

**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]

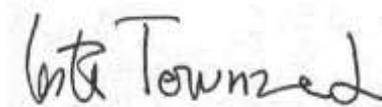
Planning and Environment Act 1987

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 overlaid



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]

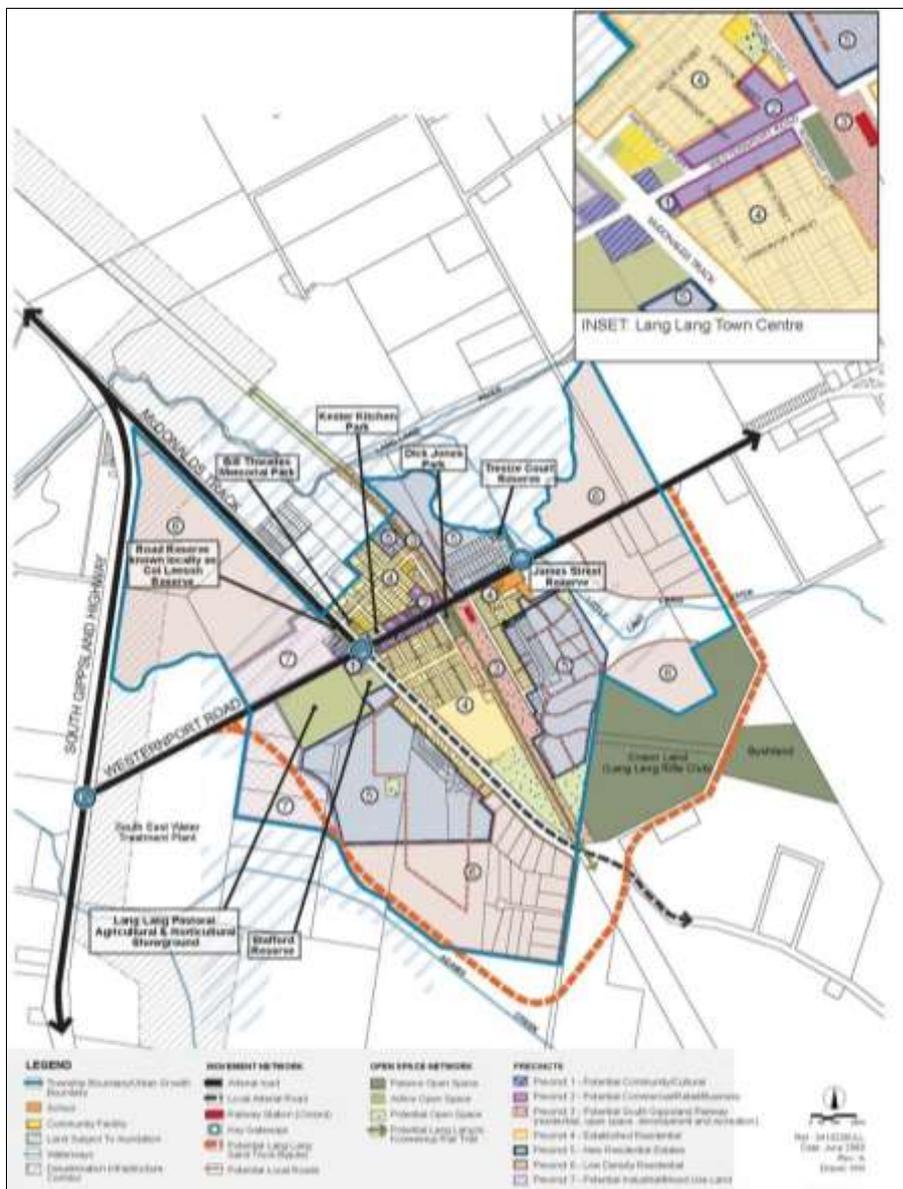
Urban design

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 13.02-1S (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 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 defensible 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 defensible 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 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 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 'defensible space' and any associated vegetation management requirements.

Clause 13.02-1S 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 defensible 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 defensible 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 defensible 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 defensible 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 overlaid 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

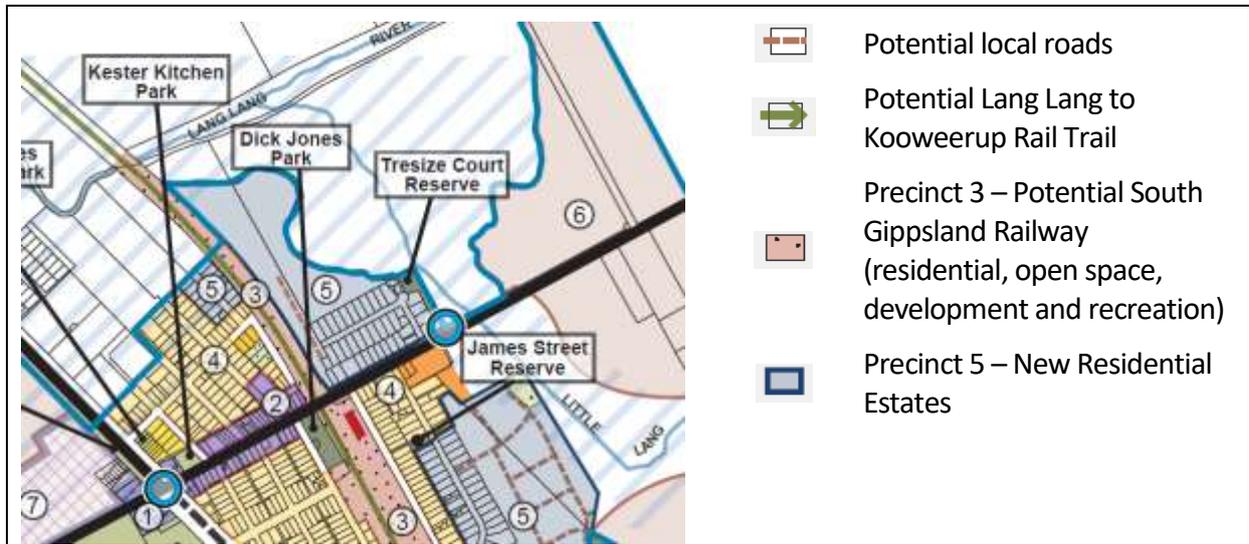
The future of the Rail corridor is unknown. The Panel notes the reserve is in the Public Park and Recreation Zone:

- 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.

Figure 6 Extract of the Lang Lang Framework Plan showing the rail corridor



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 defensible 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 defensible 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 defensible 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 defensible 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.
 - ed. 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

- vii be separated by at least 5 metres.
 - viii 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' 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.
 - 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~~ation 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~~21, 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 defensible 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 defensible 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 defensible space setback requirements set out under Condition 135 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 C262card 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 Mmaster-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.