Rosic

Author: Celeste Grossi and Teresa Hazendonk

Recommendation(s)

That Council:

1. Adopt Amendment C262card to the Cardinia Planning Scheme, including proposed Planning Permit T190728, under Section 29 of the *Planning and Environment Act 1987*, generally in accordance with Attachments 2 and 3.
2. Submit adopted Amendment C262card to the Cardinia Planning Scheme and proposed Planning Permit T190728 the Minister for Planning for approval under Section 31 of the *Planning and Environment Act 1987*.

Attachments

- 1 Attachment 1 - Planning Scheme Amendment C 262 card Panel Report [6.1.2.1 - 46 pages]
- 2 Attachment 2 - Cardinia Planning Scheme Amendment Documentation [6.1.2.2 - 9 pages]
- 3 Attachment 3 - Updated Proposed Planning Permit T 190728 [6.1.2.3 - 22 pages]
- 4 Attachment 4 - Analysis of Proposed Changes to Planning Permit T 190728 [6.1.2.4 - 20 pages]
- 5 Attachment 5 - Proposed subdivision plan [6.1.2.5 - 1 page]
- 6 Attachment 6 - Walk to Town analysis [6.1.2.6 - 8 pages]
- 7 Attachment 7 - Lot Yield analysis [6.1.2.7 - 10 pages]

Executive Summary

On 15 November 2021, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C262card.

Amendment C262 was exhibited from 10 March to 11 April 2022 as per the requirements of the Planning and Environment Act 1987. Eleven (11) submissions were received. On 15 August 2022 Council resolved to refer all submissions to a Planning Panel appointed by the Minister for Planning. Prior to the Panel hearing, Council received an additional late submission to the Amendment and thereby totalling twelve (12) submissions.

A Planning Panel was held on 2 November 2022. The Panel report was received on 6 December 2022. The Panel Report is generally supportive of the amendment; however, based on the reasons set out in the Report, the Panel recommended that Permit Application T190728card be adopted as exhibited subject to the following changes:

1. *The subdivision layout be revised to put the road on the west side with links reserved through to developable land to the east and [subject to a S173 Agreement on neighbouring title] appropriate defendable space arrangement on the adjoining land.*
2. *Issue planning permit T190728 to subdivide the land into twenty-eight lots, create two reserves and create restrictions on the plan of subdivision subject to the permit Conditions contained in Appendix B.*

It is considered that the proposed road is optimally located on the east side at the southerly end, and centrally at the northern end of the proposed subdivision, as this will achieve the most balanced outcome given the constraints of this site, the future purpose of the transport corridor, the most appropriate interface with the transport corridor, and also in order to achieve the 'provision of housing' planning policy objectives sought by *Plan Melbourne 2017-2050* and the *Cardinia Planning Scheme*.

Officer's recommendation is that Council:

- does not adopt Panel Recommendation 1 to revise the subdivision layout
- adopts Panel Recommendation 2 to make various changes to the Proposed Planning Permit conditions except those relating to the relocation of the road to the western boundary
- adopt Amendment C262card documentation as exhibited subject to several changes to the associated planning permit T190728 as supported by the Panel, and
- submit the adopted Amendment to the Minister for Planning for approval.

Background

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

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

The Land and surrounds

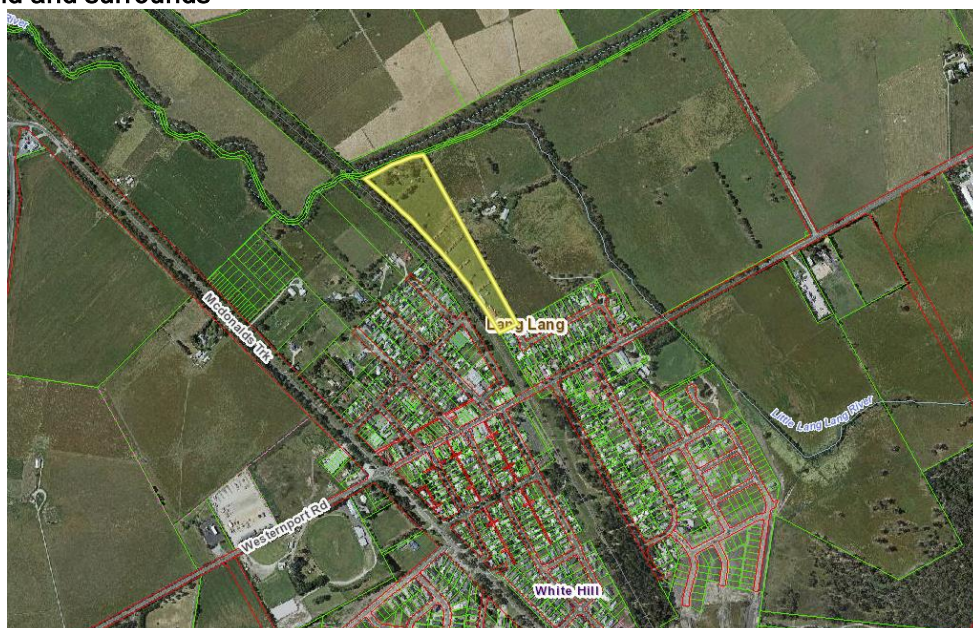


Figure 1. 11 Thom Road, Lang Lang

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

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

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

What the Amendment does

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

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

A map of the proposed planning zone is contained in Attachment 2, the proposed Planning Permit has been amended in response to submissions and the Planning Panel Report, and is contained in Attachment 3, while the proposed subdivision plan is contained in Attachment 5.

Net Community Benefit

As with any planning scheme amendment, the rezoning of the subject land must result in a net community benefit beyond the provision of standard urban services and amenity to the new subdivision. In addition to the community benefits that will be provided by the proposed Bushland Reserve and Recreation Reserve at the northern end of Thom Road it is also proposed to construct a missing link in the pedestrian path network along the existing section of Thom Road (western side) and Tresize Court (southern and western side) in accordance with policy at Clause 21.08-1 (Lang Lang) and the Lang Lang Township Strategy. This path is in addition to the pedestrian path that will be constructed within the proposed subdivision along the western side of Thom Road.

As required by Council's resolution on 15 August 2022, the landowner has entered into a Section 173 Agreement with Council, prior to Council considering adoption of the amendment to provide for the timely construction of the pedestrian path. This Section 173 Agreement will also include provisions for the construction of the necessary road widening of the eastern right-angle bend in Tresize Court which is outside the subdivision land.

Exhibition and submissions

Amendment C262 was publicly exhibited from 10 March to 11 April 2022. Eleven (11) submissions were received. Seven (7) were from nearby owners and occupiers, one (1) from the proponent and three (3) late submissions from public authorities (Environment Protection Authority Victoria (EPA) and Country Fire Authority (CFA)) and a nearby property owner. On 15 August 2022, Council considered the submissions and resolved to refer all submissions to an independent Planning Panel.

Just prior to the 15 August 2022 Council meeting, additional questions and statements were received from some submitters in response to the report which had been published on

Council's website. Council considered these as additional late submissions and were therefore included in Council's resolution to refer all submissions to a Ministerial Planning Panel.

On the 14 October 2022, just prior to the Panel Hearing, Council received an additional late submission from VicTrack. VicTrack had no objection to the amendment; however, sought that Council apply their recommended conditions to the proposed planning permit.

The Panel Hearing

The Panel Hearing was held on 2 November 2022. The Panel heard submissions from Council Officers, the proponent and the CFA. Submitters from surrounding properties did not lodge requests to be heard at the Panel Hearing.

Unrelated to the concerns raised in submissions, the Panel raised its own additional concerns with Council Officers relating to walking distances into the town centre and the interface with the rail corridor.

The Panel Report - Recommendations and Conclusions

After considering all submissions, the Panel provided its report to Council on 6 December 2022. The Panel Report generally supports Planning Scheme Amendment C262card and recommends that Permit Application T190728card be adopted as exhibited subject to the following changes:

1. *The subdivision layout be revised to put the road on the west side with links reserved through to developable land to the east and appropriate defendable space arrangement on the adjoining land.*
2. *Issue planning permit T190728 to subdivide the land into twenty-eight lots, create two reserves and create restrictions on the plan of subdivision subject to the permit Conditions contained in Appendix B.*

Clarification was sought from the Panel regarding the last part of the sentence of recommendation 1 which states "*appropriate defendable space arrangement on the adjoining land*". Council, the CFA and DTP (formerly DELWP) have long understood that the Bushfire Planning requirements contained in all Planning Schemes do not allow the provision of bushfire defendable space on adjoining private land unless there is an appropriate mechanism such as a S173 Agreement on the adjoining land title that will mandate appropriate management of the land. The Panel clarified in an email to Council officers on 13 December 2022 that those words are only relevant if the proponent pursues dot point 3 of condition 12 below:

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

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

- *Other measure to achieve a BAL 12.5 construction standard to the satisfaction of the Country Fire Authority and the Responsible Authority.*

Throughout the Amendment process and during the Panel Hearing the proponent and Council held fundamentally different positions relating to:

- how bushfire management was to be addressed in permit conditions, and,
- building setbacks to achieve appropriate character outcomes.

The Panel Report supports Council's position on these two issues and states that:

- *"there will need to be ongoing management to achieve acceptable bushfire outcomes and permit Conditions are required for this*
- *policy clearly articulates a character vision for Lang Lang and the proposed setbacks will help achieve this."*

Consideration of the Panel's Recommendations

The Panel Report supports Amendment C262card subject to changes to proposed Planning Permit T190728. Officers have considered the Panel's recommended changes to proposed Planning Permit T190728. All post exhibition changes to permit conditions that were recommended by the Panel or are now recommended by Officers are listed and discussed in Attachment 4. All of the changes to permit conditions that are now recommended by Officers are shown in 'tracked changes' in the attached updated proposed Planning Permit T190728 (Attachment 3).

Panel Recommendation 1: The subdivision layout be revised to put the road on the west side with links reserved through to developable land to the east and appropriate defensible space arrangement on the adjoining land.

This Panel Recommendation considers that the transport corridor adjoining the western boundary of the subject land will be rezoned for public open space, with the Panel Report often referring to the transport corridor as future open space. Recent advice from VicTrack indicates that this is highly unlikely. This Panel Recommendation is also based on a desire to shorten the walk to the town centre for both the existing and proposed residents of this residential area via a potential future rail trail. Recent advice from VicTrack indicates that a future rail trail might be possible, however no initial investigations for this have been commenced.

The Panel Report states on page 14:

"The rail corridor is an important interface to the site, and the opportunity of a shared path on the reserve in the future has not been adequately addressed."

The Panel Report states on page 16:

"A better context plan would have identified the interface to the rail reserve and the development parcel to the east of the site. It seems to the Panel that a more fulsome context plan would have prompted a more fulsome assessment of:

- ***the future of the reserve***
- ***the walking distance to town***
- ***the interface with the railway reserve."***

The Panel Report states on page 17 in relation to 'walking distance to town':

"A path on the rail corridor would dramatically improve pedestrian access to the centre of town for residents of the land.

The land is relatively close to the centre of Lang Lang but is poorly connected by the road network and lacks a direct connection to the town centre. Because there is no access across the railway reserve there is an additional journey distance of 500 metres to get to the town centre: 800 metres as proposed against 300 metres if there were a path along

the railway reserve. The lack of a connection would add about 1 kilometre to a round trip to the shops. The Panel considers this should have been more clearly identified in background information."

The Panel Report states on page 17 in relation to 'the interface with the railway':

"If the future of the rail reserve is open space, as sought by policy, then the development should run its roadway along the edge of the open space to avoid houses backing on to the open space. Houses backing onto the open space is not supported by Standard C10 of Clause 56.

...
Houses backing onto the open space may also limit the development of the open space given how it might need to be maintained to deliver defensible space under bushfire considerations.

...
The reintroduction of train services would be a relatively expensive capital project and one might expect that associated pedestrian improvement would be part of the works. The poor street network would limit pedestrian access to any re-established station and so any reintroduction of the rail might realistically address this with a shared path along the rail corridor.

It would seem clear that the best layout in terms of integration with the rail reserve is to front houses onto the reserve as this provides an appropriate interface under all development scenarios.

The Panel Report makes conclusions on page 18 in relation to Recommendation 1:

"The subdivision should adopt a design that can meet policy if the rail corridor is converted to open space. This means lots should front the rail reserve.

The subdivision should support a shared use trail (at least along the eastern side of the rail corridor which is deliverable under all future scenarios for the rail reserve) to avoid adding an extra kilometre to round trips to the town centre.

The Panel understands that a redesign of the subdivision may create difficulties in meeting defensible space requirements in relation to bushfire management. The current layout allows for further road connections to the east and this would also need to be addressed."

Council Officers recommend that Council does not adopt Panel Recommendation 1 to amend the subdivision layout to relocate the road on the western boundary. The following discussion responds to the Panel's statements above and provides reasons for this Officer recommendation.

The South Gippsland Railway Line adjoins the western boundary of the subject land. It is zoned Transport Zone 1 (TRZ1) for the purpose of State Transport Infrastructure. This transport corridor is owned by VicTrack. While the rail line is inactive and has not been used to provide train services to the public since the early 1990s, it is in fact still an open rail line,

'Clause 21.08-1 - Lang Lang' of the Cardinia Planning Scheme and the Lang Lang Township Strategy 2009 both advocate for the use of this transport corridor for the construction of a regional trail, to form part of the 'Great Southern Rail Trail' as shown in Figure 2. While a regional trail aligns with the purpose of the transport corridor under the TRZ1, and Council has budgeted for some design and costing investigations, Council must also ensure this aligns with the VicTrack's strategic plans for this corridor, as well as obtain their approval for the trail and enter into a lease agreement for the land.

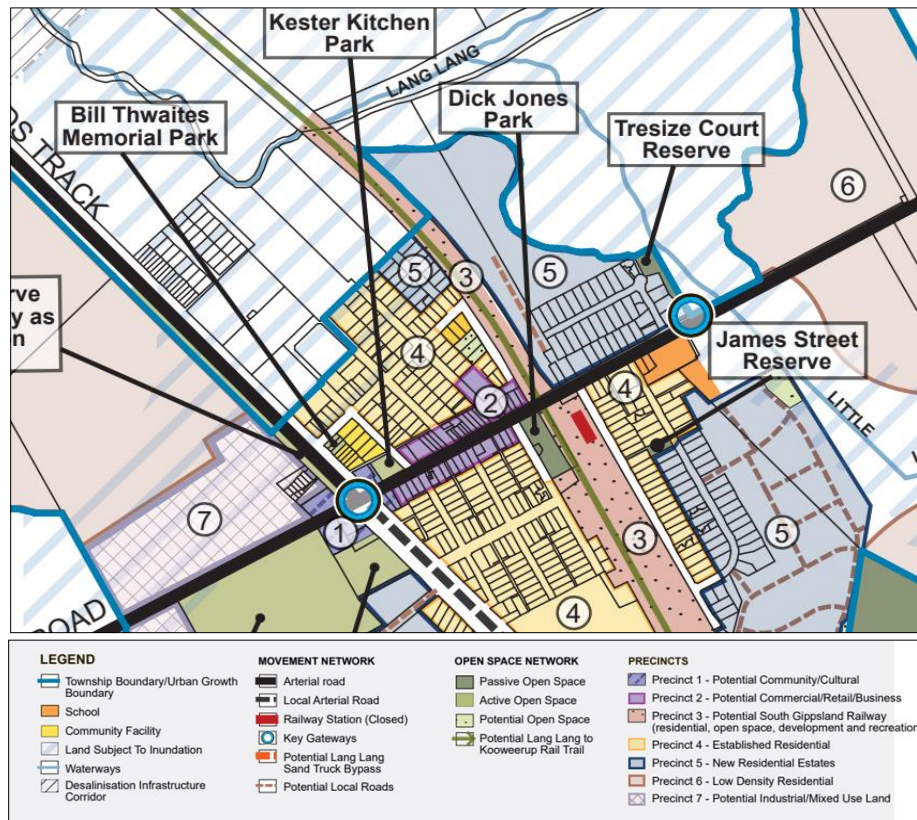


Figure 2. Lang Lang Framework Plan

While 'Clause 21.08-1 Lang Lang' seeks to encourage the construction of a regional trail along the rail line within the transport corridor that creates linkages into the Lang Lang and Koo Wee Rup townships, it does not seek connections across the railway line from residential estates into these towns as implied by the Panel Report.

The Lang Lang Township Strategy 2009 (Incorporated Document) also identifies a portion of the transport corridor as 'Precinct 3 - Potential South Gippsland Railway (residential, open space, development and recreation)' as shown in Figure 2. This rezoning of the land is entirely aspirational, and no investigation of the land's contamination has been conducted to ascertain whether the land is in fact suitable for these sensitive uses, nor had VicTrack's longer term plans for the corridor been ascertained.

Planning Officers have recently engaged with VicTrack in order to inform this report.

As shown by red arrows in Figure 3, the exhibited and preferred subdivision layout allows for future pedestrian connection points onto the transport corridor in the event that Council is able to lease this land from VicTrack for the construction of a regional trail. It should be noted that the feasibility of any pedestrian connection points from the subject land is dependent on the rail trail being constructed on the east side of the rail tracks rather than the western side. It is anticipated that if a trail is constructed it will most likely be located on the western side of the tracks which is wider and contains less vegetation. Also, verbal advice from VicTrack indicates that it is likely that VicTrack will require security fencing along the entire boundary with the subject land and will decide where any openings will be located to allow pedestrian connection points.

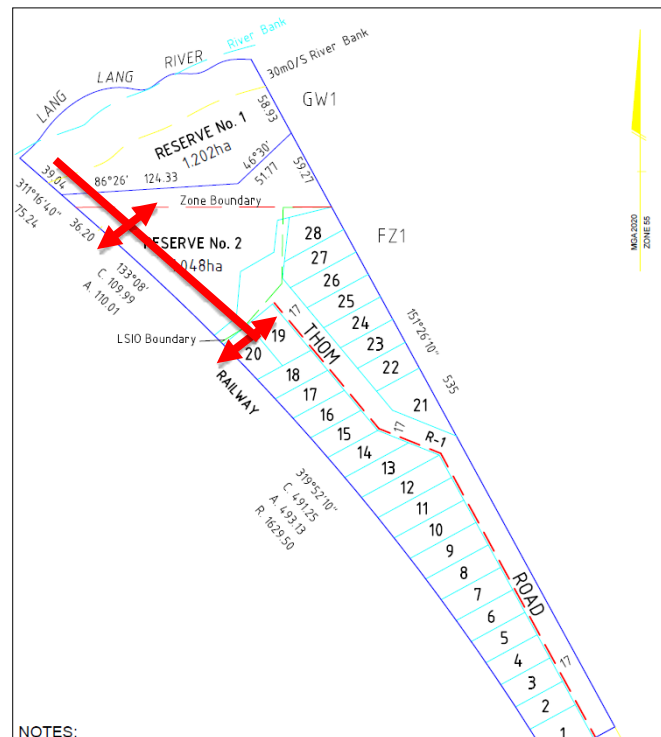


Figure 3. Locations of possible future pedestrian links

What are the consequences of moving the road to the western boundary?

Altering the subdivision layout by moving the road to the western boundary raises many issues that must be properly considered, these include:

- Council officers have no ability to undertake a proper assessment of such a subdivision without the appropriate plan/s.
- What would be the 'walk to town benefit' for both the existing and future residents of Tresize Court and Thom Road?
- What will be the impact on lot yield and provision of housing?
- Is it actually a good planning outcome for the future housing lots to face and view the transport corridor behind a 1.8 metre high chain mesh fence for an indefinite period of time and possibly permanently?
- Do the potential 'walk to town benefits' outweigh the 'provision of housing loss' and a poor interface outcome?
- Will the reduced lot yield and extended road pavement to be constructed be an unreasonable impact on the viability of the development?

Council officers have no ability to undertake a proper assessment of a proposed subdivision without the appropriate plan/s

Any changes to the subdivision layout at this late stage in the planning scheme amendment process can only be conditioned as a requirement on the proposed planning permit, meaning that appropriate plan/s would not be provided to Council prior to the planning permit being issued. This will not allow Council officers the ability to assess important design details, including the impact of the alternate subdivision layout and dimensions of future lots. The site is also required to meet bushfire defendable space requirements; however, without a proposed subdivision plan, Council cannot properly assess whether the minimum defendable space requirements can be achieved and what impacts this may have on the proposed lots.

In addition, if the proposed planning permit is issued requiring an alternative subdivision layout, this will not allow any external referral authorities or internal departments the ability to review and/or provide comments and conditions that may be required in order to mitigate site

constraints and/or ensure the subdivision is developable. Council Officers and the proponent have spent many months prior to the authorisation of Amendment C262card and throughout the Amendment process consulting with various authorities and internal departments to ensure an appropriate planning outcome could be achieved by the proposed subdivision layout that meets the requirements of the planning scheme.

What would be the ‘walk to town benefit’ for both the existing and future residents of Tresize Court and Thom Road?

The C262card Panel Report assumed that the ‘Panel proposed road layout’ would provide a shorter walk to town of 500 metres. This would equate to a ‘walk to town benefit’ of exactly 6 minutes less than the ‘exhibited road layout’ and would be dependent on a regional rail trail being constructed in the transport corridor on the eastern side of the tracks.

Officers have compared the ‘walk to town’ outcomes that would be achieved by the exhibited road layout and the Panel proposed road layout against each other, for both the existing and future residents of Tresize Court and Thom Road (based on the ‘Walk to Town’ analysis contained in Attachment 6).

All ‘walk to town’ scenarios are less than 20 minutes, satisfying the desired outcomes of 20-minute neighbourhood planning policy.

A maximum ‘walk to town benefit’ of 2 minutes and 59 seconds (238 metres less distance) could potentially be provided by the ‘Panel proposed road layout’ to the residents of Tresize Court and Thom Road with the furthest walking distance from town if a regional rail trail is constructed in the transport corridor on the east side of the rail tracks. The walking benefit decreases for each consecutive lot located closer to the town centre.

However, a ‘walk to town loss’ of 1 minute and 13 seconds (97 metres more distance) would be provided by the ‘Panel proposed road layout’ to the future residents of Thom Road with the furthest walking distance from town if a regional rail trail is not constructed in the transport corridor on the eastern side of the rail tracks. The walking loss decreases for each consecutive lot located closer to the town centre.

The ‘exhibited road layout’ provides a walk to town of 9 minutes and 15 seconds (740 metres) for current residents with the furthest walking distance from the town centre whether or not a regional trail is constructed in the transport corridor on the east side of the rail tracks. Future residents of the proposed subdivision with the furthest walking distance from the town centre would have a walk of 10 minutes and 58 seconds (1,158 metres) if a regional rail trail is not constructed on the transport corridor on the eastern side of the rail tracks. Both these distances fall between the best and worst walking distances and times that would be achieved by the ‘Panel proposed road layout’.

The walk to town benefits and/or losses are of small amounts, such that the 20-minute neighbourhood planning policy objectives are achieved in all scenarios.

It is considered that these small walk to town benefits and/or losses alone are not enough to influence a decision to move the road to the western boundary. These small walk to town benefits and/or losses must be considered in balance with other planning considerations such as the future purpose of the transport corridor and the most appropriate interface with the transport corridor (as pointed out by the Panel Report on page 16), and also the ‘provision of housing’ planning policy objectives which require planning to provide for the efficient use of residential land in proximity to activity centres, in balance with any character objectives, to reduce development pressure on growth fronts and to reduce urban sprawl.

What will be the impact on lot yield and provision of housing?

Officers have undertaken a lot yield analysis to determine the amount and average size of lots expected to be achieved by the exhibited road layout and the Panel proposed road layout (contained in Attachment 7). The below scenarios are expected to have the following impacts on lot yield:

Exhibited road layout

A lot yield of 28 lots at an average size of 851m² is expected to be achieved with the exhibited road layout.

To satisfy Proposed Planning permit conditions

A lot yield of 27 lots at an average size of 882m² is expected to be achieved if the exhibited road layout is provided and circumstances require proposed planning permit condition 12 dotpoint 1 relating to the mitigation of bushfire risk to be satisfied.

Panel proposed road layout

A lot yield of 21 lots at an average size of 1,085m² is expected to be achieved by the Panel proposed road layout.

The Panel proposed road layout would reduce the lot yield from 27 to 21 lots representing a 22% loss in lots from what can be provided by the exhibited road layout if Condition 12 dotpoint 1 is required to be satisfied for bushfire mitigation. If this condition is not required to be satisfied and the lot yield remains at 28, a estimated 25% reduction would occur.

Is it actually a good planning outcome for the future housing lots to face and view the disused transport corridor behind a 1.8 metre high chain mesh fence for an undetermined period of time and possibly permanently?

In an ideal scenario, where a large site is being planned and various site constraints are taken into consideration and balanced, it is better to avoid houses backing onto 'public open space'. In this instance, however, the VicTrack land is in a transport corridor (in Transport Zone 1), and it is highly unlikely to be rezoned to a Public Park and Recreation Zone (PPRZ) for the purpose of public open space as assumed by the Panel Report.

There is currently no timing or guarantees of this transport corridor being leased to Council for the construction of a regional trail, or being formally converted for public open space in the future.

Regardless of whether this transport corridor remains in its current state as a disused but open railway line, or is leased to Council for the construction of a regional trail, VicTrack have required a 1.8 metre high chain mesh or timber paling fence along the entire boundary of their land as per condition 53 of Planning Permit T190728. The VicTrack land is currently managed to a minimum standard and is somewhat unsightly. If houses were to front the transport corridor, residents would view this unsightly interface. In the event the transport corridor is leased to Council for the construction of a regional trail, it is anticipated the transport corridor would be maintained more regularly by Council and would be less unsightly, however VicTrack have provided verbal advice that the 1.8 metre high chain mesh fence would be required to remain in place with only periodic openings to allow pedestrian access to the regional trail.

At any point VicTrack would be entitled to break the lease agreement if they require this land for transport purposes. Only at such time that VicTrack and the State Government declare the transport corridor as surplus land and sell it for a price determined by the Valuer General that is no less than the value of the land's highest and best use, would Council be able to purchase

and rezone it to a Public Park and Recreation Zone (PPRZ) for the purpose of public open space and then remove the 1.8 metre high fence.

In addition, given the possibility of a third airport within the surrounding area, it is unlikely VicTrack would give up their ability to use this land for what it was intended as a transport corridor.

Do the potential 'walk to town benefits' outweigh the 'provision of housing loss' and a poor interface outcome?

It is considered that the small 'walk to town benefit' that might be achieved would not provide an efficient or balanced outcome given the estimated 22%-25% loss of residential lots that the exhibited road layout could deliver to this area.

In assessing the suitability of a Planning Scheme Amendment and planning permit application, it is important to ensure that new development satisfies the 'provision of housing' planning policy objectives which require planning to provide for the efficient use of residential land in proximity to activity centres, in balance with any character objectives, to reduce development pressure on growth fronts and to reduce urban sprawl while also achieving bushfire defensible space requirements in order to mitigate bushfire risk on site.

The exhibited road layout with a lot yield of 27 lots would provide an average lot size of 882m², while the Panel proposed road layout with a lot yield of 21 lots would provide an average lot size of approximately 1,085m². Both scenarios can provide the generous building setbacks sought by the Cardinia Planning Scheme and the Lang Lang Township Strategy to achieve a spacious rural character objectives, and achieve the necessary bushfire defensible space requirements of the Planning Scheme. The Panel proposed road layout would provide a much less efficient use of residential land within a 20-minute walk to an activity centre as sought by the 'provision of housing' policies of *Plan Melbourne (2017-2050)* and *the Cardinia Planning Scheme* and is therefore not the preferred outcome for this site.

There is currently no timing or guarantees for the lease of the transport corridor to Council for the construction and management of a regional trail, and it is highly unlikely that the transport corridor will be converted to public open space, and there will be an unsightly interface for houses fronting the transport corridor which will be contained behind a 1.8 metre high chain mesh fence. It is considered that this poor interface outcome and a 22% reduction in the amount of housing lots that could have been provided in proximity to the town's activity centre, is not outweighed by a small potential 'walk to town benefit' of 2 minutes and 59 seconds that might be provided by the 'Panel proposed road layout' to the residents of Tresize Court and Thom Road with the furthest walking distance from town **if** a regional rail trail **is** constructed in the transport corridor on the east side of the rail tracks, and provides justification for the exhibited road layout to be delivered rather than moving the road to the western boundary as proposed by the Panel.

Will the reduced lot yield and extended road pavement to be constructed be an unreasonable impact?

In order to deliver the Panel proposed road layout, there would be an increase of 382m² in road pavement and 97 linear metres of concrete footpaths and 193 linear metres of concrete kerbs. Although the increase in road pavement, footpaths and kerbs may seem minimal, it represents an extra cost. In addition, the lot yield is reduced by 6-7 lots (22%-25%) representing a significant impact on revenue that could have otherwise been received. On balance, consideration of all the issues reveals that the Panel proposed road layout would deliver an overall net dis-benefit when compared to the exhibited road layout. As such, it is

considered that the reduced lot yield and the construction of additional road pavement, footpaths and kerbs would be an unreasonable impact on the proponent.

Panel Recommendation 2: Issue planning permit T190728 to subdivide the land into twenty-eight lots, create two reserves and create restrictions on the plan of subdivision subject to the permit Conditions contained in Appendix B

It is considered that Council **should adopt** Panel Recommendation 2 to make various changes to the Proposed Planning Permit conditions **except** those relating to the relocation of the road to the western boundary.

All post exhibition changes to conditions on the Proposed Planning Permit that were recommended by the Panel or are now recommended by Officers are listed and discussed in Attachment 4. All of the Officer recommended changes are shown in 'tracked changes' in the attached Updated Proposed Planning Permit T190728 (Attachment 3).

Next Steps

We are at Stage 4 of the Planning Scheme Amendment process as detailed in Figure 4.



Figure 4. Steps in the Planning Scheme Amendment process

Policy Implications

Strategic Planning Assessment

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

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

Relevance to Council Plan

- 2.1 We support the creation of liveable spaces and places
 - 2.1.1 Advocate, plan for and deliver accessible community infrastructure and services that address community need.
 - 2.1.2 Plan and maintain safe, inclusive and connected open spaces, places and active travel routes
 - 2.1.3 Plan for housing diversity that meets community need, is affordable and delivers environmental sustainability, safety and healthy living outcomes.

Climate Emergency Consideration

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

Consultation/Communication

Amendment C262 was formally exhibited for one month from 10 March to 11 April 2022 as part of the planning scheme amendment process in accordance with the requirements of the *Planning and Environment Act 1987*. A public notice was published in the Pakenham Gazette and all owners and occupiers adjoining and surrounding the site, community groups, relevant public authorities, and Prescribed Ministers were notified of the exhibition of the Amendment. A total of 99 letters were sent out.

Eleven (11) submissions were received, including additional questions and statements from some submitters in response to the 15 August 2022 Council's report and one (1) late submission received in October from VicTrack. All submitters have received email notification of the release of the Panel Report.

Financial and Resource Implications

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

Conclusion

Amendment C262card has been considered by an independent planning panel, appointed by the Minister for Planning. The Panel is generally supportive of the amendment subject to changes to Proposed Planning Permit T190728 and changes to the subdivision layout by moving the road to the western boundary.

Panel Recommendation 1 relating to moving the road to the western boundary is based on an assumption that the transport (rail) corridor adjoining the western boundary of the subject land will be rezoned for public open space, with the Panel Report often referring to the transport corridor as future [public] open space which ideally housing should be facing. Recent advice from VicTrack indicates that it is highly unlikely that the transport corridor will be rezoned from a Transport Zone 1 (TRZ1) to a Public Park and Recreation Zone (PPRZ) for the purpose of public open space, nor is there currently any timing or guarantees for this transport corridor to be leased to Council for the construction of a regional trail. VicTrack also advise that in any scenario they will require the construction of a 1.8 metre high chain mesh or timber paling fence along the entire length of their transport corridor. This would result in a poor interface outcome for any houses facing the transport corridor.

Panel Recommendation 1 is also based on a desire to shorten the walk to the town centre for both the existing and proposed residents of this residential area via a potential future rail trail. The maximum walk to town benefit that might be achieved is 2 minutes and 59 seconds if a regional trail is constructed in the transport corridor on the eastern side of the tracks, if this does not occur the Panel proposed road layout would actually result in longer walk to town distances than the exhibited road layout.

It is considered that the small potential walk to town benefits alone are not enough to influence a decision to move the road to the western boundary.

The Panel proposed road layout would also reduce the number of housing lots by 22%-25% from what the exhibited road layout would provide to this area in proximity to the town's activity centre.

It is considered that that the 22%-25% reduction in the amount of housing lots that the exhibited road layout could provide and the poor interface outcomes that would result from the Panel proposed road layout, are not outweighed by the small potential 'walk to town benefit' that might be provided by the Panel proposed road layout.

It is considered that the proposed road is optimally located on the east side at the southerly end, and centrally at the northern end of the proposed subdivision, as this will achieve the most balanced outcome given the constraints of this site, the future purpose of the transport corridor, the most appropriate interface with the transport corridor, and also in order to achieve the 'provision of housing' planning policy objectives sought by *Plan Melbourne 2017-2050* and *the Cardinia Planning Scheme*.

It is recommended that Council should not adopt Panel Recommendation 1 to revise the subdivision layout and should adopt Panel Recommendation 2 to make various changes to the Proposed Planning Permit conditions except those relating to the relocation of the road to the western boundary, adopt Amendment C262card documentation as exhibited subject to several changes to the associated Proposed Planning Permit T190728 as supported by the Panel, and submit the adopted Amendment to the Minister for Planning for approval.

Planning Panels Victoria

Cardinia Planning Scheme Amendment C262card and Permit Application T190728 Thom Street, Lang Lang subdivision

Panel Report

Planning and Environment Act 1987

6 December 2022



How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.
[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority may also recommend to the Minister that a permit that applies to the adopted Amendment be granted. The Minister may grant or refuse the permit subject to certain restrictions. [sections 96G and 96I of the PE Act]

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

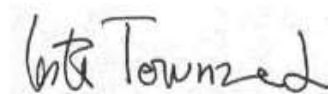
Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Permit Application T190728

Thom Street, Lang Lang subdivision

6 December 2022



Lester Townsend

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Glossary and abbreviations

CEMP	Construction Environment Management Plan
CHMP	Cultural Heritage Management Plan
Council	Cardinia Shire Council
DELWP	Department of Environment, Land, Water and Planning
FZ1	Farming Zone Schedule 1
GWZ1	Green Wedge Zone Schedule 1
PE Act	<i>Planning and Environment Act 1987</i>
UGB	Urban Growth Boundary
WSUD	Water Sensitive Urban Design

Overview

Amendment summary	
The Amendment	Permit Application T190728card and Permit Application T190728
Common name	Thom Street, Lang Lang subdivision
Brief description	The Amendment proposes to rezone the land for residential development and issue a permit to subdivide the land into twenty-eight residential lots.
Subject land	11 Thom Road, Lang Lang, being Lot 11 on PS548063T
The Proponent	Greg Thom and Denise Gilbert
Planning Authority	Cardinia Shire Council
Authorisation	17 January 2022
Exhibition	10 March to 11 April 2022
Submissions	12 Submissions received: <ol style="list-style-type: none"> 1 Lucas Pearce & Clorinda Peluso 2 Greg Thom and Denise Gilbert the Proponents 3 Yvonne Hood 4 Ben and Julia Metcalf 5 Luke Catlin & Joanne Robinson 6 Wayne Miller 7 Tayla & Sebastian Ellis 8 Marie & Robert Taylor 9 Environment Protection Authority 10 Country Fire Authority 11 Bruce Hood 12 VicTrack

Panel process	
The Panel	Lester Townsend
Directions Hearing	Online, 27 September 2022
Site inspections	Unaccompanied, 31 October 2022
Panel Hearing	Online, 2 November 2022
Parties to the Hearing	Council represented Celeste Grossi and Teresa Hazendonk CFA represent by Luci Johnston Greg Thom and Denise Gilbert (Proponent) represented by Philip Walton XWB Consulting
Citation	Cardinia PSA C262card [2022] PPV
Date of this report	6 December 2022

Executive summary

Permit Application T190728card (the Amendment) seeks to:

- rezone the land in Thom Road, Lang Lang, for residential development
- issue a permit to subdivide the land into twenty-eight residential lots under Section 96A of the *Planning and Environment Act 1987* (PE Act).

Key issues raised in submissions included:

- An increase in traffic to Tresize Court which is the only access to Thom Road.
- Tresize Court is not wide enough for construction vehicles.
- The proposed lot sizes are too small and will negatively affect the country town character.
- Destruction of farmland and native vegetation.
- Existing sewerage and rainwater issues will be made worse by additional development, and whether the existing sewerage system can accommodate the additional load
- Increased noise, dust and litter caused construction.
- Increase in crime encouraged by the proposed reserves.
- Concerns about several conditions on the proposed planning permit.
- An Environment Site Assessment (ESA) is no longer the required form of assessment for the proposed land use under Ministerial Direction 1 (Potentially Contaminated Land) and Planning Practice Note 30 (Potentially Contaminated Land).

There is no doubt that the land is identified in the Lang Lang Township Strategy and local planning policy for urban purposes. The issues are not whether ultimately suitable for urban development, but:

- is it appropriate to rezone the land now
- is appropriate area of land is being rezoned
- is the subdivision layout appropriate
- what Conditions should be imposed.

The Panel concludes that the rezoning is timely and there is no need to rezone a larger area of land to coordinate development.

The Panel concludes that the traffic impacts on Tresize Court will be acceptable and it is appropriate to widen the right-angle bend in Tresize Court and construct a pedestrian footpath in the court.

The proposal will not exacerbate any existing issues with sewers or drains because its sewer and drainage systems will be separate to the existing systems.

The Panel has concerns with the proposed layout of the subdivision. The land abuts the South Gippsland Railway reserve. Trains no longer run along this reserve and the tracks have been removed in sections closer to Melbourne.

Planning scheme policy at Clause 21.08-1 (Lang Lang) includes:

Support the construction of a multi-use path along the South Gippsland Railway line to create a linkage between the Lang Lang and Koo Wee Rup townships.

A path on the rail reserve would dramatically improve pedestrian access to the centre of town for residents of the land. The land is relatively close to the centre of Lang Lang but is poorly connected by the road network and lacks a direct connection to the town centre. Because there is no access

across the railway reserve there is an additional journey distance of 500 metres to get to the town centre: 800 metres as proposed against 300 metres if there were a path along the railway reserve. The lack of a connection would add about 1 kilometre to a round trip to the shops.

If the future of the rail reserve is open space, as sought by policy, then the development should run its roadway along the edge of the open space to avoid houses backing on to the open space. Houses backing onto the open space is not supported by Standard C10 of Clause 56.

Permit Conditions

At the Directions Hearing, the Panel requested that Council and the Proponent conduct a workshop meeting to negotiate the points of difference with a view to finding any possible compromises on the wording of the contested conditions in the proposed permit. The Panel also requested that a jointly prepared consolidated 'without prejudice' version of the proposed planning permit identifying any points of disagreement be submitted to the Panel.

A workshop meeting was held on 12 October 2022 and a without prejudice permit was prepared and submitted to the Panel on 18 October 2022 (Document 2). Key differences relate to how bushfire management is addressed in conditions, and setbacks to achieve character outcomes.

The Panel support Council's approach to these issues:

- there will need to be ongoing management to achieve acceptable bushfire outcomes and permit Conditions are required for this
- policy clearly articulates a character vision for Lang Lang and the proposed setbacks will help achieve this.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Permit Application T190728card be adopted as exhibited subject to the following:

- 1. The subdivision layout be revised to put the road on the west side with links reserved through to developable land to the east and appropriate defensible space arrangement on the adjoining land.**
- 2. Issue planning permit T190728 to subdivide the land into twenty-eight lots, create two reserves and create restrictions on the plan of subdivision subject to the permit Conditions contained in Appendix B.**

1 Introduction

1.1 The Amendment and permit application

(i) The land

The land is located at the end of Thom Road approximately 300 metres northeast of the Lang Lang town centre. The land is relatively narrow with a frontage of 17 metres to Thom Road, a length of about 550 metres with an area of 5.364 hectares. The land is bounded by the Lang Lang River (north), the South Gippsland Railway Line reserve (west), established residential properties (south) and farming land (east).

The Urban Growth Boundary (UGB) crosses the land. Land outside the UGB is in the Green Wedge Zone Schedule 1 (GWZ1) and land within the UGB is zoned Farming Zone – Schedule 1 (FZ1). Part of the land is affected by the Land Subject to Inundation Overlay.

The land is known as 11 Thom Road, Lang Lang, being Lot 11 on PS548063T.

Figure 1 The land in its zoning context



Figure 2 The Land Subject to Inundation Overlay



(ii) Amendment and permit description

The combined Amendment and permit application propose to:

- rezone the land for residential development
- issue a permit to subdivide the land into twenty-eight residential lots 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.

The rezoning

Specifically, the Amendment proposes to rezone land from FZ1 to Neighbourhood Residential Zone – Schedule 1.

The FZ1 is used in the Cardinia Planning Scheme for land within the UGB as a 'holding zone' before rezoning for urban development.

Council proposes that before it considers the Amendment for adoption, it will require the Proponent to enter into an agreement under section 173 of the PE Act to provide for:

- the timely construction of a pedestrian path along the existing section of Thom Road (western side) and Tresize Court (southern and western side)
- road widening of the inside corner of the eastern right-angle bend on Tresize Court.¹

The path will be constructed outside the proposed subdivision site, providing a link in the pedestrian network between the proposed subdivision and the town. The widening of the bend on Tresize Court, also outside the proposed subdivision site, is required to ensure adequate road width to allow an 8.8 metre long Service Vehicle to pass a 'standard' (B99) car.

The Permit

Specifically, the permit proposes to subdivide the land into twenty-eight lots, create two Reserves and create restrictions on the plan of subdivision.

Figure 3 The land with subdivision overlayed



At the Directions Hearing, the Panel requested that Council and the Proponent conduct a workshop meeting to negotiate the points of difference with a view to finding any possible compromises on the wording of the contested conditions. The Panel also requested that a jointly prepared consolidated 'without prejudice' version of the proposed planning permit identifying any points of disagreement be submitted to the Panel.

A workshop meeting was held on 12 October 2022 and a without prejudice permit was prepared and submitted to the Panel on 18 October 2022 (Document 2).

¹ Strictly speaking there is only one bend in Tresize Court, the 'bend' at the western the end of the court is in fact an intersection with Thom Road.

1.2 Summary of issues raised in submissions

Council received twelve submissions in response to the formal exhibition, seven from landowners surrounding the site, one from the consultant acting on behalf of the proponent, and four late submissions from the Environment Protection Authority Victoria (EPA), the Country Fire Authority (CFA), VicTrack and a nearby property owner:

- Eight submissions object to the Amendment
- One submission supports the Amendment.
- Two submissions support the Amendment but requested changes to permit Conditions.
- One late submission from VicTrack supported the Amendment and requested an additional permit Conditions.

The key issues by submitters were:

- An increase in traffic to Tresize Court.
- Tresize Court is not wide enough for construction vehicles.
- The proposed lot sizes are too small and will negatively affect the country town character.
- Destruction of farmland and native vegetation.
- Existing sewerage and rainwater issues will be made worse by additional development, and whether the existing sewerage system can accommodate the additional load.
- Increased noise, dust and litter caused by the construction of the proposed subdivision and housing.
- Increase in crime encouraged by the proposed reserves.
- Concerns about several Conditions on the Proposed Planning Permit.
- An Environment Site Assessment (ESA) is no longer the required form of assessment for the proposed land use under Ministerial Direction 1 and Planning Practice Note 30.

Relevant agencies were consulted through the formal exhibition. The following agencies responded by making a submission.

Environment Protection Authority

The EPA supported the Amendment, but recommend that Council review the updated Ministerial Direction 1 and Planning Practice Note 30 dealing with land contamination to determine the recommended form of assessment for the proposed rezoning and future residential land use. Subsequently, Council required the Proponent to undertake a Preliminary Site Investigation which determined that the site had no potential for contamination and that neither an Environmental Audit nor a Preliminary Risk Screen Assessment (PRSA) was required for the site for its intended use. The EPA were satisfied with this approach.

Country Fire Authority

The CFA supported the Amendment as exhibited. Negotiation occurred between the CFA, Council and the Proponent during the assessment of the Amendment request resulting in the Conditions that were included on the exhibited planning permit, hence CFA's written submission of support for the Amendment as exhibited.

VicTrack

VicTrack supported the Amendment, but requested that Council apply certain Conditions on the permit.

1.3 The Panel's approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing.

This Report deals with the issues under the following headings:

- Strategic justification
- Impacts on Tresize Court:
 - Traffic
 - Sewerage and drainage
 - Increase in noise, dust, litter and an overall disturbance to residents
 - Proposed pedestrian path
- Issues with the design and layout:
 - Bushfire
 - Issues and opportunities with the rail corridor
 - Alternative road access
 - Creation of reserves will increase crime
- The planning permit.

2 Strategic justification

(i) The issue

Is the development of the land strategically justified?

(ii) Background – Lang Lang Township Strategy (2009)

Council advised:

Lang Lang is identified as a large rural township with capacity for growth. Sustainable growth of townships is to occur in accordance with township strategies, and the local planning policy in relation to Lang Lang seeks to ensure that proposed development is generally consistent with the Lang Lang Township Strategy 2009. The framework plan in the Cardinia Planning Scheme and the Lang Lang Township Strategy identifies the land to be rezoned within 'Precinct 5' (New Residential Estates). The Amendment is considered to be consistent with policy guidelines which seek to create an attractive rural township and maintain the rural township character. [77]

On 14 June 2012, the Lang Lang Township Strategy (2009) was incorporated into the Cardinia Planning Scheme (listed in the Schedule to Clause 72.04) with the gazettal of Amendment C124.

The land is in 'Precinct 5 – New Residential Estates' in the township strategy and the strategy provides 'in-principle' support to rezone the land for residential purposes, subject to relevant technical reports. Council officers have considered the merits of the request and believe there is strategic justification for Council to support the proposal.

Explicit planning scheme policy at Clause 21.08-1 (Lang Lang) deals with Lang Lang:

Local area implementation

Ensure that any proposed use or development within or around the Lang Lang township is generally consistent with the Lang Lang Township Strategy, July 2009, including the Lang Lang Framework Plan (Figure 1).

The policy includes:

Residential development

Protect and enhance the 'rural character' of the Lang Lang Township.

Maintain a sense of spaciousness between residential allotments.

Ensure protection and conservation of native vegetation including street trees and roadside vegetation and encourage the inclusion of native vegetation and garden in new development.

Consider as appropriate the Precinct Character Guidelines set out in the Lang Lang Township Strategy, July 2009 to residential development within the Lang Lang township.

Ensure that land within the Lang Lang urban growth boundary is released for development in a staged/controlled manner.

Avoid cul-de-sacs in residential subdivisions, and if used, they should be connected through to another street by a wide reserve and path for safe pedestrian and bicycle access.

Traffic and transport

Require improvements in the connectivity of pedestrian and vehicular networks within the township as part of new subdivisions and developments.

Establish local road connections between properties as set out in the Lang Lang Framework Plan (Figure 1).

Encourage an interconnected street network with links between the town centre and surrounding areas, providing good accessibility and streetscape detailing to make walking and cycling pleasant, efficient and safe.

Open space

Provide open space to meet the active and passive recreational needs of the community.

Secure the ongoing use of Dick Jones Park for open space.

Maintain, upgrade and provide areas for equestrian activities (including a safe and interconnected network of equestrian trails) in and around Lang Lang.

Support the construction of a multi-use path along the South Gippsland Railway line to create a linkage between the Lang Lang and Koo Wee Rup townships.

Establish a rail trail along the disused section of the South Gippsland Railway Line. [Panel's emphasis]

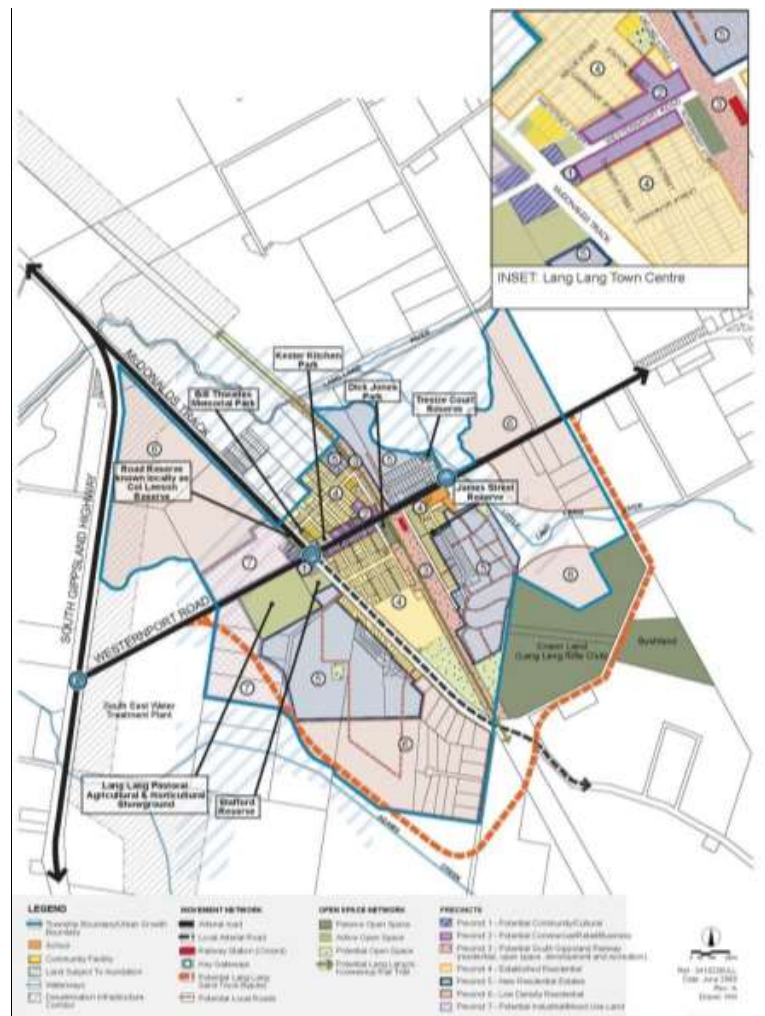
Urban design

Create a consolidated and active town centre through the development of existing vacant lots and residential lots in the main street between McDonald's Track and South Gippsland Railway Reserve.

Incorporated documents

Lang Lang Township Strategy, July 2009 (Cardinia Shire)

Figure 4 **Lang Lang Framework Plan**



(iii) Submissions

Submitters raised concerns in relation to the size of the proposed lots and destruction of farmland. Submitting that the proposed lots are too small for a country town and will negatively affect the aesthetics and character of the town.

Council advised that unlike the Green Wedge Zone, the Farming Zone is used in the Cardinia Planning Scheme as a holding zone until Council deems it appropriate to undertake a rezoning, to implement the directions of a Township Strategy or similar strategic document.

In accordance with the township strategy, Council said its intention is that Lang Lang remains a country town; however, some limited growth must be allowed. The township strategy provides the strategic objectives and actions in relation to facilitating controlled growth and the importance of maintaining township character.

Council noted that the subdivision plan proposes residential lots ranging between 691 square metres and 1,133 square metres. It said that the proposed lot sizes accorded with the 'Preferred character statement and character guidelines' set out in 'Table 9 Precinct Character Guidelines' for 'Precinct 5 – New Residential Estates' in the township strategy. Specifically, adhering to the following guidelines:

- Maintain 80 per cent of the lots with sizes over 700 square metres
- Discourage small allotments of less than 600 square metres in the new residential estates.

(iv) Discussion and conclusion

There is no doubt that the land is identified in the Lang Lang Township Strategy for urban purposes.

The issues are not whether ultimately suitable for urban development, but:

- is it appropriate to rezone the land now?
- is an appropriate area of land being rezoned?
- is the subdivision layout appropriate?
- what Conditions should be imposed?

For the reasons set out in the following chapters, the Panel concludes that the Amendment is supported by, and implements, the relevant sections of the Planning and Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment can proceed now and there is no need to include the balance of Precinct 5 in the Amendment provided the future development potential of that land is maintained.

For reasons set out in Chapter 4, the Panel considers that the layout of the subdivision should be altered.

Many of the issues with permit Conditions have been resolved between Council and the Proponent and the outstanding issues are discussed in Chapter 5.

The Amendment is well founded and strategically justified, and should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 Impacts on Tresize Court

3.1 Traffic

(i) The issue

Concerns were raised by several submitters that the Amendment and subdivision would cause an unreasonable increase in traffic in Tresize Court.

(ii) Submissions

Concerns included:

- Tresize Court should not be a thoroughfare as it is a court and was not built with expansion in mind
- the right-angle bend in Tresize Court should not be widened
- bringing additional vehicles to the area will decrease accessibility.

Council responded that the township strategy identifies the subject land for residential growth. The township strategy shows a potential local road extending from Tresize Court through the subject site, as is now proposed.

Council advised that at the time of development of Tresize Court, the planners of the day believed the 5.5 metre wide road pavement was sufficient to accommodate the expected traffic volumes for what was then proposed, but the provision of a wide road reserve and the absence of a cul-de-sac ending, suggests that from the outset a future extension of the road and this residential estate was envisaged.

Council's Traffic Engineer examined the right-angle bends in Tresize Court and determined that the eastern bend must be widened. Council advised it will require the landowner to enter into an agreement before the Amendment is adopted, which will require widening of the road on the inside corner of the eastern right-angle bend of Tresize Court.

Council does not consider that widening of the whole extent of the road pavement in Tresize Court is required.

(iii) Discussion and conclusion

The Panel accepts that the development will add to the traffic in Tresize Court, but these levels will be within the capacity of the road. Tresize Court is the only legal access to the land and the land is identified for future development.

It is clear from the township strategy and the way the road was constructed that it was in fact built with expansion in mind. While construction traffic will be an unwelcome intrusion in the court there is no alternative access.

The Panel agrees with Council that there is a need to widen the right-angle bend to ensure the court can function appropriately.

The Panel concludes:

- The traffic impacts on Tresize Court will be acceptable.
- It is appropriate to widen the right-angle bend in Tresize Court.

3.2 Sewerage and drainage

(i) The issue

Submitters raised concerns in relation to sewerage overflow and stormwater flooding occurring within properties on Tresize Court

(ii) Submissions

Council advised that before receiving these submissions, Council officers (including strategic planning, engineering, drainage supervisors and environmental health) were not aware of any sewerage or drainage issues occurring within properties on Tresize Court.

South East Water is the responsible authority for the sewerage systems, Council officers referred the Amendment to South East Water during preliminary referrals, at that time it stated it had no objection to the Amendment and provided its standard permit Conditions to be included on the planning permit. In further investigating the issues outlined by the submitters, Council officers contacted South East Water to convey the concerns raised.

South East Water advised Council² that the proposed subdivision will be required to be serviced by pressure sewer and discharged into the pressure sewer main along Westernport Road, thereby bypassing the existing gravity system which services Tresize Court and therefore creating no extra load within Tresize Court.

Council's Drainage Engineers confirmed that there is a high point at the Intersection of Tresize Court and Thom Road and that the existing stormwater drainage system servicing the existing portion of Thom Road and all of Tresize Court flow eastward to the Little Lang Lang River. The new stormwater drainage system proposed to service the extension of Thom Road will flow northward to the Lang Lang River and the associated floodplain and will have no impact on the existing drainage system.

(iii) Discussion and conclusion

Given it has been determined that the proposed subdivision will not create any addition load to the existing sewerage system which services Tresize Court, any current issue is not relevant to this proposal. Any defect in the sewerage system should be rectified as soon as practicable, but this is not a matter for this process.

The land does not drain through Tresize Court and permit Conditions will address drainage design.

The Panel concludes:

- The proposal will not exacerbate any existing issues with sewers or drains.

² By email on 31 May 2022

3.3 Increase in noise, dust, litter and an overall disturbance to residents

(i) The issue

Submitters raised concerns in relation to the proposed development causing an increase in noise, dust, litter and an overall disturbance to residents of Tresize Court.

Submitters specifically stated that 24/7 traffic and construction will disturb livelihoods, impacting on sleep and the quietness of the court.

(ii) Submissions

Council submitted:

- The applicant must submit a Construction Environment Management Plan (CEMP) before beginning works on the site in accordance with a proposed condition. The CEMP must address all environmental risks.
- Council officers propose to insert an additional condition requiring the applicant to also submit a Construction Management Plan (CMP) before beginning of works.
- The CEMP and CMP will be assessed and approved by Council's Development Engineers in liaison with other relevant Council Officers (including Traffic Engineers and Environment Officers) before works begin.

(iii) Discussion and conclusion

The Panel considers that the proposed conditions will adequately manage amenity impacts from construction. These issues are not so severe as to render the land undevelopable despite being identified for development in the planning policy.

The Panel concludes:

- Permit conditions will adequately manage construction impacts.

3.4 Proposed pedestrian path

(i) The issue

Several submitters stated that they were opposed to the proposed pedestrian path as it will cause noise and disturbance to their properties.

(ii) Submissions

Council submitted that The Urban Design Guidelines for Victoria (a reference document at Clauses 11 (Settlement) and 15 (Built Environment and Heritage) of the Planning Policy Framework state:

Convenient, safe and comfortable pedestrian and bicycle paths are a valuable part of the movement network, and act as more than just thoroughfares. Footpaths are multi-use environments where people socialise, conduct business and observe the world around them as well as travel from one place to another on foot. Pedestrian and bicycle paths are also very important in enabling people to be physically active.

Objectives specifically relevant to this proposal are:

The township strategy also makes note on page 30 that:

... there appears to be an ad hoc pedestrian and bicycle system with key links missing between the town centre, residential estates and key public facilities.

It is also one of the key strategic objectives of the strategy to:

... provide a safe, functional and interconnected transportation network (pedestrian, cyclists and equestrian)" (page 10).

(iii) Discussion and conclusion

There is currently a missing pedestrian path from the existing portion of Thom Road to Westernport Road, and the Panel agrees with Council that a net community benefit would be derived from the additional path that is proposed to be provided within the existing residential subdivision.

It is good planning practice to require the construction of missing pedestrian links wherever possible, but as discussed in the next Chapter there are broader network issues that go beyond the lack of this footpath.

The Panel concludes:

- It is appropriate to construct a pedestrian footpath in Tresize Court.

4 Issues with the design and layout

4.1 Bushfire

(i) The issue

Does the subdivision meet bushfire requirements and what permit conditions should be applied?

(ii) Submissions

The Amendment is not in an area of unacceptable bushfire risk.

For the purpose of the Amendment and as required by Clause 13.02-15 (Bushfire Planning) of the Cardinia Planning Scheme, a bushfire risk assessment has been undertaken by XWB Consulting. The bushfire risk assessment concluded that the bushfire risk to the land is from surrounding grassland to the north and east and some scrub within the railway reserve to the west.

A Bushfire Attack Level of BAL-12.5 can be achieved for the proposed lots in the subdivision subject to appropriate mitigation measures including building envelopes and requirements to manage vegetation within a defendable space. Council submitted these need to be implemented through restrictions of the plan of subdivision and section 173 Agreements to be registered on each title.

At the local scale, CFA generally supported the description within the Bushfire Risk Assessment in that there is grassland vegetation at the north, east and west aspect. Scrub vegetation is located along the rail line to the west of the subject land and within the Lang Lang River running along the northern boundary of the subject land. The township of Lang Lang to the south and southwest is considered low threat.

Figure 5 Bushfire context



CFA generally supported the findings of the Bushfire Risk Assessment in that the proposal can provide a high level of compliance with bushfire policy as follows:

The site is located within a Landscape Type 1 area, where development should be encouraged and be able to be mitigated to an acceptable level.

There is an existing road network that is well established and can provide access to the township of Lang Lang.

Development can be setback from identified hazard vegetation for the purposes of defendable space to ensure exposure of no greater than 12.5kW/m² as follows:

- 33 metres from the woodland vegetation to the north.
- 19 metres from the grassland vegetation to the east.
- 27 metres from the scrub vegetation to the west.

Requirements for vegetation to be managed to a low threat state within areas identified for the purposes of defendable space to the following standard:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 2 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Permit Conditions

In terms of implementation of the bushfire protection measures, the CFA deferred to Council to determine the most appropriate way to ensure the required bushfire protection measures can be implemented. In this case, Council identified the use of the planning permit conditions as the appropriate mechanism.

Council submitted

- 190 As a result of the permit conditions workshop, it was made clear that the Proponent wants Council to delete all conditions, or parts of conditions, that mention bushfire 'defendable space' and any associated vegetation management requirements.

Clause 13.02-15 requires Council to:

Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by [among other things]:

- Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.
- Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reducing bushfire risk overall.
- Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction.

Council was satisfied these requirements can all be met, subject to conditions on the proposed planning permit.

Council submitted:

- 194 On completion, with the use of building envelope restrictions registered on the new land titles that stipulate minimum distances to the bushfire hazard, the proposed rezoning and subdivision would achieve a BAL-12.5 rating.
- 195 To ensure the bushfire risk to the future residents of the proposed subdivision does not increase to a level higher than BAL-12.5 as a result of their use of the land (point iii), Council requires a Bushfire Management Plan to be approved and then implemented via an agreement under Section 173 of the Planning and Environment Act 1987 and registered on the new land titles.
- 196 If a Bushfire Management Plan is not implemented and vegetation within defendable spaces is not properly managed and is allowed to grow, the Bushfire Attack Level will not be retained at BAL-12.5.
- 197 It is Council's position that, in order to satisfy the requirements of Clause 13.02-1S (Bushfire Planning), Council must require the implementation of a Bushfire Management Plan via a Section 173 Agreement on land titles.

Council did not support the proposed rezoning and subdivision without the exhibited permit conditions relating to bushfire defendable spaces and management of the vegetation within those spaces. Council stated:

If these conditions were deleted from the proposed planning permit, Council officers would be obliged to make a recommendation to Council to abandon the Amendment, or ignore any recommendations to delete these permit Conditions.

(iii) Discussion and conclusion

The Panel understands that the Conditions relating to bushfire defendable space and management of vegetation within those spaces were derived from several interactions with the CFA during the preliminary referral phase of Council's assessment of the proposal.

The requirements outlined by these Conditions have become the standard approach of the CFA and Council at the Planning Scheme Amendment stage, that can be implemented through an overlay schedule or planning permit when land is being rezoned.

The Panel notes that Council has said it would be obliged to abandon the Amendment if the bushfire Conditions were removed.

Bushfire is a significant risk to rural communities. The Panel agrees with Council that if vegetation within defendable spaces is not properly managed and is allowed to grow, the Bushfire Attack Level will not be retained at BAL-12.5.

The Panel concludes:

- The bushfire management conditions in the permit are appropriate.

4.2 Issues and opportunities with the rail corridor

(i) The issue

The rail corridor is an important interface to the site, and the opportunity of a shared path on the reserve in the future has not been adequately addressed.

(ii) Submissions

Planning scheme policy at Clause 21.08-1 (Lang Lang) includes:

Support the construction of a multi-use path along the South Gippsland Railway line to create a linkage between the Lang Lang and Koo Wee Rup townships.

Council submitted:

While the rail line has been inactive since the 1990s it is in fact an open rail line. VicTrack is the owner of the South Gippsland Railway Line and might re-open the line in the future. ...

There was some discussion at the Hearing about the future of the rail reserve in particular its ability to provide a better connection to the town centre.

The Traffic Report observes:

The site has limited, to no access to existing cycling infrastructure. Any existing cycling activity occurs on the road carriageway, with cyclists and vehicles to share this space as required.

In relation to Clause 56.06-1 (Integrated Mobility), the report observes:

The intent is to achieve an urban design that is permeable and compact that encourages walking, cycling and public transport modes, with accessibility to larger activity centres.

The proposed subdivision road network has been designed to allow for integration with neighbouring subdivisions in the future, by providing the extension of Thom Road along a portion of the eastern boundary.

This allows future road connections into Thom Road from the east, noting that the land parcel is land locked to the north (Lang Lang River) and to the west (rail corridor).

... in this case, given the land parcel is locked on the north by the Lang Lang River, the south by existing residential uses, and to the west by the rail corridor, the future development of land to the east must consider pedestrian and cyclist permeability. By locating the extension of Thom Road along a portion of the eastern boundary, the proposed development does not preclude future connections, and is considered acceptable in this instance.

In relation to Clause 56.06-2 (Walking and cycling network objectives) and 56.06-5: 9 (Walking and cycling network detail objectives), the report observes:

The intent is to create subdivisions that encourage walking and cycling within the residential development, and between surrounding neighbourhoods.

The extension of Thom Road through the subject site will provide a footpath on the western side of Thom Road to encourage walking and cycling within the development, to neighbouring subdivisions.

Whilst it is noted that Tresize Court and the existing Thom Road carriageway does not provide footpaths along either side of the carriageway, a footpath is proposed along the western and southern side of the existing section of Thom Road and Tresize Court respectively, which will provide a link to Westernport Road.

The Clause 56 assessment sets out a table that addresses clause 56.06 Access and Mobility Management, it claims among other things:

Commercial and community facilities are located within a walkable distance of the site in the Lang Lang Town Centre. Residents of Lang Lang will also be able to access the proposed open space reserve through the subdivision. The rail corridor to the south is identified as a possible rail trail. The subdivision as proposed will allow for access to the rail trail if it proceeds through the open space reserve.

(iii) Discussion and conclusion

The supplied site context plan shows only the zone and overlay boundaries overlayed on the subdivision proposal. The context plan was not required to show, and does not show:

- direction and distances to local shops and community facilities
- directions and walking distances to public transport routes and stops
- direction and walking distances to existing neighbourhood, major and principal activity centres and major employment areas
- pedestrian, bicycle and shared paths identifying whether their primary role is neighbourhood or regional access.

A better context plan would have identified the interface to the rail reserve and the development parcel to the east of the site. It seems to the Panel that a more fulsome context plan would have prompted a more fulsome assessment of:

- the future of the reserve
- the walking distance to town
- the interface with the railway reserve.

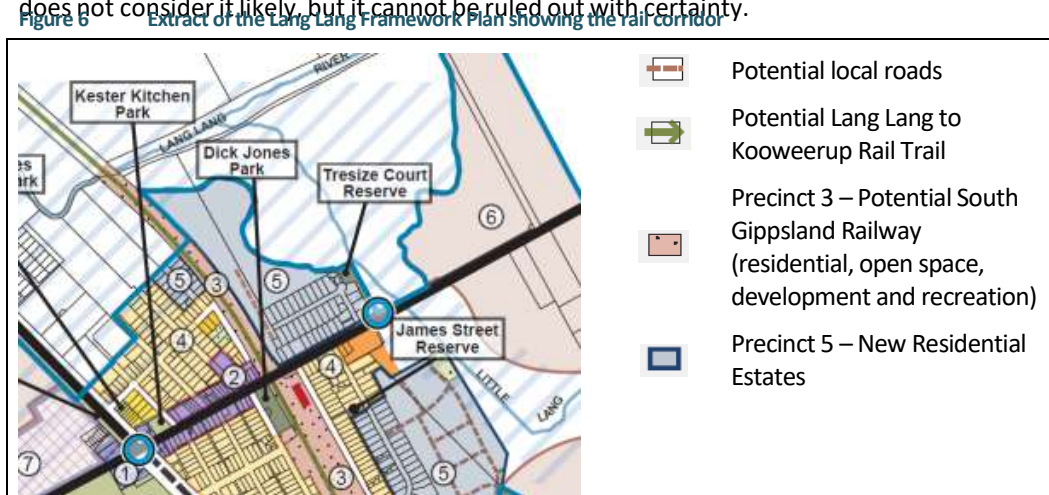
The future of the reserve

The future of the Rail corridor is unknown. The Panel notes the reserve is in the Public Park and Recreation Zone:

- beyond Leongatha
- on the branch line from Nyora to Wonthaggi.

The Lang Lang Framework Plan supports the construction of a multi-use path along the reserve.

Planning strategies and plans³ show a rail extension to Clyde but there are no strategies extending the rail beyond that, though there are some local campaigns for an extension, notably to Kooweerup which is closer to Melbourne than Lang Lang. The extension to Lang Lang or beyond would be expensive but serve only a relatively small population. The Panel does not consider it likely, but it cannot be ruled out with certainty.



³ Network development plan, PTV, 2012, and relevant Precinct Structure Plans.

The future of the rail corridor could be:

- a reopened railway
- open space
- residential or commercial development
- a combination of the above.

Walking distance to town

A path on the rail corridor would dramatically improve pedestrian access to the centre of town for residents of the land.

The land is relatively close to the centre of Lang Lang but is poorly connected by the road network and lacks a direct connection to the town centre. Because there is no access across the railway reserve there is an additional journey distance of 500 metres to get to the town centre: 800 metres as proposed against 300 metres if there were a path along the railway reserve. The lack of a connection would add about 1 kilometre to a round trip to the shops. The Panel considers this should have been more clearly identified in background information.

The interface with the railway

If the future of the rail reserve is open space, as sought by policy, then the development should run its roadway along the edge of the open space to avoid houses backing on to the open space. Houses backing onto the open space and not supported by Standard C10 of Clause 56:

Standard C10

Subdivision should increase visibility and surveillance by:

- ...
- Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space boundaries.
- Providing roads and streets along public open space boundaries.

Houses backing onto the open space may also limit the development of the open space given how it might need to be maintained to deliver defensible space under bushfire considerations.

Fronting the houses on to the rail reserve is not inconsistent with the reopening of the rail if this were to happen. There is government policy and practice of avoiding new level crossings and given the railway is closed it is unclear that it would re-open if this meant reintroducing a level crossing.

The Panel is aware of shared paths that have been constructed in rail reserves and even if the rail were to return this would not rule out the prospect of a shared path. The Panel notes that the width of the upfield rail line in Brunswick which includes a shared path is about 14 metres which is considerably narrower than the reserve at this point which is about 50 metres and so a shared path would appear possible.

The reintroduction of train services would be a relatively expensive capital project and one might expect that associated pedestrian improvement would be part of the works. The poor street network would limit pedestrian access to any re-established station and so any reintroduction of the rail might realistically address this with a shared path along the rail corridor.

It would seem clear that the best layout in terms of integration with the rail reserve is to front houses onto the reserve as this provides an appropriate interface under all development scenarios.

(iv) Conclusion and recommendation

The Panel concludes:

The subdivision should adopt a design that can meet policy if the rail corridor is converted to open space. This means lots should front the rail reserve.

The subdivision should support a shared use trail (at least along the eastern side of the rail corridor which is deliverable under all future scenarios for the rail reserve) to avoid adding an extra kilometre to round trips to the town centre.

The Panel understands that a redesign of the subdivision may create difficulties in meeting defensible space requirements in relation to bushfire management. The current layout allows for further road connections to the east and this would also need to be addressed.

The Panel recommends:

- 1. The subdivision layout be revised to put the road on the west side with links reserved through to developable land to the east and appropriate defensible space arrangement on the adjoining land.**

4.3 Alternative road access

Council received additional comments from some submitters requesting that vehicle access from Tresize Court to Thom Road be blocked off and an alternative road access be provided to the proposed subdivision across the South Gippsland railway line from Nellie Street

Council submitted that providing road access through to Nellie Street would cause environmental impacts and a significant amount of civil construction, and the associated costs may render the project unviable. Such a change would also require re-exhibition of the Amendment.

The Panel agrees with Council about the difficulties of achieving such a connection and noting that the site does not have legal access across the rail reserve.

4.4 Creation of reserves will increase crime

Concerns were raised regarding the creation of the reserves, in particular, developing an area that is secluded and not policed causing an increase in crime, destruction of property and unsociable behaviour

Council drew the Panel's attention to the following passage from the township strategy:

Passive and active recreational opportunities are seen by the Lang Lang community as a high priority as they provide local residents with the opportunity to participate in a variety of different recreational, sporting and cultural activities and help to create social cohesion and wellbeing" (page 36).

The Panel considers the reserves to be well located and an appropriate response to site conditions and the need to provide recreation facilities. Bringing additional people and housing into the area will naturally provide overlooking and passive surveillance of the proposed reserves.

The Panel concludes:

- The proposed reserves will be a public asset and will not of themselves increase crime.

5 Planning permit T190728

5.1 Introduction

Clause 71.02-3 of the Planning Scheme requires a responsible authority considering a permit application to take an integrated approach, and to balance competing objectives in favour of net community benefit and sustainable development.

The Panel considers that a permit should be granted. There is nothing to be gained by rezoning the land and delaying a permit to a separate process.

A number of issues need to be addressed in considering the permit Conditions still in dispute.

The Panel recommends:

- 2. Issue planning permit T190728 to subdivide the land into twenty-eight lots, create two Reserves and create restrictions on the plan of subdivision subject to the permit Conditions contained in Appendix B.**

5.2 Conditions in dispute

(i) Retaining lots 21-28 as a superlot

Council proposed to change Condition 1a so that lots 21-28, on the east side of the road backing onto the adjoining farmland, were to be retained as a superlot to be subdivide in a later stage. The Proponent submitted that the lots could be shown in this stage even if it were subdivided later.

The Panel has recommended a redesign of the subdivision, this redesign would not be developable if lots on the east side of the road were not developed immediately. This change should not proceed.

(ii) Construction management

The post-workshop conditions proposed by Council included:

Construction Environmental Management Plan (CEMP)

6. At least 14 days before any works start, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved CEMP. The CEMP must address all environmental risks and include:
 - a. Before works begin, the location and description of tree protection fencing in accordance with Australian Standard AS4970-2009 Protection of Trees on Development Sites must be shown on the Construction Environment Management Plan (CEMP) and endorsed by the Responsible Authority.
 - b. Before works begin, tree protection fencing must be installed in accordance with the CEMP and approved by the Responsible Authority.
 - c. The tree protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority.
 - d. Temporary stormwater management including sedimentation control,
 - e. Provision of pollution and contamination controls including noise and dust,
 - f. Location of stockpiles and stockpile management,
 - g. Location of site office and facilities
 - h. Equipment, materials and goods management.

i. Tree protection zones, trees to be retained and trees to be removed.

Construction Management Plan

7. Before the development starts, a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plan must detail how the development will be managed throughout the process to mitigate offsite amenity impacts to the surrounding area and must not detrimentally affect the amenity of the area, through the:
- a. Transport of materials, goods or commodities to or from the land.
 - b. Inappropriate storage of any works or construction materials.
 - c. Waste disposal.
 - d. Hours of construction activity.
 - e. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.
 - f. Presence of vermin.
 - g. In any other way.

At the Hearing, the Panel requested additional submissions from Council in respect of these conditions to deal with drafting issues raised at the Hearing, specifically any duplication of requirements.

Council's post-Hearing position was that conditions 6 and 7 remain as proposed in Council's submissions at the Hearing. In response to some proposed alternative word the Proponent advised Council:

... retain Condition 6. This is a fairly standard Council condition. Most of Condition 7 is covered by this, so delete Condition 7. Add the following points to Condition 6 (from condition 7)

- How the development will be managed throughout the construction process to mitigate environmental and amenity impacts.
- Arrangements for construction vehicle access to the site.
- Hours of operation for construction activity.

The Panel agrees with the Proponent. The permit would be clearer if these conditions were combined. If there is a desire to impose a general amenity condition relating to the issues covered in condition 7 these can addressed directly with a condition along the lines:

The development must not detrimentally affect the amenity of the area, through the:

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

Such a condition was not part of the exhibited permit.

(iii) Envelopes and character

Council and the Proponent did not agree on wording of Condition 1d and 11a.

In Condition 1d the Council seeks:

- d. Building envelopes in accordance with the *Lang Lang Township Strategy 2009* and bushfire defendable space requirements as approved under Conditions 2 and 11 of this permit.

The Proponent's preferred wording of Condition 1d was:

Building envelopes in accordance with bushfire separation distances in Condition 11 of this permit.

The differences for Condition 11a are:

- 11a Before a plan of subdivision is certified for each stage of the subdivision, a restriction must be included on the plan of subdivision which states that dwellings and associated outbuildings must be located inside of the prescribed building envelope, unless with the prior written consent of the Responsible Authority. The building envelopes must be designed to consider the provision of solar access and any other requirements provided on the plans endorsed to the permit as relevant, and must show:

Council	Proponent
i. At least a 7-metre building setback from the primary frontage to all lots (note: the first 2 metres of the front boundary building setbacks of lots 1-13 is a bushfire defendable space setback).	At least a 7 metre building setback from the primary frontage to all lots.
ii. At least a 5 metre building setback from the western side boundary of proposed lot 20 (Note: this setback is also the bushfire defendable space setback).	At least a 5 metre building setback from the western side boundary of proposed lot 20.
iii. At least a 2.5 metre building setback from a side boundary of all lots except the western side boundary of proposed lot 20.	At least a 1.25 metre building setback from a side boundary of all lots except the western boundary of proposed lot 20.
iv. At least a 2.5 metre building setback from the rear boundaries of lots adjoining the eastern boundary of the subject land. This distance is subject to the bushfire defendable space setback requirements set out under Condition 13 5 and may be required to be increased.	At least a 2.5 metre building setback from the rear boundaries of lots adjoining the eastern boundary of the subject land.
v. At least a 5 metre building setback from the rear boundary of lots adjoining the western boundary of the subject land (Note: this setback is also the bushfire defendable space setback).	At least a 5 metre building setback from the rear boundary of lots adjoining the western boundary of the subject site.

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

Submissions

The Proponent had concerns with the building envelopes. It said that the building envelopes should be consistent with recent multi lot subdivisions within the Lang Lang Township which have allowed for a 1.25 metre side setback.

Council submitted that township strategy is an Incorporated document in the Cardinia Planning Scheme and seeks a minimum 2.5 metre side setbacks for this precinct. The strategy makes specific note at page 13 that:

It is important that any future residential development or subdivision of land in Lang Lang occurs in a controlled manner that takes into account the existing township character,

amenity and landscape features of the areas, without placing additional impact or altering the environment, landscape setting and character of the township”.

Submitters made it clear that they are concerned that they believe the character of the area will be compromised, Council said that a 2.5 metre side setback will play a large role in maintaining township character.

Discussion

The Panel agrees with Council on the desirability of maintaining the character of Lang Lang. The township has a role to play in delivering a different housing experience to that found in growth areas. Overall efficiency of land use is determined by the number of lots, which would not be increased by narrower setbacks and so efficient use of land is not a matter of debate in these conditions. The increased side setback will help maintain the character of the town in accordance with policy.

The Panel concludes:

- The proposed setbacks for character reasons are appropriate.

(iv) Section 173 redundancy

Condition 21 is proposed to say:

21. Before a Statement of Compliance is issued under the *Subdivision Act 1988* for stage 1, ~~a pedestrian path must be constructed in accordance with the plans and specifications to be approved by Council contained in~~ the requirement of the Section 173 Agreement under the *Planning and Environment Act 1987* that effects the land and was executed prior to Council's Adoption of Amendment C262 of the Cardinia Planning Scheme must be satisfied.

Council said it had included Condition 21 as a safeguard to assist with transparency to ensure that the construction of the footpath and road widening of the bend in Tresize Court that is required by the section 173 Agreement is not inadvertently overlooked prior to the issue of the Statement of Compliance of the first stage of the subdivision.

The Proponent held concerns over the inclusion of this condition on the basis it was redundant.

While Condition 21 might not strictly be need, as the works will be covered by a section 173 agreement including the condition will ensure the presence of the agreement is drawn to the attention of the relevant Council officers at the time of issuing a Statement of Compliance

(v) Building restrictions

The Proponent's preference is that Condition 11b should be deleted in its entirety. It reads:

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

The Panel considers that including bin location as a restriction on a plan of subdivision is 'overkill'. Appropriate bin location should be communicated directly to residents.

Appendix A Document list

No.	Date	Description	Provided by
1	3 Oct 2022	Plan showing submitter location	Council
2	18 Oct 2022	Post exhibition permit condition changes	Council
3	28 Oct 2022	Council submission	Council
4	28 Oct 2022	Proponent submission	Proponent
5	2 Nov 2022	CFA submission	CFA
6	7 Nov 2022	Council email regarding Construction Management Plan	Council
7	8 Nov 2022	Turning templates for Tresize Court	Council
8	8 Nov 2022	Further submissions of construction management conditions	Council

Appendix B Panel preferred version of the Permit Conditions

11 Thom Road, Lang Lang

Lot 11, PS548063T

Staged Subdivision of Land and Creation of Restrictions

Permit No.: T190728

Key:

This shows the track changes presented in Document 2 with additional Panel recommendations highlighted in yellow.

Conditions requiring review as a result of the Panel's recommendation to relocate the road (or from renumbering) are highlighted in blue

Conditions 1-64 inclusive

Subdivision Masterplan

1. Before the plan of subdivision for the first stage is certified, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. The proposed road moved to the western boundary of the site (subject to a suitable transition) so that dwellings face the rail reserve.
 - ab. The stages of the subdivision showing lots 21-28 to be retained in a Superlot to later be subdivided under stage 2.
 - bc. Road reserve and road pavement widths, location of vehicle crossovers to each lot and a pedestrian path with a minimum 1.5 metre width on the western side of the proposed north-south road.
 - cd. A pedestrian path with a minimum 1.5 metre width in accordance with the Agreement under Section 173 of the *Planning and Environment Act 1987* that effects the land and was executed prior to Council's Adoption of Amendment C262card to the Cardinia Planning Scheme, along:
 - i. The western side of the existing section of Thom Road.
 - ii. The southern side of the existing section of Tresize Court.
 - de. Building envelopes in accordance with the *Lang Lang Township Strategy 2009* and bushfire defendable space requirements as approved under Conditions 23 and 113 of this permit.
 - ef. Bin collection locations on the north-south portion of Thom Road for lots 19, 20, 27 and 28 to ensure waste vehicles can collect bins without reversing.

Environmental Site Assessment

- ~~1. Before the plan of subdivision for each stage of the subdivision is certified under the Subdivision Act 1988, an Environmental Site Assessment Report must be submitted to and~~

~~approved by the Responsible Authority. The report must be prepared by a suitably qualified environmental professional to the satisfaction of the Responsible Authority and at the expense of the owner/permit holder. The report must include:~~

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

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

Bushfire Management Plan

2. Before certification of the plan of subdivision for each stage, a Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. The plan must show the following information, unless otherwise agreed in writing by the CFA and the Responsible Authority:
 - Bushfire defendable space setbacks as follows:
 - i A 2 metre bushfire defendable space setback from the front boundary of lots 1-13.
 - ii A 5 metre bushfire defendable space setback from the western boundary of lots within Stage 1.
 - iii A bushfire defendable space setback from the eastern boundary of lots within Stage 2 in accordance with Condition 13.
 - The design and layout of the subdivision, including;
 - i lot layout.
 - ii road design.
 - iii pedestrian and vehicular access points.
 - iv building setbacks for each lot in accordance with the building envelope plan.
 - The location of nearby hazards within 150 metres of the subdivision boundary.
 - The location of any bushfire hazards that will be retained or created on the land within the subdivision.
 - The location of any areas of vegetation within the subdivision not located on private land that will be managed to a low threat Condition, including the reserves.
 - The minimum setback distance of any development from the bushfire hazard for defendable space purposes where vegetation will be managed.
 - Notations of vegetation management standards and when vegetation management will occur i.e. annually, quarterly, during the fire danger period.
 - Vegetation must be managed within any area of defendable space to the following standard:
 - i Grass must be short cropped and maintained during the declared fire danger period.
 - ii All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - iii Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - iv Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
 - v Shrubs must not be located under the canopy of trees.
 - vi Individual and clumps of shrubs must not exceed 5 square metres in area and must

- be separated by at least 5 metres.
 - vii Trees must not overhang or touch any elements of buildings.
 - viii The canopy of trees must be separated by at least 5 metres.
 - ix There must be a clearance of at least 2 metres between the lowest tree branches and ground level.
- Details of any other bushfire protection measures that are to be adopted at the site.
- Nominate that any building on a new lot will be required to be designed and constructed to a minimum standard of Bushfire Attack Level (BAL) 12.5.

Integrated Land Management Plan

3. Before the plan of subdivision for the first stage of the subdivision is certified, an Integrated Land Management Plan must be submitted to and approved by the Responsible Authority for the 'Reserve 1' and 'Reserve 2' area that will be vested to council. The Integrated Land Management Plan must be prepared by a suitably qualified professional, to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Integrated Land Management Plan must be in accordance with Council's Landscape Developer Guidelines and include the following to the satisfaction of the Responsible Authority:
 - a. A site plan drawn to scale with boundaries, vegetation zones and scattered trees, Lang Lang River including the high water mark, wetlands, Aboriginal place Thom Road AS1 (8021-0437 [VAHR]), and any other assets provided in an approved electronic format (PDF and CAD).
 - b. Location of Water Sensitive Urban Design elements and any other relevant actions that will ensure the retention and treatment of stormwater to prevent impacts to water quality in Lang Lang River.
 - c. Relevant information from the approved Aboriginal Cultural Heritage Management Plan Number: 15815 by Jem Archaeology (31/01/2019), specifically for the Thom Road AS1 (8021-0437 [VAHR]) area of significance.
 - d. Relevant information from the Biodiversity Assessment, 11 Thom Road, Lang Lang October 2018 by Mark Shepherd Ecological Consulting including native flora and fauna lists, habitat elements, identified threats, trees to be retained, tree protection zones, and any other information that will be useful for reserve management.
 - e. Control of noxious weeds listed in the Biodiversity Assessment including:
 - i. weed control methods and timing to remove all existing noxious weeds to a maximum 1 per cent cover.
 - f. Revegetation of indigenous plants to restore vegetation in the subject property within 30 metres of the top of bank of Lang Lang River.
 - i. List of indigenous plant species and densities suitable for revegetation of the understory.
 - ii. Planting densities to be calculated in accordance with Native vegetation revegetation planting standards (Department of Sustainability and Environment, 2006).
 - iii. Any proposed plantings must be indigenous plants of local provenance.
 - iv. No planting of cultivars or environmental weeds as listed in schedule 1 to the Environmental Significance Overlay.
 - g. Any paths must not be located within tree protection zones or canopies of existing trees unless agreed.
 - h. Signs must be installed at all entrances that include the reserve name and regulatory signage. Additional signage may be required depending on the size and shape of the

reserve.

- i. Fuel breaks around the perimeter of all reserves where they back onto residential properties. Firebreaks are not required where a road separates houses from the reserve. The firebreak must be maintained to a standard sufficient for mowing.

Landscape Masterplan

4. Before the plan of subdivision for the first stage of the subdivision is certified under the *Subdivision Act 1988*, a Landscape Masterplan for the entire estate to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format (PDF and CAD). The plan must show and include:
 - a. How the proposed development is responsive to the Cardinia Shire Council Developer Landscape Guidelines, including the Landscape Masterplan checklist (as amended from time to time).
 - b. Key themes, landscape principles and character that will define the subdivision.
 - c. The type of species to be used for street tree planting in various stages of the subdivision, considering existing species of neighbouring developments.
 - d. Street trees and trees within the drainage corridor and creek reserve are to be indigenous species selected from Council's tree planting palette.
 - e. All plant species within the protected vegetation area must be indigenous species.
 - f. Locations of substations.
 - g. Bin collection locations on the north-south portion of Thom Road for lots 19, 20, 27 and 28 to ensure waste vehicles can collect bins without reversing.
 - h. Entrance treatments.
 - i. Locations of any protected trees or patches of protected native vegetation to be retained.
 - j. The tree protection zone for each protected tree must be clearly shown on the site plan.
 - k. Location of any waterway or waterbody on or adjoining the land.
 - l. The principles and graphical concepts of the proposed treatment of the open space and drainage reserves, ~~and~~
 - m. How any landscape requirements or guidelines of the Lang Lang Township Strategy are proposed to be implemented.
 - n. Proposed pathway locations.
 - o. The principles and graphical concepts of the treatment of the open space reserves, ~~including the gas pipeline easement. All landscaping within the gas easement is to be to the satisfaction of APA Group.~~

Functional Layout Plan

5. Before the submission and approval of detailed design construction plans (engineering plans) and the certification of the relevant plan of subdivision for each stage, a Functional Layout Plan for the subdivision or stage of subdivision, generally in accordance with the standards nominated in the Cardinia Shire Council "Guidelines for the Development & Subdivision of Land", "Development Construction Specification" and the Water Sensitive Urban Design (WSUD) Guidelines, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the Functional Layout Plan will be endorsed and will then form part of the permit. Three copies of the Functional Layout

Plan must be drawn to a scale of 1:500 to acceptable drafting standards and an electronic copy (pdf) must be provided. The functional layout plan must show:

- a. A fully dimensioned subdivision layout, including proposed street names, approximate lot areas, lot numbers and widths of street reservations.
- b. Topography and existing features, including contours for the subject land and any affected adjacent land.
- c. Identification by survey of all trees (or group of trees) existing on the subject land, including dead trees and those that overhang the subject land from adjoining land.
- d. Details of tree protection zones (TPZs) for all trees to be retained on the subject land.
- e. All trees proposed for removal from the subject land clearly designated.
- f. Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements identified in the Development Plan.
- g. Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls.
- h. The proposed minor drainage network and any spatial features requiring access.
- i. The major drainage system, including any watercourse, lake, wetland, sediment pond rain gardens, bio-infiltration system and/or piped elements showing preliminary sizing.
- j. Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed north-west along Thom Road to the Lang Lang River to its destination.
- k. Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for the construction and maintenance.
- l. A table of offsets for all utility services and street trees.
- m. Preliminary location of reserves for electrical kiosks. **and**
- n. Traffic management plan showing sufficient notional (unmarked) on-street car parking spaces, at the rate of one space per lot, traffic control devices and large vehicle turning overlays.
- o. The relationship between the subject subdivision stage and surrounding land.
- p. Proposed linkages to future streets, open space, regional path network and upstream drainage.
- q. Works external to the subdivision, including both interim and ultimate access requirements.
- r. Intersections with Category 1 roads showing interim and ultimate treatments.
- s. Drainage and sewerage outfalls including any easements required over other property.
- t. Adequate access and turning circles for Councils waste Vehicles for Austroads 8.8 metre Service ~~Vehicle~~.
- u. Bin collection locations on the north-south portion of Thom Road for lots **19, 20, 27 and 28** to ensure waste vehicles can collect bins without reversing.

Waste Management Plan

- ~~1. Prior to certification, a Waste Management Plan prepared by a person suitably qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be prepared utilising Council's template but updated to show:~~
 - ~~a. Maps of sufficient size (to scale 1:100 and/or 1:200) showing:~~
 - ~~i. Adequate access and turning circles for Councils waste Vehicles for Aus Roads 8.8 Service vehicle;~~

- ~~i. Location, type, size and number of dwellings proposed at the site, including the number of bedrooms within each dwelling;~~
- ~~i. Location of waste and recycling for storage and collection (specifying number and size of bins);~~
- ~~i. Collection hazards on street, e.g. traffic slow point device, or nearby intersections;~~
- ~~i. Gradients of the development and/or street;~~
- ~~i. Sight distance requirements;~~
- ~~i. Existing or proposed parking bays (both within property and/or on street);~~
- ~~i. Existing or proposed parking signage (both within property and/or on street);~~
- ~~i. Any other existing or proposed feature(s) or hazard(s) that has or will have the potential to affect waste & recycling collections in any way, whether within the property, on the nature strip or the roadway;~~
- ~~i. Designated hard waste collection area.~~

Construction Environmental Management Plan (CEMP)

6. At least 14 days before any works start, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved CEMP. The CEMP must address all environmental risks and include:
 - a. Before works begin, the location and description of tree protection fencing in accordance with Australian Standard AS4970-2009 Protection of Trees on Development Sites must be shown on the Construction Environment Management Plan (CEMP) and endorsed by the Responsible Authority.
 - b. Before works begin, tree protection fencing must be installed in accordance with the CEMP and approved by the Responsible Authority.
 - c. The tree protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority.
 - d. Temporary stormwater management including sedimentation control.
 - e. Provision of pollution and contamination controls including noise and dust.
 - f. Location of stockpiles and stockpile management.
 - g. Location of site office and facilities.
 - h. Equipment, materials and goods management.
 - i. Tree protection zones, trees to be retained and trees to be removed.
 - j. How the development will be managed throughout the construction process to mitigate environmental and amenity impacts.
 - k. Arrangements for construction vehicle access to the site.
 - l. Hours of operation for construction activity.

Construction Management Plan

- ~~7. Before the development starts, a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plan must detail how the development will be managed throughout the process to mitigate offsite amenity impacts to the surrounding area and must not detrimentally affect the amenity of the area, through the:~~
 - ~~a. Transport of materials, goods or commodities to or from the land.~~
 - ~~b. Inappropriate storage of any works or construction materials.~~
 - ~~c. Waste disposal.~~

- d. ~~Hours of construction activity.~~
- e. ~~Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.~~
- f. ~~Presence of vermin.~~
- g. ~~In any other way.~~

Secondary Consents

8. The plans and documents endorsed to form part of this permit must not be altered or modified without the prior written consent of the Responsible Authority.
9. The subdivision of the land must proceed in the order of stages shown on the endorsed plans except with the prior written consent of the responsible authority.

Section 173 Agreements

10. Before the issue of a statement of compliance for each stage of the subdivision under the *Subdivision Act 1988* the owner must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must:
 - Incorporate the Bushfire Management Plan prepared in accordance with Condition 23 of this permit and approved by the Responsible Authority.
 - State that if any dwelling is constructed on the land the bushfire protection measures set out in the Bushfire Management Plan incorporated into the agreement must be implemented and maintained to the satisfaction of the Responsible Authority on a continuing basis.

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

Prior to Certification

11. ~~Before a plan of subdivision is~~ Prior to certification ~~of for~~ each stage of the ~~plan of~~ subdivision under the *Subdivision Act 1988*, ~~the plan~~ must include ~~a separate sheet for the purpose of~~ a creation of restrictions, ~~on a separate sheet~~ showing the building envelopes in accordance with the plans endorsed under Condition 1 ~~plan and the requirements of Conditions 2 and 11a~~ 24, ~~and the locations of waste bin collection points for lots 19, 20, 27 and 28 in accordance with the Functional Layout Plan endorsed under Condition 5u and 11b~~ 12.
 - a. Before a plan of subdivision is certified for each stage of the subdivision, a restriction must be included on the plan of subdivision which states that dwellings and associated outbuildings must be located inside of the prescribed building envelope, unless with the prior written consent of the Responsible Authority. The building envelopes must be designed to consider the provision of solar access and any other requirements provided on the plans endorsed to the permit as relevant, and must show:
 - i. At least a 7-metre building setback from the primary frontage to all lots (note: the first 2 metres of the front boundary building setbacks of lots 1-13 is a bushfire defendable space setback).
 - ii. At least a 5 metre building setback from the western side boundary of proposed lot 20 (Note: this setback is also the bushfire defendable space setback).
 - iii. At least a 2.5 metre building setback from a side boundary of all lots except the western side boundary of proposed lot 20.
 - iv. At least a 2.5 metre building setback from the rear boundaries of lots adjoining the eastern boundary of the subject land. This distance is subject to the bushfire defendable space setback requirements set out under Condition 13 ~~5~~ and may be

required to be increased.

- v. At least a 5 metre building setback from the rear boundary of lots adjoining the western boundary of the subject land (Note: this setback is also the bushfire defendable space setback).

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

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

12. Certification of ~~Before~~ Stage 1 of the plan of subdivision ~~is certified~~, must provide for the land shown as 'Reserve 1' and 'Reserve 2' ~~must to~~ be vested in Cardinia Shire Council to the satisfaction of the Responsible Authority.
13. Prior to certification of the Plan of Subdivision ~~for Stage 2~~ one of the following requirements must be satisfied:
 - A 19 metre bushfire defendable space setback provided from the eastern boundary of lots ~~within Stage 2~~. Lots must be reconfigured to ensure each lot can accommodate at least a 10 metre by 15 metre rectangle within the building envelope.
 - The land adjoining the eastern boundary is developed and thereby removing the bushfire hazard
 - The owner of the land adjoining the eastern boundary enters into an agreement with Council under Section 173 of the Planning and Environment Act 1987, registered on the land title, to maintain a firebreak to CFA standards and the satisfaction of the Responsible Authority.
 - Other measure to achieve a BAL 12.5 construction standard to the satisfaction of the Country Fire Authority and the Responsible Authority.
14. Before each stage of the plan of subdivision is certified, the street names proposed for the subdivision must be submitted to and approved by the Responsible Authority.
15. All existing and proposed easements and sites for existing or required utility services and roads on the subject land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
16. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authorities in accordance with Section 8 of that Act.

Prior to Statement of Compliance

- ~~1. Before the issue of a Statement of Compliance under the Subdivision Act 1988 for each stage of the subdivision under the Subdivision Act 1988, any recommended remediation measures identified by the Environmental Site Assessment endorsed under Condition 2 of this permit must be implemented to the satisfaction of the Responsible Authority.~~
17. Before the Statement of Compliance is issued, outfall drainage for the subdivision must be designed and constructed to a satisfactory point of discharge in accordance with plans and specifications approved by the Responsible Authority.
18. Before the Statement of Compliance is issued under the *Subdivision Act 1988*, appropriate driveway access and drainage connection points must be provided to all lots.
19. Before the Statement of Compliance is issued under the *Subdivision Act 1988*, all road and drainage infrastructure must be designed and constructed in accordance with plans and

- specifications approved by the Responsible Authority. The works must comply with the standards nominated in the Cardinia Shire Council "Guidelines for the Development & Subdivision of Land", "Development Construction Specification" and the "Water Sensitive Urban Design (WSUD) Guidelines".
20. Before a Statement of Compliance is issued under the *Subdivision Act 1988*, all services, including drainage and/or sewerage, servicing any existing dwelling or building on the lot(s), must be relocated (if required) to the satisfaction of the Responsible Authority, to ensure that they do not cross the boundaries between the proposed lots.
 21. Before a Statement of Compliance is issued under the *Subdivision Act 1988* for stage 1, ~~a pedestrian path must be constructed in accordance with the plans and specifications to be approved by Council contained in the requirement of~~ the Section 173 Agreement under the *Planning and Environment Act 1987* that effects the land and was executed prior to Council's Adoption of Amendment C262~~card~~ of the Cardinia Planning Scheme ~~must be satisfied~~.
 22. Before a Statement of Compliance is issued under the *Subdivision Act 1988* the permit holder must:
 - a. Provide survey enhanced "as constructed" GIS data for the drainage, road and footpath information components of the subdivision, in accordance with the current version of D-SPEC and R-SPEC. Council's preferred format for the submission of the graphical data is in "MapInfo Native Format". A secondary format is "MapInfo MID/MIF". Grid Co-ordinates must be MGA zone 55 (GDA 94). Please refer to the A-SPEC website for further information: www.a-specstandards.com.au.
 23. Before a Statement of Compliance is issued for the first stage of subdivision, the works identified by the Integrated Land Management Plan endorsed under Condition 3 must be carried out and completed to the satisfaction of the Responsible Authority.
 24. Prior to statement of compliance being issued for the subdivision, any reserve or land set aside for public open space or any tree reserve or the like must be graded, top dressed and sown to grass in accordance with the endorsed landscape plan.
 25. Before a statement of compliance is issued for each stage of the subdivision, a detailed landscape works plan must be submitted to and approved by the Responsible Authority. The detailed landscape works plan must be prepared by a person suitably qualified or experienced in landscape design to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The detailed landscape works plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format (PDF and CAD). The detailed landscape works plan must be consistent with the endorsed ~~Landscape M~~master-plan and must show and include to the satisfaction of the Responsible Authority:
 - a. How the proposed design responds to the requirements of the Cardinia Shire Council developer landscape guidelines, including checklist 2 (as amended from time to time). http://www.cardinia.vic.gov.au/landscaping_guidelines.
 - b. New plantings, including their layout to be provided in any road reserves and municipal reserves.
 - c. A detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant. The plant schedule must be consistent with adjoining sites where roads are continued through.
 - d. The proposed road reservation widths and the treatment of interfaces with surrounding road reserves, including areas within the road reserves set aside for the retention of

- existing vegetation.
- e. The removal of existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds.
 - ~~f. The implementation of any landscape principles and guidelines contained in any relevant Precinct Structure Plan.~~
 - g. The public open space area to be provided within the development, including the embellishment works within the public open space.
 - h. All pathway locations, including linking pathways to neighbouring estates, within the drainage buffer, reserve and other relevant reserves.
 - i. Vehicle exclusion mechanisms to the satisfaction of the Responsible Authority.
 - j. Bin collection locations on the north-south portion of Thom Road for lots 19, 20, 27 and 28 to ensure waste vehicles can collect bins without reversing.

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

- 26. Lighting of streets and pedestrian/cycle paths must be designed and provided (prior to the issue of a Statement of Compliance for the relevant stage) in accordance with Australian Standard 1158.1 to the satisfaction of the Responsible Authority.
- 27. Before a statement of compliance is issued for each stage of the subdivision, the landscape works shown on the approved detailed landscape plan for that stage must be carried out and completed to the satisfaction of the Responsible Authority or by agreement with the Responsible Authority, bond landscaping works incomplete at the completion of civil works. Payment can be made in the form of a cash bond or bank guarantee. The bond will be released upon satisfactory completion of works. Refer to the Cardinia Shire Council developer landscape guidelines, (as amended from time to time) for bond calculation details. *Please note: At practical completion the outstanding landscape works bond will be released and only a landscape maintenance bond will be retained.*
- 28. Before a statement of compliance is issued for each stage of the subdivision, bonding must be provided to the Responsible Authority to cover all landscaping works for a twenty four (24) month maintenance period. Payment can be made in the form of a cash bond or bank guarantee. Refer to the Cardinia Shire Council developer landscape guidelines, (as amended from time to time) for bond calculation details. A Certificate of Final Completion will be issued by the Responsible Authority and the bond released, less any moneys retained for imperfect works, following the satisfactory completion and satisfactory maintenance of the landscaping for a minimum of 24 months. Final completion will not be granted between 1 November and 31 March.

Engineering Conditions

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

30. 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.
31. Before a certificate of practical completion is issued, "as constructed" digital road and drainage information in AutoCAD format with all Xrefs binded into the drawings and showing any amendments during construction, must be submitted for all civil works where Council is the Responsibility Authority.

Environment Conditions

32. The permit holder must notify Council's Environment Department a minimum of seven (7) days before commencing works associated with the permitted subdivision so that surveillance of the works can be undertaken.
33. The works shown in the endorsed Integrated Land Management Plan must be maintained to the satisfaction of the Responsible Authority for a minimum of two (2) years from the date of practical completion of the works described in the Integrated Land Management Plan.
34. All native vegetation and wetlands that occur in association with the Lang Lang River within the Green Wedge Zone in the northern sector of the site must be protected in Reserve 1.

Landscaping Conditions

35. 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.
36. The permit holder must notify Council's Landscape Development Department a minimum of seven (7) days before commencing street tree planting and landscaping so that surveillance of the works can be undertaken.
37. The landscaping shown on the endorsed landscape plan must be maintained to the satisfaction of the Responsible Authority for a minimum of 24 months from the date of practical completion of the landscaping. All maintenance activities are to be undertaken until a Certificate of Final Completion is issued by the Responsible Authority. During this period:
 - a. any dead, diseased or damaged plants or landscaped areas must be repaired or replaced except for within the final 12 months of the maintenance period whereby trees must not be replaced. In accordance with the Cardinia Shire Council developer landscape guidelines (http://www.cardinia.vic.gov.au/landscaping_guidelines) (as amended from time to time) funds will be retained from the landscape maintenance bond for the works to be undertaken by Council following issuing of final completion; and
 - b. the Responsible Authority may direct maintenance activities to be undertaken.The direction to undertake maintenance activities must be completed within 14 days of the written notification being received from the Responsible Authority.

Cultural Heritage Management Plan (CHMP)

38. All activities carried out on the subject land must comply with the requirements of the approved Cultural Heritage Management Plan 15815 dated the 31 January 2019.
39. The Green Wedge Zone in the northern sector of the site contains the Thom Road AS1 (8021-0437 [VAHR]) Aboriginal site of significance and must not be disturbed.

Reticulated Services

40. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
41. Lots within the subdivision must be provided with reticulated water and sewerage, gas, underground power and telecommunications connections to the satisfaction of the Responsible Authority.

Mandatory Clause 66.01 Conditions

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

Melbourne Water Conditions

44. Prior to the issue of a Statement of Compliance, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
45. Prior to Certification of any stage of this subdivision, ~~Melbourne Water requires that~~ the applicant is required to submit a detailed Drainage and Stormwater Management Strategy for approval to the satisfaction of Melbourne Water and the Responsible Authority, which demonstrates how stormwater runoff from the subdivision will achieve flood protection standards and State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater. The strategy should also include information regarding the future ownership and maintenance requirements of any proposed assets.
46. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.

47. All new lots must be filled to a minimum of 600mm above the 1 in 100 year flood level associated with any existing or proposed Melbourne Water wetland, retarding basin or waterway.
48. Prior to the issue of a Statement of Compliance, a certified survey plan prepared by or under the supervision of a licensed land surveyor, showing levels of the road and lots adjacent to the flood extent, reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the land has been filled in accordance with Melbourne Water's requirements.
49. Prior to the development plans being endorsed and the commencement of works, a detailed landscape plan to scale for the waterway corridor must be submitted to Melbourne Water for approval. The plan must show:
 - a. Top of bank and provision of a visual and physical buffer from the waterway.
 - b. Existing vegetation to be retained and/or removed.
 - c. Details of surface finishes of pathways and/or boardwalks.
 - d. A vegetated buffer of a minimum 30 metres from the bank of the Lang Lang River to the satisfaction of Melbourne Water.
 - e. A planting schedule of all proposed trees, shrubs and ground covers, including: botanical names; common names; pot sizes; life-form; quantities of each plant; planting density (plants per square metre) planting zones/locations (in plan and cross section form in colour).
 - f. A weed management plan, which must include the following information: botanical name of species targeted; location or percentage cover; method of control and timing of control.
 - g. Landscape treatment with specification of products such as mulching and erosion control matting, if required.

Note that planting zones must match with those in the planting schedule and that local indigenous plants should only be used. Weed control information should also be presented in tabular format.
50. Prior to the issue of a Statement of Compliance, engineering plans of the subdivision (in electronic format) are to be forwarded to Melbourne Water for approval.
51. Any vehicular and/or pedestrian access must be designed and constructed to comply with the following safety criteria associated with the applicable flood level.
 - a. Depth of flow does not exceed 0.3m.
 - b. Velocity of flow does not exceed 2.0m/s.
 - c. The Depth Velocity product does not exceed 0.3 m²/s.
52. Prior to the commencement of works, a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for approval. The SEMP must show the location and nature of environmental values identified through site environmental assessments, and includes details of measures to protect or mitigate risk to those values. The SEMP must include a site map detailing the location and design of all measures in relation to significant site values including the following:
 - a. Silt fencing;
 - b. Access tracks;
 - c. Spoil stockpiling;
 - d. Trenching locations;

- e. Machinery/ Plant locations; and
 - f. Exclusion fencing around native vegetation/ habitat.
53. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for approval of any new or modified stormwater connection to Melbourne Water's drains or watercourses, and/or waterway crossing.

VicTrack Conditions

54. The permit holder must, at all times, ensure that the common boundary with railway land is fenced at no cost to VicTrack. Fencing of railway land must be [to the satisfaction of VicTrack including](#) a minimum of 1.8 metres high black chain mesh or paling construction with the orientation of any supporting rails on the railway side to prohibit unauthorised access to the rail corridor.
55. The permit holder must not, at any time:
- a. Allow any drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or
 - b. Store or deposit any waste, soil or other materials on the railway land.

CFA Conditions

56. 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.
57. 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.

South East Water Conditions

58. The owner of the subject land must enter into an agreement with South East Water for the provision of drinking water supply and fulfil all requirements to its satisfaction.
59. The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.
60. Prior to certification, the Plan of Subdivision must be referred to South East Water, in

accordance with Section 8 of the Subdivision Act 1988.

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

Expiry

63. This permit will expire if:

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

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

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this Condition.

Notes

- The starting of the subdivision is regarded by Section 68(3A) of the *Planning and Environment Act 1987* as the certification of a plan, and completion is regarded as the registration of the plan.
- The landscaping works shown on the endorsed landscape master plan/s are to be used to inform the final construction drawings and landscape specifications developed for construction and approved by open space. The landscaping works shown on the approved landscape plan/s must be carried out and completed to the satisfaction of the Responsible Authority.
- Please contact Council's Landscape Development Department in relation to the of the cash bond or bank guarantee amount.
- Practical completion for landscape works will not be granted until 'as constructed' plans are provided in AutoCAD as well as digital landscape information in accordance with the current version of A-SPEC. All graphical information is to be provided in the datum of GDA94 and projection of MGA Zone 55. Refer to A-SPEC website www.a-specstandards.com.au/o-spec for minimum Council requirements. The submitted information is to be to the satisfaction of the Responsible Authority.
- Please contact Council's Open Space Department in relation to the costs of the cash bond or bank guarantee.

AusNet Notes

- It is recommended that at an early date the applicant commences negotiations with AusNet for a supply of electricity in order that supply arrangements can be work out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the Conditions to be issued).
- Arrangements for the supply will be subject to obtaining the agreement of other

Authorities and any landowners affected by routes of the electric power lines required to supply lots and for any tree clearing.

- Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.
- Where the filling material for a development is to be carted in from off site, the permit holder must obtain further written approval from Council's Engineering Department, at least seven days prior to the cartage works commencing.

CFA Notes

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

South East Water Notes

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

Planning and Environment Act 1987

CARDINIA PLANNING SCHEME

AMENDMENT C262card

PLANNING PERMIT APPLICATION T190728

EXPLANATORY REPORT

Who is the planning authority?

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

The amendment has been made at the request of XWB Consulting on behalf of Greg Thom and Denise Gilbert.

Land affected by the amendment

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

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

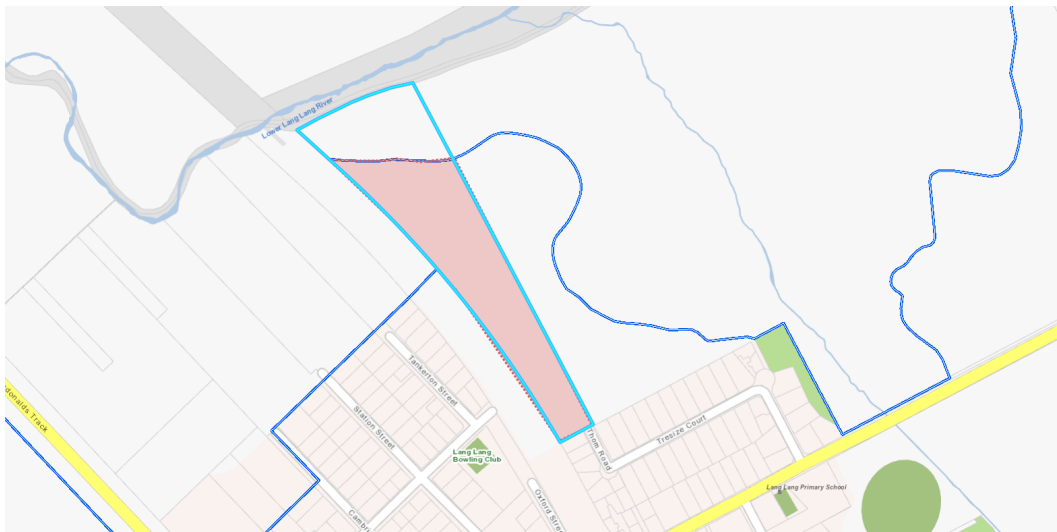


Figure: 1 – 11 Thom Road, Lang Lang
light blue (subject site), red (part affected by amendment) and dark blue (Urban Growth Boundary)

What the amendment does

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

Specifically, the amendment ~~proposes to:~~

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

The planning permit application seeks approval for:

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

Strategic assessment of the Amendment

Why is the amendment required?

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

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

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

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

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

The Amendment meets these objectives by implementing the strategic intent of *Lang Lang Township Strategy (July 2009)* which seeks to balance the interests of existing and future residents. The Amendment responds to environmental and cultural values on the land and seeks to protect these as part of the future development of the land. The Amendment and concurrent Proposed Planning Permit will ensure that new development is integrated into the existing residential area and that provision is made for future road connections to the east to facilitate the orderly development of the adjoining land.

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

Environmental

The amendment is not considered to have any significant negative effects on the environment. A biodiversity assessment of the property has been undertaken by Shepherd Ecological (2020). The assessment concludes that the majority of the site consists of farmland that comprises little native vegetation and is not considered important habitat for any rare or threatened species. The areas of

remnant native vegetation on the property are proposed to be retained and vested to Council within Reserve 1 adjoining the Lang Lang River.

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

Social and Economic

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

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

Does the amendment address relevant bushfire risk?

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

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

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

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

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

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

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

The amendment is consistent with *Ministerial Direction No. 9 – Metropolitan Planning Strategy* which requires a Planning Authority to have regard to the Metropolitan Strategy (*Plan Melbourne 2017-2050*). It is considered the amendment assists in achieving the following directions of *Plan Melbourne*:

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

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

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

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

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

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

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

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

The relevant policies of the PPF include:

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

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

The Amendment ~~will~~ facilitates a well-designed and serviced subdivision. The rezoning and subsequent subdivision represents a logical and orderly expansion of the Lang Lang Township. Specifically, the Amendment and subdivision are consistent with the following relevant local policies:

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

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

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

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

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

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

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

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

Resource and administrative costs

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

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

Where you may inspect this amendment

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

And/or

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

Cardinia Shire Council
20 Siding Avenue
Officer VIC 3809

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

Panel hearing dates

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

- ~~• directions hearing: week commencing Monday, 26 September 2022~~
- ~~• panel hearing: week commencing Monday, 31 October 2022~~



Planning and Environment Act 1987

CARDINIA PLANNING SCHEME

AMENDMENT C262card

INSTRUCTION SHEET

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

The Cardinia Planning Scheme is amended as follows:

Planning Scheme Maps

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

Zoning Maps

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

End of document

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

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

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

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

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

The applicant for the permit is XWB Consulting.

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

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

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

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

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

Luke Connell
Manager Policy, Design & Growth Area Planning

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PROPOSED PLANNING PERMIT

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

Permit No.: T190728

Planning Scheme: Cardinia Planning Scheme

Responsible Authority: Cardinia Shire Council

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

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

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Conditions 1-624 inclusive

Subdivision Masterplan

1. Before the plan of subdivision for the first stage is certified, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. The stages of the subdivision showing lots 21-28 to be retained as ~~in~~ in stage 2 until such time as Condition 12 is satisfied and a new plan for stage 2 is endorsed under this condition. ~~8~~
 - b. Road reserve and road pavement widths, location of vehicle crossovers to each lot and a pedestrian path with a minimum 1.5 metre width on the western side of the proposed north-south road.
 - c. A pedestrian path with a minimum 1.5 metre width in accordance with the Agreement under Section 173 of the *Planning and Environment Act 1987* that effects the land and was executed prior to Council's Adoption of Amendment C262 ~~card~~ to the Cardinia Planning Scheme, along:
 - i. The western side of the existing section of Thom Road.
 - ii. The southern side of the existing section of Tresize Court.

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
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- d. Building envelopes in accordance with the *Lang Lang Township Strategy 2009* and bushfire defensible space requirements as approved under conditions ~~23~~ and ~~1043~~ of this permit.
- e. Bin collection locations on the north-south portion of Thom Road for lots 19, 20, 27 and 28 to ensure waste vehicles can collect bins without reversing.

Environmental Site Assessment

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

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

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

Bushfire Management Plan

~~3.2.~~ Before certification of the plan of subdivision for each stage, a Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. The plan must show the following information, unless otherwise agreed in writing by the CFA and the Responsible Authority:

- Bushfire defensible space setbacks as follows:
 - A 2 metre bushfire defensible space setback from the front boundary of lots 1-13.
 - A 5 metre bushfire defensible space setback from the western boundary of lots within Stage 1.
 - A bushfire defensible space setback from the eastern boundary of lots within Stage 2 in accordance with condition ~~123~~.
- The design and layout of the subdivision, including:
 - lot layout.
 - road design.
 - pedestrian and vehicular access points.

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- building setbacks for each lot in accordance with the building envelope plan.
- The location of nearby hazards within 150m of the subdivision boundary.
- The location of any bushfire hazards that will be retained or created on the land within the subdivision.
- The location of any areas of vegetation within the subdivision not located on private land that will be managed to a low threat condition, including the reserves.
- The minimum setback distance of any development from the bushfire hazard for defensible space purposes where vegetation will be managed.
- Notations of vegetation management standards and when vegetation management will occur i.e. annually, quarterly, during the fire danger period.
- Vegetation must be managed within any area of defensible space to the following standard:
 - Grass must be short cropped and maintained during the declared fire danger period.
 - All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
 - Shrubs must not be located under the canopy of trees.
 - Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.
 - Trees must not overhang or touch any elements of buildings.
 - The canopy of trees must be separated by at least 5 metres.
 - There must be a clearance of at least 2 metres between the lowest tree branches and ground level.
- Details of any other bushfire protection measures that are to be adopted at the site.
- Nominate that any building on a new lot will be required to be designed and constructed to a minimum standard of Bushfire Attack Level (BAL) 12.5.

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

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Integrated Land Management Plan

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

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

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

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

Landscape Masterplan

S4. Before the plan of subdivision for the first stage of the subdivision is certified under the *Subdivision Act 1988*, a Landscape Masterplan for the entire estate to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format (PDF and CAD). The plan must show and include:

- a. How the proposed development is responsive to the Cardinia Shire Council Developer Landscape Guidelines, including the Landscape Masterplan checklist (as amended from time to time).
- b. Key themes, landscape principles and character that will define the subdivision.
- c. The type of species to be used for street tree planting in various stages of the subdivision, considering existing species of neighbouring developments.
- d. Street trees [and trees](#) within the drainage corridor and creek reserve are to be indigenous species selected from Council's tree planting palette.
- e. All plant species within the protected vegetation area must be indigenous species.

f. Locations of substations.

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

g.h. Entrance treatments.

4.i Locations of any protected trees or patches of protected native vegetation to be retained

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

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

4.1 The principles and graphical concepts of the proposed treatment of the open space and drainage reserves; ~~and~~

Date issued:	Date permit comes into operation: (or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	Signature for the responsible authority:
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~~4.m.~~ How any landscape requirements or guidelines of the Lang Lang Township Strategy are proposed to be implemented.

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

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

Functional Layout Plan

~~6.5.~~ Before the submission and approval of detailed design construction plans (engineering plans) and the certification of the relevant plan of subdivision for each stage, a Functional Layout Plan for the subdivision or stage of subdivision, generally in accordance with the standards and processes in the 'Engineering Design and Construction Manual for Subdivision in Growth Areas (EDCM)' dated December 2019 nominated in the Cardinia Shire Council "Guidelines for the Development & Subdivision of Land", "Development Construction Specification" and the Water Sensitive Urban Design (WSUD) Guidelines, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the Functional Layout Plan will be endorsed and will then form part of the permit. Three copies of the Functional Layout Plan must be drawn to a scale of 1:500 to acceptable drafting standards and an electronic copy (pdf) must be provided. The functional layout plan must show:

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

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

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

Waste Management Plan

~~7. Prior to certification, a Waste Management Plan prepared by a person suitably qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be prepared utilising Council's template but updated to show:~~

- a. ~~Maps of sufficient size (to scale 1:100 and/or 1:200) showing:~~
 - i. ~~Adequate access and turning circles for Councils waste Vehicles for Aus Roads 8.8 Service vehicle;~~
 - ii. ~~Location, type, size and number of dwellings proposed at the site, including the number of bedrooms within each dwelling;~~
 - iii. ~~Location of waste and recycling for storage and collection (specifying number and size of bins);~~
 - iv. ~~Collection hazards on street, e.g. traffic slow point device, or nearby intersections;~~

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

Construction Environmental Management Plan (CEMP)

8.6. At least 14 days before any works start, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved CEMP. The CEMP must address all environmental risks and include:

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

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1. Hours of operation for construction activity.

Construction Management Plan

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

~~a. Transport of materials, goods or commodities to or from the land.~~

~~b. Inappropriate storage of any works or construction materials.~~

~~c. Waste disposal.~~

~~d. Hours of construction activity.~~

~~e. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.~~

~~f. Presence of vermin.~~

~~g. In any other way.~~

Secondary Consents

~~9.7.~~ The plans and documents endorsed to form part of this permit must not be altered or modified without the prior written consent of the Responsible Authority.

~~10.8.~~ The subdivision of the land must proceed in the order of stages shown on the endorsed plans except with the prior written consent of the responsible authority.

Section 173 Agreements

~~11.9.~~ Before the issue of a statement of compliance for each stage of the subdivision under the *Subdivision Act 1988* the owner must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must:

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

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

Prior to Certification

~~12.10. Before a plan of subdivision is~~ Prior to certification of for each stage of the ~~plan of~~ subdivision under the *Subdivision Act 1988*, ~~the plan~~ must include ~~a separate sheet for the purpose of a~~ creation of restriction, ~~on a separate sheet~~ showing the building envelopes in accordance with the plans endorsed under condition 1 ~~plan~~ and the requirements of Conditions 2 and 10a24, and the locations of waste bin collection points for lots 19, 20, 27 and 28 in accordance with the Functional Layout Plan endorsed under Condition 5u and 11b:12.

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

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

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

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

~~13.11. Certification of~~ Before Stage 1 of the plan of subdivision is certified, must provide for the land shown as 'Reserve 1' and 'Reserve 2' ~~must to~~ be vested in Cardinia Shire Council to the satisfaction of the Responsible Authority.

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~~44-12.~~ Prior to certification of the Plan of Subdivision for Stage 2 one of the following requirements must be satisfied:

- A 19 metre bushfire defendable space setback provided from the eastern boundary of lots within Stage 2. Lots must be reconfigured to ensure each lot can accommodate at least a 10 metre by 15 metre rectangle within the building envelope.
- The land adjoining the eastern boundary is developed and thereby removing the bushfire hazard
- ~~The owner of the land adjoining the eastern boundary enters into an agreement with Council under Section 173 of the Planning and Environment Act 1987, registered on the land title, to maintain a firebreak to CFA standards and the satisfaction of the Responsible Authority.~~
- Other measure to achieve a BAL 12.5 construction standard to the satisfaction of the Country Fire Authority and the Responsible Authority.

~~45-13.~~ Before each stage of the plan of subdivision is certified, the street names proposed for the subdivision must be submitted to and approved by the Responsible Authority.

~~46-14.~~ All existing and proposed easements and sites for existing or required utility services and roads on the subject land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

~~47-15.~~ The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authorities in accordance with Section 8 of that Act.

Prior to Statement of Compliance

~~18.~~ ~~Before the issue of a Statement of Compliance under the *Subdivision Act 1988* for each stage of the subdivision under the *Subdivision Act 1988*, any recommended remediation measures identified by the Environmental Site Assessment endorsed under Condition 2 of this permit must be implemented to the satisfaction of the Responsible Authority.~~

~~19-16.~~ Before the Statement of Compliance is issued, outfall drainage for the subdivision must be designed and constructed to a satisfactory point of discharge in accordance with plans and specifications approved by the Responsible Authority.

~~20-17.~~ Before the Statement of Compliance is issued under the *Subdivision Act 1988*, appropriate driveway access and drainage connection points must be provided to all lots.

~~24-18.~~ Before the Statement of Compliance is issued under the *Subdivision Act 1988*, all road and drainage infrastructure must be designed and constructed in accordance with plans and specifications approved by the Responsible Authority. The works must comply with the standards nominated in the Cardinia Shire Council "Guidelines for the Development & Subdivision of Land", "Development Construction Specification" and the "Water Sensitive Urban Design (WSUD) Guidelines".

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~~22-19.~~ Before a Statement of Compliance is issued under the *Subdivision Act 1988*, all services, including drainage and/or sewerage, servicing any existing dwelling or building on the lot(s), must be relocated (if required) to the satisfaction of the Responsible Authority, to ensure that they do not cross the boundaries between the proposed lots.

~~23-20.~~ Before a Statement of Compliance is issued under the *Subdivision Act 1988* for stage 1, a pedestrian path and the widening of the inside corner of the right angle bend of Tresize Court must be constructed in accordance with the plans and specifications to be approved by Council as required by contained in works must be completed in accordance with the requirement of the Section 173 Agreement under the *Planning and Environment Act 1987* that effects the land and was executed prior to Council's Adoption of Amendment C262card of the Cardinia Planning Scheme must be satisfied.

~~24-21.~~ Before a Statement of Compliance is issued under the *Subdivision Act 1988* the permit holder must:

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

~~25-22.~~ Before a Statement of Compliance is issued for the first stage of subdivision, the works identified by the Integrated Land Management Plan endorsed under condition 3 must be carried out and completed to the satisfaction of the Responsible Authority.

~~26-23.~~ Prior to statement of compliance being issued for the subdivision, any reserve or land set aside for public open space or any tree reserve or the like must be graded, top dressed and sown to grass in accordance with the endorsed landscape plan.

~~27-24.~~ Before a statement of compliance is issued for each stage of the subdivision, a detailed landscape works plan must be submitted to and approved by the Responsible Authority. The detailed landscape works plan must be prepared by a person suitably qualified or experienced in landscape design to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The detailed landscape works plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format (PDF and CAD). The detailed landscape works plan must be consistent with the endorsed landscape master-plan and must show and include to the satisfaction of the Responsible Authority:

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

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- c. A detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant. The plant schedule must be consistent with adjoining sites where roads are continued through.
- d. The proposed road reservation widths and the treatment of interfaces with surrounding road reserves, including areas within the road reserves set aside for the retention of existing vegetation.
- e. The removal of existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds.
- ~~f. The implementation of any landscape principles and guidelines contained in any relevant Precinct Structure Plan.~~
- ~~g-f.~~ The public open space area to be provided within the development, including the embellishment works within the public open space.
- ~~h-g.~~ All pathway locations, including linking pathways to neighbouring estates, within the drainage buffer, reserve and other relevant reserves.
- ~~h.~~ Vehicle exclusion mechanisms to the satisfaction of the Responsible Authority.
- i. Bin collection locations on the north-south portion of Thom Road for lots 19, 20, 27 and 28 to ensure waste vehicles can collect bins without reversing.

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

~~28-25.~~ Lighting of streets and pedestrian/cycle paths must be designed and provided (prior to the issue of a Statement of Compliance for the relevant stage) in accordance with Australian Standard 1158.1 to the satisfaction of the Responsible Authority.

~~29-26.~~ Before a statement of compliance is issued for each stage of the subdivision, the landscape works shown on the approved detailed landscape plan for that stage must be carried out and completed to the satisfaction of the Responsible Authority or by agreement with the Responsible Authority, bond landscaping works incomplete at the completion of civil works. Payment can be made in the form of a cash bond or bank guarantee. The bond will be released upon satisfactory completion of works. Refer to the Cardinia Shire Council developer landscape guidelines, (as amended from time to time) for bond calculation details. *Please note: At practical completion the outstanding landscape works bond will be released and only a landscape maintenance bond will be retained.*

~~30-27.~~ Before a statement of compliance is issued for each stage of the subdivision, bonding must be provided to the Responsible Authority to cover all landscaping works for a twenty four (24) month maintenance period. Payment can be made in the form of a cash bond or bank guarantee. Refer to the Cardinia Shire Council developer landscape guidelines, (as amended from time to time) for bond calculation details. A Certificate of Final Completion will be issued by the

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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.

Engineering Conditions

~~31-28~~ All roads used for the purpose of haulage of imported or exported materials for construction must be:

- a. Approved in writing by the Responsible Authority for the submitted haulage strategy, at least seven days prior to the commencement of use,
- b. Maintained in accordance with the Responsible Authority's maintenance intervention levels, or as requested by the Responsible Authority if the road deteriorates during the haulage period, and
- c. Reinstated to the satisfaction of the Responsible Authority.

~~32-29~~ 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.

~~33-30~~ Before a certificate of practical completion is issued, "as constructed" digital road and drainage information in AutoCAD format with all Xrefs binded into the drawings and showing any amendments during construction, must be submitted for all civil works where Council is the Responsibility Authority.

Environment Conditions

~~34-31~~ The permit holder must notify Council's Environment Department a minimum of seven (7) days before commencing works associated with the permitted subdivision so that surveillance of the works can be undertaken.

~~35-32~~ The works shown in the endorsed Integrated Land Management Plan must be maintained to the satisfaction of the Responsible Authority for a minimum of two (2) years from the date of practical completion of the works described in the Integrated Land Management Plan.

~~36-33~~ All native vegetation and wetlands that occur in association with the Lang Lang River within the Green Wedge Zone in the northern sector of the site must be protected in Reserve 1.

Landscaping Conditions

~~37-34~~ 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.

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~~38.35.~~ The permit holder must notify Council's Landscape Development Department a minimum of seven (7) days before commencing street tree planting and landscaping so that surveillance of the works can be undertaken.

~~39.36.~~ The landscaping shown on the endorsed landscape plan must be maintained to the satisfaction of the Responsible Authority for a minimum of 24 months from the date of practical completion of the landscaping. All maintenance activities are to be undertaken until a Certificate of Final Completion is issued by the Responsible Authority. During this period:

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

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

Cultural Heritage Management Plan (CHMP)

~~40.37.~~ All activities carried out on the subject land must comply with the requirements of the approved Cultural Heritage Management Plan 15815 dated the 31 January 2019.

~~41.38.~~ The Green Wedge Zone in the northern sector of the site contains the Thom Road AS1 (8021-0437 [VAHR]) Aboriginal site of significance and must not be disturbed.

Reticulated Services

~~42.39.~~ The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

~~43.40.~~ Lots within the subdivision must be provided with reticulated water and sewerage, gas, underground power and telecommunications connections to the satisfaction of the Responsible Authority.

Mandatory Clause 66.01 Conditions

~~44.41.~~ The owner of the land must enter into an agreement with:

- a. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirement and relevant legislation at the time.

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

~~45-42~~ Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988* written confirmation must be provided to the Responsible Authority from:

- a. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- b. suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Melbourne Water Conditions:

~~46-43~~ Prior to the issue of a Statement of Compliance, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.

~~47-44~~ Prior to Certification of any stage of this subdivision, ~~Melbourne Water requires that~~ the applicant ~~is required to~~ submit a detailed Drainage and Stormwater Management Strategy for approval ~~to the satisfaction of Melbourne Water and the Responsible Authority~~, which demonstrates how stormwater runoff from the subdivision will achieve flood protection standards and State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater. The strategy should also include information regarding the future ownership and maintenance requirements of any proposed assets.

~~48-45~~ Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.

~~49-46~~ All new lots must be filled to a minimum of 600mm above the 1 in 100 year flood level associated with any existing or proposed Melbourne Water wetland, retarding basin or waterway.

~~50-47~~ Prior to the issue of a Statement of Compliance, a certified survey plan prepared by or under the supervision of a licensed land surveyor, showing levels of the road and lots adjacent to the flood extent, reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the land has been filled in accordance with Melbourne Water's requirements.

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~~51.48~~ Prior to the development plans being endorsed and the commencement of works, a detailed landscape plan to scale for the waterway corridor must be submitted to Melbourne Water for approval.

The plan must show:

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

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

~~52.49~~ Prior to the issue of a Statement of Compliance, engineering plans of the subdivision (in electronic format) are to be forwarded to Melbourne Water for approval.

~~53.50~~ Any vehicular and/or pedestrian access must be designed and constructed to comply with the following safety criteria associated with the applicable flood level.

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

~~54.51~~ Prior to the commencement of works, a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for approval. The SEMP must show the location and nature of environmental values identified through site environmental assessments, and includes details of measures to protect or mitigate risk to those values. The SEMP must include a site map detailing the location and design of all measures in relation to significant site values including the following:

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- a. Silt fencing;
- b. Access tracks;
- c. Spoil stockpiling;
- d. Trenching locations;
- e. Machinery/ Plant locations; and
- f. Exclusion fencing around native vegetation/ habitat.

~~55-52.~~ Prior to the commencement of works, a separate application direct to Melbourne Water must be made for approval of any new or modified stormwater connection to Melbourne Water's drains or watercourses, and/or waterway crossing.

VicTrack Conditions:

~~56-53.~~ The permit holder must, at all times, ensure that the common boundary with railway land is fenced at no cost to VicTrack. Fencing of railway land must be [to the satisfaction of VicTrack including](#), a minimum of 1.8 metres high black chain mesh or paling construction with the orientation of any supporting rails on the railway side to prohibit unauthorised access to the rail corridor.

~~57-54.~~ The permit holder must not, at any time:

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

CFA Conditions:

~~58-55.~~ 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.

~~59-56.~~ 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.

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- 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.

South East Water Conditions:

~~60-57.~~ The owner of the subject land must enter into an agreement with South East Water for the provision of drinking water supply and fulfil all requirements to its satisfaction.

~~61-58.~~ The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.

~~62-59.~~ Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the Subdivision Act 1988.

~~63-60.~~ The certified Plan of Subdivision will need to show sewerage supply easements over all existing and/or proposed South East Water sewer mains located within the land, to be in favour of South East Water Corporation pursuant to Section 12(1) of the Subdivision Act.

~~64-61.~~ The certified Plan of Subdivision should show water supply easements over all existing and/or proposed South East Water water mains located within the land, to be in favour of South East Water Corporation pursuant to Section 12(1) of the Subdivision Act.

Expiry

~~65-62.~~ This permit will expire if:

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

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

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

Notes:

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- The starting of the subdivision is regarded by Section 68(3A) of the *Planning and Environment Act 1987* as the certification of a plan, and completion is regarded as the registration of the plan.
- The landscaping works shown on the endorsed landscape master plan/s are to be used to inform the final construction drawings and landscape specifications developed for construction and approved by open space. The landscaping works shown on the approved landscape plan/s must be carried out and completed to the satisfaction of the Responsible Authority.
- Please contact Council's Landscape Development Department in relation to the of the cash bond or bank guarantee amount.
- Practical completion for landscape works will not be granted until 'as constructed' plans are provided in AutoCAD as well as digital landscape information in accordance with the current version of A-SPEC. All graphical information is to be provided in the datum of GDA94 and projection of MGA Zone 55. Refer to A-SPEC website www.a-specstandards.com.au/o-spec for minimum Council requirements. The submitted information is to be to the satisfaction of the Responsible Authority.
- Please contact Council's Open Space Department in relation to the costs of the cash bond or bank guarantee.

AusNet Notes:

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

CFA Notes:

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

South East Water Notes:

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

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

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

<u>Cardinia Planning Scheme Amendment C262card</u> <u>Analysis of Proposed Changes to Planning Permit T190728</u>		
Exhibited planning permit condition	Proposed changes to planning permit condition as per attachment 3	Reasons for proposed changes
<u>Exhibited Condition 1</u> Subdivision Masterplan Before the plan of subdivision for the first stage is certified, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show: a. The stages of the subdivision. b. Road reserve and road pavement widths, location of vehicle crossovers to each lot and a pedestrian path with a minimum 1.5 metre width on the western side of the proposed north-south road. c. A pedestrian path with a minimum 1.5m width in accordance with the Agreement under Section 173 of the <i>Planning and Environment Act 1987</i> that effects the land and was executed	<u>Proposed Condition 1</u> Subdivision Masterplan Before the plan of subdivision for the first stage is certified, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show: a. The stages of the subdivision <u>showing lots 21-28 to be retained in stage 2 until such time as Condition 12 is satisfied and a new plan for stage 2 in endorsed under this condition.</u> b. Road reserve and road pavement widths, location of vehicle crossovers to each lot and a pedestrian path with a minimum 1.5 metre width on the western side of the proposed north-south road. c. A pedestrian path with a minimum 1.5 <u>metre</u> width in accordance with the Agreement under Section 173 of the	Council officers inserted additional wording at Condition 1a to provide clarification that lots 21-28 form stage 2 of this subdivision until such time as condition 12 is satisfied and the bushfire related concerns can be mitigated to allow for appropriate development. Condition 1e was inserted in lieu of a requirement for a waste management plan to ensure lots 19, 20, 27 and 28 are required to bring their bins to the north-south portion of Thom Road to ensure waste vehicles can collect all waste bins and turn without reversing.

<p>prior to Council's Adoption of Amendment C262 to the Cardinia Planning Scheme, along:</p> <ul style="list-style-type: none"> i. The western side of the existing section of Thom Road. ii. The southern side of the existing section of Tresize Court. <p>d. Building envelopes in accordance with the <i>Lang Lang Township Strategy 2009</i> and bushfire defendable space requirements as approved under conditions 3 and 13 of this permit.</p>	<p><i>Planning and Environment Act 1987</i> that effects the land and was executed prior to Council's Adoption of Amendment C262card to the Cardinia Planning Scheme, along:</p> <ul style="list-style-type: none"> i. The western side of the existing section of Thom Road. ii. The southern side of the existing section of Tresize Court. <p>d. Building envelopes in accordance with the <i>Lang Lang Township Strategy 2009</i> and bushfire defendable space requirements as approved under conditions 23 and 10 13 of this permit.</p> <p><u>e. Bin collection locations on the north-south portion of Thom Road for lots 19, 20, 27 and 28 to ensure waste vehicles can collect bins without reversing.</u></p>	
<p><u>Condition 2</u></p> <p>Environmental Site Assessment Before the plan of subdivision for each stage of the subdivision is certified under the <i>Subdivision Act 1988</i>, an Environmental Site Assessment Report must be submitted to and approved by the Responsible Authority. The report must be prepared by a suitably qualified environmental professional to the satisfaction of the Responsible Authority</p>	<p><u>Deleted Condition 2</u></p> <p>Environmental Site Assessment Before the plan of subdivision for each stage of the subdivision is certified under the <i>Subdivision Act 1988</i>, an Environmental Site Assessment Report must be submitted to and approved by the Responsible Authority. The report must be prepared by a suitably qualified environmental professional to the satisfaction of the Responsible Authority</p>	<p>Following a submission from the EPA during the formal exhibition of the Amendment and an update to Ministerial Direction 1 (MD1) and Planning Practice Note 30 (PPN30), Council officers required the proponent to prepare a Preliminary Site Investigation (PSI) to determine whether the site was potentially contaminated and the next steps in the process.</p> <p>It was determined that the site had no potential for contamination and that neither an Environmental Audit (EA) nor a Preliminary Risk Screen</p>

<p>and at the expense of the owner/permit holder. The report must include:</p> <ul style="list-style-type: none"> • Details of the nature of the previous and existing land uses and activities on the land; • An assessment of the potential level and nature of contamination on the land; • Clear advice on whether the environmental condition of the land is suitable for the intended use/s and development/s having regards to <i>Planning Practice Note 30: Potentially Contaminated Land</i>, Department of Environment, Land, Water and Planning, July 2021 (or as amended). • Any necessary remediation measures to address the contamination of the land. <p>When approved, the report will be endorsed and will then form part of the permit.</p>	<p>and at the expense of the owner/permit holder. The report must include:</p> <ul style="list-style-type: none"> • Details of the nature of the previous and existing land uses and activities on the land; • An assessment of the potential level and nature of contamination on the land; • Clear advice on whether the environmental condition of the land is suitable for the intended use/s and development/s having regards to <i>Planning Practice Note 30: Potentially Contaminated Land</i>, Department of Environment, Land, Water and Planning, July 2021 (or as amended). • Any necessary remediation measures to address the contamination of the land. <p>When approved, the report will be endorsed and will then form part of the permit.</p>	<p>Assessment (PRSA) was required for the site for its intended residential use.</p> <p>The condition on the draft planning permit requiring an Environmental Site Assessment (ESA) was therefore removed as per EPA's recommendation.</p>
<p><u>Condition 5</u></p> <p>Landscape Masterplan Before the plan of subdivision for the first stage of the subdivision is certified under the <i>Subdivision Act 1988</i>, a Landscape Masterplan for the entire estate to the satisfaction of the Responsible Authority must be submitted to and approved by the</p>	<p><u>Proposed Condition 4</u></p> <p>Landscape Masterplan Before the plan of subdivision for the first stage of the subdivision is certified under the <i>Subdivision Act 1988</i>, 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</p>	<p>Condition 4g was inserted in lieu of a requirement for a waste management plan to ensure lots 19, 20, 27 and 28 are required to bring their bins to the north-south portion of Thom Road to ensure waste vehicles can collect all waste bins and turn without reversing.</p> <p>Council has removed reference to the APA gas easement from this condition as there is no such easement affecting the site.</p>

<p>Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format (PDF and CAD). The plan must show and include:</p> <p>a. How the proposed development is responsive to the Cardinia Shire Council Developer Landscape Guidelines, including the Landscape Masterplan checklist (as amended from time to time).</p> <p>b. Key themes, landscape principles and character that will define the subdivision.</p> <p>c. The type of species to be used for street tree planting in various stages of the subdivision, considering existing species of neighbouring developments.</p> <p>d. Street trees within the drainage corridor and creek reserve are to be indigenous species selected from Council's tree planting palette.</p> <p>e. All plant species within the protected vegetation area must be indigenous species.</p> <p>f. Locations of substations.</p> <p>g. Entrance treatments.</p>	<p>approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format (PDF and CAD). The plan must show and include:</p> <p>a. How the proposed development is responsive to the Cardinia Shire Council Developer Landscape Guidelines, including the Landscape Masterplan checklist (as amended from time to time).</p> <p>b. Key themes, landscape principles and character that will define the subdivision.</p> <p>c. The type of species to be used for street tree planting in various stages of the subdivision, considering existing species of neighbouring developments.</p> <p>d. Street trees <u>and trees</u> within the drainage corridor and creek reserve are to be indigenous species selected from Council's tree planting palette.</p> <p>e. All plant species within the protected vegetation area must be indigenous species.</p> <p>f. Locations of substations.</p> <p><u>g. Bin collection locations on the north-south portion of Thom Road for lots 19, 20, 27 and 28 to ensure waste vehicles can collect bins without reversing.</u></p> <p><u>hg.</u> Entrance treatments.</p>	
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<p>h. Locations of any protected trees or patches of protected native vegetation to be retained</p> <p>i. The tree protection zone for each protected tree must be clearly shown on the site plan.</p> <p>j. Location of any waterway or waterbody on or adjoining the land.</p> <p>k. The principles and graphical concepts of the proposed treatment of the open space and drainage reserves; and</p> <p>l. How any landscape requirements or guidelines of the Lang Lang Township Strategy are proposed to be implemented.</p> <p>m. Proposed pathway locations.</p> <p>n. The principles and graphical concepts of the treatment of the open space reserves, including the gas pipeline easement. All landscaping within the gas easement is to be to the satisfaction of APA Group.</p>	<p>hi. Locations of any protected trees or patches of protected native vegetation to be retained</p> <p>ji. The tree protection zone for each protected tree must be clearly shown on the site plan.</p> <p>jk. Location of any waterway or waterbody on or adjoining the land.</p> <p>lk. The principles and graphical concepts of the proposed treatment of the open space and drainage reserves; and</p> <p>ml. How any landscape requirements or guidelines of the Lang Lang Township Strategy are proposed to be implemented.</p> <p>nm. Proposed pathway locations.</p> <p>on. The principles and graphical concepts of the treatment of the open space reserves; including the gas pipeline easement. All landscaping within the gas easement is to be to the satisfaction of APA Group.</p>	
<p><u>Condition 6</u></p> <p>Functional Layout Plan Before the submission and approval of detailed design construction plans (engineering plans) and the certification of the relevant plan of subdivision for each stage, a Functional Layout Plan for</p>	<p><u>Proposed condition 5</u></p> <p>Functional Layout Plan Before the submission and approval of detailed design construction plans (engineering plans) and the certification of the relevant plan of subdivision for each stage, a Functional Layout Plan for</p>	<p>Condition 5 was updated to refer to the correct document that the engineers use to assess engineering plans.</p>

<p>the subdivision or stage of subdivision, generally in accordance with the standards nominated in the Cardinia Shire Council “Guidelines for the Development & Subdivision of Land”, “Development Construction Specification” and the Water Sensitive Urban Design (WSUD) Guidelines, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the Functional Layout Plan will be endorsed and will then form part of the permit. Three copies of the Functional Layout Plan must be drawn to a scale of 1:500 to acceptable drafting standards and an electronic copy (pdf) must be provided. The functional layout plan must show:</p> <ul style="list-style-type: none"> a. A fully dimensioned subdivision layout, including proposed street names, approximate lot areas, lot numbers and widths of street reservations, b. Topography and existing features, including contours for the subject land and any affected adjacent land, c. Identification by survey of all trees (or group of trees) existing on the subject land, including dead trees and those that overhang the subject land from adjoining land, 	<p>the subdivision or stage of subdivision, generally in accordance with the standards <u>and processes in the ‘Engineering Design and Construction Manual for Subdivision in Growth Areas (EDCM)’ dated December 2019</u> nominated in the Cardinia Shire Council “Guidelines for the Development & Subdivision of Land”, “Development Construction Specification” and the Water Sensitive Urban Design (WSUD) Guidelines, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the Functional Layout Plan will be endorsed and will then form part of the permit. Three copies of the Functional Layout Plan must be drawn to a scale of 1:500 to acceptable drafting standards and an electronic copy (pdf) must be provided. The functional layout plan must show:</p> <ul style="list-style-type: none"> a. A fully dimensioned subdivision layout, including proposed street names, approximate lot areas, lot numbers and widths of street reservations, b. Topography and existing features, including contours for the subject land and any affected adjacent land, c. Identification by survey of all trees (or group of trees) existing on the subject land, including dead trees and those that 	<p>Condition 5j was amended to ensure the new stormwater drainage system proposed to service the extension of Thom Road will flow northward to the Lang Lang River and the associated floodplain and will have no impact on the existing stormwater drainage system in Tresize Court.</p> <p>Conditions 5t and 5u were inserted in lieu of a requirement for a waste management plan to ensure lots 19, 20, 27 and 28 are required to bring their bins to the north-south portion of Thom Road to ensure waste vehicles can collect all waste bins and turn without reversing.</p>
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<p>d. Details of tree protection zones (TPZs) for all trees to be retained on the subject land,</p> <p>e. All trees proposed for removal from the subject land clearly designated,</p> <p>f. Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements identified in the Development Plan,</p> <p>g. Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls,</p> <p>h. The proposed minor drainage network and any spatial features requiring access,</p> <p>i. The major drainage system, including any watercourse, lake, wetland, sediment pond rain gardens, bio-infiltration system and/or piped elements showing preliminary sizing,</p> <p>j. Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination,</p> <p>k. Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for the construction and maintenance,</p>	<p>overhang the subject land from adjoining land,</p> <p>d. Details of tree protection zones (TPZs) for all trees to be retained on the subject land,</p> <p>e. All trees proposed for removal from the subject land clearly designated,</p> <p>f. Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements identified in the Development Plan,</p> <p>g. Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls,</p> <p>h. The proposed minor drainage network and any spatial features requiring access,</p> <p>i. The major drainage system, including any watercourse, lake, wetland, sediment pond rain gardens, bio-infiltration system and/or piped elements showing preliminary sizing,</p> <p>j. Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed <u>north-west along Thom Road to the Lang Lang River</u>to its destination,</p> <p>k. Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for the construction and maintenance,</p>	
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<p>l. A table of offsets for all utility services and street trees,</p> <p>m. Preliminary location of reserves for electrical kiosks and</p> <p>n. Traffic management plan showing sufficient notional (unmarked) on-street car parking spaces, at the rate of one space per lot, traffic control devices and large vehicle turning overlays.</p> <p>o. The relationship between the subject subdivision stage and surrounding land,</p> <p>p. Proposed linkages to future streets, open space, regional path network and upstream drainage,</p> <p>q. Works external to the subdivision, including both interim and ultimate access requirements,</p> <p>r. Intersections with Category 1 roads showing interim and ultimate treatments,</p> <p>s. Drainage and sewerage outfalls including any easements required over other property.</p>	<p>l. A table of offsets for all utility services and street trees,</p> <p>m. Preliminary location of reserves for electrical kiosks and</p> <p>n. Traffic management plan showing sufficient notional (unmarked) on-street car parking spaces, at the rate of one space per lot, traffic control devices and large vehicle turning overlays.</p> <p>o. The relationship between the subject subdivision stage and surrounding land,</p> <p>p. Proposed linkages to future streets, open space, regional path network and upstream drainage,</p> <p>q. Works external to the subdivision, including both interim and ultimate access requirements,</p> <p>r. Intersections with Category 1 roads showing interim and ultimate treatments,</p> <p>s. Drainage and sewerage outfalls including any easements required over other property.</p> <p><u>t. Adequate access and turning circles for Councils waste vehicles for Austroads 8.8 metre Service Vehicle.</u></p> <p><u>u. Bin collection locations on the north-south portion of Thom Road for lots 19.</u></p>	
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	<u>20, 27 and 28 to ensure waste vehicles can collect bins without reversing.</u>	
<p><u>Condition 7</u></p> <p>Waste Management Plan Prior to certification, a Waste Management Plan prepared by a person suitably qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be prepared utilising Council's template but updated to show:</p> <p>a. Maps of sufficient size (to scale 1:100 and/or 1:200) showing:</p> <ul style="list-style-type: none"> i. Adequate access and turning circles for Councils waste Vehicles for Aus Roads 8.8 Service vehicle; ii. Location, type, size and number of dwellings proposed at the site, including the number of bedrooms within each dwelling; iii. Location of waste and recycling for storage and collection (specifying number and size of bins); iv. Collection hazards on street, e.g. traffic slow point device, or nearby intersections; 	<p><u>Deleted Condition 7</u></p> <p>Waste Management Plan Prior to certification, a Waste Management Plan prepared by a person suitably qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be prepared utilising Council's template but updated to show:</p> <p>a. Maps of sufficient size (to scale 1:100 and/or 1:200) showing:</p> <ul style="list-style-type: none"> i. Adequate access and turning circles for Councils waste Vehicles for Aus Roads 8.8 Service vehicle; ii. Location, type, size and number of dwellings proposed at the site, including the number of bedrooms within each dwelling; iii. Location of waste and recycling for storage and collection (specifying number and size of bins); iv. Collection hazards on street, e.g. traffic slow point device, or nearby intersections; 	<p>During exhibition of the Amendment, concerns were raised regarding the requirement for a waste management plan. Council officers agreed with this submission and prior to the Panel hearing removed the requirement for a Waste Management Plan.</p> <p>However, there was still the issue of lots 19, 20, 27 and 28 being required to bring their bins to the north-south portion of Thom Road to ensure waste vehicles can collect all waste bins and turn without reversing. To ensure this is the case, appropriate requirements have been included on the Proposed Planning Permit to provides for bin collection points on the Subdivision Masterplan, Functional Layout Plan, Landscape Masterplan and Detailed Landscape Works Plan.</p>

<p>v. Gradients of the development and/or street;</p> <p>vi. Sight distance requirements;</p> <p>vii. Existing or proposed parking bays (both within property and/or on street);</p> <p>viii. Existing or proposed parking signage (both within property and/or on street);</p> <p>ix. Any other existing or proposed feature(s) or hazard(s) that has or will have the potential to affect waste & recycling collections in any way, whether within the property, on the nature strip or the roadway;</p> <p>x. Designated hard waste collection area.</p>	<p>v. Gradients of the development and/or street;</p> <p>vi. Sight distance requirements;</p> <p>vii. Existing or proposed parking bays (both within property and/or on street);</p> <p>viii. Existing or proposed parking signage (both within property and/or on street);</p> <p>ix. Any other existing or proposed feature(s) or hazard(s) that has or will have the potential to affect waste & recycling collections in any way, whether within the property, on the nature strip or the roadway;</p> <p>x. Designated hard waste collection area.</p>	
<p><u>Exhibited condition 8</u></p> <p>Construction Environmental Management Plan (CEMP) At least 14 days before any works start, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works must</p>	<p><u>Proposed Condition 6</u></p> <p>Construction Environment Management Plan (CEMP) At least 14 days before any works start, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works</p>	<p>During exhibition of the Amendment, several submitters raised concerns in relation to construction impacts to nearby residents. To ensure matters relating to traffic movements are managed during the construction phase, Council proposed to insert an additional Permit Condition requiring the applicant to submit a Construction Management Plan (CMP) in addition to proposed condition 6 which requires the preparation of a Construction Environment Management Plan (CEMP).</p>

<p>be undertaken in accordance with the approved CEMP. The CEMP must address all environmental risks and include:</p> <p>a. Before works begin, the location and description of tree protection fencing in accordance with Australian Standard AS4970-2009 Protection of Trees on Development Sites must be shown on the Construction Environment Management Plan (CEMP) and endorsed by the Responsible Authority.</p> <p>b. Before works begin, tree protection fencing must be installed in accordance with the CEMP and approved by the Responsible Authority.</p> <p>c. The tree protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority.</p> <p>d. Temporary stormwater management including sedimentation control,</p> <p>e. Provision of pollution and contamination controls including noise and dust,</p> <p>f. Location of stockpiles and stockpile management,</p> <p>g. Location of site office and facilities</p> <p>h. Equipment, materials and goods management.</p>	<p>must be undertaken in accordance with the approved CEMP. The CEMP must address all environmental risks and include:</p> <p>a. Before works begin, the location and description of tree protection fencing in accordance with Australian Standard AS4970-2009 Protection of Trees on Development Sites must be shown on the Construction Environment Management Plan (CEMP) and endorsed by the Responsible Authority.</p> <p>b. Before works begin, tree protection fencing must be installed in accordance with the CEMP and approved by the Responsible Authority.</p> <p>c. The tree protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority.</p> <p>d. Temporary stormwater management including sedimentation control,</p> <p>e. Provision of pollution and contamination controls including noise and dust,</p> <p>f. Location of stockpiles and stockpile management,</p> <p>g. Location of site office and facilities</p> <p>h. Equipment, materials and goods management.</p>	<p>At the Panel hearing a discussion occurred regarding the need to have two separate conditions requiring a CEMP and CMP to manage construction and environmental impacts and that these conditions could be combined.</p> <p>The Panel concluded in his report that the permit would be clearer if these conditions were combined and as a result dot points j, k and l were added to condition 6 in lieu of having two separate conditions.</p>
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<p>i. Tree protection zones, trees to be retained and trees to be removed.</p> <p>Construction Management Plan (CMP)</p> <p>Before the development starts, a Construction Management Plan 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 detail how the development will be managed throughout the process to mitigate offsite amenity impacts to the surrounding area and must not detrimentally affect the amenity of the area, through the:</p> <p>a. Transport of materials, goods or commodities to or from the land.</p> <p>b. Inappropriate storage of any works or construction materials.</p> <p>c. Waste disposal.</p> <p>d. Hours of construction activity.</p> <p>e. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste and storm water runoff, waste products, grit or oil.</p> <p>f. Presence of vermin.</p> <p>g. In any other way.</p>	<p>i. Tree protection zones, trees to be retained and trees to be removed.</p> <p><u>j. How the development will be managed throughout the construction process to mitigate environmental and amenity impacts.</u></p> <p><u>k. Arrangements for construction vehicles to access the site.</u></p> <p><u>l. Hours of operation for construction activity.</u></p>	
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<p><u>Exhibited conditions 12 & 13</u></p> <p>12. Prior to certification of each stage of the plan of subdivision under the <i>Subdivision Act 1988</i> must include a creation of restriction on a separate sheet showing the building envelopes in accordance with the endorsed plan.</p> <p>13. Before a plan of subdivision is certified for each stage of the subdivision, a restriction must be included on the plan of subdivision which states that dwellings and associated outbuildings must be located inside of the prescribed building envelope, unless with the prior written consent of the Responsible Authority. The building envelopes must be designed to consider the provision of solar access and any other requirements provided on the plans endorsed to the permit as relevant, and must show:</p> <p>a. At least a 7-metre building setback from the primary frontage to all lots (note: the first 2 metres of the front boundary building setbacks of lots 1-13 is a bushfire defendable space setback).</p> <p>b. At least a 5 metre building setback from the western side boundary of proposed lot 20 (Note: this setback is</p>	<p><u>Proposed Condition 10</u></p> <p>Before a plan of subdivision is Prior to certification for of each stage of of the plan of subdivision under the <i>Subdivision Act 1988</i>, the plan must include a <u>separate sheet for the purpose of</u> creation of restrictions, on a separate sheet showing the building envelopes in accordance with the <u>plans</u> endorsed <u>under Condition 1 plan and the requirements of Condition 2 and 11a, and the waste bin collection points for lots 19, 20, 27 and 28 in accordance with Condition 5u and 10b.</u></p> <p><u>a.</u> Before a plan of subdivision is certified for each stage of the subdivision, a restriction must be included on the plan of subdivision which states that dwellings and associated outbuildings must be located inside of the prescribed building envelope, unless with the prior written consent of the Responsible Authority. The building envelopes must be designed to consider the provision of solar access and any other requirements provided on the plans endorsed to the permit as relevant, and must show:</p> <p><u>ia.</u> At least a 7-metre building setback from the primary frontage to all lots (note: the first 2 metres of the front boundary building setbacks of lots 1-13 is a bushfire defendable space setback).</p>	<p>Whilst exhibited conditions 11 and 12 were different, Council agreed to the proponents' request to combine these two conditions.</p> <p>During the panel hearing the proponent requested that condition 10b be deleted in its entirety. The Panel stated in his report that including bin location as a restriction on a plan of subdivision is 'overkill' and that appropriate bin location should be communicated directly to residents. Council officers have agreed to delete condition 10b given this requirement is picked up in other conditions on the proposed planning permit.</p>
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<p>also the bushfire defensible space setback).</p> <p>c. At least a 2.5 metre building setback from a side boundary of all lots except the western side boundary of proposed lot 20.</p> <p>d. At least a 2.5 metre building setback from the rear boundaries of lots adjoining the eastern boundary of the subject land. This distance is subject to the bushfire defensible space setback requirements set out under Condition 15 and may be required to be increased.</p> <p>e. A least a 5 metre building setback from the rear boundary of lots adjoining the western boundary of the subject land (Note: this setback is also the bushfire defensible space setback).</p> <p>These building envelopes cannot be varied except with the consent of the Responsible Authority.</p>	<p>ii. At least a 5 metre building setback from the western side boundary of proposed lot 20 (Note: this setback is also the bushfire defensible space setback).</p> <p>iii.e. At least a 2.5 metre building setback from a side boundary of all lots except the western side boundary of proposed lot 20.</p> <p>iv.d. At least a 2.5 metre building setback from the rear boundaries of lots adjoining the eastern boundary of the subject land. This distance is subject to the bushfire defensible space setback requirements set out under Condition 135 and may be required to be increased.</p> <p>v.e. A least a 5 metre building setback from the rear boundary of lots adjoining the western boundary of the subject land (Note: this setback is also the bushfire defensible space setback).</p> <p>These building envelopes cannot be varied except with the consent of the Responsible Authority.</p> <p>b. Before a plan of subdivision is certified for each stage of the subdivision, a restriction must be included on the plan of subdivision which requires the waste bin collection points for lots 19, 20, 27 and 28 to be located on the north south</p>	
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	portion of Thom Road to ensure waste vehicles can collect all waste bins without reversing.	
<p><u>Exhibited condition 14</u></p> <p>Before Stage 1 of the subdivision is certified, the land shown as 'Reserve 1' and 'Reserve 2' must be vested in Cardinia Shire Council to the satisfaction of the Responsible Authority.</p>	<p><u>Proposed condition 11</u></p> <p>Certification of Before Stage 1 of the <u>plan of subdivision is certified, must provide for</u> the land shown as 'Reserve 1' and 'Reserve 2' <u>to must</u> be vested in Cardinia Shire Council to the satisfaction of the Responsible Authority.</p>	<p>Council officers amended the wording of proposed Condition 11 to make it clear that Stage 1 includes the construction of all roads and reserves, and that both the roads and reserves are required to be transferred to Council when new land titles are issued for the first stage of subdivision. The exhibited wording of this condition required this to occur before certification which is incorrect and has since been corrected.</p>
<p><u>Exhibited condition 15</u></p> <p>Prior to certification of the Plan of Subdivision for Stage 2 one of the following requirements must be satisfied:</p> <ul style="list-style-type: none"> • A 19 metre bushfire defensible space setback provided from the eastern boundary of lots within Stage 2. Lots must be reconfigured to ensure each lot can accommodate at least a 10 metre by 15 metre rectangle within the building envelope. • The land adjoining the eastern boundary is developed and thereby removing the bushfire hazard • The owner of the land adjoining the eastern boundary enters into an agreement with Council under 	<p><u>Proposed condition 12</u></p> <p>Prior to certification of the Plan of Subdivision for Stage 2 one of the following requirements must be satisfied:</p> <ul style="list-style-type: none"> • A 19 metre bushfire defensible space setback provided from the eastern boundary of lots within Stage 2. Lots must be reconfigured to ensure each lot can accommodate at least a 10 metre by 15 metre rectangle within the building envelope. • The land adjoining the eastern boundary is developed and thereby removing the bushfire hazard • The owner of the land adjoining the eastern boundary enters into an agreement with Council under Section 173 of the Planning and Environment Act 1987, registered 	<p>At the request of the proponent, Council officers agreed to add an additional dot point to proposed condition 12 allowing the permit holder to achieve a BAL 12.5 construction standard for stage 2 through another measure not listed under this condition. The CFA and Panel agreed with this approach.</p>

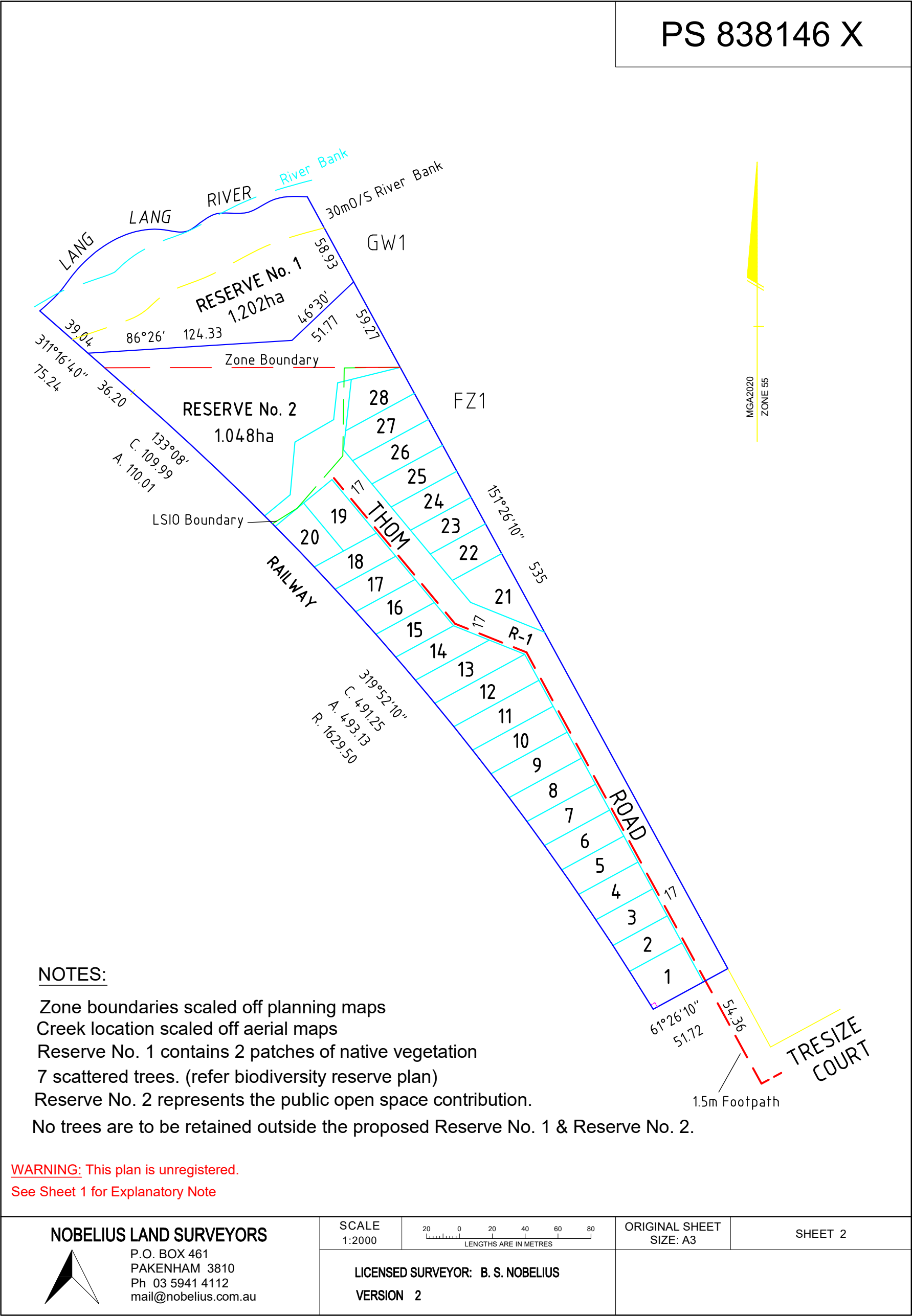
<p>Section 173 of the Planning and Environment Act 1987, registered on the land title, to maintain a firebreak to CFA standards and the satisfaction of the Responsible Authority.</p>	<p>on the land title, to maintain a firebreak to CFA standards and the satisfaction of the Responsible Authority.</p> <ul style="list-style-type: none"> Other measure to achieve a BAL 12.5 construction standard to the satisfaction of the Country Fire Authority and the Responsible Authority. 	
<p><u>Exhibited Condition 19</u></p> <p>Before the issue of a Statement of Compliance under the <i>Subdivision Act 1988</i> for each stage of the subdivision under the <i>Subdivision Act 1988</i>, any recommended remediation measures identified by the Environmental Site Assessment endorsed under Condition 2 of this permit must be implemented to the satisfaction of the Responsible Authority.</p>	<p><u>Deleted Condition 18</u></p> <p>Before the issue of a Statement of Compliance under the <i>Subdivision Act 1988</i> for each stage of the subdivision under the <i>Subdivision Act 1988</i>, any recommended remediation measures identified by the Environmental Site Assessment endorsed under Condition 2 of this permit must be implemented to the satisfaction of the Responsible Authority.</p>	<p>Condition 18 was deleted as it is no longer required as a result of the PSI assessment carried out in response to the EPA's submission to the amendment.</p>
<p><u>Exhibited Condition 24</u></p> <p>Before a Statement of Compliance is issued under the <i>Subdivision Act 1988</i> for stage 1, a pedestrian path must be constructed in accordance with the plans and specifications contained in the Section 173 Agreement under the <i>Planning and Environment Act 1987</i> that effects the land and was executed prior to Council's Adoption of</p>	<p><u>Proposed Condition 20</u></p> <p>Before a Statement of Compliance is issued under the <i>Subdivision Act 1988</i> for stage 1, a pedestrian path must be constructed in accordance with the plans and specifications contained in works must be completed in accordance with the requirement of the Section 173 Agreement under the <i>Planning and Environment Act 1987</i> that effects the land and was executed prior to Council's</p>	<p>During the exhibition of this Amendment, concerns were raised by the proponent in relation to whether this condition was necessary. As this condition relates to works that must be completed prior to the issue of a statement of compliance for the first stage of this subdivision, Council officers believe this condition needs to remain; however, agreed to simplify the wording. The Panel agreed with this approach.</p>

Amendment C262 of the Cardinia Planning Scheme.	Adoption of Amendment C262 card of the Cardinia Planning Scheme <u>must be satisfied</u> .	
<u>Exhibited Condition 26</u> Before a Statement of Compliance is issued for the subdivision, the works identified by the Integrated Land Management Plan endorsed under condition 4 must be carried out and completed to the satisfaction of the Responsible Authority.	<u>Proposed Condition 22</u> Before a Statement of Compliance is issued for the <u>first stage of</u> subdivision, the works identified by the Integrated Land Management Plan endorsed under condition 4 must be carried out and completed to the satisfaction of the Responsible Authority.	This condition was amended to provide clarity that it relates to the first stage of subdivision.
<u>Exhibited Condition 28</u> Before a statement of compliance is issued for each stage of the subdivision, a detailed landscape works plan must be submitted to and approved by the Responsible Authority. The detailed landscape works plan must be prepared by a person suitably qualified or experienced in landscape design to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The 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	<u>Proposed Condition 24</u> Before a statement of compliance is issued for each stage of the subdivision, a detailed landscape works plan must be submitted to and approved by the Responsible Authority. The detailed landscape works plan must be prepared by a person suitably qualified or experienced in landscape design to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The <u>detailed</u> 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 <u>Landscape</u> Master -plan and must show and include to the satisfaction of the Responsible Authority:	Minor clerical errors were amended in this condition as well as the addition of Conditions 24j in lieu of a requirement for a waste management plan to ensure lots 19, 20, 27 and 28 are required to bring their bins to the north-south portion of Thom Road to ensure waste vehicles can collect all waste bins and turn without reversing.

<p>satisfaction of the Responsible Authority:</p> <p>a. How the proposed design responds to the requirements of the Cardinia Shire Council developer landscape guidelines, including checklist 2 (as amended from time to time).</p> <p>b. New plantings, including their layout to be provided in any road reserves and municipal reserves.</p> <p>c. A detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant. The plant schedule must be consistent with adjoining sites where roads are continued through.</p> <p>d. The proposed road reservation widths and the treatment of interfaces with surrounding road reserves, including areas within the road reserves set aside for the retention of existing vegetation.</p> <p>e. The removal of existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds.</p> <p>f. The implementation of any landscape principles and guidelines contained in any relevant Precinct Structure Plan.</p> <p>g. The public open space area to be provided within the development,</p>	<p>a. How the proposed design responds to the requirements of the Cardinia Shire Council developer landscape guidelines, including checklist 2 (as amended from time to time).</p> <p>b. New plantings, including their layout to be provided in any road reserves and municipal reserves.</p> <p>c. A detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant. The plant schedule must be consistent with adjoining sites where roads are continued through.</p> <p>d. The proposed road reservation widths and the treatment of interfaces with surrounding road reserves, including areas within the road reserves set aside for the retention of existing vegetation.</p> <p>e. The removal of existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds.</p> <p>f. The implementation of any landscape principles and guidelines contained in any relevant Precinct Structure Plan.</p> <p>g. The public open space area to be provided within the development, including the embellishment works within the public open space.</p>	
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<p>including the embellishment works within the public open space.</p> <p>h. All pathway locations, including linking pathways to neighbouring estates, within the drainage buffer, reserve and other relevant reserves.</p> <p>i. Vehicle exclusion mechanisms to the satisfaction of the Responsible Authority.</p> <p>All species selected must be to the satisfaction of the Responsible Authority and should be drought tolerant and proven hardy cultivars suitable to the local conditions. Plantings are not to impact sight lines for vehicles or pedestrians.</p>	<p>h. All pathway locations, including linking pathways to neighbouring estates, within the drainage buffer, reserve and other relevant reserves.</p> <p>i. Vehicle exclusion mechanisms to the satisfaction of the Responsible Authority.</p> <p><u>j. Bin collection locations on the north-south portion of Thom Road for lots 19, 20, 27 and 28 to ensure waste vehicles can collect bins without reversing.</u></p> <p>All species selected must be to the satisfaction of the Responsible Authority and should be drought tolerant and proven hardy cultivars suitable to the local conditions. Plantings are not to impact sight lines for vehicles or pedestrians.</p>	
<p><u>Exhibited condition 48</u></p> <p>Prior to Certification of any stage of this subdivision, Melbourne Water requires that the applicant submit a detailed Drainage and Stormwater Management Strategy for approval, which demonstrates how stormwater runoff from the subdivision will achieve flood protection standards and State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater. The strategy should also include information regarding the future ownership and</p>	<p><u>Proposed condition 44</u></p> <p>Prior to Certification of any stage of this subdivision, Melbourne Water requires that the applicant <u>is required to</u> submit a detailed Drainage and Stormwater Management Strategy for approval <u>to the satisfaction of Melbourne Water and the Responsible Authority</u>, which demonstrates how stormwater runoff from the subdivision will achieve flood protection standards and State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater. The strategy</p>	<p>Condition 44 was amended to ensure the new stormwater drainage system proposed to service the extension of Thom road will flow northward to the Lang Lang River and the associated floodplain and will have no impact on the existing stormwater drainage system in Tresize Court.</p> <p>This condition makes it a requirement for the applicant to submit a detailed drainage and stormwater management strategy for approval to the satisfaction of both Melbourne Water and the Responsible Authority.</p>

maintenance requirements of any proposed assets.	should also include information regarding the future ownership and maintenance requirements of any proposed assets.	
<p><u>Exhibited condition 57</u></p> <p>The permit holder must, at all times, ensure that the common boundary with railway land is fenced at no cost to VicTrack. Fencing of railway land must be a minimum of 1.8 metres high black chain mesh or paling construction with the orientation of any supporting rails on the railway side to prohibit unauthorised access to the rail corridor.</p>	<p><u>Proposed condition 53</u></p> <p>The permit holder must, at all times, ensure that the common boundary with railway land is fenced at no cost to VicTrack. Fencing of railway land must be <u>to the satisfaction of VicTrack including</u>, a minimum of 1.8 metres high black chain mesh or paling construction with the orientation of any supporting rails on the railway side to prohibit unauthorised access to the rail corridor.</p>	<p>Council officers amended Condition 53 to include additional wording to ensure that the enforcement of things such as graffiti on fencing is not the responsibility of Council's enforcement officers but rather the responsibility of VicTrack.</p>



Amendment C262 – 11 Thom Road, Lang Lang**Walk to Town - Distance and Time Analysis****Comparison of 'Panel Proposed Road Layout' against the 'Exhibited Road Layout'.**

The C262card Panel Report assumed that the 'Panel recommended road layout' would provide a shorter walk to town of 500 metres. This would equate to a walk to town benefit of exactly 6 minutes less than the 'exhibited road layout'. This would also be dependent on a regional rail trail being constructed in the transport (rail) corridor which adjoins the western boundary of the subject land, on the eastern side of the rail tracks.

Officers have compared the 'walk to town' distances and times that would be achieved by the 'exhibited road layout' and the 'Panel proposed road layout' against each other, for both the existing and future residents of Tresize Court and Thom Road.

It is noted that all 'walk to town' scenarios are less than 20 minutes, satisfying the 20-minute neighbourhood planning policy objectives of Plan Melbourne 2017-2050 and the Cardinia Planning Scheme.

WALK TO TOWN COMPARISON.	Existing housing: Longest walking distance to town shops	Walking time at average person speed 4.8 km/h	Proposed housing: Longest walking distance to town shops	Walking time at average person speed of 4.8 km/h
<u>Without</u> access to a regional trail in the transport corridor (new path in Tresize Court and Thom Road)				
Exhibited Road Layout.	740 metres	9 minutes 15 seconds	1,158 metres	14 minutes 28 seconds
Panel Proposed Road Layout:	740 metres	9 minutes 15 seconds	1,255 metres (97 metres additional distance for the resident with the longest walking distance to town)	15 minutes 41 seconds
Conclusions	Both road layouts provide a walk to town of the same distance and time.		The exhibited road layout provides a walk to town benefit of 1 minute 13 seconds (2 minutes 26 seconds for a return trip) to the resident with the longest walking distance to town.	
<u>With</u> access to a regional trail in the transport corridor (must be on east side of rail tracks) (new path in Tresize Court and Thom Road)				
Exhibited Road Layout.	740 metres	9 minutes 15 seconds	878 metres	10 minutes 58 seconds
Panel Proposed Road Layout:	502 metres (238 metres less distance for the resident with the longest walking distance to town)	6 minutes 16 seconds	702 metres (176 metres less distance for the resident with the longest walking distance to town)	8 minutes 46 seconds
Conclusions	The Panel recommended road layout provides a walk to town benefit of 2 minutes 59 seconds (5 minutes 58 seconds for a return trip) to the resident with the longest walking distance to the town.		The Panel recommended road layout provides a walk to town benefit of 2 minutes 12 seconds (4 minutes 24 seconds for a return trip) to the resident with the longest walking distance to the town.	

Summary of table data

Best walking time for future residents would be achieved by the Panel recommended road layout.

A 'walk to town benefit' of 2 minutes and 12 seconds (176 metres) would be provided by the Panel proposed road layout to the future resident of the proposed subdivision with the longest walking distance to the town, if a regional rail is constructed in the transport corridor on the east side of the tracks. The total walking time to the town shops would be 8 minutes and 46 seconds (702 metres).

Worst walking time for future residents would be achieved by the Panel recommended road layout.

A 'walk to town loss' of 1 minute and 13 seconds (97 metres) would be provided by the Panel recommended road layout to the future resident of the proposed subdivision with the longest walking distance to town, if a regional rail is not constructed in the transport corridor on the east side of the tracks. The total walking time to the town shops would be 15 minutes and 41 seconds (1,255 metres).

Best walking time for existing residents would be achieved by the Panel proposed road layout.

A 'walk to town benefit' of 2 minutes and 59 seconds (238 metres) would be provided by the Panel recommended road layout to the resident of the existing residential area with the longest walking distance to the town, if a regional rail trail is constructed in the transport corridor on the east side of the rail tracks. The total walking time to the town shops would be 6 minutes and 16 seconds (502 metres).

Worst walking time for existing residents would be achieved by both road layouts.

A walk to town of 9 minutes and 15 seconds (740 metres) would be provided to the resident of the existing residential area with the longest walking distance to town by both the Panel recommended road layout if a regional rail trail is not constructed, and the exhibited road layout whether or not a regional rail is constructed in the transport corridor on the east side of the rail tracks.

Plan Melbourne 2017-2050

Principle 5: Living locally—20-minute neighbourhoods

Creating accessible, safe and attractive local areas where people can access most of their everyday needs within a 20-minute walk, cycle or local public transport trip, will make Melbourne healthier and more inclusive. Due to the specialised and diverse nature of work, many people will still need to travel outside of this 20-minute neighbourhood for their jobs.

Direction 5.1 Create a city of 20-minute neighbourhoods

Research undertaken by the Heart Foundation (Victoria) for the Victorian Government identifies hallmarks of a 20-minute neighbourhood.

A 20-minute neighbourhood must:

- be safe, accessible and well connected for pedestrians and cyclists to optimise active transport
- offer high-quality public realm and open space
- provide services and destinations that support local living
- facilitate access to quality public transport that connects people to jobs and higher-order services
- deliver housing/population at densities that make local services and transport viable
- facilitate thriving local economies.

The 20-minute neighbourhood is all about 'living locally'—giving people the ability to meet most of their everyday needs within a 20-minute walk, cycle or local public transport trip of their home. If 20-minute neighbourhoods existed across Melbourne, it could reduce travel by nine million passenger kilometres and cut Melbourne's daily greenhouse gas emissions by more than 370,000 tonnes.

Neighbourhood activity centres are an integral part of the city's vibrant community life and critical to the creation of 20-minute neighbourhoods. These high streets and specialised strips of shops, cafes, small supermarkets, service businesses, community services and public spaces serve the needs of the surrounding community and provide a focus not only for local jobs but also for social interaction and community participation.

A 20-minute neighbourhood can create a more cohesive and inclusive community with a vibrant local economy—reducing social exclusion, improving health and wellbeing, promoting a sense of place, reducing travel costs and traffic congestion, and reducing carbon emissions across the city as a whole.

Due to the specialised and diverse nature of many people's work, access to employment will often be outside the 20-minute neighbourhood.

Direction 2.1 Manage the supply of new housing in the right locations to meet population growth and create a sustainable city

The social, economic and environmental benefits of creating a more compact, sustainable city are profound. Some of the benefits of compact, higher-density neighbourhoods are as follows:

SOCIAL: It encourages positive social interaction and diversity, improves the viability of (and access to) community services and enables more (and better integrated) housing.

ECONOMIC: It enhances the economic viability of development, improves the economic viability of infrastructure delivery and utilises existing infrastructure.

TRANSPORT: It creates sustainable demand for more transport options—including public transport, walking and cycling—and can reduce overall travel time.

ENVIRONMENTAL: It creates opportunities for efficient use of resources and materials, creates less pollution through the promotion of sustainable transport, preserves and helps fund the maintenance of public open space, creates new public open space, reduces overall demand for development land, and avoids expanding suburbs without supporting services.

Strategies need to be put in place that articulate clear goals and objectives for housing and:

- outline the needs of different household types.
- provide a greater understanding of the range of housing needed
- provide a stronger understanding of opportunities and constraints
- identify preferred housing outcomes
- help clarify and communicate housing required across metropolitan Melbourne and its metropolitan regions
- address housing diversity, design, quality and energy efficiency
- seek to locate at least 65 per cent of new housing in established areas of Melbourne and no more than 35 per cent in growth areas in line with current levels of development and Victoria in Future projections.

Policy 2.1.2 Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport

Victoria in Future projections indicate that around 65 per cent of all new dwellings will be in Melbourne's established areas, with 35 per cent in growth area greenfield sites. Figure 7 provides likely housing distribution figures from 2015–2051 based on Victoria in Future 2016. It also provides an alternate aspirational scenario of housing distribution if 70 per cent of new housing was to be provided within Melbourne's established areas.

To remain liveable and become more productive and sustainable, Melbourne must build on this current trend.

Since 2014 around 70 per cent of all new housing built has been in established areas.

Planning will be undertaken to ensure that the best parts of Melbourne are maintained and the benefits experienced in established inner and middle suburbs of Melbourne from compact, walkable neighbourhoods can also be realised in middle and outer areas.

This approach will support greater housing diversity and offer better access to services and jobs. It will also encourage the right mix of housing by enabling local residents to downsize or upsize without leaving their neighbourhood.

Cardinia Planning Scheme

15.01-4R Healthy neighbourhoods - Metropolitan Melbourne

Strategies

Create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.

16.01-1R Housing supply - Metropolitan Melbourne**Strategies**

Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.

18.01-2S Transport system**Strategies**

Plan and develop a transport system integrated across all movement networks that:

- *Improves local transport options to support 20-minute neighbourhoods in Melbourne's suburbs and Victoria's regional cities and towns.*

18.01-3R Sustainable and safe transport - Metropolitan Melbourne**Strategies**

Improve local travel options for walking and cycling to support 20 minute neighbourhoods.

Conclusions

A maximum 'walk to town benefit' of 2 minutes and 59 seconds (238 metres) could potentially be provided by the 'Panel proposed road layout' to the residents of Tresize Court and Thom Road with the furthest walking distance from town if a regional rail trail is constructed in the transport corridor on the east side of the rail tracks. The walking benefit decreases for each consecutive lot located closer to town.

However, a 'walk to town loss' of 1 minute and 13 seconds (97 metres) would be provided by the 'Panel proposed road layout' to the future residents of Thom Road with the furthest walking distance from town if a regional rail trail is not constructed in the transport corridor on the eastern side of the rail tracks. The walking loss decreases for each consecutive lot located closer to town.

The 'exhibited road layout' provides a unchanged walk to town of 9 minutes and 15 seconds (740 metres) for current residents with the furthest walking distance from town whether or not a regional trail is constructed in the transport corridor on the east side of the rail tracks. Future residents of the proposed subdivision with the furthest walking distance from town would have a walk of 10 minutes and 58 seconds (1,158 metres) if a regional rail trail is not constructed in the transport corridor on the eastern side of the rail tracks. Both these distances fall between the best and worst walking distances and times that would be achieved by the 'Panel proposed road layout'.

The walk to town benefits and/or losses are of rather small amounts, such that the 20-minute neighbourhood planning policy objectives of Plan Melbourne 2017-2050 and the Cardinia Planning Scheme are still satisfied in all the scenarios listed in the table above.

It is considered that these small walk to town benefits and/or losses are not enough to influence a decision to move the road to the western boundary. These small walk to town benefits and/or losses must be considered in balance with other planning considerations such as the future purpose of the transport corridor and the most appropriate interface with the transport corridor (as pointed out by the Panel Report on page 16), and also the 'provision of housing' planning policy objectives which require planning to provide for the efficient use of residential land in proximity to activity centres, in balance with any character objectives, to reduce development pressure on growth fronts and reduce urban sprawl.

Average Walking Speed = 4.8 kilometres per hour

An average walking pace on country footpaths is 5 kilometres per hour (British Heart Foundation)

The average walking pace for adults is 4.8kph (healthline.com)

For most adults, the average walking speed is around 4.8 kilometres per hour (verywellfit.com)

A speed of 4.8kph is typical for most people who don't walk every single day (UK fitness events)

The average walking speed of a person is 4.8 kilometres per hour (brainly.com)

ATTACHMENT 1

LONGEST WALKING DISTANCE TO TOWN DATA					
longest walking distance to town without a rail trail on eastern side of rail tracks (metres)					
FOR FUTURE RESIDENTS OF THE PROPOSED SUBDIVISION			FOR CURRENT RESIDENTS OF THE EXISTING SUBDIVISION (TRESIZE CRT & THOM RD)		
Panel proposed road layout		Exhibited road layout		Panel proposed road layout	
lot 1 front	27.14	lot 1 front	27.14	Westernport Road	329.00
lot 1 north	36.32	lot 2 front	18.70	Tresize court	326.00
lot 2 back	18.75	lot 3 front	18.70	Thom Road	85.00
lot 3 back	18.77	lot 4 front	18.60		
lot 4 back	18.69	lot 5 front	18.00		
lot 5 back	18.11	lot 6 front	18.00		
lot 6 back	18.13	lot 7 front	18.00		
lot 7 back	18.15	lot 8 front	18.00		
lot 8 back	18.18	lot 9 front	18.00		
lot 9 back	18.21	lot 10 front	18.00		
lot 10 back	18.24	lot 11 front	18.00		
lot 11 back	18.28	lot 12 front	18.00		
lot 12 back	18.31	lot 13 front	23.34		
lot 13 back	18.35	lot 14 front	23.35		
lot 14 back	18.40	lot 15 front	18.35		
lot 15 back	18.44	lot 16 front	18.35		
lot 16 back	18.49	lot 17 front	18.35		
lot 17 back	18.54	lot 18 front	18.35		
lot 18 back	18.59	lot 19 east	42.33		
lot 20 west	34.26	road	17.00		
lot 20 front	22.40	lot 27 front	11.65		
lot 19 front	22.42	sub-total	418.21		
road	17.00				
lot 27 front	11.65				
lot 28 front	31.43				
sub-total	515.25				
plus existing subdivision walking distance (Westernport Rd, Tresize Crt & Thom Rd)	740.00	plus existing subdivision walking distance (Westernport Rd, Tresize Crt & Thom Rd)	740.00		
TOTAL	1255.25	TOTAL	1158.21	TOTAL	740.00

longest walking distance to town with a rail trail on the eastern side of rail tracks (metres)							
FOR FUTURE RESIDENTS OF THE PROPOSED SUBDIVISION				FOR CURRENT RESIDENTS OF THE EXISTING SUBDIVISION (TRESIZE CRT & THOM RD)			
Panel proposed road layout		Exhibited road layout		Panel proposed road layout		Exhibited road layout	
lot 1 back	27.19	lot 1 front	27.14	lot 1 front	27.14	lot 1 front	27.14
lot 2 back	18.75	lot 2 front	18.70	lot 1 north side	36.32	lot 2 front	18.70
lot 3 back	18.77	lot 3 front	18.70	lot 1 back	27.19	lot 3 front	18.70
lot 4 back	18.69	lot 4 front	18.60	sub-total	90.65	lot 4 front	18.60
lot 5 back	18.11	lot 5 front	18.00			lot 5 front	18.00
lot 6 back	18.13	lot 6 front	18.00			lot 6 front	18.00
lot 7 back	18.15	lot 7 front	18.00			lot 7 front	18.00
lot 8 back	18.18	lot 8 front	18.00			lot 8 front	18.00
lot 9 back	18.21	lot 9 front	18.00			lot 9 front	18.00
lot 10 back	18.24	lot 10 front	18.00			lot 10 front	18.00
lot 11 back	18.28	lot 11 front	18.00			lot 11 front	18.00
lot 12 back	18.31	lot 12 front	18.00			lot 12 front	18.00
lot 13 back	18.35	lot 13 front	23.34			lot 13 front	23.34
lot 14 back	18.40	lot 14 front	23.35			lot 14 front	23.35
lot 15 back	18.44	lot 15 front	18.35			lot 15 front	18.35
lot 16 back	18.49	lot 16 front	18.35			lot 16 front	18.35
lot 17 back	18.54	lot 17 front	18.35			lot 17 front	18.35
lot 18 back	18.59	lot 18 front	18.35			lot 18 front	18.35
lot 20 west	34.26	lot 19 east	42.33			lot 19 east	42.33
lot 20 front	22.40	lot 19 front	22.42			lot 19 front	22.42
lot 19 front	22.42	lot 20 front	22.40			lot 20 front	22.40
road	17.00	lot 20 west	34.26			lot 20 west	34.26
lot 27 front	11.65	lot 20 west	34.26			lot 20 west	34.26
lot 28 front	31.43	lot 18 back	18.59			lot 18 back	18.59
sub-total	478.98	lot 17 back	18.54			lot 17 back	18.54
		lot 16 back	18.49			lot 16 back	18.49
		lot 15 back	18.44			lot 15 back	18.44
		lot 14 back	18.40			lot 14 back	18.40
		lot 13 back	18.35			lot 13 back	18.35
		lot 12 back	18.31			lot 12 back	18.31
		lot 11 back	18.28			lot 11 back	18.28
		lot 10 back	18.24			lot 10 back	18.24
		lot 9 back	18.21			lot 9 back	18.21
		lot 8 back	18.18			lot 8 back	18.18
		lot 7 back	18.15			lot 7 back	18.15
		lot 6 back	18.13			lot 6 back	18.13
		lot 5 back	18.11			lot 5 back	18.11
		lot 4 back	18.69			lot 4 back	18.69
		lot 3 back	18.77			lot 3 back	18.77
		lot 2 back	18.75			lot 2 back	18.75
		lot 1 back	27.19			lot 1 back	27.19
		sub-total	842.72			sub-total	842.72

		plus existing subdivision walking distance (Westernport Rd, Tresize Crt & Thom Rd)	740.00		plus existing subdivision walking distance (Westernport Rd, Tresize Crt & Thom Rd)	740.00	plus existing subdivision walking distance (Westernport Rd, Tresize Crt & Thom Rd)	740.00
		plus rail trail (rear of existing subdivision) walking distance	174.00		plus rail trail (rear of existing subdivision) walking distance	174.00	plus rail trail (rear of existing subdivision) walking distance	174.00
plus rail trail (rear of existing subdivision - 174m) & Westernport Road (49m) walking distance	223.00	= total circular walking distance	1756.72		= total circular walking distance	1004.65	= total circular walking distance	1756.72
TOTAL	701.98	TOTAL = half circular walking distance	878.30		TOTAL = half circular walking distance	502.30	TOTAL = half circular walking distance **	878.30
							** the current walk to town distance of 740m to be applied because it is less than half the circular walking distance at completion of the proposed subdivision	

Amendment C262 – 11 Thom Road, Lang Lang**Lot yield analysis****Comparison of 'Panel Proposed Road Layout' against the 'Exhibited Road Layout'****Table 1: Data**

Scenario	Lot yield	Average lot size	Road reserve Area	1. Road length 2. Footpath length	Road pavement Area
Exhibited Road Layout	28	23,836m ² /28 =851m ²	8,221m ²	1. 494m 2. 494m	3,705m ² (approx.)
To satisfy Proposed Planning Permit bushfire condition 12 dotpoint 1	27	23,836m ² /27 =882m ²	8,221m ²	1. 494m 2. 494m	3,705m ² (approx.)
Panel Proposed Road Layout	21	22,792m ² /21 =1,085m ² (approx.)	9,265m ² (approx.)	1. 545m (approx) 2. 545m (approx)	4,087m ² (approx)

Summary of Table 1 data***Exhibited road layout***

A lot yield of 28 lots at an average size of 851m² is expected to be achieved with the exhibited road layout.

To satisfy Proposed Planning permit conditions

A lot yield of 27 lots at an average size of 882m² is expected to be achieved if the exhibited road layout is provided and circumstances require proposed planning permit condition 12 dotpoint 1 relating to the mitigation of bushfire risk to be satisfied.

Panel proposed road layout

A lot yield of 21 lots at an average size of 1,085m² is expected to be achieved by the Panel recommended road layout.

As can be seen by the data above, the Panel proposed road layout would reduce the lot yield from 27 to 21 lots. This represents a 22.2% loss in lots from what can be provided by the exhibited road layout if Condition 12 dotpoint 1 is required to be satisfied. This would also increase the average lot size by 204m² (25% and 235m² if condition 12 dotpoint 1 is not required to be satisfied).

PLANNING LEGISLATION THAT MUST BE CONSIDERED**Plan Melbourne 2017-2050*****Principle 5: Living locally—20-minute neighbourhoods***

Creating accessible, safe and attractive local areas where people can access most of their everyday needs within a 20-minute walk, cycle or local public transport trip, will make Melbourne healthier and more inclusive. Due to the specialised and diverse nature of work, many people will still need to travel outside of this 20-minute neighbourhood for their jobs.

Principle 7: Strong and healthy communities

To remain a city of diverse, healthy and inclusive communities, Melbourne needs to ensure its neighbourhoods and suburbs are safe and walkable. Strong communities need affordable, accessible housing; local health, education and community services; access to recreation spaces; and healthy food.

Principle 8: Infrastructure investment that supports balanced city growth

Smart infrastructure investment and better utilisation of existing infrastructure is the key to creating new jobs and driving population growth in the right places. It is also vital for the social, economic and environmental wellbeing of the city. That's why there needs to be a pipeline of projects and initiatives that make Melbourne more sustainable, accessible and prosperous.

Direction 2.1 Manage the supply of new housing in the right locations to meet population growth and create a sustainable city

The social, economic and environmental benefits of creating a more compact, sustainable city are profound. Some of the benefits of compact, higher-density neighbourhoods are as follows:

SOCIAL: It encourages positive social interaction and diversity, improves the viability of (and access to) community services and enables more (and better integrated) housing.

ECONOMIC: It enhances the economic viability of development, improves the economic viability of infrastructure delivery and utilises existing infrastructure.

TRANSPORT: It creates sustainable demand for more transport options—including public transport, walking and cycling—and can reduce overall travel time.

ENVIRONMENTAL: It creates opportunities for efficient use of resources and materials, creates less pollution through the promotion of sustainable transport, preserves and helps fund the maintenance of public open space, creates new public open space, reduces overall demand for development land, and avoids expanding suburbs without supporting services.

Strategies need to be put in place that articulate clear goals and objectives for housing and:

- outline the needs of different household types.
- provide a greater understanding of the range of housing needed
- provide a stronger understanding of opportunities and constraints
- identify preferred housing outcomes
- help clarify and communicate housing required across metropolitan Melbourne and its metropolitan regions
- address housing diversity, design, quality and energy efficiency
- seek to locate at least 65 per cent of new housing in established areas of Melbourne and no more than 35 per cent in growth areas in line with current levels of development and Victoria in Future projections.

Direction 2.2 Deliver more housing closer to jobs and public transport

Locating medium- and higher-density development near services, jobs and public transport supports the objectives of consolidation and housing choice.

For this direction to be achieved, the standards of higher-density housing need to be raised. There are significant opportunities for housing development in and around the central city.

There are also opportunities for more medium- and higher-density development in middle suburbs close to jobs and services including:

- urban renewal precincts
- areas identified for residential growth
- areas identified for greyfield renewal
- areas designated as national employment and innovation clusters
- metropolitan activity centres and major activity centres
- neighbourhood activity centres—especially if they have good public transport connections
- areas near existing and proposed railway stations that can support transit-oriented development.

Encouraging mixed-use developments and greater housing diversity and density near employment and transport will create opportunity and choice for medium- and low-income households.

Direction 4.5 Plan for Melbourne's green wedges and peri-urban areas

As Melbourne grows, planning for Melbourne's green wedges and peri-urban areas is required to:

- protect biodiversity assets, including national and state parks, Ramsar wetlands and coastal areas
- support existing and potential agribusiness activities, forestry, food production and tourism
- protect major state infrastructure and resource assets, including water supply dams and water catchments and waste management and recycling facilities
- support renewable energy sources such as wind and solar farms
- protect extractive industries
- provide a recreational resource, which contributes to public health outcomes for all Victorians. These valued features, assets and industries should be prioritised before other land uses.

Melbourne's green wedges and peri-urban areas are identified on Map 19. Future growth in the green wedges and peri-urban areas will be managed to protect productive land, strategic economic resources, heritage and biodiversity assets, while accommodating additional housing and employment in established towns in the outer peri-urban areas that have the capacity for growth. Many towns in green wedges have limited growth potential.

Direction 5.1 Create a city of 20-minute neighbourhoods

Research undertaken by the Heart Foundation (Victoria) for the Victorian Government identifies hallmarks of a 20-minute neighbourhood.

A 20-minute neighbourhood must:

- be safe, accessible and well connected for pedestrians and cyclists to optimise active transport
- offer high-quality public realm and open space
- provide services and destinations that support local living
- facilitate access to quality public transport that connects people to jobs and higher-order services
- deliver housing/population at densities that make local services and transport viable
- facilitate thriving local economies.

The 20-minute neighbourhood is all about 'living locally'—giving people the ability to meet most of their everyday needs within a 20-minute walk, cycle or local public transport trip of their home. If 20-minute neighbourhoods existed across Melbourne, it could reduce travel by nine million passenger kilometres and cut Melbourne's daily greenhouse gas emissions by more than 370,000 tonnes.

Neighbourhood activity centres are an integral part of the city's vibrant community life and critical to the creation of 20-minute neighbourhoods. These high streets and specialised strips of shops, cafes, small supermarkets, service businesses, community services and public spaces serve the needs of the surrounding community and provide a focus not only for local jobs but also for social interaction and community participation.

A 20-minute neighbourhood can create a more cohesive and inclusive community with a vibrant local economy—reducing social exclusion, improving health and wellbeing, promoting a sense of place, reducing travel costs and traffic congestion, and reducing carbon emissions across the city as a whole.

Due to the specialised and diverse nature of many people's work, access to employment will often be outside the 20-minute neighbourhood.

Policy 2.1.1 Maintain a permanent urban growth boundary around Melbourne to create a more consolidated, sustainable city

Maintaining a permanent urban growth boundary sends a clear message about the long-term development priorities for Melbourne and Victoria.

Those priorities include:

- reducing urban sprawl
- increasing metropolitan housing densities in the right places
- ensuring Melbourne's established suburbs accommodate a greater share of Melbourne's growth
- creating a more consolidated city of 20-minute neighbourhoods with good access to public transport and services
- protecting the values of non-urban land, opportunities for productive agricultural land and significant landscapes.

A permanent urban growth boundary will be maintained to contain Melbourne's outward growth

Policy 2.1.2 Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport

Victoria in Future projections indicate that around 65 per cent of all new dwellings will be in Melbourne's established areas, with 35 per cent in growth area greenfield sites. Figure 7 provides likely housing distribution figures from 2015–2051 based on Victoria in Future 2016. It also provides an alternate aspirational scenario of housing distribution if 70 per cent of new housing was to be provided within Melbourne's established areas.

To remain liveable and become more productive and sustainable, Melbourne must build on this current trend.

Since 2014 around 70 per cent of all new housing built has been in established areas.

Planning will be undertaken to ensure that the best parts of Melbourne are maintained and the benefits experienced in established inner and middle suburbs of Melbourne from compact, walkable neighbourhoods can also be realised in middle and outer areas.

This approach will support greater housing diversity and offer better access to services and jobs. It will also encourage the right mix of housing by enabling local residents to downsize or upsize without leaving their neighbourhood.

Policy 2.1.3 Plan for and define expected housing needs across Melbourne's regions

Planning for housing at a regional level will help identify planned residential change across Melbourne, including areas identified for residential growth, moderate housing growth and areas of limited change.

Metropolitan regions should facilitate a housing market that creates ongoing and substantial new housing opportunities near jobs, services and transport.

Local governments need to consider housing policy and planning in the context of their own municipal boundaries as well as the broader housing objectives of their region.

Policy 2.2.3 Support new housing in activity centres and other places that offer good access to jobs, services and public transport

To support increased housing supply in established areas, it will be necessary to define locations best able to support increased densities.

Activity centres are usually well served with public transport and offer access to a range of services and facilities. Many activity centres can support additional housing growth and will need flexibility, particularly where there is a significant population and household growth forecast.

Direction 2.5 Provide greater choice and diversity of housing

Housing diversity relates to the size, cost, number of bedrooms, character and age of dwellings. It also extends to other types of housing, such as low-cost rental aged care, supported accommodation for people with disability, rooming houses, student accommodation and social housing.

Creating greater choice and diversity of housing across the city has clear benefits—such as improved access to jobs, services and transport. For newly formed households, providing a diversity of housing may enable them to remain within a preferred location.

For older couples, housing diversity may enable them to downsize to more compact accommodation within their neighbourhood.

Policy 2.5.1 Facilitate housing that offers choice and meets changing household needs.

Melbourne needs a greater mix of housing. Alternate forms of housing, such as secondary dwellings, can offer opportunity for small-scale development in established areas—creating opportunities for extended families to live together or older couples to downsize.

Internal design can also increase the flexibility and adaptability of dwellings. For example, universal design ensures homes are accessible to people with disability—accessibility will become more important as the population ages. A flexible internal design can also help accommodate adult children remaining or returning home as well as the addition of elderly parents to a household.

The planning system will be amended to cater for different types of housing and accommodation.

Cardinia Planning Scheme**11.01-1S Settlement****Strategies**

Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.

Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.

Create and reinforce settlement boundaries.

Deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable by:

- Balancing strategic objectives to achieve improved land use and development outcomes at a regional, catchment and local level.
- Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.

Limit urban sprawl and direct growth into existing settlements.

Ensure land that may be required for future urban expansion is not compromised.

11.02-1S Supply of urban land

Strategies

Ensure that sufficient land is available to meet forecast demand.

Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.

Planning for urban growth should consider:

- *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*
- *Neighbourhood character and landscape considerations.*
- *The limits of land capability and natural hazards and environmental quality.*
- *Service limitations and the costs of providing infrastructure.*

11.02-2S Structure planning

Strategies

Ensure effective planning and management of the land use and development of an area through the preparation of relevant plans.

Undertake the preparation of a hierarchy of structure plans or precinct structure plans that:

- *Address the strategic and physical context of the location, including increased physical risks associated with climate change.*
- *Facilitate the logical and efficient provision of infrastructure.*
- *Facilitate the use of existing infrastructure and services.*

11.03-1S Activity centres

Strategies

Facilitate the logical and efficient provision of infrastructure.

Facilitate the use of existing infrastructure and services.

Improve access by walking, cycling and public transport to services and facilities.

11.03-3S Peri-urban areas

Strategies

Provide for development in established settlements that have capacity for growth having regard to complex ecosystems, landscapes, agricultural and recreational activities including in Warragul-Drouin, Bacchus Marsh, Torquay-Jan Juc, Gisborne, Kyneton, Wonthaggi, Kilmore, Broadford, Seymour and Ballan and other towns identified by Regional Growth Plans as having potential for growth.

Establish growth boundaries for peri-urban towns to avoid urban sprawl and protect agricultural land and environmental assets.

Enhance the character, identity, attractiveness and amenity of peri-urban towns.

Ensure development is linked to the timely and viable provision of physical and social infrastructure.

Improve connections to regional and metropolitan transport services.

11.03-6S Regional and local places

Strategies

Integrate relevant planning considerations to provide specific direction for the planning of sites, places, neighbourhoods and towns.

Consider the distinctive characteristics and needs of regional and local places in planning for future land use and development.

15.01-1S Urban design**Strategies**

Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.

Promote good urban design along and abutting transport corridors.

15.01-4R Healthy neighbourhoods - Metropolitan Melbourne**Strategies**

Create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.

15.01-5S Neighbourhood character**Strategies**

Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:

- Pattern of local urban structure and subdivision.
- Underlying natural landscape character and significant vegetation.
- Neighbourhood character values and built form that reflect community identity.

16.01-1S Housing supply**Strategies**

Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.

16.01-1R Housing supply - Metropolitan Melbourne**Strategies**

Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.

18.01-2S Transport system**Strategies**

Plan and develop a transport system integrated across all movement networks that:

- Improves local transport options to support 20-minute neighbourhoods in Melbourne's suburbs and Victoria's regional cities and towns.

18.01-3R Sustainable and safe transport - Metropolitan Melbourne**Strategies**

Improve local travel options for walking and cycling to support 20 minute neighbourhoods.

21.03-1 Housing

Objective 1: To encourage a diversity in housing to meet the needs of existing and future residents.

Strategies

Ensure that future housing growth is effectively managed to maintain and enhance the qualities of the municipality.

Ensure residential development and subdivisions are designed to be responsive to existing urban character.

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

21.03-4 Rural townships

Objective 2: To maintain and enhance the distinct character and environmental qualities of each of the townships.

Strategies

Ensure that the siting and design of new buildings and works complement the rural character of the township, and does not dominate the landscape or surrounding built form character.

Maintain and promote the overall historic character within each township.

Encourage new development to include works that enhance the environment including the protection of waterways and remnant vegetation, weed control and revegetation.

21.08-1 Lang Lang

Residential development

Maintain a sense of spaciousness between residential allotments.

Consider as appropriate the Precinct Character Guidelines set out in the Lang Lang Township Strategy, July 2009 to residential development within the Lang Lang township.

Ensure that land within the Lang Lang urban growth boundary is released for development in a staged/controlled manner.

Lang Lang Township Strategy 2009 (Incorporated Document)

Overall strategic objectives

- *Provide for the growth of the town*
- *Facilitate developments and subdivisions, recognising the importance of the township character and rural lifestyle, enhance and strengthen the existing town centre and create local employment opportunities*
- *Provide and enhance open space to meet the active and passive recreational needs of the community*
- *Provide a safe, functional and interconnected transport network (pedestrian, cyclists and equestrian)*
- *Maintain and improve public transport services and facilities*

Township character development

It is important that any future residential development or subdivision of land in Lang Lang occurs in a controlled manner that takes into account the existing township character, amenity and landscape features of the area, without placing additional impact or altering the environment, landscape setting and character of the township.

Objectives:

- *Provide for the staged growth of Lang Lang to accommodate a population of 2,083 people by the year 2016 and 2,409 people by the year 2021*
- *Protect and enhance the 'rural character' of the Lang Lang Township*
- *Ensure the long term sustainability of the community by providing residential housing for a range of household groups.*

Policy:

- *Ensure any proposed residential development is in accordance with the Lang Lang Framework Plan as described in Figure 4 and the Precinct Character Guidelines as set out in Table 9*
- *Support the release of residential land in a staged/controlled manner to accommodate the expected population growth*

Precinct 5 (New Residential Estates)

Character Guidelines:

- *Maintain 80% of lots with sizes over 700sqm*
- *Maintain a sense of spaciousness between allotments of the residential areas*
- *Maintain a sense of spaciousness between buildings*
- *Clearly outline how the new development relates to the existing and intended use and development of adjoining land.*
- *Develop clear, legible road networks incorporating the existing grid layout which provide a high level of internal connectivity and external linkages for local vehicle, pedestrian and bicycle movements*
- *Maintain generous street, footpath and easement widths in new developments*

Traffic and Transport

Regional trails:

The Pedestrian and Bicycle Strategy (2003) suggests this parcel of land should be utilised as a regional trail known as the 'South Gippsland Rail Trail'. When fully developed, the regional trail will be a shared pedestrian, cycle and equestrian trail, connecting the townships of Koo Wee Rup and Lang Lang and providing an important link to the Cardinia Creek Trail, the Bunyip River Trail, the Bass Coast Rail Trail and the Great Southern rail trail in adjoining shires.

Town Paths:

Currently, there appears to be an ad hoc pedestrian and bicycle system with key links missing between the town centre, residential estates and key public facilities.

Objectives:

- *Improve pedestrian and cyclist accessibility in Lang Lang through the upgrading and extension of the footpath network to provide a series of connecting circuits.*
- *Improve the number and frequency of public transport services to and from Lang Lang (bus services, pedestrian, cycling and rail).*

Policy:

- *Provide a safe, functional and well maintained pedestrian, bicycle and equestrian network*
- *Ensure all new subdivisions and developments contribute to improving the connectivity of the local road, pedestrian and bicycle network.*

Actions:

- *Advocate the Department of Transport and VicTrack Access to identify and plan for improvements to the existing South Gippsland railway line for tourism and long-term purposes.*
- *Liaise with the State Government to determine the funding and implementation of a multi-use trail (pedestrian, bicycle and equestrian) along the South Gippsland Railway Line that creates a linkage between Lang Lang Townships and Koo Wee Rup Townships.*

Conclusions

In assessing the suitability of a Planning Scheme Amendment and planning permit application, it is important to ensure that new development satisfies the 'provision of housing' planning policy objectives which require planning to provide for the efficient use of residential land in proximity to activity centres, in balance with any character objectives, to reduce development pressure on growth fronts and to reduce urban sprawl while also achieving bushfire defendable space requirements in order to mitigate bushfire risk on site.

The Panel proposed road layout would reduce the lot yield from 27 to 21 lots representing a 22.2% loss in lots from what can be provided by the exhibited road layout if Condition 12 dotpoint 1 is required to be satisfied for bushfire mitigation. If this condition is not required to be satisfied and the lot yield remains at 28, a 25% reduction would occur.

The exhibited road layout with a lot yield of 27 lots would provide an average lot size of 882m², while the Panel recommended road layout with a lot yield of 21 lots would provide an average lot size of approximately 1,085m².

While both scenarios can adequately provide the generous building setbacks sought by the Cardinia Planning Scheme and the Lang Lang Township Strategy to achieve a spacious rural character, and achieve the necessary bushfire defendable space requirements of the Planning Scheme, the Panel proposed road layout would provide a much less efficient use of residential land within a 20-minute walk to an activity centre as sought by the provision of housing policies of *Plan Melbourne (2017-2050)* and *the Cardinia Planning Scheme*.

In addition to this, it is more likely than not, that the Panel proposed road layout would result in an unattractive interface with the transport (rail) corridor whereby the future dwellings would be facing a disused minimally managed rail corridor contained by a 1.8 metre high chain mesh fence. This would have a negative effect on the character of the area.

For the reasons outlined above, it is concluded that the Panel proposed road layout would provide a less balanced outcome than the exhibited road layout when both scenarios are considered against all State and Local planning provisions. On balance, it is therefore concluded that the Panel proposed road layout would provide an inappropriate outcome for this site and this area of Lang Lang township.

ATTACHMENT 1

LAND USE DATA					
SCENARIO 1		SCENARIO 2		SCENARIO 3	
<u>Exhibited Road Layout</u>		<u>To satisfy Proposed Planning Permit bushfire condition 12 dotpoint 1</u>		<u>Panel Proposed Road Layout</u>	
land parcel	land area m²	land parcel	land area m²	land parcel	land area m²
overall site	54,557	overall site	54,557	overall site	54,557
Reserve 1	12,020	Reserve 1	12,020	Reserve 1	12,020
Reserve 2	10,480	Reserve 2	10,480	Reserve 2	10,480
Road Reserve	8,221	Road reserve	8,221	Road reserve	(approx) 9,248
28 lots	23,836	27 lots	23,836	21 lots	(approx) 22,809
average lot size	851	average lot size	882	average lot size	(approx) 1,086
road length	494m	road length	494m	road length	(approx) 545m
Road pavement area (approx 494m x 7.5m)	(approx) 3,705m ²	Road pavement area (approx 494m x 7.5m)	(approx) 3,705m ²	Road pavement area (approx 545m x 7.5m)	(approx) 4,087m ²
footpath length	494m	footpath length	494m	footpath length	(approx) 545m
footpath area (approx 494m x 1.5m)	(approx) 741m ²	footpath area (approx 494m x 1.5m)	(approx) 741m ²	footpath area (approx 545m x 1.5m)	(approx) 817m ²

Exhibited Proposed Lot Areas m²					
lot 1	965	lot 11	1,032	lot 21	1,133
lot 2	691	lot 12	1,091	lot 22	748
lot 3	719	lot 13	1,020	lot 23	741
lot 4	747	lot 14	819	lot 24	757
lot 5	755	lot 15	723	lot 25	851
lot 6	793	lot 16	733	lot 26	916
lot 7	833	lot 17	747	lot 27	939
lot 8	876	lot 18	765	lot 28	882

lot 9	925	lot 19	900		
lot 10	977	lot 20	758		